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EPPING FOREST LOCAL PLAN - EXAMINATION IN PUBLIC

HEARING STATEMENT

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

PERSIMMON HOMES (STAKEHOLDER ID: 19LAD0064)

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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Matter 5: Site Selection Methodology and the Viability of Site Allocations

1. Introduction

- 1.1 This Hearing Statement is prepared by Persimmon Homes, a national house builder with a strong track record of housing delivery in Essex.
- 1.2 Whilst Persimmon Homes has land interests across Epping Forest, with reference to Matter 5, its specific interest relates to;
 - Persimmon raised concerns regarding the rationale and soundness of the exclusion of sites between the Regulation 18 (Oct 2016) and Regulation 19 draft Local Plan (Dec 2017). In this regard, reference will be made to Persimmon Homes Site Ref: SRO208, Theydon Place, Epping.
- 1.3 Persimmon Homes made Regulation 20 representations on the 25th January 2018, (ref: 19LAD0064) and supplementary representations in April 2018 as part of the consultation on the finalised version of the Site Selection Report and Appendices.
- 1.4 The Inspector's matters, issues and questions are summarised below. Reference is made to these questions within this Statement;

Q1. Seeks clarification from the Council regarding site selection.

Q2. Seeks clarification about how the conclusions reached about individual sites checked for accuracy and consistence.

Q3. Seeks clarification as to whether a change in site selection process or some other factors led to sites identified in Reg 18 version of the plan not being proposed in Reg 19 and vice versa. In addition 'are the different conclusions reached about the relevant sites full explained and justified.

2 Site Selection Methodology and rationale

- 2.1 In terms of Q1 above, EFDC '*Report on site Section – Issue V3*' (March 2018) (EB805) details the site selection and assessment process undertaken.
- 2.2 '*Report on Site Section – Issue V3*' (March 2018) (EB805) outlines the process by which sites identified for inclusion in the Local Plan Regulation 18 Consultation (Oct 2016);

'In 2016, following completion of the indicative net capacity assessment and the availability and achievability assessment a Local Plan Officer Working Group meeting was held on 28 July 2016 to identify which sites should be allocated in the Draft Local Plan. At the meeting a decision was made for each site as to whether it should be allocated or not in the Draft Local Plan. This decision was informed by all relevant material considerations, which included the findings of the availability and achievability assessment and the emerging settlement visions, which helped to identify the quantum of development which should be allocated in each settlement. A justification for the judgements made was documented'.

'In accordance with paragraph 4.43 of the SSM a second Member workshop was held on 6 August 2016 to 'check and challenge' the sites identified for allocation. Where appropriate, Member feedback was incorporated in the decisions made. This process informed the draft site allocations presented in the Draft Local Plan'.
(EB805) (para 2.127, p44)

- 2.3 Local Plan Regulation 18 Consultation (Oct 2016) included Draft Policy SP2 which identified 1,640 new homes to be accommodated in the settlement of Epping. The associated Policy P1 (2016) identifying a residential allocation for Persimmon Homes site at land at Theydon Place, Epping (site ref. SR0208) for 66 homes. Persimmon Homes own this site freehold and have been promoting its inclusion within the Local Plan. As detailed in the '*Report on site Section – Issue V3*' (March 2018) (EB805), the process informing site selection for the Reg 18 Local Plan (Oct 2016) had been informed by '*all relevant material considerations*', including the evidence base.
- 2.4 In terms of Q.3 above, between the regulation 18 consultation and the regulation 19 consultation, sites were excluded from the draft Local Plan and others enlarged. EFDC's '*Report on site Section– Issue V3*' (March 2018) (EB805)(p44) identifies the process by which EFDC re-visited the conclusions reached on sites included Regulation 18 Consultation (Oct 2016) and determined whether '*any draft site allocations should be removed from the Submission Local Plan and/or whether any sites not previously identified for allocation should be*' (para 2.128, p44) (EB805).

