

Representation form: Consultation on the Main Modifications to the emerging Local Plan

This form should be used to make representations on the Main Modifications to the Epping Forest District Local Plan Submission Version 2017 to the Local Plan Inspector. The Main Modifications Schedule, online response form and all required supporting documentation can be accessed via the Examination website at www.efdclocalplan.org. Please complete and return representations by Thursday 23rd September 2021 at 5pm.

Please note, the content of your representation including your name will be published online and included in public reports and documents.

It is important that you refer to the [guidance notes](#) on the Examination website before completing this form.

The quickest and easiest way to make representations is via the online response form at www.efdclocalplan.org.

If you need to use this downloadable version of the form please email any representations to MMCons@eppingforestdc.gov.uk

Or post to: MM Consultation 2021, Planning Policy, Epping Forest District Council, Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ

By 5pm on Thursday 23rd September 2021

This form is in two parts:

Part A – Your Details

Part B – Your representation(s) on the Main Modifications and/or supporting documents. Please fill in a separate Part B for each representation you wish to make.

The Main Modifications Schedule and supporting documents to the Main Modifications can be accessed online at www.efdclocalplan.org. The supporting documents to the Main Modifications are listed below. Representations concerning their content will be accepted to the extent that they are relevant to inform your comments on the Main Modifications. However, you should avoid lengthy comments on the evidence/background documents themselves.

- A. Council's response to Actions outlined in Inspector's post examination hearing advice (Examination document reference number ED98), July 2021 (ED133)
- B. Sustainability Appraisal Report Addendum, June 2021 (June 2021) (ED128/ EB210)

- C. 2021 Habitats Regulations Assessment, June 2021 (ED129A-B/EB211A-B)
- D. Epping Forest Interim Air Pollution Mitigation Strategy, December 2020 (ED126/ EB212)
- E. EFDC response to Inspector's Post Hearing Action 5 and supplementary questions of 16 June 2021, July 2021 (ED127)
- F. Epping Forest District Council Green Infrastructure Strategy (ED124A-G/ EB159A-G)
- G. Harlow and Gilston Garden Town Latton Priory Access Strategy Assessment Report, July 2020 (ED121A-C/EB1420A-C)
- H. Revised Appendix 2 to the Epping Forest District Council Open Space Strategy (EB703), July 2021 (ED125/EB703A)
- I. IDP: Part B Infrastructure Delivery Schedule 2020 Update (ED117/EB1118)
- J. EFDC Consolidated and Updated Viability Evidence 2020 (ED116/ EB1117) Consolidated
- K. Statement of Common Ground Addendum East of Harlow, September 2020 (ED122A-B)
- L. South Epping Masterplan Area Capacity Analysis (Sites EPP.R1 and EPP.R2), March 2020 (ED120/ EB1421)
- M. In addition to the above there are a number of Examination Documents, which include Homework Notes produced by the Council as a result of actions identified by the Inspector at the hearing sessions as well correspondence between the Council and the Inspector following hearings. These Examination Documents can all be accessed on the [Local Plan website](#).

Please only attach documents essential to support your representation. You do not need to attach representations you have made at previous stages.

Part A – Your Details

1. Are you making this representation as? (Please tick as appropriate)

a) Resident or Member of the General Public ☐ or

b) Statutory Consultee, Local Authority or Town and Parish Council ☐ or

c) Landowner ☐ or

d) Agent ☒

Other organisation (please specify)

2. Personal Details

3. Agent's Details (if applicable)

Title	<input type="text" value="Mr"/>	<input type="text" value="Mr"/>
First Name	<input type="text" value="John"/>	<input type="text" value="Martin"/>
Last Name	<input type="text" value="Tarvit"/>	<input type="text" value="Friend"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Wates Developments"/>	<input type="text" value="Vincent and Gorbine"/>
Address Line 1	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Line 2	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Line 3	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Line 4	<input type="text" value="REDACTED"/>	<input type="text"/>
Post Code	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Telephone Number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail Address	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>

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

If you wish to make more than one representation, please complete a separate [Part B form](#) for each representation

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

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

MM no.

Supporting document reference

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

a) Is Legally compliant Yes ☒ No ☐

b) Sound Yes ☐ No ☒

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

Positively prepared ☐ Effective ☒

Justified ☐ Consistent with national policy ☒

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

See attached statement

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the **Main Modification and/or supporting document** legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with national policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See attached Statement

(Continue on a separate sheet if necessary)

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




Yes



No

Signature:



Date

23/09/21

Name:

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Signature:



Date

22/09/21

EPPING FOREST DISTRICT DRAFT LOCAL PLAN

MAIN MODIFICATION CONSULTATION

REPRESENTATIONS ON BEHALF OF WATES DEVELOPMENTS LIMITED

September 2021

Introduction

1. These representations to the consultation of the Main Modifications (MMs) to the Epping Forest District Local Plan (EFDLP) have been prepared by Vincent + Gorbings on behalf of Wates Developments Limited ("Wates").
2. Overall, we consider that the MMs are so significant that they represent a fundamental review of the plan, particularly in terms of the overall housing provision and the distribution of housing through the district. Many of the matters raised in our earlier representations as soundness issues have not been addressed but rather have been amplified by the changes proposed by the Council.
3. Moreover, the Council has taken issue with some of the findings of the Inspector, including in particular the requirement in her Interim Findings to consider the allocation of new sites to make up for the deletions of a number of sites and the reduced yield at others.
4. The modifications are such that at the very least further Hearing Sessions must be arranged to allow a proper interrogation of the plan as now proposed.

