

Stakeholder Reference:
Document Reference:

Part A

Making representation as Agent on behalf of Landowner or Land Promoter

Personal Details		Agent's Details (if applicable)
Title	Mr	
First Name	Andy	Olivier
Last Name	Evans	Spencer
Job Title (where relevant)		Director
Organisation (where relevant)		Andrew Martin - Planning Ltd
Address		Andrew Martin - Planning Ltd, Town Mill, Mill Lane, Stebbing CM6 3SN
Post Code		CM6 3SN
Telephone Number		01371 855855
E-mail Address		Olivier@am-plan.com

Part B

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.27
Policy: None of the above
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes
Sound: Yes
If no, then which of the soundness test(s) does it fail?
Complies with the duty to co-operate? Yes

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.27
Policy: None of the above
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes
Sound: Yes
If no, then which of the soundness test(s) does it fail?
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client, Miller Homes, controls 251.3 hectares (ha) of agricultural land, bounded by Gilden Way / Sheering Road, the M11, Church Langley and New Hall Farm, to the east of Harlow (site reference SP 5.3). The full extent of the East Harlow site is shown on the attached Site Location Plan, albeit additional land is controlled in a corridor to the east of the M11 which can be made available for the purposes of highway network improvements.

Our client supports the “Vision for the District” set out below paragraph 2.27 in the Local Plan Submission Version (2017) document. The Vision – including its desire to provide new homes of appropriate mix of sizes, types and tenures to meet local needs, to ensure development needs are met in the most sustainable locations, to promote access to places by public transport and to ensure significant residential development is located around Harlow to support the economic regeneration of the Town – is consistent with the core planning principles set out at paragraph 17 of the National Planning Policy Framework (NPPF) (2012). The Vision also broadly accords with the long-term aspirations for Harlow set out in the now abolished East of England Plan (EEP) (2008), including to address the substantial need for economic and physical regeneration of the post war new town, to meet a significant proportion of the development needs of the London / Stansted / Cambridge growth area and to enhance Harlow's sub-regional status as an important centre for the surrounding areas of Essex and Hertfordshire.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 1 Presumption in favour of sustainable development

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports Policy SP1 generally and the Council's intention in Part B to approve development proposals that accord with the development plan and to refuse those that do not, unless material considerations indicate otherwise. However, strictly speaking, to be consistent with the NPPF:

(i) any proposals that accord with the development plan should be approved “without delay”; and

(ii) a third scenario should be added to recognise that “where the development plan is absent, silent or the relevant policies are rendered out-of-date, permission will be granted unless the adverse impacts of doing so would significantly

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:
Policy: SP 1 Presumption in favour of sustainable development
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes
Sound: No
If no, then which of the soundness test(s) does it fail? Consistent with national policy
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports Policy SP1 generally and the Council's intention in Part B to approve development proposals that accord with the development plan and to refuse those that do not, unless material considerations indicate otherwise. However, strictly speaking, to be consistent with the NPPF:

- (i) any proposals that accord with the development plan should be approved “without delay”; and
- (ii) a third scenario should be added to recognise that “where the development plan is absent, silent or the relevant policies are rendered out-of-date, permission will be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.”

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: Table 2.2

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports the figures in Table 2.2 of the Local Plan which suggest that the East Harlow site can accommodate approximately 3,350 dwellings – comprising 750 dwellings in Epping Forest District and 2,600 new dwellings in Harlow District.

Our client will carry out further technical and master planning work over the coming months and prior to the Examination in Public (EiP). This is likely to produce a refined housing capacity figure and could indicate that a redistribution of uses within the overall “East of Harlow Masterplan Area” is desirable in order to maximise capacity.

However, for the time being, the working assumptions presented in Table 2.2 are a reasonable assessment at this stage.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: Table 2.2
Policy: None of the above
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes
Sound: Yes
If no, then which of the soundness test(s) does it fail?
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports the figures in Table 2.2 of the Local Plan which suggest that the East Harlow site can accommodate approximately 3,350 dwellings – comprising 750 dwellings in Epping Forest District and 2,600 new dwellings in Harlow District.

Our client will carry out further technical and master planning work over the coming months and prior to the Examination in Public (EiP). This is likely to produce a refined housing capacity figure and could indicate that a redistribution of uses within the overall “East of Harlow Masterplan Area” is desirable in order to maximise capacity.

However, for the time being, the working assumptions presented in Table 2.2 are a reasonable assessment at this stage.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.76

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Paragraph 2.76 proposes the delivery of new homes and jobs in locations that make the best possible use of existing infrastructure, as well as providing the best possible opportunity to deliver additional infrastructure capacity.

Our client broadly supports this approach, subject to greater emphasis being placed on maximising existing infrastructure. Accordingly the 3rd sentence in paragraph 2.76 should be amended to read: “The sequential approach proposed for their delivery seeks to make the best use of existing infrastructure, and then provide the best possible opportunity to provide additional infrastructure capacity.” This amendment is necessary to ensure that the Local Plan is “justified” – i.e. the most appropriate strategy when considered against the reasonable alternatives.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.76

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Paragraph 2.76 proposes the delivery of new homes and jobs in locations that make the best possible use of existing infrastructure, as well as providing the best possible opportunity to deliver additional infrastructure capacity.

Our client broadly supports this approach, subject to greater emphasis being placed on maximising existing infrastructure. Accordingly the 3rd sentence in paragraph 2.76 should be amended to read: "The sequential approach proposed for their delivery seeks to make the best use of existing infrastructure, and then provide the best possible opportunity to provide additional infrastructure capacity." This amendment is necessary to ensure that the Local Plan is "justified" – i.e. the most appropriate strategy when considered against the reasonable alternatives.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 2 Spatial Development Strategy 2011-2033

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Although our client supports the broad Spatial Development Strategy set out at Policy SP2, particularly the importance the policy places on the creation of Garden Town Communities around Harlow and on recognising its strategic economic role and needs, two specific concerns are raised:

(i) Part D (v) refers to the need for Traveller sites and the principle of co-locating some new Traveller pitches with the strategic development planned at the Garden Town Communities around Harlow. Our client objects to this approach on the basis that, as things stand, there is no evidence to justify the suitability of these locations for new Traveller provision. Indeed paragraph 3.25 in the Local Plan contradicts this planned co-location by suggesting that the Traveller communities prefer locations with a degree of separation from settled communities.

