

Stakeholder Reference:

Document Reference:

Part A

Making representation as Statutory Consultee, Local Authority or Town and Parish Council

Personal Details		Agent's Details (if applicable)
Title	Miss	
First Name	Keira	
Last Name	Murphy	
Job Title (where relevant)	Planning Specialist	
Organisation (where relevant)	Environment Agency	
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Post Code	[REDACTED]	
Telephone Number	[REDACTED]	
E-mail Address	[REDACTED]	

Part B

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 5 Garden Town Communities

Policies Map:

Site Reference: SP 5.3

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

If no, then which of the soundness test(s) does it fail? Effective, Justified, Consistent with national policy

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

East of Harlow (SP 5.3) is partially in Flood Zone 2, 3a and 3b, as the Pincey Brook main river flows through the site. There is also some evidence of surface water flood risk based on our Updated Flood Map for Surface Water (2013). Vulnerable uses are proposed for the site i.e. approximately 750 homes and potential relocation of a hospital. Although a Level 1 Strategic Flood Risk Assessment has been undertaken to identify the flood risks at a broad/strategic scale, there is no evidence the site allocation has been supported by a Level 2 Strategic Flood Risk Assessment. A Level 2 SFRA assesses the flood risk characteristics at site-level and enables a Council to determine whether the Exceptions Test can be passed in principle for an allocation, following the Sequential Test. Therefore we find the allocation unsound based on not being consistent with national policy, justified or effective.

We note that Part H (iv) of Policy SP5 specifies that no built development will be permitted on land within Flood Zone 2 and 3 as indicated on the EA maps. The EA flood maps are indicative, do not take into account the presence of flood defences and are a starting point for site-specific assessments of flood risk. A Level 2 SFRA should be undertaken to assess the effect of climate change on the flood risk, taking into account the site characteristics and ascertain the long-term deliverability of the site for development.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

A Level 2 SFRA should be undertaken to assess the site specific flood risk characteristics including climate change to determine whether the Exceptions Test can be passed in principle. We recommend this is carried out prior to submission of the Local Plan.

Alternatively, Policy SP4 indicates that Strategic Masterplans will be developed for each of the Garden Town Communities. It may be acceptable to undertake a Level 2 SFRA to provide the evidence base for the Strategic Masterplan for East of Harlow which could then inform the design guidance. This may be a more acceptable approach to the Council given the timetable for the Local Plan.

In addition to the above, we propose that part H (iv) is amended as follows:

"No built development will be permitted on land within Flood Zone 2 and 3..."

delete: "as indicated on the Environment Agency maps"

replace with: "as indicated in the Council's SFRA, including the appropriate allowance for climate change."

This provides a better safeguard in the policy than reliance on the EA maps which are only indicative, and ensures future communities are not vulnerable to climate change for the lifetime of development.

If the Council is able to agree to this approach this can be confirmed within a Memorandum of Understanding between the Council and Environment Agency.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

If needed to provide clarification to the Inspector.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 7 The Natural Environment, Landscape Character and Green and Blue Infrastructure

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Thank you for taking on board on previous comments to incorporate 'blue infrastructure' into the policy and to include watercourses and water habitats when defining this. We consider this a positive strategic policy which requires development to contribute to green and blue infrastructure and in the spirit of paragraph 114 of the National Planning Policy Framework. The value given to blue infrastructure should help improve biodiversity of Epping's rivers and improve Water Framework Directive status in line with the Thames River Basin Management Plan.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 1 Habitat protection and improving biodiversity

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Thank you for taking on board our previous comments, that the policy should focus more on habitat protection, seek net gain making use of the Biodiversity Impact Assessment Calculator and be stronger to protect Local Wildlife sites. We consider the policy is better balanced in seeking protection and enhancement first before consideration of mitigation, compensation and off-site compensation (offsetting).

Overall this is a positive policy which seeks to protect and enhance biodiversity habitats in the borough, plus requiring developments to provide a net gain.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 5 Green and Blue Infrastructure

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Thank you for taking on board our previous comments. This is a positive policy which seeks to protect and enhance green and blue infrastructure and control non-native invasive species.

Part iv specifies improving connectivity in terms of pedestrian and cycle routes but we think there could have been more emphasis in the policy on improving connectivity to also enhance and create linkages and migratory routes for wildlife (biodiversity). To strengthen, we recommend part (i) could include a minor change to incorporate this as follows:

(i) retain and where possible enhance existing green infrastructure, including trees, hedgerows, woods and meadows, green lanes, wetlands, ponds and watercourses, and improve connectivity of habitats;

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 9 High quality design

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

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We support as there are positive elements in the policy such as climate change and landscaping. It could perhaps have provided more on high quality design for the natural environment.

