



The Planning Inspectorate

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# Report to Epping Forest District Council

by Jonathan Bore MRTPI

An Inspector appointed by the Secretary of State

Date 09 February 2023

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## Report on the Examination of the Epping Forest District Local Plan, 2011-2033

The Plan was submitted for examination on 21 September 2018.

The examination hearings were held between February and June 2019.

File Ref: PINS/J1535/429/2

## Table of contents

Preliminary note	4
Non-technical summary	5
Introduction	6
Context of the plan	7
Assessment of legal compliance	8
Assessment of duty to co-operate	9
Assessment of soundness	10
Issue 1 – Whether the plan’s spatial development strategy, overall vision and objectives, and its approach towards plan monitoring and review, are sound	10
Issue 2 – Whether the plan makes appropriate provision for housing of all kinds to meet the needs of society	14
Issue 3 – Whether the Plan’s policies towards business, employment and town centres are sound	20
Issue 4 - Whether the plan’s policies and proposals for infrastructure, including transport, are sound	23
Issue 5 – Whether the plan takes a sound approach towards environmental matters	26
Issue 6 – Whether the plan would ensure the protection of the Epping Forest SAC and the Lee Valley SPA	29
Issue 7 - Whether the plan’s approach to place-shaping, the historic environment, design matters and density is sound	33
Issue 8 - Whether the plan’s site allocations and designations are sound	36
Overall conclusion and recommendation	58

## Abbreviations used in this Report

CAZ	Clean Air Zone
dpa	Dwellings per annum
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
SAC	Special Area of Conservation
SPA	Special Protection Area
SANG	Suitable Alternative Natural Greenspace
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
ULEV	Ultra-low Emission Vehicle

## Preliminary note

Inspector Louise Phillips was originally appointed to examine this plan on its submission in September 2018 and she conducted the examination hearings in 2019. Following the hearings, she wrote to the Council to confirm that main modifications to the plan would be required to remedy issues of soundness, and that in some cases the Council would need to undertake additional work to establish their precise form (Document ED98). The Council undertook further work, and in due course produced a schedule of main modifications to the submitted plan (Document ED130), carried out a sustainability appraisal and habitats regulations assessment, and consulted on the schedule over a period of 10 weeks, from 15 July to 23 September 2021.

In early 2022 Ms Phillips was unable to continue working on the examination, and in April 2022 I was appointed as the examining Inspector. All the examination documents up to that point, the evidence base, the hearing recordings, and the public representations made in response to Document ED130, were made available to me.

Having read everything made available to me, and having reviewed the plan itself, I provided the Council with a number of new action points in the interests of making the plan up-to-date, sound and legally compliant (Document ED141). Following this, a schedule of further main modifications was produced (Document ED145). Some of these had the effect of adding to, deleting, or altering, the wording of the main modifications in Document ED130. These further main modifications were consulted on between 28 October and 9 December 2022.

Having considered the responses to that consultation, I asked the Council to produce a final schedule of main modifications, which is attached to this report. All references to main modifications in this report relate solely to that schedule. The original schedules in Documents ED130 and ED145 are superseded.

The main modifications have been subject to sustainability appraisal and habitats regulations assessment. I have recommended the inclusion of these modifications in the plan after considering the sustainability appraisal, the habitats regulations assessment and all the representations made in response to the consultations on the main modifications and further main modifications. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary.

My report has had regard to all the work carried out by Ms Phillips in the earlier stages of the examination, including the hearings and the notes she issued before and after the hearings, the Council's responses to them, the evidence base and all the examination documents.

JONATHAN BORE

Inspector

## Non-technical summary

This report concludes that the Epping Forest District Local Plan 2011-2033 provides an appropriate basis for the planning of the district, provided that a number of main modifications (MMs) are made to it. The Council has specifically requested that I recommend any main modifications necessary to enable the Plan to be adopted.

The main modifications can be summarised as follows:

- The incorporation of Appendix 6 (site allocation requirements) into the plan, which becomes Part 2 of the plan
- The introduction of a stepped housing requirement and the updating of the housing supply position
- Changes to retail, employment and site allocation policies as a result of changes to the Use Classes Order
- The strengthening and clarification of policies for the protection of the Epping Forest Special Area of Conservation and the Lee Valley Special Protection Area
- Clarification of the role and process relating to strategic masterplanning and concept framework plans
- Modifications to the development criteria for the site allocations in the interests of soundness and effectiveness
- Adjustments to the capacity and development requirements of some site allocations and the deletion of certain allocations in response to site circumstances and deliverability
- A range of clarifications, updates and modifications throughout the plan, particularly in connection with infrastructure, environment, heritage and Green Belt, to ensure the plan is effective and sound.

## Introduction

1. This report contains my assessment of the Epping Forest District Local Plan 2011-2033 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the plan is compliant with the legal requirements and whether it is sound. Paragraph 182 of the National Planning Policy Framework of March 2012 (the NPPF) makes it clear that to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The plan was submitted for examination before 24 January 2019, which means that in accordance with the transitional arrangements contained within the NPPF, the policies in the 2012 NPPF will apply to the examination of the plan. Consequently, unless otherwise stated, references in this report to the NPPF are to the 2012 version. Where relevant, those parts of the Planning Practice Guidance (PPG) contemporaneous with the 2012 NPPF will also apply.
3. The starting point for the examination is the assumption that the local planning authority submitted what it considered to be a sound plan. The Epping Forest District Local Plan 2011-2033, submitted in September 2018, is the basis for the examination. This is the same document that was published between 18 December 2017 and 29 January 2018 for comment under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any main modifications necessary to rectify matters that make the plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended main modifications are necessary. They are referenced in bold as **MM1**, **MM2** and so on, and are set out in full in the Appendix to this report.
5. The background to the production of the main modifications is described in the preliminary note above. The first schedule of main modifications (Document ED130) was subject to public consultation for 10 weeks, from 15 July 2021 to 23 September 2021, and the schedule of further main modifications (Document ED145) was subject to public consultation for 6 weeks, from 28 October 2022 to 9 December 2022. I have taken account of the responses to both consultations in coming to my conclusions, and have made amendments to the detailed wording of some of the main modifications and added consequential modifications where these are necessary for consistency and clarity. The reasons for these amendments are set out in footnotes. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes, sustainability appraisal or habitats regulations assessment. Where necessary I have highlighted these amendments in the report.

## Policies map and other maps

6. The Council must maintain an adopted policies map to illustrate geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies

map showing how the proposals in the submitted plan would alter the adopted policies map. In this case, the submission policies map consists of the A0 scale map, document reference EB114B, and it also includes all the detailed site allocation plans within Appendix 6 (now Part 2) of the submitted plan.

7. The policies map is not defined in statute as a development plan document, so I do not have the power to recommend main modifications to it. However, a small number of the main modifications to the plan's policies require corresponding changes to be made to the policies map. In addition, there are some instances where further changes to the policies map are needed to ensure that the relevant policies are effective. The changes to the policies map were published for consultation alongside the main modifications. When the plan is adopted, the Council will need to update the adopted policies map to include all the changes proposed in connection with the submitted plan, along with the changes published alongside the main modifications.
8. Separately from the policies map, the plan contains other maps which are provided to support the implementation of policy. Upon adoption, the Council will need to ensure that the maps and legends within the plan itself are consistent with the policies map.

## Context of the plan

9. Epping Forest District is in south-west Essex adjacent to Greater London and Hertfordshire; its key characteristics are described in Chapter 1 of the submitted plan. The south of the district is within the M25 ring and the M11 bisects the district. The south-west of the district has access to the London Underground Central line via stations at Epping, Theydon Bois, Debden, Loughton, Buckhurst Hill, Chigwell, Roding Valley and Grange Hill. Waltham Abbey is to the west of the district, Chipping Ongar to the east, and Harlow is a significant presence just north of the district. The district lies within the economically successful London Stansted Cambridge Corridor.
10. The towns and villages each have a distinctive character and the district has many heritage assets. The district is largely rural and over 90% of the land is designated as Metropolitan Green Belt. The district also contains some important habitats. The Epping Forest Special Area of Conservation (SAC), which lies south of Epping and west of Buckhurst Hill, Loughton and Debden, was designated under the European Habitats Directive in 2005 to protect the woodland and heathland habitats that it provides for invertebrates, amphibians and birds and specifically to protect the population of Stag Beetles. There are also several Sites of Special Scientific Interest, and parts of the Lee Valley, including areas that fall within the district, are a Special Protection Area as well as a Ramsar site.
11. The plan responds to these opportunities and constraints. It sets out the strategy for meeting the needs of the district, including housing and affordable housing need and an appropriate amount of economic growth, over the plan period from 2011 to 2033, whilst at the same time protecting and seeking to enhance the important assets described above. When adopted, the plan will replace all the surviving policies of the Local Plan 1998 and the 2006 Local Plan Alterations.

## Assessment of legal compliance

12. My examination of the legal compliance of the plan is summarised below.
13. The plan has been prepared in accordance with the Council's Local Development Scheme.
14. Consultation on the plan and the main modifications, including the further main modifications, was carried out in compliance with the Council's Statement of Community Involvement.
15. Sustainability appraisal has been carried out and is adequate.
16. The original Habitats Regulations Assessment (HRA), including an appropriate assessment, accompanied the submitted plan dated December 2017. Following advice from Natural England, another HRA was published in January 2019 which took into account updates associated with additional work on recreational impact and air quality. A further HRA was produced in June 2021 which accompanied the consultation on the schedule of main modifications which took place from 15 July 2021 to 23 September 2021. This took into account the comprehensive work that had been carried out on air quality and made adjustments for sites proposed for removal from the Local Plan, sites whose capacity had changed in response to the Inspector's Advice Note dated 2 August 2019 (Document ED98), and previously allocated sites which had been partially or wholly developed. Finally, an HRA was produced in October 2022 to take into account all the main modifications set out in the schedule in Document ED145; this superseded all previous versions. This HRA is adequate and legally compliant. Issue 6 addresses this subject in more detail but with the main modifications set out in the attached schedule the plan is legally compliant in this regard.
17. The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. This approach is embedded in the plan as a whole; for example, the spatial development strategy concentrates a substantial amount of development at sustainable locations; the transport and site allocation policies promote sustainable transport choices; and the environmental policies include extensive requirements for sustainable drainage, the sustainable use of water, air quality, low carbon development and renewable energy measures. The Council adopted a Climate Change Action Plan in 2022 (Document EB160) which acknowledges the role of the local plan and many of its policies in meeting the challenge of climate change.
18. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included the consideration of several matters during the examination including, for example, the housing needs of older people and those with disabilities, accessible and adaptable housing, and the accommodation needs of gypsies and travellers.
19. The Local Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.



## **Assessment of duty to co-operate**

20. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed upon it by section 33A in respect of the plan's preparation. The Council's statement of compliance with the duty to co-operate (EB119) summarises the action it has taken in respect of the duty imposed upon it by section 33A of the 2004 Act. This demonstrates that as a member of the Cooperation for Sustainable Development Board established in 2014, the Council has worked with neighbouring authorities and other bodies on a range of cross-boundary strategic issues, including those required by paragraphs 156 and 178 of the National Planning Policy Framework (NPPF), and including the management of impacts on the Epping Forest SAC.
21. As a result of joint working on housing and economic matters since 2008, a joint housing market area (HMA) and functional economic market area was established comprising of Epping Forest, East Herts, Harlow and Uttlesford District Councils. These authorities have worked particularly closely, commissioning studies and concluding several memoranda of understanding concerning development as well as the environmental and infrastructure constraints of the area. The housing requirement and objectively assessed need (OAN) are discussed later in this report, but in respect of the duty to co-operate, the engagement was sufficient to comply with the Act.
22. The Council has also worked closely with East Herts and Harlow District Councils and with Essex and Hertfordshire County Councils in formulating proposals for the cross-boundary Harlow and Gilston Garden Town. Formal governance arrangements were agreed in July 2017 and a member board and officer group were set up to oversee a range of topic-specific workstreams.
23. Overall the Council has, where necessary, engaged constructively, actively and on an on-going basis in the preparation of the plan and the duty to co-operate has been met.

## Assessment of Soundness

### Main Issues

24. Taking account of all the representations, the written evidence and the discussions which took place at the examination hearings, I have identified 8 main issues upon which the soundness of the plan depends. My report deals with the main matters of soundness in relation to those issues and does not respond to every point raised by representors. Nor does it refer to every policy, policy criterion or allocation in the plan.

### **Issue 1 - Whether the plan's spatial development strategy, overall vision and objectives, and its approach towards plan monitoring and review, are sound**

#### The distribution of new development

25. Policy SP2 establishes the plan's spatial development strategy. Tables 2.1, 2.2 and 2.3, together with Policy SP2(B), set out how housing development is expected to be distributed over the plan period. Paragraph 2.66 of the plan, as clarified by **MM14**, briefly explains the approach to the allocation of sites. The plan contains a logical settlement hierarchy in Table 5.1 (as amended by **MM76**, addressed under Issue 8) which is a sound basis for development allocations and for a range of policies which seek to manage development commensurate with the scale and order of the settlement or community.
26. Document EB204, the Sustainability Appraisal of 2017, summarises the processes that led to the distribution of homes between the districts of the HMA, and within Epping Forest District itself, including the testing of reasonable alternatives. Alternative strategies were considered in 2012 at the time of the Issues and Options consultation. This work was re-visited in 2016 and reasonable alternatives were developed and assessed for the distribution of development across the district, recognising that the housing requirement for the district had been determined at the sub regional HMA scale. Five options for the district were initially investigated. The preferred approach was to allocate sites in the district but adjacent to Harlow in accordance with the vision of the London Stansted Cambridge Corridor Core Area and in recognition of its economic role; maximise the use of previously developed land within the existing settlements of the district; make the best use of existing land and open space within settlements without compromising local character or adversely affecting open space provision; use previously developed land within the Green Belt; allow for a limited release of Green Belt land on the edge of settlements, to distribute housing across the district, where justified by exceptional circumstances; and enable small scale sites in smaller rural communities to come forward where there is a clear local need. It was not considered necessary to re-visit broader district-wide spatial strategy alternatives through the 2017 Sustainability Appraisal.
27. Further work was carried out in 2017 to develop reasonable alternatives. The Council developed a site selection process to identify the most appropriate residential sites for allocation in the Local Plan Submission Version, as documented in the Site Selection Methodology (EB805), and undertook two rounds of site assessment. Available sites were tested for deliverability and

assessed against a range of considerations including transport, infrastructure, biodiversity, air quality and housing land supply.

28. Sites adjacent to Harlow are the focus for much of the district's growth because of the town's position within the London Stansted Cambridge Corridor, its enterprise zone, and its regeneration objectives. The plan's allocations at Harlow form part of a wider, cross-boundary scheme for the development of the Harlow and Gilston Garden Town, for which the Government confirmed its support in January 2017. Table 2.1 shows that 16,100 of the total of 51,100 new dwellings to be provided across the HMA should be delivered in and around Harlow, and of these 3,900 are proposed to be built on land within Epping Forest District as part of three Garden Town Community allocations. This figure reflects the findings of a strategic site assessment (EB1500) which considered the relative potential of 22 sites and areas in the districts of Harlow, East Herts and Epping Forest to deliver the required growth within the necessary timeframe, as well as the Council's own capacity work undertaken as part of its site selection process. For the purposes of determining housing land supply at the point of adoption of the plan, it is considered that 3,400 homes will be delivered within the plan period to 2033 in the garden communities at Harlow, as indicated in the supply calculation in Table 2.3 of the plan as updated, for effectiveness, by **MM11**.
29. Outside the Garden Town Communities, Table 2.3 as updated by **MM11** indicates that 3,901 dwellings remain to be delivered on allocated sites. Policy SP2(B), as modified and updated by **MM15**, sets out the distribution at the settlement level. The number of homes to be delivered on allocated sites in each place generally follows the logical settlement hierarchy given in Table 5.1 of the plan, adjusted to take into account the suitability of individual settlements to accommodate growth, the constraints affecting the district, the pattern of employment development and the availability of appropriate sites. So, for example, North Weald Bassett is expected to provide a minimum of 1,050 dwellings on allocated sites because significant land is available for development, which can be accommodated without detriment to the existing character of the area, whereas Roydon, despite its rail connection, is allocated only approximately 48 additional dwellings to protect its character as a small distinctive village. Overall, the distribution of development takes account of the settlement hierarchy but also reflects a pragmatic response to local circumstances.
30. Having gone through the rigorous process of site selection, and having explained it in paragraph 2.66, it is unnecessary for the plan to include the sequential approach within Policy SP2. This would be likely to cause uncertainty as to whether it should apply to individual planning applications. The plan itself allocates sites for development. **MM15** therefore removes this section in the interests of effectiveness.
31. The plan's distribution of housing development takes account of the opportunities for, and constraints upon, development across the district, and it enables a range of sites of different types and sizes to be brought forward at different times throughout the plan period. As regards sites for gypsies and travellers, site selection was informed by the Council's Traveller Site Selection Methodology which was soundly based. The overall approach towards the spatial strategy and the selection of sites has been rigorous and sound.

