

EXAMINATION OF THE EPPING FOREST DISTRICT LOCAL PLAN – 2011 – 2033

EXAMINATION STATEMENT ON BEHALF OF CATEBSY ESTATES PLC

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

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15 February 2019

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15 February 2019

1.0 Introduction

- 1.1 This Examination Statement provides a response on behalf of Catesby Estates Plc ("Catesby"), to those Questions raised by the Inspector (dated November 2018), relating to the Site Selection Methodology in respect of the Epping Forest District Local Plan 2011 – 2033 ("the Plan") and its supporting evidence base.
- 1.2 This Statement has been prepared by Neame Sutton on behalf of Catesby Estates Plc.

2.0 Matter 5 – Site Selection Methodology and Viability of Site Allocations

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

- 2.1 In short, Catesby considers that the selection of sites for allocation in the Plan has not following a robust assessment process and in fact the Council's approach is flawed. The remainder of this Statement sets out the reasons why Catesby takes this view by reference to the questions raised by the Inspector and in specific relation to the settlement of North Weald Bassett ("NWB").

(i) *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?*

- 2.2 Catesby is keen to see the Council's response to this question and will reserve its position in terms of responding to the information the Council provides.

2.3 Whilst Catesby's substantive evidence falls under the heading of Question 3 below there are a number of key points to make here:

- 2.3.1 **Point 1:** Catesby takes no particular issue with the methodology that has been established by ARUP in the Site Selection Report (see Appendix A of EB805)¹. The concerns raised in this Statement stem from the Council's misapplication of the methodology when assessing sites for allocation. As a consequence the methodology cannot be regarded as robust because, put simply, the Council has not applied it.
- 2.3.2 **Point 2:** The sequential approach set out in Policy SP2(A) is flawed and does not correlate either to the SSM or indeed the Framework² and NPPG. In particular the Framework does not advocate the use of open space, sport and recreation land and it is also accepted that not all previously-developed land represents the most sustainable option.
- 2.3.3 **Point 3:** It is clear that the SA supports the outcome of Stages 1 – 3 of the Site Selection Methodology (when correctly applied) but the findings of both Stages 1 – 3 and the SA, particularly in relation to NWB, are ignored by the Council to the extent that the Plan has not followed the most sustainable option. In other words the SA points to a more sustainable solution in terms of site allocations than the Council has actually pursued, which in the case of NWB as confirmed in our Regulation 19 representations includes Catesby's Promotion Site. The SA understandably reflects the evidence, which supports the allocation of land at Church Lane, NWB as a more sustainable option than that pursued by the Council in the Plan.
- 2.3.4 **Point 4:** It is evident that other evidence was considered through the SA and in particular relation to NWB this has included the Green Belt Review and the North Weald Bassett Masterplanning Study. However, the Council has sought to allocate sites in spite of the clear and long standing evidence that points to an alternative approach.
- 2.3.5 **Point 5:** The consequence of the above four points is that the Plan fails the tests of soundness in terms of the allocations made particularly in relation to being positively prepared, effective, justified and, consistent with national policy³.

¹ Also note paragraph 2.5 of Neame Sutton Regulation 19 representations to missing Appendix B of Site Selection Report 19LAD0081

