
Pre-Hearing Statement: Matter 5

Site Selection Methodology and the Viability of Site
Allocations

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1. Introduction

- 1.1. This Pre-Hearing Statement has been submitted by Cirrus Land Ltd and L&Q New Homes Ltd as part of the Examination of the Epping Forest District Local Plan (2011-2033). Savills has prepared Pre-Hearing Statements for a number of Matters as identified in the Inspector's Matters, Issues and Questions.
- 1.2. This Statement will have a particular focus on Matter 5, Issue 1 and Issue 4, published by the Inspector in the Schedule of Matters and Issues for the Examination document in November 2018. Full details of the questions to which this Statement responds is detailed as follows:
- **Issue 1: Have the Plan's housing allocations been chosen on the basis of a robust assessment process?**
 - Question 1
 - **Issue 4: At the broad strategic level, are the Plan's allocations financially viable?**
 - Question 1
- 1.3. Cirrus Land Ltd and L&Q New Homes Ltd made representations to both the Regulation 18 and Regulation 19 consultations of the draft plan in December 2016 and January 2018 respectively. This Statement will not repeat information previously submitted, on the understanding that the Inspector will take into consideration all previous representations made to EFDC, but instead will provide additional evidence in relation to Matter 5. This statement also utilises new information published by EFDC in support of the Local Plan Examination, which was not available at the time of the Regulation 19 consultations.

2. Issue 1: Question 1

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

2.1. In answer to the above question, the SSM (EB805AK) was updated in June 2017 following Regulation 19 consultation. This forms the basis of the 2018 Site Selection Report (EB805) and includes the detailed methodology used in the site selection process. The SSM (EB805AK) is not considered to be robust for the following reasons as set out below.

Stage 6.1B: Local Plan Strategy

- 2.2. Stage 6.1B was introduced into the 2018 Site Selection Report (EB805) following Regulation 19 Representation responses with the purpose of filtering out Tranche 2 (2018) sites which “*did not accord with the Local Plan Strategy*” (Paragraph 2.47). Here, a total of 33 sites were discounted based on the preferred spatial strategic option, which is defined by the 2017 SA (EB204).
- 2.3. What is not clear and supported by evidence is how the preferred spatial strategic option was identified. EFDC appears to have undertaken limited local engagement in the SSM process, referring to a Community Consultation Exercise undertaken in 2013. This exercise commented specifically on sites in settlements such as Ongar. However, this exercise contradicts the evidence that supports the Site Selection Process.
- 2.4. The 2016 Site Selection Report (EB801) has not been used to effectively inform the proposed allocations made in the 2018 Appendices. For example, in document EB8010, Appendix C Settlement Proformas, it is stated on page C4 that “*Chipping Ongar has developed in a linear manner, and the historic and environmental constraints in and around the settlement may mean that any growth would exacerbate the already linear shape of the development*”. Despite this, in the 2018 Report on Site Selection (EB805), the spatial strategy, as set out in the submission version of the Plan, distributes growth in the town in a linear manner, as shown on Page 136. The sites allocated at Ongar continue this linear pattern, which only exacerbates this even further.
- 2.5. At Stage 6.1B, only sites which are located in a more suitable strategic option progressed to Stage 6.2. Paragraph 4.54 of the SSM (EB805AK) states that sites will be reviewed to check they accord with the Local Plan Strategy before they are assessed through the SSM (EB805AK). This means that under Stage 3 and 6.1B of the SSM, sites are selected based on those which ‘*best meet the Council’s preferred growth strategy*’ as determined by spatial strategy tested in the 2017 SA (EB204). Fundamentally, this approach is flawed, as the 2017 SA (EB204) was based on the 2016/17 Report on Site Selection as confirmed by Steve Smith (AECOM) in Day 1 of the Examination Hearings, held on 12th February 2019. Clearly, the 2017 SA (EB204) only tested a narrow strategic spatial option focussed predominantly around Harlow.