32. The plan's distribution of new employment development is designed to serve employment markets in the south of the district, where demand for business uses is greatest, such as at Loughton and Waltham Abbey, and to meet the needs of the rest of the district by allocating land, including that at North Weald Airfield, where there is already a concentration of existing employment. The site selection methodology was similar to that used for housing. The plan allocates sites in areas where there is market appetite to develop and where new homes are to be provided, and where the level of traffic growth can be managed so as to minimise pressure on roads, including those that pass through Epping Forest Special Area of Conservation. Opportunities for extending existing suitable employment sites have been prioritised over the allocation of new sites (Site Selection Report (EB805)). This is a logical approach.

### **Alterations to the Green Belt boundary**

33. Over 90% of undeveloped land in the district is within the Green Belt; it surrounds all the larger settlements and washes over some of the smaller ones. The general extent of the Green Belt is set out in Map 2.5 of the plan; the detailed boundaries and inset settlements are defined in Chapter 5 of the plan and are shown on the policies map. Policy SP2 aims to protect the openness of the Green Belt from inappropriate development in accordance with national planning policy and Policy DM4; the latter policy is discussed further under Issue 5.
34. The assessments of development need for the plan period discussed below under Issue 2 require a considerable increase in the rate of residential development compared with that previously delivered within the district. The plan seeks to maximise the potential of land within towns and villages to meet the district's needs, whilst protecting their character; moreover, the district's housing apportionment within the Housing Market Area (HMA) has been reduced to take into account the district's constraints<sup>1</sup> (see Issue 2). Even so, there is insufficient land in the district outside the Green Belt to meet all its needs within the plan period. The parts of the neighbouring authorities within the HMA that lie close to Epping Forest District, except for Harlow itself, do not offer the scope to take further unmet needs from Epping Forest.
35. It is important to meet society's basic needs for housing, including affordable housing, associated community facilities, and land for employment. Failure to do so is likely to cause a deterioration in housing affordability and less sustainable patterns of movement as people need to travel further to access employment, education and community facilities. To meet these needs, in the case of Epping Forest District, it will be necessary to alter the Green Belt boundary in certain locations to accommodate them.
36. The locations where the plan proposes to alter the Green Belt boundary are set out on Map 2.5, the principal changes being adjacent to the Harlow District administrative area, North Weald Bassett, south of Epping and close to Waltham Abbey, with a number of lesser changes at other smaller settlements to assist in

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<sup>1</sup> In this context it should be noted that the housing requirement in the Harlow Local Development Plan (adopted in December 2020) provides for a level of housing above its objectively assessed housing need. As well as supporting the objectives of Harlow Council's Local Plan, the additional housing also helps to meet the needs of the wider HMA, and particularly those of Epping Forest District.

meeting local needs. These Green Belt boundary changes are consistent with the spatial strategy which seeks as far as possible to minimise the loss of land from the Green Belt and make the best use of sites in sustainable locations such as those identified above, whilst meeting the district's needs. Taking all the above into account, there are exceptional circumstances at the strategic level to justify the alteration of Green Belt boundaries to help meet development needs, and the plan's approach is sound. The exceptional circumstances relating to the individual sites are discussed in Issue 8.

### **Vision, objectives and plan content**

37. Overall, the plan's vision and strategic objectives provide a positive and locally distinctive foundation for its policies, but various modifications are required for effectiveness.
38. Firstly, the submitted plan is not clear enough about which policies are considered strategic. For effectiveness, **MM3** identifies the strategic policies, which is necessary to provide a context for the preparation of neighbourhood plans.
39. Secondly, some modifications are required for updating and effectiveness. **MM4**, **MM5** and **MM7** respectively bring the economic profile, the figures on affordable housing need and the vision for the Lee Valley Regional Park up to date, whilst **MM8** and **MM9** update the plan's vision and objectives to make them consistent with other main modifications which promote healthy communities, protect the natural and historic environment, promote public transport, and recognise the importance of particular industries to the district's economy.
40. Thirdly, Policy SP1, Sustainable Development is unnecessary because it duplicates the presumption in favour of sustainable development in the NPPF, and the wording is not entirely consistent with the NPPF. **MM10** deletes it in the interests of soundness and instead explains the presumption in the background text.
41. Fourthly, each chapter of the submitted plan includes a section setting out the key evidence to which the Council has referred in preparing it. Some of the documents are now out of date and new ones have become relevant. These sections are unnecessary, so **MM1** deletes them in the interests of effectiveness.
42. Finally, to make the plan effective, **MM113** provides an up-to-date definition of major and minor development to set the context for the plan's development management policies.

### **Plan monitoring and review**

43. Policy D7 of the submitted plan takes an appropriate approach towards monitoring, but is not clear enough about the circumstances under which a review would take place.
44. For soundness, **MM111** and **MM112** modify Policy D7 and its supporting text to set out a number of factors to be taken into account in any plan review. They indicate that review will normally take place within 5 years of the plan's adoption. However, importantly, they add that an early review will be commenced promptly and relevant policies will be updated if the Authority Monitoring Report demonstrates

that annual housing delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is the lower) for three consecutive years; or the Council cannot demonstrate a five-year supply of deliverable housing land against the requirements established through the Local Plan and Housing Implementation Strategy. This is important for housing delivery and is also relevant to issues discussed in relation to the Epping Forest SAC, discussed in Issue 6.

### **Issue 1 Conclusion**

45. The plan's spatial strategy was developed in a thorough manner and is well-evidenced and appropriate. The plan's intention to alter the boundaries of the Green Belt to meet housing and other needs is justified as an exceptional circumstance, at the strategic level, for the reasons discussed above. The plan's spatial development strategy, overall vision, objectives and approach to monitoring and review are sound, subject to the main modifications set out above and elsewhere in this report.

### **Issue 2 – Whether the plan makes appropriate provision for housing of all kinds to meet the needs of society**

#### **Calculating the housing requirement**

46. For the plan period 2011-33, the 2017 Strategic Housing Market Assessment (SHMA) for West Essex (Epping Forest, Harlow and Uttlesford Districts) and East Hertfordshire (EB407) found the objectively assessed need (OAN) for housing to be 51,710 dwellings across the housing market area (HMA), of which 12,573 dwellings were needed within Epping Forest District. This calculation used the 2014-based household projections as the starting point and a 10-year migration trend to mitigate the impact of an unexplained 2012-15 peak in migration figures. The OAN included an uplift of 6,200 dwellings to take account of market signals, a 14% increase over the adjusted demographic projection, to address an anticipated reduction in household size and to take account of increased migration from London as predicted by the Mayor of London's Office.
47. The 2017 OAN equated to an average of 2,350 additional dwellings each year across the HMA over the period 2011-33, compared to actual average delivery of 1,390 dwellings per annum (dpa) from 2001-2011. The increase in the housing stock would contribute towards addressing the acknowledged affordability pressures in the HMA.
48. The figure of 51,710 new dwellings had been tested by the 2016 Sustainability Appraisal, which had considered three alternatives for the overall level of growth in the HMA, including the delivery of approximately 46,000, 49,638 and 57,400 new homes within the HMA.
49. The HMA authorities had agreed in March 2017, prior to the publication of the 2017 SHMA, to deliver 51,100 dwellings between them over the period 2011-33 (EB1202). This was some 600 dwellings lower than the figure that was subsequently identified in the 2017 SHMA, but the difference amounts to just 7 dwellings per annum per authority and is insignificant for practical purposes.
50. The HMA authority agreement commits Epping Forest District to deliver 11,400 of

the total of 51,100 dwellings. This is less than the individual OAN for the district of 12,573 found by the 2017 SHMA, but it is the OAN for the HMA which paragraph 47 of the NPPF requires local plans to meet. The agreed figure recognises the significant constraints upon development in the district, with its extensive Green Belt and environmental designations. Policy SP2 of the Plan therefore sets 11,400 dwellings as the minimum housing requirement.

51. The Office for National Statistics (ONS) 2018-based household projections published in June 2020 projected a lower level of household growth in the district over the plan period than did the 2014-based projections. However, Planning Practice Guidance (PPG) is clear that household projections should provide the starting point for estimating housing need and that adjustments might be required to reflect local circumstances. The HMA authorities reconsidered their calculations of the OAN, taking account of both the 2018-based projections and local evidence of the kind used to inform the SHMA (ED114A). Their analysis found that the reduction in household growth in the 2018-based projection was largely due to methodological changes, notably in the length of migration trends and the means of calculating household formation.
52. Once these factors were adjusted for, by using a 10-year migration trend to achieve a more stable projection and by making a greater uplift for suppressed household formation, the OAN for the HMA derived from the 2018-based projection was found to be 48,950 for the plan period. This was approximately 5% below the 51,700 found by the 2017 SHMA (and about 4% less than the agreed HMA delivery figure of 51,100). This scale of reduction does not amount to a meaningful change. Thus the publication of the 2018-based household projections did not render the assessment in the SHMA outdated and so, for all the reasons above, the OAN found by the SHMA 2017 is realistic, appropriately evidenced and justified.
53. The subject of affordable housing is dealt with below, but in summary the identified need of 2,851 affordable homes identified in the SHMA Affordable Housing Update 2017 (EB408) for Epping Forest District for the period 2016 to 2033 can be met through the overall housing requirement of 11,400 homes, so no further adjustment is required to that number to meet affordable housing need.
54. Having regard to all the above, the housing requirement of a minimum of 11,400 dwellings is justified.

### **The housing requirement and trajectory over the plan period**

55. Appendix 5 of the submitted plan contained a housing trajectory which indicated an annual requirement of 661 homes between 2017/18 and 2021/22 falling to 615 homes per annum thereafter. It is not possible for the plan to achieve this now, because the rate of housing delivery from 2011/12 to 2019/20 was only 277 dwellings per annum (dpa). This is partly because the commencement of development on a number of the sites to be released from the Green Belt has been delayed pending the adoption of the local plan, which has been subject to a protracted period of preparation and examination, and also because air quality considerations in relation to the Epping Forest SAC have served to limit the determination of a significant number of planning applications. **MM14**, **MM15** and **MM115** therefore introduce a stepped trajectory into Policy SP2 to ensure the

effectiveness of the plan. In the current circumstances, with less than 11 years of the plan period remaining, the stepped trajectory provides a realistic approach that will enable the housing requirement to be delivered over the plan period. Under the trajectory set out in MM15, housing delivery would increase on a stepped basis from 275 dpa in the early part of the plan period to 500 dpa from 2022/23 to 2026/27 and to 980 dpa from 2027/28 until the end of the plan period.

56. The stepped trajectory is a practical response to the reality of the current situation and recognises the time it takes to bring allocated sites forward. There is no practical value in trying to pursue a typical flat trajectory with conventional approaches towards the buffer and the redistribution of past under-provision. This would create an unattainable trajectory which would lead to speculative applications on unallocated sites with potential consequences for infrastructure provision and the plan's spatial strategy. The alternative would be to hold up a plan which is already more than 11 years into its plan period for a search for sustainable sites, which would further delay the delivery of much needed homes. Neither of these scenarios represents sound planning. The plan's stepped trajectory creates a clear way forward for the delivery of homes within the remaining plan period in a planned and co-ordinated manner. Along with commitments and completions, the planned trajectory would deliver the housing requirement of 11,400 dwellings over the plan period and is pragmatic, realistic and sound.

### Housing land supply

57. The anticipated housing supply in the trajectory in Appendix 5 of the plan for the plan period (2011/12 to 2032/33) is 13,152 dwellings, representing significant headroom over the plan requirement of 11,400 dwellings. However, the reduction in the capacity of some sites and the deletion of others as a result of a number of main modifications, explained in more detail under Issue 8, has reduced the overall contribution of the site allocations to the housing land supply. Action 9 of Inspector Phillips' post-hearings advice note (ED98) indicated that, as a result of the deletion or modified capacity of these sites, the Council should seek alternative sites within the Council's preferred strategic growth option to meet the housing requirement, or if no such sites could be found, to explore amendments to the spatial strategy through the sustainability appraisal process.
58. The Council have not found it necessary to do that. The latest housing supply calculation, set out in Table 2.3 as amended by **MM11**, and Appendix 5 as modified by **MM115**, indicates that the current anticipated total housing supply is 12,199 dwellings. Whilst this anticipated supply is lower than that set out in the submitted plan, the figure still represents headroom of 7% over the plan requirement of 11,400 dwellings. That is just short of 800 dwellings, a quantity which would give the plan resilience should delivery rates or commencement dates slip on some sites, as demonstrated by the resilience test in ED144. In addition, in identifying the anticipated total housing supply figure of 12,199, the Council have already taken into account a 10% contingency for slippage or the non-delivery of committed sites. 11,400 dwellings is a minimum target, so there is some potential to increase housing supply on allocated sites subject of course to other plan policies. Several site promoters and 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, or have indicated that



they anticipate that delivery on site may occur at a higher rate than set out within the trajectory.

59. The latest 5 year housing land supply calculation is set out at ED144. Against the stepped trajectory, discussed above, and including a 20% buffer, the supply stands at 5.4 years on the Council's figures. The requirement ramps up steeply from 2027/28, but the anticipated delivery trajectory also increases steeply. Some representors have derived much more pessimistic outcomes from the 5 year supply calculation by assuming the non-delivery of categories of site, the delayed commencement of others, and/or the use of different means of calculation. I have considered these, but have come to the conclusion that the Council's schedule of developable sites and delivery rates in ED144A.1 is realistic as it is supported by a considerable amount of up-to-date information, including that from the site developers and promoters of the strategic sites.
60. Notwithstanding its long gestation period, the plan will be up-to-date following adoption and, while it remains so, the 5 year housing supply should be calculated against the plan's own housing requirement, not an alternative housing need calculation. The Council's capacity assessments, calculation methods and recent evidence, together with the headroom and contingency allowance discussed above, and the expressing of site capacities on key sites as minima (see **MM21**, **MM78**, **MM82** and **MM87**), are enough to give confidence that the housing requirement can be achieved and that a 5 year supply of housing land will continue to be maintained.
61. Moreover, **MM111** and **MM112** introduce effective review triggers into Policy D7 and its supporting text, as discussed under Issue 1, including a requirement for a prompt plan review should the Authority Monitoring Report demonstrate that annual housing delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is the lower) for three consecutive years, or if the Council cannot demonstrate a five-year supply of deliverable housing land against the requirements established through the Local Plan and Housing Implementation Strategy. This review mechanism is referred to again later in this report in connection with the Epping Forest Special Area of Conservation (SAC) and Lee Valley Special Protection Area (SPA) under Issue 6.

### **Housing mix, housing for older people, specialist housing and other accommodation**

62. Policy H1 seeks a range of house types and sizes to address local need and achieve mixed and balanced communities, having regard to the evidence from the SHMA and its updates and the Housing Implementation Strategy of 2017.
63. The submitted plan's approach to this subject is generally sound, and is assisted for effectiveness by **MM113** which adds to the glossary definitions for community-led housing, family housing and specialist accommodation.
64. However, insufficient attention is given to the importance of homes for older people, and to tenure. An increase in the number of older people as a proportion of the population is forecast by the SHMA and also by the 2021 older persons housing need assessment to 2033 (EB411). It is particularly important that housing suitable for older people is considered not solely as specialist housing, but as a

mainstream housing need to be included in the overall mix. In the interests of effectiveness, and to ensure that an appropriate range of groups is considered, **MM27** adds the need for housing for older people, and the subject of tenure, to the list of considerations in Policy H1.

65. Policy H1 supports specialist housing and other forms of housing including self-build and custom housing, sites on which caravans can be stationed, and locations for mooring houseboats. This part of Policy H1 is consistent with the objective of meeting a range of local housing needs, except that H1(C)(i) requires a proven identified need to be demonstrated in relation to such housing. It should not be necessary to demonstrate the need for any particular kind of housing in order to be granted planning permission because this would place an unnecessary impediment in the way of delivery, and **MM27** deletes this requirement in the interests of soundness.
66. The definition of specialist accommodation added by **MM113** explains that this term includes housing for people with physical disabilities, learning difficulties, mental health issues, and housing which provides care to those in need of care, under Use Class C2. Certain kinds of specialist housing for older people will come into this category but there is no need to mention housing for older people here as it is added to the consideration of mix by **MM27** as discussed above since it should be regarded as a mainstream category.
67. Policy H1 also includes criteria for assessing proposals on sites upon which caravans could be stationed. It is not clear in the submitted plan that these criteria are intended to help fulfil the Council's duty under Section 8 of the Housing Act in respect of people needing caravan accommodation and so, for effectiveness, this is explained in **MM26**.
68. For effectiveness, **MM27** deletes the unnecessary requirement for affordable housing in Policy H1 part D because this subject is covered fully in Policy H2 (see below).