² See specifically Paragraphs 17 and 74 of the Framework 2012

³ Paragraph 182 of the Framework 2012

- (ii) *How were the conclusions reached about individual sites checked for accuracy and consistency? Were sites visited or were they assessed through desk-top process? What has been the done to check the assessments in specific cases where their accuracy has been challenged e.g Site SR-0596? (Reps 19LAD0012).*
- 2.4 Catesby is very keen to understand the Council's answer to this question. There is nothing in the evidence base that points to any work having been undertaken by the Council to check for accuracy and consistency. If the Council had undertaken such work it would have revealed the glaring error in the Site Selection Methodology (Stage 4) that concludes Church Lane, NWB should not be allocated despite the Stage 1-3 having been passed, a positive conclusion having been drawn in the SA, Green Belt Review and, the North Weald Bassett Masterplanning study. The Site Selection Report suggests that the site has an outlying location to the west of the village and should be a buffer between the airfield and village – this is completely contradictory to the long standing evidence for the site that is clearly conveyed in the Masterplanning study.
- 2.5 The inconsistencies in the Council's assessment were highlighted by Catesby in its Regulation 19 representations and the supplementary representations in respect of the missing Appendix B of the Site Selection Methodology, yet no further action has been taken by the Council. In fact the Council's letter to PINS that accompanied the Plan for submission for examination confirmed that no substantive changes were required to the Plan as a result of the Regulation 19 consultation⁴ and that the Council considered the Plan to be Sound. The unorthodox chronology of events that led up to the submission of the Local plan i.e. the consultation on the Appendix B of the Site Selection Report that was published after the publication of the Regulation 19 consultation means the Council could not come to this judgement.
- 2.6 If the Council presents evidence in its forthcoming Matters Statement that such work was in fact undertaken this work has not been made public nor reported to Members, which raises a potentially serious procedural issue.
- (iii) *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?*
- 2.7 The response to this question is focussed specifically on NWB and Church Lane in particular. The Council included a number of sites as housing allocations in the Regulation 18 version of the Plan (See Figure 5.15 of EB123) that have subsequently been removed without any reason (let alone a sound reason) for doing so. This is the case for Catesby's site (Page B2 of Appendix B1.1 (EB805A)).

⁴ See in particular point 1 on Page 1 of EB125

- 2.8 In fact the Council has reduced the overall housing supply by some 1,088 dwellings when compared with the Regulation 18 version of the Plan. A more detailed summary is set out below:

Table 1: Summary of Numerical changes between Regulation 18 and 19 versions of Plan⁵

	Regulation 18 Plan	Regulation 19 Plan
Requirement	11,400	11,400
Completions	1,173	1,330
Commitments	1,194	1,621
Windfall Allowance	595	385
Sub-Total	2,950*	3,336
Harlow	3,900	3,900
Allocations	4,550	4,146
TOTAL SUPPLY	11,400	11,400
% Buffer	0%	0%

*Note that the actual sub-total is 2,962 but this is the figure given in the Plan

Supply from Proposed Allocations	Regulation 18 Plan	Regulation 19 Plan
Harlow	3,900	3,900
All other Allocations	7,390	5,916
TOTAL SUPPLY**	14,240	13,152
% Buffer	25%	15%

**Taking account of completions, commitments and windfall allowance

- 2.9 In the specific context of NWB the Regulation 18 contained allocations totalling 1,580 dwellings and this was reduced to 1,050 dwellings in the Regulation 19 version of the Plan (a reduction of - 530 dwellings).
- 2.10 The relevance of the above figures is to demonstrate that the removal of allocations from the Regulation 18 version of the Plan was not as a result of a redistribution of sites nor was it as a result of a change to the housing requirement. The Council took a conscious decision to remove sites that its evidence base, at that time, directed were suitable, available and achievable and in accordance with the development strategy, which has also not changed.
- 2.11 Furthermore the above table highlights that, in the event the Inspector was to recommend the housing requirement be uplifted to meet the full OAN i.e. 12,573 dwellings (an increase of 1,173 dwellings) the Council has already tested, and found to be sound, a supply based on the same development strategy that is only 85 no. dwellings short of the difference between the requirement and the OAN. The sites removed at the Regulation 19 stage are also all smaller allocations (note no change to the Harlow allocation in the table) that would be capable of contributing towards early years delivery. This evidence is directly contrary to the position advance by Mr Coleman on behalf of the Council in the Matter 3 session held on 14 February 2019. It is noted that in the Council's own evidence in respect of Catesby's site, that the site "was identified as 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" (justification of SR-0003 on Page B2 of Appendix B Site Selection Report (EB805A)).

