

Representations to further Main Modifications consultation by Main Modification and supporting Document and other – December 2022 (Examination Document reference number ED151)

Total Representations: 275

This document sets out a summary of representations received to the further Main Modifications consultation (28 October - 9 December 2022) to the Epping Forest District Local Plan Submission Version (2017). Representations are ordered by Main Modification, supporting document (in cases where no Main Modification is specified) and finally by 'other' (where responses do not state a Main Modification or supporting document).

It is important to note that this document has been prepared to facilitate and manage the consideration of representations and to assist in the process of reviewing all representations made only. The Inspector will consider all representations made on the proposed further Main Modifications in full alongside evidence presented throughout the duration of the Examination. In all cases, the original representations and attachments can be viewed online via the Local Plan Examination webpage.

For the purposes of this summary document, where a response to question 6 or 7 is lengthy, the Council has either inserted an Executive Summary if provided by the representor or has summarised the response itself. Such responses are clearly stated as such with 'Council Officer has summarised' or 'Respondent's Executive Summary' at the beginning.

In the schedule below 'Why' is shorthand for question 6: 'Please give details of why you consider the further Main Modification and/or supporting document is not legally compliant or is unsound. Please be as precise and concise 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'. In this schedule 'Changes' is shorthand for question 7: 'Please set out what change(s) you consider necessary to make the further 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 and concise as possible.

MM: 1 Stakeholder ID: FMMRES0007	Respondent: Liam Lakes
Organisation: Aldgate Associates Ltd	Supporting document: ED144-ED144A
Legally compliant: No	
Soundness test failed: Positively prepared,Effective,Justified	
<p>Why: The Exceptional Circumstances required for removal of large areas of Green Belt in the district (in particular the WAL.E8 site on Dowding Way) do not exist. The council has failed to effectively engage with the public representations on this matter. The council also brought the submission version of the draft Local Plan to Councillors for a vote in Dec-17 before the Arup study was available in Mar-18 - effectively denying the council members the opportunity to review the purported Exceptional Circumstances relied upon. The Local Plan does not justify the need for the additional employment land in Waltham Abbey (and ignores the windfall effect of the adjacent extended Sainsbury's warehouse). The council have colluded with the developer and held secret meetings to enable development of adjacent council owned land without disclosing details to local Councillors or the public. Should the Local Plan be adopted with the removal of the WAL.E8 site from Green Belt there are substantive grounds to pursue a Judicial Review for the unlawful actions of the council and their failure to follow due process.</p>	
<p>Changes: WAL.E8 site to be remain as Green Belt and be removed from employment development land allocation</p>	

MM: 1 Stakeholder ID: FMMRES0012	Respondent: Geoff King
Organisation:	Supporting document:
Legally compliant: No	
Soundness test failed: Positively prepared,Effective,Justified,Consistent with national policy	
<p>Why: These comments address the entire "Main Modification" documentation/consultation process currently at hand. It makes a mockery of democratic consultation, in that the maze of documentation, cross-referencing, and changed text makes it virtually impossible for an ordinary resident, not fully involved in the day to day process, to dis-entangle what has changed and what is now being proposed. This response form itself unduly constrains and adds unnecessary complexity to the "consultation". All this seems deliberately designed to stifle meaningful comment and objection, and to favour land owners, developers, consultants, council personnel, and others who have direct interests in pursuing development. Furthermore, the announcement in December 2022 that the government is dropping mandatory house building targets renders the required housing numbers in the draft Local Plan moot - for years we have been repeatedly told by the Conservative-run EFDC that if we do not accept the mandated housing numbers for the district then they will be imposed anyway by the (Conservative) government. This claim by EFDC has always lacked credibility, and it is now confirmed to be invalid. For these reasons I consider that what is presented in this current process is unsound and unjustified. It fails to offer a proper opportunity for local residents to take stock and comment meaningfully. It is therefore not fit for purpose.</p>	
<p>Changes: To rectify these fundamental deficiencies, a single, self-contained document must be prepared, presenting a coherent and complete latest version of the draft Local Plan. It must address directly the question of housing numbers in the light of the recent confirmation that they</p>	

are not mandatory. Only then will it be possible to provide meaningful, detailed comment, within the framework of a genuine consultation.

MM: 1 Stakeholder ID: FMMOTH0007 **Respondent:** Michael Hardware

Organisation: Harlow Conservative Association

Supporting document:

Legally compliant: Yes

Soundness test failed: Effective, Justified

Why: Council Officer has summarised: This Association has previously submitted representations to the Main Modifications in September 2021. We reiterated our position to oppose any development south of west of Harlow, specifically Latton Priority and Water Lane. We had this position when we were in opposition, and this position was reaffirmed when we took control of the administration (in May 2021) through a motion by Harlow District Council on 16 September 2021.

Consistency across Garden Town: Notwithstanding our historic opposition to development south and west of Harlow, we have inherited a position which we can, in effect, do little about. Although we support the broad aims of the Garden Town (HGGT) and the growth of Harlow, we have growing concerns about its viability as a concept if changes are not made to the modifications proposed. It is crucial that the emerging Plan provides a consistent planning framework across all three of the planning authorities in order to achieve the HGGT vision. This consistency has been achieved with the Harlow and East Hertfordshire local plans, but is now being put in jeopardy with the Epping local plan.

The Garden Town (GT) partners share common goals expressed through the Town Vision. It is crucial that this is not diluted through potential ambiguity associated with the relevant wording. The phrase “adhere to”, rather than “have regard to”, must be retained to avoid potentially different interpretations arising across the GT local authority areas. This would reflect the aims of policies HGT1 Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town and HS3 Strategic Housing Site East of Harlow as set out in the Harlow Local Development Plan adopted in 2020 following public examination.

Another concern is with the housing numbers. Having large numbers of new houses ‘bolted-on’ to the side of Harlow is highly controversial in the town, but to now make those housing numbers ‘open ended’ adds insult onto injury. It appears we could be accepting higher density development on the outside of our town than exists in the town; creating a ‘doughnut’ effect, which is unacceptable. Referring to housing numbers as a “minimum of” in terms of on-site provision must be reversed to the previous stated figures.

Sustainable Transport Corridors: Our third concern relates to the funding of the Sustainable Transport Corridors. These are crucial to mitigate the traffic impact from these developments on Harlow, and to work towards the HGGT aim of 60% modal shift in the long term. The approach to the STCs needs to be consistent across the GT so the Epping Forest communities have to make contributions towards the sustainable transport corridors in their entirety in Policy SP5 with similar wording to that proposed for Water Lane. This would reflect the apportionment approach undertaken for the Garden Town Infrastructure Delivery Plan. As such, the suggested wording for the strategic sites adjacent to Harlow should include the wording “contributions towards sustainable transport corridors both within the Masterplan boundary and through off-site planning contributions”.

Changes: Not specified

MM: 5 Stakeholder ID: FMMRES0013 Respondent: Roger Lowry

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: Ref fMM 5, 11, 15 etc - any which contain numbers of homes planned.

This week in Westminster Messrs Sunak & Gove have stated that Housing Targets are no longer to be regarded as absolute; and that local circumstances and residents' views are to be given more weight.

The EFDC Local Plan as it stands FAILS in all these respects.

The original target has been followed slavishly, with no consideration of local need; new developments are almost entirely in the Green Belt, the infrastructure is throughout at or beyond capacity, and very large numbers of local residents are against the proposals.

Changes: Simply, pause work on the LP for a realistic and sensitive reassessment of local needs, infrastructure and wishes.

MM: 11 Stakeholder ID: FMMRES0003 Respondent: Terry Blanks

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified

Why: The number of homes proposed is inconsistent with that proposed especially as the Latton Priory development has increased their number from 1,050 to 1,500

Changes: Be consistent and do not add confusion. See your records

MM: 11 Stakeholder ID: FMMRES0011 Respondent: Roger Anthony

Organisation: **Supporting document:** ED141

Legally compliant: Not specified

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: I do not see how a Plan can be sound if it only sets a minimum number of homes. Without a maximum number, it is as long as a piece of string. In October 2021 the then Inspector directly sought views as to whether the 2018-Based Household Projections by the National Statistics Office should be adopted. I can find no record of a reply other than a confirmation of receiving my response. This aspect may also be relevant to MM15.

Changes: The Plan needs to be sound in explaining what housing projections have been adopted and why. Also it should explain why 11,400 has become a "minimum" rather than "approximate". The Plan must also clarify why there is to be no maximum figure for homes, otherwise it is a misleading Plan.

MM: 11 Stakeholder ID: FMMSTAT0005 **Respondent:** Adriana Jones

Organisation: North Weald Bassett Parish Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: It is noted that the number of homes proposed around the periphery of Harlow (HGGT) but within the Epping Forest District was originally approximately 3,900, however it is being proposed to reduce this for the purposes of determining housing land supply to 3,400 homes being delivered within the Plan period to 2033. This seems at odds with the current consultation on Latton Priory which is proposing up to 1,500 new homes (originally it was stated as being a minimum of 1,050), with the developers of Latton Priory confirming it is their intention that 1,290 will be built by the end of the plan period. This is 240 more than the minimum allocated in the Local Plan, and combined with the reduction of 500 homes seems to suggest that around 740 homes are no longer being built elsewhere. One is left with no choice but to review the housing trajectory to try and discover (or hazard a guess) what this number relates to, and what actual expected housing numbers for HGGT sites now are. This MM adds confusion and lacks clarity, which would cause issues at the time of a planning applications.

Changes: Not specified

MM: 11 Stakeholder ID: FMMOTH0006 **Respondent:** Jon Whitehouse

Organisation: Epping Forest District Council Liberal Democrat Group

Supporting document:

Legally compliant: No

Soundness test failed: Effective

Why: MM11 reduces the requirement met thorough Garden Communities around Harlow within the Disttice from 3,900 to 3,400 (table 2.3)

Changes: Alter the allocated housing figure for sites around Harlow in Policy SP2 to 3,400 so it is consistent with the figure in table 2.3

MM: 11 Stakeholder ID: FMMLAD0003 **Respondent:** Rachel Bryan

Organisation: Sworders - NWB.R1 & NWB.T1

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: We support the amendments to Table 2.3 which demonstrate that the Local Plan allocates sufficient sites to meet the housing requirement, including an appropriate buffer to provide for choice and flexibility in the market.

Changes: N/A

MM: 11 Stakeholder ID: FMMLAD0004 **Respondent:** Rachel Bryan

Organisation: Sworders - SHR.R1 & SHR.R3 **Supporting document:**

Legally compliant: Yes

Soundness test failed: None

Why: We support the amendments to Table 2.3 which demonstrate that the Local Plan allocates sufficient sites to meet the housing requirement, including an appropriate buffer to provide for choice and flexibility in the market.

Changes: N/A

MM: 11 Stakeholder ID: FMMLAD0005 **Respondent:** Rachel Bryan

Organisation: Sworders - LSH.R1

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: We support the amendments to Table 2.3 which demonstrate that the Local Plan allocates sufficient sites to meet the housing requirement, including an appropriate buffer to provide for choice and flexibility in the market.

Changes: N/A

MM: 11 Stakeholder ID: FMMLAD0008 **Respondent:** Pauline Chernin

Organisation: Lifestyle Care and Community Ltd

Supporting document: ED144-ED144A

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Consistent with national policy

Why: Council Officer has summarised:

5 Year Housing Supply & provision of Specialist Accommodation – MM11 and MM15

Please read the enclosed two SPRU Reports accompanying this representation. It is suggested to the Inspector that these two sections MM's section be rejected, and replaced with a new section as the writer of these Reports concludes:-

'The "stepped approach" as proposed is simply a mathematical device to try and shore up a poorly prepared plan so that it does not fail the five year land supply test within a year of its adoption. Although ED144 does not actually set out a five year land supply calculation'.

Given this, the Inspector cannot be satisfied that the queries in his 16 June 2022 letter have been satisfied.

Table 3 of the SPRU report demonstrates that even on the Council's own estimation of future delivery in the next five years the Council do not at present have a five-year supply of housing land. At 3.1 years there is a significant shortfall.

If the supply is tested against the need for clear evidence of delivery as required in the up to-date NPPF then the supply is even less at just 1.6 years supply.

5 Year Land Supply in relation to the Emerging Plan

Importantly note that once the plan is adopted then the five-year housing land supply calculation will be undertaken against the 2021 NPPF definition and not the 2012 one

The table in the SPRU report demonstrates there is only one scenario where the Council might be able to demonstrate a five-year land supply at the time of adoption, This relies upon the adoption

of a mathematical fix to the housing requirement by way of a stepped approach which was specifically designed to secure this outcome. Even here the assessment of the supply against the up-to-date definition of delivery as set in the 2021 NPPF would suggest a significant shortfall in supply with only a 2.5-year supply being identified.

Deliverability & Housing Delivery Test

The SPRU Report highlights the fact that EFDC have a shocking record for the under-delivery of housing. The 2021 Housing Delivery Test puts them in the bottom 3 local authorities in England. No Housing Delivery Test Action Plan has been published for the 2021 results by EFDC. It is now some 6 months overdue EFDC made no provision in this Action Plan as to how they would accelerate the build-out of homes during the plan period without the need to allocate additional sites to make up this under-delivery and to allow for the 20% buffer.

EFDC have offered no evidence as to how they will ensure that the accelerated trajectory, after the first 5 years, will be delivered.

Self-build housing

The Council has also acknowledged that no self-build consents have been granted since 2015. This highlights the fact that the MM's show a significant unmet need for self-build housing which they do not address.

Affordable Housing

The MM's highlight that there is a significant unmet need for affordable housing yet they do not address this.

Changes: Council Officer has summarised: The four tests of soundness are set out in paragraph 35 of the NPPF. In considering whether a Local Plan is 'sound', it is necessary for the entirety of a Local Plan to meet each of these requirements – not just elements of it. It is our position that the Plan, as proposed to be amended, is not sound without the changes requested. We request that the Inspector reject all of the MM's proposed by EFDC with respect to MM11 and MM15, and instruct EFDC to provide both accurate and deliverable figures for them to be re-drafted and submitted to the Inspector for further scrutiny and consultation. Notwithstanding the above, if the Inspector decides that he can approve the New Plan as 'sound' any such approval must be provided with the Caveat Declaration from the Inspector that:

1. It is declared that EFDC cannot provide a 5 Year Housing Supply upon the adoption of the New Plan and
2. Upon the adoption of the Plan a review of the plan is immediately undertaken, and
3. EFDC immediately seek to allocate New Sites for residential development in accordance with Policy H1 with priority given in the site selection to:
 - Previously developed land in Flood Zone 1
 - Previously Developed Land in Flood Zone 2 (with suitable Flood Risk Assessment)

MM: 11 Stakeholder ID: FMMLAD0012 **Respondent:** Martin Friend

Organisation: Wates Developments **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Effective, Justified

Why: Respondent's Executive Summary: The updated housing land and housing trajectory provided by Council in document ED141 demonstrates that the proposed stepped trajectory even more pronounced than previously suggested, such that the Plan now exacerbates the last 10 years of significant under-supply of homes and relies on a significant uplift in supply beyond the next five-year period to make up for this shortfall. The Plan is unsound in this regard

Changes: The Council should review the allocations and seek to identify further land that could be brought forward in the short term to make up for the persistent under supply in housing and reduce the extent of the defined steps in the trajectory.

MM: 11 Stakeholder ID: FMMLAD0013 **Respondent:** Brian Flynn

Organisation: Pigeon Investment Management

Supporting document:

Legally compliant: Yes

Soundness test failed: Positively prepared, Consistent with national policy

Why: Council Officer has summarised: MM11 contains amendments to Table 2.3 and provides updated details of the housing land supply during the plan period for EFDLP. Doc Ref. ED144 includes additional commentary to explain and justify the proposed housing land supply. The housing land supply includes a buffer and is reliant on the three Garden Communities on the edge of Harlow to be delivered as predicted in the proposed housing trajectory (see Main Modification MM115). It should be noted that delivery against the housing requirement is based on the use of a stepped trajectory, which moves a higher proportion of housing delivery towards the end of the plan period. It is proposed in MM11 that the total housing land supply during the plan period would be 12,199 dwellings, compared with a minimum housing requirement of 11,400 dwellings. Housing supply has reduced from 13,152 dwellings in the pre-submission version of EFDLP to 12,199 dwellings as modified, a reduction of more than 950 dwellings. As a result, there is even less flexibility, particularly when a significant proportion of the supply is made up of large strategic sites all located on the edge of Harlow. As explained in Doc Ref. ED144 the housing land supply includes a 7% buffer above the housing requirement, or 799 dwellings, to provide sufficient flexibility to the housing supply (see 'Overall Housing Land Supply Position' section at pg.17). The Council claims to be confident in the housing delivery assumptions contained in the revised housing trajectory to meet the identified housing land supply. It is considered that the proposed land supply buffer is actually very limited, particularly when a significant proportion of the future land supply is reliant on the timely delivery of three strategic allocations located on the edge of Harlow within Epping Forest District and those allocations are expected to be delivered towards the end of the plan period. As set out in Pigeon's representations to Main Modification MM115, the revised housing trajectory includes unrealistic delivery assumptions for those three strategic allocations to Harlow. Those assumptions are unrealistic because of the close proximity of other strategic sites within Harlow that are still under construction or allocated on the edge of Harlow which will have an impact on housing delivery; these factors have not been assessed in the revised housing trajectory. It is noted that the Council has undertaken a resilience test of two sites included in the housing trajectory to assess the potential impact of a delay to the delivery of these sites, but there has been no testing of the potential impact on the housing land supply if there was a delay to any or all of the three strategic allocations on the edge of Harlow. In general terms, a significant proportion of the housing supply is predicted to be delivered towards the end of the plan period on large strategic sites where delivery rates are uncertain, which represents a considerable risk to the housing supply in Table 2.3 and the overall development strategy in EFDLP.

Changes: It is requested that the housing land supply in Table 2.3 is adjusted to reflect more realistic delivery assumptions for the three strategic allocations on the edge of Harlow; consistent with Pigeon's representations to MM115. If the Inspector decides that the amendments included in MM11 should be made, then an immediate review of EFDLP should be required to review the housing land supply to address current national policy on meeting housing needs as requested in Pigeon's representations to Main Modification MM112.

MM: 11 Stakeholder ID: FMMLAD0015 Respondent: Rachel Bryan

Organisation: Sworders - ONG.R1

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: We support the amendments to Table 2.3 which demonstrate that the Local Plan allocates sufficient sites to meet the housing requirement, including an appropriate buffer to provide for choice and flexibility in the market.

Changes: N/A

MM: 11 Stakeholder ID: FMMLAD0025 Respondent: Claire Britton

Organisation: Hallam Land Management Ltd and CEG Ltd

Supporting document:

Legally compliant: Yes

Soundness test failed: Not specified

Why: Respondent's Executive Summary: Please See Separate Sheet attached (and accompanying Documents 1, 2 and 3).

In summary CEG and HLM consider that the trajectory and resultant delivery projections as published in MM11, MM15 and MM115 broadly accord with the position of the promoters (the first 50 units to be delivered in 2025/26, increasing to 100 units in 2026/27 and then delivery of 150 units every year between 2027 and 2033 (1050 within the Plan period)).

However, the attached sheet draws attention to the updated IDP which is under preparation and sets out the concerns of CEG and HLM that should the Council retain the latest position proposed in the updated IDP regarding the delivery mechanism(s) for the STC connections then there would be a significant prospect of a delay to the expected delivery trajectory of Latton Priory and therefore, potential implications to the Council's overall housing delivery trajectory within the plan period.

Changes: Not specified

MM: 11 Stakeholder ID: FMMLAD0029 Respondent: Alasdair Sherry

Organisation:

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: MM11 and MM12, showing the updated housing trajectory, are supported. As the LP Examination process has become somewhat protracted, it is positive that the trajectory used within the plan is updated to provide the latest data with regard to completions, and this is important for soundness.

Changes: N/A

MM: 11 Stakeholder ID: FMMLAD0030 Respondent: Matthew Stimson

Organisation: S Bains & Son Limited & Nijjer Estates Limited

Supporting document:

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Consistent with national policy

Why the Main Modification and/or supporting document is not legally compliant or is unsound:

Council Officer has summarised: The Plan adopts a housing requirement below the up-to-date assessed local housing need. Objector has commissioned an audit of the Council's 5-Year Housing Land Supply position. The Statement and its assessment of sites is appended to this submission. On this basis, Table 4.1 of the EP audit concludes that against the emerging adopted housing requirement + 5%, there is an undersupply of 1,080 units, translating into a 2.94 years supply! Using the LHN + 20% buffer there would be a 4,293-unit undersupply, translating into a 1.32 year supply.

The situation with regard to Affordable Housing is unsatisfactory as evidenced by the attached note. The EP revised planned overall Housing Supply – row G in EP Table 4.1. of 1,545 and assumption of 40% (124 affordable homes p.a.). Compared to the 167 per annum 2017 SHMA and emerging Local Plan Affordable Housing target. This suggests a shortfall of c.217 affordable homes over 5yrs. Assuming that all sites deliver 40% Affordable Housing. LT1011 has now been updated and suggests an Affordable Housing supply of 273 affordable homes 2017/18 to 2021/22 in Epping Forest. When compared to the 167p.a. 2017 SHMA and emerging Local Plan Affordable Housing target (835 over 5 years) this suggests a 562 shortfall in supply of Affordable Housing over past 5yrs. Together with the supply shortfall, this indicates a shortfall of 779 affordable homes over the next 5years applies EP's overall housing land supply position suggests that the Affordable Housing shortfall should be addressed within a 5-year period. The SHMA evidence base does not reflect the current definition of eligibility for Affordable Housing contained in the NPPF. These deficiencies, in the overall housing land provision and supply and in Affordable Housing, which are either not addressed at all by the proposed FMMs or are inadequately addressed, go to the soundness of the emerging Plan which shouldn't be adopted in its present form.

Changes: If, despite the compelling objection with respect to the fundamental soundness of the Plan set out above, the Inspector is minded to recommend that the Plan be adopted on the basis of the FMMs, the Objector would urge him to require that FMM11 be further modified to include in the Plan a clear and unequivocal commitment to the commencement of an immediate review of the LP, as soon as it is adopted. This would be necessary to address the acute housing crisis in the District.

MM: 12 Stakeholder ID: FMMRES0003 Respondent: Terry Blanks

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Justified

Why: A reduction in Gypsy pitches without saying which ones or where is not clear to those trying to make sense of the plan

Changes: Provide clarity

MM: 12 Stakeholder ID: FMMSTAT0005 **Respondent:** Adriana Jones

Organisation: North Weald Bassett Parish Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The proposed modification reduces the number of Gypsy and Traveller pitches to be provided during the lifetime of the plan from 32 to 18, however there is no clarification as to where these pitches will not be required. This MM adds confusion and lacks clarity.

Changes: Not specified

MM: 12 Stakeholder ID: FMMLAD0029 **Respondent:** Alasdair Sherry

Organisation:

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: MM11 and MM12, showing the updated housing trajectory, are supported. As the LP Examination process has become somewhat protracted, it is positive that the trajectory used within the plan is updated to provide the latest data with regard to completions, and this is important for soundness.

Changes: N/A

MM: 13 Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The need for additional employment land has not been adequately justified to take into account the increase in home working. The need for additional homes in the district was justified on the basis of demand but the proposal for additional employment land suggests the demand is not from within the area as implied.

Furthermore, if there is a need for additional employment land it shows the folly of “allocating” existing employment land close to residential for redevelopment as housing land (EPP.R9). New employment land is bound to be more distant from housing and established transport hubs so the EFDC policy of reducing road transport will be negated thereby. Existing policy of Permitted Development to convert offices and other employment buildings to residential undermines the EFDC policy and could lead to inappropriate locations or building styles for residential development.

Changes: Not specified

MM: 15 Stakeholder ID: FMMRES0003 Respondent: Terry Blanks

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Justified

Why: The number of houses proposed is not clear. 3,300 or 3,400. Needs clarity

Changes: The number of houses proposed is not clear. 3,300 or 3,400. Needs clarity

MM: 15 Stakeholder ID: FMMRES0006 Respondent: Clifford Mitchell

Organisation: **Supporting document:**

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Justified

Why: The latest ONS statistics should be used to determine Housing need per gov't statement. This would almost halve the need and release green belt land from development. Minister for Housing confirmed this approach should be used. The need should be reduced to circa 6000

Changes: Using latest ONS data would reduce housing need to circa 6000.

MM: 15 Stakeholder ID: FMMRES0022 Respondent: Andrew Smith

Organisation: **Supporting document:**

Legally compliant: No

Soundness test failed: Positively prepared, Justified, Consistent with national policy

Why: In a letter dated 6 December 2022 Rt Hon Michael Gove MP Secretary of State for Levelling Up, Housing & Communities Minister for Intergovernmental Relations stated he would instruct the Planning Inspectorate that Green Belt: further clarifying our approach to date in the National Planning Policy Framework and the Localism Act, we will be clear that local planning authorities are not expected to review the Green Belt to deliver housing. This is in line with commitments made by the Prime Minister in the Summer.

Changes: EFDC should reconsider each proposed development on the Green Belt and for those areas where it is not justified to build, reduce the housing numbers in accordance with then latest guidance as above. Mr Gove also stated Genuine constraints should not oblige local authorities to build more houses than the community support. He said "local planning authorities will be able to plan for fewer houses if building is constrained by important factors such as national parks, heritage restrictions, and areas of high flood risk." EFDC planning area includes Epping Forest which is a significant constraint because it occupies so much of our land and it is endangered by pollutants and excessive use. On this ground too EFDC should revise their local plan target numbers, especially any sites for housing which can reasonably be expected to generate additional risk to the forest.

MM: 15 Stakeholder ID: FMMSTAT0001 Respondent: Beverley Rumsey

Organisation: Epping Town Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Epping Town Council welcome the reduction in the number of proposed houses in the Draft Local Plan for Epping Parish to 709. We have no further comments in relation to this consultation.

Changes: Not applicable

MM: 15 Stakeholder ID: FMMSTAT0005 Respondent: Adriana Jones

Organisation: North Weald Bassett Parish Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Within MM11, the housing land supply for the HGGT sites within the Epping Forest District is reduced to 3,400 homes, however there is no change to this allocation within MM15, which remains at 3,900. This causes confusion, and lacks clarity.

Changes: Not specified

MM: 15 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: 1. Removes the sequential approach to site choice. States that this is somewhere else, “part D” – but we can’t find it. A sequential approach carries with it clear priorities, and it is accountable. Removing it invites a free-for-all, each case on its merits – not really a Planned approach. Such subjective approaches lead to a lack of confidence among residents in the fairness or consistency of decisions while potential developers face added uncertainty.

2. The housing trajectory for Epping town is halved (which will be welcomed by many residents) but we remain concerned about a lack of clarity in respect of Epping South (see MM77 and ED144A below). Policy on parking and enforcement within and near employment areas should be added to the policy to avoid destruction of verges and vegetation and obstructions from parked vehicles. The intrusive ugliness of the lorry park adjacent to M25 J26 shows the need for screening employment areas. We note remarks by Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities who stated that Councils should use the most recent ONS data when assessing housing requirements but this seems not to have been taken into account by EFDC

Changes: Not specified

MM: 15 Stakeholder ID: FMMOTH0006 Respondent: Jon Whitehouse
Organisation: Epping Forest District Council Liberal Democrat Group Supporting document:
Legally compliant: No Soundness test failed: Effective
Why: MM15 leaves the allocated housing figure for sites around Harlow as 3,900 (Policy SP2). This is confusing and inconsistent. If the 3,900 figure is intended to include dwelling built beyond the end of the plan period it should state this clearly
Changes: Alter the allocated housing figure for sites around Harlow in Policy SP2 to 3,400 so it is consistent with the figure in table 2.4

MM: 15 Stakeholder ID: FMMLAD0002 Respondent: Ralph Salmon
Organisation: St Congar Provincial Supporting document: ED144-ED144A
Legally compliant: Yes Soundness test failed: None
Why: St Congar Provincial supports the removal of the sequential approach to allocations as it isn't necessary or compliant with the strategy of the Local Plan and the objective to bolster housing supply within the National Planning Policy Framework (NPPF).
Changes: Not specified

MM: 15 Stakeholder ID: FMMLAD0003 Respondent: Rachel Bryan
Organisation: Swords - NWB.R1 & NWB.T1 Supporting document:
Legally compliant: Yes Soundness test failed: None
Why: We support the inclusion in policy SP2 of a new Part after Part A showing a stepped housing requirement for each year of the Plan period and associated stepped trajectory (Appendix 5) which adds clarity and enables more effective monitoring.
Changes: N/A

MM: 15 Stakeholder ID: FMMLAD0006 Respondent: Mark Schull
Organisation: Orchestra (St Leonards) Ltd and Boldshire Ltd Supporting document:
Legally compliant: Not specified Soundness test failed: Effective, Justified, Consistent with national policy
Why: Respondent's Executive Summary: Please see enclosed representation relating to MM15, MM16, MM93 and MM94. In summary we consider:

- Policy P 10 (and associated paragraphs) should be amended to remove a requirement for a Concept Framework Plan, particularly in the instance that a single outline planning application is submitted.

- The housing requirement for Nazeing in Policy SP 2 should be reinstated to a minimum of 122 homes

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

Changes: Respondent's Executive Summary: See the enclosed representation relating to MM15, MM16, MM93 and MM94.

MM15: The approximate number of dwellings for Nazeing should be returned to 122.

MM16: The requirement for a Concept Framework Plan is neither justified, effective nor consistent with national policy for the reasons explained within the attached representations.

MM93: We propose the following amendment to the wording of para 5.138:

"Sites NAZE.R1, NAZE.R3 and NAZME.R4 should be planned comprehensively to ensure a coordinated approach to design and delivery to the Site. This could be achieved in a number of ways, either through the submission of a single outline planning application, or, in the absence of one application, the production of a Concept Framework Plan (as defined in Policy SP2)."

MM94: Part H to J 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, for example the submission of a single planning application for the entire allocation.

MM: 15 Stakeholder ID: FMMLAD0008 **Respondent:** Pauline Chernin

Organisation: Lifestyle Care and Community Ltd

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council Officer has summarised:

The Brownfield register - The Inspector might wonder why this matter has been raised, and I will explain why. In the MM 15, it sets out that the "sequential approach" is removed from Policy SP2. Whilst this is welcomed, EFDC are using this clause to determine whether sites might be eligible to be included on the Brownfield Register. This has been an ongoing matter of dispute with EFDC for the Chimes site. As the site is Previously Developed Land, it should be eligible to be put on to the Brownfield Register. EFDC have refused to include the site on the Brownfield Register as it is located in Flood Zone 2, and cited SP2 as justification for its exclusion based on the "sequential approach". However, this "sequential approach" in Policy SP2 relates to new site allocations in the plan, and should not be applied to additional planning applications or windfall sites. These planning applications should be considered with respect to Policy H1. As this "sequential approach" wording has now been removed in the MM's, some clarity should be applied in this respect. In the next section I will be talking about EFDC's 5 year housing supply, and their appalling record with respect to the Housing Delivery Test. One would have thought that EFDC would use all available tools at their disposal to generate additional housing to improve their housing delivery under-provision in previous years. Yet it appears to be the case that numerous and suitable Brownfield Sites are being excluded from consideration by EFDC for spurious reasons. The Inspector has the opportunity to considerably boost the supply of housing by a small amendment put forward below.

Changes: Council Officer has summarised: It is suggested that Part A be revised as follows:
A - Within the period 2011-2033 the Local Plan will provide for a minimum of 11,400 new homes on allocated sites, including a minimum of 2,851 new affordable homes between 2016-2033. Windfall Sites shall be assessed in accordance with Housing Policy H1.
Please also see representations in regard to MM11 as the issues and proposed actions in the representation additionally applies to MM155

MM: 15 Stakeholder ID: FMMLAD0013 Respondent: Brian Flynn

Organisation: Pigeon Investment Management

Supporting document:

Legally compliant: Yes

Soundness test failed: Positively prepared, Justified, Consistent with national policy

Why: Council Officer has summarised: The revised stepped trajectory in MM15 includes higher annual delivery rates for the plan period 2025/26 to 2032/33, at 980 dwellings per annum. In effect, the revised housing trajectory pushes a significant proportion of the future housing land supply towards the end of the plan period.

As set out in Pigeon's representations to the previous Main Modifications consultation the use of a stepped trajectory is not justified, and none of the circumstances for a stepped housing trajectory set out within the Planning Practice Guidance exist. It was previously noted that the adopted Local Plans for both Harlow and East Hertfordshire do not include a stepped trajectory, so it would be inconsistent.

A stepped trajectory is proposed to address soundness concerns related to the five-year housing land supply. It is considered that the stepped trajectory has been proposed as the only option to address the housing land supply when other options including identifying additional allocations have not been considered or assessed.

The impact of the proposed stepped trajectory on the supply and delivery of affordable housing has not been assessed. The delivery of affordable housing in the District is currently very poor. A need for 2,851 affordable dwellings between 2016 and 2033 equates to an average of 168 affordable dwellings per annum. The latest annual monitoring data demonstrates that there has been inadequate delivery of affordable housing in Epping District, and it has fallen well short of what is required. Representation refers to Table 2 of the Annual Monitoring Report 2019-20 [Doc Ref. EB1708Q]. Only 390 affordable dwellings have been provided between 2013/14 and 2020/21, compared with an annualised average requirement for 1,344 affordable dwellings during this period; a shortfall of more than 950 affordable dwellings. The proposed stepped trajectory would not address the current shortfall in affordable housing and would delay meeting identified affordable housing needs until towards the end of the plan period. The stepped trajectory has negative consequences for the supply and delivery of affordable housing and should not be allowed to continue for any length of time. An immediate review of EFDLP would address the shortcomings of the stepped trajectory so that housing and affordable housing needs can be met as soon as possible.

It is noted that the recently adopted North Hertfordshire Local Plan and Brentwood Local Plan do include a stepped trajectory in order to demonstrate a five year housing land supply throughout the plan period. However, these Local Plans are subject to an early or immediate review. The Inspector for North Hertfordshire accepted the use of a stepped trajectory in that case as a short term measure on the basis that an early review would be undertaken. If it is decided that the use of a stepped trajectory is appropriate for EFDLP then the document should be subject to an immediate review as requested in Pigeon's representations to MM112, which is an approach consistent with the policy requirements in the North Hertfordshire Local Plan and Brentwood Local Plan.

Changes: It is requested that the proposed stepped housing trajectory, as proposed to be modified in MM15, are not made because of the impact on affordable housing.
If the Inspector decides that the amendments to the stepped trajectory included in MM15 should be made, then an immediate review of EFDLP should be required to review the housing land supply and associated trajectory as requested in Pigeon's representations to Main Modification MM112.

MM: 15 Stakeholder ID: FMMLAD0015 **Respondent:** Rachel Bryan

Organisation: Sworders - ONG.R1

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: We support the inclusion in policy SP2 of a new Part after Part A showing a stepped housing requirement for each year of the Plan period and associated stepped trajectory (Appendix 5) which adds clarity and enables more effective monitoring.

Changes: N/A

MM: 15 Stakeholder ID: FMMLAD0017 **Respondent:** James Firth

Organisation: Redrow Homes (Eastern) Limited

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: It is understood that there are no modifications proposed to the Policy Map in respect to Theydon Bois. However, across the District there has been an overall reduction in the number of dwellings allocated as per Modification MM15 in respect to Policy SP2. There is a projected annual housing requirement of 518 units per annum up to 2033 (11,400 total). The current housing allocations equate to 8,389 units.

Changes: Not specified

MM: 15 Stakeholder ID: FMMLAD0024 **Respondent:** Tom Cole

Organisation: Quinn Estates Ltd and Redrow Homes

Supporting document:

Legally compliant: No

Soundness test failed: Positively prepared, effective, justified, consistent with national policy

Why: Council Officer has summarised: Disagrees with Council's housing land supply information in ED144 and ED144A:

(a) General Comments

The Council has simply increased projected delivery on sites / broad locations in the early years of the plan period without justification and without regard to the widely-accepted lead-in times for development. Lack of recognition of recent significant issues of e.g. the current economic recession. Consider the Council's assumptions are likely to be over-optimistic and require review.

(b) Planning Commitments

The Council has stated that 'sites with planning permission' account for 1,665 homes. The age of a number of the planning permissions on the list is an immediate 'red flag'. To test we looked at the

first ten entries on the list – refer to representation. Sites without an implementable planning permission should not be included in a five-year housing land supply. There are examples where there is clear public information / evidence that contradicts the trajectory. Analysis of the trajectory shows out of the 35 units listed in the first 10 entries, only 25 units should be included. The document cannot be relied upon until it has been thoroughly reviewed. This could reveal a significantly lower figure for planning commitments and therefore key to any conclusion as to whether EFDC has a five-year housing land supply and whether the plan is ‘sound’.

(c) Around Harlow

Essential that this large-scale delivery is properly tested given that Harlow Council resolved in September 2021 that it does not support any development of Sumners West or any other developments to the south or west of Harlow, and that it will not sell or lease any land or rights of way which it possesses that may assist in the development of Sumners West or any other developments to the south or west of Harlow.

(d) North Weald Bassett

ED1304 includes a ‘merged’ version of the trajectory which shows how delivery at North Weald Bassett has already been pushed back three years. This change to the trajectory reduced delivery from 13 years to 10 years and included significantly higher annual delivery rates from 2023/24. The new trajectory pushes delivery back by another two years. This appears to be wholly artificial and as though the delivery numbers are being ‘reversed into’ the local plan target. Such increases in delivery rates are overly-optimistic, not justified, and do not reflect the usual more gradual ‘build up’ of delivery on large sites. We are not aware of any planning application having been submitted. Reference made to research undertaken by Nathaniel Lichfield and Partners in respect of lead-in times for the delivery of housing – see representation. Referring to this, it is more realistic to assume a period of at least four years for planning to delivery. On that basis the plan would be unsound because it would not meet projected development needs. The solution would be to identify additional sites, particularly where early delivery is possible because of the absence of constraints and where there is a current application waiting to be determined – such as at the former North Weald Golf Course.

Changes: Not specified

MM: 15 Stakeholder ID: FMMLAD0025 **Respondent:** Claire Britton

Organisation: Hallam Land Management Ltd and CEG Ltd

Supporting document:

Legally compliant: Yes

Soundness test failed: Not specified

Why: Respondent's Executive Summary: Please See Separate Sheet attached (and accompanying Documents 1, 2 and 3).

