

EXAMINATION OF THE EPPING FOREST DISTRICT LOCAL PLAN – 2011 – 2033

EXAMINATION STATEMENT ON BEHALF OF CATEBSY ESTATES PLC

Matter 4 – The Spatial Strategy/Distribution of Development

Prepared by:

*David Neame BSc (Hons) MSc MRTPI
Director – Neame Sutton Limited*

January 2019

EXAMINATION STATEMENT ON BEHALF OF CATESBY ESTATES PLC

Matter 4 – The Spatial Strategy/Distribution of Development

23 January 2019

CONTENTS

<u>Section:</u>		<u>Page:</u>
1.0	Introduction	4
2.0	Matter 4 – The Spatial Strategy/Distribution of Development	4
	<u>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?</u>	4
	(i) Question 3: Conversely, 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?	4
	<u>Issue 2: Beyond the Harlow area, is the distribution of development in the Plan justified having regard to the defined settlement hierarchy?</u>	5
	(i) Question 4: Is it justified for North Weald Bassett (NWB) as a Large Village to be allocated more development than the Towns of Loughton, Waltham Abbey and Ongar? More generally, would the proposed growth of NWB be disproportionate, particularly when development at nearby Thornwood and Hastingwood is taken into account?	5
	<u>Issue 4: Is the distribution of development justified in respect of the need for, and approach to, Green Belt releases?</u>	7
	(i) Question 1: Paragraph 14 of the NPPF generally requires that a Local Plan should meet the OAN 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:	7
	a. How do the specific development needs of the District weigh against the importance given to Green Belt protection?	7
	b. What would be the consequences of not releasing Green Belt land to help meet development needs?	7
	c. Have alternatives to Green Belt release been fully considered?	8
	(i) Question 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 AB705A-B)? How were the findings of the Green Belt Review weighed in the balance with other planning considerations in the site selection process?	8
	(ii) Question 3: Is the scale of Green Belt release proposed at NWB, Thornwood and Waltham Abbey justified and proportionate to the size of the existing built up areas?	9
	(iii) 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?

10

3.0 Changes Sought

11

EXAMINATION STATEMENT ON BEHALF OF CATESBY ESTATES PLC

Matter 4 – The Spatial Strategy/Distribution of Development

23 January 2019

1.0 Introduction

- 1.1 This Examination Statement provides a response on behalf of Catesby Estates Plc ("Catesby"), to those Questions raised by the Inspector (dated November 2018), relating to the Spatial Strategy/Distribution of Development in respect of the Epping Forest District Local Plan 2011 – 2033 ("the Plan") and its supporting evidence base.
- 1.2 This Statement has been prepared by Neame Sutton on behalf of Catesby Estates Plc.

2.0 Matter 4 – The Spatial Strategy/Distribution of Development

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?

(i) Question 3: Conversely, 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?

- 2.1 In Catesby's view the Council's housing distribution strategy has failed to take opportunities that the Council's own evidence base confirms are suitable and sustainable in other settlements.
- 2.2 Whilst there is a clear need for the release of greenfield sites across the District to meeting the minimum housing requirement (see Forum statement in relation to Matter 3) the Council's approach has blinded it to better opportunities that would represent a more sustainable approach.
- 2.3 Furthermore the Council's approach, which is reliant on a small number of larger Garden Community Sites has generated a vulnerability in its housing delivery strategy such that early delivery within the Plan period will become a problem leading to an inevitable 5-year housing land supply shortfall. The Distribution of development goes beyond the spatial planning considerations and the Council's failure to make best use of suitable and sustainable locations will result in a failure of its overall housing delivery strategy.

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

(i) *Question 4: Is it justified for North Weald Bassett (NWB) as a Large Village to be allocated more development than the Towns of Loughton, Waltham Abbey and Ongar? More generally, would the proposed growth of NWB be disproportionate, particularly when development at nearby Thornwood and Hastingwood is taken into account?*

2.4 In Catesby's view the Council's approach in relation to the distribution of new housing at NWB is justified for the following key reasons.

