

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 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 enclosed representation relating to MM93 and MM94.

In summary we consider:

- The Site capacity should remain unchanged at approximately 122 dwellings.
- The requirement for the Concept Framework Process is unjustified, ineffective and inconsistent with national policy.
- We object to the imprecise approach to infrastructure requirements and the absence of reference to the CIL tests.

These three matters are considered to have the potential to delay the delivery of much needed housing and soundness of the Plan.

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 enclosed representation relating to MM93 and MM94.

MM93

In summary:

The approximate number of dwellings should be returned to 122.

Para 5.138 should be positively worded with a focus on what the policy is trying to achieve rather than the process. We would propose the following amendment to the wording:

“Sites NAZE.R1, NAZE.R3 and NAZME.R4 should be planned comprehensively to ensure a coordinated approach design and delivery to the Site. This could be achieved in a number of ways, one of which is bringing the Site forward in accordance with Concept Framework Plans (as defined in Policy SP2).”

MM94

Part I and J both refer to the Concept Framework Plan (CFP) and Quality Review Panel (QRP) process. The policy should focus on the desired planning outcomes, not the process. The policy should only reference the need for a comprehensive approach to the development of parcels R1, R3 and R4. The supporting text should identify CFP and QRP process as one way of achieving this, but acknowledge that there may be other ways.

(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?

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Yes

☐

No

Signature:

R.Harrison

Date

21.09.21

Epping Forest Local Plan – Main Modifications Consultation

July 2021 – Sept 2021

Submission on behalf of Orchestra (St Leonards) Ltd and Mr K. Ellerbeck

MM93 – Supporting Text to policy P10

Para.5.134

1.0 The proposed number of homes to be provided in Nazeing has been reduced from approximately 122 to approximately 118 homes. We **object** to this capacity reduction, which is not justified. The original figure was based on Site capacity analysis, which is unchanged. An arbitrary capacity reduction will only serve to steer the Site towards a less efficient use of land and there is no evidence to justify the reduction in number of units proposed for the Site.

Para.5.138

2.0 The amendment to para. 5.138 is broadly supported insofar as it takes a more measured approach to the use of Concept Framework Plans (CFP). However, our view remains that the CFP is not necessary; it is one tool among many that could be used to bring forward the Sites at Nazeing in a comprehensive way.

3.0 In our view, the requirement for a Concept Framework Plan is neither **justified, effective or consistent with national policy**, for the following reasons:

- 1) The site comprises a single relatively small-scale allocation and there is a formal agreement in place between the promoters of the land parcels to bring the Site forward comprehensively. CFPs are generally only suitable and necessary for large sites in complex ownerships.
- 2) There are no wider strategic infrastructure requirements which would necessitate the need for a concept framework (SPD) or complex phasing solutions.
- 3) There is already a detailed framework identifying what is required out in the draft Local Plan.
- 4) The CFP process will give rise to significant time and resource implications, effectively creating an additional tier to the planning application process.
- 5) Significant levels of public consultation have already been undertaken in respect of the Site and will continue to be undertaken in respect of the Local Plan. Further public

consultation will be delivered by the developer's team and the Council in respect of any future outline application, and Reserved Matters application(s), in accordance with the Council's published Statement of Community Involvement. Yet further rounds of consultation are likely to lead to consultation fatigue by residents.

- 6) The process is inconsistent with national policy. Para. 008 (ref: 61-008-20190315) of the PPG states that SPDs *"should not add unnecessarily to the financial burdens of development"*. The likely time delay required to prepare a concept framework ready for adoption to an SPD would be significant and costly and therefore contrary to the guidance in the SPD. This is a particular consideration for small and medium sized firms.
- 7) The Council already exercises a high degree of control over any outline application(s) on the Site, which would only be replicated through the Concept Framework process.
- 8) The CFP will lead to unnecessary delay in the delivery of allocated sites and therefore much needed housing.
- 9) There are a large number of sites (25) with a capacity of 50 or more homes in the District. This will have significant resource implications for the Council and delay delivery.
- 10) There is no right of appeal if the SPD is not adopted. Therefore, if the Council withhold their endorsement (for whatever reason) it will not be possible for developers/landowners to bring forward policy compliant schemes.
- 11) The process is unduly prescriptive.

4.0 We would urge the Inspector to use the Development Control process, which is already in place, to deliver this Site. The Concept Framework Plan process is only appropriate on large mixed-use schemes in multiple ownerships where land-owner cooperation is not present - this is not the case here. It is disproportionate on a Site of this scale where all parties are cooperating and will only serve to delay the delivery of much needed homes. Homes that are necessary to achieve a five-year housing land supply and boost delivery in the District. The current Site, which is modest in scale, is capable of moving swiftly to give a timely boost to housing supply and delivery.

5.0 Para 5.138 should be positively worded with a focus on what the Local Plan is trying to achieve rather than the process. We would propose the following amendment to the wording:

"Sites NAZE.R1, NAZE.R3 and NAZME.R4 should be planned comprehensively to ensure a coordinated approach design and delivery to the Site. This could be achieved in a number of ways, one of which is bringing the Site forward in accordance with Concept Framework Plans (as defined in Policy SP2)."

6.0 In its present form para. 5.138 is **not considered to be justified, positively prepared or in accordance with national policy** and is therefore **unsound**.

Policy P 10 Nazeing – MM94

7.0 Part D has been amended to state *"Development proposals in Nazeing will be expected to deliver and/or contribute proportionately towards infrastructure items"*. The list that follows includes a number of on and off-site works. The majority of the off-site works would be incapable of being directly delivered by the Site. The text under section D should be amended to make it clear that contributions will need to comply with the CIL tests. With particular regard to significant infrastructure items such as the provision of a walk/cycle route to Lee Valley Regional Park and contributions towards strategic open space in the wider village of Nazeing, any financial contribution could only ever be proportionately applied. For clarity this should be clearly stated in the policy wording.

8.0 Parts I and J both refer to the Concept Framework Plan (CFP) and Quality Review Panel (QRP) process. As set out above in our comments in respect of para. 5.138, the policy should focus on the desired planning outcomes, not the process. The policy should only reference the need for a comprehensive approach to the

development of parcels R1, R3 and R4. The supporting text should identify the CFP and QRP process as one way of achieving this but acknowledge that there may be other ways. By including the requirement to agree the proposal with the Council (and by implication the public) in advance of submitting an application will effectively creates a situation where house building could be frustrated because the developers/housebuilders would be unable to bring forward an otherwise entirely policy compliant scheme, as they would have no right of appeal against the CFP.