MM112 – Local Plan Review

5. The length of time it has taken to prepare the Local Plan is such that the Council should commit to an immediate review as soon as this plan is adopted. MM112, new Policy D8, simply suggests that the Council will 'review' the plan (on an informal basis) in order to determine whether a formal review is needed. Indeed, even then, the policy suggests a partial review of specific policies if circumstances change. This policy does not comply with the NPPF and is unsound as it will not be effective in maintaining the proper planning of the District.
6. The draft plan was submitted to the Secretary of State in September 2018 and circumstances have *already* changed. Fundamentally by the time the plan is adopted (if it is found sound) in say Q1 2022 it will have been 3½ years since submission and much longer since the evidence base was prepared that supports the contents of the plan. Since that time there has been significant changes in the NPPF, national policy on other matters such as climate change, and new demographic data. In essence, the Plan will be out of date at the point of adoption. Indeed, we would seriously question whether in the circumstances the Plan can be found sound. However, given it is likely after this long period of gestation the Inspectors will want to see the plan adopted, this must be alongside a firm

commitment to commence the review process immediately.

7. Moreover, the plan period runs to 2033. Assuming it is adopted this will represent an 11 year period from 2022. This is contrary to NPPF para. 22 which makes clear that
“Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.”
8. Given the strategic nature of the distribution of development and the infrastructure requirements to support it, if the Plan is to be found sound, it is fundamental to the proper planning of the District to roll forward the plan by immediate formal review. Even if this were to be a fairly streamlined review process, given the Council’s track record in plan-making we would suggest that the immediate plan review looks forward to 2040. This would need a full review of housing requirements, distribution and Green Belt boundaries. Whilst some of the existing plans’ strategic development commitments will flow through to the later 2030s it is clear that such a review would require a new SHMA and a review of the housing trajectory against progress of the strategic sites to maintain a 5-year supply of housing land.
9. Proposed Policy D8 provides no commitment to an early review and simply mimics the wording of the NPPF. In the particular circumstances of this plan and the length of time it has taken to prepare, the consequent length of time to the end of the Plan period, commitment to an immediate review is essential. The wording of Policy D8 suggests an informal ‘review’ of the plan within 5 years of adoption. This may not therefore take place until 2028. If this is a formal process that took say 2 years (optimistic given the Council’s track record), by the time a review was adopted in 2030, the end of the current plan period would only be 3 years away. This would be no way to plan for the future of the District and will undermine the delivery of development and the certainty required to allow housing needs in particular to be met. MM112 is clearly unsound and fundamentally flawed.

MM11 – Housing Land Supply

10. Objection is raised to the housing land supply as now proposed. Following the deletion of allocations and reduction in yields at some that have been retained (particularly South Epping) the Inspector clearly stated in her Interim findings (ED98) that the Council should seek alternative sites to meet the housing requirement, firstly within the Council’s preferred strategic growth options and if no such sites can be found, to explore amendments to the spatial strategy through the Sustainability Appraisal process. The Council have not even considered this option, on the basis that
“the Council can meet its housing requirement without the need to allocate additional sites and/or implement an amended spatial strategy which will mitigate any adverse effects on the integrity of Epping Forest SAC. The Council therefore does not propose to remove any further sites to those already identified or allocate any additional sites in the Local Plan.”
11. However, we consider that the Council’s evidence that the spatial strategy can be

advanced as proposed without adverse effects on the integrity of Epping Forest SAC is untested and needs full scrutiny in hearings involving Natural England and the Epping Forest Conservators. We are unconvinced that the assessment and mitigation strategy is robust.

12. Moreover, the resulting spatial strategy focuses to a much greater degree on strategic sites and pushes delivery of housing towards the end of the plan period. Any slippage in the delivery of strategic sites (which we consider to be inevitable particularly due to infrastructure constraints that are still in the process of being overcome) will have a significant impact on the ability of EFDC to meet its housing requirement over the plan period. Many of the units on allocations that have been deleted or where yields have been reduced are on sites that could have delivered earlier in the plan period. Whilst numerically the Council may be correct in its assertion that the housing requirement can be met, there is very little flexibility built into the spatial strategy and no ability to rectify any shortfalls which may occur if strategic sites are delayed. For these reasons we consider the plan will not be effective in meeting housing needs across the District.