In summary CEG and HLM consider that the trajectory and resultant delivery projections as published in MM11, MM15 and MM115 broadly accord with the position of the promoters (the first 50 units to be delivered in 2025/26, increasing to 100 units in 2026/27 and then delivery of 150 units every year between 2027 and 2033 (1050 within the Plan period)).

However, the attached sheet draws attention to the updated IDP which is under preparation and sets out the concerns of CEG and HLM that should the Council retain the latest position proposed in the updated IDP regarding the delivery mechanism(s) for the STC connections then there would be a significant prospect of a delay to the expected delivery trajectory of Latton Priory and therefore, potential implications to the Council's overall housing delivery trajectory within the plan period.

Changes: Not specified

MM: 15 Stakeholder ID: FMMLAD0030 Respondent: Matthew Stimson	
Organisation: S Bains & Son Limited & Nijjer Estates Limited	Supporting document:
Legally compliant: Yes	
Soundness test failed: Positively prepared, Effective, Consistent with national policy	
<p>Why: Council Officer Summarised: The Plan adopts a housing requirement below the up-to-date assessed local housing need. Objector has commissioned an audit of the Council's 5-Year Housing Land Supply position. The Statement and its assessment of sites is appended to this submission. On this basis, Table 4.1 of the EP audit concludes that against the emerging adopted housing requirement + 5%, there is an undersupply of 1,080 units, translating into a 2.94 years supply! Using the LHN + 20% buffer there would be a 4,293-unit undersupply, translating into a 1.32 year supply.</p> <p>The situation with regard to Affordable Housing is unsatisfactory as evidenced by the attached note. The EP revised planned overall Housing Supply – row G in EP Table 4.1. of 1,545 and assumption of 40% (124 affordable homes p.a.). Compared to the 167 per annum 2017 SHMA and emerging Local Plan Affordable Housing target. This suggests a shortfall of c.217 affordable homes over 5yrs. Assuming that all sites deliver 40% Affordable Housing. LT1011 has now been updated and suggests an Affordable Housing supply of 273 affordable homes 2017/18 to 2021/22 in Epping Forest. When compared to the 167p.a. 2017 SHMA and emerging Local Plan Affordable Housing target (835 over 5 years) this suggests a 562 shortfall in supply of Affordable Housing over past 5yrs. Together with the supply shortfall, this indicates a shortfall of 779 affordable homes over the next 5 years applies EP's overall housing land supply position suggests that the Affordable Housing shortfall should be addressed within a 5-year period. The SHMA evidence base does not reflect the current definition of eligibility for Affordable Housing contained in the NPPF. These deficiencies, in the overall housing land provision and supply and in Affordable Housing, which are either not addressed at all by the proposed FMMs or are inadequately addressed, go to the soundness of the emerging Plan which shouldn't be adopted in its present form.</p> <p>Changes: If, despite the compelling objection with respect to the fundamental soundness of the Plan set out above, the Inspector is minded to recommend that the Plan be adopted on the basis of the FMMs, the Objector would urge him to require that FMM11 be further modified to include in the Plan a clear and unequivocal commitment to the commencement of an immediate review of the LP, as soon as it is adopted. This would be necessary to address the acute housing crisis in the District.</p>	

MM: 16 Stakeholder ID: FMMRES0005 Respondent: Ian Willcox	
Organisation:	Supporting document:
Legally compliant: Not specified	
Soundness test failed: Not specified	
<p>Why: MM16: Supporting Text to Policy SP3 - OBJECT</p> <p>The Main Modifications only require the strategic masterplan to be endorsed by EFDC. Given the shambolic way in which the South Epping Masterplan has been handled to date - this is totally unacceptable.</p> <p>This process has been going on for well over 10 years, and we still have confusion and lack of clarity. EFDC are incompetent (at best). I do not trust them. The key principles for the Strategic Masterplan Areas need to be established, consulted upon, agreed and endorsed before any</p>	

planning application is submitted. eg. The District Council propose that a primary school be delivered on one part of the allocation and Suitable Alternative Green Space (SANG) would be delivered on the other. The SANG at South Epping east of the railway, needs to be delivered in the first phase of the allocation to provide a recreation area for residents. The early delivery of other essential infrastructure, such as the primary school and access roads is paramount. The impact on local roads is particularly worrying. Brook Road is single track in places, is dangerous and it gridlocks in the rush hour. Residents were promised a relief road by EFDC. Residents were lied to. Local roads will become increasingly dangerous. The inevitable increase in traffic will inevitably lead to more accidents. There will be an increased risk of fatalities on our congested local roads. These issues need to be resolved and agreed prior to the submission of an application and need to be agreed by detailed consultation with local residents, Epping Town Council and the Epping Town Neighbourhood Plan Group.

Changes: Not specified

MM: 16 Stakeholder ID: FMMRES0006 **Respondent:** Clifford Mitchell

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Justified

Why: It is noted in ED144A that Strategic Masterplans and Concept Framework Plans are to be prepared by developers/owners and merely endorsed by the planners. This is weak and provides opportunities for key issues to be omitted. How wide will the consultation be on these plans. EFDC Concept Framework Briefing Note of September 2018 appears to state that they are quite different from Masterplans but we are not aware the hierarchy has been defined or the public consultation procedures specified.

Changes: Strengthen the format and requirements of Strategic Masterplans and Concept Framework Plans and confirm who will be consulted as it should be very wide.

MM: 16 Stakeholder ID: FMMRES0009 **Respondent:** Steve Burges

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I object to this as this is clearly no plan for how the traffic will be manage around Brook Road. It is already too busy and this has clearly not been thought through.

Changes: Not specified

MM: 16 Stakeholder ID: FMMRES0010 **Respondent:** Melissa Pepper

Organisation: **Supporting document:** ED145

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified

Why: Paragraph 2.95 states that planning applications should be accompanied by (rather than in conformity with) the Strategic Masterplan which demonstrates that the development requirements set out in policy have been met. This suggests that developers will not be required to demonstrate this ahead of preparation and submission of the planning application. It is essential that infrastructure is planned and integrated before housing. This is particularly vital on this site as — of all of the sites originally considered in the initial feasibility study in Epping town — the proposed SEMPA site is furthest away from transport links, shops, and health facilities. As such — and in order to reduce reliance on car travel (an overarching ‘green’ feature of the entire District plan) — this site requires sizable infrastructure development, indeed considerably more so than other sites deemed unsuitable. This is compounded by the complex land ownership picture that makes up the SEMPA (again, not present in other areas deemed unsuitable). It is essential that these facilities — particularly a school and medical facilities — are delivered in advance of new residents moving in. These facilities need to be developed in partnership with the Town Council, Neighbourhood Planning Group, and existing local residents.

Changes: Not specified

MM: 16 Stakeholder ID: FMMRES0014 **Respondent:** Melanie Mckenzie

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Supporting Text to Policy SP3 – OBJECT

The key principles for the Strategic Masterplan Areas need to be established, consulted upon, agreed and endorsed before any planning application is submitted. eg. The District Council is proposing that the primary school be delivered on one part of the allocation and Suitable Alternative Green Space (SANG) would be delivered on the other. The SANG at South Epping east of the railway, needs to be delivered in the first phase of the allocation to provide the alternative recreation areas for residents. The early delivery of other essential infrastructure, such as the primary school, will also be key if adverse impacts are to be avoided. These issues need to be resolved and agreed prior to the submission of an application and need to be informed by detailed consultation with local residents, Epping Town Council and the Epping Town Neighbourhood Plan Group.

Changes: Not specified

MM: 16 Stakeholder ID: FMMRES0017 **Respondent:** Katherine Coggles

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Main Modifications only require the strategic masterplan to be endorsed by Epping Forest District Council (EFDC). Given the way in which the South Epping Masterplan has been handled to date this is unacceptable. This process has been going on for over 10 years, and there is still confusion and a lack of clarity. The key principles for the Strategic Masterplan Areas need to be established, consulted upon, agreed and endorsed before any planning application is submitted. e.g. The District Council is proposing that the primary school be delivered on one part of the allocation and Suitable Alternative Green Space (SANG) would be delivered on the other.

The SANG at South Epping east of the railway, needs to be delivered in the first phase of the allocation to provide the alternative recreation areas for residents. The early delivery of other essential infrastructure, such as the primary school, will also be key if adverse impacts are to be avoided. These issues need to be resolved and agreed prior to the submission of an application and need to be informed by detailed consultation with local residents, Epping Town Council and the Epping Town Neighbourhood Plan Group.

Changes: Not specified

MM: 16 Stakeholder ID: FMMRES0019 **Respondent:** Richard Ley

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Main Modifications only require the strategic masterplan to be endorsed by Epping Forest District Council (EFDC). The way this South Epping Masterplan has been communicated and managed over the last 10 years has been simply appalling. There is still a great degree of confusion and a lack of clarity. It would seem pertinent that key principles for the Strategic Masterplan Areas need to be established, consulted upon, agreed and endorsed before any planning application is submitted. EFDC is proposing that the primary school be delivered on one part of the allocation and Suitable Alternative Green Space (SANG) would be delivered on the other replacing the well used and loved field at Brook Road. The SANG at South Epping east of the railway, needs to be delivered in the first phase of the allocation to provide the alternative recreation areas for residents. The delivery of other essential infrastructure, such as the primary school, will also be key if adverse impacts are to be avoided. These issues need to be resolved and agreed prior to the submission of an application and need to be informed by detailed consultation with local residents, Epping Town Council and the Epping Town Neighbourhood Plan Group. Having had a daughter in priority catchment for Ivy Chimneys school not receive a place some 5 years ago we have first hand experience of the challenges the lack of primary school places brings and this is before the “minimum” of 450 dwellings is created. This is simply baffling. Given the suggestion we see of less car use and “modal” shift – this is simply not an option when local school places are already not available to the current priority catchment children before this plan enacted. There is huge local distain for the way this plan has been conducted and yet again with some of the changes being proposed residents are left with deep suspicion and concern that due process and thorough consultation and views from the previous inspector have been ignored.

Changes: Not specified

MM: 16 Stakeholder ID: FMMRES0035 **Respondent:** Roger Rose

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Main Modifications only require the strategic masterplan to be endorsed by Epping Forest District Council (EFDC). Given the disorganised and confused way the South Epping Masterplan has been handled to date - this is absolutely unacceptable.

This process has been going on for well over 10 years and we still have confusion and a lack of clarity. EFDC are not qualified to deal with a project of this magnitude. We cannot trust them. The

key principles for the Strategic Masterplan Areas need to be 1/ Established 2/ Consulted upon and 3/ Agreed and endorsed before any planning application is submitted. eg. The District Council is proposing that the primary school be delivered on one part of the allocation and Suitable Alternative Green Space (SANG) would be delivered on the other.

The SANG at South Epping east of the railway, needs to be delivered in the first phase of the allocation to provide the alternative recreation areas for residents. The early delivery of other essential infrastructure, such as the primary school, will also be key if adverse impacts are to be avoided. These issues need to be resolved and agreed prior to the submission of an application and need to be informed by detailed consultation with local residents, Epping Town Council and the Epping Town Neighbourhood Plan Group.

Changes: Not specified

MM: 16 Stakeholder ID: FMMSTAT0005 **Respondent:** Adriana Jones

Organisation: North Weald Bassett Parish Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Parish Council raises no concern around the proposed changes to the end of Paragraph 2.94 which includes alterations to the wording surrounding strategic masterplans.

Changes: Not specified

MM: 16 Stakeholder ID: FMMSTAT0011 **Respondent:** Rich Cooke

Organisation: Essex County Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: None

Why: ECC supports the incorporation of this MM in principle, which provides the benefit of referring Plan users to the (Sport England) Active Design principles (in the interests of promoting health and wellbeing).

ECC also supports including this change at this place in the Plan, in order to make clear its important role within place shaping.

Changes: Not specified

MM: 16 Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: 1. One of several watering downs : “require” becomes “have regard to “ which developers may view as toothless; Council will be unable to enforce while the public will be dissatisfied. The Local Plan should make clear which policies refer to larger housing estates and which apply also to single dwellings or small scale developments. Even extensions might be thought to constitute “development”. The list of matters to be “ensure[d]” by “Development” would not be realistic

other than for well financed housing estate developers. Are these requirements also intended only for Strategic Masterplan Areas; it is not clear. It is noted in ED144A that Strategic Masterplans and Concept Framework Plans are to be prepared by developers/owners and merely endorsed by the planners. This is weak and provides opportunities for key issues to be omitted. How wide will the consultation be on these plans. EFDC Concept Framework Briefing Note of September 2018 appears to state that they are quite different from Masterplans but we are not aware the hierarchy has been defined or the public consultation procedures specified.

2. What is a Concept Framework, and who is responsible for producing it – Council or developer? We are not clear and we suspect the public also remain confused about “Concept Framework Plans” and “Concept Framework Plan Areas”. In some policies these terms appear to relate to allocated development sites and the Masterplan developments required. For the avoidance of doubt we seek clarification of the terms and confirmation that both “Concept Framework Plans”, Strategic Masterplans and Masterplans will be consulted upon with the public and Statutory Consultees in a formal way.

Changes: Not specified

MM: 16 Stakeholder ID: FMMOTH0004 **Respondent:** Peter Lewis

Organisation: Epping Forest Heritage Trust

Supporting document:

Legally compliant: No

Soundness test failed: Effective, Consistent with national policy

Why: We are concerned about the proposed move to assess the impact of development through a number of different “Strategic Masterplans” led by developers (rather than the previous plan-wide approach), as we believe that this is likely to lead to substantially weakened, and insufficient, protection for the Forest. We believe it will be almost impossible to tell what the overall impact is going to be if assessment is done on such a case-by-case basis. We also believe that mitigatory measures will also be curtailed, as private developers of parts of the District will not be able to consider, nor implement, some of the potential mitigatory measures previously being considered, for example, the planned Clear Air Zone. This can only be done by the Council in partnership with other relevant public agencies. Splitting the area into a number of Strategic Masterplans is also likely to mean that organisations such as ourselves, the Conservators and Natural England, who all have an interest in the future of the Forest, will be forced into reviewing in detail each Strategic Masterplan, rather than agreeing a district-wide framework within which development can happen while maintaining sufficient protection for the Forest.

Changes: Council Officer has summarised: We would prefer that the plan reverted to the previous, stronger plan-wide assessment of impact, albeit with the stronger, unequivocal approach suggested by the Inspector, as follows:

“‘If development is incapable of meeting the policy requirements, such that a conclusion of “no adverse effect’ cannot be reached, then the application will be refused.”

This is also reflected in the redraft modification 4.16 which we support. We welcome the clarity in the revised wording recognising how precious Epping Forest is, and the fact that it is already suffering because levels of pollution are too high:

“Epping Forest in particular is experiencing considerable pressure on its habitats from visitors within the District as well as from outside it. In addition, atmospheric pollution is having an adverse effect on parts of its ecosystems. This has resulted in large areas of the Forest being described as having an ‘unfavourable conservation status by’ Natural England.” We also welcome the clear statement that new development will have an adverse effect on its ecosystems:

“The potential impact of development on the Forest in relation to visitor pressure arises primarily from new residential development as a result of the increase in the number of new residents living in the area. This in turn can result in additional visitors using the Forest for recreational purposes. This additional recreational pressures can have an adverse effect on the Forest’s sensitive ecosystems.”

This stonger protection should be matched with a plan-wide approach to assessing the impact of planned development.

MM: 16 Stakeholder ID: FMMLAD0006 Respondent: Mark Schnull

Organisation: Orchestra (St Leonards) Ltd
and Boldshire Ltd **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Effective, Justified, Consistent with national policy

Why: Respondent's Executive Summary: Please see enclosed representation relating to MM15, MM16, MM93 and MM94. In summary we consider:

- Policy P 10 (and associated paragraphs) should be amended to remove a requirement for a Concept Framework Plan, particularly in the instance that a single outline planning application is submitted.
- The housing requirement for Nazeing in Policy SP 2 should be reinstated to a minimum of 122 homes These matters are considered to have the potential to delay the delivery of much needed housing and soundness of the Plan.

Changes: Respondent's Executive Summary: See the enclosed representation relating to MM15, MM16, MM93 and MM94.

MM15: The approximate number of dwellings for Nazeing should be returned to 122.

MM16: The requirement for a Concept Framework Plan is neither justified, effective nor consistent with national policy for the reasons explained within the attached representations.

MM93: We propose the following amendment to the wording of para 5.138:

“Sites NAZE.R1, NAZE.R3 and NAZME.R4 should be planned comprehensively to ensure a coordinated approach to design and delivery to the Site. This could be achieved in a number of ways, either through the submission of a single outline planning application, or, in the absence of one application, the production of a Concept Framework Plan (as defined in Policy SP2).”

MM94: Part H to J 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, for example the submission of a single planning application for the entire allocation.

MM: 16 Stakeholder ID: FMMLAD0013 Respondent: Brian Flynn

Organisation: Pigeon Investment Management **Supporting document:**

Legally compliant: Yes

Soundness test failed: Justified

Why: Council Officer has summarised: MM16 contains proposed additional supporting text for Policy SP3: Place Shaping, including amended text to Paragraph 2.95 relating to the process for

the submission and endorsement of strategic masterplans. MM16 also includes additional text after Paragraph 2.94 that refers to the Strategic Masterplan Briefing Note prepared by the Council in August 2018 [contained within Doc Ref. EB133]. In summary, the Strategic Masterplan Briefing Note sets out detailed requirements for community engagement and the scope and content of strategic masterplans. It is expected that site promoters would work collaboratively to prepare the strategic masterplan. The amended text to Paragraph 2.95 requires planning applications for development at the Strategic Masterplan Areas to be accompanied by a strategic masterplan to demonstrate that the development requirements set out in the policy have been accommodated and anticipates that the strategic masterplan would be endorsed by the Council prior to the determination of a planning application.

It is essential that the key principles for the Strategic Masterplan Areas are established, agreed and endorsed before a planning application is submitted, particularly in those areas where there are multiple landowners and site promoters. Pigeon has submitted detailed representations for the proposed South Epping Masterplan Area and has provided additional representations to the Further Main Modifications MM77 and MM78. There are multiple landownerships within the South Epping Masterplan Area, there are two sites within this Masterplan Area, and it is being promoted by two separate land promoters. The policy requirements for the South Epping Masterplan Area strategic allocation are contained in a single policy in EFDLP – Policy P1: Epping – which is subject to main modifications and further main modifications. The policy requirements (as modified) for the South Epping strategic allocation specifies the quantum of development, the delivery of health and community facilities, a new primary school, walking and cycling infrastructure, transport infrastructure, sufficient SANG and open space, measures to address air quality and noise impacts, and a defined development area to address landscape and Green Belt impacts. It is proposed that the primary school would be delivered on one part of the allocation and SANG would be delivered on another part, but different site promoters would be responsible for the delivery of those infrastructure items. The SANG at South Epping needs to be delivered in the first phase of the allocation to provide that alternative recreation area for residents. It is clear from the policy requirements for the South Epping strategic allocation that a single masterplan is necessary because of the overlapping policy requirements for infrastructure and the need to ensure that these are delivered in a co-ordinated manner. These are all important matters that need to be resolved and agreed prior to the submission of an application and should also involve consultation with local residents, Epping Town Council and the Epping Town Neighbourhood Plan Group.

Changes: It is requested that the masterplan for the strategic allocations, including South Epping, are endorsed by the Council prior to the submission of an application, and not simply in advance of determination of a planning application.

MM: 16 Stakeholder ID: FMMLAD0021 **Respondent:** Steven Harley

Organisation: Paragon (North Weald) Limited

Supporting document: ED145

Legally compliant: Not specified

Soundness test failed: Positively prepared, Effective, Consistent with national policy

Why: Respondent's Executive Summary: Please see attached letter on behalf of Paragon. In brief, the Plan does not demonstrate deliverability, and is therefore sound, with regard specifically to the proposed North Weald Airfield allocation. It is not proactive and positive with regard to delivering and supporting economic development and productivity, and so is contrary to the NPPF.

Changes: Respondent's Executive Summary: Please see attached letter - in brief, a more proactive and ambitious approach is required to demonstrate deliverability of the North Weald Airfield strategic site, including re: delivery of SANG alongside employment land and other uses proposed for the site. The allocation site as defined currently is inadequate in this regard – additional land is required, and in addition to safeguarding land now, there should at least be a commitment/requirement for an early review of the Plan.

MM: 16 Stakeholder ID: FMMLAD0023 Respondent: Michael Calder

Organisation: Greenacres Real Estate Ltd

Supporting document:

Legally compliant: Not specified

Soundness test failed: Effective

Why: Council Officer summarised: Consistent with our response to MM77, the amendments at the end of Paragraph 2.94 do not go far enough to address the Inspectors Action 31, and should be worded consistently with the amendments proposed to Policy P1 Part L, as set out by MM78. Paragraph 5.16 requires confirmation and direction within the text that the preparation of the Strategic Masterplans requires consultation with all those with a development interest in the defined area. This is to ensure that all those with a development interest in the defined areas are involved in the process to ensure that a comprehensive masterplan involving all promotional partners is undertaken and key decisions that need to be taken at the Masterplan stage are not predetermined at this Plan making stage.

Changes: Council Officer summarised: The amendments at the end of Paragraph 2.94 do not go far enough to address the Inspectors Action 31, and should be worded consistently with the amendments proposed to Policy P1 Part L, as set out by MM78. Paragraph 5.16 requires confirmation and direction within the text that the preparation of the Strategic Masterplans requires consultation with all those with a development interest in the defined area.

MM: 16 Stakeholder ID: FMMLAD0025 Respondent: Claire Britton

Organisation: Hallam Land Management Ltd and CEG Ltd

Supporting document:

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: Respondent's Executive Summary: The specific reference to the word “important” is considered unsound as it is neither explained nor justified. It is also inconsistent with National Policy.

Changes: Respondent's Executive Summary: CEG and HL M propose that the word 'important' in the amended text is omitted.

MM: 16 Stakeholder ID: FMMLAD0026 Respondent: Louise Steele

Organisation: Barwood Land

Supporting document:

Legally compliant: Not specified

Soundness test failed: Positively prepared, Effective

Why: Council Officer has summarised: The approach to delivering development on the Epping allocations (EPP.R1 and EPP.R2) should be via a Development Management approach rather than a fixed Policy led ambition to prepare a strategic masterplan across the SEMPA as previously set out. The Inspector states a draft masterplan or concept framework can come forward as part of the normal planning application process. The Main Modifications proposed have failed to take account of the Inspector's comments and in order to make the Plan sound they need to be amended.

The Strategic Masterplan and Concept Framework Plan process needs to be proportionate to the size and the complexity and nature of the site. It should not be a 'one size fits all' process, instead a pragmatic approach needs to be undertaken. Whilst EFDC Cabinet did endorse a masterplan approach to SEMPA this process has not been tested via EiP Hearings nor approved as necessary or appropriate, or indeed sound by the Planning Inspector in relation to this EFDC Local Plan.

Further the capacity on SEMPA has been considerably reduced during the emerging Plan process. Therefore, instead of being taken back to first principles of a blank canvas and wasting all the work undertaken already delivery could be brought forward, by reviewing the emerging draft concept masterplans and capacity plans (and their underpinning technical principles) at Design Review as part of the pre-planning application stage. And a more flexible Concept Framework Process would be more suitable for the site as opposed to a Masterplan

Amends with justifications proposed to the supporting text to Policy SP 3 to paragraphs 2.91, 2.94, 2.95, 2.99, 2.100. The proposed amends address issues such as:

- The briefing note is for guidance only and that and the Strategic Masterplan approach for each site should be proportionate to the size of the site- and site-specific circumstances and complexities.
- The production of Concept Frameworks would in SEMPA's case provide a more pragmatic and proportionate approach to development
- Strategic Masterplans and Concept Framework Plans can be approved as part of the planning application process

Changes: Not specified

MM: 17 Stakeholder ID: FMMSTAT0011 **Respondent:** Rich Cooke

Organisation: Essex County Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: None

Why: ECC supports the incorporation of this MM in principle, which provides the benefit of referring Plan users to the (Sport England) Active Design principles (in the interests of promoting health and wellbeing).

ECC also supports including this change at this place in the Plan, in order to make clear its important role within place shaping.

Changes: Not specified

MM: 17 Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: “have regard to” again we find this subjective and unsatisfactory for that reason in this case and the many others noted below

Changes: Not specified

MM: 18 Stakeholder ID: FMMRES0011 **Respondent:** Roger Anthony

Organisation: **Supporting document:** ED141

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: Defining the 4 Garden Communities as “Harlow and Gilston Town” is confusing and potentially misleading. Is Harlow Town to change its name? Why use the term “Garden Communities” (you have already deleted “Town” from their original descriptions)? Why aren’t the names of the other Garden Communities included?

Although not shown in red ink, the name needs further consideration to ensure the proposed changes in red ink are clearly understood.

Changes: In reality the Garden Communities are simply extensions of Harlow into the surrounding Green Belt. If this is not a practical expression despite the “Duty to Co-operate” approach, then I suggest HGGT becomes “Communities Adjacent to Harlow Town” (CAHT). It is important the Local Plan is accurate if it is to be Sound.

MM: 18 Stakeholder ID: FMMSTAT0005 **Respondent:** Adriana Jones

Organisation: North Weald Bassett Parish Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Parish Council supports the inclusion of wording which states that the ‘sustainable transport provision, including connection into the Sustainable Transport Corridor network, to be commensurate with the phasing of development of Garden Communities, and that this is required to prevent the establishment of unsustainable travel behaviour, and to provide viable alternatives to private car use.’ However the Parish Council feels that the sustainable transport provision should in fact be in place from the point of first occupation, as without this link, poor travel behaviour will undoubtedly ensue.

Changes: Not specified

MM: 18 Stakeholder ID: FMMSTAT0011 **Respondent:** Rich Cooke

Organisation: Essex County Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: None

Why: MM acceptable to ECC and is considered to provide a reasonable / robust basis for ensuring key infrastructure provision at the time required (alongside the retained and revised content of Policy SP 4 itself). This support is subject to retaining the final (new point from previous MMs) part of Policy SP 4 after (xviii), since these are interdependent, as follows:

“() Ensure key transport interventions (such as M11 Junction 7a and provision of sustainable transport (providing viable alternatives to the private car) are provided as prerequisites of development being occupied. Measures to ensure future upkeep/ maintenance of sustainable transport provision will be required.”

Changes: Not specified

MM: 18 Stakeholder ID: FMMSTAT0012 **Respondent:** Anne Denby

Organisation: Canal & River Trust

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The further modifications do not appear to have any significant impact in relation to the main issues we have raised previously. We note the additional wording in relation to the HGGT scheme (Mod MM18) which seeks to maximise the promotion and use of active and sustainable transport modes and the necessity for sustainable transport provision, including connection into the Sustainable Transport Corridor network.

The HGGT scheme will result in a significant increase in the local population and additional use of the towpath. The importance and potential of the River Stort towpath as a walking and cycling route towards Harlow Town and Roydon is recognised and the Trust look forward to working with the Councils as that scheme progresses to ensure the impacts to the Stort Navigation are mitigated in accordance with existing and proposed Policies such as SP4, SP7 and DM17.

Changes: Not specified

MM: 18 Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Harlow: the principle of sustainable transport is endorsed, yet Sustainable Transport Corridor is now only “sought” not required.

Changes: Not specified

MM: 18 Stakeholder ID: FMMLAD0007 **Respondent:** Gabrielle Rowan

Organisation: Martin Grant Homes, Persimmon Homes & Taylor Wimpey

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Inspector in his Note to Epping Forest District Council (16 June 2022 – ED141) set out that this requirement should be replaced by one which seeks appropriate sustainable transport provision commensurate with the phasing of development (Action 7). The requirements needed to be clearer as to what elements of sustainable transport need to be provided at first occupation. In the revised MM18, it is considered that the wording is still unclear in relation to what elements of sustainable transport provision is required at first occupation. The reference to “connection

into the Sustainable Transport Corridor Network” is ambiguous as this could be a significant element relying on third parties to deliver significant infrastructure on land outside the control of applicants.

The provision of the STC is linked to a number of wider elements outside of the control of each Garden Community and therefore this may be delayed beyond first occupation.

Changes: Changes required: Clarification required in relation to key elements of sustainable infrastructure and that full extent and completion of STC is not required in the initial phases of development.

MM: 18 Stakeholder ID: FMMLAD0025 **Respondent:** Claire Britton

Organisation: Hallam Land Management Ltd and CEG Ltd

Supporting document:

Legally compliant: Yes

Soundness test failed: Positively prepared, Justified, Consistent with national policy

Why: Respondent's Executive Summary: MM18 amends paragraph 2.117 to refer to the prepared Sustainable Transport Corridor Study and endorsed HGGT Transport Strategy, both of which are not examined documents. The reference can therefore be no more than contextual as neither document nor the approach set out therein has been subject to proper examination. CEG/HLM support the clarifications proposed in MM18 insofar as they seek to ensure that “sustainable transport provision will be commensurate with the phasing of development of garden communities”. This is consistent with the requests of the Inspector. CEG/HLM categorically object to last minute insertion of the reference to a specific item of infrastructure into the new wording of paragraph 2.117, namely “connection into the sustainable transport corridor”. This is unsound and is not effective.

Changes: Respondent's Executive Summary: The following change to MM18 is required. Delete “including connection into the Sustainable Transport Corridor network”. Ensure the new paragraph following 2.118 as part of MM18 is included.

MM: 19 Stakeholder ID: FMMSTAT0004 **Respondent:** Andrew Marsh

Organisation: Historic England

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: MM19 - Policy SP 4: Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town. We are disappointed that the policy wording for Policy SP 4 still proposed still accepts harm for public benefit without consideration for how that harm could be avoided or mitigated.

Changes: On this basis we strongly urge the Council to amend the text as follows: “A Heritage Impact Assessment will be required to inform the design of the Garden Communities. ~~to ensure heritage assets within and surrounding the sites are preserved or enhanced and the proposed development will not cause harm to the significance of a heritage asset or its setting, unless the public benefits of the proposed development considerably outweigh any harm to the significance or special interest of the heritage asset in question~~ Development will need to conserve, and where appropriate enhance, the significance of designated and non-designated heritage assets, both on site and off site. Harm should be avoided in the first instance. This includes the harm to

the significance of heritage assets through development within their settings. Only where harm cannot be avoided should appropriate mitigation measures be incorporated into the design, as identified through the Heritage Impact Assessment.”

MM: 19 Stakeholder ID: FMMSTAT0005 **Respondent:** Adriana Jones

Organisation: North Weald Bassett Parish Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Parish Council raises no concern around the proposed changes to part C of SP4 which includes alterations to the wording surrounding strategic masterplans.

Changes: Not specified

MM: 19 Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: 1..Heritage assets and their settings added, good and here sustainable transport is a “prerequisite”, and “upkeep required” - good
2..Harlow Masterplan (Gibbard) was to be “adhere(d) to”, yet is now only “have regard to”

Changes: Not specified

MM: 19 Stakeholder ID: FMMLAD0007 **Respondent:** Gabrielle Rowan

Organisation: Martin Grant Homes, Persimmon Homes & Taylor Wimpey

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We support changes to the text wording which clearly states that the Strategic masterplans are important material considerations rather than part of the development plan. This is in accordance with the Inspectors comments in his Note to Epping Forest District Council (16 June 2022 – ED141).

However, MM19 does not change the wording sufficiently where it relates to key transport interventions. New Point after (xviii) has remain unchanged from the previous main modifications consultation and states that: “Ensure key transport interventions (such as M11 Junction 7a and provision of sustainable transport (providing viable alternatives to the private car) are **provided as prerequisites of development being occupied.**” This is in direct conflict with Action 7 of the Inspectors Note and the proposed new changes made in MM18.

There needs to be clear and consistent guidance as to what measures are required at particular phases. There needs to be an understanding that due to the complexities with land ownership and third-party involvement it will not be possible to deliver the full extent of infrastructure prior to first occupation.

Changes: Changes required: Clarification required in relation to key elements of sustainable infrastructure and that full extent and completion of STC is not required in the initial phases of development.

MM: 19 Stakeholder ID: FMMLAD0010 Respondent: Will Lusty

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council officer has summarised: It is noted that MM19 is proposed in response to Inspector's 'Action 10' (ED141) and we welcome the Council's deletion of the requirement for planning applications to be in 'general conformity' with masterplans in line with the Inspector's advice on this point given masterplans. Despite the above, the Council fails to address the Inspector's proposal to delete text concerning the requirement for the 'endorsement' of Strategic Masterplans by the Council and its replaced with the requirement that planning applications "should be accompanied by and have regard to a strategic masterplan which will accommodate the development requirements set out in policy". The approach advocated by the Inspector would assist the Development Management process in making sure that this is efficient in removing an intermediate step in which Strategic Masterplans will need to be endorsed by the Council, whilst remaining robust given the requirement for Strategic Masterplans to accommodate the requirements of Policy SP4 and the Council's ultimate jurisdiction in relation to the approval of Strategic Masterplans given these would form part of planning applications. Insofar as the East of Harlow Masterplan Area is concerned, we also consider that the recommendation of the Inspector is further supported by the steps that are now being taken by the HGGT to prepare an East of Harlow 'Masterplanning Principles' document. Taking this approach, the Strategic Masterplan in this case will not only need to account for the requirements of the relevant site policy, but also the requirements of the principles document, as prepared by officers. To layer the additional endorsement of the Strategic Masterplan on top of the production of the Masterplanning Principles document makes for a Development Management process that is unduly complicated and we believe counter to the reasoning for the amendments that the Inspector has proposed to Policy SP4.

Changes: Council Officer has summarised: Our client welcomes the amendments proposed by MM19 to Policy SP4 in terms of the requirement for planning applications to be in 'general conformity' with Strategic Masterplans. However, the Council's proposed modifications should also remove the need for prior endorsement of Strategic Masterplans in line with the Inspector's recommended modification. As such, we object to the Council's proposed modification MM19 and we propose amendment of Policy SP4 this in line with the changes that are recommend by the Inspector in response to Action 10'. This in the interest of ensuring the Local Plan meets all the test of "soundness" in accordance with paragraph 35 of the National Planning Policy Framework (NPPF 2021). Including the Inspector's recommended changes to Policy SP4 (specifically part C.) we recommend that the further modified policy reads as follows: "(v) [...] Planning applications **for development** (and **proposals determined by** any other consenting mechanisms) for the Garden Communities should be accompanied by **and have regard to a strategic masterplan which will accommodate the development requirements set out in this policy**. ~~Strategic Masterplans which demonstrate that the development requirements set out in the policy have been accommodated and which have been formally endorsed by the Council and where appropriate Harlow Council. Endorsed Strategic Masterplans will be taken into account as an important material consideration in the determination of any planning applications;~~

MM: 19 Stakeholder ID: FMMLAD0025 Respondent: Claire Britton	
Organisation: Hallam Land Management Ltd and CEG Ltd	Supporting document:
Legally compliant: Yes	
Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy	
Why: Respondent's Executive Summary: Please see separate sheet attached. The specific reference to the word "important" is considered unsound as it is neither explained nor justified. It is also inconsistent with National Policy.	
Changes: Respondent's Executive Summary: CEG and HLM propose that the word 'important' in the amended text is omitted. MM19 should be amended to be consistent with the wording under MM16 and MM21 in relation to endorsement of the SMF and removing 'formally'.	

MM: 20 Stakeholder ID: FMMRES0029 Respondent: Alastair Gunn	
Organisation:	Supporting document: ED144-ED144A
Legally compliant: Yes	
Soundness test failed: Not specified	
Why: Council Officer has summarised: The wording around funding of the Sustainable Transport Corridors should be brought in line with that of the other Garden Town partner authorities. I support suggested alternative wording for the strategic sites adjacent to Harlow of, "contributions towards sustainable transport corridors both within the Masterplan boundary and through off-site planning contributions". By retaining the comment to "adhere to" rather than "have regard to", the Local Plan could also better reflect the aims of HGT1 Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town and HS3 Strategic Housing Site East of Harlow.. It is deeply concerning that the number of proposed houses proposed for Latton Priory is now open ended. Many Staple Tye residents are against the proposed Latton Priory development given the loss of green space and additional pressure on local roads. The unclear nature of the scale of the development will be deeply worrying to them, as it is to me as their representative These are crucial to mitigate the traffic impact from these developments on Harlow, and to work towards the HGGT aim of 60% modal shift in the long term. The approach to the STCs needs to be consistent across the GT so the Epping Forest communities have to make contributions towards the sustainable transport corridors in their entirety in Policy SP5 with similar wording to that proposed for Water Lane. This would reflect the apportionment approach undertaken for the Garden Town Infrastructure Delivery Plan. As such, the suggested wording for the strategic sites adjacent to Harlow should include the wording "contributions towards sustainable transport corridors both within the Masterplan boundary and through off-site planning contributions".	
Changes: Not specified	

MM: 20 Stakeholder ID: FMMLAD0025 Respondent: Claire Britton	
Organisation: Hallam Land Management Ltd and CEG Ltd	Supporting document:
Legally compliant: Yes	
Soundness test failed: None	

Why: Respondent's Executive Summary: Please see separate sheet attached to this representation for our position on MM20.

The amended text could be clearer in defining the uses that are sought in relation to Latton priory by referring to employment land for office and research and development and industrial processes (within Class E(g)).

CEG/HLM have no objection to this modification.

Changes: Not specified

MM: 21 Stakeholder ID: FMMSTAT0004 **Respondent:** Andrew Marsh

Organisation: Historic England

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: MM21 - Policy Sp 5: Garden Town Communities - SP5.1, SP5.2, and SP5.3

As with SP 4, whilst we welcome the inclusion of the new criterion in relation the historic environment, we are disappointed that the recommendations we put forward in response to the last consultation on the Main Modifications (July 2021) have not be taken forward. We remain concerned that the wording proposed by the Council does not take into account that the significance of heritage assets can be harmed through development within their settings. We strongly advise that these criteria are amended to make it clear that proposals should preserve heritage assets from harm - that is harm to their significance, not simply their fabric. As noted in our previous comments, 'conserve' is the recommended terminology.

Changes: We suggest the following: **MM21 - SP5.1 - Latton Priory** (vi) A sympathetic design which ~~preserves~~ conserves and where appropriate enhances ~~responds to the significance of~~ the adjacent Ancient Woodland, and the Scheduled Monuments and listed buildings to the south of the site, and their settings. **SP5.2 - Water Lane Area** iii) A sympathetic design which ~~preserves~~ conserves, and where appropriate enhances, the significance of Listed Buildings adjacent and within the site, Scheduled Monuments to the North and West and Conservation Area adjacent and within the site, and their settings. **SP5.3 - East of Harlow** A sympathetic design which ~~preserves~~ conserves, and where appropriate enhances, the significance of Listed Buildings adjacent and within the site, Registered Park and Garden to the West and nearby Scheduled Monuments, and their settings.

