

EPPING FOREST DISTRICT COUNCIL: Examination of the District Local Plan, 2011 – 2033.

Inspector: Louise Phillips MA (Cantab) MSc MRTPI

Programme Officer: Louise St John Howe, email: louise@poservices.co.uk

HEARING AGENDAS – WEEK 1

The first week of hearing sessions will take place over three days from **Tuesday 12 February 2019 – Thursday 14 February 2019**. The morning sessions will start at 10am; and the afternoon sessions will start at 2pm. Please see the latest programme on the examination website for further details and a list of participants in each session.

Participants should be aware of my Matters, Issues and Questions (MIQs) (Document **ED5**) as they will provide the framework for discussion at the hearings. They should also be aware of the statements submitted in response to my MIQs by the Council and others. These are available on the website.

Some of my questions have been adequately answered in the statements so that limited discussion should be needed at the hearings themselves. Others require further discussion and I have sought to identify the key areas on the agendas below. The hearings will focus on these outstanding matters.

Louise Phillips

INSPECTOR

4 February 2019.

DAY 1: TUESDAY 12 FEBRUARY 2019

MORNING SESSION (10AM) & AFTERNOON SESSION (2PM)

- Inspector's Opening
- Council's Opening Comments

MATTER 1: Legal Compliance

Issue 1: In preparing the Plan, has regard been had to national policies and advice; and to Neighbourhood Plans whether "made" or in preparation?

- Whether appropriate weight/status has been given to NPs in preparation which ultimately have not succeeded at examination.
- Potential modifications to clarify which of the Plan's policies are "strategic policies". The Council has identified those with the following prefixes: SP (Chapter 2); H, E & T (Chapter 3); P (Chapter 5); D1-D5 (Chapter 6).

Issue 2: Is the Plan legally compliant in respect of how it accords with the Local Development Scheme (LDS) and the Statement of Community Involvement (SCI); and has the consultation carried out during its preparation been adequate?

- Whether there has been procedural compliance with the SCI at the Reg. 19 publication stage.
 - Timing of publication; cost of printed copies; and publicity.
- Whether consultation was adequate in relation to allocated sites.
 - The findings of the CK Properties Judgement concerning the absence of Appendix B of the Site Selection Report at the Reg. 19 Stage; and whether I can find non-compliance with the SCI or prejudice in light of it.
 - Whether legal compliance or fairness issues arise by virtue of the inclusion or exclusion of particular sites between the Reg. 18 and 19 versions of the Plan.
 - Whether interested parties (residents in particular) have been adequately consulted about sites likely to affect them, including interested parties in Harlow.
 - Whether consultation responses at the Reg. 18 stage and earlier stages, particularly concerning open space, community facilities and local business growth, have meaningfully informed the submitted Plan.

Issue 3: Has the Duty to Cooperate (DtC), as required by S33A of the Planning and Compulsory Purchase Act, been met?

- Co-operation in relation to transport, infrastructure and service provision to support the Harlow & Gilston Garden Town prior to the submission of the Plan.
- DtC and housing needs within the Housing Market Area (HMA).
 - Whether the decision of the HMA authorities not to meet the identified OAN by 600 dwellings is a DtC or soundness-related matter.
 - Whether the MoU between the HMA authorities amounts to an agreement for the shortfall against the OAN in Epping Forest to be met elsewhere.
 - Whether the SHMA 2017 potentially underestimates housing needs in the HMA, particularly Harlow; and whether this matter is a DtC issue for this Plan or a subsequent Plan.

Issue 4: Has the Plan been informed by an adequate process of Sustainability Appraisal (SA)? Have the requirements of the SEA Directive and Regulations been met?

- The role of the SA in determining the quantity and distribution of development.
 - Whether the option of meeting the full OAN for housing across the HMA as a whole was tested through SA.
 - Whether the preferred option of accommodating 51,100 dwellings across the HMA is supported by SA.
 - Whether alternative options for the quantity and distribution of development within Epping Forest itself were tested through SA.
- The role of the SA in deciding between potential site allocations.

Issue 5: Deferred to 21 May 2019.

Issue 6: Is the Plan legally compliant in terms of how it seeks to address climate change?

Issue 7: Is the Plan legally compliant in respect of superseded policies; mapping; and monitoring?

- Consistency between the Policies Map, Maps within the Plan and Appendix 6.
- Consistency between maps and legends, including potential modification to include a full legend within the Plan itself.

- Whether a Key Diagram is needed.

End.

DAY 2: WEDNESDAY 13 FEBRUARY 2019

MORNING SESSION 10AM

MATTER 2: Context, Vision & Objectives and Sustainable Development

Issue 1: Are the context, vision and objectives for the Plan accurate and comprehensive?

- Potential modifications for accuracy: para. 1.36; and Figure 1.5.
- Potential modifications to the Plan's vision and objectives. (In particular, please see the Statement submitted by the Lee Valley Regional Park Authority).