### **Affordable Housing**

69. Policy H2 sets the requirements for affordable housing provision. Taking account of completions since 2011, the SHMA Affordable Housing Update 2017 (EB408) concluded that there will be a need for 2,851 affordable homes from 2016-33. The Council's site capacity work indicates that applying the 40% affordable housing rate to allocated sites of 11 or more dwellings would deliver more than the 2,851 homes required, and windfall development could contribute additional units. For effectiveness, **MM15** sets this out in Part A of Policy SP2.
70. The Stage 2 Viability Assessment 2017 (EB301) found that, generally, developments of 11 or more dwellings should be able to provide affordable housing at a rate of 40% alongside a range of other planning obligations and contributions towards infrastructure, but the Garden Town Viability Assessment 2019 (EB1417) indicated that the Water Lane and East of Harlow allocations (sites SP5.2 and SP5.3 respectively) could face viability challenges. However, the 2019 assessment concluded that, in a worst-case scenario, their delivery could be secured by varying the package of s106 contributions, the timing of the payments, and/or the mix of affordable housing. Its findings do not support an up-front

reduction in the proportion of affordable housing sought from these particular sites.

71. Policy H2 provides the flexibility needed to consider affordable housing on a case-by-case basis, and it would allow for a reduced provision based upon site-specific viability evidence. For effectiveness, however, **MM28** explains and clarifies the role of viability assessments and planning obligations in such circumstances.
72. Policy H2 also includes criteria concerning the mix of affordable housing. For effectiveness, **MM29** modifies Policy H2 and the supporting text to clarify that it is the tenure mix which will be required to reflect the latest evidence of need, and for which the relevant evidence is to be obtained from the Council's Housing Service. Clause C of the submitted plan requires the mix of affordable dwelling types and sizes to reflect the mix of market housing, but the SHMA indicates that a different mix of homes is needed in each tenure so for effectiveness **MM29** changes this to better express the primary intention of the Council to achieve development which is tenure blind.
73. Policy H3 enables small scale affordable housing schemes to be built on rural exception sites in locations where needs will not be met through the development of general housing allocations, but the circumstances under which such development could take place are not clear enough and **MM30** and **MM31** provide the necessary clarification for effectiveness.

### **Gypsy & Traveller Accommodation**

74. The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment: Need Summary Report, September 2017 (EB402), and the Update, September 2018 (EB402A), identify a need for 64 permanent pitches for Gypsies and Travellers and one yard for Travelling Showpeople over the plan period 2011-33. This is expressed in Policy SP2(D) as a need for 38 additional pitches and one yard but, for effectiveness, **MM15** alters the policy to set out the full requirement of 64 pitches and one yard for the whole plan period. **MM12** updates the supply position in Table 2.4 of the plan and indicates that 46 of the 64 pitches have already been delivered, leaving 18 more to be provided along with the yard for Travelling Showpeople. Also, for effectiveness, **MM113** amends the glossary to make clear the distinction between a yard and a plot on a site for Travelling Showpeople.
75. The identified needs are for those persons who meet the definitions set out in Annex 1 of the government's Planning Policy for Traveller Sites 2015. Allowance has been made for persons whose circumstances were uncertain but were likely to meet the definitions, and the assessments demonstrate an understanding of the needs of those who do not meet them. In this regard, Policy H4 sets out criteria against which applications for additional Gypsy and Traveller accommodation on unallocated sites can be assessed, and Policy H1 includes criteria for considering applications for caravan accommodation made by persons who might culturally identify as Gypsies and Travellers, but who do not meet the Planning Policy for Traveller Sites definitions. No specific need for transit provision was found.
76. Amongst other things, Policy H4 seeks to limit the impact of new developments on settled communities by restricting the scale of new developments to 5 pitches or 0.5 hectares, and to no more than 10 pitches if there is special justification. The

majority of existing sites in the district are small and consultation confirms a preference for smaller sites, but the 0.5 hectare cap could limit the options available to residents in respect of how the land is used. The 5-pitch limit, together with any necessary planning conditions, should be sufficient to achieve the Council's objectives, so for effectiveness **MM32** deletes the site size restriction.

### **Accessible and adaptable homes**

77. Policies H1(A)(v) and H2(A) contains a requirement for all new homes including affordable homes to be accessible and adaptable. This is justified by the SHMA and by the 2021 older persons housing need assessment to 2033, both of which predict a substantial increase in the proportion of older people living in the HMA during the Plan period. It is also consistent with the national and local objective of enabling people to remain in their own homes for as long as they wish. The cost of this requirement has been included in the Council's viability assessments (EB301 and ED116) and the evidence is that it would not put the implementation of the Plan at serious risk. However, **MM27** and **MM29** clarify, in the interests of effectiveness, that the requirement for all homes to be accessible and adaptable equates to a requirement to meet the optional M4(2) standard in the Building Regulations.

### **Issue 2 Conclusion**

78. Subject to the main modifications described above, the plan makes sufficient provision for housing over the plan period, and takes a practical and sound approach towards housing delivery and the housing trajectory. There is adequate evidence to indicate that a 5 year supply of housing will be maintained. The plan delivers an appropriate mix of housing tenures, types and sizes and makes adequate provision for affordable housing, older people, specialist housing, Gypsy and Traveller accommodation and accessible homes to meet the identified needs of different groups. The plan therefore makes appropriate provision for housing of all kinds to meet the needs of society.

### **Issue 3 – Whether the Plan's policies towards business, employment and town centres are sound**

#### **Employment land**

79. The HMA authorities jointly commissioned economic evidence to support the development of the OAN for West Essex and East Herts (EB409, September 2015). The assessment of employment needs (EB610, October 2017) concluded that some 51,000 jobs should be provided across the area over the period 2011-33, with 10,800 in Epping Forest District. The assessment was prepared with reference to PPG, and its conclusions are supported by the Employment Land Supply Assessment and the Employment Review (EB602 and EB603, both December 2017). The forecasts were adjusted to take into account the actual spatial distribution of growth, specific drivers of growth and labour market projections. The plan intends to help deliver all 10,800 jobs needed by 2033. For effectiveness, **MM15** includes this intention in Policy SP2. The assessments concluded that 2 to 5 hectares of new office space and 14 hectares of new industrial space are needed in Epping Forest District from 2016 to 2033, a total of 16 to 19 hectares, taking account of completions and employment generation

since the start of the plan period. Table 2.5 of the plan sets this out, but wrongly states that the figures relate to the period from 2011 to 2033. It is also out of date in referring to offices as being within Use Class B instead of Use Class E. **MM13** corrects this for effectiveness.

80. The plan's approach is to protect and enhance existing employment sites, including through intensification, and to allocate new sites in order to support economic growth whilst limiting the extent of land released from the Green Belt. As it is not possible to meet all the district's employment needs on existing sites or within existing built-up areas, the plan allocates 23 hectares of new employment land across five sites, which are listed in Table 3.1. These allocations are required to provide for the economic needs of the district and to avoid unsustainable travel patterns and these factors support the release of a modest amount of land from the Green Belt as an exceptional circumstance.
81. Table 3.1 refers to Use Class B1, which has been revoked. For soundness, **MM33** therefore refers to a range of activities within Class E. For effectiveness, a definition of "Employment Use and Employment Site" is added to the glossary by **MM113** consistent with the approach to employment sites in **MM33** and **MM34**.<sup>2</sup>
82. These allocations meet and slightly exceed the identified need for 16 to 19 hectares found by the assessments. There is no convincing evidence that a bespoke allocation is required in the district for retail warehousing.
83. Policy E1 also deals with meeting employment needs by designating existing sites for retention, allowing for redevelopment or intensification where appropriate. For effectiveness, **MM33** and **MM34** update the policy by extending it to Use Class E and also extend it to include sui generis uses of an employment character. They also make it clear that the retention policy applies to both designated and undesignated employment sites.
84. Policy E1 includes a requirement that proposals resulting in a loss of employment space should contribute towards local employment training and small business growth programmes supported by the Council. However, this would be unlikely to relate fairly and reasonably to the development and **MM34** deletes the requirement.

### Town centres and other centres

85. The Town Centres Review 2016 (EB1008) identified a need for 59,700 square metres of additional retail floorspace across the district from 2009 to 2033. For clarity and effectiveness, **MM35** sets the timescale out in the plan. The projection is based on maintaining, rather than increasing, the district's share of expenditure, which is realistic given the draw of significant nearby centres including Westfield Stratford City, Romford and Harlow.
86. Taking account of development already in the pipeline, there is an outstanding

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<sup>2</sup> A change has been made to the glossary definition of "Employment Use and Employment Site" in **MM113** compared with that in **ED145** (the further main modifications published for consultation) to make it clear that the term applies to the whole of Use Class E rather than just Class E(g). This makes the definition consistent with **MM33** and **MM34**.

need for approximately 39,700 square metres of retail floorspace by the end of the plan period. 40% of this is expected to be provided at Harlow, recognising the relationship between the Garden Communities and Harlow, and the contribution the town makes to servicing the needs of the district. This is consistent with the regeneration ambitions for Harlow, and it leaves relatively modest provision to be made across Epping Forest District's town and district centres.

87. Several of the plan's allocations include retail within the overall mix of proposed uses and, while the precise amount of floorspace is not specified, provision overall is likely to be sufficient for the identified need to be met in full as required by paragraph 23 of the NPPF. There is no evidence that demand is being frustrated in any particular location, or by a lack of space for large format stores. On the contrary, experience shows that demand is for residential led, mixed use schemes and, on this basis, the approach in the plan is reasonable.
88. Policy E2 defines the hierarchy of centres for the district and provides development management criteria for proposals within them. The policy in the submitted plan supports main town centre uses within the Town and District Centres where they maintain and enhance the vitality and viability of the centres. This qualified support is not in accordance with the NPPF and **MM36** deletes the reference to vitality and viability for soundness. Moreover, the policy is no longer effective because it refers to Use Class A1, which has been revoked. **MM36** therefore removes all references to Use Class A1 and replaces them with Use Class E. Similarly, "retail" (as in "retail frontage") is replaced with "commercial, business and service". For effectiveness, the part of the policy which allows for residential development in particular circumstances is deleted by **MM36**, because it has been rendered redundant by Class MA of the Town and Country Planning (General Permitted Development) Order 2015 as amended, which allows changes of use from Use Class E to Class C3 (dwellinghouses) subject to certain conditions. Finally, for effectiveness, the part of the policy which seeks to protect local shops is re-cast to refer to Use Class F2, which includes small shops selling essential goods for the local community.

### **Food production and glasshouses**

89. The western part of the district is an important centre of the Lee Valley glasshouse industry. Policy E3 provides for glasshouses, ancillary development and energy generation facilities to come forward, subject to certain criteria being met. This criteria-based approach represents a change from the 1998 Local Plan, which designates land for this purpose, and it also departs from the recommendations of the Laurence Gould Report (EB604), which include that land designation should continue. However, that report notes significant difficulties in predicting the demand for future glasshouse development given the volatility of the sector and, in this context, its recommendation that land should be allocated for large scale expansion is inconsistent with paragraph 22 of the NPPF. Neighbouring authorities have likewise dispensed with area designations. Policy E3 indicates that glasshouse development is to be permitted in principle, and it sets out the reasonable tests the Council will apply when considering applications so there is no reason why growers should be disadvantaged. Policy E3 is therefore justified.
90. Part of Policy E3 deals with the provision of on-site accommodation for nursery workers. This is couched in terms of whether the absence of on-site

accommodation is rendering the activity unviable, but there are inconsistencies with paragraph 55 of the NPPF. For effectiveness, **MM38** changes this to clarify that the accommodation must be required for operational purposes. **MM37** provides a clearer explanation for the policy and removes an unjustified reference to production levels.

### The visitor economy

91. Policy E4 is supportive of the visitor economy, within the context of the strict control exerted over development in the Green Belt. In the interests of effectiveness, **MM39** requires development proposals to ensure that habitats sites are protected.

### Issue 3 Conclusion

92. Subject to the main modifications described above, the plan's policies towards business, employment and town centres are sound.

### Issue 4 - Whether the plan's policies and proposals for infrastructure, including transport, are sound

93. The Council, Essex County Council and other providers have carried out demand forecasting for transport, early years provision, community floorspace, adult social care, GP surgeries, dentists, open space, primary and secondary education, and indoor sports facilities. The Council has compiled an Infrastructure Delivery Plan (IDP) which covers the district, and has been engaged in the development of the IDP for Harlow and Gilston Garden Town. For effectiveness, **MM105** clarifies this in the supporting text to Policy D1. This work has fed into the Infrastructure Delivery Schedule 2020 (ED117/EB1118) and the Infrastructure Funding Statement 2020 (EB1119) and is closely linked to the consolidated and updated viability evidence 2020 (ED116/EB1117).
94. The IDPs identify the infrastructure required to support growth over the plan period, including the agencies who will be involved in infrastructure provision, the timescale, the cost and the funding sources. The general approach, which is a sound one, is to make the best use of existing infrastructure and provide additional services, facilities and infrastructure at a rate which meets the needs and requirements that are expected to arise from new development.
95. Policy D1 reflects this background, and requires new development to be served and supported by appropriate on- and off- site infrastructure. For effectiveness, **MM106** states that the delivery of infrastructure either directly or 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. The IDPs are not part of the development plan and do not carry the same weight, so Policy D1 cannot require proposals to accord with them, but **MM106** makes it clear that proposals should have full regard to their contents. This allows for some flexibility whilst recognising that the IDPs are an important means of coordinating infrastructure provision. For effectiveness, it also clarifies the Council's approach to the consideration of viability matters at the development management stage and seeks a positive and collaborative approach towards addressing the cumulative impact of development.

96. As regards community infrastructure, Policy D2 aims to ensure that appropriate provision is made in new development for the essential services and facilities that are required to support communities. Paragraph 6.18 states that these include facilities for education, health and the emergency services. The wording is ambiguous and leaves some doubt as to whether other services might be covered by the policy so **MM107** makes it clear in the interests of effectiveness that the policy concerns the three stated topics.
97. Policy D2 supports the dual use of school facilities and **MM107** for effectiveness requires safe, direct routes to schools by sustainable and active means of transport, as well as the creation of a safe and attractive environment around schools.
98. **MM107** for effectiveness updates the background text to Policy D2 in respect of the potential relocation of the Princess Alexandra Hospital from its current site within Harlow to land within the East of Harlow Garden Community. It recognises that planning applications for the hospital campus may come forward in advance of the endorsement of the strategic masterplan in order to meet strategic need, although they will need to address the strategic masterplan considerations set out in the policy (see also Issue 8).<sup>3</sup>
99. Policy D2 also seeks to resist the loss of these essential services and facilities other than where certain criteria are met, and for effectiveness **MM108** introduces a new criterion which would allow their loss if a replacement were provided on site or in a suitable alternative location.
100. **MM107** and **MM108** add a requirement to Policy D2 and its background text for a health impact assessment for developments over 50 units of Use Class C2 and C3. This is necessary for effectiveness as it will consider the demands that will be placed on the capacity of health services and facilities by the development and encourage schemes to promote healthy living.<sup>4</sup>
101. Policy D4 seeks to retain or improve the community, leisure and cultural facilities that are valued by the community, and to prevent their loss except in the circumstances defined by the policy. To make the policy effective, **MM110** clarifies the circumstances under which on-site provision or contributions towards off-site provision are appropriate, as well as the policy approach towards site marketing.
102. Turning to transport issues, Policy T1 aims to promote a transport system which builds on the district's strategic location through improvements to strategic road, rail and other public transport connections. However, whilst parts of the district benefit from good connections, other areas enjoy less comprehensive public transport. The rail and particularly the tube stations attract commuters by road; the road system is heavily used, and environmental constraints of various kinds

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<sup>3</sup> This minor change from ED145 is required for flexibility and in recognition of the different timescale and funding arrangements for this major facility.

<sup>4</sup> Policy D2 is the most appropriate place for this requirement as it directly relates to the plan's section on health facilities. The earlier set of main modifications (ED130) moved the requirement relating to health assessments to Policy SP3 (Place Shaping), but it sits more appropriately within Policy D2 which deals with essential facilities and services such as health services.



restrict opportunities to increase capacity. The Transport Assessment Report (EB503) indicated that in a do minimum scenario, traffic levels would increase by approximately 18% in the plan period, with the plan's provisions increasing traffic levels by up to 36%.

