

Epping Forest District Council

Epping Town Neighbourhood Plan

Regulation 16 Publication response form

This form may be photocopied or downloaded from the website. Further printed copies can also be obtained from the Council. **Please return by 4pm on Monday 21 October 2024.**

This form can be returned by e-mail to LDFconsult@eppingforestdc.gov.uk by post to **Planning Policy, Civic Offices, High Street, Epping CM16 4BZ**. Email is the Council's preferred method of receiving comments, as it will help us to handle your representation quickly and efficiently.

Comments are invited, regarding whether the Epping Town Neighbourhood Plan and supporting documentation fulfil the "basic conditions", as required by paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011).

If you wish to make comments about the draft Neighbourhood Plan, please specify which of the "basic conditions" you are commenting on. Comments should set out a justification as to why you consider that the basic condition has **NOT** been met, or why you consider that the basic condition has satisfactorily been met. You can also suggest improvements or modification to the draft Neighbourhood Plan.

All comments will be forwarded on to the appointed Examiner for the Plan. You should not assume that there will be an opportunity to add further information, although the Examiner may request additional information from you.

The regulations require that any representations made during the publication period must be submitted to the Examiner together with a summary of the main issues raised. Therefore, comments cannot be treated as confidential, although personal details will not be made publicly available.

Epping Forest District Council will submit all representations made to the Examiner if returned by the deadline. However, please note that late representations will not normally be accepted.

Personal Details		Agents Details (if applicable)	
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Part 1

Five “basic conditions” form the statutory requirements for the draft Neighbourhood Plan. These require that the Neighbourhood Plan:

Please tick the relevant basic condition / supporting documents and submit a separate Part 2 form for each of the basic conditions / supporting documents you are commenting on

a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make neighbourhood plan).	X
d. the making of the neighbourhood plan contributes to the achievement of sustainable development.	
e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).	X
f. the making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations.	
g. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.	

NB Basic conditions b and c in the above list have been omitted as they only apply to Neighbourhood Development Orders.

Other supporting submission document and supporting documents. Please specific which document you wish to comment on: N/A _____	
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Part 2

Question 1

Why do you consider that the draft Neighbourhood Plan and/ or supporting documents do/ do not meet the specified “basic condition”? Please provide a brief summary of your comments.
<p>In summary, it is considered that the following policies and designations in the draft ETNP do not meet the basic conditions for neighbourhood planning: the proposed greenway through the land at East Epping, referred to in Policy 1 and shown on Map 1; and the proposed improvements to trees and hedgerows on Stewards Green Lane, referred to in Policy 2 and shown on Map 1. There is no evidence provided within the draft ETNP to inform these proposed designations, and no clear mechanism for their delivery. It is concluded that these designations do not meet Basic Condition (a) in that they are inconsistent with national policy.</p> <p>Paragraph 13.4 provides the action plan for the draft ETNP and identifies Essex County Council as the lead agency for the delivery of the proposed greenway routes. There is no evidence of any agreement or funding arrangements with Essex County Council for the proposed greenway routes. It is concluded that the parts of the action plan that refer to the delivery of the proposed greenway routes do not meet Basic Condition (a) in that it is inconsistent with national policy.</p>

Pigeon has previously promoted a mixed use development at East Epping through the Epping Forest District Local Plan process. It is considered that the promoted development at East Epping could deliver many of the policy requirements and community aspirations contained in the draft ETNP in the future e.g. doctor's surgery, SANG, and greenways. East Epping is however not positively allocated for development within the ETNP, or within the Adopted Local Plan. While Pigeon remains committed to delivering beneficial uses and community enhancements at East Epping, there is no mechanism for delivering such enhancements included within the ETNP.

There are also policies in the draft ETNP, such as the policies that relate to the Green Belt, that either unnecessarily duplicate development plan and national policies or are not in general conformity with adopted development plan policies, and those policies would not meet Basic Conditions (a) and (e).

Detailed explanation and proposed modifications. Please give further details of your opinion and the reasons for it, as well as any proposed improvements or modifications to the Plan (continue on a separate sheet as necessary).

