

## ***Report to Council***

**Date:** 14 December 2017

**Subject:** Publication of the Submission Version of the Epping Forest District Local Plan

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### **Recommendations/Decisions Required:**

- (1) That the Council either:**
  - (a) agree and publish the Epping Forest District Local Plan Submission Version 2017; or**
  - (b) Delay the Local Plan and accept the Government's new housing delivery test requiring an indicative housing target of 923 homes per annum or 20,306 homes over the plan period**
  
- (2) That should the Council adopt 1 (a) above:**
  - a. The Epping Forest District Local Plan Submission Version 2017 (Appendix A) be agreed and published for a period of six weeks from 18 December 2017 to 29 January 2018 in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations");**
  - b. The Sustainability Appraisal/Equalities Impact Assessment and Habitats Regulation Assessment be agreed and published alongside the Submission Plan;**
  - c. To note that the Local Plan Duty to Co-operate Statement of Compliance, Consultation Statement and Local Plan evidence base will be available on the Council's website;**
  - d. That following the conclusion of the Regulation 19 publication period, the Local Plan be submitted to the Secretary of State for Independent Examination under section 20 of the Planning Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), together with the submission documents prescribed by Regulation 22 of the 2012 Regulations before 31 March 2018;**
  - e. That the Director of Neighbourhoods, in consultation with the Planning and Governance Portfolio Holder, be authorised to make non-material typographical, formatting, mapping and other minor amendments to the Plan prior to publication on 18 December 2017 and prior to the submission of the Plan to the Secretary of State;**
  - f. That the Director of Neighbourhoods be authorised to write to the Local Plan Inspector appointed to carry out the Examination of the submitted Local Plan ("the Local Plan Inspector") asking him/her to recommend such modifications of the submitted Local Plan as may be necessary to make the Plan sound and legally compliant, in accordance with section 20(7C) of the 2004 Act;**
  - g. That the Director of Neighbourhoods be authorised to produce and submit any supplementary information and documentation to the Local Plan Inspector as may be required to complete the examination;**
  - h. That the Director of Neighbourhoods, in consultation with the**

**Planning Portfolio Holder, be authorised to submit a schedule of proposed main modifications of the submitted Local Plan to address any issues relating to soundness and legal compliance identified by the Local Plan Inspector; and**

- i. That the Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and enforcement decisions to be given appropriate weight in accordance with paragraph 216 of the National Planning Policy Framework.**

### **Executive Summary:**

This report seeks:

- a) Agreement to publish the Submission Version of the Epping Forest District Local Plan in accordance with Regulation 19 of the Planning Regulations. When adopted, the Local Plan will supersede the combined policies of the Epping Forest District Local Plan (1998) and Alterations (2006) and will ensure that the Council has an up-to-date Local Plan to guide future development in the District. This will enable the Council to strategically plan for future development and infrastructure needs in the District, promote sustainable development and identify and update annually the five-year supply of deliverable housing land in the future.
- b) Agreement to submit the Local Plan Submission Version to the Secretary of State for Independent Examination, together with the documents and information prescribed by Regulation 22 of the 2012 Regulations – this includes copies of all Regulation 20 representations received in response to publication, the Sustainability Appraisal Report, Habitats Regulation Assessment, Duty to Co-operate Statement of Compliance, Consultation Statement, Statement of Community Involvement and Local Development Scheme.
- c) Agreement to delegate to the Director of Neighbourhoods in consultation with the Planning Portfolio Holder the making of minor and non-material typographical, formatting, mapping and other amendments prior to publication and prior to the submission of the Local Plan to the Secretary of State.

### **Reasons for Proposed Decision:**

The proposed publication of the Local Plan Submission Version is in accordance with the Council's adopted Local Development Scheme and Statement of Community Involvement; it complies with relevant legislative requirements and is necessary before the Local Plan can be submitted to the Secretary of State for Independent Examination prior to the end of March 2018, thereby using the current assessment of housing need. Any delay will require the Council to undertake a significant amount of further work to revise the Plan in order to meet the additional housing need identified under the proposed standardised methodology published by DCLG in September 2017. In addition, the Government is proposing to introduce a new Housing Delivery Test, that will identify whether the number of homes being built is below the prescribed target and, where there is under-delivery, a presumption in favour of development will apply. Although the implementation of the Housing Delivery Test has been delayed, when brought into effect, it is likely that the housing target applied for the District will be as set out in the DCLG consultation (i.e. 923 homes per annum) rather than the 518 homes per annum currently identified as the District's housing requirement.

