

Epping Forest District Council

Ongar
Neighbourhood Plan
2020-2033

Independent Examiner's Report

By Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU

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Summary

I have been appointed as the independent examiner of the Ongar Neighbourhood Development Plan.

Ongar is located about six miles east of Epping and about 20 miles from Stansted Airport, located within Epping Forest District. It is a town with a long and rich history, stretching back to medieval times. It boasts two Conservation Areas and numerous listed buildings. This historic town, comprising the three settlements of Ongar, Shelley and Marden Ash on a tongue of higher ground between two river valleys, is surrounded by Green Belt. This topography and the three areas creates a distinctive settlement pattern.

As well as Ongar Castle, a Scheduled Ancient Monument in the heart of the town, there is the Epping Ongar Heritage Railway, a registered park and garden and numerous shops and other facilities. With around 3,500 residents, according to the Census 2011, the rich history, independent shops and other facilities and places of interest attract many visitors.

The Plan is presented well. The Plan contains 15 policies ranging from the designation of Local Green Spaces, to change of use. The policies do not repeat District level policy, but seek to add local detail or address matters of importance to the local community.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Epping Forest District Council that the Ongar Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
May 2022



1.0 Introduction

This is the report of the independent examiner into the Ongar Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Epping Forest District Council (EFDC) with the agreement of the Town Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case EFDC. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Often, as in this case, representations suggest amendments to policies or additional and new policies. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁸

PPG⁹ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.¹⁰

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Town Council chose to make comments which I have taken into account.

I am very grateful to everyone for ensuring that the examination has run smoothly and in particular Loredana Ciavucco at EFDC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 25 April 2022.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ Ibid para 040 ref id 41-040-20160211

⁹ Ibid para 056 ref id 41-056-20180222

¹⁰ Ibid

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

A Community Group to lead preparation of the Plan was set up in 2017. The Group met regularly. As well as brainstorming and attendance at local events, the Group appeared at the Local Plan examination. Progress on the Plan was given through articles in Ongar News and other publications, stalls at local events, banners and specific advertising. A two day exhibition was held in 2018. A dedicated website and Facebook page were set up. A number of meetings and talks were held with local organisations, clubs and businesses, including local schools. Various surveys were carried out including a Residents Survey delivered to every household in early 2019.

Pre-submission (Regulation 14) consultation took place between 21 January – 18 March 2021. This coincided with the pandemic's lockdown. Nevertheless the consultation was publicised through the website, social media, noticeboard and Ongar News. Paper copies were available from the TC's office. Two online question and answer sessions were held via Zoom. The consultation was also held for longer than the necessary six weeks.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 11 November – 23 December 2021.

The Regulation 16 stage resulted in 13 representations. I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Ongar Town Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area is coterminous with the administrative boundary for the Civil Parish. EFDC approved the designation of the area on 2 June 2017. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 8 of the Plan.

Plan period

The Plan period is 2020 – 2033. This is clearly stated on the front cover of the Plan. Paragraph 1.2 on page 7 of the Plan indicates the Plan covers the period from when it is made to 2033. I have recommended a modification in the interests of clarity in the relevant section. Subject to this modification being made, the requirement to state a plan period will be satisfactorily met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development. This is also helpfully confirmed in the Basic Conditions Statement. The Plan therefore meets this requirement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹¹

In this instance, a range of issues unrelated to the development and use of land were identified during the Plan preparation process. The Plan explains these actions and

¹¹ PPG para 004 ref id 41-004-20190509

projects are included in an accompanying appendix.¹² This is an exemplary approach to take.

6.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.¹³

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹⁴ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁵

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁶

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁷

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁸

¹² The Plan para 1.3, page 7

¹³ NPPF para 13

¹⁴ Ibid para 28

¹⁵ Ibid

¹⁶ Ibid para 29

¹⁷ Ibid para 31

¹⁸ Ibid para 16

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁹ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.²⁰

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²¹ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²²

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²³ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁴ The three overarching objectives are:²⁵

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

¹⁹ PPG para 041 ref id 41-041-20140306

²⁰ Ibid

²¹ Ibid para 040 ref id 41-040-20160211

²² Ibid

²³ NPPF para 7

²⁴ Ibid para 8

²⁵ Ibid

- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁶

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how the Plan helps to achieve sustainable development as outlined in the NPPF.

General conformity with the strategic policies in the development plan

The development plan consists of the combined policies of Epping Forest District Plan 2030, adopted in 1998, and Alterations, adopted in 2006. These have been combined into a single document. In addition, the Essex Minerals Local Plan 2014 and the Essex and Southend-on-Sea Waste Local Plan 2017 also form part of the development plan.

Emerging Local Plan

EFDC are currently progressing a new Local Plan. The Local Plan Submission Version 2017 was submitted for examination in 2018 with hearings taking place in the first half of 2019. The inspector required further work to be carried out to support the Local Plan. Main Modifications were consulted upon last year. It is anticipated that the Inspector's Report will be received shortly.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁷ advises that the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore qualifying bodies and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.²⁸ This proactive and positive approach is important to ensure that any conflicts are minimised because the law requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.²⁹ Timing can therefore be critical.

