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For and on behalf of  
**Farmers Club Charitable Trust**

**Epping Forest District Local Plan Examination  
Response to MIQ's Matter 5**

**Prepared by  
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## **1.0 MATTER 5: SITE SELECTION METHODOLOGY AND THE VIABILITY OF SITE ALLOCATIONS**

**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?**

1.1 It would appear though careful analytical exploration of the databases referred to by the council that the final allocations have been selected for reasons outside of the evidence base.

**B. How was the Site Selection Methodology (SSM) utilised in the Site Selection Report 2018 (EB805) established and is it robust?**

1.2 It is noted within Section 2.2 of the Site Selection Report (2018) that the Council outlined the Site Selection Methodology process by identifying five stages through which sites were reviewed and then through more detailed assessment, were identified for allocation within the Draft Local Plan.

1.3 As the council confirmed that the Site Selection Report 2018 was part of the SA process in terms of the selection of reasonable alternatives then the Site Selection Methodology is required by law to be in accordance with the guidance and regulations governing SA's. This has certain procedural and methodological implications.

1.4 In procedural terms the whole of the SA should be complete at the time of submission. However, Regulation 35 (T&C Planning Regulations 2012) requires that documents are taken to be available when made available for inspection and published on the LPA website. Section 19 of the Planning and Compulsory Purchase Act deals with the "preparation" of local plan documents and, in particular Section 19 (5) requires the SA and a report of the findings of the SA to be undertaken. The SA was not complete and was not available for Inspection during Regulation 19 consultation. "Preparation" ends at the commencement of Regulation 19 because the Plan cannot be amended by the Council

after Regulation 19. By the Council's own submissions, the SA was not complete and this remains a substantive unresolved issue for this examination.

- 1.5 In methodological terms the SA (and hence the site selection report 2018) is required to assess "reasonable alternatives" in order to comply with statute, regulations and guidance.
- 1.6 In terms of the approach required by the SA this site selection methodology fails as the Site Selection Report 2018 (and hence the SA) has not considered all reasonable alternatives – it only considered three large strategic areas, North, South and South West.
- 1.7 The justification of how the Council came to its decision to either proceed or not with certain sites are lacking in detail and evidence to support the Council's decisions. The Council, as shown in a number of reports, including the Overview of Assessment of Residential Sites (EB805A – Appendix B1.1), have taken a "more or less" suitable approach rather than fully assessing the identified sites considering their constraints, opportunities, or deliverability.
- 1.8 There are a number of sites in the area to the north of Waltham Abbey, such as Paternoster Hill site (SR-0020-N) where it was stated within the justification that the site did not progress past Stage 3 of the site selection process as parts of the proposed site are located within Flood Risk Zones 2, 3a, and 3b. If the site had been assessed fully however, it would have been found that the majority of the site benefits from the Cobbins Brook Flood Alleviation Scheme, in particular the areas within Flood Risk Zone 3. This has been shown to reduce the risk of flooding within areas to the north of Waltham Abbey, to levels equal to that of land in Flood Risk Zone 1. This is supported by a detailed submission at Regulation 19 stage which included a masterplan and detailed Flood Risk Assessment for the site; however, this was subsequently ignored.
- 1.9 If the assessment of the sites had been more robustly assessed as part of the Site Selection Methodology, rather than through a 'more or less suitable' method, more sites could have proceeded to later stages of the assessment.
- 1.10 It should also be considered that there were a number of sites that have now been allocated which had similar constraints, however it is explained within the justification that these constraints could be overcome through land assembly and the design of future

development, such as SR-0006-N in document EB805AH. No robust justification is however provided to explain why this site to the north of Waltham Abbey, as an example, could not be allocated despite its constraints.