- 2.5 Persimmon Homes Regulation 20 representations on the 25th January 2018, (ref: 19LAD0064) and supplementary representations in April 2018 raised concerns that the rationale for rejecting sites was not adequately explained and justified with reference to Persimmon Homes' site at land at Theydon Place, Epping (site ref. SR0208).
- 2.6 EFDC's '*Report on site Section– Issue V3*' (March 2018) Appendix B.1 (EB805A) provides '*Overview of Assessment of Residential Sites*' (EB805A). It detailed the stage at which a site was rejected and contains a short written justification.
- 1.7 For example, in relation to Theydon Place Epping (SR-0208), Appendix B1.1 (page B20) confirms that the site proceeded through stages 1 to 4 and 6.1 to 6.3 and did not proceed past stage 6.4 which is 'Deliverability' (EB805A).
- 1.8 Para 2.9 of the Site Selection Report (EB805) (p38) details the methodology used to assess Stage 4 and Stage 6.4 'Deliverability'. This includes;
- Land Promoter / Developer Survey
 - Availability and Achievability Assessment – this includes an assessment of the following against a Red-Amber-Green' (RAG) rating system;
 - o (i) Availability,
 - o (ii) Achievability
 - o (iii) Cumulative achievability (in combination with proposed traveller site allocations)
 - o (iv) Overview Assessment of constraints
- 2.9 Both Appendix B1.6.6 (Results of identifying sites for allocation) [EB805P] and Appendix B.1. [EB805A] (page B20) of the Site Selection Report detail the justification for not taking forward sites. In relation to the draft residential allocation of Theydon Place Epping (SR-0208), the '*Report on site Section– Issue V3*' (March 2018) [EB805] acknowledges that;
- The site [Theydon Place Epping ref: SR-0208] is considered to be **available** within the first five years of the Plan [Report on Site Selection - Appendix B1.1.1 Page B20] [EB805A], and;
 - The site [Theydon Place Epping ref: SR-0208] has **no identified constraints or restrictions** which would prevent it coming forward for development [as acknowledged in Report on Site Selection - Appendix B1.6.6 (Results of identifying sites for allocation, p12) [EB805P]
- 2.10 The decision not to advance certain sites, including Theydon Place (SR-0208), from the Regulation 18 Plan into the Regulation 19 Plan was derived from the Member Workshop on the 18/19th October 2017. In relation to Theydon Place (SR-0208);

'This site was proposed for allocation in the Draft Local Plan (2016). While it was considered to be available within the first five years of the Plan period and has no identified constraints or restrictions which