There are also a number of references throughout the Plan to the emerging local plan. Given the stage the emerging local plan has reached, I consider the references can remain. **However, these references will need to be carefully reviewed to ensure they**

²⁶ NPPF para 9

²⁷ PPG para 009 ref id 41-009-20190509

²⁸ Ibid

²⁹ Ibid which in turn refers to section 38(5) of the Planning and Compulsory Purchase Act 2004

are up to date and clearly indicate the emerging status of the local plan and may well have to be changed as the Plan progresses to its next stages.

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³⁰ confirms that it is the responsibility of the local planning authority, in this case EFDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is EFDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Final Screening Ongar SEA, dated 12 October 2021, has been prepared by EFDC on the Regulation 16 version of the Plan. This concludes that SEA is not required. Consultation

³⁰ PPG para 031 ref id 11-031-20150209

with the statutory bodies was undertaken. All three did not disagree with the conclusions of the SEA Screening exercise.

I disagree with the comments made in relation to two of the assessments in the document. For ease of reference I reproduce the relevant parts in full.

The first is in relation to the question “Will the NP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (SEA Directive Art. 3.2(b)) (Habitats Directive 92/43/EEC Article 6 provides for special areas of conservation and Habitats in Annex I and species in Annex II – such sites are found within and neighbouring the district – see commentary column.” The answer given was “Please refer to HRA screening which has concluded that the NDP can rely upon the HRA screening and assessment of the Epping Forest Local Plan Submission Version 2017 and Main Modifications proposed assuming the Local Plan is found sound in this respect.”

The second is “Does the NP or NDO determine the use of small areas at local level OR is it a minor modification of a plan or programme subject to Art. 3.2? (SEA Directive Art. 3.4) “. The answer is that the plan is a The Ongar NDP sets out detailed, localised policies to reflect local aspirations and concerns and identifies local green space which is the use of a small area at a local level. On the whole the NDP is a minor modification to the LP which has been subject to sustainability appraisal incorporating Strategic Environmental Assessment. *(The current adopted District Plan has NOT been subject to this assessment and if the NDP was to be taken forward under the current District plan then the acid test is whether the NDP is likely to have significant environmental impacts).*”

In relation to the first issue, the Plan has been subject to its own HRA Screening and so does not rely on the emerging local plan as indicated. The SEA Screening itself recognises that the Plan could not rely on the emerging local plan as it has not yet been adopted.

With regard to the second issue, I am concerned the Plan was viewed as a minor modification to the local plan. It is of course a standalone document that should complement the District level plans. Nevertheless the answer to the questions is right; the Plan deals with a small area at a local level.

Therefore despite some concerns about the answers given, I am confident that the screening has been carried out with due regard and that its conclusion is sound even if we reach that conclusion in a different way.

I have treated the Final Screening Ongar SEA, dated 12 October 2021 to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³¹

³¹ PPG para 028 ref id 11-028-20150209

Taking account of the characteristics of the Plan, the baseline information and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, a Final Screening HRA of 12 October 2021 has been prepared by EFDC. This explains that there are three sites of relevance; the Epping Forest Special Area of Conservation (SAC), the Lee Valley Special Protection Area (SPA) and Ramsar site and the Wormley Hoddesdonpark Woods SAC.

The Screening Report concludes that the Plan will not have any likely significant effects either alone or in combination with other plans and projects and therefore screens the Plan out from requiring an appropriate assessment. NE was consulted and agreed with the conclusions.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the Screening Report that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³² In undertaking work on SEA and HRA, EFDC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights and includes an equalities assessment. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

³² PPG para 031 ref id 11-031-20150209

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a high standard and contains 15 policies. There is an eye catching front cover. The Plan begins with a helpful contents page and forewords from the Town Council and Neighbourhood Plan Community Group.

Introduction

This is a helpful introduction to the Plan.

A short statement on reviewing the Plan is included. Whilst monitoring is not a requirement of neighbourhood planning at the moment, I welcome this intention.

There is one modification to make in respect of the time period in the interests of clarity.

- **Change paragraph 1.2 on page 7 of the Plan to read: “This Neighbourhood Plan covers the period from 2020 to the end of 2033. Full weight will be given to its policies once it has been made i.e. the date it has passed local referendum.”**

Overview of Ongar

This short, but informative section sets out the context of the Plan area as it is today.

Engagement

This part of the Plan explains that a Community Group was established to lead on the work on the Plan and how engagement with the local community has taken place.

It details some of the main issues and challenges facing the Parish arising from engagement and sets out the vision for the Plan.

The well articulated and detailed vision states:

“Ongar will be a vibrant small rural town, with good access to the surrounding countryside. It is proud of its historic heritage and friendly atmosphere.

New developments do not detract from Ongar’s distinctive character, but have respected its historic form and design. New green corridors have been included to protect our varied wildlife.