Issue 2: Is Policy SP1 concerning the presumption in favour of sustainable development necessary and consistent with national policy?

- Potential modification to delete Policy SP1 from the Plan.

MATTER 7: Place-Shaping & General Masterplan Approach

Issue 1: Is the application of Policy SP3 to all allocated sites justified; and is it otherwise effective and consistent with national policy?

- Whether it is justified to apply Policy SP3 to all allocated and windfall sites regardless of size; and whether it is justified to apply it to all "development proposals".
- Whether the density requirements set out in Part I of the policy are evidence-based.
- Potential modification to clarify the application of the density requirements to different parts of the District.
- Whether the Plan as a whole promotes healthy communities beyond the connectivity/transport related aspects of facilitating social interaction. Within places themselves, will issues such as crime/fear of crime, provision of community facilities, open space and recreation be adequately addressed?
- Whether a separate, overarching policy on health and well-being is required.

Issue 2: Are the Plan's requirements for master-planning (as explained in paragraphs 2.89-2.102 and set out in Policies SP4, SP5 and certain Place policies) justified; and will they be effective in securing the timely delivery of comprehensively planned schemes?

- The operation of, and justification for, the Quality Review Panel.
 - Whether it is practicable for the requirement for review to be generally applicable, or whether significant, complex or contentious schemes should be identified now.
 - Whether it is necessary for the Panel to review detailed planning applications for Masterplan/Concept Framework areas.
- The justification for, and effectiveness of, the requirements concerning the production of Strategic Masterplans and Concept Frameworks.
 - The status of "formally endorsed" Strategic Masterplans; and the requirement for "general conformity/compliance" with them.
 - The status of "formally endorsed" Concept Frameworks.
 - Instances of disagreement between landowners; and whether some sites within Masterplan/Framework areas could come forward as separate entities.
 - The role of Chigwell Parish Council in the preparation of the Limes Farm Masterplan.

End.

AFTERNOON SESSION

(Reserve)

DAY 3: THURSDAY 14 FEBRUARY 2019

MORNING SESSION (10AM) & AFTENNOON SESSION (2PM)

MATTER 3: The Quantitative Requirements for Development

Issue 1: Is the housing requirement for the plan period 2011-2033 appropriately defined having regard to the composition of the Housing Market Area (HMA); and the Objectively Assessed Need (OAN) for housing within the HMA?

- The OAN for Housing.
 - The difference between the OAN for the HMA and Epping Forest as identified by the SHMAs of 2016 and 2017.
 - Whether the use of a 10 year migration trend in the SHMA 2017 is justified; and whether it has a disproportionate effect upon the figures for Epping Forest.
 - Whether a 14% uplift for market signals is sufficient having regard to higher uplifts made in similar areas and past rates of affordable housing delivery.
 - Whether the 2016-based household projections and/or the standard method for calculating housing need in the NPPF 2018 are relevant for the purposes of this Plan.
 - Whether sufficient account has been taken of any unmet needs in London.

- The Housing Requirement.
 - Whether it is justified for the HMA as a whole to set the housing requirement below the OAN identified by the SHMA 2017.
 - Whether it is justified for Epping Forest specifically to set the requirement below the OAN identified by the SHMA 2017, particularly in light of the Plan's proposal to deliver more than the OAN. What would be the implications of raising the requirement to match the OAN?

Issue 2: Does the Plan include an appropriate target for accommodation for Gypsies & Travellers and Travelling Showpeople District?

- Potential modification to Policy SP2(D) to clarify the requirements for the Plan period.

- Whether the needs of those who do not meet the definition of Gypsies & Travellers in the PPTS can effectively be met through Policy H1(C) in respect of its requirement for applicants to demonstrate a "proven identified need" for the accommodation sought.

Issue 3: Is the Functional Economic Market Area (FEMA) upon which the Plan is based appropriately defined; and are the requirements for job growth and employment land set out in the Plan justified?

- Whether the FEMA as defined takes full account of the need for new industrial/warehousing land?
- Clarification of the levels of job growth and floorspace requirements pursued in the Plan.
 - What are the job growth and floorspace requirements for the Plan, and from which evidence are they derived?
 - What is the relevance of the “additional requirement for 2,100 jobs” referred to by the Council?
 - What is the relevance of the criticism about moderated baseline figures and are any adjustments justified?
 - How much of the total floorspace required is expected to come from the regeneration of existing sites?
 - Potential modifications to clarify the job growth and floorspace requirements in the Plan.

Issue 4: Is the Plan justified, effective and consistent with national policy in respect of the approach to meeting identified needs for retail development?

- Potential modifications to clarify the requirement for retail floorspace.
- The nature of the “pipeline” development and likelihood of delivery.
- Whether it is justified to rely upon Harlow to deliver 40% of the 39,700sqm floorspace still required.
- Whether it is justified to rely upon Policy E2 and residential-led allocations to deliver the remaining 23,820sqm of floorspace in Epping Forest.

End.

Louise Phillips

INSPECTOR