A failure to submit the Local Plan to the Secretary of State for Independent Examination before the end of March 2018 would therefore have considerable implications for the

Council. It is highly likely that the Council would need to reconsider many aspects of the Local Plan and undertake a considerable amount of further work in order to respond to a significant increase in the housing requirement. This would require additional resources, whilst also resulting in a considerable delay in finalising the Local Plan for Submission, leaving the District without an up to date Local Plan for a significantly longer period. Importantly, it would also restrict the ability of the Council to deliver plan-led growth to meet future development and infrastructure needs, and leave the District vulnerable to speculative development proposals. It would also leave the Council vulnerable to formal intervention by the Secretary of State exercising his default plan-making powers under Part 2 of the 2004 Act, as set out in the Housing White Paper.

On 16 November 2017, the Secretary of State announced that he has commenced the formal process of intervention in the plan-making arrangements of 15 local planning authorities that have failed to progress a Local Plan to the stage of publication. When announcing that unprecedented action, the Secretary of State issued the following warning: *"To the other authorities who are lagging behind, don't think for one minute that you've got away with it. That you can ignore agreed deadlines or refuse to co-operate with your neighbours. Get your plan written. Get your plan adopted. I've shown today that I will take action if this doesn't happen. I will not hesitate to do so again."*

The Local Plan Submission Version is underpinned by a significant amount of technical work and justified by a comprehensive and robust evidence base. The Local Plan policies, spatial strategy and site allocations are supported by an extensive range of detailed supporting documents, including the Sustainability Appraisal, Habitat Regulations Assessment and Infrastructure Delivery Plan (amongst many others). Any alterations to the Submission Plan at this stage will require a considerable amount of consequential further work to be undertaken, which will make it impossible for the Council to submit the Plan for Independent Examination before the end of March 2018 and is likely to undermine the soundness and/or legal compliance of the Local Plan.

#### **Other Options for Action:**

- Not to publish the Submission Plan.
- Amending the Submission Plan prior to Submission

#### **Report:**

##### **Background**

1. The Local Plan sets out the proposed strategy for meeting the District's needs for the next 16 years and the planning framework to guide future development and the use of land in the District. It identifies how the District will grow and develop whilst at the same time maintaining its attractiveness as a place to live, work and visit. The Plan covers the period 2011-2033. Once adopted the policies in the Plan will replace all of the surviving policies of the Local Plan 1998 and the 2006 Local Plan Alterations. Minerals and Waste Policy remains the responsibility of Essex County Council. The Local Plan, together with the Essex Minerals Local Plan 2014, the Essex and Southend-on-Sea Waste Local Plan 2017 and any adopted Neighbourhood Plans form the Development Plan for the District. The Development Plan is the basis upon which planning applications are determined, unless there are material planning considerations that indicate otherwise. The policies of the Development Plan should be read as a whole.
2. The Local Plan is a long-term document which provides certainty to communities and businesses as to where development will be provided and where development will be restricted. It also allows infrastructure providers to plan effectively for the future.