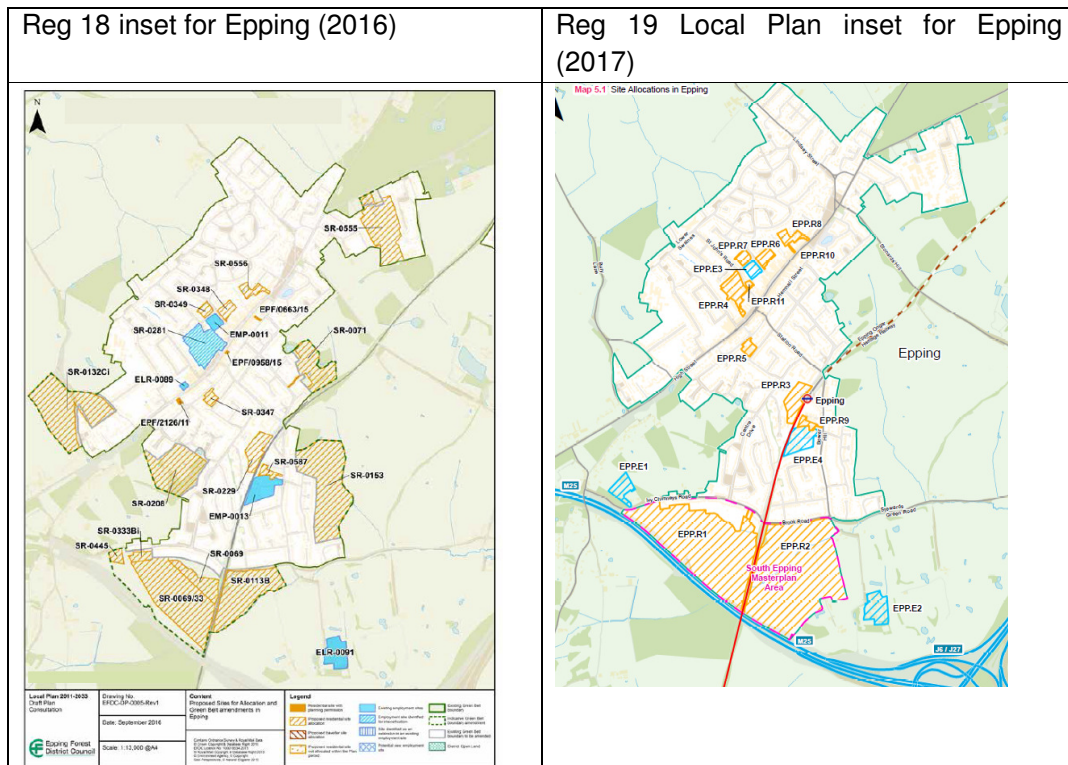
would prevent it coming forward for development, the indicative capacity assessment noted that the capacity is reduced due to the presence of BAP Habitats and TPOs. On balance, it was considered that other sites in Epping were more preferable in terms of their overall suitability, and if these sites were allocated they would cumulatively provide the desired growth in the settlement. The site is therefore not proposed for allocation’.

[Appendix B1.6.6 (Results of identifying sites for allocation) Page b1087] [EB805P]

- 2.11 Whilst this report provides a brief explanation, the reasons for rejection are not justified. This is further considered below;
- 2.12 In terms of the first reason;
 - (a) *‘the indicative capacity assessment noted that the capacity is reduced due to the presence of BAP Habitats and TPOs’.*
- 2.13 The draft Local Plan Regulation 18 Consultation (Oct 2016) Emerging Policy P1 (2016) identified a residential allocation for land at Theydon Place, Epping (site ref. SR0208) for 66 homes. In December 2016 Persimmon Homes made representations in relation to the Epping Forest District Draft Local Plan Regulation 18 Consultation (Oct 2016). These representations included a Deliverability Statement (Persimmon Homes Dec 2016) informed by ecological and arboricultural assessment. The Deliverability Statement supported the emerging allocation of the site for 66 homes and showed how such a quantum could be accommodated.
- 2.14 EFDC ‘*Report on site Section– Issue V3*’ (March 2018) Appendix ‘B1.6.4 Capacity / Deliverability Assessment’ [EB805N] for site SR-0208 states that the site has ‘*indicative net site capacity (units) 65*’ and ‘*updated indicative net site capacity (units): 65*’. It is not clear why the indicative capacity was amended by the Council from 66 homes (Oct 2016) to 65 units (March 2018). Irrespective of this, a change in the indicative capacity by 1 unit is not a sound rationale for not taking forward the site.
- 2.15 In terms of the second stated reason;
 - (b) *‘other sites in Epping were more preferable in terms of their overall suitability, and if these sites were allocated they would cumulatively provide the desired growth in the settlement. The site is therefore not proposed for allocation’*

- 2.16 Detailed in Figure 1 below is the Regulation 18 and Regulation 19 inset plans for Epping.

Figure 1: Reg 18 and 19 inset maps for Epping



- 2.17 EFDC's 'Report on site Section– Issue V3' (March 2018) [EB805N] does not contain a comparative assessment of the sites within Epping. It is therefore not clear how a comparative assessment between those sites deemed available and deliverable has been undertaken.

