

**EPPING FOREST DISTRICT COUNCIL
EXAMINATION OF THE DISTRICT LOCAL PLAN, 2011-2033**

MATTER 11: HOUSING

**PRE-HEARING STATEMENT ON BEHALF OF
EPPING FOREST DISTRICT COUNCIL**

April 2019

INTRODUCTION

Epping Forest District Council ("the Council") submits this statement in response to the Inspector's Matters, Issues and Questions ("MIQs") (ED5). This statement addresses Matter 11: Housing and provides the Council's response to all of the Inspector's questions associated with Issues 1 to 4 (ED5, pp 19-21).

Where appropriate, the Council's responses in this statement refer to but do not repeat detailed responses within the hearing statements submitted by the Council concerning other Matters.

Key documents informing the preparation of this statement to which the Council may refer at the hearing sessions include:

- [EB405 Strategic Housing Market Assessment \(2015\)](#);
- [EB301 Viability Study Stage 2](#);
- [EB402 Epping Forest District Council: Gypsy, Traveller and Travelling Showpeople Accommodation Assessment Need Summary Report](#); and
- [EB1600 Housing Background Paper](#)

All documents referred to in this statement are listed in **Appendix A** of this statement together with links to the relevant document included within the Examination Library.

Examination Library document references are used throughout for consistency and convenience.

Issue 1: Will Policy H1 be effective in securing an appropriate mix of housing?

Inspector's Question 1

- 1. Is Part A sufficiently specific in relation to the mix of housing required such that a potential developer would know how to react to the policy? Should it reflect up to date evidence on the actual mix required?**

Response to Question 1

1. Part A of Policy H 1 provides the criteria that a potential developer would need to consider in the development of individual sites and is therefore sufficiently specific in terms of what factors need to be taken into account when designing a development scheme. In addition, Part B of Policy H 1 requires planning applications to be supported by evidence to justify the mix of new homes to be provided, which should reflect the latest housing needs evidence published by the Council. Paragraph 3.3 makes clear that the Strategic Housing Market Assessment 2015 (EB405) and updates provide the latest published housing needs evidence.
2. The introduction of further specificity within the policy would not provide the flexibility to respond to local circumstance, the future publication of updated housing needs evidence by the Council, potential changes in demographic profile over the period of the Plan, or respond to site specific characteristics. It is also important to recognise that different parts of the District have different characteristics in terms of the profile of the existing housing stock.
3. The profile of the existing housing stock is an important consideration when determining the mix of new homes in order to achieve the creation of mixed and balanced communities as set out at paragraph 50 of the National Planning Policy Framework 2012. Whilst the Strategic Market Housing Assessment 2015 (EB405 page 101, Figure 76) provides a district-wide assessment of the likely mix required over the plan period, this is based on the characteristics of the likely future profile of the population. It does not provide a settlement by settlement analysis when also taking account of the profile of the existing housing stock.
4. The Council does, however, recognise that it would be helpful to signpost, within the explanatory text, potential sources of up to date evidence and information to assist a potential developer to react to Policy H 1 in this regard. The Council would therefore propose the following amendment to include an additional

sentence at the end of paragraph 3.3 of the LPSV to include this information as follows:

- "3.3 [...] Information regarding, amongst other things, the profile of housing and population characteristics in a local area can be found by using the Local Area Reports facility on the Office of National Statistics 'nomis official labour market statistics' website, or such other replacement source"

Inspector's Question 2

2. Does the policy, and the Plan generally, do enough to support the specific needs of older people?

Response to Question 2

5. For the reasons set out below, the Council considers that LPSV Policy H 1, and the Plan generally, do enough to support the specific needs of older people. Policy H 1 and its supporting text, in particular, paragraphs 3.4 and 3.5, reflect the need to provide for a range of house types and sizes, including for older people. Moreover, Part A (v) of Policy H 1 includes a requirement that all new homes should be accessible and adaptable. This requirement provides the opportunity for all new homes to be capable of adaption over time to support the needs of older people. Such an approach provides older people with greater choice as to what type of home and which location they may wish to move to in order to address their specific needs.
6. Furthermore, the approach to the allocation of sites in the LPSV has included consideration of their accessibility, or potential accessibility, to services and to passenger transport services. This provides a greater opportunity for older people to continue to live independently for as long as possible. Independent living is an objective of both Government policy and of Essex County Council's Care Market Strategy (EB807). LPSV Policy T 1 (Sustainable Transport Choices) supports this objective. Part C of Policy H 1 also supports the provision of specialist housing (subject to a number of policy criteria). As set out in paragraph 3.6 of the LPSV this includes specialist housing for older people. Part F of Policy H 1 resists the loss of existing bungalows, recognising the importance of this type of home in supporting those residents, including older people, who have accessibility needs.
7. Following the discussions at the Hearing Session on Matter 3 Issue 2 and the need to reflect the Council's duty, as local housing authority, to identify the needs for some types of homes under Section 8 of the Housing Act 1985, for the sake

of clarity, the Council proposes the following amendments to paragraph 3.2 and Part C of Policy H 1.

