



Epping Forest Local Plan

Examination Hearing Statement

Matter 4 – The Quantitative Requirements for Development

Prepared by Strutt & Parker on behalf of Croudace Homes (Stakeholder ID 19LAD0025)

January 2019

Context

1. Strutt & Parker have participated in the plan-making process on behalf of Croudace Homes (Local Plan Examination Stakeholder ID 19LAD0025) throughout the preparation of the Epping Forest Local Plan, including in relation to the promotion Land east of Epping Road, Roydon for residential development. This has included representations on the Local Plan Submission Version (LPSV) (Regulation 19) consultation (Representation ID 19LAD0025-1 and 19LAD0025-2) in respect of proposed policies SP2 and P9.
2. The LPSV proposes allocation of a small proportion of land which has been promoted through the plan-making process and which is under the control of Croudace Homes (ROYD.R3). Two configurations of Land east of Epping Road, Roydon were considered through the preparation of the Local Plan, identified as sites SR-0306 and SR-0890 in the plan-making process. However, the proposed allocation ROYD.R3 is not commensurate with either.
3. As made clear in our representation on the LPSV, ROYD.R3 is not deliverable as currently proposed to be allocated.
4. This Hearing Statement is made in respect of the Epping Forest Local Plan Examination Matter 4 – The Quantitative Requirements for Development, and addresses Issue 1, 2, 4 and 6.
5. We have sought to avoid repeating matters within this Hearing Statement which were raised within our representation on the Regulation 19 iteration of the Local Plan.
6. One appendix accompanies this Hearing Statement:
 - Appendix A: Welwyn Hatfield Local Plan Examination – Inspector's Note on Green Belt Review

- Appendix B: Epping Forest District Council Housing Implementation Strategy Update: Discussion Paper 12 December 2018

Issue 1

Does the distribution of development in the Plan place too much reliance upon the Garden Community Sites around Harlow at the expense of testing the capacity of the other settlements in the District?

Question 3

Will the level of growth proposed elsewhere in the district be sufficient to support the vitality and viability of individual settlements over the Plan period?

7. As set out within our representation on the LPSV, paragraphs 6.1 to 6.13, we do not consider that sufficient growth has been directed to Roydon to support its vitality and the viability of this established community over the plan period. The LPSV recognises the need to support the community through provision of proportionate of growth, within its vision for Roydon under paragraph 5.123, but the proposed policies will not be effective in achieving this, as they fail to support such growth.
8. In addition, as per our representations on the LPSV, the LPSV fails to account for the characteristics of the settlement, in particular that Roydon is the only settlement in the District that benefits from a national railway station and the opportunities this provides to accommodate growth within an area where sustainable transport opportunities are available.
9. The failure to direct sufficient growth to settlements such as Roydon should also be viewed within the context of the LPSV failing to meet housing needs for the District. Indeed, as per our Hearing Statement on Matter 3, the degree of the shortfall is substantial.

10. EFDC has failed to address our concerns in relation to these matters, despite a sustainable and deliverable solution being available, in the form of sites SR-0306 and SR-0890. Allocation of these sites would require modification to the allocation of ROYD.R3 as currently proposed through the LPSV.
11. As noted in our LPSV representation (paragraph 9.14 and 9.15) no robust justification was provided for the rejection of sites SR-0306 or SR-0890.
12. In relation to EFDC's concerns as to harm to the Green Belt allocation of these sites would result in, such concerns are unfounded as explained within our LPSV representations at paragraphs 9.17 to 9.32 and evidenced by the Landscape and Green Belt Assessment which accompanied our representations.
13. As noted above, we consider that the level of growth proposed for Roydon (62 dwellings over the entirety of the plan period – equivalent to approximately a mere three homes per year) is neither sufficient to support this established community, nor justified having regard to the settlement's characteristics and the District's housing needs. Furthermore, it should be noted that the LPSV will not, in its current form, even achieve this meagre figure - as explained within our LPSV representations, the ROYD.R3 is not deliverable for the 15 dwellings the LPSV proposes.
14. The failure to direct sufficient growth to Roydon renders the LPSV in its current form unsound. However, it would be relatively straightforward to cure this defect: suitable and sustainable sites (SR-0306 and SR-0890), development of which would not result in harm to the strategic purposes of the Green Belt, are available and achievable for residential development for c.180 homes for Roydon. Modifications to Policy SP2 to support this greater quantum of homes (165 additional homes to that proposed in the LPSV – 227 in total), along with corresponding modifications to Policy P9 and ROYD.R3, would rectify this issue. Such modifications are therefore respectively requested.

Issue 2

Beyond the Harlow area, is the distribution of development in the Plan justified having regard to the defined settlement hierarchy?

Question 2

How was the settlement hierarchy set out in Table 5.1 page 114 defined, and is it justified? Has the settlement hierarchy informed the distribution of development and if not, what is its purpose?

