

Carter Jonas

HEARING STATEMENT

Epping Forest District Council Local Plan Examination

SUBMITTED ON BEHALF OF COUNTRYSIDE PROPERTIES

January 2019

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1 INTRODUCTION

- 1.1 This statement has been prepared on behalf of our client, Countryside Properties, who are the landowners of the land to the south-east of Chipping Ongar Road in Fyfield ('the Site').
- 1.2 The Site covers an area of approximately 2.65ha and is currently in use as an agricultural field. To the north, the site adjoins the existing residential area of Fyfield; to the east of the site lies the Fyfield Village Hall and Sports and Leisure Club.
- 1.3 The Site has been promoted for release from the Green Belt for the purposes of residential development at previous consultation opportunities associated with Epping Forest District Council's draft Local Plan. The Site was identified as a suitable and deliverable housing site in the previous draft iterations of the Local Plan, however despite this and its ability to provide early delivery of much needed housing for the village of Fyfield as well as the wider District itself, it has been removed from the submission version of the plan without any prior notification or evidence to justify it.
- 1.4 As a result, Countryside Properties cannot support the Draft Local Plan and Carter Jonas will attend the hearing sessions most relevant to the Site on behalf of Countryside Properties.
- 1.5 This statement outline's Countryside Properties comments in respect of Matters 3 and 4.

2 MATTER 3 – THE QUANTITATIVE REQUIREMENTS FOR DEVELOPMENT

2.1 We respond to the specific issues arising in relation to Matter 3 below:

Issue 1: Is the housing requirement for the plan period 2011-2033 appropriately defined having regard to the composition of the Housing Market Area (HMA); and the Objectively Assessed Need (OAN) for housing within the HMA?

Question 1. Is the HMA comprising Epping Forest, East Herts, Harlow and Uttlesford Councils justified? Should the HMA include Broxbourne Borough? How has the influence of neighbouring London Boroughs been taken into account?

2.2 Whilst we are not concerned with the justification of the HMA comprising Epping Forest, East Herts, Harlow and Uttlesford Councils, we are concerned that the Council has not thoroughly taken into account the influence of neighbouring London Boroughs. We consider it crucial that the Council considers how poor housing delivery in London will create a growing demand for homes in the District, given the reasonable commuting distance, since this will in turn increase house prices and reduce affordability.

2.3 It is apparent that London is continuing to fail to meet its own needs given that the London Plan is circa 10,000 homes per annum short of meeting its identified housing need. The failure of London to meet its housing needs places greater pressure on those areas outside of London, including Epping Forest, as households move increasingly further out of the capital in order to find a home that both meets their needs and is affordable.

Question 2. Does the SHMA July 2017 identify the full OAN for housing for the HMA and for Epping Forest specifically:

Part b. Has consideration been given to the high level of housing need in the neighbouring London Boroughs emerging through the London Plan? If not, are the figures justified?

2.4 Whilst the Strategic Housing Market Assessment July 2017 has generally followed the approach to assessing housing needs as established in the guidance supporting the NPPF (2012), we do have concerns with the Council's consideration of market signals.

2.5 As outlined above, as a result of London continuing to fail to meet its own needs, there is a knock on effect which places greater pressure of those areas surrounding the capital. Despite this situation, the Council does not consider there to be justification for a 20% uplift in response to market signals on the basis that there is unlikely to be an increase migration to supports the levels of household growth resulting from such an uplift. As such, the Council has made the decision to reduce its response to market signals from a 20% uplift to one of 14%. We are concerned with the decision of the Council to reduce market signals in light of London's unmet housing needs and the poor housing delivery in the HMA, and we do not believe that a 14% uplift is justified.

2.6 Furthermore, evidence on market signals shows an area with one of the worst affordability ratios outside of London. In 2009, the ratio in EFDC dropped to 9.52 following the recession however it has steadily increased

and since the SHMA 2015 was published the situation has worsened; the ratio now sits at 16.08. This is significantly higher than other authorities in the HMA and is more similar to London and those authorities such as Waverley, Mid-Sussex and Wycombe, all of whom applied market signals of 20% or above. We therefore consider it appropriate for a minimum uplift of 20% to be applied.

