

EPPING FOREST DISTRICT LOCAL PLAN 2011 – 2033
STATEMENT TO THE EXAMINATION
ON BEHALF OF WATES DEVELOPMENTS [19LAD0042]

MATTER 4: SPATIAL STRATEGY/DISTRIBUTION OF DEVELOPMENT

1. This statement has been prepared by Vincent and Gorbings on behalf of Wates Developments Limited. Wates is a family run development company with land interests adjoining Epping town centre. Wates is also a member of the Epping Housing Forum, a group that has been created to bring together a number of different organisations to speak with one voice at the Local Plan examination with regard to overall housing requirements.

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?

1. How was the amount of housing proposed in the three Garden Town sites allocated in Policy SP5 determined (3,900 dwellings in total)?

2. Could a higher level have been accommodated and would this have reduced the impact of growth proposed elsewhere in the district?

2. Wates has continuously made the case that the Plan places too much reliance on the Garden Community Sites around Harlow. This reliance has been at the expense of assessing the ability of the remainder of the District – particularly the larger towns - to accommodate a higher level of development
3. The three Harlow sites in Policy SP5 are assumed to deliver 3,900 units during the Plan period, over a third of the total housing requirement. In our view the timing of commencement and rate of delivery is unproven; the infrastructure required to deliver the sites is not fully costed or funded; and the deliverability and financial viability of the sites cannot therefore be properly evidenced. The reliance of the plan on these sites fundamentally undermines the flexibility of the Plan to deliver the necessary development in the District during the Plan period.
4. The Harlow Strategic Sites Assessment Report (AECOM, September 2016) made optimistic assumptions regarding the absorption rates of the market in the vicinity of Harlow. Given the scale of development proposed over such a confined market area, we seriously doubt that delivery rates will be as high as assumed. Even since the Consultation Draft Plan (2016) ["CDLP"], assumptions regarding when the Harlow sites will be developed have been altered, reflecting on-going delay in assumed delivery. At the time of the CDLP, three¹ of the sites around Harlow were expecting to be delivering units by 2019 – 2020 (between them some 600 units in the first 5 years of the plan period) whilst East of Harlow was assumed to only commence delivery in 2030/31) yet was expecting to deliver 750 units over three years.

¹ The CDLP treated the allocation at Water Lane as two separate sites.

5. Both of these assumptions were questionable and were revised for the Submission Draft Plan due to inevitable slippage. The Housing Trajectory now assumes only 150 units from these sites in the period 2017 – 2022 but assumes by 2022 all three sites will be delivering units (350 p.a) with 400 units p.a. being delivered for seven continuous years 2023 – 2030. Commencement at East of Harlow was brought forward from 2030/31 to 2022/23.
6. This significant level of development is in addition to the delivery of units at Gilston in East Herts, which the East Herts Local Plan assumes will deliver 3,050 units prior to 2033². At its peak these four sites would need to deliver **760 units p.a.** around Harlow.
7. If the Council's assumptions in respect of the Harlow allocations prove to be over-optimistic in terms of timing and rates of delivery (which given the above is likely), the result will be a serious shortfall against the Council's requirement (let alone any increase that might result following this Examination) over the Plan period.
8. The infrastructure needed to support these developments is yet to be fully assessed and costed. The developments rely on significant infrastructure including the improvements to junction 7 and a new junction 7a on the M11, improvements which are only partly government funded. The Infrastructure Delivery Plan (ED2) highlights that the upgrades to Junction 7 which are necessary to deliver Latton Priory have not had funding confirmed and it will not be known how they are funded until Road Investment Strategy (RIS) 2 is announced; that *"the improvements will involve some contributions from developments (including Latton Priory and other sites), even in the case of external funding."*
9. There are clearly unresolved highways issues (both impact and funding) that are crucial to bringing forward the Harlow sites. In responding to the Regulation 19 consultation, Highways England commented that *"This level of development is likely to have a severe affect upon M11 J7 this will need appropriate assessment and mitigation to maintain the function of the junction ... I am concerned that no cumulative impact assessment has [not] been carried out and although individually the proposed development are unlikely to have a severe impact on the Strategic Road Network However together they have the potential to."* [19STAT0012]
10. Concerns regarding transportation issues have also been expressed by Essex County Council, whose representations in particular relating to the Latton Priory site indicated that the allocation *"relies heavily on a step change in terms of sustainable travel and this is not fully addressed in the Plan"* and that the development will not support the delivery of the *"identified north-south sustainable transport corridor. This corridor is an integral part of an overall package of sustainable transport measures identified as critical to support the Garden Town growth."* ECC highlight that *"Evidence indicates that the Local Plan also needs to show a direct link from the Latton Priory towards M11 J7, the effect of which is likely to be increased transport network problems for the southern areas of Harlow."* [19STAT0024].