MM15 Policy SP2

13. The introduction of the stepped trajectory makes clear how EFDC is relying on the Garden Communities around Harlow to deliver a step change in housing delivery in the later parts of the Plan period. This reliance on strategic sites is significantly increased by the reduction in allocations at virtually all settlements throughout the district from 5,746 dwellings to only 4,500 dwellings. Our previous representations made the case that this over-reliance was unsound. The MMs simply exacerbate this issue.
14. Not only is the stepped trajectory and the revised spatial strategy delaying the speed of delivery of much needed housing (and affordable housing in particular) but it will result in some of the most sustainable locations in the District receiving very little development, particularly in the next 5 – 8 years.
15. This is particularly so at Epping itself, with a further reduction of units at that settlement from 1,305 to 709 units. Yet Epping is in a highly sustainable location, a walkable town with a well developed range of local facilities and access to London via the Central Line. The MMs continue the pattern of resisting development at Epping that has been evident throughout the plan-making process and is based on no proper planning justification. Following the Regulation 18 plan, sites totalling **1,600** new homes at Epping were removed from the plan. Many of these were on smaller sites that could deliver early in the Plan period, including Wates' site at Stonards Hill. The Submission Plan sought to compensate for this significant reduction by increasing the allocation to the South Epping Masterplan Area (SEMPA) from 546 to 950 units with absolutely no evidence that such an increase was achievable, a point which we repeatedly made in our representations and statements to the Examination. Our representations in this regard have proved well founded as, following the Inspector's own critical comments as to the capacity of the SEMPA, the number of units at this site has been reduced to 450 homes. The housing trajectory assumes that no new housing will be delivered at SEMPA until 2028.

16. The result of this is that one of the major thriving and sustainable towns in the District is now planned to received a limited amount of growth and most of this will be in one location and will be towards the end of the plan period. The housing trajectory (MM115) shows that until 2028/2029 (after which it is assumed the South Epping sites will start delivering units) only 248 new homes will be constructed in the town.
17. For the above reasons, MM15 will result in a much less sustainable plan, longer delay in delivering new homes and insufficient new homes at Epping.

MM77 : Policy P1 Epping - supporting text

18. The detail around the changes to the allocations in Epping are provided in MM77.
19. Proposed additional wording is introduced on "Sustainable Transport Choices" as follows :-

"A key consideration for development proposals in Epping, is to ensure that new development provides opportunities to access jobs, services, education and leisure opportunities through walking, cycling and public transport. This will include the provision of safe and convenient routes to key destinations, including to Epping London Underground Station. Measures should provide viable alternatives to private car use, and prevent the establishment of unsustainable travel behaviour."

20. We fully support this aspiration but it is absolutely **not** reflected in the sites that are now retained in the DLP following the modifications. The main sites EPP.R1 and EPP.R2 are the least sustainable sites and much greater distance from the station and the town centre than others that could and should have been allocated. Despite other modifications which seek to enhance the sustainable development credentials of these allocations, they area, and always have been, sites that fail any reasonable assessment of locational sustainability.

MM78 – Policy P1 part B South Epping

21. This MM reduces the allocations at South Epping from 950 to 450 units. This entirely vindicates our representations that the increase in unit numbers originally proposed by the Council was unsound. That said, we remain of the view that the evidence base provides no certainty as to the deliverability of these sites and we note that the promoters and the Council do not agree on this point.
22. Alongside the modifications, the Council has published EB1421 *South Epping Masterplan Area Capacity Analysis*, prepared by the promoters. It purports to provide further information as to the deliverability of the two sites. However, it makes the case for a larger number of units than the Council is now assuming with a total yield of 735 units.
23. However, even at this late stage in the plan making process, technical work to support this allocation (whatever the yield proposed) is entirely lacking and has not been published. Indeed, the document states that :-

".....the concept plan for EPP.R1 is underpinned by technical analysis of requirements with regard to landscape views, noise, air quality, highways and green

infrastructure. In addition to input from technical specialists as set out in this report, the concept for EPP.R2 has been informed by a DLA site visit 24 October 2019.”

24. In our submission there is no cogent technical evidence base before the Examination on which to judge the deliverability or the yield from particularly EPP.R2. We do not consider that a single site visit is sufficient basis on which to develop concept plans on which the promoters (and hence the Council) rely to demonstrate how the SEMPA could be delivered.

MM78 – Policy P1 part B EPP.R3 Epping Underground Station

25. We note the removal of this allocation following further discussions with the promotor. The reason given is that the scheme could not be developed in a policy compliant manner, although the exact reasoning remains unclear. We raised doubts as to the acceptability of this allocation through our representations and at the hearings and again, our doubts have proved to be well founded. The loss of 89 homes in what would have been a sustainable location further erodes the now proposed development strategy for Epping.

Vincent and Gorbings

22 September 2021