Question 4. Is it justified for the HMA as a whole, and for Epping Forest DC specifically, to plan for less than the OAN as established by the SHMA 2017, at 51,100 and 11,400 homes respectively?

Part a. Has the alternative of delivering the OAN been tested through Sustainability Appraisal? If not, is the SA process deficient?

- 2.7 For the period 2011-2033, the Strategic Housing Market Assessment (SHMA) (July 2017) found the OAN for the HMA as a whole to be 51,710 additional homes. The OAN for Epping Forest was found to be 12,573 new homes, amounting to 572 per annum. These figures represent the most adequate, up-to-date and relevant assessment undertaken by the Council prior to the submission of the Local Plan.
- 2.8 The Submission Version Local Plan (December 2017) sets out the approach to housing across the HMA in Table 2.1 'Housing Distribution'. The table explains that a total of 51,100 net new homes will be planned for across the HMA within 2011-2033. In particular, within Epping Forest District Council a requirement of 11,400 net new dwellings has been set for within the same timeframe.
- 2.9 Therefore, the Submission Version of the Local Plan appears to set out an approach which includes a shortfall of 1,173 dwellings within the District and an overall shortfall of 600 homes in the HMA when compared with the 2017 SHMA. Clearly the shortfall is greater in Epping than in any other authority forming part of the HMA. A Memorandum of Understanding (MoU) has been signed that commits all four authorities within the HMA to meet their individual housing needs within their own administrative boundaries which further highlights the shortfall in Epping.
- 2.10 The Sustainability Appraisal (EB204) (December 2017) explains the background to the figures referenced in paragraph 2.3 above. The 'Co-operation for Sustainable Development Member Board' agreed to test three levels of growth:
- ~46,100 new homes in line with the 2015 SHMA;
 - ~49,638 new homes in line with the (D)CLG 2012-based household projections; and
 - ~57,400 new homes in line with early advice from ORS in light of more recent information including the CLG 2014-based household projections (NB this figure was later revised down to 54,608).
- 2.11 Six options were then considered to deliver the above levels of growth. Of the six options, only one option contained any variance on the level of growth delivered through the potential allocations/broad locations, with all other variances relating to the number of units associated with the Harlow Fringe. Given the lack of variation in respect of testing delivery through potential allocations/broad locations, the Sustainability Appraisal's methodology is considered far from robust. The failure is such that the Sustainability Appraisal cannot be

considered to have sufficiently complied with Regulation 12 of the SEA Regulations¹ and the requirement to identify and evaluate reasonable alternatives to implementing the Plan's objectives.

- 2.12 Were different spatial distribution options tested across the District, the assessment may well have concluded that the Plan would be able to deliver a higher quantum of housing in a sustainable way.
- 2.13 Paragraph 6.18 of the Sustainability Appraisal recognises the fact that the Plan does not reflect the most up to date, available housing projections; and that the figure is based on the CLG 2012-based household projections rather than the CLG 2014-based household projections:

"At c. 51,000 new homes, the planned level of housing growth is higher than both the established OAHN within the published 2015 SHMA (46,100) and the figure based on the CLG 2012-based household projections (49,638). It is lower than ORS' estimated OAHN figure taking into account recent information including the CLG 2014-based household projections (54,608) but nonetheless represents good progress towards this higher figure. Overall, the figure of c. 51,000 indicates that the four HMA authorities are positively seeking opportunities to meet the development needs of their areas in line with the National Planning Policy Framework (NPPF), and, furthermore, significantly boosting the supply of housing (NPPF, para. 47)". (Emphasis added).

- 2.14 In respect of the 2017 SHMA identifying a higher OAN, the Sustainability Appraisal goes on to note at paragraph 7.6 that:

"Higher numbers including figures approximating to and in excess of 51,710 new dwellings had already been tested and so there was no need to revisit the HMA-level optioneering work".

Whilst a higher figure had been tested, this was a much larger number of 57,400 homes. This is clearly not a relatively comparable figure to the 2017 SHMA's requirement for 51,100 dwellings and as such, we do not consider that a robust assessment of the most up to date OAN was undertaken.