(a) Paragraph 3.2:

"3.2 The Council, in its role as local housing authority, has a duty under Section 8 of the Housing Act 1985 (as amended) to consider the needs of people residing in, or resorting to their district, with respect to the provision of sites on which caravans can be stationed or places on inland waterways where houseboat can be moored. It is also important to consider, as set out in national planning guidance, the housing needs of other different sectors within the community. This is to ensure that the right size and type of new homes is provided across the District to meet the needs of existing and future residents and to ensure the creation of mixed and balanced communities. This includes those with specialist housing requirements or who have a desire to build their own homes."

(b) Part C of Policy H 1:

"C. ~~Proposals for housing, requiring specialist accommodation, self-build/custom build housing, sites upon which caravans can be stationed, or locations for mooring houseboats;~~

- specialist accommodation,
- self-build/custom build housing,
- sites upon which caravans can be stationed; or
- locations for mooring houseboats.

will be supported where:

- (i) they meet ~~an~~ proven identified need;
- (ii) the location is appropriate in terms of access to facilities, services and public transport; and;
- (iii) It can be demonstrated that the development is designed and managed to provide the most appropriate types and levels of support to the proposed occupier and adequately caters for the needs of support staff."

Inspector's Question 3

- 3. Is Part D, which simply cross-refers to Policy H2, necessary?
Could it be deleted for clarity/simplicity?**

Response to Question 3

8. The Council considers that Part D is not necessary and should be deleted by way of the following proposed modification of Policy H 1:

~~"D. The Council will require all New Housing Development to include affordable housing in accordance with Policy H 2 (Affordable Housing)~~

Inspector's Question 4

- 4. Does the policy require all new homes to meet the Optional Technical Standards M4(2) and/or M4(3) of the Building Regulations for accessible & adaptable dwellings and wheelchair user dwellings respectively? If so, is the need for these standards justified by evidence such as that suggested by the PPG? Should the policy allow for consideration of site specific factors which might render such standards unachievable or unviable?**

Response to Question 4

9. Part M4 of Schedule 1 to the Building Regulations 2010 (as amended) ("the Building Regulations") concerns 'Access to and use of dwellings' ("Part M4").
10. Policy H 1 requires all new homes to meet the optional requirements of Category 2 of Part M4 ("M4(2)") to secure the provision of new homes which are accessible and adaptable. Policy H 1 does not require a proportion of new homes to meet the optional requirements for 'wheelchair user dwellings' under Category 3 of Part M4 ("M4(3)"). Planning Practice Guidance (Ref ID: 56) refers to these optional requirements as optional technical standards ("OTS").
11. The Council considers that the need for this standard is justified by evidence as set out within paragraphs 1.50 to 1.55 (at page 16) of the Housing Background Paper October 2016 (EB1600) and supported by the conclusions drawn in the

Strategic Market Housing Assessment 2015 (EB405 paragraph 6.33, page 108) in this regard. This evidence relates to the projected increase in the number of people over the age of 65, (within which there is a noticeable increase of persons aged 85 and over), together with consideration of the needs of wheelchair users and those with impaired mobility. Whilst not the primary purpose, a range of residents requiring enhanced accessibility (including those using prams/pushchairs; carrying luggage; delivery drivers; and tradespeople) would also benefit from the (optional) requirements of M4(2) to widen car parking space and provide level access into a dwelling, which are not regulated (parking), or guaranteed (level access), under the mandatory requirements of Category 1 of Part M4, concerning 'Visitable dwellings' ("M4(1)"). As evidenced by the Strategic Market Housing Assessment 2015 (EB405 page 101, Figure 76) there is a need for family sized housing within the District.

