

Essex County Council: Collated response to EFDC Further Main Modifications Consultation (December 2022)

The following document contains cross-references to [Epping Forest District Council's Local Plan \(submission version\)](#) (ED114), [Schedule of Main Modifications](#) (ED145) and [Schedule of Changes Required](#) by Inspector Bore MRTPI (ED141)

Main Mod Ref	LPSV Policy / page no. Proposed MM (Changed Required by Inspector)	Is the Main Mod and/or supporting document: 1. Sound Y/N	If Unsound which Soundness Test it fails 1. Not Positively prepared 2. Not Justified 3. Not Effective 4. Not Consistent with National Policy	Change(s) needed to make the Main Mod sound Reasons / Comments
MM16	<p>Policy SP 3 Place Shaping – supporting text</p> <p>Additional Paragraph (reflecting ref to Active Design in SP2) after 2.84 as follows: “x.xxx In order to promote sport and encourage active lifestyles, development proposals should have regard to the ten principles of Active Design developed by Sport England in partnership with Public Health England</p>	Y	N/A	<p>ECC supports the incorporation of this MM in principle, which provides the benefit of referring Plan users to the (Sport England) Active Design principles (in the interests of promoting health and wellbeing). ECC also supports including this change at this place in the Plan, in order to make clear its important role within place shaping.</p>
MM17	<p>Policy SP 3 Place Shaping</p> <p>Change as above Retains reference to Active Design principles but amends wording requiring masterplans,</p>	Y	N/A	<p>ECC response - as MM16 – support, for same reason.</p>

	<p>concept frameworks and proposals to ‘have regard to’ these principles</p> <p>Amend Part H and include new point after point (xiv): “<u>A.H. Strategic Masterplans, Concept Framework Plans</u> and all development proposals must reflect and demonstrate that the following place shaping principles have been adhered to with respect <u>having had regard to their relevance within the context of</u> the scale and nature of the development proposed:”</p> <p>() have regard to the Active Design principles and supports healthy living through their design by providing opportunities for physical activity and sport, access to quality open spaces, and employment opportunities.”</p>			
MM18	<p>Policy SP 4 Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town – supporting text</p> <p>Amend paragraph 2.117 as follows:</p> <p>“2.117 Additionally,†The Councils are have prepared a Sustainable Transport Corridor Study for the Garden Town and endorsed the Harlow & Gilston Garden Town Transport Strategy. The provision of [...]”</p> <p>New paragraph after paragraph 2.117:</p>	Y (see qualification in final (comments) column)	N/A	MM acceptable to ECC and is considered to provide a reasonable / robust basis for ensuring key infrastructure provision at the time required (alongside the retained and revised content of Policy SP 4 itself). This support is subject to retaining the final (new point from previous MMs) part of Policy SP 4 after (xviii), since these are interdependent, as follows: “() <u>Ensure key transport interventions (such as M11</u>

	<p>“x.xxx The growth plans for the Garden Town require the implementation of a new junction (Junction 7A) on the M11, which was completed in June 2022. In order to maximise the promotion and use of active and sustainable transport modes, it will be necessary for sustainable transport provision, including connection into the Sustainable Transport Corridor network, to be commensurate with the phasing of development of Garden Communities. This is required to prevent the establishment of unsustainable travel behaviour, and to provide viable alternatives to private car use. The Council will secure the necessary measures through the use of planning obligations or other relevant mechanisms as appropriate.”</p>			<p><u>Junction 7a and provision of sustainable transport (providing viable alternatives to the private car) are provided as prerequisites of development being occupied. Measures to ensure future upkeep/ maintenance of sustainable transport provision will be required.”</u></p>
MM27	<p>Policy H 1 Housing Mix and Accommodation Types</p> <p>Amend Part A as follows:</p> <p>“(i) includes a range of house types, <u>tenures</u> and sizes to address local need including for ‘down-sizing’, <u>housing for older people</u>, and specialist housing as appropriate;”</p>	Y	N/A	ECC supports this change in the interest of promoting a more diverse housing mix and recognising increasing importance of and need for homes for older people.
MM40	<p>Supporting text - Policy T 1 Sustainable Transport Choices</p> <p>Deletes requirement for all parking spaces (in all new developments) to have direct access to electric charging points</p>	Y	N/A	<p>ECC notes reasoning for and effect of this change.</p> <p>ECC recognises that the parking standards are not an examined LP document (or with same status as Development Plans) and</p>

