

Name:

Part B – Your representation on the Main Modifications and/or supporting documents

If you wish to make more than one representation, please complete a separate [Part B form](#) for each representation and clearly print your name at the top of this form.

4. Which **Main Modification number and/or supporting document** does your representation relate to? (Each Main Modification within the Schedule has a reference number. This can be found in the first column i.e. MM1, MM2 and each Supporting Document has a reference number beginning with ED).

Any representation on a supporting document should clearly state (in question 6) which paragraphs of the document it relates to and, as far as possible, your comments should be linked to specific Main Modifications. You should avoid lengthy comments on the supporting documents themselves.

MM no.

Supporting document reference

5. Do you consider this **Main Modification and/or supporting document**:
(Please refer to the Guidance notes for an explanation of terms)

a) Is Legally compliant Yes ☒ No ☐

b) Sound Yes ☐ No ☒

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

Positively prepared ☒ Effective ☒

Justified ☐ Consistent with national policy ☒

6. Please give details of why you consider the **Main Modification and/or supporting document** is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments.

Draft Policy D8 (Local Plan Review) commits the Council to undertake a whole plan review at least every five years. The conclusions of the first review will determine whether the Plan needs to be updated either in full or partially. This Policy also includes some instances should relevant circumstances arise, the Council will undertake an earlier review and, if necessary, update relevant Local Plan policies accordingly. The requirements include if the Council's Housing Delivery Test falls below 75% and that the Council cannot demonstrate a five-year housing land position. Whilst in principle, the need to set out circumstances for an early Local Plan review is supported, it is considered that as currently drafted, this policy is ineffective and inadequate.

Firstly, the criteria for an early review does not reference when there is expected to be a significant change in the local housing need in the near future, as outlined in NPPF Paragraph 33 (NPPF 2021). The NPPG provides further clarification on this and clearly states that the:

"housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented below the number generated using the standard method, or has been subject to a cap where the plan has been adopted using the standard method. This is to ensure that all housing need is planned for as quickly as reasonably possible"

Paragraph 062 Reference ID: 61-062-20190315 (Revision date: 15 03 2019)

As set out in our responses to MM11, the EFLP has been tested against the 2012 NPPF OAN rather than the local housing need using the Standard Method. The housing need has significantly changed from a requirement of 518 dpa (based on the 2015 SHMA) in emerging Local Plan, compared to the Standardised Methodology figure of 953 dpa (based on the Government's latest affordable ratio calculations). Consequently, to ensure that all housing need is planned for as quickly as reasonably possible, the Council should commit to an immediate full policy review and updating of its strategic policies following the adoption of the Local Plan. The commitment to an immediate review and updating will also ensure that the ongoing Local Plan process is not delayed any further, particularly for the delivery of strategic sites, whilst also recognising the need in the short to medium terms to further increase housing supply in this constrained authority. Meeting housing need and putting a local plan in place is not an academic exercise. It is about meeting the genuine needs of people to ensure they have adequate access to good quality housing.

The policy should include a target date for the completion of the updating to provide a focus for the Council to work towards. It will also reduce the chance of failure to progress the plan review and the prospect of the Council facing further challenges in respect of housing supply and delivery in the longer term. A commitment to commencing a review and updating immediately on the adoption of this Plan will ensure that the review will be completed and ensure the allocation of sufficient sites for housing to meet housing needs at least until the end of the plan period and in subsequent years.

The scope of the immediate review will need to make specific reference to particular policies to provide a focus for the Council to work towards. In this regard, Draft Policy SP 2 (Spatial Development Strategy) should be referenced in Policy D8 to set out a specific requirement that the latest local housing need figures should be considered alongside a subsequent strategy outlined for meeting this identified need.

As the scope of a review is likely to include a comprehensive site selection exercise and new green belt assessments in order to fulfil longer-term housing requirements, this further exerts the importance of the Council committing and commencing the review and updating immediately on the

adoption of the Plan. Thus, ensuring sufficient sites are allocated to meet housing needs at least until the end of the plan period and in subsequent years.

