

Stakeholder Reference:
Document Reference:

Part A

Making representation as Agent on behalf of Landowner or Land Promoter

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Part B

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 8

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: No

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

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.

Main Modification MM8 updates the Vision for EFDLP to include updated text references to the natural environment, green infrastructure, accessibility and air quality. Pigeon supports references to natural environment, green infrastructure, accessibility and air quality matters in the Vision.

As set out in Pigeon's representations to Main Modification MM78, which amends Policy P1, it is however uncertain if the proposed strategic allocation at South Epping (EPP.R1 and R2) is sufficiently defined to ensure the delivery of this essential green infrastructure. A buffer will need to be incorporated into the layout of the proposed South Epping development to ensure that appropriate separation distances are provided between residents and the M25, in order to provide a suitable living environment and protect residential amenity. The proposed South Epping development will also separately need to incorporate Suitable Alternative Natural Greenspace (SANG) that is of sufficient size and quality to provide a realistic and attractive alternative for residents, in order to reduce the impact of recreation and visitor pressure on Epping Forest (this is a matter discussed in more detail in our response to MM78).

In the context of accessibility and air quality, it will be more challenging for the proposed South Epping development to meet sustainable transport objectives because of the distance from the Town Centre and Epping Station, the topography of land south of the Town which requires a more challenging uphill walk into Epping.

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.

As set out in Pigeon's representations to MM78, it is requested that more detailed requirements are set out in Policy P1 for the South Epping allocation so that the Plan's objectives are delivered.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 9

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: No

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

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.

Main Modification MM9 updates the objectives for EFDLP to include updated text on green infrastructure, biodiversity net gain, and access to quality open space. Pigeon supports references to green infrastructure, biodiversity net gain, and access to quality open space matters in the Local Plan Objectives.

As set out in Pigeon's representations to Main Modification MM78, which amends Policy P1, it is however uncertain that the proposed strategic allocation at South Epping (EPP.R1 and R2) is sufficiently defined to ensure the delivery of these matters.

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.

It is requested that more detailed requirements are set out in Policy P1 for the South Epping allocation so that sufficient land is included within the proposed development to deliver green infrastructure, biodiversity, and open space, as well as a minimum 10ha of SANG to ensure consistency with the Green Infrastructure Strategy and the Local Plan's objectives.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 11

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: No

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

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.

Main Modification MM11 updates the housing land supply position for EFDLP during the plan period from 2011 to 2031, with a total supply of 12,258 dwellings compared with a minimum housing requirement of 11,400 dwellings. It is noted that the total housing supply has reduced from 13,152 dwellings in the pre-submission version of EFDLP to 12,258 dwellings as modified, a reduction of almost 900 dwellings – see Main Modification MM115. As a result, there is even less flexibility in the housing land supply, particularly when a significant proportion of the supply is made up of large strategic sites on the edge of Harlow.

In putting forward main modifications the Council has decided to delete some proposed allocations from the supply in response to the Inspector's soundness concerns but has not considered or assessed whether other sites could be added to the supply to provide flexibility. The approach taken by the Council is not consistent with the Inspector's advice on land supply matters and alternative sites – see Paragraphs 21 to 23 and Action 9 of Inspector's Advice After Hearings Letter [Doc Ref. ED98].

Pigeon remains of the view that in a District heavily constrained by the Green Belt and in the context of an emerging Local Plan that is now reliant on a stepped housing trajectory that has the effect of delaying the delivery of both affordable and market housing, additional sites should have been identified to replace those housing commitments that have been removed from the trajectory as a result of these Main Modifications. The decision not to allocated additional sites fails to plan positively and raises significant concerns regarding the deliverability and soundness of the amended Spatial Strategy.

As set out in Pigeon's representations to Main Modification MM115, the modified housing trajectory includes unrealistic delivery assumptions for the three urban extensions to Harlow within Epping Forest District. This is because of the close proximity of other strategic sites within Harlow that are still under construction or allocated on the edge of Harlow which will have an impact on the housing land supply position. For these reasons a greater need to identity additional sites exists.

It should also be noted that the conclusions in the Sustainability Appraisal (SA) Addendum Update [Doc Ref. EB210] for housing related sustainability objectives are unchanged despite the reduction in the housing land supply. Paragraph 4.37 of the SA Addendum Update concludes that the proposed main modifications e.g. MM11 and MM115 do not significantly affect the conclusions of the previous SA work i.e. EFDLP would have a 'significant positive long term effect' on the housing related sustainability objective. Such a conclusion cannot be correct if the Main Modifications are to result in a significant reduction in the total housing land supply.

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.

It is requested that additional allocations are made in EDFLP to replace deleted sites in order to provide sufficient flexibility and a buffer to housing land supply. For example, the land north of Stewards Green Road in Epping (Site Ref. SR-0153 – known as East Epping) was a draft allocation in the draft 2016 version of EDFLP - Pigeon are promoting land East of Epping for a residential-led mixed use development for around 400 dwellings with a community hub to include a doctor's surgery and SANG As advised by the Inspector, sites such as East Epping which have already been found to be suitable locations for growth in the Council's evidence base should be positively identified in order to boost the supply of housing.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 14

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: No

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

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.

Main Modification MM14 sets out updates to the supporting text for Policy SP2 Spatial Development Strategy. The modification to Paragraph 2.77 deletes the reference to growth being directed to different locations to maintain flexibility and deliverability. This is a significant change to the Spatial Strategy for growth and one which fundamentally changes the key approach of the submitted Local Plan.

This proposed main modifications result in a reduction to the overall housing land supply, a reduction in the supply of housing directed to the larger and more sustainable towns in the District including Epping, and result in too much reliance being placed on large urban extensions on the edge of Harlow.

The reduction in the housing allocations for Epping has led to a 45% reduction in the proportion of housing directed to the largest and most sustainable settlement in the District; this outcome would be inconsistent with Paragraphs 17, 30 and 34 of the 2012 NPPF.