⁵ Evidence taken from Figure 3.5 and Policy SP2 of EB123 and Table 2.3 and Policy SP2 of EB114

- 2.12 As a final point on the table the if the Council was to revert to the Regulation 18 position in terms of supply and the housing requirement was to be increased to match the OAN this would result in the Council having a buffer of 13.3%, which is only marginally below the 15% it now advances as being acceptable. This is a further demonstration of the fact that the Council can meet the full OAN with suitable, available and achievable sites and with relative ease if it chose to do so, or was required by the Inspector.
- 2.13 Turning to whether the conclusions reached by the Council in the 2018 Site Selection Report are justified or indeed fully explained having regard to the evidence base.
- 2.14 As set out in Catesby's Regulation 19 representations and supplementary representations (19LAD0081) NWB benefits from a substantial evidence base assessing the merits of available sites dating back over some 4-5 years i.e. even before the publication of the Regulation 18 version of the Plan in 2016. This includes the following documents:
- North Weald Bassett Masterplanning Study – September 2014 (EB1003A and EB1003B)
 - Green Belt Review Stage 1 – 2015 (EB704A and EB704B)
 - Green Belt Assessment Stage 2 – 2016 (EB705A and EB705B)
- 2.15 In fact the evidence base for NWB is more substantial than for many other settlements in the District where the Council is proposing Green Belt releases and housing allocations.
- 2.16 Of particular note are the following key points.
- 2.16.1 **Point 1:** The North Weald Bassett Masterplanning Study (EB1003A and EB1003B) is relied upon in the SA (EB204 and EB204A) (Paragraph 5.8) and also directly referenced in the Stage 1-3 assessment in the 2018 Site Selection Report (EB805). This piece of evidence is therefore pivotal, in the Council's view, to the consideration of suitable sites for allocation at NWB. Of particular note is the fact that the Masterplanning study confirms on Page 83 that the sites considered to be most appropriate for development included the area between the commercial centre and the airfield, namely Catesby's promotion site at Church Lane, NWB.
- 2.16.2 **Point 2:** The Green Belt Review Stage 1 and Stage 2 Assessment are also relied upon in the SA and the Site Selection Reports again as key evidence to determine those locations where Green Belt releases should take place.
- 2.16.3 **Point 3:** The settlement of NWB is identified in the SA⁶ as a constant in terms of a location where housing allocations should take place⁷.

⁶ Table 7.1 on Page 37 of EB204

⁷ See also Catesby's Matter 4 Statement

- 2.16.4 **Point 4:** In the 2018 version of the Site Assessment Report, there was an improvement compared to the assessment in the 2016/17 version (Page 110 of EB801L) of Catesby's Promotion Site (SR-0003). Both studies considered the site in detail and found it to be acceptable for allocation. In fact the consideration in the 2016/17 version of the Site Assessment Report was marginally worse than the later 2018 version of the report, which is perverse given the Council's ultimate conclusion not to pursue the site as an allocation⁸.
- 2.17 The underlying evidence relied upon by the Council to inform the SA and the Site Selection Report has therefore not changed between the two version of the Plan and in the case of the pivotal evidence has not changed since 2014. There is therefore no good reason (or we contend any reason) for the Council's position in relation to Catesby's Promotion Site SR-0003 to have changed between the two versions of the Plan.
- 2.18 This view is further reinforced when the pivotal piece of evidence relating to NWB is explored in detail. The North Weald Bassett Masterplanning Study considers a variety of options (3 growth options and a series of spatial scenarios within each option⁹). The study was the subject of its own community consultation including engagement with Officers, the community, landowners and other key stakeholders. The document can therefore be regarded as robust. Indeed the Council rely on it for the Site Selection Report 2018.
- 2.19 The key point that is notable from the Masterplanning Study is that throughout all of the options and spatial scenarios (6 in total¹⁰) there is a constant position that Catesby's Promotion Site SR-0003 is identified as a housing allocation for circa 200 – 270 dwellings. At no point does the study identify an option without the site as a housing allocation.
- 2.20 This in Catesby's view is entirely correct and clearly reflective of the substantial evidence base underpinning the Plan.
- 2.21 By stark contrast is the complete lack of evidence to support the Council's conclusion under Stage 4 of the 2018 Site Selection Methodology to remove the site from allocation.
- 2.22 As explained in our Regulation 19 Representations (see Paragraphs 2.15 – 2.22 on Pages 4 – 6 and also Appendix 3) the purpose of Stage 4 of the assessment is to consider only the deliverability of sites that have passed Stages 1-3 of the assessment¹¹. Clearly Catesby's Promotion Site SR-0003 is deliverable as demonstrated in the evidence and indeed in the earlier version of the Site Submission Report 2016/17.