Introduction

These representations to the Reg.16 draft Epping Town Neighbourhood Plan (draft ETNP) have been prepared by Carter Jonas LLP on behalf of Pigeon Investment Management Ltd (Pigeon). Pigeon has an interest in land north of Stewards Green Road in Epping (referred to as East Epping). The land at East Epping would be directly affected by some of the proposed designations in the draft ETNP. An initial Concept Plan for the East Epping site is enclosed.

Pigeon promoted a mixed use development at East Epping through the Epping Forest District Local Plan process, and intend to promote this site again when the Local Plan is reviewed. East Epping was previously promoted for the following uses: housing and affordable housing including bungalows and self-build plots; a care village; a community hub including a local convenience store and doctor's surgery; a car park for local facilities and the nearby tube station; land for a primary school; open space and recreation facilities; green infrastructure including SANG and greenways; and an eastern link road between Stewards Green Road and Stonards Hill. As set out below, it is considered that the promoted development at East Epping could deliver many of the policy requirements and community aspirations contained within the draft ETNP. There is however no defined mechanism for delivering such enhancements. Despite not having been allocated for development, the land at East Epping is directly affected by some of the proposed designations in the draft ETNP and the representations set out below provide comments on relevant policy and aspirations of the ETNP, their policy compliance and their deliverability.

It is considered that the following policies and designations in the draft ETNP do not meet the basic conditions for neighbourhood planning: the proposed greenway through the land at East Epping, referred to in Policy 1 and shown on Map 1; and the proposed improvements to trees and hedgerows on Stewards Green Lane, referred to in Policy 2 and shown on Map 1.

There is no evidence provided with draft ETNP to inform these proposed designations, and no clear mechanism for the delivery of these designations. It is concluded that these designations do not meet Basic Condition (a) in that they are inconsistent with national policy. Paragraph 13.4 provides the action plan for the draft ETNP, and identifies Essex County Council as the lead agency for the delivery of the proposed greenway routes. There is no evidence of any agreement or funding arrangements with Essex County Council for the proposed greenway routes. It is concluded that the parts of the action plan that refer to the delivery of the proposed greenway routes do not meet Basic Condition (a) in that it is inconsistent with national policy.

There are policies in the draft ETNP that either unnecessarily duplicate development plan and national policies or are not in general conformity with adopted development plan policies, and those policies would not meet Basic Conditions (a) and (e). It is requested that those policies should be amended or

deleted. In addition, the delivery of some policy requirements and community aspirations in the draft ETNP appear uncertain and should be clarified.

General Comments

The plan period for draft ETNP ends in 2033, which is consistent with the end date for the adopted Epping Forest District Local Plan. It should be noted however that policies in adopted development plans must be reviewed every five years in order to determine whether they should be updated.

The policies in the adopted Epping Forest District Local Plan will need to be reviewed by March 2028. The adopted Local Plan policies will need to be updated because they are based on the 2012 version of the NPPF, and in particular do not take into account emerging national changes for calculating local housing needs. The policies in the draft revised NPPF, and the associated revised standard method for calculating local housing needs, published for consultation by the Government in July 2024, would need to be applied in the review of the adopted Local Plan. In particular, the review of the adopted Local Plan would need to include a review of Green Belt boundaries and to meet a significantly higher housing requirement.

It is acknowledged that the draft ETNP needs to be in general conformity with the adopted Local Plan, and does not need to take into account emerging changes to national policy just yet. However, changes to national policy will be relevant to the ETNP plan area from March 2028 onwards, and during the plan period to 2033. For this reason, it is suggested that the Epping Town Neighbourhood Plan Group might want to reassess those policies and community aspirations in the draft ETNP referred to in these representations to ensure that they are robust and would remain up to date during the later years of the plan period.

Paragraph 3.3: Vision

COMMENT

The Vision for the draft ETNP, at Paragraph 3.3 refers to the need for housing, infrastructure, employment, facilities, amenities, and recreation amongst other matters. These are all relevant matters that should be highlighted in the Vision, and no amendments are required. However, as set out in the representations to Policy 5, the delivery of community and health facilities, employment and retail uses, and high quality SANG at the South Epping allocation is not certain. As requested in the representations to Policy 5, the Epping Town Neighbourhood Plan Group might want to identify the critical infrastructure that the local community wants provided in the South Epping Masterplan Area, consistent with the requirements for this allocation in Policy P1 of the Epping Forest District Local Plan and provide clearer policy wording to increase the likelihood of delivery.