(ii) Part G refers to development proposals demonstrating that they accord with their infrastructure requirements, including those set out in the Infrastructure Delivery Plan (IDP). However, our client requests that the IDP is revised, prior to EiP, to make it more clear which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:
Policy: SP 2 Spatial Development Strategy 2011-2033
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

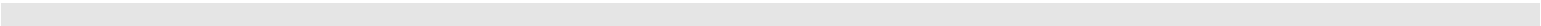
Legally compliant: Yes
Sound: No
If no, then which of the soundness test(s) does it fail? Effective
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Although our client supports the broad Spatial Development Strategy set out at Policy SP2, particularly the importance the policy places on the creation of Garden Town Communities around Harlow and on recognising its strategic economic role and needs, two specific concerns are raised:

- (i) Part D (v) refers to the need for Traveller sites and the principle of co-locating some new Traveller pitches with the strategic development planned at the Garden Town Communities around Harlow. Our client objects to this approach on the basis that, as things stand, there is no evidence to justify the suitability of these locations for new Traveller provision. Indeed paragraph 3.25 in the Local Plan contradicts this planned co-location by suggesting that the Traveller communities prefer locations with a degree of separation from settled communities.
- (ii) Part G refers to development proposals demonstrating that they accord with their infrastructure requirements, including those set out in the Infrastructure Delivery Plan (IDP). However, our client requests that the IDP is revised, prior to EiP, to make it more clear which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated.

These amendments and further clarification are necessary to ensure that the new Garden Town Communities are subject to an acceptable policy burden and are viable, and therefore that the Local Plan is “effective” (i.e. deliverable over its period).



Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to: (a) support the strategic site allocation at East Harlow (site reference SP 5.3); and, (b) object to the various detailed matters set out above.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 3 Place Shaping

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports the broad density range set out in Policy SP3 for new residential development in areas outside of town and large village centres (i.e. 30 to 50 dwellings per hectare).

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 3 Place Shaping

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports the broad density range set out in Policy SP3 for new residential development in areas outside of town and large village centres (i.e. 30 to 50 dwellings per hectare).

However, it is questionable whether densities significantly in excess of 50 dwellings per hectare are likely to be achievable adjoining main transport routes in the new Garden Town Communities.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.90

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports the requirement in paragraph 2.90 for a Strategic Master Plan to be produced for East Harlow. For the avoidance of doubt, this must be a single master plan applicable to both the Epping Forest and Harlow parts of the site, not two separate or coordinated master plans. The local authorities should also adopt a degree of flexibility at the master planning stage, in the event that there are good planning reasons to accommodate a particular use in a different part of the site to that envisaged in EFDC's and HDC's local plan policies.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.90

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Yes

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports the requirement in paragraph 2.90 for a Strategic Master Plan to be produced for East Harlow. For the avoidance of doubt, this must be a single master plan applicable to both the Epping Forest and Harlow parts of the site, not two separate or coordinated master plans. The local authorities should also adopt a degree of flexibility at the master planning stage, in the event that there are good planning reasons to accommodate a particular use in a different part of the site to that envisaged in EFDC's and HDC's local plan policies.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.92

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Paragraph 2.92 states that "... Strategic Masterplans which cover areas of multiple land ownership and greater complexity are likely to provide a higher level overarching framework to ensure that planning and delivery of development and infrastructure is coordinated across the Masterplan Area."

In order to ensure that this part of the Local Plan is the most appropriate strategy when considered against the reasonable alternatives (i.e. "justified" in the context of paragraph 182 of the NPPF), the wording ought to be amended to make it explicit that strategic development should not be unduly delayed or frustrated by the delivery of such infrastructure. The revised wording could read: "... Strategic Masterplans which cover areas of multiple land ownership and greater complexity are likely to provide a higher level overarching framework to ensure that planning and delivery of development and infrastructure is coordinated across the Masterplan Area, whilst also ensuring that strategic-scale development is not unnecessarily delayed or frustrated by the delivery of off-site infrastructure."

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.92

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Paragraph 2.92 states that "... Strategic Masterplans which cover areas of multiple land ownership and greater complexity are likely to provide a higher level overarching framework to ensure that planning and delivery of development and infrastructure is coordinated across the Masterplan Area."

In order to ensure that this part of the Local Plan is the most appropriate strategy when considered against the reasonable alternatives (i.e. "justified" in the context of paragraph 182 of the NPPF), the wording ought to be amended to make it explicit that strategic development should not be unduly delayed or frustrated by the delivery of such infrastructure. The revised wording could read: "... Strategic Masterplans which cover areas of multiple land ownership and greater complexity are likely to provide a higher level overarching framework to ensure that planning and delivery of development and infrastructure is coordinated across the Masterplan Area, whilst also ensuring that strategic-scale development is not unnecessarily delayed or frustrated by the delivery of off-site infrastructure."

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: Figure 2.1

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Figure 2.1 sets out a suggested timeline for the planning process at the Harlow strategic sites. Although our client broadly supports the stages shown, an objection is raised in respect of the timing attributed to “design codes”. In reality there is no need for these to be produced before the grant of outline planning permission. To the contrary, it is commonplace for design codes to follow a grant of outline consent and only precede the reserved matters stage.

Our client believes that this is the most appropriate strategy when considered against the reasonable alternatives (i.e. “justified” in the context of paragraph 182 of the NPPF) and that the timing of design codes in Figure 2.1 should be amended accordingly.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: Figure 2.1

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Figure 2.1 sets out a suggested timeline for the planning process at the Harlow strategic sites. Although our client broadly supports the stages shown, an objection is raised in respect of the timing attributed to “design codes”. In reality there is no need for these to be produced before the grant of outline planning permission. To the contrary, it is commonplace for design codes to follow a grant of outline consent and only precede the reserved matters stage.

Our client believes that this is the most appropriate strategy when considered against the reasonable alternatives (i.e. “justified” in the context of paragraph 182 of the NPPF) and that the timing of design codes in Figure 2.1 should be amended accordingly.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.114 - 2.115

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Don't Know

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client does not wish to raise a specific objection to paragraphs 2.114-2.115 of the Local Plan, which consider the forthcoming Spatial Vision and Design Charter for the new Garden Town Communities.

However, given that a completed version of the Spatial Vision and Design Charter will not be available until after the close of the current Local Plan consultation and that viability testing of the overall burden of policy requirements is not possible without the Spatial Vision and Design Charter, our client would like to reserve the right to submit further comments on this matter at the examination stage via their Hearing Statement.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.114 - 2.115

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Don't Know

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client does not wish to raise a specific objection to paragraphs 2.114-2.115 of the Local Plan, which consider the forthcoming Spatial Vision and Design Charter for the new Garden Town Communities.