12. The requirement to provide 100% of new homes to meet the optional requirements under M4(2) was taken into account as part of the Viability Assessment of the LPSV as evidence at page 3 'Whole Plan Viability Assessment (Stage 2) Residential Assumptions Overview Sheet 2 of 2' of Appendix I Assumptions Summary (EB301A). There is no evidence to suggest that, for the main part, such standards are unachievable or unviable. However, the Council recognises that there may be occasions where site specific circumstances are such, particularly with respect to schemes for flats, as to render this standard unachievable or potentially unviable.
13. Therefore, whilst the Council does not consider that Policy H 1 should be amended, it would propose an amendment to the supporting text for Policy H 1 to provide sufficient flexibility in the light of site specific evidence provided as part of a planning application. The proposed amendment to be included at the end of paragraph 3.4 is as follows:

"3.4 [...] The Building Regulations M4 (2) require step free access. In non-lift serviced multi-storey development where step free access is not viable, assessments should be submitted to demonstrate that the inclusion of a lift would make the scheme unviable or mean that service charges are not affordable for intended residents. If this is satisfactorily evidenced, then the units above or below the ground floor that cannot provide step free access would only need to satisfy the requirements of M4 (1) of the Building Regulations."

Inspector's Question 5

5. In Part E, should the term "specialist accommodation" be defined? How will unmet need for specialist accommodation be identified? Is compliance with this part of the policy dependent upon development viability and the identification of a specific provider of the specialist accommodation?

Response to Question 5

14. The Council agrees that the term "specialist accommodation" should be defined in the Plan. The Council therefore proposes the following amendment to paragraph 3.6 as follows:

"3.6 Specialist accommodation for those with support needs, ~~including for older people,~~ will continue to play an important role in providing for those residents who currently, or will, need assistance. The term "specialist accommodation" is defined in the Glossary (Appendix 1). Consequently, the loss of existing specialist accommodation will be resisted and new provision will normally be supported where appropriately located and designed. The management of any specialist accommodation proposed will be required to be undertaken by a provider registered with the Care Quality Commission (or any subsequent national registration authority) and the proposed provider should be identified as part of any planning application."

and to the Glossary as follows:

"Specialist accommodation

"Specialist accommodation" comprises development which has been designed or designated for the purpose of occupation by people, or groups of people, with particular land-use and accommodation needs that are relevant to planning. This may include accommodation for people with physical disabilities, learning difficulties, or mental health issues; housing for older people; and housing with care, other than self-contained housing within the Use Class C3 (dwellinghouses). This type of development is characterised by accommodation that includes special design features and/or access to support that is necessary to meet the specific needs of intended occupiers.

15. Unmet need for specialist accommodation will be identified through a number of means recognising that the term encompasses accommodation for a wide range of occupiers. This could range from evidence kept by the Council in its role as the Local Housing Authority, by Essex County Council with respect to its Children Services and Adult Social Care data, by the National Health Service, or through a wider assessment of the age profile of existing and likely new residents within the District.
16. Part C of Policy H 1 is not dependent on development viability. The requirements for provision of supporting infrastructure will be dependent on the nature of the proposed accommodation and should therefore be considered on a case-by-case basis.
17. A requirement with respect to the identification of a specific provider of the specialist accommodation would provide a helpful clarification to the LPSV. This would be consistent with the approach taken by the Council in Policy H 2 Part B which specifies that the management of the affordable housing will be undertaken by a Registered Provider, recognising that providers of specialist accommodation are regulated through:
 - (a) The Care Act 2015 (whereby councils must ensure that there are a range of providers offering a choice of quality care services and that care and support functions are integrated with those provided by the National Health Service and any other health-related services such as housing); and
 - (b) The Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 and Care Quality Commission (Registration) Regulations 2009 whereby care providers are required to register with the Care Quality Commission (CQC). The CQC regulates care provided by the health authorities, local authorities, private companies and voluntary organisations, including residential care homes for adults, nursing homes, domiciliary care providers amongst others.
18. The Council has therefore proposed an amendment to paragraph 3.6 of the LPSV for the sake of clarity and consistency as set out in paragraph 12 above.

Inspector's Question 6

6. Will the policy be effective in providing opportunities for self-build/custom housebuilding? Having regard to the duties set out in the Self-build and Custom Housebuilding Act 2015, should the Plan set out how many such homes it aims to deliver, and should it be stronger in terms of how the necessary land will be secured?

