

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

**MATTER 5: SITE SELECTION METHODOLOGY  
AND THE VIABILITY OF SITE ALLOCATIONS**

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: Have the Plan's housing allocations been chosen on the basis of a robust assessment process?***

***1. The Council should provide a summary of the process by which the Plan's housing allocations were selected. In particular:***

- a. How was the initial pool of sites for assessment identified?***
- b. How was the Site Selection Methodology (SSM) utilised in the Site Selection Report 2018 (EB805) established and is it robust?***
- c. What is the relationship between the SSM and the sequential approach to site selection set out in Policy SP2(A)?***
- d. What was the role of the Sustainability Appraisal in selecting between the various sites?***
- e. Was any other evidence taken into account in the site selection process? In particular, how has the historic environment been taken into account? Have Historic Impact Assessments been undertaken as recommended by Historic England and, if not, is this necessary?***

***3. As raised in Matter 1, Issue 2, some sites which were proposed for allocation in the Regulation 18 version of the Plan are not proposed in the Regulation 19/submitted version and vice versa. Is this due to changes in the site selection process, or something else? Are the different conclusions reached about the relevant sites fully explained and justified?***

**Robustness of the site Selection Process**

2. The Site Selection Methodology and reports on which it is based play a crucial role in the evidence base of the LPSV as it was on the basis of this methodology that the Council made decisions as to whether to allocate potential sites. Appendix B [EB801B] comprises a series of documents which assess the suitability, availability and achievability of sites through an iterative process. Appendix B attempts to justify why certain sites are rejected or allocated. This is key to the soundness of the plan as the Sustainability Appraisal itself fails to undertake any comparative assessment of potential sites or justify why some sites were reasonable alternatives but rejected, but relies entirely on the Site

Selection Report. Indeed, during the Matter 1 discussions, the Council advised the Examination that, in effect, the Sustainability Appraisal deferred to the Site Selection Report when it came to decision making on the most appropriate sites to allocate.

3. As was also discussed under Matter 1, Appendix B was not available to the Members when the Council approved the Plan for submission, nor consultees at the time of the Regulation 19 consultation, The decision to support the allocations was made by Members without being able to scrutinise the evidence base to justify it; nor could consultees properly interrogate the outcome of the assessment process. Whilst the Council sort to partly rectify this situation by publishing Appendix B in March 2018 and allowing further consultation, it is evident that Appendix B was completed *after* the decisions on allocations had already been made and was amended to be consistent with those decisions rather than the decisions being informed by the finalised outcome of the SSM process. As Wates advised during the Matter 1 sessions, Wates could find no evidence of being re-consulted and considered that they were prejudiced in this regard.
4. That is not to say that, overall, the methodology set out in Appendix A of the SSM [EB801A] is not robust *in theory*. However, there have been flaws in the application of the methodology that undermine the soundness of the sites that have eventually been selected, namely :-
  - The failure to properly weight different aspects of the site selection process – particularly the harm to the Green Belt – resulting in a highly qualitative assessment which is open to manipulation if certain sites are preferred for other reasons;
  - The failure to properly scrutinise and consider the deliverability of sites overall and in particular the contribution of sites to meeting housing requirements in the first five years of the Plan as a key consideration in the allocation process;
  - The failure of the site selection process to fully consider the capacity of sites and in particular the requirement for Suitable Alternative Natural Greenspace (SANGs) as a result of the impact of developments on Epping Forest
  - Overall, the failure of the eventual sites selected in the Submission Draft Plan to reflect the documented outcome of the SSM process given the very significant changes to the Plan between the Regulation 18 and Regulation 19 plans.

*Site selection methodology – weighting and Green Belt*

5. It is inherent in the SSM that a high degree of ‘planning judgement’ is necessary. This is indeed set out in the SSM at para.,. 4.25 which states that the effect of planning assessments cannot be prejudged and *“in exercising planning judgement different weight may be given to each of the criteria reflecting the characteristics of the sites being assessed under the SSM. Where this is the case, the rationale for applying different weight to the criteria in relation to a particular site will be documented”*
6. However, given the strategic nature of Green Belt policy and the outputs of the Green Belt assessment, the methodology should have recognised an increased weight to the degree of harm to the purposes of the Green Belt. By way of example, the Wates’ site at Stonards Hill has not been allocated but was rated as having less harm to the Green Belt on three

of the five purposes of the Green Belt compared to the sites now allocated within the SVLP at Epping South.