However, given that a completed version of the Spatial Vision and Design Charter will not be available until after the close of the current Local Plan consultation and that viability testing of the overall burden of policy requirements is not possible without the Spatial Vision and Design Charter, our client would like to reserve the right to submit further comments on this matter at the examination stage via their Hearing Statement.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to: (a) support the strategic site allocation at East Harlow (site reference SP 5.3); and, (b) if necessary, submit further comments on the forthcoming Spatial Vision and Design Charter.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.117

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports the principles set out in paragraph 2.117 of the Local Plan, including the desire to achieve a significant modal shift from car to non-car use in growth around the Garden Town. However, preparing site-specific master plans and committing to ambitious plans for 60% of journeys to be made by non-car means, in advance of the Sustainable Transport Corridor Study being available and irrespective of land use, comes with some risk.

In order to more certain that this part of the Local Plan is deliverable (i.e. “effective” as set out in paragraph 182 of the NPPF), the final sentence in paragraph 2.117 should be reworded to “The councils aspiration is for a 20% reduction in existing baseline levels (by land use) of private car use, to and from the Garden Town Communities” – rather than stating a fixed overall target for non-car use.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.117

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports the principles set out in paragraph 2.117 of the Local Plan, including the desire to achieve a significant modal shift from car to non-car use in growth around the Garden Town. However, preparing site-specific master plans and committing to ambitious plans for 60% of journeys to be made by non-car means, in advance of the Sustainable Transport Corridor Study being available and irrespective of land use, comes with some risk.

In order to more certain that this part of the Local Plan is deliverable (i.e. “effective” as set out in paragraph 182 of the NPPF), the final sentence in paragraph 2.117 should be reworded to “The councils aspiration is for a 20% reduction in existing baseline levels (by land use) of private car use, to and from the Garden Town Communities” – rather than stating a fixed overall target for non-car use.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to: (a) support the strategic site allocation at East Harlow (site reference SP 5.3); and, (b) object to the various detailed matters set out above.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 4 Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

The broad allocation of three new Garden Communities in Policy SP4, particularly Part A (iii) to the “East of Harlow”, is supported. However, our client also requests that the following detailed modifications are made to subsequent parts of Policy SP4:

1. Part B refers to the delivery of each Garden Community being phased and underpinned by a comprehensive package of infrastructure, as set out in the IDP. However, as mentioned previously, our client requests that the IDP is revised prior to EiP, to make it more clear which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated. This should include rigorous analysis of the needs deriving from each development site and the likely impact of wider infrastructure delivery or contribution costs towards viability. For example, the current draft of the IDP appears to suggest that all Harlow strategic sites could be expected to contribute to a new second highway crossing of the River Stort, when the need for this is likely to be

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 4 Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

The broad allocation of three new Garden Communities in Policy SP4, particularly Part A (iii) to the “East of Harlow”, is supported. However, our client also requests that the following detailed modifications are made to subsequent parts of Policy SP4:

1. Part B refers to the delivery of each Garden Community being phased and underpinned by a comprehensive package of infrastructure, as set out in the IDP. However, as mentioned previously, our client requests that the IDP is revised prior to EiP, to make it more clear which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated. This should include rigorous analysis of the needs deriving from each development site and the likely impact of wider infrastructure delivery or contribution costs towards viability. For example, the current draft of the IDP appears to suggest that all Harlow strategic sites could be expected to contribute to a new second highway crossing of the River Stort, when the need for this is likely to be generated solely or predominantly by the Gilston Area proposals. Until a revised version of the IDP is available, including further details in respect of apportionment and viability, our client would like to lodge a holding objection to this part of Policy SP4.
2. Part C (iii) refers to the inclusion of community-led housing development opportunities, but there is no detail given as to what is expected or whether self build / custom build forms part of this provision. In order for developers to be able to assess viability and therefore have confidence in respect of deliverability, the proportion of community-led, self build and custom build housing should be based on evidence, stipulated in policy and in any event should not exceed

5% of all housing on a strategic site. In its current form our client objects to this part of Policy SP4.

3. Part C (iv) refers to long term governance and stewardship arrangements and although no objection is raised to this in principle, the reality is such arrangements will not be in place or funded before a planning consent has been issued and is capable of being implemented. The wording in this part of the policy should be amended accordingly.

4. Part C (vi) refers to design codes being formally endorsed by EFDC and where relevant HDC. As stated previously, our client has no objection to the principle of design codes being prepared and endorsed, but it should be noted in the policy wording that there is no need for these to be produced before the grant of outline planning permission.

5. Part C (viii) refers to compliance with the Spatial Vision and Design Charter. However, given that a completed version of the Spatial Vision and Design Charter will not be available until after the close of the current Local Plan consultation and that viability testing of the overall burden of policy requirements is not possible without the Spatial Vision and Design Charter, our client would like to reserve the right to submit further comments on this matter at the examination stage via their Hearing Statement. Our client also notes that reference to "... the highest quality of planning, design and management of the built and public realm..." is too subjective and could be used to frustrate otherwise acceptable development proposals. This wording would be more appropriate if amended to read "... a high quality of planning, design and management of the built and public realm, in accordance with best practice..."

6. Part C (xiii) places emphasis on sustainable transport corridors and on direct and permeable walking and cycling routes. Our client broadly supports this approach, but given that the Sustainable Transport Corridor Study will not be available until after the close of the current Local Plan consultation, also wishes to reserve the right to submit further comments on this matter at the examination stage via their Hearing Statement.

7. Part C (xv) refers to specific Garden Town Community parking approaches and standards. Although our client supports this general approach, which is likely to be preferable to the current "predict and provide" approach set out in the Essex-wide standards, the policy should note that any new Garden Town parking standards should be prepared on a town-wide basis and applying equally to all of the new communities. It also should be noted that the development industry will be given the opportunity to provide formal feedback on any draft new parking standards during a formal consultation period.

8. Part C (xvii) seeks to secure net gains in biodiversity. However, our client objects to how this aspiration appears to have been applied on Map 2.4 of the Local Plan – i.e. what seems to be a very substantial area of new / compensatory Biodiversity Action Plan (BAP) Habitat designated immediately north of Moor Hall Road and on land previously envisaged by our client for development purposes. At the time of writing, no evidence had been made available to our client to: (a) explain why an area of new / compensatory BAP Habitat is necessary at East Harlow; (b) why this large size of BAP Habitat is necessary; and, (c) why it must be located immediately to the north of Moor Hall Road. In the absence of any evidence in respect of (a), (b) and (c), the BAP Habitat designation to the north of Moor Hall Road should be deleted from Map 2.4. However, even if EFDC is able to demonstrate subsequently that there is a need for new / compensatory BAP Habitat on-site at East Harlow, this should be situated where there is likely to be the greatest potential to enhance biodiversity and make use of existing landscape features on-site, and to ensure the designation does not prejudice the delivery of development identified in the Local Plan. For example, land in the Pincey Brook valley is likely to offer a more appropriate location for such habitat.