MM: 21 Stakeholder ID: FMMSTAT0005 **Respondent:** Adriana Jones

Organisation: North Weald Bassett Parish Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Parish Council raises no concern around the proposed changes to parts C and D of SP5.

Changes: Not specified

MM: 21 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith
Organisation: The Epping Society Supporting document:
Legally compliant: Not specified Soundness test failed: Not specified
Why: 1. Developments “must serve / support infrastructure” - good (but see MM18) and Sustainable Transport Corridor in this MM must be “safeguarded” - good (but see MM18) 2. Reads as if M11 J7a is still in progress whereas it is operational; is this MM then redundant or at least out of date.
Changes: Not specified

MM: 21 Stakeholder ID: FMMLAD0014 Respondent: John Lawson
Organisation: Princess Alexandra Hospital NHS Trust, c/o Lawson Planning Partnership Ltd Supporting document: ED145
Legally compliant: Yes Soundness test failed: Effective, Justified
Why: Council Officer has summarised: It would seem justified to adopt the Inspector’s wording to be taken to the East of Harlow strategic masterplan and planning applications, which allows for the PAH applications to be progressed and submitted in advance of a strategic masterplan being endorsed by the Council. PAH’s main issue concerns the timing of the required sequence of events, which could create policy tensions and delays at the planning application stage. This is because the planning application for the new Hospital at the East of Harlow site may come forward during 2023/24, to allow for initial enabling works to commence on site in 2025. This could be ahead of a related strategic masterplan for East of Harlow indicates initial completions being put back to 2027/28. It is considered that the requirement to prepare an ‘endorsed’ strategic masterplan in advance of PAH’s planning applications in order to be policy compliant is unduly restrictive. In the context of NPPF Paragraph 35 soundness considerations, it would not represent an appropriate strategy taking account of the reasonable alternatives available based on the evidence provided and would therefore, not be considered to be ‘justified’.
Changes: Council Officer has summarised: It is requested that FMM 21 is revised to reflect the Inspector’s recommendation and worded as follows: Planning applications for sites SP4.1-4.3 should be accompanied by a Strategic Masterplan which demonstrates that the development requirements set out in this policy have been accommodated and which has been endorsed by the Council. The endorsed Strategic Masterplan will be taken into account as an important material consideration in the determination of any planning applications. However, if this approach is not supported by the Inspector or Council, then it is requested that the following additional wording to Policy SP5 D (to be renamed SP4 D) is added to FMM 21. Add the following additional sentence to the end of Criterion D: In the case of the PAH planning applications, which may come forward in advance of an endorsed Strategic Masterplan, proposed development should demonstrate how the wider planning requirements set out in this Policy have been addressed

MM: 21 Stakeholder ID: FMMLAD0025 Respondent: Claire Britton

Organisation: Hallam Land Management Ltd and CEG Ltd

Supporting document:

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: Respondent's Executive Summary: Please refer to separate appended sheet and attached appendix.

The specific reference to the word "important" is considered unsound as it is neither explained nor justified. It is also inconsistent with National Policy (see paragraph 3.3 and 3.4 of the submitted Representation document).

MM21 introduces a new provision that requires "new development should deliver and/or contribute towards the delivery of infrastructure where this is necessary and fairly and reasonably related to the development having full regard to the Infrastructure Delivery Plan schedules and the wider infrastructure objectives."

The concern of CEG/HLM is that the suggested wording and inclusion of the word 'full' gives undue policy weight to the content of the IDP Schedules in determining planning applications. This is contrary to the advice of the Inspector who clearly highlighted that 'as with a number of policies, this treats the infrastructure delivery schedule as if it were part of the development plan, with contributions towards the items on the schedule "expected", but the schedule is not part of the plan. Infrastructure delivery and contributions should relate to the particular development proposed in accordance with the CIL regulations.'

Changes: Respondent's Executive Summary: CEG and HLM propose that the word 'important' in the amended text is omitted.

In seeking to make the proposed modification sound, it is necessary to delete the reference to "full regard being had to the IDP and Schedules and their wider objectives" from MM21.

MM: 22 Stakeholder ID: FMMSTAT0005 Respondent: Adriana Jones

Organisation: North Weald Bassett Parish Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Parish Council supports the removal of RUR.R1 from the housing allocation, along with removing the Green Belt alteration, resulting in the area continuing to be washed over by Green Belt.

Changes: Not specified

MM: 27 Stakeholder ID: FMMSTAT0005 Respondent: Adriana Jones

Organisation: North Weald Bassett Parish Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Parish Council supports the addition of 'housing for older people' within the range of types, tenures and houses proposed for Policy H1.

Changes: Not specified

MM: 27 Stakeholder ID: FMMSTAT0011	Respondent: Rich Cooke
Organisation: Essex County Council	Supporting document:
Legally compliant: Not specified	
Soundness test failed: None	
Why: ECC supports this change in the interest of promoting a more diverse housing mix and recognising increasing importance of and need for homes for older people.	
Changes: Not specified	

MM: 27 Stakeholder ID: FMMOTH0002	Respondent: Andrew Smith
Organisation: The Epping Society	Supporting document:
Legally compliant: Not specified	
Soundness test failed: Not specified	
Why: 1. Now includes “older people” – some improvement. See our observations on MM16 in relation to proposed small developments and extensions. 2. Housing “needs do not have to be identified”; but that means that demonstrable needs can be ignored; also encourages speculative development irrelevant to local market needs. There is already a major concern in this area, in that EFDC rejected the Office for National Statistics’ huge reduction in their evaluation of housing need. Gives EFDC freedom to be far too creative with number of homes “needed”. See also MM15 and Michael Gove’s remarks.	
Changes: Not specified	

MM: 27 Stakeholder ID: FMMLAD0008	Respondent: Pauline Chernin
Organisation: Lifestyle Care and Community Ltd	Supporting document:
Legally compliant: Not specified	
Soundness test failed: Not specified	
Why: Council Officer has summarised: Houseboats - There are sections of the River Lea where 14 day short-stay moorings are allowed, and even this restriction causes problems in some areas due to the proximity of established leisure water-sports areas. This is mainly by Broxbourne Station and the River Lea in this location as this is a major water sports area as it has a Pleasure Boat hire facility and Broxbourne Rowing Club is based here. There has been numerous collisions with canal boats, rowers, and pleasure boaters. If there were permanent moorings in this area, this health and safety issue will be exacerbated. A small change to the wording in Part C would suffice in this regard. Older Persons Housing - Whilst Policy H1, Part A(i) has been amended to include the provision for “housing for older people”, Part C should be amended as well for clarity.	
Changes: Council Officer has summarised: It is suggested that Part C be revised as follows;- C – Proposals for new homes comprising; <ul style="list-style-type: none"> • Specialist accommodation • Housing for Older People • Self-build/custom housebuilding 	

- Community-led schemes
 - Sites upon which caravans could be stationed
 - Sites upon which caravans can be stationed; or
 - Locations for mooring houseboat
- will be supported where
- (i) The location is appropriate in terms of access to facilities, services and public transport, and ensures that the users of water sports facilities in the proposed mooring area are not prejudiced in any way.
- (ii) It can be demonstrated, where relevant, that the development is designed and managed to provide the most appropriate types and levels of support to the proposed occupier and adequately caters for the need of support staff,

MM: 27 Stakeholder ID: FMMLAD0018 Respondent: Fabian Culican

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We support the deletion of 'proven identified need' from Policy H1.

Changes: Not specified

MM: 33 Stakeholder ID: FMMRES0011 Respondent: Roger Anthony

Organisation: **Supporting document:** ED141

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: I am concerned that the number of hectares being removed from the Green Belt for the now 2 proposed Employment sites on North Weald Airfield are not being clearly or accurately identified. MM33 appears to be the only place I can raise this. The consultation carried out in January 2022 indicated 41 hectares would need to be removed. MM33 shows 10 hectares for one of the sites. Where is the rest shown?

Changes: The Local Plan needs to be accurate in regard to the number of Green Belt hectares being lost on both sites. Also some explanation is needed as to why the site has been split in 2.

MM: 33 Stakeholder ID: FMMLAD0009 Respondent: Rachel Bryan

Organisation: Swords - RUR.E10 & RUR.E11 **Supporting document:**

Legally compliant: Yes

Soundness test failed: None

Why: We welcome the additions to the new paragraph after paragraph 3.44 to clarify that the rural employment designations protect Use Classes B2, B8 and E. However, we are concerned that the amendments to the glossary (MM113) conflict with this.

Changes: N/A

MM: 34 Stakeholder ID: FMMOTH0002	Respondent: Andrew Smith
Organisation: The Epping Society	Supporting document:
Legally compliant: Not specified	
Soundness test failed: Not specified	
Why: Addition of more employment land appears to us to undermine the justification for making the Epping Laundry (EPP.R9) a housing site.	
Changes: Not specified	

MM: 34 Stakeholder ID: FMMLAD0009	Respondent: Rachel Bryan
Organisation: Swords - RUR.E10 & RUR.E11	Supporting document:
Legally compliant: Yes	
Soundness test failed: None	
Why: We welcome the amendments to Policy E1 to clarify that the policy relates to uses within Use Class B2, B8 or E or Sui generis uses of an employment character. However, we are concerned that the amendments to the glossary (MM113) conflict with this.	
Changes: N/A	

MM: 36 Stakeholder ID: FMMOTH0002	Respondent: Andrew Smith
Organisation: The Epping Society	Supporting document:
Legally compliant: Not specified	
Soundness test failed: Not specified	
Why: Removal of vitality & viability test makes retail support more definite and we remain against town centre ground floor residential uses. How might “no demand” ever be demonstrated. Could we have some criteria please.	
Changes: Not specified	

MM: 37 Stakeholder ID: FMMOTH0002	Respondent: Andrew Smith
Organisation: The Epping Society	Supporting document:
Legally compliant: Not specified	
Soundness test failed: Not specified	
Why the Main Modification and/or supporting document is not legally compliant or is unsound: Farm worker accommodation – unclear if Biv is enforceable (such as removal when no longer needed). We would like better controls to stop these homes later entering the open market?	
Changes: Not specified	

MM: 38 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: A clearer statement on energy production / pollution is welcomed

Changes: Not specified

MM: 40 Stakeholder ID: FMMSTAT0005 Respondent: Adriana Jones

Organisation: North Weald Bassett Parish Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Parish Council supports the inclusion of a statement which confirms that EFDC will create an electric vehicle charging strategy to maximise opportunities to improve electric vehicle charging.

Changes: Not specified

MM: 40 Stakeholder ID: FMMSTAT0011 Respondent: Rich Cooke

Organisation: Essex County Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: None

Why: ECC notes reasoning for and effect of this change.

ECC recognises that the parking standards are not an examined LP document (or with same status as Development Plans) and accordingly does raise soundness issues.

Changes: Not specified

MM: 40 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Bell Common Air Quality Management Area remains a focus of concern but still there has been no action from Councils although it is a statutory matter. Proposed development at Epping South will further impact this problem.

The very low density of development of Harlow (a partner in the SHMA) emphasises our view that building on the Green Belt is not justified.

Changes: Not specified

MM: 40 Stakeholder ID: FMMLAD0018 Respondent: Fabian Culican

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: It is unclear what if any deletions are proposed to Paragraph 3.90 as no deletions are marked in red.

Changes: Not specified

MM: 41 Stakeholder ID: FMMRES0003 Respondent: Terry Blanks

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Justified

Why: If developers do not install charging points who will? Please do not weaken proposals to let off developers proper contribution to sustainability

Changes: If developers do not install charging points who will? Please do not weaken proposals to let off developers proper contribution to sustainability

MM: 41 Stakeholder ID: FMMSTAT0005 Respondent: Adriana Jones

Organisation: North Weald Bassett Parish Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The proposed modifications in MM41 seem to soften the requirement for Electric vehicle charging points, specifically with the deletion of part G, and the inclusion of the phrase 'has regard to' rather than 'will be required'. The Parish Council would not support any proposal that resulted in a weakening of the need for developers to install charging points.

Changes: Not specified

MM: 41 Stakeholder ID: FMMSTAT0011 Respondent: Rich Cooke

Organisation: Essex County Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: None

Why: ECC recognises that the parking standards are not an examined LP document (or with same status as Development Plans) and accordingly does not object.

Changes: Not specified

MM: 41 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The removal of Electric Vehicle charging points provision as a Residential requirement is regretted. As petrol and diesel cars are soon to be phased out, according to the government, how will even essential car users operate. We consider that every new parking space should have access to charging. Otherwise we offer a disincentive to residents trying to shift their behaviour in the direction policy requires. Under this MM, points would need to be retro-fitted which would be much more expensive, perhaps unviable and at whose expense is not stated. Lots more EV cars in the District with poor charging access will result in chaos which the local plan should seek to avoid. This change runs hugely counter to EFDC Climate Crisis Action Plan so we question if this LP version been cross-referenced to that.

Changes: Not specified

MM: 41 Stakeholder ID: FMMLAD0018 Respondent: Fabian Culican

Organisation:

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We support the modification of wording to address parking standards as well as those deleting the requirements for all parking spaces to have direct access to electric charging points.

Changes: Not specified

MM: 43 Stakeholder ID: FMMSTAT0011 Respondent: Rich Cooke

Organisation: Essex County Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: None

Why: ECC sought the safeguarding of these route corridors. ECC also considers that this clarification is likely to be beneficial in principle in the interests of certainty for Plan users. It is also important to recognise that the Policies Map can and does only illustrate these routes indicatively at this point, in advance of more precise route alignments and finalised details being worked up and designed.

Changes: Change Required / Recommended (to ensure policy effectiveness):

Insert the word 'indicatively' in the newly added sentence thus:

'as identified indicatively on the Policies Map'

MM: 43 Stakeholder ID: FMMOTH0002	Respondent: Andrew Smith
Organisation: The Epping Society	Supporting document:
Legally compliant: Not specified	
Soundness test failed: Not specified	
Why: Safeguards Sustainable Transport Corridors, again welcomed.	
Changes: Not specified	

MM: 43 Stakeholder ID: FMMOTH0004	Respondent: Peter Lewis
Organisation: Epping Forest Heritage Trust	Supporting document:
Legally compliant: No	
Soundness test failed: Effective, Justified, Consistent with national policy	
<p>Why: Air Quality management not strong enough. We do not think the Interim Air Pollution Mitigation Strategy is strong enough to protect the Forest. We are also concerned that this is still an “Interim” Air Quality strategy, whereas the Main Modifications refer simply to an Air Pollution Mitigation Strategy, and the content of that strategy is still unclear.</p> <p>We do not think Air quality management should just be done on a site by site basis but should be approached on a plan-wide basis. We think more consideration and attention needs to be given to reducing the number of harmful, polluting vehicles from the roads around the Forest. Evidence in London shows that the Ultra Low Emission Zone (ULEZ) has had a significant effect on removing the most polluting vehicles from London’s streets, and significantly reducing pollution from Nitrogen Dioxide https://tfl.gov.uk/modes/driving/ultra-low-emission-zone/ulez-expansion . One idea to strengthen air quality management would be to implement a local Clear Air Zone (CAZ), as discussed in the Interim Air Pollution Mitigation Strategy, in order to remove heavily polluting vehicles from the whole area of the Forest in the district, covering the area south of the M25 and west of the M11. This local CAZ could then link directly to the proposed ULEZ extension for the whole of London, whose boundary will, if it goes ahead as planned, stop right in the middle of the Forest, halfway up Rangers Road near the Epping New Road junction. Implementing a local CAZ in this way would mean that both the south and north of the Forest would benefit in the same way from a reduction in heavily polluting vehicles. We are also concerned about a dilution in the wording from development proposals needing to be in accordance with the Air Pollution Mitigation Strategy to developments only having to have regard to the Air Pollution Mitigation Strategy. We think development proposals need to be in accordance with the Air Pollution Mitigation Strategy.</p>	
Changes: We think air quality management should be done on a plan-wide basis, as well as in relation to specific developments.	

MM: 43 Stakeholder ID: FMMLAD0025	Respondent: Claire Britton
Organisation: Hallam Land Management Ltd and CEG Ltd	Supporting document:
Legally compliant: Yes	
Soundness test failed: None	

Why: Respondent's Executive summary: CEG/HLM have no objections for the provision at strategic level of the general principle and alignment of the STC corridors. The commentary in the separate sheet document expresses concern only with any suggestion that the policies map is seeking to identify specific or detailed alignment to or within each garden community. No change is sought to MM43.

Changes: Respondent's Executive Summary: No change is sought to MM43.

MM: 46 Stakeholder ID: FMMRES0006 Respondent: Clifford Mitchell

Organisation: **Supporting document:**

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: Para 4.20 states that developments and a growth in traffic levels will increase pollutants. The mitigations proposed appear weak and after the fact. If they don't work it will be too late. The last sentence at top, "forecast to be an increase in pollutants of concerns" – assuming that this is a true analysis, the obvious logical solution is to severely restrict all new developments.

Changes: The APMS should be demonstrated to be compliant with pollution levels before new development proposals can be approved near to The SAC and SSSI areas. Proper monitoring of all SACs including Garnon Bushes SAC and SSSI should be undertaken.

MM: 46 Stakeholder ID: FMMSTAT0007 Respondent: Debra Paris

Organisation: Loughton Town Council **Supporting document:** ED144-ED144A

Legally compliant: No

Soundness test failed: Effective

Why: New Paragraphs following split Paragraph 4.20: (pages 73/74)

The new section on Air Pollution makes reference to, and entirely relies upon, a non-existent document – "the Council's adopted Air Pollution Mitigation Strategy for the Epping Forest". Until such a document is produced and brought into effect, the new Part is ineffective and unlawful. The Council has not yet produced an Air Pollution Mitigation Strategy for the Epping Forest SAC, only an "Interim Air Pollution Mitigation Strategy (IAPMS)", which does not contain any measures currently capable of being applied, and gives absolutely no indication of when such measures might be effected. It has no suitable targets against which progress could be assessed, nor a "Monitoring Framework".

This therefore is misleading. There is no published timetable for the development of an APMS. Some of the proposal in the IAPMS (such as a Clean Air Zone) cannot be introduced by the Council without the agreement of other bodies (which may not be forthcoming), and their introduction will involve public consultation which, unless it is a sham, also must allow for the possibility of particular measures being amended or not introduced.

In the period before an APMS is developed and becomes effective, the Council has a duty to avoid approving any development which will harm Epping Forest SAC. To be lawful, the new Local Plan needs to be specific on this matter. At present, when considering a new development, the Council cannot reasonably be satisfied that its mitigation measures will be brought into full force before damage to the Forest is caused by the commencement of work and subsequent occupation. Nor, in the absence of detailed, costed proposals, can it be satisfied that any sums paid by developers towards mitigation will be adequate for that purpose.

Changes: Amendments (in CAPS)

“x.xx Air Pollution Mitigation Strategy (APMS) for the Epping Forest – The COUNCIL WILL DEVELOP AN APMS WHICH WILL include specific measures and how they would be delivered to ensure that there would be no adverse effect on the integrity of the Epping Forest SAC in relation to atmospheric pollution. This reflects the findings of the HRA 2022 that new development within the District has the potential to increase pollutants of concern within the Epping Forest SAC, primarily arising from emissions of nitrogen dioxide and ammonia from additional vehicles using roads in close proximity to it. The APMS WILL TAKE ACCOUNT of the need for development proposals to be assessed both alone and in combination with other plans and projects and therefore PROVIDE a strategic approach to the identification and delivery of mitigation and monitoring measures. These measures MAY range from those which will help to limit the increase in the level of traffic using roads through the Epping Forest SAC and significantly increase the uptake of electric vehicles, through to the implementation of a ‘Clean Air Zone’ should the future monitoring demonstrate that it is required [INSERT FOOTNOTE 1 AS BELOW]. The APMS WILL ALSO INCLUDE targets against which progress will be assessed together with a Monitoring Framework, which includes for future on-site monitoring. This Monitoring Framework is necessary to ensure that progress towards the achievement of these targets is assessed and informs any necessary changes that may need to be made to the targets and measures and identified in the APMS. UNTIL THE APMS IS DEVELOPED AND BROUGHT INTO FULL EFFECT, THE COUNCIL WILL NOT PERMIT ANY DEVELOPMENT WITHIN 1KM OF EPPING FOREST UNLESS IT CAN BE DEMONSTRATED THAT THE DEVELOPMENT WILL NOT OF ITSELF OR JOINTLY CREATE ANY ADVERSE EFFECT TO THE INTEGRITY OF THE FOREST”

Justification

At present the Council has not produced an APMS, only an IAPMS, which contains no provisions which have current effect, no targets and no Monitoring Framework. There is no published timetable for an APMS to be brought into effect (and indeed no external signs of any activity in this regard on the part of the Council). The Plan should therefore acknowledge that the APMS will not be in force when the Plan is approved, and make the necessary provision for the protection of Epping Forest in the meantime.

MM: 46 Stakeholder ID: FMMSTAT0011 **Respondent:** Rich Cooke

Organisation: Essex County Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Effective

Why: It is noted (in Inspector’s earlier advice of note ED141) that the Inspector identifies the key policy requirement in protecting the forest SAC being that development proposals must demonstrate no adverse harm to the integrity of the forest SAC. The Inspector also identified a more limited role / status of unexamined non-LP documents, such as the APMS in this regard. On this point, that advice noted that ‘The additions in fact undermine the effectiveness of these policies, and undue weight is placed on compliance with non-statutory documents.’ ECC suggests that some key points of this advice have not been reflected fully in the actual policy / text wording now proposed. However, as currently worded, it is noted that new paragraphs following 4.20 still state the potential for a CAZ (as part of the APMS) which ECC believes limits the significance and effect of the MMs now proposed in this important respect.

ECC agrees and notes that the policy itself does not now create a clear specific policy requirement for a CAZ as such but this can be regarded as ambiguous in still providing a policy basis to enable this.

The policy still provides for new developments to be required to make off-site contributions towards APMS measures such as a CAZ (as cited in the supporting text and accompanying footnote 1).

ECC notes that evidence in the updated HRA still suggests a possible requirement for a CAZ. However, this evidence (or the APMS) have not undertaken the task of testing the feasibility or effectiveness of such a measure.

For the purposes of clarity, therefore, ECC advises that:

- It remains opposed to the introduction of a CAZ
- It does not consider this an appropriate or feasible means of addressing the issues it would be intended to prevent
- ECC cannot support these changes in principle or their current form accordingly

Changes: ECC notes that specific content / wording changes it proposed at the first MMs stage have not been incorporated, having been proposed to ensure appropriate safeguards and controls on this matter (see reps on MM46 and MM47 in Document ref ED134, October 2021- weblink [here](#)). ECC would request – as a first recommended preference - that all specific references to a potential / proposed CAZ are deleted. This would also provide the clearest, most concise and straightforward approach. Alternatively, as a less preferred option, it suggests that the wording ECC proposed previously could otherwise help to remedy this. The wording is provided below. If the Inspector is minded to add wording (to ensure appropriate caveats / safeguards) such as that proposed previously by ECC, the supporting text paragraph would read as follows within the following text extract:

New Paragraphs following split Paragraph 4.20:

'These measures range from those which will help to limit the increase in the level of traffic using roads through the Epping Forest SAC and significantly increase the uptake of electric vehicles, through to the implementation of a 'Clean Air Zone' should the future monitoring demonstrate that it is required and if this proves feasible and acceptable to the partner authorities involved (these being EFDC; ECC; Natural England; and the City of London Corporation – as the forest conservators). This would also be subject to demonstrating through Health Impact Assessment and EQIA that no unacceptable impacts on human health or equalities would arise [INSERT FOOTNOTE 1 AS BELOW].

MM: 46 Stakeholder ID: FMMSTAT0014 Respondent: John Torlesse

Organisation: Natural England

Supporting document: ED149-ED149A/EB215A-B

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council Officer has summarised:

Air quality: Notes that the extension of the London Ultra Low Emission Zone could have a significant bearing on the measures that will be required to protect the Forest.

The wording of policy DM2 should be reviewed in light of the specific legal tests which apply under the Habitats Regulations. Regulation 63 is clear that a local planning authority can only give consent for development proposals after having ascertained that it will not adversely affect the integrity of a European site. The FMM wording has the effect of removing the precautionary principle which underpins the integrity test to suggest that development is only constrained where it *would* have an adverse effect. Wording should be amended to reflect the specific legal test which applies.

Remains satisfied that the measures identified in the APMS will ensure no adverse effect on the integrity of the SAC but has reasons to highlight some doubt as to the deliverability of key measures.

The HRA looked at predicted traffic changes from **all** growth provided for by the plan without distinguishing or attributing predicted changes to specific allocations. The HRA is both clear and explicit that the conclusion of no adverse effect to site integrity is dependent upon the following:

- Introduction of a CAZ from 2025
- 30% conversion of petrol to electric cars by 2033
- Additional measures including right turn ban at Honey Lane and veteran tree management plan

HRA compliance: It is an established legal principle that when considering the use of mitigation at plan HRA it is necessary to ensure the following: a) potential mitigation that might be relied upon to avoid adverse effects can be '**achieved in practice**', and b) the requirement for mitigation is clearly referred to within the plan policy wording, and c) an appropriate safeguard is included to cover the potential for unforeseen difficulties to arise in securing the necessary mitigation. Reference is made to legal decisions (see full representation) including in relation to the level of detail necessary to enable plan adoption.

There needs to be a clear and binding link between the plan policies and the actual delivery of the measures relied upon in the HRA to achieve its objectives.

Is for the Council as competent authority to be satisfied that mitigation measures relied upon within their HRA are achievable in practice. The HRA conclusions are dependent on two key mitigation measures. Any concerns as to the achievability of such measures should be recognised within the HRA and alternative measures should then be identified within the HRA itself and included within the Air Pollution Mitigation Strategy.

Recreational pressure: The FMMs to Policy DM2 will place a burden on applicants to identify mitigation measures for recreational pressure through project level HRA.

Broadly supportive of the SAMM and Green Infrastructure approach adopted by EFDC. Maintain some concern about the apparent lack of SANG provision to address recreational pressure arising from the smaller residential allocations. Restates concerns in earlier representations about the approach to delivery of SANG at Roding Valley/Theydon Bois.

Changes: Not specified

MM: 46 Stakeholder ID: FMMOTH0001 **Respondent:** David Linnell

Organisation: Loughton Residents Association

Supporting document:

Legally compliant: No

Soundness test failed: Effective

Why: New Paragraphs following split Paragraph 4.20: (pages 73/74)

The new section on Air Pollution makes reference to, and relies upon, a document which does not exist – “the Council’s adopted Air Pollution Mitigation Strategy for the Epping Forest”. Until such a document is produced and brought into effect, the new Part is ineffective. The Council has not yet produced an Air Pollution Mitigation Strategy for the Epping Forest (APMS) for Epping Forest, only an “Interim Air Pollution Mitigation Strategy (IAPMS)”, which does not contain any measures currently capable of being applied, and gives no indication of when such measures might be effected. Nor does it have suitable targets against which progress will be assessed, or a “Monitoring Framework”. The new Part therefore highly misleading. There is no published timetable for the development of an APMS. Some of the proposal in the IAPMS (such as a Clean Air Zone) cannot be introduced by the Council without the agreement of other bodies (which may not be forthcoming), and their introduction will involve public consultation which, unless it is a sham, also must allow for the possibility of particular measures not being introduced. In the period before an APMS is developed and becomes effective, the Council has a duty to avoid approving any development which will harm Epping Forest,. We think that the new Local Plan needs to be specific on this matter. At present, when considering a new development, the Council

cannot reasonably be satisfied that its mitigation measures will be brought into full force before damage to the Forest is caused by the commencement of work and subsequent occupation. Nor, in the absence of detailed, costed proposals, can it be satisfied that any particular sums paid by developers towards mitigation will be adequate for that purpose.

Changes: Amendments (in blue)

“x.xx Air Pollution Mitigation Strategy (APMS) for the Epping Forest – The Council will develop an APMS which will includes a number of specific measures and how they would be delivered to ensure that there would be no adverse effect on the integrity of the Epping Forest SAC in relation to atmospheric pollution. This reflects the findings of the HRA 2022 that new development within the District has the potential to increase pollutants of concern within the Epping Forest SAC, primarily arising from emissions of nitrogen dioxide and ammonia from additional vehicles using roads in close proximity to it. The APMS will take has taken account of the need for development proposals to be assessed both alone and in combination with other plans and projects and therefore provides a strategic approach to the identification and delivery of mitigation and monitoring measures. These measures may range from those which will help to limit the increase in the level of traffic using roads through the Epping Forest SAC and significantly increase the uptake of electric vehicles, through to the implementation of a ‘Clean Air Zone’ should the future monitoring demonstrate that it is required [INSERT FOOTNOTE 1 AS BELOW]. The APMS will also includes targets against which progress will be assessed together with a Monitoring Framework, which includes for future on-site monitoring. This Monitoring Framework is necessary to ensure that progress towards the achievement of these targets is assessed and informs any necessary changes that may need to be made to the targets and measures and identified in the APMS. Until the APMS is developed and brought into full effect, the Council will not permit any development within 1km of Epping Forest unless it can be demonstrated that the development will not of itself create any adverse effect to the integrity of the Forest”

Justification

At present the Council has not produced an APMS, only an IAPMS, which contains no provisions which have current effect, no targets and no Monitoring Framework. There is no published timetable for an APMS to be brought into effect (and indeed no external signs of any activity in this regard on the part of the Council). The Plan should therefore acknowledge that the APMS will not be in force when the Plan is approved, and make the necessary provision for the protection of Epping Forest in the meantime.

We have suggested one way in which suitable protection might be achieved, and would be happy to consider other suitable solutions.

MM: 46 Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council officer has summarised: 1. Absence of data to support the statement about what drives visitor numbers in the forest. Anecdotally there has been a substantial increase in visitor numbers over the past two years. Para 4.18 needs future-proofing. Recent events (climate change, Covid, etc) are significant drivers of visitor numbers and further changes in these metrics may be important. We propose EFDC should review the Plan’s starting point, as well as (here) trying to future-proof.

2. A significant part of the Local Plan strategy is to achieve “modal Shift” to mitigate increases in traffic for highways and pollutant and CO2 reasons. The rise in cycling has been patchy across the district and minimal in Epping Parish. New developments may be the primary driver for such

changes in travel habits but this policy is far too sanguine about the likelihood and timing of any benefit from modal shift.

3. Particulates are not mentioned nor being evaluated nor mitigated. Even Electric Vehicles create this form of pollution so to ignore particulates suggests that the Plan is a paper exercise not a real-world analysis of a critical situation. The sentence, “forecast to be an increase in pollutants of concerns” – the obvious logical solution is to severely restrict all new developments There has been no recent air quality monitoring in Coopersale woods; but these contain both NNR & SSSI areas. The woods are near North Weald airfield, scheduled for large growth. We feel this needs critical & urgent attention.

4. The new paragraph 4.20 is not qualified so it appears to apply to every planning application. These requirements should not be imposed on house extensions, small developments, or developments of single or small numbers of houses. The policy appears to have large housing estates in mind not smaller developments.

5. Refers to the Air Pollution Management Strategy; see previous note. This is “applying a sticking plaster to a self-induced injury”. Reference to Clean Air Zone in the Forest; this is political dynamite, which Council have tried to blur numerous times - it is unsound. Consider the inconsistency – to avoid a CAZ, we need more EVs, which need more charging points. but MM41! Limiting charging points is a deliberate push in the direction of modal shift - this should be explicit. It would also make the attainment of modal shift even more critical and regular progress reports should be specified in the Local Plan. The last discussion re Clean Air Zones involved charging buses, which runs counter to modal shift. A CAZ would not be implemented by, nor fund the District Council as County Council & Epping Forest would be the agents here; can a Local Plan commit third-party agents to these actions? There should be a statement of common ground from both parties.

6. Zone of Influence and Suitable Alternative Natural Green Spaces – all good; but they are mitigation which would not be necessary if developments were being planned in the right places. We think it should say “nor existing residents” so the editing was in error.

Changes: Not specified

MM: 46 Stakeholder ID: FMMOTH0004 **Respondent:** Peter Lewis

Organisation: Epping Forest Heritage Trust

Supporting document:

Legally compliant: No

Soundness test failed: Effective, Consistent with national policy

Why: Air Quality management is not strong enough.

We do not think the Interim Air Pollution Mitigation Strategy is strong enough to protect the Forest. We are also concerned that this is still an “Interim” Air Quality strategy, whereas the Main Modification refers simply to an Air Pollution Mitigation Strategy, and the content of that strategy is still unclear. We think more consideration and attention needs to be given to reducing the number of harmful, polluting vehicles from the roads around the Forest. Evidence in London shows that the Ultra Low Emission Zone (ULEZ) has had a significant effect on removing the most polluting vehicles from London’s streets, and significantly reducing pollution from Nitrogen Dioxide <https://tfl.gov.uk/modes/driving/ultra-low-emission-zone/ulez-expansion>. We are also concerned about a dilution in the wording from development proposals needing to be in accordance with the Air Pollution Mitigation Strategy to developments only having to have regard to the Air Pollution Mitigation Strategy. We think development proposals need to be in accordance with the Air Pollution Mitigation Strategy. Sites of Alternative Natural Green Space (SANGS). We do not think the SANGS as suggested are genuinely going to encourage people not to visit the Forest as they are neither attractive enough nor necessarily new. For example, as

identified by one of our local members, in Theydon Bois, the proposed SANG is adjacent to the M25, with traffic noise present, which means it is not attractive to visitors, especially when you have a wonderful ancient Forest as an alternative. We do not believe this is sufficiently attractive to encourage people to visit it instead of Epping Forest. Similarly, and also an existing green space, Roding Valley Recreation Ground is already a recreation ground.

Changes: We think development proposals need to be in accordance with a new, stronger, Air Pollution Mitigation Strategy. We think that air quality management would be made stronger by implementing a local Clear Air Zone (CAZ), as discussed in the Interim Air Pollution Mitigation Strategy, in order to remove heavily polluting vehicles from the whole area of the Forest in the district, covering the area south of the M25 and west of the M11. This local CAZ could then link directly to the proposed ULEZ extension for the whole of London, whose boundary will, if it goes ahead as planned, stop right in the middle of the Forest, halfway up Rangers Road near the Epping New Road junction. Implementing a local CAZ in this way would mean that both the south and north of the Forest would benefit in the same way from a reduction in heavily polluting vehicles. We think better, more attractive SANGS need to be identified, that provide a genuine positive alternative to visiting Epping Forest that people will actually use. Alternatively more significant funds should be transferred to the Conservators to undertake more significant mitigation works for the increased footfall which we expect will occur.

MM: 46 Stakeholder ID: FMMLAD0007 Respondent: Gabrielle Rowan

Organisation: Martin Grant Homes, Persimmon Homes & Taylor Wimpey
Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The proposed text changes to the supporting text and in particular footnote 1 proposed in MM46 relate to the Action 20 as set out in the Inspector's Note to Epping Forest District Council (16 June 2022 – ED141).

Action 20 specifically stated that the Zone of Influence cannot be based on a moveable zone because that leaves too much uncertainty for developers who need to plan their sites on the basis of current requirements. The Inspector requested that it was not referred to as the current Zone of Influence but just the Zone of Influence. Therefore footnote 1 should remove the reference to 'current' in accordance with the Inspector's note.

Changes: Changes required: Remove 'current' in footnote 1 and refer only to the "Zone of Influence"

MM: 46 Stakeholder ID: FMMLAD0013 Respondent: Brian Flynn

Organisation: Pigeon Investment Management **Supporting document:**

Legally compliant: Yes

Soundness test failed: None

Why: Introduction

Pigeon supports Policy DM2 and associated text and the amendments made in MM46. The amendments in MM46 have been made to address the changes recommended by the Inspector. Representations

MM46 set out amendments to the supporting text to Policy DM2: Epping Forest SAC and the Lee Valley SPA. Policy DM2 seeks to protect these areas.

In summary, for Epping Forest SAC the proposed modifications seek to set out the strategic approach and measures to address air quality impacts from traffic and recreational pressure from visitors. The modifications identify three adopted strategies for Epping Forest that will be material considerations when determining planning applications, which are as follows: Air Pollution Mitigation Strategy; Approach to managing Recreational Pressure on the Epping Forest Special Area of Conservation (SANG Strategy); and Green Infrastructure Strategy. It is noted that the monitoring results for the Air Pollution Mitigation Strategy are due to be completed in 2024/2025. The Green Infrastructure expects strategic developments to provide SANG to address potential adverse effects of recreational pressure from residential developments. Pigeon supports the proposed changes contained in MM46 (and MM47). It is considered that air quality monitoring and the delivery of suitable areas of green infrastructure will enable an effective strategy to be put in place for development in and on the edge of Epping in the future.

It is considered that Policy DM2 and associated supporting text is essential to the proposed South Epping Masterplan Area, to ensure that suitable areas of SANG are provided within this strategic allocation to meet the requirements of the Green Infrastructure Strategy. The delivery of SANG is important for all of the strategic allocations but is particularly important for the development at South Epping because of its close proximity to Epping Forest SAC, given there is a direct footbridge connection to the SAC. The South Epping Masterplan area is also the only location where SANG is to be delivered at Epping and is required to mitigate the recreational pressure of existing and future residents in other parts of the town. For these reasons, Pigeon's representations to Main Modifications MM77 and MM78 seek to ensure that all of the policy requirements for the South Epping Masterplan Area, as set out in Policy P1: Epping are actually delivered through the Masterplan e.g. capacity of 450 dwellings, noise and air quality buffers adjacent to the M25, offset distances from the electricity pylons, strategic landscaping, open space, and appropriate levels of SANG, services and facilities for the community, and a bridge crossing the railway.

No additional further main modifications are required to Policy DM2 and associated supporting text. However, the modifications to the supporting text to Policy DM2 do support a detailed and robust review of the Masterplan for the South Epping strategic allocation as requested in Pigeon's representations to Further Main Modifications MM77 and MM78, in order to ensure that necessary mitigation including SANG is actually delivered as intended.

Changes: Not specified

MM: 46 Stakeholder ID: FMMLAD0018 **Respondent:** Fabian Culican

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We support the approach in amending Paragraph 4.20 in the supporting text to DM 2 to provide sufficient information to enable the council to conclude that any development proposal will not result in adverse effects on the integrity of the SAC through avoidance or mitigation Planning applications need to be supported by sufficient information to enable the council to conclude that the proposal would not result in an adverse effect on the integrity of the SAC. Such information may include the identification of specific avoidance or mitigation measures and how the would be secured and delivered. To help applicants identify such measures, the council has developed and adopted a number of strategies. Each provides an overview of what impacts the strategy is seeking to address together with guidance as to what measures are likely to be the most effective and the ways that they will be delivered.

