



**Epping Forest District Council
Local Plan Examination**

**Matter Statement 5
Site Selection Methodology and the
Viability of Site Selections**

**Responses on behalf of
LF (Waltham Abbey) Limited
Respondent Number: 19LAD0119**

February 2019

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Vision Statement: Land East of Waltham Abbey

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1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Turley, on behalf of Land Fund (Waltham Abbey) Limited (Land Fund) pursuant to Matter 5 (Site Selection Methodology and the Viability of Site Selections) of the Epping Forest Local Plan Examination.
- 1.2 Land Fund has a significant freehold land interest to the East of Waltham Abbey and is actively promoting their site to the south of Upshire Road, for residential development. Land Fund has submitted written representations in connection with the promotion of this sustainable site to all previous consultation stages of the emerging Local Plan.
- 1.3 Land Fund maintains its objection to a number of policies within the emerging Epping Forest Local Plan, in particular Policy SP2, as set out in our submitted representations. Namely; that the Local Plan is not positively prepared and is not justified, effective, or consistent with national policy. As such, the Local Plan cannot be considered sound in its current form, without significant modification, involving the allocation of additional sites to make up the identified shortfall between the Council's housing requirement, as set out in the Plan period, in comparison with the most recent (2017) assessment of Objectively Assessed Need.
- 1.4 The primary concern relating to Matter 5 is that the Site Selection Methodology is flawed as it is closely interwoven with the Council's own preferred Spatial Strategy and therefore lacks full transparency and objectivity. The Council's preferred development strategy does not reflect the settlement hierarchy and is instead driven by a spatial preference to direct nearly half of all new housing in the Plan period mainly to Harlow and North Weald Bassett, which is not deliverable.
- 1.5 Our specific objections to the Council's preferred spatial strategy are set out in our Matter 4 Statement, which is cross referenced within this Matter 5 statement where relevant. Land Fund and its professional advisors have also requested to participate in the relevant Matter 5 Hearing Session to articulate the issues within this Statement.

2.0 RESPONSE TO ISSUE ONE: SITE SELECTION METHODOLOGY

Have the Plan's housing allocations been chosen on the basis of a robust assessment process? (Collective Response to all related questions under Issue 1)

- 2.1 We contend that that, on balance, the Plan's site allocations have not been selected on the basis of a sufficiently robust and objective assessment process. This is because the Site Selection Methodology (SSM) is too intrinsically linked with the Council's preferred Spatial Strategy, which was informed by a Sustainability Appraisal (SA) which is flawed. The SA is predicated on only a narrow band of spatial options, arising from the decision to accelerate the submission of the Plan, before the end of March 2018, for tactical reasons, thereby preventing any consideration of other reasonable alternatives. In this respect, the Foreword of the Submission Version of the Local Plan, inter alia, states:

'We are on schedule to deliver the Plan to the Inspectorate before the end of March 2018 deadline.....To fail to do this would expose us all to the risk of the housing requirement rising from 11,400 to over 20,000 homes by 2033'.

- 2.2 The consequence is a related chain of events resulting in a SSM which purports to be objective, but which actually seeks to align site selection to a preferred growth strategy which has not been properly evaluated and is not sound in a number of other respects. As such, there is a disconnect between Policy SP2 and the settlement hierarchy with no relationship between the development strategy proposed in the Plan and the primary purpose of the hierarchy, i.e. to direct development to the most sustainable locations.
- 2.3 This indicates that key matters such as the relative position of the settlement within the hierarchy and accessibility to strategic employment opportunities have not been sufficiently weighted or factored into the assessment process. The SSM is additionally flawed in other respects as it is apparent from the responses received from promoters of omission sites (including Land Fund) that many sites rejected in the SSM were not necessarily representative of the sites which were actually being promoted.
- 2.4 The primary purpose of a SSM is to provide a robust and transparent framework for site selection which is suitably evidenced and which clearly shows how the requirement to deliver sustainable development in accordance with the NPPF has influenced the site selections. However one of the principal sieving criteria of the SSM was at Stage 6.1B (Sifting Residential Sites against the Local Plan Strategy).
- 2.5 The purpose of this SSM criterion was to determine whether sites accorded with the Local Plan Strategy and therefore whether they could proceed to Stage 6.2. Similarly at Stage 6.3 (Identify Candidate Preferred Sites) only those sites which were considered suitable for development and which also met the Council's preferred growth strategy were taken forward for further consideration. The obvious flaw in this SSM process is the erroneous assumption that the emerging Spatial Strategy was sustainable in its own right and would therefore meet the tests of soundness, which Land Fund and others have contended in Matter 4 is not the case.

