

HARLOW LOCAL DEVELOPMENT PLAN EXAMINATION

MATTER 4: STRATEGIC HOUSING SITE EAST OF HARLOW

HEARING STATEMENT ON BEHALF OF EPPING FOREST DISTRICT COUNCIL

MARCH 2019

INTRODUCTION

1. Epping Forest District Council ("EFDC") submits this statement in response to the Inspector's Matters and Questions.
2. This statement concerns Matter 4: Strategic Housing Site East of Harlow and EFDC's responses are limited to addressing the Inspector's Questions 4.3, 4.5, 4.6, 4.7, 4.8, 4.10 and 4.11.
3. It is important to note that EFDC did not make Regulation 20 representations at the publication stage and does not object to the HLDP, or seek any changes to the version of the HLDP submitted to the Secretary of State for independent examination.
4. To a very large extent, EFDC has addressed these matters within its Hearing Statement for the Epping Forest District Local Plan ("EFDLP") Examination and/or through the ongoing discussions with Essex County Council ("ECC") relating to a Statement of Common Ground ("SOCG").
5. All documents referred to in this statement are listed in **Appendix A** of this statement together with links to the relevant document included within the Examination Library.
6. Attached to this statement (at **Appendix B**) are the relevant Hearing Statements prepared for the EFDLP Examination, as follows:
 - Matter 1: Legal Compliance
 - Matter 4: The Spatial Strategy / Distribution of Development
 - Matter 8: Garden Town Communities
7. Wherever possible, HLDP Examination Library document references are used throughout this statement for consistency and convenience. Alternatively, EFDLP Examination document reference are provided and weblinks are included within Appendix A to this statement,

Inspector's Question 4.3

Is the allocation effectively part of a single proposal with the allocation for 750 dwellings in Epping Forest District? Have the Councils been co-operating effectively to plan and co-ordinate the delivery of the whole site? Are the main elements of the development clear, including the elements required in Harlow as opposed to Epping Forest? Is a single masterplan required for the whole site?

Response to Question 4.3

8. EFDC and Harlow District Council ("HDC") have worked together to ensure complementary proposals for the East of Harlow area. A Memorandum of Understanding ("MoU") has been prepared and signed by Epping Forest, Harlow, East Hertfordshire and Uttlesford District Councils about the distribution of housing across the West Essex/East Hertfordshire Housing Market Area (**HEBDTC1**).
9. A Garden Town Developer Forum has been established that meets regularly with the promoters and developers of the Garden Town strategic sites. There also have been ongoing Duty to Co-operate discussions at Officer and Member level, including through the Co-operation for Sustainable Development Member Board and, subsequently, the Garden Town Member Board, to consider cross-boundary issues; both Princess Alexander Hospital Trust ("PAHT") and Essex County Council ("ECC") have been party to these to ensure a consistent approach to infrastructure delivery.
10. The requirements contained within HLDP Policy HS3 only relate to the allocation site HS3 as shown on the HLDP Policies Map. The requirements contained within Part H of EFDCLP Policy SP 5 relate to Site Allocation SP 5.2, forming part of the area of the East of Harlow Masterplan Site and situated within the administrative boundary of Epping Forest District. The only exception to this is the requirement for the relocation of the hospital site and the proposed secondary school, which is contained within HDC Policy HS3 to ensure the delivery of these key pieces of infrastructure. However, the location and provision of the hospital and secondary school sites will be determined through the Strategic Masterplanning work and, therefore, may be located in either Harlow or Epping Forest District.
11. As stated within the EFDCLP hearing statements, EFDC and HDC have worked together through the Garden Town Delivery workstream to consider and establish an appropriate approach for bringing forward plans for the EFDLP SP 5.3 East of Harlow site allocation,¹ including having one strategic Masterplan. A report to EFDC Cabinet

¹ See Part A. of EFDLP Policy SP 5

on 18 October 2018 (EFDLP Examination Library ref: **EB133**) states (at paragraph 28) that:

“... at the site specific level, aligning a consistent approach across each local authority area is particularly important. From an EFDC perspective this is vital to shape the delivery of the East of Harlow site, where a single Masterplan will straddle both Harlow and EFDC’s administrative boundary. A report considering the approach to the determination of planning applications on the East of Harlow site was taken to the Garden Town Member Board on 18 June 2018 (see Appendix 3), and concluded that it would be preferable for two separate (but otherwise identical) planning applications to be submitted to each respective local authority. It is therefore important that the Strategic Masterplan is given equal status and weight in each authority area to enable planning decisions to be made that are consistent”.