Chipping Ongar Town Centre Conservation Area has been enhanced as an attractive pedestrian friendly location with additional services and community facilities to ensure that our larger population still has its day to day needs met within the town.

Our leisure and sports facilities and amenities have been improved with additional facilities to cater for our active residents. Ongar Schools have enough places for our children; and good health resources are local.”

Aims

The vision is supported by six aims. All the aims are articulated well, relate to the development and use of land and will help to deliver the vision.

Policies

This section explains the basic conditions. It refers to the emerging Local Plan and there is some natural updating to this section to reflect the most up to date position.

- **Delete the last sentence of paragraph two in section 5.4 on page 15 of the Plan and replace with *“Hearings took place between February and June 2019. Advice from the inspector in August 2019 required Epping Forest District Council to undertake further work to support the Local Plan. Main modifications were consulted upon in Summer 2021. The Inspector’s Report is anticipated shortly.”***

Rural Regeneration

Policy ONG-RR1: Employment and Rural Diversification

This policy supports local employment and the diversification of the rural economy. There are three criteria; impact on neighbours, the open and rural character of the area and the vitality of Chipping Ongar High Street.

At District level there is support for the development of the rural economy through LP Policies CP1 and CP8. I also note that the creation of new jobs and the creation of a more sustainable local economy are important facets of the emerging local plan

The NPPF indicates that planning policies should support economic growth³³ and set out a clear economic vision that positively and proactively encourages sustainable economic growth.³⁴

The NPPF supports a prosperous rural economy through the sustainable growth and expansion of all types of businesses and through the development and diversification of agricultural and other land-based businesses.³⁵

However, recognising that much of the Plan area falls within the Green Belt, a modification is made.

With this modification, the policy will meet the basic conditions by having regard to the NPPF and District level policies and helping to achieve sustainable development.

- **Add a third criterion that reads: “*Sites falling within the Green Belt are subject to Green Belt policy.*”**

Policy ONG-RR2: Chipping Ongar High Street

Concern about the decline in Chipping Ongar’s retail offering has led to this policy which seeks to achieve a number of things.

Firstly, the policy supports the change of use or reuse of vacant ground floor retail units providing those uses complement or enhance the viability and vitality of the High Street.

Secondly, it restricts uses in ground floor frontages which are not open to the public, which might include residential, in the Conservation Area (CA). This differs to the Use

³³ NPPF para 81

³⁴ Ibid para 82

³⁵ Ibid para 84

Classes Order brought in on 1 August 2021 which permits change to Use Class C3 (dwelling houses) subject to various criteria.

I appreciate that the policy was devised before the new Use Classes Order came about. I can understand why there is a desire to retain retail and other more commercial uses. However, as far as I am aware, the only way to remove all or some permitted development rights (which are devised by the Government) is through an Article 4 direction of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The NPPF contains guidance as to when Article 4 directions may be appropriate.³⁶ It would be up to the TC to pursue this as a separate matter.

In addition there is little explanation why this would part of the policy would only apply within the Conservation Area.

For these reasons, this element of the policy, and the relevant supporting text, should be deleted.

Thirdly, upper floor use is supported including residential and business use, as long as there is no adverse impact on vitality and viability.

Lastly, redevelopment of surface car parks is supported, but it is not clear to me if the parking lost is to be replaced although it seems from the supporting text this is the case. Modifications are made to make this clear.

Chipping Ongar is defined as a Smaller Town Centre in the LP. I note that it is proposed as a Small District Centre in the emerging local plan which appears to retain its position in the hierarchy at a similar level.

There is a map on page 22 of the Plan which appears to be from the emerging local plan. The emerging local plan is not adopted and therefore its contents are not yet policy. A note should be added to the map to make its status clear.

With these modifications, the policy will have regard to the NPPF which supports the role that town centres play by taking a positive approach to their growth,³⁷ be in general conformity with the strategy at District level and will help to achieve sustainable development.

- **Delete criterion 2. of the policy**
- **Reword criterion 4. of the policy to read: “Redevelopment of surface car parks for uses that support the vitality of the High Street will be supported on suitable sites, providing *satisfactory replacement parking is replaced on the same site or at another conveniently located site.*”**

³⁶ NPPF paras 51 - 54

³⁷ Ibid para 86

- Delete the third sentence of the first paragraph of text on page 23 of the Plan

Policy ONG-RR3: Housing Mix and Standards

Policy ONG-RR3 is a multi-faceted policy covering a wide range of issues.

Firstly, it considers housing mix. It is flexible as it refers to evidence of local need, and then seeks homes with one to four bedrooms suitable for families, first time buyers and downsizers and accommodation for older people and those with more limited mobility. This then, to me, seems to be a catch all, but the key is that any mix is based on the latest available evidence.

The NPPF is clear that the Government's objective of significantly boosting the supply of housing should be supported and that the needs of groups with specific housing requirements are addressed.³⁸ Within this context, the size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies.³⁹ This includes the provision of affordable housing, housing suitable for families or older people and those wishing to build their own homes.⁴⁰

I consider this element of the policy achieves this whilst retaining the flexibility based on evidence of local needs.