Response to Question 6

19. The Council considers that Policy H 1 will be effective in providing opportunities for self-build/custom housebuilding. The Council has set up a self-build and custom housebuilding register in accordance with its duties under the Self-build and Custom Housebuilding Act 2015. In its current form, the registration process does not require applicants to have a local connection and counts all entries in the register as demand for self and custom build in the District as follows:

Base Period	Registered interest and current demand
31/10/15 - 30/10/16	0
31/10/16 - 30/10/ 17	21
31/10/17 - 30/10/18	11
31/10/18 - 30/10/19	8
Total	40

20. It is the Council's intention to introduce a two-part register. The Council is currently conducting a review of the register in line with planning guidance issued in April 2016 and updated in July 2017 prior to introducing a two-part register. At this stage it would not be appropriate for the Council to seek an exemption of the duty to grant sufficient development permissions to meet demand for self-building. It would also not be appropriate to include within the Plan how many homes it aims to deliver. Notwithstanding this demand will be a consideration in the Council's planning, housing, land disposal and regeneration functions.

21. The Council is working in partnership with the three other councils in the East Hertfordshire and West Essex Strategic Housing Market Area to promote community-led housing initiatives. This has included commissioning a research

report to identify models of good practice and support the development of a sub-regional action plan including opportunities for inter-council cooperation. Proposals that are currently being investigated include the development of sub-regional community-led housing hub and potential demonstrator projects.

Issue 2: Will Policy H2 be effective in securing the delivery of sufficient affordable housing of an appropriate type and size? Are the requirements for affordable housing provision from market sites justified by reference to evidence of development viability?

Inspector's Question 1

- 1. Paragraph 3.9 states that 2,851 affordable homes are required over the period 2016-2033. How many is the Plan aiming to provide as a result of Policy H2? If the requirement for 2,851 would not be met, has consideration been given to increasing the total housing requirement to help deliver more? Should the number of affordable homes expected to be delivered over the Plan period be specified in the policy for monitoring purposes?**

Response to Question 1

22. The Plan provides for approximately 3,840 affordable homes on allocated sites of 11+ homes. This provides flexibility within the Plan to achieve the levels required and therefore, even if some sites do not come forward within the period of the Plan, or for reasons of viability or other considerations as set out in paragraph 3.15 of the LPSV, result in a lower level of affordable housing coming forward on individual sites, there would be no requirement to increase the total housing requirement.
23. In order to maintain flexibility over the Plan period, recognising that the level of affordable housing need may change over time, the Council is of the view that the inclusion within the policy of the level of affordable housing to be delivered over the Plan period, is not necessary for monitoring purposes.

Inspector's Question 2

2. Harlow DC has expressed concern that the Plan is silent on the matter of addressing unmet need for affordable housing in Harlow. What is the detail of this concern and is it an issue for the Plan?

Response to Question 2

24. On the 15 June 2018 Harlow District Council wrote to the Council to withdraw its concerns with respect to this matter (EB1507). Notwithstanding this EFDC understands that the concerns related to the fact that there is no specific reference within the LPSV to accommodating the affordable needs of residents within the Harlow District administrative area. The distribution of housing to accommodate both market and affordable housing needs was determined through the Memorandum of Understanding on Distribution of Objectively Assessed Need across the West Essex/East Hertfordshire Housing Market Area (EB1202).
25. Further work has been commissioned and consultants appointed through the Harlow and Gilston Garden Town project with partner authorities to outline the housing requirements for the Garden Town and prepare a Housing Plan to inform discussions with developers on the type of housing development to be provided across the strategic sites. This will include the size, quality and tenure of homes. It will also agree what specialist housing provision is required including older people's housing, community led housing schemes and provision for young people.

Inspector's Question 3

3. Is the Plan/this policy justified, effective and consistent with national policy in respect of the need for Starter Homes?

Response to Question 3

26. The LPSV is justified, effective and consistent with national policy in respect of the need for Starter Homes. Whilst the Housing and Planning Act 2016 provides the statutory framework for the delivery of Starter Homes the legislative provisions needed to introduce a general duty on planning authorities in England to promote the supply of starter homes, and a specific duty to require a minimum

number or proportion of starter homes on certain residential development sites, are not yet in force.

27. In order to maintain flexibility to accommodate any future legislative changes, as well as the need to determine the appropriate mix of affordable housing according to the most up-to-date objectively assessed housing needs, Policy H 2 is 'silent' in terms of specifying the tenure mix and percentage of homes within that mix. Consequently, Policy H 2 does not preclude the provision of Starter Homes to accommodate any identified need over the course of the Plan period.

