

**EPPING FOREST
DISTRICT LOCAL PLAN
EXAMINATION**

**MATTER 16:
DEVELOPMENT
MANAGEMENT
POLICIES**

ID: 19LAD0121

HEARING STATEMENT

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MATTER 16 – DEVELOPMENT MANAGEMENT POLICIES

Introduction

- 1.1 This Matter 16 Statement has been prepared by Carter Jonas LLP on behalf of Pigeon Investment Management Ltd (Pigeon) to respond directly to the Inspector's questions for this Matter. The Statement only responds to the Inspector's Questions which are relevant to Pigeon's interests. Representations were submitted to the Epping Forest District Local Plan 2011-2033 (EFDLP) on behalf of Pigeon (Id. 19LAD0121). Pigeon are promoting land East of Epping for a residential-led mixed use development for around 400 dwellings (or greater)(Site Ref. SR-0153), which is generally consistent with the 2016 draft EFDLP (Regulation 18) which proposed at least 930 homes shared between South (not the Regulation 19 South) and East, but with East having a frontage onto Stewards Green Road included to provide independent access to East Epping and south being land east of the railway line. Pigeon has also promoted a more extensive area of land at East Epping based on Garden Settlement principles, replacing the allocation of 950 homes South of Epping. Alternatively, East Epping could in full or part supplement the South Epping preferred allocation.
- 1.2 East Epping has been promoted as a site that could deliver a mix of uses providing added benefits for Epping, including: a range of housing typologies including a high proportion of bungalows and self-build plots; a high quality mixed use community hub which could include a local convenience store and doctor's surgery and car parking to serve the local facilities and nearby tube station; a C2 Care Village; Primary School site; potential leisure centre with sports pitch provision; and an Eastern link road between Steward's Green Road and Stonards Hill which would assist in reducing traffic having to travel through the Town Centre.
- 1.3 The Development Management Policies related representations relevant to Matter 16 are as follows:
- Policy DM2 – Rep Id. 19LAD0121–14
 - Policy DM4 – Rep Id. 19LAD0121–15
 - Policy DM9 – Rep Id. 19LAD0121–16
 - Policy DM10 – Rep Id. 19LAD0121–17
 - Policy DM11 – Rep Id. 19LAD0121–18
 - Policy DM16 – Rep Id. 19LAD0121–19
 - Policy DM18 – Rep Id. 19LAD0121–20
 - Policy DM19 – Rep Id. 19LAD0121–21
 - Policy DM20 – Rep Id. 19LAD0121–22
- 1.4 For some Development Management policies the Inspector's questions are not relevant to the representation submitted on behalf of Pigeon, and in these circumstances no answers are submitted.

MATTER 16: Development Management Policies (DM1 – DM22)

Issue 1: Are the Development Management Policies in the Plan justified, effective and consistent with national policy in respect of the specific matters set out below? Are there any other issues concerning their soundness?

Policy DM2: Epping Forest SAC and the Lee Valley SPA

4. Is it sufficiently clear, either in the Policy or supporting text, which/where developments are likely to have a significant effect?

b. Is it necessary in Part C to be more specific about the Zone of Influence for recreational pressure?

- 1.5 It is considered that the requirement for a financial contribution towards access management and monitoring of visitors needs to be justified. Paragraph 204 of NPPF1 sets out the tests for seeking planning obligations, which are: necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. The Epping Forest

Visitor Survey 2017 [Doc Ref. EB715] provides information on where visitors live and the recreational activities that they undertake within the Forest. Part C of Policy DM2 expects a financial contribution from all planning applications for new dwellings at settlements within 6.2km of Epping Forest SAC i.e. the locations where most visitors live. It is requested that more information is provided to demonstrate that the proposed obligation meets the tests in Paragraph 204, and in particular that it is reasonably related in scale and kind to the development. It would also be helpful to understand the overall cost of such an obligation i.e. the cost of the visitor survey, what the cost would be per dwelling, and how the obligations would be monitored and used i.e. how often would the visitor survey be undertaken. In addition, it is likely that the larger residential developments would provide green infrastructure and informal open space areas, which would partly mitigate the impact of recreational pressure on the Forest.

- 1.6 As per our representations to Policy DM2, Pigeon would contend that it is not just new homes that will generate recreational pressure but this can also arise from new employment provision.
- 1.7 In conclusion, Pigeon would request that appropriate justification for the above financial contribution is provided to meet the tests in Paragraph 204 of NPPF1. Furthermore, it is recommended that consideration is given to a more flexible approach to Part C including contributions from commercial and employment provision.

