

Consultation Response

Epping Forest Local Plan – Main Modifications

Prepared by Strutt & Parker on behalf of Stonebond Properties

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1.0 Introduction and Background

- 1.1 Strutt & Parker are providing these representations to the Epping Forest Local Plan ('the EFLP') on behalf of Stonebond Properties and in respect of Site Allocation **ONG.R6** ('the Site'), being east of Stanford Rivers Road, Ongar.
- 1.2 The EFLP proposes the Site be allocated for residential development as ONG.R6, which forms the southern end of Ongar.
- 1.3 As a Local Plan that has been submitted for examination, and as per Section 20(7) of the Planning and Compulsory Purchase Act (2004), modifications to the EFLP may *only* be made at this juncture where they are *necessary* to make the submitted Local Plan sound.
- 1.4 Section 2 contains our responses to selected proposed main modifications.
- 1.5 Stonebond Properties are interested in a range of aspects of the Plan and the Modifications, principally in relation to their interests in Ongar and development management policies. These representations concentrate on those matters of soundness and clarification that we consider should be further reviewed prior to adoption. They remain silent on many other aspects of the proposed Main Modifications (MM).
- 1.6 It is also noted briefly here that our clients welcome the progress being made on the Local Plan and are keen to see the plan adopted so that development can be brought forward.

2.0 Response to proposed main modifications

MM16 – Policy SP3 (Place Shaping)

- 2.1 MM16 includes two amendments of interest to our client.
- 2.2 Firstly, paragraph 2.101 is proposed to be amended to refer to ‘locally sensitive’ sites as a replacement for ‘contentious’ sites from the earlier text, with regards to when a proposal below 50 dwellings or 5,000m² may be required to be considered by the Quality Review Panel.
- 2.3 We are concerned that this remains ambiguous for a developer to understand whether their application may be *required* to be considered through the QRP, even where it is below (potentially considerably below) the threshold. While we understand the need to remove the word ‘contentious’ we recommend that the final sentence is not necessary and could be removed. Alternatively, it would be more predictable in stating simply:

‘Other smaller schemes which are complex ~~or contentious~~ locally sensitive may also be appropriate for review’.

- 2.4 Secondly, MM16 also proposes an additional paragraph after paragraph 2.101 (supporting text for SP3), which states that the Quality Review Panels (which masterplans, concept framework plans and ‘where appropriate other proposals’) will be required to go through, be subject to monitoring and evaluation to ensure they remain effective.
- 2.5 We welcome a modification to ensure QRPs be subject to regular evaluation and monitoring to ensure they are effective. We also support the idea that the Council will be prepared to make revisions to the QRPs where appropriate. We consider this is necessary, given the importance the EFLP places upon them.
- 2.6 However, we suggest that it needs to be made clear how QRPs will be monitored, against which indicators, and what indicators may trigger a review of the process. At present the text refers only to additional meetings to meet demand. While this is clearly an example, a review of their effectiveness in improving the quality of development extends well beyond whether there are sufficient Panel dates to consider schemes. Those indicators should be properly expressed in the text.

MM17 – Policy P3 (Place Shaping) – policy text

- 2.7 MM17 proposes an additional criteria under Part H for all development proposals to demonstrate they have adhered to, with a caveat for relevance to context, scale and nature of the development. The new criteria is to:

“incorporate the Active Design principles and supports healthy living through their design by providing opportunities for physical activity and sport, access to quality open spaces, and employment opportunities.”

- 2.8 It is presumed that this refers to the 10 Active Design principles set out by Sport England, which are:
1. Activity for all neighbourhoods
 2. Walkable communities
 3. Connected walking and cycling routes
 4. Co-location of community facilities
 5. Network of multifunctional open space
 6. High quality streets and spaces
 7. Appropriate infrastructure
 8. Active buildings
 9. Management, maintenance, monitoring & evaluation
 10. Activity promotion & local champions
- 2.9 We support the concept of active design for the largest developments, where such principles can be fully achieved. However, along with the other criteria, it is not clear which of the above requirements may be expected from any individual development proposal, particularly where they are not subject to a Concept Framework or Masterplan (which are more likely to be subject to detailed pre-application discussions). The caveat for proportionality given the context, scale and nature of a development does not provide great clarity for when (and which) of the principles will be required to be met and when they may not, leading to potentially very different expectations and requirements on ostensibly similar developments with considerable discretion on which to apply. We do not therefore consider this to be justified or sufficiently clear in how it may apply to all developments.
- 2.10 It is not clear why Policy SP3 would be considered unsound if the new criteria were not included. The explanation of recognising health and wellbeing is not sufficient in explaining the requirement to apply the Active Design Principles to all development. It is also not clear that these requirements have been tested for their deliverability from all developments.