- 2.4.1 Reason 1: The Council's Settlement Hierarchy Technical Paper (September 2015)¹ identified NWB as a Large Village with a good range of services and facilities able to support a growing population and indeed that require growth of the population to ensure their long term vitality and viability;
- 2.4.2 Reason 2: In terms of retail provision, which is one factor in determining the suitability of a settlement for growth, NWB performs well (particularly in relation to A1 Convenience) with more floorspace than the higher order settlement of Loughton²;
- 2.4.3 Reason 3: NWB has been the subject of substantial assessment and a previous extensive master planning process³, which has confirmed the suitability of the settlement for growth beyond that being considered by the Council elsewhere in the Borough. This is in part due to the good level of connectivity between NWB and Epping and the corresponding connections into London via the Central Line;
- 2.4.4 Reason 4: NWB has also been explored for large scale growth in the past as part of the East of England Plan process, which included the exploration of a potential major development on North Weald Airfield. The settlement has therefore long been considered a suitable location for growth;
- 2.4.5 Reason 5: The Council's Settlement Capacity Study (EB803) has assessed a total of 9 settlements including NWB. That study along with the SLAA (EB800) identified a pool of suitable, available and achievable sites for housing to be taken forward into the Site Selection process (see Matter 5 Statement for Catesby's evidence on the flaws with this study). These assessments confirm the capability of the settlement to accommodate the

¹ Table 3 on Page 17 and also Pages 59 and 60 of EB1007

² Table 10 on Page 22 of Town Centres Review by Arup EB1008

³ EB1003

growth levels currently expected by the Plan and indeed further growth on sites the Council has not chosen to allocate at this time;

- 2.4.6 Reason 6: The SA has tested the level of growth currently expected by the Plan⁴ and found it to be acceptable. In fact the 'most suitable strategic option' actually endorses land release to the north of the settlement that would include land the Council is currently not proposing to allocate (see Matter 5 Statement for further detail);
- 2.4.7 Reason 7: The Green Belt Boundary Review⁵ confirms that there is capacity for substantial Green Belt release at NWB for housing, particularly in relation to land to the north of the settlement.
- 2.5 NWB comprises a suitable and sustainable location for growth and Catesby's view the Council has not taken full advantage of the potential of the settlement in relation to residential development. Catesby will expand on the merits of its own promotion site in the context of Matters 5 and 15, but the overarching point here is that NWB has benefitted from a considerable amount of previous analysis and appraisal by the Council all of which demonstrates the capacity and suitability of the settlement to accommodate more growth than is currently the case.
- 2.6 When this point is set in context with the fact that the Council has a) deliberately planned for a lower housing requirement than the OAN identified in the SHMA (see Forum Matter 3 Statement) and b) the OAN calculation is in any event underscoring the actual housing need for the District (see Forum Matter 3 Statement), this places even greater emphasis on the Council making best use of the suitable and sustainable capacity within NWB.

⁴ See Pages 136 and 136 of SA – EB204
⁵EB704a, EB704b, EB705a and, EB705b

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

- (i) *Question 1: Paragraph 14 of the NPPF generally requires that a Local Plan should meet the OAN 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?*

- 2.7 It is the Council's responsibility to demonstrate that exceptional circumstances have been demonstrated such that Green Belt release is appropriate in the context of this Plan (see Section 3 of EB1608).
- 2.8 That said Catesby is satisfied that given the context of the District (92.4% Green Belt⁶) and even when taking the minimum housing requirement identified by the Council of 11,400 dwellings, it is clear that for a significant boost to housing delivery to be achieved as required by Government⁷ the Council must release Green Belt land. Furthermore the last time a Green Belt boundary review was undertaken in the District was in excess of 20 years⁸ ago set against a very different national planning policy framework, namely a constrained housing requirement.
- 2.9 On the basis that the exceptional circumstances test has clearly been passed, Catesby has the following comments to make in respect of the various supplementary questions raised by the Inspector:

The consequences of not releasing Green Belt:

