



Epping Forest Local Plan

Examination Hearing Statement

Matter 3 – The Quantitative Requirements for Development

Prepared by Strutt & Parker on behalf of Scott Properties (Stakeholder ID 19LAD0086)

January 2019

Context

1. This Hearing Statement is prepared by Strutt & Parker on behalf of M Scott Properties Ltd (Stakeholder ID 19LAD0086) hereon referred to as 'Scott Properties', who have engaged in the preparation of the Emerging Local Plan (eLP) throughout the plan-making process.
2. Scott Properties' specific interest is in land at Chigwell Garden Centre, Chigwell, which is proposed to be allocated (CHIG.R5) in the Local Plan Submission Version (Regulation 19) (the LPSV) for 65 homes.
3. The site has been assessed by Epping Forest District Council (EFDC) in the plan-making process as site references:
 - a. SR-0478B (the CHIG.R5 allocation comprising 1.66ha);
 - b. SR-0478A (7.49ha);
 - c. SR-0586 (5.46ha)
4. CHIG.R5 forms part of the area proposed for allocation with the LPSV by Scott Properties (SR-0586). As per our representations on the LPSV (reference 19LAD0086-1 – 6), the principle of the allocation of land for development at this location is sound; but the extent of the site boundary is not. The LPSV has artificially divided the built form found on the site; by taking this approach the Local Authority has failed in its sequential approach to prioritising the redevelopment of previously development land, prior to developing green field sites.
5. An amendment to CHIG.R5 on this basis has been the subject of discussions with EFDC (see correspondence in Appendix 1) and is supported by a Landscape Note and Plan included within Appendix 1. The requested amendment would prevent the part of Chigwell Garden Centre artificially excluded from CHIG.R5 from going into disrepair as a result of development of the remainder of the site. This amendment also seeks to maximise the redevelopment of existing built form.

6. In addition, our principle concern with the LPSV is its failure to ensure the District's specialist accommodation needs are met, given the acute unmet need in the District. This is demonstrated the attached Needs Assessment (Appendix 2).
7. As set out within our LPSV representations, we consider that modifications can be made to the LPSV to ensure a sound Local Plan.
8. This Hearing Statement addresses Matter 3, Issue 1 of the Local Plan Examination. We have sought not to repeat points made in our LPSV representation, but do expand upon these here where relevant.
9. Four appendices accompany this Hearing Statement:
 - Appendix 1: Letter and appendices to EFDC 21 January 2019 regarding CHIG.R5 Site Assessment
 - Appendix 2: Needs Assessment – Carterwood
 - Appendix 3: Mechanism for Consideration of Unmet Housing Need (MCUHN) Guidance Note
 - Appendix 4: Minutes of Essex Planning Officers Association Meeting approving MCUHN
10. The LPSV was submitted for examination before 24 January 2019 – the deadline in the 2018 National Planning Policy Framework (NPPF) transitional arrangements for Local Plans to be examined under the 2012 NPPF. As such, these representations are made within the context of the 2012 NPPF; references to the NPPF refer to the 2012 version, unless stated otherwise; and references to the PPG refer to that which accompanied the NPPF 2012.

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 2

Does the SHMA July 2017 identify the full OAN for housing for the HMA and for Epping Forest specifically?

- a. *Was the standard methodology recommended by the Planning Practice Guidance (PPG) followed? Are any departures, particularly in relation to how migration and market signals were taken into account, clearly explained and justified?*
 - 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?*
11. The PPG which accompanied the NPPF 2012 confirms that assessment of housing need should specifically consider the need to provide housing for older people, including specialist accommodation, and should set out the need for residential institutions (Use Class C2). It describes the need to provide housing for older people as being “critical”, noting the projected increase in this aspect of the population.¹
12. We noted in our LPSV representations (paragraph 69) that the 2015 Strategic Housing Market Assessment (EB405) highlighted a need for specialist accommodation. It confirmed that the identified OAN did not include the projected increase in institutional population, which represents a growth of 1,773 persons over the plan period (EB405, paragraph 6.20).

¹ Paragraph: 021 Reference ID: 2a-021-20160401

13. We are concerned that subsequent updates to the SHMA, and in particular the SHMA 2017 (EB407), did not consider the need for specialist accommodation – this is supported by our own needs assessment which is appended to this document (Appendix 2).
14. The aforementioned PPG describes the need to consider the housing needs of older residents as “critical” at a national level, as noted earlier within this statement. Furthermore, we consider this issue is of particular local importance, in light of the District’s demography. Between 2016 and 2033 the population of those aged 80 or older is projected to increase by 3,800 – an increase of 51%. It is clearly critical that the housing needs of this population are considered.
15. Without a robust evidence base that specifically quantifies the need for specialist accommodation in the District, the Council cannot provide a robust methodology for addressing this need within the LPSV. Accordingly, specific allocations for specialist accommodation for elderly care should be identified in the LPSV, underpinned by a revised SHMA.

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?

