

This document provides the Council's response to each of the Actions outlined within the Inspector's Note of 16 June 2022 ([ED141](#)). This includes indicating whether further Main Modifications (MMs) have been proposed as a consequence and provides, where relevant, supporting information. Reference numbers are provided for each further MM so that the reader can refer to the MM Schedule October 2022 (ED145) to see the detail of the proposed further MM.

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Action	Policy or para	MM	Summary of Inspector's Action (refer to <a href="#">(ED141)</a> for full detail of Action)	Summary of the Council's response, including any Further Main Modifications (MMs) as a consequence
1	Table 2.5 and para 2.72	13	EMPLOYMENT LAND Reflecting changes to the Use Classes Order, change references from Use Class B to Use Class E.	Further MMs are proposed: MM13, MM20 and MM21. The MMs also reflect the need to ensure that sufficient land of an employment character is provided for through the Local Plan. To achieve this, specificity has been provided as part of the MMs for the sake of clarity and to reflect the evidence base used to develop the Council's employment policies.
2	Table 2.3 and Appendix 5	15	SPATIAL DEVELOPMENT STRATEGY AND HOUSING LAND SUPPLY In view of the reduction of homes allocated by the plan submit housing supply calculations and trajectory as indicated.	Further MMs are proposed: MM11, MM15 and MM115  The Council's response to this Action is detailed on page 16-19
3	Policy SP2	15	SPATIAL DEVELOPMENT STRATEGY AND HOUSING LAND SUPPLY Remove the sequential approach from Part A of Policy SP2 in the interests of the plan's effectiveness.	Further MM proposed: MM15
4	Policy SP3, para 6.28 to 6.30 and Policy D2	16, 17, 107, 108	PLACE SHAPING It is unclear why the text and policy on health has been moved from Policy D2 to Policy SP3. Do not include this as a main modification; in other words, the submitted plan does not change.	The Council has removed the MMs proposed in 2021 to Supporting Text and Policy SP3 (within MM16 and MM17) in relation to health. Further MMs are proposed to Supporting Text and Policy D2 (MM107 and MM108) to better reflect health and wellbeing principles as discussed during the Examination hearing session.
5	New para after 2.91 and Policy SP3 Part	16, 17	PLACE SHAPING In respect of Active Design Principles, replace "incorporate" with "have regard to" in supporting text and policy in the interests of soundness.	Further MMs are proposed: MM16 (To note that the Council has changed positioning so proposed additional paragraph after 2.91 moved to new paragraph after 2.84 to provide a more logical sequencing of the supporting text) and MM17.

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	H after (xiv)			
6	Para 2.99 - 2.100	16	PLACE SHAPING In respect of reference to concept framework plans, change the wording to "have regard to" in the interests of soundness.	Further MM proposed: MM16
7	After para 2.117 and 2.118 and Policy SP4	18	GARDEN TOWN COMMUNITIES Replace this requirement with one which seeks appropriate sustainable transport provision commensurate with the phasing of development.	Further MM proposed: MM18
8	After para 2.118	18	GARDEN TOWN COMMUNITIES Remove the new paragraph referring to the HGGT IDP from the list of main modifications; the submitted plan does not change.	The Council considers that the additional wording is necessary to explain that there is a detailed Garden Town IDP in addition to one for the rest of the District. Recognising that the text is not required for soundness the Council will retain in the Plan by including as an Additional Modification to Plan.
9	Policy SP4 after (xvi)	19	GARDEN TOWN COMMUNITIES The new paragraph relating to heritage impact assessments contains an incorrect summary of national policy and is therefore not sound. Also, an "impact assessment" represents a reactive rather than proactive approach. Replace the paragraph with: "Develop a positive and coordinated approach towards the conservation and enhancement of heritage assets and their settings in accordance with national policy".	Further MM proposed: MM19

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10	Policy SP5 part D	21	<p><b>GARDEN TOWN COMMUNITIES</b> The plan cannot require development to be in general conformity with a strategic masterplan. Replace "Development proposals ... will be required ... endorsed by the Council" with "Planning applications for ... should be accompanied by and have regard to a strategic masterplan which will accommodate the development requirements set out in this policy."</p>	<p>Further MMs are proposed: MM16, MM19 and MM21</p> <p>To note, the wording of the further Main Modifications outlined within the Schedule differs from that set out within the Inspector's Action. The Council considers that the wording of the further Main Modifications is appropriate to clarify the status and timing of Strategic Masterplans and accords with the purpose and intention of the Inspector's advice.</p>
11	Policy SP6 supporting text RUR.R1 And Policies Map	22, 209	<p><b>GREEN BELT AND SITE RUR.R1</b> Provided the Council consider that there are exceptional circumstances for changing the Green Belt boundary to accommodate development on this site, the site should be taken out of the Green Belt and allocated for development as per the submitted plan. If the Council do not consider that there are exceptional circumstances, the allocation should be deleted. The Council's response is invited, together with supporting evidence.</p>	<p>The Council proposes to remove site allocation RUR.R1 from the emerging Plan.</p> <p>The Local Plan Submission Version (LPSV) proposes site allocation RUR.R1, land at Avenue House for the development of approximately 11 residential units. The site is currently located in the Green Belt. The LPSV proposes to remove it from the Green Belt. However, removing it would create a 'hole' in the Green Belt. To avoid this MM22 proposed leaving the site in the Green Belt with the need for 'very special circumstances' to be demonstrated to justify any development of the site. However, the Inspector considers that this is not a 'sound' approach to allocating sites for development. The Council therefore either has to revert to removing the site from the Green Belt, which would create a hole in the Green Belt, or it has to remove the allocation from the emerging Plan. Given that creating a hole in the Green Belt runs counter to the principles adopted in the emerging Plan's spatial strategy, and that there is insufficient evidence to demonstrate that there are any 'exceptional circumstances' (the 'Test' required when removing land from the</p>