3. Work on the emerging Local Plan has been ongoing for a number of years. The Council has consulted throughout the preparation of the Plan and in particular through three formal consultations: Community Vision in 2010/11, Community Choices in 2012 and the Draft Local Plan in 2016. There has been ongoing consultation with Parish and Town Councils through a range of workshops and briefings. The results of the previous public consultations are on the Council's website. Members have received a detailed report on the outcome of the most recent consultation on the Draft Local Plan in July. All of the comments received have been considered during the production of the Local Plan Submission Version and a consultation statement has been prepared which sets this out in more detail and is appended to this report (Appendix 2).
4. The preparation of the Local Plan has been informed by an extensive evidence base which has been kept up to date and is available to view on the Council's website see [www.eppingforestdc.gov.uk/planningourfuture](http://www.eppingforestdc.gov.uk/planningourfuture).
5. The Council has worked closely with a number of bodies during the preparation of the Local Plan in accordance with the requirements under the Duty to Cooperate. In particular the Council has worked closely with Essex County Council to ensure that the infrastructure implications of individual sites and different development distribution options, including cumulative impacts, have been properly understood and considered (particularly with regard to Education and Transport) and an updated Infrastructure Delivery Plan and schedule to support the Local Plan will be published alongside the Local Plan Submission Version. The Council has also worked closely with its housing market area partners (Harlow, East Herts and Uttlesford District Councils) to address the strategic cross boundary issues including the distribution of housing, employment needs, the impact of development on the Epping Forest Special Area of Conservation and transport matters the four districts.
6. The Council was instrumental in establishing the Cooperation for Sustainable Development Member Board and has been acting as the lead authority in the submission of interest for the Garden Town and following the award of Government funding to support the Garden Town has commissioned a number of pieces of work to take this forward. This has included work to develop a spatial vision and design charter, sustainable transport corridor and the establishment of a quality review panel. A duty to cooperate statement has been prepared to support the Submission Plan – see Appendix 3.
7. This report presents the Local Plan Submission Version and seeks agreement to publish the Plan for a six-week period under Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012 as amended.
8. As Members will be aware following the publication on 14 September 2017 of the Government consultation proposals on local housing need 'Planning for the right homes in the right places', the Cabinet on 12 October 2017 agreed an accelerated timescale for the production of the Local Plan to ensure that it was submitted to the Planning Inspectorate by 31 March 2018. In order to meet this timescale this means that the Regulation 19 publication needs to start on 18 December 2017 for a period of six weeks until 29 January 2018.
9. The proposals in the consultation follow on from the Housing White Paper published earlier this year when the Government committed to further consultation on specific issues including the proposed approach to a standard method for calculating local housing need including transitional arrangements. The proposed approach seeks to introduce a simple standard approach to assessing local housing need based on publicly available data and which reflects the actual need for homes in each area, taking into account the affordability of homes locally.

10. The proposed approach consists of three components:
- The starting point continues to be projections of future household growth using the most recent official data with the annual average household growth over a 10 year period;
  - An adjustment to take account of market signals and the affordability of new homes. The proposal is to do this using the workplace based median house price to median earnings ratio data; and
  - Capping the level of any increase according to the status of the local plan in each area, so that for those authorities that do not have an up to date local plan (i.e. more than five years old) the new local housing need figure should be capped at 40% above the higher of the projected household growth or the annual housing requirement figure currently set.
11. Alongside the consultation document DCLG have published the housing need figure for each local planning authority using this method on the basis of current data (average household growth for 2016-2026 and house price to earnings ratios for 2016). For Epping Forest District this has been calculated at an annual housing need requirement of 923 homes per annum compared with the Draft Local Plan figure of 514 homes per annum. Over the plan period from 2011-2033 this equates to the need to make provision for 20,306 new homes compared with 11,400 in the Local Plan Submission Version. The consultation document proposes transitional arrangements to set a period of time before which submitted plans would be expected to use the standard method for calculating local housing need to recognise the fact that many plans are well advanced. For authorities like EFDC where there is no plan or the plan adopted was more than five years ago and has not yet reached publication stage (Regulation 19) the proposed arrangements are that the new standardised method should be used unless the plan will be submitted for examination on or before 31 March 2018. The Government also announced on 16 November 2017 that they will be starting the formal process of intervention set out in the Housing White Paper for those authorities who have not sufficiently progressed their local plan and have named 15 authorities for such intervention. Three authorities in Essex - Basildon, Brentwood and Castle Point have been named.

### **Strategy for the Local Plan Submission Version**

12. As in the Draft Local Plan published in October 2016 the Local Plan Submission Version sets out the vision, policies and proposals to guide future development and the use of land within Epping Forest District. It provides certainty to members of the public and developers as to where development is likely to take place and guides decision takers on the most appropriate forms of development over the Plan period to 2033. The Local Plan Submission Version sets out the strategy for meeting the assessed housing and economic needs of the District. Following work undertaken with the other authorities across the West Essex and East Hertfordshire Housing Market Area and transport modelling it has been demonstrated that growth of around 16,000 new homes can be accommodated and a Memorandum of Understanding has been agreed to this effect. Of this quantum, it is proposed to allocate sites in this District amounting to 3,900 homes on sites around Harlow. The Council is proposing that the remaining housing need identified for the District will be delivered by taking a sequential approach to where new homes will be provided in accordance with the following order of priority:
- i) The creation of Garden Town Communities around Harlow recognising its strategic economic role and needs;
  - ii) A sequential flood risk assessment – proposing land in Flood Zone 2 and 3 only where need cannot be met in Flood Zone 1