This approach was agreed by Epping Forest District Members.

12. The Harlow and Gilston Garden Town Vision (**HEBGT2**) and the Harlow and Gilston Garden Town Design Guide (**HEBGT3**) provide a consistent overarching basis for planning the HDC HS3 and EFDLP SP 5.3 East of Harlow site across administrative boundaries. Pages 26 and 28 of the Vision and page 46 of the Design Guide confirm the collaborative working that has taken place between the three District Councils (Epping Forest, Harlow and East Herts) in the preparation of the Vision and Design Guide, along with more detailed guidance and delivery of the Garden Town.
13. A joint Statement of Common Ground ("SoCG") has been agreed between EFDC, HDC and Miller Homes (**Appendix C**), who are promoting the majority of the East of Harlow strategic site within the administrative boundaries of both Epping Forest and Harlow Districts. This confirms that Miller Homes have been engaged in ongoing dialogue and discussions with EFDC, HDC and ECC, along with other stakeholders in relation to the future delivery of this cross-boundary strategic site.

Inspector's Question 4.5

Is the Access Route for Strategic Housing Site East of Harlow in Policy SIR1 necessary and justified? How would it be delivered? Would there be any adverse effects? How does the development relate to the new M11 Junction 7a?

Response to Question 4.5

14. Part C (ix) of EFDLP Policy SP 4 states that: *"Each Garden Town Community must ... ensure that on-site and off-site infrastructure is provided in a timely manner, subject to viability considerations, ahead of or in tandem with the development it supports to mitigate any impacts of the new Garden Communities, meet the needs of residents and*

establish sustainable travel patterns". However, EFDC is proposing an amendment to insert following text after paragraph 2.117 of the EFDLP to ensure that this position is further clarified within the Plan:

"The growth plans for the Garden Town require the implementation of a new junction (Junction 7A) on the M11. This new junction is planned to be operational by 2023, prior to the occupation of the strategic developments. In order to maximise the promotion of use of sustainable transport measures, it will be necessary for key elements of sustainable transport provision to be available when new developments are first occupied. This will be required in order to prevent the establishment of unsustainable travel behaviour, and to provide viable alternatives to private car use. The Council will secure the necessary measures through the use of planning obligations or other relevant mechanisms as appropriate."

15. The highway and transport improvements required to support the development of the East of Harlow Strategic site will comprise a combination of physical works and financial contributions, and EFDC considers that EFDLP Policies SP 4 and SP 5 make this sufficiently clear.
16. Contributions will be sought for off-site highway and transport works which are to be, or are being, provided by Essex County Council as the Local Highway Authority, or by Highways England as the statutory body with responsibility for the Strategic Road Network (SRN). The improvements expected are set out in the EFDC IDP (EFDLP Examination Library ref: [EB1101B](#)). Section 8.4 of the EFDC IDP (pp 21-22) provides details of the works and / or financial contributions required strategically to support growth across the Garden Town. Sections 8.5 – 8.8 (pp 23-33) provide details of the works and / or financial contributions required to support each of the planned Garden Town Communities.
17. Part C of EFDLP Policy SP 5 specifies the requirement for infrastructure to be delivered at a rate and scale to meet the needs arising from the proposed development, in accordance with the EFDC IDP with proportionate contributions for the delivery of improvements to M11 Junction 7 and other strategic infrastructure requirements. The Policy also sets out the highway and transport improvements that are required from each of the Garden Town Communities strategic site allocations (see SP 5.1, SP 5.2 and SP 5.3).
18. The delivery of M11 Junction 7a is already fully funded and is not therefore dependent on financial contributions from the development of site allocations within the EFDLP. Further details are provided in section 5.1.5 of the EFDC IDP (p 24) (EFDLP Examination Library ref: [EB1101A](#)) and Reference DW3 of the IDP Schedule (p 17) (EFDLP Examination Library ref: [EB1101B](#)). Further details on the planned roles of M11 Junction 7a and Junction 7 in delivering planned growth are set out in the Memorandum of Understanding on Highways and Transport Infrastructure for the West Essex / East Herts Housing Market Area (**HEBDTC2**, pp 9-10 and Appendix 2).