- 2.9.1 The consequences of not releasing any Green Belt land in the District would be catastrophic in terms of housing delivery and in turn employment growth. The constraint this approach would impose on housing delivery would be such that the already high affordability ratio (Forum evidence by RPS indicates this is currently 16.08 (Para 4.11 of RPS Report) for the District would rise steeply and uncontrollably. As a direct consequence more sectors of society would be pushed out of the open market

⁶ Paragraph 1.1 on Page 1 of Background Paper on Green Belt and District Open Land for Draft Plan Consultation 2016 (updated 2018) – EB1608

⁷ Paragraph 47 on Page 12 of Framework 2012

⁸ Even the current adopted Local Plan (1998) only introduced minor alterations to the Green Belt – Paragraph 31 of EB1608

and into the affordable housing market thereby increasing beyond control the affordable needs in the District.

- 2.9.2 From an employment growth perspective if employees are unable to live in the District this will impact directly on employers who may either be looking to locate in the District or are already there and as a consequence chose to move elsewhere. The negative impacts would also extend to the wider economy of the District in terms of products and services.

Consideration of the Alternatives:

- 2.9.3 As set out in the Forum Statement on Matter 6 there are problems with the Council's Housing Trajectory and consequent 5-year Housing Land Supply. In Catesby's view the Council cannot seek to achieve greater supply from either brownfield land, increased densities, vacant accommodation or windfalls. None of these supply sources are certain⁹ and placing greater emphasis on them would serve to increase the risk that the Council's housing delivery trajectory will fail.

- 2.9.4 With regard to whether any other authority in the HMA could have accommodated some of the District's housing need it is clear (as set out in the Forum's Matter 3 Statement) that the whole HMA has taken the conscious decision not to meet the OAN identified in the SHMA. As a consequence of this action all constituent authorities in the HMA have agreed to under provide. It therefore seems unlikely that there is scope for any neighbouring authority within the HMA to absorb unmet need or indeed go beyond the existing identified unmet need and take even further housing from Epping.

- 2.9.5 Even in the event that a neighbouring authority was in a position to achieve this the resultant change to the distribution of housing would have a direct negative impact on Epping in terms of meeting local housing and employment needs. Put in short terms the housing would be delivered in the wrong location.

(ii) *Question 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 AB705A-B)? How were the findings of the Green Belt Review weighed in the balance with other planning considerations in the site selection process?*

- 2.10 In Catesby's view there are clear flaws in the approach the Council has taken particularly in relation to its Site Selection process (see Catesby's Matter 5 Statement). As a consequence decisions have been taken by the Council as to the allocation of sites through the Site Selection process that do not reflect the evidence contained in the Green Belt Boundary Review.

⁹ This is particularly the case in the context of the Annex 2 definition of Deliverability in the Framework 2018

2.11 On the basis that Catesby's detailed comments on this matter relate to the Site Selection process these are set out in our Matter 5 Statement and not repeated here.

(iii) Question 3: Is the scale of Green Belt release proposed at NWB, Thornwood and Waltham Abbey justified and proportionate to the size of the existing built up areas?

2.12 Catesby's comments in relation to this question are limited to NWB.

2.13 As a starting point it is important to highlight that the approach to Green Belt release, once the Council has satisfied itself the exception test has been met, is to review the whole Green Belt on a comprehensive basis to identify those land parcels that either don't perform the purposes¹⁰ of Green Belt or perform less well such that their removal would not harm the overall objective and purpose of Green Belt. This assessment should be undertaken independent of any development or spatial strategy considerations.

2.14 The overlap between the review of the Green Belt boundaries and the spatial strategy comes at the stage when new boundaries are to be defined¹¹.

2.15 As confirmed in Catesby's answer to Question 4 above NMB comprises a suitable and sustainable location for growth in accordance with the Council's preferred spatial strategy and settlement hierarchy. The settlement also benefits from a number of areas, including those proposed for allocation currently by the Council and those that are not, which the Green Belt Boundary Review report confirms are suitable for removal from the Green Belt.