- 2.6 Critical evidence has been presented to the Examination identifying the deliverability issues inherent within the Spatial Strategy as currently drafted and as a core influence on the SSM these identified weaknesses in the Spatial Strategy have clear implications in assessing whether the site selection process is sufficiently robust.
- 2.7 The primary consequence of the tactical decision to accelerate the Plan in an attempt to avoid the unwanted exposure to (legitimate) higher housing requirements was that the SA could only realistically test a narrow band of emerging spatial options and not any other reasonable alternatives. In this regard, we set out in our Matter 4 Statement how the preferred spatial option therefore inappropriately directs a disproportionate percentage of growth in the district (circa 5,000 dwellings) to Harlow and North Weald Bassett, which is both unsustainable and undeliverable within the Plan period.
- 2.8 Given that the SA only explores different permutations of the same spatial components a more neutral SSM would have assessed the varying scales of sites and geographic locations more objectively and assessed their contribution to sustainable development objectives within the settlement hierarchy. As a consequence of the requirement to align the SSM with the preferred growth strategy, the most sustainable settlements in the district have not been allocated a scale of growth than could have been reasonably accommodated. This is particularly notable in the case of Waltham Abbey, which is the focus for significant new strategic economic growth but which does not have a housing allocation consistent with this economic ambition, due to the narrow focus on Harlow.
- 2.9 In summary, the Council's strategically preferred spatial strategy (which is not based on a clear and objective comparison of all reasonable alternatives) has overly influenced and distorted the site selection process. In contrast, had Stages 6.1 and 6.3 of the SSM been more transparent and neutral in approach, it is likely that many more sites would have been considered suitable for development than the Council required. Albeit, this would have clearly been inconsistent with the Council's desired outcomes, based on their acknowledged political will to constrain the scale of new housing development.
- 2.10 However, the availability of a pool of further sustainable reserve sites, which had been more objectively assessed and not rigidly aligned with the preferred growth strategy, would assist the Council to meet any required future uplifts in housing numbers. In this respect, during the Matter 3 Hearing session the Council were asked by the Inspector whether there were any physical or other constraints within the district which meant that only the Council's identified housing requirement of 11,400 dwellings could be accommodated and not the higher actual OAN figure.
- 2.11 The response from the Council was that there were no identified physical constraints in the district to preclude the construction of more housing to meet the OAN figure, but that any additional housing sites would most likely be released from the Green Belt. The Council's view in this respect was that these additional sites could not assist them in increasing the scale or rate of delivery in the Plan period as any new Green Belt sites would be likely to suffer from the same inherent delivery issues which already affect the existing proposed strategic Green Belt allocations.

- 2.12 This somewhat naive response to the benefit of a pool of new sites in the district to support the preferred Spatial Strategy indicates why the SSM is flawed. Essentially by responding to the question in the negative, the inference is that the Council assumes that any new sites would also need to pass the same Stage 6.1 / 6.3 sieving criteria.
- 2.13 This is clearly not the case, as the existing preferred Spatial Strategy has the potential to significantly delay delivery, particularly as the SSM did not assess a number of sites at the scale at which they were promoted when making site judgements. Therefore any additional sites which are brought forward to meet any shortfalls in the Plan should not be subject to the SSM, but instead be assessed on their own merits, having regard to scale, availability, deliverability and their contribution to sustainable development.