Changes: Not specified

MM: 46 Stakeholder ID: FMMLAD0018 **Respondent:** Fabian Culican

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We support amendments made to Footnote 1 in implementing the strategy and in implementing mitigating strategy. Epping Forest Strategic access Management strategy and Monitoring (SAMM) strategy – the council recognises that there are no mechanism for preventing new residents of the district from using the forest. There is, therefore, a need to ensure that the adverse effects to the fabric of the Forest that would occur as a result of its increased use for recreational purpose are mitigated. The council has developed and adopted an SAMM strategy. The strategy identifies measures that are capable of being delivered within the forest itself and how these will be delivered, including through securing financial contributions from new residential development within the zone of Influence.

Changes: Not specified

MM: 46 Stakeholder ID: FMMLAD0020 **Respondent:** David Fletcher

Organisation: Countryside Properties **Supporting document:** ED124A-G and ED159A-G

Legally compliant: No

Soundness test failed: Positively prepared, Effective

Why: Respondent's Executive Summary: As part of the MM September 2021 consultation, Strutt & Parker, on behalf of Countryside Properties, part of Vistry Group (Countryside), raised substantial concerns regarding the potential scope for changes to the 6.2km Zone of Influence (Zoi) during the plan period and the implications that this could have for specific SANG considerations.

In considering the FMMs, it is Countryside's assessment that the Council has, to some extent, redrafted Policy DM2 and its supporting text to take account of the Inspector's comments and previous representations. The Inspector's Advice Note June 2022 (Ref. ED141) does not appear to have been fully addressed (see below for further details). Policy DM2 and its supporting text still contain areas of ambiguity that might, at best, delay the determination of development proposals within the district or, at worst, lead to some sites being undeliverable (see below for further details). The policy in this regard is neither positively prepared nor effective.

In respect of the FMMs, such issues are now more evident within the supporting text to Policy DM2 rather than in the Policy itself.

This representation seeks the deletion of the word "current" from Footnote 1 to the Policy DM2, as it clearly conveys an implicit prospect that the Zoi may be revised at some point during the plan period. The concern, of course, is that the Zoi could be extended and, in the case of Countryside's interests at North Weald, be extended to include a greater portion of the site allocation area. To avoid any ambiguity, an additional sentence is required to clarify that the Zoi is fixed for the full duration of the plan period (see Section 7 below for further details).

Changes: To fully address the issues identified within this representation and within the Planning Inspector's note of June 2022, the following additional textual amendments should be made to Footnote 1 as contained in MM46, as follows:

Epping Forest District Green Infrastructure Strategy

- Delete the word 'current' within the sentence "The current Zone of Influence for the purposes of this Plan is 6.2km."

- Delete the following two sentences commencing "As well as providing guidance" and "These approaches are intended"

Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy

- Delete the first two sentences of this paragraph.

We trust that the Inspector will give full consideration to this representation, and those made previously to these MMs, which are attached for reference.

MM: 46 Stakeholder ID: FMMLAD0024 Respondent: Tom Cole

Organisation: Quinn Estates Ltd and Redrow Homes

Supporting document:

Legally compliant: No

Soundness test failed: Positively prepared, effective, justified, consistent with national policy

Why: Council Officer has summarised: Representation outlines further MMs to MM46 (New paragraphs following split Paragraph 4.20) and HRA 2022 paragraph 6.72 and provides comment. In respect of paragraph 6.72 we agree that such a shift is entirely possible, but also note that the statement is merely speculation. It is entirely possible that people will seek to extend the life of the vehicles that they already own and may even plan to buy a new fossil fuel vehicle shortly before the projected 'ban' is due to come into force. Therefore, this speculation cannot be relied upon without any evidence to support it.

Reference is also made to paragraph 6.75 of the HRA. It is clear that a series of measures must be put in place to enable proposals in the draft local plan to be brought forward – the word 'need' represents an absolute requirement. These requirements include a Clean Air Zone ('CAZ'). However, EFDC's proposed further main modification – including 'footnote 1' – does not provide sufficient certainty, not least because it is also based on speculation as to what might happen in the future. We do not consider it plausible that take-up of 'clean' vehicle technology will be so rapid that over the next two years the need for a CAZ might be avoided as anticipated by footnote 1. A CAZ would need to be in place in just over two years' time to enable the draft plan's proposals to proceed as planned. However, there is no evidence that EFDC is planning, or even has the intention to introduce. Unless it can give such a guarantee, the plan cannot be found sound because the sites which, if mitigation is not in place, will give rise to harmful effects on the SAC cannot be considered as deliverable or developable.

This issue also applies to reserved matters applications. Therefore, there may be existing permissions which cannot justifiably be included in the Council's assessment of housing land supply. An issue that an Inspector scrutinised in the Tenterden appeal (see footnote), there is no indication that the Council has factored in the achievability of and timescales for mitigation in its trajectory. This must be undertaken so that it can be demonstrated that affected sites are 'deliverable' or 'developable'. In our opinion, this exercise will inevitably reveal a shortfall. Sites which do not give rise to such issues should be allocated to avoid this soundness issue and to enable plan adoption.

The draft policy is not sound. According to MM46 applicants must identify avoidance or mitigation measures and how they would be secured and delivered. The necessary measures, as outlined in the 2022 HRA, are not all within the control of applicants, not least the introduction of a CAZ. Sites

that are within the zone of influence cannot be considered as deliverable or developable in the absence of certainty from the Council over the delivery of those measures.
Representation outlines that the plan with further MMs is not sound or legally compliant because of limited consultation of the new HRA and updated Sustainability Appraisal.

Changes: Not specified

MM: 46 Stakeholder ID: FMMLAD0025 Respondent: Claire Britton

Organisation: Hallam Land Management Ltd and CEG Ltd

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: Respondent's Executive Summary: Please refer to separate sheet appended to this representation form

CEG/HLM welcome the modifications which ultimately provide further guidance in the preparation and assessment of applications to ensure development proposals do not adversely impact the SAC and other sensitivities and which should avoid the previous issues of applications needing to be held in abeyance due to the absence of appropriate strategies.

Changes: Respondent's Executive Summary: No change is sought to MM46

MM: 46 Stakeholder ID: FMMLAD0026 Respondent: Louise Steele

Organisation: Barwood Land

Supporting document:

Legally compliant: Not specified

Soundness test failed: Positively prepared

Why: Council Officer has summarised: Amends with justifications proposed to the supporting text to Policy DM 2 to 3 new paragraphs following split paragraph 4.20. The proposed amends address issues such as:

- Information supporting applications should be 'proportionate to the scale and nature of each development'
- That applicants should 'have regard to' the strategies and guidance the Council has developed and adopted

Changes: Not specified

MM: 47 Stakeholder ID: FMMRES0006 Respondent: Clifford Mitchell

Organisation:

Supporting document:

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective

Why: Part B requires contributions to be made by developers but this is vague and open to interpretation and dispute. If costs are not quantified how can developers prepare budgets and determine cost effectiveness. This will lead to confusion.

Changes: It should be clearly stated that costs will be clearly detailed and must be met by developers to ensure clarity.

MM: 47 Stakeholder ID: FMMRES0030 Respondent: Patricia Moxey

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council Officer has summarised: My main concerns are that the proposals in relation to Air Quality management are not strong enough. Relevant to MM 47 and 79. There is mention of the Council's adopted Air Pollution Mitigation Strategy for Epping Forest, which at the current time has yet to be written and made public. The Interim Air Pollution Strategy lists various measures which cannot be implemented, nor does it set out targets for an effective framework or timeline for monitoring air quality. Until an APMS is developed, agreed and becomes effective, EFDC's duty is to avoid approving any development which has the potential to harm the SAC of Epping Forest. The Local Plan must state clearly that this is the situation. I also have concerns about the proposed Sites of Alternative Natural Green Space (SANGS). The woodlands of Epping Forest are unique as they were established at least 8000 years ago. Their ancient trees and assembling of creatures and fungi found there cannot be replicated, it is these features which may any visit to the Forest a special experience. The suggested SANGS do not have the same ambience but does course offer a change to pleasurable recreation in a wide open space. More attractive SANGS need to be identified, including opportunities for off road cycling that provide a genuine positive alternative to visiting Epping Forest, where facilities present might encourage people to visit them.

Changes: Council Officer has summarised: Until an APMS is developed, agreed and becomes effective, EFDC's duty is to avoid approving any development which has the potential to harm the SAC of Epping Forest. The Local Plan must state clearly that this is the situation.

MM: 47 Stakeholder ID: FMMSTAT0011 Respondent: Rich Cooke

Organisation: Essex County Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Effective

Why: It is noted (in Inspector's earlier advice of note ED141) that the Inspector identifies the key policy requirement in protecting the forest SAC being that development proposals must demonstrate no adverse harm to the integrity of the forest SAC. The Inspector also identified a more limited role / status of unexamined non-LP documents, such as the APMS in this regard. On this point, that advice noted that 'The additions in fact undermine the effectiveness of these policies, and undue weight is placed on compliance with non-statutory documents.' ECC suggests that some key points of this advice have not been reflected fully in the actual policy / text wording now proposed. However, as currently worded, it is noted that new paragraphs following 4.20 still state the potential for a CAZ (as part of the APMS) which ECC believes limits the significance and effect of the MMs now proposed in this important respect. ECC agrees and notes that the policy itself does not now create a clear specific policy requirement for a CAZ as such but this can be regarded as ambiguous in still providing a policy basis to enable this.

The policy still provides for new developments to be required to make off-site contributions towards APMS measures such as a CAZ (as cited in the supporting text and accompanying footnote 1).

ECC notes that evidence in the updated HRA still suggests a possible requirement for a CAZ. However, this evidence (or the APMS) have not undertaken the task of testing the feasibility or effectiveness of such a measure.

For the purposes of clarity, therefore, ECC advises that:

- It remains opposed to the introduction of a CAZ
- It does not consider this an appropriate or feasible means of addressing the issues it would be intended to prevent
- ECC cannot support these changes in principle or their current form accordingly

Changes: ECC notes that specific content / wording changes it proposed at the first MMs stage have not been incorporated, having been proposed to ensure appropriate safeguards and controls on this matter (see reps on MM46 and MM47 in Document ref ED134, October 2021- weblink [here](#)). ECC would request – as a first recommended preference - that all specific references to a potential / proposed CAZ are deleted. This would also provide the clearest, most concise and straightforward approach. Alternatively, as a less preferred option, it suggests that the wording ECC proposed previously could otherwise help to remedy this. The wording is provided below. If the Inspector is minded to add wording (to ensure appropriate caveats / safeguards) such as that proposed previously by ECC, the supporting text paragraph would read as follows within the following text extract:

New Paragraphs following split Paragraph 4.20:

'These measures range from those which will help to limit the increase in the level of traffic using roads through the Epping Forest SAC and significantly increase the uptake of electric vehicles, through to the implementation of a 'Clean Air Zone' should the future monitoring demonstrate that it is required and if this proves feasible and acceptable to the partner authorities involved (these being EFDC; ECC; Natural England; and the City of London Corporation – as the forest conservators). This would also be subject to demonstrating through Health Impact Assessment and EQIA that no unacceptable impacts on human health or equalities would arise [INSERT FOOTNOTE 1 AS BELOW].

MM: 47 Stakeholder ID: FMMSTAT0013 Respondent: Tristan Vetta

Organisation: City of London Corporation

Supporting document: ED149-ED149A/EB215A-B

Legally compliant: Yes

Soundness test failed: Effective

Why: Council Officer has summarised: Concerned about reliance of mitigation measures at Project rather than Plan Level making the assessment of the quantum of growth proposed in the Plan difficult to assess. Case law is clear that where mitigation measures are relied on in the HRA of a development plan, there must be sufficient information at the time of adoption to enable the plan-making authority to be duly satisfied that proposed mitigation can be achieved in practice. The HRA must be able to demonstrate the achievability of the mitigation to be satisfied that the plan will have no adverse effect. Though, it is not necessarily the case that all details of mitigation need to be fully resolved at Plan level, it is simply necessary to be able to show it can be achieved. Reference is made to Case Law and the Habitats Regulations handbook (footnotes with detail in full response) that there needs to be caution in relying on project level assessment and that certain criteria need to be met.

Recreational pressure: Concerned that there seems to be remaining uncertainty around the provision and effective impact of alternative sites including the Strategic Infrastructure Projects

(SIPs) for Roding Valley Recreation Ground (RVRG) and the Theydon Bois Woodland Trust site (TBWT). The HRA states these will need to deliver the equivalent of 11.5ha of new greenspace. Comments that RVRG is already used for recreation and whilst its size has potential to absorb more visitors, no visitor data is provided to confirm this. The HRA (para 5.26) seems to rely solely on site visits and suggests there are opportunities to enhance capacity by a range of measures without quantifying how many more visitors could be accommodated.

Considers that the location of the TBWT site would arguably be a significant limiting factor in its appeal as alternative greenspace when combined with its distance from Theydon Bois and Debden/Loughton.

The HRA indicates that further investigation is necessary as each project is developed, including 'visitor surveys when necessary'. Furthermore, the SIPs are intended as 'a starting point' (HRA para 5.27) and 'more projects may be necessary'. The projects are clearly very much in their infancy. The HRA falls short of providing the complete, precise, and definitive findings that would be expected, given the levels of growth and locations set out within it. The conclusions are not capable of removing all reasonable scientific doubt.

Air quality: The FMMs suggest developers will be signposted towards the Council's adopted interim Air Quality Mitigation Strategy (AQMS). Concerned that there appears to be a burden placed on developers to address air quality matters, but many of the AQMS objectives are not within a developer's remit. Uncertainty therefore remains over the AQMA's effectiveness. The Conservators would insist on being fully involved with the site-specific on-site air quality monitoring which will/may lead to the adoption of a Clean Air Zone.

Changes: Not specified

MM: 47 Stakeholder ID: FMMSTAT0014 **Respondent:** John Torlesse

Organisation: Natural England

Supporting document: ED149-ED149A/EB215A-B

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council Officer has summarised:

Air quality: Notes that the extension of the London Ultra Low Emission Zone could have a significant bearing on the measures that will be required to protect the Forest.

The wording of policy DM2 should be reviewed in light of the specific legal tests which apply under the Habitats Regulations. Regulation 63 is clear that a local planning authority can only give consent for development proposals after having ascertained that it will not adversely affect the integrity of a European site. The FMM wording has the effect of removing the precautionary principle which underpins the integrity test to suggest that development is only constrained where it *would* have an adverse effect. Wording should be amended to reflect the specific legal test which applies.

Remains satisfied that the measures identified in the APMS will ensure no adverse effect on the integrity of the SAC but has reasons to highlight some doubt as to the deliverability of key measures.

The HRA looked at predicted traffic changes from all growth provided for by the plan without distinguishing or attributing predicted changes to specific allocations. The HRA is both clear and explicit that the conclusion of no adverse effect to site integrity is dependent upon the following:

- Introduction of a CAZ from 2025
- 30% conversion of petrol to electric cars by 2033
- Additional measures including right turn ban at Honey Lane and veteran tree management plan

HRA compliance: It is an established legal principle that when considering the use of mitigation at plan HRA it is necessary to ensure the following: a) potential mitigation that might be relied upon

to avoid adverse effects can be '**achieved in practice**', and b) the requirement for mitigation is clearly referred to within the plan policy wording, and c) an appropriate safeguard is included to cover the potential for unforeseen difficulties to arise in securing the necessary mitigation. Reference is made to legal decisions (see full representation) including in relation to the level of detail necessary to enable plan adoption.

There needs to be a clear and binding link between the plan policies and the actual delivery of the measures relied upon in the HRA to achieve its objectives.

Is for the Council as competent authority to be satisfied that mitigation measures relied upon within their HRA are achievable in practice. The HRA conclusions are dependent on two key mitigation measures. Any concerns as to the achievability of such measures should be recognised within the HRA and alternative measures should then be identified within the HRA itself and included within the Air Pollution Mitigation Strategy.

Recreational pressure: The FMMs to Policy DM2 will place a burden on applicants to identify mitigation measures for recreational pressure through project level HRA.

Broadly supportive of the SAMM and Green Infrastructure approach adopted by EFDC. Maintain some concern about the apparent lack of SANG provision to address recreational pressure arising from the smaller residential allocations. Restates concerns in earlier representations about the approach to delivery of SANG at Roding Valley/Theydon Bois.

Changes: Not specified

MM: 47 Stakeholder ID: FMMOTH0001 **Respondent:** David Linnell

Organisation: Loughton Residents Association

Supporting document:

Legally compliant: No

Soundness test failed: Effective

Why: The amendment to Part B does not require the Council to ensure that any mitigation measures are in place before work starts on an approved development. At present, the Council has produced only an Interim Air Quality Mitigation Strategy (IAPMS). This contains merely a list of speculative proposals, which may or may not ameliorate the damage to the SAC; none of them have yet been put into effect (and indeed some of them, like the introduction of a Clean Air Zone, are not within the Council's sole remit to bring into effect). Nevertheless, the Council has approved developments close to Epping Forest on the basis of the IAPMS, knowing that work on these will commence before there are any effective measures to prevent harm to the Forest. These approvals by the Council appear to be in breach of the law (such as the Holohan judgment); we have made a formal complaint to the Office for Environmental Protection about this, and can cite specific cases if required. The Council approved the IAPMS on 04/12/2020; nearly two years later there is no sign of the Council making any progress towards implementing any of its proposals. In order to ensure the Council properly addresses its responsibilities under the Habitats and Species Regulations, the APMS (together with a strict timetable for its implementation and monitoring) ought to be agreed before the adoption of the new statutory plan, rather than being left to the later discretion of the Council. However, as the Plan needs to be adopted as soon as possible, we have suggested below an alternative which we think will rectify the position. Finally, the draft Plan appears to contain no mechanism to prevent the Council granting further damaging

development approvals if the monitoring of the APMS shows that the mitigation measures are failing.

Changes: Amendment (in blue) B. New development that would have an adverse effect on the integrity of the Epping Forest Special Area of Conservation or the Lee Valley Special Protection Area, either alone or in combination with other plans or projects, will not be permitted unless mitigation measures, on-site and off-site as appropriate, are put in place **before any development work on the site commences** to ensure that there will be no harm to the integrity of these areas. Contributions towards off-site measures to mitigate the likely impacts air pollution and adverse recreational effects arising from a development will be sought where these are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale to the development.

Justification

This change will make the Submission Version Legally Compliant and Sound because it will ensure that appropriate mitigation measures are in place to protect the integrity of the Epping Forest Special Area of Conservation or the Lee Valley Special Protection Area before any work can start on the development of a site.

MM: 47 Stakeholder ID: FMMOTH0001 Respondent: David Linnell

Organisation: Loughton Residents Association

Supporting document:

Legally compliant: No

Soundness test failed: Effective

Why: The amendment to Part C does not require the Council to ensure that any mitigation measures are in place before work starts on an approved development. At present, the Council has produced only an Interim Air Quality Mitigation Strategy (IAPMS). This contains merely a list of speculative proposals, which may or may not ameliorate the damage to the SAC; none of them have yet been put into effect (and indeed some of them, like the introduction of a Clean Air Zone, are not within the Council's sole remit to bring into effect). Nevertheless, the Council has approved developments close to Epping Forest on the basis of the IAPMS, knowing that work on these will commence before there are any effective measures to prevent harm to the Forest. These approvals by the Council appear to be in breach of the law (such as the Holohan judgment); we have made a formal complaint to the Office for Environmental Protection about this, and can cite specific cases if required. The Council approved the IAPMS on 04/12/2020; nearly two years later there is no sign of the Council making any progress towards implementing any of its proposals. In order to ensure the Council properly addresses its responsibilities under the Habitats and Species Regulations, the APMS (together with a strict timetable for its implementation and monitoring) ought to be agreed before the adoption of the new statutory plan, rather than being left to the later discretion of the Council. However, as the Plan needs to be adopted as soon as possible, we have suggested below an alternative which we think will rectify the position. Finally, the draft Plan appears to contain no mechanism to prevent the Council granting further damaging development approvals if the monitoring of the APMS shows that the mitigation measures are failing.

Changes: Amendment (in blue) C. All outline or detailed planning applications for new homes within the settlements of Loughton, Epping, Waltham Abbey, North Weald Bassett, Theydon Bois, Coopersale, Thornwood, Buckhurst Hill, Chigwell and Chigwell Row will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest SAC, in accordance with Visitor Survey Information which demonstrates this is needed. In recognition of the risks posed to the Epping Forest Special Area of Conservation from urbanisation effects

over and above that resulting from recreational pressures (including from fly-tipping, the introduction of non-native plant species and incidental arson) planning applications for development will not be permitted within 400m of the boundary of the Epping Forest Special Area of Conservation unless it can be demonstrated through project level HRA that the development would not generate any such impacts throughout development work on the site and thereafter.

Justification

This change will make the Submission Version Legally Compliant and Sound because it will ensure that appropriate mitigation measures are in place to protect the integrity of the Epping Forest Special Area of Conservation or the Lee Valley Special Protection Area before any work can start on the development of a site.

MM: 47 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Good; strictness that developers “must” mitigate, individually & cumulatively but see our remarks in MM22 for small developments and extensions

Changes: Not specified

MM: 47 Stakeholder ID: FMMLAD0018 Respondent: Fabian Culican

Organisation:

Supporting document: the FMM

Legally compliant: Yes

Soundness test failed: Not specified

Why: We do not support the wording of amendments made to part B. Particularly with reference to, the wording of ‘either alone or in combination with other plans or projects’. This would place an undue burden on new development coming forward, as contributions would need to have regard to deleterious impacts caused by existing development. Mitigation measures must be proportionate to the type and scale of development coming forward. New development that would have an adverse effect on the integrity of the Epping Forest Special Area of Conservation or the Lee Valley Special Protection Area, either alone or in combination with other plans or projects, will not be permitted unless mitigation measures, on site and off-site as appropriate, are put in place to ensure that there will be no harm to the integrity of these areas. Contributions towards off-site measures to mitigate the likely impacts air pollution and adverse recreational effects arising from a development will be sought where these are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale to the development

Changes: Not specified

MM: 47 Stakeholder ID: FMMLAD0020 Respondent: David Fletcher

Organisation: Countryside Properties

Supporting document: ED124A-G and ED159A-G

Legally compliant: N/A

Soundness test failed: Positively prepared, Effective

Why: Respondent's Executive Summary: As part of the MM September 2021 consultation, Strutt & Parker, on behalf of Countryside Properties, part of Vistry Group (Countryside), raised substantial concerns regarding the potential scope for changes to the 6.2km Zone of Influence (Zoi) during the plan period and the implications that this could have for specific SANG considerations.

In considering the FMMs, it is Countryside's assessment that the Council has, to some extent, redrafted Policy DM2 and its supporting text to take account of the Inspector's comments and previous representations. The Inspector's Advice Note June 2022 (Ref. ED141) does not appear to have been fully addressed (see below for further details). Policy DM2 and its supporting text still contain areas of ambiguity that might, at best, delay the determination of development proposals within the district or, at worst, lead to some sites being undeliverable (see below for further details). The policy in this regard is neither positively prepared nor effective.

In respect of the FMMs, such issues are now more evident within the supporting text to Policy DM2 rather than in the Policy itself.

This representation seeks the deletion of the word "current" from Footnote 1 to the Policy DM2, as it clearly conveys an implicit prospect that the Zoi may be revised at some point during the plan period. The concern, of course, is that the Zoi could be extended and, in the case of Countryside's interests at North Weald, be extended to include a greater portion of the site allocation area. To avoid any ambiguity, an additional sentence is required to clarify that the Zoi is fixed for the full duration of the plan period (see Section 7 below for further details).

Changes: To fully address the issues identified within this representation and within the Planning Inspector's note of June 2022, the following additional textual amendments should be made to Footnote 1 as contained in MM46, as follows:

Epping Forest District Green Infrastructure Strategy

- Delete the word 'current' within the sentence "The current Zone of Influence for the purposes of this Plan is 6.2km."

- Delete the following two sentences commencing "As well as providing guidance" and "These approaches are intended"

Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy

- Delete the first two sentences of this paragraph.

We trust that the Inspector will give full consideration to this representation, and those made previously to these MMs, which are attached for reference.

MM: 56 Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Overheating – ED29 is not specific. Note that ED29 and Climate Action Plan have several other provisions. Council will only need to "have regard" to this which is a weakening of control. Unfortunately even with the present policies, there is no known track record of EFDC diligence in this area.

Changes: Not specified

MM: 60 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith
Organisation: The Epping Society Supporting document:
Legally compliant: Not specified Soundness test failed: Not specified
Why: “meets” has become “taking into account”; weakening which we feel is not appropriate.
Changes: Not specified

MM: 66 Stakeholder ID: FMMSTAT0002 Respondent: Rosie Brown
Organisation: Environment Agency Supporting document:
Legally compliant: Not specified Soundness test failed: Not specified
Why: We note the additional paragraph (underlined), which was not highlighted in red in the Schedule. We accept the additional text outlining the possibility of exceptional circumstances and understand that we will be consulted on and would need to agree such proposals. We have no further comments to make on this modification.
Changes: Not specified

MM: 68 Stakeholder ID: FMMSTAT0002 Respondent: Rosie Brown
Organisation: Environment Agency Supporting document:
Legally compliant: Not specified Soundness test failed: Not specified
Why: We welcome the additional text referencing phased development.
Changes: Not specified

MM: 71 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith
Organisation: The Epping Society Supporting document:
Legally compliant: Not specified Soundness test failed: Not specified
Why: 1.Demonstrates & enshrines” represents a low ambition by EFDC. 2. 2013 is ancient data, redundant – the situation is likely to have shifted. If there is nothing more current and valid then this is unsound 3. District heating schemes out; generally good – although they might still have currency in very high-density developments, in future with new technologies (eg Air or Ground Source Heat Pumps); perhaps more flexible phrases might be used? 4. Good attempts at future-proofing
Changes: Not specified

MM: 71 Stakeholder ID: FMMOTH0003 Respondent: Karen Wheeler

Organisation: Epping Forest Climate Action Group **Supporting document:** ED144-ED144A

Legally compliant: Yes

Soundness test failed: Positively prepared

Why: We recognise a lot of positive aspects in the plan but feel that it is not positively prepared in respect to modification MM71. It appears the wording has been watered down in this section. Removing the mention of 'including district heating networks as part of a package of measures' and the sentence below appears to remove an objectively assessed development infrastructure requirement which is necessary due to the climate crisis we are facing. This is the sentence we have noted has also been removed:

'All major development should incorporate site wide communal energy systems that serve all energy demands from within the development and should have the ability to connect to district heating networks where possible.'

There is also no acknowledgement of the Government's recent (Gove 13 November) agreement that local opinion should be heard within this section. I have already found this consultation very difficult and time consuming to respond which I believe will stifle local opinion being heard.

Changes: We make the suggestion that adding back in the specific mention of 'including district heating networks as part of a package of measures' and adding back in the sentence below would mean that the document was sound as it gives clear guidance to developers as to what is needed to fulfil the councils responsibilities to tackle the climate crisis. Sentence to be added back in:

'All major development should incorporate site wide communal energy systems that serve all energy demands from within the development and should have the ability to connect to district heating networks where possible.'

We also feel to make it sound it needs to specifically have a requirement that local opinion will be heard when new developments are planned.

MM: 71 Stakeholder ID: FMMLAD0018 Respondent: Fabian Culican

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We support the modification of wording to DM 20 in order to create a more succinct policy.

Changes: Not specified

MM: 71 Stakeholder ID: FMMLAD0028 Respondent: David Hill

Organisation: Dandara Eastern **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Positively prepared, Effective, Justified

Why: In order to truly support the low carbon economy and seek to minimise the production of carbon, the local plan needs to be based on a growth strategy, which moves away from car-dependent development.

It would appear to be too late in the day to change the current development strategy at this point in time, but the local plan review needs to consider the opportunities for development around rail

travel, recognising the sustainability benefits that they can bring. The SA/SEA should be at the heart of any development strategy in a future review. This appears to be an opportunity missed in this iteration of the plan, given global temperature rise and the climate crisis and should be fully investigated as part of the review of the local plan.

Changes: The importance of rail infrastructure needs to be referenced in any potential future review as a mechanism to combat the climate crisis and reduce carbon emissions from development. A forward-thinking approach to this issue is needed now and should be referenced in this iteration of the plan.

MM: 72 Stakeholder ID: FMMLAD0025 Respondent: Claire Britton

Organisation: Hallam Land Management Ltd and CEG Ltd

Supporting document:

Legally compliant: Yes

Soundness test failed: Effective, Justified

Why: Respondent's Executive Summary: Please refer to separate sheets appended to this representation for our position on MM72.

MM71 reduces paragraph 4.149 and policy DM20 to create a shorter policy that simply seeks the incorporation of renewable energy installations and energy efficiency measures in new developments. However, this approach is not quite reflected in the text under the heading Amend Part D as part of MM72. This seeks 'Strategic Masterplans should demonstrate how the development will employ on-site low carbon technologies, and/or other energy efficient measure (for example, infrastructure to connect to an existing or future planned decentralised energy network) to help meet national and local plan energy and carbon reduction objectives'. The 'for example' wording in brackets is not considered necessary and adds further details which is over and above policy DM20 additions. It is therefore neither effective or justified. Also demonstrating and providing any detail on low carbon or renewable technologies as the Strategic Master Plan stage will be challenging. The HGGT has Sustainability Guidance and Checklist Document which has been endorsed by the District Councils and has material planning weight. It is considered more appropriate for the MM wording to follow this approach in seeking proportionate and appropriate amount of detail on off-site low carbon and renewable technologies rather than MP stage.

Changes: Respondent's Executive Summary: In order to ensure the soundness of policy DM20 (D) it is proposed that the MM72 be modified as follows:

"Strategic Masterplans should demonstrate (insofar as is appropriate in a strategic rather than detail planning document) how the development may employ on site low carbon or renewable technologies, and other efficiency measures to help meet national energy and carbon reduction standards".

MM: 74 Stakeholder ID: FMMRES0006 Respondent: Clifford Mitchell

Organisation:

Supporting document:

Legally compliant: No

Soundness test failed: Positively prepared, Effective

Why: Air Quality Management Area again – see MM40; but the Inspector should note that there has been no enforcement. Clear legal obligation, but no action; but EFDC were "required to reduce levels by 2020" and have not. EFDC are not always rigorous at meeting obligations; this is

part of the reasoning behind the concern about some of the weaker commitments being made in these further MMs.

Changes: Air Quality Management Areas should be strengthened and be enforced as a pre-requisite to allowing developments to proceed.

MM: 74 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: 1. Reference to the European Union is irrelevant; also the grammar is unclear.
2. Air Quality Management Area again – see MM40; but we would again remind the Inspector that there has been no enforcement. Clear legal obligation, but no action; but they were “required to reduce levels by 2020” and have not. EFDC are not always rigorous at meeting obligations; this is part of the reasoning behind our concern about some the weaker commitments being made in these further MMs. 3. “Required” would be better than “important”

Changes: Not specified

MM: 75 Stakeholder ID: FMMLAD0018 Respondent: Fabian Culican

Organisation:

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: It is suggested that use of the word ‘larger’ under Item C should be revised to refer to major development for the purposes of clarity.

Changes: Not specified

MM: 75 Stakeholder ID: FMMLAD0027 Respondent: Tim Rainbird

Organisation: Next Plc

Supporting document:

Legally compliant: Yes

Soundness test failed: Not specified

Why: The Main Modifications propose the following wording to Part A of Policy DM 22:
“A. [...] ensure neither future, nor existing residents, workers, visitors, or environmental and other sensitive receptors are adversely impacted as a result of the development.”
The proposed wording does not provide a clear differentiation between types of sensitive receptors, and is therefore too broad and open to interpretation. Specifically, inclusion of “environmental receptors” and “other receptors” does not define the types of receptors (i.e. visual or acoustic) and could cover to wide a range. To ensure that the policy is not misinterpreted at planning application stage, the wording should be tightened to make it clear that “ecological receptors” for example should not be included, given that matters affecting the District’s ecology are provided by other policies including Policy DM 1 (Habitat protection and improving

biodiversity), Policy DM 2 (Epping Forest SAC and the Lee Valley SPA) and Policy SP 7 (The Natural Environment, Landscape Character and Green and Blue Infrastructure).

Changes: Having regard to the above, the following additional wording is proposed (as underlined):

“A. [...] ensure neither future, nor existing residents, workers, visitors, or environmental and other sensitive receptors (excluding ecological receptors) are adversely impacted as a result of the development.”

It is considered that the revised wording is necessary to make it explicit that “environmental” or “other” sensitive receptors do not include ecological receptors which are dealt with in other policies of the Plan.

MM: 77 Stakeholder ID: FMMRES0006 **Respondent:** Clifford Mitchell

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: Council Officer has summarised: Confusion over number of homes for Epping South – here “maximum of 450”, but see MM78 K(i) which refers to a minimum of 450. There is also confusion about EPP.R1 and whether it is to be part of the “450” houses for Epping South.

Good to see 2 barriers set out; but there are other constraints. It would assist if the housing density was made known for town planning judgement and also to satisfy the public that the loss of so much Green Belt is justified. During hearings the developer stated that a noise reduction bund of considerable height but this is not shown on the plan.

It is not clear from the plans/narrative of the MMs whether SANGS for Epping South are to be located within the Developable Areas shown. If not clarification is sought whether additional Green Belt will be used and if so, would the land become “previously developed” land if no longer used for SANGS. It is not clear why the “Indicative Green Belt Boundary in ED144A.1 is so far from the Developable Areas. Why is it proposed to take Green Belt Land here without showing very special circumstances. The changes made in response to the Inspector’s actions are not at all satisfactory. The Site Constraints plan in ED144A does not delineate R1 but only shows the northern boundary along the rear gardens of homes on Bridge Hill and Ivy Chimney Road. If the Plan is to facilitate development of this area it must be properly shown on the map. The boundary enters into the Central Line Noise Buffer as does R2 which does not seem to have an eastern boundary. As modified the number of houses is specified as 450 but provision is made for the number to increase. For all the reasons advanced at the hearings, it is considered this site to be a poor one on most grounds and Inspector Phillip seemed to concur.

Among the shortcomings, is the impracticality of the EFDC policy of Modal Shift. Inspector Bore is invited to cycle into town, or push a loaded pram up Bower Hill and Station Road after first cycling or walking down the hill from the furthest extent of the estate.

Access to the sites does not seem to have been satisfactorily resolved. At the hearings it was stated that a road traffic and foot bridge would be needed to connect R1 with R2 but the developer stated the cost could not be supported by the proposed housing numbers (then “950+”). The current plans show the areas R1 and R2 separated by the Central Line. No access to surrounding roads is shown and attention is drawn to the fact area R1 is enclosed by the M25, Central Line, “Area of Landscape sensitivity” and a row of long established houses. The only access to Bridge Hill appears to be two narrow strips of land which are poorly located onto an already busy road close to a narrow bridge.

Changes: The Masterplan process needs to be re-evaluated. References to Masterplans appear confused. The amended Paragraph 5.16 calls for planning applications to be accompanied by a Masterplan. It is recommended that Masterplans here and throughout the district should be prepared, considered and approved, following public consultation run in accordance with Statutory requirements, before any planning application is submitted. It is considered the public and EFDC planning staff will be seriously disadvantaged if these are combined because of the volume of work needed to address them and the pressure anticipated from the council and developers. The aspirations for developer support of required infrastructure are weak and the decision making around this is subjective and unreliable. Inspector Bore is requested to reflect on scepticism among the public locally as to the objectivity and effectiveness of the local planning process.

MM: 77 Stakeholder ID: FMMRES0022 Respondent: Andrew Smith

Organisation: **Supporting document:**

Legally compliant: No

Soundness test failed: Positively prepared, Justified, Consistent with national policy

Why the Main Modification and/or supporting document is not legally compliant or is unsound:

In a letter dated 6 December 2022 Rt Hon Michael Gove MP Secretary of State for Levelling Up, Housing & Communities Minister for Intergovernmental Relations stated:

He would instruct the Planning Inspectorate that Green Belt: further clarifying our approach to date in the National Planning Policy Framework and the Localism Act, we will be clear that local planning authorities are not expected to review the Green Belt to deliver housing. This is in line with commitments made by the Prime Minister in the Summer.

Changes: EFDC should reconsider each proposed development on the Green Belt and for those areas where it is not justified to build, reduce the housing numbers in accordance with then latest guidance as above. Mr Gove also stated Genuine constraints should not oblige local authorities to build more houses than the community support. He said "local planning authorities will be able to plan for fewer houses if building is constrained by important factors such as national parks, heritage restrictions, and areas of high flood risk."

EFDC planning area includes Epping Forest which is a significant constraint because it occupies so much of our land and it is endangered by pollutants and excessive use.

On this ground too EFDC should revise their local plan target numbers, especially any sites for housing which can reasonably be expected to generate additional risk to the forest.

Also other MMs including 78

MM: 77 Stakeholder ID: FMMRES0037 Respondent: Nick Agnew

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Firstly, comments previously made (e.g., impact of any developments from TfL/National Rail service providers relating to future (station) car parking provision, potential growth of 'rail-heading' to (particularly Central Line) stations in the district) stand. More recently, I believe that the ability of many public transport operators to resource their services/networks against a nation-wide backdrop of staff shortages linked to increasing difficulties of operators to

attract/retain staff is a key issue in servicing the Plan's desire to achieve appropriate transport services/networks to support the Local Plan, including successfully achieving modal transfer from private to public transport in the future.

Looking at the present level of congestion in Epping linked to car/private vehicle usage and acknowledging factors such as the impact of both 'temporary' loss of parking in the area makes it difficult to accept that there is a robust transport plan that can assess the longer-term implications for modal choice and 'regularity/reliability' on journey times alone (and therefore choice of mode) when the plan is completed. In particular, the ability to fund supported but essential transport services/links as well as introduce 'innovative' transport options such as dial-a-ride services that can serve new/additional housing areas is likely to be adversely affected by the prevailing/future funding & economic crisis. Looking at related issues such as encouraging housing provision for older people, the combination of restricted parking options and concerns over access to adequate public transport options are likely to see many older people living in some areas of 'new build' reluctant/unable to retain the desired level of mobility. Adverse impact is unlikely to be restricted to older people; many younger people living in the area are certainly discouraged by poor transport services by destination/time of day and when unable/unwilling to afford private transport will question the ability to maintain existing services in the future or to obtain improvements in levels/networks.

