

## **Consultation Response**

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### **Epping Forest Local Plan – Main Modifications**

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**Prepared by Strutt & Parker on behalf of City & Country**

**September 2021**

## 1.0 Introduction and Background

- 1.1 Strutt & Parker made representations on, and are participating in the Examination of, the Epping Forest Local Plan ('the EFLP') on behalf of City & Country (Stakeholder ID 19LAD0020) and in respect of Land at Bowes Field Ongar (site reference SR-0120) ('the Site').
- 1.2 The EFLP proposes the Site be allocated for residential development as ONG.R2, which forms part of the proposed West Ongar Concept Framework Plan area.
- 1.3 These representations on the proposed main modifications to the EFLP are made further to our representations on behalf of City & Country, both in writing and during the Examination hearing sessions, and in respect of the Site.
- 1.4 The main modifications proposed relate to a Local Plan that was submitted for examination before 24 January 2019 – the deadline in the 2018 National Planning Policy Framework (NPPF) transitional arrangements for Local Plans to be examined under the 2012 NPPF. As such, these representations are made within the context of the 2012 NPPF; and references to the NPPF refer to the 2012 version, unless stated otherwise.
- 1.5 As a Local Plan that has been submitted for examination, and as per Section 20(7) of the Planning and Compulsory Purchase Act (2004), modifications to the EFLP may *only* be made at this juncture where they are *necessary* to make the submitted Local Plan sound.
- 1.6 Section 2 contains our responses to selected proposed main modifications.

## 2.0 Response to proposed main modifications

### MM14 – Policy SP2 (Spatial Development Strategy) – supporting text

2.1 Paragraph 2.78 of the EFLP as submitted read as follows:

*“Secondly, as identified above, the Council recognises that recent household projections demonstrate a further upward trend in housing need and the identification of additional sites demonstrates the Council’s commitment to positive planning”.*

2.2 Household projections at the time of the submission of the EFLP indicated a further upward trend in housing need beyond that which the EFLP proposes to deliver, and the projections indicate the same today.

2.3 The EFLP proposes to deliver a minimum of 11,400 dwellings between 2011 and 2033 – equivalent to 518 dwellings per annum (dpa).

2.4 However, the local housing need for the District calculated in accordance with current policy and having regard to subnational household projections and the latest affordability ratios, is 963 dpa.

2.5 As such, there is nothing to suggest that household projections no longer indicate a much greater housing need, and that paragraph 2.78 may need to be removed / amended.

2.6 In any case, it is worth reiterating that main modifications should only be made to the submitted EDLP where necessary to make the plan sound. It is unclear how the inclusion of this paragraph renders the plan unsound, necessitating its removal.

2.7 MM14 should be rejected and paragraph 2.78 should remain as its removal is neither justified nor necessary to ensure the EFLP sound.

### MM16 – Policy SP3 (Place Shaping) – supporting text

2.8 MM16 includes a proposed additional paragraph, which *inter alia* suggests the Quality Review Panels (which masterplans and concept framework plans will be required to go through) be subject to monitoring and evaluation to ensure they remain effective:

*“The Terms of Reference for the Harlow and Gilston Garden Town and the Council’s QRP each note the principles of quality review, panel remit and role, details of different review formats, panel membership and QRP dates. The Panels are agile to best meet*

the needs of the wide range of planning proposals coming forward in terms of both timing of review and format of review that is proportionate to the scale and nature of the proposed scheme. A schedule of QRP reviews is coordinated to ensure that schemes are seen at the appropriate stage. For key schemes, such as Strategic Masterplans, Concept Framework Plans and large scale development, the early establishment of a Planning Performance Agreement (PPA) enables such schemes to be given priority for confirmed QRP dates. The Panels will be monitored and evaluated on a regular basis to ensure that they remain effective and to instigate any necessary revisions such as an increase in scheduled review dates to meet demand.”

- 2.9 We welcome the suggestion that QRPs be subject to regular evaluation and monitoring to ensure they are effective. We also support the idea that the Council will be prepared to make revisions to the QRPs where appropriate. We consider this is necessary, given the importance the EFLP seeks to place upon them.
- 2.10 However, we suggest that it needs to be made clear how QRPs will be monitored, against which indicators, and what indicators may trigger a review of the process.

### **MM17 – Policy P3 (Place Shaping) – policy text**

- 2.11 MM17 proposes an additional criterion and principle to which strategic masterplans and development proposals must demonstrate they have adhered, as follows:

“incorporate 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.”

