

MATTER 16

RESPONSES OF LOUGHTON TOWN COUNCIL (“LTC”)



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? Are there any other issues concerning their soundness?

Policy DM2: Epping Forest SAC and the Lee Valley SPA

Question 3.

1. Further submissions on the adequacy of the mitigation proposals will be made by LTC when Matter 1 Issue 5 comes to be discussed. However, representations in relation to Matter 1 have already made clear:
 - (i) the extent of pressure on the SAC which would inevitably result from development proposed in the Plan within the ZOI, particularly the housing allocations in Loughton; and
 - (ii) that the nature and extent of mitigation proposed is not adequate in this context either within or beyond the Plan period.
2. The January 2019 HRA [EB209] and the Interim Mitigation Strategy deal with the assessment of the impact of development on the SAC. The development proposed in the Plan will impact both the areas within and outside the SAC in a range of ways, including pressure on highways, air quality, excessive recreational use, urbanisation and the natural environment. Some areas are already at or above visitor capacity and significant resources are being invested to protect such areas.
3. It would be sound for the majority of development to be situated beyond the 6.2km ZOI to prevent further harm to the SAC. In that respect, it is noticeable that neither in Policy DM1 nor in Policy DM2 (save for Part B) nor in the supporting text is there any specific reference to avoidance as being the primary or an appropriate strategy.

4. LTC criticises the following sections of the Plan:
 - (i) Paragraph 4.17: there is no reference to avoidance.
 - (ii) Paragraph 4.20: the penultimate sentence does not appear to reflect the latest findings in the 2019 HRA.
 - (iii) Paragraph 4.21 & 4.22: these paragraphs are out-of-date given the Interim Mitigation Strategy, to which there should be some reference.
 - (iv) Paragraph 4.23: the final sentence is unnecessary given what follows in paragraph 4.24
 - (v) Paragraph 4.24: no indication is given of the quantum or possible location of the SANGs.

5. **DM2D (i)** – states that the Plan will mitigate against adverse effects of additional development, which could include *‘improving access to green space;’* The Plan does not go far enough in this regard to be sound. To say that it *‘could’* improve access to green spaces is not a justified approach. Furthermore, in the context of mitigation which includes possible financial contributions towards green open space, there is much greater benefit in retaining and improving access to existing open space, than allowing its development and then mitigating it through measures, whose use and outcome are unclear.

6. Having two separate, and to an extent overlapping, policies DM1 (particularly Parts B & D) and DM2 is confusing, repetitious and disjointed.

Question 4

7. It is insufficiently clear which developments are likely to have a significant effect. LTC responds to the Inspector’s sub-paragraphs as follows:
 - (a) LTC understands from the latest HRA that urbanisation is regarded as part and parcel of recreational pressure (see page 23) and that the 400m radius is no longer a determining factor.
 - (b) Yes. Either 6.2km or 3km are the material zones.

- (c) Yes. There is reference either expressly or by implication to recreational pressure (Parts C & D) and urbanisation (Part E) but no reference to addressing the problems of increased traffic or air pollution.
- (d) Yes. There should be an exclusion zone of 6.2km or 3km.

Question 5

- 8. This is a question that LTC has been asking. At least, the quantum and possible location of the SANGs should be identified. As LTC understands it, reference to financial contributions is found only in Part C, but without any cross-reference to either the Interim Mitigation Strategy or an SPD which could set out the quantum of such contributions. No financial contribution is required by Part D. The Policy seems to imply that EFDC will be responsible for the provision of SANGs and/or the other named OS improvements

Policy DM3: Landscape Character, Ancient Landscapes and Biodiversity

Question 6

- 9. Representations were submitted at Regulation 18 stage in relation to the application of the provisions of this policy, to the effect that they should also apply to landscapes within urban areas, as is reflected in the final sentence of paragraph 4.31: *“Policy applies equally to sites within the built-up areas and those on the edge of settlements.”* The policy would be more effective if this sentence was included in the wording of the policy.

Policy DM5: Green and Blue Infrastructure

Generally

- 10. Comments have been made in relation to this policy in the Regulation 18 representations of Loughton Town Council, specifically in relation to trees.
- 11. The Local Plan consultation on trees was intended to be held in October/ November 2016. Following a series of correspondence between EFDC and Sharon Hosegood Associates, the consultants employed by EFDC and LTC, the event date was postponed a number of times. A meeting was held in Epping, but the meeting

in Loughton, which was intended to cover Loughton, Buckhurst Hill and Chigwell, did not happen.

12. In its representations, LTC has suggested that the Community Tree Strategy should form part of the evidence base and be referenced in the Local Plan. It provides greater detail as to the tree resources and therefore a basis for their preservation in the Plan period. Seven key objectives are there set out: a copy of that part of the Strategy is appended. The 2008 document, 'Favourite Trees' [EB702] does not provide adequate detail nor reflect the work of the Community Tree Strategy.

Policy DM6: Designated and Undesignated Open Spaces.

Question 10.