Inspector's Question 4

4. Is the requirement for sites accommodating 11 or more dwellings to provide 40% of the units as affordable justified by viability evidence? As the threshold for making provision will be lower than the current plan level of 15 or more dwellings, is there a risk that the viability of sites providing 11-15 dwellings will be undermined in the short term? Is there a case for staggering the requirement so that it does not come into force immediately? (Reps 19LAD0022).

Response to Question 4

28. The Stage 2: Update Assessment of the Viability of Affordable Housing, Community Infrastructure Levy (CIL) and Local Plan Final Report November 2017 (EB301) at paragraph 27 (page vi) confirms that the requirement for 40% affordable housing on sites of 11+ units is likely to be viable at a 'whole plan level'. In doing so, it should be noted, as set out at paragraph 1.5.21 (page 21) that the viability testing was based on a 'worse case' basis with respect to the impact of reduced rents on affordable housing values as a result of the 2015 Budget which introduced the requirement for affordable housing providers (registered providers) to cut social housing rents by 1 per cent each year for four years from April 2016.
29. The proposed policy was consulted on during the Regulation 18 consultation between October and December 2016 and there is no evidence to suggest that, from a 'whole plan' perspective, sites of 11-15 units would be unviable in the short term and therefore there is no justification for staggering the requirement for such provision. Notwithstanding this, the LPSV provides flexibility through Policy H 2 Parts D and E for a site specific evidence-based approach to be taken with respect to scheme viability should such a situation occur.

Inspector's Question 5

5. Is it justified to apply the requirements for affordable housing to all types of housing, including that falling within Use Class C3?

Response to Question 5

30. The requirement for the provision of affordable housing for all types of housing regardless of whether they are deemed to be in Use Class C2 (Residential Institutions) or Use Class C3 (Residential Dwelling) is justified. The West Essex and East Hertfordshire Strategic Market Housing Assessment Affordable Housing Update July 2017 (EB408) identifies the overall level of affordable housing need within Epping Forest District. It does not specify the type of housing in terms of Use Class such need should be accommodated within and neither does the 2012 NPPF. Furthermore, the Planning Practice Guidance sets out at Paragraph 022 (Reference ID:2a-022-20140306) that 'Plan makers working with relevant colleagues within their local authority (e.g. housing, health and social care departments) will need to estimate the number of households and projected households who lack their own housing or live in unsuitable housing and who cannot afford to meet their housing needs in the market'. Again, no specificity is given regarding Use Classes C2 or C3.
31. On the basis of the above, the Council considers, therefore, that all housing proposals over the threshold identified in Policy H 2 A should make a contribution to the provision of affordable housing within the District, regardless of whether it falls within Use Class C2 or C3. Notwithstanding this, Policy H 2 Part D and E provide flexibility should the specifics of any C2 Use Class scheme demonstrate that the provision of affordable housing renders it unviable, or, under Part F, if site specific circumstances preclude on-site provision.

Inspector's Question 6

6. Does the requirement in Part A concerning build standards duplicate the requirements of Policy H1, Part A(v)? If so, should it be deleted?

Response to Question 6

32. The reference to build standards in Part A has been included in order to ensure that where development proposals are, for example, solely for the provision of

affordable housing, as may be the case from time to time, it is clear what is expected from such developments with regard to build standards.

Inspector's Question 7

7. Is there duplication between Part A and Part C of the Policy in respect of the mix of affordable homes required? Should the policy be more specific about the actual mix expected, or clarify where up to date evidence on this matter can be found? Is Part C justified in generally requiring the mix of affordable homes to reflect the mix of market housing? Would this meet the specific needs of those requiring affordable housing? Would it produce unnecessarily large houses that would not be genuinely affordable?

Response to Question 7

33. The Council recognises that, as currently drafted, Part A and Part C appear to be a duplication. However, the reference to mix in Part A relates to tenure mix, rather than the mix of units in terms of size as referred to in Part C. The Council would therefore propose that, for the sake of clarity, Part A is amended as follows:

"A. [...] The tenure mix of affordable homes will be required to reflect the latest available housing need [...]"

