

## Epping Forest District Council Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

Stakeholder ID	4838	Name	Joanne Hall	Savills on behalf of Cirrus Land
----------------	------	------	-------------	----------------------------------

Method	Email
--------	-------

Date	8/2/2017
------	----------

This document has been created using information from the Council's database of responses to the Draft Local Plan Consultation 2016. Some elements of the full response such as formatting and images may not appear accurately. Should you wish to review the original response, please contact the Planning Policy team: [ldfconsult@eppingforestdc.gov.uk](mailto:ldfconsult@eppingforestdc.gov.uk)

### Letter or Email Response:

LAND BETWEEN HIGH ONGAR ROAD AND CHELMSFORD ROAD (A414), CHIPPING ONGAR, ESSEX Please accept this letter as formal representation to Epping Forest District Council's (EFDC) Regulation 18 (Preferred Options) consultation on the Emerging Local Plan (2011-2033). This statement is provided on behalf of Cirrus Land Ltd and L&Q New Homes Ltd (L&Q) in support of the site promotion of the Land between High Ongar Road and Chelmsford Road (A414), Chipping Ongar, Essex. This site was submitted in response to the Call for Sites exercise conducted by EFDC in June 2016 and was allocated reference SR-0904. However, it was not assessed at the Preferred Options preparation stage. It is therefore requested that due consideration is given to this submission during the Pre-Submission preparations. The full representation comprises the following documents: • Regulation 18 representation letter (this document) - Savills • Site Location Plan - Savills • Landscape and Visual Assessment - LDA Design • Green Belt Review - LDA Design • Review of OAN in Epping Forest Report - Savills Research This letter seeks to provide details of the proposed development site, as well as address questions 1, 3 and 9 of the consultation questionnaire, through the critical analysis of the Council's housing requirement and site selection process. The Site The site is located within the Shelley Ward of Epping Forest to the east of the District. The site is situated along the Chelmsford Road (A414) which runs from Chipping Ongar to the west towards Chelmsford. The land is located in the north-eastern section of Chipping Ongar along High Ongar Road which currently comprises of a row of residential houses. Figure 1: Site Location Plan As shown within Figure 1, the site is split into 2 land parcels, separated by an existing property to the south of High Ongar Road. These parcels are being promoted as one development opportunity and therefore are simply referred to within the representation as 'the site'. The site is located within the Metropolitan Green Belt, the boundary of which is currently under review due to the need to accommodate development within the draft Local Plan. The site measures approximately 1.05 hectares and is promoted for approximately 15-20 units. SHLAA 2012 The site was not allocated within the 2012 SHLAA. However, it falls under the same land-ownership as the Land East of Chipping Ongar, currently promoted by the same agent, Cirrus Land. The majority of this land was included within the 2012 SHLAA under reference SR-0315, which was considered to be a suitable site but unachievable due to lack of land-ownership details. However, at this stage, it is confirmed that the site is being actively promoted and is considered deliverable. Question 1 Question 1 of the EFDC consultation questionnaire asks the following: The vision is to ensure an enhanced quality of life for the people of Epping Forest District, to provide new homes, jobs and infrastructure to meet the identified needs of the District, and support the local economy, while protecting Epping Forest District's Green Belt and environment. (3.26, Chapter 3). Do you agree with the overall vision that the Draft Local Plan sets out for Epping Forest District? We disagree with this statement on the basis of an inadequate assessment of the Objectively Assessed Housing Need (OAN) of the District and

### Response to the Draft Local Plan Consultation 2016 (Regulation 18)

Stakeholder ID	4838	Name	Joanne Hall
----------------	------	------	-------------

the current extent of the proposed Green Belt Release. This is summarised below but must be read in conjunction with the Review of OAN in Epping Forest report by Savills Research, the Green Belt Review by LDA Design and the Landscape and Visual Assessment by LDA Design.