As set out in Pigeon's representations to Main Modification MM115, the option to identify an additional strategic allocation in Epping to address the reduction in the capacity at Land South of Epping (Policy EPP.R1 and R2) has not been considered. Pigeon is promoting land East of Epping for a residential-led mixed use development for around 400 dwellings with a community hub to include a doctor's surgery and SANG, on a site that was a draft allocation in the draft 2016 version of EFDLP. Land East of Epping should be identified as an allocation now in order to ensure flexibility is retained.

As set out in our earlier representations, East Epping could deliver a mix of uses including the following: housing; a high quality mixed use community hub which could include a local convenience store and doctor's surgery and car parking to serve the local facilities and nearby tube station; SANG and other open space; and an Eastern link road between Steward's Green Road and Stonards Hill which would assist in reducing traffic having to travel through the Town Centre. Epping East is available for development now and is a deliverable location for growth.

Land East of Epping has also been identified by Pigeon as a location that could accommodate a larger allocation of around 950 homes should additional flexibility in the housing supply be required.

If it is decided that the proposed main modifications hereby being presented by the Council and which alter the development strategy are acceptable, then it is requested that EFDLP is subject to an early review as requested in Pigeon's representations to Main Modification MM112: New Policy D8.

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.

It is requested that additional allocations are made at Epping to rebalance the development strategy and direct more development to Epping as the largest and most sustainable town, and to provide greater flexibility to ensure the Local Plan objectives are deliverable.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 15

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: No

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

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.

Main Modification MM15 sets out proposed changes to Policy SP2: Spatial Development Strategy including an updated reference to affordable housing needs, the use of a stepped housing trajectory, and a reduced amount of housing directed to Epping.

The reference to the total amount of affordable housing need figure of 2,851 affordable dwellings between 2016 and 2033 is reflected in the proposed change in Main Modification MM5. Pigeon Investment Management's representations to MM5 highlight the poor past delivery of affordable housing in Epping Forest District, the current affordable housing shortfall, and the uncertainty as to whether affordable housing needs would be met during the plan period.

The changes to Policy SP2 include the use of a stepped housing trajectory. Section 4 of the Housing Implementation Strategy Update 2019 [Doc Ref EB410A] seeks to explain and justify the use of a stepped housing trajectory. Paragraph 021 (ID: 68) of the Planning Practice Guidance identifies the circumstances when a stepped trajectory might be appropriate, and states in part that "A stepped housing requirement may be appropriate where there is to be a significant change in the level of housing requirement between emerging and previous policies and / or where strategic sites will have a phased delivery or are likely to be delivered later in the plan period...".

It should be noted that the submission version of EFDLP, and indeed earlier draft versions of the document, include the same housing requirement of 11,400 dwellings between 2011 and 2033 but do not seek to use a stepped trajectory. The East of England Plan 2008 provided the most recently adopted housing requirement for Epping Forest District, which was 3,500 dwellings between April 2001 and March 2021 plus urban extensions to Harlow to be determined through development plan documents. The pre-submission version of EFDLP has determined that 3,900 dwellings can be accommodated in Epping Forest District in urban extensions to Harlow. The East of England Plan housing requirement for Epping Forest District was 7,400 dwellings between 2001 and 2021 or 370 dwellings per annum, compared with a housing requirement in the pre-submission EFDLP of 11,400 dwellings between 2011 and 2033 or 518 dwellings per annum.

As demonstrated by the above figures, there is not a significant change in the housing requirement between the adopted and emerging policies. The strategic allocations on the edge of Harlow and at North Weald Bassett are all expected to start delivering housing within the current five year period and are not subject to phasing requirements. It is considered that none of the circumstances for a stepped housing trajectory set out within the Planning Practice Guidance therefore exist for the EFDLP.

A stepped housing trajectory would have negative consequences for the delivery of affordable housing, making the current poor delivery of affordable housing much worse. There would be negative outcomes for housing related sustainability objectives associated with delays to the delivery of housing and affordable housing; this is not reflected in the findings of the SA Addendum Report June 2021 [Doc Ref. EB210] which identifies no change to the assessment for the housing topic as a result of the stepped trajectory. It is also noted that both Harlow and East Herts (within the same housing market area and also providing urban extensions to Harlow) do not include a stepped trajectory in their adopted plans, so it would be inconsistent to adopt a different approach in Epping Forest District.

It is considered that the Council's decision to use a stepped housing trajectory and their explanation for it only responds to only some of the Inspector's comments on this matter (see Paragraphs 25 to 27 of Inspector's Advice After Hearings Letter [Doc Ref. ED98]). The Inspector's letter is clear that an important aim of the site selection process is to identify sites capable of delivering completions early in the remaining plan period (see paragraph 25 of ED98).

The Council has not reconsidered any sites that were identified as draft allocations in the draft 2016 version of EFDLP in order to determine whether they could be allocated to increase the housing land supply in the short term. The Council's own evidence is clear that additional and suitable sites do exist. The delivery of much needed market and affordable housing in these locations should be prioritised over and above a stepped housing trajectory, a policy measure that will have significant adverse impacts on the delivery of housing and which should therefore be used as a last resort. The introduction of the stepped trajectory is not justified or sound and it is requested that the proposed stepped housing trajectory is therefore deleted.

It is proposed to amend Policy SP2 so that less housing is directed to Epping. A decrease in the amount of housing directed to Epping has been a recurring theme throughout the plan-making process; the amount of housing directed to Epping in the draft 2016 version of EFDLP was 1,640 dwellings, in the pre-submission EFDLP was 1,305 dwellings, and now as proposed in Main Modification MM15 is 709 dwellings. Epping is the most sustainable and accessible settlement in the District, containing the highest level of services and facilities and accessible by walking, cycling and public transport including the underground train network. Paragraphs 17, 30 and 34 of the 2012 NPPF refer to the relationship between the location of development and sustainable transport and seeks to reduce greenhouse gas emissions and congestion and supports development that minimises the need to travel and encourages the use of sustainable modes of transport. The decision to further reduce the amount of development to Epping would be inconsistent with national policy that seeks to direct development to the most sustainable locations. The option to identify an additional strategic allocation in Epping to address a reduction in the capacity at Land South of Epping (Policy EPP.R1 and R2) has not been considered; for example, the land north of Stewards Green Road in Epping (Site Ref. SR-0153) was a draft allocation in the draft 2016 version of EFDLP - Pigeon are promoting land East of Epping for a residential-led mixed use development for around 400 dwellings with a community hub to include a

doctor's surgery and SANG. Pigeon also promoted a more extensive area of land at East Epping to replace the original allocation of 950 homes at South Epping. Both site development options promoted by Pigeon would be based on Garden Settlement principles.

