
Pre-Hearing Statement Matter 14

Infrastructure and Delivery



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1. Introduction

1.1. This Pre-Hearing Statement has been submitted by Cirrus Land Ltd as part of the Examination of the Epping Forest District Local Plan (2011-2033). Savills has prepared Pre-Hearing Statements for a number of Matters as identified in the Inspector's Matters, Issues and Questions:

- Matter 1 - Legal Compliance
- Matter 4 - The Spatial Strategy
- Matter 5 - Site Selection Methodology and the Viability of Site Allocations
- Matter 14 – Infrastructure and Delivery
- Matter 15 - Places and Sites

1.2. This Statement will have a particular focus on Matter 14, Issue 1, published by the Inspector in the Schedule of Matters and Issues for the Examination document published in November 2018. Full details of the questions to which this Statement responds are detailed as follows:

- **Issue 1: Will Policy D1 be effective in securing the infrastructure necessary to support development before it takes place?**
 - Question 1: Is Policy D1 clear that any infrastructure necessary to support a development must be provided up-front/in time to serve the development?
 - Question 3: In Part B, how would a potential developer find out specifically which items of infrastructure might be required as part of their scheme? Is this clear?
 - Question 4: In Part C, is it intended that all the clauses (i)-(iv) should apply for an exception to be considered on viability grounds? If Part C (i) did not apply, would this risk development proceeding that could not be supported by infrastructure? Would this be justified?

1.3. Cirrus Land Ltd and L&Q New Homes Ltd made representations to both the Regulation 18 and Regulation 19 consultations of the draft plan in December 2016 and January 2018 respectively. This Statement will not repeat information previously submitted, on the understanding that the Inspector will take into consideration all previous representations made to EFDC, but instead will provide additional evidence in relation to Matter 14. This statement also utilises new information published by EFDC in support of the Local Plan Examination, which was not available at the time of the Regulation 19 consultations.

2. Issue 1: Question 1

- 2.1 Policy D1 Part A is clear that new development must be served by appropriate infrastructure identified in the Infrastructure Delivery Plan (IDP). The delivery of infrastructure is set out in supporting Paragraphs 6.5 and 6.6 of the Local Plan Submission Version (EB114). Under Paragraph 6.5, the IDP is contextualised, and is identified to determine who is responsible for delivery of each infrastructure item; the period when it is required (including trigger points); and the costs/ funding. Paragraph 6.6 states that the IDP has been developed in co-operation with partners and providers, considering the wider viability impacts of the deliverability of infrastructure in Epping Forest District.
- 2.2 Cirrus Land Ltd has previously raised concerns in pre-Hearing Statements submitted relating to Matter 5 Issue 4, Viability¹ (Representor ID: 19LAD0109). These representations focused on how the IDP and associated Infrastructure polices will secure the necessary IDP requirements where a number of smaller allocations are required collectively to deliver a town's overall Vision and Infrastructure Package. The overall costs listed in the IDP and impact on viability was also raised in Matter 5 Issue 4¹. Here, Chipping Ongar was used as an example to demonstrate the impact of smaller allocations on the delivery of infrastructure in the IDP. In Chipping Ongar concerns have been raised by Ongar Neighbourhood Plan Community Group, Cirrus Land Ltd and L&Q New Homes Ltd that the fundamental Local Plan Vision for Chipping Ongar to become self-sufficient will not be realised through the current drafting of the Local Plan.
- 2.3 In the Chipping Ongar example, although Policy D1 Part A is clear that the IDP needs to be implemented, what is not clear is what, how and when some of the main infrastructure items such as the Public Park and Open Space will be delivered due to uncertainties around land assembly, costs and responsibility. Therefore, when the smaller allocations proposed for Chipping Ongar come forward, the applicant will not be clear on what specific off site infrastructure items will be needed to be delivered or funded. Simply making proportional contributions from each allocation will not necessarily deliver the off-site infrastructure required, such as community facilities and green infrastructure, either because there is no certainty of their delivery, the land has not been assembled or the costs of land purchase have not been taken into account. The IDP states that many of the infrastructure requirements are proposed to come forward alongside and in tandem with the development, which could cause, at best, delay to the infrastructure whilst land is identified and purchased for the off-site infrastructure or, at worst, would result in development which does not delivery the necessary and related infrastructure. The proposals would therefore not meet Part A of Policy D1.

¹ Please refer to Appendix 1

3. Issue 1: Question 3

- 3.1. In answer to Question 3, the potential developer would be able to find the specific items of infrastructure in the IDP. The IDP is clear that it is an iterative document and will be continually updated so not all items are known to date or costs accurate. Part B does highlight the concern raised in Question 2, as it does include financial contributions, off site capacity works and the provision of land.