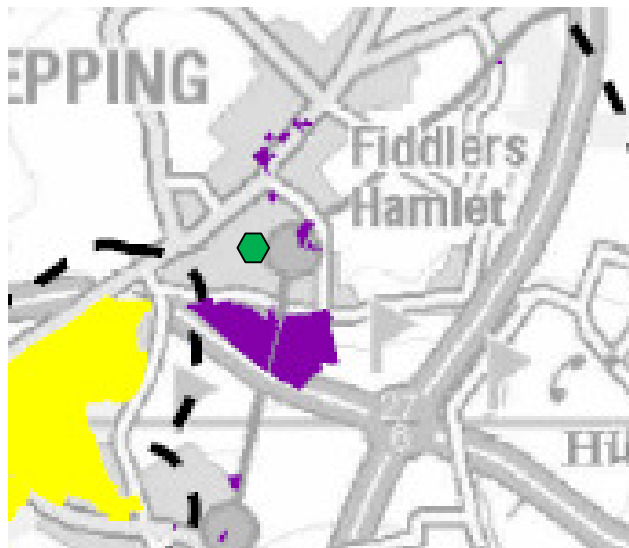
- 2.18 In terms of the rationale for statement (b) above, EFDC's 'Report on site Section– Issue V3' (March 2018) para 2.137 (P46) [EB805] and para 5.13 of the Reg 19 Local Plan (2017) state;

'Epping: site allocations amended to reduce the overall quantum of growth proposed in the settlement and associated impacts on Epping Forest in terms of air quality and traffic congestion. Focus of non-urban brownfield sites to the south of the settlement ensured greater alignment with the emerging Neighbourhood Plan and provided greater critical mass and potential for new and improved infrastructure'.

- 2.19 In relation to the above stated rationale for amending the site allocations and reducing the quantum of developing in Epping;

- 2.9.1 The evidence base supporting the Regulation 18 Local Plan supported 1,640 new homes in Epping. There does not appear to be a clear rational for reducing this to 1305 at Reg 19 stage.
- 2.9.2 Site (SRO208), Theydon Place, is located in very close proximity to Epping Forest Tube Station and the town centre of Epping. In addition to being a sustainable site in its own right, it is also in comparatively closer proximity than the now enlarged 'South Epping Masterplan Area' (EPP.R1 and EPP.R2). If the objective is to reduce impact on air quality and traffic congestion, it is considered illogical to remove a site which is comparatively in a more sustainable location for promoting sustainable transport choices.
- 2.9.3 As detailed in the Figure 2 below Site (SRO208), Theydon Place (indicated by the green hexagon) is located further away from Epping Forest Special Area of Conservation (EF-SAC) than the enlarged 'South Epping Masterplan Area' detailed in purple to the south of the settlement (site allocation EPP.R1 and EPP.R2).

