

Guidance on the scope of the further 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 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. These Main Modifications were the subject of a public consultation between July 2021 and September 2021. Following a review by the Examining Inspector of the representations received in regard to the Main Modifications further Main Modifications are proposed to the Epping Forest District Local Plan Submission Version 2017, which are now the subject of this consultation.

The further Main Modifications include limited 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 2022.

The further 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 his consideration before the publication of his final report.

It should be stressed that this consultation is limited to the further Main Modifications. The Schedule of Main Modifications clearly distinguishes between the Main Modifications consulted upon in 2021 (in black text) and the proposed further Main Modifications which are the subject to consultation (in red text which is either underlined or struck through in red).

Representations are only invited on the further Main Modifications denoted by the red text in the Schedule of Main Modifications. Consultees should not re-submit previous representations or make representations on Main Modifications that have not changed, and any such responses will not be considered by the Inspector.

The following documents have been prepared to support the proposed further 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 further Main Modifications. However, lengthy comments on the documents themselves should be avoided.** 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 note to Epping Forest District Council (Examination document reference number ED141), October 2022 (ED144-ED144A)
- B. Sustainability Appraisal Report Addendum, October 2022 (ED148/ EB214)
- C. 2022 Habitats Regulations Assessment, October 2022 (ED149-ED149A/EB215A-B)

Consultation dates

The publication period will commence at noon on Friday 28th October 2022. All representations must be received by 5pm on Friday 9th December 2022.

Late and/or anonymous representations will not be accepted.

How can I access the consultation documents?

The Schedule of Main Modifications (including further Main Modifications), online response form, and all required supporting documentation can be accessed via the Examination website at www.efdclocalplan.org.

Hard copies of the Local Plan Submission Version (2017) and the Schedule of Main Modifications (including further Main Modifications) will be available during the consultation period at libraries throughout the District and these materials, plus supporting documents and hardcopy forms will be available at the Civic Offices in Epping during its standard opening hours.

Any accessibility queries should be raised with the Council's Planning Policy Team on 01992 564517 (10am to 4pm, Monday to Friday) or email MMCons@eppingforestdc.gov.uk

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

FMM Consultation 2022
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.

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 further Main Modifications and/or supporting documents

The Epping Forest District Local Plan Submission Version (2017) with the Schedule of Main Modifications (including further 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 further 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. If your response to a further Main Modification exceeds 300 words, please also provide an executive summary of no more than 300 words. **Please remember that only representations relating to further Main Modifications will be considered.**

You are able to make representations on a limited number of supporting documents to the further Main Modifications. Representations concerning their content will be accepted to the extent that they are relevant to inform your comments on the further Main Modifications. However, lengthy comments on the documents themselves should be avoided. Any representations on these supporting documents should clearly state which paragraphs of the document they relate to.

The Consultation

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

It is not necessary to repeat comments already made on other aspects of the Plan or in the first Main Modifications consultation as these are already being considered by the Inspector.

This consultation is confined to the further Main Modifications and associated supporting documents. No representations should be made about parts of the Plan that are not proposed to be modified or on earlier modifications which are not identified as being **further** Main Modifications. Such representations will not be considered by the Inspector.

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

Responses to the consultation will be sent to the independent government-appointed inspector.

Once the inspector has considered the responses, including the evidence presented throughout the duration of the Examination, he will determine whether the Local Plan is 'sound' and make his final recommendations to the Secretary of State. Only once the plan has received ministerial approval can it then be adopted by the Council.

The Council is also taking the opportunity to update and republish 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 further 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 further 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 (including further Main Modifications) outlines the proposed modifications 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 (including further Main Modifications).

Further Main Modifications to add new text are denoted in red font and underlined in red and further Main Modifications to remove text are denoted by red font struck through in red.

There is an interactive index at the front of the Schedule of Main Modifications (including further Main Modifications) 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 further 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 further Main Modifications, you should make clear in what way the further 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 further Main Modification should be changed. It will be helpful if you also say precisely how you think the further 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. **If your response to a further Main Modification exceeds 300 words, please also provide an executive summary of no more than 300 words.**

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 collate all the representations received and forward all of them to the Planning Inspector for his consideration. Once the Inspector has considered the responses, including the evidence presented throughout the duration of the Examination, he will

determine whether the Local Plan is 'sound' and produce a written report outlining his 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:

www.efdclocalplan.org