
Hearing Statement for Epping Forest Local Plan Examination

Matters 5 and 6

Statement of behalf of the Landowner and Redrow Homes Ltd in connection with the
Land North of Abridge Road, Theydon Bois (Site Ref. SR-026C)

Epping Forest District Council Local Plan Examination

Matters and Questions

Matter 5 – Site Selection Methodology and Viability of Site Selections

This hearing statement has been prepared on behalf of the landowner and Redrow Homes Ltd in relation to the site at land North of Abridge Road, Theydon Bois (Site Ref. SR-026C) and in response to the Matters and Questions that have been raised by the Inspector.

As set out in the guidance note provided by the programme officer, this statement is limited to the issues and questions set out in the Matters, Issues and Questions published by the Planning Inspector. It relates to the representations previously made and new evidence that has arisen since the submission of those representations.

Issue 1: Have the Plan's housing allocations been chosen on the basis of a robust assessment process?

The methodology for allocating sites was, we understand not based on site visits but rather desk based assessments by consultants Arup on behalf of the Council. Whilst we understand that this may have been necessary to identify initial site constraints, we consider this to be wholly inadequate when the further stages of the site selection process were carried out.

The site selection methodology appears to have been dismissed by the Council in the assessment of some sites, include SR.026C, when the decision to de-allocate them was taken. In the first instance the site selection report concluded that there were no insurmountable constraints to the development of the site. However, in rejecting the site for allocation, it concludes:

“Although the site was proposed for allocation in the Draft Local Plan (2016) and remains available within the first five years of the Plan period it is not proposed for allocation. Responses received through the Regulation 18 Draft Local Plan consultation indicated that the site is less preferred by the community as a result of the scale of growth proposed. Additionally the Conservators of Epping Forest raised concerns around the overall scale of growth proposed in Theydon Bois, which is located in close proximity to the Epping Forest SAC, and the potential effects arising from recreational pressure and air quality. The Conservators identified the need for a SANG to compensate for the scale of growth, which may adversely affect the deliverability of the site. It was considered that other sites in Theydon Bois were more preferable in terms of their overall suitability and if allocated they would provide the desired growth in the settlement. This site is not proposed for allocation.”

We wholly disagree with the reason that the site was discounted and in response to Q1(e) as to whether any other evidence was taken into account in the site selection process we do not consider that all evidence was taken into account when carrying out the site selection process. We had, on numerous occasions requested meetings with officers to discuss the site in order to address any perceived issues and these requests were either unanswered or we were informed that officers were not engaging on individual sites but were instead holding Developer Forums which we attended. We understand that more of these were held which we were not invited to thus removing the ability for us to engage with officers at all through the process. Moreover, we submitted additional technical information relating to landscape and ecology, including SANGS provision, as well on transport matters and this work was not acknowledged by the Council. As we have demonstrated through our previous representations and Hearing Statement in relation to Matters 1-4, the impact over the Epping Forest SPA can be entirely overcome through the provision of on-site Suitable Alternative Natural Greenspace (SANGs). This would overcome the concerns of the Conservators of Epping Forest.

In addition, there are other sites within the District which have retained draft allocations from the Regulation 18 stage that were subject of objection from the Conservators of Epping Forest. In particular the concerns raised over Jessel Green were far more significant as the allocation results in the loss of open space as well as impacting directly on the SAC by virtue of increased recreational demand. This was not adequately addressed by the Council.

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?

In response to Q3, the conclusions reached about site ref. 026C are entirely unjustified. The Council in the site selection report conclude that the site was less preferred by the community but haven't quantified this or set out what the issues raised were. There are a number of settlements within the District which were subject to unpopular allocations, for example Jessel Green (Loughton), however, Theydon Bois appears to be the only settlement to have had its allocations so severely reduced to only 57 (over 30% decrease) which is completely at odds with the conclusion of the sustainability appraisal and initial site selection work which concluded the settlement as a sustainable location. The Council seem to have ignored this evidence when allocating sites in Theydon Bois.