The second element refers to mix, density and character. It seeks higher density and smaller accommodation close to the Town Centre and lower density and larger accommodation with front and rear gardens at edge of settlement and in more rural parts of the Parish.

The NPPF is clear that planning policies should support development that makes efficient use of land.⁴¹

It seems to me that this element of the policy is based on the availability and capacity of infrastructure or services, location in terms of sustainable travel modes for example and the area's prevailing character or setting. These are all factors referred to in the NPPF⁴² in its discussion of achieving appropriate densities.

Furthermore, the Design Guide, 2019, produced by AECOM for Ongar, does identify density as being an issue commenting that increased density and decreased off set from the street in recent residential development schemes have resulted in a more urban

³⁸ NPPF para 60

³⁹ Ibid para 62

⁴⁰ Ibid

⁴¹ Ibid para 124

⁴² Ibid

character than is typical for the area⁴³ and that there has been inappropriate use of densities in the widely acclaimed Essex Design Guide in Shelley.

Elsewhere in Chipping Ongar, the Design Guide explains that higher densities of recent development with limited or no front gardens and boundary treatments is an issue to address.⁴⁴

The design guidelines therefore indicate that the “Density of dwellings should be preserved within the development so to maintain the small town character with glimpsed views to the countryside beyond”.⁴⁵

I consider then that this part of the policy has sufficient justification to be retained. It is not specific or prescriptive regarding density, but flexible indicating the density should complement the local character and context of the site.

The third element refers to the nationally described space standard. The Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)⁴⁶ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. I also note the WMS states that neighbourhood plans should not be used to apply the national technical standard. This is echoed in PPG.⁴⁷ Therefore this element should be deleted and consequential amendments made to the supporting text.

The fourth element of the policy refers to affordable housing and the need to provide this an integral part of the development. I welcome this as a principle of good planning.

The final criterion of the policy encourages community-led, self-build and high environmental performance housing. I regard this as sending a signal that this type of housing would be welcomed rather than setting any standards. I consider that both terms are widely used and understood.

One correction to be made is the reference to the National Design Guide on page 27 of the Plan.

With these modifications, the policy will meet the basic conditions in that it has regard to the NPPF, in particular by seeking to boost the supply of housing needed for different groups in the community, it will help to achieve sustainable development and especially its social objective of ensuring a sufficient number and range of homes are provided to meet the needs of present and future generations and be in general conformity with LP Policies CP1, H3A and H4A. I note that the vision for the emerging local plan focuses on respecting the different attributes of different towns and villages within the District.

⁴³ Design Guide Draft page 26

⁴⁴ Ibid page 33

⁴⁵ Ibid page 46

⁴⁶ Written Ministerial Statement 25 March 2015

⁴⁷ PPG para 001 ref id 56-001-20150327

- Delete criterion 3. of the policy
- Change paragraph six on page 29 of the Plan to read: *“It is expected that new dwellings will comply with the nationally described space standards, but compliance with the DWELL standard is also encouraged.”*
- Change the reference to paragraph 65 of the National Design Guide on page 27 of the Plan to “paragraph 66”

Policy ONG-RR4: Broadband

Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well being.⁴⁸ The NPPF continues that planning policies should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.⁴⁹

This policy supports such provision. It therefore meets the basic conditions, particularly having regard to the NPPF and helping to achieve sustainable development. No modifications are therefore recommended.

Environment and Design

Policy ONG-ED1: Local Character and Design

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁵⁰ It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁵¹

It refers to design guides and codes to help provide a framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁵² A Design Guide, 2019, devised by AECOM, has been produced for Ongar.

The NPPF continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to

⁴⁸ NPPF para 114

⁴⁹ Ibid

⁵⁰ Ibid para 126

⁵¹ Ibid para 127

⁵² Ibid para 128

local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.⁵³

This policy is a relatively long policy covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from LP CP2 in particular.

There are a number of modifications; the first is to make specific reference to the Design Guide.

The second is to change existing criterion 1.c) to align with the NPPF.⁵⁴

The third is to increase flexibility around the requirement for front boundary treatments. However, I note that the Design Guide does recognise the presence of low brick walls and hedgerows as a positive aspect of the character of the area.⁵⁵ There is therefore some justification for this element of the policy, but I consider more flexibility is needed.

The fourth is to increase flexibility around landscape buffers.

The fifth is to add a criterion about trees is to ensure the policy has regard to the NPPF which makes it clear that it is the Government's intention that all new streets include trees unless this would be inappropriate.⁵⁶

The sixth modification is to clarify criterion 2.

Some corrections to the references to the National Design Guide on pages 33 and 34 of the Plan need to be made.

Lastly, some of the supporting text's references to the NPPF need clarifying and the Town Council has helpfully provided replacement text (which I have amended to bring it in line with the NPPF).

With these modifications, the policy will meet the basic conditions in that it has regard to the NPPF, is in general conformity with LP CP2 in particular and will help achieve sustainable development.

