

**EPPING FOREST  
DISTRICT LOCAL PLAN  
EXAMINATION**

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

**ID: 19LAD0121**

**HEARING STATEMENT**

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## MATTER 5 – SITE SELECTION METHODOLOGY AND VIABILITY OF SITE ALLOCATIONS

### Introduction

- 1.1 This Matter 5 Statement has been prepared by Carter Jonas LLP on behalf of Pigeon Investment Management Ltd (Pigeon) to respond directly to the Inspector's questions for this Matter. The Statement only responds to the Inspector's Questions which are relevant to Pigeon's interests. Representations were submitted to the Epping Forest District Local Plan 2011-2033 (EFDLP) on behalf of Pigeon (Id. 19LAD0121). Pigeon are promoting land East of Epping for a residential-led mixed use development for around 400 dwellings (or greater)(Site Ref. SR-0153), which is generally consistent with the 2016 draft EFDLP (Regulation 18) which proposed at least 930 homes shared between South (not the Regulation 19 South) and East, but with East having a frontage onto Stewards Green Road included to provide independent access to East Epping and south being land east of the railway line. Pigeon has also promoted a more extensive area of land at East Epping based on Garden Settlement principles, replacing the allocation of 950 homes South of Epping. Alternatively, East Epping could in full or part supplement the South Epping preferred allocation.
- 1.2 East Epping has been promoted as a site that could deliver a mix of uses providing added benefits for Epping, including: a range of housing typologies including a high proportion of bungalows and self-build plots; a high quality mixed use community hub which could include a local convenience store and doctor's surgery and car parking to serve the local facilities and nearby tube station; a C2 Care Village; Primary School site; potential leisure centre with sports pitch provision; and an Eastern link road between Steward's Green Road and Stonards Hill which would assist in reducing traffic having to travel through the Town Centre.
- 1.3 The site selection methodology and the viability of site allocations related representations relevant to Matter 5 are as follows:
- Paragraphs 1.10 and 1.11 - Rep Id. 19LAD0121-2
  - Paragraphs 2.134 to 2.142 [Rep Id. 19LAD0121-9]
  - Paragraph 5.7 – Rep Id. 19LAD0121-23
  - Vision for Epping – Rep Id. 19LAD0121-23
  - Policy P1 – Rep Id. 19LAD0121-24

## 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?

*1. The Council should provide a summary of the process by which the Plan's housing allocations were selected. In particular:*

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

- 1.4 It is considered that the Site Selection Methodology is robust and it covers the range of topics that would typically be expected in a site selection exercise. Stage 1 assesses sites against major policy constraints. Stage 2 is a quantitative and qualitative assessment of sites, including the impact on environmental and heritage designations and biodiversity, the value to the Green Belt, accessibility by public transport and to services, efficient use of land, landscape and townscape impact, and physical site constraints and site conditions. Stage 3 assesses sites against a scoring system in order to identify preferred allocation sites. However, as set out below, Pigeon consider that the assessment process for the Site Selection Report 2018 [Doc Ref. EB805] is not robust and the outcome of the assessment for some sites including land East of Epping is inconsistent with earlier versions of the site selection process. For example, the Site Selection Methodology is unchanged from the 2016 and 2018 versions, but the findings of the assessment processes for land East of Epping are different because of inconsistencies e.g. landscape mitigation measures have

been accepted for some sites but not others, the impact on the Green Belt has not informed the selection of sites, and the outcome of emerging neighbourhood plans has been used inappropriately in the selection of sites.

- 1.5 The promoted development at land East of Epping would have less impact on Green Belt purposes when compared with a similar development at land South of Epping. It is incorrect for Appendix B1.6.6 in the Site Selection Report 2018 [Doc Ref. EB805P] to state that land south of Epping is preferable in terms of Green Belt harm when this is not supported by the Green Belt Assessment. Site Ref. SR-0153 will see a low, low or medium level of harm on the Green Belt if released for development with limited harm, whereas the parcels making up the South Epping strategic site would see a high or very high impact if released.