103. However, the analysis discussed in the Transport Assessment Report, which was undertaken on the basis of the amount and location of development proposed in the submitted plan, demonstrates that a combination of sustainable transport options to achieve modal shift, physical highway improvements, and the phenomenon of peak spreading, could potentially mitigate the most significant impacts of the Local Plan. To this end, Policy T1 aims to promote transport choice, improve access to the district's centres, manage congestion, promote healthy lifestyles and improve safety and security and improve the efficiency of the local highway network. It seeks the provision of, or financial support for, bus services and walking and cycling facilities.
104. In addition, each of the site allocation policies contains requirements for highways and junction upgrades as required, and where appropriate they are subject to main modifications to include requirements to deliver walking and cycling facilities and enhancements to public transport. These main modifications are dealt with individually under the site allocation policies. By virtue of Policy D1 as modified by **MM106** (see above), regard would be had to the relevant IDP in establishing the requirements for these sites, and indeed for other non-allocated sites.
105. **MM41** alters Policy T1 to bring its wording into line with NPPF policy on transport, and combines the different sets of development criteria into one set of requirements, in the interests of effectiveness. It also alters the policy to state that parking provision in new development should have regard to adopted parking standards, rather than accord with them, as in the submitted plan. That is because the parking standards do not form part of the development plan and do not therefore have the weight conferred on the plan's policies by s38(6) of the Planning and Compulsory Purchase Act 2004.
106. For effectiveness, **MM40** provides additional information about the circumstances under which a transport assessment or transport statement will be required.
107. Policy T1 of the submitted plan requires electric vehicle charging points within all new developments that provide car parking, as part of a wider approach towards tackling air pollution, climate change and the impact of development on the Epping Forest SAC, which is discussed in more detail in Issue 6. However, the provision of electric vehicle charging points in connection with new residential development is now required by Approved Document S of the Building Regulations, so it is unnecessary for the policy to require them. For non-residential development, a blanket policy for the provision of electric vehicle charging points will not be sound since different kinds of non-residential development have different parking characteristics: a retail store, a health centre, a warehouse and an office, for example, will have different patterns of car park usage and parking duration. Before a sound strategy can be devised, adequate evidence on this issue will be needed, including engagement with stakeholders. For soundness, **MM40** and **MM41** therefore remove the requirement for electric vehicle charging points from Policy T1. **MM40** alters Policy T1 and its supporting text to the effect that the Council will develop an electric vehicle charging strategy to maximise opportunities

to improve electric vehicle charging, including for different types of non-residential parking. This would be based on an assessment of charging patterns and requirements, in consultation with local stakeholders, and non-residential development proposals will need to have regard to that strategy when it is adopted. These changes do not represent a retreat from the objectives of the plan to reduce air pollution and carbon emissions; the requirement for residential electric vehicle charging points will remain in place through the Building Regulations, and a smart strategy will be devised for non-residential electric vehicle charging points which is more closely related to patterns of usage and need.

108. Policy T2 aims to safeguard routes for proposed transport schemes. **MM41**, **MM42** and **MM43** add, for effectiveness, that development proposals and strategic masterplans will be required to safeguard land for the delivery of the Sustainable Transport Corridors as part of the development of the Harlow and Gilston Garden Town; **MM40** explains their context and **MM43** states that they are identified indicatively on the Policies Map.<sup>5</sup>
109. Policy D3 concerns utilities, and indicates that planning permission will only be granted where there is sufficient capacity to meet the needs of the development; the Council expects developers and utility providers to work together to ensure that the appropriate utilities are provided. Part B states that developers will be required to fund infrastructure improvements where they are not programmed by the utility providers, and that they must be completed prior to occupation. However, this does not accurately reflect the way that planning obligations may be used as a means to provide or contribute towards infrastructure, or the statutory obligations of the utility providers themselves. Furthermore, not all infrastructure will need to be completed prior to first occupation as the policy requires. For soundness, this part of the policy is replaced by **MM109**, which allows for infrastructure to be provided at the right time.

#### **Issue 4 Conclusion**

110. Subject to the main modifications described above, the plan's policies and proposals for infrastructure, including transport, are sound.

#### **Issue 5 – Whether the plan takes a sound approach towards environmental matters**

111. Policy SP7 is the plan's overarching policy on the natural environment, landscape character and green and blue infrastructure. It covers a range of topics which are then addressed in more detail in the plan's development management policies. Its overall thrust is sound, but for soundness and effectiveness **MM25** contains a range of wording modifications to the policy to clarify its effect, achieve consistency with the NPPF and ensure it is consistent with the main modifications to the more detailed environment, landscape and green and blue infrastructure policies.
112. Policy DM1 addresses habitat protection and diversity. In the submitted plan it is

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<sup>5</sup> The word "indicatively" has been inserted for accuracy and hence effectiveness; this is a minor change from ED145.

not fully reflective of the legal and policy framework for habitats protection and, for soundness, **MM44** and **MM45** amend the wording of the policy and its supporting text so that it is consistent with modifications **MM46** and **MM47**, discussed in connection with Policy DM2 under Issue 6, and to ensure that it more accurately reflects the intention to seek net biodiversity gain, and is consistent with Chapter 11 of the NPPF.

113. Policy DM3 addresses landscape character. In the interests of effectiveness, **MM48** alters the policy to make clear that the sensitivity of settlement edge locations will be taken into account, and also draws attention to the use of landscape sensitivity studies and the Historic Environment Characterisation Study in assessing development impacts.
114. Policy DM4 concerns development in the Green Belt. For soundness, **MM49** makes the wording consistent with the NPPF and also consistent with **MM30** and **MM31** in respect of rural exception sites. The exceptional circumstances for altering the Green Belt boundaries are addressed under Issue 1 and in the relevant site allocation policies under Issue 8.
115. Policy DM5 seeks to retain and enhance green and blue infrastructure and enhance connectivity between them, but to ensure consistency with Policy DM2, **MM50** and **MM51** make it clear in the policy and supporting text in the interests of effectiveness that these aims should not be pursued by developments if by doing so they would create additional recreational pressures on the Epping Forest SAC.
116. Policy DM6 deals with the provision of new open space and the protection of existing space. **MM52** and **MM53** again ensure consistency with Policy DM2 in respect of impact on the Epping Forest SAC.
117. Policy SP6 introduces a designation which it refers to as District Open Land, and indicates that this land will be given the same level of protection as Green Belt. **MM22** and **MM23** replace all references to District Open Land with Local Greenspace throughout the Plan to ensure consistency with paragraph 77 of the NPPF, identify their locations, and indicate that their key characteristics will be their beauty, wildlife value, historic significance and/or recreational value. A site would not have to exhibit all these characteristics to be designated as such. **MM113** modifies the glossary definition accordingly. **MM52** alters the background text to Policy DM6 to set out the mechanism in which Local Greenspace can be designated, to ensure consistency with the current NPPF (since this rather than the 2012 NPPF will be the relevant national planning policy affecting its designation and operation). These modifications are all required for soundness and effectiveness.
118. Policy DM15 deals with flood risk, including the application of the Sequential and Exception Tests in national policy. It ensures that developments at risk from river flooding are subject to both tests, but does not cover risk from other sources, such as surface water. **MM62** and **MM63** correct this for effectiveness, and also clarify that, where they are necessary, site specific flood risk assessments should be undertaken in accordance with national policy. The policy is intended to apply to all sites but, in respect of the Sequential Test, this would unjustifiably duplicate the test already carried out as part of the Council's site selection process so, for effectiveness, **MM63** modifies Policy DM15 to make it clear that it does not need to

be applied to development which accords with the site allocations in the plan.<sup>6</sup>

119. Policy DM16 provides criteria for managing surface water through the use of sustainable drainage systems. For effectiveness, **MM64** and **MM65** clarify the relevant guidance and policy requirements, including the different provisions that apply to brownfield and greenfield sites, and major and non-major developments in respect of run-off rates.
120. Policy DM17 seeks to protect and enhance watercourses and flood defences. For effectiveness, **MM66** clarifies the policy to explain the circumstances in which development might be permissible within buffer zones adjacent to rivers and watercourses, and when specific consent for works within these zones is required either from the Council or Environment Agency.
121. Policy DM18 relates to the management of wastewater and water supply. **MM67** and **MM68** modify the policy in the interests of soundness so that it properly reflects the provisions of the Water Act 2014 as a result of changes which came into force in 2018.
122. Policy DM19 requires measures to be taken in connection with sustainable water use. For effectiveness, **MM69** and **MM70** update the policy and supporting text to take into account the latest standards, and allow for variations in exceptional circumstances.
123. Policies DM20 and DM21 concern low carbon and renewable energy and the environmental impacts of development respectively, including sustainable construction techniques. The requirement for all major development to incorporate site wide communal energy systems that serve all energy demands from within the development is unrealistic. In focusing on district heating and cooling systems, the policy does not have sufficient regard to other possibilities for renewable energy generation or efficiency measures in new development, and within Policies DM20 and DM21 there is insufficient recognition of the special issues that can arise in the historic environment. For soundness, **MM71**, **MM72** and **MM73** modify Policies DM20 and DM21 and the supporting text to seek the incorporation of renewable energy installations and on-site low carbon and/or other energy efficiency measures in new development, whilst recognising the special circumstances that arise in the historic environment.
124. Policy DM22 seeks to protect the district from the impacts of air pollution. However, both the policy and its supporting text stray into issues concerning the Epping Forest SAC, which has its own specific policy in Policy DM2. In the interests of effectiveness, to avoid duplication and possible confusion, **MM74** and **MM75** remove the discussion of SAC issues from the policy and supporting text of Policy DM22 and clarify the position in respect of air quality assessments.<sup>7</sup>

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<sup>6</sup> There is a minor wording change from ED145, to remove ambiguity.

<sup>7</sup> The earlier draft set of main modifications in ED130 contained a modification to Policy DM22 relating to the Epping Forest SAC. This reduced the clarity and effectiveness of Policy DM22 which is a general policy on air quality, and resulted in unnecessary duplication with Policy DM2, so it has not been included in the final schedule of main modifications.

## Issue 5 Conclusion

125. Subject to the main modifications described above, the plan takes a sound approach towards environmental matters.

## Issue 6 – Whether the plan would ensure the protection of the Epping Forest SAC and the Lee Valley SPA

126. Policy DM2 addresses development affecting both the Epping Forest SAC and the Lee Valley SPA/Ramsar site.

127. The Epping Forest Special Area of Conservation (SAC), which lies south of Epping and west of Buckhurst Hill, Loughton and Debden, was designated under the European Habitats Directive in 2005 to protect the woodland and heathland habitats that it provides for invertebrates, amphibians and birds, and specifically to protect the population of Stag Beetles. Large parts of the SAC within Epping Forest District are in an unfavourable conservation condition, experiencing visitor pressure and pollution from road traffic.

128. In the submitted plan, Policy DM2 did not provide adequate safeguards for the SAC, being imprecise in its requirements for development management. The evidence base underlying the policy at the time the plan was submitted lacked adequate strategies for matters such as a strategic access management and monitoring plan (SAMM) and suitable alternative natural greenspace (SANG). In addition, the methodology and conclusions of the original HRA were criticised by Natural England and the Conservators of Epping Forest. These issues are summarised in Inspector Ms Phillips' post-hearing note ED98, paragraphs 12 to 19. The Council subsequently carried out a considerable amount of work which necessitated surveys and modelling for various habitat, traffic and air quality scenarios, and developed three strategies which are referred to in more detail below.

129. As a consequence of this additional work, Policy DM2 has been substantially revised by **MM47** in the interests of soundness and legal compliance.<sup>8</sup> It now states that new development for which it is not possible to conclude no 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 permitted. This reflects the precautionary principle. It also states that mitigation measures, on-site and off-site as appropriate, will be required to ensure that development will have no adverse effect on the integrity of these areas. Where necessary, contributions towards off-site measures to mitigate the likely impacts of air pollution and adverse recreational effects arising from a development will be sought. It adds that, in designing mitigation measures, regard

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<sup>8</sup> The modifications in MM47 contain extensive textual changes from the earlier set of main modifications in ED130 which contained lengthy material which detracted from the clarity and essence of Policy DM2. The wording also differs slightly from the consultation version of the further main modifications in ED145, at the suggestion of Natural England, in order to reflect the legal test within the Habitats Regulations, which assists with clarity and effectiveness. In addition, also in response to comments from Natural England, MM47 includes brief references to the Council's strategies. The changes from the wording in ED145 do not alter the effect of the policy.

should be had to the Council's strategies referred to in the related supporting text: the Air Pollution Mitigation Strategy for Epping Forest, the district's Green Infrastructure Strategy (which includes the SANG Strategy) and the Epping Forest Strategic Access, Management and Monitoring Strategy.

130. In addition to the above modifications, **MM47** inserts into Policy DM2 a restriction on development within 400m of the boundary of the Epping Forest SAC unless it can be demonstrated through project level HRA that the development would not generate additional urbanisation impacts beyond that of recreational pressure, such as from fly tipping and incidental arson. This is required to avoid direct urbanisation impacts and is necessary for soundness.
131. Natural England indicate that, subject to these changes, the restrictive wording introduced into Policy DM2 by **MM47** will serve to limit development in the event that suitable mitigation measures cannot be secured at the project-level HRA stage, and will be the main mechanism by which harm to the Epping Forest SAC will be prevented. (The Lee Valley SPA is referred to below.)
132. That said, it is necessary for this report to go on to consider the strategies referred to above, because they have a role in facilitating the delivery of the plan. They are referred to in **MM47** to establish the link between policy and strategy in the interests of effectiveness. They are also referred to in more detail in the supporting text to Policy DM2 as modified by **MM46**, which explains the strategies and their role, in the interests of effectiveness.<sup>9</sup> Whilst the strategies do not themselves form part of the development plan and cannot be given the weight accorded to it, they contain mitigation measures that have been evolved in conjunction with Natural England and have enabled the HRA to conclude that, with mitigation, the plan as a whole would not harm the integrity of the SAC and SPA. The strategies have been taken into account in the 2022 HRA as described above in the Legal Compliance section of this report.
133. The Green Infrastructure Strategy (EB159, April 2021) takes a strategic and holistic approach towards protecting, maintaining and enhancing the ecology, landscape and heritage in the district and forms a key part of the Council's approach to avoiding or mitigating the effects of plans and projects, both alone and in combination, on the Epping Forest SAC. To manage the effects of development within the Zone of Influence up to 6.2km from the SAC,<sup>10</sup> a Suitable Alternative Natural Greenspace (SANG) Strategy has been prepared as part of the Green Infrastructure Strategy. This identifies how and where SANG will be provided over the Plan period to ensure that no harm will be caused to the SAC. An updated Strategic Access Management and Monitoring Strategy (EB213) which was adopted by the Council in April 2022 will assist in mitigating the effects of increased recreation within 6.2km of the SAC. These strategies are intended, along with the Air Pollution Mitigation Strategy, to prove effective in enabling the

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<sup>9</sup> Some minor additional explanation is added to the wording of MM46 in comparison with ED145 to explain that planning applications should have regard to the strategies.

<sup>10</sup> The word "current" is removed from MM46 as a minor change to ED145 in respect of the Zone of Influence as it introduces some doubt as to whether the Zone might change in extent. The Zone of Influence for the purposes of the plan is 6.2km.

plan to be delivered without harm to the SAC.

134. There has however been some discussion about the scope of the mitigation measures included within the Air Pollution Mitigation Strategy for the Epping Forest, which is an interim document pending the adoption of the Local Plan. The Council intends to review, in particular, the timing of the monitoring aspects of the strategy prior its final adoption. This strategy includes measures such as limiting parking space, introducing controlled parking zones and traffic management schemes, promoting the use of ultra-low emission vehicles (ULEVs) and introducing a Clean Air Zone (CAZ) which would include charging polluting vehicles for using certain routes affecting the Forest. The issues centre on the CAZ proposal. The 2022 HRA's conclusion of no adverse effect to the integrity of the Epping Forest SAC assumes, among other things, the introduction of a CAZ by 2025.
135. Underpinning this is the modelling undertaken for the Local Plan, which concludes that, in order to conclude no adverse effect on the integrity of the SAC, a significant shift is required to newer Euro standard vehicles and (in order to address ammonia emissions) from petrol cars to Ultra-Low Emission Vehicles (ULEVs). A CAZ is one element of the strategy in encouraging the take up of ULEVs<sup>11</sup> and other steps are required. These include steps to achieve a 30% conversion of petrol cars to ULEVs by 2033 such that 12-15% of the overall vehicle fleet using roads within the SAC would be ULEVs (equating to some 3000 car journeys a day on its busiest roads); a right turn ban at Honey Lane; and the implementation of veteran tree management plans. These are in addition to a suite of mitigation measures referred to in the Council's Air Pollution Mitigation Strategy, such as increasing opportunities for sustainable transport use, increasing cycling provision in developments and improving broadband connections. These measures would help to suppress the forecast growth in traffic movements through the SAC, which would have a similar effect as achieving the target shift to ULEVs, but these measures are not directly quantifiable or modellable. Natural England regard all of these, including the CAZ, as strategic-level mitigation which enable a conclusion of no harm at the level of the whole plan.
136. It is noteworthy that the HRA states that "a Clean Air Zone will be required, but it is possible that improvements to air quality may proceed more quickly than has been assumed in the modelling underlying the HRA and in that eventuality the need for a Clean Air Zone can be reviewed in response to air quality monitoring data". In this regard it is worth observing that since the plan was submitted there has been a period of dynamic change in electronic communications and home working, electric vehicle development, manufacture and registration, and national policy and regulation towards vehicle emissions. In November 2020, the Government announced a commitment to end the sale of new petrol and diesel vehicles by 2030, and to require all new cars and vans to be fully "zero emission" at the tailpipe by 2035; its related Delivery Plan contains a series of commitments

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<sup>11</sup> The Government's current Clean Air Zone Framework, the standards for which will remain in place until at least 2025, does not seek charges for modern Euro 4 and Euro 6 compliant petrol and diesel cars or Euro VI compliant heavy vehicles. The HRA states that other measures are required in Epping Forest to encourage a move from petrol vehicles towards ULEVs and sustainable transport modes.

towards improving charging experience, rolling out more charging points, and encouraging the take-up of zero emission vehicles by individuals and business fleets. The Building Regulations now require the provision of electric vehicle charging points for new homes.