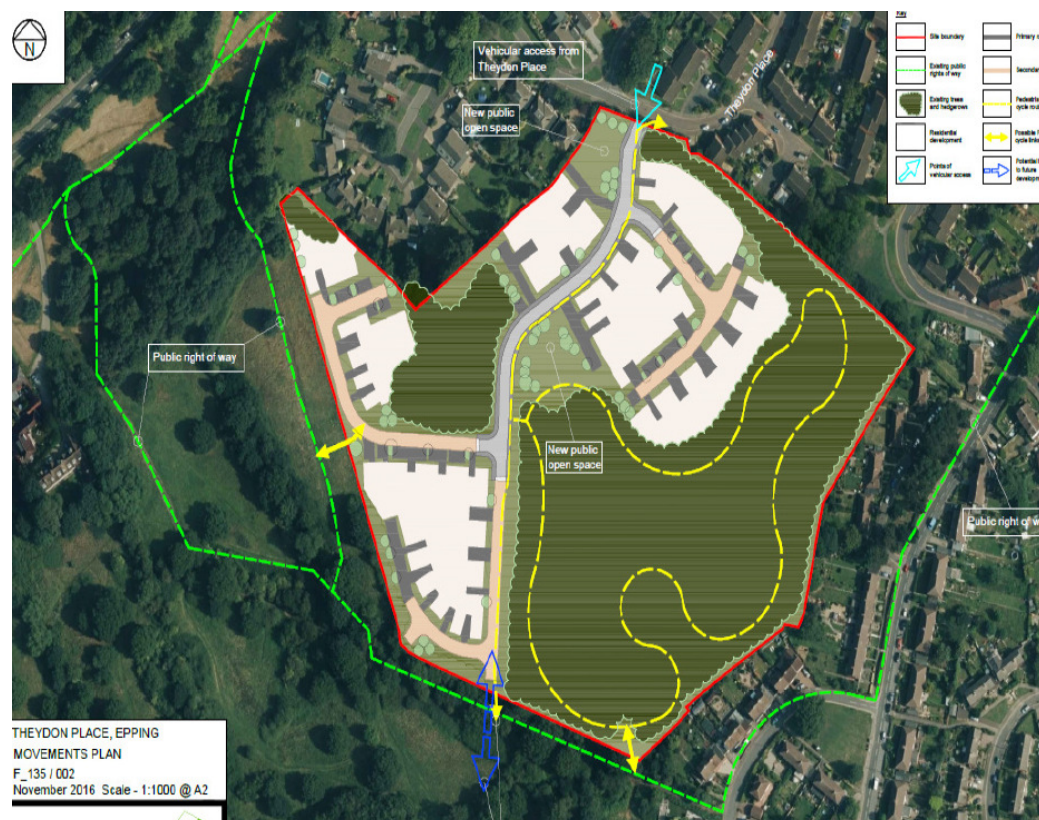
Figure 2: Relative proximity of Theydon Place and enlarged 'South Epping Masterplan Area' to Epping Forest Special Area of Conservation (Yellow)



- 2.9.4 Part of the evidence base published alongside The Reg 19 Local Plan is the report '*Habitats Regulations Assessment of Epping Forest District Council Regulation 19 Local Plan*' AECON, Dec 2017 [EB206]. This recommends that '*all allocations above a certain size (such as for more than 400 dwellings) in the core catchment of the SAC...should consider any potential to deliver their own on-site accessible natural greenspace*' (p111). As detailed in the Site Delivery Statement submitted for Site (SRO208) by Persimmon Homes in 2017 as part of the Reg 18 Representations, the Theydon Place site has the potential to deliver a sizable area of naturally accessible green space.

Detailed as Figure 3 is an extract from the Site Delivery Statement (Dec 2016) is detailed below.

Figure 3: Extract from Persimmon Homes Site Delivery Statement, Theydon Place (Dec 2016)



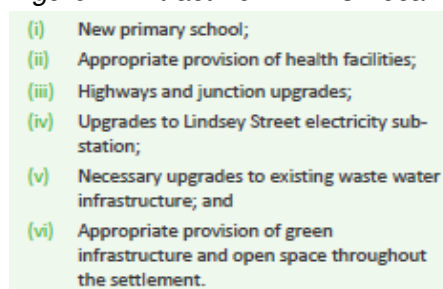
- 2.9.5 Epping Forest DC published the Stage 2 Green Belt Review in October 2016 [EB705A]. The Green Belt Review identifies which sites within the Green Belt do not meet the Green Belt function in full and are therefore suitable for release from the Green Belt for development. The Green Belt Review Technical Annex [EB705B] (page153) concluded that the Site (SRO208), Theydon Place (as part of area 044.1) responds moderately to purpose 3 of the Green Belt and strong to purpose 4 of the Green Belt. However, the site has no contribution to purpose 1 of the Green Belt and is therefore suitable for release from the Green Belt.
- 2.9.6 In terms of 'ensured greater alignment with the emerging Neighbourhood Plan', at the time the 'Report on site Section– Issue V3' (March 2018) [EB805N] was published in March 2018 Epping Town Council had yet to publish or consult upon the draft Epping Neighbourhood Plan. It is therefore unclear as to rationale for the decisions made with regards to site de-

selection based upon a Neighbourhood Plan that was at the time not published in draft and still at the early stages of preparation.