It is requested that the quantum of development directed to Epping is not reduced from 1,305 dwellings to 709 dwellings, but additional allocations are made on the edge of Epping. Those additional allocations would need to be in accordance with the adopted Air Pollution Mitigation Strategy and associated monitoring to be undertaken in 2024/2025, and capable of delivering new areas of Suitable Alternative Natural Greenspace (SANG) to provide alternative recreational facilities to Epping Forest.

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.

It is requested that the proposed stepped housing trajectory and the reduction in the amount of housing directed to Epping, as proposed to be modified in Main Modification MM5, are not made. It is requested that additional allocations, including allocations at Epping are made to address the housing land supply shortfall that has arisen as a result of the further assessment work for EFDLP.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 16

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: No

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

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.

Main Modification MM16 updates the supporting text to Policy SP3. It is proposed in the update to Paragraph 2.100 that concept framework plans for the strategic allocation sites, including South Epping, are endorsed by the Council prior to the determination of planning applications rather than in advance of the submission an application. It will be too late for the Council to assess whether the key principles for the strategic allocation will be delivered if the concept framework plan is submitted alongside an outline planning application.

The Council's original requirement to seek approval of a concept framework plan in advance of a planning application being submitted would have limited impact on the overall delivery timetable for the South Epping development, because the document should only take 6 months to one year to prepare and could progress alongside planned air quality monitoring. Such an approach would however ensure that the key principles of delivering essential and necessary infrastructure for a sustainable community and appropriate SANG are established at an early stage and that adequate public engagement and consultation can be carried out.

As set out in Pigeon's representations to Main Modifications MM78, the South Epping Masterplan Capacity Analysis [Doc Ref. EB1421] is currently inconsistent with amendments to this strategic allocation in terms of the quantum of development, and the delivery of sufficient SANG and open space, transport infrastructure, and measures to address air quality and noise impacts. These are all important matters that need to be resolved and agreed prior to the submission of an application and should also involve consultation with local residents and Epping Town Council.

It is requested that the concept framework plan for South Epping is therefore submitted and approved prior to the submission of an outline planning application for the proposed development, in order to ensure that all of the policy requirements can be met in full, including in particular land for a SANG that is of sufficient size and quality to be attractive to residents and other potential users, and appropriate walking, cycling and public transport facilities and services to encourage travel by sustainable modes of transport. These matters are important for the successful delivery of the South Epping development and must be resolved at an early stage and before an outline application is prepared.

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.

It is requested that concept framework plans for the strategic allocations, including South Epping, are endorsed by the Council prior to the submission of an application, and not in advance of determination.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 17

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the 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

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.

Main Modification MM17 updates Policy SP3, which relates to the principles for the strategic masterplan areas including South Epping. It includes updated text that references sustainable transport, quality open space and contributions towards health facilities.

Pigeon supports the requirements for these matters to be addressed within the strategic masterplan areas, but it is not certain at this stage whether the proposed development at South Epping is capable of meeting the updated masterplan principles for these allocations. It will be more challenging for the proposed South Epping development to meet sustainable transport objectives because of the distance from the Town Centre and Epping Station as well as the topography which requires a more challenging uphill walk into Epping. It will be important to ensure that suitable walking, cycling and public transport services and facilities are delivered by the development. The decision to no longer require a bus connection over the railway line is likely to further impede the promotion of sustainable forms of transport and will significantly undermine the rationale for significant growth being directed to South Epping.

The proposed South Epping development will need to incorporate SANG that is of sufficient size and quality to provide a realistic and attractive alternative for residents in order to reduce the recreation and visitor impact on Epping Forest. As discussed in more detail in our response to MM78 a credible strategy for delivering at least 10ha of SANG as part of the South Epping Masterplan, in a manner that accords with the design requirements set out in the Green Infrastructure Strategy has not been presented. This is a key policy requirement and this essential mitigation measure need to be clearly defined at the plan making stage. Policy SP3 should also be updated to include reference to the requirement to deliver SANG as part of the strategic masterplan proposals

Policy SP3 references the need to deliver health and education facilities where needed. While this is supported by Pigeon, it is noted that, despite the Infrastructure Delivery Plan Schedule 2017 and 2020 update [Doc Refs. EB1101B and ED117/ EB1118] identifying a new health hub as 'essential' infrastructure for Epping, the proposed development at South Epping, as amended by MM78 no longer includes a requirement to explore the potential for a new health hub. It is not clear from the updated evidence base why this change has been made and where the new health hub for Epping would be located and how it would be delivered/funded if not provided within the South Epping development. A key reason why South Epping was identified as the preferred location for growth was because of its critical mass and its ability to accommodate the essential infrastructure required to meet the needs of the town. The removal of the policy aspiration to deliver infrastructure previously identified as being essential will therefore have negative consequences. In comparison the promoted development by Pigeon at land East of Epping would include a mixed use community hub that could include a doctor's surgery.

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.

It is requested that Policy SP3 should be updated to include reference to the requirement to deliver SANG as part of the strategic masterplan proposals, including South Epping Masterplan Area.

The decision to remove the requirement for a new health hub to be provided within the South Epping development needs to be explained. It is requested that clarification is provided as to where the new health hub for Epping would be located and how it would be delivered/funded if not provided within the South Epping development.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 46

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: Yes

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

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.

Main Modifications MM46 and MM47 set out amendments to Policy DM2: Epping Forest SAC and the Lee Valley SPA and the associated supporting text. Policy DM2 seeks to protect these areas. In summary, for Epping Forest SAC the proposed modifications seek to set out the strategic approach and measures to address air quality impacts from traffic and recreational pressure from visitors. The modifications identify three adopted strategies for Epping Forest that will be material considerations when determining planning applications, which are as follows: Air Pollution Mitigation Strategy; Approach to managing Recreational Pressure on the Epping Forest Special Area of Conservation (SANG Strategy); and Green Infrastructure Strategy. It is noted that the monitoring results for the Air Pollution Mitigation Strategy are due to be completed in 2024/2025. The Green Infrastructure expects strategic developments to provide SANG to address potential adverse effects of recreational pressure from residential developments.