15. The settlement hierarchy does not justify the direction of such a small number of new homes to Roydon. The settlement hierarchy identifies Roydon as a ‘small village’. Other settlements within this tier of the hierarchy include Thornwood and Nazeing, to which the LPSV directs 172 and 122 new homes, respectively, over the plan period. We do not have any objections to the provision of such growth in Nazeing and Thornwood. However, we do note that given the LPSV recognises such growth can potentially be accommodated in small villages, it is not justified to restrict the provision of new homes in Roydon to just 62.

16. The approach in respect of Roydon is particularly unjustified, when, without wishing to repeat matters already addressed in our representations, the LPSV should not slavishly adhere to the settlement hierarchy (paragraphs 6.9 and 6.10 of our LPSV representations). Rather, as per our LPSV representations (paragraph 6.11), the NPPF 2012 (paragraph 35) is clear that Local Plans should seek to exploit opportunities for the use of sustainable transport modes, and development should be located where there is access to public transport facilities. In this respect, in addition to its position within the settlement hierarchy, being a settlement with a national railway station – a characteristic which suggests it should accommodate more, rather than fewer, homes than other settlements at this tier of the settlement hierarchy – should be a consideration in determining how many new homes Roydon can sustainably accommodate.

17. As noted within this Hearing Statement and within our LPSV representations, sites SR-0306 and SR-0890 are available, suitable and achievable for c.180 dwellings. As such, a policy which directs a greater number of new homes to Roydon would be deliverable and effective.

Issue 4

Is the distribution of development justified in respect of the need for, and approach to, Green Belt release?

Question 1

Paragraph 14 of the NPPF generally requires that a Local Plan should meet the objectively assessed development needs of the area. However, it also confirms (via footnote 9) that Green Belt is one of the constraints which indicates that development should be restricted. How has this tension been resolved in favour of the conclusion that there are exceptional circumstances to justify the alteration of Green Belt boundaries?

18. Green Belt is one of the constraints identified in the NPPF 2012 which suggest development should be restricted. However, the NPPF does not preclude the loss of Green Belt land through the Local Plan process. On the contrary, the NPPF makes clear (paragraph 83) that preparation of a Local Plan is the appropriate (indeed, only) vehicle through which changes to the Green Belt boundary should be made.
19. The NPPF states that Green Belt boundaries should only be altered in exceptional circumstances. It does not define what constitutes 'exceptional circumstances' but the judgment in Calverton Parish Council v Nottingham City Council & ors. [2015] EWHC 1078 (Admin) provides a basis on which this can be considered.
20. At paragraph 51 of this judgment, in the consideration of whether exception circumstances applied, Mr Justice Jay stated:

"In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances

in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

- (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);
 - (ii) the inherent constraints on supply/availability of land *prima facie* suitable for sustainable development;
 - (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;
 - (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and
 - (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.”
21. There is evidently an acute housing shortage within the District – the first point of the above is applicable to Epping Forest District. In addition, and as per our Hearing Statement on Matter 3, we consider that the extent of housing need has been drastically understated by the evidence which has been prepared in respect of this Local Plan.
22. The Local Plan evidence base has clearly demonstrated that housing needs cannot be met without review of the Green Belt boundary and the allocation for housing development of some land currently allocated as Green Belt in the current, but out-of-date, Development Plan. Therefore, the second and third matters are also considered to apply.
23. In respect of the fourth and fifth matters, this will be dependent on the characteristics of potential sites. The Council’s Local Plan evidence base supports the allocation of such sites based on their impact on the purposes of the Green Belt, and potential for impacts to be mitigated, such that the number of new homes the LPSV currently proposes can be delivered.

24. Having regard to the above, there clearly are exceptional circumstances that justify amendments to the Green Belt in Epping Forest District through the Local Plan. The key questions become whether the Local Plan should seek to meet housing needs in full, contrary to the LPSV; and, if not, is the extent of shortfall justified due to the harm this would cause to the Green Belt. In respect of these matters, it is relevant to note the views of the Inspector in the recent examination of the Welwyn Hatfield Local Plan, as discussed below.
25. Following Stage 1 and 2 hearing sessions, the Inspector provided a note to the Council in December 2017 on its approach to review of the Green Belt (EX39 of the Welwyn Hatfield Local Plan Examination, provided here as **Appendix A**). Within this note, the Inspector stated:

“The Council has suggested that it is unable to meet its housing need because of Green Belt restrictions among other concerns. In my concluding remarks to the Hearing sessions into Strategic Matters, I pointed out that I did not consider the development strategy put forward in the plan to be sound, in part because there was insufficient justification for the failure to identify sufficient developable sites within the Green Belt. That is largely because the phase 1 Green Belt Review was at such a strategic level as to render its findings on the extent of the potential harm to the purposes of the Green Belt, caused by development within the large parcels considered as a whole, debatable when applied to smaller individual potential development sites adjacent to the urban areas. It goes without saying that a finer grained approach would better reveal the variations in how land performs against the purposes of the Green Belt. Such an approach is also more likely to reveal opportunities as well as localised constraints, both of which might reasonably be considered further.