Paragraph 3.4: Aims

COMMENT

Paragraph 3.4 sets out the aims for the draft ETNP. Criteria (c) refers to improvements to recreational and medical facilities amongst other matters. The aims in criteria (c) are appropriate and no amendments are required. As set out in the representations to Policy 5, the delivery of health facilities and high quality SANG at the South Epping allocation is not certain, and since this is the only strategic allocation at Epping, the aims of criteria (c) would not be achieved in respect of improvements to recreational and medical facilities if they are not provided at South Epping. As set out above, the promoted development at East Epping could deliver a doctor's surgery, open space, green infrastructure, and SANG in the future if it was allocated in the review of the adopted Local Plan.

Criteria (e) refers to improvements to transport and the car parking network, which are appropriate and relevant aims for the draft ETNP. However, it is noted that there are no policies in the draft ETNP that seek to deliver meaningful improvements to transport or the car parking network at Epping. As set out above, the promoted development at East Epping could deliver additional car park spaces for the tube

station and town centre, and an eastern link road to reduce through traffic in Epping. If the land at East Epping was allocated in the review of the adopted Local Plan it would contribute towards the aims in criteria (e).

Policy 1

OBJECT

Policy 1 relates to Epping Forest, the Green Belt, and proposed greenway routes. The main concern with Policy 1 relates to the proposed greenway route through land at East Epping, as shown on Map 1, and changes are requested.

The part of Policy 1 that relates to Epping Forest includes a reference to directing visitors and residents to access other parts of the countryside around Epping, in order to reduce recreational pressure on the Forest. It is noted that the emerging masterplan for the South Epping Masterplan Area contains limited detail on the open space and SANG to be included within that strategic allocation, and the quality of the SANG to provide an effective alternative recreation area for Epping Forest is not certain. South Epping is the only strategic allocation on the edge of Epping that is required to deliver SANG, and the site is in close proximity to Epping Forest. It is noted that the draft ETNP does not provide a strategy for the delivery of additional SANG to provide alternative recreation areas to relieve visitor pressure on Epping Forest. The Epping Town Neighbourhood Plan Group should consider how and where additional SANG could be provided in the future through the draft ETNP or a review of the Epping Forest District Local Plan.

The part of Policy 1 that relates to the Green Belt refer to the NPPF and the Epping Forest District Local Plan, but it is considered that it does not add anything further to those existing policies. Paragraph 16(f) of the NPPF states that neighbourhood plans should “*serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)*”. It is suggested that the first section of Policy 1 duplicates existing policies and could be deleted.

The second paragraph of Policy 1 refers to proposed greenway routes connecting the town with the countryside. One of the proposed greenways crosses through the land at East Epping as shown on Map 1 – the greenway to the south of the Epping to Ongar railway line and towards Stewards Green Road. It is noted that there is already a public footpath – the Essex Way – that connects Bower Hill to Stewards Green Road. Paragraph 16(b) of the NPPF states that plans, including neighbourhood plans, should “*be prepared positively, in a way that is aspirational but deliverable;....*”. Paragraph 041 (Ref. ID:41) of the Planning Practice Guidance states in part that neighbourhood plans “*....should be concise, precise and supported by appropriate evidence....*”. Paragraph 048 (Ref ID: 41) of the Planning Practice Guidance relates to consultation and who should be involved in preparing neighbourhood plans, and states in part that “*....Other public bodies, landowners and the development industry should, as necessary and appropriate be involved in preparing a draft neighbourhood plan or Order.....*”. There is no evidence of any agreement with the landowner or Essex County Council to deliver and fund the proposed greenway project in this location. There is no evidence of any engagement with the landowner on the proposed greenway route through their land. There is no evidence provided with the draft ETNP that has informed the decision to identify this as a greenway route.

While Pigeon supports the principle of providing greenways on the edge of Epping, and a greenway route through land at East Epping could be delivered in conjunction with the promoted development at this site, to provide a connection from the town to the countryside including to a proposed SANG, there is no mechanism for delivery set out within the draft ETNP. It is therefore concluded that the proposed greenway route through the land at East Epping does not have regard to national policy and would not meet Basic Condition (a).

It is requested that the proposed greenway route through the land at East Epping – the greenway to the south of the Epping to Ongar railway line and towards Stewards Green Road – is deleted from Map 1.

