

EPPING FOREST DISTRICT COUNCIL
EXAMINATION OF THE DISTRICT LOCAL PLAN, 2011-2033

**MATTER 16: DEVELOPMENT MANAGEMENT
POLICIES (DM1 – DM22)**

**PRE-HEARING STATEMENT ON BEHALF OF
EPPING FOREST DISTRICT COUNCIL**

FEBRUARY 2019

INTRODUCTION

Epping Forest District Council ("the Council") submits this statement in response to the Inspector's Matters, Issues and Questions ("MIQs") (ED5). This statement addresses Matter 16: Development Management Policies (DM 1 – DM 22) and provides the Council's response to all of the Inspector's questions associated (ED5, pp 35-40).

Where appropriate, the Council's responses in this statement refer to but do not repeat detailed responses within the hearing statements submitted by the Council concerning other Matters.

The documents informing the preparation of this statement to which the Council may refer at the hearing sessions are listed in **Appendix A** of this statement together with links to the relevant document included within the Examination Library.

Examination Library document references are used throughout for consistency and convenience.

Proposed amendments to the wording of Development Management policies and supporting text are included in a schedule to this hearing statement.

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

General response to Issue 1

1. Subject to the responses set out below to the questions identified in the Matters, Issues and Questions, the Council considers that the Development Management Policies in the Plan are justified, effective and consistent with national policy.

Policy DM1: Habitat Protection & Improving Biodiversity

Inspector's Question 1

1. Has account been taken of the Lee Valley Biodiversity Action Plan during the preparation of the Plan? Does the Plan adequately reflect this document and should reference be made to it as Key Evidence in paragraph 4.8? (Reps LVRPA).

Response to Question 1

2. Although the Lee Valley Biodiversity Action Plan (BAP) has not been specifically referred to in the LPSV as key evidence for this Policy at paragraph 4.8, due regard has been given to this document and others relevant to the Lee Valley Regional Park as evidenced by paragraphs 2.18 – 2.24 inclusive of the LPSV. At the time of the publication of the LPSV, the relevant Lee Valley BAP was dated 2000. Since that time the Lee Valley Regional Park Authority has been consulting on an updated BAP (closing date 13 February 2018). In order to ensure that the Local Plan is futureproofed it is not considered necessary to refer to this document as part of the Key Evidence.

Inspector's Question 2

2. In Part A, is it justified to require all development to seek to deliver net biodiversity gain? Would this be possible for applications concerning minor alterations to existing buildings, or advertisements for example?

Response to Question 2

3. Paragraph 109 of the NPPF sets out at bullet point three that the planning system should contribute to and enhance the natural and local environment by "minimising impacts on biodiversity and providing net gains in biodiversity where possible". The Council recognises that there is a need to ensure that planning policies are in general conformity with the NPPF and are crafted in such a way as to be proportionate to the circumstance. Nevertheless there will be opportunities for small scale proposals to contribute through, for example, the use of 'green roofs' to extensions or the provision of bat boxes. In order to maintain flexibility whilst maximising opportunities the Council proposes that an amendment is made to the wording of Policy DM 1 Part A (see Amendment 1 in the appended Schedule).

Policy DM2: Epping Forest SAC and the Lee Valley SPA

Inspector's Question 3

3. Will Policy DM1 and DM2 taken together provide adequate protection for the whole of Epping Forest, including the Parts outside the SAC? In seeking to protect the Forest via two separate policies, is there a risk that the approach could become disjointed?

Response to Question 3

4. Policies DM 1 and DM 2 will provide adequate protection for the whole of Epping Forest, including those parts outside the SAC, whilst recognising that the tests for assessing planning applications differ dependent on the habitat status attributed to different parts of the Epping Forest. It is not considered that there is a risk that the approach could become disjointed.
5. Policy DM 1 provides the policy framework and hierarchy of 'significance' for consideration of Habitat Protection and Improving Biodiversity. Policy DM 2 provides the policy framework which focuses on the specific requirements needed to mitigate the effects of development on European sites which a specific focus on the Habitats Regulations and the provision of a strategic framework

against which any likely significant effects can be positively mitigated and managed.

6. Conversely, the provision of one policy to protect habitats and improve biodiversity would, in the Council's opinion, create an overly lengthy and more complicated policy context for assessing planning applications, particularly recognising that the 'tests' for the consideration of European designations differ from other habitats which could lead to greater confusion for applicants whose sites do not fall to be considered against Policy DM 2. It is to be noted that neither Natural England, nor The Conservators of Epping Forest, in making their Regulation 20 representations to the LPSV, raised concerns regarding the Council taking a two policy approach.
7. The Council proposes, by way of a Statement of Common Ground with Natural England, to provide greater clarification with respect to the hierarchy of habitat status with regard to Policy DM 1.

Inspector's Question 4

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

Response to Question 4

8. Paragraph 4.25, Policy DM 2 C and Appendix 6 of the LPSV identify where and which developments are likely to have a significant effect on the Epping Forest SAC with respect to recreational pressures. Both the supporting text and Policy DM 2 need to be sufficiently flexible in terms of their specificity recognising that the Zone of Influence with respect to Recreational Pressures may change over time as a result of up-to-date evidence gathered from time to time over the course of the Local Plan period to 2033.
9. Paragraph 4.23, Policy DM 22 and Appendix 6 of the LPSV identify where and which developments are likely to have a significant effect on the Epping Forest SAC from an air quality perspective.
10. Nevertheless the Council propose, for the sake of clarity, that the wording of Policy DM 2 and DM 22 (see the Council's response to Matter 16 Issue 1 DM 22) should be amended having had regard to the Regulation 20 representations made by Natural England and The Conservators of Epping Forest. The final wording is currently being developed as part of a Statement of Common Ground with Natural England However, draft wording is set out as Amendment 2 in the schedule.

11. In addition the Council propose that amendments are made to the supporting text for the sake of clarity (having had particular regard to the Regulation 20 representations made by The Conservators of Epping Forest) and to reflect the updated Habitats Regulations Assessment 2019 (EB209) which has been undertaken to reflect the most recent case law (see Amendment 3 in the Schedule).

a. In Part E, is the 400m radius for requiring developments to mitigate the effects of urbanisation justified in terms of the specific likely effect upon this particular designated site?

12. The 400m radius relates to the potential for sites within close proximity to the Epping Forest SAC to have a likely significant effect as a result of urbanisation, with particular regard to fly tipping, the introduction of non-native plant species and incidental arson. Development within 400m of the Epping Forest SAC is justified as it has the potential to have a likely significant effect in this regard and it is considered that a precautionary approach is necessary. The Habitats Regulations Assessment (EB209) page 51 assesses DM 2 as a positive policy and it is noted that Natural England has not raised any comment in this regard.

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

13. As set out in paragraph 9 the provision of greater specificity within Part C would not provide sufficient flexibility over the course of the Local Plan period should the Zone of Influence for recreational pressure change over that time. The Council would therefore suggest that this is best addressed through the supporting text and the proposed amendment to Paragraph B of DM 2 as set out in response to Question 4 above.

c. Are any specific provisions required in respect of the effects caused by air pollution?

14. Paragraph 4.23 of the LPSV (as proposed to be amended – see response to Question 4 above) identifies the mechanisms for managing the effects of air pollution on the Epping Forest SAC including the development of a mitigation framework with respect to air quality. No specific provisions are required as this is adequately dealt with in paragraph 4.23 in conjunction with other Local Plan policies including Policy T 1 (Sustainable Transport Choices), Policy DM 22 (Air Quality) and Policy D 5 (Communications Infrastructure) and sets out the

monitoring requirements in relation to air quality. These comprise the specific provisions in respect of the effects caused by air quality. These provisions are over and above the underlying improvements to air quality that are expected to arise from international and national air quality initiatives, the combination of which are such that any likely significant effects on the Epping Forest SAC in respect of air quality will be managed and mitigated. The combination of these provisions has been assessed (as much as practically possible) through the air quality modelling work undertaken by the Council, the results of which are set out in the updated Habitat Regulations Assessment 2019 (EB209) with regard to Scenario DS5 (see EB209, paragraphs 6.18, 6.24 and 6.25, in particular).

d. Is it necessary to set any exclusion zone within which no development can occur?

15. The Council does not consider that there is any evidence to suggest that an exclusion zone within which no development can occur would be justified. Instead Policy DM 2 E makes it clear that developments within 400m of the boundary of the Epping Forest SAC are required to submit a site level Habitat Regulations Assessment in order to assess the effects of any development which is proposed in close proximity to the boundary of the Epping Forest SAC.

Inspector's Question 5

- 5. In practice, how will the mitigation sought by Part D secured? If financial contributions are required, is this clear in the policy?**

Response to Question 5

16. The mitigation sought by Part D will be secured either by way of on-site provision or through financial contribution or a combination of both. It is considered that the amendments proposed in response to Question 4 above provide clarification in this regard, whilst maintaining flexibility as to how such mitigation will be secured.

Policy DM3: Landscape Character, Ancient Landscapes & Geodiversity

Inspector's Question 6

6. **Is the wording of the policy itself sufficiently detailed to be effective in protecting the landscape from significant harm? Should it, for example, incorporate some of the requirements of the supporting text (such as that in paragraph 4.31); and is it clear about what will be expected of developments on the edge of settlements? (Reps TBPC).**

Response to Question 6

17. It is considered that the policy, when read alongside other policies in the Plan, will protect the landscape from significant harm.
18. All policies in the LPSV will be applied to development proposals as appropriate. The following requirements (in addition to Policy DM 3) are considered to contain sufficient implicit and explicit expectations of developments in respect of protecting the landscape. This includes clear expectations for development proposals on the edge of settlements:
19. “Policy SP 3 Place Shaping” in particular sub-paragraph (viii) [p34] requiring development to ensure that it enhances the natural environment and sub-paragraph (xii), page 34, requiring that it conserve and positively enhance key landscapes, habitats and biodiversity;
20. “Policy SP 4 Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town” especially Part C. sub-paragraphs (v) and (vi) [p40] the requirements for Strategic Masterplans and detailed design codes, and the use of the Quality Review Panel at Part C. sub-paragraph (vii) [p40] all of which can deal with detailed design on settlement edges, addressing the specific context of each site. In addition, Part C. sub-paragraph (xvi) [p41] requires that development relates to the surrounding area;
21. “Policy SP 7 The Natural Environment, Landscape Character and Green and Blue Infrastructure” in particular Part B sub-paragraph (i) [p52] noting that landscape character assessments will be used to assist in judgements on the suitability of new development;
22. “Policy H 3 Rural Exceptions”, where sites are most likely to be settlement edge, in particular the provision in Part A sub-paragraph (iii) [p60] that there is no significant detrimental impact to the surrounding countryside;

23. “Policy DM 5 Green and Blue Infrastructure” Parts B and C, [pp 86-87] requiring the retention of landscape features and green and blue infrastructure accounting for the setting of the development as well as concept plans for Garden Town Communities; and
24. The site requirements set out in LPSV “Appendix 6: Site Specific Requirements” highlight specific requirements in relation to the settlement edge context on sites. Examples include those for Sites ONG.R3 [p92] and ONG.R4 [p94].
25. However, in order to improve the clarity and effectiveness of the policy, the Council proposes an amendment to the policy to refer specifically to settlement edges, and the need to assess development proposals with reference to relevant available evidence. Amendments are proposed to Policy DM 3 (see Amendment 4 in the Schedule).

Policy DM4: Green Belt

Inspector's Question 7

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

Response to Question 7

26. The Council agrees that Policy DM 4 essentially repeats national policy in paragraphs 79 to 92 of the NPPF and, therefore, is consistent with national policy. To be clear, Policy DM 4 is not intended to do anything different to national policy, as such, the inclusion of Policy DM 4 cannot affect the soundness of the Plan.
27. The Council has included Policy DM 4 due to the importance of the Green Belt in the District, which currently has over 92% of land designated as Green Belt. The explanatory text to Policy DM 4 makes the Council’s position on very clear on the application of key terminology included in national policy, which is essential for the purposes of determining applications that require very special circumstances to be demonstrated.
28. If the Inspector considers Policy DM 4 to be unsound as drafted and that it is necessary to clarify the Policy by stating that development will protect the purposes of the Green Belt in the manner required by national policy, the Council would not object to such a modification, either within the Policy DM 4, or the

associated explanatory text. However, the Council's preference would be for any such text to be supplement rather than replace the text in LPSV Policy DM 4.

Inspector's Question 8

8. Are there any specific proposals to expand existing schools in the Green Belt? If so:

Response to Question 8

29. There are currently no specific proposals to expand existing schools in the Green Belt. The Infrastructure Delivery Plan (EB1101B) identifies the Forecast Planning Group within which expansion of provision will be needed, but does not identify specific schools where this will take place. The Council will work closely with Essex County Council to ensure that appropriate school expansion is facilitated to support growth over the Plan period.

a. Would the provisions of DM4 in respect of inappropriate development risk frustrating these plans?

30. The Council considers that the policies in the Plan provide sufficient flexibility to allow future school development in the Green Belt where it is appropriate and justified.

b. Is it justified to expect such proposals to seek to demonstrate that very special circumstances exist to displace the presumption against inappropriate development, or should some specific exception be made? Would such an exception be consistent with national policy?

31. The Council considers that it is justified to seek the demonstration of very special circumstances by all applicants proposing inappropriate development in the Green Belt based upon application-specific considerations. In the instance of education facilities, these considerations would likely include the need to expand, or improve existing facilities.

32. National Green Belt policy does not permit additional exceptions to inappropriate development and, therefore, Policy DM 4 will apply to all proposals involving inappropriate development in the Green Belt, including new development to

provide educational and community facilities. For these reasons, applications for planning permission for such facilities must accord with Policy DM 4 and no specific exceptions are necessary and, in any event, would not be consistent with national policy.

33. Through the Draft Statement of Common Ground with Essex County Council (ED10B), the Council has proposed additional wording in the supporting text of Policy D 2 (after paragraph 6.23). This additional text provides clarity on the Council's position for schools within the Green Belt.
34. The Council has continued to work with Essex County Council on various issues, including LPSV Policy DM 4 and its application to new development for community and education uses in the Green Belt. As a result the Council proposes to adjust the proposed additional text to be inserted after paragraph 6.23 of the associated explanatory text to Policy DM 4 (see Amendment 5 in the Schedule).

c. Should existing school sites be excluded from the Green Belt?

35. No, the Council does not consider exceptional circumstances can be justified to exclude all existing schools from the Green Belt.

Policy DM5: Green and Blue Infrastructure

Inspector's Question 9

9. **Should Part A (i) require designs to have regard to improving the connectivity of habitats? (EA Reps).**

Response to Question 9

36. Yes, Part A (i) should require designs to have regard to improving the connectivity of habitats. To this end, and in accordance with the "Statement of Common Ground between Epping Forest DC, Environment Agency and Thames Water" 2018 (ED3) [p4], the Council proposes an addition to the policy (see Amendment 6 in the schedule).

Policy DM6: Designated and Undesignated Open Spaces

Inspector's Question 10

10. **Having regard to paragraph 73 of the NPPF, has a robust assessment of the need for open space, sports and recreational facilities been carried out? Is it justified to base the requirements upon nationally adopted standards rather than local ones and should the appropriate standards be set out in Policy?**

Response to Question 10

37. The Open Space Study (EB703) 2017, Built Facilities Strategy 2018(EB713) and Playing Pitch Strategy 2018 (EB714) provide an up-to-date and robust assessment of the supply and demand for open space, sport and recreational facilities in the District. They identify specific needs across these different infrastructure types, and any surplus/deficit of provision in the District. The findings of these studies were used as the basis for the proposed provision identified in the Infrastructure Delivery Plan Part B Report (EB1101B), to ensure the appropriate facilities are delivered in line with the planned growth.
38. The Open Space Strategy (EB703) identifies the open space requirements in Epping Forest District, with both quantitative and qualitative deficits/surpluses for each typology set out in Sections 7 to 12 of the report. Paragraph 2.9 sets out the methodology for applying provision standards, acknowledging that there is no one single guidance document or guidelines available to provide a framework for analysis. National standards were therefore used as key parameters to benchmark quality, quantity and accessibility of open space in the District. This was underpinned by a detailed local assessment of open space provision, which informed a set of targeted recommendations at the settlement level, as well as for specific facilities where appropriate. These are set out in further detail in Section 13 of the report.
39. The Council has not prescribed quantitative local standards for open space, but intends to use nationally adopted space standards as a starting point for provision. This is to ensure that decisions around open space are made holistically, taking account of local supply, quality and accessibility. This approach is set out in Policy DM 6.
40. Section 1.3 of the Built Facilities Strategy (EB713) sets out the approach used to undertake the needs assessment of key sports infrastructure across the District. The needs assessment uses Sport England's nationally adopted tools to determine infrastructure need, including the Facility Planning Model (FPM) and the Sports Facility Calculator. These standards are considered to be industry best practice, and as confirmed in paragraph 2.0 of the Statement of Common Ground

(ED4), Sport England are satisfied that the Council has a robust and up-to-date evidence base to implement the LPSV.

Inspector's Question 11

- 11. Which policy in the Plan deals with needs for built facilities for sport and recreation, rather than open space?**

Response to Question 11

41. As set out in Part vi of the Council's Statement of Common Ground with Sport England (ED4), Policy D 4 deals with needs for built facilities for sport and recreation.