Evidence of Incorrect Scale of Site Assessment

- 2.14 In this regard, a particular criticism of the SSM is that assessments were made of sites which were significantly greater in scale than the sites which were actually promoted. This inevitably led to an assessment of a greater number of environmental effects than would otherwise have been the case if the true scale of the promoted site had been assessed more accurately and objectively.
- 2.15 A particular case in point is Land Fund's promoted site to the East of Waltham Abbey. The promoted site was not assessed independently and objectively, but as part of a considerably larger and linear 21.76 ha site identified as SR-0034 (EB 805, Appx B1.5.2). A small eastern area of Land Fund's promoted site was also included in the much greater (45.51 ha) SR-0372 site assessment, which adjoined further east. Both of these assessments are shown on the extract below, taken from EB805, Appendix 1 (shaded in grey) within which we have overlaid the red line boundary of the actual site promoted.



2.16 The 'Land East of Waltham Abbey' Vision Statement, appended to **Appendix 1** of this Matter Statement illustrates, at Paragraph 2.2, further detail with regard to the scale of Land Fund's actual promoted site and its relationship with the existing settlement.

2.17 The assessment made in Appendix B1 of EB805 rejected sites SR-0034 and SR-0372 by reason that each site *'falls within a strategic option which was considered to be less suitable'*. The explanatory text which accompanied both of these assessments made the following commentary on the principle of the expansion of Waltham Abbey to the East:

'As a result of its location to the east of the settlement, when compared with other strategic options at the settlement level, it would be more harmful to the surrounding landscape than other strategic options. This is evidenced by the Settlement Edge Landscape Sensitivity Study (2010), which concluded that the landscape to the east of Waltham Abbey is highly sensitive to change. It is also located furthest from public transport services, community facilities and existing town centre amenities. While the northern part of this strategic option is located within Flood Zone 1, much of the area at the edge of Waltham Abbey is within Flood Zones 2 and 3. This area would therefore be less suitable for development taking account of the sequential flood risk test compared with other strategic options around Waltham Abbey, particularly given this would tend to direct growth further away from the existing town centre. While the strategic option would result in very low harm to the Green Belt, as evidenced by the Green Belt Review: Stage 2 (2016), this is considered to be outweighed by its unsustainable location, distant from the existing town centre, and its potential harm to the wider landscape'.

2.18 The above commentary makes it abundantly clear that the release of land to the East of Waltham Abbey would result in 'very low harm' to the Green Belt, but that this factor is outweighed by the perceived flood risk and the sequential test and 'potential harm to the wider landscape' notwithstanding the lack of any perceived harm to the Green Belt.

2.19 The obvious error in the approach to this assessment is that had the site promoted by Land Fund, as set out at Appendix 1, been more accurately assessed under the same methodology, the Green Belt impacts would have been even less and the perception of flood risk would have not been a relevant criterion, as the site lies within Flood Zone 1.

2.20 In addition, by reason of being a smaller site, the ease of connectivity with the nearby Local Centre and Upshire Primary School would have been relevant material factors which weighed more favourably in the balance. Furthermore, the assessed potential for harm to the wider landscape would logically have been proportionately very different when assessing a site of much smaller scale, given the more cohesive relationship of the promoted site with the existing pattern of settlement.

2.21 In summary, a perfectly available, deliverable and sustainable site, which is free of any obvious site constraints, was therefore arbitrarily rejected for further assessment by reason of being amalgamated within the assessment of much larger land parcels, which were not judged to be consistent with the preferred growth strategy and which also had inevitably greater assessed environmental impacts.

3.0 RESPONSE TO ISSUE FOUR: VIABILITY

At the broad strategic level, are the Plan's allocations financially viable?

Q1: Having regard to paragraph 173 of the NPPF, are the Plan's allocations for housing (including for Travellers) and employment, financially viable, having regard to the normal cost of development and mitigation and all relevant policy costs, including for affordable housing, space standards, building requirements, design and potential infrastructure contributions?

