

Town and Country Planning Act 1990 (As Amended)

**Epping Forest District Local Plan Examination:
Main Modifications Consultation**

Representations on Behalf of: Catesby Estates Plc
ID 19LAD0081

20 September 2021



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1.0 Instructions and Introduction

- 1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by Catesby Estates Plc ("Catesby") to prepare and submit representations in relation to the Main Modifications Consultation to the Epping Forest District Local Plan Examination.
- 1.2 This Statement and the accompanying duly completed consultation proformas comprise Catesby's Representations, which should be read in conjunction with the previously submitted Regulations 19 consultation representations, the matters statements and oral evidence presented at the Examination hearing sessions. In addition Catesby is a member of the Epping Forest Housing Forum and these representations supplement the evidence presented on behalf of the Forum at the Examination.

2.0 Representations on Main Modifications

[General Points in Relation to Work Undertaken by Council to Prepare Main Modifications](#)

- 2.1 On 02 August 2019 the Inspector appointed to Examine the Epping Forest District Local Plan ("the Plan") issue a note setting out her interim advice following the close of the Examination Hearing sessions on 11 June 2019 (ED98). The advice from the Inspector included no less than 39 Actions for the Council to address prior to progressing to the Main Modifications consultation stage.
- 2.2 Since August 2019 (over 24 months ago) the Council has been working on the Actions and has now produced a schedule of Main Modifications for consultation.
- 2.3 Whilst a good number of the Actions identified by the Inspector have been addressed by the Council there remain a number where the Council has presented no evidence to demonstrate that the Action has been undertaken. A number of these, particularly focussed around housing delivery, are fundamental to the Soundness of the Plan, which are dealt with in further detail below.
- 2.4 A further point of concern is the fact that the Council has taken 2 years since the close of the Examination Hearing Sessions to seek to address the various Actions and to prepare a schedule of Main Modifications. During that time a further iteration of the National Planning Policy Framework has been published in July 2021.
- 2.5 The protracted period of time taken to get to this stage is of significant concern particularly given that this Plan is being Examined under the terms of the transitional provisions set out in Paragraph 124 of the Framework 2019¹ i.e. this Plan is being Examined in accordance with the Framework 2012, which is now 9 years old.

¹ Now Paragraph 220 in the Framework 2021

2.6 By the time this Plan is adopted the Framework against which it was prepared will be a decade old and the Plan itself will not be fit for purpose in terms of meeting the requirements of current Government planning policy as expressed in the Framework 2021 and corresponding National Planning Practice Guidance ("PPG").

2.7 This matter is also explored in more detail below.

[Failure to Meet Requirements of Framework 2012 and Framework 2021 in terms of 5-year Housing Land Supply and Delivery](#)

2.8 The Inspector's Action No. 9 required the Council to seek alternative sites to meet the housing requirement following her advice that some allocations should be removed. Action No. 10 required the Council to update its housing delivery trajectory and 5-year housing land supply calculation to reflect the latest position.

2.9 In response to these key actions the Council has removed a number of site allocations and has modified the delivery expectations from a number of remaining site allocations². The result of the changes made by the Council are reflected in the Part B Table of **MM15**, which appears to show a reduction of some -1,416 dwellings from the allocations in the Plan. This is a significant reduction.

2.10 However, Table 2.3 of **MM11** does not tally with this reduction and instead appears to show an increase in supply from allocations (from 4,146 up to 4,463 dwellings).

2.11 It is therefore unclear what the Council has actually done in terms of reductions and amendments to delivery expectations for remaining site allocations.

2.12 Furthermore, Action No. 9 required the Council to seek alternative sites to replace those deleted from the Plan. It is clear from ED133 and the Main Modifications that the Council has not done this. In fact ED133 confirms the Council's view that it does not consider it necessary to allocate additional sites and/or implement an amended spatial strategy. This cannot be correct nor represent a sound approach.

2.13 Further allocations are necessary particularly to address the problems with early delivery, which the Council is seeking to address through a stepped trajectory that is contrived to ensure the Plan doesn't fail immediately upon adoption³. The Council has not followed the Inspector's advice in ED98 to allocate new sites that might be capable of delivering completions early in the remaining Plan period, which the Inspector identifies as an important aim of the site selection process.