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 15 Managing and reducing flood risk

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

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Thank you for taking our previous comments on board in the wording of this policy. The flood risk policy is in line with National Planning Policy and helps steer developments to take a sequential approach and flood risk management reduction. The policy is based on the Level 1 SFRA which is referred to in the supporting text. We welcome the policy criteria on preserving flood flow routes and flood storage and not permitting development which is incompatible in Flood Zone 3b.

Part B of the policy confirms the Local Plan allocations are directed to Flood Zone 1 or to areas with lowest probability of flooding. The commentary in your Sustainability Appraisal Report (Aecom, 2017) summarises and confirms the Council's application of the Sequential Test to the site-selection process. It would be helpful if this is confirmed in the supporting text to the policy as it means applicants will not need to apply it again at the planning application stage. Part B of the policy continues by stating that proposals for new development in Flood Zone 2 and 3 are required to provide sufficient evidence that the requirements of the Sequential Test and Exceptions Test have been passed. Again, as a point of clarity in the supporting text it might be helpful to confirm that 'new development' is referring to windfall development that may come forward which will not already been sequentially tested by the Council.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 16 Sustainable Drainage Systems

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

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The policy on sustainable drainage is strong and will help ensure developments make a positive contribution to the reduction of surface water flooding, and in line with National Policy. The policy requires development to design in Sustainable Drainage Systems that are most sustainable and where they aim to improve water quality and biodiversity as well as a reduction in flood risk (greenfield runoff rates to be achieved).

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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No, I do not wish to participate at oral examination

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 17 Protecting and enhancing watercourses and flood defences

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Overall the policy is strong and we welcome the reference to Water Framework Directive and the Thames River Basin Management Plan. The Thames RBMP is a key evidence base document when considering the current health and objectives and actions to improve all waterbodies, and can also be used to monitor our progress in improving rivers. We welcome the requirements for enhancing and restoring open and culverted rivers for major and non-major development.

We also welcome the requirement for an 8 metre buffer zone, although we thought the alternative 'or adequate buffer agreed with LPA/EA' could reduce the strength of the requirement. There may be circumstances in which an 8 metre buffer zone is either not possible or feasible but any reduction from 8 metres should be fully justified as part of a planning application. It may be helpful to elaborate on this in the supporting text and also specify that the Environment Agency's consent is required for any works within the byelaw distance of a main river (generally 8 metres).

We consider the policy is in line with National Policy and will hopefully help to achieve protected and improved watercourses through development.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 18 On site management of waste water and water supply

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Don't Know

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

The policy has taken on board on our previous comments with respect to restricting the use of non-mains drainage providing protection to sensitive Groundwater source protection zones.

The policy is clear on the responsibility of the applicant to ensure there is adequate capacity in the sewerage network to support the development, and if not demonstrate suitable alternative arrangements for storing, treating and discharging foul sewer. If upgrades to the sewer network can be made the policy is clear that there should be demonstration of how these can be delivered prior to occupation.

Whilst this provides assurance at the planning application stage that sewerage infrastructure will be addressed, we refer to our previous comments that as part of your evidence base there needed to be strategic assessment that there is sufficient capacity in the network and receiving waste water treatment works to support the level of growth. Without this it is not clear to us that the Local Plans growth can be delivered sustainably and without detriment to the water environment.

This could have been demonstrated either through a Water Cycle Study, other detailed study/assessment or by providing confirmation to us from the sewerage provider that in principle there aren't any known issues and there is sufficient capacity in the treatment works and network to accommodate the proposed growth locations across the district within the plan period. The requirement for Local Authorities to work with other authorities and infrastructure providers to assess the quality and capacity of infrastructure (including waste water and its treatment) and its ability to meet forecast demands is stated in paragraph 162 of the NPPF. We note that a WCS is a voluntary study but the need to 'assess' this is part of the national policy requirements for plan-making. A catchment-based approach also ensures the cumulative impact of growth across a number of districts served by the waste water network and the potential impact on the water environment is considered.

There is however evidence that consultation with Thames Water as the infrastructure provider has taken place in support of the Local Plan. The Sustainability Appraisal Report (2017) paragraph 9.180 states "There is a need to ensure that water demand/resources and waste water infrastructure capacity can be managed throughout the plan period; however, there is little to indicate that this is a key issue for the spatial strategy. At most sites it should prove possible to ensure adequate water supply and sewerage infrastructure is provided alongside development, although costs may vary, and in respect of Waste Water Treatment Works (WWTWs) there is thought to be capacity locally. It is appropriate to conclude neutral effects at this stage, i.e. it is not possible to conclude positive or negative effects on the baseline." In addition, the Infrastructure Delivery Plan (section 12.4 Wastewater treatment and sewage) demonstrates Thames Water have undertaken an assessment of the site allocations and indicated where local upgrades may be required. In addition, this draws upon the Greater Harlow Position Statement confirming that Rye Meads WwTW is currently being upgraded, and there should be capacity up to 2036.

