

**EPPING FOREST DISTRICT LOCAL PLAN**  
**EXAMINATION HEARINGS**  
**HOMEWORK NOTE 21**

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**COUNCIL'S OPENING STATEMENT**

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1. Attached to this note is a copy of the Council's opening statement as delivered at the Examination Hearing on 12 February 2019.

**EPPING FOREST DISTRICT COUNCIL  
LOCAL PLAN EXAMINATION**

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**COUNCIL'S OPENING STATEMENT**

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**COUNCILLOR JOHN PHILIP,  
CABINET PORTFOLIO HOLDER FOR PLANNING**

Good Morning.

1. Thank you, Madam, for the opportunity to present a brief opening statement to introduce the Local Plan and the context in which it has been prepared.
2. My name is Councillor John Philip and I am the Cabinet Portfolio Holder for Planning.
3. On behalf of Epping Forest District Council, I would like to welcome the Inspector and everyone attending these examination hearings, or watching them by webcast.
4. The Council also would like to thank, Louise St John Howe, the Programme Officer, for her hard work and skilful management of the Examination process so far. An enormous amount of work goes into organising the examination hearings and we trust all participants will continue to assist Louise to discharge her duties as Programme Officer in the months ahead.
5. In a moment, I will ask Alison Blom-Cooper, the Council's Interim Assistant Director – Planning Policy to introduce the Local Plan strategy and outline the key issues informing the Council's approach to plan-making generally. Before doing so, I would like to say a few words about the preparation of the Local Plan and the Council's priorities regarding this examination and the adoption of the Local Plan.
6. The Epping Forest District Local Plan (2011-2033) Submission Version is the product of a preparation process that first began in 2010, when we began a process of community visioning and gathering evidence to inform the preparation of what then was to be a new Core Strategy DPD, setting out the strategy for delivering the new development to meet the requirements for the District identified in the then East of England Plan.
7. To observe that much has changed since the Council embarked upon this plan-making journey would be an understatement. Since 2010, in England we have

witnessed the most comprehensive range of reforms to the planning system since the modernisation of planning regime in 1990. That being said, we appreciate that the challenging plan-making circumstances are not unique to Epping Forest District and all local planning authorities have been forced to grapple with implementing radical regulatory and policy reforms with fewer and fewer resources available.

8. The pace of change has been relentless. On multiple occasions, it has been necessary for the Council to re-examine its approach to plan-making; to revisit, update and supplement the evidence base informing the preparation of the Local Plan; and to make appropriate changes to the emerging Local Plan to ensure its consistency with the ever-changing priorities of national planning policy and practice guidance. Keeping up with judicial pronouncements on the proper interpretation and application of national planning policy has contributed to that challenge.
9. The preparation of the Local Plan has included extensive consultation and engagement over the last nine years. The Council would like to thank everyone who has contributed to the preparation of the Local Plan, including those who responded to the various stages of consultation and engaged with the Council over the years.
10. many present and past councillors in local plan workshops to inform the preparation of the Local Plan. Those valuable contributions have assisted the Council to improve the Plan significantly, as Alison will explain.
11. In preparing the Plan, the Council has made difficult decisions and choices that have not been supported by everyone. Inevitably, the process of plan-making is never without controversy and those who do not agree with the Council's plan-making choices must be given a fair and proper opportunity to make representations as they see fit about the legal compliance and soundness of our Plan. That is precisely why we are here.
12. The process of independent examination guarantees anyone aggrieved by the proposals in the Local Plan the opportunity to make written representations and, if desired, a right to be heard by the Inspector who must take account of all duly made representations before completing the examination and making her recommendations concerning the adoption of the Plan. We welcome this process and are pleased to promote the Local Plan through the examination process.
13. Before handing over to Alison, I would like to take this opportunity on behalf of the Council, to recognise the hard work, dedication and important contribution made by each and every member of the Council's planning policy team, both present and past, who have produced our Local Plan in very challenging circumstances. Alison and her team have worked extremely hard to prepare for these hearings and will do all they reasonably can to assist you to carry out the examination.

