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23 April 2018

Dear Sir,

EPPING FOREST DISTRICT LOCAL PLANING SUBMISSION VERSION 2017: FURTHER REPRESENTATIONS

We write further to your undated letter received by us on 26th March 2018 inviting further representations to documentation that was unavailable during the Regulation 19 period ("Invitation").

Please find enclosed a copy of further representations on behalf of Pigeon Investment Management Limited with regards to Land North of Stewards Green Road, East Epping ("Site") The Site was originally allocated in the Regulation 18 draft of the local plan under reference SR-0153.

The enclosed representations respond specifically to Appendix B of the Site Selection Report (March 2018) that has been made available since March.

In summary, we maintain that the Submission Version of the Local Plan 2017 ("SVLP") is unsound and not legally compliant for those reasons contained within our enclosed representations and previous Regulation 19 representations dated 29 January 2018.

We also emphasise that:

1. The enclosed representations are, we are afraid, again made under protest for the following reasons:
 - a. The Invitation only invited comments in relation to Appendix B and C.
 - b. It has been made clear by the Council officers that representations on any additional matters, other than Appendix B and C, shall not be considered nor forwarded to the examining Inspector.
 - c. We have consequently not made further submissions in respect of - for example - Appendix F and other documents that were unavailable at the time we made original representations during the Regulation 19 stage. Indeed, Appendix F is an important document detailing the approach to employment sites and yet only appears to have been made available within the last 2-3 weeks, subsequent to the "Invitation". The inability for stakeholders to make representations on employment allocations and other documents comprises a fundamental flaw in the consultation process.

- d. The level of documentation constituting Appendix B is vast. Appendix B totals hundreds, if not thousands, of pages. Our client Pigeon has not been allowed sufficient time - or indeed the required period of time under legislation - to make fully informed representations on Appendix B and continues to be prejudiced as a result.
2. From the Council's local plan website, we understand that its decision to publish and submit the SVLP for examination is currently subject to a judicial review challenge. We note that permission was granted by the High Court on 20 March 2018 and the Court also restrained the Council from submitting the SVLP for examination until conclusion of the legal challenge. We understand that the final hearing is listed for 23 and 24 May 2018.
3. Although our client Pigeon has not followed the claim for judicial review in detail, Pigeon understands that part of the challenge concerns the unavailability of appendices to the Site Selection Report during the Regulation 19 Period and at the time of the Full Council meeting on 14th December 2017 where it was resolved to agree and publish the SVLP for examination.
4. The Council shall be mindful that the draft National Planning Policy Framework ("NPPF") has now been issued by Government. The consultation runs until 10 May 2018 with publication of the new NPPF anticipated in the summer of this year.
5. In the event that the Council's prompt progression of the SVLP is a direct response to the threatened increase in its housing requirements pursuant to the standardised approach to housing need that will be in force under the new NPPF, the Council shall be aware that the new standardised approach shall not take effect in the event the SVLP is submitted within 6 months following publication of the new NPPF.
6. As a result, the Council benefits from until the end of this year (at the very earliest) to submit the SVLP for examination.
7. We strongly believe that this presents ample opportunity to consider the enclosed representations in full and:
 - a. for Full Council to re-consider the SVLP and all supporting material now available and make an informed decision as to whether the SVLP is sound, including meeting the full housing requirement in accordance with the 2017 SHMA, and represents the most suitable strategy before agreeing submission to the Secretary of State for examination; and
 - b. for a full and legally compliant Regulation 19 consultation to be undertaken prior to submission of the local plan for examination.
8. By undertaking the above steps shall not only ensure that the local plan process is legally compliant, but allows the Council to submit the local plan for examination subject to the current housing requirements.

Pigeon has concerns that the above approach is not legally compliant and that the Local Plan will not progress beyond the pre-examination meeting. Pigeon would, therefore, welcome the above opportunity to meet and discuss with Officers and discuss the above concerns and work collaboratively on a legally compliant Submission Version Local Plan.

We look forward to hearing from the Council in the near future.

Yours faithfully



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