Pigeon supports the proposed changes contained in MM46 and MM47. It is considered that air quality monitoring and the delivery of suitable areas of green infrastructure will enable an effective strategy to be put in place for development in and on the edge of Epping in the future. However, Pigeon is concerned that it has not been proven that suitable areas of SANG will be provided within the proposed South Epping strategic masterplan area to meet the requirements of the Green Infrastructure Strategy.

Firstly, the South Epping Masterplan Capacity Analysis [Doc Ref. EB1421] does not reflect the amendments to this strategic allocation in terms of the quantum of development and does not identify sufficient land within the site that would meet the requirement to deliver at least 10 hectares of SANG in addition to other areas of open space and buffer areas. The delivery of SANG is important for all of the strategic allocations but is particularly important for the development at South Epping because of its close proximity to Epping Forest SAC, given there is a direct footbridge connection to the SAC. Given the South Epping Masterplan area is the only location where SANG is to be delivered at Epping, the proposed SANG that is to be provided at South Epping is required to mitigate the recreational pressure of existing and future residents in other parts of the town.

Secondly the Green Infrastructure Strategy sets out the design requirements for SANG. Section 3.2 of Part 3 of the Green Infrastructure Strategy (page 159) confirms that SANG is required to reproduce the quality of experience that a visit to other ecologically important sites would provide with an air of relative wildness being an important feature of SANG. In the context of South Epping, the Green Infrastructure Strategy notes in section 3.1 of Part 3 (page 147) that the land near to the M25 that is contained within the South Epping Masterplan area has several detracting characteristics that include high voltage pylons and the elevated section of the M25 which generates noise and air pollution. Despite these site characteristics, the Green Infrastructure Strategy indicates on page 145 of Part 3 that the land alongside the M25, to the south of the masterplan area is an appropriate location for SANG. Such a masterplan/landscape approach would clearly be flawed.

An area of SANG within the South Epping development that is located close to the M25 and the electricity pylons across the site would not meet the requirements for SANG in terms of attractiveness and tranquillity. If a high quality, tranquil and wild area is to be created that will genuinely discourage visitors to Epping Forest, alternative areas of the South Epping Masterplan need to be identified and allocated for SANG.

The ability of the Epping South development to accommodate all of the policy requirements for the site contained in Policy P1 (450 dwellings, noise and air quality buffers adjacent to the M25, offset distances from the electricity pylons, strategic landscaping, open space, and appropriate levels of SANG, services and facilities for the community and a bridge crossing the railway) are important matters. It is for this reason that Pigeon's representations to Main Modification MM16 have requested that the concept framework plan for South Epping is submitted and approved prior to the submission of an outline planning application and subject to stakeholder and community engagement, rather than in advance of the determination of an application. An early assessment of the Epping South Concept Framework Plan, in advance of a planning application, would enable Epping Town Council and local residents to comment on the strategy before it is finalised in application documents.

As discussed further in MM78, Pigeon also consider that the Epping South Masterplan Capacity Analysis (EB1421) that has been prepared and submitted in support of these Main Modifications to help explain the changes proposed to the EFDLP should be updated now in order to reflect the updated policy requirements for the South Epping masterplan area (including the reduced quantum of development and the requirement to deliver at least 10 hectares of SANG). The current Capacity Analysis is now out of date and fails to respond to the Inspector's request to review the capacity work for South Epping (as noted in para 45 of ED98). An updated Epping South Capacity Analysis should identify the open space buffer that is required to be provided to the M25 to ensure appropriate living conditions are provided for future residents. In addition, and elsewhere on the site, at least 10 hectares of land that is able to provide a tranquil and wild area that can meet the requirements of SANG also needs to be identified and reserved.

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.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 47

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: Yes

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

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.

Main Modifications MM46 and MM47 set out amendments to Policy DM2: Epping Forest SAC and the Lee Valley SPA and the associated supporting text. Policy DM2 seeks to protect these areas. In summary, for Epping Forest SAC the proposed modifications seek to set out the strategic approach and measures to address air quality impacts from traffic and recreational pressure from visitors. The modifications identify three adopted strategies for Epping Forest that will be material considerations when determining planning applications, which are as follows: Air Pollution Mitigation Strategy; Approach to managing Recreational Pressure on the Epping Forest Special Area of Conservation (SANG Strategy); and Green Infrastructure Strategy. It is noted that the monitoring results for the Air Pollution Mitigation Strategy are due to be completed in 2024/2025. The Green Infrastructure expects strategic developments to provide SANG to address potential adverse effects of recreational pressure from residential developments.

Pigeon supports the proposed changes contained in MM46 and MM47. It is considered that air quality monitoring and the delivery of suitable areas of green infrastructure will enable an effective strategy to be put in place for development in and on the edge of Epping in the future. However, Pigeon is concerned that it has not been proven that suitable areas of SANG will be provided within the proposed South Epping strategic masterplan area to meet the requirements of the Green Infrastructure Strategy.

Firstly, the South Epping Masterplan Capacity Analysis [Doc Ref. EB1421] does not reflect the amendments to this strategic allocation in terms of the quantum of development and does not identify sufficient land within the site that would meet the requirement to deliver at least 10 hectares of SANG in addition to other areas of open space and buffer areas. The delivery of SANG is important for all of the strategic allocations but is particularly important for the development at South Epping because of its close proximity to Epping Forest SAC, given there is a direct footbridge connection to the SAC. Given the South Epping Masterplan area is the only location where SANG is to be delivered at Epping, the proposed SANG that is to be provided at South Epping is required to mitigate the recreational pressure of existing and future residents in other parts of the town.