**ALISON BLOM-COOPER,**  
**INTERIM ASSISTANT DIRECTOR – PLANNING POLICY**

14. As Councillor Philip has mentioned, over several years the Council has engaged proactively and constructively with a wide range of stakeholders, partners and statutory consultees to prepare a Local Plan, which we believe will meet the District's need for homes, jobs, services and infrastructure in a manner that will secure the achievement of sustainable development in the District over the Plan period.
15. To maximise the effectiveness of policies on strategic matters, we have positively, extensively and persistently co-operated and collaborated with our neighbouring authorities and prescribed bodies. The evidence demonstrates that, in preparing the Local Plan, the Council has met and exceeded the requirements of the Duty to Co-operate and continues to work jointly with those authorities and bodies to ensure the timely delivery of sustainable development of a strategic nature.
16. The effectiveness of the cross-boundary relationships which the Council has established and fostered to date, involving both Members and Officers, is demonstrated by the outcomes achieved, the detail of which is recorded in the many Statements of Common Grounds and Memorandums of Understanding that have been concluded between the Council and its strategic partners. The engagement and joint working that continues will result in the delivery of thousands of homes and employment opportunities across several local authority areas, within the Plan period and beyond 2033.
17. The Council's vision for the District has been formulated and refined in collaboration with our partners and all those interested in planning for the future development of the District. The Local Plan strategy takes proper account of the extensive engagement with both residents, local business and other stakeholders over several years; and makes provision to deliver the development required to meet the full objectively assessed need for housing and employment in the District, together with the necessary infrastructure. It is an ambitious strategy, especially having regard to the current extent of the Green Belt covering over 92% of the District.
18. The Local Plan strategy will facilitate jointly the creation of the Garden Town Communities around Harlow, supporting the regeneration and economic aspirations of Harlow District Council and the wider London Stansted Cambridge Consortium growth agenda. In that respect, the Local Plan will ensure that new development is brought forward, as far as possible, on previously developed land and/or within settlements, to minimise inappropriate development in the Green Belt.
19. The Council has ensured that its strategy is underpinned by an up-to-date and robust, but proportionate evidence base. Through the process of evidence

gathering, appraisal and consultation, we have identified the challenges that the Plan should address and have sought to meet them through the delivery of development in the most suitable and sustainable locations. This has been a considerable challenge, leading to ongoing complex discussions to resolve issues, but one which the Council has and is embracing.

20. The statutory examination process and national planning policy recognises that plan-making is largely about making informed judgements involving matters of complexity upon which a diverse range of views may be considered reasonable without any one view being universally accepted as correct. As such, we invite the Inspector to conclude that the Council has explained its judgment-calls coherently and that, on any given issue, the Council's position is reasonable in the circumstances and justified by proportionate evidence.
21. The Council has not made the judgements informing the preparation of the Local Plan lightly. It has commissioned independent consultants to undertake technical studies to examine and make recommendations on these key matters, including the economic strategy, employment land, objective assessment of housing need, Green Belt review, site assessments, spatial distribution of development, Sustainability Appraisal and Habitats Regulations Assessment, and the highways and traffic implications.
22. As many will know, the submission of the Local Plan was delayed by the judicial review claim challenging the lawfulness of the Council's decision on 14 December 2017 to approve the Local Plan Submission Version for publication and submission to the Secretary of State for independent examination. The judicial review claim resulted in a six-month delay to the submission of the Local Plan, due the High Court injunction prohibiting submission, the effect of which continued until 20 September 2018, when the Court of Appeal refused the Claimant permission to appeal.
23. The High Court judgment in the **CK Properties** case comprehensively rejected all of the Claimant's grounds of challenge and confirmed the lawfulness of the Council's decision and the publication process. Notably, having regard to the circumstances prevailing at the time, the Court ruled that the Council's decision to expedite the completion of the preparation stage and submit the Plan before 31 March 2018 could not be faulted.
24. The High Court judgment and the Court of Appeal's refusal to grant permission to appeal are important material considerations, which identify the proper interpretation and application of the legislative provisions relevant to the examination stage of plan-making. The judgment confirms that the examination must be carried out lawfully and, to that end, the Inspector has very broad powers to address and remedy any shortcomings in the submitted Plan's legal compliance and soundness.

25. Importantly, the High Court judgment confirmed that the purpose of publication under Regulation 19 was to enable any person who wants to participate in the examination process to make written representations on the Plan and, if so minded, secure their right to be heard by the Inspector. On that basis, it is very doubtful whether any participant in the hearings can legitimately claim that the Local Plan is not legally compliant.
26. The Council accepts that the Local Plan Submission Version should be amended to a limited extent before it can be adopted. Accordingly, the Council has written to the Inspector to request formally that she recommend such modifications of the Submission Version which she considers necessary to enable the Council to adopt the Plan in due course. Accordingly, it is important to make clear from the outset that the Council is committed to adopting this Local Plan at the earliest possible stage in order to maintain a plan-led and coordinated approach to growth and infrastructure provision
27. No-one participating in these examination hearings should forget that the purpose of these hearings is to assist the Inspector to recommend the adoption of this Local Plan. With that in mind, the Council remains committed to working constructively with the Inspector and other participants to identify whether and to what extent modifications of the submitted Plan are necessary to enable its adoption without delay. The Council urges all participants to do the same.
28. Delaying the adoption of a sound and legally compliant Local Plan undermines the plan-led approach and the achievement of sustainable development in Epping Forest District.
29. On behalf of the Council, I commend this Plan to you; offer you our support in carrying out this Examination, and respectfully request your assistance in our shared ambition to adopt a sound and legally compliant Local Plan at the earliest possible stage.

**COUNCILLOR JOHN PHILIP**

**ALISON BLOM-COOPER**