	<p>Amend Paragraph 3.90 as follows: “3.90 [...] In order to follow <u>encourage and facilitate at the earliest possible opportunity</u> the commitment by government and car manufacturers to cease sales of petrol, and diesel <u>and hybrid</u> cars by 203540 to support improvements in <u>carbon emissions and</u> air quality, the Council will require <u>development proposals to make the provision of</u> for electric vehicle charging points. in all new development which include vehicle parking spaces <u>The Council also proposes to develop an electric vehicle charging strategy to maximise opportunities to improve electric vehicle charging, including for different types of non-residential parking, based on an assessment of charging patterns and requirements, in consultation with local stakeholders.</u>”</p>			accordingly does raise soundness issues.
MM41	<p>Policy T 1 Sustainable Transport Choices</p> <p>Wording change requirement development to ‘have regard to’ adopted Parking Standards (instead of having to be ‘in accordance with’ these)</p> <p>F. Development will be permitted where it <u>can be demonstrated, where appropriate, that it:</u></p> <p>(iv) provides appropriate parking <u>and servicing</u> provision, in terms of amount, design and layout and cycle storage arrangements, in accordance with <u>has regard to</u> adopted Parking Standards, which mitigates any impact on on-</p>	Y	N/A	ECC recognises that the parking standards are not an examined LP document (or with same status as Development Plans) and accordingly does not object.

	<p>street parking provision within the locality, <u>and in the case of new non-residential development, has regard to the Council's electric vehicle charging strategy when it is adopted.</u> Reduced parking, including car free, development in sustainable locations will be supported;</p> <p>Also requires (new non-residential) developments to have regard to EFDC's electric vehicle charging strategy when adopted</p>			ECC supports this requirement (on the EFDC electric vehicle charging strategy) – in the interests of guiding new developments on this and promoting electric charging points.
MM43	<p>Policy T 2 Safeguarding of Routes and Facilities</p> <p>New part before Part A and amend Part A as follows:</p> <p>“. Land will be safeguarded for the delivery of the Sustainable Transport Corridors as part of the development of the Harlow and Gilston Garden Town as identified on the Policies Map. Development proposals and Strategic Masterplans will be required to safeguard land accordingly.”</p>	Y	N/A	ECC sought the safeguarding of these route corridors. ECC also considers that this clarification is likely to be beneficial in principle in the interests of certainty for Plan users. It is also important to recognise that the Policies Map can and does only illustrate these routes indicatively at this point, in advance of more precise route alignments and finalised details being worked up and designed Change Required / Recommended (to ensure policy effectiveness): Insert the word 'indicatively' in the newly added sentence thus: 'as identified <u>indicatively</u> on the Policies Map'