The site assessment process (at Appendix B1.5.2) identified the north-eastern expansion of Theydon Bois in particular, where the site is located, to be the most suitable strategic option for the expansion of the settlement. This location was deemed to be the least harmful to the Green Belt and surrounding environmental designations, including the Epping Forest Special Area of Conservation (SAC); well located in relation to Theydon Bois Underground station and existing local amenities and shops; primarily located within Flood Zone 1 and least sensitive to change in heritage terms. Whilst this location is considered to be sensitive to change in landscape terms, it was recognised that it will be possible to limit harm to the landscape through sensitive design. Redrow Homes had commissioned some work regarding how the site could be developed minimising any impact, work that it was hoped could be shared with Officers through positive engagement. In addition, it is noted that other strategic options were also constrained by

this sensitivity, including Jessel Green and Border Green in Loughton, therefore this should not be a reason for the north-eastern expansion to be discounted.

In light of the above, the allocation of the site SR-026C for housing is considered to represent an excellent opportunity for sustainable development, optimising its location adjacent to an existing settlement and adjacent to Theydon Bois Underground Station. This was demonstrated throughout the site assessment process in the lead up to the proposed allocation of the site within the Draft Local Plan 2016, in particular at Appendix B1.5.2 where the site was considered 'suitable', and therefore should not be disregarded. The claim within the conclusions of the assessment published in 2018 that "*other sites in Theydon Bois were more preferable in terms of their overall suitability*" is considered to be inaccurate and not evidence based and remains unjustified.

Whilst it is acknowledged that consultation comments should be taken into account when allocating sites for development, there was no attempt by the Council to engage with the landowner or Redrow Homes to determine whether concerns could be addressed. The extent of consultation responses should also be considered and given that only one statutory consultee objected to the allocation and this could be addressed this is not a justifiable reason to remove the draft allocation. Moreover, it is not unusual for the public to object to green belt release and the Council have failed to attempt to address any of the concerns raised, nor have officers provided any feedback as to how the level of representations compare to other allocations that have been retained in the Submission Version of the Plan.

The most recent concluding assessment of the site, as set out in Appendix B1.6.6 of the site selection report, refers to responses from the local community during the Regulation 18 consultation. However, these responses have not been made easily accessible by the local authority and we are therefore unable to determine the level of objection and whether other sites have received significant objection.

We note that the Draft Local Plan Feedback Consultation Report prepared by Remarkable provides a summary of the feedback received in relation to proposed allocations within Theydon Bois in general, but does not provide details of any comments on the site SR-026C specifically, or any of the other proposed site allocations for that matter. This is entirely unacceptable hindering the site selection process and our ability to address concerns raised on behalf of the landowner and Redrow Homes. In order for the site selection process to be transparent it is necessary to make information easily accessible and concise so it is clear how officers made judgements in relation to allocations.

It has therefore not been possible to validate the claim that "*the site is less preferred by the community*" compared to other sites. Such a lack of available evidence for landowners and agents to understand why site allocations have been removed is not considered to comprise a transparent consultation process.

We acknowledge that the Draft Local Plan Feedback Consultation Report identifies concerns raised that Theydon Bois does not have sufficient infrastructure to support the level of growth proposed in the Draft Local Plan 2016. In addition, it was queried why there was such a focus on locating growth within settlements along the Central Line. Firstly, it is necessary to highlight that the growth strategy for the District has focussed on development along the central line in sustainable locations since its inception and entirely aligns with wider sustainability initiatives and transport capacity concerns within the District.

Furthermore, we note that the Council's summary of the key issues raised during the Regulation 18 consultation, presented to Cabinet on 11 July 2017, stated that there had been concerns raised that the sites proposed to the east of the railway line would feel separate to the existing settlement.