Six weeks for the latest consultation is a concern and as an example, the inclusion of statements such as section MM 77 on page 104 below requires adequate consultation time to obtain assurance that statements such as that below are tested as 'deliverable' in more detail than the current consultation period has allowed:

New paragraph after Paragraph 5.23: "Sustainable Transport Choices x.xx 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."

Changes: Not specified

MM: 77 Stakeholder ID: FMMSTAT0011 **Respondent:** Rich Cooke

Organisation: Essex County Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: None

Why: Also see response MM78

Changes: Not specified

MM: 77 Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council Officer has summarised: There is confusion over the number of homes for Epping South (EPP.R2) – here "maximum of 450", but MM78 K(i) refers to 'a minimum' of 450. Also, confusion re site EPP.R1 and whether it is to be part of the "450" houses for Epping South.

Good to see 2 barriers set out; but other constraints are not mentioned.
The housing density on this site should be made known. At the Hearings, the developer proposed to include a noise bund. This is not shown on the plan.
It is unclear if SANGs for SEMPA are to be located within the Developable Areas shown. If not will additional Green Belt will be used for these? And then would the land become “previously developed” land if it were no longer used for SANGS?
Why is the “Indicative Green Belt Boundary on the plans in ED144A.1 so far from the Developable Areas? Why is it proposed to take Green Belt Land here without showing very special circumstances?
The Site Constraints plan in ED144A does not delineate R1 but only shows the northern boundary along the rear gardens of homes on Bridge Hill and Ivy Chimney Road. If the Local Plan is to facilitate development of this area it must be properly shown on the map. The boundary enters into the Central Line Noise Buffer as does R2 which does not seem to have an eastern boundary. As we stated at the hearings we consider this site to be a poor one on most grounds and Inspector Phillip seemed to concur.
Among the shortcomings of this site is the impracticality of the EFDC policy of Modal Shift with the furthest extent of the estate making cycling and walking an unlikely modal choice and it seems unlikely an adequate public transport link will be provided. Access to the site does not seem to be satisfactorily resolved either. The current plans show the areas R1 and R2 separated by the Central Line. No access to surrounding roads is shown for either of them and we draw attention to the fact area R1 is enclosed by the M25, Central Line, “Area of Landscape sensitivity” and a row of long-established houses. The only access from it to Bridge Hill appears to be via two poorly located narrow strips of land.
Residents will be sorely disappointed EFDC still aspires to 950+ houses and we invite the Inspector to cap the numbers before approving the Local Plan.
References to Masterplans appear confused. The FMM calls for planning applications to be accompanied by a Masterplan. We recommend that Masterplans should be prepared, considered, and approved, following public consultation run in accordance with Statutory requirements before any planning application is submitted. The public and EFDC planning staff will be seriously disadvantaged if these are combined.
Requirements for developer support are weak. The decision making around this is subjective and unreliable.
The Inspector should reflect on scepticism among the public locally as to the objectivity and effectiveness of the local planning process.

Changes: Not specified

MM: 77 Stakeholder ID: FMMLAD0013 **Respondent:** Brian Flynn

Organisation: Pigeon Investment Management

Supporting document:

Legally compliant: Yes

Soundness test failed: Justified

Why: Council Officer has summarised: MM77 includes two amendments to the supporting text to Policy P1 in respect of the strategic Masterplan approach and capacity of the South Epping Masterplan Area (SEMPA).

Policy SP3 and its associated supporting text (as modified) provides the general approach towards the Strategic Masterplan Areas (contained in MM16). Pigeon submitted representations to MM16, which referred to the proposed SEMPA and that there are particular circumstances that exist for SEMPA that justify an amended approach to this strategic allocation i.e. to require that a single masterplan be prepared. There are multiple landowners and two site promoters for South

Epping. There are two separate parts to the strategic allocation, and different parts of the allocation are expected to accommodate items of critical infrastructure to address impacts and to serve the development as a whole e.g. a new primary school would be provided as part of the development on one part of the allocation, and SANG would be accommodated within another part of the allocation. There are other infrastructure requirements that are expected to be delivered by both parts of the development and need to be co-ordinated e.g. the delivery of health and community facilities, walking and cycling infrastructure, transport infrastructure, open space and strategic landscaping, and measures to address air quality and noise impacts. A single and comprehensive masterplan is essential. The phasing of housing and infrastructure is particularly important for South Epping, in that SANG needs to be delivered in conjunction with the first phase of housing development in order to provide the necessary suitable alternative recreation area and reduce impacts on Epping Forest SAC. It is requested that Paragraph 5.16 includes a specific requirement for a single strategic masterplan to be prepared and include references to phasing for housing and infrastructure.

The new paragraph after Paragraph 5.16 refers to a capacity of 450 dwellings, but also allows the land promoters to increase the number of dwellings that could be delivered at the site subject to further assessment of constraints. This approach is not supported by the Council's own evidence of site capacity (ED144 (at pg. 20 to 27)) and introduces uncertainty about how much development could be accommodated at the site, the impacts of additional development, and the delivery of infrastructure. A more detailed review of the site capacity at the South Epping strategic allocation is provided in the representations to MM78. If the number of dwellings at South Epping increased then additional land would need to be set aside within the allocation for SANG, open space, and additional primary school places for example. The new paragraph refers to impacts on Epping Forest SAC, which is appropriate, but there are other impacts that would also arise that should be assessed e.g. on highway capacity in this location, a need for additional public transport services to serve the development, and impact on health facilities. It is requested that the new paragraph after Paragraph 5.16 should be deleted.

Changes: It is requested that MM77 is subject to further main modifications.

Paragraph 5.16 to be amended to the following:

Planning applications for Sites EPP.R1 and EPP.R2 should be accompanied by a single Strategic Masterplan for the whole allocation which demonstrates that the development requirements set out in this policy including phasing and delivery of infrastructure have been accommodated and which has been endorsed by the Council. The Strategic Masterplan should be submitted and approved in advance of a planning application for the South Epping Masterplan Area. The endorsed Strategic Masterplan will be taken into account as an important material consideration in the determination of any planning applications.

It is requested that all of the proposed new paragraph after Paragraph 5.16 is deleted.

MM: 77 Stakeholder ID: FMMLAD0022 **Respondent:** Catherine Bruce

Organisation: Bellway Homes Ltd

Supporting document: ED144

Legally compliant: Not specified

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: Council Officer has summarised:

This representation contains representations from both Savills and Barton Willmore (now Stantec) on behalf of Bellway Homes in regard to allocated site EPP.R2 and the South Epping Masterplan Area more generally and should be read in conjunction with representations made by Barwood Land in regard to allocated site EPP.R1.

We have reviewed the Council's capacity analysis for the site and consider it flawed for a number of reasons. These include that:

- The Council considers all of the constraints of the site with no consideration of possible mitigation.
- The use of the stream as the 'build to the line' is wholly unjustified in relation to the impact on the Green Belt. The release of the Site results in the contribution of the site to Green Belt purposes becoming redundant in relation to impacts on Green Belt within the site. However, it is accepted that an area to the south of the Site should be retained as open space
- The Council's suggested area required for non-residential uses is considered wholly disproportionate to the scale of the development proposed, which has been significantly reduced from the original 950 homes allocation. There is therefore likely to be limited demand for non-residential uses to locate within the development, given this proposed scale and the sites proximity to the services and facilities of Epping.
- The Council state that 8.64ha of SANGs is required for 450 homes and that SANG space should be separate to other formal open space. In fact, if a minimum of 225 homes are to be delivered on EPP.R2 this equates to a need for 4.32ha of SANG. Moreover, public open space and SANG can have a dual-purpose use and the Council should not seek to 'double count' space by taking the position they cannot.

Furthermore, the requirement for a strategic masterplan is not justified given the significantly reduced scale of the development on this site. A Concept Framework is considered more appropriate.

Due to the above, modifications to Policy P1 Part K, L, M and N and supporting text paragraphs 5.16 & 5.17 should be made. These modifications would replace references to Strategic Masterplans with Concept Frameworks, and address issues concerning infrastructure and greenspace requirements. The proposed modifications are summarised in Savills representation in Appendix A, pages 12-14.

Changes: Not specified

MM: 77 Stakeholder ID: FMMLAD0023 **Respondent:** Michael Calder

Organisation: Greenacres Real Estate Ltd **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Effective

Why: Council Officer has summarised: Paragraph 5.16. GREL broadly supports the further modification set out in MM77. In particular the amendments to Paragraph 5.16 that clarifies that planning applications for this site should be accompanied by a Masterplan, and this Masterplan will be taken into account in the determination of planning applications. However, the amendments with Paragraph 5.16 do not go far enough to address the Inspectors Action 31, and should be worded consistently with the amendments proposed to Policy P1 Part L, as set out by MM78. Paragraph 5.16 should therefore be amended to require confirmation and clear direction within the text that the preparation of the South Epping Strategic Masterplan requires consultation with all those with a development interest in the defined area.

Our previous submissions have highlighted that to date the Council has engaged with only 2 of the 5 landowners/promoters of EPP.R1 and EPP.R2. EB1421 and ED144 is clear that its contributions are from only 2 landowners. The Inspectors Action 31 is seeking to ensure an inclusive and comprehensively prepared Masterplan that does not prejudice those with a development interest in the land. It is critical that GREL are involved in future capacity analysis/masterplanning of EPP.R1 to ensure that a comprehensive masterplanning process involving all promotional partners with interest in policy EPP.R1 and EPP.R2 is undertaken. Recognition is required that allocation

EPP.R1 is within multiple ownership and requires all parties to deliver a comprehensive proposal. GREL intends to positively collaborate in the preparation of the Strategic Masterplan for the South Epping Masterplan Area and awaits contact from the Council in this regard.

Our comments expressed in relation to MM78 highlights that the access proposals depicted within the Council's evidence base (Document ED144A.1) are not in their optimum form and by consequence conflict with the aspiration of ensuring suitable vehicular access, optimising bus travel for the development and walking/cycling. This is addressed later within this submission.

New Paragraph after Paragraph 5.16. We are seeking a change to the additional text proposed in this paragraph, which consistent with representations made within this submission, should clarify that 'known constraints' will be determined within the Strategic Masterplan as part of the masterplanning process and have not been fixed in this Local Plan. We would refer to our comments in respect of changes proposed to Part K, new part (xiii) of the policy for clarification as to why it is premature to fix constraints ahead of a detailed collaborative masterplanning process. GREL supports the removal of the previous arbitrary restrictions on developing this site that was previously predicated around a Plan review in the period 2024/25. Removing this fixed date will ensure that there are no unnecessary restrictions on the supply of housing. A clearer and more responsive way forward is proposed through these amendments, and requires demonstration that proposals that will lead to more than the minimum 450 dwellings from the site would not result in an adverse effect on the integrity of the Epping Forest SAC.

Changes: Council Officer has summarised: Paragraph 5.16 should be amended to require confirmation and clear direction within the text that the preparation of the South Epping Strategic Masterplan requires consultation with all those with a development interest in the defined area. It is critical that GREL are involved in future capacity analysis/masterplanning of EPP.R1 to ensure that a comprehensive masterplanning process involving all promotional partners with interest in policy EPP.R1 and EPP.R2 is undertaken.

New Paragraph after Paragraph 5.16 - we are seeking a change to the additional text proposed in this paragraph, which consistent with representations made within this submission, should clarify that 'known constraints' will be determined within the Strategic Masterplan as part of the masterplanning process and have not been fixed in this Local Plan. Removal of the previous arbitrary restrictions on developing this site that was previously predicated around a Plan review in the period 2024/25. Removing this fixed date will ensure that there are no unnecessary restrictions on the supply of housing.

MM: 77 Stakeholder ID: FMMLAD0026 **Respondent:** Louise Steele

Organisation: Barwood Land

Supporting document:

Legally compliant: Not specified

Soundness test failed: Positively prepared

Why: Council Officer has summarised:

Amends with justifications proposed to the supporting text to Policy P 1 to paragraphs 5.16 and new paragraph after 5.16. The proposed amends address issues such as:

- The fact that Concept Framework Plans can accompany planning applications for sites EPP.R1 and EPP.R2
- The Concept Framework Plan can be approved by the Council as part of the planning process

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0005 Respondent: Ian Wilcox

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: MM78: Amended Policy P1 – OBJECT

The proposed amendments to Part B of Policy P1 includes a reference to the capacity at the South Epping Masterplan Area being a minimum of 450 dwellings. The use of the term 'minimum' is completely at odds with the advice of the previous Inspector and does not reflect the Council's own assessment of capacity at the site.

Part B of Policy P1 should be modified to refer to a MAXIMUM of 450 dwellings. Less, if at all possible. This should not be negotiable. The higher number of dwellings proposed is driven by developers and those with a 'vested interest' in building south of Epping - it is pure greed. Greed at the expense of irreparably damaging the quality of life for existing residents in the area. There is no reason whatsoever why the Council should go back on their original proposal of a maximum of 450 dwellings.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0008 Respondent: Ellie Shillaker

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: No

Soundness test failed: Positively prepared, Justified

Why: The new wording on the houses to be built has now been changed from 'approximately 450 homes' to a 'minimum of 450 homes' - Park K i.

Based on all the previous concerns raised around how the utility infrastructure even with improvements could not possibly support this level of expansion, as evident from the continuous disruption to the area, this new plan only raises more concerns than ever before.

Changes: Put a limitation on homes to prevent over expansion in the area.

MM: 78 Stakeholder ID: FMMRES0009 Respondent: Steve Burges

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I object to the statement of a minimum of 450 dwellings. This should be a maximum of 450.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0010 Respondent: Melissa Pepper

Organisation: **Supporting document:** ED145

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified

Why: Policy P 1 Part B has been amended from the wording of ‘approximately 450 homes’ on the South Epping site (EPP.R1 and EPP.R2) to a ‘minimum of 450 homes’. This represents a significant change from the previous iteration of Main Modifications (ED130) published in July 2021. This change is also contrary to the Inspector’s Advice After Hearings’ document (ED98) in which the original Inspector, Louise Phillips, stated that ‘minimum figures’ for sites EPP.R1 and R2 for capacity should instead be expressed as ‘approximate figures’. In this document the Inspector again reiterated the numerous constraints on the proposed South Epping Masterplan (SEMPA) site, including Green Belt and HRA considerations, noise and air quality associated with the M25, the presence of overhead powerlines and the need for a bridge over the railway to connect them (which the developers have stated they are not able to provide). Epping Forest District Council (EFDC) were required to carry out further detailed assessment of the proposed SEMPA site following the Inspector’s Advice which again highlighted the significant constraints on the site and the requirement for essential infrastructure including a primary school and shops/other facilities. Given the distance of this proposed site from existing facilities on Epping High Road (the furthest of any of the areas in the initial feasibility study), the provision of these services is vital. The change in wording from ‘approximately’ to a ‘minimum’ of 450 homes leaves scope for unlimited development on a site that has been deemed unsuitable, and essentially reverses the Main Modifications made on the advice of the original Inspector, Louise Phillips. Considering the detailed capacity work that has taken place, this should be modified to a ‘maximum of 450 dwellings’ across the SEMPA site.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0014 Respondent: Melanie Mckenzie

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Amended Policy P1 – OBJECT

The proposed amendments to Part B of Policy P1 include a reference to the capacity at the South Epping Masterplan Area being a minimum of 450 dwellings. The use of the term ‘minimum’ is not consistent with the advice of the previous Inspector and does not reflect the Council’s assessment of capacity at the site, taking into account identified constraints and policy requirements. Part B of Policy P1 should be modified to refer to a maximum of 450 dwellings. This should not be negotiable.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0017 Respondent: Katherine Coggles

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The proposed amendments to Part B of Policy P1 include a reference to the capacity at the South Epping Masterplan Area being a minimum of 450 dwellings. The use of the term ‘minimum’ is not consistent with the advice of the previous Inspector and does not reflect the Council’s assessment of capacity at the site, taking into account identified constraints and policy requirements. Part B of Policy P1 should be modified to refer to a maximum of 450 dwellings.

This should not be negotiable. This is particularly important given the lack of a relief road, lack of detail about where the new junctions will be placed, or how the existing dangerous narrow roads can be made safe with the obvious increase in traffic volume.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0019 Respondent: Richard Ley

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I would like to refer to the proposed amendments to Part B of Policy P1 these include a reference to the capacity at the South Epping Masterplan Area being a minimum of 450 dwellings. There is a significant and concerning change in terms being used here - 'minimum'. This not consistent with the advice of the previous Inspector. It also does not reflect the Council's assessment of capacity at the site, taking into account identified constraints and policy requirements. Part B of Policy P1 should be modified to refer to a maximum of 450 dwellings. How can this be left so open and yet allow for the correct planning to take place around the requirements of what might be 450 dwellings, 550, dwellings etc – with no maximum number quoted. This seems rather concerning.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0020 Respondent: Catherine Hammond

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: Yes

Soundness test failed: Positively prepared

Why: The amendment to the wording which now states a "a minimum of 450 homes" is of concern in this area. There is now no upper limit on what developers can apply to build, and this could have consequences for local services and pressure of traffic on local roads. It is now the case that GP appointments frequently cannot be booked in advance as no future appointments are available. An increase in the local population will make this worse. There is still no indication of how an increase in traffic will be managed, or where and how access to the Epping South sites will be managed, especially during development. Residents in this area know that traffic along Ivy Chimneys, Bridge Hill and Brook Roads is very difficult due to the amount of on-road parking and narrow railway bridge. In addition, these roads are now subject to frequent water main bursts and often closed for emergency repairs. Additional traffic, as well as the affect of increased demand on sub-standard mains supplies are likely to cause even more problems.

Changes: Changes necessary to make this version sound include a revision to the number of houses with a maximum number the site can sustain, clear details of how access will be managed and where access roads will be sited, and what provision will be made for additional services including GPs to ensure the proposed development will not have a detrimental effect on the existing residents of this area.

MM: 78 Stakeholder ID: FMMRES0024 Respondent: George Williams

Organisation: na **Supporting document:**

Legally compliant: Yes

Soundness test failed: Not specified

Why: Off the back of the most recent communcaotion from the Liberal Democrats, we've been notified of the intention of the (updated) minimum of 450 houses to be built behind ...Redacted... Based on all the previous concerns raised around how the current utility infrastructure could not possibly support this level of expansion, as evident from the continuous disruption to the area, this new plan only raises more concerns than ever before. As per our previous objection to the South Epping Strategic Masterplan Area, I am formally emailing with my below objection reasons with my partner who also lives at the property in CC;

General;

- Fundamentally, the new wording on the houses to be built has now been changed from 'approximately 450 homes' to a 'minimum of 450 homes' - Park K i.
- Road access- no vehicular bridge included in plans which increases congestion. Roads are narrow, bendy, with cars on most curbs currently, Ivy Chimneys is already a very busy road with people using it as cut way road and from the school. This will be further exacerbated due to the constant road closures when the water pipes burst, with the road shutting as a result.
- Highway safety- Inadequate access or highways safety- Accessibility Issues Adequacy of parking/loading/turning. Traffic generation- with school etc already busy there.
- The Noise air quality associated with the M25 is still relevant and therefore increasing the dwellings still does not address this.
- Likewise, the presence of the overhead powerline's that have not still been considered nor eradicated.
- The land allocated is on the green belt and therefore still not legally compliant.
- Noise and disturbance resulting from use will affect the value of the nature reserve.
- Loss of light or overshadowing- The height or proximity of the development would be such that unreasonable overshadowing would occur.
- Existing Gp will not be able to accommodate for additional residents.
- New school will also need to be provided as Ivy Chimneys school is at capacity.
- Overbearing nature of proposal - The scale of the works means that the property/premises has an oppressive impact on surrounding areas/houses.
- Increase to flood risk- Additional housing will decrease the opportunity for water to soak into the ground in the field and cause water on the road to slope down into the valley. This is especially evident with the proposed boarder line which proposed to be built for the unlevelled ground

Personal;

- Overlooking/loss of privacy- The proposal would lead to previously private areas being overlooked.
- Health -My partner is extremely asthmatic and how will the dust impact his health?
- We are also expecting a baby, and are very worried about the affects of building work.
- I would also like to add that I brought my property in January 2021, if i was to known this would be happening I wouldn't have brought my property, I feel that i have been mislead and reserve the right to seek redress.

Changes: To make this proposal viable,

- Deleting

South Epping from the plan would address these concerns and still enable the district to meet the housing numbers required by the government (especially when taking into account the many new flats proposed for Epping Town Centre) otherwise, infrastructure needed

- A Vehicular Bridge to ease with congestion
- A new health hub / GP / Dentist
- A new additional school
- A local supermarket
- A necessary green infrastructure must be provided

MM: 78 Stakeholder ID: FMMRES0025 Respondent: Rameen Naylor-Ghobadian

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I write in response to the consultation, reference MM78. I am concerned that the plan has moved from a maximum of 450 houses to a minimum of 450 houses. I don't consider the local roads can cope with the additional traffic - Ivy Chimneys Road is narrow and suffers from traffic jams, particularly during school pick up and drop offs. In addition, there is limited off street parking which compounds the problem. The site is also near to the M25 so will expose residents to potentially dangerous levels of air and noise pollution. The site also lacks proximity to public transport and the high street so would significantly increase traffic volumes.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0026 Respondent: Adam Stean

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I am writing to object to the proposed building of 450 houses on the fields behind Ivy Chimneys and opposite Brook Road. Particularly part MM78 - which says a minimum of 450 dwellings when this was previously stated as a maximum of 450 dwellings. The use of the term 'minimum' is not consistent with the advice of the previous Inspector and does not reflect the Council's assessment of capacity at the site, taking into account identified constraints and policy requirements. Part B of Policy P1 should be modified to refer to a maximum of 450 dwellings. This process has been going on for many years with complete lack of clarity on the plans. Particularly Brook road is very narrow and busy at times, and there have been no plans outlined as to how this will be managed going forward. The key principles for the Strategic Masterplan Areas need to be established, consulted upon, agreed and endorsed before any planning application is submitted. eg. The District Council is proposing that the primary school be delivered on one part of the allocation and Suitable Alternative Green Space (SANG) would be delivered on the other. The SANG at South Epping east of the railway, needs to be delivered in the first phase of the allocation to provide the alternative recreation areas for residents. The early delivery of other essential infrastructure, such as the primary school, will also be key if adverse impacts are to be avoided. These issues need to be resolved and agreed prior to the submission of an application and need to be informed by detailed consultation with local residents, Epping Town Council and the Epping Town Neighbourhood Plan Group. I hope that this and any other objections are taken seriously and that we have some clarity on next steps soon.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0027 Respondent: Alex Stean

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I am writing to object to the proposed building of 450 houses on the fields behind Ivy Chimneys and opposite Brook Road. Particularly part MM78 - which says a minimum of 450 dwellings when this was previously stated as a maximum of 450 dwellings. The use of the term 'minimum' is not consistent with the advice of the previous Inspector and does not reflect the Council's assessment of capacity at the site, taking into account identified constraints and policy requirements. Part B of Policy P1 should be modified to refer to a maximum of 450 dwellings. This process has been going on for many years with complete lack of clarity on the plans. Particularly Brook road is very narrow and busy at times, and there have been no plans outlined as to how this will be managed going forward. The key principles for the Strategic Masterplan Areas need to be established, consulted upon, agreed and endorsed before any planning application is submitted. eg. The District Council is proposing that the primary school be delivered on one part of the allocation and Suitable Alternative Green Space (SANG) would be delivered on the other. The SANG at South Epping east of the railway, needs to be delivered in the first phase of the allocation to provide the alternative recreation areas for residents. The early delivery of other essential infrastructure, such as the primary school, will also be key if adverse impacts are to be avoided. These issues need to be resolved and agreed prior to the submission of an application and need to be informed by detailed consultation with local residents, Epping Town Council and the Epping Town Neighbourhood Plan Group. I hope that this and any other objections are taken seriously and that we have some clarity on next steps soon.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0028 Respondent: Jane Engelsman

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I am writing to object to the building of a minimum of 450 houses in my back yard!!!! Firstly, where is the infrastructure you propose to supply. Have you actually visited the local roads that just cannot take any more additional traffic!!! Why do you think that we inRedacted.... have constant water and gas leaks. They pipes are so old that with all the additional traffic with big lorries etc just keep breaking. Stop putting a sticking plaster to repair - spend the money and do the job properly - you are throwing our good money literally down the drain!!! Are you going to build new schools and doctors surgeries for all these thousands of people - I doubt it very much. Also, how can you build these houses near to the M25 without thinking of everyone's health. I guess I am wasting my time sending this email but maybe someone with any sense will see the reality of what you are doing!!!!!!!!!!!!!!!!!!!!!!

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0031 Respondent: Katie Hughes

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I'd like you to note my objection to MM78: Amended Policy P1.

The proposed amendments to Part B of Policy P1 include a reference to the capacity of the South Epping Masterplan Area to be 'a minimum of 450 dwellings'. The use of the term 'minimum' is not consistent with the advice of the previous Inspector and does not reflect the Council's assessment of capacity at the site, taking into account the identified constraints and policy requirements. Part B of Policy P1 should be modified to state 'approximately' 450 dwellings, or, more preferably, a 'maximum' of 450.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0033 Respondent: Darryl Hughes

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I'd like you to note my objection to MM78: Amended Policy P1. The proposed amendments to Part B of Policy P1 include a reference to the capacity of the South Epping Masterplan Area to be 'a minimum of 450 dwellings'. The use of the term 'minimum' is not consistent with the advice of the previous Inspector and does not reflect the Council's assessment of capacity at the site, taking into account the identified constraints and policy requirements. Part B of Policy P1 should be modified to state 'approximately' 450 dwellings, or, more preferably, a 'maximum' of 450.

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0034 Respondent: Martin and Harold Russell

Organisation: **Supporting document:** ED147A and Inspectors Notes ED141 12/6/22

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Justified

Why: Council Officer has summarised: Object to Policy P1 Part B the insertion of "a minimum of" 450 homes this would be a licence allowing developers to increase the number of homes and with the decision of a build to line on site EPP.R2 would lead to an increase in housing density leading to unacceptable and out of character development. EPP.R1 and EPP.R2 are on the very edge of the developed land around Epping, currently green belt farmland and are unsuitable for high-density high-rise flats. The sites should not be overdeveloped with high density adjacent to green belt land and out of character with the surrounding mainly two storied family homes.

Object to Part J the removal of "must comply with" to be replaced with "should be accompanied by" is a watering down of the development requirements.

Policy P1 Part K (i) object to the insertion of "a minimum of" 450 homes this would weaken the previous reduction in housing numbers which Inspector Philips already had concerns as to whether the housing densities specified for sites was achievable. To introduce a minimum number of homes without a maximum would be a dangerous precedence to set.

Part K (ii) has already removed the phrase “a new neighbourhood centre to include” this would result in any new facilities not being provided within or proximity to the sites and there are concerns due to very steep hill on the furthest edge of the town centre. Part K should be strengthened to clearly define the requirements for development of the sites. Epping needs more NHS GP Doctors and Dentists, highways improvements (Wake Arms roundabout), Theydon Road T Junction and Epping Road Traffic lights along the B1393 and new developments would make these issues worse.

New Part after xiii the land to the South of the build to line in EPP.R2 is unsuitable as a replacement for the current site of Brook Road Recreation Ground (Action 19). This site should be protected in the local plan to provide public open space or a SANG (Suitable Alternative Natural Greenspace) for existing and new residents of the proposed residential sites EPP.R1 and EPP.R2. Why do the following points need to be removed? Have these been moved to another part? Remove point (xi): (xi) careful design to avoid or reduce impacts on the ancient woodland which may include providing a buffer zone of semi-natural habitat between built development and the Ancient Woodland; Point (xiv) as follows: “(xiv) the integration, retention and improvements to the existing watercourse” Removal of “and Public Rights of Way, including the retention of the existing pedestrian footbridge over the M25, and enhanced linkages to Epping station;”

Changes: Map 5.1

South Epping Masterplan Area Map

Addition of ‘build to’ line on map (as outlined in MM78, New part after (xiii))

Build to Line shown in ED147A is brown on yellow is hard to see and not clear as to which side of the line development is planned. This should be made clear and not be hidden from view as is currently the case. ED147A-Revisions-to-Mapping-Part-One-Oct-22.pdf Brown line on yellow map why not reduce the EPP.R2 area to make it clear which part is to be developed upon and which to remain undeveloped. Also the map should be modified to include the location of the Brook Road recreation area to preferably keep it in its current location on flat level ground. Revise Policy P1 Part K (i) to set a Maximum Number of homes and clearly define the housing density required and house types to fit that number.

MM: 78 Stakeholder ID: FMMRES0035 Respondent: Roger Rose

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The proposed amendments to Part B of Policy P1 include a reference to the capacity at the South Epping Masterplan Area being a MINIMUM of 450 dwellings. The use of the term ‘MINIMUM’ is not consistent with the advice given by the previous Inspector and does not reflect the Council’s assessment of capacity at the site, taking into account identified constraints and policy requirements. This represents an attempt to swerve the constraints previously highlighted and build any amount of housing without control.

Part B of Policy P1 should be modified to refer to a MAXIMUM of 450 dwellings. This should be absolutely non-negotiable!

Changes: Not specified

MM: 78 Stakeholder ID: FMMRES0038 Respondent: Elizabeth Harbott

Organisation: **Supporting document:**

Legally compliant: No

Soundness test failed: Justified

Why: Amend Park K as follows:

i) A minimum of 450 homes

Increasing the housing (and other buildings) at SEMPA is not legally compliant because the priority for completing the SEMPA seems to be to help the Council bring the plan to an adoptable state as soon as possible (ED141) Inspector not to Epping Forest District Council 16 June 2022). The increased development in SEMPA seems to be a response to a need for 'a 5 year housing land supply' (ED141.1) so that the 'anticipated plan adoption date of Autumn 2022' (ED141) can be kept as much as possible. Increasing the development within the 6km Zone of Influence for the Epping Forest SAC (Special Area of Conservation) will have a detrimental impact on it. Planning applications for small sections of SEMPA may be able to prove "no adverse affect" (ED141) which would not be reached if the SEMPA were considered as a whole. Short term decisions made to complete processes speedily are not capable of creating areas that protect biodiversity. Given 450 is a new minimum number for development units at SEMPA the access and connectivity for the site is inadequate. Currently 'signalled access each side of the railway bridge is proposed (South Epping Masterplan Area allocation Capacity Analysis Sites EPP.R1 and EPP.R2) It is not clear how this would work. If it leads to an increase in traffic waiting either side of the bridge it would increase the pollution levels in this area which would have a negative effect on human health. Given this is a route along which many parents walk their children to Ivy Chimneys Primary School this is not acceptable as an access solution. Bodies responsible for creating polluted environments so close to people must be responsible for their health effects which are now well documented. Given the topography of the site pollution is more likely to gather here than to disperse. It would be wrong to reinstate a proposal for a road bridge over the railway at a later stage in the planning process. A road bridge over the railway should be consulted upon at this stage of the process if it is necessary. It would increase through traffic (and so pollution) and negatively affect landscape character. Increasing development at SEMPA is not in line with national planning policy framework so is not compliant. National Planning Policy Framework states open space should not be built on (99 (a)) 1 unless it is replaced by 'equivalent or better provision in terms of quantity and quality in a suitable location' This is an open space (although obviously fields) which is well used by many for walking and cannot be replaced. Any replacement would be less accessible to the local community of South Epping. Open area in north Epping is far less accessible due to the steepness of Bower Hill.

1 www.gov.uk/guidance/national-planning-policy-framework (9.12.22 retrieved)

Changes: Remove 'a minimum of' and replace it with approximately. Redraw 'Map X' to show the at EPP.R2 and EPP.R1 are protected by a 4m undeveloped area each side and are not covered or straightened at any point. 'Build to line' has been place through the stream in centre of EPP.R2. The stream should be protected from development by an undeveloped area of 4m each side as stated in previous consultation documents.

MM: 78 Stakeholder ID: FMMRES0039 Respondent: Laura Early

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I would like to object to planning permission. Previously we were informed that the houses to be built would not exceed 450 houses now this has changed? As a minimum and not maximum?. Also how will Brook Road work with increased traffic without a new road? which was in the original plans? Brook Road is dangerous at the best of times and residents are worried in relation to noise and increase traffic and congestion. How will Brook Road be safe?

Changes: Not specified

MM: 78 Stakeholder ID: FMMSTAT0011 **Respondent:** Rich Cooke

Organisation: Essex County Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Effective

Why: The amendment to Policy P 1, part D is noted on infrastructure requirements generically. It is noted that Part K has been revised to reflect the changed scale of growth.

Changes: As a further point on this, it is necessary to revise / update Part K (iii) dealing with education provision, to read as follows:

(iii) 2.1 ha. of land for education use

This is to ensure that sufficient / appropriate land provision is made to accommodate education related provision (such as a primary school and Early Years & Childcare) as necessary for this development (through the masterplan).

MM: 78 Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: 1. 450 is here a “minimum” – see above. We believe the Local Plan should be specific, especially after such a long gestation period. Number of homes at Sports Centre could be read as “2”- a typo Amend part D: this is a very vague policy requirement which is unsatisfactory to residents and developers alike.

2. Developers “must” contribute; with list of requirements; good. The question then arises – how to enforce / overcome arguments about viability eg part D – is a new primary school to be demanded; the community and the school and Essex CC at the time of the Hearings preferred to expand the existing school. We ask for confirmation that any new or additional school south of Brook Road and Ivy Chimney would be within any land taken from the Green Belt and not additional to it

3. Also refers to road access “not hindering existing”. We simply cannot see how this might be realistically achieved for this site. For much of the day Ivy Chimneys Road is already beyond perceptual capacity. Please see traffic data for the relevant roads; or carry out an Inspector’s site visit. We do not believe it is satisfactory to leave site access until any Masterplan, consultation upon which is likely to be short and on current policy drafting coincidental with a large planning application. It is not reasonable to expect the public to be able to deal with these within a short consultation period. Further, what proportion of new traffic will head for the Bell Common Air Quality Management Area? Has this been modelled?

4. Part G waters down air quality and the Special Area of Conservation – “have regard to” again. Yet developers “must demonstrate no significant impact on air quality in the SAC” (or similar wording) This is inconsistent
5. Part kii – “new primary school” is stated here – see above. The Plan must be consistent, lest we have endless arguments about what has been approved. The community and the school and Essex CC at the time of the Hearings preferred to expand the existing school
6. Introduces a “build to” line.... This needs to be much clearer on map! We notice that this line / very similar is “defensible boundary” in ED144A. Could we have clarity & definition of terminology please Beyond this line is designated for...open space or other “appropriate uses” – such as? Who is to decide? Are we looking at a grey area where Planning Blight can set in
7. Masterplan to be publicly consulted – good but it should be done and approved before a planning application of the site.

Changes: Not specified

MM: 78 Stakeholder ID: FMMOTH0006 **Respondent:** Jon Whitehouse

Organisation: Epping Forest District Council Liberal Democrat Group

Supporting document: ED144

Legally compliant: Not specified

Soundness test failed: Effective, Justified

Why: MM78 seeks to amend the housing number for the SEMPA area from ‘approximately 450’ to ‘a minimum of 450’. The current wording allows for more than adequate flexibility.

Previous representations and the evidence base, in particular ED-144 (Council’s response to Actions outlined in Inspector’s Note 16 June 2022) pages 20-27 set out a large number of constraints pertaining to the SEMPA area and makes clear that increasing the number of homes beyond 450:

- Is likely to damage the landscape given the landscape sensitivity of the area
- would leave insufficient land for the education, health, recreational and community facilities required to support the new development,
- would leave insufficient land for alternative natural greenspace (SANG)
- would place additional pressure on the local transport and other infrastructure. that would not be viable to mitigate. In particular the lack of a vehicular crossing, previously identified as a requirement when 950 dwellings were proposed, becomes increasingly significant as the number of dwellings increases and as the vehicle traffic is forced to use the narrow and already congested residential roads along Ivy Chimneys – Bridge Hill – Brook Road to access the wider road network. Indeed we consider this among the factors that makes the site unsuitable even at 450 dwelling given the evidence base does not include anything that demonstrates how the traffic effects on local roads and the wider network, including the over-capacity junctions along Epping High Street, will be mitigated.

We are also concerned that an increase in number of dwellings would leave insufficient land to protect and enhance the existing streams, watercourses, hedgerows and trees in the SEMPA area which are important for biodiversity and amenity and which would be contrary to the council’s adopted blue and green infrastructure strategy.

Finally the use of “a minimum of” is inconsistent with other site allocations in the plan which overwhelming use “approximately” e.g. policy P1 B.

Changes: Deleting the site from the proposed allocations would meet our concerns

Alternatively retain the “approximately” instead of amending to “a minimum of” and / or reduce the number of dwellings below 450.

MM: 78 Stakeholder ID: FMMLAD0012	Respondent: Martin Friend
Organisation: Wates Developments	Supporting document: ED141
Legally compliant: Not specified	
Soundness test failed: Effective, Justified	
<p>Why: Inspector's Action 30 required the Council to demonstrate that SEMPA is capable of making a meaningful contribution towards the District's housing supply.</p> <p>The Council's analysis of the discussions with the promoters and their justification for the yield from the site in ED141 pages 20 – 27 make very clear that both allocations within the SEMPA have very significant constraints, a point that Wates have made throughout the Examination. The reduction from 950 to 450 dwellings during the Examination was demonstration if one were needed regarding the paucity of the environment analysis that was undertaken in allocating this land and in defining the yield from it. Even at this stage, no proper technical work is adduced to support initial masterplanning of the site to demonstrate clearly the deliverability, yield and timing of the development. The addition of a build line is also not based on any detailed landscape or heritage assessment. Given this absence of cogent evidence it is considered that the allocation is unsound.</p>	
Changes: Delete the SEMPA allocation	

MM: 78 Stakeholder ID: FMMLAD0013	Respondent: Brian Flynn
Organisation: Pigeon Investment Management	Supporting document:
Legally compliant: Yes	
Soundness test failed: Effective, Justified	
<p>Why: Council Officer has summarised: Pigeon supports the Council's assessment of capacity at the South Epping Masterplan Area (SEMPA).</p> <p>Much of the promised infrastructure originally proposed for SEMPA has been removed from P1. Attributes that were described as clear benefits for locating growth at South Epping are no longer included, and the wider community benefits previously promised will now not be delivered. It is acknowledged that the Council's assessment of site capacity (ED144) does include a local centre and early years childcare facilities, but it remains uncertain whether they would be provided within the allocation. SEMPA now comprises of two separate mainly residential developments. It is essential that a single Strategic Masterplan is prepared for the whole allocation, to ensure that the remaining policy requirements of P1 are delivered, the delivery of necessary infrastructure is co-ordinated, and that the identified constraints are addressed.</p> <p>Amendments to Part B</p> <p>Use of the term 'minimum' is not consistent with the advice of the previous Inspector and does not reflect the Council's assessment of capacity (ED144). Requested that Part B is amended to express capacity as a maximum of 450 dwellings.</p> <p>Amendments to Part J</p> <p>Proposed amendments to Part D require development at Epping to deliver or contribute towards the delivery of infrastructure and Part K sets out the policy requirements (as modified) for the South Epping strategic allocation. There are multiple landowners and two site promoters. There are two separate parts to the allocation, and different parts are expected to accommodate items of infrastructure and policy requirements to address impacts and to serve the development as a whole.</p>	

Part J contains amendments to the requirements for SEMPA. However, it is not clear that a single masterplan document would be prepared, further amendments are requested to provide clarity. It is clear from the policy requirements that a single masterplan is necessary because of the overlapping policy requirements for infrastructure and the need to ensure that these are delivered in a co-ordinated manner. The phasing of housing and infrastructure is particularly important, in that SANG needs to be delivered in conjunction with the first phase of housing development to provide the necessary suitable recreation area for residents and reduce impacts on Epping Forest SAC.