- 2.12 There are 10 Active Design principle, set out by Sport England, as follows:

1. Activity for all neighbourhoods

Enabling those who want to be active, whilst encouraging those who are inactive to become active.

2. Walkable communities

Creating the conditions for active travel between all locations.

3. Connected walking and cycling routes

Prioritising active travel through safe, integrated walking and cycling routes.

4. Co-location of community facilities

Creating multiple reasons to visit a destination, minimising the number and length of trips and increasing the awareness and convenience of opportunities to participate in sport and physical activity.

5. Network of multifunctional open space

Providing multifunctional spaces opens up opportunities for sport and physical activity and has numerous wider benefits.

6. High quality streets and spaces

Well designed streets and spaces support and sustain a broader variety of users and community activities.

7. Appropriate infrastructure

Providing and facilitating access to facilities and other infrastructure to enable all members of society to take part in sport and physical activity.

8. Active buildings

Providing opportunities for activity inside and around buildings.

9. Management, maintenance, monitoring & evaluation

A high standard of management, maintenance, monitoring and evaluation is essential to ensure the long-term desired functionality of all spaces.

10. Activity promotion & local champions

Physical measures need to be matched by community and stakeholder ambition, leadership and engagement.

- 2.13 Firstly, it is unclear why Policy SP3 is considered unsound without requiring development proposals to adhere to all of the above.
- 2.14 Secondly, we do not consider there is justification for requiring all new developments to incorporate all of these principles.
- 2.15 Thirdly, it is unclear if all of the above are deliverable through all new developments proposed.
- 2.16 If an additional criterion to Policy SP3 is considered necessary in order to ensure it is sound, and along the lines of the above, then we suggest that a more justifiable and effective main modification would be the addition of the following principle to which developments should adhere:

*“seek to provide opportunities for physical activity and sport, access to quality open spaces, and employment opportunities where appropriate and practicable to do so.”*

**MM26 – Policy H1 (Housing mix and accommodation types) – supporting text**

- 2.17 Paragraph 3.3 of the submitted EFLP reads as follows:

*“The Strategic Housing Market Assessment (SHMA) 2015 and updates are the latest published housing needs evidence which set out the quantum, type, and size and tenure of new market housing homes needed both across the SHMA area and within the District over the Plan period. However, there is also a need to consider the most appropriate location for new market housing, and the type and size of properties to be provided in different areas. This must take into account the desire for some to build their own homes and to address specialist housing needs where the evidence exists to support this. The Council will seek to make the best use of land, and take account of the existing stock of homes within the locality to achieve the objective of mixed and balanced communities.”*

- 2.18 MM26 proposes the following be added:

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

- 2.19 The change to supporting text points to statistics available via Nomis as a source of data on housing and population. Whilst such data is robust, it represents the present (or at least recent) position – it does not project future characteristics in the manner that a Strategic Housing Market Assessment would be expected to.
- 2.20 In addition, not all of the data available via Nomis is very up-to-date. In respect of Local Area Reports, for example and which are proposed to be cited in the revised text, current data is from the 2011 Census.
- 2.21 It is unclear how exactly decision-makers are intended to respond to this supporting text, or whether proposals will be expected to account for housing and population characteristics provided by Nomis’ Local Area Reports – if that is the intention, we would question the appropriateness for the reasons set out above.

- 2.22 In addition to it being unclear how a decision-maker is expected to react to this suggested additional text, it is in any case unclear why this proposed modification is necessary to ensure soundness.
- 2.23 MM26 also propose amending supporting text to explain that Building Regulations M4(2) includes a requirement for step-free access, and that this has the potential to pose a viability issue in multi-storey developments, where provision of a lift may be overly onerous.
- 2.24 The proposed main modification is as follows:

*“3.4 [...] Consequently, the Council’s approach is that all new homes should be built to Category 2: Building Regulations Requirement M4 (2) Accessible and Adaptable Homes Dwellings standards, in order to maximise choice, ~~in the type, size and location of new homes available.~~ The Building Regulations M4 (2) require, amongst other things, step free access. In non-lift serviced multi-storey development where step free access is not viable, assessments should be submitted to demonstrate that the inclusion of a lift would make the scheme unviable or mean that service charges are not affordable for intended residents. If this is satisfactorily evidenced, then the units above or below the ground floor that cannot provide step free access would only need to satisfy the requirements of M4 (1) of the Building Regulations.”*

- 2.25 We welcome the recognition that Part M4(2) can be interpreted as requiring provision of a lift in flatted development, and that it is more onerous than the previous Lifetime Homes Standards. From our experience, some Local Planning Authorities are unaware of the nature of the requirements of Part M4(2) and have mistakenly considered it to be appropriate to use these as a direct substitute for the Lifetime Homes Standard.
- 2.26 We support the caveat relating to Part M4(2) proposed to be added to Policy H1 by MM26 and consider it to be necessary to ensure the policy is sufficiently flexible and effective.