**Housing Need Starting Point** The aim of providing new homes of an appropriate mix of sizes, types and tenures to meet local needs is inherently linked to the accurate assessment of the Objectively Assessed Housing Need (OAN) of the District. Paragraph 47 of the NPPF states that “to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period”. Savills Research has undertaken a review of the Strategic Housing Market Assessment (SHMA) 2015 and SHMA update 2016 for the East Herts and West Essex HMA authorities (Epping Forest, Uttlesford, Harlow and East Hertfordshire). The research findings demonstrate that the draft Local Plan housing target is currently too low to meet the needs of the District. It is concluded that the East Herts and West Essex SHMA requires updating in line with the guidance of the PPG and the recommendations of the LPEG report, in order to accurately assess the OAN of EFDC. Savills research shows that there are a number of issues with the assessment of the OAN across the HMA authorities. Whilst the 2016 SHMA found an OAN of 13,278 dwellings across the plan period (2011-2033) the Savills SHMA review found that by correcting the methodology (by accurately considering migration rates, employment, household formation rates, market signals and London’s unmet housing need) that the OAN should be 22,319 dwelling in EFDC over the plan period, an increase of 68% on the 2016 SHMA update. Further review of the SHMA and SHMA update evidence is therefore required. It was also found that the housing target of the draft Local Plan has been artificially lowered. EFDC states that this is due to infrastructure and environmental constraints. Whilst Savills acknowledge that the SHMA figure does not always equate to the housing target due to various constraints, we strongly object to the application of an overall constraint across the District without robust evidence of what the infrastructure and environmental constraints are and what measures could be put in place as mitigation. In accordance with paragraph 4 of the PPG, plan makers should not apply constraints to the overall assessment of need. It is important to note that during the recent Mid Sussex District Plan Examination, the Inspector raised concerns with the Council’s approach to reducing the OAN as a result of infrastructure and environmental constraints. Mid Sussex had claimed that there was a ‘tipping point’ at which a certain level of housing provision would render the Local Plan to have a negative impact in terms of infrastructure and the environment. However, the Inspector questioned the validity of this claim, finding that there was little evidence to support when such ‘tipping point’ would occur. In addition, the Inspector considered that the Council had not given sufficient consideration to the potential mitigation measures. He stated that sites should be considered on the balance of sustainable objectives, with pressing need for housing being used as an example that would alter that balance. This is particularly relevant to infrastructure which can be mitigated and improved with new development. In addition, it is shown that based on both the 2016 SHMA OAN and the reduced housing target of the draft Local Plan, the Council has a record of persistent under-delivery of housing and should therefore apply a 20% buffer on top of the housing requirement when assessing the 5 year land supply position. Table 1: EFDC shortfall since SHMA based date (2011) using 2016 SHMA OAN (604dpa) Table 7: EFDC shortfall since SHMA based date (2011) using draft Local Plan target (518 dpa) Savills finds that, based on the current housing target of the draft Local Plan, EFDC has at least 5 years of significant under delivery by the time the plan is adopted. This will also need to be increased in line with the OAN findings. The Council should therefore use a 20% buffer when assessing its 5 year supply. It is recommended that consideration is given to the front-loading of the housing trajectory of the plan, with more dwellings coming forward in the earlier part of the plan period to help alleviate the impact of such persistent under delivery. It should be noted that Savills also raises concerns about the delivery of the draft site allocations within EFDC to the South and West of Harlow. However, this is covered in detail in Section 4: Question 3.

**Green Belt Release** The assessment set out in the Green Belt Review by LDA Design demonstrates that this site does not contribute as strongly to the Green Belt, as presented in EFDC’s stage 2 review and in fact, makes very little contribution to Green Belt purposes. The EFDC Green Belt Review recognises that lack of contribution to purposes 1 and 2 of the Green Belt which seek to check the unrestricted sprawl of large and built-up areas and prevent neighbouring towns merging into one another. However, LDA’s report highlights that the containment of the area would reduce the score for purpose 3 (to assist in safeguarding the countryside from encroachment) down to ‘weak contribution’. In relation to purpose 4 (to preserve the special character of historic towns), the physical and visual separation of these areas from Chipping Ongar and other nearby heritage assets mean that the site does not contribute to this purpose and the score would reduce to ‘no contribution’. Removal of site from the Green Belt would therefore