<p>MM46 and MM47</p> <p>NB These have been combined for response purposes into a single response</p>	<p>Supporting text to Policy DM 2 Epping Forest SAC and the Lee Valley SPA</p> <p>Protection of forest SAC (including references to APMS and potential CAZ) and changes key lever for forest protection to planning applications needing to demonstrate no adverse effect on forest SAC (or Lee Valley SPA/Ramsar) site integrity <i>NB Various wording changes involved – those most relevant as below:</i></p> <p>New Paragraphs following split Paragraph 4.20: <u>x.xx Planning applications need to be supported by sufficient information to enable the Council to conclude that the proposals would not result in an adverse effect on the integrity of either the Epping Forest SAC or the Lee Valley SPA/Ramsar sites. Such information may include the identification of specific avoidance or mitigation measures and how they would be secured and delivered. To help applicants identify such measures, the Council has developed and adopted a number of strategies. Each provides an overview of what impacts the strategy is seeking to address together with guidance as to what measures are likely to be the most effective and the ways that they will be delivered. These strategies are:</u> <u>“x.xx Air Pollution Mitigation Strategy (APMS) for the Epping Forest – The APMS includes a number of specific measures and how they</u></p>	<p>N</p>	<p>3. Not effective</p>	<p>It is noted (in Inspector’s earlier advice of note ED141) that the Inspector identifies the key policy requirement in protecting the forest SAC being that development proposals must demonstrate no adverse harm to the integrity of the forest SAC. The Inspector also identified a more limited role / status of unexamined non-LP documents, such as the APMS in this regard. On this point, that advice noted that ‘The additions in fact undermine the effectiveness of these policies, and undue weight is placed on compliance with non-statutory documents.’ ECC suggests that some key points of this advice have not been reflected fully in the actual policy / text wording now proposed. However, as currently worded, it is noted that new paragraphs following 4.20 still state the potential for a CAZ (as part of the APMS) which ECC believes limits the significance and effect of the MMs now proposed in this important respect.</p> <p>ECC agrees and notes that the policy itself does not now create a clear specific policy requirement</p>
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	<p><u>would be delivered to ensure that there would be no adverse effect on the integrity of the Epping Forest SAC in relation to atmospheric pollution. This reflects the findings of the HRA 2022 that new development within the District has the potential to increase pollutants of concern within the Epping Forest SAC, primarily arising from emissions of nitrogen dioxide and ammonia from additional vehicles using roads in close proximity to it. The APMS has taken account of the need for development proposals to be assessed both alone and in combination with other plans and projects and therefore provides a strategic approach to the identification and delivery of mitigation and monitoring measures. These measures range from those which will help to limit the increase in the level of traffic using roads through the Epping Forest SAC and significantly increase the uptake of electric vehicles, through to the implementation of a ‘Clean Air Zone’ should the future monitoring demonstrate that it is required [INSERT FOOTNOTE 1 AS BELOW]. The APMS also includes targets against which progress will be assessed together with a Monitoring Framework, which includes for future on-site monitoring. This Monitoring Framework is necessary to ensure that progress towards the achievement of these targets is assessed and informs any necessary changes that may need to be made to the targets and measures and identified in the APMS.”</u></p> <p>Footnote 1 to read:</p>			<p>for a CAZ as such but this can be regarded as ambiguous in still providing a policy basis to enable this.</p> <p>The policy still provides for new developments to be required to make off-site contributions towards APMS measures such as a CAZ (as cited in the supporting text and accompanying footnote 1).</p> <p>ECC notes that evidence in the updated HRA still suggests a possible requirement for a CAZ. However, this evidence (or the APMS) have not undertaken the task of testing the feasibility or effectiveness of such a measure. For the purposes of clarity, therefore, ECC advises that:</p> <ul style="list-style-type: none"> • It remains opposed to the introduction of a CAZ • It does not consider this an appropriate or feasible means of addressing the issues it would be intended to prevent • ECC cannot support these changes in principle or their current form accordingly <p>Change Required: ECC notes that specific content / wording changes it proposed at</p>