- iii) Sites located on previously developed land within settlements
  - iv) Sites located on open space within settlements where such selection would maintain adequate open space provision within the settlement
  - v) Previously developed land within the Green Belt (in anticipation of the NPPF being updated to take account of the proposed changes published in December 2015).
  - vi) Greenfield/Green Belt land on the edge of settlements:
    - a. Of least value to the Green Belt if the land meets other suitable criteria for development.
    - b. Of greater value to the Green Belt if the land meets other suitable criteria for development.
    - c. Of most value to the Green Belt if the land meets other suitable criteria for development.
  - vii) Agricultural land
    - a. Of Grade 4-5 if the land meets other suitable criteria for development.
    - b. Of Grade 1-3 if the land meets other suitable criteria for development
  - viii) Enable small scale sites in smaller rural communities to come forward where there is a clear local need which supports the social and economic well-being of that community.
13. The Strategy of the Local Plan Submission Version remains entirely consistent with the Draft Local Plan. However, changes have been made to the Plan to take account of comments received to the Draft Local Plan, further evidence based work and the assessment of additional sites.
14. The structure of the Local Plan Submission Version remains consistent with the structure of the draft Local Plan with sections on the strategic policies, District Wide Policies, Places and Infrastructure. As required by the National Planning Policy Framework, the Local Plan seeks to positively plan for growth and identifies sites that will deliver the identified housing need of 11,400 homes and 10,000 jobs over the Plan period.
15. The Local Plan Submission Version comprises the following:
- Chapter 1 – **Introduction and setting the scene**. This explains what the Local Plan is and provides some basic information about the District and identifies the key issues the Plan seeks to address;
- Chapter 2: **Strategic Policies** sets the strategic context and policies for the District including the vision and objectives for the Plan. It sets out the approach to sustainable development, the amount of development needed in the District, associated infrastructure requirements, the Garden Town and proposed site allocations around Harlow and the proposed spatial distribution of development for the rest of the District. It also sets out the approach to the Green Belt and the strategic Green Network (including Epping Forest and the Lee Valley Regional Park);
- Chapter 3: **District Wide Policies** sets out the Policies that will apply across the District for housing, employment and transport;
- Chapter 4: **Development Management Policies** including natural environment and green infrastructure, historic environment, design and environmental policies;

Chapter 5: **The Places** contains policies that apply to specific places and has a section on each of the main settlements and town centres; and

Chapter 6: **Infrastructure and Delivery** sets out the infrastructure policies and approach for seeking contributions from developers as well as how the Plan will be delivered and monitored.

16. The Plan also includes six Appendices:

Appendix 1: Acronyms and Glossary

Appendix 2: List of Policies replacing the policies in the Epping Forest District Local Plan (1998) and Alterations (2006)

Appendix 3: List of measures to monitor the effectiveness of policies in the Local Plan

Appendix 4: List of Policy Designations

Appendix 5: Housing, Employment and Traveller trajectories

Appendix 6: Site specific requirements for site allocations

17. A **Policies Map** (previously known as the proposals map) will accompany the Local Plan. The Policies map shows the main policy designations such as Green Belt, housing allocations, employment areas, environmental assets, conservation areas and open spaces.

18. A **Sustainability Appraisal (including Equalities Impact Assessment)** has informed the preparation of the District Plan. Reasonable alternatives to the policies and sites have been assessed at various stages in the preparation of the Local Plan and this has informed the development of the spatial strategy and the selection of sites. As well as an appraisal of each policy and site it includes an assessment of the cumulative effects of the Plan against sustainability objectives. As a public sector organisation, Epping Forest District Council has a duty under the Equality Act 2010, including the Public Sector Equality Duty, to ensure that the objectives and proposals within the Epping Local Plan eliminate unlawful discrimination (direct and indirect), as well as advancing equality of opportunity and fostering good relations between those with protected characteristics and all others. An Equality Impact Assessment (EqIA) is often used by public sector organisations to demonstrate how this duty has been met. Equalities issues were already being considered through the SA process under the Community and Wellbeing Topic. However, in 2017 the Council decided to fully integrate EqIA into the SA process. As a result, it was decided that a separate SA topic ('Equality, Diversity and Inclusion') should be established in order that equalities issues could be clearly addressed. This will help to ensure that equality issues/impacts are considered and discussed as part of the appraisal of the Plan and reasonable alternatives. The Non-Technical Summary of the SA is attached to this report (Appendix 4).