34. In order to maintain flexibility over the Plan period the Council consider that such information is better provided within the explanatory text to Policy H 2. Paragraph 3.16 of the LPSV goes some way to signposting where such information can be found together with an indication of the approach that the Council considers to be preferable in terms of the mix of affordable homes (with respect to location, type, size and tenure). Notwithstanding this the Council consider that it would be helpful, for the sake of clarity, to propose an amendment to the wording of paragraph 3.16 as follows:

Paragraph 3.16

"The 2015 SHMA and updates provide information about the potential type and tenure of affordable homes to be provided across the District. This evidence indicates the need for the provision of 81% of new affordable homes to be for affordable rent and 19% to be for intermediate housing products. This provides a useful starting point but, as with the delivery of market housing, there is a need to consider the most appropriate location, type, size and tenure of properties to be provided in

different areas. Applicants are therefore advised to contact the Council's Housing Service for the most up-to-date information with respect to affordable housing needs. Different locations will have different characteristics, and different sizes of site will provide varying opportunities for achieving a mix. There is also a need to make best use of land, and to take account of the existing stock of affordable housing within the locality in respect of the objective of achieving mixed and balanced communities [...]"

35. The Council's proposed approach in generally requiring the mix of affordable homes to reflect the mix of market housing is justified for the reasons set out in paragraph 3.16 of the LPSV. In particular such an approach ensures that the individual characteristics of a site do not preclude the provision of affordable housing by being too prescriptive within the policy text. This approach also reflects the fact that, as evidenced in Figure 22 (page 33), of the Strategic Housing Market Assessment Affordable Housing Update October 2017 (EB408), the affordable housing need for the Epping Forest District is varied in terms of size and tenure. Taking a flexible approach maximises the opportunity to create sustainable, inclusive and mixed communities, as set out at paragraph 50 of the NPPF 2012, and supports the achievement of designing homes that are 'tenure blind'. As referred to in paragraph 25 (above), further work is being undertaken within the Garden Town in this regard.
36. The Council does not consider that such an approach would produce unnecessarily large houses that would not be genuinely affordable having regard to the requirements of Policy SP 3 Place Shaping, and in particular the need for all development proposals to demonstrate that a number of place shaping principles have been adhered to, including the provision of mixed-tenure homes and a range of house types and sizes, and to ensure the best and most efficient use of land. It is also important to recognise that, whilst the focus for affordable housing, in terms of size, is for smaller properties (that is 1 and 2 bedroom homes), there is also a need for larger family homes as set out in Figure 22 (page 33), of the Strategic Housing Market Assessment Affordable Housing Update October 2017 (EB408).

Inspector's Question 8

8. Part E of the policy indicates that the appropriate tenure mix is set out in the Policy, but it is not. Does this require correction?

Response to Question 8

37. The Council recognises that, as currently drafted, Part E is incorrectly worded and therefore would propose the following amendment:
- "E. Where it has been demonstrated to the Council's satisfaction that the provision of affordable housing in accordance with the above levels and the preferred tenure mix as indicated by the most up-to-date evidence would render the scheme unviable, the Council will determine the approach to be taken to achieving viability, where appropriate, having regard to the following available options: [...]"

Issue 3: Is Policy H3 clear and effective?

Inspector's Question 1

- 1. Is Part A sufficiently clear about which "smaller settlements" the policy relates to? Indeed by reference to Policy SP2(c) is it clear where housing development will not normally be granted? In particular, does Part C(i) of Policy SP2 intend that windfall proposals outside defined development boundaries will not normally be permitted? If so, should this be made explicit?**

Response to Question 1

38. The Council does not consider it necessary for Part A of Policy H 3 to specify the settlements that would, or would not, be appropriate to accommodate small-scale rural exception affordable housing schemes. It is not the case that all 'small villages' within the District (as specifically referred to within Table 5.1 Settlements within Epping Forest District at page 114 of the Plan) would be capable of accommodating a small amount of affordable housing through Policy H 3. In any event, the Council considers that such considerations are quintessentially matters that would be relevant to neighbourhood planning and should not be prescribed by Part A of Policy H 3.
39. That being said, the Council considers that Policy H 3 could benefit from some additional clarification and, therefore, proposes an amendment to Part A of Policy H 3, as follows:
 - "A. Planning permission may be granted for small-scale affordable housing schemes on sites where planning permission would not normally be granted, where those sites which are related to smaller settlements, where planning permission will not normally be granted where there are no housing allocations proposed of a sufficient size to make provision for affordable housing, or where such sites do not, in accordance with the provisions of Policy H 2, provide for sufficient affordable housing when granted planning permission to address the full need for that settlement. Such schemes will need to satisfy where the Council is satisfied that:
[...]"
40. The intention of Policy SP 2 C (i) is that windfall sites proposed on land within the Green Belt will not normally be permitted, unless the development is a windfall site for affordable housing where a need has been demonstrated as provided for in Policy SP 2 C (iii).