	<b>Stonards Hill SR-0071)</b>	<b>Epping South (East) (SR-0113A)</b>	<b>Epping South (West) (SR-0069/33)</b>
1. Unrestricted sprawl	<b>No contribution</b>	No contribution	No Contribution
2. Preventing coalescence	<b>Weak</b>	Relatively weak	Moderate
3. Safeguarding countryside	<b>Relatively strong</b>	Strong	Strong
4. Preserving special character	<b>Weak</b>	Relatively weak	Relatively Strong
5. Assisting in urban regeneration	<b>Not assessed</b>	Not assessed	Not assessed

**Table 1 : Comparison of Green Belt harm**

7. Similarly, in the quantitative/qualitative assessments used in 2016/17, the site scoring was very similar to that of the allocated Epping South sites (see Table 2 below). This was *despite* the fact that this assessment assumed 300 units across the Stonards Hill site as a whole which resulted in (--) scores on BAP species and trees. As the site was excluded from further assessment in the 2018 review, this situation was not rectified, despite Appendix B1.2.3 highlighted that this clarification had been provided in Wates' Draft Local Plan representations. We would draw the Inspector's attention to our *Stonards Hill Vision* document that was submitted as part of our Regulation 19 consultation submissions which illustrates clearly that Wates only intended to develop around a third of the site and the remainder would be offered as a 8ha. Country Park for the local community.

Site Selection Methodology – 2016/17 (Assuming 300 units across the entirety of SR-0071)			
Site suitability assessment (32 criteria)			
No. of (++) scores	<b>1</b>	1	1
No. of (+) scores	<b>6</b>	2	1
No. of 0 scores	<b>13</b>	17	18
No. of (-) scores	<b>7</b>	9	8
No. of (--) scores	<b>4</b>	2	3
N/A criteria	<b>1</b>	1	1
Site deliverability assessment (20 criteria)			
No. of (++) scores	<b>0</b>	0	0
No. of (+) scores	<b>9</b>	9	5
No. of 0 scores	<b>8</b>	8	10
No. of (-) scores	<b>3</b>	3	5
No. of (--) scores	<b>0</b>	0	0

Table 2 : Comparison of Stonards Hill with allocated South Epping Sites

#### *Consideration of deliverability*

8. The SSM failed to properly consider deliverability and in particular the timescales for bringing sites forward given the evident need to deliver housing in the first five years of the Plan. The Council now accepts that they cannot deliver a five year housing land supply (as will be discussed under Matter 6). Yet, this is despite the Site Selection Report (EB805) claiming that "*Further analysis undertaken by the Council following the Draft Local*

*Plan consultation identified the need to identify as many appropriate sites as possible that could contribute to its five year housing land supply whilst ensuring the proper and appropriate planning of the District.” [EB805 footnote 10, page 29).*

9. Given the outcome of this process as now demonstrated in the Council's Housing Implementation Strategy [EB410A] is a manifest failure of the Council to deliver sufficient housing to meet the five year housing land requirement, it is self-evident that insufficient weight has been given to the early delivery of sites in the SSM. Indeed, in respect of Epping itself, the outcome of changes between the Regulation 18 and Regulation 19 stages of the plan were to concentrate a significantly higher proportion of the housing requirement into what is effectively a single development (Epping South), a development that on the Council's own assessment will not deliver units until 2023/2024 at the earliest. At the same time, Wates site (SR-0071) was deleted from allocation, despite the fact that it could deliver units in the first five years of the plan. If the deliverability criteria had been properly applied it would have allowed the SSM to give greater and appropriate weight to the ability of sites to deliver early in the plan period as this is clearly what is required.
10. This issue was discussed under Matter 3 where the Council claimed, in answer to questions from the Inspector, that if the OAN was to be increased further allocations would be required but none of these could contribute to the early years delivery and therefore; it would not be possible to address the full OAN in any event. This was clearly contested by a range of those promoting omissions sites and the same applies to the land under the control of Wates. It is a relatively small and immediately deliverable site. The site selection process has resulted in this site being deleted in favour of one large site with manifest deliverability challenges.
11. Moreover, the SSM seems to have given cursory attention to certainty regarding ownership or the involvement of developers. The South Epping Masterplan Area comprises 11 separate ownerships. A short 'collaboration' agreement was provided with the Regulation 19 representation of the promoters of Epping South; however, in no way does this provide any evidence of a development or equalisation agreement that will be needed to deliver a comprehensive masterplan. We will return to this matter further in Matter 15.

