

Guidance on the scope of the Main Modifications consultation and how to respond

Introduction

Epping Forest District's Local Plan will guide the future of development in the District. Following the Examination Hearing Sessions which took place between February and June 2019, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation, the representations will be passed to the Inspector for her consideration before the publication of her final report.

The proposed Main Modifications are set out in a single document. This includes modifications relating to the Local Plan Submission Version and all its appendices, including Appendix 6. Acknowledging that the Inspector confirmed that Appendix 6 to the Local Plan Submission Version (Site Specific Requirements) constitutes policy it is proposed to rename this document as Part 2 of the Plan rather than simply an appendix to it. Associated changes to mapping are referenced throughout the Main Modifications schedule, however there is also a Mapping Index which lists changes and links them to the Main Modifications schedule.

The following documents have been prepared to support the proposed Main Modifications to the Plan. Representations concerning their content will be accepted to the extent that they are relevant to inform your comments on the Main Modifications. However, you should avoid lengthy comments on the evidence/background documents themselves. Any representations on these supporting documents should clearly state which paragraphs of the document they relate to.

- A. Council's response to Actions outlined in Inspector's post examination hearing advice (Examination document reference number ED98), July 2021 (ED133)
- B. Sustainability Appraisal Report Addendum, June 2021 (June 2021) (ED128/ EB210)
- C. 2021 Habitats Regulations Assessment, June 2021 (ED129A-B/EB211A-B)
- D. Epping Forest Interim Air Pollution Mitigation Strategy, December 2020 (ED126/ EB212)
- E. EFDC response to Inspector's Post Hearing Action 5 and supplementary questions of 16 June 2021, July 2021 (ED127)
- F. Epping Forest District Council Green Infrastructure Strategy (ED124A-G/ EB159A-G)
- G. Harlow and Gilston Garden Town Latton Priory Access Strategy Assessment Report, July 2020 (ED121A-C/EB1420A-C)

- H. Revised Appendix 2 to the Epping Forest District Council Open Space Strategy (EB703), July 2021 (ED125/EB703A)
- I. IDP: Part B Infrastructure Delivery Schedule 2020 Update (ED117/EB1118)
- J. EFDC Consolidated and Updated Viability Evidence 2020 (ED116/ EB1117) Consolidated
- K. Statement of Common Ground Addendum East of Harlow, September 2020 (ED122A-B)
- L. South Epping Masterplan Area Capacity Analysis (Sites EPP.R1 and EPP.R2), March 2020 (ED120/ EB1421)
- M. In addition to the above there are a number of Examination Documents, which include Homework Notes produced by the Council as a result of actions identified by the Inspector at the hearing sessions as well correspondence between the Council and the Inspector following hearings. These Examination Documents can all be accessed [here](#) on the Local Plan website.

How can I provide a representation?

The Planning Inspectorate asks that where you are part of a group with a common view, the group submits a single representation form outlining its concerns, rather than having a large number of individuals send in separate representations which repeat the same points. The group should make it clear how many people it is representing and how it has been authorised.

Representations can be provided to the Council:

Online

- The quickest and easiest way to make your representations is via the online response form at www.efdclocalplan.org.

Email

- If it is not possible to use the online response form, representations can be made using the downloadable version of the response form which can be completed and sent to MMCons@eppingforestdc.gov.uk

Post

- Using the downloadable version of the response form which can be completed and sent to the postal address below

MM Consultation 2021
Planning Policy
Epping Forest District Council
323 High Street
Epping
Essex
CM16 4BZ

We strongly recommend you use the representation form to complete your representations.

Note: Late and/or anonymous representations will not be accepted.

What are the alternative formats of the Submission Local Plan?

Alternative formats of this document can be made available in other languages, large print, in Braille or on audio cassette.

The publication period will commence at noon on Thursday 15th July 2021. All representations must be received by 5pm on Thursday 23rd September 2021.

How do I complete the representation form?

PART A – Your Details

All respondents must complete Part A of the representations form (the Regulations mean that we cannot accept anonymous responses). Please note that if you provide us with your email address, you will be added to our consultee database to be updated on the progress of the Local Plan. Please send an email to LDFconsult@eppingforestdc.gov.uk if you wish to be removed from our database.