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				<p>Green Belt through a Local Plan) to justify creating such a hole, the Council proposes to remove the allocated site from the emerging Plan. Further MMs are proposed accordingly: MM22, MM99, MM100, MM114, MM208 and MM209.</p> <p>Background evidence:</p> <ul style="list-style-type: none"> <li>- Site Selection Report (EB805P Page B1095)</li> <li>- Background Paper on Green Belt and District Open Land for Draft Plan Consultation 2016 (updated 2018) (EB1608 Page3)</li> <li>- Examination Hearings Homework Note 7 – Green Belt Anomalies (ED58 P11)</li> </ul>
12	Para 3.43 to 3.49 and all modified text and paragraphs Table 3.41 Policy E1	33, 34	<p><b>EMPLOYMENT SITES</b></p> <p>References to B1 Class Uses must be replaced with references to Use Class E. Note: in re-casting the policy and text, no distinction should be made between the various sub-categories of Class E because changes within Class E do not constitute development. Incorporate the changes described into the supporting paragraphs, the policy, the table and, if required, the glossary.</p>	<p>Further MMs are proposed: MM2, MM20, MM21, MM33, MM34, MM76, MM81, MM82, MM86, MM113 and MM153</p> <p>To note, the MMs reflect the need to ensure that sufficient land of an employment character is provided for through the Local Plan. To achieve this, specificity has been provided as part of the MMs for the sake of clarity and to reflect the evidence base used to develop the Council's employment policies. As such the wording of the further Main Modifications outlined within the Schedule differs slightly from that set out within the Inspector's Action in that it includes some specificity within Class E. The Council considers that the wording is appropriate reflecting upon the evidence prepared for the Plan which identifies accommodation needs within sectors of the local economy for office, light industrial and research and development building typologies.</p>
13	Policy E2	36	<b>RETAIL POLICY</b>	Further MM proposed: MM36

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			Remove the vitality and viability test within part B of Policy E2 for effectiveness.	
14	Policy E2	36	RETAIL POLICY Parts C and D of Policy E2 are no longer effective because Use Class A1 does not exist. All references to "A1" should be replaced by "E". Similarly, "retail" (as in "retail frontage") should be replaced with "commercial, business and service".	Further MMs are proposed: MM35, MM36, MM76, MM77, MM78, MM79, MM80, MM81, MM82, MM83, MM84 and MM85
15	Policy E2	36	RETAIL POLICY Delete Part F (and do not adopt the previously worded modifications) of Policy E2.	Further MM proposed: MM36
16	Policy E2	36	RETAIL POLICY Part G of Policy E2 should be re-cast to refer to Use Class F which includes small shops selling essential goods for the local community. Create a main modification to this effect.	Further MM proposed: MM36
17	Para 3.90 and Policy T1 part G	40, 41	ELECTRIC CHARGING POINTS Delete the requirement for all parking spaces to have direct access to electric charging points as this is now a requirement under the Building Regulations.	Further MMs are proposed: MM40 and MM41  To note, the Council has reviewed the requirements of the Building Regulations in this regard. The Council considers that the very limited provision required for non-residential development under the Building Regulations would not support the achievement of the air quality targets set out in the Habitats Regulations Assessment 2022 (published alongside the further Main Modifications) in relation to the Epping Forest Special Area of Conservation. The Council therefore proposes a further modification within MM40 and MM41 outlining that

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				the Council proposes to develop an electric vehicle charging strategy including in relation to different kinds of proposed non-residential parking provision across the District.
18	Policy T1 part F (iv)	41	TRANSPORT AND PARKING In relation to adopted parking standards, replace "in accordance with" with "having regard to"	Further MM proposed: MM41
19	First new paragraph after para 4.23	46	EPPING FOREST SPECIAL AREA OF CONSERVATION (SAC) First new paragraph after para 4.23: End the paragraph at "APMS". Delete "or the Local Plan ... development being proposed."	Further MM proposed: MM46  Note: The Council has deleted previously proposed MMs relating to the new paragraphs referred to by the Inspector in Action 19 and 20 but has taken account of these Actions within the proposed MMs to the supporting text in this regard.
20	Second new paragraph after para 4.23	46	EPPING FOREST SAC Second new paragraph after para 4.23: Delete "The current zone of influence is .... The Monitoring Framework for the Forest" and replace with "The zone of influence for the purposes of this plan is 6.2km".	The Council has also removed reference to the suite of policies proposed in the Main Modifications to be consistent with the Inspector's Advice in Action 26.
21	Policy DM2 part B	47	EPPING FOREST SAC Delete Part B, B1, B2 and B3 of Policy DM2 and replace them with the text set out below: <i>"New development that would [not will] have an adverse effect on the integrity of the Epping Forest Special Area for Conservation or the Lee Valley Special Protection Area, either alone or in combination with other plans or projects, will not be</i>	Further MM proposed: MM47. Note also further MM proposed to MM46 as referenced above. The previously proposed MMs to Part B1, B2 and B3 of Policy DM2 have been deleted.

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			<p><i>permitted unless mitigation measures, on-site and off-site as appropriate, are put in place to ensure that there will be no harm to the integrity of these areas. Contributions towards offsite measures to mitigate the likely impacts of air pollution and adverse recreational effects arising from a development will be sought where these are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale to the development.”</i></p> <p>Include a modified version of Parts B1, B2 and B3 in the supporting text, taking account of the comments in the Inspector's Note (ED141).</p>	
22	Policy DM2 part C	47	<p>EPPING FOREST SAC                  Modify Policy DM2 Part C to read “within 400 metres of the boundary of the Epping Forest SAC” in the interests of clarity.</p>	Further MM proposed: MM47
23	Policy DM18	68	<p>WATER INFRASTRUCTURE                  DM18                  Modify Policy DM18: after “in advance of occupation of development” add “or at an agreed point where development is phased”.                  The final sentence “failure to do so...occupation of development” should be deleted.</p>	Further MM proposed: MM68

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24	Para 4.149, Policy DM20	71, 72	RENEWABLE ENERGY Re-write and reduce 4.149 and Policy DM 20, creating a much shorter policy that simply seeks the incorporation of renewable energy installations and energy efficiency measures in new development.	Further MMs are proposed: MM71 and MM72
25	Additional paragraphs before para 4.156	74	AIR QUALITY Delete the four additional paragraphs about different kinds of pollution before 4.156.	Council has deleted previously proposed MMs in this respect within MM74.
26	Para 4.162	74	AIR QUALITY Do not include the additional list of policies added to paragraph 4.162 and delete the sentence in paragraph 4.162 of the submitted plan which refers to Policies SP 2 and T 1.	The Council has deleted previously proposed MM listing policies within MM74. Deletion of sentence referring to Policies SP2 and T1 remains deleted as per Main Modifications 2021.
27	Policy DM22 and proposed new paragraphs following paragraph 4.163	74	AIR QUALITY Strip out all references to the Epping Forest SAC from Policy DM22 and its supporting text. Instead provide a cross-reference to Policy DM2 in the supporting text.	Further MMs are proposed: MM74 and MM75
28	Policy DM22 and proposed new paragraph	74	AIR QUALITY Delete second new paragraph in the supporting text after paragraph 4.163 paragraph. Retain the third paragraph which refers to validation requirements.	The Council has deleted previously proposed MM second new paragraph after paragraph 4.163 within MM74.