We are unsure to what extent the evidence in the IDP and Sustainability Appraisal meets the requirements of the NPPF paragraph 162 on assessing infrastructure capacity/requirements or to what extent there has been effective joint working with other Local Authorities on sewerage infrastructure as a cross-boundary issue. However, there has been consultation with Thames Water and assessment of the infrastructure that may be required.

Therefore we recommend the following as actions:

- 1) The Council take into account any recommendations Thames Water make with regard to Waste Water Treatment Works capacity and the phasing of developments.
- 2) The Council continue to work with Harlow and other Local Authorities on the Harlow Water Cycle Study to further explore capacity, potential impacts and infrastructure requirements with respect to Rye Meads.
- 3) We work together to identify any further studies that may be required for future updates to the Local Plan.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 19 Sustainable water use

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

We support the policy and note some of our previous comments have been taken on board. The policy does require the optional water efficiency standard of 110 litres per head per day for residential development and to achieve 30% betterment for commercial. Ideally we would have liked to have seen the BREEAM standard 'excellent' rating required for commercial and refurbished domestic for water efficiency.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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No, I do not wish to participate at oral examination

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 21 Local environmental impacts, pollution and land contamination

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

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The policy is strong in requiring contaminated land to be remediated through planning and ensuring the correct assessments are undertaken e.g. desk top study, to determine the potential risks. Our previous advice has been taken on board. We think the policy is in line with national policy and guidance on pollution prevention and land contamination.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: P 6 North Weald Bassett

Policies Map:

Site Reference: NWB.R3

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

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The western boundary of the site touches Flood Zone 2/3 from the North Weald Bassett Brook and the culverted Queens Brook, according to our Flood Maps. We previously advised that a Level 2 SFRA would be required as part of the evidence base. This is still recommended to assess the impact of climate change on the flood extents and to assess the risk of surface water flooding. However, given the majority of the site is in Flood Zone 1 we consider part J of Policy P6 adequate to ensure the sequential approach is applied, and development in Flood Zone 2/3 is avoided.

To strengthen this requirement however we recommend this is amended to read:

"In accordance with Policy DM15 development on residential or traveller allocations must be located wholly in flood zone 1 taking into account climate change." This will ensure that the Flood Zone 2/3 extents are avoided including the appropriate allowance for climate change. Without this future developments could be vulnerable to climate change even if located outside the fluvial extents.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: P 10 Nazeing

Policies Map:

Site Reference: NAZE.R4

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

If no, then which of the soundness test(s) does it fail?

Complies with the duty to co-operate? Yes

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We advised in our previous response that the site is partially within Flood Zone 3a and 3b, and therefore a Level 2 SFRA should be undertaken as part of the evidence base. Our review of the current site allocations shows the boundaries of Sites NAZE R4 and NAZE R1 have largely excluded Flood Zone 2/3 and the majority of the sites are in Flood Zone 1. Therefore we support Part G of Policy P10 that in accordance with Policy DM15, development on residential allocations must be located wholly within flood zone 1. Whilst we support we think this should be strengthened by amending as follows:

"...development on residential allocations must be located wholly within flood zone 1, taking account of climate change."

This amendment would provide the assurance that the areas of high risk of flooding are assessed including the appropriate climate change allowance, to form the basis of the sequential approach on-site and accurately identify Flood Zone 1. Any further assessment work should also check the risk of surface water flood risks.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 5 Garden Town Communities

Policies Map:

Site Reference: SP 5.2

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

If no, then which of the soundness test(s) does it fail? Justified, Consistent with national policy

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

A small area of the Water Lane Area allocation is within Flood Zone 2/3 fluvial risk from the Pardon Brook main river. For consistency and to ensure compliance with the National Planning Policy Framework on flood risk the policy criteria for this site should share the same restriction on locating vulnerable developments away from Flood Zone 2/3 as the East of Harlow Area.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We recommend the following policy criteria is added to Part G of Policy SP5 for the Water Lane Area as follows:

No built development will be permitted on land within Flood Zone 2 and 3 as indicated by the Council's SFRA taking into account climate change.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please let us know if you wish to be notified when the Epping Forest District Local Plan is submitted for independent examination

Yes

Signature: [REDACTED] Date: 29/01/2018