- 2.6. The 2017 SA (EB204) acknowledges at Paragraph 7.12 that Stage 3 and 6.1B were used to sift sites not supported by the Local Plan Strategy as this was considered by the Council to remain the “*most appropriate strategy for accommodating growth in the District over the Plan period*”. This approach to evidence collection is justified as proportionate by the Council. However, evidence used to inform this stage of the SSM is entirely that of the 2017 SA (EB204). Therefore, the filtering out of sites at Stage 6.1B prevented any site which did not accord with the spatial strategy, as set out in the 2017 SA (EB204), from reaching Stage 3, where the best fit sites for each settlement could be determined.
- 2.7. As an example, site reference SR-0914, Land to the East of Chipping Ongar illustrates inconsistencies with the Site Selection Process. In the 2018 Report on Site Selection (EB805), the site was discounted at this earlier stage (6.1B), and was not able to be tested again at Stage 6.3, where the merits of the site on the surrounding settlement could have been evaluated. Full details, including a revised Heritage, Landscape, Transport and Green Belt Assessment, were submitted by Cirrus Land and L&Q New Homes with the Regulation 19 Representations under reference 19LAD0109. These technical reports clearly show the site is suitable and available and should not have been discounted so early in the process.
- **d. What was the role of the Sustainability Appraisal in selecting between the various sites?**
- 2.8. The SSM (EB805AK) states at Paragraph 3.1 that the site selection process must be informed by the SA and identifies the stages at which the SA is required. Whilst this process is correct, the SA is flawed in approach as presented in Pre-Hearing Statement submitted by Savills (Ref: 19LAD0109) with regards to Matter 1. This Statement argues that the preferred strategy was decided upon by EFDC prior to testing reasonable spatial alternatives and is therefore not in accordance with Paragraph 165 of the NPPF, failing to adequately assess reasonable alternatives.
- 2.9. The reasonable alternatives tested in the SA are narrow in their scope, only considering a limited number of factors and spatial strategies for development in the District - see Matter 1 Pre-Hearing Statement, Paragraph 3.7 (Ref: 19LAD0109). These alternatives did not assess the potential impacts of a different distribution strategy on a number of other settlements within the District. This resulted in alternative strategies not being tested against factors such as transport, infrastructure, economics and employment.
- 2.10. This narrow scope of assessment therefore discounted many suitable and available sites too early in the SSM process (EB805AK). The Council has presented a preferred strategic option which does not consider a wide scope of reasonable alternatives and therefore cannot be considered to be legally sound.
- **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?**

Habitats Regulations Assessments

- 2.11. On 24th January 2019 a replacement HRA was published by EFDC following questions raised by the Inspector concerning Legal Compliance. The new HRA takes account of new case law with regards to the assessment stages of the HRA process. As such, Natural England has since confirmed that these changes require an updated HRA in Epping Forest. The 2019 report entirely supersedes the previous iteration.
- 2.12. Stage 5, as set out in the SSM in Paragraph 4.46, is based on the SA and Habitats Regulation Assessment, which are used to establish the impact of the candidate Preferred Sites. However, the SA (EB304) was published in December 2017.
- 2.13. Therefore, the 2018 Site Selection Report (EB805) is not based on the most recent evidence base and cannot be considered to be in line with Paragraph 158 of the NPPF (2012) which states that Local Plans should be based on *'adequate, up-to-date and relevant evidence'*.

Infrastructure Delivery Paper

- 2.14. The 2017 Infrastructure Delivery Paper (EB1101B) was not utilised as evidence in the SSM. The provision of infrastructure in Epping Forest has also been largely ignored in the SSM outside of Harlow. Paragraph 2.18 of the 2018 Report on Site Selection states that an Infrastructure Delivery Plan would be published following the conclusion of the site selection process. EFDC published an Infrastructure Delivery Topic Paper (EB1101C) in October 2018, following the publication of the Report on Site Selection (EB805) in March 2018. Therefore, it was impossible for the SSM (EB805AK) to integrate the benefit of infrastructure gains made from potential site allocations.

Neighbourhood Planning

- 2.15. EFDC appears to have undertaken limited local engagement in the SSM process, referring to a Community Consultation Exercise undertaken in 2013. Ongar Neighbourhood Plan Community Group has raised objections to the current site allocations in the town, as demonstrated in Paragraphs 44 to 49 of their Regulation 19 Representations (Ref: 19OTH0042), where they also argue that no proposed allocations resulting from the Site Selection Report would have the capacity to deliver the required infrastructure as stipulated in the 2017 Infrastructure Delivery Schedule Part B (EB1101B), Paragraph 8.18.
- 2.16. The Ongar Neighbourhood Plan is advancing and appears to be at odds with the Community Consultation Choices Feedback detailed in Appendix B1.4.3 (E805G) of the 2018 Report on Site Selection (EB805). The SSM (EB805AK) does not represent 'joint working' nor does it 'empower' local people to shape their surroundings and is therefore not positively prepared nor consistent with national policy as set out under Paragraph 17 of the NPPF (2012) concerning the empowerment of neighbourhood plans, as reproduced below:
- 2.17. *'Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date based on joint working and co-operation to address larger than local issues.'*

Historic Impact Assessments

- 2.18. Impact of sites on Heritage and Archaeology has been assessed through Stages 2 and 6.2, as set out in the SSM (EB805AK). The detailed methodology for Stage 2 and 6.2 are set out in Appendix B1.4.1 (EB805E) of the 2018 Site Selection Process, criterion 1.8a assesses impact of sites on Archaeology and criterion 1.8b assess Impact on Scheduled Ancient Monuments / Listed Buildings / Conservation Areas / Historic Parks or Gardens.
- 2.19. EFDC has not undertaken Historic Impact Assessments to inform this analysis, instead relying on GIS assessment, as set out on Page B91 of this document. This process relies entirely on a desk based analysis undertaken by the Council's heritage officer, using GIS.
- 2.20. Heritage concerns appear to have had a major influence on the preferred strategy for settlements such as Ongar without the evidence to support the assumptions made in the SSM (EB805AK).