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	s following paragraph 4.163			
29	Policy P1 and supporting text	78	SOUTH EPPING MASTERPLAN AREA Please may I see the Council's detailed analysis of document ED120 that underpins its conclusions in ED133.	The Council's detailed analysis is on page 20-27. A further MM is proposed (MM78) in relation to the identification of a 'build line' within EPP.R2. This is in order to provide clarity for applicants as to the extent of land available for development of a built form within the site having had regard to the Council's analysis on page 20-27. This is consistent with the approach taken in relation to SP4.1 (Latton Priory).
30	Policy P1 and supporting text	78	SOUTH EPPING MASTERPLAN AREA The allocation needs to be demonstrably capable of a meaningful contribution towards housing supply in the plan period and its commencement should not be predicated on mid-term monitoring, the outcome of which cannot be known; the trigger which would allow for an increase in development over the figure of 450 homes needs to be clearly set out; and the approach to this site needs to be consistent with that for other sites.	Further MM proposed: MM78  The Council has deleted previously proposed MM new Part after Part L in Policy P1.
31	Policy P1 and supporting text	78	The policy should state that planning applications should be accompanied by and have regard to a masterplan which takes into account the requirements of the wider defined area as set out in Policy P1. This masterplan should be subject (as Part L says) to consideration by the Quality Review Panel and should also be subject to public	Further MMs proposed: MM77 and MM78  To note, the wording of the further Main Modifications outlined within the Schedule differs from that set out within the Inspector's Action. The Council considers that the wording of the further Main Modifications is appropriate to clarify the status and timing of Strategic Masterplans and accords with the purpose and intention of the Inspector's advice.

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			consultation, including consultation with all those with a development interest in the defined area. See also comments on Policy P6.	
32	Policy P2	79	LOUGHTON Please can the Council provide me with the background that led to this decision and any SOCG with TfL (or details of any attempt to draw one up).	The Council has provided background to satisfy the Inspector and no further MMs are proposed.
33	Policy P4, new paragraph after para 5.69	83	ONGAR/ZONE OF INFLUENCE A variable Zone of Influence is inappropriate. Delete the proposed new paragraph after 5.69.	The Council has deleted previously proposed MM new paragraph after 5.69 within MM83.
34	Policy P4	84	ONGAR Confirmation on whether Part D (ii) of Policy P4 will remain as a consequence of the modifications.	The Council confirms that Part D (ii) of Policy P4 will remain.
35	Policy P4 part I	84	ONGAR Policy P4 should state that planning applications should be accompanied by and have regard to a concept framework which takes into account the requirements of the wider defined area as set out in Policy P4. The concept framework should be subject (as Part K says) to consideration by the Quality Review Panel and should also be subject to public consultation, including consultation	Further MMs are proposed: MM83 and MM84

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			with all those with a development interest in the defined area.	
36	Policy P6 parts K and L, para 5.92, additional paragraph following para 5.93	86, 87	NORTH WEALD BASSETT Policy P6 and supporting text should state that planning applications should be accompanied by and have regard to a masterplan which takes into account the requirements of the wider defined area as set out in Policy P6. This masterplan should be subject (as Part M says) to consideration by the Quality Review Panel and should also be subject to public consultation, including consultation with all those with a development interest in the defined area.	Further MMs are proposed: MM86 and MM87  To note, the wording of the further Main Modifications outlined within the Schedule differs from that set out within the Inspector's Action. The Council considers that the wording of the further Main Modifications is appropriate to clarify the status and timing of Strategic Masterplans and accords with the purpose and intention of the Inspector's advice.
37	Policy P6 part D	87	NORTH WEALD BASSETT Delete the reference to Use Class B1 which has been revoked and replace with Use Class E.	Further MM proposed: MM87
38	New paragraph after para 5.131	91	ROYDON/ ZONE OF INFLUENCE A variable Zone of Influence is inappropriate. Delete the proposed new paragraph after 5.131.	The Council has deleted previously proposed MM new paragraph after 5.131 within MM91.
39	New paragraph after para 5.143	93	NAZEING/ ZONE OF INFLUENCE A variable Zone of Influence is inappropriate. Delete the proposed new paragraph after 5.143.	The Council has deleted previously proposed MM new paragraph after 5.143 within MM93.
40	Policy P10 parts H - J	94	NAZEING As with Policy P4, Policy P10 should state that planning applications should be	Further MMs are proposed: MM93 and MM94

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	and para 5.138		accompanied by and have regard to a concept framework which takes into account the requirements of the wider defined area as set out in Policy P10. The concept framework should be subject (as Part K says) to consideration by the Quality Review Panel and should also be subject to public consultation, including consultation with all those with a development interest in the defined area.	
41	New paragraph after para 5.161	97	COOPERSALE, FYFIELD ETC/ ZONE OF INFLUENCE A variable Zone of Influence is inappropriate. Delete the proposed new paragraph after 5.161.	The Council has deleted previously proposed MM new paragraph after 5.161 within MM97.
42	Para 5.169, Policy P13 part D	99	RURAL SITES IN THE EAST OF THE DISTRICT Replace the outdated references to Use Classes B1(a) and B1(b) with a reference to Use Class E.	Further MMs are proposed: MM99 and MM100
43	New paragraph after para 5.170	99	RURAL SITES IN THE EAST OF THE DISTRICT/ ZONE OF INFLUENCE A variable Zone of Influence is inappropriate. Delete the proposed new paragraph after 5.170	The Council has deleted previously proposed MM new paragraph after 5.170 within MM99.
44	Policy D1, new part following A	106	DELIVERY OF INFRASTRUCTURE Delete the first new Part following A in Policy D1 and replace with the following: "The delivery of infrastructure either directly or	Further MM proposed: MM106  To note, the wording of the further Main Modifications outlined within the Schedule differs slightly from that set out within the Inspector's