19. The provision of M11 Junction 7a is considered to be a prerequisite for the development of the strategic Harlow and Gilston Garden Town sites (**HEBDTC2**, page 5). The scheme is fully funded, and work is already progressing to bring forward its delivery. ECC, in partnership with HE, published the Orders required by law to progress the delivery of the scheme on 30 August 2018.
20. This followed the granting of planning permission (LPA Ref: CC/EPF/08/17) for development described as "Construction of a new motorway junction (Junction 7a) on the M11 between existing junctions 7 and 8" on 21 July 2017.
21. Junction 7a is due to be operational by 2023. Accordingly, growth planned as part of the Harlow and Gilston Garden Town is phased with delivery planned to commence from 2022/2023, following the implementation of the new Junction 7a of the M11.

Inspector's Question 4.6

Have the overall transport effects of the proposal been adequately considered? What public transport, cycling and walking links would be provided to maximise sustainable transport options? Are these adequately secured in the plan?

Response to Question 4.6

22. The transport impacts of the EFDLP have been tested, the appropriate mitigation identified, and the preparation of the EFDLP has been informed by extensive transport modelling work and close liaison with relevant authorities, including ECC (as Local Highway Authority), Highways England and neighbouring local planning authorities (including HDC). This has been an iterative process which has culminated in the publication of the Transport Assessment Report, Essex Highways/Jacobs, 2019 ("TAR") (EFDLP Examination Library ref [EB503](#)). The assessment represents a 'worst-case' scenario in relation to traffic growth and therefore provides a robust assessment of the predicted traffic-related effects arising from the EFDLP. EFDC is satisfied that there are no remaining uncertainties or shortcomings regarding the work undertaken to test the transport impacts of their Plan.
23. The TAR builds on the Highway Assessment Report (Essex Highways/Jacobs, 2017) (EFDLP Examination Library ref [EB502](#)). It provides details of the work undertaken to assess the potential transport related effects of the EFDLP, together with a summary of the physical highway interventions considered at different junctions across the network, as well as potential bus and cycle improvements. The assessment includes updates to the modelling methodology as well as a more detailed assessment of a potential highway mitigation package to accommodate future Local Plan traffic growth.
24. Section 3 of the TAR (EFDLP Examination Library ref [EB503](#)) provides a description of the Highway Model used to assess the effects of EFDLP development on the local

highway network. It also provides an overview of the 'Strategic Harlow Model' and the traffic model that is specific to the highway network located within and adjacent to the Epping Forest Special Area of Conservation ("SAC"). The transport modelling has taken into account potential growth in traffic arising from development outside of the Epping Forest District administrative boundary to assess the 'in-combination' effect of other plans on the highway network with and without development proposed in EFDLP. All proposed housing and employment development including development on windfall sites, as well as new education provision, has been modelled. As such, the outputs from the traffic modelling represent a 'worst-case' scenario in relation to traffic growth.

25. The 'Strategic Harlow Model' has been used to assess the impact of development proposed in the West Essex/East Hertfordshire ("WEEH") Districts in and around Harlow, including Epping Forest, Harlow, Uttlesford and East Herts Districts. In particular, the model has been used to identify and test major infrastructure requirements around and within the town of Harlow leading to the M11.
26. Throughout the preparation of the Plan, Essex Highways/Jacobs have produced a series of Technical Notes which have reported on modelled development and informed the process (see TN1 to TN8 EFDLP Examination Library ref [EB500A - EB500H](#)). These Technical Notes identified locations where the network would be under particular stress in the wider Harlow area and also assessed the impacts that alternative options to improve capacity around larger development sites, including East of Harlow.
27. The transport-related infrastructure improvements for the District are set out within the EFDC IDP (EFDLP Examination Library ref [EB1101A/B](#)). The EFDC IDP Topic Paper (EFDLP Examination Library ref [EB1101C](#)) provides further detail in relation to the delivery and funding of these highway mitigation measures.
28. The emerging IDP for the Harlow and Gilston Garden Town will provide details of the transport related infrastructure improvements required for the Garden Town as a whole. This will identify when those improvements need to be delivered and how much they are expected to cost. The Garden Town IDP will also identify the sites that will be expected to deliver, or contribute to, infrastructure improvements and will apportion estimated infrastructure costs to specific sites.
29. In order to seek to maximise the promotion of use of sustainable transport measures it will be necessary for key elements of sustainable transport provision to be available when new developments are first occupied. This will be required to prevent the establishment of unsustainable travel behaviour and to provide viable alternatives to private car use.
30. The Draft Transport Strategy being prepared for the Harlow and Gilston Garden Town includes an ambition of achieving 60% non-car modal share for the new Garden Town Communities and a 50% non-car modal share for the existing built-up area of Harlow.
31. As well as securing sustainable transport opportunities through Policy T 1, the EFDLP also supports opportunities for reducing the need to travel in the first place through