- 2.11 If an additional criterion to Policy SP3 is considered necessary in order to ensure it is sound, then we suggest that a more justifiable and effective main modification would be the addition of the following principle to which develop should adhere:

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

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

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

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

- 2.13 MM26 proposes the following be added:

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

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

MM83 – Policy P4 (Ongar) – supporting text

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

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

- 2.18 Expansion of the Zone of Influence could result in additional proposed allocations being required to contribute towards mitigation strategies.
- 2.19 While this is acceptable in principle, the current Zone of Influence is based on evidence from 2017 and 2019 visitor surveys, and extends to 6.2km from the SAC. However, as the Habitats Regulation Assessment (HRA) 2021 notes, of Epping Forest District residents who visit the SAC the vast majority live within 3km. The HRA 2021 goes on to state that the Council is confident that adequate funding to deliver the SAMM measures will be derived by confining the SAMM charge to the identified allocations and that this approach is the one which is the most compliant with CIL Regulations.
- 2.20 As such, any future expansion of the Zone of Influence should not be seen as automatically equating to a need to expand the geographical area within which new development will be required to contribute to mitigation strategies. As the HRA 2021 confirms, a more sophisticated approach is required to ensure compliance with CIL Regulations. However, the text proposed through MM83 could be inferred as suggesting any site within a revised Zone of Influence might be required to contribute towards the mitigation strategy.
- 2.21 The above is unlikely to affect ONG.R6, as it is around 10km from the eastern boundary of the Epping Forest SAC. Nevertheless, and for the avoidance of doubt, if contributions were to be required from development of the Site in the future, provided they were CIL compliant, we do not consider it would render development unviable.

MM84 – Policy P4

- 2.22 Part D of Policy P4 concerns the Infrastructure Delivery Plan. We are concerned that the wording allows significant flexibility in the application of the IDP and therefore provides insufficient certainty to developers on the scale of contributions expected. As modified, the policy will allow for a departure from the IDP in two circumstances:

- a. Where there are subsequent iterations of the IDP, and:
- b. Where 'discussions with providers determine that these requirements have changed'

2.23 The first situation is generally acceptable, on the understanding that there would be a process for adopting a revised or updated IDP. At present it is not clear that there is such a process in place and we would seek clarification from the Council on the status of the IDP. It is recognised that MM18 confirms that the IDP is a live document, but where they have potentially significant implications for development proposals, some certainty as to how they will be reflected in planning obligations for specific sites would be beneficial in order to ensure its weight is not questionable in decision making.

2.24 The second scenario is more problematic as it can be interpreted very broadly and temporally, potentially leading to very different requirements on different, ostensibly similar, schemes. We recommend inserting the words '...have changed, in agreement with applicants.'

The Modifications also seek to include new parts into 'D' – Infrastructure Requirements. These are (in summary):

- Health facilities
- Walking and cycling linkages within the site and to key destinations
- Enhancements to public transport and initiatives to reduce the need to travel by car
- Upgrades to utilities including water, waste water, solid waste, gas, electric and telecommunications;
- Improvements to green and blue infrastructure assets.

In general, it is agreed that development should contribute towards mitigating any adverse impacts as a result of the development. In connection with the IDP, we are concerned that the range of expectations from each development, and the likely proportional contribution, remain unclear and provide little certainty to developers.

With particular regard to the addition of walking and cycling linkages *to key destinations*, we are concerned that no such destinations (or routes to them) are identified in the IDP for Ongar and it is therefore unclear how this may manifest in relation to a specific application. Given that all allocations are identified as sustainable locations, with connections to the relevant settlement, it is recommended that this requirement should be amended to remove '*and to key destinations*'.

MM158 – ONG.R6 (Page 100)

2.25 A number of amendments to the text are proposed, in relation to ecology and heritage. For Ecology, the changes require demonstration of an assessment of any impacts on the nearby

Wood Pasture, in accordance with DM1. The earlier version required development to take account of any impacts. We have no concerns with the amendments and support the approach.

- 2.26 For Heritage, the text has been refined. We would only highlight concerns for the interpretation of the last part of the amended text, which states:

‘...having regard to its special architectural or historic interest, character, appearance and the contribution made by its setting.’ (underlining identifies new text as part of the MM)

- 2.27 ONG.R6 has been identified as a suitable allocation for approximately 33 homes. In delivering the site, there will be a change to the setting of the listed buildings. In amending the text to refer to the contribution made *by its* (the Listed Buildings) *setting*, it is ambiguous how this may be resolved and whether it refers to the wider setting around the listed buildings, which would encompass allocations R6 and R7, or the setting of the listed buildings.

- 2.28 It is recommended that the text is amended to refer to

‘...having regard to its special architectural or historic interest, character and appearance and the contribution made by its setting.’

- 2.29 The above amendment would reduce the uncertainty in the expectations for accounting for the specific interests in the listed buildings.

We trust these comments are useful and look forward to seeing the plan progress to the final stages.



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