Requested that Part J be amended to include a specific requirement for a single strategic masterplan which references the phasing of the development and specifically critical infrastructure.

Amendments to Part K

Proposed amendments to Part K refer to the capacity at SEMPA being a minimum of 450 dwellings. Use of the term 'minimum' is not consistent with the advice of the previous Inspector and does not reflect the Council's assessment of capacity at the site, and therefore should be expressed as a maximum of 450 dwellings.

New part after (xiii) - Build to line plan

For the reasons set out, and for consistency, it would be appropriate for a build to line to also be identified for EPP.R1. In addition, for clarity it is requested that the South Epping Masterplan Map is referred to within the text after (xiii).

Changes: Pigeon continues to object to the allocation of the South Epping Masterplan Area on the basis that it is not a suitable or sustainable location for significant growth, and because many of the previously proposed benefits that were associated with growth in this location are now no longer being delivered.

It is requested that further amendments are made to MM78 as set out below.

It is requested that Part B is amended to express the dwelling capacity at South Epping as a maximum of 450 dwellings.

It is requested that Part J includes a specific requirement for a single strategic masterplan to be prepared for the South Epping Masterplan Area and include references to phasing. The Strategic Masterplan should be submitted in advance of a planning application for the South Epping Masterplan Area.

The Council's capacity analysis for the South Epping Masterplan Area contained in ED144 is supported. It is requested that Part K is amended to express the dwelling capacity at South Epping as a maximum of 450 dwellings.

The proposed build to line for Site Ref. EPP.R2, as shown on the South Epping Masterplan Map in Doc Ref. ED146 is supported. For consistency, it is requested that a build to line is also identified for Site Ref. EPP.R1 to define where built development is acceptable on this part of the allocation.

For clarity, it is requested that the South Epping Masterplan Map is referred to within the text after (xiii).

MM: 78 Stakeholder ID: FMMLAD0022 **Respondent:** Catherine Bruce

Organisation: Bellway Homes Ltd

Supporting document: ED144

Legally compliant: Not specified

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: Council Officer has summarised: This representation contains representations from both Savills and Barton Willmore (now Stantec) on behalf of Bellway Homes in regard to allocated site

EPP.R2 and the South Epping Masterplan Area more generally and should be read in conjunction with representations made by Barwood Land in regard to allocated site EPP.R1. We have reviewed the Council's capacity analysis for the site and consider it flawed for a number of reasons. These include that:

- The Council considers all of the constraints of the site with no consideration of possible mitigation.
- The use of the stream as the 'build to the line' is wholly unjustified in relation to the impact on the Green Belt. The release of the Site results in the contribution of the site to Green Belt purposes becoming redundant in relation to impacts on Green Belt within the site. However, it is accepted that an area to the south of the Site should be retained as open space
- The Council's suggested area required for non-residential uses is considered wholly disproportionate to the scale of the development proposed, which has been significantly reduced from the original 950 homes allocation. There is therefore likely to be limited demand for non-residential uses to locate within the development, given this proposed scale and the sites proximity to the services and facilities of Epping.
- The Council state that 8.64ha of SANGs is required for 450 homes and that SANG space should be separate to other formal open space. In fact, if a minimum of 225 homes are to be delivered on EPP.R2 this equates to a need for 4.32ha of SANG. Moreover, public open space and SANG can have a dual-purpose use and the Council should not seek to 'double count' space by taking the position they cannot.

Furthermore, the requirement for a strategic masterplan is not justified given the significantly reduced scale of the development on this site. A Concept Framework is considered more appropriate.

Due to the above, modifications to Policy P1 Part K, L, M and N and supporting text paragraphs 5.16 & 5.17 should be made. These modifications would replace references to Strategic Masterplans with Concept Frameworks, and address issues concerning infrastructure and greenspace requirements. The proposed modifications are summarised in Savills representation in Appendix A, pages 12-14.

Changes: Not specified

MM: 78 Stakeholder ID: FMMLAD0023 **Respondent:** Michael Calder

Organisation: Greenacres Real Estate Ltd **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Effective

Why: Council Officer summarised: Amend Policy P1 Part B - GREL supports the indication that the minimum number of homes anticipated to be delivered by EPP.R1 and EPP.R2 is 450 homes. Amend Part D - GREL broadly supports the modifications to part D and the principle that development proposals will deliver/contribute proportionately towards infrastructure items required. Amend Part J - GREL broadly supports the modification of Part J, which requires that future proposals are accompanied by a Strategic Masterplan for the South Epping Masterplan Area, which will be a material consideration in the determination of the application.

Part K - Modification of part (i) to confirm that the Strategic Masterplan must make provision for a minimum of 450 dwellings is supported. Part K - New Part after (xiii) - this new provision seeks to include a 'build to' line to indicate the area within the allocation where built development is acceptable. The imposition of a 'build to' line is premature ahead of the preparation of a Strategic Masterplan for the allocation and undermines the masterplanning process advocated by the same policy. The key decisions that have led to the 'build to' line should be reserved for the masterplanning process consistent with the objectives of Policy SP3. Therefore, it is inconsistent

with other policies in this Plan to define the extent of any development within EPP.R1 and EPP.R2 prior to a detailed masterplanning process as envisaged by the Local Plan.

Document ED144 confirms that high level assumptions have been taken into account to map the constraints identified in Appendix C and these require further testing through a transparent process. Further, the judgements made regarding landscaping sensitivity have not been informed by a full assessment, and these judgements have not been robustly examined or subject to stakeholder/public scrutiny. As proposed, the 'build to' line would prevent the optimum transport solutions for this site and may frustrate the masterplanning and application process due to any conflict with the predetermined developable areas. This potential conflict needs to be addressed to avoid risks to the delivery of much needed housing.

The shortfalls within evidence base can be resolved through the inclusion of all landowners/promoters in a more collaborative and comprehensive approach to the preparation of the South Epping Masterplan. GREL is seeking removal of the suggested new text after (xiii), or as a minimum additional text to clarify that the 'build to' line is illustrative and to be determined through the Strategic Masterplan stage. The 'build to' line has not been arrived at in a collaborative and objectively driven process of sharing evidence base and option testing and is therefore premature ahead of the Masterplan process.

Amend Part L - we support the inclusion of additional text to this part of the policy to ensure consistency with the Inspector's Action 31 that requires the provision of clarity that the Strategic Masterplan will, among other requirements, be subject to consultation with all those with a development interest in the defined area, such as GREL.

Changes: Council Officer summarised: Amend Policy P1 Part B - GREL supports the indication that the minimum number of homes anticipated to be delivered by EPP.R1 and EPP.R2 is 450 homes.

Amend Part D - GREL broadly supports the modifications to part D and the principle that development proposals will deliver/contribute proportionately towards infrastructure items required. Amend Part J - GREL broadly supports the modification of Part J, which requires that future proposals are accompanied by a Strategic Masterplan for the South Epping Masterplan Area, which will be a material consideration in the determination of the application.

Part K - Modification of part (i) to confirm that the Strategic Masterplan must make provision for a minimum of 450 dwellings is supported. Part K - New Part after (xiii) - The imposition of a 'build to' line is premature ahead of the preparation of a Strategic Masterplan for the allocation and undermines the masterplanning process advocated by the same policy. GREL is seeking removal of the suggested new text after (xiii), or as a minimum additional text to clarify that the 'build to' line is illustrative and to be determined through the Strategic Masterplan stage. GREL proposed amendments to New part after (xiii) are: "() land to the South of the an indicative 'build to' line has been included in EPP.R2 to indicate where a minimum of 450 dwellings can be delivered, however within the Masterplan Area must be retained for public open space or for other appropriate uses as the final developable areas of the site will be agreed through the masterplanning process;" Amend Part L - We support the inclusion of additional text to this part of the policy to ensure consistency with the Inspector's Action 31. South Epping Masterplan Area Map - GREL is seeking removal of a 'build to' line, or as a minimum additional text to clarify that the 'build to' line is illustrative and to be determined through the Strategic Masterplan stage.

MM: 78 Stakeholder ID: FMMLAD0026 **Respondent:** Louise Steele

Organisation: Barwood Land

Supporting document:

Legally compliant: Not specified

Soundness test failed: Positively prepared, Justified

Why: Council Officer has summarised: Amends with justifications proposed to the Policy P 1 to paragraph Part J, K, L, new parts after Part L. . The proposed amends address issues such as:

- The fact that Concept Framework Plans can accompany planning applications for sites EPP.R1 and EPP.R2 with consequential amends required to some other wording in the Policy as a result
- That the Concept Framework Plan provides for community and health facilities, employment and retail uses and a new primary school 'if required'
- That a SANG 'a Suitable Alternative Natural Greenspace which can have a dual use of public open space and can be dealt with offsite as well'
- The Concept Framework Plan 'could' be considered and informed by the Quality Review Panel and that the 'levels of consultation taken will be proportionate to the scale of the proposed allocation and will run alongside the planning application process.'

Changes: Not specified

MM: 79 Stakeholder ID: FMMRES0015 Respondent: Marie Ackers

Organisation: **Supporting document:**

Legally compliant: Yes

Soundness test failed: Not specified

Why: Off the back of the most recent communication from the Liberal Democrats, we've been notified of the intention of the (updated) minimum of 450 houses to be built behindRedacted.... Based on all the previous concerns raised around how the current utility infrastructure could not possibly support this level of expansion, as evident from the continuous disruption to the area, this new plan only raises more concerns than ever before. As per our previous objection to the South Epping Strategic Masterplan Area, I am formally emailing with my below objection reasons with my partner who also lives at the property in CC;

General;

Fundamentally, the new wording on the houses to be built has now been changed from 'approximately 450 homes' to a 'minimum of 450 homes' - Park K i.

Road access- no vehicular bridge included in plans which increases congestion. Roads are narrow, bendy, with cars on most curbs currently, Ivy Chimneys is already a very busy road with people using it as cut way road and from the school. This will be further exacerbated due to the constant road closures when the water pipes burst, with the road shutting as a result.

Highway safety- Inadequate access or highways safety- Accessibility Issues Adequacy of parking/loading/turning. Traffic generation- with school etc already busy there.

The Noise air quality associated with the M25 is still relevant and therefore increasing the dwellings still does not address this.

Likewise, the presence of the overhead powerline's that have not still been considered nor eradicated.

The land allocated is on the green belt and therefore still not legally compliant.

Noise and disturbance resulting from use will affect the value of the nature reserve.

Loss of light or overshadowing- The height or proximity of the development would be such that unreasonable overshadowing would occur

Existing Gp will not be able to accommodate for additional residents.

New school will also need to be provided as Ivy Chimneys school is at capacity.

Overbearing nature of proposal - The scale of the works means that the property/premises has an oppressive impact on surrounding areas/houses

Increase to flood risk- Additional housing will decrease the opportunity for water to soak

into the ground in the field and cause water on the road to slope down into the valley. This is especially evident with the proposed boarder line which proposed to be built for the unlevelled ground

Personal;

Overlooking/loss of privacy- The proposal would lead to previously private areas being overlooked.

Health My partner is extremely asthmatic and how will the dust impact his health?

We are also expecting a baby, and are very worried about the affects of building work.

I would also like to add that I brought my property in January 2021, if i was to known this would be happening I wouldn't have brought my property I feel that i have been mislead and reserve the right to seek redress.

Changes: To make this proposal viable, Deleting South Epping from the plan would address these concerns and still enable the district to meet the housing numbers required by the government (especially when taking into account the many new flats proposed for Epping Town Centre) otherwise, infrastructure needed

A Vehicular Bridge to ease with congestion

A new health hup / GP / Dentist

A new additional school

A local supermarket

A necessary green infrastructure must be provided

MM: 79 Stakeholder ID: FMMRES0030 Respondent: Patricia Moxey

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council Officer has summarised: Proposals in respect of Air Quality management are not strong enough. There is mention of the Council's adopted Air Pollution Mitigation Strategy for Epping Forest, which has yet to be written and made public. The Interim Strategy lists various measures which cannot be implemented, nor does it set out targets for an effective framework or timeline for monitoring.

Poor air quality does not respect local authority boundaries. The proposal to extend the London ULEZ for the whole of London currently will stop at the EFDC boundary. There is considerable local concern about the introduction of a Clean Air Zone which would in any case require consultation with other bodies. A reliable public network of buses would help.

Until an APMS is developed, agreed and becomes effective, EFDC's duty is to avoid approving any development which has the potential to harm the SAC. The Local Plan must state clearly that this is the situation.

I appreciate that the key phrase beyond reasonable scientific doubt in respect of damage to the habitats within the SAC of Epping Forest poses a stumbling block but there is mounting evidence that the wellbeing of woodlands right across Europe is severely compromised by poor air quality.. Domestic heating is one source of pollution but vehicle movements, even those of electric vehicles, add to the toxic mix. Epping Forest lies between busy roads where traffic fumes will fan out across it this must be factored into modelling for air quality too. Monitoring of poor quality should also include Ozone.

It is also important to consider the potential impact of the M25 and M11 sections closest to Epping Forest SAC due to the uplift anticipated linked to the Lower Thames Crossing NSIP in future monitoring.

It is important to recognise that poor air quality also affects all the District's ecological assets (see Policy DM2). It can be worse in residential areas and mitigation measures may be required round medical facilities, schools and residential accommodation for vulnerable residents.

I also have concerns about the proposed Sites of Alternative Natural Green Space (SANGS). The woodlands of Epping Forest are unique as they were established at least 8000 years ago. Their ancient trees and assembling of creatures and fungi found there cannot be replicated. The suggested SANGS do not have the same ambience.

The Woodland Trust site at Theydon Bois is adjacent to the M25, with intrusive traffic noise present and if the wind is in the right direction fumes too. However, it does afford splendid views across parts of London. It is also some distance from settlements with limited footpath access and little car parking space.

The Roding Valley Recreation Ground is already a recreation ground and parts flood when the River Roding is in spate.

More attractive SANGS need to be identified, including opportunities for off road cycling that provide a genuine positive alternative to visiting Epping Forest, where facilities present might encourage people to visit them.

Changes: Not specified

MM: 79 Stakeholder ID: FMMSTAT0007 **Respondent:** Debra Paris

Organisation: Loughton Town Council **Supporting document:** A. Council's response to Actions outlined in Inspector's note to Epping Forest District Council (Examination Document reference number ED141), October 2022 (ED144-ED144A)

Legally compliant: No

Soundness test failed: Consistent with national policy

Why: Policy P2 (page 117) "Amend Part I as follows: "The new section on Air Pollution refers to, and relies upon, a document which does not exist – "the Council's adopted Air Pollution Mitigation Strategy for the Epping Forest". Until such a document is produced and brought into effect, the new Part is ineffective and unlawful. The Council has not yet produced an Air Pollution Mitigation Strategy for the Epping Forest (APMS) for Epping Forest, only an "Interim IAPMS", which does not contain any measures currently capable of being applied, and gives no indication of how and when such measures might be effected. Nor does it have suitable targets against which progress will be assessed, or a "Monitoring Framework". The new Part therefore is highly misleading. There is no published timetable for the development of an APMS. Some of the proposal in the IAPMS (such as a Clean Air Zone) cannot be introduced by the Council without the agreement of other bodies (which may not be forthcoming), and their introduction will involve public consultation which, unless such consultation is predetermined also must allow for particular measures not being introduced or being drastically modified. In the period before an APMS is developed and becomes effective, the Council has a duty to avoid approving any development which will harm Epping Forest SAC. The Local Plan needs to be specific on this matter. At present, when considering a new development, the Council cannot reasonably be satisfied that its mitigation measures will be brought into full force before damage to the Forest SAC is caused by the commencement of work and subsequent occupation. Nor, in the absence of detailed, costed proposals, can it be satisfied that any sums paid by developers towards mitigation will be adequate for that purpose.

Changes: Amendment (amended text in capitals) Air Pollution

"1. The development of the allocated sites within Loughton near the SAC may produce air pollution that could impact upon air quality in the District, including the Epping Forest SAC. All

development proposals will need to demonstrate that they are in accordance with Policy DM2 and Policy DM22 and should have regard to the Council's adopted Air Pollution Mitigation Strategy for the Epping Forest (APMS), ONCE SUCH A STRATEGY HAS BEEN BROUGHT INTO FULL EFFECT. This includes, where necessary, the provision of financial contributions for the purposes of implementing air pollution mitigation initiatives and undertaking air quality monitoring and any necessary future air quality assessments. UNTIL THE APMS HAS BEEN BROUGHT INTO FULL EFFECT, THE COUNCIL WILL NOT PERMIT ANY DEVELOPMENT WITHIN 1KM OF EPPING FOREST UNLESS IT CAN BE FIRMLY DEMONSTRATED THAT THE DEVELOPMENT WILL NOT OF ITSELF CREATE ANY ADVERSE EFFECT TO THE INTEGRITY OF THE FOREST.

Justification

At present the Council has not produced an APMS, only an Interim APMS, which contains no provisions which have current effect, no targets and no Monitoring Framework. There is no published timetable for an APMS to be brought into effect (and indeed no external signs of any activity in this regard on the part of the Council). The Plan should therefore acknowledge that the APMS will not be in force when the Plan is approved, and make the necessary provision for the protection of Epping Forest in the meantime. We have suggested one way in which suitable protection might be achieved, and would be happy to consider other suitable solutions.

MM: 79 Stakeholder ID: FMMOTH0001 Respondent: David Linnell

Organisation: Loughton Residents Association

Supporting document:

Legally compliant: No

Soundness test failed: Not specified

Why: Policy P2 (page 117) "Amend Part I as follows: "

The new section on Air Pollution makes reference to, and relies upon, a document which does not exist – "the Council's adopted Air Pollution Mitigation Strategy for the Epping Forest". Until such a document is produced and brought into effect, the new Part is ineffective. The Council has not yet produced an Air Pollution Mitigation Strategy for the Epping Forest (APMS) for Epping Forest, only an "Interim Air Pollution Mitigation Strategy (IAPMS)", which does not contain any measures currently capable of being applied, and gives no indication of when such measures might be effected. Nor does it have suitable targets against which progress will be assessed, or a "Monitoring Framework". The new Part therefore highly misleading. There is no published timetable for the development of an APMS. Some of the proposal in the IAPMS (such as a Clean Air Zone) cannot be introduced by the Council without the agreement of other bodies (which may not be forthcoming), and their introduction will involve public consultation which, unless it is a sham, also must allow for the possibility of particular measures not being introduced. In the period before an APMS is developed and becomes effective, the Council has a duty to avoid approving any development which will harm Epping Forest,. We think that the new Local Plan needs to be specific on this matter. At present, when considering a new development, the Council cannot reasonably be satisfied that its mitigation measures will be brought into full force before damage to the Forest is caused by the commencement of work and subsequent occupation. Nor, in the absence of detailed, costed proposals, can it be satisfied that any particular sums paid by developers towards mitigation will be adequate for that purpose.

Changes: Amendment

Air Pollution "I. The development of the allocated sites within Loughton have the potential to produce air pollution that could impact upon air quality in the District, including the Epping Forest. All development proposals will need to demonstrate that they are in accordance with Policy DM2 and Policy DM22 and should have regard to the Council's adopted Air Pollution Mitigation Strategy for the Epping Forest (APMS), once such a strategy has been brought into full effect. This

includes, where necessary, the provision of financial contributions for the purposes of implementing air pollution mitigation initiatives and undertaking air quality monitoring and any necessary future air quality assessments., **Until the APMS has been brought into full effect, the Council will not permit any development within 1km of Epping Forest unless it can be demonstrated that the development will not of itself create any adverse effect to the integrity of the Forest.**

Justification

At present the Council has not produced an APMS, only an Interim APMS, which contains no provisions which have current effect, no targets and no Monitoring Framework. There is no published timetable for an APMS to be brought into effect (and indeed no external signs of any activity in this regard on the part of the Council). The Plan should therefore acknowledge that the APMS will not be in force when the Plan is approved, and make the necessary provision for the protection of Epping Forest in the meantime. We have suggested one way in which suitable protection might be achieved, and would be happy to consider other suitable solutions.

MM: 83 Stakeholder ID: FMMLAD0015 Respondent: Rachel Bryan

Organisation: Sworders - ONG.R1

Supporting document:

Legally compliant: Yes

Soundness test failed: Justified

Why: We support the modification to the supporting text at paragraph 5.65 regarding the Concept Framework requirement, however, we question the need to define it as an “important” material consideration. The Concept Framework will be a non-statutory planning document, which was not subject to the same scrutiny via the Examination process. As such, its status should not be elevated over other material considerations which could be more up-to-date and relevant at the time of determination.

Changes: We suggest the word “important” is deleted.

MM: 84 Stakeholder ID: FMMRES0002 Respondent: Nigel Main

Organisation:

Supporting document:

Legally compliant: Not specified

Soundness test failed: Positively prepared, Effective

Why: Amendment to part G - Unsound, air pollution is only considered in relation to EFDC and does not consider for the impact on the neighbouring Authority of Brentwood. The 590 houses planned for Ongar will generate substantial additional traffic movements given the lack of public transport infrastructure. A substantial amount of this addition traffic will go to and through Brentwood as the nearest large town and in particular accessing several secondary schools. This is also the main route to the M25, A12, A127, A13 and Basildon etc. I use this route daily to travel to Basildon, the traffic ques on the A128 starting at the point where it crosses the A12 right trough to Brentwood Highstreet. Virtually all of this daily 1.5 Km que is in residential property close to the road on both sides. As such the plan will significantly adversely affect on air pollution and traffic congestion in what are already serious problems.

Changes: The plan must require coordination with Brentwood to introduce measures that will not rnake the current situation any worse that it currently is. Measures should be a specific plan eg substantially improve public transport infrastructure, increase and reroute road to remove ques

and air pollution, reduce the development allocation to Ongar noting that allocations for Epping, Chigwell and Loughton have all been reduced by around 50%. Maybe this is should be relooked at given that all three areas have major rails connections and much better public transport infrastructure to limit the impact of extra housing allocation.

MM: 84 Stakeholder ID: FMMLAD0015 Respondent: Rachel Bryan

Organisation: Sworders - ONG.R1

Supporting document:

Legally compliant: Yes

Soundness test failed: Justified

Why: We welcome the amendment to Part D to clarify that on and off-site infrastructure and services should be necessary and fairly and reasonably related to the development, having regard to the IDP. We support the modification Part I regarding the Concept Framework requirement, however, we question the need to define it as an “important” material consideration. The Concept Framework will be a non-statutory planning document, which was not subject to the same scrutiny via the Examination process. As such, its status should not be elevated over other material considerations which could be more up-to-date and relevant at the time of determination. We welcome the amendment to Part K to include a requirement to consult with all those with a development interest within the Concept Framework Area.

Changes: In respect of Part I, we suggest the word “important” is deleted.

MM: 86 Stakeholder ID: FMMRES0011 Respondent: Roger Anthony

Organisation:

Supporting document: ED141

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: The Inspector(s) and District Council, by continuing to deal with the Parish of North Weald Bassett in a piecemeal fashion, are creating an inaccurate and misleading impression of what the actual proposals are for the Parish as a whole, which in turn gives a misleading picture of the overall impact on the Parish.

In essence the Plans for the Parish of North Weald Bassett will change its whole character. The MM therefore, fails to meet the Soundness tests.

Changes: Amendment to para 5.92: Delete “North Weald Bassett Masterplan Area” and replace with “North Weald Village Masterplan Area”.

Note that other references throughout the plan eg 5.95 should also be amended. This is necessary to accurately reflect that the Masterplan in question does not relate to the whole Parish of North Weald Bassett. Other areas of the Parish that are the subject of their own Masterplans are the Airfield - indeed you do refer to it as “North Weald Airfield” - which is virtually part of the village, - and Latton Priory (part of the HGGT). Thornwood village is also in the Parish and the subject of separate plans under the proposed Local Plan. The Masterplans for the Parish and other proposed developments will lead to some 400 hectares of Green Belt being lost in a Parish of 2279 hectares. This cannot be an accurate interpretation of the NPPF.

MM: 86 Stakeholder ID: FMMSTAT0005 **Respondent:** Adriana Jones

Organisation: North Weald Bassett Parish Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Parish Council supports the proposed modification to paragraph 5.92.

Changes: Not specified

MM: 86 Stakeholder ID: FMMLAD0003 **Respondent:** Rachel Bryan

Organisation: Swords - NWB.R1 & NWB.T1 **Supporting document:**

Legally compliant: Yes

Soundness test failed: Justified

Why: We support the modification to the supporting text at paragraph 5.92 regarding the Strategic Masterplan requirement for North Weald Bassett, however, we question the need to define it as an “important” material consideration. The Strategic Masterplan will be a non-statutory planning document, which was not subject to the same scrutiny via the Examination process. As such, its status should not be elevated over other material considerations which could be more up-to-date and relevant at the time of determination.

Changes: We suggest the word “important” is deleted.

MM: 86 Stakeholder ID: FMMLAD0024 **Respondent:** Tom Cole

Organisation: Quinn Estates Ltd and Redrow Homes **Supporting document:**

Legally compliant: No

Soundness test failed: Positively prepared, effective, justified, consistent with national policy

Why: Council Officer has summarised: MM86 says that the masterplan for North Weald Bassett will be taken into account as an “important” material consideration when planning applications are determined. Whilst a masterplan might be considered as important, weight is a matter for the decision-maker and should not be prejudged by a development plan policy. This wording should be amended.

Changes: Not specified

MM: 87 Stakeholder ID: FMMRES0003 **Respondent:** Terry Blanks

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified

Why: Any weakening of the scale and timetable of infrastructure must be avoided. Unless it is completed (preferably in advance) there is a danger it will never appear.

Changes: Any weakening of the scale and timetable of infrastructure must be avoided. Unless it is completed (preferably in advance) there is a danger it will never appear.

MM: 87 Stakeholder ID: FMMSTAT0002 Respondent: Rosie Brown

Organisation: Environment Agency

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We note that this policy has still not been altered in consideration of our recommendation. While we do consider the policy to be sound, we maintain our recommendation that the policy should be strengthened to take climate change allowances into account. This is in line with the updated PPG on Flood risk and coastal change.

Changes: Not specified

MM: 87 Stakeholder ID: FMMSTAT0005 Respondent: Adriana Jones

Organisation: North Weald Bassett Parish Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Whilst the Parish Council supports the proposed addition to Part F of Policy P6, it does not support the proposed deletion of the following wording 'Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with the Infrastructure Delivery Plan Schedule and its wider infrastructure objectives.' The loss of this sentence removes any requirement in terms of when infrastructure must be delivered to ensure the development is in fact sustainable. The Parish Council supports to proposed modifications to Parts K, M, N and P of Policy P6.

Changes: Not specified

MM: 87 Stakeholder ID: FMMSTAT0011 Respondent: Rich Cooke

Organisation: Essex County Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Effective

Why: The amendments to Policy P 6, part F are noted on infrastructure requirements generically. It is noted that Part K and L have been revised and ECC does not raise soundness issues (or objections) on these changes.

Changes: As a further point on this, it is necessary to revise / update Part L (iv) dealing with education provision, to read as follows:

(iv) 2.1 ha. of land for education use

This is to ensure that sufficient / appropriate land provision is made to accommodate education related provision (such as a primary school and Early Years & Childcare) as necessary for this development (through the masterplan).

MM: 87 Stakeholder ID: FMMLAD0003 Respondent: Rachel Bryan

Organisation: Sworders - NWB.R1 & NWB.T1

Supporting document:

Legally compliant: Yes

Soundness test failed: Justified

Why: We welcome the amendment to Part F to clarify that on and off-site infrastructure and services should be necessary and fairly and reasonably related to the development, having regard to the IDP. We support the modification to Part K to clarify the Strategic Masterplan requirement for North Weald Bassett, however, we question the need to define it as an “important” material consideration. The Strategic Masterplan will be a non-statutory planning document, which was not subject to the same scrutiny via the Examination process. As such, its status should not be elevated over other material considerations which could be more up-to-date and relevant at the time of determination. We welcome the amendment to Part M to include a requirement to consult with all those with a development interest within the Masterplan Area.

Changes: In respect of Part K, we suggest the word “important” is deleted.

MM: 87 Stakeholder ID: FMMLAD0020 Respondent: David Fletcher

Organisation: Countryside Properties

Supporting document: ED124A-G and ED159A-G

Legally compliant: No

Soundness test failed: Positively prepared, Justified

Why: Respondent’s Executive Summary: We have significant concerns in relation to FMM to Part K of the Policy, which also concerns the previously proposed new part (v): A suitable Alternative Natural Greenspace between the two Masterplan Areas. As set out within our previous response to the MM September 2021 consultation, the requirement for SANG to be provided “between” the two Masterplan Areas is not considered to be positively prepared, effective or justified and therefore unsound in planning terms.

As set out fully within this representation our concerns are as follows:

1. The requirement to provide SANG within North Weald Bassett “between the two masterplan areas” (i.e. offsite) unjustly and inappropriately ties the delivery of development in North Weald to third-party land (to which there is no supporting allocation within the Local Plan and no evidence that a third party will support SANG provision on their land). This provides a substantial and unnecessary risk to the deliverability of development in North Weald.
2. The wording of new part (v) of Part L of Policy P6 is clearly not the most appropriate strategy, taking into account the alternatives given that the required quantum of SANG for the North Weald residential allocations is capable of being delivered on site within NWB.R3. This is a fully deliverable solution, in that it would allow the applicants for North Weald Bassett to fully mitigate and secure the long term management of SANG on site. An amendment to the wording to of new part (v) to enable SANG to be delivered on site would assist with ensuring the early delivery of development within North Weald in accordance with the Council’s housing trajectory.
3. The quantum of SANG proposed by the Council (in its Green Infrastructure Strategy and supporting Evidence documents EB124E and EB159E) is also not properly justified and far exceeds the quantum of SANG required to mitigate the quantum of development planned at North Weald Bassett.

Changes: The following change is recommended in order for the Plan to be considered sound:

New Part after v) - The requirement for SANG is agreed but reference to it being provided between the two masterplan areas should be deleted, for the reasons stated above.

MM: 89 Stakeholder ID: FMMLAD0001 Respondent: Richard Winsborough

Organisation: M Scott Properties Ltd **Supporting document:**

Legally compliant: Yes

Soundness test failed: None

Why: We welcome the amendments to the text of Policy P7 which clarifies the appropriate tests necessary to determine the level of infrastructure contributions that CHIG.R5 should deliver/contribute towards.

Changes: Not specified

MM: 90 Stakeholder ID: FMMLAD0017 Respondent: James Firth

Organisation: Redrow Homes (Eastern) Limited **Supporting document:**

Legally compliant: Yes

Soundness test failed: None

Why: Modification MM90 provides details a number of additions to be included for development proposals specific to Theydon Bois. Whilst a number of these amendments relate to financial contributions for new developments, the following text is noted:

“() provision of walking and cycling facilities, and linkages both within the site and to key destinations;”

“() enhancements to public transport provision or other initiatives which reduce the need to travel by car;...”

The addition of the above parts to Policy P8 would be welcomed and wholly align with the objectives for developing the land north of Abridge Road. As previously highlighted, the location of the Site is such that it can maximise opportunities for increased sustainable travel with convenient pedestrian and cycle access to

Theydon Bois Underground Station and the village centre. It is therefore likely that future occupiers of the land would have less reliance on private vehicle usage in compliance with Modification MM90 to Policy P8.

Changes: Not specified

MM: 93 Stakeholder ID: FMMLAD0006 Respondent: Mark Schull

Organisation: Orchestra (St Leonards) Ltd
and Boldshire Ltd **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Effective, Justified, Consistent with national policy

Why: Respondent's Executive Summary: Please see enclosed representation relating to MM15, MM16, MM93 and MM94. In summary we consider:

- Policy P 10 (and associated paragraphs) should be amended to remove a requirement for a Concept Framework Plan, particularly in the instance that a single outline planning application is submitted.
 - The housing requirement for Nazeing in Policy SP 2 should be reinstated to a minimum of 122 homes
- These matters are considered to have the potential to delay the delivery of much needed housing and soundness of the Plan.

Changes: Respondent's Executive Summary: See the enclosed representation relating to MM15, MM16, MM93 and MM94.

MM15: The approximate number of dwellings for Nazeing should be returned to 122.

MM16: The requirement for a Concept Framework Plan is neither justified, effective nor consistent with national policy for the reasons explained within the attached representations.

MM93: We propose the following amendment to the wording of para 5.138:

"Sites NAZE.R1, NAZE.R3 and NAZME.R4 should be planned comprehensively to ensure a coordinated approach to design and delivery to the Site. This could be achieved in a number of ways, either through the submission of a single outline planning application, or, in the absence of one application, the production of a Concept Framework Plan (as defined in Policy SP2)."

MM94: Part H to J 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, for example the submission of a single planning application for the entire allocation.

MM: 94 Stakeholder ID: FMMLAD0006 Respondent: Mark Schull

Organisation: Orchestra (St Leonards) Ltd
and Boldshire Ltd **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Effective, Justified, Consistent with national policy

Why: Respondent's Executive Summary: Please see enclosed representation relating to MM15, MM16, MM93 and MM94. In summary we consider:

- Policy P 10 (and associated paragraphs) should be amended to remove a requirement for a Concept Framework Plan, particularly in the instance that a single outline planning application is submitted.
- The housing requirement for Nazeing in Policy SP 2 should be reinstated to a minimum of 122 homes

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

Changes: Respondent's Executive Summary: See the enclosed representation relating to MM15, MM16, MM93 and MM94.

MM15: The approximate number of dwellings for Nazeing should be returned to 122.

MM16: The requirement for a Concept Framework Plan is neither justified, effective nor consistent with national policy for the reasons explained within the attached representations.

MM93: We propose the following amendment to the wording of para 5.138:

"Sites NAZE.R1, NAZE.R3 and NAZME.R4 should be planned comprehensively to ensure a coordinated approach to design and delivery to the Site. This could be achieved in a number of

ways, either through the submission of a single outline planning application, or, in the absence of one application, the production of a Concept Framework Plan (as defined in Policy SP2).”
MM94: Part H to J 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, for example the submission of a single planning application for the entire allocation.

MM: 96 Stakeholder ID: FMMRES0003 Respondent: Terry Blanks

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified

Why: Any weakening of the scale and timetable of infrastructure must be avoided. Unless it is completed (preferably in advance) there is a danger it will never appear.

Changes: Any weakening of the scale and timetable of infrastructure must be avoided. Unless it is completed (preferably in advance) there is a danger it will never appear.

MM: 96 Stakeholder ID: FMMSTAT0005 Respondent: Adriana Jones

Organisation: North Weald Bassett Parish Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Whilst the Parish Council supports the proposed addition to Part D of Policy P11, it does not support the proposed deletion of the following wording ‘Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with the Infrastructure Delivery Plan Schedule and its wider infrastructure objectives.’ The loss of this sentence removes any requirement in terms of when infrastructure must be delivered to ensure the development is in fact sustainable.

Changes: Not specified

MM: 98 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Coopersale. Part G – again, “have regard to” this is meaningless and implies no public scrutiny

Changes: Not specified

MM: 98 Stakeholder ID: FMMLAD0004 Respondent: Rachel Bryan

Organisation: Sworders - SHR.R1 & SHR.R3 **Supporting document:**

Legally compliant: Yes

Soundness test failed: None

Why: We welcome the amendment to Part E to clarify that on and off-site infrastructure and services should be necessary and fairly and reasonably related to the development, having regard to the IDP.

Changes: N/A

MM: 98 Stakeholder ID: FMMLAD0005 Respondent: Rachel Bryan

Organisation: Sworders - LSH.R1 **Supporting document:**

Legally compliant: Yes

Soundness test failed: None

Why: We welcome the amendment to Part E to clarify that on and off-site infrastructure and services should be necessary and fairly and reasonably related to the development, having regard to the IDP.

Changes: N/A

MM: 99 Stakeholder ID: FMMOTH0004 Respondent: Peter Lewis

Organisation: Epping Forest Heritage Trust **Supporting document:**

Legally compliant: Yes

Soundness test failed: Effective, Justified

Why: Weak monitoring framework. We believe that alongside not having plan-wide assessment of the impact on the Forest of development there is also a substantive dilution in the review process. We are not convinced that the 5 year proposed monitoring and review period is short enough in order to gauge the impact on the Forest of different developments and take action quickly enough when it is needed.

Changes: We think pollution levels need to be continuously monitored and noted, and that this plan, the Air Quality Management Strategy should be reviewed on a more regular basis than every 5 years in the context of changes in the levels of air pollution. Relevant plans and strategies need to be strengthened where necessary to ensure that Epping Forest does not continue to be damaged by high levels of air pollution.

MM: 99 Stakeholder ID: FMMLAD0011 Respondent: Jane Orsborn

Organisation: Woodhouse Property Consultants **Supporting document:** ED144-ED144A

Legally compliant: Yes

Soundness test failed: Not specified

Why: Council Officer has summarised: This representation seeks a change to the wording of Part C (v) of policy DM4 Green Belt to ensure consistency with the National Planning Policy Framework and to prevent development in unsustainable locations. The objection relates to MM99 which proposes a consequential modification reflecting the Inspector's Action 11 to reconsider the status of Rural Site RUR.R1.

There is no objection, per se, to the Council's proposed amendment to paragraph 5.163.