EFDLP Policy D 5 (Communications Infrastructure) by requiring all major development to demonstrate how high-speed broadband infrastructure will be accommodated within the development. This will support 'home-working', which is anticipated to increase over the period of the Plan (see paragraph 4.2.1 page 26, Figure 4.2 page 27 and Section 5.4 page 35 of the West Essex and East Hertfordshire Assessment of Employment Needs 2017 (**HEBP7**). In transport terms, empirical evidence suggests that the number of trips people make have been steadily reduced over the past 20 years partly due to increased connectivity and more flexible working. The Department for Transport's Road Traffic Forecast and National Travel Survey 2018 shows, at paragraphs 3.45-3.49 and Figure 16 (pp 38-39) that commuter trips have reduced by 13% since 2002 with a 4% reduction in commuter trips between 2011-2016.

32. It is likely that the full delivery / completion of the proposed Sustainable Transport Corridors could not reasonably be required upon commencement of proposed development of the Garden Town Communities strategic site allocations, instead at the point of occupation of these developments, adequate availability of sustainable transport options provision (such as passenger transport services / cycle & walking infrastructure) will be required in order to avoid the establishment of unsustainable travel behaviour (among new residents) and to provide viable alternatives to private car use. The necessary measures will be secured through the use of planning obligations or other relevant mechanisms as appropriate.

Inspector's Question 4.7

Have the surface water drainage and waste water implications of the development been adequately assessed? Would mitigation measures be necessary, and would this affect the layout of the scheme?

Response to Question 4.7

33. EFDC has agreed in the draft SoCG with ECC (EFDLP Examination Library ref: [ED10](#)) to propose an amendment to Part H (xvi) of EFDLP Policy SP 5 to address representations made regarding surface water run-off to Pincey Brook, as follows:

"Policy SP 5 Part H(xvi)

Measures to ensure the protection of the functional flood plain and restriction of surface water run-off from the site into Pincey Brook to no more than existing rates and where possible existing volumes. In order to mitigate any increased volumes, discharge rates should either be limited to the 1 in 1 greenfield rate or provide long-term storage."

Inspector's Question 4.8

Have the historic heritage and ecological impacts of the proposal been adequately assessed, including any recreational or air quality effects on the Epping Forest SAC? Are there any implications for the content of the development or its layout?

Response to Question 4.8

34. An initial heritage impact assessment was undertaken through the site selection process relating to the EFDLP. Furthermore, EFDC are proposing the undertaking of a Heritage Impact Assessment as part of the Masterplan process for the allocated Garden Community sites. There will also be a need to undertake an Environmental Impact Assessment at application stage where any heritage and ecological issues will be identified.

35. EFDC are proposing an amendment to EFDLP Policy SP 4 to include the following:

"Policy SP 4 C(xvii):

A Heritage Impact Assessment will be required to inform the design of the Garden Town Communities to ensure heritage assets within and surrounding the sites are conserved or enhanced and the proposed development will not cause harm to the significance of a heritage asset or its setting unless the public benefits of the proposed development considerably outweigh any harm to the significance or special interest of the heritage asset in question.

36. In relation to the Epping Forest SAC, the Likely Significant Effect screening identified the following impact pathways as follows:

- (a) Recreational pressure and urbanisation;
- (b) Atmospheric pollution.