2.16 It is therefore entirely right and proper, in Catesby's view, that the Council should release land from the Green Belt around NWB. Catesby raises objection particularly in relation to Matter 5 and 15 regarding the exact areas of land to be removed from the Green Belt around NWB by the Council but the extent/scale of overall removal is considered appropriate having regard to:

- a) The acute need for more housing in the District;
- b) The suitability and sustainability of NWB as a location for growth; and,
- c) The findings of the Green Belt Boundary Review (save for Catesby's specific objections as to the exact parcels of land to be released).

2.17 Having regard to national policy and in particular Paragraph 83 (Framework 2012) it is vitally important that the Green Belt Boundary Review undertaken as part of this Plan can endure for the long-term. It is therefore right that the review releases all areas that are identified as being suitable for release at this stage.

¹⁰ Paragraph 80 on Page 19 of the Framework 2012

¹¹ Paragraph 85 on Page 20 of Framework 2012

(iv) *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?*

- 2.18 On the basis of the evidence set out by the Forum in its Matter 3 Statement it is clear that there is a need to accommodate an increased level of housing now as part of this Plan. The Council cannot have satisfied itself that Green Belt boundaries won't need to be altered in this context.
- 2.19 Beyond the point that the existing housing requirement figure needs to be increased within this Plan Catesby cannot see any evidence that the Council has satisfied the requirements of Paragraphs 83 and 85 of the Framework 2012 regarding the Green Belt Boundary Review that it currently proposes enduring for the long-term.
- 2.20 The key reason for reaching this view is that the Green Belt Boundary Review undertaken to inform the Plan has only sought to release the absolute minimum amount of Green Belt necessary to meet the minimum housing obligations the Council is currently planning for. No allowance for contingency or safeguarding for a Local Plan Review has been incorporated.
- 2.21 For the reasons that Catesby has set out in its Matter 5 and 15 Statements in the specific case of NWB there is clear reason to release additional Green Belt around this settlement as set out in the Council's own evidence base¹². The Council should therefore be releasing this land (and any other land similarly identified as suitable for release elsewhere in the District) and at the very least identifying it as safeguarded land should monitoring indicate a need for its development during or beyond the Plan period.
- 2.22 It is evident now though that the need exists for the release of suitable land (beyond that already proposed for allocation by the Council) to meet the current need for housing during the Plan period.
- 2.23 A further specific point in relation to NWB, which is a good example of the flaws in the Council's current approach, is the fact that the Council currently intends to release two areas of land immediately to the north of the settlement from the Green Belt leaving a relatively thin slither of land between them in the Green Belt. This area of retained Green Belt is in fact part of a parcel that the Council's own Green Belt Review confirms is suitable for release. The Council is therefore proposing to 'artificially' retain Green Belt between two areas it is releasing without any evidence to support this decision¹³.

¹² See EB1608 and EB704 and EB705

¹³ See plan at Alteration 10 on Page 25 of EB1608

- 2.24 If this example is replicated elsewhere in the District, which is likely, there is likely to be a large amount of suitable land that could and indeed should be released from the Green Belt.
- 2.25 The Council's current approach will inevitably mean that a further Green Belt Boundary Review will be necessary when the Plan is reviewed in 5 years time. This approach is in complete conflict with the Framework 2012 and indeed the Framework 2018.
- 2.26 At the very least safeguarded areas of land should be identified now, although in Catesby's view further releases are necessary now to meet the correct housing need for the District.

3.0 Changes Sought

- 3.1 Catesby considers the following changes should be made to the Plan for it to be found Sound:
1. Further Green Belt releases are required in suitable and sustainable locations to provide, at the very least, safeguarded land to be delivered for housing should monitoring indicate a need during the Plan period or in the context of a Local Plan Review. This point is caveated by the fact that Catesby fully supports the Forum's position that there is a need for increased housing to be delivered in the Plan now and therefore further land releases from the Green Belt are required now; and,
 2. In specific relation to NWB this is a suitable and sustainable location where further Green Belt boundary releases are appropriate and justified by the Council's evidence base, particularly in relation to land at Church Lane, North Weald (see Matter 5 Statement).
-