Inspector's Question 12

- 12. In Part A, is it intended that financial contributions could be sought towards open space provision? If so, is this clear?**

Response to Question 12

42. The Council recognises the need to provide additional publicly accessible open space in new development. The Local Plan should be read as a whole, and Policy DM 6 aims to secure an appropriate level of on-site provision where possible. Policy D 1 sets out the Council's approach to the delivery of infrastructure, setting out in Part B that measures may include 'financial contributions towards new or expanded facilities and the maintenance thereof'. There may be instances whereby a financial contribution is agreed to be appropriate by the Council as indicated in Policy D 1, however in line with Policy DM 6 the Council will prioritise appropriate on-site provision of open space.

Inspector's Question 13

- 13. In Part B, is it justified for either B(i) or B(ii) to apply rather than both? By what standard would it be decided that an open space was surplus to requirements?**

Response to Question 13

43. It is justified for either B(i) or B(ii) to apply as these requirements cover different measures by which the provision of open space can be assessed. Part B (i) of the policy is addressing the provision of open space considering quantitative provision against national standards, in line with the approach set out in the Open Space Study (EB703) and Part A of Policy DM 6.
44. Part B(ii) of the policy allows development on open spaces to be considered in the context of the quality and quantum of provision of open space within the local area or settlement in order to ensure continuing accessibility for existing and future residents to provision of open space and meet the overall provision required for the District.
45. The Open Space and Standards Background Paper 2016 (BGP3) sets out the way in which the assessment was carried out to determine whether any open space was surplus to requirements for the proposed site allocations included in the Draft Local Plan 2016 (see paragraphs 1.16-1.23, pp 5-7).

Inspector's Question 14

- 14. Paragraph 4.52 refers to Local Green Spaces (LGS), but Policy SP6 refers to District Open Land. Should the terminology be consistent? Should this policy define the process by which LGS/DOL could be sought and if not, should paragraph 4.52 be deleted?**

Response to Question 14

46. Policy SP 6 is referring to the Council's proposed designation of District Open Land (DOL) which differs from Local Green Space. The proposed designation of DOL is set out in Background Paper (BGP4) Green Belt and District Open Land Background Paper update (see paragraphs 5.1- 5.4 pages 9/10). The Council considers that paragraph 4.52 therefore should remain. If the Inspector considers that the process by which Local Green Space could be sought should be included the Council would be happy to propose a potential amendment.

Policy DM7: Heritage Assets

Inspector's Question 15

15. In order to accurately reflect the relevant statutory obligations, should Part A of the Policy require development proposals to “...*conserve or enhance the character or appearance and function of heritage assets...*”? Should the requirements noted in the supporting text for the preparation of heritage statements (para. 4.60) and archaeological evaluations (para. 4.63) be written into the policy itself to ensure effectiveness? Should the Policy be retitled “*Historic Environment*”? (Reps HE).

Response to Question 15

47. The Council agrees that a modification to DM 7 Part A would be helpful for the sake of clarity, and an amendment has been proposed (see Amendment 7 in the Schedule) as part of the Draft Statement of Common Ground with Historic England (Appendix 1 to this Statement).
48. The Council agrees that referencing the requirements for heritage statements (paragraph 4.60) and archaeological evaluations (paragraph 4.63) within the policy itself would be helpful in terms of ensuring effectiveness. The Council in consultation with Historic England proposes to make an amendment to Part B (see Amendment 8 in the Schedule) of the policy as set out in the Draft Statement of Common Ground with Historic England (Appendix 1 to this Statement)
49. The Council agrees that retitling Policy DM 7 would be helpful for the sake of clarity. This proposed amendment has therefore been included as part of the Draft Statement of Common Ground with Historic England (Appendix 1 to this Statement).

Inspector's Question 16

16. I understand that the Heritage Asset Review suggested the establishment of “Areas of Townscape Merit”. What would be the purpose of such a “designation”; why was it decided to omit them; and is the Plan sound in their absence? (Reps Loughton TC).

Response to Question 16

50. Paragraph 5.36 of the Heritage Asset Review (EB902, p.29) states that the purpose of the ‘Area of Townscape Merit’ designation was to “allow those areas of local interest to be recognised in the development management process and ensure that their important characteristics are maintained.” The Council considers that the LPSV is sound in the absence of the inclusion of ‘Areas of Townscape Merit’.
51. The Council does not consider it necessary to include specific reference to ‘Areas of Townscape Merit’ within the LPSV, as other policies within the Plan seek to protect areas and assets of local interest and importance. Policy DM 7 covers the protection of both designated and non-designated assets, including Local Heritage Assets. The policy and supporting text sets out a number of measures to protect the historic environment, character and setting, including the use of Article 4 Directions, Heritage Statements and archaeological evaluations. Alongside Policy DM 7, Policies DM 8, DM 9, DM 12 and DM 14, also support measures to protect and enhance areas and assets of local importance, including local architectural styles, detailing and materials, and contributing to positive streetscapes. The Council considers that there would be no additional benefit in such a designation and the proposed DM policies, approach to masterplanning and the Local List of Validation Requirements (EB912) will ensure that the conservation or enhancement of the historic environment, including assets and areas of local importance will be sought.

Inspector's Question 17

**17. Should this Policy offer specific protection to “Protected Lanes”?
(Reps TBPC).**

Response to Question 17

52. A number of the Landscape policies within the LPSV recognise the importance of Protected Lanes, and the need for their ongoing protection and enhancement. For example, paragraph 4.39 of the supporting text to Policy DM 3 acknowledges

the role of “veteran and protected trees including avenues and lanes” in contributing to the overall landscape character of the District. Similarly, paragraph 4.38 of the supporting text to Policy DM 5 seeks to protect, link and enhance unmetalled lanes, ancient paths and walks, green lanes and bridleways.

Policy DM8: Heritage at Risk

No specific questions.

Policy DM9: High Quality Design

Inspector's Question 18

18. Should this policy specifically require proposals to have regard to and respond to the historic environment where appropriate? (Reps HE).

Response to Question 18

53. The Council agrees that this policy should specifically require proposals to have regard to and respond to the historic environment where appropriate. An amendment to Policy DM 9 Part A sub-paragraph (i) has been proposed as part of the Draft Statement of Common Ground with Historic England (Appendix 1) (see Amendment 10 in the Schedule)

Inspector's Question 19

19. For effectiveness, should paragraph 4.69 make reference to the Essex Design Guide? (Reps ECC).

Response to Question 19

54. The Council does not consider it is necessary to make specific reference to the Essex Design Guide ("EDG") in paragraph 4.69. Part I of DM 9 states that all development proposals must demonstrate that they are in general conformity with design guides adopted or endorsed by the Council. The EDG has not been formally endorsed by the Council; although it can in some instances provide a useful guide to help to inform development proposals and decision making, the

Council does not consider it appropriate to make specific reference to the EDG in the Plan.

55. Paragraph 4.69 of the LPSV states that design policy should set out the "local context both in terms of the locality, and the immediate site and its surrounds." The EDG provides design guidance in relation to the wider context of the County; however, given the variation in context across Epping Forest District, it is not considered that the design guidance in the EDG would be relevant to all development in the District and, therefore, should not be referred to in the Plan as it may indicate that it applies or should take precedence in all instances.
56. The EDG includes overarching themes that are useful as design guidance for developments within Epping Forest District. However, some of the design details contained within the EDG are not relevant to all developments in the District, nor are they supported by LSPV Policies. For example, the EDG requirement to apply the EPOA Essex Parking Standards within 'Parking Design: Key Messages and Key Questions'¹ contradicts LPSV Policy T 1, which supports reduced parking or car-free developments in sustainable locations.
57. The Council also propose an amendment to include the thresholds for the use of the Quality Review Panel as set out in paragraph 2.101 of the LPSV into Policy DM 9 C in order to provide clarity (see Amendment 11 in the schedule).

Inspector's Question 20

20. Should Part A, perhaps A(v) require design measures to promote healthy communities as suggested by paragraph 4.70 of the supporting text? (Reps ECC).

Response to Question 20

58. The Council has proposed in the Draft Statement of Common Ground with Essex County Council (ED10) that Policy DM 9 Part A (v) could be amended to further strengthen the requirement of design measures to promote healthy communities, as per the supporting text in paragraph 4.70, such as encouraging people to live healthy lifestyles, and creating accessible and inclusive environments (see Amendment 12 in Schedule). This proposed amendment should reduce any ambiguity as to the intention of Policy DM 9 to promote healthy communities.

¹ <https://www.essexdesignguide.co.uk/design-details/parking-design/>

59. The Council proposes a further amendment to Policy DM 9 Part H (iv), to ensure that design measures to promote healthy individuals through good indoor amenity are addressed in regard to ventilation and overheating. The Council's proposed amendments are based on consultation with BRE, whom the Council commissioned to ensure that the LPSV and its policies on energy and sustainable design are futureproofed and remain up-to-date over the Plan period (see Amendment 13 in the Schedule).
60. The Council also proposes an amendment to paragraph 4.72 of the LPSV, to correct a typographical error and to ensure that the LPSV remains up-to-date in respect of the promotion of the principles of sustainable construction for healthy communities. This will be achieved by the explanatory text to LPSV Policy DM 9 cross-referring to the new Home Quality Mark Technical Manual (EB914). The Home Quality Mark ("HQM") is a voluntary standard launched in 2015 by the BRE, to assess new build homes quality and performance developed in response to the withdrawal of Code for Sustainable Homes. This proposed amendment was informed by consultation with the BRE (see Amendment 14 in the Schedule).

Inspector's Question 21

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

Response to Question 21

61. The Council considers that Policy DM 9, together with other policies in the LPSV, makes provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the NPPF.
62. Within the NPPF (paragraphs 57, 58, 61, 69) it is clear that the creation of healthy communities, and accessible and inclusive environments, is achieved through a holistic approach to the planning of places such as that being proposed through the masterplanning process. This includes ensuring that developments: achieve an appropriate mix of uses; support community cohesion; reduce crime and fear or crime; address connections between people and places and integrate into their context; promote opportunities for social interaction through mixed-use developments, strong neighbourhood centres and active street frontages; do not undermine quality of life; and contain clear and legible pedestrian routes, and high quality and well-used public space.
63. Policy DM 9 specifically addresses a number of these points, in Parts D(iii), D(v), F, G and H(i) (ii) and (iii), the proposed amendments in the above Response to Question 20, and in supporting text paragraphs 4.70 - 4.73.

64. Within the LPSV there are other policies and supporting statements that are also relevant in ensuring a holistic approach is taken to the promotion of accessible and inclusive communities. Aspects key to creating healthy, accessible and inclusive communities, such as promotion of active lifestyles, sustainable communities, access to green spaces, and creation of comfortable and safe environments, are also covered in the following policies:
- (a) Policy SP 3 Place Shaping - Parts H(iii) (iv) (v) (vi) (ix) (xiii).
 - (b) Policy SP 4 Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town - Parts C(x), (xii), (xiii), (xiv).
 - (c) Policy H 1 Housing Mix and Accommodation Types - Parts A(i), (v).
 - (d) Policy E 2 Centre Hierarchy/ Retail Policy - Parts B, C, H(i).
 - (e) Policy T 1 Sustainable Transport Choices - Parts A, B, C, E.
 - (f) Policy DM 5 Green and Blue Infrastructure - Parts A(iii), (iv), (v).
 - (g) Policy DM 6 Designated and Undesignated Open Space - Part B (iv)
 - (h) Policy DM 10 Housing Design and Quality - Parts A – D, paragraphs 4.76, 4.77.
 - (i) Policy DM 11 Waste Recycling Facilities in New Development - Parts A, B.
 - (j) Policy D 4 Community, Leisure and Cultural Facilities - Parts A, E, F, G(v), H.
 - (k) Policy D 5 Communications Infrastructure - Part A.
65. The LPSV also notes, in DM 9 Part I, that "All development proposals must demonstrate that they are in general conformity with the design principles set out in other relevant Local Development Documents, Design Guides, Neighbourhood Plans or Village Design Statements (VDSs) adopted or endorsed by the Council." The Harlow and Gilston Garden Town Vision (EB1405) and Harlow and Gilston Garden Town Design Guide (EB1406) are therefore relevant in relation to the Garden Town strategic sites SP 5.1, SP 5.2, SP 5.3, as these documents were endorsed to be used as material planning considerations by Cabinet on 10 December 2018 (EB135) and formally agreed by the Garden Town Member Board on 4 February 2019. The 'Vision for The Garden Town' within the Design Guide (EB1406) and the Vision (EB1405) clearly states the need for a 'healthy' Garden Town through: 'Accessible routes that encourage people to move actively - to walk, cycle and skate - and are inclusive to all abilities; Sociable streets and

local centres that encourage daily interaction; Space for food production - improving mental health and access to good nutrition; An active and vibrant town centre with a strong cultural and commercial offer; A good range of active leisure facilities.'

66. References to healthy, accessible and inclusive environments, and design measures that promote these, can therefore be found throughout the LPSV.

Policy DM10: Housing Design & Quality

Inspector's Question 22

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

Response to Question 22

67. Part A does seek to introduce a requirement that all new housing development meet or exceed the Nationally Described Space Standard ("NDSS"). The LPSV contains a typographical error in referring to the 'National Prescribed Space Standards' which the Council proposes to be corrected (see Amendment 15 in the Schedule).
68. Evidence from development management officers and analysis of recent pre-application discussions and planning applications, indicates that developments are being put forward in the district which do not meet national space standards. The Council contends that this has an unacceptable impact on the living conditions of future occupiers. The Council was supported by the Secretary of State in an appeal following a refusal of planning permission on the basis of unacceptable living conditions (see APP/J1535/W/16/3144859). The Inspector noted that the proposed development failed to provide acceptable living conditions in terms of internal space and layout, noting that the NDSS was material to the issue and attaching significant weight to the NDSS. Thus whilst the Council is already seeking to achieve these minimum internal space standards, it is considered helpful to provide clarity and certainty on this through policy.
69. The impact of adopting the NDSS has been considered in the modelling for the whole plan's viability assessment in the Council's 'Viability Study Stage 2' (EB301). as a standard assumption, as noted in paragraphs 2.2.9, 2.2.10, 2.3.3

(EB301). Specific viability testing was undertaken representative of development at strategic site locations around Harlow, with assumed dwelling sizes for the purposes of this assessment process that accorded with the nationally described space standard, as noted in paragraphs 2.3.8-2.3.13 of the report. Paragraph 3.2.59 also notes that the results of the viability testing indicate scope to support the use of the NDSS from a viability viewpoint.

70. The Stage 1 assessment (see paragraph 2.2.8 of EB300) acknowledged the Nationally Described Space Standard. Within the Stage 2 Viability Study work, the report confirms (para 2.2.10 of EB301) the use at that stage of dwelling size assumptions reflecting the nationally Described Space Standard. These were used throughout the latest testing of cumulative viability impacts. Taking a prudent approach the assumption made was to apply the full relevant level of build cost (i.e at the BCIS rate for the relevant type plus external works and contingencies) to the Nationally Described Space Standard compliant assumed gross internal floor areas
71. A further implementation period is not considered necessary, as the adoption of space standards will primarily impact allocated development within the LPSV. Throughout the site selection and site capacity analysis work the Council has considered standards in line with those within the NDSS, and developers have been aware of the allocations and emerging policy since publication of the draft Local Plan (EB123) in 2016 and therefore will have had time to factor in any additional costs.

Inspector's Question 23

23. To which external open space standards does Part A of the policy refer?

Response to Question 23

72. The open space standards which are referred to within Part A of Policy DM 10 are nationally adopted space standards, as shown in Table 3.2 of the Council's Open Space Strategy (EB703). It is recognised that there could be further clarity around this within the supporting text of the policy and the Council therefore proposes an amendment to Policy DM 10 Part A (see Amendment 15 in the Schedule)
73. It is considered that additional text to refer to the Council's Open Space Strategy would help to ensure the policy is signposted correctly, without reducing the futureproofing of the policy itself, should space standards change.

74. It is proposed that an amendment is made to the supporting text of Policy DM 10, in paragraph 4.78 of the LPSV (see Amendment 16 in the Schedule).

Inspector's Question 24

24. **Would part E concerning the appearance of residential extensions fit better as part of Policy DM9? (Reps TBPC).**

Response to Question 24

75. It is agreed that Policy DM 10 Part E would fit better as part of Policy DM 9, as it is more closely related to form, setting, detailing and materials (Part D of DM 9). The Council proposes an amendment to include this text as Policy DM 9 Part D (vii) (see Amendment 17 in the Schedule).

Policy DM11: Waste Recycling Facilities in New Development

No specific questions.

Policy DM12: Subterranean Basement Development & Lightwells

Inspector's Question 25

25. **Will Part B(ii) be effective in securing basement development of a subordinate scale in cases where the garden area is large relative to the size of the building? (Reps TBPC).**

Response to Question 25

76. The Council considers that Part B(ii) of the Policy, in conjunction with other criteria set out in Policy DM 12, will be effective in securing basement development of a subordinate scale where the garden area is large relative to the size of the building. Part B of Policy DM 12 states that “the siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property”. As stated in Part B sub-paragraph (ii), 50% of each area of garden within the property curtilage, is the maximum permitted size, but all proposals would also be required to meet the requirements set out in Part A and

the remaining sub-paragraphs of Part B of the policy in so far as these relate to the scale of the basement development.

Inspector's Question 26

- 26. What is expected in a Basement Construction Management Statement as required by Part F in respect of the level of engineering detail sought, and when would it be appropriate to provide one? Should this be explained in the supporting text, perhaps in para. 4.85?**

Response to Question 26

77. A definition of a Construction Management Statement is provided in Appendix 1: Acronyms and Glossary, of the LPSV and this would apply to basements.
78. Guidance on the requirements are set out in the Council's Local List of Validation Requirements updated in January 2019 (EB912) and the Council would prefer to make reference to the checklist in the supporting text so that it can be updated from time to time to reflect current best practice. The Council are suggesting that this is provided as part of the information submitted with a planning application.