Notwithstanding the comments set out above it should be noted that Pigeon supports the decision to delete the proposed green wildlife corridor across the East Epping site that was previously identified at Reg.14 stage of the ETNP. There was no evidence to inform that proposed green wildlife corridor designation, the terminology was not defined, and there was no delivery mechanism for the corridor.

Policy 2

OBJECT

Policy 2 seeks to protect and enhance open space. The policy includes a reference to a line of trees and hedgerows on Stewards Green Lane to be improved and enhanced, and this proposed designation is shown on Map 1. Stewards Green Lane is an existing bridleway. The promoted development at East Epping is immediately adjacent to this proposed designation.

Paragraph 16(b) of the NPPF states that plans, including neighbourhood plans, should “*be prepared positively, in a way that is aspirational but deliverable;....*”. Paragraph 041 (Ref. ID:41) of the Planning Practice Guidance states in part that neighbourhood plans “*....should be concise, precise and supported by appropriate evidence....*”. There is no information provided with the draft ETNP to indicate the delivery mechanism for the proposed improvements to the trees and hedgerows on Stewards Green Lane, or who would deliver and fund those improvements. There is no evidence provided with the draft ETNP to inform the decision to select the trees and hedgerows on Stewards Green Lane for this designation. It is concluded that the proposed improvements to the trees and hedgerows on Stewards Green Lane does not have regard to national policy and would not meet Basic Condition (a).

It is requested that the proposed improvements to the trees and hedgerows on Stewards Green Lane is deleted from Map 1.

Despite this requested change, the trees and hedgerows on Stewards Green Lane should be retained, and could be enhanced in conjunction with the promoted development of land at East Epping if this site was allocated in the review of the adopted Local Plan.

Paragraph 5.10

COMMENT

Paragraph 5.10 identifies a number of items that could be delivered by development, which includes a health hub. As set out in the representations to Policy 5, the delivery of health facilities at the South Epping allocation is not certain having regard to the content of the emerging masterplan for the site, despite it being the only strategic allocation at Epping and providing health facilities is a policy requirement for this development. Given this uncertainty of deliverability, the Epping Town Neighbourhood Plan Group might want to review how and where the health hub will be delivered and provided more defined policy wording to secure its delivery.

The promoted development at land at East Epping would include a community hub with a doctor’s surgery if it was allocated in the review of the adopted Local Plan.

Policy 5

COMMENT

Policy 5 sets out the policy requirements of the draft ETNP for the strategic allocation at South Epping. Policy P1 in the adopted Epping Forest District Local Plan provides detailed policy requirements for this strategic allocation, and a draft masterplan has been subject to consultation in July 2024. However, the delivery of community and health facilities, employment and retail uses, and high quality SANG at the South Epping allocation is not certain having regard to the content of the emerging masterplan. The Epping Town Neighbourhood Plan Group might therefore want to review Policy 5 for consistency with Policy P1, and to identify those items of infrastructure that the local community consider are critical and must be delivered at South Epping.

Paragraph 6.4: Community Aspirations

COMMENT

Paragraph 6.4 identifies transport related community aspirations. There are two community aspirations that we want to comment on, which are as follows: a facility at Epping station for coach parking and improved services; and provisions which make walking, cycling and greater use of public transport feasible for short to medium length journeys. Pigeon has promoted a mixed use development at East Epping through the Epping Forest District Local Plan process. Epping East is well related to Epping Station and would be accessible by walking and cycling. The promoted development at East Epping could sensitively deliver additional parking, including coach parking, for the tube station and the town centre. The promoted development would include walking and cycling connections to the tube station and to the town centre.

If the land at East Epping was allocated in the review of the adopted Local Plan it would contribute towards the transport related community aspirations contained within the ETNP.

Paragraph 6.7: Community Aspirations

COMMENT

Paragraph 6.7 identifies accessibility and connectivity related community aspirations. The one aspiration that we want to comment on is the greenway footpath connections from Epping town centre. As set out in the representations to Policy 8, Pigeon supports the principle of a greenway network that provides walking and cycling connections to the countryside around Epping. A greenway route through land at East Epping could be delivered in conjunction with the promoted development at this site, if this site was allocated in the review of the adopted Local Plan, but there is no policy mechanism to support its delivery as drafted.