² The East Herts Local Plan assumes 1,250 units at Gilston 2022 – 2027 (average of 250 units p.a.) and 1,800 units in the period 2027 – 2033 (360 units p.a.)

11. In short, the efficacy of infrastructure relating to the Garden Community Sites around Harlow is unproven and its funding is not certain. Given this, it is impossible at this stage to properly assess the viability and hence deliverability of these sites.
12. A higher level of growth should certainly not be countenanced in an attempt to reduce housing elsewhere in the District. To do so would serve to exacerbate the issues identified above and further undermine the delivery of the development needed to meet the needs of the District during the Plan period.

Issue 2: Beyond the Harlow area, is the distribution of development in the Plan justified having regard to the defined settlement hierarchy?

1. What are the key factors which informed the distribution of development in the Plan beyond the Harlow area?

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?

13. There is a lack of clarity as to the basis of the spatial development strategy in Policy SP2 and how this relates to the settlement hierarchy. The policy fundamentally changed between the Consultation Draft Plan and Submission Draft Plan. The policy as now drafted does not accord with the sustainable development agenda of the NPPF and indeed, makes no mention of sustainability or the importance of the accessibility of allocations to employment, day-to-day facilities or non-car modes of transportation. Given that the policy was only introduced at the end of the plan-making process (and was not an 'option' considered at Draft Plan stage) it is not tenable to claim that the site assessment process has been based on this policy.
14. Moreover, Policy SP2 makes no mention of the settlement hierarchy, except under the final step in the sequential approach of "*small scale sites in smaller rural communities...where there is clear local need which supports the social and economic well-being of the community.*"
15. As the settlement hierarchy does not feature in the development strategy policy, it is unclear if or how the settlement hierarchy has informed the strategy, particularly as there is a significant element of the housing requirement dispersed across the district. Leaving aside the development at North Weald Basset, Policy SP2 proposes some 1,550 new dwellings in 12 villages within the rural areas of the District. Of these, some 530 dwellings are proposed in settlements defined in the settlement hierarchy as 'small villages'³. The villages in EFDC (particularly the small ones) have limited local facilities and poor access to quality public transport and are not appropriate locations for the scale of development proposed in the Submission Local Plan. The degree of dispersal represented by Part B of Policy SP2 does not accord with the NPPF guidance on sustainable development and nor does it accord with the sequential approach of Part A of the same policy. This approach is unsound and should be reviewed in order to direct more development into locations that

³ See Settlement Hierarchy Background Paper [EB-1007] – the villages are Coopersale, Fyfield, Lower Sheering, Nazing, Roydon, Stapleford Abbots, Sheering and Thornwood.

are sustainable, namely the four main towns within the District (Chipping Ongar, Epping, Loughton/Debden, Waltham Abbey).

16. In summary, the overall development strategy is not soundly based as it does not present a clear spatial vision for the District; there is no clear relationship between the settlement hierarchy and the development strategy. There is no clarity as to how sustainability has been factored into the proposed dwelling distribution.

Issue 4: Is the distribution of development justified in respect of the need for, and approach to, Green Belt release?