Inspector's Question 27

- 27. Does the Policy and supporting text provide adequate guidance to developers about the issues which might need to be addressed for proposals affecting the historic environment? Should it refer to the need to consider archaeology, the historic fabric of heritage assets and the effect of an altered layout etc? (Reps HE).**

Response to Question 27

79. The Council considers that the policy and supporting text does provide adequate guidance on the need for proposals to address the effects on the historic environment. However to make this more explicit the Council has agreed, through the Draft Statement of Common Ground with Historic England (see Appendix 1 to this statement), a proposed amendment to Part A(v) of the policy (see Amendment 18 in the Schedule).
80. In addition, further reference as an amendment is also proposed for Paragraph 4.83 to ensure that the impact on the historic environment is properly considered (see Amendment 19 in the Schedule).

81. It should be noted that Policy DM 12 would be considered alongside Policy DM 7 and Policy DM 8 as the Local Plan should be read as a whole. The heritage policies will enable the Council to consider the impacts of basement development on the historic environment and prevent any harmful practices/developments.
82. Although there is no reference to archaeology in Policy DM 12, this is set out in Policy DM 7 and the Local List of Validation Requirements (EB912) refers to archaeological sites in its requirement for development to provide a heritage statement.
83. As part of the draft Statement of Common Ground with Historic England (Appendix 1 to this statement) it has also been proposed that the definition of “Heritage Asset” in the glossary should be amended to include reference to archaeological remains (see Amendment 20 in the Schedule).

Policy DM13: Advertisements

Inspector's Question 28

- 28. Is the ‘blanket’ approach in part (v) concerning illuminated signs in residential areas justified? Should this part of the policy be expressed in terms of its apparent aim to protect residential amenity/living conditions?**

Response to Question 28

84. The Council considers that the ‘blanket’ approach in part (v) is justified on the grounds of amenity.
85. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) defines amenity as including aural and visual amenity [Regulation 2(1)] and indicates that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest [Regulation 3(2)(a)].
86. The Council considers that the provision of illuminated signs would be out of keeping with the general characteristics of residential areas and therefore should be resisted. The protection of residential amenity/living conditions would fall to be considered under Policy DM 21 Local Environmental Impacts, Pollution and Land Contamination. For the sake of clarity, the Council suggests an amendment to Policy DM 13 Part A(v) (see Amendment 21 in the Schedule).

DM14: Shopfronts and On-Street Dining

Inspector's Question 29

29. Should Part A(ii) refer to the conservation of “historic materials and features” rather than “original”? (Reps HE).

Response to Question 29

87. The Council agrees that an amendment would be helpful for the sake of clarity and an amendment to Policy DM 14 Part A (ii) has been proposed as part of the Draft Statement of Common Ground (see Appendix 1 to this statement) with Historic England (see Amendment 22 in the Schedule).

DM15: Managing and Reducing Flood Risk

Inspector's Question 30

30. Has regard been had to the Essex SuDS Design Guide and to the Environment Agency Risk of Flooding from Surface Water Maps in preparing the Plan, in particular Policies DM15-19? Should these documents be added to the list of Key Evidence in the relevant supporting text? (Reps ECC).

Response to Question 30

88. The Council has had regard to the Essex SuDS Design Guide and to the Environment Agency Risk of Flooding from Surface Water Maps in preparing the Plan as evidenced at paragraphs 4.115 - 4.118 inclusive, and as referenced, for example, at paragraphs 1.1.7 (p9) and 2.1.1 (p11) of the Council's Strategic Flood Risk Assessment Site Assessment Report 2018 (EB913). However, it is not considered necessary for these documents to be added to the list of key evidence at this stage, but they will be referred to in the supporting text.
89. To provide further clarity to assist in the preparation of planning applications the Council proposes an amendment to the supporting text at paragraph 4.106 should be incorporated into the LPSV (see Amendment 23 in the Schedule).
90. A further modification is also proposed to the supporting text for Policy DM 16 at paragraph 4.118 (see Amendment 24 in the Schedule).

Inspector's Question 31

31. In Part B, is it necessary for development on allocated sites to demonstrate that the Sequential Test has been passed or has this already been established through the plan-making process? Should the requirement for new development in Flood Zones 2 and 3 to pass the Sequential Test in fact apply only to “windfall” development? Is it necessary for development on both allocated sites and windfall sites to demonstrate that the Exception Test has been passed if necessary? Does the wording of Part B require clarification?

Response to Question 31

79. Paragraph 033 of the Planning Practice Guidance on 'Flood risk and coastal change' (Reference ID: 7-033-20140306) makes it clear that the Sequential Test does not need to be applied to individual developments on sites which have been allocated in development plans through the Sequential Test, which is the case for the allocated sites in the LPSV. Consequently, the requirement in Part B for new development in Flood Zones 2 and 3 to provide sufficient evidence to assess whether the requirements of the Sequential Test have been satisfied, should apply only to 'windfall' development.
80. Notwithstanding this, there are a number of site allocations which include a small proportion of land which falls within either or both Flood Zones 2 and 3 (see Table 1 of the Executive Summary to the Council's 'Strategic Flood Risk Assessment: Site Assessments' (EB913). Until such time as more detailed development proposals come forward it is not possible for the Council to determine whether the Exception Test would be met as this would be dependent on whether any development is proposed within those Flood Zone areas, and if any such development is proposed, within what use class it falls in order to determine which is the relevant Flood Risk Vulnerability Classification (as set out in Paragraph 028 Table 2 of the Planning Practice Guidance on 'Flood risk and coastal change'). Consequently, for developments on these sites planning applications will need to be supported by a site specific Flood Risk Assessment. It should be noted that the Council is taking a precautionary approach in this regard and Table 1 of the Executive Summary to the Council's 'Strategic Flood Risk Assessment: Site Assessments' (EB913) identifies those sites where the Exception Test would be required. This includes an initial assessment which suggests that they would all pass the Exception Test and the rationale for reaching this conclusion.
91. The Council therefore considers it prudent to retain the need for both allocated sites and windfall development to pass the Exception Test (if necessary) in order to ensure that these development proposals will provide the wider sustainability benefits required by the LPSV, and relevant organisations including the Council,

the Environment Agency and Led Local Flood Authority are satisfied the flood risks have been appropriately considered via site-specific FRA.

92. The Council therefore propose an amendment to Policy DM 15, Part B to the LPSV (see Amendment 25 in the schedule).

Inspector's Question 32

- 32. In requiring proposals within Flood Zones 2 and 3a to be informed by a site-specific Flood Risk Assessment, is part C consistent with footnote 20 of the NPPF which requires this in a wider range of circumstances? (Reps ECC).**

Response to Question 32

93. The Council agrees that, as currently worded, Part C of Policy DM 15 is not consistent with footnote 20 of the NPPF. An amendment has been agreed as part of the Draft Statement of Common Ground with Essex County Council (ED10) (see Amendment 26 in the Schedule).

DM16: Sustainable Drainage Systems

Inspector's Question 33

- 33. What is meant by a “drainage hierarchy”? Are any of the methods in Part A permissible solutions, or is (ii) only permissible if (i) is not possible, and so on? Is this clear? Likewise, are the solutions in Part B only permissible if those in Part A are not possible?**

Response to Question 33

94. The term “drainage hierarchy” in part A of Policy DM 16 is a regularly used industry term used when referring to the source of discharge and the sequence of approach that should be applied when providing mitigation measures, starting with the collection and re-use of water in-situ.
95. All of the methods in Part A are permissible solutions and the Council expects development proposals to demonstrate which SuDS solution, or a combination of SuDS solutions, will be the most effective and appropriate approach to manage surface water for the scheme, taking into account the “drainage hierarchy” and

site-specific circumstances. Wherever possible, SuDS should also be designed in ways that will help to deliver other policy objectives.

96. When considering the Inspector's MIQs and preparing its responses, the Council has reviewed Policy DM 16 and recognises that the requirements set out in Part B of Policy DM 16 largely are covered by similar requirements set out under Part H3 (3.2) of the Building Regulations. Consequently, in order to avoid duplication of matters that are covered by other regulatory regimes, the Council considers that these policy requirements should be removed from the LPSV. Therefore, the Council proposes the following amendments, which are included in the Schedule:
- (a) Policy DM 16 Part A to the LPSV (see Amendment 27);
 - (b) Paragraph 4.118 (see Amendment 28);
 - (c) Policy DM 16, Part B (see Amendment 29).
97. It should be noted that Amendment 29 proposed above supersedes the proposed amendment under Objection Reference 3 in Appendix 1 of the Draft Statement of Common Ground between EFDC and ECC (ED10) which also proposed wording changes to the same paragraph.

Inspector's Question 34

34. Is Part D(i) intended to be applicable only to major greenfield sites? Likewise, is Part D(ii) only intended to apply to major greenfield developments? Is the term 'major' defined? Please note that the wording of Part D(ii) is not particularly clear towards the end of the paragraph. Are some words missing?

Response to Question 34

98. An amendment to Appendix 1 of the LPSV (Acronyms and Glossary) which contains a definition of "Major Development" is also proposed to bring the definition into line with that in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (see Amendment 31 in the Schedule). Consequential amendments are also proposed to bring the definition of minors and others into line.

Inspector's Question 35

35. Should the provisions of part D(i) and (ii) apply when sites discharge to a watercourse as well as to a sewer? (Reps ECC).

Response to Question 35

99. Yes, the provisions of part D(i) and (ii) should apply when sites discharge to a watercourse as well as to a sewer. An amendment has been agreed as part of the draft Statement of Common Ground with Essex County Council (ED10); although, as indicated above, part D (ii) is proposed to be deleted and therefore the proposed amendment takes this deletion into account (see Amendment 32 in the Schedule).

Inspector's Question 36

36. Should the supporting text provide some indication of the circumstances in which it might be justified for a development to increase the run-off rate above greenfield levels (Part D(iv))? (Reps ECC).

Response to Question 36

100. The Council does not consider it necessary to include additional supporting text to provide an indication of the circumstances in which it might be justified for a development to increase the run-off rate above greenfield levels. The current policy wording is sound and proportionate, with sufficient flexibility to allow developers to demonstrate, on a site by site basis, why 1 in 1 greenfield run-off rate cannot be achieved.

101. ECC, who raised this concern through its Regulation 20 representations, has since withdrawn its objection relating to this matter, as confirmed in the Draft Statement of Common Ground between ECC and EFDC (ED10).

DM17: Protecting and Enhancing Watercourses and Flood Defences

Inspector's Question 37

37. Should the supporting text explain that any reduction in the 8m buffer zone required for development adjacent to a main river or ordinary watercourse would require robust justification? Should it explain that the consent of the Environment Agency is required for any works within the byelaw distance of a main river (generally 8m)? (EA Reps).

Response to Question 37

102. The Council agrees that, for the sake of clarity, additional supporting text to Policy DM 17 should be added in relation to the 8m buffer zone and the role of the Environment Agency. Proposed modifications have been put forward as part of the agreed Statement of Common Ground between the Council, the Environment Agency & Thames Water (document ED3). It is noted that within the Statement of Common Ground, the proposed modification is identified as supporting text but on reflection consider that this should follow the first sentence of Policy DM 17 Part A. The Council therefore proposes that the agreed text should be added to the Policy as an additional sentence (see Amendment 33 in the Schedule).

DM18: On-Site Management and Reuse of Waste Water and Water Supply

Inspector's Question 38

38. Thames Water has indicated that Part B of the policy should be revised to reflect changes to the way that water and wastewater infrastructure is to be delivered from April 2018. Briefly, what are the changes and are revisions to the policy wording necessary to ensure that it is effective?

Response to Question 38

103. Prior to April 2018, developers were normally required to liaise with water and sewerage undertakers on the cost of providing water/wastewater infrastructure on a case by case basis. However, the Water Act 2014 (Commencement No. 11) Order 2018, which came into effect in April 2018, now requires water and wastewater companies to provide the necessary infrastructure through a fixed, upfront fee from developers. The agreed Statement of Common Ground between

The Council, the Environment Agency & Thames Water (document ED3) includes a proposed amendment to Policy DM 18 which takes into account this change (see Amendment 34 in the Schedule).

Inspector's Question 39

39. Is it necessary to amend the wording of the second sentence in paragraph 4.131 for clarity?

Response to Question 39

104. The Council agrees that paragraph 4.131 would benefit from further clarification. The Council therefore proposes an amendment to the LPSV (see Amendment 35 in the Schedule).

DM19: Sustainable Water Use

Inspector's Question 40

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

Response to Question 40

105. It is recognised that the Code for Sustainable Homes has been withdrawn by government as a standard. The Council propose amending the text to refer instead to the Home Quality Mark, in response to this evolving standard. The Home Quality Mark (HQM) is a voluntary standard launched in 2015 by BRE, to assess new build homes quality and performance developed in response to the withdrawal of Code for Sustainable Homes.
106. An amendment to paragraph 4.139 of the LPSV is therefore proposed (see proposed Amendment 36 in the Schedule).

DM20: Low Carbon and Renewable Energy

Inspector's Question 41

41. **Should the supporting text make reference to the exemptions which apply to designated and non-designated heritage assets in respect of the need to comply with the energy efficiency requirements of the Building Regulations? (Reps HE).**

Response to Question 41

107. Yes, through the preparation of the Draft Statement of Common Ground (Appendix 1 to this Statement), the Council has considered Historic England's advice, and have agreed a proposed amendment to include below Paragraph 4.143 of the supporting text for Policy DM 20 (see Amendment 37 in the Schedule).
108. This makes clear the exemptions which apply to designated and non-designated heritage assets to the energy efficiency requirements of the Building Regulations.
109. In addition to the above amendment, the Council proposes amendments to policy DM 20 (see Amendment 38 in the Schedule s), in order to remove reference to combined heat and power (CHP) and combined cooling, heat and power (CCHP) in order to clarify and futureproof the policy. The Council's proposed amendments are based on consultation with BRE, who were commissioned to ensure that the LPSV and its policies on energy and sustainable design are futureproofed to be suitable for the Plan period.
110. The Council's proposed amendments to the policy DM 20 text are based on the recent increases to decarbonisation of grid electricity; as demonstrated by the recently published updated carbon emissions factors. The impact of these new emission factors is significant in that technologies generating on-site electricity (such as gas-engine CHP and solar PV) will not achieve the carbon savings they have to date.

Inspector's Question 42

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

Response to Question 42

111. Part D of Policy DM 20 makes clear that strategic masterplans will be required to demonstrate how the potential to incorporate infrastructure for district heating can be provided and will be expected to connect to existing suitable systems unless it is demonstrated that this would render development unviable or that alternative technologies are available that could provide the same or similar benefits [our emphasis]. Thus the Policy expressly recognises that there could be scenarios where viability considerations means that such infrastructure cannot be provided.
112. The Viability Study Stage 2 (EB301) provides further detail on the assumptions underpinning infrastructure viability and Appendix I: Assumptions Summary page 7 (EB301A) provides further commentary on viability assumptions for each DM Policy. The accompanying commentary for Policy DM 20 states that:
- “Policy also requires all major development to incorporate infrastructure for District Heating. Any requirement to connect to a common system is considered to be more of an early design stage implication rather than necessarily meaning additional cost; savings against usual connections or a balancing out with those would be expected so far as we can see. In terms of site-specific schemes, any costs would need to be considered as part of a more detailed delivery stage viability review in the usual way (treated in the same way as the extent of achievable planning obligations package alongside abnormal costs etc.)”
113. As a result, the Council has not applied additional assumptions across the range of scheme types in relation to district heating and is expected to be considered in more detail on a case-by-case basis.

DM21: Local Environmental Impacts, Pollution and Land Contamination

Inspector's Question 43

43. Should Part E, or at least the supporting text, explain that proposals will need to demonstrate that modern construction techniques will be compatible with the preservation or enhancement of an affected heritage asset, including its historic fabric? (Reps HE).

Response to Question 43

114. The Council considers that such a modification would be helpful for the sake of clarity and an amendment to Policy DM 21 Part E has been proposed as part of the Draft Statement of Common Ground with Historic England (see Appendix 1 to this Statement) (see Amendment 39 in the Schedule).

DM22: Air Quality

Inspector's Question 44

44. Are any specific provisions required for proposals within the Bell Common Air Quality Management Area (AQMA)?

Response to Question 44

115. The Bell Common AQMA relates to an area encompassing two properties at the junction of Theydon Road and Epping High Road. No site allocations are proposed within the AQMA and, because of the limited area involved, there are unlikely to be any development proposals within the AQMA itself which would require specific provisions. It should be noted that at the time of declaring the AQMA in 2010 the Level of Exceedance (maximum monitored/modelled concentration at a location of relevant exposure) was 68µg/m³ but this has reduced to 64.45µg/m³ in 2018. It should be noted that the combination of national and international initiatives to reduce Nitrogen Dioxide emissions together with Policy T 1 (Sustainable Transport Choices) and Policy D 5 (Communications Infrastructure), amongst others, will support the achievement of improvements to air quality over time as set out in the Council's response to Matter 16 Issue 1 Policy DM 2 Question 4c.

Inspector's Question 45

45. Is it necessary to designate any further AQMAs in order to protect the health of residents across the whole of the District away from the Epping Forest SAC? What would be the trigger and the process for designating further AQMAs?