- 2.15 We therefore conclude, that there is no justification for the HMA as a whole and for Epping Forest DC specifically to plan for less than the OAN established in the SHMA 2017 as a robust reasoning for using the 2012 based household projections instead of the later 2014 household projections has not been demonstrated.
- 2.16 Furthermore, the alternative for delivering the OAN as set out in the 2017 SHMA has not been tested in the Sustainability Appraisal. The earlier 2016 Sustainability Appraisal considers the delivery of a much greater number of new homes (57,400) but this is not considered comparable to the OAN of 51,700 and is of course much more likely to result in sustainability concerns; hence why it was disregarded.
- 2.17 Overall, it is concluded that the Plan does not meet the tests of soundness as it has not been positively prepared with a clear and robust methodology. It fails to meet the OAN for the District which systematically

¹ The Environmental Assessment of Plans and Programmes Regulations 2004

results in a failure to meet the OAN of the HMA. Furthermore, the Sustainability Appraisal fails to meet the legal requirements set out in the Environmental Assessment of Plans and Programmes Regulations 2004 which requires Local Plans to suitably assess the reasonable alternatives for meeting the OAN of the District.

- 2.18** In order for the plan to be found sound additional sites will need to be allocated within the HMA in order to meet housing needs in full, or as a minimum, reserve sites will need to be considered and allocated. Our Client's Site was included as a draft allocation at the Regulation 18 Stage of the Local Plan process, and remains suitable, available and deliverable. We therefore believe that the Site should be considered as a reserve site within the plan.
- 2.19** Should reserve sites not be identified within the plan now, we consider it essential that the Local Plan includes an effective mechanism to ensure it is revised to meet the unmet housing needs arising within the HMA.

3 MATTER 4 – THE SPATIAL STRATEGY/ DISTRIBUTION OF DEVELOPMENT

3.1 We respond to the specific issues arising in relation to Matter 4 below:

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 the tension been resolved in favour of the conclusion that there are exceptional circumstances to justify the alteration of Green Belt boundaries? In particular:

Part a. How do the specific development needs of the District weigh against the importance given to Green Belt protection?

3.2 The NPPF (2018) notes at Appendix 1 that in examining the submission of Local Plans, those submitted on or before 24 January 2019 should be considered in the context of the previous Framework. Therefore the NPPF (2012) is referenced in this Statement.

3.3 Paragraph 47 of the NPPF (2012) explains 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...”*

3.4 The former PPG associated with the assessment of housing need notes at Paragraph 001 Reference ID: 2a-001-20140306 that:

- *“the assessment of housing and economic development needs includes the Strategic Housing Market Assessment requirement as set out in the National Planning Policy Framework”.*

3.5 For the period 2011-2033, the Strategic Housing Market Assessment (July 2017) found the OAN for the HMA as a whole to be 51,700 additional homes.

3.6 The Submission Version Local Plan (December 2017) sets out the approach to housing across the HMA in Table 2.1 ‘Housing Distribution’. The table explains that a total of 51,100 net new homes will be planned for across the HMA within 2011-2033. In particular, within Epping Forest District Council a total of 11,400 net new dwellings have been planned for within the same timeframe.

- 3.7 In consideration of the above, it is apparent that the number of homes planned for within the HMA as a whole, and in particular within the Epping Forest District, as set out in the Submission Version Local Plan (December 2017), do not meet OAN as outlined within the Strategic Housing Market Assessment (July 2017). There is therefore a clear requirement of the Council to allocate more land for housing in order to help meet the development needs of the District and the HMA as a whole.
- 3.8 Epping Forest as a District however is largely rural and over 92% of the land within its administrative area is currently designated as being in the Metropolitan Green Belt. Whilst continuing to protect the Green Belt, the Council has acknowledged that there is very little land remaining in the District within the existing settlements that is not already developed. Furthermore, the poor affordability and rapidly increasing accommodation costs within Epping Forest attests to the acuteness of the issue with regard to housing supply in the Borough and the limited opportunities for further development within its urban areas.
- 3.9 Countryside Properties recognises the need to preserve the Green Belt, however does not agree with the conclusions of Epping Forest District Council's Green Belt Review. The Stage 1 Green Belt Review concludes that the Site, which is identified as being within the wider Parcel 'DRS 016' has a relatively weak/ weak contribution to the Green Belt. It was, however, acknowledged within the review that there are particular areas of the parcel which performed less well than the rest of the parcel and therefore more detailed assessment was recommended; as such, the Site was included within the Stage 2 Green Belt review.
- 3.10 In the Stage 2 Green Belt Review the Site is identified as being located within the wider Parcel '016.3'. The report concludes that the Site assists in safeguarding the countryside from encroachment and therefore assesses the resultant harm to the Green Belt purposes to be very high if the parcel is released from the Green Belt. There is a clear discrepancy between the conclusions of the Stage 1 and Stage 2 Green Belt Reviews; our understanding of the Green Belt Review is that Stage 2 should provide a finer detailed assessment of smaller land parcels, however the principle point raised as Stage 1 has been reviewed and an alternative conclusion has been provided. The clear discrepancy between the conclusions reached in the two stages of the assessment present a concern as to the efficacy of the approach taken by the Council. As such, in order to meet future needs, a further District-wide review of the Green Belt should be undertaken to identify the potential for future development.
- 3.11 Given the Government's objective to significantly boost the supply of new homes, we do not consider the development needs of the District to have been appropriately weighed up against the importance of Green Belt protection. We therefore do not believe that the distribution of development as set out in the Submission Version Local Plan is justified in respect of the need for, and approach to, Green Belt release.