3. Issue 4: Question 1

- 3.1. Fundamentally, Paragraph 173 of the NPPF requires the Local Plan and its allocations to be deliverable. Cirrus Ltd and L&Q New Homes Ltd have serious concerns that the allocations designated in Ongar are collectively not going to deliver the infrastructure set out in the Infrastructure Delivery Plan (EB1101B). Pages 73 to 76 set out the infrastructure schedule for Ongar which the allocated sites will collectively need to deliver. In the context of the EFDC's Vision for Ongar to become more self-sufficient, the delivery of this infrastructure schedule is absolutely critical.
- 3.2. EFDC's Matter 4 Pre-Hearing Statement published in January 2019 states at Paragraph 26 that "*The growth planned for Waltham Abbey and Ongar is considered to be appropriate to realise the visions for those settlements, assisting in regenerating Waltham Abbey and supporting Ongar to become more self-sufficient*". This is also stated in the Local Plan Submission Version on Page 133 under the Vision for Ongar.
- 3.3. The submitted Local Plan seeks to allocate 590 units across a range of 7 sites with the largest sites being ONGR 4 (4.3 ha/163 units) and ONGR2 (3.42ha/135 units). From Savills experience, schemes of this scale can typically generate enabling infrastructure requirements (via s106 / CIL) of £20,000-£25,000 per unit. When the infrastructure burden becomes larger, it is not uncommon for schemes to experience viability issues. When calculating the cost of the infrastructure items in the IDP, the total known costs is currently considered to be over £17 million, which equates to around £30,000 per unit. So, the IDP already demonstrates that infrastructure required to make Ongar more self-sufficient is certainly at the upper limit of what could be considered viable. Importantly, this only refers to the known costs at the time of preparing the IDP, and there are a number of infrastructure types listed as unknown costs such as sports provision, which has both a capital and maintenance cost implications. These unknown costs are only going to worsen the already stretched viability.
- 3.4. In addition to the costs, the IDP also requires the need for land to provide open space, health, community facilities, and sports provision. Clearly, acquiring land also has considerable cost implications and the IDP is clear that the developers are one of the delivery partners for all these items. Again, these land acquisitions will only further render the allocations undeliverable. The implementation of the infrastructure is critical to the vision for Ongar and there are concerns, not only about the viability of collectively providing the IDP Schedule, but also the fact that land still needs to be identified around Ongar for this provision. All of the infrastructure is required in the period 2021 to 2026 and so suitable land/ sites need to be found, acquired and then secure relevant consents all alongside the housing Trajectory in Appendix 5 of the Submitted Plan.
- 3.5. The scale of allocated sites suggests that not all of this provision can be delivered on land controlled by the developers, which puts serious doubt on the housing trajectory being met but, more importantly for Ongar itself, the actual delivery of the necessary infrastructure. This is particularly acute for Open Space. The IDP requires land for additional provision of public parks and semi natural greenspace totalling over 10ha of land. It is not clear if this land has been identified or is under control of either EFDC or the developers. The phasing of the allocations and the infrastructure is not clear and the requirement for the developers is mainly by developer contributions. Who, then, will actually deliver the required infrastructure and, more

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importantly, ensure that is provided in a timely manner alongside the individual residential allocations to mitigate their impacts.

4. Conclusion

- 4.1. This Hearing Statement is submitted by Cirrus Land Ltd and L&Q New Homes Ltd with respect of Matter 5 included in the Inspector's Schedule of Matters, Issues and Questions for the Examination, published prior to the Epping Forest District Council Local Plan 2011-2033 Examination in Public.
- 4.2. The SSM is not considered to be robust or positively prepared for the following reasons;
- The SSM (EB805AK) has sifted sites contingent upon their accordance with a preferred spatial strategy based on the 2017 SA (EB204), which has a very narrow focus.
 - The 2017 SA (EB204) did not test reasonable alternatives to the spatial strategy, and has incorrectly informed the SSM (EB805AK).
 - EFDC has discounted sites which are suitable for development solely because they do not accord with this certain Local Plan strategy. It is not clear how the preferred spatial strategy was formulated, given the inconsistencies in the evidence base.
 - The evidence base used to inform the 2018 Report on Site Selections originates from the 2016 SA (EB203), which is not SEA compliant, and focuses on the SHMA with aims to reduce overall housing figures in Epping Forest.
 - The Ongar Neighbourhood Plan is advancing and appears to be at odds with the Community Consultation Choices Feedback detailed in Appendix B1.4.3 (E805G) of the 2018 Report on Site Selection (EB805).
 - The vision for Ongar, set out in the Local Plan (Page 133), is to become self-sufficient. There are concerns about the cumulative delivery of the infrastructure required in the IDP (EB1101B).

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