Response to Question 45

116. The Council does not consider that it is necessary to designate any further AQMAs. The Council's Air Quality Annual Status Report 2018 (EB915), produced in order to fulfil the Council's statutory obligations under Part IV of the Environment Act 1995 for Local Air Quality Management (LAQM), sets out that no new significant sources of emissions were identified for consideration, nor were any new AQMAs declared.
117. The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance is considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
118. Within EFDC the levels of Nitrogen Oxides (NO_x) in the atmosphere are monitored using indicator tubes which are laced throughout the district. These tubes give a crude indication of the NO_x concentration. Where they indicate that the prescribed levels (40µg/m³) are or are likely to be exceeded, a detailed assessment is then undertaken for the affected areas. Where this detailed assessment shows that the prescribed levels are in fact exceeded, the Council would declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan. The Air Quality Action Plan would be approved by Cabinet.

APPENDIX A: Examination documents referred to in this statement

Reference	Name	Author	Date
EB1101B	Infrastructure Delivery Plan	Arup	2017
ED10	Draft Statement of Common Ground with Essex County Council	EFDC/ECC	2019
E53	Statement of Common Ground between Epping Forest DC, Environment Agency and Thames Water	EFDC, Environment Agency and Thames Water	2018
EB703	Open Space Study	4global	2017
EB713	Built Facilities Study	4global	2018
EB714	Playing Pitches Strategy	4global	2018
ED4	Statement of Common Ground with Sport England	EFDC and Sport England	2018
EB1101B	Infrastructure Delivery Plan Part B Report	Arup	2017
BGP3	Open Space and Standards Background Paper	EFDC	2016
EB201	Site Selection Report	Arup	2018

Matter 16: Development Management Policies (DM1 – DM22)
Statement by Epping Forest District Council
February 2019

Reference	Name	Author	Date
BGP4	Green Belt and District Open Land Background Paper update	EFDC	2018
ED10	Statement of Common Ground with Historic England	EFDC/Historic England	2019
EB912	Epping Forest District Council Local List of Validation Requirements	EFDC	Update November 2018
EB903	Epping Forest District Council Parish Lists of Buildings of Local Architectural or Historic Interest	EFDC	(online update)
EB902	Heritage Asset Review	DPP	2012
EB900	Epping Forest Historic Environment Characterisation Study	ECC	2015
EB114B	LPSV Policies Map	EFDC	2017
EB114	Local Plan Submission Version 2017	EFDC	2017
EB133	Report to Cabinet on 18 October 2018 Governance Arrangements for Local Plan Implementation	EFDC	2018

Matter 16: Development Management Policies (DM1 – DM22)
Statement by Epping Forest District Council
February 2019

Reference	Name	Author	Date
EB1406	Harlow and Gilston Garden Town Vision	Allies and Morrison Urban Practitioners	2018
EB1405	Harlow and Gilston Garden Town Design Guide	Allies and Morrison Urban Practitioners	2018
EB135	Report to Cabinet on 10 December 2018 Harlow and Gilston Garden Town – Vision and Design Guide	EFDC	2018
EB301	Viability Study Stage 2	Dixon Searle Partnership	2017
EB301A	Appendix I - Assumptions Summary	Dixon Searle Partnership	2017
EB703	Open Space Strategy	4global	2017
EB123	Epping Forest District Draft Local Plan	EFDC	2016
EB913	Strategic Flood Risk Assessment- Site Assessment	AECOM	2018
EB915	Air Quality Annual Status Report	EFDC	2018

Appendix

1

Epping Forest District Local Plan Submission Version 2017

Draft Statement of Common Ground between Epping Forest District Council and Historic England

February 2019

Summary

This Statement of Common Ground (SoCG) has been prepared by Epping Forest District Council (the Council) and Historic England (HE) to inform the Inspector and other interested parties about the areas of agreement and matters not yet agreed between the two parties for the purpose of the examination of the Epping Forest District Local Plan Submission Version 2011 - 2033 (referred to hereafter as the Local Plan Submission Version or LPSV).

1.0 Background

- 1.1 The Council is the Local Planning Authority responsible for the production of the Local Plan for Epping Forest District. HE is the public body that protects historic places in England. This SoCG focuses on the matters which are relevant to the two parties and is provided without prejudice to other matters of detail that the parties may wish to raise during the examination.
- 1.2 The Council has engaged with HE through official Local Plan stages and separate consultations such as ad hoc presentations to the Co-operation for Sustainable Development Officers Group.
- 1.3 Historic England submitted representations to both the Regulation 18 consultation and the Regulation 19 publication. The Draft Local Plan was consulted on in October to December 2016. The Regulation 18 response from HE gave some general comments on individual policies and more detailed comments on the draft allocations included in the Draft Local Plan. The Council reviewed the comments made at Regulation 18 and incorporated any comments made specifically on draft allocations into the second round of the site selection process.
- 1.4 The Regulation 19 Local Plan Submission Version (LPSV) was published and representations sought in December 2017 to January 2018. The representation submitted to the Council dated 29 January 2018 covered the following main comments:
 - i. The use of wording in the Local Plan vision and other key policies and whether it best reflected national guidance.
 - ii. HE requested a change to the wording of the vision for the London Stansted Cambridge Core Area.

- iii. The need to carry out Heritage Impact Assessments for the Garden Town Communities to discern the level of impact on the historic environment and any potential mitigation measures necessary.
- iv. HE expressed concern that there were no references to known heritage assets within or in close proximity to the Garden Communities in the policy.
- v. HE questioned the wording and evidence for Policy DM 12 on Subterranean, base development and lightwells.
- vi. The weight of Appendix 6 to the Plan was questioned, with HE expressing that inclusion of heritage assets in the policy text would ensure that they were given greater significance.
- vii. Site or area specific comments relating to the relationship to key heritage assets.

2.0 Areas of Common Ground

- 2.1 The Council and HE have agreed a number of areas of common ground which will require modifications to the Plan. The Council will propose modifications to the Inspector for incorporation in the Local Plan in line with the modifications set out in Appendix 1 (Resolved Objections) of this document. If the Inspector is minded to accept these proposed modifications, these modifications will address the issues raised by HE.
- 2.2 The Council and HE have also agreed a number of representations which HE notes the Council's position on and will therefore be making no further comments to their submitted representations. These are incorporated in Appendix 1.

3.0 Areas of Uncommon Common Ground

- 3.1 All outstanding objections are detailed in Appendix 2 with a summary of each parties' position on the respective objections. These issues relate to the Vision, strategic policy SP5 (Garden Town Communities) and site allocations SP5.1 (Latton Priory), SP5.2 (Water Lane Area) and SP5.3 (East of Harlow). Supplementary information on heritage matters relating to the strategic site allocations is provided in appendix 3.
- 3.2 Both parties acknowledge that this SoCG does not preclude any further written or verbal representations that EFDC or HE may wish to make as part of the Local Plan Examination, in relation to any other matters which may not have been agreed and/or which do not form part of this SoCG.

4.0 Legal Compliance and Duty to Co-operate

- 4.1 All the representations HE made to the LPSV are in relation to soundness matters as defined under paragraph 182 of the 2012 NPPF. Both EFDC and HE have complied with their Duty to Co-operate to date and continue to engage proactively with each other.

5.0 Signatures

Name	
Position	
Signature	
Organisation	Epping Forest District Council
Date:	

Name	
Position	
Signature	
Organisation	Historic England
Date:	

Appendix 1 – Resolved Objections

For proposed modifications, underlined text = new text suggested, and ~~Strikethrough text~~ = text proposed for removal

Objections in relation to heritage matters

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
1	Chapter 1: Introduction. Paragraph 1.44	4 - Consistent with National Policy Recommend that the wording referring to “historical artefacts and buildings” be amended to better reflect national policy and improve soundness of the plan	Revise wording of Paragraph 1.44 to refer to “historic environment” rather than “historical artefacts and buildings”. This will better reflect national policy and improve the soundness of the plan	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Paragraph 1.44 <u>Protecting and enhancing the historic environment</u> historical artefacts and buildings , protected trees, hedgerows and landscape.
2	Paragraph 2.26	3 – Effectiveness Although welcome recognition of character as a contributor to creation of locally distinct places, the Vision should be strengthened to better emphasise the aspiration of conserving or enhancing the historic environment.	Revise wording of Paragraph 2.26 to change “maintain and enhance the special character of the area” to “maintain or enhance” in point A(i). Amend A(iv) to include reference to “high quality built, natural and historic environment, unique landscapes”.	HE notes the Council’s position and will be making no further comments on this representation. The Vision for the LSCC Core Area was agreed in the Memorandum of Understanding for the Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area to which EFDC are a signatory to. The specific wording for the vision was included as an appendix to the MoU and all signatory authorities agreed to include it in their Local Plans. The Council therefore cannot make any changes to this section of the LPSV.
3	Paragraph 2.27 – Vision for the District	4 - Consistent with National Policy The Plan’s strategic policies will derive from the Vision so there needs to be sufficient aspirations in the Vision for the maintenance and enhancement of the historic environment as a strand in the pursuit of sustainable development as defined by paragraph 14 of the NPPF. This will help to ensure that associated strategic policies incorporate a positive and clear strategy to deliver the conservation and enjoyment of the historic environment (linked to paragraphs 126 and 157 of the NPPF)	Revise wording of Paragraph 2.27 (Vision for the District) to include bullet point (vi) Vision should be locally specific to Epping Forest District and reference types of heritage assets / character of settlements found in the district. Should refer explicitly to ‘conserving and enhancing’ the historic environment. Add bullet point which reads “the historic environment will be conserved and enhanced”.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Paragraph 2.27 - Vision for the District <u>‘(vi) the historic environment will be conserved or enhanced’</u>

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
			Vision should refer to Heritage at Risk register.	
4	Paragraph 2.27 – Local Plan Objectives	3 – Effectiveness Recommend point A (iv) is amended to replace term “heritage resources” with “historic environment”	Revise wording of Paragraph 2.27 (Local Plan Objectives) to change point A(iv) from “heritage resources” to “historic environment” before going on to list types of heritage assets.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Paragraph 2.27 – Local Plan Objectives ‘A(iv) to protect and encourage the enhancement of <u>heritage resources</u> <u>the historic environment</u> including Scheduled Monuments, statutorily and locally listed buildings, Registered Parks and Gardens, and Conservation Areas’
5	Policy SP4 – Development & Delivery of Garden Communities in the Harlow and Gilston Garden Town	3 – Effectiveness Reference to the Garden City principles should refer to the historic environment. The current wording of Point C(xvi) is insufficient alone to secure the conservation and enhancement of the historic environment. The current policy does not cover aspects of built heritage, townscape, archaeology or designed landscapes. Lack of consideration for heritage at this strategic level is concerning. An additional criterion should be added which relates to the historic environment.	Reference to the Garden City principles should refer to the wider historic environment. It is recommended that an additional criterion should be added to SP4 which solely relates to the historic environment.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Policy SP4 – Development & Delivery of Garden Communities in the Harlow and Gilston Garden Town C(xvi) ‘Create distinctive environments which relate to the surrounding area, <u>protect or enhance</u> the natural and historic landscapes, systems <u>and wider historic environment</u> , provide a multi-functional green-grid which creates significant networks of new green infrastructure and which provides a high degree of connectivity to existing corridors and networks, and enhances biodiversity’
6	Policy T1 – Sustainable Transport Choices	3 – Effectiveness Design of transport modes (e.g. highways design, cycle paths, hardstanding, signage) should consider the historic environment of the area need to assess their impacts upon townscape, historic landscape and heritage assets and design accordingly.	The policy should include a criterion which will ensure that transport appraisals properly assess all potential impacts on the historic environment to an appropriate level of detail.	HE notes the Council’s position and will be making no further comments on this representation. The LPSV should be read as a complete document which means that Policy DM 7 and Policy DM 9 will apply when reviewing the design of highways.

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
7	Policy DM 7 – Heritage Assets	3 – Effectiveness No objection – See proposed modifications	<p>Revise title of Policy DM7 Policy to “Historic Environment”. Point A should be reworded to read “development proposals should seek to conserve or enhance the character or appearance”. Enhancement could be further emphasised in the supporting text.</p> <p>The requirement for a heritage statement (para 4.60) and the need for an archaeological evaluation (para 4.63) should be reflected in the policy as a criterion as well.</p>	<p>HE agrees to withdraw this representation subject to the following:</p> <p>Proposed LPSV modification: Policy DM 7 - Heritage Assets ‘<u>Historic Environment</u>’</p> <p>Part A:Development proposals should seek to conserve and <u>or</u> enhance the character <u>or</u> appearance and function of heritage assets...</p> <p>Part B: ‘Heritage assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset (whether designated or non-designated) or its setting, will not be permitted without a clear justification to show that the public benefits of the proposal considerably outweigh any harm to the significance or special interest of the heritage asset in question. <u>A heritage statement will be required for any application that may affect heritage assets (both designated and non-designated). Where development proposals may affect heritage assets of archaeological interest, an archaeological evaluation will be required.</u>’</p>
8	Policy DM 9 - High quality design	3 – Effectiveness Need for design to respond to and have regard to the historic environment.	Revise wording of Policy DM9 to include a bullet point referring to the need for design to respond to and have regard to the historic environment.	<p>HE agrees to withdraw this representation subject to the following:</p> <p>Proposed LPSV modification: Policy DM9 - A(i)</p> <p>‘<u>Relate positively to their context, drawing on the local character and historic environment</u>’</p>
9	Policy DM 12 – Subterranean, basement development and lightwells	<p>3 – Effectiveness The implications for basement development on the historic environment should be better articulated and considered in the supporting text and policy.</p> <p>Recognition of the historic environment in Point A(v) needs to be strengthened in the policy and supporting text.</p> <p>It is not clear how the historic environment has been considered when</p>	<p>Revise wording of Policy DM12 to change point A(v) from “will not adversely impact” to “will conserve or enhance”.</p> <p>Additional supporting text (as a minimum) signposting relevant considerations or policy for householders to consider the historic environment is needed.</p>	<p>HE agrees to withdraw this representation subject to the following:</p> <p>Proposed LPSV modification: Policy DM12 - A(v)</p> <p>‘...will not adversely impact <u>will conserve or enhance</u> the local natural and historic environment, <u>in line with the considerations set out in Policy DM 7.</u>’</p> <p>Paragraph 4.83</p>

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
		<p>developing this policy. Key related issues such as archaeology, disturbance to/loss of historic fabric and impact to character. Specific reference to these elements should be made to support applications.</p> <p>Questions referral to permitted development rights and why this hasn't been included elsewhere in relation to above ground extensions, change of uses or other works.</p> <p>There is limited detail provided as to how applicants should interpret the policy, lack of evidence to support and demonstrate how the historic environment has been considered. There is not enough detail given about what information will need to be provided about construction etc.</p>	<p>Historic environment should be listed alongside natural environments in paragraph 4.83.</p>	<p>'It is important that basement development is carried out in a way that does not harm the amenity of neighbours, compromise the structural stability of adjoining properties, increase flood risk or damage the character of the area, <u>historic or</u> natural environments in line with national planning policy.'</p> <p>See 'Glossary' modification which includes the mention of archaeological remains.</p>
10	Policy DM 14 – Shopfronts and on street dining	<p>3 – Effectiveness Suggest that “historic features” rather than “original features” is used.</p>	<p>Revise wording of Policy DM14 (Shopfronts) to change point A(ii) to “historic features” rather than “original features”.</p>	<p>HE agrees to withdraw this representation subject to the following:</p> <p>Proposed LPSV modification: Policy DM14 - A(ii)</p> <p>'replacement shopfronts should relate to the host building and conserve <u>original historic</u> materials and features as far as possible'</p>
11	Policy DM 20 – Low carbon and renewable energy	<p>3 – Effectiveness Listed buildings, buildings in conservation areas and scheduled monuments are exempted from the need to comply with energy efficiency requirement of the Building Regulations where compliance would unacceptably alter their character or appearance. Part L of the Building Regulations outlines further special considerations given to heritage assets.</p> <p>The design and siting of some energy efficient equipment can have a detrimental impact on the character and</p>	<p>Supporting text should make reference to the exemptions of listed buildings, buildings in conservation areas and scheduled monuments to comply with energy efficiency requirements.</p> <p>Reference to the historic environment should be made in relation to the design and siting of energy efficiency equipment.</p>	<p>HE agrees to withdraw this representation subject to the following:</p> <p>Proposed LPSV modification: Additional paragraph below 4.143</p> <p><u>'The design and siting of energy efficiency equipment should consider the historic environment. Certain classes of historic buildings are exempt from the need to comply with the energy efficiency requirements where compliance would unacceptably alter their character and appearance. In line with Part L of the Building Regulations, special considerations are given to a number of buildings. These include locally listed buildings, buildings of architectural or historic interest within registered parks and gardens and the curtilages of scheduled monuments, and buildings of traditional construction with</u></p>

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
		appearance of a historic places and setting of heritage assets		<u>permeable fabric that both absorbs and readily allows the evaporation of moisture.'</u>
12	Policy DM 21 (Point E) – Local environmental impacts, pollution and land contamination	3 – Effectiveness Some heritage assets, such as listed buildings, may not be compatible with modern construction techniques and it is not clear how this policy will be applied. It is advised that the policy or supporting clarifies the position regarding heritage assets and sustainable construction techniques.	Propose to amend supporting text to ensure construction techniques are appropriate and suitable for listed buildings/heritage assets.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Policy DM 21 - Point E In addition, the Council supports the use of sustainable design and construction techniques including where appropriate the local or on-site sourcing of building materials enabling reuse and recycling on site. <u>'For existing buildings which are heritage assets, in considering whether sustainable construction requirements are practical, consideration should be given to policies DM 7 and DM 8. Historic buildings dating pre-1919 are often of a traditional construction which performs differently, and not all types of sustainable construction would be appropriate in alteration and extensions to these buildings.'</u>
13	Policy P 1 – Epping (South Epping Masterplan Area)	3 – Effectiveness The objective to minimise heritage impacts on designated assets of could be strengthened	Revise wording of Policy P1 (South Epping Masterplan Area) – Point K(viii) from “minimising impact” to “conserved or enhanced”.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Policy P1 (South Epping Masterplan Area) – Point K(viii) <u>Minimising the impact upon 'Conserving or enhancing the setting of the Grade II listed Gardners Farm and Grade II listed Farm Buildings.'</u>
14	Appendix 6, WAL.R4 – Fire Station at Sewardstone Road	3 – Effectiveness Development of these sites has the potential to impact on the setting of designated heritage assets. It should be noted that the Waltham Abbey Conservation Area is on the National Heritage at Risk Register.	WAL.R4 - It is recommended that the policy and supporting text recognise that the conservation area is on the HAR register.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Appendix 6 (Site Specific Requirements), WAL.R4 Add section on heritage: <u>'Heritage'</u> This site is adjacent to the Waltham Abbey Conservation Area, which is on the National Heritage at Risk Register.