**MM40 – Policy T1 (Sustainable transport choices) – supporting text**

- 2.27 MM40 entails amendments to paragraph 3.92 of the submitted EFLP as follows:

*Until such time as those standards are adopted, planning applications will use the Council will regard Essex County Council’s adopted Parking Standards as the starting point and will appraise proposals on a case by case basis to assess that the level of parking is commensurate to the development proposed. This will include consideration of the scale and type of development, the sustainability of its location (including access to sustainable transport modes and access to services) and local vehicle ownership levels. Where practicable and for sites within 400m of a railway station London*

*Underground Station and/or within a Town Centre or comparable sustainable location, the Council will seek reduced car parking provision, including car free, development.”*

- 2.28 We consider that the greater flexibility this proposed main modification will provide will help ensure appropriate car parking provision is made having regard to sites' specific circumstances, and as such is considered to be justified and effective.

**MM83 – Policy P4 (Ongar) – supporting text**

- 2.29 MM83 proposes additional text to address the potential for the Zone of Influence for recreational impacts on Epping Forest SAC to change over time, and comprises introduction of the following text:

*Recognising that the Zone of Influence for recreational impacts for the Epping Forest Special Area of Conservation may be amended from time to time over the course of the Plan period, residential development in this area may need to comply with the requirements of any Mitigation Strategy as it relates to Recreational Pressures in accordance with Policy DM 2 of this Plan. The most up to date Zone of Influence can be found on the Council's website.”*

- 2.30 Expansion of the Zone of Influence could result in additional proposed allocations being required to contribute towards mitigation strategies.
- 2.31 The current Zone of Influence is based on evidence from 2017 and 2019 visitor surveys, and extends to 6.2km from the SAC. However, as the Habitats Regulation Assessment (HRA) 2021 notes, of Epping Forest District residents who visit the SAC the vast majority live within 3km. The HRA 2021 goes on to state that the Council is confident that adequate funding to deliver the SAMM measures will be derived by confining the SAMM charge to the identified allocations and that this approach is the one which is the most compliant with CIL Regulations.
- 2.32 As such, any future expansion of the Zone of Influence should not be seen as automatically equating to a need to expand the geographical area within which new development will be required to contribute to mitigation strategies. As the HRA 2021 confirms, a more sophisticated approach is required to ensure compliance with CIL Regulations. However, the text proposed through MM83 could be inferred as suggesting any site within a revised Zone of Influence might be required to contribute towards the mitigation strategy. It is unclear how a decision-maker is expected to respond to the proposed additional text.
- 2.33 The above is likely somewhat academic insofar as it concerns the Site / ONG.R2, as at c.10km from the eastern boundary of the Epping Forest SAC, and as such, a significant



distance beyond the existing Zone of Influence. Nevertheless, and for the avoidance of doubt, if contributions were to be required from development of the Site in the future, provided they were CIL Regulations compliant, we do not consider it would render development unviable.

**MM84 – Policy P4 (Ongar)**

- 2.34 MM84 proposes a number of main modifications to various elements of Policy P4, including Part I. The proposed modifications to Part I concerns how proposals will be considered in relation to the West Ongar Concept Framework Plan and reads as follows:

*“In order to ensure that a comprehensive and cohesive approach is taken to the planning and delivery of certain sites and associated infrastructure, development proposals in relation to sites ONG.R1 and ONG.R2 will be required to be in general conformity ~~accordance~~ with a Concept Framework Plan, as defined in Policy SP2 3, which has been formally endorsed by the Council prior to the determination of any planning application.”*

- 2.35 The proposal for ONG.R2 to be required to be in ‘general conformity’ with the Concept Framework Plan, as opposed to ‘in accordance’ with, is supported.
- 2.36 We consider this change ensures the policy is imbued with sufficient flexibility and is justified.