*Suitable Alternative Natural Greenspace*

12. The site assessment process gives only limited consideration to the impact of allocations on the Epping Forest SPA. Indeed, during the site assessment process no mitigation strategy had been agreed; it would not therefore have been possible to take account of the need for SANGs within allocations which could affect the overall yield of the sites. We will consider this issue further under both Matter 15 and when the HRA is discussed
13. In our view this will substantially reduce the yields from a number of sites, in particular Epping South; the allocation was increased from the 600 units identified in the SLAA to 950 homes in the LPSV despite the need for SANGs. This is a fundamental concern that has not been addressed in the SSM process and in particular the realistic assessment of yields from the allocations.

**Changes between Regulation 18 and Regulation 19 stages**

14. The SSM did not fundamentally change between Regulation 18 and 19 stages. Yet there were significant changes to allocations based on different conclusions reached about the these sites. These conclusions are neither fully explained nor justified.
15. This staged process appeared in the 2016/17 assessments as suitably clear. Once the candidate sites had been identified at Stage 3, the Stage 4 assessment was focussed only on two key questions, namely
  - *Whether the site is available now, or is it likely to become available during the Local Plan period?*
  - *Whether there is a reasonable prospect that development will be achievable within the appropriate timescales?* [EBB801, para. 4.38].
16. The methodology for Stage 4 allowed for a workshop with Members which was considered to be a 'check and challenge' exercise in respect of the work that had been undertaken on the site. Similarly Stage 5 and 6 allowed for a further review of the Preferred Sites against the SA and consideration of any further information provided at the Draft Local Plan Consultation. In essence, the SSM established that once a site has reached 'Preferred Site' status at Stage 4, unless some significant new information or change in circumstance arose, the site would continue forward as an allocation. Yet this was not the outcome of the process as a significant number of Preferred Sites were indeed deleted between the two versions of the Plan.
17. The Sustainability Appraisal provides justification as to why some sites were changed at this stage and indicates that factors might include *"Refined settlement visions and work on place-making taking account of consultation comments and further evidence based work"* [EB604, para. 6.20]. Again, this seemed like a vague and qualitative re-assessment that entirely undermined the supposed rigorous assessment embraced in the SSM.
18. By way of example, Appendix B1.1 of the SSR 2018 [EB805A] shows that Wates' land at Stonards Hill passed Stage 1, Stage 2 and Stage 3 and was proposed for allocation and indeed was included in the Draft Local Plan. The SSM would mean that beyond that stage, the only basis for reconsideration of the site would be information arising that the site was not available or if there was a reasonable prospect that development would not be achievable within the appropriate timescales. In fact, the Stage 4 assessment ruled the site out for entirely spurious reasons. The only justification in Appendix B1.1 is that :-

*"This site was proposed for allocation in the Draft Local Plan (2016). However, 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, noting the constraints posed by BAP Habitats, landscape sensitivity and TPOs. The indicative capacity assessment noted that the site capacity should be reduced as a result of these constraints. If alternative sites in the South Epping Masterplan Area were allocated they would cumulatively provide the desired growth in the settlement and better support the emerging Epping Neighbourhood Plan. This site is not proposed for allocation."* [Our underlining]

19. Clearly, this 'justification' was entirely unrelated to the availability/deliverability assessment that was enshrined in the SSM set out in Appendix A of the SSR. It was, in fact a reversal of the assessment that had been undertaken previously. No evidence was provided as to how the 'community' expressed its opposition to the site at Stonards Hill. Indeed during the Community Choices exercise it found more favour than South Epping. The 'constraints posed by BAP Habitats, landscape sensitivity and TPOs' had already been assessed in the process which led to the allocation of the site and been addressed by the representations made by Wates to the effect that only circa 130 units were proposed (not the 300 originally evaluated by the Council across the site as a whole) and the provision of a Country Park.
20. The comment that providing further development at Epping South would "*better support the emerging Epping Neighbourhood Plan*" reinforces our view that those preparing the Neighbourhood Plan, who had made Regulation 18 representations objecting to any Green Belt releases apart from Epping South, had a direct and undue influence on the Regulation 19 plan. As highlighted under Matter 1, at the time that comment was made the NP was not even published or otherwise in the public domain. Even now, the NP has no status and it is not made; it is for the Local Plan to make informed decisions on the basis of the evidence of the SSM, given that Green Belt releases are strategic policy decisions under NPPF2012, a point confirmed by the Council during the Matter 1 discussions. It was also helpfully noted by the Epping Society that the Epping NP Working Group includes town councillors who are also District Councillors and were therefore able to exert influence over the LPSV.
21. Accordingly there was absolutely no justification for fundamentally changing the Local Plan to remove a significant number of sites between Reg 18 and Reg 19 stages. There was no change in the site selection process and the different conclusions reached about the these sites is neither fully explained not justified.