Part b. What would be the consequences of not releasing Green Belt land to help meet development needs?

- 3.12 As set out in Question 1, Part A there is a clear need for the Council to allocate further land for housing in order to help meet development needs. There is very limited availability of brownfield land for development in

the Epping Forest District, therefore a decision not to release Green Belt land, would ultimately result in higher density development within existing settlements, which we do not believe to be appropriate in this outer London context.

- 3.13 Furthermore, a decision not to release Green Belt land for development could potentially result in unmet housing needs within the Epping Forest District itself as well as the HMA as a whole. The PPG indicates *“if there is clear evidence that the needs cannot be met locally, it will be necessary to consider how needs might be met in adjoining areas in accordance with the duty to cooperate”*. Given the duty to cooperate, if Green Belt is applied as a fundamental constraint, this would have the effect of forcing Epping Forest District’s unmet needs into Districts beyond the Metropolitan Green Belt. Further consequences include even more rapidly increasing accommodation costs and even poorer affordability within the Borough.

Question 5. Having regard to paragraph 85 of the NPPF, and to the potential for an increased level of housing need in the District to be identified in the future, how has the Council satisfied itself that Green Belt boundaries will not need to be altered at the end of the Plan period? Is it necessary to identify areas of safeguarded land between the urban area and the Green Belt?

- 3.14 Whilst it is important that the Council seeks to ensure that other alternatives have been considered the scale of the need within Epping Forest means that it is inevitable that Green Belt boundaries would need to be amended in order to support delivery.
- 3.15 Paragraph 85 of the NPPF explains that *“local planning authorities should where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period”*.
- 3.16 Given the Government’s objective to significantly boost the supply of new homes as well as the high level of housing need and poor affordability ratios in the area, we would suggest that it is necessary for the Council to identify areas of safeguarded land between the urban area and the Green Belt to meet the longer-term development needs of the Borough.
- 3.17 There are a number of examples where the principle of identifying areas of safeguarded land has been applied. Reigate and Banstead Borough Council, one such example, submitted a Local Plan in 2012 which did not plan for Green Belt release, however following initial consideration of the submitted plan, the Inspector issued an Interim Plan highlighting legal deficits and concerns about the soundness of the Submission Local Plan. The Inspector noted, *“Because information about potential capacity within the urban area to meet housing and employment need identified by the Council was not wholly convincing, it became evident that development of some land outside the urban area would be unavoidable”*.
- 3.18 The Examination of the Reigate and Banstead Local Plan was subsequently suspended for a period of seven months and the Council acknowledged the need for Green Belt release and devised an approach to identify suitable land to remove from the Green Belt in accordance with Paragraph 85 of the NPPF.

- 3.19 Given the similar set of circumstances of Epping Forest to Reigate and Banstead, in being an area of high housing need whilst being highly constrained by Green Belt, we suggest it is crucial for the Council to identify areas of safeguarded land between the urban area and the Green Belt.
- 3.20 Should safeguarded land be required, we consider our Client's Site to be a good example of where this could be achieved without any delay to the plan given that the Site has already been appraised through the Sustainability Appraisal and has been subject to consultation.