19. A **Habitats Regulations Assessment (HRA)** has also been undertaken to identify any aspects of the emerging Local Plan that would have the potential to cause a likely significant effect on Natura 2000 or European sites (Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites. The HRA concludes that the Local Plan will not result in a likely significant effect, either alone or in combination, upon any European Sites. This conclusion is contingent upon the implementation of a monitoring programme and the delivery of mitigation where identified in particular in relation to Epping Forest SAC. An Action Plan is being prepared in conjunction with the Conservators of Epping Forest and Natural England. The HRA Non-Technical Summary is appended to this report (Appendix 5).

20. **An Infrastructure Delivery Plan and Schedule** has also been prepared following extensive ongoing consultation with infrastructure providers and other stakeholders and sets the requirements for the level of growth identified in the Local Plan Submission Version. The Inspector appointed to undertake the Examination will expect a level of certainty relating to the first five years of the Plan. The Infrastructure Delivery Plan and schedule will be available on the website as part of the Council's evidence base. There are a range of public sector funding sources available to support infrastructure but developer funding will be an important element of delivering the infrastructure required. The two main sources of developer funding are S106 agreements and Community Infrastructure Levy. The Government commissioned a review of the Community Infrastructure Levy with the task of assessing the extent to which it is an effective mechanism for funding infrastructure. The announcement in the budget report published on 22 November suggests that the Government are going to consult on removing the restriction on Section 106 pooling towards a single piece of infrastructure where the local authority has adopted CIL or where significant development is planned on several large strategic sites. In the light of this the Council will need to consider whether the introduction of a Community Infrastructure Levy as a mechanism to secure funding for infrastructure across the District should be progressed alongside the work towards the examination of the Local Plan, so that the Council is in a position to adopt CIL shortly after the adoption of the Local Plan.

#### **Local Plan Submission Version Evidence Base**

21. Other key evidence based documents will be available on the Councils website which have been used to inform and support the Regulation 19 Submission Plan. The key documents are:
- **Site Selection Report** following the evaluation of additional/amended sites during 2017 to inform the Local Plan.
  - **Transport** – a highway assessment report has been prepared by Essex County Council to assess the potential transport related effects of the Submission Plan and identify some of the mitigation measures required to support the delivery of planned development.
  - **Stage 2 Viability Study and update assessment of the viability of affordable housing and the Local Plan.** Viability assessment is an important part of the plan making process. The Study assesses the viability of the delivery of the policies and proposals in the Local Plan including the policy to seek 40% affordable housing to ensure that the proposed sites, policies and the scale of development are not subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.
  - **Employment Need Studies** for the District and the Functional Economic Market Area undertaken in 2017 together with a review of the supply in the District.
  - **Open space, playing pitch and built facilities strategies**
  - **Visitor accommodation study**
  - **Essex, Southend on Sea and Thurrock Gypsy Traveller and Travelling Showpeople Accommodation Assessment and Epping Forest District Council Need Summary Report**

#### **Publication of the Local Plan Submission Version**

22. Subject to agreement it is proposed that the publication period for the Local Plan Submission Version will commence on the 18 December 2017 for a six-week period closing on the 29 January 2018.