Secondly the Green Infrastructure Strategy sets out the design requirements for SANG. Section 3.2 of Part 3 of the Green Infrastructure Strategy (page 159) confirms that SANG is required to reproduce the quality of experience that a visit to other ecologically important sites would provide with an air of relative wildness being an important feature of SANG. In the context of South Epping, the Green Infrastructure Strategy notes in section 3.1 of Part 3 (page 147) that the land near to the M25 that is contained within the South Epping Masterplan area has several detracting characteristics that include high voltage pylons and the elevated section of the M25 which generates noise and air pollution. Despite these site characteristics, the Green Infrastructure Strategy indicates on page 145 of Part 3 that the land alongside the M25, to the south of the masterplan area is an appropriate location for SANG. Such a masterplan/landscape approach would clearly be flawed.

An area of SANG within the South Epping development that is located close to the M25 and the electricity pylons across the site would not meet the requirements for SANG in terms of attractiveness and tranquillity. If a high quality, tranquil and wild area is to be created that will genuinely discourage visitors to Epping Forest, alternative areas of the South Epping Masterplan need to be identified and allocated for SANG.

The ability of the Epping South development to accommodate all of the policy requirements for the site contained in Policy P1 (450 dwellings, noise and air quality buffers adjacent to the M25, offset distances from the electricity pylons, strategic landscaping, open space, and appropriate levels of SANG, services and facilities for the community and a bridge crossing the railway) are important matters. It is for this reason that Pigeon's representations to Main Modification MM16 have requested that the concept framework plan for South Epping is submitted and approved prior to the submission of an outline planning application and subject to stakeholder and community engagement, rather than in advance of the determination of an application. An early assessment of the Epping South Concept Framework Plan, in advance of a planning application, would enable Epping Town Council and local residents to comment on the strategy before it is finalised in application documents.

As discussed further in MM78, Pigeon also consider that the Epping South Masterplan Capacity Analysis (EB1421) that has been prepared and submitted in support of these Main Modifications to help explain the changes proposed to the EFDLP should be updated now in order to reflect the updated policy requirements for the South Epping masterplan area (including the reduced quantum of development and the requirement to deliver at least 10 hectares of SANG). The current Capacity Analysis is now out of date and fails to respond to the Inspector's request to review the capacity work for South Epping (as noted in para 45 of ED98). An updated Epping South Capacity Analysis should identify the open space buffer that is required to be provided to the M25 to ensure appropriate living conditions are provided for future residents. In addition, and elsewhere on the site, at least 10 hectares of land that is able to provide a tranquil and wild area that can meet the requirements of SANG also needs to be identified and reserved.

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.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 77

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the 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

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.

Main Modification MM77 makes two changes to the supporting text to Policy P1

The proposed reduction in the quantum of development directed to Epping, from 1,305 dwellings to 709 dwellings, is a repeat of the proposed change in Main Modification MM15. As requested in Pigeon's representations to MM15, the amount of housing directed to Epping should not be reduced because it is the most sustainable and accessible settlement in the District and development in this location would minimise the need to travel and encourage the use of sustainable modes of transport.

The other change to the supporting text to Policy P1 relates to sustainable transport. The references to access by walking, cycling and public transport are consistent with Paragraphs 17, 30 and 34 of the 2012 NPPF that encourage the use of sustainable modes of transport, and Pigeon support this change.

However, Pigeon has consistently raised concerns about the lack of reference to sustainable transport in the overall development strategy (Policy SP1) and in decisions about site allocations at Epping (Policy P1). Pigeon's Matter 15 Hearing Statement commented on the sustainable transport credentials and accessibility of the proposed strategic allocation at South Epping with reference to walking distances and topography. In summary, it was/is considered that the allocation at South Epping will not meet transport related sustainability objectives and will be heavily car reliant because of the distance from the Town Centre and Epping Station as well as the topography which requires a more challenging uphill walk into Epping. In comparison, the site promoted by Pigeon at land East of Epping is less than 5 minutes' walk to Epping Station and the promoted development would deliver a footpath link and would be accessible to the facilities within Epping Town Centre by walking and cycling.

It is considered that the promoted development at land East of Epping represents a genuine opportunity to achieve a modal shift to sustainable transport choices as an alternative to the private car and would be consistent with the sustainable transport related changes included within Main Modification MM77.

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.

It is requested that the decision to delete the requirement for a vehicle bridge connection between the two parts of South Epping are explained and justified. The vehicle bridge connection would have supported an internal bus link through the masterplan area, which would be consistent with the sustainable transport related modifications in Main Modification MM77.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 78

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the 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

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.

Main Modification MM78 sets out amendments to Policy P1: Epping and includes amendments to the policy requirements for the South Epping Masterplan Area. The amendments to the policy requirements for South Epping include:

- a reduction in the number of dwellings from 950 to approximately 450 dwellings,
- the deletion of requirements for a bus corridor through the site,
- the deletion of requirements for a neighbourhood centre and health hub,
- The enhancement of walking and cycling facilities, Public Rights of Way and linkages both within the site, over the railway and over the footbridge across the M25
- Deletion of the requirements to deliver a new vehicular bridge over the railway; and
- Adds the additional requirement for SANG.

Pigeon has a number of observations and concerns about the very significant changes that are now being proposed to the policy framework for the South Epping masterplan. These are set out below.

Quantum of Development

The Inspector's Advice After Hearings Letter [Doc Ref. ED98] raised a number of concerns about the proposed South Epping allocation, and of relevance to the main modifications indicated that the number of dwellings at the site should not be expressed as a minimum or approximate figure – see Paragraph 24. As drafted, MM78 describes the capacity of the site as being for “approximately 450 homes”

If the capacity at South Epping is confirmed by the Council to be 450 dwellings (notwithstanding Pigeons concerns), then a further modification is required to delete reference to an approximate dwelling figure for this allocation. A fixed dwelling requirement of up to 450 dwellings would (if proven to be sound) provide a clearer policy framework for how the South Epping allocation can be delivered together with noise and air quality buffers adjacent to the M25, offset distances from the electricity pylons, strategic landscaping, open space, appropriate levels of SANG, services and facilities for the community and a bridge crossing the railway.

SANG

The policy framework for South Epping is dramatically changing. The quantum of development envisaged has been significantly reduced, the approach to connectivity across the allocation is being fundamentally altered, infrastructure previously seen as been 'essential' has now been removed, enhanced connections towards Epping Forest and its SAC are being promoted while a requirement to deliver SANG on site is being established in order to reduce visitor pressure at Epping Forest SAC (the policy initiative to improve pedestrian and cycle connections towards Epping Forest does however appear to be in conflict with the aspiration to reduce visitor pressure at the Forest).