1.11 The Site Selection Methodology (EB805AK) paragraph 4.38 states that the purpose of Stage 4 of the methodology is to consider the deliverability of candidate Preferred Sites. It is noted that this stage specifically focuses on:

- *“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 the development will be achievable within the appropriate timescales?”*

1.12 There are a number of sites to the north of Waltham Abbey where it has been stated within the Epping Forest District Local Plan submission version that a development proposal that is located within an identified site within this area of Waltham Abbey would need to take into account the need to upgrade/widen Galley Hill Road, the main road out of Waltham Abbey to the north.

1.13 Galley Hill Road has a junction with Parklands at the southern end. This is a single lane road connecting a number of employment and residential designations to the centre of Waltham Abbey. With the future development that is proposed in this draft Local Plan, it is not likely that the road infrastructure will be able to cope with the increase in traffic in its current state. It is therefore understandable that Galley Hill Road needs to be both updated and widened.

1.14 It should however be noted that along both sides of Galley Hill Road towards the southern end where it meets Parklands, the land is privately owned and Cobbins Brook runs along the eastern side of this road. Galley Hill Road can be easily improved with the land within the Paternoster Hill site as has been demonstrated in the Regulation 19 submission.

1.15 Without the widening/upgrading of this road not guaranteed, the allocated sites on this road should not be considered deliverable.

1.16 Without the release of further appropriate Green Belt land and additional allocations to the north of Waltham Abbey, which will improve the connectivity within the town as well as improve the deliverability of currently designated sites, the plan should be found unsound in

its current form.

**C. What is the relationship between the SSM and the sequential approach to site selection set out in Policy SP2(A)?**

- 1.17 Stage 1 of the SSM does refer to flood risk part ii) of the sequential approach but other constraints considered in stage 1 are not reflected in policy SP 2.
- 1.18 Stage 2 of the SMM conflates a number of considerations and there is no sequential approach as clearly set out in SP 2. This stage also incorporates a workshop with officers and other consultees although there has been no evidence produced as to the outcome of these meetings or the decisions that were made in them.
- 1.19 Stage 3 identifies "preferred sites" but the SSM provides real insight into how this decision is reached paragraph 4.25 refers to appendix A and the RAG system but this appendix just sets out the tables and does not apply it to the "Reasonable Alternatives"
- 1.20 While paragraph 4.26 includes the sequential approach to identify preferred sites paragraph 4.28 makes it clear that the resulting "preferred sites" were generated by an officers working party which was then subject to further influence of members via another workshop (paragraph 4.30).
- 1.21 What is completely unclear from the SSM process is how decisions are being made, for example why certain sites are discounted and others with similar attributes are put forward to additional stages or recommended for allocation.
- 1.22 There is no evidence to explain or support the definition of a "*less suitable strategic option*". Even if such evidence existed, it would be subject to justification and to the SA requirement to test reasonable alternatives. That has not been done.
- 1.23 The definition of preferred and non-preferred sites does not appear to have been undertaken in terms of the sequential approach in SP 2 or as set out in paragraph 4.26 of the SSM (EB805AK), firstly because sites are being rejected not due to how they are performing sequential against these criteria but on the grounds of how much larger areas of land are considered to perform against an undefined and untested criteria.

**D. What was the role of the Sustainability Appraisal in selecting between the various sites?**

- 1.24 As explained above the Site Selection Methodology was used to discount many reasonable alternative sites prior to their potential consideration in the SA.
- 1.25 The Council has confirmed that the SA was not complete prior to or at any time during the Regulation 19 consultation. The SA could not therefore inform site selections or reasonable alternatives.
- 1.26 The site selection report 2018 was published after the submission of the plan and the SA and as such the role of the site selection report is to justify the decision already taken and published in the submission version of the plan.