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? In particular:

- a. How do the specific development needs of the District weigh against the importance given to Green Belt protection?**
- b. What would be the consequences of not releasing Green Belt land to help meet development needs?**
- c. Have alternatives to Green Belt release been fully considered.....**

17. Epping Forest is a district where virtually all undeveloped land outside the built-up areas is Metropolitan Green Belt - 92% of the total area.
18. It is imperative that the housing requirement within the District is met as there is clearly no scope for homes to go elsewhere, with the apportionment defined between EFDC and its HMA partners and neighbouring authorities which are themselves subject in large part to Green Belt designation.
19. The extent of under-provision of housing in the past, worsening affordability within the market sector and an urgent need to deliver more affordable housing means that housing need is indeed acute. The supply and suitability of land outside the Green Belt is clearly constrained. The Council has comprehensively reviewed the opportunities of non-Green Belt sites to accommodate development including in the SLAA (2016) [ED800] and the Settlement Capacity Study [EB803] and the Site Assessment Report [EB801]. The studies demonstrate that in the absence of any reasonable alternative, the release of Green Belt land for development is needed to provide land for homes.
20. The consequences of not releasing Green Belt land would be severe; put simply, the required number of new homes would not be delivered. The existing back log of unmet need would be exacerbated; local market conditions would make the difficulties of entry into the housing market even worse; and the need to provide for affordable housing would not be met. This would be entirely contrary to Government policy.
21. As such, exceptional circumstances exist to justify the release of land from the Green Belt.

22. We would note that the Inspector raised the same question in respect of the recently adopted East Hertfordshire Local Plan (also within the same HMA as Epping Forest District). East Hertfordshire is not entirely Green Belt; its northern areas are outside of this designation albeit there is only one large town in this non-Green Belt area. The Inspector concluded that in order to deliver the required number of units in sustainable locations adjoining the larger towns (which are surrounded by Green Belt), the release of Green Belt was necessary. She therefore concluded that very special circumstances did indeed exist.⁴ We believe that the same conclusion should be reached in respect of the Epping Forest District Local Plan.

2. Are the changes proposed to the Green Belt boundary informed by a robust assessment of the contribution made by individual sites to the purposes of the Green Belt (EB74A-B; and EB705A-B)? How were the findings of the Green Belt Review weighed in the balance with other planning considerations in the site selection process?

23. The proposed changes to the Green Belt are based on two different assessment processes – the Green Belt Review and the Site Selection Report. These assessments were undertaken by different consultants.
24. The Green Belt Review [EB704A and EB705A] comprehensively assessed the Green Belt of the District. The strategic ‘Stage 1’ Green Belt study defined large parcels and considered them against the purposes of the Green Belt as defined in the NPPF. The Stage 2 study then involved defining smaller parcels for assessment, based on recommendations in the Stage 1 Report and again assessing these against the five purposes of Green Belts. This process took a number of years and Wates participated at each stage. Overall, the methodology employed was robust.
25. The parallel Site Assessment Report [EB801 and EB805] reviewed potential allocations (both within the existing built up area and within the Green Belt) and led to conclusions on which allocations to include within the Plan taking into account both Green Belt and other suitability considerations. However, it was never clear throughout this process how Green Belt weighed in the overall balance of these planning considerations. This lack of clarity is, in effect, enshrined in draft policy SP2 which prioritises sites of less harm to the Green Belt “*if the land meets other suitability criteria.*” This generic caveat has allowed the Council to allocate sites which the Green Belt assessment concluded caused greater harm than other options without justification as to why the ‘suitability’ of the allocated sites was given greater weight than the harm to the Green Belt.
26. An example of the failure to make clear the weight given to the Green Belt Review is the way in which the Council has considered Wates’ land at Epping (known as Stonards Hill) compared to the main Green Belt release at Epping (Epping South – EPP.R1 and EPP.R2). Appendix 1 discusses this in more detail and demonstrates that the Stonards Hill site has been clearly assessed as less harmful to the Green Belt yet has been removed as an allocation without any robust justification.

⁴ <https://www.eastherts.gov.uk/article/36321/Inspectors-Final-Report> para. 59 – 64.