The Main Modifications submitted have not considered the implications and /or deliverability of the updated requirements of Policy P1 in the context of the South Epping Masterplan Area. A Capacity Analysis for South Epping (EB1421) has been provided as part of the evidence base. While this is said to have been produced in responses to the Inspector's request to review the site capacity work, document EB1421 assesses the South Epping Masterplan area's ability to accommodate a development of 829 dwellings. Specifically, and in Pigeon's view critically, the submitted Capacity Assessment does not consider where SANG can be created. Instead, it notes at paragraph 5.9 that SANG can be met by a combination of on-site provision plus a contribution to further off-site provision. The stated approach to be taken to SANG is to "assess the development capacity and then allocate much of the remaining land for SANGs". This is not a sound approach, nor is it consistent with the Green Infrastructure Strategy that states at least 10 hectares of SANG are to be provided at South Epping.

The South Epping Capacity Analysis confirms that large parts of the South Epping area will be subject to noise and air pollution. Large pylons also cross the southern part of the allocation area. It is these areas that form a significant part of the green/open space in the Development Concept Plan that is provided in Appendix A of EB1421. This land is not suitable for SANG. Other areas of green open space in the vicinity of Flux Lane do appear to be more suitable for SANG. This land is not however well related to large parts of the South Epping masterplan area, particularly land west of the railway line and will not therefore provide accessible alternative greenspace for much of the South Epping masterplan area.

The delivery of SANG is a critical policy requirement. The suggested approach of simply allocating whatever land is left over and relying on off-site contributions to reduce visitor pressure is not appropriate or sound. Of all the strategic locations for growth Epping South is the site that is closest to the Epping Forest SAC. It also enjoys direct pedestrian and cycle connections, connections which are also to be enhanced as part of the development.

As noted in our representation to MM46 & MM47, the Green Infrastructure Strategy sets out the design requirements for SANG. Section 3.2 of Part 3 of the Green Infrastructure Strategy (page 159) confirms that SANG is required to reproduce the quality of experience that a visit to other ecologically important sites would provide with an air of relative wildness being an important feature of SANG. In the context of South Epping, the Green Infrastructure Strategy also notes in section 3.1 of Part 3 (page 147) that the land near to the M25 that is contained within the South Epping Masterplan area has several detracting characteristics that include high voltage pylons and the elevated section of the M25. Despite these site characteristics, the Green Infrastructure Strategy indicates on page 145 of Part 3 that the land alongside the M25, to the south of the masterplan area is an appropriate location for SANG. Such a masterplan/landscape approach would clearly be flawed and needs to be corrected.

An area of SANG within the South Epping development that is located close to the M25 or the electricity pylons across the site would not meet the requirements for SANG in terms of attractiveness and tranquillity. While this land may be suitable for other open space use it will not deliver a high quality, tranquil and wild area capable of genuinely discouraging visitors to Epping Forest. Alternative areas of the South Epping Masterplan therefore need to be delivered as SANG. MM78 needs to provide a very clear and positive strategy for the delivery of SANG. Document EB1421 should be updated to reflect the actual policy requirements now set out in the amended Policy P1. The updated Epping South Capacity Analysis should identify the open space buffer that is required to be provided to the M25 to ensure appropriate living conditions are provided for future residents (having regard to noise and air quality issues and the presence of the pylons). In addition, and elsewhere on the site, at least 10 hectares of land that is able to provide a tranquil and wild area that can meet the requirements of SANG also needs to be identified and reserved. The remaining land should then be identified as the developable area upon which the maximum of 450 dwellings and essential infrastructure requirements can be provided.

Policy P1 also needs to be further modified to confirm in part 'K' that the South Epping Masterplan is to deliver at least 10 hectares of SANG and that the location, form and quality of SANG should be informed by the updated Capacity Assessment (as referenced above)

Sustainable Transport Choices

As set out in Pigeon's Matter 15 Hearing Statement, Epping Town Council's support for the proposed South Epping allocation was conditional on the delivery of transport infrastructure projects, including a new road crossing the railway line to connect the two parts of the site. Essex County Council and Epping Forest District Council previously identified the delivery of a vehicular bridge across the railway as essential to connectivity. The changes made as a result of MM78 remove the requirement for the bridge crossing the railway line to accommodate vehicles, but instead the link is only required for pedestrians and cyclists. The South Epping Capacity Analysis explains that there are no benefits to connecting the two parts of the masterplan area. It does however acknowledge at paragraph 4.11 that the incline from South Epping to the underground station and town centre could be challenging for some. To address this issue, it is proposed that an enhanced public transport offer be made. This enhanced offer includes the provision of shuttle buses and potential enhancements to existing services. What is not made clear however is how residents would access these services. With buses no longer able to pass over the railway line it is assumed that buses are unlikely to enter and loop around the two separate parts of the South Epping Masterplan Area as to do so would result in significant delays in the timetable. The effectiveness of the described enhancements is therefore of significant concern and the decision to remove the potential for an internal bus link through the masterplan area is likely to further undermine the potential to encourage a modal shift for future residents.

Pigeon has already explained during the hearing sessions why it considers the South Epping Masterplan Area to be unsustainable and less appropriate than the alternatives, namely directing growth to East Epping where direct and local connections can be made to the town centre and the underground station. The removal of the vehicular bridge over the railway at South Epping will further reduce the effectiveness of any sustainable travel plan for the area meaning that the policy framework remains unsound and in conflict with the key objectives of the Plan to reduce the need to travel by car and deliver sustainable forms of growth.

The actual implications of this modification that removes the requirement for the critical vehicle

bridge connection have not been adequately considered within the evidence base. The position that is now proposed is a significant dilution of the infrastructure requirements for this allocation that is located at the base of a steep hill, some distance from the town's key infrastructure.