41. Notwithstanding the intention of Policy SP 2 C (i), for the sake of clarity, the Council proposes, the following amendment to the supporting text to Policy H 3 at paragraph 3.17 and 3.18 as follows:

"3.17 A significant part of the District is rural in nature ~~with a larger number of smaller settlements and communities which, in accordance with the proposed spatial strategy, would not be appropriate for the allocation of larger scale developments, which would normally be expected to deliver a proportion of affordable homes. Nevertheless it is highly likely that there will continue to be a need for affordable homes in those communities.~~ and designated as Green Belt. In accordance with Policy SP 2 C(i), development in such areas, if not specifically allocated for housing within this Plan, would not normally be granted planning permission. Where sites have been allocated within or adjacent to small villages many are below the threshold for which affordable housing would be sought. Consequently, there is still likely to be a need for affordable housing in such places and those communities should have the ability to benefit from the provision of affordable homes on suitable small scale sites."

[...]

Approach

3.18 ~~There is a need to provide the opportunity for those communities to be able to benefit from the provision of affordable homes on suitable small scale sites if a local need is clearly identified and evidenced.~~ In order to be able to accommodate such affordable housing need, where it has been clearly identified and evidenced, and where it accords with other relevant policies of the Plan, the Council may grant planning permission for small-scale affordable housing schemes. In accordance with national guidance, there is also a need to provide some flexibility to enable the opportunity for some cross-subsidy through the provision of a small proportion of market housing should viability evidence clearly demonstrate that such cross-subsidy is justified.

Inspector's Question 2

2. Part A(ii) refers to both the “existing settlement” and the “nearby settlement”. Should a single terminology be used?

Response to Question 2

42. The Council agrees that a single terminology should be used and would suggest the following proposed amendment to Part A paragraph (ii):

"(ii) the development is well-related to the existing settlement and there is not significant detrimental impact to the character of that ~~the nearby~~ settlement and the surrounding countryside, or would cause significant harm to Green Belt objectives.

Inspector's Question 3

3. Part A(ii) indicates that rural exception sites could be permitted in the Green Belt? Is this justified?

Response to Question 3

43. As any rural exception site would fall within land designated by Green Belt, recognising the particular characteristics of the District, then in order to support the delivery of affordable homes to support the needs of local communities, this could only be achieved by permitting rural exception sites within the Green Belt and is consistent with Policy DM 4 Part C (v) of the LPSV. Such proposals would need to be supported by a local housing needs assessment (as required by Part A. (i) of the Policy). This is a justified approach in accordance with paragraph 89, bullet point 5 (at page 21) of the 2012 NPPF.

Inspector's Question 4

4. Part F of the Policy refers to viability appraisals submitted in accordance with Part D. Should this be Part E?

Response to Question 4

44. The Council agrees that this reference should be to Part E not Part D and, therefore, proposes the following amendment:

"F. Where a viability appraisal has been submitted in accordance with ~~paragraph D~~ Part E (above) the Council will undertake an independent review of that appraisal for which the applicant will bear the cost.

Issue 4: Is the size limit for non-allocated sites Traveller Sites imposed by Policy H4 justified? Is the Policy otherwise justified, effective and consistent with national policy?

Inspector's Question 1

- 1. Is Part C justified in imposing a 0.5Ha limit on the size of non-allocated sites? Would this be sufficient to accommodate the accommodation and equipment often required by residents? Could the aims of the policy be achieved by removing the site size limit and retaining just the 5 pitch limit?**