- 13 Paragraph 73 of the NPPF states *"Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required."*
14. The Plan is supported by an Open Space Strategy (EB703) which purports to show that Loughton has a surplus of Amenity Greenspace of 6.08 ha in 2017, which will be 4.04ha in 2033. The findings of this assessment do not however take account of the development which is anticipated in the Plan, which, in the case of Loughton, will result in the development on existing green space, which is of value in a range of ways to the local community. Inevitably further development will place increased pressure on open space and the value and use of it. Representations at all stages of the Plan process have highlighted the concerns of Loughton Town Council in this regard, as also set out in relation to Matters 5 and 15 of this Examination and further submissions will be made at those sessions.

15. There should be greater clarity as to how the findings of the evidence in relation to open space are reflected in the Plan and in the case of Loughton, as to how the further loss of existing open space can be justified in this context.
16. Is it justified to base the requirements on nationally adopted standards rather than local ones? Yes, provided that these reflect local requirements and evidence. The problems with using the Green Flag Award for Quality Standards (see paragraph 3.21 of OSS [EB703]) are that:
- (i) they are very subjective;
 - (ii) many of the criteria are inappropriate for an area such as Jessel Green – for example, criteria regarding entrances;
 - (iii) No weight is apparently given to local views, usage or requirements.

Part A is somewhat unclear as to the use to be made of national adopted space standards describing them as “*a starting point for provision*” without indicating what further criteria might be used.

Question 11

- 17 No Comment

Question 12

- 18 On its face, it does not appear that financial contributions will be sought in Part A. As already indicated Policy DM2D seems to imply that EFDC will be responsible for the provision of SANGs and/or the other named OS improvements, which suggests an inconsistency with Part A. However, the IDP suggests that, as far as Loughton is concerned the additional provision of certain further OS would be delivered by EFDC/Developers (item LOU 25).

Question 13

19. LTC submits that criteria B (i) and B (ii) should be conjoined and not disjoined when considering the development of any open space.

- 20 Representations submitted by Loughton Town Council at all stages of this Plan preparation process have highlighted the importance placed on the protection of open spaces, particularly where they are of local value, which reflects the strength of feeling exhibited in the responses to early stages of consultation and where the Council themselves placed protection of open space as a key priority of the Plan.
21. The Policy should also be clear as to how and by what standards the assessment of the open space should be carried out in order to demonstrate that it is surplus to requirements. The OSS contains standards for the quality and quantity of OS, but it is not clear if these are to be used in this regard. The means of assessment should clearly be set out in policy, to avoid the loss of valuable open space during the Plan period.

Question 14.

22. LTC has set out in representations to Matter 1, Issue 1, the inconsistency between policy SP6 District Open Land and the NPPF (paragraph 76-78) Local Green Space. Those representations will be repeated in the session dealing with Matter 9 – DOL. In short, in order for this Plan to be sound, the definition of these spaces should be consistent.
- 23 Should this policy define the process by which LGS/DOL could be sought and if not, should paragraph 4.52 be deleted? Paragraph 4.52 should be deleted. In the first instance, it is for the Plan itself to allocate LGS, although it is open to local communities to do so through the mechanism of a Neighbourhood Plan: see paragraph 76 of NPPF. The criteria for designating LGS are clearly set out in paragraph 77 of the NPPF. It is assumed the Council will appropriately address the issue of LGS in Policy SP6. In those circumstances, it is confusing, repetitious and unnecessary to raise the issue again in paragraph 4.52.

Policy DM7: Heritage Assets

Question 15

- 24 Loughton Town Council have set out in representations their support for the requirement for archaeological assessments as set out in paragraph 4.63 of the

Plan. It is also the case that clarity should be provided either in this policy or elsewhere in the Plan as to where the burden of cost of such assessments is anticipated to be borne (for example by the developer in the context of any proposed development).

Question 16

- 25 The Heritage Assets Review (May 2012, revised September 2012) by DPP, on behalf of EFDC [EB902], recommends the designation of Areas of Townscape Merit. These areas were to cover streets and areas which Loughton Town Council has previously proposed be adopted as Conservation Areas. The Heritage Assets Review suggested ATMs as an alternative to the designation of Conservation Areas.
- 26 The ATM would not be subject of the statutory protection of a Conservation Area, but would set out the special circumstances of these areas and the desirability of their protection in the determination of planning applications, in offering pre-application advice, and exercising Permitted Planning Rights. This would ensure the protection of small-scale changes, such as alterations to windows and doors, which cumulatively are identified as impacting the character of these areas. This would affect a level of protection which would improve the quality of areas of non-designated heritage assets commensurate with the NPPF and therefore represent a sound approach to the protection of heritage assets.
- 27 As such, Loughton Town Council strongly believes that this provision should be included in the Local Plan and that its absence renders the Plan unsound.

Policy DM9: High Quality Design

Question 21

- 28 Loughton Town Council have clearly set out in representations the view that the policy should contain increased guidance on the height of development in order to ensure that it is appropriate in its context and in terms of its impact. For example, to fit the number of dwellings anticipated at Jessel Green is understood to require development of 4-5 storeys in height, which is not in keeping with the prevailing

building heights of 2-3 storeys. It is still not considered that the policy goes far enough in this regard to protect the future of the area.

- 29 Furthermore, the supporting text at paragraph 4.73 recognises the *'quality of amenity for the occupiers of buildings and users of open space is increasingly the subject of concern...'* This is not however reflected adequately in the wording of policy to ensure that this consideration applies not only to any new development but also to the users of existing open space.

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