⁸ See EB805N. The only difference between the Stage 3 assessment in each document is that the 2018 assessment scores the site (-) in relation to primary schools as opposed to 0

⁹ See Section 6 on Page 115 of EB1003A/B

¹⁰ See Pages 120 – 123 of EB1003A/B

¹¹ Paragraph 4.38 on Page A17 of EB805

- 2.23 The actual approach taken as confirmed in the Cabinet Reports from 2017 (Appendix 3 of our Regulation 19 representations) is that Members took the decision on which sites to allocate in isolation from the methodology established by Arup. In other words the Stage 4 decision taking process was entirely arbitrary, out with the methodology and, politically rather than objectively motivated¹².
- 2.24 This is the only reason sites, such as Catesby's promotion site SR-0003 were removed between the Regulation 18 and Regulation 19 versions of the Plan. In the event that the Council provides any alternative explanation in its forthcoming Matters Statement this can only be a retrofit to the position that was unilaterally taken by Members.
- 2.25 That is not a sound approach nor does it represent positive planning.
- 2.26 Had the correct methodology (as prescribed in the Site Selection Report) have been applied and had regard been properly had to the evidence the Council would not have removed the allocation of Catesby's Promotion Site SR-0003 from the Plan at the Regulation 19 stage.
- 2.27 In addition to the above and, by way of a supplement to the Council's evidence base and the evidence provided by Catesby at the Regulation 19 (and earlier) stages of the Plan Catesby's Transport Consultants Mode have prepared a technical note on highways and transport opportunities that draws together the available evidence on accessibility and provides further detail on the merits of the Promotion Site SR-0003. This additional evidence attached at Appendix 1 further confirms the position that the Promotion Site comprises a suitable, available and achievable land allocation able to deliver housing in the early years of the Plan period in accordance with the Council's development strategy. This is specifically in response to the Site Selection Report suggestion that the site is "outlying" when our evidence shows the site is very centrally located close to shops and services, which is the position echoed in the Masterplanning study.

(iv) 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))?

- 2.28 In Catesby's view the sequential approach within Policy SP2(A) is not wholly justified. Catesby shares the concern of the Inspector that the hierarchy seeks to dispose of valued open spaces within settlements for development. This is at odds with the importance placed on open space in settlements and in particular the requirements of Paragraph 74 of the Framework 2012.

¹² See two committee reports appended to Catesby's Regulation 19 representations

2.29 The Council's Open Space Strategy – November 2017 (EB703) identifies deficiencies in both the quantity and quality of existing provision in many settlements throughout the District. Furthermore the strategy is clear that additional provision will be necessary to meet the increase in population anticipated across the Plan period.

2.30 The Council's proposals for the allocation of open space for housing instead of its reuse for another open space typology or indeed qualitative enhancement is therefore also at odds with its own evidence.

2.31 Open Space sites should be deleted from the hierarchy in Policy SP2(A).

(v) 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)?

2.32 Catesby has no comment on this.

(vi) 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?

2.33 This matter is picked up by the Epping Forest Housing Forum ("the Forum") in its Matter 6 Statement. Catesby agrees with the Forum position that there is no justification to allocate for housing car parks that are currently oversubscribed and clearly valued as part of a sustainable transport network. This approach by the Council is at odds with its sustainable transport strategy set out in the Plan (Policy T1).

3.0 Changes Sought

3.1 Catesby considers the following changes should be made to the Plan for it to be found Sound:

1. The Council needs to rerun its Site Selection process properly applying its own methodology and, in the case of NWB, having full regard to the clear evidence;
 2. The outcome of the proper application of the Site Selection Methodology will be the allocation of a number of those sites that were previously identified in the Regulation 18 Local Plan and consistently through the master planning exercises and, in the case of NWB, sites such as land at Church Lane SR-0003;
 3. It is clearly the case that land at Church Lane, NWB SR-0003 should on any reasonable review of the evidence, be allocated for housing;
 4. The approach advocated in this Statement would enable the Council to properly plan for the full OAN as the minimum housing requirement with a level of buffer to safeguard against non-delivery; and,
 5. Linked to the evidence presented by the Forum the allocation of sites, such as SR-0003, would help address the deficiencies in the Council's early years delivery that currently exist.
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