However, as set out above, Theydon Bois is considered, by the site assessment process, to be a highly sustainable location, even more so when compared with other highly constrained settlements in the District, and is therefore an ideal location for growth. In addition, the north-eastern expansion area specifically is considered to be the most suitable strategic option for the expansion of the settlement. Whilst both Redrow Homes and the landowner are fully committed to the delivery of the site, it is highly notable that it was in fact first identified through the Council's site assessment process, demonstrating that development was originally supported development in this location.

Whilst it is necessary for the Council to balance the views of the local community with the need for housing delivery we have concerns that the objections of the local community within Theydon Bois have been placed above the need for housing and the material considerations of particular sites and we consider that this is not a sound approach to plan making and as such the conclusions reached about this site has not been fully explained or justified.

In respect of the other site allocations in Theydon Bois, we contend that this piecemeal approach to development will have an impact on the settlement without resulting in public benefit that would address some concerns raised regarding infrastructure capacity because it will not result in the critical mass necessary to bring real improvements. We note that there is no information that sets out these concerns about infrastructure and as such it is not possible for us to comment on how these can be addressed through larger site allocations. This has been completely ignored by the Council in the assessment of these sites.

In addition in relation to THYB.B2, no assessment of the demand for the existing car park was undertaken by the Council prior to the site being allocated. It is understood that the car park operates at full capacity and there is no plan as to how the quantum of car parking will be included or re-provided elsewhere, this has been compounded by the recent introduction of parking restrictions which has reduced the ability of commuters to park on street. If car parking is to be provided on site, we would question whether this has been taken into account when assessing whether the site is deliverable given the known impacts this can have on viability.

In addition, through the consultation process we note that the Theydon Bois and District Rural Preservation Society have identified potential constraints with the car park site relating to flooding, landscape and heritage impacts, trees and light pollution. Such constraints could impact the deliverability of the site and therefore the ability to provide the identified housing in Theydon Bois and have not been properly considered by the Council or addressed.

Matter 6 – Housing supply, included Sources of Supply; the Housing Trajectory; and the Five Year Land Supply

Issue 1: Will the Plan provide a land supply sufficient to deliver the housing requirement of at least 11,400 dwellings over the Plan period?

In response to Q1, Table 2.3 on page 29 provides a very simplistic assessment of housing supply in the District and given the complexities of housing delivery, it should be made clear which sites the supply is coming from including those sites outside the Garden Communities. It is crucial for understanding the Plan and interpreting whether the housing need is being met moving forward to state that the total supply is above or below the requirement.

In response to Q2, it would be appropriate for table 2.3 to include a figure for the additional housing to be delivered through Neighbourhood Plans and rural exception sites. However, whilst it would be possible to provide a housing supply figure from Neighbourhood Plans, this would need to be done in conjunction with the relevant Neighbourhood Plan area and at this stage of the Local Plan process it is doubtful that this could be achieved. In respect of rural exception sites, it is considered unlikely that the Council will be able to evidence or forecast the extent of supply from these sites and as such these should be considered within the windfall allowance and should not be considered as a separate contribution to the overall housing supply figure.

Issue 2: Will the Plan ensure that there is a reasonable prospect of a five year land supply being achieved upon adoption and throughout the lifetime of the Plan as required by paragraph 47 of the NPPF?

- 1. What is the five-year supply requirement upon adoption of the Plan having particular regard to the following:
 - a. With a requirement to provide 11,400 dwellings over the 22 year Plan period 2011-33, the annualised housing requirement would be 518 dwellings. What is the shortfall in delivery since the start of the Plan period (up to 31 March 2018 if appropriate); and how and over what period is it intended to make up for this? Is it justified not to seek to recover the shortfall within the first five-year period after the Plan is adopted?*
 - b. What buffer should be included in the five-year supply requirement (moved forward from later in the Plan period) to ensure choice and competition in the market for land? Is the relevant buffer justified?**
- The Housing Trajectory in Appendix 5 indicates that 5% has been added to the annualised requirement for every remaining year of the Plan period. Why is this?*