An appropriate assessment for both impact pathways has been undertaken to ascertain whether the integrity of the Epping Forest SAC will be adversely affected by the development contained within the EFDLP. These assessments are set out in Chapters 5 and 6 of the HRA 2019 (EFDLP Examination Library ref [EB209](#)).

37. The approach to the mitigation of recreational pressures, by way of access management projects, is set out in the Interim Approach to Managing Recreational Pressure adopted by EFDC on 18 October 2018 (EFDLP Examination Library ref: [EB134](#)). The projects, proposals and costs set out in the Interim Approach were

provided by the Conservators of Epping Forest (as the Forest's custodians) and have been supported by Natural England (as confirmed in a letter dated 1 October 2018 (EFDLP Examination Library ref: [EB208](#)). This includes the proposition that opportunities for SANG provision will be investigated further, recognising that such provision is already being sought as part of the Masterplanning of some strategic site allocations in the LPSV. This investigation may include recognition of existing Natural Green Space, which could be effective in absorbing additional visitors if supported by appropriate investment.

38. With regard to air quality impacts, the strategy will build on existing national and international initiatives, which in their own right will contribute to an improvement in air quality over the course of the Plan period, as evidenced by the air quality modelling outputs within Section 6 (page 125 onwards) of the HRA 2019 (EFDLP Examination Library ref [EB209](#)). Considering the Epping Forest SAC within Epping Forest District as a whole, these national and international initiatives, combined with the initiatives described below, would result in a net reduction in nitrogen deposition and therefore result in no adverse effect. The methodology used to undertake the most up-to-date Air Quality Modelling work to support the Appropriate Assessment of the air pollution impact pathway is set out in the HRA 2019 (EFDLP Examination Library ref [EB209](#)).
39. EFDLP Policy SP 4 sets out the requirement to ensure the provision of integrated and sustainable transport systems for the Harlow and Gilston area that put walking, cycling and public transit networks and connections at the heart of growth in the area, to create a step change in modal shift through providing for and encouraging more sustainable transport patterns. Furthermore, the self-contained nature of the proposed strategic sites will support the reduction in the need to travel elsewhere for their day to day needs. This policy requirement will support a reduction in car usage and therefore contribute towards improvements in air quality over the Plan period.
40. Developments which are large enough to do so (e.g. strategic developments) are required to deliver their own bespoke greenspace, which is in line with the approach to larger sites in Thames Basin Heaths. The scale, layout and form of this greenspace would be determined as part of the Masterplanning work.

Inspector's Question 4.10

Does Policy HS3 provide sufficiently clear guidance for the development of the site? If not, how should it be amended? Is the policy consistent with the equivalent or complementary policy in the Epping Forest District Local Plan?

Response to Question 4.10

41. The strategic sites around the Garden Town will also be consistent in their approach to producing Strategic Masterplans, as required by Policies SP 3, SP 4 and SP 5 and

illustrated in figure 2.1 in the LPSV. The Strategic Masterplan process is clearly set out in the LPSV and in the Strategic Masterplanning Briefing Note endorsed by EFDC Cabinet on 18 October 2018 (EFDLP Examination Library ref [EB133](#)). The approach to Strategic Masterplanning has been agreed with HDC, to ensure a consistent approach in regard to the East of Harlow Masterplan Area, which spans across the district boundary.

42. EFDC and HDC have worked collaboratively to align and coordinate their Local Plans. Relevant policies have been developed collaboratively and processes have been put in place to ensure a joined-up approach to Masterplanning. This includes the approach to cross boundary planning applications at East of Harlow agreed by the Garden Town Board on 18 June 2018 (EFDLP Examination Library ref [EB1334](#)).