In addition, it is also noted that the Council's suggests that an early Local Plan review could be triggered in relation to the requirements of Policy DM 2 (Epping Forest SAC and the Lee Valley SPA). In particular, if it is deemed that the delivery of planned development will harm the integrity of the Epping Forest Special Area of Conservation (SAC). Even though this policy requirement is not relevant to our site, it is recommended that this matter is included as part of a Local Plan policy review for consistency.

Paragraph B of Draft Policy D8 provides the general factors that will be taken into account when reviewing policies in the Local Plan to determine whether the relevant policies require updating. The criteria for reviewing the policies are broadly consistent with the non-exclusive list provided within the relevant paragraphs of the NPPG¹. However, given that there is a need for the Council to commit to an immediate and full review of Local Plan policies following adoption, the policy review criteria in Paragraph B will be considered in the context of any subsequent Local Plan review, which should be at least every five years. It should be noted that the suggested amendments to Paragraph B merges some elements listed in Paragraph C and incorporates additional requirements in line with national policy.

The Local Plan contains no policies with targets for carbon reductions from buildings. Given Climate Change is the greatest threat facing mankind it is a clear gap in the Council's policy approach. Without an immediate review and updating, it is likely to be the end of the decade before the council is in a position to put in place and require developments to reduce their carbon impact. That is simply unsustainable.

7. Please set out what change(s) you consider necessary to make the **Main Modification and/or supporting document** 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 Submission Version of 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.

Policy D8 should be updated as follows:

A. The Council **commits to undertaking a full** review and updating of the strategic policies of the Local Plan policies **immediately following adoption**. ~~Conclusions from the first review will be published no later than five years from the adoption date of the Plan.~~

The full review of review of the Plan will regard the following matters:

- **Policy SP 2 Spatial Development Strategy: To consider housing and employment needs and the subsequent strategy for meeting those identified needs.**
- **Policy DM 2 Epping Forest SAC and the Lee Valley SPA: Natural England to consider whether planned development will harm these protected areas.**

The full review and updating of the Plan will be submitted for examination 3 years after the date of adoption of this Plan. In the event that the review is not submitted for examination by this time, then the Council's policies that relate to the supply of housing and Epping Forest SAC and the Lee Valley SPA will be deemed to be out-of-date.

B. **Following on from the immediate Local Plan Review and updating, the Council will commit to reviewing the Local Plan at least every five years. In doing so, 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:**

- **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**
- **the Council cannot demonstrate a five-year supply of deliverable housing land against the requirements established through the Local Plan and Housing Implementation Strategy;**

- the latest Authority Monitoring Report, including reported progress against the requirements for the planned delivery of development and infrastructure;
- conformity of policies with national planning policy;
- changes to local circumstances (including a change in local housing need);
- where, through monitoring, it is demonstrated that sustainable transport measures have not been effective in securing the anticipated modal shift, and no alternative physical scheme is available to mitigate the effects of development in order to avoid a severe impact on the highway network;
- whether issues have arisen that may impact on the deliverability of key site allocations;
- appeals performance;
- significant local, regional or national economic changes; and
- progress in plan-making activities by other local authorities, such as whether they have identified that they are unable to meet all their housing need and/or affordable housing need;

~~C. 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:~~

- ~~• 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~~
- ~~• the Council cannot demonstrate a five-year supply of deliverable housing land against the requirements established through the Local Plan and Housing Implementation Strategy; or~~
- ~~• the monitoring to be undertaken in the relevant adopted Mitigation Strategies as set out in Policy DM2, together with updated modelling outputs and Habitat Regulations Assessment indicates that the Council, as competent authority, can no longer conclude that the delivery of planned development will not cause adverse effects on the integrity of the Epping Forest Special Area of Conservation. This will include consideration of any delay in securing and delivering the required measures set out in those strategies. In considering these matters the Council will consult with Natural England and have regard to its advice.~~

8. Have you attached any documents with this representation which specifically relate to an MM or supporting document?

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Yes

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No

Signature:

Date

23.9.21