- 3.1 The spatial strategy of the Submitted Epping Forest Plan is predicated upon directing the majority of growth to Harlow and North Weald Bassett, with nearly 5000 dwellings proposed in the Plan period directed to just two broad strategic locations which lie relatively close to each other.
- 3.2 However, the cost of the infrastructure necessary to unlock the strategic growth proposed at Harlow is not yet resolved and cannot be provided until such time as significant additional public funds can be secured. The full scale of the infrastructure deficit is identified in the Infrastructure Delivery Plan prepared by Atkins. Our evidence in this regard is set out at Paragraphs 2.7 – 2.10 of our Matter 4 Statement and that evidence is equally relevant here.
- 3.3 The 16,100 homes proposed in and around Harlow by the three Councils in the HMA would require housing in the Harlow area to grow by over 2% per annum over the Plan period. As set out in our Matter 4 evidence, this is a scale of growth which exceeds that achieved by these Councils over the last five years in their entire districts.
- 3.4 The ONS Median House Price for Administrative Geographies, to June 2018, indicates that Harlow has a relatively low value housing market with a median house price of £279,000 compared to the Essex average of £307,000 and £442,500 in Epping Forest. This disparity in land value between Harlow and Epping Forest and the relatively poor connection between the Harlow growth locations in Epping Forest and Harlow Station does not indicate that the required major step change in housing growth is achievable.

4.0 CONCLUSIONS

- 4.1 We conclude that the site allocations have not been selected on the basis of a robust and objective assessment process as the SSM is intrinsically linked with the Council's own preferred Spatial Strategy. This is clearly evidenced in that the SSM has sieving criteria which arbitrarily removes suitable sites without proper evaluation of such sites on their own particular merits having regard to deliverability, the settlement hierarchy, economic growth and the objectives of sustainable development. As such, there is a complete disconnect between Policy SP2 and the settlement hierarchy.
- 4.2 The Council's approach to the potential allocation of additional sites to meet the OAN (should the Inspector consider that additional sites are required) has however been negative. This has largely been on the assumption that any additional sites will need to also fit the same SSM assessment criteria and so will therefore be essentially strategic in nature and make little contribution to the acceleration of delivery.
- 4.3 However this approach is totally incorrect and has to be considered in the context of where Epping Forest currently finds itself in terms of its future obligations under the Housing Delivery Test (HDT) relative to other Councils, including East Hertfordshire and Harlow, both within the same HMA.
- 4.4 The latest published HDT results (see extract overleaf) indicate that Epping Forest is performing very poorly in terms of housing delivery (achieving 49% of its requirement). Accordingly a Spatial Strategy heavily weighted in favour of Harlow, which requires an unprecedented scale of growth over the Plan period, combined with acknowledged unresolved, major infrastructure funding deficits is simply a recipe for further delay and future delivery failure. This suggests that it is highly unlikely that Epping Forest will be in a position to satisfy the more onerous 75% HDT in 2020, without additional sites.
- 4.5 The logical resolution is to augment the preferred Spatial Strategy with an interim pool of additional smaller, non-strategic, sites which can genuinely deliver in the first five years of the Plan period. The most suitable sites being those which are located in the most sustainable locations, notably in areas which are highly placed in the settlement hierarchy and particularly areas which are the focus of planned economic investment.
- 4.6 Land Fund's promoted site at East of Waltham Abbey fully meets these criteria as the site is within single ownership and is therefore achievable and deliverable within the first five years. It is additionally located close to an area of planned major economic growth to the south of Waltham Abbey, thereby helping to assist with the delivery of more sustainable travel to work patterns.
- 4.7 These and the other sustainable attributes of the site are set out fully at **Appendix 1**.