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			through contributions will be sought where this is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale to the development. In assessing the need for particular kinds of infrastructure, regard will be had to the infrastructure delivery schedule.” The second new paragraph is acceptable.	Action. The Council considers that the wording of the further Main Modifications is appropriate to clarify the status of the Infrastructure Delivery Plan Schedules and accords with the purpose and intention of the Inspector's advice.
45	Para 6.18	107	ESSENTIAL FACILITIES AND SERVICES Paragraph 6.18 replace “include:” with “are:”	Further MM proposed: MM107
46	Policy D2 part B (iii) and (iv)	108	ESSENTIAL FACILITIES AND SERVICES Policy D2 Part B (iii) before new clause (iv) add “or” as indicated	Further MM proposed: MM108
47	Policy D3 part B	109	UTILITIES Modification to Policy D3 delete Part B and simply add “at the right time” to Part A. In Part C, replace “prior to occupation” with “at the right time”.	Further MM proposed: MM109
48	New Policy D8	112	NEW POLICY: PLAN REVIEW Policy D8 delete new Part C, third bullet.	To provide clarity with regard to the Council's approach to Local Plan Review whilst recognising that this does not need to be provided through an additional policy the Council proposes further Main Modifications to incorporate the previously proposed ‘Policy D8 Local Plan Review’ instead into Policy D7 to be renamed Monitoring, Local Plan review and Enforcement. Proposed further MMs are outlined in MM111 and MM112. Note that the Inspector's Action 48 as adjacent is reflected in MM112.
49	Policy SP5C,	Vario us	INFRASTRUCTURE DELIVERY SCHEDULE	Further MMs are proposed: 21, 78, 80, 82, 84, 85, 87, 89, 90, 92, 94, 96, 98, 100 and 102.

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	P1D, P2E, P3F, P4D, P5C, P6F, P7C, P8C, P9C, P10D, P11D, P12E, P13F, P14D		In all these instances, the expression should be "having regard to" the Infrastructure Delivery Schedule, rather than "in accordance with". The modification "unless...have changed" should be dropped.	To note, the wording of the further Main Modifications outlined within the Schedule differs slightly from that set out within the Inspector's Action. The Council considers that the wording of the further Main Modifications is appropriate to clarify the status of the Infrastructure Delivery Plan Schedules and accords with the purpose and intention of the Inspector's advice.
50	Policy P1F, P2G, P3G, P4F, P5E	Various	<b>USE CLASSES</b> To modify the Place Policies as outlined in Action to remove reference to Use Class A1 and replace with "Class E use".	Further MMs are proposed: 78, 80, 82, 84 and 85
51	Policy P1G, P2 I, P3J, P4G, P5F, P6H, P7E, P8E, P9E, P10F, P11F, P12G, P13H, P14E, P15 (new part)	Various	<b>AIR POLLUTION MITIGATION STRATEGY (APMS)</b> To modify Place Policies as outlined in Action in respect of reference to APMS. Text should say "... they are in accordance with Policy DM2 and Policy DM22 and should have regard to the Council's adopted Air Pollution Mitigation Strategy".	Further MMs are proposed: 78, 80, 82, 84, 85, 87, 89, 90, 92, 94, 96, 98, 100, 102 and 104

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## Housing Delivery

### Introduction

This note provides a response to the matters raised in the inspector's note of 16 June 2022 (ED141) in relation to housing delivery. This note directly responds to the relevant Action that the Inspector identified within the Appendix to ED141 as follows:

<b>Policy or Para</b>	<b>MM</b>	<b>Action(s)</b>
Policy SP2, Table 2.3 and Appendix 5	15	<b>Action 2:</b> submit supply calculations and trajectory as indicated

### ***Updated Housing Trajectory***

This note is accompanied by an up-to-date housing trajectory for the Local Plan (Appendix A) which provides a site-by-site housing delivery schedule with appropriate commentary to explain and justify changes that have been made.

In updating the housing trajectory the Council has sought to utilise the same overall approach and assumptions that were adopted previously within the Housing Implementation Strategy Update 2019 (EB410A) and within the Main Modifications. The approach and general assumptions used were subject to extensive Examination by Inspector Phillips.

Changes have been made to the trajectory to reflect the passage of time and modifications required to the Plan and its allocations as a result of the Examination process. The Council has engaged with site promoters / developers where appropriate in order to ensure that revised delivery assumptions are accurate and realistic. This includes promoters / developers within the Strategic Masterplan Areas. Revised assumptions for delivery and phasing on individual sites have also been informed by discussions with EFDC Officers working within the Implementation and Development Management Teams, and the responses received from promoters / developers have been appropriately moderated to ensure that assumptions are realistic and conservative, and follow the overall approach adopted previously (EB410A) to ensure consistency.

Revised assumptions for individual sites are explained and justified as required within Appendix A. The Council provides written evidence of the engagement with relevant site promoters / developers within Appendix B.

The figures for 'Net Completions' and 'Commitments' have been updated to reflect the latest available monitoring information (monitoring year 2021/22).

The 'Steps' of the Housing Trajectory have been updated to reflect the passage of time and the updates made to the trajectory overall. This is explained further below.

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### ***Overall Housing Land Supply Position***

As a result of the updates that have been made to the trajectory (see Appendix A) the overall housing land supply position for the Plan can now be summarised as follows:

- Total requirement (2011/12 – 2032/33) = 11,400
- Total supply = 12,199
- Flexibility in supply = 799 (7%)

The overall housing land supply for the Local Plan has reduced from 13,152 dwellings in the Local Plan Submission Version (LPSV) to 12,199 dwellings over the Plan period 2011/12 – 2032/33. This is because of modifications that have been made to site allocations within the Plan, and an increased shortfall in provision of housing against the average annualised requirement of 518 dwellings per annum since 2011/12 as a result of delays to the adoption of the Plan. The Council now considers that one site allocation (SP5.2 – Water Lane Area) will not realistically be able to deliver in full before the end of the Plan period in 2032/33.