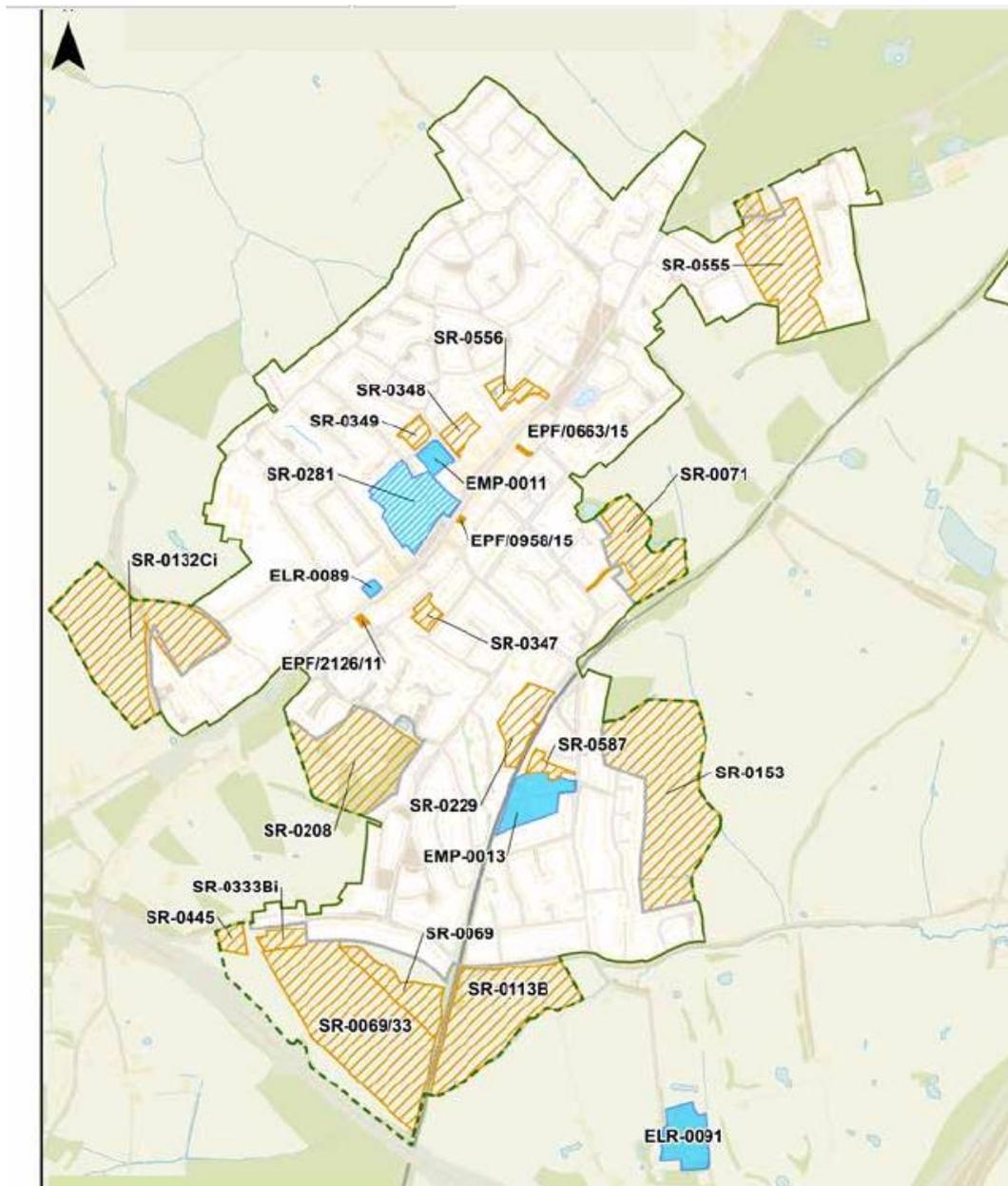
5. Having regard to paragraph 85 of the NPPF, and to the potential for an increased level of housing need in the District to be identified in the future, how has the Council satisfied itself that Green Belt boundaries will not need to be altered at the end of the Plan period? Is it necessary to identify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