However, this proposed modification is not consistent with the modification (MM49) proposed in autumn 2021 to Part C (v) of policy DM4 Green Belt. As set out in the December 2017 Submission Version of the District Local Plan, Part C (v) of DM4 stated that:-

"The construction of new buildings is inappropriate development in the Green Belt.

Exceptions to this are:

(v) Limited infilling in smaller settlements and limited affordable housing related to smaller settlements, in accordance with Policy H 3".

As many of the District's sizeable settlements are identified in the settlement hierarchy set out at Table 5.1 as "Small villages," objectors took no issue with the wording of clause (v) (apart from Nazeing being defined as a 'small village').

MM49 (consulted upon in autumn 2021) proposed to amend clause (v) to read:- "Limited infilling in rural communities and limited affordable homes related to smaller settlements, in locations that are in accordance with Policy H 3". Reference is also made in that objection to the definition of 'rural communities' as proposed pursuant to MM113, namely that they are "the existing localities in the District that are not defined as 'Settlements' in Table 5.1". Given that Table 5.1 defines both large and small villages, this must mean that 'rural communities' are intended to be the small hamlets scattered across the rural parts of the District.

Objection was raised to the proposed change in the underlined wording in response to the original Main Mods consultation. A copy of that objection dated 22nd September 2021 is appended. Objection to the revised wording related primarily to the fact that, if adopted, the consequence would be that the Council's Green Belt policy would be supportive of limited infilling in very small settlements, potentially resulting in new housing being provided in unsustainable locations. This would be in total conflict with both the intention and expression of policy in the National Planning Policy Framework which has only ever been supportive of limited infilling in villages.

The current proposal (MM99) to remove a housing allocation from the two sites previously identified in the eastern part of the District (as set out in paragraph 5.164 of the December 2017 Submission Version) is thus inconsistent with clause (v) of Part C of DM4 as set out in MM49 which, as written, is supportive of limited infilling in rural communities.

The solution is to re-word clause (v) of Part C of DM4 to accurately reflect the wording of the Framework by restricting "limited infilling" to villages. MM99 would then be consistent with the Council's Green Belt policy

Changes: Not specified

MM: 100 Stakeholder ID: FMMSTAT0005 **Respondent:** Adriana Jones

Organisation: North Weald Bassett Parish Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Parish Council supports the removal of RUR.R1 as an allocation.

Changes: Not specified

MM: 100 Stakeholder ID: FMMLAD0002 Respondent: Ralph Salmon

Organisation: St Congar Provincial

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We support the deletion of rural sites that were proposed for allocation. The Inspector is correct that there are no exceptional circumstances for removing proposed site RUR.R1 from the Green Belt. Therefore, it will remain washed over by the Green Belt which makes its allocation for residential development unsound. The allocation must therefore be deleted.

Changes: Not specified

MM: 100 Stakeholder ID: FMMLAD0019 Respondent: Dominic Lunn

Organisation: Edit Residential

Supporting document:

Legally compliant: No

Soundness test failed: Justified, Consistent with national policy

Why: Council Officer has summarised: In the Regulation 19 Submission Draft EFDC Local Plan site RUR.R1 was allocated for approximately 11 homes and was removed from the green belt. The previous proposed modifications (ED134) continued the site allocation for 11 homes, but proposed to keep the site in the Green Belt (GB) and a new requirement for any development proposal to demonstrate 'very special circumstances'. Previous written representations were submitted in response to ED134. The current proposed modifications propose to remove the site allocation from Policy P13.

We object to the removal of the site allocation and maintain the view that the site should be removed from the Green Belt as it clearly does not fulfil the 5 purposes for the GB outlined in paragraph 138 of the NPPF. Epping Forest District Council have continuously supported this notion and its suitability for development by virtue of the inclusion of the site allocation in the every iteration of the Local Plan up to this MMs consultation.

The following demonstrates how the site does not fulfil the purposes of the Green Belt and responds to each criteria ('a-e') provided in paragraph 138 in turn.

The land is situated between, not on the edge of, existing development which forms the built-up settlement of Latton Common. Accordingly, it would not be able to fulfil the function of restricting sprawl (a). Although on the outskirts of Harlow, the site forms part of an existing built-up settlement which does not serve as a buffer between towns (b). It is not an isolated site in the countryside that must be protected from development (c). The site does not comprise open countryside which has a direct relationship to any historic town (d). Part (e) is not relevant to the site. Therefore, it is considered that the site allocation should be retained as the site clearly represents a suitable location for new residential development. As established above, the site is firmly embedded within the built-up settlement of Latton Common. The built-up nature of the area is created by the adjacent dwellings that line the eastern side of London Road and the dwellings located on Park Avenue to the south-east, by the existence of Avenue House (and its associated outbuildings) to the north and by the close proximity of the large Miller and Carter restaurant and car/van dealership to the south.

Proposed modification MM100 (and M114) is not in accordance with national planning policy guidance set out in the NPPF. The council in the Submission Draft EFDC Local Plan, correctly identified this site as a suitable, available and deliverable housing site and identified it for removal from the green belt and as an allocation for 11 homes. Through this EFDC confirmed that the site does not fulfil any of the 5 GB purposes set out in the NPPF. The modification to continue to

include the site in the green belt and to remove the site allocation for 11 homes is inconsistent with the above and is not in accordance with paragraph 143 of the NPPF.

Changes: Council Officer has summarised: The modification should be deleted entirely (and the site should be removed from the green belt in line with the Submission Draft EFDC Local Plan). In addition, it is considered unnecessary (and a replication of policy) for any future application on the site to demonstrate a Very Special Circumstances (VSCs) case. Whilst any scheme on the site will quite correctly be required to ensure it adheres with all relevant policies in the Local Plan, the requirement to also demonstrate a VSC is wholly unnecessary owing to the sites allocation for 11 homes. Therefore, the site allocation should not include text requiring VSCs to be demonstrated

MM: 104 Stakeholder ID: FMMOTH0004 Respondent: Peter Lewis

Organisation: Epping Forest Heritage Trust

Supporting document:

Legally compliant: No

Soundness test failed: Effective, Justified, Consistent with national policy

Why: We do not believe Air Quality management is strong enough to protect the Forest. We do not think the Interim Air Pollution Mitigation Strategy is strong enough to protect the Forest. We are also concerned that this is still an "Interim" Air Quality strategy, whereas the Main Modifications refer simply to an Air Pollution Mitigation Strategy, and the content of that strategy is still unclear. We think more consideration and attention needs to be given to reducing the number of harmful, polluting vehicles from the roads around the Forest.

Evidence in London shows that the Ultra Low Emission Zone (ULEZ) has had a significant effect on removing the most polluting vehicles from London's streets, and significantly reducing pollution from Nitrogen Dioxide <https://tfl.gov.uk/modes/driving/ultra-low-emission-zone/ulez-expansion>. One idea to strengthen air quality management would be to implement a local Clear Air Zone (CAZ), as discussed in the Interim Air Pollution Mitigation Strategy, in order to remove heavily polluting vehicles from the whole area of the Forest in the district, covering the area south of the M25 and west of the M11. This local CAZ could then link directly to the proposed ULEZ extension for the whole of London, whose boundary will, if it goes ahead as planned, stop right in the middle of the Forest, halfway up Rangers Road near the Epping New Road junction. Implementing a local CAZ in this way would mean that both the south and north of the Forest would benefit in the same way from a reduction in heavily polluting vehicles. We are also concerned about a dilution in the wording from development proposals needing to be in accordance with the Air Pollution Mitigation Strategy to developments only having to have regard to the Air Pollution Mitigation Strategy. We think development proposals need to be in accordance with the Air Pollution Mitigation Strategy.

Changes: One idea to strengthen air quality management would be to implement a local Clear Air Zone (CAZ), as discussed in the Interim Air Pollution Mitigation Strategy, in order to remove heavily polluting vehicles from the whole area of the Forest in the district, covering the area south of the M25 and west of the M11. This local CAZ could then link directly to the proposed ULEZ extension for the whole of London, whose boundary will, if it goes ahead as planned, stop right in the middle of the Forest, halfway up Rangers Road near the Epping New Road junction. Implementing a local CAZ in this way would mean that both the south and north of the Forest would benefit in the same way from a reduction in heavily polluting vehicles. We are also concerned about a dilution in the wording from development proposals needing to be in accordance with the Air Pollution Mitigation Strategy to developments only having to have regard to the Air Pollution Mitigation Strategy. We think development proposals need to be in accordance with a stronger Air Pollution Mitigation Strategy.

MM: 106 Stakeholder ID: FMMOTH0002	Respondent: Andrew Smith
Organisation: The Epping Society	Supporting document:
Legally compliant: Not specified	
Soundness test failed: Not specified	
Why: Reinforces the demand on developers for infrastructure - good. We would like the Inspector to bear in mind that most aspects of the District's infrastructure are already beyond their nominal capacity. Unless the Council has the mechanisms to insist on mitigation, the outcome will be dire.	
Changes: Not specified	

MM: 106 Stakeholder ID: FMMLAD0025	Respondent: Claire Britton
Organisation: Hallam Land Management Ltd and CEG Ltd	Supporting document:
Legally compliant: Yes	
Soundness test failed: Positively prepared, Effective, Justified	
Why: Respondent's executive summary: Please refer to Separate Sheet attached to this form for our position on MM106. New text is added in FMM106; 'In assessing the need for particular kinds of infrastructure, full regard will be had to the Infrastructure Delivery Plan schedules'. It is noted that this FMM has been added in relation to Action 44 of the Inspector's note, however, his suggested wording did not include the word 'full'. This was deliberate as his comments set out that 'whilst regard should be had to the Infrastructure Delivery Plan schedules, the issues arising from any particular site might in practice require deviation from it'. The concern of CEG/HLM is that the suggested wording and inclusion of the word 'full' gives undue weight to the content of the IDP schedules in determining planning applications.	
Changes: Respondent's executive summary: In seeking to make the proposed modification sound, it is necessary to delete 'In assessing the need for particular kinds of infrastructure, full regard will be had to the Infrastructure Delivery Plan Schedules'.	

MM: 107 Stakeholder ID: FMMSTAT0011	Respondent: Rich Cooke
Organisation: Essex County Council	Supporting document:
Legally compliant: Not specified	
Soundness test failed: Effective	
Why: ECC notes the moving involved here of the proposed content on HIA requirements to Policy D 2, from its originally proposed position in Policy SP 3 (Place Shaping). ECC remains supportive of including this content in the LP but also retains its view that this is an important place shaping matter, as indicated by NPPF (2021) paragraphs 92, 93 and 130 (f). Therefore, ECC suggests that the content would be better placed at Policy SP 3, together with its supporting text accordingly (MM107 refers).	
Changes: Restore the health & wellbeing content to its place as part of Policy SP 3 and supporting text.	

MM: 108 Stakeholder ID: FMMSTAT0011	Respondent: Rich Cooke
Organisation: Essex County Council	Supporting document:
<p>Legally compliant: Not specified Soundness test failed: Effective</p> <p>Why: ECC notes the moving involved here of the proposed content on HIA requirements to Policy D 2, from its originally proposed position in Policy SP 3 (Place Shaping). ECC remains supportive of including this content in the LP but also retains its view that this is an important place shaping matter, as indicated by NPPF (2021) paragraphs 92, 93 and 130 (f). Therefore, ECC suggests that the content would be better placed at Policy SP 3, together with its supporting text accordingly (MM107 refers).</p> <p>Changes: Restore the health & wellbeing content to its place as part of Policy SP 3 and supporting text.</p>	

MM: 109 Stakeholder ID: FMMRES0003	Respondent: Terry Blanks
Organisation:	Supporting document: ED144-ED144A
<p>Legally compliant: No Soundness test failed: Positively prepared, Effective, Justified</p> <p>Why: Any weakening of the scale and timetable of infrastructure must be avoided. Unless it is completed (preferably in advance) there is a danger it will never appear.</p> <p>Changes: Any weakening of the scale and timetable of infrastructure must be avoided. Unless it is completed (preferably in advance) there is a danger it will never appear.</p>	

MM: 109 Stakeholder ID: FMMSTAT0005	Respondent: Adriana Jones
Organisation: North Weald Bassett Parish Council	Supporting document:
<p>Legally compliant: Not specified Soundness test failed: Not specified</p> <p>Why: The Parish Council feels that the proposed modification to include the wording 'at the right time', is not sufficiently robust as it is entirely ambiguous. 'At the right time' means different things to different parties. Suggest that this wording is strengthened to read 'at a time agreed between the developer, the Local Planning Authority and the Utility provider'.</p> <p>Changes: Not specified</p>	

MM: 109 Stakeholder ID: FMMOTH0002	Respondent: Andrew Smith
Organisation: The Epping Society	Supporting document:
<p>Legally compliant: Not specified Soundness test failed: Not specified</p>	

Why: Changes delivery of utilities from “prior” to “at the right time”. This is very vague, and who is to determine this “right time”? Perhaps this can be explicit, eg “before the first home is occupied” which is a concept being considered for legislation currently before Parliament. We draw attention to The Levelling Up and Regeneration Bill which introduces a new Infrastructure Levy which would be due at the point of the occupation. While this is beneficial to developers, it does not help local authorities ensure infrastructure first as a key pillar of place-making. Accordingly we believe the Local Plan should be more explicit as to timing to ensure that in EFDC area at least, it is delivered when required

Changes: Not specified

MM: 111 Stakeholder ID: FMMSTAT0011 **Respondent:** Rich Cooke

Organisation: Essex County Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: None

Why: Changes are consequential / explanatory to those of Policy D 7; ECC supports these, in line with those of the policy itself.

Changes: Not specified

MM: 111 Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: 1. Local Plan Reviews, now includes “consideration of wider factors”. This is probably deliberately open; but might be a window for inaction – how significant must wider factors be? Who decides? Is there to be a community input and if not, why? Many feel the present Local Plan already fails to take account of a number of existing “other factors” and should therefore be subject to a major review as it stands – see points above 2. A bullet-point refers to “local housing need”, but see MM27 – but Council are already ignoring local need, as assessed by the Office for National Statistics. Further we sense there is widespread local opinion against one-bed flats e.g. Town Council objections to the Qualis development in St John’s Road, and recently (November 2022) at the Travis Perkins site (EPF/0028/22); yet most imminent developments are for exactly those. Local need is being ignored at present, how will ED145 resolve this for the future? May we suggest the Inspector visits any local café for lunch, and does a vox-pop exercise about one-bedroom flats.

Changes: Not specified

MM: 111 Stakeholder ID: FMMLAD0002 **Respondent:** Ralph Salmon

Organisation: St Congar Provincial

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We support the changes to the Local Plan Review mechanism in general terms. The proposal reflects comments that St Congar Provincial has made in previous rounds of consultation. Our firm position is that an early review should be committed to within the plan, given that this Local Plan seeks to deliver significantly below the current standard methodology target for housing delivery in Epping Forest. The Review of policies should be carried out soon after the adoption of the plan and initial evidence gathering should be twinned track to support the early stages of early Local Plan Review consultation. St Congar Provincial looks forward to the opportunity to put forward Land at Old Farm as a perfectly suitable allocation to accommodate new homes within an accessible location that would represent a highly sustainable form of development.

Changes: Not specified

MM: 111 Stakeholder ID: FMMLAD0012 **Respondent:** Martin Friend

Organisation: Wates Developments

Supporting document:

Legally compliant: Not specified

Soundness test failed: Effective, Justified

Why: 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, not 'no later than 5 years' from adoption as proposed in MM111 and MM112. 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 2023 it will have been 4½ 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 Inspector will want to see the plan adopted, this must be alongside a firm commitment to commence the review process immediately.

Moreover, the plan period runs to 2033. Assuming it is adopted in 2023 this will represent 10 years until the end of the Plan period. 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."

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.

MM111 suggests a review of the plan 'no later than 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

Changes: Amend Policy D7 to commit to an immediate review upon adoption of the plan

MM: 111 Stakeholder ID: FMMLAD0016 **Respondent:** David Neame

Organisation: Catesby Estates Plc

Supporting document:

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified, Consistent with national policy

Why: Council officer summarised: Paragraph 6.53 – OBJECT Unsound: This Further Main Modification introduces a new paragraph to the supporting text for Policy D7 to satisfy the important issue raised by the Inspector regarding the need for an early review of the Plan. The wording proposed does not satisfy the issue and instead simply replicates the requirement set out in the first part of Paragraph 33 of the Framework 2021 for a review of the Plan at least once every five years. MM111 fails to address the second part of Paragraph 33: ‘Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly’ This Plan was submitted for examination under the transitional provisions put in place within Annex 1 of the Framework 2018. Its housing requirement follows the approach set out in the Framework 2012. This Plan on adoption will be based on National policy that is over 10 years old. Therefore the Plan is effectively out-of-date in its approach to meeting housing need. If the Government’s current Standard Method of calculating Local Housing Need is applied to Epping Forest the Need equates to 973 dpa. The minimum housing requirement set out in the Plan is 518 dpa. The Standard Method therefore comprises 88% uplift on the minimum housing requirement in the Plan. This is significant. The under provision of housing in Epping Forest has led to a material worsening of the affordability position in the Borough from 14.50 in 2017 up to 15.42 in 20213. This makes Epping Forest one of the least affordable places to live in the country. The above points are particularly important when considering compliance with the second part of Paragraph 33 of the Framework 2021. The local housing need figure has already changed significantly and the impact regarding a material worsening of affordability is already evident. If the Council fails to commence an immediate review of the Plan upon adoption the consequences for the community will be significant in terms of affordability, affordable housing need and general housing supply. MM111 should be amended to compel the Council to undertake an immediate review of the Plan commencing upon its adoption. This should be a policy requirement rather than supporting text and should require the Council to bring forward a full review of the Plan with the objective of meeting the current Local Housing Need in full. The review should begin immediately upon adoption of this Plan and submitted for examination within 24-36 months. This approach has been taken elsewhere in a number of instances including in Brentwood where the Inspectors set out a similar provision in their report of 23 February 2022. This Plan was consciously progressed by the Council leadership to circumvent the obligations set out in the Framework 2018. It is important that the Plan is adopted to conclude the protracted examination process but it is equally, if not more, important that the Council undertakes an immediate Plan review to address the housing need that exists now

Changes: Not specified

MM: 111 Stakeholder ID: FMMLAD0017 Respondent: James Firth

Organisation: Redrow Homes (Eastern) Limited

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: Proposed Modifications MM111 and MM112 cover the Local Plan Review and sets out this must be completed not later than five years from the adoption date. In this regard, the review should seek to allocate sites which are considered the most sustainable for development.

It is considered that the land north of Abridge Road has excellent sustainability and accessibility credentials. It is adjacent to the existing built up area of Theydon Bois immediately west of the Central Line and Theydon Bois Underground Station with fast and frequent connections to Central London. The Station is a 5 minute walk from the Site.

Theydon Bois itself benefits from a number of amenities and services. The village centre contains a village hall, public houses, shops, eateries, a pharmacy, church and primary school. There are also areas of public open space and leisure/sporting facilities. The amenities identified are no more than 10 minutes on foot when heading west along Abridge Road which benefits from a dedicated pedestrian footway.

Changes: Not specified

MM: 111 Stakeholder ID: FMMLAD0030 Respondent: Matthew Stimson

Organisation: S Bains & Son Limited & Nijjer Estates Limited

Supporting document:

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Consistent with national policy

Why: Council Officer has summarised: The Plan adopts a housing requirement below the up-to-date assessed local housing need. Objector has commissioned an audit of the Council's 5-Year Housing Land Supply position. The Statement and its assessment of sites is appended to this submission.

On this basis, Table 4.1 of the EP audit concludes that against the emerging adopted housing requirement + 5%, there is an undersupply of 1,080 units, translating into a 2.94 years supply! Using the LHN + 20% buffer there would be a 4,293-unit undersupply, translating into a 1.32 year supply.

The situation with regard to Affordable Housing is unsatisfactory as evidenced by the attached note. The EP revised planned overall Housing Supply – row G in EP Table 4.1. of 1,545 and assumption of 40% (124 affordable homes p.a.). Compared to the 167 per annum 2017 SHMA and emerging Local Plan Affordable Housing target. This suggests a shortfall of c.217 affordable homes over 5yrs. Assuming that all sites deliver 40% Affordable Housing. LT1011 has now been updated and suggests an Affordable Housing supply of 273 affordable homes 2017/18 to 2021/22 in Epping Forest. When compared to the 167p.a. 2017 SHMA and emerging Local Plan Affordable Housing target (835 over 5 years) this suggests a 562 shortfall in supply of Affordable Housing over past 5yrs. Together with the supply shortfall, this indicates a shortfall of 779 affordable homes over the next 5years applies EP's overall housing land supply position suggests that the Affordable Housing shortfall should be addressed within a 5-year period. The SHMA evidence base does not reflect the current definition of eligibility for Affordable Housing contained in the NPPF. These deficiencies, in the overall housing land provision and supply and in Affordable Housing, which are either not addressed at all by the proposed FMMs or are inadequately addressed, go to the soundness of the emerging Plan which shouldn't be adopted in its present form.

Changes: If, despite the compelling objection with respect to the fundamental soundness of the Plan set out above, the Inspector is minded to recommend that the Plan be adopted on the basis of the FMMs, the Objector would urge him to require that FMM11 be further modified to include in the Plan a clear and unequivocal commitment to the commencement of an immediate review of the LP, as soon as it is adopted. This would be necessary to address the acute housing crisis in the District.

MM: 112 Stakeholder ID: FMMSTAT0011 Respondent: Rich Cooke

Organisation: Essex County Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: None

Why: ECC supports these changes in the interests of seeking to ensure regular LP review and keeping an up-to-date, sound LP.

Changes: Not specified

MM: 112 Stakeholder ID: FMMLAD0001 Respondent: Richard Winsborough

Organisation: M Scott Properties Ltd **Supporting document:**

Legally compliant: Yes

Soundness test failed: None

Why: We welcome the commitment to an early review and for setting out a criteria for this requirement.

Changes: Not specified

MM: 112 Stakeholder ID: FMMLAD0002 Respondent: Ralph Salmon

Organisation: St Congar Provincial **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We support the changes to the Local Plan Review mechanism in general terms. The proposal reflects comments that St Congar Provincial has made in previous rounds of consultation. Our firm position is that an early review should be committed to within the plan, given that this Local Plan seeks to deliver significantly below the current standard methodology target for housing delivery in Epping Forest. The Review of policies should be carried out soon after the adoption of the plan and initial evidence gathering should be twinned track to support the early stages of early Local Plan Review consultation. St Congar Provincial looks forward to the opportunity to put forward Land at Old Farm as a perfectly suitable allocation to accommodate new homes within an accessible location that would represent a highly sustainable form of development.

Changes: Not specified

MM: 112 Stakeholder ID: FMMLAD0012 Respondent: Martin Friend

Organisation: Wates Developments **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Effective, Justified

Why: Moreover, the plan period runs to 2033. Assuming it is adopted in 2023 this will represent 10 years until the end of the Plan period. 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."

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.

MM111 suggests a review of the plan 'no later than 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

Changes: Amend Policy D7 to commit to an immediate review upon adoption of the plan

MM: 112 Stakeholder ID: FMMLAD0013 Respondent: Brian Flynn

Organisation: Pigeon Investment Management **Supporting document:**

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective

Why: Council Officer has summarised: The identified factors for updating policies already exist, and the triggers for an earlier review would be ineffective. Further modifications are essential to D7 to include a firm commitment to an immediate review.

If EFDLP is adopted in early 2023 it would have a timeframe of approximately 10 years from adoption, which is inconsistent with national policy. There is a strong case for an immediate review to ensure that development needs are provided for at least a 15-year period.

The EFDLP is being examined under transitional arrangements against the national policy contained in the 2012 version of the NPPF and the PPG that applied at the point of submission.

There have been some significant changes to national policy and guidance since 2012, most notably in relation to the assessment of housing needs. However, the standard method for calculating local housing need would not apply to EFDLP and will not apply until the Council decides to undertake a review of strategic housing policies. It is acknowledged that EFDLP is being examined against the 2012 NPPF, but it should be noted that the 2021 NPPF would apply for the determination of planning applications and indicates that development plan policies should be

revised to take into account the national policies contained within it. The 2021 NPPF contains policy changes to the assessment of housing needs that should be reflected in planning policies for Epping Forest District as soon as possible. Therefore, two of the factors identified in proposed amendments to D7 – “conformity of policies with national planning policy” and “changes to local circumstances (including a change in local housing need)” – already exist now, and in these circumstances the policies in EFDLP should be subject to an earlier review and not in 5 years’ time. Proposed amendments to D7 and supporting text only commits to a review of policies in EFDLP within 5 years of adoption. If the Council decides to review its adopted policies in early 2028, it would then take at least another 3 years before revised policies are adopted (and likely longer). It cannot be justified for changes to national policy on housing needs to not be implemented until at least 10 years after they have come into force. In addition, the evidence base used to inform the policies in EFDLP was completed a number of years ago and should be updated.

Two criteria as proposed amendments to D7 would trigger an earlier review of the policies; annual housing delivery of less than 75% of annualised requirement for 3 consecutive years, and/or a five-year housing land supply cannot be demonstrated. These would be ineffective - see full version of the representation.

It is requested that an effective early review policy with a fixed timetable is included, in order to provide for development needs for a minimum 15-year period and to implement the national standard method for calculating local housing needs. The outcome of the examinations for the recently adopted North Hertfordshire and Brentwood Local Plans provides support for the requested commitment to an earlier review. See detail within full representation.

Changes: Requested Further Modifications to MM112

It is requested that MM112 is subject to further modifications and Policy D7 is amended to the following:

New Parts after part A:

The Council will undertake an immediate review of the Epping Forest District Local Plan upon adoption to accommodate up to date local housing need, and to meet development needs for a minimum 15-year period. An updated or replacement plan will be submitted for examination no later than 28 months after the date of adoption of the plan.

The Council will have particular regard to the following factors when reviewing policies within the Local Plan and determining whether or not relevant policies require updating:

- the latest Authority Monitoring Report, including reported progress against the requirements for the planned delivery of development and infrastructure;
- conformity of policies with national planning policy;
- changes to local circumstances (including a change in local housing need);
- transport modal shift and the takeup of ultra low emission vehicles;
- appeals performance;
- significant local, regional or national economic changes; and
- progress in plan-making activities by other local authorities.”

MM: 112 Stakeholder ID: FMMLAD0017 **Respondent:** James Firth

Organisation: Redrow Homes (Eastern) Limited

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: Modification MM112 also requires an early review of the Local Plan to be undertaken following adoption should housing delivery be less than 75% of the published housing requirement, or if the Council cannot demonstrate an adequate Five Year Housing Land Supply. This is considered an appropriate approach and should therefore allow sustainable and accessible sites such as the land north of Abridge Road to be brought forward promptly for development to

meet any identified shortfall. Additionally, the developer is of the opinion that the Site is deliverable, achievable and viable in the short term, and thus serious consideration of its potential as part of a Local Plan review would be welcomed.

Changes: Not specified

MM: 112 Stakeholder ID: FMMLAD0028 **Respondent:** David Hill

Organisation: Dandara Eastern

Supporting document:

Legally compliant: Not specified

Soundness test failed: Effective, Justified

Why: The additions to Policy D7, in relation to the requirement for a potential review are supported, bringing the policy more in line with the NPPF. However, in relation to the circumstances of when a review should take place in advance of the initial 5 year period: the 2nd paragraph, relating to a lack of 5 year land supply, needs to refer to the standardised housing figures or national guidance as an option for the derivation of housing targets as the current wording restricts the calculation, solely to the local plan and Housing Implementation Strategy figure. This would not appear to be justified, given the text in Paragraph 33 of the NPPF and what it states in relation to housing need. The necessary flexibility needs to be included in the policy to illustrate a significant change in circumstance, not just existing local plan targets, which could be significantly out of date at this point in time..

Changes: Change to the wording of the policy, to include reference to national housing targets / national guidance reflecting NPPF commentary on significant change in housing need / requirements as a mechanism for review.

MM: 113 Stakeholder ID: FMMLAD0009 **Respondent:** Rachel Bryan

Organisation: Swords - RUR.E10 & RUR.E11

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: This MM proposes to amend the definition of "Employment Use and Employment Site" as follows:

Employment Use and Employment Site:

Employment uses include all those within Classes E(g), B2 and B8 of the Use Classes Order and Sui Generis uses of an employment character and employment sites are sites that contain a predominance of such uses. Whilst Policy E1 and the supporting text refer to Classes B2, B8 and E, the glossary narrows this to Use E(g) only (the old Class B1 Use). We object to this change as it is directly contrary to the Inspector's Actions from June 2022 (ED141) which stated as follows: References to B1 Class Uses must be replaced with references to Use Class E. Note: in re-casting the policy and text, no distinction should be made between the various sub-categories of Class E because changes within Class E do not constitute development. Incorporate the changes described into the supporting paragraphs, the policy, the table and, if required, the glossary. The Council's response to Actions (ED144) claims this has been added for clarity and to reflect the evidence base. This will do the opposite as it will create doubt over which uses are acceptable within the designated employment sites meaning the Local Plan will lack clarity. At worst, the proposed amendment in the glossary will limit employment uses on employment sites to the old B Class

Uses, rather than allow the flexibility intended through the introduction of Use Class E. This will go against the principles of sustainable development and stifle the rural economy.

Changes: We request that the definition of “Employment Use and Employment Site” in the glossary is amended as follows, to align with Policy E1 and the Use Classes Order and make no distinction between the various sub-categories of Class E: *Employment uses include all those within Classes E(g) B2 and B8 of the Use Classes Order and Sui Generis uses of an employment character and employment sites are sites that contain predominance of such uses.*

MM: 113 Stakeholder ID: FMMLAD0025 **Respondent:** Claire Britton

Organisation: Hallam Land Management Ltd and CEG Ltd

Supporting document:

Legally compliant: Yes

Soundness test failed: Effective, Justified, Consistent with national policy

Why: Respondent's Executive Summary: HLM and CEG question whether the proposed definition of employment uses to be included in the Glossary is consistent with the Inspectors advice and expectations and with MM20. Specifically CEG and HLM question whether employment sites should not be restricted to subsections of Class E – specifically E(g) but should embrace the wider definition of employment uses of Class E as a whole.

Changes: Respondent's Executive Summary: To be consistent with national policy guidance, and MM20, consider the removal of reference to E(g) as the only element of Class E described as employment uses.

MM: 114 Stakeholder ID: FMMLAD0019 **Respondent:** Dominic Lunnon

Organisation: Edit Residential

Supporting document:

Legally compliant: No

Soundness test failed: Justified, Consistent with national policy

Why: Council Officer has summarised: In the Regulation 19 Submission Draft EFDC Local Plan site RUR.R1 was allocated for approximately 11 homes and was removed from the green belt. The previous proposed modifications (ED134) continued the site allocation for 11 homes, but proposed to keep the site in the Green Belt (GB) and a new requirement for any development proposal to demonstrate ‘very special circumstances’. Previous written representations were submitted in response to ED134. The current proposed modifications propose to remove the site allocation from Policy P13.

We object to the removal of the site allocation and maintain the view that the site should be removed from the Green Belt as it clearly does not fulfil the 5 purposes for the GB outlined in paragraph 138 of the NPPF. Epping Forest District Council have continuously supported this notion and its suitability for development by virtue of the inclusion of the site allocation in the every iteration of the Local Plan up to this MM consultation.

The following demonstrates how the site does not fulfil the purposes of the Green Belt and responds to each criteria (‘a-e’) provided in paragraph 138 in turn.

The land is situated between, not on the edge of, existing development which forms the built-up settlement of Latton Common. Accordingly, it would not be able to fulfil the function of restricting sprawl (a). Although on the outskirts of Harlow, the site forms part of an existing built-up settlement which does not serve as a buffer between towns (b). It is not an isolated site in the countryside that must be protected from development (c). The site does not comprise open

countryside which has a direct relationship to any historic town (d). Part (e) is not relevant to the site. Therefore, it is considered that the site allocation should be retained as the site clearly represents a suitable location for new residential development. As established above, the site is firmly embedded within the built-up settlement of Latton Common. The built-up nature of the area is created by the adjacent dwellings that line the eastern side of London Road and the dwellings located on Park Avenue to the south-east, by the existence of Avenue House (and its associated outbuildings) to the north and by the close proximity of the large Miller and Carter restaurant and car/van dealership to the south.

Proposed modification MM100 (and M114) is not in accordance with national planning policy guidance set out in the NPPF. The council in the Submission Draft EFDC Local Plan, correctly identified this site as a suitable, available and deliverable housing site and identified it for removal from the green belt and as an allocation for 11 homes. Through this EFDC confirmed that the site does not fulfil any of the 5 GB purposes set out in the NPPF. The modification to continue to include the site in the green belt and to remove the site allocation for 11 homes is inconsistent with the above and is not in accordance with paragraph 143 of the NPPF.

Changes: Council Officer has summarised: The modification should be deleted entirely (and the site should be removed from the green belt in line with the Submission Draft EFDC Local Plan). In addition, it is considered unnecessary (and a replication of policy) for any future application on the site to demonstrate a Very Special Circumstances (VSCs) case. Whilst any scheme on the site will quite correctly be required to ensure it adheres with all relevant policies in the Local Plan, the requirement to also demonstrate a VSC is wholly unnecessary owing to the sites allocation for 11 homes. Therefore, the site allocation should not include text requiring VSCs to be demonstrated

MM: 115 Stakeholder ID: FMMRES0003 **Respondent:** Terry Blanks

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: No

Soundness test failed: Positively prepared, Effective, Justified

Why: The proposed housing trajectory is inconsistent and confusing as to to the apparent reduction of 500 homes at Water Lane but the Latton Priory developer has increased his plan from 1,050 to 1,500. This confusion in figures is a prime target for exploitation by developers

Changes: The proposed housing trajectory is inconsistent and confusing as to to the apparent reduction of 500 homes at Water Lane but the Latton Priory developer has increased his plan from 1,050 to 1,500. This confusion in figures is a prime target for exploitation by developers. AND 25% OF THE WHOLE OF EFDC'S PLANNED HOUSING IN NORTH WEALD IS UNFAIR AND LIKELY TO CAUSE CONGESTION, UPSET AND OUTRAGE WHEN OR IF CONSTRUCTION BEGINS

MM: 115 Stakeholder ID: FMMSTAT0005 **Respondent:** Adriana Jones

Organisation: North Weald Bassett Parish Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Housing Trajectory proposed for the Harlow and Gilston Garden Town has altered significantly, and there are inconsistencies with the figures. The Water Lane allocation has dropped 500 to 1,600 homes and there is no justification or supporting evidence as to why this is. The Latton Priory site is still stated as having a minimum of 1,050 homes, however as mentioned

under this Council's comments to MM11 the developer is proposing 1,500 new homes with 1,290 built to the end of the plan period. These inconsistencies need to be addressed. We believe there could be a play on numbers.

Changes: Not specified

MM: 115 Stakeholder ID: FMMLAD0003 **Respondent:** Rachel Bryan

Organisation: Sworders - NWB.R1 & NWB.T1

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: We support the updated Housing Trajectory. For the North Weald Basset Masterplan Area it shows deliveries commencing in 2025/26, with completion in 2032/33. The quantum of annual completions (ranging from 124 to 166) is achievable, is light of the fact that the North Weald Basset Masterplan Area comprises five sites of varying scales which can be delivered simultaneously via separate sales outlets. Appendix A (ED144A) of the Council's Response to the Inspector's Actions (ED144) underpins this and demonstrates that all five sites commence delivery simultaneously in 2025/26 with the smaller sites competing within 1-2 years and the larger sites delivering over a longer time horizon, but complete within the Plan period.

Changes: N/A

MM: 115 Stakeholder ID: FMMLAD0004 **Respondent:** Rachel Bryan

Organisation: Sworders - SHR.R1 & SHR.R3

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: We support the updated Housing Trajectory which is underpinned by Appendix A (ED144A) of the Council's Response to the Inspector's Actions (ED144). For the settlement of Sheering, this shows deliveries commencing in 2025/26, with completion of all sites in 2028/29. The quantum of annual completions (ranging from 5 to 37) is achievable, is light of the fact that the allocations are made up of three small sites which can be delivered simultaneously.

Changes: N/A

MM: 115 Stakeholder ID: FMMLAD0005 **Respondent:** Rachel Bryan

Organisation: Sworders - LSH.R1

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: We support the updated Housing Trajectory which is underpinned by Appendix A (ED144A) of the Council's Response to the Inspector's Actions (ED144). For the settlement of Lower Sheering, this shows delivery of 14 new homes commencing and completing in 2026/27. We confirm that this trajectory is deliverable and achievable.

Changes: N/A

MM: 115 Stakeholder ID: FMMLAD0013 **Respondent:** Brian Flynn

Organisation: Pigeon Investment Management **Supporting document:**

Legally compliant: Yes

Soundness test failed: Positively prepared, Justified, Consistent with national policy

Why: Council Officer has summarised: Updated housing trajectory does not refer to evidence of past delivery rates at strategic sites in Harlow to inform delivery rates for the three Garden Community Sites within Epping Forest District (EFD). That information should inform the proposed housing trajectory. The proximity of other strategic sites within Harlow that are still under construction or allocated on the edge of Harlow will affect delivery rates. The representation outlines delivery rates at land north of Gilden Way and reflects that this is at a time when there are no competing allocations on the edge of Harlow. Representation also includes commentary around delivery within the Gilston Area and for the East of Harlow site within Harlow District. All of these sites are predicted to deliver homes in and on the edge of Harlow between now and 2033, in addition to the planned delivery of homes at Latton Priory, Water Lane and East Harlow. Pigeon view remains that it is unrealistic to assume that the quantum of new homes will be delivered simultaneously in this small geographical area. The market is very unlikely to be able to adsorb this quantum of growth. No evidence has been presented to justify that the housing delivery assumptions and decision to increase delivery rates at the very end of the Plan period to account for the delays in the adoption of the EFDLP is not justified/undeliverable. The proposed revised trajectory shows housing delivery at East of Harlow within EFD taking place at the same time as the planned growth within Harlow. It is unrealistic to assume that a single location would achieve combined delivery rates of 350 to 400 dwellings per annum. The phasing of the East Harlow development within EFD is unrealistic. It is highly likely that the first part of this development to be completed will be on land adjacent to the existing urban area i.e. within Harlow District. Therefore, it would be realistic to assume that most if not all of the 2,600 dwellings within Harlow District would be delivered in advance of the part of the development within EFD. As such, the housing at the East of Harlow site within EFD is very unlikely to occur until beyond the plan period for EFDLP. Pigeon request that the 750 dwellings in the housing supply for East of Harlow (within EFD) be deleted from the revised trajectory. If this site is deleted from the housing land supply during the plan period, this would reduce the predicted housing land supply buffer from approximately 800 dwellings (MM11) down to less than 50 dwellings. A significant proportion of the housing supply to be delivered towards the end of the plan period on large strategic sites on the edge of Harlow where delivery rates are very uncertain and unrealistic. This adds considerable risk to the development strategy and the planned delivery of sufficient homes within the plan period. Pigeon remains of the view that additional, sustainable and deliverable sites need to be identified to ensure sufficient flexibility. If not, a clear commitment to an immediate review is required, as requested in representations to MM112.

