

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

Inspector: Louise Phillips MA (Cantab) MSc MRTPI

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Dear Ms Blom-Cooper,

INSPECTOR'S RESPONSE TO LETTER DATED 11 OCTOBER 2019

1. Thank you for your letter dated 11 October in response to my post-hearings advice of 2 August (ED98). You are correct to infer in your paragraph 3 that my advice covers all the "misgivings" I had at the close of the hearings. Subject to the implications of the additional work you are undertaking, and to future consultation on the Main Modifications (MMs), neither further work nor MMs are required in respect of matters I have not covered. However, my advice does not refer to all the MMs which were "agreed" with me during the hearing sessions.

Request for Clarification re. Nationally Described Space Standard (NDSS)

2. Essentially, paragraph 66 of my advice explains that the proposed requirement in Policy DM10 for all new homes to meet the NDSS is not justified by reference to clear evidence of a need for the standard.
3. The Ministerial Statement of March 2015, referred to in the Planning Practice Guidance (PPG)¹, states that "*The optional new national technical standards should only be required through any new Local Plan policies if they address a **clearly evidenced need** and where their impact on viability has been considered in accordance with the NPPF and Planning Guidance*". The PPG further states that "*Local planning authorities will need to gather evidence to determine whether there is a **need for additional standards** in their area, and justify setting appropriate policies in their Local Plans*" (my emphasis).
4. You accept in paragraph 13 of your letter that the "additional standards" referred to in the PPG include the NDSS, and so I infer that you also accept that you must demonstrate a need for imposing it. In paragraph 18 of your letter, you say that the PPG does not prescribe the nature and scope of evidence required to justify the use of the NDSS; and also that whether the imposition of the NDSS is justified is a matter of judgement for me. I agree on both counts. Therefore, with reference to paragraph 29 of your letter, I cannot identify the source of the evidential standard I have applied in national policy because, as you say, it does not exist. Rather, I have used my judgement to determine whether the evidence you have presented justifies setting the NDSS, as you acknowledge I must.
5. Using my judgement to consider the need for (as opposed to the viability of) the NDSS, I have applied the tests in the Ministerial Statement and the PPG. I have considered whether there is a "clearly evidenced need" to set the NDSS as an "additional standard" (as opposed to a universal standard) in this particular area. National policy does not provide the NDSS as a minimum standard with which every scheme everywhere must comply and so it is for you to demonstrate that it is needed, and not just desired, using evidence you consider relevant.

¹ PPG paragraph 001, Ref ID 56-001-20150327.

6. Paragraph 66 of my advice does not seek to prescribe the evidence necessary to justify the NDSS in every case, or even in Epping Forest. It rather sets out the reasons why the evidence you have presented so far does not convince me of a need for it in your area. Essentially, the evidence presented in Homework Note 19 shows that between 2013 and 2017, (almost) a quarter of all approved development did not comply fully with the NDSS. In my judgement, this information does not amount to a clearly evidenced need for imposing the NDSS upon all future development in the district. It concerns a relatively small proportion of the housing stock; and it does not explain why there is, or is likely to be, a general problem in the district linked to smaller dwellings.
7. The PPG does not require local planning authorities to demonstrate the existence of particular difficulties locally (paragraph 25 of your letter). However, in my judgement, the *need* for an additional optional standard (as opposed to a desire for it) should be justified by reference to some specific problem or risk. At present, your letter suggests that housing built smaller than the NDSS will necessarily be inadequate, but you do not explain why this would be the case. Put simply, why would it be a problem if some dwellings were built smaller than the NDSS?
8. Paragraphs 23 and 24 of your letter indicate that you would consider the collection of further detailed evidence to be unduly onerous/disproportionate and this is a matter for you. Nevertheless, you clearly feel strongly about this issue, and I am open to you representing or explaining your evidence in a way which convinces me to review my interim findings. In particular, I need a clearer understanding of the issues which would face residents of the district in the absence of the NDSS.

Next Steps in relation to HRA Matters

9. The steps you propose to take in relation to the HRA are clearly directed to addressing the concerns I have raised and seem to me a reasonable response. There is significant focus on improving confidence in the likely composition of the vehicle fleet and I understand that you propose to use a bespoke prediction of future emissions instead of relying upon the DEFRA 2030 factors. This would seem to serve the purpose of increasing scientific certainty, but I would encourage you to consult with Natural England in relation to the "beyond reasonable scientific doubt" test. I note that the modelling will take account of the changes to the Plan's site allocations referred to in my advice, but it is not clear whether you would consider further amendments if necessary to avoid adverse effects on the SAC. My advice indicates that you should remain open to this possibility.
10. Your work programme appears to be challenging but realistic and I would be grateful if you could keep me informed of progress. In order to finalise a MM Schedule by mid-March next year, I will endeavour to consider drafts as work is done, provided it is clear where any changes are made between versions.

Louise Phillips

INSPECTOR

25 November 2019.