- **Add the words “*as outlined in the Design Guide*” after “...the immediate context...” in criterion 1. of the policy**
- **Change criterion 1. c) of the policy to read: “Retaining existing trees and hedges, *wherever it is practicable to do so, as well as....*” [retain as existing to end]**

⁵³ NPPF para 130

⁵⁴ Ibid para 131

⁵⁵ Design Guide, draft pages 23, 30, 37

⁵⁶ Ibid

- Delete the words “1 metre or less” from criterion 1. d) of the policy and add the words *“wherever possible and appropriate in the context of the scheme’s overall design”* at the end of this criterion
- Change criterion 1. e) to read: *“Incorporating landscape buffers or landscaped edges or features to create a soft transition for development on the edge of rural areas to mitigate the impact on the surrounding countryside.”*
- Add a new criterion to the policy that reads: *“include tree-lined streets unless in specific cases there are clear, justifiable and compelling reasons why this would be inappropriate and include trees elsewhere within developments where the opportunity arises.”*
- Change criterion 2. of the policy to read: *“Innovative and creative design solutions designed for the specific site and context will be welcomed. This includes development that has a high standard of environmental performance.”*
- Change the references to paragraph 64, 65 and 66 of the National Design Guide on pages 33 and 34 of the Plan to paragraphs 65, 66 and 67
- Replace the paragraph that starts “Efficient use of land...” on page 34 of the Plan with: *“Chapter 11 of the NPPF 2021 makes it clear that policies and decisions should promote effective use of land for meeting the need for homes but also other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions (Para 119). These other uses are explained more in Paragraph 120 which includes effective use of land as being mixed use schemes for example or developments that would enable new habitat creation or improve public access to the countryside (120 a); that some undeveloped land can function, amongst other uses, as flood risk mitigation (120 b). On achieving appropriate densities in Para 124, the NPPF supports efficient use of land taking account of various factors including the identified need for different types of housing (part a), local market conditions and viability (part b)), the availability and appropriateness of infrastructure (part c)) and part d) “the desirability of maintaining an area’s prevailing character and setting”. Paragraph 120 part e) also indicates that policies and decisions should support upward extensions “where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene”. This implies that it is inappropriate unless those criteria are met. Additionally, the impact on any heritage assets would need to be carefully considered.”*

Policy ONG-ED2: Design and Character in the Chipping Ongar Conservation Area

There are two Conservation Areas (CA) in the Plan area. This policy refers to the Chipping Ongar CA.

The policy seeks to ensure that key features of the CA are taken into account in the design of new development.

It also supports the reinstatement of historic shopfronts and new shopfronts, including contemporary designs, subject to a number of criteria.

I consider the policy provides a positive strategy for the Conservation Area in line with the NPPF.⁵⁷

The supporting text for this policy includes a statement on when permission will be refused; this language should be changed given this is supporting text, in the interests of clarity.

With this modification, the policy will have regard to the NPPF, be in general conformity with LP Policy CP2 in particular and help to achieve sustainable development.

- **Change paragraph two on page 39 of the Plan to read:**

“There is strong support in Ongar, as confirmed in the Residents Survey 2018, for enhancement of the historic High Street, including with changes to shop windows and upper parts fenestration or other detail to revert to the character of the original building. Shop signage should also reflect the High Street being a Conservation Area with traditional fascias, signage and external lighting. Neon lighting and external metal roller shutters and grilles are out of character and will be *strongly resisted*. Shutters and grilles must be behind the shop window and integrated into the design. Furthermore solid shutters, grilles etc. have a deadening effect on the street scene, so will also be *strongly resisted*. Laminated glass and internal chain-link screens are likely to be more appropriate alternatives in most instances. *The Ongar Design Guide 2019 (AECOM)* should be used as well as relevant sections of the National Design Guide and National Model *Design Code 2021*.”

⁵⁷ NPPF para 190

Policy ONG-ED3: Historic Buildings

Ongar has an important historic character as evidenced by the numerous listed buildings and CAs.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁵⁸ It continues⁵⁹ that great weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

This policy seeks to set out further detail on how proposals affecting designated heritage assets will be considered in the Plan area.

There is one criterion (criterion 3.) which concerns me as it is very restrictive and I cannot see any evidential basis for it. A modification is therefore made to delete this.

Reference is made to the NPPF's definition of setting on page 45 of the Plan. The quote is not quite right and may lead to confusion. A modification is therefore made in the interests of accuracy.

With these modifications, the policy will have regard to the NPPF, be in general conformity with, and add further local detail to, LP Policy CP2 in particular and help to achieve sustainable development.