137. Most of these initiatives and regulatory changes are very recent indeed, and their impacts are not fully accounted for in the methodological background to the plan and HRA. For example, the HRA points out that at the time the modelling was updated in 2021, the latest mid-year 3-year averages available in respect of NO<sub>x</sub> concentrations dated from 2016. They showed that average NO<sub>x</sub> concentrations across the 1km grid square within which the Epping Forest SAC is situated had fallen substantially from 2003 to 2016. But as the latest and most stringent emissions standards only became mandatory in 2014 (for heavy duty vehicles) and 2015 (for cars) their influence over the 2016 figures would have been limited. It is therefore reasonable to expect (as the HRA's authors state) that the improving trend shown in the most recent data can be expected to continue, and indeed steepen, as drivers continue to replace older cars with newer vehicles and as further improvements in vehicle NO<sub>x</sub> emissions technology are introduced, progressing towards the government's target of ending the sale of all new petrol and diesel cars and vans by 2030. Along with changes in energy costs and individual and societal behaviours, the national and local measures will influence the proportion of ULEVs being newly registered, but there will be a time lapse before any trends appear in air quality data. It is clear then that continued air quality monitoring and assessment in Epping Forest are essential, but it is also imperative that decisions involving measures to protect the SAC are informed by data which is as up to date as possible.
138. Essex County Council as Highways Authority have expressed concern about the broader issues that might arise from the preparation of, and introduction of, a CAZ. They propose additional wording within the supporting text to the effect that a CAZ would only be implemented if acceptable to the parties involved, and if no unacceptable impacts on human health or equalities would arise. This addition is not necessary because the CAZ is not part of Policy DM2 itself, it is within the Air Pollution Mitigation Strategy and, as with any CAZ proposal, these precautionary steps are likely to be required anyway.
139. In summary, despite the likelihood of improvements in emissions, on current evidence a CAZ needs to be retained in the air pollution strategy as part of the suite of mitigation measures. The requirement for a CAZ might change, as the HRA states, but it is recognised that, if air pollution monitoring and assessments continue to demonstrate that a CAZ is required and it is not put in place, there is a potential risk to the delivery of development. A plan review mechanism is required to deal with the possible situation that could arise if individual schemes were unable to proceed as a result of failing the project-level HRA required by Policy DM2, since this could result in housing under-delivery. **MM111** and **MM112** deal with this issue and the subject is discussed under Issue 1.
140. It was proposed in discussions during the examination that a new policy, Policy D8, should be introduced, which would require a review of the plan if mid-term monitoring indicated that planned development might harm the SAC. However, such a policy would be unnecessary given that Policy DM2 as modified provides a firm basis for preventing harm to the SAC.



141. Turning to the issue of SANG, several modifications are needed to reflect the findings of the SANG Strategy in the plan and thereby ensure the effectiveness of the relevant policies. **MM21** amends Policy SP5 to require the Garden Community allocations to provide the necessary SANG whilst **MM78** amends Policy P1 and **MM87** amends Policy P6 for the same purpose. **MM24**, **MM25**, **MM44**, **MM52** and **MM53** update Policies SP7, DM1 and DM6 to include appropriate references to the Green Infrastructure Strategy.
142. In addition to these modifications, modifications are required to the plan's place policies and the site-specific requirements in Appendix 6, now Part 2 of the plan, to ensure that allocated sites have regard to the Council's strategies and infrastructure requirements. These are all addressed against the relevant site allocations under Issue 8.
143. As regards the Lee Valley SPA/Ramsar sites, the 2022 HRA concluded that recreational pressure would be unlikely to result in adverse effects on their integrity, even in combination, for the reasons given in paragraph 5.7 of the HRA. However, it was recognised that case by case decisions would still need to be made for individual planning applications, which would be assessed against Policy DM2.
144. Whatever conclusions are drawn from future monitoring, Policy DM2 as modified by **MM47** will ensure that the plan will continue to provide full protection to the integrity of Epping Forest Special Area of Conservation and the Lee Valley Special Protection Area.

## **Issue 6 Conclusion**

145. It is concluded, consistent with the HRA, that with the policies (as proposed to be modified), and in particular Policy DM2, together with the delivery of the Council's new strategies in relation to recreational pressure and air pollution, a sufficiently protective framework exists to ensure that there will be no adverse effect on the integrity of any internationally important sites. The post consultation changes I have made to **MM47**, using wording proposed by Natural England, strengthen this conclusion. Subject to the main modifications discussed above, the plan will ensure the protection of the Epping Forest SAC and the Lee Valley SPA.

## **Issue 7 - Whether the plan's approach to place-shaping, the historic environment, design matters and density is sound**

146. Policy SP3 contains a set of place-shaping principles that need to be included in strategic masterplans and development proposals, and for effectiveness, **MM17** adds concept framework plans. The policy also contains criteria for development density to make the best and most efficient use of land. These are positive requirements which are intended to bring together all the component parts of a successful place and encourage an integrated approach to the design of development proposals by considering social, physical and economic matters together.
147. The background text to Policy SP3 explains the role of strategic masterplans in guiding the development of strategic sites across the district. Strategic masterplan areas are defined on the maps in the plan and on the large Policies Map; in the

submitted plan, they are the Garden Communities: East of Harlow, Latton Priory and the Water Lane Area; together with South Epping, Jessel Green, Waltham Abbey North, North Weald Bassett, North Weald Airfield, and Limes Farm. The Jessel Green and Limes Farm allocations are deleted by various main modifications for reasons discussed in Issue 8.

148. Strategic masterplans have an important role in ensuring that the requirements of the plan are delivered on the specified allocations in a coordinated manner, and it is reasonable for the plan to require the endorsement of the masterplans by the Council and to express the importance of their role in the decision-making process. Different parts of a site allocation could be subject to planning applications at different times, so the coordination of mitigation and infrastructure delivery is important.
149. The background text to Policy SP3 indicates that planning applications must be in general conformity with the strategic masterplans, and this is repeated in Policies SP4 and SP5. The plan however cannot require such conformity, as the strategic masterplans are not themselves part of the development plan, have not been prepared through the same statutory processes and do not carry the statutory weight of adopted local plan policies. A similar issue arises in respect of the concept framework plans. **MM16** rectifies this in the interests of soundness by replacing the relevant text for both strategic masterplans and concept framework plans with a requirement that planning applications should be accompanied by a strategic masterplan (or concept framework plan, as relevant), which will be an important material consideration in decision making. For effectiveness, **MM16** also explains in more detail the role of planning performance agreements, strategic masterplans, concept framework plans and the consultation process.<sup>12</sup>
150. In addition, **MM16** explains the role of the Council's Quality Review Panel and the Harlow and Gilston Garden Town Quality Review Panel, and the approach to be taken in relation to concept framework plans. The aim of quality review is to provide proportionate design input at the right time to assist the planning application decision process, rather than create an additional impediment to slow the process. Concept framework plans are intended to provide a pragmatic but co-ordinated approach to development in West Ongar and South Nazeing, where there are a number of land holdings but where a coordinated approach towards development is required. Planning applications can come forward separately or as a single application, but the aim is that the concept framework plan will assist the planning application process by demonstrating how the requirements of the policies for the area will be addressed.
151. The density requirements of Policy SP3 aim to promote the highest densities for new development at places with good public transport accessibility, and seek moderately high densities outside of the centres, but allow for lower densities in sensitive areas. This is an appropriate way of making good use of available land. **MM17** introduces additional text to explain more clearly where lower densities might be appropriate, and makes other wording clarifications throughout Policy SP3 to improve clarity and hence effectiveness. Moreover, again in the interests of

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<sup>12</sup> There is a minor change to the text compared with ED145, in respect of consultation, for consistency with MM78. This minor change has also been made in MM82, MM84, MM87 and MM94.

effectiveness, to ensure that the encouragement of active living is taken into account as part of the design process, **MM16** and **MM17** add that proposals should have regard to the ten principles of Active Design developed by Sport England in partnership with Public Health England.

152. Policy DM7 seeks to protect all aspects of the historic environment. However, the policy and its supporting text do not reflect national policy on the subject, and they apply the same criteria to designated and non-designated heritage assets. **MM54** and **MM55** make the policy consistent with national policy in the NPPF; they also explain the circumstances in which heritage statements are needed and when enabling development would be permitted. For effectiveness, **MM113** adds to the glossary a definition of enabling development and it also adds archaeological remains to the glossary definition of heritage assets.
153. Policy DM9 provides a range of criteria intended to secure high quality design in all development. **MM56** contains a range of small-scale changes designed to make the policy clear and effective, including requirements relating to local character and the natural and historic environment, healthy lifestyles, sympathetic extensions and alterations (moved from Policy DM10 to a more appropriate place) and the circumstances in which the Council will require its Quality Review Panel to be used to assess a proposal (namely schemes of more than 50 homes or 5,000 square metres of other floorspace).
154. Policy DM10 addresses housing design and quality. It requires housing development to meet the Nationally Described Space Standards, states that schemes should have regard to open space standards adopted or endorsed by the Council,<sup>13</sup> and also seeks to ensure that family housing has access to a garden, open space, balcony or terrace, shared communal space or children's playspace. For effectiveness, **MM57** adds a requirement that such space should be of a useable size and adds clarity to the requirements for tenure-blind home design.
155. Policy DM12 applies to basement developments and requires them to be subordinate to the host building and property. Part B(ii) allows for basement extensions which would occupy up to 50% of a building's garden area to its front, sides and rear. However, this needs some qualification in Epping Forest District because, where a house has a large garden, a basement development extension of 50% of the garden might be very large, and not subordinate to the original dwelling.<sup>14</sup> There is nothing unsound about the 50% criterion as a maximum, but to ensure the effectiveness of the policy, **MM58** adds an explanation in paragraph 4.84 of the supporting text to say that where properties have larger gardens, extensions will be limited to smaller percentages of the garden areas to ensure

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<sup>13</sup> A small change has been made to MM57 in comparison to the version in ED145; development should have regard to open space standards adopted by the Council, rather than accord with them, because they will not be part of the development plan (this is consistent with the approach to parking standards). The wording in Part D has also been simplified for clarity and effectiveness.

<sup>14</sup> The versions of MM59 in ED130 and ED145 sought to address this concern by limiting basements to the footprint of the original host building through a modification to B(ii) to Policy DM12. But this proposed modification was not strongly evidence-based and would have been unnecessarily restrictive as a means of ensuring that the basement was subordinate. It is not necessary to modify B(ii) of Policy DM12 because the issue is more satisfactorily addressed in the background text through a modification to MM58 as described above.

that they remain subordinate to the main property. It also adds a necessary explanation as to what information will be expected to accompany a planning application. For soundness, **MM59** contains other modifications which aim to conserve the natural and historic environment (in this context conserve can mean leave unaffected) and to make the Green Belt clause consistent with national policy.

156. The control of advertisements is addressed by Policy DM13. Under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 the Council must consider applications for advertisement consent in the interests of amenity and public safety. For soundness, **MM60** clarifies that the criteria listed in Policy DM13 are factors to be taken into account in assessing a proposed advertisement in the interests of amenity and public safety, and adds an explanation as to why illuminated signs are resisted in residential areas.
157. Policy DM14 relates to shopfronts and, to be effective in its aims for design and heritage, **MM61** modifies the policy to require developments to relate positively to the host building, conserve historic materials as far as possible, restore lost character where appropriate and protect and, if possible, enhance the historic character of heritage assets and their settings.

## Issue 7 Conclusion

158. Subject to the main modifications described above, the plan's approach to place-shaping, the historic environment, design matters and density is sound.

## Issue 8 - Whether the plan's site allocations and designations are sound

### Preliminary points

159. The introduction to Chapter 5 of the plan provides a general explanation for the settlement policies that follow, and includes a settlement hierarchy in Table 5.1. This hierarchy is generally logical and well-evidenced, except for the inclusion of Matching in the Small Villages category because, being washed over by the Green Belt and without defined settlement boundaries, the approach to development in Matching will be subject to the Green Belt policies set out in the local plan and in the NPPF, including paragraphs 144 and 149 of the NPPF. **MM76** therefore modifies the table to remove Matching from the list of Small Villages in the interests of soundness.
160. For effectiveness, **MM113** introduces into the Glossary an explanation for the term rural communities, being existing localities in the district that are not defined as 'Settlements' in Table 5.1, and for consistency this term is also used in MM31 (Policy H3), MM49 (Policy DM4) and MM103 (Policy P15).
161. Also, for effectiveness, **MM76** provides additional explanation in respect of the location of development.<sup>15</sup>

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<sup>15</sup> A minor wording change has been made in comparison with ED145 to clarify that local plan development allocations in close proximity to settlements with defined boundaries are on land released from the Green Belt rather than remaining within it.

162. Appendix 6 of the submitted plan sets out the detailed requirements for the development of each site allocated or designated in the plan, but being an appendix, its status is unclear. The development requirements are intended to constitute policy, so Appendix 6 should be an integral part of the plan. For effectiveness, therefore, **MM6** turns Appendix 6 into Part Two of the plan whilst **MM2** amends each of the Place policies (P1-P15) to clarify that the site-specific requirements constitute policy, and several other main modifications include consequential amendments to reflect these changes.
163. A number of main modifications are made to the site allocation policies in respect of employment provision, town centres and local facilities, in the interests of soundness, to take into account the introduction of new business Use Class E (see Issue 3). The subject is addressed by **MM76 to MM87, MM99, MM100, MM113** and **MM153**. This subject is not repeated below.
164. In respect of development in all the settlements referred to by Policies P1 to P15, additional requirements are added for effectiveness by **MM78 to MM104**, to clarify the requirements for educational facilities, health facilities, walking and cycling, public transport and utilities, the role of the Council's Infrastructure Delivery Plan and Schedule and the need to ensure that infrastructure provision or contributions should be necessary and fairly and reasonably related to the development, and the development requirements in respect of air pollution and impacts of the Epping Forest SAC. These are not repeated below.
165. For effectiveness, **MM118 to MM123, MM125, MM130 to MM142, MM148 to MM150, MM162 to MM164, MM172, MM173, MM175, MM177, MM178, MM180 to MM182, MM193** and **MM194** remove from Appendix 6, now Part 2 of the plan, the requirement for a financial contribution in connection with access monitoring and management to counter the potential impact of visitor pressure on the Epping Forest SAC, because this matter is covered by Policy DM2 and does not need to be repeated. This matter is not returned to below.
166. In the discussion that follows, mention is only made of those sites which are the subject of main modifications. Those not referred to are sound as set out in the submitted plan.

### **Harlow and Gilston Garden Town**

167. Epping Forest District Council is working in partnership with Harlow Council and East Hertfordshire District Council, Essex and Hertfordshire County Councils, the relevant local enterprise partnerships, landowners and site promoters to bring forward Harlow and Gilston Garden Town. This includes the existing town of Harlow together with land selected for expansion, and has the potential to deliver about 16,000 new homes up to 2033, together with employment, transport, community facilities and infrastructure. The plans for the Garden Town require the implementation of a new junction (Junction 7A) on the M11, which was completed in June 2022. The Garden Town includes four new garden communities, three of which lie within or partially within Epping Forest District: East of Harlow, Latton Priory, and Water Lane Area. Policy SP4 sets out overall objectives and criteria for the development of the Garden Town Communities and Policy SP5 establishes the more detailed requirements for each of the allocations.