In response to Q1, the housing trajectory (page 243) sets out that the supply from 2011-2018 is 1,561 against a requirement of 3,626, meaning that the Council has delivered less half of the housing requirement over this period. The Council are proposing to adopt the Liverpool method for addressing this significant shortfall in housing delivery by spreading it over the Plan period. However, given the expected rise in housing need as a result of the standard methodology (addressed in Matter 3) it would be more appropriate to use the Sedgefield method to address the shortfall so that this is addressed in the first five years, allowing the Council to plan properly for the future increase in housing need.

Clearly, as a result of the previous sustained undersupply there is a significant shortfall of housing in the District which is exacerbating market demand and affordability issues. This should be addressed as a matter of urgency to ensure that the needs of the existing and future population are met.

The Council are adopting a 5% buffer to be added to the housing requirement which in the case of EFDC is entirely inappropriate. The Council have not met their housing need since the start of the Plan period which represents a severe rate of under delivery.

Whilst the Council's Local Plan is being examined under the 2012 NPPF in line with the transitional arrangements, it is relevant to consider the move to standardised the approach to housing delivery and the associated buffer to be added to housing targets. The NPPF (2018) states at paragraph 73 (c) that the buffer should be 20% where there has been significant under delivery of housing over the previous three years to improve the prospect of achieving planned supply. Significant under delivery is meeting less than 85% of the housing need for the previous three years.

It is clear that EFDC have failed to meet the housing need since 2011 and as such the appropriate buffer is 20%.

2. On the basis of the answer to Question 1, will there be a five-year housing land supply upon adoption of the Plan? What evidence is there to support this? Can the Council produce a spreadsheet to show how individual sites are expected to contribute to delivery in each year? In particular:

a. If the Plan is not adopted until mid-late 2019, is it realistic to expect allocated sites to start delivering in 2018/19 and 2019/20?

b. Is it realistic to rely upon sites requiring the adoption of a Strategic Masterplan, including the Garden Town Sites, for the five year supply?

In response to Q2 and taking into account our response to Q1, the annualised housing requirement should be increased to 1,346 for the purposes of assessing the five year land supply. This is on the basis of the published housing requirement (518dpa), plus the 20% buffer (103dpa), plus the shortfall since 2011 (3,626).

Whilst the Council's housing trajectory included at page 243 is not detailed, it sets out that in the next five years (2019/2020-2023/2024) the supply is 4,671 against a requirement of 6,730 meaning that once the Plan is adopted the Council will not be able to demonstrate a five year land supply. Given the extent of Green Belt in the District, it is appropriate to review Green Belt boundaries now in order to be able to deliver the required housing need and meet the five year land supply requirement. The extent of this designation will mean the five year land supply cannot be addressed on non-Green Belt sites, resulting in future undersupply for housing.

Notwithstanding the foregoing, it is not possible to assess whether the Council's assumptions on delivery are accurate and realistic given there is no information published on the individual sites but rather whole settlement housing numbers.

However, when considering Theydon Bois, as an example, the trajectory assumes that 31 units will be delivered in 2020/2021 and 26 in 2021/2022. Given none of the sites have planning permission and there are concerns over access arrangements and reprovision of parking (in relation to the Station Car Park) we think it is wholly unrealistic to expect all of these units to be delivered within three years.

In respect of the allocations which are subject to a Masterplan approach and those that are Garden Town sites, these have extensive lead in times as a result of site infrastructure, different landownerships and complexities with the necessary planning permissions, and therefore, it would be appropriate to remove these sites from the five year land supply.

The Council should publish data on the expected delivery rates of sites to ensure that the expected delivery of allocations is accurate and this should be open to scrutiny to ensure that any conclusions on five year land supply are defensible and the approach taken with the Local Plan is sound.