“Additionally, the phase 2 Green Belt Review, which did look at a finer grain of sites, does not appear to have examined all of the potential development sites adjacent to the urban areas...”

“The actual development strategy finally arrived at is a matter for the Council, providing it is arrived at in a way that is objective and rational. However, if that strategy fails to meet the FOAHN and assuming that all realistic development opportunities outside of the Green Belt have been put forward in the plan, then it is effectively saying that there are no exceptional circumstances justifying a further release of additional land from the Green Belt and that presumably means for as long as current national green belt policy and its interpretation prevails. That may be the case **but unless all of the Green Belt has been forensically analysed in some detail then it is difficult to prove.**” [emphasis added].

26. Having regard to the above and to the *Calverton* judgment, it is considered that the key matters vis-à-vis the LPSV’s failure to meet housing needs and the issue of impact on the Green Belt include: whether all potential development sites’ have been assessed to determine their impact on the purposes of the Green Belt; and whether such assessment is robust and undertaken to such a grain that it enables forensic examination of all potential development sites.
27. In respect of the LPSV, it is clear that not all potential development sites were subject to a sufficiently detailed analysis which could enable EFDC to justifiably conclude it could not meet its housing needs. At the very least, there was one site that was not properly assessed: Land east of Epping Road, Roydon.
28. As noted within our LPSV representations (paragraph 9.16), the Epping Forest District Green Belt Assessment: Stage 2 Local Plan provides the evidence to support changes to the Green Belt boundary through the LPSV. Land east of Epping Road, Roydon (sites SR-0306 and SR-0890) is predominantly located within Parcel 064.4 of this assessment. However, Parcel 064.4 also includes additional land which has not been promoted for development. Additionally, part of the land promoted at Land east of Epping Road, Roydon has been included in a different parcel (Parcel 064.4).

29. The Epping Forest Green Belt Assessment: Stage 2 does not specifically assess either of the configurations of Land east of Epping Road, Roydon which were put forward through the plan-making process for consideration, and assessed through the Strategic Land Availability Assessment (EB800) and Site Selection Report (EB805) (sites SR-0306 or SR-0890).
30. A Landscape and Green Belt Assessment was prepared in support of the promotion of land east of Epping Road, Roydon. A copy of this was submitted alongside our consultation responses to both the Regulation 18 iteration of the Local Plan and LPSV.
31. This Landscape and Green Belt Assessment should be given particular weight, as, unlike the Epping Forest District Green Belt Assessment: Stage 2, it specifically considers the site being promoted; and does so in greater detail.
32. The Landscape and Green Belt Assessment evidences 7 ha of site SR-0306 (4 ha of which is within Site SR-0890) can be developed without undermining the strategic purposes of the Green Belt. This has the potential to accommodate 180 dwellings. Yet, the LPSV only proposes 15 dwellings be provided through allocation of a small portion of this site (ROYD.R3).
33. The above demonstrates that, at the very least, 165 more homes than LPSV proposes can be provided in the District over the plan period without harm to the strategic purposes of the Green Belt.

Issue 6

Is the distribution of development justified in respect of its effect upon transport and other infrastructure in the District? Will the Plan be effective in securing the infrastructure necessary to support proposed growth?

34. We note that one of EFDC's key concerns in respect of the impact of development in the District – and one of the reasons given by EFDC as to why it cannot meet its needs in full – is the capacity of the transport network.
35. On 12 December 2018 EFDC produced a Housing Implementation Strategy Update: Discussion Paper for review and consultation with the EFDC Developer Forum. A copy of this is provided as **Appendix B** to this Hearing Statement.
36. This Discussion Paper sought to explain why housing requirements could not be met, and gave reasons why EFDC consider new deliverable sites (in addition to those proposed through the LPSV) cannot be identified (paragraphs 20 – 22).
37. Paragraph 21 of the Discussion Paper sets out the purported justification as to why the District's constraints prohibit identification of additional sites to help meet housing needs:
 1. The availability of land outside of the Green Belt;
 2. The need to ensure the ongoing protection of environmental assets, including the Epping Forest Special Area of Conservation; and
 3. The capacity of the transport network
38. In respect of points 1 and 2 of the above, it is clear that there are sites which have been rejected through the plan-making process, yet would not result in harm to the strategic purposes of the Green Belt or environmental assets (as per our LPSV representations).

39. In respect of point 3, given such concerns we consider it is of particular importance that the Local Plan explore opportunities to provide additional housing in locations which benefit from public transport facilities. This should include exploring opportunities to direct additional housing growth to Roydon, given the presence of the District's only national railway station there.