**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 England Assessments been undertaken as recommended by Historic England and, if not, is this necessary?**

**2. How were the conclusions reached about individual sites checked for accuracy and consistency? Were sites visited or were they assessed through a desk-top process? What has been done to check the assessments in specific cases where their accuracy has been challenged e.g. Site SR-0596 (Reps 19LAD0012)?**

- 1.27 The Paternoster Hill site is surrounded by the settlement boundary on all sides except two, with around 50% of the site's boundary being adjacent.
- 1.28 The site Selection Report Appendix B1 4.2 Part 4 (EB805Fiv) assesses the site and results in only one double negative (--) being because the land is classed as Grade 3 Agricultural Land.
- 1.29 Appendix B1 5.2 (EB805I) states that the site "did not proceed for further testing beyond Stage 3" It provides justification such as that it is;
- ranked lower in the land preference hierarchy,

- Included land located within Flood Risk Zones 2, 3a and 3b,
- Sufficient number of sites within the settlement that are ranked more favourably,
- While additional information was submitted by the site promoter in relation to this site in response to the Draft Local Plan (2016) consultation around flood defence work undertaken, which may reduce the extent of land subject to higher flood risk zones, the site selection assessment has drawn on the most up-to-date flood risk mapping produced and verified by the Environment Agency,
- It was considered that this benefit did not override the constraints identified, including around flood risk, and therefore the site did not proceed any further.

1.30 The above justification for the exclusion of the site are not accurate or consistent, especially when compared to other site assessments that have received allocations to the north of Waltham Abbey.

1.31 This is in direct conflict with the recommendations in EB805I Appendix B15.2 (page 70) which states that the Northern expansion is a strategic option which provides;

*“opportunities to support development within close proximity to existing town centre services whilst minimising harm to the Green Belt. The loss of this strategic option from the Green Belt would have a low impact upon the Green Belt, as evidenced by the Green Belt Review: Stage 2 (2016). It would maximise opportunities to focus development sustainably, in close proximity to existing town centre amenities, public transport services and community facilities. While the wider character area, Copped Hall ridge north, is identified as being sensitive to change in heritage terms, it is noted in the Historic Environment Characterisation Study (2015) that the south-west corner (which aligns with the strategic option) would be less sensitive to change”*

1.32 Other residential sites that proceeded forward with a recommendation to allocate north of Waltham Abbey include sites SR-0089A, SR-0099 and SR-0104 which were all assessed for constraints in Appendix B1.6.6 with the conclusion that;

*“On-site constraints were identified, but it was considered that these could be overcome, and it was considered that identified deficiencies in primary or secondary school places and GP surgeries would not adversely affect the achievability of the site; consideration of infrastructure requirements has been dealt with through the Infrastructure Delivery Plan (2017).”*

1.33 There is no reason why the Paternoster Hill site has not reached this same conclusion, as the primary constraints such as flooding can be easily overcome and would not be perceived an insurmountable constraint, were it not for the Council's broad approach to site assessments.

1.34 EB805AH Appendix F15.3 details the employment allocation of Galley Hill Road Industrial



Estate. For this to be a viable allocation, it requires the upgrading of Galley Hill Road where it meets Paternoster Hill, as the current road is too narrow to receive additional traffic. Our Regulation 19 representation and accompanying Masterplan has set out how the Paternoster Hill site can accommodate these highway improvements within the site itself.

**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?**

1.35 Site selection at Regulation 18 was not based on evidence, was not rational, was not justified and, in the case of the Farmers Club Charitable Trust site, the Council's assessment did not take in all the submitted evidence, such as the comprehensive Flood Risk Assessment. Regulation 18 was therefore fundamentally prejudicial to the site. This is a re-occurring issue throughout this Local Plan process where sites have not been properly and evidentially assessed.

**4. Having regard to Question 1C above, is the sequential approach to site allocation set out in Policy SP2(A) justified, particularly in respect of the value placed upon open spaces within settlements? How was the adequacy of remaining open space within a settlement measured (Policy SP2(A)(iv)?**

**5. Now that the site selection process is complete for the purpose of making allocations in the Plan, is it necessary to include the sequential approach within Policy SP2(A)?**