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
15	Appendix 6, WAL.R5 – Waltham Abbey Community Centre (Heritage)	3 – Effectiveness Development of these sites has the potential to impact on the setting of designated heritage assets. It should be noted that the Waltham Abbey Conservation Area is on the National Heritage at Risk Register.	WAL.R5 - It is recommended that the policy and supporting text recognise that the conservation area is on the HAR register.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Appendix 6 (Site Specific Requirements), WAL.R5 (Heritage) The site is adjacent to the Waltham Abbey Conservation Area <u>which is listed on the National Heritage at Risk register.</u>
16	Policy P 6 - North Weald Bassett Masterplan Area (point L)	3 – Effectiveness Harm in the first instance should be avoided before mitigation is considered therefore advise that a policy criterion is added to make provision for the conservation and enhancement of the historic environment and for the setting of the individual heritage assets.	Policy wording for NWB Masterplan Area, point L(vi) changed to read “development should conserve or enhance the setting of the Grade II listed buildings Bluemans Farm and Tyler’s Farmhouse”.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Policy P 6 (Point L – (vi)) ‘... careful design that mitigates any potential impact upon <u>development should conserve or enhance</u> the Grade II Listed Buildings at Bluemans Farm/Tyler’s Farmhouse.
17	Policy P 10/Appendix 6	3 – Effectiveness NAZE.E6 and NAZE.E7 are adjacent to Nazeing and South Roydon Conservation Area which is listed on the National Heritage at Risk Register. Any development will need to protect and enhance the listed buildings and their settings and should be high design quality.	Policy wording should be updated to ensure development protects and enhances adjacent listed buildings and their settings and should be high design quality. It is also recommended that the policy and supporting text recognise that the conservation area is on the HAR register	HE notes the Council’s position and will be making no further comments on this representation. These are existing employment sites, therefore the same level of site guidelines does not apply. Any further applications will be assessed in line with Policy DM 7 and Policy DM 8 which will conserve/enhance the heritage assets in this area.
18	Appendix 6, LSHR.R1 – Land at Lower Sheering (Heritage)	3 – Effectiveness LSHR.R1 – Located adjacent to the Lower Sheering Conservation Area and there is concern the development of this site would adversely impact upon the group of buildings. Development requirements do not reference Grade II* listed lodges.	Request that the policy and supporting text is amended to identify the lodges and that a policy criterion is added to ensure that development conserves or enhances the setting of these buildings. It is recommended that the policy and supporting text recognise that the conservation area is on the HAR register.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Appendix 6 (Site Specific Requirements), LSHR.R1 (Heritage) Development of this site may impact upon the setting of the Grade II listed Little Hyde Hall, <u>and the Grade II* listed Lodges at the south entrance to the Park of Great Hyde Hall.</u> The site is located adjacent to the Lower Sheering Conservation Area <u>which is listed on the Heritage at Risk register.</u>

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
19	Appendix 6	3 – Effectiveness Variety of site allocations where the requirements in Appendix 6 are welcomed but there is concern over the weight of these requirements.	N/A	<p>HE notes the Council’s position and will be making no further comments on this representation.</p> <p>Appendix 6 is still part of the plan and it is stated in the policy text for all Places policies that ‘proposals for development on allocated sites should accord with the site-specific requirements set out in Appendix 6’.</p> <p>Guidance in appendix 6 will have appropriate weight to ensure the conservation and enhancement of heritage assets.</p>
20	Appendix 6	3 – Effectiveness Concern raised that the guidance given on heritage will not have appropriate weight if it forms part of an appendix.	HE would prefer the requirements written into the policy, and if this is not possible for appendix 6 to form part of the Places chapter.	<p>HE notes the Council’s position and will be making no further comments on this representation.</p> <p>Appendix 6 is still part of the plan and it is stated in the policy text for all Places policies that ‘proposals for development on allocated sites should accord with the site-specific requirements set out in Appendix 6’.</p> <p>Guidance in appendix 6 will have appropriate weight to ensure the conservation and enhancement of heritage assets.</p>
21	Glossary	3 – Effectiveness Specific reference to archaeology is omitted from policy DM12	N/A	<p>Definition of heritage asset: A building, monument, site, place, area or landscape, <u>or archaeological remains</u>, identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).</p>

Appendix 2 – Outstanding Objections

For proposed modifications, underlined text = new text suggested, and ~~Strikethrough text~~ = text proposed for removal

Objections in relation to heritage matters

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Current position
1	Paragraph 2.27 – Vision for the District	<p>3 – Effectiveness Vision should be locally specific to Epping Forest District and reference types of heritage assets / character of settlements found in the district. Should refer explicitly to ‘conserving and enhancing’ the historic environment.</p> <p>Epping Forest District contains a number of sites which are on the 2017 National at Risk Register (HAR register). It is advised the Vision contains reference to the need to address HAR. This could also be a useful monitoring indicator.</p>	<p>Revise wording of the Vision to ensure it is locally specific to Epping Forest District and reference types of heritage assets / character of settlements found in the district.</p> <p>Vision should refer to Heritage at Risk register.</p>	<p>EFDC position:</p> <p>Paragraph 2.27 (Vision for the District) is to be amended to explicitly state that ‘(vi) the historic environment will be conserved and enhanced’ in accordance with HE representations. In addition, paragraph 2.27 (Local Plan Objectives) includes the requirement ‘(iv) to protect and encourage the enhancement of the historic environment including Scheduled Monuments, statutorily and locally listed buildings, Registered Parks and Gardens, and Conservation Areas’.</p> <p>The types of heritage assets/character of settlements are listed in the local plan objectives. The vision contains an overarching commitment to conserve and enhance the historic environment. The Council does not consider that it is necessary to refer to the HAR in the vision, as there is already a dedicated policy to this matter (Policy DM 8).</p> <p>The Local Plan should be read as a complete document as is stated on every page of the LPSV document, therefore the types of heritage assets and heritage at risk is felt to be adequately covered in the Plan as stated above.</p> <p>HE position:</p> <p>We would reiterate that we encourage all local plans to be locally specific rather than generic in defining their vision for the historic environment. This information can be drawn from or inspired by the Heritage at Risk Register, Conservation Area Appraisals, information on important heritage in the area. It can cover particular types of heritage assets that are more prevalent in Epping Forest and/or the particular character of the settlements and/or particular building materials used etc.</p>
2	Policy SP4 – Development & Delivery of Garden Communities in the Harlow	<p>2 – Justified Historic Impact Assessments should be undertaken for the Garden Town Communities to determine appropriateness of location for development, extent and therefore</p>	<p>Revise wording of Policy SP4 to ensure Heritage Impact Assessments are prepared for the Garden Community sites in advance of the Independent Examination.</p>	<p>EFDC position:</p> <p>The Council does not consider that it is necessary to undertake Heritage Impact Assessments of sites as part of the evidence base as an initial assessment has been undertaken through the site selection process (see evidence outlined in Appendix 3) and there</p>

	<p>and Gilston Garden Town</p>	<p>potential capacity, the impacts upon the historic environment, impacts of development on the asset and potential mitigation measures. Appropriate criteria for the protection of heritage assets and their settings should be included in policy and supporting text for the Garden Communities.</p>	<p style="text-align: center; opacity: 0.2; font-size: 48px; transform: rotate(-30deg);">DRAFT</p>	<p>are sufficient provisions in the LPSV to ensure the conservation and enhancement of heritage assets in the District. However, the Council are proposing the undertaking of a Heritage Impact Assessment as part of the masterplan process for the allocated Garden Community sites to be included under Policy SP4 C(xvii). There will also be a need to undertake an Environmental Impact Assessment at application stage where any heritage issues will be identified.</p> <p>Proposed LPSV modification: Policy SP4 – Development & Delivery of Garden Communities in the Harlow and Gilston Garden Town</p> <p><u>C(xvii) A Heritage Impact Assessment will be required to inform the design of the Garden Town Communities to ensure heritage assets within and surrounding the sites are conserved 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.</u></p> <p>HE Position</p> <p>Heritage Impact Assessments should be prepared prior to allocating sites to test the suitability of these sites in terms of the potential impact on the historic environment.</p> <p>It is important to establish the suitability of the site per se prior to allocation. If the sites are suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram.</p> <p>This is consistent with other similar strategic site allocations across the East of England.</p>
<p>3</p>	<p>Policy SP5 – Garden Town Communities</p>	<p>2 – Justified</p> <p>Heritage Impact Assessments should be undertaken to support the allocations of the Garden Communities and Masterplan Areas across the district, then used as evidence to support the masterplan process. Should the HIA conclude that development in the area could be acceptable and the site be allocated, the findings of the HIA should inform policy including development criteria and a strategy diagram expressing</p>	<p>Revise wording of Policy SP5 to ensure Heritage Impact Assessments are prepared for the Garden Community sites in advance of the Independent Examination.</p>	<p>EFDC Position:</p> <p>The Council does not consider that it is necessary to undertake Heritage Impact Assessments of sites as part of the evidence base as an initial assessment has been undertaken through the site selection process (see evidence outlined in Appendix 3) and there are sufficient provisions in the LPSV to ensure the conservation and enhancement of heritage assets in the District. However, the Council are proposing the undertaking of a Heritage Impact Assessment as part of the masterplan process for the allocated Garden Community sites to be included under Policy SP4 C(xvii) (Please refer to proposed wording above under ref. 2). There will also be a need to undertake an Environmental Impact Assessment at application stage where any heritage issues will be identified.</p>

		development criteria in diagrammatic form		<p>HE Position:</p> <p>Section 1.8a of Appendix B1.4.1 sets out the assessment criteria. The criteria jump from “(-) Site is located within a Conservation Area or adjacent to a Listed Building or other heritage asset and effects can be mitigated.” To “(--) Site would likely result in the loss of a heritage asset or result in significant impact that cannot be mitigated.” There is no assessment criterion of whether changes to the proposed allocation could be made to avoid the impact. There also is a gulf between the two criterion whereby considerable harm could be caused to significance (directly or through development within setting) which either cannot be mitigated or can only partly be mitigated.</p> <p>The assessment criteria used a 1km setting for scheduled monuments, conservation areas, registered parks and gardens and grade I listed buildings. It was 500m for grade II* listed buildings and nothing for grade II and locally listed buildings. Whilst we understand the need to set an initial parameter for assessment, we would note that the grade of building does not necessarily correlate to the size of their setting though the report notes that, “...the setting of these assets would be smaller and less sensitive to change and thus no buffer was applied...”</p> <p>We note that the larger sites will be subject to the Environmental Impact assessment process, however, this places unreasonable uncertainty in the planning process as an EIA should not be identifying why an allocation is unsound unless, exceptionally, nationally significant archaeology is found where there was no indication of archaeology.</p> <p>Heritage Impact Assessments should be prepared prior to allocating sites to test the suitability of these sites in terms of the potential impact on the historic environment.</p> <p>It is important to establish the suitability of the site per se prior to allocation. If the sites are suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram.</p> <p>This is consistent with other similar strategic site allocations across the East of England.</p>
4	Policy SP5.1 – Latton Priory	2 – Justified and 3 – Effectiveness A number of assets to note to the south of the site, such as Grade II Latton Farmhouse, Grade II* listed Latton Priory, and scheduled	Revise wording of Policy SP5.1 (Latton Priory) to ensure Heritage Impact Assessments are prepared for the Garden Community sites in advance of the Independent Examination.	<p>EFDC Position:</p> <p>Proposed LPSV modification: Policy SP5 - Latton Priory (Point F)</p>

		<p>monuments/moated site south of Dorrington Farm.</p> <p>There is no provision to conserve or enhance the scheduled monument or its setting and policy is silent on the presence of listed buildings and potential presence of non-designated heritage assets.</p> <p>Advise that an assessment of archaeology of the site should be undertaken given proximity to monuments.</p>	<p>Should the Inspector be minded to find the allocations sound in planning terms without a Heritage Impact Assessment forming part of the evidence base, HE advise that additional policy references in respect of the historic environment are required and should include the following:</p> <p><i>“A full Heritage Impact Assessment must be prepared. This assessment should inform the design of the proposed development. Development will need to conserve, and where appropriate enhance, the significance of 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.”</i></p> <p>Revise wording of Policy SP5.1 to make explicit reference to potential discovery of non-designated heritage assets as HE are currently researching this area.</p> <p>Policy for the site should refer to listed buildings etc and require masterplanning process to take these things into account.</p>	<p>(vi) A sympathetic design which responds to the adjacent ancient woodland, and the Scheduled Monuments and listed buildings to the south of the site</p> <p>The Council does not consider that it is necessary to undertake Heritage Impact Assessments of sites as part of the evidence base as an initial assessment has been undertaken through the site selection process (see evidence outlined in Appendix 3) and there are sufficient provisions in the LPSV to ensure the conservation and enhancement of heritage assets in the District. However, the Council are proposing the undertaking of a Heritage Impact Assessment as part of the masterplan process for the allocated Garden Community sites to be included under Policy SP4 C(xvii) (Please refer to proposed wording above under ref. 2). There will also be a need to undertake an Environmental Impact Assessment at application stage where any heritage issues will be identified.</p> <p>SP 5.1 Latton Priory is formed of SR-0046A-N and SR-0139. The results of the Stage 2 and Stage 6.2 Assessment can be found in Appendix B1.4.2 - Results of Stage 2 and Stage 6.2 Assessment Part 3 (EB805Fii), on pages B470 and B475. Page F37 of Appendix F1.3 - Stage 2 and Stage 6.2 Assessment (EB805AD) covers the RUR.E19 Dorrington Farm employment site.</p> <p>Policy SP 4 sets out the approach to the development and delivery of the Garden Communities and includes point (xvi) referring to the historic environment.</p> <p>A heritage and archaeology assessment is included as part of the Strategic Masterplan process as noted in the Strategic Masterplanning Briefing Note.</p> <p>The Council's Validation Requirements (EB912) requires that a Heritage Statement is submitted alongside all planning applications and references Historic England guidance.</p> <p>All planning applications (including outline applications for Strategic Masterplan sites) will be assessed against Policy DM 7 and Policy DM 8 of the LPSV.</p> <p>HE position:</p> <p>SR-0046A-N is classified as 'effects can be mitigated' through sensitive layout locating development away from the scheduled monuments of Latton Priory and the moated site to east and utilising landscape features, good design and good screening. There is no underlying evidence provided (i.e. a Heritage Impact Assessment) to support this conclusion. Neither are the mitigation measures included in the policy.</p> <p>For similar allocations in other authorities, this evidence has been present, the mitigation has been included in the policy and concept</p>
--	--	--	--	--

				<p>diagrams showing buffers and means of mitigation e.g. indicative location of country parks or areas where height / density / massing needs to transition are identified. None of this is present here.</p> <p>There is a need for Heritage Impact Assessments for strategic site allocations, where there are significant impacts on the historic environment, as part of the proportionate evidence base. If the sites are suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram. This is consistent with other similar strategic site allocations across the East of England.</p> <p>There is also a need for detailed historic environment policy references in Strategic Policies, including setting out how harm should be avoided or mitigated for the allocation to be sound.</p>
5	Policy SP5.2 – Water Lane Area	<p>2 – Justified and 3 – Effectiveness Nazeing and South Roydon Conservation Area partially overlaps with the site. Site includes three Grade II listed buildings. There are a number of other designated heritage assets including 11 Grade II listed buildings and 2 scheduled monuments.</p> <p>Policy should refer to listed buildings etc and required that the masterplan process takes these into account.</p>	<p>Revise wording of Policy SP5.2 (Water Lane Area) to include explicit reference to requirement for a Heritage Impact Assessment as follows:</p> <p><i>“A full Heritage Impact Assessment must be prepared. This assessment should inform the design of the proposed development. Development will need to conserve, and where appropriate enhance, the significance of 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.”</i></p>	<p>EFDC Position:</p> <p>Proposed LPSV modification: Policy SP4 – Development & Delivery of Garden Communities in the Harlow and Gilston Garden Town</p> <p><u>C(xvii) A Heritage Impact Assessment will be required to inform the design of the Garden Town Communities to ensure heritage assets within and surrounding the sites are conserved 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.</u></p> <p>Proposed LPSV modification: Policy SP5 – Water Lane Area (Point G)</p> <p><u>(vi) A sympathetic design which responds to listed buildings adjacent and within the site, Scheduled Monuments to the north and west and considers the setting of the conservation area</u></p> <p>HE Position:</p> <p>In respect of Water Lane, HE notes the report commissioned by the developers for part of the proposed site allocation, which now forms part of the Council's evidence base, and the AECOM Strategic Site Assessment.</p> <p>The wording proposed by EFDC does not take into account that in terms of setting it is harm to the significance of the heritage asset through development within its setting. It also does not take account of the varying tests for harm depending on whether that harm is</p>