The ability of sites to progress to full planning application stage prior to the adoption of the Plan has been considerably hampered by the fact that many of the site allocations are located on land currently designated as Green Belt, together with the considerable constraints posed by the need for adequate mitigation measures to be in place in relation to Epping Forest Special Area of Conservation (SAC).

However, the Council is confident that the revised trajectory provides for realistic assumptions in relation to delivery rates on individual sites and will still provide for more than adequate headroom in supply (7%) over and above the established objectively assessed needs housing requirement of 11,400 dwellings over the course of the Plan period.

### ***Updated Steps of the Trajectory and Five Year Housing Land Supply***

The time periods associated with the steps within the housing trajectory (see p.15 of EB410A) will need to be amended to reflect the passage of time as follows:

- Step 1: Previous years (2011/12 – 2021/22);
- Step 2: Years 1 to 5 (2022/23 – 2026/27); and
- Step 3: Years 6 to 11 (2027/28 – 2032/33).

*Step 1: Previous years (2011/12 – 2021/22) – 275 dwellings per annum*

The total supply over this time period has been 3,023 dwellings, equating to an average of 275 dwellings per annum. This leaves a shortfall of 2,677 dwellings over this period against the average annualised housing requirement of 518 dwellings per annum which will need to be met through the remainder of the Plan period (the 'Liverpool approach').

*Step 2: Years 1 to 5 (2022/23 – 2026/27) – 500 dwellings per annum*

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Based upon the revised delivery assumptions set out within Appendix A the Local Plan will deliver 3,244 dwellings over this time period, equating to an average of 649 dwellings per annum.

The Council considers that the annual requirement for step 2 should be set at 500 dwellings per annum. Taking into account the requirement set out under paragraph 47 of the NPPF 2012 for a 20% buffer to be applied<sup>1</sup>, this would mean that the Council would be able to demonstrate 5.4 years of land supply on adoption of the Plan. This can be summarised as follows:

Five year land supply requirement with application of 20% buffer	$(500 \times 5) \times 1.2 = 3,000$ dwellings
Average annual requirement	$3,000 / 5 = 600$
Total years of supply	$3,244 / 600 = 5.4$

### *Step 3: Years 6 to 11 (2027/28 – 2032/33) – 980 dwellings per annum*

To meet the overall Local Plan housing requirement of 11,400 new homes, the Plan will need to deliver 980 dwellings per annum during the final 6 years of the Plan period.

A considerable number of sites within Masterplan Areas are anticipated to commence delivery from years 5 onwards. These sites are currently on land designated as Green Belt, and therefore planning applications have not been able to come forward in advance of the adoption of the Local Plan. The Council is confident that Strategic Masterplans will be concluded in a timely fashion enabling planning applications to be submitted and delivery on site to commence as soon as practicable following the adoption of the Plan. Planning Performance Agreements are already in place for many sites, with others expected to follow. The Council has an established a dedicated Implementation Team in place to facilitate these processes and ensure the timely delivery of development proposals that accord with the Local Plan.

Several site promoters / developers have indicated to the Council that they intend to advance proposals for their sites which will provide for a greater number of units than allocated in the Local Plan, and / or have indicated that they anticipate that delivery on site may occur at a higher rate than set out within the trajectory. Delivery assumptions set out within Appendix A for sites within Strategic Masterplan areas which are anticipated to predominantly deliver in step 3 are therefore considered to be conservative.

The Council is confident that the market will be able to absorb the numbers of homes that are required to be delivered within step 3 of the trajectory. The allocations of the Plan

<sup>1</sup> Paragraph 47 of the NPPF 2012 requires a 20% buffer to be applied (moved forward from later in the Plan period) when calculating five year land supply requirements in order to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land where there has been a record of persistent under delivery of housing.

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(including those within the Strategic Masterplan areas) are spread geographically across the District, and the housing market across the District is strong and relatively diverse with various different drivers of demand, including London to the south, and Harlow to the north west, and Cambridge / Stansted to the north east.

For these reasons the Council is confident that it will be able to maintain a five year housing land supply. Ongoing monitoring will ensure that the position will be reviewed, and where necessary a review and potentially update of Local Plan strategic policies will be undertaken.

### ***Resilience Test***

In order to provide greater confidence and robustness to the trajectory the Council has undertaken a resilience test. This considers the potential implications for the trajectory and overall housing supply should there be an unforeseen delay in the delivery of two sites.

The outputs of the resilience test are outlined below. It should be remembered that as well as a 7% oversupply against the housing requirement, the trajectory also incorporates a 10% slippage / non-implementation rate for commitments. In addition, the Council anticipates that the actual number of dwellings delivered on site may exceed the number of dwellings allocated in a number of instances, and in reality the annual windfall allowance is likely to be exceeded.

For the purposes of the resilience test it has been assumed that the delivery of the following two site allocations is delayed by three years:

- EPP.R2 – allocated for 225 dwellings; and
- WAL.R3 – allocated for 130 dwellings.

The delay in the delivery of these two sites within the trajectory would have the following implications:

- The overall housing supply in the Local Plan would reduce from 12,199 dwellings over the Plan period 2011/12 – 2032/33 to 12,109 dwellings. This would reduce the flexibility in supply to 709 dwellings (6%).
- There would be no implications for step 1 of the trajectory.
- The supply for step 2 of the trajectory would reduce from 3,244 dwellings to 3,184 dwellings. This would result in a supply of 5.3 years against the five year land supply requirement (incorporating a 20% buffer).
- The supply for step 3 of the trajectory would reduce from 5,932 to 5,902 dwellings (against a requirement for the delivery of 5,880 dwellings).

This demonstrates that the trajectory is resilient to potential delays in delivery.

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### **South Epping Masterplan Area**

#### **Introduction**

This note concerns the following Action within the Inspector's note of 16 June 2022 (ED141) in relation to the South Epping Masterplan Area (SEMPA):

<b>Policy or Para</b>	<b>MM</b>	<b>Action(s)</b>
Policy P1 and supporting text	78	<b>Action 29:</b> provide the Council's detailed analysis of document ED120 that underpins its conclusions in ED133.