**Harlow Local Development Plan Examination
Matter 4: Strategic Housing Site East of Harlow
Epping Forest District Council Hearing Statement**

APPENDIX A: Documents referred to in this statement

Reference	Name	Author	Date
<u>ED10</u>	Draft Statement of Common Ground between Epping Forest District Council and Essex County Council	EFDC/ECC	February 2019
<u>EB133</u>	Report to Cabinet on 18 October 2018 Governance Arrangements for Local Plan Implementation	EFDC	October 2018
<u>EB134</u>	Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation	EFDC	October 2018
<u>EB208</u>	Response to the Proposed Interim Approach to the Managing Recreational Pressure on the Epping Forest Special Area of Conservation	Natural England	October 2018
<u>EB209</u>	Habitats Regulation Assessment	AECOM	2019
<u>EB500A - EB500H</u>	Essex Highway Technical Notes 1-8	ECC	2013 - 2016
<u>EB502</u>	Highway Assessment Report	ECC/Jacobs	2017
<u>EB503</u>	Transport Assessment Report	ECC/Jacobs	2019
<u>EB1101A</u>	Epping Forest District Infrastructure Delivery Plan – Part A Report	Arup	2017
<u>EB1101B</u>	Epping Forest District Infrastructure Delivery Plan – Part B Report	Arup	2017
<u>EB1101C</u>	Epping Forest District Council: Infrastructure Delivery Topic Paper	EFDC	October 2018
<u>EB1101D</u>	Aligning Epping Forest District and Harlow IDPs	Arup	June 2017
<u>EB1201</u>	Memorandum of Understanding on Highways & Transportation Infrastructure for the West Essex / East Hertfordshire Housing Market Area	East Herts Council/ EFDC/ Harlow District Council/ Uttlesford District Council/ Essex County Council/ Hertfordshire County Council	February 2017

**Harlow Local Development Plan Examination
Matter 4: Strategic Housing Site East of Harlow
Epping Forest District Council Hearing Statement**

Reference	Name	Author	Date
<u>EB1334</u>	Report to the Garden Town Member Board on the Approach to Cross-Boundary Planning Applications at East of Harlow	Garden Town Team	18 June 2018
<u>EB1405</u>	Harlow and Gilston Garden Town Design Guide	Allies and Morrison Urban Practitioners	November 2018
<u>EB1406</u>	Harlow and Gilston Garden Town Vision	Allies and Morrison Urban Practitioners	November 2018

APPENDIX A: EFDC Hearing Statements for EFDLP Examination

- Matter 1: Legal Compliance
- Matter 4: The Spatial Strategy / Distribution of Development
- Matter 8: Garden Town Communities

**EPPING FOREST DISTRICT COUNCIL
EXAMINATION OF THE DISTRICT LOCAL PLAN, 2011-2033**

MATTER 1: LEGAL COMPLIANCE

**PRE-HEARING STATEMENT ON BEHALF OF
EPPING FOREST DISTRICT COUNCIL**

JANUARY 2019

INTRODUCTION

Epping Forest District Council ("the Council") submits this statement in response to the Inspector's Matters, Issues and Questions ("MIQs") (ED5). This statement addresses Matter 1: Legal Compliance and provides the Council's response to all of the Inspector's questions associated with Issues 1 to 7 (ED5, pp 1-5).

This statement has been prepared with the assistance of ORS (Issue 3); AECOM (Issues 4 and 5).

Where appropriate, the Council's responses in this statement refer to but do not repeat detailed responses within the hearing statements submitted by the Council concerning other Matters.

Key documents informing the preparation of this statement to which the Council may refer at the hearing sessions include:

- [EB101 Local Development Scheme \(EB101\) and EB101A update \(2017 and 2018\)](#);
- [EB104 Statement of Community Involvement \(2013\)](#);
- [EB127 Approved Judgment – R \(CK Properties \(Theydon Bois\) Ltd v Epping Forest District Council EWHC 1649 \(Admin\) \(2018\)](#);
- [EB119 Duty to Cooperate Statement \(\(EB119\) December 2017\)](#);
- [EB407 Strategic Housing Market Assessment \(2017\)](#);
- [EB1202 Memorandum of Understanding on Distribution of Objectively Assessed Housing Need \(2017\): \(EB1202\)](#);
- [EB204 Sustainability Appraisal Report \(2017\) and EB204A non-technical summary \(2017\)](#);
- [EB209 Habitats Regulation Assessment \(2019\); and](#)
- [EB1604 Climate Change Background Paper \(EB1604\) 2016](#)

All documents referred to in this statement are listed in Appendix A of this statement together with links to the relevant document included within the Examination Library.

Examination Library document references are used throughout for consistency and convenience.