				<p>substantial or less than substantial harm or whether the asset is designated or non-designated. The proposed wording also accepts harm for public benefit without consideration for how that harm could be avoided or mitigated.</p>
<p>6</p>	<p>Policy SP5.3 – East of Harlow</p>	<p>2 – Justified and 3 – Effectiveness Site contains a Grade II* building, 3 Grade II listed buildings. There are two Registered Park and Gardens within close proximity to the site. HE will be a statutory consultee to any proposals and these assets should be identified in the policy and supporting text.</p> <p>Any masterplan needs to take into account the need to protect and enhance the conservation area, scheduled monuments, listed buildings and their settings with the development to be high design quality.</p>	<p>Revise wording of Policy SP5.3 (East of Harlow) to ensure Heritage Impact Assessments are prepared for the Garden Community sites in advance of the Independent Examination.</p> <p>Should the Inspector be minded to find the allocations sound in planning terms without a Heritage Impact Assessment forming part of the evidence base, HE advise that additional policy references in respect of the historic environment are required and should include the following:</p> <p><i>“A full Heritage Impact Assessment must be prepared. This assessment should inform the design of the proposed development. Development will need to conserve, and where appropriate enhance, the significance of 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.”</i></p> <p>Revise wording of Policy SP5.3 to make explicit reference to listed buildings etc and require masterplanning process to take these things into account.</p>	<p>EFDC position:</p> <p>Proposed LPSV modification: Policy SP5 – East of Harlow (Point H)</p> <p><u><i>(vi) A sympathetic design which responds to listed buildings adjacent and within the site, Registered Parks and Garden to the west and Scheduled Monuments in close proximity to the site</i></u></p> <p>The Council does not consider that it is necessary to undertake Heritage Impact Assessments of sites as part of the evidence base as an initial assessment has been undertaken through the site selection process (see evidence outlined in Appendix 3) and there are sufficient provisions in the LPSV to ensure the conservation and enhancement of heritage assets in the District. However, the Council are proposing the undertaking of a Heritage Impact Assessment as part of the masterplan process for the allocated Garden Community sites to be included under Policy SP4 C(xvii) (Please refer to proposed wording above under ref. 2). There will also be a need to undertake an Environmental Impact Assessment at application stage where any heritage issues will be identified.</p> <p>SP 5.3 East of Harlow is comprised of SR-0146C-N. The results of the Stage 2 and Stage 6.2 Assessment can be found in Appendix B1.4.2 - Results of Stage 2 and Stage 6.2 Assessment Part 4 (EB805Div)1, on page B590.</p> <p>Policy SP 4 sets out the approach to the development and delivery of the Garden Communities and includes point (xvi) referring to the historic environment.</p> <p>A heritage and archaeology assessment is included as part of the Strategic Masterplan process as noted in the Strategic Masterplanning Briefing Note.</p> <p>The Council’s Validation Requirements (EB912) requires that a Heritage Statement is submitted alongside all planning applications and references Historic England guidance.</p> <p>All planning applications (including outline applications for Strategic Masterplan sites) will be assessed against Policy DM 7 and Policy DM 8 of the LPSV.</p> <p>The site will need to undertake an Environmental Impact Assessment where any heritage issues will be identified.</p>

¹ <http://www.efdclocalplan.org/wp-content/uploads/2018/03/EB805Fiv-Appendix-B1.4.2-Results-of-Stage-2-and-Stage-6.2-Assessment-Part-4.pdf>

				<p>HE position:</p> <p>The site assessment does note that given the scale, further assessment is required on landscape impact (possible setting impact of RPGs and SM), although not on the setting of GII* Sheering Hall and other GII listed buildings within the site. The mitigation proposed, reducing density and an appropriate layout, is without evidence as to whether it is appropriate and there is no evidence of avoidance of harm. This could have been explored though a Heritage Impact Assessment.</p> <p>For similar allocations in other authorities, this evidence has been present, the mitigation has been included in the policy and concept diagrams showing buffers and means of mitigation e.g. indicative location of country parks or areas where height / density / massing needs to transition are identified. None of this is present here.</p> <p>There is a need for Heritage Impact Assessments for strategic site allocations, where there are significant impacts on the historic environment, as part of the proportionate evidence base. If the sites are suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram. This is consistent with other similar strategic site allocations across the East of England.</p> <p>There is also a need for detailed historic environment policy references in Strategic Policies, including setting out how harm should be avoided or mitigated for the allocation to be sound.</p>
--	--	--	--	---

Supplementary Information – Heritage Matters relating to Strategic Site Allocations

1.0 Background

This appendix provides supplementary information to support the SoCG between Epping Forest District Council (the Council) and Historic England (HE), and to assist the Inspector during the examination of the Epping Forest District Local Plan Submission Version 2011 - 2033 (referred to hereafter as the Local Plan Submission Version or LPSV).

The representation submitted by HE to the Council in January 2018 set out a number of comments in relation to the policies and evidence underpinning the strategic site allocations within the LPSV. These include:

- i. The need to carry out Heritage Impact Assessments for the Garden Town Communities to discern the level of impact on the historic environment and any potential mitigation measures necessary; and
- ii. Concerns that there were no references to known heritage assets within or in close proximity to the Garden Communities in the policy.

In order to resolve these outstanding concerns, HE requested further information from the Council to demonstrate that impacts on the historic environment arising from the strategic site allocations have been properly evidenced. The Council has therefore prepared this addendum to the SoCG to bring together a range of existing information surrounding the historic environment, specifically for the strategic site allocations.

2.0 Additional Evidence

This information and assessment work has been obtained from a range of documents, both published and emerging. These are set out in more detail below:

Strategic Site	Relevant Evidence Base	Specific document reference
North Weald Bassett	North Weald Bassett Masterplanning Study (Allies and Morrison, 2014)	Section 3.3 Landscape, Character and Heritage (Pages 33-40)
Latton Priory	AECOM Strategic Sites Assessment (AECOM, 2016) Latton Priory Harlow and Gilston Garden Town Strategic Masterplan Framework (Hallam Land Management and ceg, 2018) Appendix B1.6.6 Results of Identifying Sites for Allocation (EB805G) (Arup, 2018)	Page 44, Figure 5: Heritage Context, Appendix 2: Site M landscape appraisal Page 34 Page B1094

Water Lane	AECOM Strategic Sites Assessment (AECOM, 2016) Epping Forest District Local Plan 2011-2033 Response to Planning Inspector's Examination Question (Asset Heritage Consulting, 2019)	Page 51 and 55 Whole document.
East of Harlow	AECOM Strategic Sites Assessment (AECOM, 2016) Appendix B1.4.2 - Results of Stage 2 and Stage 6.2 Assessment Part 4 (EB805Div)	Page 40 Page B590

The Council endorses this evidence, and considers that it provides the additional necessary assessment of the strategic sites in relation to heritage assets, and impact on the historic environment more broadly. For ease of presentation and review, the relevant information surrounding the historic environment has been lifted from these documents, and consolidated into the table below. The information has been split out under a series of headings, to summarise content and guide the reader to the relevant topic.

3.0 Additional heritage information underpinning the strategic site allocations

Strategic Site Allocation	Relevant topics
North Weald Bassett	<p>Vision¹: The analysis and consultation undertaken during the study indicated that the settlement has potential for some growth that can help to more effectively support the local community in the future, but that this growth must be minded to preserve the existing assets of the settlement and bring about additional benefits for the community. The assets include, but are not limited to, the settlement’s relationship with the surrounding green open space, stand-out historic buildings, a range of housing types which can support a mixed community and the heritage and current economic role of the North Weald Airfield. The vision is to protect these assets, attract investment to strengthen the existing commercial centre and establish North Weald Bassett as a sustainable place in its own right with an active community life.</p> <p>Heritage assets: North Weald Bassett is a low density ribbon development of mostly 20th century housing. The church (listed) is not on High Road, which suggests a split historic centre (if there was one). The settlement is not in a conservation area. The wider area is characterised as type F5, Ridges and Valleys, in the Epping Forest Landscape Characterisation Study. The M11 to the west was built in the late 1970s, but only fully operational in 1980.</p> <p>To the south is the Former Central Line. The central section of the Central Line was constructed in the 1890s, but it was only extended from Stratford to Epping and Ongar (over the London and North Eastern Railway) in the 1940s. The section between Epping and Ongar was closed in 1994. There have been various train enthusiasts running trains on the tracks since, but it is not a commuter service.</p> <p>Key historic features:</p>

¹ North Weald Bassett Masterplanning Study (Allies and Morrison, 2014)

<p><u>Roman Road:</u> The course of a Roman Road runs across the east side of the site, although it is unclear how visible this is on the ground. There could be archaeology present, which could be used as a design constraint.</p> <p><u>Estate Lands:</u> The site of two ancient estates, to the west and east of the settlement. Both have listed houses on them: (1) Weald Hall Farm House and Little Weald Hall, to the north and west of the airfield – it is unclear whether there are any landscape features remaining; (2) Ongar Park Hall and Lodge – outside the site, but also unclear as to remains of landscape features. North Weald Redoubt This fort is one of 15 London mobilisation centres constructed during the 1890s to protect London against possible invasion. It is a scheduled ancient monument. It is on higher ground, and its setting will have to be considered. There is no direct connection with the airfield, but it was used in WWI and WWII.</p> <p><u>North Weald Airfield:</u> The airfield opened in 1916 and saw active service in WWI and WWII. The control tower, which was built in 1952, is listed at grade II and the officers mess (Norway House) was built in 1923 and is listed at grade II. The site remained in RAF usage until the 1980s. It is now used for events, shows etc. The airfield is the biggest local feature in the area, there is an active pressure group to keep it open. Much of the development of the settlement is related to the airfield.</p> <p><u>Listed Buildings:</u> There are several listed buildings within the settlement, but, depending on masterplan, of which the most significant are the Ongar Redoubt, the Control Tower, the Officers Mess, Weald Hall and Ongar Park.</p> <p><u>Airfield heritage:</u> North Weald Bassett's aviation heritage is evident throughout the settlement in the form of street and development names. Many of these reflect the names of fighter planes including Hurricane, Blenheim, Tempest, Beaufort and Lancaster. The street names which draw on the aviation heritage of the settlement are highlighted in the plan to the left.</p> <p>Constraints to development:</p>
--

	<p>The 1805 map shows that the historic urban structure is triangular – North Weald (location of the church), Tyler’s Green and Weald Gullet (at base of Church Road) – with Weald Hall to the west and Ongar Park Hall to the east. From this brief desktop review, it would seem that there are likely to be no major heritage constraints to development (other than military history), but that there are several surviving features that could be used to inform the design. The key consideration will be how the airfield is treated, and how a unified settlement is created.</p>
<p>Latton Priory</p>	<p>Heritage assets²:</p> <p><u>Designated Heritage Assets:</u> There is one scheduled monument located within the site and one that is sited in close proximity to the site boundary. Within the site is a medieval moated site located on the southern boundary at the west end of the site. The site of Latton Priory is located just outside of the boundary to the south east of the site. This is a scheduled monument and within this, the surviving element of the Priory is a Grade II* listed building. Latton Priory Farmhouse is a Grade II listed building. Webbs Cottage, which is located to the south west of the site is a Grade II listed building.</p> <p><u>Non-Designation Heritage Assets:</u> A desk based assessment of the site has been undertaken by Orion Heritage. This established that there is the potential to contain Roman remains associated with a suspected Roman road that crosses the site north-south in the vicinity of Latton Priory. The presence of both Latton Prior and the scheduled moated site indicate that further associated archaeological remains of medieval date could be located within the site. However, following the desk-based assessment, a geophysical survey the whole of the site and the wider area to the east and the south east, was undertaken. While this survey recorded a few features of possible archaeological interest, the survey recorded no signals indicative of significant archaeological remains within the site. Further archaeological research will be undertaken to better understand and inform the design of the proposed development. Further mitigation archaeological investigations will be undertaken as the proposed development progresses.</p>

² Latton Priory Harlow and Gilston Garden Town Strategic Masterplan Framework (Hallam Land Management and ceg, 2018), p. 34

	<p>The moated site will be within the Green Belt area in the southern part of the site and so there will be no impacts upon it. The development provides a unique opportunity to improve the condition of the monument and to provide interpretive material on the moated site and Latton Priory and help promote a greater sense of place and time depth for the residents of the new community.</p> <p>Setting³:</p> <p>The ridge is a prominent feature in the landscape south of Harlow. It is currently largely undeveloped and creates a rural backdrop to the town. The few buildings which are located on the ridge are prominent in views, particularly from Harlow Town Centre. Views south from the town centre and along the Green Wedge currently look out towards open countryside, with the ridge forming a wooded horizon. This is an important part of the character and experience of the area. Any new development proposed on the top of the ridge would alter the setting of the area, as it would be highly visible due to its elevated position within the open landscape.</p> <p>The ridge also preserves the openness of the green belt by forming a natural barrier to the encroachment of urban settlement into the wider countryside. Whilst the extent of development currently proposed for Latton Priory would not result in coalescence with other nearby settlements, it would give the impression of continuous development when viewed from Harlow and from Epping. The site is well served with public rights of way, including a footpath which passes through the area centrally from London Road, and two long distance trails, Forest Way and Stort Valley Way. These footpaths are connected to the Harlow Green Wedge which facilitates ease of access to the countryside from the town centre. From these paths, there are long distance views of the countryside to the south. If these paths were to cross through development, their amenity value could be lessened.</p> <p>Other sensitive features of the site include two Scheduled Ancient Monuments: Rye Hill Moat, near Dorrington Farm in the southwest of the site, and the remains of Latton Priory in the southeast of the site. They are both located on high ground within an open setting, which would be altered greatly if they were to be surrounded by new development.</p> <p>Finally, there are a number of woodland blocks located on the site, running both north-south up the ridge, and east-west at the top of the ridge. The dense vegetation add to the sense of enclosure of Harlow, and enhances its rural setting.</p>
--	--

³ Harlow Strategic Site Assessment (AECOM, 2016), Appendix 2, p. 72-73

Mitigation⁴:

FCPR and Boyer Planning suggest that a combination of existing woodland and advanced woodland planting at the southern edge of the plateau could visually contain built development from East Herts, Epping Forest, Harlow and Uttlesford District Councils Final Report the wider Epping District. They also suggest that views of the Latton Priory development from Harlow would be screened or heavily filtered by intervening buildings and trees. However, initial analysis carried out by AECOM suggests that any development situated at the top of the ridge would be visible from Harlow in the north and Epping in the south because of its open aspect and elevated position. Whilst planting could reduce its impact, it would not be as effective in initial years as the plants establish, nor in the winter when canopy cover is less dense.

The plateau at the top of the ridge should not be developed, as this would have the potential to result in significant effects on the local landscape and views. New development should therefore be set down on the northern side of the ridge, such that the roof line is below the top of the plateau. This would allow space to substantially strengthen the woodland on the southern edge of the ridge in order to lessen the visual impact of the development from Harlow and Epping. This would also create opportunities for further green infrastructure improvements linking the proposed development and Harlow more generally with the wider landscape.

The 2013 study's visual analysis was limited to a comparative assessment of selected viewpoints. For such a sensitive and open landscape, it is recommended that a zone of theoretical influence (ZTV) of the proposal is prepared to more fully understand the extent to which development built on the elevated land would be visible from the wider landscape.

Opportunities to avoid harm⁵:

This site was identified as available within the first five years of the Plan period. It has been marketed and there are no identified restrictions that would prevent it coming forward for development. As a result of the landscape sensitivity of the site and the potential for harm to the settlement character, particularly affecting the southern and eastern parts of the site, as well as possible impacts on heritage assets, SSSIs, BAP Habitats and a Local Wildlife Site, it is proposed that development should be limited to the northern part of the site at the edge of Harlow, with development not extending beyond the identified ridgeline to the south. This ridgeline is the historic planned extent of Harlow, the origins of which date back to the original Gibberd plan for the new town. Limiting development to the area north of the ridgeline would prevent visual harm, both to the surrounding countryside and within

⁴ See Footnote 3.