- **Delete criterion 3. of the policy**
- **Change paragraph five on page 45 of the Plan to read:**
“Setting is *different* from the concepts of curtilage, character and context and frequently misunderstood. The NPPF makes it clear that the *setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent “is not fixed and may change as the asset and its surroundings evolve”. In a townscape, ‘setting’ will include space in the vicinity of the heritage asset and its purpose. In the context of Chipping Ongar, careful consideration of ‘setting’ must be included in any proposal including proposals to change the space, such as developing within old coaching inns, stable yards or workshop areas. In the Great Stony Park Conservation Area, that includes extensions and conversions that destroy the symmetry.”*

⁵⁸ NPPF para 184

⁵⁹ Ibid para 193

Policy ONG-ED4: Sustainable Design

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁶⁰

This policy sets out a variety of criteria aimed at achieving that. The criteria include active frontages, clear separation between public and private spaces, surfaces, bin storage and electric charging points. It also covers new development requiring new roads and layouts, requiring high quality public realm and integral landscaping as well as sustainable urban drainage (SuDs). It lends support, without setting any standards, to high performance buildings. Finally, it deals with flooding.

I consider the policy requires greater clarity on what types of development it applies to; I cannot see why the requirements in criteria 1. and 2. do not apply to all new development with regard to the achievement of sustainable development. Greater flexibility in relation to its requirements on hard surfaces is also needed, as some sites may be physically unsuitable for such provision.

With these modifications, the policy will have regard to the NPPF by setting out the expectations for new development, identifying locally important aspects of good design and by adding a local layer of detail to strategic policies including LP Policy CP5. It will help to achieve sustainable development.

There is a reference to paragraph 130 of the NPPF on page 51 of the Plan, but it is not correct. A modification is therefore made in the interests of accuracy.

- **Change the first sentence of criterion 1. to read: “*All development must be well designed and sustainable. This includes...*”**
- **Change criterion 2. by deleting the words “For development involving new layout (roads and footpaths), the following is also required:” and making existing criterion 2. a), b) and c) follow on from existing criterion 1. to become *g), h) and i)***
- **Add the words “*wherever possible*” after “...permeable...” in criterion 1. d)**
- **Delete the last two sentences of the third paragraph on page 51 of the Plan which start “NPPF 2021, Chapter 12...” and “Usable green spaces...”**

⁶⁰ NPPF para 126

Policy ONG-ED5: Natural Environment

The NPPF⁶¹ is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains.

Policy ONG-ED5 seeks to protect and support biodiversity through a range of measures in line with the NPPF.

The policy has regard to national policy and guidance, adds a local layer to, and is in general conformity with, the relevant strategic policies, in particular LP Policy CP2 and helps to achieve sustainable development.

There is a small addition to be made to the supporting text in the interests of clarity.

There is an update to a footnote in the Plan.

- **Add the words “Part 2 Guidance Notes” after “The National Model Design Code 2021...” in the fifth paragraph on page 56 of the Plan**
- **Change footnote 104 on page 58 of the Plan to read: “Net gains for biodiversity is contained within the NPPF. A new set of standards has been developed by Building with Nature which will be useful in complying with the policy.”**

Policy ONG-ED6: Landscape and Amenity Buffer Zones

This policy seeks to do two things. Firstly, it requires any new development flanking existing housing to provide landscape or garden separation to protect the amenities of the existing housing. I do not see this as being particularly controversial; it is a principle of good planning and will help to integrate new housing with existing, thereby helping to achieve sustainable development.

The second part of the policy specifically refers to a proposed site in the emerging Local Plan, Site ONG-R2. With regard to this site, the policy expects a landscape buffer to the south and east boundaries where the site borders the rear gardens of houses in Great Lawn and The Pavilions. The area for the proposed landscape buffer is shown on Plan 7.7 which is taken from the emerging local plan document.

The supporting text states that the depth of the buffer is not specified, but that some 15 metres is expected.

⁶¹ NPPF para 174

Whilst in principle a landscape buffer may well be appropriate, I consider the criterion's inclusion in the policy to be problematic because, it does not provide the clarity required or the flexibility a design led solution may need, but more importantly it refers to a site that is not yet allocated and in any case appears to be subject of a concept plan. The first part of the policy will in any case provide the same outcome if it is necessary. I therefore recommend modifications to address this concern and to ensure the policy meets the basic conditions.

- **Delete criterion 2. of the policy**
- **Delete plan 7.7 on page 61 of the Plan**
- **Delete the third sentence of paragraph two on page 62 of the Plan**

Community and Transport Infrastructure

Policy ONG-CT1: Local Green Space

Four areas of Local Green Space (LGS) are proposed. These are shown and described on maps within the Plan document. An Assessment and Proposals 2020 with an appendix also forms part of the evidence base.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁶²

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁶³ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁶⁴ The NPPF sets out three criteria for green spaces.⁶⁵ Further guidance about LGSs is given in PPG.

Information on the proposed LGSs is included in the Plan. I saw the areas on my site visit.

- 1. Land adjacent to Ongar Castle** is a grassed area which includes a well used footpath. There are a number of trees and a hedgerow and views to the surrounding area. It is valued for its recreational function, but also is important historically. The space is adjacent to the Conservation Area boundary.