168. The significant amount of growth proposed for the periphery of Harlow requires the alteration of Green Belt boundaries. All three of the site allocations at Harlow within Epping Forest District currently contribute to the Green Belt objective of preventing the unrestricted sprawl of large built-up areas. However, Harlow is a key sustainable location for growth and regeneration. This growth is being delivered in a co-ordinated manner, in co-operation with other local authorities and agencies. Growth at Harlow makes the best use of the services and facilities available in the largest settlement in the area, enables sustainable transport corridors to be provided, and aids the growth, regeneration and infrastructure objectives of Harlow and the London Stansted Cambridge Corridor. It represents the best option for meeting a substantial proportion of Epping Forest District's housing needs along with an element of its employment needs, and necessary infrastructure, in a sustainable location through planned, rather than unrestricted growth. Moreover, the concentration of development around Harlow has important benefits for the continued protection of the environment, landscape and settlement character elsewhere in the district. The outer limits of the proposed development areas at Harlow will be contained by the Green Belt, which will continue to prevent unrestricted sprawl, and the impact of the allocations on the open land beyond them will be mitigated through the development of the strategic masterplans (see below). Having regard to all these factors, and taking into account the wider needs of the district discussed in Issues 2 and 3, there are exceptional circumstances to alter existing Green Belt boundaries around Harlow within Epping Forest District in the manner proposed.
169. At the time the plan was submitted, the partnership councils were preparing a design framework, and this has now been completed in the form of the Harlow and Gilston Garden Town Vision and Design Guide. This provides a context for the production of strategic masterplans for each of the Garden Communities. A sustainable transport corridor study has also now been completed. There is considerably more clarity on these subjects than at the time of the plan's submission and indeed at the time of the hearings. **MM18** therefore brings the background text up to date on these subjects in the interests of effectiveness and makes it clear that the Garden Town comprises the whole of Harlow as well as the four new garden communities.
170. Policy SP4 sets out comprehensive criteria for the design, development and phased delivery of each Garden Community. The submitted plan requires strategic masterplans to be produced for each of the garden communities. Strategic masterplans, which will be subject to community engagement and quality review, will guide the structure and content of the new communities, and will ensure that the planned new development provides a long-term supply of new homes, including affordable housing, and delivers a quality of development, environment, infrastructure, services and community that would not otherwise be possible, as described in paragraph 2.111 of the submitted plan. The purposes of strategic masterplans, and the related main modifications, are discussed above in Issue 7.
171. It is not sound to require applications to be in "general conformity" with strategic masterplans or with the Vision and Design Guide, as expressed by Policy SP4, because these are non-statutory documents which do not have the weight conferred on the development plan by s38(6) of the Planning and Compulsory Purchase Act 2004. **MM19** therefore changes this to say that proposals should

have regard to the Vision and Design Guide; that planning applications should be accompanied by strategic masterplans, endorsed by the Council, which should demonstrate that the development requirements set out in the Policy SP4 have been accommodated; and that the endorsed strategic masterplans will be taken into account as important material considerations in the determination of any planning applications.

172. **MM18** and **MM19** make clear, for soundness, that key transport interventions will be required commensurate with the phasing of development and, where this is clearly necessary to avoid significant harm, as a prerequisite of the occupation of development. **MM18** explains in the background text that sustainable transport provision, including, as appropriate, connections into and contributions towards the Sustainable Transport Corridor network, will be required commensurate with the phasing of development of Garden Communities.<sup>16</sup> The wording is left flexible because the plan cannot impose a standard approach. This will be a matter to be resolved through individual planning applications in consultation with the Council and other stakeholders. Whilst sometimes infrastructure will need to be in place prior to occupation to avoid significant harm, this is not always the case, and it is important to recognise that larger development may be phased; viability considerations may be relevant; infrastructure such as sustainable transport may be provided indirectly through contributions rather than directly; and the ability to occupy much needed homes should not be unnecessarily withheld.<sup>17</sup>
173. **MM19** also corrects some omissions from Policy SP4 including the approach to the historic environment and the landscape, and clarifies the approach towards the sustainable transport corridors.
174. Finally, **MM19** makes clear that the requirement for developments to consider opportunities for community-led housing development sits alongside a requirement to deliver a mixture of tenures for new dwellings. These changes are all required for effectiveness.<sup>18</sup>
175. Policy SP5 allocates the three sites of Latton Priory, Water Lane Area and East of Harlow for, respectively, 1,050 homes and one hectare of employment land; 2,100 homes; and 750 homes as part of a larger development, including the potential relocation of the Princess Alexandra Hospital. Document EB805 explains the site selection process, which was rigorous.
176. In the interests of making the best use of land which is being released from the Green Belt, and to protect other Green Belt land from pressure, **MM20** and **MM21** alter the wording of Policy SP5 for effectiveness so that the number of dwellings in each case is expressed as a minimum. This would, where appropriate, and subject

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<sup>16</sup> The Sustainable Transport Corridor network is shown indicatively on the Policies Map: see Issue 4, MM41, MM42 and MM43 in relation to Policy T2.

<sup>17</sup> In this regard, a minor alteration has been made to MM19 from the version in ED145 to make it consistent with the wording of MM18 and to introduce greater clarity in response to representations.

<sup>18</sup> The superseded set of main modifications in ED130 contained a passage relating to the Harlow and Gilston Garden Town Infrastructure Delivery Plan. This was background information only and is not required to make the plan sound, so I cannot recommend it as a main modification. It is up to the Council whether they want to include it for information.

to other plan policies, allow for a greater level of delivery. For example, the developers of Latton Priory have stated that they believe some 1,290 occupations could be achieved by the end of the plan period (Document ED144A.1).

177. Part C of Policy SP5 addresses the infrastructure requirements of the three allocations. The submitted plan requires infrastructure to be provided in accordance with the Infrastructure Delivery Plan, but this is not sound because the Infrastructure Delivery Plan is not part of the development plan, does not have the weight conferred upon the development plan by s38(6), is not subject to the same degree of scrutiny, and is liable to change. In the interests of soundness, **MM21** therefore clarifies the terms for the provision of on-and off-site infrastructure.
178. Part D of the policy requires planning applications to be in general conformity with the strategic masterplans but again this is not appropriate because the masterplans are not part of the development plan. **MM21** corrects the position in the interests of soundness by stating that strategic masterplans will be taken into account in decision making as an important material consideration.
179. The specific requirements for each of the allocations are set out in parts F, G and H of Policy SP5. These provide a comprehensive framework of criteria for their development. However, part F, Latton Priory, and part G, Water Lane Area, are not sufficiently clear about the mitigation measures required to avoid harm to the Epping Forest SAC and the Harlow Woods Site of Special Scientific Interest. In the interests of soundness, for both allocations, **MM21** therefore requires strategic natural green space of a sufficient size and quality to support biodiversity and to avoid placing pressure on existing sites of international and national importance, and it requires avoidance and mitigation measures to address development impacts on the Site of Special Scientific Interest.
180. **MM20** and **MM21** also make a number of changes to the plan, for effectiveness, to ensure that it is flexible enough to facilitate the detailed masterplanning work being undertaken on the allocated sites. Among other things, the changes include the following.
- In respect of the employment land at Dorrington Farm within Latton Priory, they indicate that the detailed masterplanning process could result in the employment land being located elsewhere in the masterplan area (and they update the plan by referring to Use Class E).
  - They introduce flexibility in respect of the position and alignment of the sustainable transport corridor and residential development in the Water Lane Area allocation.
  - In respect of the East of Harlow allocation, they recognise the role of the strategic masterplans in determining the extent of development across the masterplan area, including a built-to line for landscape protection and to safeguard the settlement edge of Sheering, and clarify that the East of Harlow strategic site allocation forms part of a wider Garden Community which is subject to the preparation of a single strategic masterplan. They refer to the mix and balance of uses in the event that community and/or health facilities are to be delivered within that part of the Garden Community in Harlow District.



- They remove the site size requirement in respect of the five pitches for gypsies and travellers on the Latton Priory allocation, the five pitches on the Water Lane allocation, and the five on the East of Harlow allocation to allow for greater flexibility.

181. It should also be noted that **MM107** recognises the possibility that planning applications for the proposed Princess Alexandra Hospital campus may come forward in advance of the endorsement of the strategic masterplan in order to meet strategic need, but should have regard to the strategic masterplan requirements set out in the policy (see also Issue 4).
182. These changes are all required to ensure that the plan is effective. For effectiveness, **MM20** and **MM21** include other detailed wording changes to improve clarity in respect of education provision, heritage assets and their settings,<sup>19</sup> utilities, flood risk and other matters.
183. To give effect to the policies, changes to the Policies Map are required. On the Policies Map that accompanied the submission plan, the southern part of the Latton Priory site was shown as remaining within the Green Belt, but in the circumstances of Latton Priory it is not appropriate to allocate land and retain it within the Green Belt. The Green Belt boundary should therefore be re-drawn to coincide with the boundary of the site allocation, but with an addition of a build-to line on the Policies Map to contain development and avoid it becoming prominent within the context of the surrounding countryside and from within Harlow itself. It is also necessary to outline the indicative access road on the Policies Map. Changes in respect of the Land East of Harlow allocation are required to include additional land adjacent to Moor Hall Road; make minor amendments to reflect the land ownership boundaries of the land promoters; remove a habitat designation; and include an indicative road for M11 Junction 7a.
184. Subject to the main modifications described above, the site allocations and related policy requirements for development at Harlow and Gilston Garden Town are sound.

## Epping

185. Epping, as one of the district's main centres, has a range of retail, community, civic and employment facilities and has good transport links. The plan seeks to allocate development to make the most of this sustainable location and meet local needs and support the town's facilities, whilst protecting the character of the town, heritage assets, attractive landscape and high performing Green Belt. There are two main parts to this strategy: intensification within Epping, and the expansion of the town to the south. Policy P1 identifies the types of development, the number of homes and the infrastructure requirements for the allocated sites.
186. As regards intensification within Epping, Policy P1 allocates nine housing sites within the built-up part of Epping. One of these sites is built out and another has been deleted by the main modifications, as explained below, but it is evident that the plan does what it can to maximise the development potential of the town and

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<sup>19</sup> A minor change has been made here in comparison with the text in ED145 to reflect the duty under the Planning (Listed Buildings and Conservation Areas) Act 1990.

limit the impact on the Green Belt.

187. Despite the allocations within Epping itself, the housing and affordable housing needs of the town cannot all be met within the built-up area, so the alteration of the Green Belt boundary is necessary to accommodate some extra built development adjacent to Epping. Policy P1 therefore allocates two sites to the south of the built-up area of Epping, EPP.R1 (Land South of Epping, West) and EPP.R2 (Land South of Epping, East), which together comprise the South Epping Masterplan Area, and it proposes 450 homes and 500 homes respectively for these allocations. This is now reduced to a combined total of 450 by the main modifications discussed below. The allocated sites are in a sustainable location, being walkable to the town centre and Underground station. It is noted that other sites have been promoted that are nearer to those facilities, but sites EPP.R1 and EPP.R2 are appropriately included in the plan because their development would have less impact on the landscape and their impact on the Green Belt can be mitigated. Their ability to meet housing need, their proximity to the town's facilities and their closeness to the London Underground Central line station mean that there are exceptional circumstances for the alteration of the boundaries of the Green Belt.
188. The submitted plan envisaged a combined total of 950 dwellings for sites EPP.R1 and EPP.R2. Policy P1 sets out the development criteria for these sites, including a neighbourhood centre, primary school and health facilities, with details to be formulated through a strategic masterplan.
189. However, the sites are subject to numerous constraints, including Green Belt and HRA considerations, noise and air quality associated with the M25, and the presence of overhead powerlines. There is also concern about the impact on the Green Belt of part of EPP.R2 and of any necessary acoustic bund adjacent to the motorway. The site promoters have confirmed that it would not be financially viable for the development itself to fund a vehicular bridge to link the sites across the railway and no alternative means is suggested. Further site capacity work by the Council, taking into account these constraints and the proximity of the Epping Forest SAC, has led to a significant reduction in the combined capacity of both allocations from the original total of approximately 950 dwellings down to a minimum of 450 dwellings, and for soundness this is included in **MM78**. This modification also simplifies the list of social and infrastructure requirements in line with the reduced site capacity and removes the requirement for a vehicular bridge over the railway, replacing it with a requirement for the provision or enhancement of walking and cycling facilities within the site, over the railway and the M25, and to key destinations, including the underground station and the town centre. Despite the reduction in site capacity, a strategic masterplan is still necessary to coordinate development, given the sensitivities and constraints of this area and the fact that there are two separate sites.
190. Whilst the Council's current assessment of site capacity is 450 homes, it is recognised that the masterplanning process could potentially lead to an increase in site capacity. This would give the plan greater resilience in housing supply and provide more homes in a sustainable location close to one of the district's main centres, but any increase above the currently identified capacity would need to be approached with care given the identified site constraints. **MM78** therefore expresses the figure as a minimum, but **MM77** alters the supporting text to Policy

P1 to state that proposals containing a material increase over 450 homes would need to demonstrate that the extra development could be accommodated within the known site constraints, taking into account landscape, biodiversity, heritage, community and infrastructure impacts<sup>20</sup>, and without an adverse effect on the integrity of the Epping Forest SAC. Policy DM2, as modified by **MM47**, would prevent any development having an adverse effect on the integrity of the SAC. In addition to these safeguards, Policy P1 requires the strategic masterplan and any subsequent applications to be considered and informed by any recommendations of the Council's Quality Review Panel, and **MM78** modifies Policy P1 to make clear that these should be subject to public consultation including, in respect of strategic masterplans, consultation with all those with a development interest in the defined area. These modifications are all required in the interests of soundness and effectiveness to make sure that the best is made of these sites whilst maintaining the important protections referred to above.

191. For effectiveness, **MM77** also alters the supporting text to Policy P1 in respect of the provision of infrastructure and the role of the strategic masterplan, so that the scheme has regard to, rather than accords with, the infrastructure delivery plan and the strategic masterplan, recognising that these documents do not form part of the development plan, and it makes it clear that the strategic masterplan will be subject to consultation with the public and with those with a development interest in the area.
192. **MM78** alters Policy P1 to address a range of matters in relation to the South Epping Masterplan Area, including design responses to the level changes, the relationship between the new development, the town and the wider landscape, the protection of veteran trees, the protection of important boundary trees and hedgerows in providing access to the masterplan area, and the avoidance of harm through loss of privacy, noise and light pollution. In connection with this, it requires land south of the indicative build-to line in EPP.R2 to be retained for public open space or other appropriate uses and the Policies Map will be changed to show the indicative build-to line, which will be finalised through the masterplanning process.<sup>21</sup> **MM78** also adds to Policy P1 a requirement that the strategic masterplan must incorporate measures to promote and encourage the use of sustainable methods of transportation and provide viable alternatives to single occupancy car use, a necessary requirement particularly given the proximity of Epping Forest SAC. These changes are all required for soundness.
193. **MM126** moves the masterplan site map for EPP.R1 and EPP.R2 in Appendix 6 (part 2 of the plan) to Policy P1 in Part 1 of the plan for clarity and effectiveness.
194. The other housing sites in Epping, EPP.R3 to EPP.R11 are listed in Policy P1, and the plan's requirements are set out in detail in Appendix 6, now Part 2 of the plan. The main modifications described below are all required for soundness or

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<sup>20</sup> This brief piece of explanation is in addition to the main modifications set out in ED145 for clarity and effectiveness.

<sup>21</sup> Unlike Latton Priory, where considerable work has been carried out to establish a firm built-to line, the word "indicative" has been inserted into MM78 in relation to the build-to line, as a minor change from ED145, in the interests of effectiveness, recognising that the final line will need to be informed by more detailed on-site evaluation.

effectiveness.

195. EPP.R3, which is a car park near the Central line station, is allocated for about 89 dwellings in the submitted plan, but it has proved to be undeliverable within the plan period, so it is deleted by **MM15** (Policy SP2), **MM77** and **MM78** (Policy P1 and supporting text), **MM114** (Appendix 4) and **MM116** and **MM117** (Appendix 6 – now Part 2 of the plan).
196. EPP.R4, currently a mixed-use site at St John's Road, is allocated for about 34 dwellings; **MM78** adds other appropriate uses and **MM118** makes it clear that development proposals should include a leisure centre. It also clarifies the heritage considerations for the site in order to protect the settings of listed and locally listed buildings in the vicinity and the character of the Epping Conservation Area.
197. EPP.R5 at 25 Hemnall Street is allocated for approximately 43 dwellings; **MM78** and **MM119** amend the capacity to 42 to respond to an amended site boundary, and clarify the requirement for a replacement sports centre of equivalent or better quality and quantity.
198. EPP.R6, Cottis Lane Car Park, is allocated for about 47 dwellings; **MM120** requires the retention and, where appropriate, enhancement of a footpath connecting the site to Epping High Street; clarifies the heritage considerations in order to protect the settings of listed buildings in the vicinity and the Epping Conservation Area; and indicates that proposals should demonstrate how disruption to car parking during the construction phase will be minimised.
199. EPP.R7, Bakers Lane Car Park, is allocated for about 31 dwellings; **MM121** seeks to minimise car parking disruption through a similar passage to that of **MM120**.
200. EPP.R8, the Civic Offices, Epping, is allocated for about 44 dwellings; development of the site has the potential to affect a Great Crested Newt population so **MM122** seeks a full survey and site assessment and requires development to avoid any adverse effect on the newts or their habitat. **MM122** also clarifies the heritage requirements for the site because development could have an impact on the Grade II listed Epping Civic Offices and the settings of other listed buildings and the Epping Conservation Area.
201. EPP.R9, Land at Bower Vale, a warehouse and former utilities works, is allocated for about 50 dwellings; other than the removal of a passage relating to financial contributions (see the preliminary points at the beginning of this Issue) main modifications in respect of this site are not necessary.
202. EPP.R10, Land to the Rear of the High Street, is allocated for approximately 6 dwellings in the submitted plan but has now been built out so **MM78**, **MM114** and **MM124** remove it as an allocation.
203. EPP.R11, Epping Library, is allocated for approximately 11 dwellings; **MM125** clarifies the considerations in respect of nearby heritage assets in order to protect the settings of nearby listed buildings and the Epping Conservation Area, and states that the closure of the library and the redevelopment of the site should not take place until a suitable replacement library facility has been delivered and is operational.