27. Paragraph 85 of the NPPF (2012) makes clear 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.”* [our underlining].
28. The Epping Forest District Local Plan does not accord with this advice. There are no areas of ‘safeguarded land’ identified and the releases of land from the Green Belt are only to meet housing need (as calculated by the Council) during the Plan period.
29. It is manifestly the case that housing needs will continue beyond the plan period and it is therefore clearly necessary to define Green Belt boundaries to cater for the needs “well beyond” the current Plan period. Indeed, the identification of safeguarded land is essential to provide greater flexibility in the delivery of housing across the plan period particularly if the strategic allocations at Harlow do not proceed at the pace that is assumed in the current housing trajectory. Identifying safeguarded land would provide a ‘safety net’: such sites could be brought forward for development during the plan period if it became clear through monitoring that housing needs were not being met.
30. Leaving re-consideration of Green Belt boundaries for the longer term to a Local Plan review is entirely inappropriate and contrary to the NPPF. Boundaries that will endure for the long term should be defined now and the analysis embraced in the Green Belt Review clearly provides the evidence base to allow the Council to take this approach.

APPENDIX 1

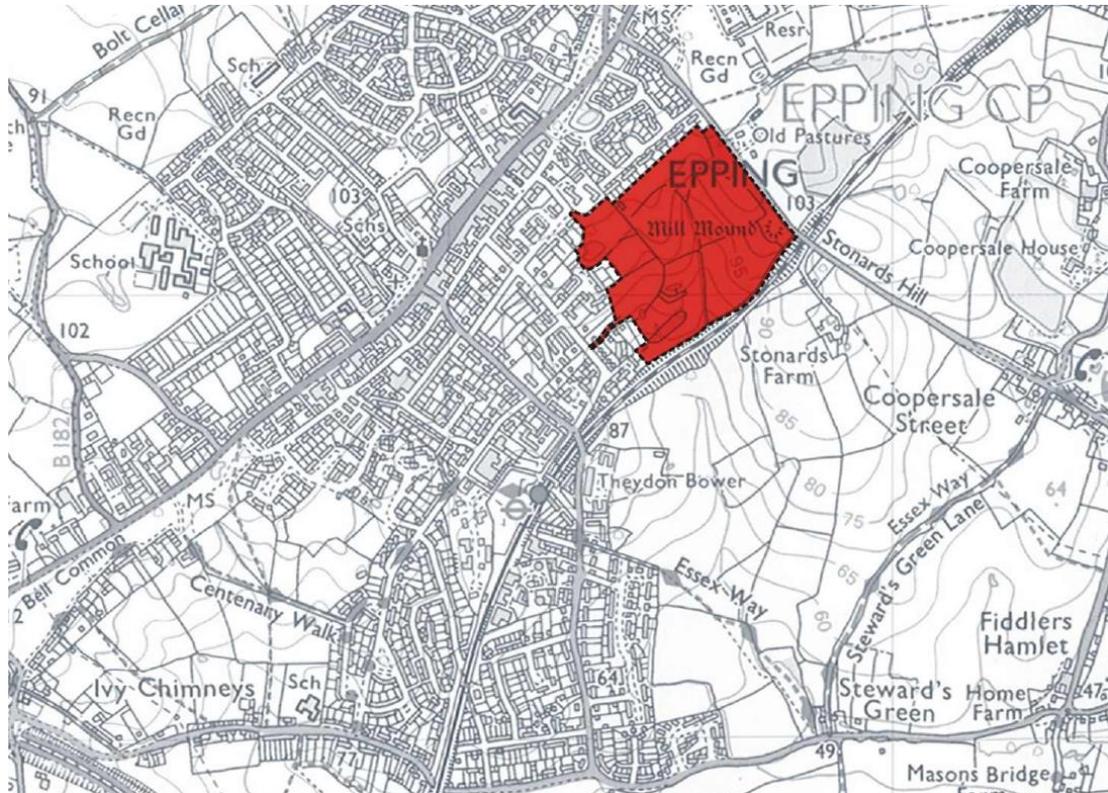
CONSIDERATION OF STONARDS HILL COMPARED TO EPPING SOUTH IN THE GREEN BELT AND SITE ASSESSMENT PROCESS

1. The plan below shows the allocations proposed at Consultation Draft Local Plan (2016) stage. Stonards Hill as annotated as SR-0071. The Epping South area comprises primarily sites SR0069/33 and SR-0113B.