Infrastructure

It is noted that the changes made as a result of MM78 remove the requirement for the South Epping allocation to provide a neighbourhood centre and health hub. A neighbourhood centre implied that the range of services and facilities to be provided within the South Epping allocation would mean that the day to day needs of residents could be met locally and the need to travel would be minimised. If these essential day to day facilities are no longer to be provided at South Epping, the future residents of South Epping will need to travel to Epping Town Centre to access convenience shopping, health facilities, and other services and facilities.

As set out in Pigeon's Matter 15 Hearing Statement and in representations to Main Modification MM77, the distance and topography between the South Epping site and the Town Centre and Epping Station requires a more challenging uphill walk into Epping which will discourage the use of more sustainable transport options. The removal of the requirement for the South Epping allocation to incorporate an access and internal road network to support a bus corridor is also likely to reduce bus services from the development, which will make travel by bus less likely. This proposed modification further undermines the sustainable credentials of South Epping and is again likely to encourage travel by car.

It is indeed noted that much of the promised infrastructure is now being removed from the policy framework. Those attributes that were described as clear benefits for locating growth at South Epping are no longer been identified. At best the South Epping masterplan will now mitigate its own impacts (although this is not a certain outcome) but will fail to deliver any of the wider benefits previously envisaged/promised.

It should be noted that in comparison, the promoted development by Pigeon at land East of Epping would provide a high quality mixed use community hub which could include a local convenience store and doctor's surgery. The land East of Epping site is also within walking and cycling distance of Epping Town Centre and Epping Station.

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.

Pigeon remain of the view that South Epping is not a sustainable location for significant growth. The modifications now proposed will only undermine the sustainable credentials of the masterplan area with many of the stated benefits that would come from locating growth in this location no longer being delivered.

If the allocation is however to remain it is requested that the total number of dwellings within the South Epping Masterplan Area be expressed as a maximum of up to 450 dwellings, to reflect the site constraints identified by the Inspector and to ensure that the full policy requirements of Policy P1 are met within the proposed allocation, including the requirement for an enhanced level of SANG of at least 10 hectares in area.

An updated Capacity Assessment should also be produced that provides a clear and positive framework for the delivery of SANG. This capacity assessment should then be used to confirm which areas of the masterplan area are removed from the Green Belt with peripheral buffers to the M25 and the minimum 10 hectares of SANG remaining as Green Belt land.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 106

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the 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

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.

Main Modification MM106 relates to the delivery of infrastructure and inserts new text that expects development to contribute towards infrastructure items identified in the Infrastructure Delivery Plan Schedule. Pigeon agrees that development should make appropriate contributions to the delivery of necessary infrastructure. However, Pigeon has three concerns about how Policy D1 as modified will be implemented in practice for development at the South Epping Masterplan Area.

Firstly, the Infrastructure Delivery Plan Schedule has been updated to remove the requirement for a vehicular/pedestrian/cycle bridge over the railway line from South Epping that was previously identified as an 'essential' infrastructure item. The Infrastructure Delivery Plan Part B Report (Infrastructure Delivery Schedule (December 2017) [Doc Ref. EB1101B] identified a new vehicular, pedestrian and cycling bridge over the railway line south of Epping as an 'essential' highway infrastructure item, in order to provide a connection to Epping and enhanced accessibility – see pg.46 of Doc Ref. EB1101B. The requirement for the delivery of a vehicular/pedestrian/cycle bridge with South Epping is not referenced in the most recent Infrastructure Delivery Schedule 2020 Update (September 2020) [Doc Ref. ED117/ EB1118], and it is not explained or justified why an item of infrastructure previously identified as 'essential' has been removed. It is requested that the previously identified requirements for a vehicular/pedestrian/cycle bridge over the railway line from South Epping is reinstated into an updated Infrastructure Delivery Plan Schedule. Paragraph 34 of the NPPF 2012 expects developments that generate significant movement to maximise the use of sustainable transport. The decision to remove the requirement for vehicular/pedestrian/cycle bridge within the development at South Epping is inconsistent with this national policy on sustainable transport. The distance and topography between the South Epping site and the Town Centre and Epping Station requires a more challenging uphill walk into Epping which will discourage the use of more sustainable transport options. The removal of the requirement for the South Epping allocation to incorporate an access and internal road network to support a bus corridor is also likely to reduce bus connectivity into and through the development, which will make travel by bus less likely.

Secondly, as highlighted in Pigeons' representations to Main Modification MM78, the previously identified neighbourhood centre and health hub within South Epping and a bus corridor through

the site have been removed from the list of infrastructure items, which raises concerns about the delivery of the remaining infrastructure items. It appears that the infrastructure items previously envisaged and promised for Epping South in order to provide a critical mass of new and enhanced infrastructure is gradually being eroded. Paragraph 70 of the NPPF 2012 expects policies to support the delivery of local services to enhance the sustainability of communities. The development at South Epping would be inconsistent with the principles of sustainable communities if it will not now provide the local facilities that residents of the proposed development and of Epping as a whole will need e.g. shops and health services. It is not clearly explained why a health hub cannot be provided within the South Epping development, and if it is not provided at South Epping then where would the new health hub be located.

It appears that the South Epping development as modified is now mainly a residential development without any meaningful services for local residents or effective sustainable transport facilities, which is contrary to the principles of a sustainable community.

Thirdly, in order to avoid further reductions in infrastructure items at South Epping, Pigeon's request in Main Modification MM16 should be included as an additional change i.e. that concept framework plans for the strategic allocations including South Epping should be endorsed by the Council prior to the submission of an application and not in advance of determination of an application. There is a concern that infrastructure items could be altered, reduced or removed in the concept framework plan process if they are not endorsed by the Council prior to the submission of an application.

It is noted that the claimed support for the South Epping Masterplan Area through emerging Epping Town Neighbourhood Plan was based on the delivery of a local centre, doctor's surgery, pharmacy and railway bridge within the site; none of which will now be delivered as a result of changes made in these Main Modifications.

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.

It is requested that the previously identified requirements for a vehicular/pedestrian/cycle bridge over the railway line from South Epping is reinstated into an updated Infrastructure Delivery Plan Schedule.

As requested in Pigeon's representations to Main Modification MM16, it is also requested that concept framework plans for the strategic allocations, including South Epping, are endorsed by the Council prior to the submission of an application, and not in advance of determination.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 112

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: No

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

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.