- a. Has the alternative of delivering the OAN been tested through Sustainability Appraisal? If not, is the SA process deficient?*
 - b. Will the Plan in fact provide more housing than the OAN of 12,573 as found by the SHMA 2017 (13,152 indicated in Appendix 5)? If so, is it justified to set the requirement below this?*
16. We do not consider it is justified, consistent with national policy or effective for the Epping Forest Local Plan to fail to plan to meet objectively assessed housing needs; nor would it result in a positively prepared plan. We previously set out our concerns

at paragraph 26 to 42 of our LPSV representations, and we do not repeat these here. We do note, however, our concerns have not been addressed by the Council.

17. In addition to the matters raised in our representations on the LPSV, we consider that a Guidance Note approved by the Essex Planning Officer's Association on 7th September 2017 is of particular relevance to the consideration of this issue: the Mechanism for the Consideration of Unmet Housing Need (the MCUHN).
18. A copy of this Guidance Note is provided at Appendix 3 to this statement. As explained within the MCUHN itself, the purpose of this document is to provide a mechanism through which potential unmet housing needs will be considered by Essex Authorities as part of the Duty to Cooperate.
19. A copy of the minutes confirming the Essex Planning Officer's Association's approval of the MCUHN is provided at Appendix 4 which confirms it was agreed by all (including representatives of Epping Forest District Council).
20. It is relevant to note that the LPSV does not plan to meet housing needs in full, but that there is an agreed mechanism in place to address this.
21. The MCUHN confirms at paragraph 3.1 that, if there is an unmet housing need, Authorities should reassess their SHLAAs before seeking to redistribute within the Housing Market Area and, if unmet needs still remain, consider a request to adjoining Housing Market Areas.
22. In the case of Epping Forest District, as set out in our representations on the LPSV, the SHLAA has unjustifiably excluded sites that are in fact available, achievable and deliverable. Even in the absence of the MCUHN, in order to ensure the Local Plan is sound, prior to concluding the full objectively assessed housing need could not be met, it would be imperative for the SHLAA to be reviewed to determine if previously rejected sites are in fact deliverable and / or whether sites already identified can deliver a greater quantum. The MCUHN simply reiterates the need for this approach to be taken, and confirms that such an approach is agreed by the Authorities across Essex.

23. In relation to our concerns set out in respect to Issue 1, Question 2 within this Hearing Statement, we suggest a review of sites to determine their potential to accommodate specialist accommodation needs prior to it being possible for the Council to conclude it cannot meet its needs. A clear example of the Council's failure to consider other sustainable sites is my Client's current planning application, which has been submitted on a brownfield site adjoining CHIG.R5 for a 100-bed Care Home. Supporting this planning application is a Needs Assessment, which highlights the acute need for specialist accommodation within the area (Appendix 2).
24. As stated at paragraph 29 of our LPSV representations, an explanation is provided at paragraph 2.42 of the LPSV that the HMA and, by association EFDC, cannot meet their full OAN because: *'Evidence on transport constraints has shown that the maximum amount of growth for the Plan period is around 51,100 homes.'*
25. However, as set out at paragraphs 29-38 of our LPSV representations (with our conclusions at paragraph 38), the Highway Assessment Report (HAR; Dec. 2017) did not model the full OAN and does not conclude that there are transport constraints for Epping Forest. In fact, evidence in the HAR strongly suggests that in terms of transport impact, the network is 'generally improved' by the higher growth scenarios.
26. The LPSV should therefore be modified to meet the OAN for the District, including specialist accommodation for the elderly in need of care.

Issue 3

Is the Functional Economic Market Area (FEMA) upon which the Plan is based appropriately defined; and are the requirements for job growth and employment land set out in the Plan justified?

Question 3(d) - Will the identified job growth/floorspace requirements across the FEMA as a whole, and in Epping Forest District specifically, be met? In particular:

d. Is it justified to rely upon the regeneration of existing sites to deliver approximately half of the future accommodation needs (paragraph 2.50)? Is there evidence to demonstrate that this will be effective?

27. It is considered that the approach set out in the LPSV will not be effective at meeting the job requirements of the District when viewed against the Key Strengths identified at paragraph 3.38 of the LPSV, which includes growth in the *health and care sectors*. Employment in healthcare includes a wide range of skilled jobs. Jobs provided by care homes and the secondary services that those institutions will access, are an important component of the employment within this sector that has not been fully considered by the LPSV as these do not readily fall within the 'B Class' employment category. Accordingly, the LPSV has not identified the location and floorspace requirements of an important area of both employment and accommodation for the district. In combination with the comments for Matter 3, Issue a, Question 2, the LPSV should identify land to provide for specialist care accommodation on the basis of both housing need and employment need.
28. Directing half of all employment space to regeneration sites will delay the delivery of much needed employment development. This is especially concerning where that employment relates to health care and the related services which are urgently needed over the entire plan period including the early phase of the Plan.

Question 3(f) *Should Policy SP2 set out how many new jobs are to be provided over the Plan period as well as how much land?*

29. The LPSV should be more prescriptive regarding the range of employment sectors that are of importance to the District and not solely focus on B Class employment in relation to Policy SP2.
30. The Policy should recognise the opportunities for a wide range of high and low skilled employment to be provided by institutions in the health care sector and seek to provide for these in the LPSV. Policy SP2 should be modified to both identify sites that provide care accommodation, with the associated employment this provides, and promote and support growth in the health care sector, as it does for retail, food production, tourism and training and skills in Part F of the Policy.