- 2.9.7 The subsequent consultation on the draft Epping Town Neighbourhood Plan was undertaken in May 2018. The draft Epping Town Neighbourhood Plan identifies even fewer homes (1247) than the draft EFDC local plan's 1305 for the settlement of Epping (p115). The consultation draft Epping Town Neighbourhood Plan (May 2018 v10) includes in Annex A '*site selection / criteria / scoring*' table. However, the Epping Town Neighbourhood Plan does not contain any evidence of how this has been applied to sites considered and the evidence base that underpins this. Furthermore, there does not appear to be any separate published assessment of sites.
- 2.9.8 In terms of the rational of '*provided greater critical mass and potential for new and improved infrastructure*', it is not clear from the Local Plan Evidence base why a 20% reduction in quantum of development in Epping, from 1,640 in the Local Plan Regulation 18 Consultation (Oct 2016) to 1305 at Reg 19, assist in this regard.

'Policy P1 Epping' [p116] identifies the following Infrastructure requirements;

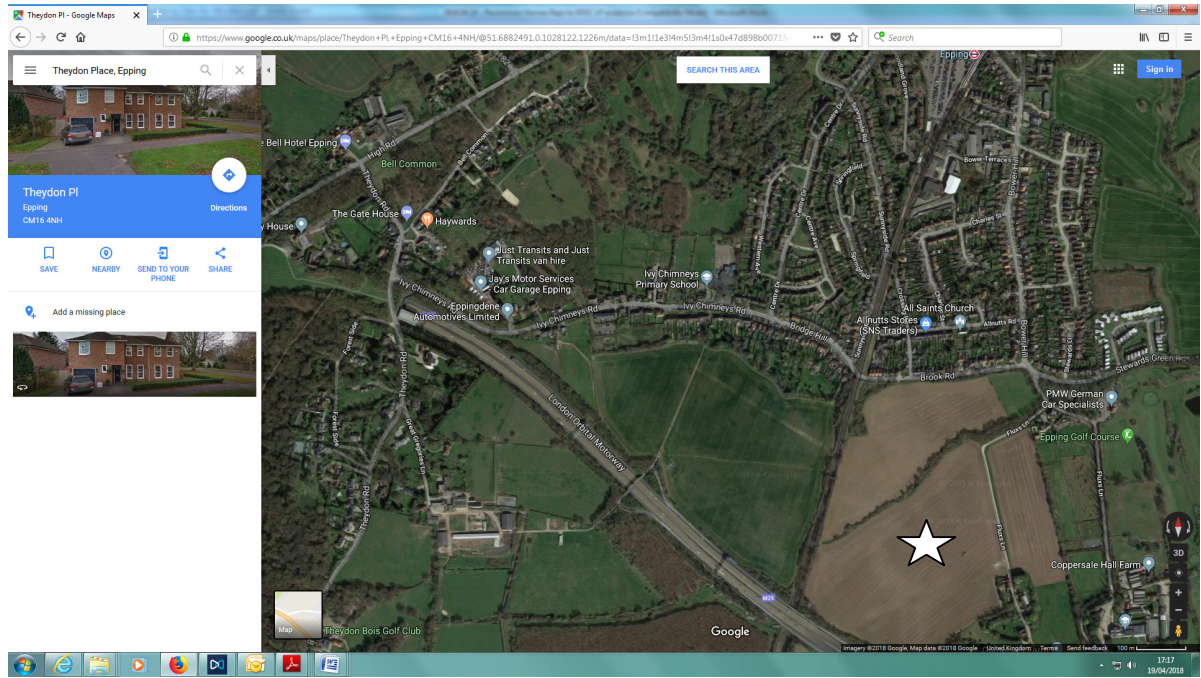
Figure 4: Extract from EFDC Local Plan Policy P1

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- (i) New primary school;
 - (ii) Appropriate provision of health facilities;
 - (iii) Highways and junction upgrades;
 - (iv) Upgrades to Lindsey Street electricity sub-station;
 - (v) Necessary upgrades to existing waste water infrastructure; and
 - (vi) Appropriate provision of green infrastructure and open space throughout the settlement.