9. Part C (xvii) also seeks to achieve the highest standards of energy efficiency and innovation in technology. Our client objects to this wording on the basis that it is vague and subjective, and in any event is inconsistent with the Government's stated intention that the Building Regulations should govern building performance criteria (except for water efficiency standards). This part of the policy should be amended to reflect the Government's stated approach.

These nine modifications will ensure that Policy SP4 is effective (i.e. deliverable over its period), justified (i.e. the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence) and consistent with national policy – as required by paragraph 182 of the NPPF.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to: (a) support the strategic site allocation at East Harlow (site reference SP 5.3); and, (b) object to the various detailed matters set out above.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.123

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Don't Know

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.123

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Don't Know

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Further clarification is sought on what type and scale of mitigation the East Harlow site will be expected to bear in relation to perceived impacts on the Epping Forest Special Area of Conservation (SAC). The need for such any mitigation should be set out in published evidence.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.129
Policy: None of the above
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes
Sound: No
If no, then which of the soundness test(s) does it fail? Effective
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

As stated previously, our client supports the figure in the Local Plan (including at paragraph 2.129) which suggests that the East Harlow site can accommodate approximately 750 dwellings in Epping Forest District. This working assumption is a reasonable assessment at this stage.

Our client will carry out further technical and master planning work over the coming months and prior to the Examination in Public (EiP). This is likely to produce a refined housing capacity figure and could indicate that a redistribution of uses within the overall “East of Harlow Masterplan Area” is desirable in order to maximise capacity.

For example, given the topography across the site and ECC's detailed requirements when considering land for new schools, the further technical and master planning work may demonstrate that the planned new secondary school at East Harlow would be best located somewhere to the south of Moor Hall Road (i.e. in Harlow District). Accordingly our client requests that paragraph 2.129 is amended as follows to provide greater flexibility at the master planning stage and to ensure the plan is deliverable (i.e. effective): “... and appropriate contributions (including the provision of land) towards a new secondary (which could be located in either district) to serve the needs arising from new development...”

Paragraph 2.129 also refers to provision of 0.5 ha of land for up to five Traveller pitches at East Harlow. Our client objects to this provision on the basis that, as things stand, there is no evidence to justify the suitability of this location for new Traveller provision. Indeed paragraph 3.25 in the Local Plan contradicts the planned co-location of Traveller

pitches alongside strategic residential development by suggesting that the Traveller communities prefer locations with a degree of separation from settled communities. In order to ensure that the new Garden Town Communities are subject to an acceptable policy burden and are viable, and therefore that the Local Plan is “effective” (i.e. deliverable over its period), our client requests that the final sentence in paragraph 2.129 is deleted.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to: (a) support the strategic site allocation at East Harlow (site reference SP 5.3); and, (b) object to the various detailed matters set out above.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.130

Policy: None of the above

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission 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

Complies with the duty to co-operate? Yes

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.130
Policy: None of the above
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission 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
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Paragraph 2.130 notes that development at East Harlow provides the opportunity to resolve flood risk issues, both on-site and off-site, downstream and upstream.

While it is entirely appropriate that new development attenuates its own surface water runoff (including an additional allowance for climate change) on-site and ensures that new built form does not increase the risk of flooding elsewhere, ultimately it is not East Harlow's or our client's responsibility to remedy existing off-site flood risk issues, upstream or downstream of the site. In its current form, paragraph 2.130 is not consistent with national policy or justified. Therefore our client requests that it is reworded to read: "The development of the site will be expected to attenuate its own surface water runoff on-site and ensure that there is no increase in flood risk off-site."

Alternatively, if EFDC or the Environment Agency has a wider flood alleviation scheme or similar in mind, downstream or upstream of the East Harlow site, this should be communicated and made available to our client so that they can assess the proposals and respond accordingly.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to: (a) support the strategic site allocation at East Harlow (site reference SP 5.3); and, (b) object to the various detailed matters set out above.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 5 Garden Town Communities

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client broadly supports Policy SP5 including the allocation of "East of Harlow" (site reference SP 5.3) for a new Garden Town Community.

As the Panel who were appointed to examine the East of England Plan (EEP) noted in paragraph 5.83 of their Panel Report (2006), the east side of Harlow is "... generally accepted to be least constrained direction for growth". Page 60 of the more recent Harlow Strategic Site Assessment (2016) supports this conclusion and finds that East Harlow "... due to its comparative lack of environmental and statutory designation constraints stands out as a sustainable location for

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:
Policy: SP 5 Garden Town Communities
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes
Sound: No
If no, then which of the soundness test(s) does it fail? Effective, Justified, Consistent with national policy
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client broadly supports Policy SP5 including the allocation of “East of Harlow” (site reference SP 5.3) for a new Garden Town Community.

As the Panel who were appointed to examine the East of England Plan (EEP) noted in paragraph 5.83 of their Panel Report (2006), the east side of Harlow is “... generally accepted to be least constrained direction for growth”. Page 60 of the more recent Harlow Strategic Site Assessment (2016) supports this conclusion and finds that East Harlow “... due to its comparative lack of environmental and statutory designation constraints stands out as a sustainable location for growth, based upon the site assessment and feedback from statutory consultees”. The delivery of strategic-scale development at East Harlow, including the provision of land for M11 J7a and the new link road to Gilden Way, are also crucial to unlocking wider regeneration and growth potential in and around Harlow generally.

Our client has previously undertaken initial master planning work to satisfy itself that the overall East Harlow site (which comprises circa 122 ha of land in Epping Forest District and circa 130 ha of land in Harlow District) can accommodate at least 3,350 dwellings and a variety of supporting land uses, including a local centre with employment opportunities, land for new primary and secondary schools, sustainable transport and highway connections, public open space and strategic landscaping. This could include:

- providing land for the delivery of M11 J7a and the new link road to Gilden Way;
- three new points of vehicular access onto the Gilden Way / link road corridor;

- priority bus, pedestrian and cycle links through the site and into the Town, including via a potential bus only link through the adjacent New Hall Farm development;
- retention of the Pincey Brook flood zone as continued agricultural / open land or public open space;
- sustainable drainage systems on-site to attenuate surface water runoff;
- connections to existing potable water, electricity, gas and telecommunication networks;
- relatively modest upgrades to the local foul water network;
- new public open space and woodland planting that extend Harlow's green infrastructure network and help to “bring the countryside into the town” as envisaged in Gibberd's original master plan;
- the provision of special character areas, either of low density or an appropriate and distinct architectural style, in proximity to the Churchgate Street Conservation Area; and
- appropriate noise and air quality buffers in relation to the M11 corridor.