PART B - Your representation on the Main Modifications and/or supporting documents

The Epping Forest District Local Plan Submission Version (2017) with the Schedule of Main Modifications satisfies the legal requirements and the tests of soundness set out below, and is the most appropriate strategy for the future development of the District. However, if you consider the authority has not met the legal requirements or that a Main Modification in the Schedule is unsound against one or more of the tests of soundness, you should explain why and what changes you think should be made to rectify this. If possible, you should provide evidence in support of your representations. Representations should cover succinctly all the information and evidence necessary to support/justify the representation and the suggested change.

Alongside the Schedule of Main Modifications, you are able to make representations on a number of supporting documents which are related to them. Any representations on these supporting documents should clearly state which paragraphs of the document they relate to and, as far as possible, your comments should be linked to your representations on the Main Modifications. You should avoid lengthy comments on the supporting documents themselves.

The Consultation

The consultation is seeking views on the Main Modifications to the Epping Forest District Local Plan Submission Version 2017 as contained within the Main Modifications Schedule and the associated supporting documents.

It is not necessary to repeat comments already made on other aspects of the Plan as these are already being considered by the Inspector.

This consultation is confined to the Main Modifications Schedule and associated supporting documents. No representations should be made about parts of the Plan that are not proposed to be modified. Such representations will not be considered by the Inspector.

Please see below for advice about the considerations in relation to legal compliance and soundness.

All issues arising from the consultation on the Main Modifications will be considered by the Inspector before the examination report and the Schedule of Main Modifications are finalised.

The Council is also taking the opportunity to publish a Schedule of Additional Modifications to the policies and supporting text of the Local Plan which include minor updates and clarifications. These Additional Modifications do not impact the intent or interpretation of the Plan and are not required for soundness. The Schedule of Additional Modifications is made available for information purposes only and does not form part of the consultation and no representations should be made on it. It does not form part of the Inspector's examination of the Plan.

Meeting legal requirements

The Inspector has assessed whether the Plan meets the legal requirements under section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (PCPA), which includes whether the Local Planning Authority (LPA) has complied with the Duty to Cooperate (section 33 of the PCPA) when preparing the Plan, before moving on to test the Plan for soundness. In relation to this consultation, comments regarding legal compliance should only be submitted where they relate to the proposed Main Modifications.

Soundness

Positively prepared

The Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified

The Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;

Consistent with national policy

The Plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

The preparation of the Local Plan has had regard to all policies in the National Planning Policy Framework.

However, insofar as your comments relate to the Main Modifications, you may take the view that the Local Plan:

- a. Fails to address a requirement of the NPPF; in this case you should explain what else it needs to include. Please note that the Local Plan does not need to repeat national policies; or
- b. Departs from national planning policies without good local reasons. In this case please explain why.

General Advice

The Schedule of Main Modifications outlines the proposed modification to text from the Local Plan Submission Version (2017). It may be helpful to refer to the [Local Plan Submission Version \(2017\)](#) alongside the Schedule of Main Modifications. Main Modifications to add new text are denoted by underlined text and Main Modifications to remove text are denoted by strikethrough.

There is an interactive index at the front of the Main Modifications Schedule listed by Chapter. There is also a search function which can be utilised by holding down Ctrl F on a keyboard to allow representors to navigate to specific Policies/keywords etc.

It may be useful to read a Main Modification in conjunction with any Additional Modifications relating to the same Policy/supporting text in order to give a full picture of what proposed changes are being made to the text.

If you wish to make a representation seeking a change to the Main Modifications, you should make clear in what way the Main Modification is inadequate having regard to legal compliance and the four requirements of soundness set out above. You should try to support your representation with evidence showing why the Main Modification should be changed. It will be helpful if you also say precisely how you think the Main Modification should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

Please note that any representations received in response to this consultation will be passed on to the Planning Inspector and must be made available for public inspection and therefore your name and your representation will be viewable on our website and in hard copy form once the consultation has closed. This means we cannot treat any representations as confidential and as such you must provide a name and address along with your representation. If you do not provide your name and address then your representation will be considered anonymous and will not be accepted. Your address and email address will not be published. The Council reserves the right to withhold from publication any comments or parts of comments not considered suitable for public view for reasons including offensive or personal content.

What happens next?

Following the consultation, the Council will forward all representations to the Planning Inspector for her consideration. The Council is also required to consider the response to each MM and provide a summary per Main Modification. Once the Inspector has considered the responses, including the evidence presented throughout the duration of the Examination, she will determine whether the Local Plan is 'sound' and produce a written report outlining her final recommendations. Following receipt of the Inspector's report, the Plan can be formally adopted by the Council incorporating the Main Modifications recommended by the Inspector.

Please see the FAQs section of the website for more information at:

<http://www.efdclocalplan.org>