- 2.9.9 Item (i) can be met through the identification of a site for a new school and through financial contributions from all qualifying developments. In terms of item (ii), (iii), (iv) and (v) given the scale of allocations, developments are likely to make a proportionate contribution towards such infrastructure, usually through financial contribution. In terms of (vi), the focusing of development to the south of Epping does not lead to Green Infrastructure throughout the settlement. The Reg 18 proposals had a more spatially spread allocations that would assist in terms of delivering enhanced Green Infrastructure.

2.9.10 In terms of 'Focus of non-urban brownfield sites to the south of the settlement', the submission Local Plan extended the South Epping Masterplan Area further south into what is presently farmland. This is evident in the below Ariel photograph (Figure 5). The star denotes the extension to the draft allocation in this area [allocations EPP.R2 & EPP.R1]. The rationale given is therefore erroneous.

Figure 5: Extension of South Epping Masterplan Area



3 Conclusions

- 3.1 The site selection report provides the Council's methodology for the site selection. In terms of Q3, this includes the process by which and the Council's rationale for, the exclusion of housing sites between the Regulation 18 and Regulation 19 draft Local Plan. Persimmon raised concerns regarding the rationale and evidence supporting the decision to exclude sites previously deemed available and deliverable and to reduce the quantum of development within the settlement of Epping by 20%.
- 3.2 To demonstrate this, Persimmon Homes refer to the evidence base which considers the site at Theydon Place Epping [ref: SR-0208] to be both available and with no identified constraints or restrictions, which supported its identification for housing in the Reg 18 Local Plan. Persimmon has concerns about the rationale and evidence base for the decision to exclude the site between Reg 18 and Reg 19 stages.

- 3.3 In excluding sites identified for housing at Reg 18 stage, weight appears to have been given to the emerging Epping Neighbourhood Plan which was not published at the time the decisions were made to exclude sites. Furthermore, the now published draft Epping Neighbourhood Plan provides no clear rationale for site selection / rejection and proposes even few homes within Epping.
- 3.4 In addition, the stated rationale for re-distribution of growth within the settlement of Epping between Reg 18 and Reg 19 to 'non-urban brownfield land' to the south of the settlement is considered both misleading and incorrect. The re-distribution of housing within Epping between Reg 18 and Reg 19 stage is onto what is presently agricultural land within the greenbelt, not brownfield land as stated [see enlargement of allocation EPP.R2 & EPP.R1].
- 3.5 The rationale of redistributing growth within Reg 18 and Reg 19 to provide for '*critical mass for infrastructure*' is not supported by the decision to reduce housing numbers in the settlement of Epping. It does not appear to acknowledge that smaller sites can make financial and other contributions towards infrastructure delivery, including that provided off-site and on the larger allocations. In addition, it does not give weight to the benefits of smaller sites in boosting housing delivery, particularly within the early part of the plan period.
- 3.6 In terms of Epping, the LPSV reduces the number of allocations, the quantum of development and focus on larger housing sites. The rationale for the exclusion of deliverable sites, such as Theydon Place Epping [ref: SR-0208], is not considered to be justified. Furthermore, the inclusion of such sites would assist the Council meet its five year housing land supply requirement. The potential of sites to contribute to the Council's five year housing land supply does not appear to have been given sufficient weight in the Local Plan site selection process. It is evident from the Reg 18 Local Plan, that additional sites are available, suitable and deliverable.

Persimmon Homes. February 2019

[end]