

EPPING FOREST DISTRICT LOCAL PLAN

20 November 2020

Dear Mrs Phillips

Re: 2020 Changes to the Use Classes Order

Further to your letter of 19 October 2020, the Council has considered carefully whether the amendments to the Use Classes Order as a result of the changes which came into force on 1 September 2020¹ will impact the implementation of policies set out in the District's Local Plan Submission Version and the submitted proposed Main Modifications (hereafter referred to as the "emerging Plan").

The following note responds to the three questions set out in your letter. It is the Council's view that the changes do not impact on the soundness of the policies in the emerging Plan, but we recognise that some of the policies may in due course need to be updated to reflect the new definitions. Given the advanced stage of the emerging Plan, and to avoid any further delay to the programme for adoption, we do not propose that these amendments are made now. Instead, we propose that these amendments will be prioritised in a Plan review.

1. Do the changes to the Use Classes Order have implications for any of the Plan's policies or site allocations?

The evidence underpinning the Plan's policies, designations and allocations relating to employment and town centre uses has been prepared in accordance with national policy set out in the National Planning Policy Framework (NPPF). The 2012 NPPF under which the plan was examined states that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. This includes provision for employment, retail and leisure uses, and other commercial uses. The emerging Plan addresses this by setting out policies to guide and manage employment development and retail development.

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 introduced significant changes to the system of use classes. The changes which came into force on 1 September 2020 include the removal of Classes A (retail), B1 (office) and D1 (non-residential institutions and leisure uses). These are replaced with Class E (Commercial, business and service), allowing a mix of retail, leisure and business uses. New F classes include Class F.1 (Learning and non-residential institutions), introduced for wider public use such as school, libraries and art galleries and F.2 (Local community) include community halls and meeting spaces. Other uses which previously had their own use class have been moved in the 'sui generis' category. Changes to and from these uses are subject to full local consideration through the planning application process. The residential (C classes), general industrial (B2) and storage and distribution (B8) use classes remain unchanged in practical terms).

The Council recognises that some of the emerging Plan policies will require revision in due course to reflect the changes in the Use Classes Order designations. The Council is confident however, that the approach taken in the emerging Plan ensures that the Plan's vision can still be implemented successfully. The Council's approach to supporting the economy through the Local Plan, for instance, is to provide a marginally higher amount of employment land than the identified requirement to ensure that through the Plan period there is sufficient flexibility to respond to unforeseen demands and to provide for a range and choice of sites in terms of typology, location, mix and phasing. The site allocations provide for this and can accommodate a range of uses and unit sizes. In a similar vein, the Council has already taken into consideration, as far as possible, the changing nature of town centres in the emerging Plan recognising the influence of the internet on trading, an increasing demand for services and the level of forecast growth across the District. Policy E 2 Centre Hierarchy/Retail Policy recognises that retail, leisure, entertainment, offices, arts and culture, tourism and other main town centres uses are supported to enhance the vitality and viability of the centres. Whilst some amendment to policies will be required at the point of review, this does not undermine the fact that sufficient floorspace for employment uses has been identified through the Plan making process. While the specificity of use will need to be revisited to introduce a range of uses, the quantum required is not likely to change.

The Use Classes Order is a part of the context for Policies SP 2, E 1, E 2, D 4 and all the P policies and the supporting text; however, it must be considered alongside all the other carefully evidenced and prepared policies and allocations in the Plan. When read against the strategic aims of the Plan and the supporting text, the policies are clear in their intentions in relation to the needs of the employment and retail uses that they are seeking to provide and manage. While the implementation of some policies may be affected, they do not prevent the new regulations taking effect as intended. The Council recognises that the change in Use Classes Order will impact its ability to manage changes of use between existing A1, A2, A3 and B1 uses, and this will need to be updated in future revisions of the Plan. New developments, however, will continue to be considered against all relevant policies in the Plan. This will be through consideration of the policy wording and supporting text, with appropriate reference to the evidence base.

2. Would any effects have a bearing on the soundness of the Plan?

The future effects of the changes to Use Classes Order are as yet an unknown quantity given their relatively recent introduction. However, on review of the likely implications, the Council believes that the basis of the policies in the emerging Plan remain sound; the Plan is positively prepared, justified, effective and consistent with national policy.

The Council has prepared the Plan to ensure that sustainable development is achieved. It provides a clear strategy to bring enough land forward, and at a sufficient rate, to address the identified housing and employment requirements.

The Council has worked collaboratively with East Herts, Harlow and Uttlesford District Council's to ensure that the spatial distribution of new homes and employment opportunities across the aligned Housing Market Area and Functional Market Areas is in support of the strategic priorities and the sustainable development goals. This is through

the consideration of the scale and location of new and existing employment land. This has taken account of local market information and has already considered the need to ensure flexibility to accommodate a range of uses, and sizes of units. Further, these uses seek to complement rather than compete with employment opportunities in adjoining local authority areas.

The District plan-making strategy is justified, taking into account the reasonable alternatives, and is based on proportionate evidence. The main evidence underpinning the Centre Hierarchy and Retail Policy requirements of the Local Plan covering the Plan period include the Town Centres Review EB1008 (Arup, 2016); Epping Forest District Council Town Centres Study EB1006 (Roger Tym and Partners, 2010); and Settlement Hierarchy Technical Paper EB1007 (Epping Forest District Council, 2015).

Despite the changes to the Use Classes Order, the NPPF still clearly sets out what uses are considered to be main town centre uses with which the emerging Plan is in accordance. The range of uses included within the new Class E will generally accord with the NPPF and are considered necessary to promoting town centres which are distinctive and able to respond to rapid changes.

3. Can any effects be addressed through MMs to the Plan? Would it be necessary/proportionate to make these?

The changes to the Use Classes Order have come forward very late in the District's Plan making process with the Main Modifications having been submitted in response to the advice issued following the hearings. The emerging Plan has an important role in enabling the delivery of housing and economic growth and finalising the Plan will be beneficial in terms of encouraging sustainable development and helping the area recover from the current economic uncertainty.

While we are mindful of the implications of the changes to the Use Classes Order, any further work to justify additional possible Main Modifications, at this late stage in the Examination process would cause delay to the adoption of the Local Plan.

There are also significant uncertainties at this time on the potential longer-term impact of COVID-19, specifically on the recovery of town centres and the future of office floorspace in the wake of the increase in homeworking necessitated by the pandemic. For these reasons, the Council would question the effectiveness of undertaking revisions to its economic evidence base at this point and instead proposes that any amendments are best considered alongside the collation of appropriate and robust evidence as part of a Plan review.

Once the Local Plan is adopted, the Council is required to monitor its implementation and review its policies to determine at what point the Plan needs updating. Policy D 8, (proposed through the examination hearings) sets out the triggers for the review of the Plan and the Council's monitoring framework will allow regular review to assess how well the policies and proposals are being implemented and to ensure that they are up to date. Monitoring provides the objective basis necessary for such reviews. The need to review policies will be identified in the Authority's Monitoring Report which is produced annually.

Finally, we are aware that Harlow Council has recently received its final report following the examination of its Local Plan from their Planning Inspector. It is worth noting that in respect of this specific issue, the Inspector agreed with Harlow Council's position that these changes were announced very late in the examination process and that the Council should consider these changes through a review of the Plan rather than causing any delay to adoption. Epping Forest District Council supports this position in relation to its own Plan. The Council is also mindful that the Government wishes to see Local Plans progress rapidly and, aligned with this ambition, is keen to avoid any further delay to the programme for adoption.

Yours sincerely

Alison Blom-Cooper

20 November 2020