Plan 1 : Extract from the Consultation Draft District Local Plan (November 2016) showing proposed allocations at that time.

2. Plan 2 below shows the land at Stonards Hill in more detail.



Plan 2 : the land at Stonards Hill, part of which was proposed for allocation in the Consultation Draft District Local Plan 2016

3. In the Stage 1 Green Belt Review the land at Stonards Hill was defined as parcel DSR-047 and scored '5' – one of the lowest scores of all of the parcels assessed and hence least harmful. On all but one of the four purposes of the Green Belt, the site scored "0" – i.e. it made no contribution and development would therefore have no adverse impact.
4. In terms of the contribution of the land to the purposes of the Green Belt, it was concluded that the site made no contribution to checking unrestricted sprawl; that its development would not lead to towns merging as "strong defensible boundaries that would prevent Epping and North Weald Bassett from merging are created by the road Stonards Hill to the north-east and the EOR [railway] to the south east" with the distance to the nearest settlement being established as 1.9km. It was further concluded that the site makes no contribution to preserving the special character of Epping "Given that it has no physical or visual relationship with the historic core of Epping." The only contribution identified was that the undeveloped status of the land assisted in safeguarding the countryside from encroachment.
5. The Stage 2 assessment in August 2016 broadly agreed with the stage 1 findings, although considered a 'weak' impact on the merging of neighbouring towns due to the

narrowing of the gap with the village of Coopersale; and a 'weak' contribution to preserving the setting of the town due to its historic relationship with the Theydon Grove Estate. .

6. However, this conclusion can be compared to the allocated Epping South sites. South Epping West (now allocated as EPP.R1) scored 9 at the Stage 1 assessment (compared to 5 at Stonards Hill) and the Stage 2 assessment concluded that the resultant harm to the Green Belt from development would be 'very high' – i.e. greater than the land Stonards Hill. The development of both the northern part and southern part of the land at South Epping East (allocation EPP.R2) was also considered to have a 'very high' impact on the Green Belt.
7. In terms of the impact on the Green Belt therefore, the evidence base shows clearly that development of the land at Stonards Hill would have less impact on the Green Belt than the South Epping Allocations. The land at Stonards Hill was allocated in the Consultation Draft Plan but removed in the Submission Draft.
8. Moreover, at each stage of the Site Assessment Process the land at Stonards Hill performed positively and ranked above the Epping South Sites. A summary comparison between the two sites is contained in Table 1 below.
9. The only explanation for the removal of Stonards Hill as an allocation is found in EB805A (Appendix-B1.1 to the 2018 Site Assessment) which states that "*responses received through the Regulation 18 Draft Local Plan consultation indicated that the site is less preferred by the community. On balance, it was considered that other sites in Epping (in particular those proposed around South Epping) were more preferable in terms of their overall suitability.....*"
10. This issue will be considered further under Matter 5.

Table 1 : Summary of consideration of Stonards Hill compared to Epping South in the evidence base

	Stonards Hill SR-0071)	Epping South (East) (SR-0113A)	Epping South (West) (SR-0069/33)
SLAA	Available, Achievable, Deliverable	Available, Achievable, Deliverable	Available, Achievable, Deliverable
Green Belt Review Stage 2 – purposes of the Green Belt			
1. Unrestricted sprawl	No contribution	No contribution	No Contribution
2. Preventing coalescence	Weak	Relatively weak	Moderate
3. Safeguarding countryside	Relatively strong	Strong	Strong
4. Preserving special character	Weak	Relatively weak	Relatively Strong
5. Assisting in urban regeneration	Not assessed	Not assessed	Not assessed
Site Selection Methodology			
Site suitability assessment (32 criteria)			
No. of (++) scores	1	1	1
No. of (+) scores	6	2	1
No. of 0 scores	13	17	18
No. of (-) scores	7	9	8
No. of (--) scores	4	2	3
N/A criteria	1	1	1
Site deliverability assessment (20 criteria)			
No. of (++) scores	0	0	0
No. of (+) scores	9	9	5
No. of 0 scores	8	8	10
No. of (-) scores	3	3	5
No. of (--) scores	0	0	0