#### **Response to Action 29**

As the Inspector is aware, there has been extensive discussion during the examination regarding the capacity of SEMPA. To provide the relevant context to the Council's detailed analysis of ED120, for ease of reference relevant extracts from ED98 and ED133 are provided.

#### **Inspector's Post Hearing Advice**

Inspector Phillips, in her post-hearing advice ([ED98](#)), raised concerns around the capacity of SEMPA, stating that 'the indicative site density/capacity assessment ... is insufficiently thorough to demonstrate that at least 950 homes could be accommodated over the Plan period...'. The relevant parts of the Inspector's post-hearing advice are reproduced here:

*(42.) "The South Epping Masterplan Area, comprising of sites EPP.R1 and EPP.R2, would be allocated in the Plan for a minimum of 950 dwellings, with 95 per annum expected to be delivered from 2023/24 onwards (Appendix B of the HIS, EB410B). In principle the allocation of these sites is justified by the Council's site selection work and, in this respect, both consultation responses and emerging neighbourhood plan proposals are legitimate factors for consideration.*

*(43.) "In terms of detail, however, the sites are subject to numerous constraints, including Green Belt and HRA considerations, noise and air quality associated with the M25, the presence of overhead powerlines and the need for a bridge over the railway to connect them. At present, the indicative site density/capacity assessment in document EB805N (pages 874, 877 and 878) is insufficiently thorough to demonstrate that at least 950 homes could be accommodated over the Plan period, or that homes could be delivered as soon as projected by the HIS.*

*(44.) "In particular, the concerns I expressed at the hearing about the effect of development on the elevated land in the region of Flux's Lane (EPP.R2) upon the Green Belt (purpose 4) remain; and I am similarly concerned about the potential effects of any necessary acoustic bund adjacent to the motorway. Additionally, the site promoters have confirmed that it would not be financially viable for the development itself to fund the*

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*vehicular bridge across the railway which the Council and highway authority maintain is essential for connectivity. As no alternative means is suggested, this presents a significant risk to the delivery of this strategic site.*

*(45.) "Therefore the Council should review its site capacity work, preferably in conjunction with the site promoters, with the above concerns in mind together with the need for SANG provision as outlined above. It should also set out clearly how the bridge is intended to be delivered and what contingencies will be in place if this does not happen. I am open to this allocation remaining in the Plan but, at this stage, I anticipate a reduction in the number of dwellings proposed and/or a delay in the projected timing of their delivery.*

*"ACTION 19: To review the site capacity work for EPP.R1 and R2 (South Epping Masterplan Area) taking detailed account of constraints, and to consider the delivery of the bridge. It is likely that the number of dwellings proposed should be reduced and/or that the projected timing of delivery should be delayed.*

### **Council's Response to the Inspector's Post Hearing Advice**

In the Council's response to the Inspector's post-hearing advice (set out in ED133), the Council advised that: *"Following further discussions with the site promoters for EPP.R1 and EPP.R2 (South Epping Masterplan Area), the Council proposes to reduce the capacity at South Epping to 450 homes. The housing trajectory for the two sites has also been amended to show the delivery of homes commencing from 2028 onwards."* These conclusions were informed by:

- Further analysis undertaken by the Council in September 2019.
- A meeting with the site promoters in October 2019 to discuss the feedback from the Inspector and share the outcomes of the further analysis.
- Receipt of information in relation to EPP.R1 only in November 2019 and feedback provided in December 2019.
- Receipt of ED120 from the site promoters in relation to both EPP.R1 and EPP.R2 in March 2020.
- Review of ED120 by the Council to inform its response in ED133.

### **Further Analysis undertaken by the Council**

The Council undertook further analysis of SEMPA during the course of September 2019, which had regard to the matters raised by Inspector Phillips. The spatial extent of the key considerations relating to SEMPA and the developable areas identified by the Council within this context is shown on the mapping attached at Appendix C. In summary:

M25 Noise and air quality: Areas within 60m of the central reservation of the M25 are not considered preferable for development due to air quality issues. This was in line with the

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Council's responses to Inspector Phillips' agenda items at the Epping Hearing session<sup>2</sup>. However, in practice the Council was of the view that a buffer alone was unlikely to be sufficient to resolve noise and air quality issues and that the most appropriate mitigation solution for noise and air quality constraints would need to be determined through the production of a Strategic Masterplan.

London Underground (LU) Central Line Noise: A buffer of 30m either side of the LU Central Line was identified as being at risk of poor noise from the operation of the railway. This buffer was less than that for the M25 in recognition of the intermittent nature of the railway service, and the lower level of noise generated.

Overhead Power Lines: A buffer of 25m either side of the overhead power lines and pylons was applied. The buffer distances reflected the typical distances maintained free from development within similar strategic sites across England which are identified as case studies in National Grid's Guidance<sup>3</sup>. This could be considered to be a cautious approach as the minimum technical and safety clearances are understood to require a minimum clearance of 4.6m between the cables and a building and 7.4m – 8.5m clearance from a road.

BPA Oil Pipeline: The UK Oil Pipeline (Thames – Mersey) (UKOP) crosses the south-east corner of EPP.R1 and the south-west corner of EPP.R2. Due regard should be had when proposing development in close proximity to it.

Landscape sensitivity and Green Belt considerations: Inspector Phillips' concerns about the visual impact of development related to the higher land at Flux's Lane and the south-eastern parts of SEMPA (i.e. land within EPP.R2) and in particular the impact of higher land on Green Belt in terms of Purpose 4 ('to preserve the setting and special character of historic towns'). Having considered these concerns further the Council was of the view that development within the eastern part of the site (EPP.R2) should be limited generally to areas below the 65 metres AOD height, in order to minimise the harm to the landscape. Views from this higher land contribute to the perspective that the historic town of Epping has a compact form. The higher land here also provides a backdrop to views from within Epping and the wider countryside. Furthermore, the Council considered that the proposed development boundary should be brought further back to the defensible boundary provided by the brook bisecting the site east-west. This aligned with the extent of Green Belt parcel 0.45.1 in the Council's [Green Belt Assessment Stage 2 \(EB705B\)](#), which assessed the parcel as making only a weak contribution to Purposes 2 and 4 compared with the higher land to the south (parcel 0.45.2) which was assessed as making a moderate contribution to Purpose 2 and a relatively strong contribution to Purpose 4. The Council was of the view that the area to the south of the brook could potentially be used

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<sup>2</sup> EFDC's response to the Inspector's agenda items relating to Matter 15, Issue 2 – Policy P1 Epping heard at the Hearing Session which took place on Tuesday 14 May 2019.