204. The sites in Epping that remain in the plan are all logically selected and their development criteria, subject to the main modifications, are sound. Along with the other policies in the plan, they will ensure that development takes an appropriate form and scale and has due regard to its surroundings. The sites that have been removed from the plan by the main modifications have been removed for logical and sound reasons.
205. Subject to the main modifications described above, the site allocations and related policy requirements for development at Epping are sound.

## Loughton

206. Loughton is one of the district's major towns, providing a retail, employment and educational hub, with excellent transport connections and a good environment. The submitted plan aims to concentrate new residential development within Loughton, with Policies SP2 and P2 allocating about 1,021 homes to the town on 18 sites. It also aims to support and enhance the town centre and support employment, whilst protecting the Epping Forest SAC. **MM15**, **MM79** and **MM80** reduce the number of sites to 13 and the number of homes to 455 (plus the completed developments at LOU.R8 and LOU.R17), for the reasons described below. Despite this, the number of homes allocated for Loughton is still substantial; it will help to support local services and contribute towards meeting housing and other needs whilst taking a realistic approach to development constraints.
207. The housing sites in Loughton, LOU.R1 to LOU.R18 are listed in Policy P2, and the plan's requirements are set out in detail in Appendix 6, now Part 2 of the plan. **MM80** alters Policy P2 to allow mixed use, in the interests of effectiveness. The main modifications described below are all required for soundness or effectiveness.
208. The submitted plan allocates sites for residential development on the station car parks at LOU.R1 adjacent to Loughton station, for approximately 165 homes, and LOU.R2 next to Debden station, for approximately 192 homes. However, following the examination hearings, discussions between the Council and Transport for London have led to the conclusion that the sites are not deliverable in a policy-compliant manner within the plan period. The sites are therefore removed from the plan by **MM15** (Policy SP2); **MM79** (Supporting text to Policy P2); **MM80** (Policy P2); **MM114** (Appendix 4 – Policy Designations); **MM127**, **MM128** and **MM129** (Appendix 6 – now Part 2 of the plan).
209. LOU.R5, Land at Jessel Green, is allocated by the submitted plan for approximately 154 homes. However, the land is considered to contribute significantly to the character and appearance of the area and is used for a range of leisure activities; the benefit of the proposed housing would not outweigh the harm caused by the loss of the open space, so the site is deleted from the plan by **MM16** (Supporting text to Policy SP3), **MM79** (supporting text to Policy P2), **MM80** (Policy P2), **MM114** (Appendix 4 – Policy Designations), **MM127** and **MM146** (Appendix 6 – Now Part 2 of the plan)
210. In addition, LOU.R8, Land West of High Road, and LOU.R17, land to the rear of High Road, have been built out and are therefore removed from the plan by

**MM15, MM79, MM80, MM114, MM127, MM134 and MM143.**

211. LOU.R4 and LOU.R9 are close to Epping Forest College. LOU.R4, Borders Lane Playing Fields, is a site for approximately 217 dwellings. Appendix 6, now Part 2 of the plan, requires residential development to be focused on the western side of the site with the eastern half to be used for the expansion of Epping Forest College together with enhanced education, sports and other facilities and open space accessible to the public. LOU.R9 makes provision for approximately 111 dwellings on the old Epping Forest College site in Borders Lane. **MM131** adds a requirement to both policies in the interests of soundness for development to make provision for avoidance and mitigation measures to address any impacts on the Roding Valley Meadows SSSI. In addition, as regards LOU.R9, **MM135** adds design and heritage requirements because of the size of the site and its proximity to a number of listed buildings.
212. LOU.R3, LOU.R6, LOU.R7, LOU.R10, LOU.R11, LOU.R12, LOU.R13, LOU.R14, LOU.R15, LOU.R16 and LOU.R18 are small-scale allocations of between approximately 9 and 33 homes which accord with the strategy of concentrating development within the built-up area. **MM132** adds to and clarifies the requirements for site LOU.R6 in respect of the protection of the Epping Forest SAC, Epping-Amesbury Banks Ancient Woodland and other local wildlife sites, trees and a locally listed heritage asset. **MM137** clarifies the requirements of LOU.R11 in respect of a locally listed heritage asset. **MM140** reduces the capacity of LOU.R14 from approximately 33 to approximately 19 dwellings to take account of land availability. **MM142** introduces requirements for tree protection to site LOU.R16. As regards LOU.R18, **MM144** introduces a new section seeking measures to promote sustainable transport modes, limit on-site parking, make provision for car clubs and pooling, and provide contributions for implementing or amending controlled parking zones, because of the closeness of the site to Loughton High Road Town Centre.
213. The plan also designates three employment sites at Loughton, LOU.E1, LOU.E2 and LOU.E3; these are all existing sites. However, LOU.E2, Langston Road Industrial Estate, near Debden station, is identified as a site for expansion and, in the interests of clarity, **MM80, MM114, MM145 and MM218** split LOU.E2 into A and B, with LOU.E2A being the part of the site to the south east that is allocated for new employment floorspace. The requirements for LOU.E2A are modified by **MM145** to clarify the nature of the employment development expected for the site, measures for the protection of sites of ecological importance, and information about the access point.
214. Subject to the main modifications described above, the site allocations and policy provisions for Loughton are sound.

**Waltham Abbey**

215. The plan aims to revitalise Waltham Abbey as a district centre, with a mix of new housing supporting the centre, and supporting community and social infrastructure. The main modifications described below are required for soundness and effectiveness.
216. Policy SP2 and Policy P3 allocate land for approximately 858 homes through the

intensification of development within the town and expansion to the north, within the Waltham Abbey North Masterplan Area. **MM81**, **MM82** and **MM15** reduce this to 836 homes to reflect the changes described below. **MM154** moves the site map from Appendix 6 (now Part Two of the plan) to Policy P3 Waltham Abbey, to be consistent with existing Masterplan Area maps in Part One of the plan and with **MM165** in respect of North Weald Bassett.

217. The plan alters Green Belt boundaries to accommodate the Waltham Abbey North Masterplan Area. This allocation includes agricultural land and a former glasshouse site and consists of housing sites WAL.R1, WAL.R2 and WAL.R3. Together these provide for a minimum of 740 homes. It also includes site WAL.T1; **MM82** amends Policy P3 to indicate that 5 pitches for Gypsies and Travellers are required to be provided.
218. The Masterplan Area relates well to Waltham Abbey, being not far from the town centre, adjacent to commercial development and with housing to the south, and whilst the site fulfils the purpose of preventing unrestricted sprawl, it does not significantly undermine any other Green Belt purposes. The Masterplan Area serves a strategic purpose, meeting housing needs and promoting the regeneration of the town and its centre which in this instance constitute the exceptional circumstances for the alteration of Green Belt boundaries in this location.
219. **MM81**, **MM82**, **MM114**, **MM151** and **MM220** remove sites WAL.R7 and WAL.E7 from the Strategic Masterplan Area because they were included in error, and **MM82** amends the site capacity from a minimum of 610 homes to the correct figure of 740 homes; the contribution provided by site WAL.R3 was not included in the submitted plan figure. **MM81** and **MM82** require planning applications for the Masterplan Area to be accompanied by a strategic masterplan, which planning applications need to take into account as an important material consideration. This is a necessary amendment which will allow coordinated development across the Masterplan Area.
220. Other changes under **MM81** and **MM82**, for effectiveness, include the addition of retail use, road links to the existing highway network, improvements to existing open space in the locality including the Lee Valley Regional Park, and a requirement for public consultation on the Strategic Masterplan, and consultation with those with a development interest in the defined area. For the sake of consistency, the masterplan maps are moved from Appendix 6 (now Part 2 of the plan) to Policy P3.
221. WAL.R4, allocated for 16 homes, is adjacent to the Waltham Abbey Conservation Area, which is on the National Heritage at Risk Register. **MM148** highlights the need for development to preserve or enhance the setting of the conservation area, with particular regard to development form and design, and also clarifies considerations to be taken into account in respect of the site access.
222. The capacity of site WAL.R5, Waltham Abbey Community Centre, Saxon Way, is amended by **MM82** and **MM149** from 67 to 53 homes to reflect the capacity and deliverability of the site; the site boundary is amended on Map 5.6. **MM149** provides a considerable amount of extra detail in respect of nearby habitats, including an SSSI; development proposals will need to avoid adverse impacts on

these habitats. **MM149** adds similar requirements to **MM148** in respect of the Waltham Abbey Conservation Area, and because the site is in a sustainable location, it seeks measures to promote sustainable transport modes and active transport.

223. WAL.R6, Waltham Abbey Swimming Pool, is allocated for approximately 27 homes; **MM150** adds a requirement that development proposals should be subject to quality review.
224. In addition to the residential site allocations described above, WAL.E8 allocates an area to the south of the town for 10 hectares of business use. This is clarified by **MM33** as to the amount and by **MM153** as Use Classes B2, B8 and E. This involves altering the Green Belt boundary, but the site is located between the M25 and Dowding Way, close to existing development including the large distribution depot on site WAL.E5, and the change to the Green Belt boundary here would not affect the wider integrity of the Green Belt or compromise its purposes. Given the need to provide for employment land described under Issue 3, and the characteristics of this site and its surroundings, including its proximity to Junction 26 of the M25, there are exceptional circumstances for the alteration to the Green Belt boundary here. Given the scale of the allocation, **MM153** adds requirements regarding transport and highways impacts, and adds information regarding an adjacent high pressure gas pipeline.
225. There are a number of site designations for employment use, most of which are already developed as such. **MM81**, **MM82**, **MM114**, **MM152** and **MM219** split employment site WAL.E6 into two, WAL.E6A and WAL.E6B, to reflect the fact that the former is allocated for new employment development and the latter relates to the designation of the existing employment site, and development proposals for the site are required to be informed by a quality review panel.
226. For consistency, **MM147** alters the text of the introductory section for Waltham Abbey to reflect all the changes including the removal of sites WAL.R7 and WAL.E7, the splitting of employment allocation WAL.E6 to WAL.E6A and WAL.E6B and the amendment to WAL.R5.
227. Subject to the main modifications, the site allocations and related policy requirements for development at Waltham Abbey are sound.

## Ongar

228. Policy P4 allocates approximately 590 homes on eight sites. These allocations require the alteration of Green Belt boundaries, but the sites are modest in scale and are closely related to the built-up area and the overall effect on the purposes of the Green Belt is relatively limited. The allocations will help meet housing needs and will assist in retaining and strengthening Ongar's local and independent character and its range of services. There are exceptional circumstances for altering the Green Belt boundary in relation to all these sites. Policy P4 sets out the general requirements for development and Appendix 6, now Part 2 of the plan, establishes the more detailed requirements. The main modifications described below are all required for effectiveness.
229. ONG.R1 (approximately 99 homes) and ONG.R2 (approximately 135 homes)



together form the West Ongar Concept Framework Plan Area. The plan's aim is that development should be brought forward in a co-ordinated manner through a concept framework plan as described under Policy SP3. This is a sound approach because the sites are close and have a similar relationship to Ongar. The detailed requirements are set out in Appendix 6, now Part 2 of the plan. **MM83** and **MM84** clarify that planning applications should have regard to the concept framework plan as an important material consideration. **MM161** clarifies the more detailed site requirements in Appendix 6, now Part 2 of the plan, including the need to protect the setting of a listed building and the Great Stony School Conservation Area, and the provision of access to the site.

230. As regards other sites, **MM155**, in respect of ONG.R3, adds a requirement to connect to, and where appropriate enhance, an existing right of way; **MM156**, relating to ONG.R4, clarifies requirements for the protection of heritage assets and their settings, and vehicular access; **MM157**, which concerns ONG.R5, identifies trees that should be taken into account in the development proposals, and clarifies the requirements regarding the setting of a listed building; **MM158**, in respect of ONG.R6, clarifies the requirements for heritage and ecology; **MM159**, regarding ONG.R7, adds a requirement to minimise the loss of trees and hedgerows; and **MM160**, concerning ONG.R8, clarifies the requirements for protecting a heritage asset.
231. Subject to the main modifications described above, the site allocations and related policy requirements for development at Ongar are sound.

### **Buckhurst Hill**

232. Buckhurst Hill is close to Loughton; the plan seeks to maintain its unique identity and separation from Loughton, support its services and amenities and improve sustainable transport connections. It proposes modest intensification of the existing built-up area rather than expansion through alterations to the Green Belt.
233. Policy P5 allocates three small sites for new residential development, for approximately 87 homes; two of these, BUCK.R2, the Queens Road car park and BUCK.R3, a site in Lower Queens Road, are in the built-up area close to Buckhurst Hill station and are allocated for relatively high-density development in order to make good use of the location. The third, BUCK.R1, is a large residential garden to the north of Buckhurst Hill. The main modifications described below are all required for effectiveness.
234. Regarding BUCK.R1, **MM162** clarifies the requirements of Policy P5 in respect of ecology, trees, design and heritage. It also adds an additional requirement for any scheme to establish a new defensible boundary to the Green Belt along the eastern edge of the site, and to strengthen the northern boundary. **MM163**, which concerns BUCK.R2, requires schemes to connect to, and where appropriate enhance, an existing right of way, and to demonstrate how the impact on commuter parking will be minimised during the construction phase. **MM164**, regarding BUCK.R3, seeks the re-provision of 24 homes and a retail frontage which relates positively to Queens Road, in addition to 15 new homes, and it clarifies the requirements for the protection of a heritage asset.
235. Subject to the main modifications, the site allocations and related policy

requirements for development at Buckhurst Hill are sound.

### North Weald Bassett

236. North Weald Bassett has an interesting aviation heritage and a range of housing types. The plan aims not only to make it more self-sufficient but also to take advantage of its location close to Junction 7 of the M11 to allow for substantial business growth, whilst supporting the continued operation of the existing airfield. The main modifications described below are all required for soundness or effectiveness.
237. Policy P6 establishes the North Weald Bassett Masterplan Area. **MM167** moves the North Weald Bassett Masterplan Area site map from Part Two to Policy P6 North Weald Bassett, for consistency with the existing Masterplan Area maps in Part One of the plan and for consistency with **MM126** Epping and **MM154** Waltham Abbey North. The North Weald Bassett Masterplan Area includes residential sites NWB.R1, NWB.R2, NWB.R3, NWB.R4 and NWB.R5, which together would deliver approximately 1,050 homes. **MM86** expresses this requirement as a minimum of 1,050 homes, in the interests of flexibility and in recognition of the development potential of the site, and **MM87** removes the approximate targets for the individual components of the Masterplan Area for the same reasons. Site NWB.R1 also includes NWB.T1, a site allocation for 5 Gypsy and Traveller pitches; **MM86** clarifies that the location of these will be determined through the masterplanning process.
238. Policy P6 also establishes the North Weald Airfield Masterplan Area and **MM166** moves the site map for this masterplan area from Part Two to Policy P6 North Weald Bassett, for consistency with the existing Masterplan Area maps in Part One of the plan and for consistency with **MM126** Epping and **MM154** Waltham Abbey North. The North Weald Airfield Masterplan Area includes both the operational airfield and its supporting infrastructure, and a substantial employment site, NWB.E4. This is partly developed, so to separate the developed part of the site from the new employment area in the interests of clarity and effectiveness, **MM86**, **MM114** and **MM221** split site NWB.E4 into two, E4A, a 10ha site allocated for new employment development, and E4B, the existing employment area which is designated for the purposes of applying Policy E1. **MM86** and **MM87** update the text in accordance with the latest Use Classes Order to allow for offices, research and development and light industrial within Use Class E, as well as development within Use Classes B2 (general industrial) and B8 (warehouse and distribution). Three smaller existing employment sites, NWB.E1, NWB.E2 and NWB.E3, lie outside the Masterplan Areas.
239. The plan requires strategic masterplans to be produced for both Masterplan Areas. **MM86** and **MM87** alter Policy P6 and its supporting text to require the masterplans to demonstrate that the development requirements set out in Policy P6 have been accommodated, and requires endorsement of the masterplans by the Council; the endorsed masterplans will then be taken into account as an important material consideration. It is appropriate for the policy to give such weight to the masterplans; it recognises their importance in achieving the co-ordinated goals of Policy P6 whilst also acknowledging that they do not have development plan status. These main modifications also move the sections on the masterplans from Appendix 6, now Part 2 of the plan, to Policy P6, in the interests of clarity and

consistency with other strategic masterplan policies.