⁶² NPPF para 99

⁶³ Ibid

⁶⁴ Ibid

⁶⁵ Ibid para 100

2. **Jubilee Nature Reserve** is a local nature reserve along the banks of Cripsey Brook, historically an important natural defence on the west of the town. It is valued as a recreational facility, but also as a nature reserve.
3. **Land east of Cripsey between Basons Lane and Victoria Road** is a strip of land along Cripsey Brook. There is currently no public access, but the area is valued for its natural 'buffer' to this side of the town, views across the land and wildlife. A small part of the southern most end of the proposed LGS falls within the Conservation Area.
4. **Land between Longfields, Coppers Hill and farmland, Longfields** is essentially a large green verge close to housing and forming an integral part of that housing area. It is enjoyed for recreation, but also valued for its beauty and its annual display of daffodils in particular.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. All are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 100 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

I have also considered whether any additional local benefit would be gained by LGS designation given that part of one of the proposed LGSs also falls within the CA in line with PPG.⁶⁶ Different designations achieve different purposes and I consider that the LGS will send a signal and recognise the importance this space has for the local community. It is, in any case, a very small part of the area which falls within the CA.

Turning now to the wording of the policy, the proposed LGSs are referred to, but a cross-reference to the maps should be included in the policy.

The next element in setting out how new development might be regarded should take account of, and be consistent with, the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.⁶⁷ Therefore the policy needs modification to ensure that it takes account of national policy and is clear.

With these modifications, the policy will meet the basic conditions.

- **Add the words *“The location and extent of the four green spaces are shown on Maps LGS1, LGS2, LGS3 and LGS4 in the Plan.”***
- **Change the second paragraph of the policy to read: *“Development in the Local Green Spaces will be consistent with national policy for Green Belts.”***

⁶⁶ PPG para 011 ref id 37-011-20140306

⁶⁷ NPPF para 101

Policy ONG-CT2: Community, Cultural, Leisure and Sports Facilities

Policy ONG-CT2 only supports the loss of community facilities where new or better facilities are provided in close proximity and within the Plan area or when there is evidence to show the facility is no longer needed.

The title of the policy includes, and indeed there is reference in the policy, to other facilities including the library.

I note the supporting text sets out what “close proximity” means for this policy. In the interests of clarity, I consider it would also be helpful to make it clear that the policy applies to all of the facilities in its title. This would mean losing the word “community” from the first paragraph in the policy too.

The NPPF recognises that planning policies should help to achieve healthy, inclusive and safe places which promote social interaction and enable and support healthy lifestyles.⁶⁸ It encourages planning policies to plan positively for the provision of community facilities and other services to provide the social, recreational and cultural facilities needed.⁶⁹ It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.⁷⁰

I consider that this policy does this. It has regard to national policy and guidance, is in general conformity with the direction of strategic policies at District level and will help to achieve sustainable development. The only modifications put forward are to deal with a point of clarification and with this, the policy will meet the basic conditions.

- **Delete the word “community” from paragraph 1. of the policy**
- **Add a new paragraph under the sub heading “Interpretation of ONG-CT2” that reads: “*This policy applies to all types of community, cultural, leisure and sports facilities.*”**

Policy ONG-CT3: Transport and Movement

This policy encourages sustainable travel by requiring all residential developments to include a balanced range of transport options.

The policy then refers to new developments with new road layouts and asks for links to existing footpaths, the creation of pedestrian links, providing crossings and electric charging points. The language in the policy is flexible.

⁶⁸ NPPF para 92

⁶⁹ Ibid para 93

⁷⁰ Ibid

Like Policy ONG-ED4, I cannot see why there are two parts to the policy referencing development that involves the creation of new road layouts. A modification is therefore made to address this in the interests of achieving sustainable development.

Secondly, reference is made to the Essex Parking Standards, 2009. The policy should be future-proofed and a modification is made in this respect.

Reference is made to charging points twice in the policy. I consider both elements could be more robust in having regard to the NPPF. There is no justification for why business car parks should only provide charging points if there is more than 10 spaces.

Then the policy considers employment development and movement and this impact on the historic town centre and other environmental issues such as air quality.

I consider that the policy has regard to the NPPF which promotes sustainable transport and particularly promotes the identification and pursuance of opportunities to promote walking and cycling.⁷¹ It refers to the environmental impacts of traffic.⁷² It supports the provision of secure cycle parking.⁷³ It also supports the provision of spaces for charging when setting local parking standards⁷⁴ and I interpret this policy as having regard to that. It is in general conformity with LP Policy CP9 in particular and will help to achieve sustainable development.

- **Change the first sentence of criterion 1. to read: “*All development must include a balanced range of transport options...*”**
- **Change criterion 2. by deleting the words “For residential developments involving the creation of new road layout, the following is also required:” and making existing criterion 2. a), b), c) and d) follow on from existing criterion 1. to become e), f), g) and h)**
- **Add the words “*or successor standards*” to the end of criterion 1. b) of the policy**
- **Add the words “*and direct access*” after “...convenient...” in [existing] criterion 2. d)**
- **Delete the words “of more than 10 car spaces” from criterion 4.**

⁷¹ NPPF para 104

⁷² Ibid

⁷³ Ibid para 106

⁷⁴ Ibid para 107

Policy ONG-CT4: Infrastructure Priorities

This policy sets out the community's priorities for infrastructure through the use of planning obligations. Its supporting text indicates it is designed to guide local authority decisions with regard to the use of developer contributions and of course it can also guide the priorities of the TC.