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	<p><u>“ 1 The HRA 2022 concludes that a Clean Air Zone will be required, but it is possible that improvements in air quality may proceed more quickly than has been assumed in the modelling underlying the HRA and in that eventuality the need for a Clean Air Zone can be reviewed in response to air quality monitoring data.”</u></p> <p>Policy DM 2 Epping Forest SAC and the Lee Valley SPA</p> <p>Policy changes as outlined above, the most relevant as below:</p> <p>Amend Part B as follows:</p> <p>B. New residential development that would have an adverse effect on the integrity of the Epping Forest Special Area of Conservation or the Lee Valley Special Protection Area, likely to have a significant effect, either alone or in combination with other development in these areas plans or projects, will not be permitted unless mitigation will be required to demonstrate that adequate measures, on-site and off-site as appropriate, are put in place to ensure that there are put in place to avoid or mitigate any potential adverse effects will be no harm to the integrity of these areas.</p> <p>Contributions towards off-site measures to mitigate the likely impacts air pollution and adverse recreational effects arising from a development will be sought where these are</p>			<p>the first MMs stage have not been incorporated, having been proposed to ensure appropriate safeguards and controls on this matter (see reps on MM46 and MM47 in Document ref ED134, October 2021- weblink here). ECC would request – as a first recommended preference - that all specific references to a potential / proposed CAZ are deleted. This would also provide the clearest, most concise and straightforward approach. Alternatively, as a less preferred option, it suggests that the wording ECC proposed previously could otherwise help to remedy this. The wording is provided below.</p> <p>If the Inspector is minded to add wording (to ensure appropriate caveats / safeguards) such as that proposed previously by ECC, the supporting text paragraph would read as follows within the following text extract:</p> <p>New Paragraphs following split Paragraph 4.20:</p> <p><u>‘These measures range from those which will help to limit the</u></p>
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	<p><u>necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale to the development.</u></p>			<p>increase in the level of traffic using roads through the Epping Forest SAC and significantly increase the uptake of electric vehicles, through the implementation of a 'Clean Air Zone' should the future monitoring demonstrate that it is required <u>and if this proves feasible and acceptable to the partner authorities involved (these being EFDC; ECC; Natural England; and the City of London Corporation – as the forest conservators). This would also be subject to demonstrating through Health Impact Assessment and EQIA that no unacceptable impacts on human health or equalities would arise</u> [INSERT FOOTNOTE 1 AS BELOW].</p>
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<p>MM77</p>	<p>Supporting text to Policy P 1 Epping</p> <p>Includes changes to S Epping masterplan area and scale of development (450 homes – was 950) Most relevant text changes as below: New paragraph after Paragraph 5.16:</p> <p><u>Applications for development within the South of Epping Masterplan Area which would result in a material increase in the number of new homes above the 450 indicated will need to demonstrate that this can be accommodated within the known constraints relating to the site. In addition, sufficient information will need to be provided to demonstrate that any material increase in the number of new homes would not result in an adverse effect on the integrity of the Epping Forest SAC having had regard to the Council’s adopted Air Pollution Mitigation Strategy for the Epping Forest.</u></p>	<p>Y</p>	<p>N/A</p>	<p>Also see response below (MM78)</p>
<p>MM78</p>	<p>Policy P 1 Epping</p> <p>As above</p>	<p>N</p>	<p>3. Not effective</p>	<p>The amendment to Policy P 1, part D is noted on infrastructure requirements generically. It is noted that Part K has been revised to reflect the changed scale of growth.</p> <p>Change Required: As a further point on this, it is necessary to revise / update Part K (iii) dealing with education provision, to read as follows:</p>