⁵ Appendix B1.6.6 Results of Identifying Sites for Allocation (EB805P) (Arup, 2018), p. B1094

	<p>Harlow. Such a judgement is consistent with the recommendations made by AECOM in the Harlow Strategic Site Assessment (2016). While it is acknowledged that there are complexities around the deliverability of the site, in part due to infrastructure which needs to be planned and delivered in co-ordination with Harlow District Council and Essex County Council as well as the constraints posed by access (which would need to be provided from London Road), it was considered that these will be resolved through the proposed Latton Priory Strategic Masterplan. It is proposed that the reduced site area should be allocated in combination with SR-0139 consistent with the allocation proposed in the Draft Local Plan (2016).</p>
<p>Water Lane</p>	<p>Heritage assets: <u>West of Katherine⁶:</u> Brookside Cottage, grade II listed, is located on the site with other Listed buildings adjacent in the west and south of the site. The southern part of site is in the Nazeing and South Roydon Conservation Area. Development will need to consider the setting of Listed buildings and also impact upon Conservation Area. It is likely that impacts can be avoided / mitigated.</p> <p><u>West of Sumners⁷:</u> Partly within Nazeing and South Roydon Conservation Area to the south. Several grade II listed and local listed buildings just beyond site boundary. There is potential impact upon the Conservation Area and settings of listed buildings. However, it is likely that impacts can be avoided / mitigated.</p> <p>Assessment of potential harm⁸: <u>Black Swan Public House (Grade II)</u> The Black Swan is located on the north-west side of Common Road at Broadley Common. Its setting is relatively small, being confined by woodlands to the north, industrial warehousing to the west and residential housing to the south and east on both sides of Common Road. The closest part of the West Sumners site allocation to the listed building is some 200m to the east and it is visually separated from it by Common Road, by Epping Road and by woods, fields and by buildings. There is no visual or other connection between the listed building and the site allocation. Consequently, there could be no impact on The Black Swan Public House or its setting. The setting of the listed building would be preserved.</p>

⁶ Harlow Strategic Site Assessment (AECOM, 2016), p. 51

⁷ Harlow Strategic Site Assessment (AECOM, 2016), p. 55

⁸ Epping Forest District Local Plan 2011-2033 Response to Planning Inspector’s Examination Question (Asset Heritage Consulting, 2019), p. 5-8

	<p><u>Fairlawn, Epping Road, Broadley Common (Grade II)</u> Fairlawn is a house located on the north-east side of Epping Road in Broadley Common. Its setting is relatively small, being confined by houses on Epping Road to the north and south and by mature trees which separate its garden from farmland to the east. The closest part of the West Sumners site allocation to Fairlawn is some 100m to the east but that part of the site is proposed as strategic open space. The closest part of the site allocated for housing development is approximately 300m to the north-east. It is visually separated by fields, by mature trees and by hedgerows. The likelihood of there being any views of built development from the listed building, or of the listed building from the development, is very small. Consequently there would be little or no impact on the setting of Fairlawn arising from the proposed site allocation. As such the setting of the listed building and its significance as a building of special architectural or historic interest would be preserved.</p> <p><u>Richmond Farmhouse, Jacks Hatch, Parsloe Road, Kingsmoor (Grade II)</u> Richmond Farmhouse is located on the north-west side of Parsloe Road. It still enjoys a rural setting to its south. To the north-west it is separated from the Kingsmoor housing estate by a narrow strip of woodland. To its rear it is separated from the West Sumners site allocation by an extensive area of commercial and industrial buildings, hardstanding and vehicle storage areas. There is no intervisibility between the West Sumners site allocation and the listed building because of the scale of the intervening commercial buildings. As such, its setting and its significance as a building of special architectural or historic interest would be preserved.</p> <p><u>Sumner's Farmhouse, Parsloe Road, Sumners (Grade II); C17 Barn North-East of Sumner's Farmhouse (Grade II); C18 Barn North-East of Sumner's Farmhouse (Grade II)</u> This complex of three listed buildings at the former Sumner's Farm are assessed jointly here as, historically and architecturally, they form a coherent group and any heritage conservation issues are common to all three. The former farm complex, now converted to houses, is located within the Kingsmoor estate, a modern housing estate dating from the 1980s and 1990s. Its setting now has a distinctly suburban character as a result of the highway design and character of the surrounding housing estate. The complex of listed buildings is located 150m to the north-east of the West Sumners site allocation but it is separated from it by housing at Manorcourt Care Home, by housing on Archers, Barns Court, Phelps Road and Wellesley. It is also separated from the site allocation by mature trees along the field boundary and by a small area of woodland.</p>
--	---

Consequently, there is no visible or other connection between the listed buildings and the West Sumners site allocation and there would be no potential for development to impact on the setting of the former Sumner's Farm complex. As such, the listed buildings, their settings and their significance as buildings of special architectural or historic interest would be preserved.

Weatherwhites Car Showroom Epping Road, Broadley Common (Locally Listed)

Weatherwhites car showroom is prominently located in the fork between Common Road and Epping Road at Broadley Common. Its immediate setting is characterised by the extensive display of cars for sale. Its wider setting extends to the housing on the east side of Epping Road and the woodlands and the pub car park on the north of Common Road. There is no visual or other connection between the locally listed building and the West Sumners site allocation which is 150m to the east at its closest point.

However, this part of site is allocated for strategic open space in the design concept document with the closest built development being 300m distant. It would have no impact on the locally listed building or its setting. As such, the setting and the architectural and historic interest of the locally listed building would be preserved.

The Nazeing and South Roydon Conservation Area

The Nazeing and South Roydon Conservation Area has not been reviewed since it was designated in 1982. Its boundaries are widely drawn to include Halls Green in the north, areas around Roydon Hamlet, Nazeing, Nazeing Gate, Bumbles Green and Middle Street in the south and Broadley Common in the east. Large tracts of fields and agricultural land are also included within the conservation area.

There is no character appraisal for the conservation area but the Epping Forest District Council website makes brief reference to the importance of "the conservation area's quiet, intimate, small-scale rural qualities characterised by small grassed fields that are dissected by narrow winding lanes and footpaths and bounded by tall hedgerows and mature trees." It also makes reference to the importance of 'closed field patterns' and 'open or common field systems' which give the settlements a distinctive setting. Importantly, there is no built development proposed within the part of the site which falls within the designated conservation area in the Design Concept Document 2018.

In fact, there is typically a buffer of approximately 70m of public open space or strategic open space separating any built development from the conservation area boundary. The site allocation affords the opportunity to preserve or enhance the ecological

	<p>and landscape character of the conservation area as well as the proposed areas of public open space and strategic open space which fall just outside the boundary of the conservation area.</p> <p>There will inevitably be some vantage points where the development can be seen from the conservation area or the conservation area can be seen from the development but the relationship between the built environment and the landscape is an inherent part of the character of the Nazeing and South Roydon Conservation Area. Careful design, particularly in the master planning and landscape design, mean that the statutory duty to preserve or enhance the character or appearance of the conservation area is quite achievable at the West Sumners site allocation. Policy SP5(G) specifically requires the development to include: “Strategic ‘green infrastructure’ comprising natural/semi natural open space, walking and cycling routes, flood mitigation and wildlife space and new Green Belt defensible boundaries as indicated on the map.” The policy will effectively secure appropriate treatment of the part of the West Sumners site allocation which falls within the conservation area.</p> <p>The Nazeing and South Roydon Conservation Area is widely drawn and it overlaps the West Sumners site allocation along part of its eastern boundary. The Design Concept Document 2018 illustrates how the site can be developed without building on land which falls within the conservation area. It also demonstrates how public open space and strategic open space can be used to positively preserve or enhance the character of those parts of the site that fall within the conservation area as well as those areas which fall just outside the conservation area. The consequence is that the West Sumners site allocation, the Design Concept Document 2018 and Policy SP5(G) can all fulfil the statutory duty to have special regard to preserving or enhancing the special character or appearance of the Nazeing and South Roydon Conservation Area.</p>
<p>East of Harlow</p>	<p>Heritage assets⁹:</p> <p>The site contains some listed buildings including Grade II * Sheering Hall and several grade II listed buildings including two barns at Sheering Hall, a house north west of St Stephen’s cottages, Franklins Farmhouse, a locally listed building and a number of listed buildings just beyond the site boundary. Consideration will need to be given to the potential impact upon the setting of these listed buildings. However, there may be limited scope for development within parts of the site. There is also a Conservation Area in close proximity in Harlow and the site is within 500m of a Registered Park and Garden and archaeological assets. It is likely that impacts can be avoided / mitigated.</p>

⁹ Harlow Strategic Site Assessment (AECOM, 2016), p. 40

	<p>Mitigation¹⁰: Given scale, further assessment required on landscape impact (possible impact on setting of RPGs and SM). Impact on setting of GII* Sheering Hall and GII LB to centre, and GII LB within south of site. Mitigation reducing density, appropriate layout.</p>
--	--

DRAFT

¹⁰ Appendix B1.4.2 - Results of Stage 2 and Stage 6.2 Assessment Part 4 (EB805Fiv), p. B590

Appendix 2

Appendix 2

Amendment No	Question	Policy/Paragraph Number	Proposed Amendment
1	2	DM 1 - A	A. <u>Where possible</u> , all development should seek to deliver net biodiversity gain in addition to protecting existing habitat and species. Development proposals should seek to integrate biodiversity through their design and layout, including, where appropriate through the provision of connections between physical and functional networks.
2	4	DM 2 - B	New residential development likely to have a significant effect, either alone or in combination with other development in these areas within Epping Forest District, <u>in respect of air quality as well as, in the case of residential development within the Zone of Influence, on recreational pressures</u> will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. <u>Such measures will include those identified in the most up-to-date Mitigation Frameworks adopted by the Council as they relate to air quality and recreational pressures.</u>
3	4	Supporting text to Policy DM 2 (paragraphs 4.16-4.26)	4.16 The Epping Forest and Lee Valley form significant areas of land in the District that are valuable for many reasons. They are the two sites that contain land subject to international protection for its biodiversity value. The Epping Forest contains a Special Area of Conservation (SAC) identified primarily for its habitat value in respect of beech trees and wet and dry heaths. The Lee Valley Regional Park contains a Special Protection Area (SPA) and is a Ramsar Convention on Wetlands Site both of which designations relate to its importance as a bird habitat. Known as ‘European Sites’ they are afforded <u>the highest level of protection due to their habitats and species that are vulnerable or rare within a European context.</u> The Council has a duty to secure the <u>maintenance and restoration of these sites.</u> Additionally, <u>where development plans or projects are likely to have a significant effect on European sites, the Council must assess the implications of such effects, and secure any mitigation necessary to prevent an adverse effect on site integrity</u> in that detailed assessments (Habitats Regulation

Matter 16 proposed amendment schedule for Development Management Policies DM 1 – DM 22
 Submitted with hearing statement for Matter 16
 February 2019

			<p>Assessments) are required of any development plans and proposals likely to give rise to that have a likely significant impact effect on the integrity of the sites. These sites form a critical part of the biodiversity assets and green and blue infrastructure of the District.</p> <p>4.17 The Council has a duty as the ‘competent authority’ under the Habitats Regulations to <u>maintain and restore European sites</u>, and protect them Epping Forest SAC and the Lee Valley SPA/Ramsar sites from the <u>any potential</u> effects arising of from new development. This can be <u>is best</u> achieved using many <u>by putting</u> measures <u>in place at the plan level</u> so that development projects have clarity on where they can develop and what measures may be necessary to incorporate into a development proposal or <u>addressed through off-site measures including through financial contributions. Strategic approaches to European site mitigation often include</u> but an important approach is one of mitigation through, for example, access management strategies, habitat management, provision of new <u>alternative Natural Green Space for recreation</u> and sustainable transport choices <u>to reduce air pollution</u>.</p> <p>Approach</p> <p>4.18 The Epping Forest (the Forest) and the Lea Valley are critical assets within the District for their contributions to biodiversity and recreation. The Forest in particular experiences considerable pressure on its habitats from visitors from both within and outside of the District and road traffic pollution as well as air pollution from London <u>and significant parts are known to be in ‘unfavourable status’</u>. The Forest is owned and managed by the City of London Corporation and is adjoined by buffer lands purchased by the Corporation to protect its boundaries from encroachment by urban development. These buffers can also act <u>may help</u> to relieve recreational pressure on the Forest. The potential impact of development on the Forest can arise from development some distance from the Forest itself, particularly in terms of the impact of air pollution from traffic generated on its sensitive ecosystems and from additional recreational pressures.</p>
--	--	--	--

			<p>4.19 The Council takes its responsibilities seriously with regard to the protection of these sites and will ensure that Habitats Regulation Assessments of development proposals likely to affect these sites are undertaken. This responsibility also applies to European sites that are outside the boundary of the District but may be affected by development within the District. <u>The Council has taken steps to work with partners to develop a plan level approach to securing the protection of European sites.</u></p> <p>4.20 The Habitats Regulations Assessment <u>2019 has</u> concluded that, as a result of the management regimes in place, there would be no likely significant effect on the Lee Valley SPA/Ramsar sites from recreational pressures arising from new <u>residential development as set out in this Plan.</u> <u>'Windfall' development will need to be considered on a 'case by case' basis in accordance with Policy DM 2 as it relates to the Lee Valley SPA/Ramsar site. The Habitats Regulations Assessment 2019 concluded that likely significant effects arising from recreational pressure could not be screened out for the Epping Forest SAC. Plan level measures to prevent adverse effects on the integrity of the Epping Forest SAC are therefore required. Furthermore, in terms of air quality, refined modelling analysis undertaken to support the Habitats Regulation Assessment 2019 demonstrated that with the implementation of a number of policies contained within this Plan changes in atmospheric pollution would not lead to a likely significant effect on these sites either alone or in combination with other projects and plans (including those plans being developed by neighbouring local authorities). The Forest is currently assessed as being of 'unfavourable status'. Concerns exist in relation to both increasing recreational use and airborne pollutants, including from traffic. This latter point relates to an underlying traffic/air quality issue as a result of existing substantial baseline traffic flows. Standard impact assessment methodologies show that the Local Plans being developed within the West Essex/East Hertfordshire Housing Market Area would not result in an adverse effect due to an expected improvement in air quality through the introduction of new technologies, and contributions to any retardation of that improvement is extremely small. However, addressing the underlying issue is a matter of good stewardship.</u></p>
--	--	--	--

			<p>4.21 In recognition of this stewardship role the <u>need to address the ‘in-combination’ effects the West Essex/East Hertfordshire Housing Market Area authorities have signed a Memorandum of Understanding (March 2017) with the City of London Corporation as Conservators of Epping Forest and Natural England.</u> Paragraph 2.4 of the MoU sets out that its purpose is to ensure that the parties named, work in partnership to fulfil the following requirements:</p> <ul style="list-style-type: none"> • To collect and analyse data and evidence related to the impacts of proposed development and growth under the Local Plans to provide sufficient and robust evidence on which to base a strategy for the protection of Epping Forest SAC. • To commit to prepare a joint strategy, based on relevant available data and evidence and to an agreed timetable; and • The joint strategy will address both the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development, (where required, and more broadly deliver the requirement to prevent deterioration of the SAC features and aid in their improvement/restoration). <p>4.22 The MoU parties are now actively working together through an oversight Board and working groups to fulfil these requirements.</p> <p>4.23 In addition to the above the Council, through this Local Plan, recognises the need to provide confidence that new development does not result in any likely significant effects on the Forest and the Lee Valley SPA/Ramsar sites. <u>A number of policies within this Plan, including Policy T 1 (Sustainable Transport Choices) and Policy DM 22 (Air Quality) provide the mechanisms by which the Council will seek to address the underlying issue of traffic/air quality issues in relation to the Forest, and provide for monitoring. These mechanisms will form part of a mitigation framework for managing</u></p>
--	--	--	--

			<p>the effects of new development on the Epping Forest SAC. In addition, Policy DM 2 provides the mechanisms for managing future recreational pressures on the Forest in particular. The Council's approach is to <u>put in place a mitigation framework, will also include a combined approach of identifying a range of access management measures together with the provision of green infrastructure to encourage recreation activities to take place at suitable alternative sites. The framework will have an evidence based suit of costed mitigation and monitoring measures and set out delivery, governance and review processes. In addition the Council will</u> facilitate the development of a green infrastructure network. Through improved links to other green spaces, and to the quality of those green spaces and links, the human pressure on these assets is intended to be more widely spread, with the aim of being less harmful to biodiversity.</p> <p>4.24 In pursuit of protecting the vulnerable habitats of Epping Forest the Council, <u>the mitigation framework will include a range of measures. One aspect of the strategy will be seeks</u> to provide alternative spaces and corridors that can relieve the recreational pressure on the Forest. It recognises that additional development in the District is likely to give rise to further visitor pressure on the Forest that needs to be mitigated. This can be achieved by increasing public access to land that is not in the Forest, and altering the character of existing open spaces and the links between open spaces. These linkages are intended to improve access for walkers, dog walkers, cyclists and horse riders, as well as provide space, including additional space for wildlife and plant species. <u>The suitability of natural green space and corridors will be dependent on a range of factors including location and the potential of the land to increase recreational opportunities and biodiversity value.</u></p> <p>4.25 However, it is recognised that some housing sites will not be of a sufficient scale to make provision for a meaningful proportion of natural green space. Where those sites are within the 'sphere <u>zone</u> of influence' of the Forest (as determined by an up-to-date Visitor Survey, the most recent of which was undertaken in October/November 2017) <u>which, based on the latest Visitor Survey undertaken in October/November 2017, is 6.2km,</u> the Council <u>will set out through the recreational pressures mitigation framework</u></p>
--	--	--	--