Policy DM4: Green Belt

7. This policy essentially repeats policy in the NPPF, but does not duplicate it entirely. Is it intended to do anything different? If not, would it avoid duplication/confusion to state that development will protect the purposes of the Green Belt in the manner required by national policy?

- 1.8 It is requested that Policy DM4 should be consistent with national policy, and Pigeon agree with the suggestion that a revised policy is included which states that development will protect the purposes of the Green Belt in accordance with national policy.

Policy DM9: High Quality Design

21. Does this policy, and the plan generally, make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the NPPF?

- 1.9 As set out in Pigeon's representations to Policy DM9, it is requested that the sustainable construction and climate change related design matters are consistent with Building Regulations, which will continue to be updated over the Plan period and will guide sustainable development.

Policy DM10: Housing Design & Quality

22. Does Part A seek to introduce the optional Nationally Described Space Standard? Should this terminology be used? Is this justified by evidence relating to need, viability and whether a transitional period for implementation is required? In respect of viability, what cost has been ascribed to meeting this standard for assessment purposes?

- 1.10 Pigeon appreciate the aspiration within Policy DM10 Part A for a high quality of design and space standards. However, there is no justification provided for looking to 'exceed' the referenced minimum internal space standards and it should be recognised that increasing such standards has the potential to impact upon the rate and quantum of development. Furthermore, additional cost would be placed upon the delivery of Affordable Housing to the detriment of its affordability.
- 1.11 Paragraph 173 of NPPF1 seeks to ensure that any planning obligations or policy requirements on development do not undermine viability. Pigeon agree with the suggestion that evidence is provided to demonstrate that development would remain viable if the proposed design related standards in Policy DM10 are applied.

- 1.12 For the above reasons, Pigeon would recommend that reference in Part A to exceeding standards should be deleted.

Policy DM11: Waste Recycling Facilities in New Development

- 1.13 Policy DM11 sets out the standards to be applied for waste recycling in new developments. Pigeon appreciate the aspirations and intentions within this Policy but consider that it should be suitably flexible in its application to certain sites and locations, and also to allow a response to where the Council's approach has changed – for example the introduction of new or additional bins.
- 1.14 For the above reasons, Pigeon would request that the policy and its application is sufficiently flexible to reflect site circumstances and to respond to any changes in the Council's approach to waste recycling.

Policy DM19: Sustainable Water Use

40. Is it justified to refer to the Code for Sustainable Homes in paragraph 4.139?

- 1.15 No. The Code for Sustainable Homes (CfSH) was withdrawn in March 2015. The Building Regulations now deal with most of the matters previously covered by the CfSH. Paragraphs 013 to 017 (Id. 56) of the PPG provides further guidance on water efficiency, and Paragraph 014 identifies the mandatory water efficiency standards for new dwellings contained in Building Regulations. It is requested that Paragraph 4.139 of EFDLP is modified to delete references to the CfSH and that water efficiency measures are expected to meet Building Regulations requirements.
- 1.16 More generally, Pigeon would add that Policy DM19 appears to be too prescriptive and inflexible in applying standards for water use. Part C recognises that national standards should be applied if those exceed the figures stated in the policy, which calls into question whether the policy is required and should not just defer to the national standards. If the policy is looking to exceed current standards, no justification has been made.
- 1.17 For the above reasons, Pigeon would support the deletion of reference to the Code of Sustainable Homes in paragraph 4.139 and more specifically the deletion of Policy DM19 as it is covered by other guidance such as Building Regulations.

Policy DM20: Low Carbon and Renewable Energy

42. Is Part D, which requires Strategic Masterplans to demonstrate how infrastructure for district heating could be incorporated, justified by reference to viability? For example, it has been suggested that a development of 950 dwellings such as proposed at South Epping would be too small to viably deliver a district heating scheme. (Reps 19LAD0056).

- 1.18 Paragraphs 96 to 98 and the Glossary of NPPF1 seek to support a wide range of renewable and low carbon technologies, and there is no preference for one approach over another. Paragraph 173 of NPPF1 seeks to ensure that any planning obligations or policy requirements on development do not undermine viability, and that includes policies associated with renewable and low carbon technology. Pigeon agree that a more flexible approach is required which places less emphasis on renewable and low carbon solutions, so that a range of technologies and energy saving measures can be considered for a site (including fabric first solutions) based on what is appropriate and suitable for the proposed development.