4. Issue 1: Question 4

- 4.1. Whilst Cirrus Land Ltd and L&Q New Homes Ltd, support the inclusion of a viability test in Policy D1 Part C to make it sound, the previous example given in Question 2 regarding Chipping Ongar, could become policy compliant if the potential developers of the small allocations demonstrate that it is not viable for them to individually deliver the IDP items for the wider town. The level of infrastructure required for Chipping Ongar far exceeds that which individual schemes could sustain, and would be unable to meet the tests of The Community Infrastructure Levy Regulations 2010 Regulation 122 being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to the development. The latter being most prominent in the context of the wider provision for public parks, semi-natural greenspace, community halls and sports provision. Whilst proportional contributions towards wider off site infrastructure could be made to overcome this, it would then fall into the lack of delivery trap outlined in Matter 5 (Appendix 1) and above.

5. Conclusion

- 5.1. This Hearing Statement is submitted by Cirrus Land Ltd and L&Q New Homes Ltd with respect of Matter 14 and Issue 1 included in the Inspector's Schedule of Matters, Issues and Questions for the Examination, published prior to the Epping Forest District Council Local Plan 2011-2033 Examination in Public.
- 5.2. Policy D1 Part A is clear that the IDP needs to be implemented and that many of the infrastructure requirements are proposed to come forward alongside and in tandem with the development. Although mechanisms for the specific items of infrastructure in the IDP are easily accessible and clear to locate, the delivery and implementation of the infrastructure, where smaller allocations are required to collectively meet the infrastructure requirements for a specific town, are compromised due to uncertainties around land assembly, costs and responsibility.

Appendix 1

Matter 5, Issue 4: Question 1

Pre-Hearing Statement

Cirrus Land Ltd and L&Q New Homes Ltd: February 2019

Fundamentally, Paragraph 173 of the NPPF requires the local plan and its allocations to be deliverable. Cirrus Ltd and L&Q new homes Ltd have serious concerns that the allocations designated in Ongar are collectively not going to deliver the infrastructure set out in the infrastructure delivery plan (EB1101b). Pages 73 to 76 set out the infrastructure schedule for Ongar which the allocated sites will collectively need to deliver. In the context of the EFDC's vision for Ongar to become more self-sufficient, the delivery of this infrastructure schedule is absolutely critical.

EFDC's Matter 4 pre-hearing statement published in January 2019 states at Paragraph 26 that "*the growth planned for Waltham abbey and Ongar is considered to be appropriate to realise the visions for those settlements, assisting in regenerating Waltham abbey and supporting Ongar to become more self-sufficient*". This is also stated in the Local Plan Submission Version on Page 133 under the Vision for Ongar.

The submitted local plan seeks to allocate 590 units across a range of seven sites, with the largest sites being ONGR 4 (4.3 ha/163 units) and ONGR 2 (3.42ha/135 units). From Savills experience, schemes of this scale can typically generate enabling infrastructure requirements (via s106 / CIL) of £20,000-£25,000 per unit. When the infrastructure burden becomes larger, it is not uncommon for schemes to experience viability issues. When calculating the cost of the infrastructure items in the IDP, the total known costs is currently considered to be over £17 million, which equates to around £30,000 per unit. So, the IDP already demonstrates that infrastructure required to make Ongar more self-sufficient is certainly at the upper limit of what could be considered viable. Importantly, this only refers to the known costs at the time of preparing the IDP, and there are a number of infrastructure types listed as unknown costs such as sports provision, which has both a capital and maintenance cost implications. These unknown costs are only going to worsen the already stretched viability.

In addition to the costs, the IDP also requires the need for land to provide open space, health, community facilities, and sports provision. Clearly, acquiring land also has considerable cost implications and the IDP is clear that the developers are one of the delivery partners for all these items. Again, these land acquisitions will only further render the allocations undeliverable. The implementation of the infrastructure is critical to the vision for Ongar and there are concerns, not only about the viability of collectively providing the IDP schedule, but also the fact that land still needs to be identified around Ongar for this provision. All of the infrastructure is required in the period 2021 to 2026 and so suitable land/ sites need to be found, acquired and then secure relevant consents all alongside the housing trajectory in Appendix 5 of the submitted plan.

The scale of allocated sites suggests that not all of this provision can be delivered on land controlled by the developers, which puts serious doubt on the housing trajectory being met but, more importantly for Ongar itself, the actual delivery of the necessary infrastructure. This is particularly acute for open space. The IDP requires



land for additional provision of public parks and semi natural greenspace totalling over 10ha of land. It is not clear if this land has been identified or is under control of either EFDC or the developers. The phasing of the allocations and the infrastructure is not clear and the requirement for the developers is mainly by developer contributions. Who, then, will actually deliver the required infrastructure and, more importantly, ensure that is provided in a timely manner alongside the individual residential allocations to mitigate their impacts.

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