Response to Question 1

45. Part C of Policy H 4: Traveller Site Development requires that proposals for new sites other than those allocated in the plan “should not exceed five pitches or 0.5ha, unless a specific justification is provided for a greater number of pitches up to a maximum of 10 pitches. It does not therefore impose a strict 0.5ha limit on sites.
46. This site size of 0.1ha per pitch is considered to be sufficient to ensure the provision of the accommodation and equipment often required by residents. As noted in the Report on Site Selection (EB805 page 51 footnote 20) a pitch is an area which is large enough for one household to occupy and typically contains enough space for one or two caravans. Fire safety concerns and functional requirements (amenity unit, large trailer, touring caravan, drying area, lockable sheds, parking space) effectively set a minimum pitch size. An average pitch size of 0.1ha was used across the East of England and considered appropriate for the policy. The reasons for a site size of 0.1ha are set out in the Traveller Site Selection Methodology (EB805AI paragraph 12, page D4).
47. The proposed provision for smaller sites of 5 pitches (0.5ha) arose from a number of factors:
- (a) Responses to the consultation on the options for Development Plan Provision for Gypsies and Travellers in Epping Forest District in 2008 (EB805 page 54, footnote 25,) and the Community Choices Consultation in 2012 held on the emerging Local Plan. A number of respondents expressed a clear preference for smaller sites rather than expanding provision on existing sites that already have more than five pitches. See Site Selection Report (EB805 page 55, paragraph 3.21);
 - (b) This preference also matches the pattern of existing traveller sites in the District, the majority of which are smaller private sites occupied by family groups (EB402, Page 10, paragraph 4.2 and Figure 1);

- (c) The need identified for the plan period in most part arises from the existing family groups and constitutes incremental household growth accommodating a single extended family and addressing concealed households (EB402, Page 16, paragraph 5.18) together with need arising from families occupying unauthorised sites that also contain a family group;
 - (d) The Council has found that smaller sites for travellers tend to enable a more harmonious relationship between the different travelling communities and between travelling communities and settled communities. This is noted in the Site Selection Report (EB805, page 55, paragraph 3.20);
 - (e) Finally, in pursuit of harmonious community relations, (and in line with the government's aims in Planning Policy for Travellers Sites notably paragraph 4 (i)) the Council has sought in its strategy to avoid further overconcentration of sites for travellers in certain areas. This was explained in the Councils' Hearing Statement for Matter 5: Site Selection Methodology and the Viability of Site Allocations. The relevant paragraphs are 42 and 43, in response to the Inspector's Question 2a. The approach is supported by the findings of the Sustainability Appraisal as noted in paragraph 39 (a) of the Matter 5 Hearing Statement.
48. The Council considers that the approach is fair and effective in facilitating the traditional and nomadic life of travellers, while respecting the interests of the wider community. Evidence available demonstrates that sites should generally be smaller in size.
49. In any event, the Council considers that the aims of the policy would still be achieved by removing the site size limit and retaining the 5 pitch limit. Therefore, the Council proposes the following amendments to this effect:

Policy H 4 Traveller Site Development

- "C. In accordance with Policy ~~SP 4~~ SP 5 proposals for new sites under ~~part~~ Part B of this policy should not exceed five pitches ~~or 0.5 hectares,~~ unless a specific justification is provided for a greater number of pitches up to a maximum of 10 pitches.
50. Consequential amendments to reflect this are also required to:
- (a) Part F of Policy SP 5:
"(iii) ~~0.5 hectares~~ for up to 5 traveller pitches;"
 - (b) Part G of Policy SP 5:
"(ii) ~~0.5 hectares~~ for up to 5 traveller pitches

- (c) Part H of Policy SP 5:
"(ii) ~~0.5 hectares for~~ up to 5 traveller pitches

Inspector's Question 2

2. Part C cross-refers to Policy SP4. Is this correct?

Response to Question 2

51. The cross reference in Part C of Policy SP 4 is incorrect. It should refer to Policy SP 5 Garden Town Communities. The Council proposes an amendment to address this, which has already been included in the response to Question 1 (above).

APPENDIX A: Examination documents referred to in this statement

Reference	Name	Author	Date
EB301	Viability Study Stage 2	Dixon Searle Partnership	November 2017
EB301A	Appendix I – Assumptions Summary	Dixon Searle Partnership	November 2017
EB402	Epping Forest District Council: Gypsy, Traveller and Travelling Showpeople Accommodation Assessment Need Summary Report	ORS	September 2017
EB405	Strategic Housing Market Assessment	ORS	2015
EB408	Strategic Housing Market Assessment update	ORS	2017
EB805	Site Selection Report	Arup	2018
EB805AI	Appendix D Traveller Site Selection Methodology	Arup	2018
EB807	Care Market Strategy 2017-2021	Essex County Council	November 2017

EB1202	<u>Memorandum of Understanding on Distribution of Objectively Assessed Housing Need across the West Essex / East Hertfordshire Housing Market Area</u>	West Essex/East Herts authorities	March 2017
EB1507	<u>Epping Forest Local Plan – Regulation 18 and 19 – Withdrawing Objections</u>	Harlow District Council	June 2018
EB1600	<u>Housing Background Paper</u>	EFDC	October 2016