Main Modification MM112 introduces a new Local Plan Review policy, which sets out the circumstances that would trigger a review of policies. It is considered that since EFDLP is being examined against the 2012 version of the NPPF there should be a firm commitment in proposed Policy D8 to an earlier review, including a timetable for that review process to start and for the submission of a draft plan review document for examination. It is noted that some of the specified criteria that would trigger an earlier review of EFDLP already exist e.g. changes to national planning policy and the standard method for calculating local housing needs as contained in more recent versions of the NPPF and PPG.

Paragraph 61 of the 2021 version of the NPPF expects housing needs to be determined using the standard method. Section Id. 2a in the PPG explains how the standard method is used to calculate a minimum annual local housing need figure. The standard method for calculating local housing need does not apply for the emerging EFDLP because it is being prepared against the 2012 NPPF. As such, this significant change to national policy and guidance will not apply to Epping Forest District until the Council decides to undertake a review of strategic housing policies. It is noted that under the standard method for calculating local housing needs the minimum housing requirement for Epping would be 953 dwellings per annum.

Given the Main Modifications hereby submitted mean that there is no longer a buffer to the planned delivery of housing, and given a stepped trajectory is being seen as necessary which will inevitably delay the delivery of urgently needed market and affordable housing in the early years of the plan, a fixed programme for a Local Plan review should be established now.

It is therefore requested that an early review of EFDLP should be undertaken so that the national standard method for calculating local housing needs can be implemented, and that a fixed timetable to undertake the review should be specified in policy.

It is noted that the monitoring results for the Air Pollution Mitigation Strategy are due to be completed in 2024/2025 and a Clean Air Zone is due to be established in 2025. However, regular air pollution monitoring will be an ongoing process and the protection of Epping Forest SAC will always be necessary, and both these matters will inform future development strategies. Therefore, it is considered that an earlier review should be required to meet development needs.

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.

It is requested that Policy D8 is amended as follows:

The Council will undertake an early review of the Epping Forest District Local Plan to accommodate local housing needs derived from the national standard method, which will commence no later than one year after the adoption of the plan. An updated or replacement plan will be submitted for examination no later than three years after the date of adoption of the plan.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 115

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: No

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

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.

Main Modification MM115 provides an update to the housing trajectory in Appendix 5 of EFDLP. The housing trajectory for the three Garden Community sites on the edge of Harlow, within Epping Forest District, have been modified. Pigeon's Hearing Statement for Matter 6 provided detailed commentary on the assumptions about housing delivery at those three sites: Latton Priory (SP 5.1) for 1,050; Water Lane Area (SP 5.2) for 2,100 dwellings; and East of Harlow (SP 5.3) for 750 dwellings. For the East of Harlow site there are a further 2,600 dwellings allocated at this site within Harlow District.

The updated housing trajectory does not refer to any evidence of past housing delivery rates at strategic sites in Harlow in order to inform the delivery rates that should be applied at the three Garden Community Sites around Harlow within Epping Forest District. It is requested that information on past housing delivery rates at strategic sites within Harlow be provided to inform the housing trajectory. The close proximity of other strategic sites within Harlow that are still under construction or allocated on the edge of Harlow will affect delivery rates at the three Garden Community sites. For example, development is still being completed at New Hall on the eastern edge of Harlow. An urban extension at Gilston, on the northern edge of Harlow, is allocated in the adopted East Hertfordshire District Plan 2018 for 7,000 dwellings. In combination it is being assumed that circa 800-900 dwellings are to be delivered in and around Harlow each year for a sustained period of over 10 years. These housing delivery assumptions are considered to be very optimistic and unrealistic.

The land East of Harlow is allocated for a combined total of 3,350 dwellings, with 2,600 dwellings within Harlow District and 750 dwellings within Epping Forest District. Map 2.1 in EFDLP (see pg.39) shows the relationship between the two parts of the proposed allocation. It is highly likely that the first part of this development to be completed will be on land adjacent to the existing urban area i.e. land within Harlow District, and for practical reasons this is what would happen in order to deliver infrastructure and to connect neighbouring developments with one another. Therefore, it would be realistic to assume that the 2,600 dwellings within Harlow District would be delivered in advance of the part of the development within Epping Forest District. It would take approximately 13 years for housing to be delivered at the East of Harlow site within Harlow District once planning permission has been granted; assuming a housing delivery rate of 200 dwellings per annum. As such, the housing at the East of Harlow site within Epping Forest District may not occur until beyond the plan period for EFDLP i.e. 2033. On this basis, Pigeon request that the 750 dwellings included in the housing supply from the land at East of Harlow are deleted from the housing trajectory.

In general terms, a significant proportion of the housing supply is predicted to be delivered towards the end of the plan period on large strategic sites where delivery rates are uncertain. This adds considerable risk to the development strategy. Pigeon remains of the view that additional, sustainable and deliverable sites should be identified to ensure sufficient flexibility is retained. If not, a clear commitment to an early Local Plan is required.

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.

It is requested that the 750 dwellings included in the housing supply from the land at East of Harlow are deleted from the housing trajectory and that the Council identify additional sustainable and deliverable sites such as that previously identified at East Epping.

REPRESENTATION

To which Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 125

Supporting document reference:

Do you consider this Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: Yes

Sound: Yes

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

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.

Main Modification MM125 provides an update to the proposed residential allocation Policy EPP.R11, including a requirement that Epping Library should not be closed and redeveloped for housing until a suitable replacement library facility is delivered and operational. It is not clear whether a suitable replacement site for the library has been identified or not.

Pigeon has no particular comments on the proposed changes to the site allocation for Policy EPP.R11. However, if it proves to be difficult to find a suitable site for a replacement library facility then one potential option is to include a library within the promoted development by Pigeon at land East of Epping. The promoted development at East of Epping would include a mixed use community hub with a local convenience store and doctor's surgery, but could if required also include land for a replacement library. The East of Epping site is within walking and cycling distance of Epping Town Centre and Epping Station and could be an accessible location for a replacement library as part of a strategic mixed use residential allocation.

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.

Signature: Carter Jonas LLP Date:
23/09/2021