Our client intends to carry out further technical and master planning work over the coming months and prior to the Examination in Public (EiP). This updated information (including a new Concept Master Plan) will feed into their Hearing Statement and / or a Statement of Common Ground (SoCG) and should help to demonstrate that the overall site is deliverable in general conformity with the Local Plan allocation at Policy SP5.

The further technical work will include more detailed transport analysis and assessment, which could predict car trips rates that are lower than those shown in Essex County Council's (ECC's) Technical Note 5: East Harlow (2017) and use the master planning process to distribute traffic away from sensitive locations. For the time being, our client is content that ECC's current technical work demonstrates that it is achievable to deliver approximately 3,350 dwellings at East Harlow, across both districts.

However, our client also requests that the following detailed modifications are made to Policy SP5:

1. Part C refers to infrastructure requirements being delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with the IDP. However, as mentioned previously, our client requests that the IDP is revised prior to EiP, to make it more clear which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated. This should include rigorous analysis of the needs deriving from each development site and the likely impact of wider infrastructure delivery or contribution costs towards viability. For example, the current draft of the IDP appears to suggest that all Harlow strategic sites could be expected to contribute to a new second highway crossing of the River Stort, when the need for this is likely to be generated solely or predominantly by the Gilston Area proposals. Until a revised version of the IDP is available, including further details in respect of apportionment and viability, our client would like to lodge a holding objection to part C of Policy SP5.

2. Part H (ii) refers to provision of 0.5 ha of land for up to five Traveller pitches at East Harlow. Our client objects to this provision on the basis that, as things stand, there is no evidence to justify the suitability of this location for new Traveller provision. Indeed paragraph 3.25 in the Local Plan contradicts the planned co-location of Traveller pitches alongside strategic residential development by suggesting that the Traveller communities prefer locations with a degree of separation from settled communities. In order to ensure that the new Garden Town Communities are subject to an acceptable policy burden and are viable, and therefore that the Local Plan is “effective” (i.e. deliverable over its period), our client requests that part H (ii) is deleted from Policy SP5.

3. Part H (iv) directs that no built development will be permitted on land within Flood Zones 2 and 3 as indicated on the Environment Agency's maps. This is not strictly in accordance with national policy, including paragraphs 100 to 104 of the NPPF, which subject to the Sequential and Exception Tests being passed does allow essential, water compatible and some less-vulnerable development in Flood Zones 2 and 3. Accordingly part H (iv) of Policy SP5 should be amended to read: "No built development will be permitted on land in Flood Zones 2 and 3 as indicated on the Environment Agency's maps, unless a Flood Risk Assessment demonstrates that such development would comply with national policy, can be mitigated sustainably and is safe for all users." For the avoidance of doubt, our client has no intention to try to propose more vulnerable development, for example residential uses, in the flood zone.

4. Part H (vi) refers to "The provision of appropriate community and health facilities including approximately 14 hectares of land for a health and well being hospital campus" being provided at East Harlow. However, our client would welcome the publication of evidence, prior to the examination, to justify the need for a new hospital near Harlow and in particular to demonstrate why East Harlow has been selected as one of two potential locations. There is currently insufficient evidence to warrant a formal allocation of 14 ha at the East Harlow site and it would be more appropriate to simply "reserve" land at this stage. Furthermore, recent discussions with representatives of the Princess Alexandra Hospital (PAH) Trust have confirmed that 14 ha is likely to be maximum area of land required to accommodate a new super hospital campus and that a straight hospital relocation could require closer to 12 ha of land. Therefore, in order to ensure that the Plan is the most appropriate strategy when considered against the reasonable alternatives and based on evidence (i.e. justified), part H (vi) in Policy SP5 should be amended to read: "The provision of appropriate community and health facilities including reserve land for a potential health and well-being hospital campus (in the region of 12 to 14 hectares)".

5. Part H (viii) seeks "at least" 10 ha of land for a new secondary school at East Harlow. However, there is no evidence to demonstrate that a minimum of 10 ha will be required for this use and it may be that a smaller site can provide adequate secondary education capacity to address the needs generated by the proposed development. Furthermore, as mentioned previously, updated technical and master planning work may demonstrate that the planned new secondary school at East Harlow would be best located somewhere to the south of Moor Hall Road (i.e. in Harlow District). Therefore to ensure that the Plan is deliverable (i.e. effective) and based on evidence (i.e. justified), part H (viii) of Policy SP5 should be amended to read: "Approximately 10 hectares of land to accommodate a new secondary school (which could be located in either district) in addition to any necessary contributions."

6. Part H (xii) seeks the delivery of a left turn slip road from the M11 J7a link road approach to the East Harlow northern access road ahead of development commencing. However, subject to further technical and master planning work, this may not be required in advance of development commencing because other access options (for example near Mayfield Farm) could serve the first phase of development at East Harlow. Therefore to be the most appropriate strategy when considered against the reasonable alternatives (i.e. justified), part H (xii) of Policy SP5 should be amended to read: "The deliver of works to widen the B183 Gilden Way and a left turn slip road from the M11 J7a link road approach to the East Harlow northern access road, suitably phased with the delivery of the proposed development."

7. Part H (xv) – our client is supportive generally of the National Cycle Network and Proposed Route 1 which passes through the East Harlow site, along Moor Hall Road. However, they wish to reserve the right to submit further comments on this matter at the examination stage via their Hearing Statement, once further specification details and land requirements are available on Proposed Route 1.

These modifications will ensure that Policy SP5 is effective (i.e. deliverable over its period), justified (i.e. the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence) and consistent with national policy – as required by paragraph 182 of the NPPF.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to: (a) support the strategic site allocation at East Harlow (site reference SP 5.3); and, (b) object to the various detailed matters set out above.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: Map 2.4

Policy: None of the above

Policies Map: Yes

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: Map 2.4
Policy: None of the above
Policies Map: Yes
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes
Sound: No
If no, then which of the soundness test(s) does it fail? Justified
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client supports the “Residential Site Allocation” and “Masterplan Area” shown on Map 2.4 of the Local Plan document. These are vital for the delivery of a new Garden Town Community at East Harlow and in accordance with paragraph 157 of the NPPF “allocate sites to promote development” and indicate “land use designations on a proposals map.”