The policy acknowledges the need for infrastructure and the community's desire to seek improvements to a wide variety of issues. The policy is clearly worded and meets the basic conditions. In particular it will help to achieve sustainable development and adds a local layer of detail to the direction of District level policies. As a result no modifications to the policy are recommended except to make it clear that these are the TC's priorities.

- **Add the words "*The Town Council's priorities...*" at the start of the policy**

Policy ONG-CT5: Footpaths and Cycle Route

This policy seeks to promote walking and cycling. This is in line with the NPPF which states that opportunities to promote walking and cycling and public transport use should be identified from the early stages of plan making and pursued.⁷⁵ It continues that planning policies should provide for attractive and well-designed walking and cycling networks.⁷⁶ Priority is given to pedestrian and cycle movements within schemes and with neighbouring areas and then access to public transport.⁷⁷

There are some modifications to the language used in this part of the policy.

The policy also seeks to safeguard a route to allow for the provision of a new footpath and cycleway. This land is shown on a google map extract on page 81 of the Plan and again, arguably less clearly, on map ONG-CT5 on page 82. It is not necessary to show the route on two different maps. A modification is made in this respect in the interests of clarity.

Lastly, a modification is made to update the references to the NPPF on page 82 of the Plan.

With these modifications, this policy will meet the basic conditions as it has regard to the NPPF, be in general conformity with LP Policy CP9 in particular which includes reference to the promotion of sustainable means of transport and will help to achieve sustainable development.

⁷⁵ NPPF para 104

⁷⁶ Ibid para 106

⁷⁷ Ibid para 110

- **Change the first sentence of criterion 1. to read: “ New development *should protect and wherever possible take every opportunity to enhance the accessibility, safety and amenity of existing footpaths and other public rights of way.*”**
- **Add the words “*wherever possible and where it would be safe to do so*” to criterion 1. c), d) and e)**
- **Insert a clear map of the proposed safeguarded cycleway and footpath route replacing the google map extract on page 81 of the Plan and map ONG-CT5 on page 82**
- **Change criterion 2. to read: “*Sufficient land in the area indicated on map x is safeguarded to allow the provision of a new cycleway and footpath.*”**
- **Change the second sentence of paragraph three on page 82 of the Plan to read: “This includes Paragraph 85 of Section 6 and Paragraph 92 of Section 8 of the NPPF 2021 and EFDC Local Plan 2011 – 2033 Policy T1 Sustainable Transport Choices.”**

Policy Map

It is beneficial to include a Policy Map within the Plan and so I welcome this initiative. However, I found it very difficult to read. If it is to be included it needs to be much clearer. It also should only show the geographical locations of any policies in this Plan in the interests of clarity.

- **Include a higher definition Policy Map within the Plan to replace the one on page 84 which shows only the geographical locations pertaining to policies in this Plan i.e. remove the proposed site allocations and concept framework area**

Further Guidance

There is then a section in the Plan with further guidance from the EA, Thames Water, National Grid and ECC. It is not clear to me why this guidance has been included here and there is no mention to this section of the Plan apart from in one footnote on page 7 of the Plan. It should therefore be removed.

- **Delete the “Further Guidance” section from the Plan**
- **Consequential amendments will be needed including to page 7 of the Plan**

Glossary

A separate glossary is included. This is the 'standard' one produced by Locality and so I have no need to comment further.

8.0 Conclusions and recommendations

I am satisfied that the Ongar Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Epping Forest District Council that, subject to the modifications proposed in this report, the Ongar Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Ongar Neighbourhood Development Plan should proceed to a referendum based on the Ongar Neighbourhood Plan area as approved by Epping Forest District Council on 2 June 2017.

Ann Skippers MRTPI

Ann Skippers Planning

13 May 2022

Appendix 1 List of key documents specific to this examination

Ongar Neighbourhood Plan 2020 – 2033 Submission Version August 2021 and its Appendix – Projects and Actions August 2021

Evidence documents ONG-EF101 – EF110 inclusive and ONG-EF601, 701, 702, 703, 704, 705, 800 and its appendix, 801

Basic Conditions Statement September 2021 (Urban Vision Enterprise CIC)

Consultation Statement ONG-EF106

Final Screening Ongar Strategic Environmental Assessment (SEA) (Regulation 16 Update) (EFDC)

Final Screening Ongar Habitat Regulations Assessment (HRA) (Regulation 16 Update) (EFDC)

Combined Policies of Epping Forest District Local Plan (1998) and Alterations (2006)

Epping Forest District Local Plan Submission Version 2017 and Appendix 6 Site Specific Requirements

Main Modifications on the emerging Epping Forest District Local Plan

List ends