**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?**

**Issue 2: Have the Plan's allocations for Gypsies & Travellers and Travelling Showpeople 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 allocations for Gypsies & Travellers and Travelling Showpeople were selected. In particular:**
  - a) **How was the initial pool of sites for assessment identified?**
  - b) **How was the Traveller Site Selection Methodology (TSSM) utilised in the Site Selection Report 2018 (EB805) established and is it robust? Is it consistent with national policy in the Planning Policy for Traveller Sites?**
  - c) **What is the relationship between the TSSM and the sequential approach to site selection set out in Policy SP2(D)?**
  - d) **What was the role of the Sustainability Appraisal in selecting between the various sites?**
  - e) **Was any other evidence/factors taken into account in the site selection process?**
  
2. **Is the sequential approach to delivering accommodation for Gypsies & Travellers and Travelling Showpeople justified in respect of the following issues in particular:**
  - a) **How have the benefits of seeking to regularise existing unauthorised sites and sites with temporary permission been weighed against the potential harm, including to the countryside and Green Belt? Will this lead to the concentration of Traveller sites in certain areas, such as Roydon?**
  - b) **Is it justified to prioritise the provision of new sites in the countryside and Green Belt over making provision as part of the development of other allocated sites?**

**Issue 3: Have the Plan's new employment allocations been chosen on the basis of a robust assessment process?**

1. **How were the five new employment site allocations chosen from the alternatives indicated to be suitable in the Employment Land Supply Assessment?**
- 1.36 The Report on Site Selection (EB805) states that the Council used the Employment Land Supply Update in order to sieve the Tranche 1 employment sites, which recommended that only existing employment sites with the potential to expand beyond their site boundaries, as well as potential new sites were to be subject to the site selection process. It was found that 29 of the 37 Tranche 1 employment sites did not accord with this recommendation and were therefore discounted. The main reasons being that the existing employment site was identified to have no potential for expansion (12 of the 37); or the existing site was a non-employment use and would therefore be unavailable to develop within the Plan period (9 of the 37).

- 1.37 It is shown in Appendix F1.1 Overview of Assessment of Employment Sites (EB805AB) that the majority of alternative sites that were indicated to be suitable in fact scored poorly at either stage 2 or 6.2 of the assessment. It is believed that site constraints could not be overcome during the plan period. The five new employment site allocations however, were determined to be suitable and the justification for these is explained in Appendix F1.5.3.
- 1.38 It is stated in paragraph 4.59 it is judged that the five allocated sites will be available within the first five years of the Plan period and are subject to either none or limited constraints which the Council do not believe will affect the deliverability of the sites.
- 1.39 We however believe that this is false due to the lack of robust assessment of all sites, including employment and residential. One of the allocated sites is said to have a number of identified constraints (EMP-0002b) within Appendix F1.5.3 (EB805AH) however these could be overcome through the process of land assembly. The other site with constraints is SR-0375-N, which will require the upgrading/widening of Galley Hill Road. It is our belief that this site would not in fact be deliverable within the Plan period due to this requirement without further allocations to the north of Waltham Abbey.

**Issue 4: At the broad strategic level, are the Plan's allocations financially viable?**

1. **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?**
- 1.40 The paragraph 173 of the NPPF (2012) states that a plan should be deliverable and therefore plans should not be subject to such a scale of obligations and policy burdens of such that their ability to be developed viably is threatened.
- 1.41 It is noted that for a number of sites to be deliverable, infrastructure improvements are required, as shown in the Epping Forest District Council submission version that for a number of sites to the north of Waltham Abbey require the upgrading of Galley Hill Road in order for these sites to be deliverable.
- 1.42 As discussed in paragraph 1.10 above, there are constraints to the development of the southern end of Galley Hill Road which can prevent the required improvements. This could

lead to an increase in costs for future developers and not lead to viable returns due to costs on infrastructure in order to increase connectivity and reduce the impact of future development on the existing road network to the north of Waltham Abbey.

- 1.43 The current allocations would therefore not be viable options, and the Plan would not be in accordance with paragraph 173 of the NPPF without further allocations and release of Green Belt land to the north of Waltham Abbey. This would allow for better connections via the upgrading of Galley Hill Road to the allocated sites, increasing the viability and therefore improving the deliverability of these sites.

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