However, our client also requests that the following two modifications are made to Map 2.4:

1. A very substantial area of new / compensatory Biodiversity Action Plan (BAP) Habitat is designated immediately north of Moor Hall Road and on land previously envisaged by our client for development purposes At the time of writing, no evidence had been made available to our client to: (a) explain why an area of new / compensatory BAP Habitat is necessary at East Harlow; (b) why this large size of BAP Habitat is necessary; and, (c) why it must be located immediately to the north of Moor Hall Road. In the absence of any evidence in respect of (a), (b) and (c), the BAP Habitat designation to the north of Moor Hall Road should be deleted from Map 2.4. However, even if EFDC is able to demonstrate subsequently that there is a need for new / compensatory BAP Habitat on-site at East Harlow, this should be situated where there is likely to be the greatest potential to enhance biodiversity and make use of existing landscape features on-site, and to ensure the designation does not prejudice the delivery of development identified in the Local Plan. For example, land in the Pincey Brook valley is likely to offer a more appropriate location for such habitat. Deleting or changing the location of the BAP Habitat designation is necessary to ensure that the Local Plan is the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence

(i.e. justified).

2. The Legend to Map 2.4 should, but currently does not, contain a corresponding label for the Area TPO and BAP Habitat shown on the plan itself.

These modifications will ensure that Map 2.4 is justified (i.e. the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence) – as required by paragraph 182 of the NPPF.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to: (a) support the strategic site allocation at East Harlow (site reference SP 5.3); and, (b) object to the various detailed matters set out above.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: T 1 Sustainable transport choices

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: T 1 Sustainable transport choices

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Part C (iv) of Policy T1 directs that development proposals will be permitted where they “do not result in unacceptable increases in traffic generation or compromise highway safety.” This wording is not consistent with paragraph 32 of the NPPF, which directs that development should only be prevented or refused on transport grounds where the impacts are “severe”.

Accordingly to be consistent with national policy, part C (iv) of Policy T1 should be amended to read: “do not result in severe increases in traffic generation or compromise highway safety.”

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: H 1 Housing mix and accommodation types

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Part A (iv) and A (v) of Policy H1 expect new development to allow for community-led approaches such as co-housing and co-operatives where appropriate, and provide all new homes to be accessible and adaptable as defined by the Building Regulations.

Our client raises two specific concerns with Policy H1:

1. Although reference is made to community-led housing approaches, there is no detail given as to what is expected or whether self build / custom build forms part of this provision. In order for developers to be able to assess viability and therefore have confidence in respect of deliverability, the proportion of community-led, self build and custom build housing should be based on evidence, stipulated in policy and in any event should not exceed 5% of all housing on a strategic site. As it stands, part A (iv) of Policy H1 is not based on evidence and could harm the deliverability of strategic sites allocated in the Local Plan document.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:
Policy: H 1 Housing mix and accommodation types
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes
Sound: No
If no, then which of the soundness test(s) does it fail? Effective,Justified,Consistent with national policy
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Part A (iv) and A (v) of Policy H1 expect new development to allow for community-led approaches such as co-housing and co-operatives where appropriate, and provide all new homes to be accessible and adaptable as defined by the Building Regulations.

Our client raises two specific concerns with Policy H1:

1. Although reference is made to community-led housing approaches, there is no detail given as to what is expected or whether self build / custom build forms part of this provision. In order for developers to be able to assess viability and therefore have confidence in respect of deliverability, the proportion of community-led, self build and custom build housing should be based on evidence, stipulated in policy and in any event should not exceed 5% of all housing on a strategic site. As it stands, part A (iv) of Policy H1 is not based on evidence and could harm the deliverability of strategic sites allocated in the Local Plan document.
2. Similarly there is no evidence to demonstrate why it is necessary for all new dwellings to be compliant with the accessible and adaptable standard (i.e. M4(2)) set out in the Building Regulations. Indeed paragraph 56-007 in the Planning Practice Guidance (PPG) (2015) directs that it is for local authorities to set out how they intend to approach demonstrating the need for M4(2) (accessible and adaptable dwellings) and M4(3) (wheelchair user dwellings), based on their housing needs assessment and other available datasets. Part A (v) should be amended so that it specifies a particular percentage of dwellings that must be M4(2) compliant, based on the housing needs identified in EFDC's

SHMA.

These modifications will ensure that Policy H1 is justified (i.e. the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence), effective (i.e. the plan is deliverable over its period) and consistent with national policy – as required by paragraph 182 of the NPPF.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: H 2 Affordable housing

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission 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

Complies with the duty to co-operate? Yes

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:
Policy: H 2 Affordable housing
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission 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
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Policy H2 considers affordable housing, which is to be sought on development sites which provide 11 or more homes or residential floorspace of more than 1,000 sq m.

Our client raises four specific concerns with Policy H2:

1. The Council is seeking 40% affordable housing provision in part A of the policy. However, EFDC's evidence base and in particular Figure 21 in the SHMA Affordable Housing Update (2017) identifies a need for 168 affordable homes per annum in the District between 2016 and 2033. Compared to the overall housing requirement of 518 new dwellings per annum between 2011 and 2033 set out at paragraph 2.44 of the Local Plan document, the evidence points towards an identified need for just 32% affordable housing provision. The reasons for seeking a higher level of affordable provision are set out at paragraph 3.15 of the Local Plan, including an extra allowance for smaller sites not contributing to affordable supply. But no mention is made of rural exception sites that are likely to come forward and supply in excess of the policy requirement for affordable, and in any event to be “justified”, the Local Plan must be based on proportionate evidence. In this case, the evidence points towards 32% affordable housing provision and part A of Policy H2 should be amended accordingly. The viability of 32% affordable provision should then be tested along with the revised IDP, once it is possible to establish the overall policy burden.
2. As stated previously, there is no evidence to demonstrate why it is necessary for all new dwellings to be compliant with the accessible and adaptable standard (i.e. M4(2)) set out in the Building Regulations. Indeed paragraph 56-007 in

the Planning Practice Guidance (PPG) (2015) directs that it is for local authorities to set out how they intend to approach demonstrating the need for M4(2) (accessible and adaptable dwellings) and M4(3) (wheelchair user dwellings), based on their housing needs assessment and other available datasets. Part A of Policy H2 should be amended to include a particular percentage of dwellings that must be M4(2) compliant, based on the housing needs identified in EFDC's SHMA.