Appendix 2

			<p>the level of <u>will seek financial contributions to be sought to support the development and implementation and monitoring of those mitigation measures. Monitoring measures include the undertaking, from time to time, of further Visitor Surveys, which may result in a change to the identified 'zone of influence', an access management strategy by the City of London Corporation.</u></p> <p>4.26 The suitability of natural green space and corridors will be dependent on a range of factors including location and the potential of the land to increase recreational opportunities and biodiversity value.</p>
4	6	DM 3	<p>Add:</p> <p><u>"A. (i) be sensitive to their setting in the landscape, in particular in settlement edge locations, and its local distinctiveness and characteristic."</u></p> <p><u>"B. The impact of proposed development and its design will be assessed with reference to landscape sensitivity studies and the Historic Environment Characterisation Study or subsequent studies."</u></p>
5	8	Supporting text to Policy D 2 (after paragraph 6.23)	<p><u>"A number of education sites in the District are located within areas designated as Green Belt. The Council acknowledges that due to the extent of the Green Belt in Epping Forest, there may be instances where new buildings related to community or educational uses may be proposed (e.g. a new village hall or new buildings related to an existing school). In accordance with national planning policy, such proposals will be considered inappropriate development which should not be approved within the Green Belt except in very special circumstances. As community and educational facilities are generally considered to be essential uses within the District, when determining whether very special circumstances exist, a clear locational need for such facilities will be a material consideration that weighs in favour of granting planning permission and should be accorded appropriate weight."</u></p>

Appendix 2

6	9	DM 5 - A	(a) (i) retain and where possible enhance existing green infrastructure, including trees, hedgerows, woods and meadows, green lanes, wetlands, ponds and watercourses, <u>and improve connectivity of habitats;</u>
7	15	DM 7 - A	A. "The historic environment will be conserved and enhanced in a manner appropriate to its significance. Development proposals should seek to conserve and <u>or</u> enhance the character <u>or</u> appearance and function of heritage assets and their settings, and respect the significance of the historic environment".
8	15	DM 7 - B	B. "Heritage assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset (whether designated or non-designated) or its setting, will not be permitted without a clear justification to show that the public benefits of the proposal considerably outweigh any harm to the significance or special interest of the heritage asset in question. <u>A heritage statement will be required for any application that may affect heritage assets (both designated and non-designated). Where development proposals may affect heritage assets of archaeological interest, an archaeological evaluation will be required.</u> "
9	15	Title of DM 7 policy	Retitle from Heritage Assets to <u>Historic Environment</u>
10	18	DM 9 - A (i)	A. (i) "Relate positively to their context, <u>drawing on the local character and historic environment;</u> "
11	18	DM 9 - C	The Council will require the use of the established Quality Review Panel for larger or contentious sites <u>schemes of more than 50 homes or 5,000 sq metres of commercial/other floorspace</u> at appropriate stages, to be agreed with the Council to

Appendix 2

			inform detail design proposals for major developments . <u>Other smaller schemes which are complex or contentious</u> may also be appropriate for review.
12	20	DM 9 – A (v)	(v) “incorporate design measures to <u>promote healthy communities and individuals</u> , reduce social exclusion, the risk of crime, and the fear of crime.”
13	20	DM 9 – H (iv)	<p>Privacy and Amenity</p> <p>H. Development proposals must take account of the privacy and amenity of the development’s users and neighbours, <u>and consider building user comfort and wellbeing within the design and layout</u>. The Council will expect proposals to:</p> <p>(i) provide adequate sunlight, daylight and open aspects to all parts of the development and adjacent buildings and land (including any private amenity) space;</p> <p><u>(ii) minimise risks of overheating and provide adequate ventilation within development proposals.</u></p> <p>(ii)<u>(iii)</u> avoid overlooking and loss of privacy detrimental to the living conditions of neighbouring residents and the residents of the proposed development;</p> <p>(iii)<u>(iv)</u> not result in an over-bearing or overly enclosed form of development which materially impacts on either the outlook of occupiers of neighbouring properties or the residents of the proposed development; and</p>

Appendix 2

			(iv)(v) address issues of vibration, noise, fumes, odour, light pollution, air quality and microclimatic conditions likely to arise from any use or activities as a result of the development or from neighbouring uses or activities.
14	20	Supporting text to Policy DM 9 (paragraph 4.72)	“The Council seeks development that follows the principles of sustainable construction and encourages developers to deliver schemes that meet the performance set by appropriate standards e.g. Passive-House <u>latest Passivhaus, Home Quality Mark</u> and BREEAM UK New Construction <u>standards 2014</u> . Development should give rise to minimal environmental impact with respect to its energy use, water use, waste and transport as well as providing for green infrastructure and healthy environments for users.”
15	22	DM 10 - A	A. “All new housing development is required to meet or exceed the minimum internal space standards set out in <u>the latest Nationally PDescribed Space Standard</u> , and open space standards, <u>as adopted or endorsed by the Council.</u> ” Table 4.1 should be deleted.
16	23	Supporting text to Policy DM 10 (paragraph 4.78)	“The design of the development impacts significantly on living conditions for occupiers and in particular the size and design of internal and external space are important. An analysis of recent applications for development highlights that there is pressure in the District for accommodation to be approved that does not meet the national space standards. There is therefore a need to ensure that all development meets at least the minimum space standards. The Council expects that opportunities are taken to improve the external environment of residential developments where existing quality is poor and to provide suitable public open space with developments, as appropriate, <u>referring to DM 6 and the Council’s latest Open Space Strategy.</u> ”
17	24	DM 9 - D	D. “Development proposals must relate positively to their locality, having regard to:

Appendix 2

			<p><u>(vii) in the case of extensions or alterations to residential buildings, will be required to respect and/or complement the form, setting, period, detailing of the original buildings. Matching or complementary materials should be used.”</u></p> <p>Part E of DM 10 Residential extensions should be deleted as follows:</p> <p>E. Extensions or alterations to residential buildings will be required to respect and/or complement the form, setting, period, detailing of the original buildings. Matching or complementary materials should be used.</p>
18	27	DM 12 – A (v)	<p>(v) “will not adversely impact <u>conserve or enhance</u> the local natural and historic environment, <u>in line with the considerations set out in Policy DM 7”</u>.</p>
19	27	Supporting text for DM 12 (paragraph 4.83)	<p>“It is important that basement development is carried out in a way that does not harm the amenity of neighbours, compromise the structural stability of adjoining properties, increase flood risk or damage the character of the area, <u>historic or</u> natural environments in line with national planning policy”.</p>
20	27	Appendix 1: Acronyms and Glossary (page 199)	<p>Heritage Asset</p> <p>“A building, monument, site, place, area or landscape, <u>or archaeological remains</u> identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”</p>

Appendix 2

21	28	DM 13 – A (v)	(v) “ <u>in the interests of amenity illuminated signs will not be permitted in residential areas in order to protect the general characteristics of such areas.</u> ”
22	29	DM 14 – A (ii)	“(ii) Replacement shopfronts should relate to the host building and conserve <u>historic original-materials and features as far as possible;</u> ”
23	30	Supporting text for Policy DM 15 (paragraph 4.106)	“A Surface Water Management Plan outlines the predicted risk and preferred surface water management strategy for areas under study. They identify local Critical Drainage Areas (CDAs) and site specific measures that could help reduce the risk of surface water flooding in these areas. The Council currently has in place one Surface Water Management Plan (SWMP) for Loughton, Buckhurst Hill and Theydon Bois. Further SWMPs may be produced for other areas. <u>Development proposals should also take into account the Environment Agency ‘Risk of Flooding from Surface Water Maps’ (RoFSW).</u> ”
24	30	Supporting text for Policy DM 16 (paragraph 4.118)	“Applicants will be expected to demonstrate that the SuDS will function effectively over the lifespan of the development, by ensuring adequate arrangements for their management and maintenance. Attention should be paid to the most up to date Technical Guidance from <u>the Council, Government; British Water, the Environment Agency and Essex County Council. Sources of detailed design guidance include Essex County Council’s SuDS Design Guide and the CIRIA SuDS Manual.</u> ” (refer EFDC’s hearing statement on Policy DM 16, Question 33)”
25	31	DM 15 - B	B. <u>“Development proposals The Local Plan allocations are directed towards Flood Zone 1 or to areas with the lowest probability of flooding. Any proposals for new development (except water compatible uses or) which include land which falls wholly or partially within Flood Zones 2 and/or 3a and other areas affected by other sources of flooding will be required to provide sufficient evidence for the Council to assess whether the</u>

Appendix 2

			requirements of the Sequential Test and <u>if necessary, the Exception Test</u> , have been satisfied. <u>The Sequential Test does not need to be applied to sites which have been allocated in this Local Plan and where the proposed development is in accordance with this Local Plan.</u>
26	32	DM 15 - C	C. <u>“Where required by national policy and guidance development pProposals within Flood Zones 2 and 3a must be informed by a site specific Flood Risk Assessment (FRA) taking account of all potential sources of flooding and climate change allowances and should:”</u>
27	33	DM 16 - A	A. <u>“All proposals for new development must seek to manage surface water as close to its source as possible using the most appropriate SuDS solution, or a combination of solutions, taking into account site specific circumstances and the Council's preferred –in line with the following drainage hierarchy in the following order:</u> <u>(i) store rainwater for later use;</u> <u>(ii) use infiltration techniques, such as porous surfaces in non-clay areas. Porous surfaces are suitable in areas of clay but must be adequately tanked with an outfall. Epping Forest District is predominantly clay so any infiltration proposals must be subject to and pass the relevant percolation tests;</u> <u>(iii) attenuate rainwater in ponds or open water features for controlled release;</u> <u>(iv) attenuate rainwater by storing in tanks or sealed water features for controlled release</u> <u>Wherever possible, SuDS should be designed and implemented in ways that deliver other policy objectives of this Plan, including effective use of water, biodiversity, amenity and landscape.”</u>

Appendix 2

28	33	Supporting text to DM 16 (paragraph 4.118)	“Applicants will be expected to demonstrate that the SuDS will function effectively over the lifespan of the development, by ensuring adequate arrangements for their management and maintenance. Attention should be paid to the most up to date Technical Guidance from <u>the Council, Government; British Water, the Environment Agency and Essex County Council, including the Essex SuDS Design Guide and the CIRIA SuDS Manual.</u> ”
29	33	DM 16 - B	<p>“B. Other methods must also reflect the stringent drainage hierarchy contained within the current CIRIA SuDS Manual (2015), which provides further detailed guidance over and above Building Regulations:</p> <p>(i) controlled discharge of rainwater direct to a watercourse/surface water body;</p> <p>(ii) controlled discharge rainwater to a surface water sewer/drain;</p> <p>(iii) controlled discharge rainwater to the combined sewer.”</p>
30	34	DM 16 - D	<p>D. “The Council will require Sustainable Drainage Systems (SuDS) to be sensitively incorporated into new development by way of site layout and design, having regard to the following requirements:</p> <p>(i) all major development proposals will be required to reduce surface water flows to the 1 in 1 greenfield run-off rate and provide storage for all events up to and including the 1 in 100 year critical storm event including an allowance for climate change, and include at least one source control SuDS measure resulting in a net improvement in water quantity and quality discharging <u>from the site to a sewer and/or a watercourse;</u></p> <p>(ii) all brownfield development proposals should aim to achieve the 1 in 1 greenfield run-off rate and, at a minimum, achieve a 50 per cent reduction in existing site run-off rates for all events, including an allowance for climate change, SuDS measures resulting in a net improvement in water quantity and quality discharging to a sewer;</p>

Appendix 2

			(iii) all ‘minor’ and ‘other’ <u>non-major</u> development proposals should aim to achieve the 1 in 1 greenfield run off rate where possible, including an allowance for climate change, or a rate as otherwise agreed with the Council; and”
31	34	Appendix 1: Acronyms and Glossary (page 201)	<p>Major Development</p> <p>“Refers to <u>the definition of ‘major development’ under section 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This includes development proposals involving types of applications for development as follows: 10 or more dwellings; or housing development on site equal to or larger than 0.5 hectare; or any development proposals with a floor space of /over half a hectare/building(s) exceed 1000square metres, office light industrial, general industrial or retail 1000 square metres or more; or/over 1 hectare, traveller sites 10 or more pitches, any development sites of more than 1 hectare or more.”</u></p> <p>Minor Development</p> <p>Refers to types of applications for development as follows: 1-9 dwellings (unless floorspace exceeds 1000 square metres) under 0.5 hectare, office/light industrial; general industrial and retail — up to 999 square metres/under1 hectare, travellers site — 0-9 pitches. Development other than Major Development within the following categories:</p> <ul style="list-style-type: none"> • Applications for 1-9 dwellings; or • Applications for housing development on sites under 0.5 hectare; and • Applications for buildings having a floor space of up to 999 square metres • Applications for a Gypsy and/or Travelling Showpeople site of 1-9 pitches
32	35	DM 16 – D (i)	“(i) all major development proposals will be required to <u>submit a Drainage Strategy which demonstrate how the proposed development will reduce</u> surface water flows to the 1 in 1 greenfield run-off rate and provide storage for all events up to and including the 1 in 100 year critical storm event including an allowance for climate change, and include at

Appendix 2

			least one source control SuDS measure, resulting in a net improvement in water quantity and quality discharging <u>from the site</u> to a sewer <u>and/or a watercourse;</u> ”
33	37	Additional text to to Policy DM 17 Part A	<p>A. New development must be set back at a distance of at least 8 metres from a main river and an ordinary watercourse, or at an appropriate width as agreed by the Council and/or the Environment Agency, in order to provide a naturalised and undeveloped buffer zone, free of built development, other than for site access and other essential infrastructure connections.</p> <p><u>New development is required to be set back from the edge of main rivers and watercourses in order to achieve a naturalised and undeveloped buffer zone. This is normally a distance of 8m.</u></p> <p>Buffer zones should be designed for the benefit of biodiversity and should be undisturbed by lighting. Planning applications must include a long term scheme to protect and enhance the conservation value of the watercourse and ensure access for flood defence maintenance, in line with the requirements of the Water Framework Directive and the Thames River Basin Management Plan.</p>
34	39	Revised text for Part B of DM 18	<p>Where the local public sewer network does not have adequate capacity to serve the existing and proposed development, proposals will be required to demonstrate that it provides for suitable alternative arrangements for storing, treating and discharging foul water. Should there be capacity issues resulting from development that can be addressed through upgrades of the sewerage network, developers will be required to demonstrate how these will be delivered in advance of the occupation of development. <u>Where there are capacity concerns regarding the local public sewer network, developers will be required to demonstrate that</u></p>

Appendix 2

			<u>consultation has taken place with local sewerage infrastructure provider and that any necessary upgrade can be delivered in advance of the occupation of development. All developers are encouraged to discuss their development proposals with local sewerage infrastructure providers ahead of the submission of their planning applications. Failure to do so may increase the risk of phasing conditions being imposed to ensure that any network capacity is provided ahead of the occupation of development.</u>
35	39	Supporting text to Policy DM 18 (paragraph 4.131)	“The Council expects developers to work with the water companies to ensure that their proposals can be suitably serviced with <u>an adequate</u> water supply and make considerate use of water saving measures such as grey water systems and rain water harvesting (please see also Policy DM 9). In addition, <u>development proposals should to ensure demonstrate that the</u> suitable arrangements <u>are in place</u> for foul water drainage and treatment, <u>taking into account potential impacts on</u> from their developments and respect for the Groundwater Source Protection Zones <u>in particular as well as the wider</u> environment in general. ”
36	40	Supporting text to Policy DM 19 (paragraph 4.139)	“The Code for Sustainable Homes <u>Home Quality Mark Technical Manual</u> provides a useful benchmark to assist in water efficiency measures and the <u>latest BREEAM UK 2014</u> for New Construction is the relevant standard for nondomestic new build property. Whilst the Council recognises that it cannot impose the BREEAM standard the policy below sets out the Council expectation of a reduction in water usage in non-residential buildings commensurate with that achieved by the option.”
37	41	Supporting text to Policy DM 20 (include new paragraph after 4.143)	<u>“The design and siting of energy efficiency equipment should consider the historic environment. Certain classes of historic buildings are exempt from the need to comply with the energy efficiency requirements where compliance would unacceptably alter their character and appearance. In line with Part L of the Building Regulations, special considerations are given to a number of buildings. These include locally listed buildings, buildings of architectural or historic interest within registered parks and gardens and the</u>

Appendix 2

			<u>curtilages of scheduled monuments, and buildings of traditional construction with permeable fabric that both absorbs and readily allows the evaporation of moisture.”</u>
38	41	DM 20 – C to E	<p>“C. The use of combined heat and power (CHP), and/or combined cooling, heat and power (CCHP) and district heating will be encouraged in new developments.</p> <p>D.C. Strategic Masterplans will be required to demonstrate how the potential to incorporate infrastructure for district heating can be provided, and will be expected to connect to any existing suitable systems (including systems that will be in place at the time of construction), unless it is demonstrated that this would render development unviable or that alternative technologies are available that provide the same or similar benefits and opportunities.</p> <p>E.D. Where a district heating scheme is proposed the Council will expect the scheme to demonstrate that the proposed heating and cooling systems (CHP/CCHP) have been selected considering the heat hierarchy in line with the following order of preference:</p> <ul style="list-style-type: none"> (i) connection with existing CHP/CCHP <u>heat</u> distribution networks; (ii) site wide CHP/CCHP <u>heat network</u> fuelled by renewable energy sources; (iii) communal CHP/CCHP <u>network</u> fuelled by renewable energy sources; and (iv) gas fired CHP/CCHP <u>individual gas boilers or Combined Heat and Power (CHP).</u>”
39	43	DM 21 - E	<p>“E. In addition the Council supports the use of sustainable design and construction techniques, including where appropriate the local or on-site sourcing of building materials enabling reuse and recycling on site. <u>For existing buildings which are heritage assets, in considering whether sustainable construction requirements are practical, consideration should be given to policies DM 7 and DM 8. Historic buildings dating pre-1919 are often of a</u></p>

Appendix 2

			<u>traditional construction which performs differently, and not all types of sustainable construction would be appropriate in alteration and extensions to these buildings.”</u>
--	--	--	--