<sup>3</sup> Design guidelines for development near high voltage overhead lines:

<https://www.nationalgrid.com/sites/default/files/documents/Sense%20of%20Place%20-%20National%20Grid%20Guidance.pdf>

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for SANG/open space and SuDS in order to maximise development within the remaining developable area for EPP.R2.

The landscape sensitivity of the western part of the site was also reviewed. It was considered that development on the highest parts of the site (approximately 80 metres AOD and above) should also be avoided, so that development would be limited to the northern part of the site which slopes towards Ivy Chimneys Road. The Council considered that the M25 motorway continued to provide an appropriate defensible boundary. However, the strengthening and/or creation of new Green Belt boundaries were, and continue to be, considered necessary for those parts of the site which are not contiguous with the M25.

Land take for non-residential land uses: The Council considered potential land take requirements for policy requirements set out in the LPSV as well as the Inspector's advice relating to provision of SANG. Those non-residential uses that were identified were:

- The re-provision of the Brook Road Recreation Ground. It was assumed this would be re-provided outside the developable area.
- The provision of strategic open space/SANG. It was assumed this would be provided outside the developable area.
- The delivery of early years childcare provision and a primary school requiring a land take of 2.1ha. The land take assumption is based on approaches taken elsewhere for the provision of a two-form entry primary school. It was assumed that this would be provided on EPP.R1.
- The provision of a local centre requiring a land take of 1.1ha based on approaches taken elsewhere. It was assumed that this would be provided on EPP.R2.

The further analysis undertaken by the Council indicated that the resulting gross developable areas would be:

- EPP.R1: some 5.29ha (7.39ha minus 2.1ha for a two-form entry primary school).
- EPP.R2: some 5.56ha (6.66ha minus 1.1ha for community, health, employment and retail uses).

The spatial extent of these developable areas is identified in the mapping enclosed at Appendix C.

### **Engagement with Site Promoters**

The maps attached at Appendix C were shared with the site promoters and the consequences of these were discussed with representatives of the promoters of EPP.R1 and EPP.R2 at a meeting in October 2019. At the meeting it was agreed that a realistic capacity for SEMPA was likely to be in the range of 450/500 dwellings. To reflect this, it was agreed at the meeting that further work would be undertaken by the site promoters during the course of October 2019. This would then be used to inform a jointly prepared note for Inspector Phillips to respond to her concerns.

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Unfortunately, the timescale for submitting this further information was not met by the site promoters of EPP.R2. Further information was provided by the site promoters of EPP.R1 in November 2019. The Council considered that this information, which only covered EPP.R1, did not adequately address the various concerns raised by the Council in October 2019. The site promoters then submitted the capacity assessment for both EPP.R1 and EPP.R2 (ED120) in March 2020.

### **Assessment of ED120**

The Council undertook a further assessment of the information provided in ED120. This identified that there continued to be, in the view of the Council, a number of issues which had not been satisfactorily addressed/resolved. These issues were as follows:

Landscape sensitivity and Green Belt considerations: ED120 indicated that development would be located up to the 68m contour line on EPP.R2. Whilst development in this area was indicated to be restricted to no higher than 5m (i.e. single storey) the Council did not consider that this approach would resolve the landscape sensitivity concerns identified above. In addition, an element of development would be located above the 80m contour line in EPP.R1. Furthermore, no account was taken of the policy requirement in Policy P1 as it relates to SEMPA for the strengthening and/or creation of new Green Belt boundaries to the east and west of the site (i.e. those boundaries not formed by the M25 motorway).

Education and community facilities: ED120 acknowledges at Section 7 (Page 17 paragraphs 7.1 – 7.3) that the provision of a primary school continued to be a policy requirement and that as a minimum 2.1ha of land would be required. It is acknowledged in ED120 that this policy requirement would reduce the quantum of development at SEMPA to some 650 homes. However, the Development Concept Plan forming part of ED120 does not indicate the location of a two-form primary school. Furthermore, ED120 does not appear to have had regard to the need to provide community, health, employment and retail uses on the site and no provision is indicated on the Development Concept Plan for these uses.

BPA Oil Pipeline: The Development Concept Plan indicates that an area of residential development in EPP.R2 would be located in close proximity to the BPA oil pipeline. In addition, parts of the semi-engineered bund to address the M25 noise and air quality impacts would be located in very close proximity to the BPA oil pipeline in both EPP.R1 and EPP.R2.

SANG, Open Space and Recreation provision: The Development Concept Plan titled 'Open Space Strategy' identifies land as 'informal open space' with 7.53ha on EPP.R1 based on a semi-engineered noise barrier 30m wide bund, and 10.75ha on EPP.R2 based on a semi-engineered noise barrier 30m wide bund. This informal open space is in part formed (primarily within EPP.R2) as 'green fingers'. The 'Open Space Strategy' states that 'approximate area of semi-natural landscape to south of bund adjacent to M25 is 2.1 ha.'

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ED120 also states that through the provision of areas of semi-natural landscape, the Development Concept Plan addresses the requirement for the provision of SANG. However, the Council's view is that semi-natural landscape differs to SANG in terms of its physical attributes. In addition the proposed approach does not accord with the scale of provision required as set out in [ED91A Homework Note 31](#). Homework Note 31 sets out the approach that the Council considered should be taken in relation to the delivery of SANG on strategic sites (pages 2 – 4; Paragraphs 4-6). It is dated June 2019 (i.e. 9 months before the submission of the March 2020 capacity assessment) so was available for the site promoters to use in preparing the Development Concept Plan.

In particular, Homework Note 31 at Paragraph 5 states that: *“Sites of 400+ homes would broadly generate the need for some 8ha of alternative natural green space based on a standard of 8ha per 1,000 persons, which has been accepted elsewhere. The Council also understands that Natural England has indicated elsewhere that sites of less than 8ha would be unlikely to be of a sufficient size to accommodate the attributes needed to attract users away from existing protected sites.”*

Taking this approach using the capacity assumptions set out in ED120 this would require on-site provision as follows based on 2.4 persons per home:

- 735 homes: 14.11 ha of SANG.
- 829 homes: 15.92ha of SANG.