3. Part B of the policy suggests that affordable housing should be managed by one of the Council's Preferred Partners. Although it may be desirable for the Council to deal with its Preferred Partners, there is no reason why other affordable housing providers should be disadvantaged or sidelined, if they deliver an acceptable product. It is not the planning system's role to prevent competition or to preserve existing commercial interests. As such, our client requests that the first sentence in part B is amended to read: "The management of the affordable housing provided will be undertaken by a Registered Provider."

4. Part C expects the size mix of units to be determined on a site-by-site basis, dependent on the overall needs of the local area and individual site characteristics. However, part C also expects the size mix of the affordable element to mirror the market element on any particular development proposal. These two objectives are likely to conflict with one another, as it is commonplace in Essex for market housing need to be orientated towards larger properties and affordable housing need towards smaller properties. Accordingly, the second sentence in part C of Policy H2 should be deleted, leaving affordable size mix to be determined by local need and site characteristics (i.e. the first sentence).

These modifications will ensure that Policy H2 is justified (i.e. the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence) and consistent with national policy – as required by paragraph 182 of the NPPF.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: H 4 Traveller site development

Policies Map: No

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

As stated previously, our client objects to the provision of 0.5 ha of land for up to five Traveller pitches at East Harlow. This is on the basis that, as things stand, there is no evidence to justify the suitability of this location for new Traveller provision. Indeed paragraph 3.25 in the Local Plan contradicts the planned co-location of Traveller pitches alongside strategic residential development by suggesting that the Traveller communities prefer locations with a degree of separation from settled communities.

In order to ensure that the new Garden Town Communities are subject to an acceptable policy burden and are viable, and therefore that the Local Plan is “effective” (i.e. deliverable over its period), our client requests that consequential amendments are made to Policy H4 to ensure that no Traveller provision is required at East Harlow.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: E 2 Centre Hierarchy/Retail Policy

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Parts H and I in Policy E2 require all proposals for main town centre uses, outside of defined Town and Small District Centres, to be subject to sequential and impact tests.

However, our client objects to Policy E2 on the basis that it fails to recognise that small-scale retail uses are allocated in Policy SP5 as part of a new local centre at East Harlow. Clearly these retail uses (up to a certain floorspace maxima) should be exempt from the sequential and impact tests required in parts H and I, otherwise Policy E2 could frustrate the delivery of Policy SP5.

The easiest way to remedy this inconsistency would be to add "... and new Local Centres identified in Policy SP5" after "... defined Town and Small District Centres" in parts H and I of Policy E2.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:
Policy: E 2 Centre Hierarchy/Retail Policy
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes
Sound: No
If no, then which of the soundness test(s) does it fail? Justified
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Parts H and I in Policy E2 require all proposals for main town centre uses, outside of defined Town and Small District Centres, to be subject to sequential and impact tests.

However, our client objects to Policy E2 on the basis that it fails to recognise that small-scale retail uses are allocated in Policy SP5 as part of a new local centre at East Harlow. Clearly these retail uses (up to a certain floorspace maxima) should be exempt from the sequential and impact tests required in parts H and I, otherwise Policy E2 could frustrate the delivery of Policy SP5.

The easiest way to remedy this inconsistency would be to add "... and new Local Centres identified in Policy SP5" after "... defined Town and Small District Centres" in parts H and I of Policy E2.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 1 Habitat protection and improving biodiversity

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Part H of Policy DM1 refers to the Biodiversity Impact Assessment Calculator (BIAC) and states that development proposals “must” demonstrate a net gain in ecological units. However, as the BIAC tool is relatively new in development management terms and no one knows how the largest sites in the District may perform in the assessment, particularly where major new infrastructure is planned on site (for example, M11 J7A and the potential relocation of the PAH at East Harlow), it would be advisable to provide more flexibility in the wording of part H to ensure that development is deliverable over the plan period (i.e. effective) and not unnecessarily frustrated or prevented.

Accordingly our client requests that part H is reworded to read: “The ecological impacts of a proposed development will be assessed having reference to the Biodiversity Impact Assessment Calculator (BIAC), where appropriate.”

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:
Policy: DM 1 Habitat protection and improving biodiversity
Policies Map: No
Site Reference: SP 5.3
Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes
Sound: No
If no, then which of the soundness test(s) does it fail? Effective
Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Part H of Policy DM1 refers to the Biodiversity Impact Assessment Calculator (BIAC) and states that development proposals “must” demonstrate a net gain in ecological units. However, as the BIAC tool is relatively new in development management terms and no one knows how the largest sites in the District may perform in the assessment, particularly where major new infrastructure is planned on site (for example, M11 J7A and the potential relocation of the PAH at East Harlow), it would be advisable to provide more flexibility in the wording of part H to ensure that development is deliverable over the plan period (i.e. effective) and not unnecessarily frustrated or prevented.

Accordingly our client requests that part H is reworded to read: “The ecological impacts of a proposed development will be assessed having reference to the Biodiversity Impact Assessment Calculator (BIAC), where appropriate.”

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 2 Epping Forest SAC and the Lee Valley SPA

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Don't Know

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

As stated previously, further clarification is sought on what type and scale of mitigation the East Harlow site will be expected to bear in relation to perceived impacts on the Epping Forest Special Area of Conservation (SAC). The need for such any mitigation should be set out in published evidence and the likely mitigation summarised in Policy DM2, so that developers can better understand the overall policy burden on new development.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 2 Epping Forest SAC and the Lee Valley SPA

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Don't Know

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

As stated previously, further clarification is sought on what type and scale of mitigation the East Harlow site will be expected to bear in relation to perceived impacts on the Epping Forest Special Area of Conservation (SAC). The need for such any mitigation should be set out in published evidence and the likely mitigation summarised in Policy DM2, so that developers can better understand the overall policy burden on new development.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 7 Heritage Assets

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Policy DM7 covers heritage assets and part B directs that works which would cause harm to the significance of a heritage asset (whether designed or non-designated) or its setting, will not be permitted without clear justification to show that the public benefits of the proposal considerably outweigh any harm to the significance or special interest of the heritage asset in question.

However, this wording is not consistent with paragraphs 132 to 134 of the NPPF, in so far that it does not distinguish between “substantial harm” and “less than substantial harm” to a heritage asset and the relative tests to overcoming each – i.e. “substantial public benefits” to outweigh “substantial harm” and “public benefits” to outweigh “less than substantial harm”. There is also no need in national policy to “considerably” outweigh harm.

In summary, part B of Policy DM7 should be amended to ensure it is consistent with national policy.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 7 Heritage Assets

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Policy DM7 covers heritage assets and part B directs that works which would cause harm to the significance of a heritage asset (whether designed or non-designated) or its setting, will not be permitted without clear justification to show that the public benefits of the proposal considerably outweigh any harm to the significance or special interest of the heritage asset in question.