## Response to the Draft Local Plan Consultation 2016 (Regulation 18)

have very little harm on the Green Belt. Question 3 Question 3 asks the following: In order to support delivery of homes around Harlow, the Council has identified strategic sites to the west, south and east of Harlow. The sites will be comprehensively planned to ensure the provision of a mix of housing, local centres, community and educational facilities, open space and new transport provision (Draft Policy SP 3). Do you agree with the proposals for development around Harlow? We disagree with this statement based on the Council's Duty to Cooperate as discussed below. The key consideration when addressing this question is the duty to cooperate with neighbouring authorities. The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparations in the context of strategic cross boundary matters (paragraph 1 of the PPG). As part of the plan-making process, cooperation with neighbouring authorities is required for the plan to be found "sound". Co-operation is required to ensure the effectiveness of the plan, (one of the four tests of soundness as set out in the NPPF paragraph 182), as an Inspector will assess whether it is deliverable within the timescale set by the Local Plan and if it demonstrates effective joint working to meet cross boundary strategic priorities. Without soundness of the plan, it cannot be adopted. Paragraph 3 of the duty to cooperate PPG states that LPAs do not need to agree but should make every effort to secure necessary cooperation on strategic cross boundary matters. During the preparations of the draft Local Plan for EFDC and those for the other three HMA authorities, the four councils formed a 'Cooperation for Sustainable Development Member Board' (the Co-op Member Board). In September 2016, the Co-op Member Board produced a Memorandum of Understanding, (OAN MoU) which sought agreement of the four Councils on the spatial distribution of the housing requirements across the HMA. This included a total need of 51,100 new homes across the HMA during the plan period (11,400 in Epping Forest) with 16,100 of these to be located in and around Harlow (Figure 5 of the OAN MoU). Many of these 16,100 would be located in Epping Forest DC, comprising 3,900 new homes over five sites located south and west of Harlow (Figure 6 of the OAN MoU). This informed the EFDC draft Local Plan, which outlines these sites as draft housing allocations (Draft policy SP3: Strategic Allocations around Harlow). However, Harlow DC held a Special Council Meeting on 31 August 2016, where it voted against any of the proposed housing development being located to the south or west of Harlow. This resulted in the objection to the developments of the sites to the south and west such as Latton Priory, Sumners West and Katherines East, all of which are located within the Epping Forest District area. This makes up 3,100 units of the 3,900 units that the draft Local Plan allocates around Harlow. As this motion was passed only weeks before the publication of the EFDC draft Local Plan, the Plan continues to propose that the aforementioned sites to the south and west of Harlow be allocated for housing. As such, there is now a clear conflict between the strategy objectives of the HMA authorities. It also brings into question the suitable allocation of housing sites, as without the allocation of the three sites above, which could comprise of approximately 3,100 units, these would need to be reallocated. This could put further pressure on the sources of supply, increasing the housing requirement for the remaining parts of the District from 4,500 to 7,600 across the plan period. This is however, based on the housing requirements set out in the draft Local Plan which we have already established is artificially low and does not accord with the provisions of the NPPF or the PPG. As such, it is considered that without adjustment to the distribution of housing across the Epping Forest District, the authority will fail in its duty to cooperate. Without adjustment, the Local Plan will be found unsound. At present, the vast majority of the sites allocated in the draft Local Plan are located in the west of the District. Whilst it is acknowledged that there are more settlements located in the west, Chipping Ongar is the only settlement defined as a 'town' which is located in the East (Table 4, Settlement Hierarchy Paper, 2015) and is therefore considered an appropriate location for more additional new housing. As a town, Chipping Ongar is described as having a good range of services and facilities including good public transport links. Yet, Chipping Ongar has been initially allocated significantly fewer homes (600 dwellings) than all of the other first tier towns, with particular reference to Epping and Loughton which have been allocated 1640 and 1190 new dwellings respectively. Further, North Weald Bassett has been allocated 1590 new dwellings despite the settlement being designated as a 'larger village' in the Settlement Hierarchy Paper. This suggests an attribution of too greater weight on the development of the west of the District. It is therefore considered that the distribution of housing across the District needs to be considered in light of the recent resolution but Harlow Council and in accordance with the Council's Settlement Hierarchy Paper. Question 9 Question 9 asks: Do you wish to comment on any specific policies in the Draft Local Plan? Savills considers that there are a number of draft policies that require amendment in line with the representations made. This comprises of: • Draft Policy SP 1: Presumption in Favour of Sustainable Development • Draft Policy SP 2: Spatial Development Strategy 2011-2033 • Draft Policy SP 3 Strategic Allocations around Harlow • Draft Policy P 4: Chipping Ongar In addition to the amendments to the above policies, it is