Extract: Comparative HDT Results for East Hertfordshire, Harlow and Epping Forest

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Housing Delivery Test: 2018 measurement												
2													
3		Area Name	Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	Housing Delivery Test: 2018 measurement	Housing Delivery Test: 2018 consequence	
4	ONS code		2015-16	2016-17	2017-18		2015-16	2016-17	2017-18				
83	E09000009	Ealing	933	933	1,295	3,162	959	989	1,479	3,427	108%	None	
84	E07000009	East Cambridgeshire	511	503	367	1,380	184	232	306	722	52%	Buffer	
85	E07000040	East Devon	555	566	641	1,762	1,027	724	881	2,632	149%	None	
86	E07000085	East Hampshire	492	492	476	1,460	297	429	792	1,518	104%	None	
87	E07000042	East Hertfordshire	804	794	794	2,392	674	623	504	1,801	76%	Buffer	
88	E07000137	East Lindsey	417	422	352	1,191	323	236	481	1,140	96%	None	
89	E07000152	East Northamptonshire	381	383	338	1,092	565	461	452	1,478	164%	None	
90	E06000011	East Riding of Yorkshire	1,032	1,021	838	2,891	941	1,138	1,227	3,307	114%	None	
91	E07000193	East Staffordshire	458	451	379	1,288	471	546	702	1,719	133%	None	
92	E07000061	Eastbourne	239	239	269	747	213	203	127	543	73%	Buffer	
93	E07000086	Eastleigh	548	539	530	1,617	456	517	893	1,866	115%	None	
94	E07000030	Eden	121	119	83	322	260	189	175	624	194%	None	
95	E07000207	Elmbridge	225	362	443	1,030	240	267	130	637	62%	Buffer	
96	E09000010	Enfield	759	798	798	2,355	660	954	389	2,003	85%	Action plan	
97	E07000072	Epping Forest	654	661	667	1,982	267	149	554	980	49%	Buffer	
98	E07000208	Epsom and Ewell	381	383	413	1,177	159	346	162	667	57%	Buffer	
99	E07000036	Erewash	368	368	363	1,098	369	179	173	721	66%	Buffer	
100	E07000041	Exeter	382	383	500	1,265	651	450	723	1,824	144%	None	
101	E07000087	Fareham	150	270	327	746	374	356	291	1,021	137%	None	
102	E07000010	Fenland	407	403	389	1,199	269	421	469	1,160	97%	None	
103	E07000112	Folkestone and Hythe	350	350	350	1,050	314	658	489	1,461	139%	None	
104	E07000201	Forest Heath	328	326	288	942	224	336	385	945	100%	None	
105	E07000080	Forest of Dean	265	265	292	822	305	254	263	822	100%	None	
106	E07000119	Fyde	240	238	263	741	308	455	512	1,276	172%	None	
107	E08000037	Gateshead	475	465	433	1,373	231	293	161	685	50%	Buffer	
108	E07000173	Gedling	373	372	409	1,154	162	198	223	583	51%	Buffer	
109	E07000081	Gloucester	350	344	329	1,023	470	497	495	1,462	143%	None	
110	E07000088	Gosport	170	170	170	510	180	166	221	567	111%	None	
111	E07000109	Gravesham	325	325	325	975	180	167	275	622	64%	Buffer	
112	E07000145	Great Yarmouth	301	301	301	902	213	186	207	606	67%	Buffer	
113	E09000011	Greenwich	1,728	1,718	2,119	5,565	1,695	2,384	1,914	5,993	108%	None	
114	E07000209	Guildford	521	514	551	1,585	388	501	299	1,188	75%	Buffer	
115	E09000012	Hackney	1,315	1,599	1,599	4,513	1,237	1,186	1,287	3,710	82%	Buffer	
116	E06000006	Halton	290	278	262	831	536	699	369	1,604	193%	None	
117	E07000164	Hambleton	205	200	170	575	359	544	416	1,319	230%	None	
118	E09000013	Hammersmith and Fulham	447	456	687	1,590	368	977	1,653	2,998	189%	None	
119	E07000131	Harborough	350	365	407	1,121	636	468	580	1,684	150%	None	
120	E09000014	Haringey	1,502	1,502	1,502	4,506	239	719	1,191	2,149	48%	Buffer	
121	E07000073	Harlow	326	329	353	1,008	225	340	281	846	84%	Buffer	
122	E07000165	Harrogate	389	386	282	1,057	257	325	609	1,191	113%	None	
123	E09000015	Harrow	350	379	593	1,322	914	678	717	2,309	175%	None	

APPENDIX 1

Vision Statement:

Land East of Waltham Abbey

(South of Upshire Road)