However, this wording is not consistent with paragraphs 132 to 134 of the NPPF, in so far that it does not distinguish between “substantial harm” and “less than substantial harm” to a heritage asset and the relative tests to overcoming each – i.e. “substantial public benefits” to outweigh “substantial harm” and “public benefits” to outweigh “less than substantial harm”. There is also no need in national policy to “considerably” outweigh harm.

In summary, part B of Policy DM7 should be amended to ensure it is consistent with national policy.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 10 Housing design and quality

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

It is noted that Policy DM10 seeks to introduce the Nationally Described Space Standard (NDSS) in Epping Forest District and that paragraph 4.78 of the Local Plan attributes this to an analysis of recent applications, which highlights that there is currently pressure for accommodation to be approved in the District that does not meet those standards.

However, to be “justified” in accordance with paragraph 182 of the NPPF, such policy decisions should be supported by evidence. In this case, evidence should be published to demonstrate the existing pressure for approvals of residential units with space below national standards and on the likely affordability impacts of introducing the NDSS.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 10 Housing design and quality

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

It is noted that Policy DM10 seeks to introduce the Nationally Described Space Standard (NDSS) in Epping Forest District and that paragraph 4.78 of the Local Plan attributes this to an analysis of recent applications, which highlights that there is currently pressure for accommodation to be approved in the District that does not meet those standards.

However, to be “justified” in accordance with paragraph 182 of the NPPF, such policy decisions should be supported by evidence. In this case, evidence should be published to demonstrate the existing pressure for approvals of residential units with space below national standards and on the likely affordability impacts of introducing the NDSS.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 16 Sustainable Drainage Systems

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client has concerns with part A (ii) in Policy DM16 and in particular the suggestion that the use of porous surfaces (which in clay areas as here must be tanked and lined with an outfall) should be prioritised over other sustainable drainage methods.

This could be very costly to implement on a strategic-scale site and ECC will not normally adopt roads and services that include porous surfacing. In order to avoid harming the viability of development and the potential to adopt highway and service features, the following wording should be added to the end of part A (ii): "... where tests show that infiltration is feasible and viable, and accord with adopting authority requirements."

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 Local Plan legally compliant or

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 16 Sustainable Drainage Systems

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: No

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Our client has concerns with part A (ii) in Policy DM16 and in particular the suggestion that the use of porous surfaces (which in clay areas as here must be tanked and lined with an outfall) should be prioritised over other sustainable drainage methods.

This could be very costly to implement on a strategic-scale site and ECC will not normally adopt roads and services that include porous surfacing. In order to avoid harming the viability of development and the potential to adopt highway and service features, the following wording should be added to the end of part A (ii): "... where tests show that infiltration is feasible and viable, and accord with adopting authority requirements."

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: D 1 Delivery of Infrastructure

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Don't Know

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Policy D1 refers to the IDP, which establishes infrastructure requirements. However, as previously stated, our client requests that the IDP is revised prior to EiP, to make it more clear which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated. This should include rigorous analysis of the needs deriving from each development site and the likely impact of wider infrastructure delivery or contribution costs towards viability. For example, the current draft of the IDP appears to suggest that all Harlow strategic sites could be expected to contribute to a new second highway crossing of the River Stort, when the need for this is likely to be generated solely or predominantly by the Gilston Area proposals. Until a revised version of the IDP is available, including further details in respect of apportionment and viability, our client would like to lodge a holding objection to Policy D1.

Furthermore, it is noteworthy that regardless of the content in the final IDP, all planning obligations sought by EFDC (or others) at the planning application stage must comply with the planning tests set out at paragraph 204 the NPPF and

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: D 1 Delivery of Infrastructure

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Yes

Sound: Don't Know

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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Policy D1 refers to the IDP, which establishes infrastructure requirements. However, as previously stated, our client requests that the IDP is revised prior to EiP, to make it more clear which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated. This should include rigorous analysis of the needs deriving from each development site and the likely impact of wider infrastructure delivery or contribution costs towards viability. For example, the current draft of the IDP appears to suggest that all Harlow strategic sites could be expected to contribute to a new second highway crossing of the River Stort, when the need for this is likely to be generated solely or predominantly by the Gilston Area proposals. Until a revised version of the IDP is available, including further details in respect of apportionment and viability, our client would like to lodge a holding objection to Policy D1.

Furthermore, it is noteworthy that regardless of the content in the final IDP, all planning obligations sought by EFDC (or others) at the planning application stage must comply with the planning tests set out at paragraph 204 the NPPF and the legal tests in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 20 Low carbon and renewable energy

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission 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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Policy DM20 part D expects Strategic Masterplans to demonstrate how infrastructure for district heating can be provided, unless it is demonstrated that this would render development unviable or that alternative technologies are available that provide the same or similar benefits.

However, our client objects to part D of Policy DM20 on the basis that: (i) at the time of writing there is no evidence to demonstrate that district heating is appropriate or deliverable on the edge of Harlow and specifically at East Harlow; and, (ii) this requirement does not appear to be consistent with the Government's wider intention that the Building Regulations should govern building performance criteria (except for water efficiency standards).

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 20 Low carbon and renewable energy

Policies Map: No

Site Reference: SP 5.3

Settlement: Harlow

Do you consider this part of the Pre Submission 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

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Policy DM20 part D expects Strategic Masterplans to demonstrate how infrastructure for district heating can be provided, unless it is demonstrated that this would render development unviable or that alternative technologies are available that provide the same or similar benefits.

However, our client objects to part D of Policy DM20 on the basis that: (i) at the time of writing there is no evidence to demonstrate that district heating is appropriate or deliverable on the edge of Harlow and specifically at East Harlow; and, (ii) this requirement does not appear to be consistent with the Government's wider intention that the Building Regulations should govern building performance criteria (except for water efficiency standards).

Unless evidence is published to demonstrate that (i) and (ii) above are not the case, our client submits that part D should be deleted from Policy DM20.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan 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 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 stated above.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client wishes to participate at the relevant examination hearing session to ensure that the detailed policies in the Plan will not unnecessarily constrain the delivery of the new Garden Town Community at East Harlow.

Please let us know if you wish to be notified when the Epping Forest District Local Plan is submitted for independent examination

Yes

Signature: [REDACTED] Date: 29/01/2018

Please let us know if you wish to be notified when the Epping Forest District Local Plan is submitted for independent examination

Yes

Signature: [REDACTED] Date: 29/01/2018