**6. Is it justified to allocate station car parks (EPP.R3; LOU.R1, LOU.R2; BUCK.R2; THYB.R2) and other car parks (EPP.R6, EPP.R7) for housing? Can adequate parking for both commuters and residents be provided; and how will short-term disruption to commuter parking during the construction phase be addressed?**

22. The allocation of Epping Station Car Park (EPP.R3) and the two car parks in Epping Town Centre (EPP.R6 and EPP.R7) is not justified and nor will the strategy be effective given doubts as to deliverability. National Planning Practice Guidance makes clear that a local planning authority's judgment on deliverability must be clearly and transparently set out. This requirement has not been met for these sites.
23. In respect of Epping Station Car Park (EPP.R3), no detailed evidence has been provided to show how the number of units proposed in the housing trajectory (89) could be delivered on this site in a way that would not adversely effect the use of the car park by commuters either temporarily during construction or permanently after development has taken place.
24. The comments in the Housing Trajectory note that "*Existing car parking use on site could slightly delay delivery*" and the development is not proposed to deliver units until 2022/23, clearly indicating that an acceptable development solution has yet to be put forward. No feasibility study has been published which shows how the existing parking could be

retained either in the short or long term. Clearly, reducing the amount of parking at the site would be wholly unacceptable. The car park is full from very early on week day mornings and pressure on the car park is likely to be exacerbated as a result of developments proposed in the Local Plan. In particular, Epping South, at its closest, is approximately 1km from the railway station and the topography between that site and the station will not encourage cycling or walking; new residents will wish to drive to the station.

25. The site requirements in Appendix 6 of the LPSV require the re-provision of the same number of car parking spaces but do not address how temporary reductions in spaces will be addressed. Moreover, given the housing growth in the plan generally and the functional linkages with London, additional parking demand will almost certainly arise during the Local Plan period and the land should be protected to allow for increased parking (by introduction of a deck for example), to allow for increased patronage in the future.
26. In addition, Appendix 6 of the LPSV highlights that there are a number of constraints on the site that would need to be addressed including the relationship with the adjacent locally listed station building, TPO's, topography, and surface water drainage. No evidence is provided as to how they can be addressed. Finally there are unresolved access issues on Station Approach and Station Road; Appendix 6 notes "vehicular and pedestrian access and safety constraints" but suggests no solutions in this regard.
27. In respect of the Cottis Lane (R6) and Bakers Lane (R7) sites, again there is no evidence that the sites are justified or deliverable for the number of units proposed whilst maintaining the present level of parking. These are publicly owned and have been trailed for some time as development sites through the Local Plan. We would have expected to see at least a feasibility scheme and viability assessment of the proposals; no such information appears to exist.
28. A number of 'options' are set out in Appendix 6 of the Local Plan such as providing all of the dwellings on one site and increased parking on the other, or a mix between the two. The fact that a preferred option has not been decided upon indicates that no proper development feasibility work has been undertaken to demonstrate how the development of these sites could be brought forward in a manner which would allow the amount of parking on the sites – which must be maintained as at present – to be delivered alongside the number of dwellings proposed.
29. A reduction in the amount of car parking would potentially adversely effect the vitality of Epping Town Centre (hence the requirement in policy to maintain the number of spaces as existing). However, it is evident that a temporary reduction in car parking during the proposed two – three year construction process will be inevitable and there are a significant number of retailers who have objected to the proposal purely on the basis of the temporary disruption. No evidence is put forward by the Council as to the impact on vitality or viability of the town centre during this period.
30. Both schemes assume a density of development well in excess of the surrounding area (106 and 95 dwellings per hectare respectively). To achieve such a high density will be problematic enough but Appendix 6 of the LPSV suggests that replacement of the existing parking 'may include decked, basement or undercroft parking'. These options will all add significant expense and unless the Council can demonstrate unequivocally that a viable

development scheme has been prepared with developer support, development of these sites cannot be considered achievable. Moreover, the sites have significant contextual constraints including proximity to Listed Buildings and Epping Conservation Area that will impact on the ability of the sites to accommodate a high density of development.

31. Given the above, allocating the car park sites identified in Epping is not an appropriate strategy and has not been based on proportionate evidence. Accordingly, the LPSV is not justified in this regard, nor is this strategy effective as there are significant doubts as to the deliverability of these sites.