The provision of 450 homes would require some 8.64ha of SANG. The Homework Note also confirms that provision of SANG is over and above the provision of informal and formal open space.

ED120 at paragraph 8.5 (page 18) advises that the open space shown on the Development Concept Plan will be made available in perpetuity for recreational purposes and that it was anticipated that it would contribute to on site SANGS provision. In addition, paragraph 5.9 (page 14-15) states: *There is a general acceptance that a SANGS requirement for a particular site can be met by a combination of on-site provision plus a contribution to further off-site provision. The approach suggested here is effectively a residual one. This means that we objectively assess the development capacity of the site and then allocate much of the remaining land for SANGS, together with a commitment to potential off-site payments and use of the relevant off-site footpath network if required.*

The Council did not concur with the approach indicated in ED120. The potential need for bespoke provision of SANG was highlighted in [EB209](#) (the HRA 2019) in the screening of EPP.R1 and EPP.R2 (pages 92-93) and the recommendations set out in paragraph 5.26 (page 123). Footnotes 60 and 61 to paragraph 5.26 are also of relevance to SEMPA, including that from experience elsewhere mitigating greenspace, to be most effective, generally would need to be a minimum of 10ha in size not to feel unduly cramped and allow for a circular walk of at least 2.5km. In addition, paragraph 5.27 (page 123) stated that:

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*'Note that the provision of bespoke greenspace for a given strategic development is not intended to replace the delivery of access management and related interventions within Epping Forest SAC itself, to which the Council has already committed'.*

In reviewing ED120 the Council also had regard to the emerging guidance on the provision of SANG set out in the draft Epping Forest District Green Infrastructure Strategy. A six week consultation on the draft Strategy was agreed at a meeting of the Council's Cabinet on 26 March 2020 ([EB149](#)). The emerging guidance sets out a range of attributes that SANG should provide. Of particular relevance in informing the assessment of ED120 were, in summary, that:

- the provision of bespoke greenspace for a given strategic development is not intended to replace the delivery of strategic mitigation measures for Local Plan growth as a whole, to which the Council has already committed (paragraph 5.29, page 103).
- SANG should be provided as an integral part of the fabric of new development and form part of a network of greenery and green setting for new developments and that the proposed Masterplan area capacities had been assessed on that basis (paragraph 1.2, page 188).
- if alternative areas of natural greenspace were to be offered as SANG close to development sites would need to provide effective avoidance or mitigation and be in control of the site promoter/developer (paragraph 1.4, page 188).
- avoidance or mitigation of recreational pressure on the Epping Forest will be most effective where the spaces provided are easily accessible to both new and existing populations. This can also help the layout of sites to knit well with existing townscapes and communities. However, above and beyond the avoidance and mitigation rationale, there will also often be a need to create soft and green edges to rural land. Locations for avoidance or mitigation land as part of the buffering of rural edges may therefore be considered appropriate but maximising the avoidance and mitigating impact will be the main criterion for such fundamental design decisions. (paragraph 1.13, page 190).
- SANG need to supply a choice of circular routes of around 2.3km-2.5km in length to cater for dog-walkers (paragraph 1.21, page 191).
- A semi-natural looking landscape will be required although it will not be necessary to reproduce the landscape types within the Epping Forest (paragraph 1.26, page 191)
- Sports facilities and formal public open space cannot be used as SANG (paragraph 1.27, page 191)
- SANG must be perceived as semi-natural spaces with little intrusion of artificial structures (paragraph 1.32 - eighth bullet point; page 193)
- SANG must be free from unpleasant intrusions which would detract from its attractiveness as a place to visit (paragraph 1.32 – tenth bullet point; page 193)

The HRA 2021 ([EB211A](#)) at paragraph 5.37 (page 107) in undertaking the Appropriate Assessment in relation to recreational pressure and urbanisation stated that:

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*It is considered that the long-term Strategic Access Mitigation and Monitoring Strategy, the Green Infrastructure Strategy, the requirement for each Masterplan Area to provide SANG and Policies DM2: Epping Forest SAC and Lee Valley SPA, SP6: The Natural Environment, Landscape Character and Green and Blue Infrastructure, Policy DM5; Green and Blue Infrastructure, Policy DM6: Designated and Undesignated Open Spaces, Policy DM7: Heritage Assets, provide an appropriate framework to ensure that Epping Forest SAC is protected from the adverse effects of new development through recreational pressure and urbanisation and thus ensure no adverse effect on the SAC would materialise in practice, either alone or in combination with other plans and projects.*

Consequently, the Council was of the view (and remains of the view) that in light of the above, a capacity of 450 homes at SEMPA is appropriate for the purposes of plan-making.

None of the plans submitted in ED120 show the provision of more formal recreation opportunities beyond local play space or how the policy requirement for the replacement of Brook Road Informal Recreation Ground would be accommodated (this was the subject of a Main Modification which proposed that 'replacement' be modified to 'retention or re-provision'). Brook Road Informal Recreation Ground has different attributes to area of 'informal open space' and therefore this policy requirement was not accommodated.

## **Conclusions**

Based on the detailed analysis, as outlined in this note, the Council considered that ED120 did not address a number of previously identified concerns and did not clearly demonstrate that SEMPA could deliver the quantum of development indicated within it. As Inspector Phillips placed the onus on the Council to review the capacity of SEMPA, the Council determined that, for the purposes of plan-making, a figure of 450 dwellings was a realistic and deliverable quantum of development. This figure was used to inform other evidence that was being updated to reflect Inspector Phillips' Advice as advised at paragraph 38 (a) (page 10) in the Council's ['Response to Inspector's Advice 2 August 2019'](#) (ED100 dated 11 October 2019). This included the traffic and air quality modelling used to inform the Habitats Regulations Assessment for the Plan.

For the purposes of plan-making, including the need to demonstrate that sufficient land is available for the delivery of housing, the Council considers that it has taken a realistic approach to the quantum of housing that is capable of being delivered. The Council has demonstrated that, even with the reduction in capacity on SEMPA to 450 homes, the housing requirement set out in the emerging Local Plan can be met as detailed in the Council's response to Action 2.