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

- 1.6 The relationship between the Site Selection Methodology and the sequential approach in Policy SP2 is unclear. It is considered that the sequential approach in Policy SP2 has not informed the selection of sites, the Site Selection Methodology includes factors that are not referred to in the sequential approach e.g. landscape and relationship with neighbourhood plans, and the decisions about sites which have been selected has taken into account factors that are not included in the sequential approach or the Site Selection Methodology.
- 1.7 There is no mention of sustainable development in Policy SP2, and it fails to mention access to sustainable modes of transport which should be a key part of any development strategy. It is considered that the proposed sequential approach in Policy SP2 has not actually informed the selection of sites in EFDLP e.g. some previously developed sites are not suitable or available for development, greenfield sites will be needed to meet identified housing requirements, and it is not uncommon for agricultural land on the edge of existing settlements to be used for development. It is considered that that the assessments undertaken as part of the site selection process are inconsistent e.g. landscape mitigation measures have been accepted for some sites but not others, the impact on the Green Belt has not informed the selection of sites, and the outcome of emerging neighbourhood plans has been used inappropriately in the selection of sites. The assessment of land East of Epping (Site Ref. SR-0153) is an example where these inconsistencies have occurred.
- 1.8 It is considered that the sequential approach in Policy SP2 is flawed, but there are parts of Policy SP2 that are important to the selection of sites, for example the sequential approach to releasing land from the Green Belt is consistent with national guidance with land of lesser Green Belt value released before land of most value.

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

- 1.9 As set out in Pigeon's representations to Paragraph 1.9/Sustainability Appraisal [Rep Id. Rep Id. 19LAD0121–29], it is considered that the Sustainability Appraisal has not informed the selection (or deletion) of sites. The assessment for the eastern expansion of Epping and the decision to remove the allocation of land in this location between draft and proposed submission stages of EFDLP highlights the role of the Sustainability Appraisal; land north of Stewards Green Road in Epping (Ref. SR-0153 for 305 dwellings) was allocated at draft EFDLP stage but was deleted from PSEFDLP.
- 1.10 The Interim Sustainability Appraisal Report for the Draft Local Plan September 2016 [Doc Ref. EB203] did not assess individual policies or site specific allocations within the document, although we note that the summary findings and conclusions at Table 7.1 concludes that the preferred option (as contained in the Draft Local Plan) *“performs broadly well in terms of a range of sustainability objectives”*. At pg.124 of draft EFDLP potential alternative options for the preferred residential allocations were identified, which in summary were expansion to the south-west, expansion to the north, or expansion to the north-east. The option of increasing the quantum of development to the south or deleting the expansion to the east were not identified as options. The Sustainability Appraisal Report for Proposed Submission EFDLP December 2017 [Doc Ref. EB204] also does not assess individual policies or site allocations from the Proposed Submission EFDLP in terms of their sustainability credentials, although Appendix V: SA of Strategic Options for Settlements did assess the different options for growth on the edge of Epping identified at Draft Local Plan stage. The conclusion for land at the eastern expansion of Epping (see pg.127) was that the site represented a more suitable strategic option, and stated that: *“Overall, while it is noted that the strategic option is sensitive in landscape and heritage terms, given there is potential for this harm to be mitigated through design, and as the strategic option is less harmful in Green Belt terms and located sustainably on the eastern side of Epping, when compared with other strategic options at the settlement level, it is judged to be a more suitable strategic option”*.

- 1.11 Appendix V: SA of Strategic Options for Settlements establishes a new baseline which is the enlarged Epping South. The options tested in the SA assess an enlarged Epping South as a fixed development plus additional development. It is considered that what the SA should be doing is testing the draft EFDLP Regulation 18 options against the Regulation 19 options, and only if the Regulation 19 options represent a more appropriate strategy should they be taken forward. It should be noted that when land East of Epping was assessed in the SA at draft EFDLP Regulation 18 stage it was assessed as acceptable when assessed against the sustainability objectives. Therefore, the deletion of land East of Epping represents a less sustainable option than the expectation of South Epping, and contrary to the aims of the SA process.
- 1.12 Therefore, it is considered that the Sustainability Appraisal indicates that land East of Epping should be allocated for residential led mixed-use development, as it was in draft EFDLP, and there is no evidence in the Sustainability Appraisal process that justifies the decision to remove that allocation. As set out in Pigeon's Matter 1 Hearing Statement, the Sustainability Appraisal does not comply with the SEA Regulations in terms of assessing and justifying alternatives.