				<p><u>(iii) 2.1 ha. of land for education use</u> This is to ensure that sufficient / appropriate land provision is made to accommodate education related provision (such as a primary school and Early Years & Childcare) as necessary for this development (through the masterplan).</p>
MM87	<p>Policy P 6 North Weald Bassett</p> <p>Standard infrastructure / IDP and masterplan reference changes proposed; also other minor changes only</p>	N	3. Not effective	<p>The amendments to Policy P 6, part F are noted on infrastructure requirements generically. It is noted that Part K and L have been revised and ECC does not raise soundness issues (or objections) on these changes.</p> <p>Change Required: As a further point on this, it is necessary to revise / update Part L (iv) dealing with education provision, to read as follows: <u>(iv) 2.1 ha. of land for education use</u> This is to ensure that sufficient / appropriate land provision is made to accommodate education related provision (such as a primary school and Early Years & Childcare) as necessary for this development (through the masterplan).</p>

<p>MM107 & MM108</p>	<p>Supporting text to Policy D 2 and Policy D 2 Essential Facilities and Services (respectively)</p> <p>Includes proposed criteria on Health Impact Assessment (HIA) requirements that ECC sought (part (i)) and that of part (ii) on provision of built facilities and other improvements to healthcare services; but this MM has effect of moving this to Policy D 2, instead of Policy SP 3. The same applies with the supporting text moving accordingly</p>	<p>N</p>	<p>3. Not effective</p>	<p>ECC notes the moving involved here of the proposed content on HIA requirements to Policy D 2, from its originally proposed position in Policy SP 3 (Place Shaping). ECC remains supportive of including this content in the LP but also retains its view that this is an important place shaping matter, as indicated by NPPF (2021) paragraphs 92, 93 and 130 (f). Therefore, ECC suggests that the content would be better placed at Policy SP 3, together with its supporting text accordingly (MM107 refers).</p> <p>Change Required: Restore the health & wellbeing content to its place as part of Policy SP 3 and supporting text.</p>
<p>MM111</p>	<p>Supporting text to Policy D 7 Monitoring, Local Plan Review and Enforcement</p> <p>Amend Paragraph 6.50 as follows: <u>“6.50 Monitoring the implementation of the Plan policies is required in order to quantify and report progress in delivery. It also enables the Council to monitor the effectiveness of policies on an ongoing basis.</u> Local Plans need to be reviewed regularly to assess how well their policies and proposals are being implemented and to ensure that they are up to date.</p>	<p>Y</p>	<p>N/A</p>	<p>Changes are consequential / explanatory to those of Policy D 7; ECC supports these, in line with those of the policy itself.</p>

	<p>Monitoring <u>together with the consideration of wider factors</u>, provides the objective basis necessary for such reviews.”</p> <p>New Paragraphs after Paragraph 6.53: <u>“x.xx In accordance with national planning policy and relevant Regulations, the Council will review policies within the Plan to assess whether or not they need updating at least every five years. The first review will be completed no later than five years from the adoption date of the Local Plan,”</u></p> <p><u>“x.xx When reviewing the policies within the Local Plan the Council will take into account the most up to date monitoring available as reflected in the latest Authority Monitoring Report, in addition to a range of other local and national factors.”</u></p> <p><u>“x.xx This policy also includes a number of instances where, should relevant circumstances arise, the Council will undertake an earlier review of the Local Plan and its policies and, where necessary, undertake an update of any relevant Local Plan policies.”</u></p> <p><u>“x.xx On completion of the review the Council will publish its conclusions, clearly indicating which policies (if any) need to be updated, and the reasons for this decision. If one or more policies do need updating, the Council will simultaneously publish an updated Local</u></p>			
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	<u>Development Scheme setting out the timetable for the update to be produced and submitted for Independent Examination.”</u>			
MM112	<p>Policy D 7 Monitoring, <u>Local Plan Review</u> and Enforcement</p> <p>Purpose: To establish a clear, consistent an agreed basis for future review, consistent with the NPPF</p> <p>Split Part A to create new part as follows: “A. The Council will monitor the implementation of the Local Plan policies and infrastructure provision and report the results on an annual basis.”</p> <p>New Parts after part A: <u>“() The Council will complete a review of the Local Plan policies and publish its conclusions at least every five years. Conclusions from the first review will be published no later than five years from the adoption date of the Local Plan”</u></p> <p><u>“() The Council will have particular regard to the following factors when reviewing policies within the Local Plan and determining whether or not relevant policies require updating:</u></p> <ul style="list-style-type: none"> • <u>the latest Authority Monitoring Report, including reported progress against the requirements for the planned delivery of development and infrastructure;</u> 	Y	N/A	ECC supports these changes in the interests of seeking to ensure regular LP review and keeping an up-to-date, sound LP.

	<ul style="list-style-type: none"> • <u>conformity of policies with national planning policy; • changes to local circumstances (including a change in local housing need);</u> • <u>transport modal shift and the takeup of ultra low emission vehicles;</u> • <u>appeals performance;</u> • <u>significant local, regional or national economic changes; and progress in plan-making activities by other local authorities.</u> <p><u>“() Where appropriate, the Council will commence an earlier review of the Local Plan to address significant changes in circumstances. The Council will promptly commence a review of the Local Plan and update relevant policies accordingly if:</u></p> <ul style="list-style-type: none"> • <u>the Authority Monitoring Report demonstrates that annual housing delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is the lower) for three consecutive years; or</u> • <u>the Council cannot demonstrate a five-year supply of deliverable housing land against the requirements established through the Local Plan and Housing Implementation Strategy.”</u> 			
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