Issue 1: In preparing the Plan, has regard been had to national policies and advice; and to Neighbourhood Plans whether "made" or in preparation?

Inspector's Question 1

National Policy and Advice

- 1. Is it necessary to highlight at the outset any significant inconsistencies with either national policy or guidance? Are they robustly justified?**

1. No, it is not necessary to highlight any significant inconsistencies with national policy or guidance. In accordance with best practice, before submission the Council reviewed the soundness of the Local Plan Submission Version 2017 ("LPSV"), including its consistency with national planning policy. The results of that review are recorded in the Epping Forest District Local Plan Soundness Self Assessment Checklist (EB126) – see in particular page 49.

Inspector's Question 2

Neighbourhood Plans (NPs)

- 2. Are there any "made" NPs in the District? If so, has regard been had to them in preparing the Plan? Is there any specific conflict between any policies of the submitted Plan and any made NP?**

2. There are no "made" Neighbourhood Plans in the District. However, as noted at paragraph 2.33 of the LPSV, in preparing the Plan, the Council has taken account of the preparatory work being undertaken by a number of parish councils within the District, including the priorities and aspirations of emerging Neighbourhood Plans, which the Council has sought to reflect in the Plan.

Inspector's Question 3

Neighbourhood Plans (NPs)

3. Is it clear which of the Plan's policies constitute "strategic policies" for the purpose of NP preparation and examination? Should this be set out in Policy D6 or otherwise clarified?

3. The Council agrees that the Plan could be clearer in this regard. The strategic policies identified for the purpose of Neighbourhood Plan preparation and examination are those with:
- (a) Chapter 2 'Strategic Policies' with the prefix 'SP';
 - (b) Chapter 3 'Housing, Employment and Transport' with the prefix 'H', 'E' or 'T';
 - (c) Chapter 5 'Places' with the prefix 'P'
 - (d) Chapter 6 'Infrastructure and Delivery' Policies 'D 1 to D 5'.
4. If the Inspector considers it necessary and/or helpful, for clarity, the "strategic policies" could be identified in the Plan by adding the text set out in paragraph 3 (above) to the end of paragraph 1.12 of the Plan, and by making reference to this in paragraph 6.47 of the supporting text to Policy D 6 Neighbourhood Planning. Including this information within Policy D 6 is not necessary to make the LPSV sound or legally compliant.

Issue 2: Is the Plan legally compliant in respect of how it accords with the Local Development Scheme (LDS) and the Statement of Community Involvement (SCI); and has the consultation carried out during its preparation been adequate?

Inspector's Question 1

- 1. Has the Plan been prepared in accordance with the adopted LDS, October 2017?**

Response to Question 1

5. The LPSV has been prepared in accordance with the Epping Forest District Local Development Scheme, adopted on October 2017 ("the LDS") (EB101)
6. The adopted LDS reflected the Council's intended timetable to submit the Plan in March 2018 providing indicative dates for Examination and Adoption. When preparing the Plan, the Council complied with the LDS at every stage and, as necessary, updated the LDS to reflect changes to plan-making circumstances in the District.
7. In accordance with the adopted LDS, the Council was ready to submit the LPSV in March 2018, as timetabled. However, submission of the Plan was delayed due the judicial review claim issued by CK Properties (Theydon Bois) Ltd on 9 March 2018 and the interim injunction granted by the High Court on March 2018, which restrained the Council from submitting the LPSV pending the resolution of those legal proceedings. In the event, following a hearing over two days in May 2018, the High Court dismissed the judicial review claim on 29 June 2018 and refused the unsuccessful Claimant's application for permission to appeal to the Court of Appeal on 13 July 2018. The Claimant's renewed application to the Court of Appeal for permission to appeal was refused by Sales, LJ on 20 September 2018. The Council submitted the LPSV and support documents on 21 September 2018.
8. Following submission, at the 21 November 2018 meeting of the Council's Local Plans Cabinet Committee, the Council approved an updated version of the LDS for adoption (EB101A). The latest adopted version of the Council's LDS supersedes the LDS adopted on 8 October 2017 and reflects the latest timetable for the submission and independent examination of the Local Plan.