240. **MM86** and **MM87** alter Policy P6 and its supporting text to place greater need to promote sustainable means of transport through the masterplans for routes to key destinations, having regard to the importance of Harlow and Epping Underground Station. These are necessary modifications to ensure that the masterplans align with the plan's climate change and environmental objectives.
241. **MM86** and **MM87** also clarify the requirements of Policy P6 in respect of education, health, utilities, blue and green infrastructure, new and improved rights of way, the provision of SANG<sup>22</sup>, the protection of heritage assets, the strengthening of a hedgerow as a strong Green Belt boundary, development on land subject to flood risk, the role of the Council's Infrastructure Delivery Plan, impacts on air pollution and the Epping Forest SAC, and public consultation and quality review.
242. The plan alters the Green Belt boundary to accommodate all the allocated sites. It also extends the North Weald Airfield Masterplan Area to include the runways and associated buildings of the existing airfield to the north and west of site NWB.E4, with a corresponding change to the Green Belt boundary. These site allocations serve an important purpose in delivering a substantial proportion of the district's housing and employment needs as part of the wider growth corridor, in locations with good strategic access, and they will also serve to support facilities and employment in North Weald Bassett. Development on all these sites would have a limited impact on the landscape and the integrity of the Green Belt and provide the opportunity to create stronger Green Belt boundaries. There are exceptional circumstances to justify the alteration of Green Belt boundaries here as proposed by the plan.
243. Subject to the main modifications described above, the site allocations and related policy requirements for development at North Weald Bassett are sound.

## Chigwell

244. Chigwell is located to the south of the district and includes the original historic village, the built-up areas around Grange Hill and Chigwell stations, areas close to the London Borough of Redbridge to the south, and the existing residential estate of Limes Farm. Policies SP2 and P7 propose approximately 376 new dwellings through predominantly small-scale development in this area including some small adjustments to the Green Belt boundary. This is amended to approximately 206 dwellings by **MM15** and **MM88** for the reasons discussed below. The main modifications described below are all required for soundness or effectiveness.
245. Firstly, sites CHIG.R1, CHIG.R2 and CHIG.R3, totalling 46 new homes, have been built out, so **MM89**, **MM114**, **MM169**, **MM170** and **MM171** remove them from the plan.
246. Secondly, CHIG.R6, Limes Farm, is removed from the plan. Limes Farm is an

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<sup>22</sup> To provide flexibility, in the interests of effectiveness, Policy P6 as modified by MM87 is not specific as to the location of the SANG since this is a matter for the masterplan. This represents a minor change from the text in ED130 and ED145 which were unnecessarily prescriptive in this regard.

existing residential estate close to both Grange Hill and Hainault stations, and is allocated by Policy P7 for approximately 100 additional new homes, with the aim of achieving the regeneration of the estate as part of a comprehensive redevelopment scheme. However, the allocation would not address existing transport-related problems caused by the design of the estate around a ring road with only a single point of access. It has not been possible to secure a second access for various reasons including the existence of restrictive covenants. The highway authority is not confident that the access issue can be resolved, so the allocation would be likely to make an existing problem worse and the benefit of 100 additional houses would not outweigh the harm. Its inclusion in the plan is therefore not justified and the site is deleted by **MM16, MM88, MM89, MM114, MM168** and **MM179**.

247. Thirdly, CHIG.R7, Land at Chigwell Convent, allocated for approximately 28 homes, is removed from the plan by **MM88, MM89, MM114, MM168** and **MM174** because further assessment by the Council following Inspector Ms Phillips' post hearing note (ED98) has led to the conclusion that the allocation would harm the settings of heritage assets.
248. Of the remaining site allocations, CHIG.R4 is allocated for approximately 105 specialist homes. **MM172** clarifies that the stated capacity of the site reflects its allocation for specialist housing or supported housing units rather than self-contained homes. It adds a requirement that any development should avoid adverse impacts on a priority habitat. CHIG.R5, CHIG.R8, CHIG.R9 and CHIG.R10 would together deliver approximately 90 homes. **MM178** increases the requirement for site CHIG.R11 from approximately 7 to approximately 11 dwellings to reflect the planning permission that has been granted for the site. In addition, in the interests of effectiveness and clarity, **MM172, MM173, MM175, MM176, MM177** and **MM178** make changes to the requirements for these allocations in respect of heritage, ecology, habitats and constraints, and, in the case of CHIG.R5, add a requirement for design review.
249. Whilst the removal of Limes Farm and Land at Chigwell Convent would reduce the contribution to overall housing provision, the number of homes proposed on the remaining allocated sites at Chigwell would still make a significant contribution towards meeting local and overall housing need, whilst remaining compatible with the size and nature of Chigwell and consistent with the Council's objectives for it. Sites CHIG.R4 and CHIG.R5 would require the alteration of Green Belt boundaries, but these sites are small and well-related to the built-up area and to other activities, and their development would have little impact on the overall integrity of the Green Belt. There are exceptional circumstances for their removal from the Green Belt.
250. Subject to the main modifications described above, the site allocations and related policy requirements for development at Chigwell are sound.

### **Theydon Bois**

251. Theydon Bois has a rural character, reinforced by the absence of street lighting, but the village benefits from a parade of shops and a London Underground station.

Consistent with its rural character, Policy P8 proposes a small northward extension close to the railway line (site THYB.R1) which would require the alteration of Green Belt boundaries, together with two small housing allocations within the village. Together these would deliver approximately 57 homes. The main modifications described below are all required for effectiveness.

252. THYB.R1, for approximately 39 homes, is well-related to the village and is not far from the Underground station, and would make a contribution towards meeting housing needs; there are exceptional circumstances for the alteration of Green Belt boundaries to accommodate it. Having regard to the site's characteristics and location, **MM180** adds additional requirements to Appendix 6, now Part 2 of the plan, in relation to sensitive design, the presence of an existing hedgerow and trees, landscape character, an existing permissive path, flood risk and maintenance access for the London Underground line.
253. THYB.R2 is a site for approximately 12 homes at the Theydon Bois Underground station car park. **MM181** modifies Appendix 6, now Part 2 of the plan, to require proposals to demonstrate how disruption to commuter parking during the construction phase will be minimised, and to protect the setting of a nearby listed building.
254. THYB.R3, at Coppice Row, is allocated for only approximately 6 dwellings but, in recognition of its prominent location overlooking Theydon Green, **MM182** adds a requirement that development proposals should make a positive contribution to the character of the area, taking a sensitive approach towards the design elements of the scheme, and also adds a requirement to protect the setting of a listed building.
255. In addition, **MM180**, **MM181** and **MM182** clarify the plan's requirements in respect of infrastructure and heritage.
256. Subject to the main modifications described above, the site allocations and related policy requirements for development at Theydon Bois are sound.

## Roydon

257. Roydon lies to the north-west of the District and is served by a main line railway station. It is a village with a distinctive character and heritage. The submitted plan aims to maintain its character and development pattern, and allocates only a modest amount of development to the village. The main modifications described below are all required for soundness or effectiveness.
258. Of the four sites allocated, site ROYD.R3, for approximately 14 homes, is deleted by **MM91**, **MM92**, **MM114**, **MM183** and **MM186**, because it is unavailable for the size of allocation proposed in the plan. The remaining three small sites would deliver approximately 48 homes. These small sites are well related to the village and appropriate to its character, and involve very minor alterations to the Green Belt boundary which would not compromise its overall purposes. The allocations would provide homes to meet district and local housing needs and there are exceptional circumstances for the release of these sites from the Green Belt.
259. **MM184** and **MM185** add a requirement to ROYD.R1 and ROYD.R2 that development proposals should provide adequate safeguards against the

contamination of groundwater, whilst **MM184** corrects some detail in the heritage section of ROYD.R1. **MM185** makes a minor correction to the density of ROYD.R2 and **MM187** clarifies the plan's requirements for ROYD.R4 in respect of habitats and the character of the area.

260. **MM91** and **MM92** provide additional clarification to Policy P9 in relation to the glasshouse industry, gypsy and traveller sites and links to the Lee Valley Regional Park.
261. Subject to the main modifications, the site allocations and related policy requirements for development at Roydon are sound.

### Nazeing

262. The plan aims to maintain Nazeing's rural character. It states that the village will continue to support a thriving agricultural and horticultural economic base supported by the glasshouse industry. It proposes new development of a moderate scale. The main modifications described below are all required for soundness or effectiveness.
263. Policy P10 identifies three residential sites, NAZE.R1, NAZE.R3 and NAZE.R4, as comprising the South Nazeing Concept Framework Plan Area, which in combination would deliver approximately 93 homes. As with the West Ongar Concept Framework Area, the plan's aim is that the development should be brought forward in a co-ordinated manner through a concept framework plan, as described in the plan's text under Policy SP3. This is a sound approach because the sites are adjacent and have a similar relationship to Nazeing. **MM93** and **MM94** clarify that planning applications should have regard to the concept framework plan as an important material consideration. **MM191** clarifies the more detailed site requirements for the Concept Framework Area in Appendix 6, now Part 2 of the plan, including those relating to ecology, notably a population of Great Crested Newts, heritage assets and the site access. The policy would not prevent these sites from coming forward as a single planning application or separate applications, provided that they are accompanied by a concept framework plan showing how the policy requirements have been accommodated.
264. Policy P10 also allocates site NAZE.R2, which is to the north of the village outside the Concept Framework Area. **MM93**, **MM94** and **MM189** alter the site capacity from approximately 29 to approximately 25 homes to reflect the terms of a planning application for the site, and this change is reflected in the overall housing figure for Nazeing in **MM15**. However, **MM94** and **MM189** continues to express the site capacity as an approximate figure to allow for flexibility in delivery.
265. All these sites are well-related to the village, would have limited impact on the overall openness of the Green Belt, and in total would contribute towards meeting district and local housing needs. There are exceptional circumstances for the alteration of the Green Belt boundary to accommodate them.
266. Policy P10 also designates a number of existing employment sites at Nazeing. Site NAZE.E7 is reduced in size from 0.63 hectares to 0.27 hectares by **MM190** because residential development has been granted planning permission on part of the site.

267. Subject to the main modifications, the site allocations and related policy requirements for development at Nazeing are sound.

### **Thornwood**

268. The plan's aim for Thornwood is that it will become a more self-sustaining village with improved services and transport facilities. Policy P11 allocates two sites for residential development, THOR.R1, Land at Tudor House, for approximately 124 homes, and THOR.R2, Land East of High Road, for approximately 48 homes. These sites are closely related to existing development and the allocations would have little impact on the overall integrity of the Green Belt. They would make contribution towards meeting local and district housing needs. There are exceptional circumstances for the alteration of Green Belt boundaries in these locations.

269. For effectiveness, **MM192** clarifies the requirements of site allocation THOR.R1 as regards the mitigation of impacts on Thornwood Common and adds that proposals for the site should be informed by the Quality Review Panel. It takes a less prescriptive approach towards the location of the access than the submitted plan, allowing consideration to be given to appropriate solutions.

270. Subject to the main modifications, the site allocations and related policy requirements for development at Thornwood are sound.

### **Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbotts**

271. These villages are all inset from the Green Belt, except for Moreton. **MM97** removes Moreton from this group of villages, because it is washed over by the Green Belt and is therefore subject to national Green Belt policy as set out in the NPPF and in the local plan itself.

272. The submitted plan makes 8 small housing allocations in the villages, commensurate with their size. The sites are well-related to the villages, alterations to Green Belt boundaries are limited, and the plan would have little effect on the integrity of the Green Belt. The sites would make a contribution towards meeting housing needs in the rural area and there are exceptional circumstances for their release from the Green Belt. The main modifications described below are all required for effectiveness.

273. **MM199** and **MM200** amend the site allocation reference for the site for Travelling Showpeople at Lakeview, Moreton from MORE.T1 to RUR.T6 and remove it from this part of the plan, for consistency with **MM97**. It is instead incorporated into the section on Rural Sites in the East of the District (see below).

274. **MM97**, **MM98**, **MM114**, **MM204**, **MM206** and **MM207** also remove sites STAP.R2 and STAP.R3, amounting to approximately 14 homes, because the sites have been built out. **MM196** and **MM197** amend the boundary of HONG.R1 and its site area to reflect the area being put forward for development.

275. **MM194**, **MM195**, **MM198**, **MM201**, **MM202**, **MM203** and **MM205** modify sites COOP.R1, FYF.R1, LSHR.R1, SHR.R1, SHR.R2, SHR.R3 and STAP.R5 respectively to clarify the plan's requirements in respect of a range of issues

including habitats and ecology, the protection of particular listed buildings, flood risk, development constraints, rights of way, site access and design review.

276. Subject to the main modifications described above, the site allocations and related policy requirements for development at Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbots are sound.

### **Rural sites in the East of the District**

277. Policy P13 of the submitted plan allocates two residential sites in this broad area. The main modifications described below are all required for soundness or effectiveness.
278. As regards RUR.R1, the submitted plan allocates the site for approximately 11 homes and removes it from the Green Belt. However, the Council put forward a proposed main modification in ED130 that would have retained the site in the Green Belt whilst also retaining the allocation. This would have given rise to conflicting policy requirements and would not have been sound. The Council have stated that there are no exceptional circumstances to remove the land from the Green Belt, so the allocation is removed from the plan by **MM99**, **MM100**, **MM114**, **MM208** and **MM209**.
279. RUR.R2 is now built out and is removed from the plan by **MM114** and **MM210**.
280. There are no remaining residential allocations in this area.
281. Policy P13 designates a number of existing sites for employment uses. **MM114** and **MM222** add site RUR.E19B Dorrington Farm as an employment designation.
282. **MM99** and **MM100** clarify the position regarding gypsies, travellers and travelling showpeople. A site for travelling showpeople at Moreton is included in this part of the plan as RUR.T6 having been originally been included in the submitted plan as MORE.R1 (see above); this is considered suitable for intensification subject to appropriate on site amenities and storage. In connection with this site, **MM212** adds a further requirement to protect the setting of the Moreton Conservation Area, and to ensure that adequate amenity space is provided on the site. Site RUR.T4 is allocated for one gypsy and traveller pitch, for which **MM211** adds safeguards to avoid harming the Curtismill Green Site of Special Scientific Interest (SSSI) and other nearby habitats.
283. Subject to the main modifications described above, the plan's approach towards this part of the district is sound.

### **Rural sites in the West of the District**

284. Policy P14 deals with this area. The plan does not make any residential allocations in this part of the district and designates for employment use two existing employment sites. The main modifications described below are all required for effectiveness. **MM101** modifies the background text to clarify the application of Policy P14 in respect of rural communities.
285. Policy P14 allocates five sites for Gypsies and Travellers taking into account **MM199** and **MM200**. **MM214**, **MM216** and **MM217** clarify requirements in respect



of ecology and heritage.

286. Subject to the main modifications described above, the plan's approach towards this part of the district is sound.

### **Rural sites in the South of the District**

287. Policy P15 deals with this area. The plan does not make any residential allocations in this part of the district. Two existing employment sites are designated. For consistency with the Glossary definition in **MM113**, and with modifications to some development management policies, including Policy DM4 (Green Belt), **MM103** alters the supporting text to Policy P15 to refer to rural communities rather than villages.

288. Subject to the main modifications described above, the plan's approach towards this part of the district is sound.

### **Issue 8 Conclusion**

289. The plan allocates a wide variety of different types and sizes of residential site in different parts of the district. The sites are compatible with, and well-related to, their town or village; they seek to protect ecology, heritage and sensitive landscape; they are distributed to help meet housing needs throughout the district; they make the best use of sustainable locations; and the larger sites are substantial enough to support and enhance the range of facilities available in the towns. The plan's proposals for the Harlow and Gilston Garden Town are designed to support the growth and regeneration of the town and the wider growth corridor. The plan's employment allocations and designations, sites for gypsies and travellers, and other allocations, are logical. The plan's requirements for the allocated sites are detailed and comprehensive. Subject to the main modifications described above, the plan's site allocations and designations are sound.

## Overall Conclusion and Recommendation

290. The plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
291. The Council has requested that I recommend main modifications to make the plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Epping Forest District Local Plan 2011-2033 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Jonathan Bore*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.