## Response to the Draft Local Plan Consultation 2016 (Regulation 18)

also considered that the draft Local Plan's position on affordable housing delivery needs to be addressed. Draft policy H2 (Affordable Housing) states that "on development sites which provide for 11 or more homes, the Council will seek a minimum of 40% of those homes for affordable housing". In order for the policy to be effective, it would need to be achievable. Savills has concerns that the draft policy is not sufficiently flexible or based on an understanding of the available evidence base. Where the draft policy is not effective, it fails to have regard to NPPF paragraph 182. The NPPF is clear on the need for 'competitive returns' to enable a willing landowner and developer to proceed with development. Value is clearly linked to the planning system, and hence the level of affordable housing is clearly a relevant factor. It is therefore noted that to be effective, draft policy H2 should require a 'target', consistent with overarching affordable housing policy. Numerous Inspectors' decisions have supported the use of a target, rather than set level of provision. The draft policy should require a 'target' of 40% affordable housing. Conclusions This letter provides representations to EFDC's Regulation 18 consultation of the draft Local Plan for the District in support of the proposed development site at Land between Ongar Road and Chelmsford Road (A414), Chipping Ongar (SR-0904). In relation to question 1, it is concluded that the East Herts and West Essex SHMA requires updating in line with the guidance of the PPG and the recommendations of the LPEG report in order to accurately assess the OAN of EFDC. Savills research shows that by using the appropriate methodology, the OAN of EFDC would increase from the Council's quoted figure of 13, 278 dwellings (SHMA update 2016) to a minimum of 22,319 dwellings across the plan period (2011-2033). Further review of the SHMA and SHMA update evidence is therefore required. In addition, it is considered that EFDC should consider its approach to five year land supply. Savills finds that, based on the current housing target of the draft Local Plan, EFDC has at least five years of significant under delivery by the time the plan is adopted. This will also need to be increased in line with the OAN findings. The Council should therefore use a 20% buffer when assessing its 5 year supply. In addition, it is recommended that consideration is given to the front-loading of the housing trajectory of the plan, with more dwellings coming forward in the earlier part of the plan period to help alleviate the impact of such persistent under delivery. It has also been found that the development of the site for housing would not have a detrimental impact on the Green Belt, as it currently does not serve any of the five purposes of the Green Belt allocation. Question 3 relates to the distribution of dwellings across the District as proposed in the draft Local Plan. This includes a significant proportion to be allocated south and west of Harlow. However, as Harlow Council recently passed a motion which precluded the development of housing in this area of Harlow, for the Local Plan to allocate housing here would result in the a failure in the Councils' Duty to Cooperate, calling into question the 'soundness' of the plan. As such, it is recommended that the 3,100 houses that Harlow Council have objected to be reallocated across the District. At present, there is a disproportionate level of development being potentially allocated in the west of the District. Only 600 dwellings are being proposed at Chipping Ongar which is the only 'town' in the east of the District. This is less than all other first tier 'towns', as well as significantly less than the proposed allocations at North Weald Bassett, which is described as a larger village due to the lesser extent of accessibility to local services and amenities. It is therefore recommended that additional housing is located to Chipping Ongar to address this imbalance. Question 9 relates to specific policies of the draft Local Plan. This report sets out a number of policies that require updating in accordance with the evidence provided in this representation. In addition, it concludes that the affordable housing policy H2 needs to be amended so that the proposed 40% affordable housing provision for any new housing scheme is set as a target rather than a minimum provision, in the interests of flexibility and viability in accordance with NPPF paragraph 182. Finally, this report has highlighted that much more evidence is required to justify robustness of the draft Local Plan before it can be considered to be positively prepared, justified, effective and consistent with national policy. I trust that this provides all the information necessary for the consideration of the site at Land between Ongar Road and Chelmsford Road (A414), Chipping Ongar (SR-0904) during the Pre-Submission preparations of the draft Local Plan. However, should any further information be required, please do not hesitate to contact us.

## Response to the Draft Local Plan Consultation 2016 (Regulation 18)