*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?*

- 1.13 The site selection process also referred to the relationship with the emerging Epping Neighbourhood Plan as a factor informing decisions about whether to allocate sites or not. This factor has directly affected the decision to delete the draft allocation at land East of Epping (Site Ref. SR0153) for example.
- 1.14 The overall justification for not allocating land East of Epping (Site Ref. SR-0153 – Land north of Stewards Green Road, Epping) is set out in Site Selection Report 2018 Appendix-B1.6.6-Results-of-Identifying-Sites-for-Allocation [Doc Ref. EB805P]. It is stated that:
- “This site was proposed for allocation in the Draft Local Plan (2016). The site 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. At the settlement level, growth to the south of Epping was considered to be more preferable in terms of landscape sensitivity and Green Belt harm compared with other strategic options around the settlement. If these alternative sites were allocated they would cumulatively provide the desired growth in the settlement and better support the emerging Epping Neighbourhood Plan. The site is not proposed for allocation.”*
- 1.15 As set out below, the comments about South Epping being more preferable than other strategic option in terms of Green Belt harm is incorrect and is inconsistent with the evidence in the Green Belt Assessment. The landscape impact at other strategic sites can be addressed through strategic landscaping, as proposed at the promoted allocation at land East of Epping.
- 1.16 It is noted that the relationship with emerging neighbourhood plans is not a criteria identified in the Site Selection Methodology in the Site Selection Report 2018, and is not referred to in the sequential approach in Policy SP2 in EFDLP. Therefore, it cannot be justified for the relationship with the emerging Epping Neighbourhood Plan to be used as a reason to allocate or delete sites in the site selection process.
- 1.17 Furthermore, it is clear that the emerging Epping Neighbourhood Plan was not available when EFDLP was published at Regulation 19 consultation stage, or at the time that Appendix B of the Site Selection Report 2018 was prepared or subject to consultation. As set out in Pigeon's April 2018 supplementary response to its representations to Paragraphs 1.10 to 1.11 [Rep Id 19LAD0121-2], it was clear that the decision to delete the draft allocation at land East of Epping from EFDLP cannot have been based on the emerging Epping Town Neighbourhood Plan since an initial draft NP document was prepared by a separate NP Working Group, and the document was only considered by the Full Town Council in April 2018 and had not been subject to any public consultation before then. The draft Epping Town Neighbourhood Plan was eventually subject to consultation during Summer 2018 but has not yet been finalised or submitted for examination or subject to referendum. Therefore, it cannot be claimed, as it is in the Site Selection 2018 evidence [Doc Refs. EB805P], that land South of Epping better supports the emerging Epping Neighbourhood Plan compared with alternative

sites e.g. land East of Epping, when the document was not available, and it is still at an early stage in the process and is yet to be subject of independent examination.

*2. How were the conclusions reached about individual sites checked for accuracy and consistency? Were sites visited or were they assessed through a desktop 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).*

- 1.18 The conclusions about the site at land East of Epping (Site Ref. SR-0153 – Land north of Stewards Green Road, Epping) are inaccurate and inconsistent, and in particular in terms of the comments on Green Belt and landscape matters.
- 1.19 As set out in Pigeon's representations to Paragraphs 2.134 to 2.142 [Rep Id. 19LAD0121-9] and in response to Question 2 Issue 4 in Pigeon's Matter 4 Hearing Statement, the evidence of the Green Belt Assessment has not been used to inform the selection of sites.
- 1.20 The promoted development at land East of Epping would have less impact on Green Belt purposes when compared with a similar development at land South of Epping. It is incorrect for Appendix B1.6.6 in the Site Selection Report 2018 [Doc Ref. EB805P] to state that land south of Epping is preferable in terms of Green Belt harm when this is not supported by the Green Belt Assessment. Site Ref. SR-0153 will see a low, low or medium level of harm on the Green Belt if released for development with limited harm, whereas the parcels making up the South Epping strategic site would see a high or very high impact if released.
- 1.21 It is acknowledged that there are differences between the sites in terms of landscape impact as set out in the Site Selection 2018 evidence, with land South of Epping in an area of medium landscape sensitivity and land East of Epping in an area of high landscape sensitivity (i.e. the whole LCA), however these are large areas of land covering a broad assessment and it is considered that proposals to the East of Epping will relate more closely to the settlement edge which has an existing influence, and where the urban edge is felt and the land more able to accommodate change. In addition, the landscape impacts have not changed during the preparation of EFDLP, and those impacts did not preclude the allocation of land East of Epping at draft EFDLP stage. Furthermore, as set out in Pigeon's representations to Vision for Epping and Policy P1 [Rep Id. 19LDA0121- 23 and 24] the proposed development at land East of Epping will include strategic landscaping at the site boundary to address landscape and visual impacts and ensure that any landscape impact is appropriately mitigated, but this has not been factored into the assessment of the site. In contrast, it is noted that the South Epping Masterplan in Policy P1 includes a requirement for semi-natural habitat buffer and the strengthening of the Green Belt boundary. It is also noted that Policy SP3 expects strategic masterplans to enhance and reinforce green infrastructure. As such, the delivery of landscape associated mitigation measures is proposed and accepted for development at South Epping, and is anticipated generally within all strategic allocations. Therefore, the assessment process between draft and proposed submission EFDLP stages were inconsistent in terms of landscape impact, and the opportunity to address landscape impacts through additional strategic landscaping and green infrastructure have been applied inconsistently.