Changes: It is requested that the housing trajectory In MM115 is revised to include the following: an assessment of previous housing delivery rates at strategic sites in Harlow; an assessment of the overall annual housing delivery rates from all of the strategic sites within and on the edge of Harlow, including within Harlow and on the edge within East Hertfordshire District and Epping Forest District; an assessment of the annual housing delivery rates from strategic allocations that are in close proximity of one another, which are within Harlow and are still under construction or are allocated on the edge of Harlow; and, an assessment of the relationship between the parts of the strategic allocation at East of Harlow, in order to determine realistic (and reduced) annual delivery rates and realistic phasing assumptions for the planned developments. It is also

requested that the 750 dwellings included in the revised housing supply from the land at East of Harlow are deleted from the housing trajectory.

MM: 115 Stakeholder ID: FMMLAD0015 Respondent: Rachel Bryan

Organisation: Sworders - ONG.R1

Supporting document:

Legally compliant: Yes

Soundness test failed: None

Why: We support the updated Housing Trajectory which is underpinned by Appendix A (ED144A) of the Council's Response to the Inspector's Actions (ED144). For the Ongar Concept Framework Area it shows deliveries commencing in 2026/27, with completion in 2029/30, with each site delivering between 30 and 35 dwellings annually. The quantum of annual completions for Ongar (ranging from 35 to 171) is achievable, is light of the fact that all eight site allocations in Ongar deliver independently and simultaneously via separate sales outlets.

Changes: N/A

MM: 115 Stakeholder ID: FMMLAD0025 Respondent: Claire Britton

Organisation: Hallam Land Management Ltd and CEG Ltd

Supporting document:

Legally compliant: Yes

Soundness test failed: Not specified

Why: Respondent's Executive Summary: Please See Separate Sheet attached (and accompanying Documents 1, 2 and 3).

In summary CEG and HLM consider that the trajectory and resultant delivery projections as published in MM11, MM15 and MM115 broadly accord with the position of the promoters (the first 50 units to be delivered in 2025/26, increasing to 100 units in 2026/27 and then delivery of 150 units every year between 2027 and 2033 (1050 within the Plan period)).

However, the attached sheet draws attention to the updated IDP which is under preparation and sets out the concerns of CEG and HLM that should the Council retain the latest position proposed in the updated IDP regarding the delivery mechanism(s) for the STC connections then there would be a significant prospect of a delay to the expected delivery trajectory of Latton Priory and therefore, potential implications to the Council's overall housing delivery trajectory within the plan period."

Changes: Not specified

MM: 115 Stakeholder ID: FMMLAD0026 Respondent: Louise Steele

Organisation: Barwood Land

Supporting document:

Legally compliant: Not specified

Soundness test failed: Positively prepared, Justified

Why: Council Officer has summarised:

Amend housing trajectory to increase delivery between years 2024/25 and 2029/30 to reflect the opportunity for two housebuilders delivering housing on allocated sites EPP.R1 and EPP.R2

Changes: Not specified

MM: 115 Stakeholder ID: FMMLAD0029 Respondent: Alasdair Sherry

Organisation: **Supporting document:**

Legally compliant: Yes

Soundness test failed: None

Why: MM115 and the updates to Appendix 5 are also supported. Appendix 5 has been updated to show homes being delivered to Theydon Bois between 2023-2025, which is realistic given the status of the current planning application on site THYB.R1.

Changes: N/A

MM: 115 Stakeholder ID: FMMLAD0030 Respondent: Matthew Stimson

Organisation: S Bains & Son Limited & Nijjer Estates Limited **Supporting document:**

Legally compliant: Yes

Soundness test failed: Positively prepared, Effective, Consistent with national policy

Why: Council Officer has summarised: The Plan adopts a housing requirement below the up-to-date assessed local housing need. Objector has commissioned an audit of the Council's 5-Year Housing Land Supply position. The Statement and its assessment of sites is appended to this submission.

On this basis, Table 4.1 of the EP audit concludes that against the emerging adopted housing requirement + 5%, there is an undersupply of 1,080 units, translating into a 2.94 years supply! Using the LHN + 20% buffer there would be a 4,293-unit undersupply, translating into a 1.32 year supply.

The situation with regard to Affordable Housing is unsatisfactory as evidenced by the attached note. The EP revised planned overall Housing Supply – row G in EP Table 4.1. of 1,545 and assumption of 40% (124 affordable homes p.a.). Compared to the 167 per annum 2017 SHMA and emerging Local Plan Affordable Housing target. This suggests a shortfall of c.217 affordable homes over 5yrs. Assuming that all sites deliver 40% Affordable Housing. LT1011 has now been updated and suggests an Affordable Housing supply of 273 affordable homes 2017/18 to 2021/22 in Epping Forest. When compared to the 167p.a. 2017 SHMA and emerging Local Plan Affordable Housing target (835 over 5 years) this suggests a 562 shortfall in supply of Affordable Housing over past 5yrs. Together with the supply shortfall, this indicates a shortfall of 779 affordable homes over the next 5years applies EP's overall housing land supply position suggests that the Affordable Housing shortfall should be addressed within a 5-year period. The SHMA evidence base does not reflect the current definition of eligibility for Affordable Housing contained in the NPPF. These deficiencies, in the overall housing land provision and supply and in Affordable Housing, which are either not addressed at all by the proposed FMMs or are inadequately addressed, go to the soundness of the emerging Plan which shouldn't be adopted in its present form.

Changes: If, despite the compelling objection with respect to the fundamental soundness of the Plan set out above, the Inspector is minded to recommend that the Plan be adopted on the basis of the FMMs, the Objector would urge him to require that FMM11 be further modified to include in the Plan a clear and unequivocal commitment to the commencement of an immediate review of the LP, as soon as it is adopted. This would be necessary to address the acute housing crisis in the District.

MM: 144 Stakeholder ID: FMMRES0001 Respondent: Ian Townshend

Organisation: **Supporting document:** ED144-ED144A

Legally compliant: No

Soundness test failed: Justified

Why: There has been no changes or amendments to the 2017 plan around the Harlow and Gilston Garden Town (East Harlow), There is not a clear sympathetic modification surrounding the Green Belt boundary plan, and the ancient woodland that is in the area, wherein the local wild animal population has been decimated! I am disputing the proposed plan to extend the residential site allocation north of Junction 7a, along the said corridor (SP 5.3) I am greatly concerned that the president this will set could allow further residential site allocation on the green belt sites between sheering road and lower sheering. The village of Sheering has already suffered greatly with the increase of traffic, including HGV's and the road is not able to cope with the increase of traffic, following the opening of Junction 7a. The governments constant insistence with building new homes, most of which are not affordable to the social class of Harlow and the surrounding area, and the complete disregard of the green policies which need to be upheld in this time of crisis to the planet, and the serious increase of global warming is concerning.

Changes: I propose that the plan should not extend beyond the boundary of the Junction 7A slip road, which consists of the whole of the Residential site allocation on drawing EFDC-SP-0024-Rel1 Legend SP 5.3.

MM: 202 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: We consider the protection proposed in relation to developments addressed under this MM should apply to all development and not only at this location, important though this is

Changes: Not specified

MM: 208 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Removes RUR.R1 - very good indeed but the grounds for it should be clarified and the fact made consistent with other policies (see our remarks above)

Changes: Not specified

MM: 209 Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Removes RUR.R1 - very good indeed but the grounds for it should be clarified and the fact made consistent with other policies (see our remarks above)

Changes: Not specified

MM: Stakeholder ID: FMMOTH0002 Respondent: Andrew Smith

Organisation: The Epping Society

Supporting document: ED144A.1

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Revised Appendices to Council's response to Inspector's note and appendix ED141 (inclusion of additional correspondence from engagement with site promoters of Latton Priory Strategic masterplan Area (SP5.1 in appendix B) published 11 November 2022 In relation to the EFDC evidence to support the housing trajectory we have the following observations

1. Not all developers have given support for the adopted trajectory. For example, we could not find any evidence that Qualis (the EFDC wholly owned developer) had done so although its housing numbers are material, especially in Epping. The numbers of housing units forecast for delivery in 2022/23 and 2023/24 do not appear likely given the current state of work on the sites.
2. Developers' support was not unqualified and they were full of caveats.
3. In one specific case, their support for the EFDC housing trajectory was based on a Gantt chart which is already out of date.
4. In relation to SP5.2 (Water Lane), the following weak statement is not sufficient evidence to support the inclusion of those homes in the trajectory: "Council provided a trajectory for site for comment" according to an email of 29 July 2022. This does not amount to a worked plan nor does it suggest any form of promoter buy-in.

5. Homebuilding & Renovating magazine reported on September 08, 2022 "Price of materials rises 24% in 12 months. The construction materials shortage is improving but soaring prices and labour shortages could affect your project" while other reports point to a shortage of labour and much higher labour costs, partly driven by increased retirements from the industry during the Covid scare. Eye on Housing 2019 "The share of workers ages 55 and older was 21.7% in construction, implying that a substantial portion of workforce would retire in near future."

We feel that up to date and complete support for all material housing estates included in the Local Plan housing trajectory should be submitted before it is judged to be sound. We feel the rapid increase in delivery shown on the EFDC chart is so acute as to require convincing evidence it can be delivered. From just over 200 completions in 2022/23 EFDC projects 1,000 completions in 2025/26 and 1200 the following year. EFDC planning department has never handled that volume of house building before. We seek clarity on the status of EPP.R1. It has no defensible boundaries and no reasonable means of access (see map in ED144A.1 and dated "September 2019"). If both EPP.R1 and Epp.R2 are to be used for the 450 houses what is the development density and how will vehicular movement be achieved between them. Further, there appears to be confusion over map references (ED144A.1 or ED144A)

Changes: Not specified

MM: Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society **Supporting document:** ED146

Legally compliant: Not specified

Soundness test failed: Not specified

Why the Main Modification and/or supporting document is not legally compliant or is unsound:

MM78 – Epping South maps: where is the big fuel line? This is only presented in ED144A – after Consultation had opened. Inspector Phillips walked the site and reported that much of the area was too steep, why has this not been fully taken into account? It would have been nice to see Public Rights of Way shown more clearly here too, we believe these need careful protection. The “build to” line in ED145 is barely visible against fence and trees – needs bolder colouring (see p.110) ED144A map has an area shaded as “Landscape Sensitivity” – this is not mentioned in other places – what does it mean, and what are the planning implications?

Importantly EPP.R1 cannot remain in the plan as it is not an enclosed area but only a line along the back gardens of houses in Ivy Chimney and Bridge Hill; also applies to ED144A. (MM77 shows EPP.R1 is still in the LP - “Planning applications for sites EPP.R1 and EPP.R2 have together been identified as a location where development should be accompanied by brought forward in accordance with a Strategic Masterplan). Notes relating to EPP.R1 and R2 continue to refer to “remaining capacity” for an additional 439 homes on the site(s) of Epping South whereas the Inspector has already determined the “950 plus” homes there is not achievable and must be revised. There appears to be no justification why 450 homes can be supported on the sites.

Changes: Not specified

MM: Stakeholder ID: FMMRES0038 **Respondent:** Elizabeth Harbott

Organisation: **Supporting document:** ED148 EB214

Legally compliant: Not specified

Soundness test failed: Justified

Why: Paragraph 4.18 Biodiversity and green infrastructure

Paragraph 4.34 Historic Environment

Paragraph 4.41 Landscape

The phrase ‘uncertain minor negative effect’ has been added to all three of the above paragraphs. This is not sound since it is not justified. In relation to 4.18 the SEMPA is used by wildlife which will not easily move to a new area of ‘green infrastructure’ yellow wagtail and grey wagtail were present in Spring 2022 stay late in Summer 2022 and linnets fed there in Autumn 2021. ‘Green and blue infrastructure’ takes time to develop and some birds will vacate the present area and not have suitable alternatives. The landscape (4.41) especially in the SEMPA will be detrimentally affected. Building on the raised slopes of EPP.R2 will increase this negative affect. The phrase seems to be inserted without justification. It is not justified to claim there will be ‘uncertain minor positive/neutral effect on biodiversity and green infrastructure’ (4.22) part of which is new text (‘minor positive’)

Changes: Remove the final sentence of paragraphs 4.18, 4.34 and 4.41 which are not justified.

MM: Stakeholder ID: FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society **Supporting document:** ED174A

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Not referenced to an MM, but this is a change to the existing Plan. – Maps of Latton Priory: some maps have a road access running East to the Epping Road, but others have this route keyed as a “potential walking & cycling route”. Firstly this is inconsistent – the public need to know what is being consulted on. In addition, this is a key issue in terms of traffic / congestion / pollution / parking in Epping / capacity at Epping tube station / impact on Epping Forest. To this point Inspector Phillips had made it clear at the Hearings that this route was not to be a route for private motor traffic, stating that the preferred commute should be onto the M11, or to by Sustainable Transport to Harlow centre or railway station. Sadly at least one possible Masterplan we have seen has ignored this; developers would seem to be trying to elude an Inspector’s statement.

Further, in an EFDC Cabinet meeting 7 /11/22, a Report was presented which was explicit that the road Eastwards was to be the primary vehicle access route; based on an earlier commissioned report. However when the Chair (Cllr C. Whitbread) asked if consideration had been given to traffic flows Southward (ie towards Epping & the tube railhead) or to the likely impact on the Forest; the answer was “not yet”, but such work is projected. This seems to us that planners and developers are seeking to overthrow the position taken by the Inspector, and have arrogantly published such a recommendation without the necessary research. This poses a very basic question about the authority of the Inspectorate.

Changes: Not specified

MM: Multiple Stakeholder ID: FMMSTAT0003 **Respondent:** Alexander Ross

Organisation: London Borough of Waltham Forest **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council Officer has summarised: Note the letter as summarised here is supported by a copy of the MM Schedule with LBWF’s comments against individual MMs. Many thanks for consulting the London Borough of Waltham Forest concerning the Epping Forest Local Plan modifications for examination. As a neighbouring authority and under the Duty-to-Cooperate agreement we are delighted to be able to work collaboratively on joint and cross boundary strategic issues and support the Epping Forest District Council in meeting its strategic planning objectives. It is through this close working relationship that The London Borough of Waltham Forest can confidently confirm that we are broadly supportive of these main modifications to the Epping Forest Local Plan. We have thoroughly reviewed the modifications to the Epping Forest Local Plan submitted to us on 28 October. It is evident that majority of changes are technical to account for the inception of Class E and further developments of the South Epping Masterplan in particular. We acknowledge the adjustments to the East and West Masterplans affecting rural areas and areas within Chelmsford postcodes, which we have no further comments on.

We also acknowledge that protection policies to Epping Forest are similar in content and direction to Policy 83 in the Waltham Forest Local Plan Part 1 document which is currently at examination. We strongly support and encourage the policy modifications that have removed the majority site allocations in the Epping Forest District Council Green Belt. Furthermore, we strongly support

the amended recognition to the critical importance of climate change mitigation and updates to policy on electric vehicle charging.

Overall, we would like to commend Epping Forest District Council for the hard work undertaken in producing this comprehensive suite of modifications to their emerging Local Plan. Due to the largely technical nature of amendments made in this plan we would like to offer no further response other than to take this opportunity to wish our colleagues at the Epping Forest District Council all the very best for their forthcoming examination stage.

Changes: Not specified

MM: Other Stakeholder ID: FMMRES0004 **Respondent:** Emma Flint

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The change to the plan where it is stated "a minimum of 450 homes" is vague and raises concerns that the area will have far more properties, therefore more vehicles on the roads where traffic is already regularly an issue. My main concerns are that there will not be enough medical/health facilities to accommodate the ride in population in the town, and that traffic will become unmanageable particularly at peak busy times. I would be keen to hear how these changes will not have a negative impact on local residents.

Changes: Not specified

MM: Other Stakeholder ID: FMMRES0014 **Respondent:** Melanie Mckenzie

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Please find below my objections regarding the above plan for houses being built on GREEN BELT FIELDS opposite Brook Road Epping and behind Ivy Chimneys Epping.

- The lack of infrastructure details
- The lack of a relief road
- The lack of details regarding junction layouts
- Traffic restrictions on already busy roads – namely Brook Road, Bridge Hill & Ivy Chimneys Road.
- Keeping of the brook as drainage (Brook Road often floods & has water pouring down it as it is) as well as the fields being waterlogged.
- Primary School provision
- Change of wording from “approximately 450 homes” to “a minimum of 450 homes” which is totally unacceptable.
- Build to line – is totally unacceptable
- Delivery is inconsistent and constantly changes

Changes: Not specified

MM: Other **Stakeholder ID:** FMMRES0016 **Respondent:** George Williams

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Off the back of the most recent communcaotion from the Liberal Democrats, we've been notified of the intention of the (updated) minimum of 450 houses to be built behindRedacted.... Based on all the previous concerns raised around how the current utility infrastructure could not possibly support this level of expansion, as evident from the continuous disruption to the area, this new plan only raises more concerns than ever before.

As per our previous objection to the South Epping Strategic Masterplan Area, I am formally emailing with my below objection reasons with my partner who also lives at the property in CC; General;

- Fundamentally, the new wording on the houses to be built has now been changed from 'approximately 450 homes' to a 'minimum of 450 homes' - Park K i.
- Road access- no vehicular bridge included in plans which increases congestion. Roads are narrow, bendy, with cars on most curbs currently, Ivy Chimneys is already a very busy road with people using it as cut way road and from the school. This will be further exacerbated due to the constant road closures when the water pipes burst, with the road shutting as a result.
- Highway safety- Inadequate access or highways safety- Accessibility Issues Adequacy of parking/loading/turning. Traffic generation- with school etc already busy there.
- The Noise air quality associated with the M25 is still relevant and therefore increasing the dwellings still does not address this.
- Likewise, the presence of the overhead powerline's that have not still been considered nor eradicated.
- The land allocated is on the green belt and therefore still not legally compliant.
- Noise and disturbance resulting from use will affect the value of the nature reserve.
- Loss of light or overshadowing- The height or proximity of the development would be such that unreasonable overshadowing would occur.
- Existing Gp will not be able to accommodate for additional residents.
- New school will also need to be provided as Ivy Chimneys school is at capacity.
- Overbearing nature of proposal - The scale of the works means that the property/premises has an oppressive impact on surrounding areas/houses.
- Increase to flood risk- Additional housing will decrease the opportunity for water to soak into the ground in the field and cause water on the road to slope down into the valley. This is especially evident with the proposed boarder line which proposed to be built for the unlevelled ground
- Personal;
- Overlooking/loss of privacy- The proposal would lead to previously private areas being overlooked.
- Health -My partner is extremely asthmatic and how will the dust impact his health?
- We are also expecting a baby, and are very worried about the affects of building work.
- I would also like to add that I brought my property in January 2021, if i was to known this would be happening I wouldn't have brought my property, I feel that i have been mislead and reserve the right to seek redress.

Changes: To make this proposal viable,

- Deleting South Epping from the plan would address these concerns and still enable the district to meet the housing numbers required by the government (especially when taking into account the many new flats proposed for Epping Town Centre) otherwise, infrastructure needed

- A Vehicular Bridge to ease with congestion
- A new health hup / GP / Dentist
- A new additional school
- A local supermarket
- A necessary green infrastructure must be provided

MM: Other Stakeholder ID: FMMRES0018 Respondent: Charles Swift

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I wish to make the following objections to the modified developments Any development should be a Max of 450 homes not min 450 Brick Road is an over committed road in capable of taking more traffic for 450 Additional home there are already argument from conflicting traffic a relief road is required No addition medical centre or Doctors / additional Schools or child care or local shops are part of the scheme these are already over committed in the main town The exiting play area or recreation should not be developed this is used by all walkers and football recreation This development is built on historic green belt and will harm the local amenities if developed and will reduce my property value if developed as I have uninterrupted view over green belt fields which will destroyed I moved epping as it was a traditional English town the dynamic's of which will change by the introduction of substandard and cheap new homes The council are promoting this as it aims to benefit both the coucil and the councillors financially who are also on the main board of developers this amounts to fraud and bias for this development and should be reviewed as part of appeal process In conclusion I want to object to these proposals as they offer no really alternative to provide solutions of issues that were resided on the last proposal and therefore should not be developed. I'm am so appalled by these proposals that I will never vote for this conservative council ever again

Changes: Not specified

MM: Other Stakeholder ID: FMMRES0021 Respondent: Alexina Jones

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I am emailing to raise concerns relating to the further Main Modifications to Epping Forest District's emerging Local Plan. The first relates to the proposed change to replace the words "approximately 450 homes" with "a minimum 450 homes" (Part K (i)). This is clearly concerning as developers could be in a position to apply to develop to build a much bigger number. A precise number is also surely needed so that the rest of the development plan can accurately reflect and accommodate the potential maximum number of homes that could be developed. The second relates to the build line which includes an area of the site (the sloping land beyond the stream) where built development is not acceptable, this needs revising (Part K (iii))

Changes: Not specified

MM: Other Stakeholder ID: FMMRES0023 Respondent: Helen Johnson

Organisation: Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: I am emailing to raise concerns relating to the further Main Modifications to Epping Forest District's emerging Local Plan. The first relates to the proposed change to replace the words "approximately 450 homes" with "a minimum 450 homes" (Part K (i)). This is clearly concerning as developers could be in a position to apply to develop to build a much bigger number. A precise number is also surely needed so that the rest of the development plan can accurately reflect and accommodate the potential maximum number of homes that could be developed. The second relates to the build line which includes an area of the site (the sloping land beyond the stream) where built development is not acceptable, this needs revising (Part K (iii))

Changes: Not specified

MM: Other Stakeholder ID: FMMRES0032 Respondent: Elizabeth Burn

Organisation: Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: In response to the public consultation on the Further Main Modifications to the Epping Forest District New Local Plan (2011-2033), I have no additional comments to make at this stage, but did make an earlier representation, with respect to the Main Modifications Consultation last year (by hard copy, and email forwarded to you on 23rd September 2021). That representation included 3 x PFD documents: one being Form A, and two being Form B. The MMs referred to, at that stage, were MM46 (Footnote 1) and MM47, in relation to the Epping Forest District Green Infrastructure Strategy (SPD), and MM180 (Theydon Bois, Site Specific Requirements: Protected Trees). I would simply request that my comments, made at that time, are taken into consideration before the final version of the New Local Plan, and its Supporting Documentation, are published in full.

Changes: Not specified

MM: Other Stakeholder ID: FMMRES0036 Respondent: Scott Passfield

Organisation: Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Proposed development of "A MINIMUM OF 450 dwellings" for the south Epping masterplan is ridiculous. This small area within Epping cannot cope with additional road traffic of which is already heavily congested particularly during school hours. How can the council justify removing green open space to make way for more pollution in a time of a climate emergency - all whilst ruining the landscape of an historic area? The council has a responsibility to listen to its current residents - all of which greatly oppose any development within this area. Changing the wording to a minimum of 450 dwellings is a way of trying to pull the wool over residents eyes, insinuating further development could be a possibility. I am deeply saddened and

disheartened at your continued persistence in perusing this ill-fated development at the detriment to residents physical and mental well-being who have been members of the community for years. I once lived in Queen Mary's Gate in E18 – the housing association area was rife with crime and frequently visited by police – eventually I was forced to move away due safety concerns. You will do the same here. You are ruining this once beautiful area.

Changes: Not specified

MM: Other **Stakeholder ID:** FMMSTAT0005 **Respondent:** Adriana Jones

Organisation: North Weald Bassett Parish Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Regardless of the further modifications being proposed as part of this consultation, it would be remis of this Council if it did not once again raise the issue of the Parish of North Weald Bassett being allocated more than 25% of the entire districts housing allocation, without a clear and tangible plan regarding infrastructure to support this quantum of growth. The Planning System seems to allow for a 'build now and worry about if it will actually work later' approach to development, which will undoubtedly be detrimental to the residents of all three villages that make up the Parish of North Weald Bassett – North Weald Village, Thornwood and Hastingwood. Each of these three villages are unique in their own right, with rural and village characteristics loved and valued by its residents. Should the local plan be found sound, and the development sites within it come forward, the Parish Council will expect each and every developer, along Epping Forest District Council, to carefully consider how new development will fit within the Parish without causing harm to its character or creating further congestion on local roads. Development proposal that fails to appropriately consider these aspects will not be supported by the Parish Council.

Changes: Not specified

MM: Other **Stakeholder ID:** FMMSTAT0006 **Respondent:** Lorraine Ellis

Organisation: Nazeing Parish Council **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council officer has summarised: Nazeing Parish Council had previously been allocated to provide 122 new homes in the village. The areas identified are four parcels of land referred to as NAZE.R1, NAZE.R2, NAZE.R3 and NAZE.R4. NAZE.R1, NAZE.R3 and NAZE.R4 are in fact one site which has been shown on the Plan as being accessible from St. Leonards Road. A recent planning application was submitted for 120 homes on this estate. This exceeds the allocation of 99 homes previously mentioned in the Local Plan. These three parcels are all green belt agricultural land currently still being used for the production of crops. The new housing estate of this size at this location will put a severe strain on the busy St Leonards Road. Additional traffic flow to and from the proposed housing estate will put intolerable pressure on this area. The services such as road drainage which are already overwhelmed during heavy rainfall would be under further pressure from additional waste and rain water from the proposed estate. There are other areas of the village which are being used for new homes and the Parish Council would request that these small scale developments be part of Nazeing's allocation in the Local Plan.

Changes: Not specified

MM: Other **Stakeholder ID:** FMMSTAT0008 **Respondent:** Alex Sadowsky

Organisation: Chelmsford City Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council Officer has summarised: Thank you for consulting Chelmsford City Council (CCC) on Epping Forest District Council's Further Main Modifications Consultation document. CCC welcomes the delivery of new homes and employment within the Epping Forest District. CCC also welcome the appropriately timed delivery of infrastructure associated with the strategic allocated sites. CCC has no other comments to make.

Changes: Not specified

MM: Other **Stakeholder ID:** FMMSTAT0009 **Respondent:** Andrea Pearson

Organisation: Brentwood Borough Council

Supporting document:

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Brentwood Borough Council did not respond to the last Main Modifications consultation in 2021, as we did not have any objections to the emerging Plan. The Council last responded to the Epping Forest draft Local Plan, Regulation 18 consultation, expressing general support in the Council's efforts in progressing their Local Plan, however raised concerns regarding the Council's ability to meet its housing needs within its housing market area. At the time of our response there was a draft Memorandum of Understanding (MoU) published between the local authorities within the West Essex and East Hertfordshire Housing Market Area. Since then, the concerns regarding Epping Forest's ability to meet its housing needs have been resolved and this is no longer a concern.

It is acknowledged that since the previous Main Modifications consultation took place, Epping Forest has undertaken a significant amount of additional evidence which supports the changes made to the latest iteration of the Epping Forest emerging Local Plan. Key changes made include:

- a. Stronger requirements regarding air quality and protection of Epping Forest
- b. Stronger climate change policies including on-site low carbon and renewable technologies requirements
- c. Amendments made to align with the Use Class Order changes
- d. Removal of rural residential sites
- e. Inclusion of developer's contributions for infrastructure improvements both on and off site

Brentwood Borough Council felt it was appropriate to respond to the Epping Forest Further Main Modifications consultation to express our support in the efforts the Council has made to progress their Local Plan and acknowledge the additional work undertaken by officers to ensure the Plan meet the four tests of soundness in order to be legally compliant.

Changes: Not specified

MM: Other	Stakeholder ID: FMMSTAT0010	Respondent: Andrew Bramidge
Organisation: Harlow District Council	Supporting document:	
Legally compliant: Not specified		
Soundness test failed: Not specified		
Why: Council Officer has summarised: Consistency across Garden Town: One of the key objectives of the Garden Town is to ensure some consistency across the three Districts. This has been achieved through the East Hertfordshire and Harlow Local Plans, but there is a danger that this is undermined if there are different approaches and standards for the developments. With regard to the Garden Town Vision and given the common goals of the Garden Town partners, it is important that this is not diluted through potential ambiguity associated with the relevant wording. It would be prudent to retain the phrase “adhere to” rather than “have regard to”. This would reflect the aims of policies HGT1 and HS3 in the adopted Harlow Local Development Plan and the adopted East Hertfordshire Plan. When referring to housing numbers reference is made to a “minimum of”. At Latton Priory there are clear capacity limitations, as shown in current transport modelling, based on the provision of 1,050 dwellings. To ensure consistency of approach, housing numbers should be as stated rather than as a “minimum”. Sustainable Transport Corridors: In respect of comments previously made, as well as to ensure consistency, it is recommended that all of the Epping Garden Communities make contributions towards the sustainable transport corridors in their entirety in Policy SP5 with similar wording to that proposed for Water Lane. This would reflect the apportionment approach undertaken for the Garden Town Infrastructure Delivery Plan. Suggested wording for the strategic sites adjacent to Harlow should include the wording “contributions towards sustainable transport corridors both within the Masterplan boundary and through off-site planning contributions”. This is the approach that is already being implemented at Gilston as part of the HGGT. It would be helpful if it could be confirmed where the land to be safeguarded for the Sustainable Transport Corridors is shown on the relevant mapping in the Plan. Whilst a Modification has been proposed to the supporting Map relating to the main access to the Latton Priory site it does not go far enough, consequently we recommend that appropriate text is included. Harlow Council would like to reiterate a response it made to the 2021 Modifications in relation to the supporting Maps which would redraw the main access road for the Latton Priory site. This was to reflect the Inspector’s original request for further technical work to be done. The Modification showed an ‘Indicative Access Road’ connecting Rye Hill Road with London Road. This is only shown on Maps 2.1 and 2.2 and not indicated within any policy or supporting text changes. This is broadly supported as it still provides a degree of flexibility in relation to the best access solution. However, it is strongly suggested that the Plan includes further Modifications, either within Policy or supporting text that refers to the PJA access study. Employment: With regard to the employment provision at land Dorrington Farm at Latton Priory, reference should be made to the Harlow and Gilston Garden Town Employment Commission (2020).		
Changes: Not specified		

MM: Other	Stakeholder ID: FMMOTH0002	Respondent: Andrew Smith
Organisation: The Epping Society		Supporting document: Other
Legally compliant: Not specified		
Soundness test failed: Not specified		
Why: Consultation process		
- The principal document is very large at nearly 300 pages,. Plus, various supplements.		

- To issue it as one pdf has made it quite unwieldy. E.g. we found we could not edit out the non-re parts. Were alternatives considered?
- ED145 is highly technical, and with many acronyms not explained in the Glossary, it is a daunting prospect to embark upon especially for lay people.
- While theoretically accessible to all, the Consultation depends on respondents have considerable background knowledge and being able to commit a great amount of time and concentration. This will have deterred many of the general public from participating. We wonder if alternative formats were considered for communication the MMs and for the Consultation.
- Further documents (ED144A, ED144A.1) have been issued subsequent to ED145 giving further information and maps. It is not clear if this is part of the Consultation which we believe it should be, since it has information not in the main bundle, e.g. additions to the maps in ED147A. Yet ED144A is not listed on the Statutory Regulation 35 Notification. ED144A has been issued during the Consultation period so the public will not have had the full amount of time to consider it as was set initially. Are there to be further documents yet to be issued with an even shorter time to respond?

Changes: Not specified

MM: Other **Stakeholder ID:** FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society

Supporting document: Other

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Council officer has summarised:

General principles for Objection:

- “Watering-down” – there is a large number of proposed changes which reduce the Council’s ability to ensure that sound and sensitive developments take place. E.g MM16 changes “require” to “have regard to”. Planners and developers will find this subjective and ineffective; it will make it easier for poorly policed, inappropriate developments to be built. Others e.g MM41 undermine Council intent and policies to reach Net Zero Carbon in the proposed time frame.

Michael Gove stated on 14 November 2022 that he would make it more difficult for developers to “wriggle out of their responsibilities” re infrastructure. A lack of certainty in the EFDC Local Plan could allow developers to ‘wriggle out’ on their responsible infrastructure.

- “Washing-over” – e.g MM209. Council and Planners went to great lengths to select sites, using consultants such as ARUP; this process was publicly consulted upon, and tested in public hearings. Now some sites are to be deleted and the Green Belt restored. But other sites subject to the very same process, and despite being Green Belt, are to be developed. No clear rationale is given for these decisions which appear arbitrary. Some parties will claim this violates statutory and / or moral principles.

- Redundancy – a number of matters referred to are outdated. E.g MM21 (motorway junction), MM74 the EU, data from 2013 in MM71. Housing trajectories are based on 2022: it will be 2023 before this Plan is Adopted. This Local Plan process has been so protracted that many of the premises and data it is built upon are now no longer relevant. Some Councils have gone for a “refresh” or started from scratch.

- Lack of clarity in MM111 and MM46 about how reviews (other than 5-yearly) might be triggered, relying vaguely on “other matters”.

- Inconsistency – ED145 contains a number of internal contradictions. E.g the housing number for Epping South (MM77 and MM78), and primary schooling in that area (MM78 and MM109). These cannot endure in a legally coherent Local Plan – as a matter of Soundness

- There is serious confusion about the philosophical basis around “need for housing”. Councillors repeatedly tell us that new homes are needed for local people. Yet a Qualis document for St John’s Road is explicit about a “new, vibrant demographic”. Meanwhile MM47 states that “needs do not have to be identified”, but MM111 has a bullet-point about “local housing need”, while the report of ONS which informs housing need was not taken into account by EFDC. The Council have never consulted locally on this crucial matter.

Overall, we feel uncomfortable that endorsement of all the MMs by the full Council seems not to have been given. We are concerned there is no democratic process. Councillors will be presented with a *faite accomplis* after the inspection.

Finally, please see Michael Gove’s letter of 5 December 2022 in which he sets out his intention to change the way housing numbers are arrived at and clarify that “local planning authorities are not expected to review the Green Belt to deliver housing”.

Changes: Not specified

MM: Other **Stakeholder ID:** FMMOTH0002 **Respondent:** Andrew Smith

Organisation: The Epping Society **Supporting document:** Other

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Now includes “cared for” housing -good

Changes: Not specified

MM: Other **Stakeholder ID:** FMMOTH0005 **Respondent:** Patricia Moxey

Organisation: CPRE **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: On behalf of CPRE Essex, I would like to fully support the comments made by LRA in respect of the MM. I had prepared a similar response which was saved to the EFDC submission form but when I tried to send it the system failed so not sure if it can be retrieved.
So feeling very frustrated.

Changes: Not specified

MM: Other **Stakeholder ID:** FMMLAD0017 **Respondent:** James Firth

Organisation: Redrow Homes (Eastern) Limited **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: Taking all of the foregoing into consideration, we are of the opinion that the proposed modifications to the Local Plan are acceptable in principle. However, we would welcome a robust approach in respect to the monitoring of the indices that would trigger a Local Plan review, namely those impacting housing delivery. Consequently, this should ensure that new sustainable housing allocations can be identified and brought forward for development in a time-efficient

manner and thus boost housing delivery in the short-term. Furthermore, any monitoring should also take into consideration relevant and up-to-date case law and appeal decisions. The Council's objective to 'promptly commence a review' provides a certain level of confidence that the necessary monitoring will be undertaken. My client intends to take a positive and proactive approach to engagement with the Council as part of the Local Plan review and would welcome further discussions at the appropriate juncture.

Changes: Not specified

MM: Other Stakeholder ID: FMMLAD0018 **Respondent:** Fabian Culican

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The Site is located at New Oak Lodge, Englands Lane, Loughton, Essex IG10 2NX in Epping Forest District Council (EFDC). The site is the historic location of former 'Debden Hall', a historic Manor House. The site is nearby to Epping Forest between Loughton and the southern fringe of Theydon Bois. The site is designated as Green Belt Land in the Combined Policies of Epping Forest District Local Plan 1998 and Alternations 2006 (published 2008) (The Local Plan). The site is the former site of Debden Hall which contained various outbuildings and can reasonably be described as 'Previously Developed Land'

The original Debden Hall dated back to 1715 and consisted of a large manor house and an extensive range of outbuildings. Henry Holland designed substantial alterations to this Hall and it is believed that Lancelot 'Capability' Brown designed the gardens and grounds. The second phase of Debden Hall saw the demolition of the main building following a fire in 1929 and a new hall erected in 1936. This hall was not as grand as the original but was still a very substantial building. The third phase was the demolition of Debden Hall following a major fire in 1936. 10 houses were later erected in the early 1960's which now forms Ripley Grange under application 383/61. Since then, there have been attempts to restore and recreate Debden Hall. A full planning application for the demolition of the existing dwelling house and outbuilding and the creation of a new dwelling house with associated landscaping and refurbishment and repair of grade 2 listed gates and piers was approved by the council in 2016. Subsequently, this permission was deemed to have been lawfully commenced (EPF/0439/20) and remains valid. Mr Sukh Chadmdal remains supportive in principle of the Main modifications noted by the planning inspectorate in the protection of the SAC (Special Area of Conservation). In respect to mitigation measure in place for developments near to the SAC. We agree in principle with the measures outlined to protect the SAC from recreational pressures identified in the SAAM strategy 2021 and also outlined in the Inspectorate notes in the further main modification in MM46 AND MM47. Detailed comments are contained in: Annex 1 – Representations FMM 2022

Changes: Not specified

MM: Other Stakeholder ID: FMMLAD0029 **Respondent:** Alasdair Sherry

Organisation: **Supporting document:**

Legally compliant: Not specified

Soundness test failed: Not specified

Why: The continued inclusion of site THYB.R1 as a site for housing is supported. Anderson Group remains committed to delivering the highest quality scheme at this location, commensurate with the existing character of Theydon Bois. We are continuing to work positively with the Council, with particular regard to the application submitted in early 2021 (ref: EPF/0292/21) for a residential development in line with the emerging Local Plan. While this application has been with the Council since early 2021, positive engagement has been maintained with the Development Management team at EFDC, and this has ensured a high quality development will be delivered in line with the updated draft Policy and in accordance with the proposed timescales. The broader schedule of further modifications set out within ED145 reflect comments made by the Inspector since the last consultation, and that the reasons for the additional changes are considered sensible.

Changes: Not specified