23. The purpose of this stage of the plan-making process is to enable any person to make representations (known as Regulation 20 representations) about the Local Plan Submission Version. Representations may be made about any aspect of the Local Plan and every duly made Regulation 20 representation will be submitted to the Secretary of State with the Local Plan and must be considered by the Local Plan Inspector appointed to carry out the examination. Reflecting the purpose of the examination, the focus of Regulation 20 representations should be whether the plan has been prepared in accordance with the Duty to Co-operate under section 33A of the 2004 Act, whether it complies with relevant legal (procedural) requirements, and whether it is sound. The tests of soundness are set out within paragraph 182 of NPPF and require that:
- the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
  - the Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - the Local Plan is consistent with national policy, and enables the delivery of sustainable development in accordance with policies within the NPPF.
24. When considering if the Plan meets its legal requirements, the Inspector will consider a number of issues including:
- Local Development Scheme – has the Plan been prepared in accordance with the timetable set out on the Local Development Scheme?
  - Statement of Community Involvement and relevant regulations – has consultation on the Plan been in accordance with the Council's Statement of Community Involvement and have the appropriate bodies been consulted?
  - Duty to Co-operate – has the Plan been prepared in cooperation with other local planning authorities and prescribed bodies, such as the Environment Agency and the Local Enterprise Partnership, to identify and address any issues?
  - Sustainability Appraisal – has an adequate Sustainability Appraisal been carried out?
  - Habitat Regulations Assessment – has an adequate Appropriate Assessment under the Habitats Regulations been carried out?
  - National Policy and Legislation – does the Plan comply with national policy and legislation, including the National Planning Policy Framework.
25. In accordance with the Council's Statement of Community Involvement, the Plan will be publicised in the following ways:
- Advert and public notice in the press
  - Letters to statutory consultees and all those who have registered on the local plan database to advise them of the publication of the Submission Plan
  - Copies of the Plan will be available in the Council's offices and libraries

across the District

- Regularly updated website with all the background documents [www.eppingforestdc.gov.uk/planningourfuture](http://www.eppingforestdc.gov.uk/planningourfuture)
  - Social media posts - @eppingforestdc and [www.facebook.com/eppingforestdc](https://www.facebook.com/eppingforestdc) and #EFDCLocalPlan
26. A form for completing representations will be available on the website and in hard form. A frequently asked questions note has been produced which explains the publication process, how long it lasts, how to make representations, document availability etc and will be available on the website.
  27. Once the publication period has closed, the Council will collate and process all the Regulation 20 representations received during the Regulation 19 publication stage. Following this process, the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the Plan and its supporting documents will then be submitted to the Secretary of State for examination.
  28. Prior to the submission of the Local Plan to the Secretary of State, the Council will need to appoint a Programme Officer. The Programme Officer will be appointed by the Council but work on behalf of the appointed Local Plan Inspector to co-ordinate and manage the Local Plan Examination. The Council will also need to ensure that the necessary procedural requirements are met in relation to the Submission of the Plan to enable the Local Plan Examination to commence in a timely manner. The Planning Inspectorate has produced guidance aimed at all those involved in the process and concerned with the procedural aspects of examining a local plan.
  29. The Council will be required to enter into a Service Level Agreement with the Planning Inspectorate in relation to the Independent Examination of the Local Plan. The Planning Inspectorate has indicated that a large number of Local Plans are expected to be submitted for Examination before the end of March 2018. It is therefore imperative to avoid any unnecessary delay in relation to the Submission of the Plan in order to ensure that the Examination process can be progressed as quickly as possible. Following the submission of the Local Plan, the Secretary of State will appoint a Local Plan Inspector as soon as possible.
  30. The process of independent examination under section 20 of the 2004 Act is not an examination in public. The examination is primarily carried out by the appointed Local Plan Inspector, having regard to (1) the draft Local Plan submitted to the Secretary of State; (2) the supporting documents submitted by the local planning authority in accordance with Regulation 22 of the 2012 Regulations; duly made representations under Regulation 20; and written representations submitted on the invitation of the Local Plan Inspector in connection with examination hearings and any consultation on any proposed modifications of the submitted Local Plan. It is important to remember that the scope of any Examination will be limited to the matters and issues identified by the Inspector. There is no general right to be heard at the Examination hearings. Only those persons who make Regulation 20 representations seeking to change the Local Plan have a right to be heard by the Local Plan Inspector carrying out Examination.
  31. Assuming that the appointed Local Plan Inspector is satisfied that no major issues are likely to hinder the Examination process at the early stage, it is usual for the Inspector to arrange a pre-hearing meeting with the Council approximately eight weeks after submission. Subject to the nature, scope and volume of Regulation 20

representations, the Examination hearing sessions could commence as early as twelve weeks after submission, although this is optimistic. The length of the hearing sessions largely will depend upon the nature, scope and volume of Regulation 20 representations that seek to change the Local Plan; given the scope of the Plan the hearing sessions could well last for several weeks.