*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?*

- 1.22 The land East of Epping was allocated in draft EFDLP (Site Ref. SR-0153). It would be reasonable to expect that a site allocated at draft local plan stage would be carried forward into the proposed submission version, unless there is substantial new evidence or there has been a significant change in circumstances. There has been no change to the assessment or findings for the land East of Epping in the Green Belt Assessment or Sustainability Appraisal. The site assessments for the land East of Epping undertaken in 2016 [Doc Ref. EB801Giii] and in 2018 [Doc Ref. EB805Fi] are almost identical; the only change is the 2018 site assessment refers to the gas distribution pipeline (intermediate pressure) running adjacent to the north western side of site, but it is acknowledged that there is potential for the pipeline to be avoided through site layout. Therefore, there are no significant changes to the site assessment processes for land East of Epping undertaken in 2016 and 2018, and as such, the site selection process cannot be the reason for the decision to delete land East of Epping at proposed submission EFDLP stage.

1.23 As set out above, the assessment of the land East of Epping in the 2018 site selection process referred to the relationship with the emerging Epping Neighbourhood Plan as a new factor that justified the deletion of this site. However, the emerging Epping Neighbourhood Plan was not available at the time that Appendix B of the Site Selection Report 2018 was prepared, and therefore it cannot have informed that decision. It is considered that there is no evidence in the Site Selection Report 2018 that explains or justifies the decision to delete the previous draft allocation of land East of Epping at proposed submission EFDLP stage. The Council do not reassess or consider the alternatives for allocating strategic sites on the edge of Epping as set out in the draft version of EFDLP.

1.24 Therefore, it is considered that the site selection process is not justified and is unsound.

*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)?*

1.25 As set out above, it is considered that the sequential approach in Policy SP2 has not informed the selection of sites, the Site Selection Methodology includes factors that are not referred to in the sequential approach, and the decisions about sites which have been selected has taken into account factors that are not included in the sequential approach or the Site Selection Methodology. As set out in Pigeon's representations to Policy SP2, there is no mention of sustainable development in the policy, and it fails to mention access to sustainable modes of transport which should be a key part of any development strategy. Therefore, the site selection process is not justified and Policy SP2 is not consistent with national policy, and as such it is considered that the soundness of those issues would not be resolved by the deletion of the sequential approach. If the sequential approach in SP2 had been followed then land East of Epping would have been allocated in preference to the South Epping site.

1.26 It is considered that the sequential approach in Policy SP2 is flawed, but there are parts of Policy SP2 that are important to the selection of sites, for example the sequential approach to releasing land from the Green Belt is consistent with national guidance with land of lesser Green Belt value released before land of most value. It is requested by Pigeon that the sequential approach to releasing land from the Green Belt is retained for soundness reasons.

*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?*

1.27 It is considered that the decision to allocate car parks for housing highlights the limited opportunities for development on previously developed land within Epping Forest District, and the difficulties of bringing forward development on sites which are currently in use where those existing uses need to be relocated elsewhere. The pressure on car parking for commuters and residents could be reduced if sites which are accessible to town centres and stations by non-car modes of transport were allocated in EFDLP e.g. the land East of Epping promoted by Pigeon.

#### **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?*

1.28 The monitoring data demonstrates that there has been inadequate delivery of affordable housing in Epping – see Table 3 in the Annual Monitoring Report 2017-18 [Doc Ref. EB1708M]. The affordable housing requirement is an average of 178 affordable dwellings per annum. Table 3 in the Annual Monitoring Report 2017-18 shows affordable housing delivery in recent years as follows: 2013/14 – 9 dwellings; 2014/15 – 69; 2015/16 – 38; 2016/17 – 0; 2017/18 – 89, which indicates that the affordable housing needs will not be met during the plan period. Therefore, it is considered that the need for affordable housing and current delivery rates in Epping Forest District should not be undermined by amendments to policy requirements to make development viable; instead sites to be allocated in EFDLP should demonstrate that they are viable taking into

account all of the policy requirements. It is requested that evidence is provided that the proposed allocation at South Epping can deliver policy compliant levels of affordable housing.

- 1.29 It is noted that the representations to the EFDLP Regulation 19 consultation from the respective landowners of South Epping allocation (Site Ref. EPP.R1 and EPP.R2) all raise concerns about Policy P1 regarding the requirement for the South Epping Masterplan Area to make provision for a new vehicular, pedestrian and cycling bridge over the railway line. The landowners consultation responses raises questions about the delivery of the masterplan vision in terms of transport and traffic impacts. Pigeon intend to comment on the requirement for a bridge crossing at South Epping in the Matter 15 Hearing Statement.