² Action 19 on Pages 7-11 of ED133 refers

³ Paragraph 26 of ED98 refers

- 2.14 The Council itself recognises the problem with delivery of large-scale site allocations and the affect it can have on supply within its Housing Action Plan (July 2021)⁴.
- 2.15 Catesby's promotion site at Church Lane, North Weald is a prime example of a site that was previously proposed for allocation at the Regulation 18 consultation stage and that has the capability to deliver dwelling completions well within the first 5-years following adoption of the Plan. In fact Catesby's promotion site has the ability to deliver dwelling completions conservatively within 3 years of commencement. Catesby's delivery evidence on its own sites across the country confirms that on average a development of the scale of Church Lane would be commenced on site within 15 months from the grant of outline consent.
- 2.16 Furthermore, as set out in Catesby's site-specific evidence (see Regulation 19 Representations), land at Church Lane is able to be delivered without any strategic infrastructure improvements being required. This is confirmed in the Council's own infrastructure assessment and Infrastructure Delivery Plan ("IDP").
- 2.17 The stepped trajectory proposed by the Council is not therefore Sound.
- 2.18 The Council has simply failed to act on this Action set by the Inspector and consequently the Main Modifications to the Plan are unsound by virtue of not being positively prepared, effective, justified or consistent with national policy.
- 2.19 Action No. 10 required the Council to update the housing requirement and supply figures to reflect the latest position including for the purposes of the 5-year supply calculation.
- 2.20 The Council's response in ED133⁵ is that the figures have been updated on the Main Modifications to the position as at 31 March 2020 and reference is made to **MM11**.
- 2.21 **MM11** sets out an update to Table 2.3 but there is no evidence document provided by the Council that confirms the detail of the housing delivery trajectory nor to demonstrate the 5-year housing land supply position. From a review of the documents currently available on the Council's website it would appear that the most recent 5-year housing land supply calculation is that set out in the Housing Implementation Strategy Update January 2019 (EB410A). No update to EB410A has been provided by the Council.
- 2.22 It is therefore impossible to determine the housing delivery trajectory proposed by the Council for the Plan through the Main Modifications nor is it possible to determine whether the Plan will meet the requirements of the Framework to demonstrate a rolling 5-year housing land supply across the remainder of the Plan period.

⁴ Paragraph 3.16 of EB1708P refers

⁵ See Page 11 of ED133

2.23 The Council has consistently failed the Housing Delivery Test ("HDT") since its inception with a HDT result for 2020 (published in January 2021) of only 49% resulting in an automatic presumption being applied as required by Paragraph 11 d) and footnote 8 of the Framework 2021. This places even greater emphasis on ensuring that the Plan does demonstrate a robust housing delivery trajectory and a rolling 5-year housing land supply and that adequate site allocations delivering at the right time are provided.

2.24 The Council has simply failed to provide this evidence and the Main Modifications, particularly **MM11** cannot therefore be considered to be Sound.

Need for Immediate Review of Plan to Bring into Line with Framework 2021

2.25 As set out above it has been over 24 months since the close of the Examination hearing sessions for the Plan and nearly 4 years since the Submission of the Plan for Examination.

2.26 As a result of this considerable delay the Council's delivery of housing in particular has dwindled to a dangerously low level. The Council accepts that the delay has acted as a barrier to delivery in its Housing Action Plan⁶.

2.27 The delay combined with the fact the Plan is being prepared against a Framework that is already 9 years old and not therefore reflective of current Government planning policy means that it is vital the Council undertakes an immediate review of the Plan upon adoption.

2.28 As currently drafted the new Policy D8 (**MM112**) simply plays lip service to the requirement set out in Paragraph 33 of the Framework 2021 to review plans at least once every five years. This is of course also a Statutory requirement set out in Regulation 10A of the Town and Country Planning (Local Planning)(England) Regulations 2012.

2.29 The relative vintage of the Plan upon adoption particularly in relation to the minimum housing requirement means that it must be reviewed immediately and the Council should be required to make a commitment to that effect within the Policy.

2.30 As an example of the importance of an early review the current Standard Method calculation for the Local Housing Need ("LHN") in Epping Forest equates to 963 dpa. This compares with the current Plan requirement of 518 dpa. The Standard Method therefore equates to a minimum uplift in the LHN of 86%. That is significant.

2.31 To allow the Plan to be adopted and for the Council not to be required to review immediately will result in a significant failure of the Plan making process such that under delivery in the District will continue to spiral out of control leading to significant shortages of both open market and affordable homes.

⁶ Paragraph 3.29 of EB1708P refers

2.32 An immediate review should be a key requirement in the event that the Plan is found sound and proceeds to adoption.

2.33 An example of the type of policy wording that would be appropriate in this instance is set out in the adopted Bedford Local Plan 2030 (adopted January 2020). Policy 1 in that Plan states:

'The Council will undertake a review of the Local Plan 2030, which will commence no later than one year after the adoption of the plan. An updated or replacement plan will be submitted for examination no later than three years after the date of adoption of the plan. In the event that this submission date is not adhered to, the policies in the Local Plan 2030 which are most important for determining planning applications for new dwellings will be deemed to be 'out of date' in accordance with paragraph 11 d) of the National Planning Policy Framework 2019.

The plan review will secure levels of growth that accord with government policy and any growth deals that have been agreed. The planning and delivery of strategic growth will be aligned with the delivery of planned infrastructure schemes including the A421 expressway, Black Cat junction, East West Rail link and potentially the A1 realignment.

The review will also serve to build stronger working relationships with adjoining and nearby authorities and may result in the preparation of a joint strategic plan based on a wider geography.'

2.34 The reason for this policy being introduced in Bedford is exactly the same as the need for a similar policy in Epping Forest i.e. the changes to national planning policy and in particular the need for the District to plan for higher housing numbers beyond this Plan.

3.0 Concluding Comments

- 3.1 Catesby does not consider the Main Modifications as proposed by the Council rectify the significant failings of the Plan and it remains unsound. Further housing allocations are required to enable the Plan to proceed without a stepped trajectory and with a robust 5-year housing land supply in the early years following the adoption of the Plan.
- 3.2 In the event that the Plan is to be found Sound by the Inspector the Council should be required to undertake an immediate review to address the significant and material change in the LHN as a result of applying the Standard Method calculation, which leads to an uplift of 86%.
- 3.3 Catesby would welcome the opportunity to take part in further Examination Hearing Sessions should the Inspector consider this necessary.
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