32. During the Examination, it is likely that the Local Plan Inspector will ask the Council to submit additional information and documentation, either before or during the course of the Examination hearings. Such information may take the form of a 'topic papers' or 'statements of common ground', to clarify or update the Council's position on relevant matters, or any agreed position established between the Council and other stakeholders.
33. It is impossible to predict whether and to what extent it may be necessary or appropriate to submit further information or documentation to the Local Plan Inspector. However, it is important to remember that Council does not have control over the management of the Examination, which is a matter for the Inspector. Supplementary documentation or information may only be submitted to the Examination with the permission or the request of the Local Plan Inspector. Any information or document requested by the Inspector must be prepared and submitted promptly by Officers.
34. To enable the Local Plan Inspector to recommend the adoption of the Local Plan without delay, the Council should ask the Inspector to recommend any main modifications of the Local Plan considered necessary to make it sound and legally compliant. The Examination process includes a procedure for publishing proposed main modifications at the Inspector's direction, for consultation over a six-week period after the completion of the Examination hearings. The proposed main modifications of a Local Plan must be subject to a Sustainability Appraisal, which must also be published for consultation at the same time as the proposed main modifications. Subject to the responses received, which are usually dealt with in writing, the Inspector will proceed to complete and issue her/his final report on the Examination.
35. The Examination process will require a significant amount of Officer time and resources, particularly during the hearing sessions. Expert witnesses (including external consultants) will be required to support and represent the Council as required. In addition, the Council will be required to provide adequate rooms and facilities throughout the hearings. Therefore, there may be a degree of disruption to the Council, particularly during the period of the hearing sessions. External venues may be required due to the nature of the Council Chamber.
36. The duration of the entire Examination process will depend very much upon the nature, scope and complexity of objections within the Regulation 20 representations which will inform the matters and issues identified by the Local Plan Inspector to be considered at the Examination hearings; and could range from a minimum of five months to more than 12 months. The resource and cost implications for the Council arising from the Examination, including the hearing sessions, will depend upon the length and level of detail of the process.
37. Following the submission of the Local Plan, the Council will be required to make available copies of relevant documentation for public inspection in accordance with Regulation 22 of the Regulations. Notification of the submission will also be required to the public and relevant consultees.

### **Resource Implications:**

The Council has made provision for the examination and adoption of the Local Plan through

the budget agreed by Cabinet at the meeting on 12 October 2017.

### **Legal and Governance Implications:**

The Council is required to prepare and maintain an up to date Local Plan to set out the strategic priorities for the area and the policies that address these. The Local Plan must be prepared in accordance with the Council's adopted Local Development Scheme. It is necessary to ensure the preparation of this Plan is supported by comprehensive and robust evidence, and the necessary staffing resources are in place to ensure delivery in a timely manner.

### **Safer, Cleaner and Greener Implications:**

The preparation of a Local plan is a key Corporate Priority for the Council and the delivery of a Local Plan, informed by a robust evidence base, will contribute to safer, cleaner, greener objectives by planning for sustainable development.

### **Consultation Undertaken:**

Management Board

### **Background Papers:**

- Cabinet Reports C-047-2016/17 December 2016 and (C-068-2016/17) March 2017.
- Planning and Compulsory Purchase Act 2004 (as amended)
- Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Planning for the Right Homes in the Right Places: Consultation Proposals (DCLG, 14 September 2017) - <https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>
- Procedural Practice in the Examination of Local Plans (Planning Inspectorate, June 2016)
- Local Plan evidence base available at [www.eppingforestdc.gov.uk/planningourfuture](http://www.eppingforestdc.gov.uk/planningourfuture)

### **Risk Management:**

The Local Plan is on the Corporate risk register. The continued progression and implementation of the Local Plan is required in order to manage and mitigate the risks of potential speculative or uncoordinated development across the District. The adoption of the Local Plan will help to ensure that the Council is making adequate provision for the development and infrastructure needs of the District, including a sufficient supply of deliverable housing land as required by national planning policy and would also significantly restrict the ability of the Council to take a plan-led approach to meeting the future development and infrastructure needs of the District. A failure to submit the Local Plan for Examination-in-Public prior to the end of March 2018 is likely to have considerable resource implications for the Council, and could lead to intervention by DCLG to ensure a plan is put in place.

Appendix 1: The Submission Plan (and Appendix 6 site specific requirements)

Appendix 2: The Consultation Statement

Appendix 3: Duty to Co-operate Statement of Compliance

Appendix 4: Non-technical summary of the Sustainability Appraisal and Equalities Impact Assessment

Appendix 5: Non-technical summary of the Habitats Regulation Assessment