Policy 8

COMMENT

Policy 8 relates to a proposed greenway network connecting the town with the countryside via new walking and cycling routes. It is anticipated that related development would contribute towards the delivery of the greenways. As set out in the representations to Policy 1, a proposed greenway crosses part of the land at East Epping, however there is no evidence as to what has informed that route, how it connects to existing routes or facilities, no evidence that it can be delivered, and there has been no discussion or agreement with the landowner. There is no allocated development to the east of Epping that could support the delivery of a greenway in this location. As set out in the representations to Paragraph 13.4, there is no agreement with Essex County Council to deliver or fund the proposed greenway routes.

As requested in the representation to Policy 1 the proposed greenway that crosses part of the land at East Epping should be deleted.

Despite this requested change, Pigeon supports the principle of a greenway network that provides walking and cycling connections to the countryside around Epping. A greenway route through land at

East Epping could be delivered in conjunction with the promoted development at this site, which could provide a connection from the town to a proposed SANG, outdoor recreation facilities, and other green infrastructure. If the land at East Epping was allocated in the review of the adopted Local Plan it would include a greenway route.

Policy 13

COMMENT

Policy 13 relates to the loss and provision of facilities and includes reference to a need for a health-hub comprising GP and community nursing care services. As set out in the representations to Policy 5, the delivery of health facilities at the South Epping allocation is not certain, having regard to the recently published masterplan for the allocation area, despite it being the only strategic allocation at Epping and providing health facilities is a policy requirement for this development. The Epping Town Neighbourhood Plan Group might want to review how and where the health hub will actually be delivered and provide a clear policy framework for its delivery.

The promoted development at land at East Epping could include a community hub with a doctor's surgery if it was allocated in the review of the adopted Local Plan.

Paragraph 13.4: Action Plan

OBJECT

Paragraph 13.4 sets out the action plan for the draft ETNP, including lead agency, funding arrangements and timescales for projects. The second item in the action plan list relates to the proposed greenway network connecting the town with the countryside. Essex County Council is identified as the lead agency for the greenway project, with funding for the project from the capital highways programme, and delivery of the project. The representations to Policy 1 comment on the proposed greenway route through the land at East Epping.

There is no evidence that Essex County Council has agreed to be the lead agency or to provide funding for the proposed greenway project. Paragraph 16(b) of the NPPF states that plans, including neighbourhood plans, should "*be prepared positively, in a way that is aspirational but deliverable;....*". Paragraph 048 (Ref ID: 41) of the Planning Practice Guidance relates to consultation and who should be involved in preparing neighbourhood plans, and states in part that "*....Other public bodies, landowners and the development industry should, as necessary and appropriate be involved in preparing a draft neighbourhood plan or Order.....*". In the absence of any agreement with Essex County Council to deliver and fund the proposed greenway projects then this item in the action list is not deliverable as anticipated in Paragraph 13.4, and as such does not have regard to national policy and would not meet Basic Condition (a).

It is requested that the second item in the action plan list at Paragraph 13.4 – negotiate implementation of the 'Epping Greenway' paths, combined cycleway and footpaths to link the town with the countryside plus signage and visitor information (policy 1, 8 & page 23) – is deleted.

Despite this requested change, and as set out in the representations to Policy 1, a greenway route through land at East Epping could be delivered in conjunction with the promoted development at this site, to provide a connection from the town to the countryside including to a proposed SANG.

Question 2

The appointed examiner will consider all representations received by the deadline (**4pm on 21st October 2024**). Normally, the examiner will seek to consider all responses through written representations. However, occasionally an examiner may consider it necessary to hold hearing sessions to discuss particular issues.

Please indicate whether you would like to request to be heard before the examiner at the Neighbourhood Plan Examination Hearing: **Yes** / **No**

If you have indicated that you wish to attend the Examination, please explain why you consider this to be necessary. Please note that this is entirely at the discretion of the examiner:

Question 3

Please indicate whether you wish to be notified of either or both of the following:

The publication of the recommendations of the Neighbourhood Plan Examiner

YES / **NO**

Final “making” (adoption) of the Neighbourhood Plan by Epping Forest District Council

YES / **NO**

Signature: Carter Jonas On behalf of Pigeon Investment Management	Date: 21 st October 2024
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Thank you for taking the time to respond.