Inspector's Question 2

- 2. Has the Plan been prepared in accordance with the adopted SCI, 2013, particularly in respect of the following:**

Response to Question 2

- a. How were local residents likely to be affected by proposed site allocations informed?**

9. The Council confirms that LPSV has been prepared in accordance with the adopted Statement of Community Involvement ("SCI") (EB104). The Council has complied with the commitment in the adopted SCI to pursue a range of consultation techniques including information leaflets, commuter postcards, stakeholder workshops, public exhibitions (both staffed and static) and through the dedicated Local Plan website, created to raise awareness of the Local Plan and connect with residents.
10. At paragraph [79] of his judgment in ***R (CK Properties (Theydon Bois) Ltd) v Epping Forest DC*** [2018] EWHC 1694 (Admin) (EB127), Supperstone, J found to have complied with its SCI (EB127).
11. In advance of the Regulation 18 Draft Local Plan consultation, on 1 September 2016, a Consultation Strategy was approved by the Council's Cabinet, which set out an approach aimed at successfully engaging residents (EB111). The details of how the Council has engaged with local residents is set out in the Regulation 22 Consultation Statement (EB115) for all stages of the Plan. In particular for residents likely to be affected by proposed site allocations, a letter was sent out to every household in the District notifying them of the Local Plan consultation and staffed exhibitions were held in the six main settlements in Epping Forest District which provided a platform for residents to understand what sites were proposed in the Plan.

- b. Was the Regulation 19 version of the Plan adequately publicised compared to previous draft versions? Representations indicate that there were no newspaper articles, fliers, public meetings etc.**

12. The LPSV was publicised in a manner that satisfied the legislative requirements relating to Regulation 19 publication. For the reasons explained below, the Council respectfully submits that this question is based on an erroneous and potentially unlawful premise.

13. Having regard to the statutory purpose of independent examination, as defined in part by section 20(5)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), the relevant legislative requirements which the LPSV must satisfy are to be found in:
 - (a) Section 19(3) of the 2004 Act (Compliance with the SCI); and
 - (b) Regulation 19 of the 2012 Regulations ¹ (Publication).
14. The LPSV was adequately publicised if the Regulation 19 publication process complied with relevant commitments within the adopted SCI and the procedural requirements specified in Regulation 19 of the 2012 regulations. When determining whether the LPSV satisfies the requirements specified in section 20(5)(a) of the 2004 Act, the Inspector must consider only relevant considerations and must ignore considerations that are irrelevant.
15. Compliance with the adopted SCI does not require the Council to publicise a Regulation 19 plan in a manner that accords with previous draft versions. As a matter of law, this question takes account of matters that are irrelevant to the examination of the Plan, which must be carried out lawfully.
16. Accordingly, the Inspector must determine whether the Council publicised the LPSV in accordance with relevant commitments within the SCI and the procedural requirements specified in Regulation 19. When considering whether it would be reasonable to conclude that the LPSV satisfies these two statutory requirements, the Inspector may not lawfully take account of the considerations addressed in this question.
17. In any event, the purpose of Regulation 19 publication was explained by the High Court in the **CK Properties** case (EB127), at paragraph [85]:

"Regulation 18 concerns the preparation of local plans and the requirement relating to consultation. Regulations 19 and 20 (and also 22 and 23) are relevant to the examination stage of plan-making. I agree with Mr Beard that regulation 19 publication is not a consultation exercise. It is the mechanism by which interested persons are provided with an opportunity to make representations on the draft plan under regulation 20 to enable them to participate in the process of independent examination. In the present case the Claimant has made regulation 20 representations, challenging the soundness and legal compliance of the draft plan that will be considered by the Inspector appointed to examine the local plan. Accordingly the unavailability of Appendix B will not cause any prejudice to the Claimant."
18. As the purpose of Regulation 19 is served by making Regulation 20 representations, observations about any differences between the manner in

¹ Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended)

which the Council publicised earlier consultation drafts of the Plan and the LPSV at the Regulation 19 publication stage are irrelevant, as the Local Plan Inspector must have regard to those observations in any event. That does not mean, however, that those observations are relevant to legal compliance under section 20(50)(a) of the 2004 Act. For the reasons set out above, they are not.

c. Was the online version of the Regulation 19 Plan user-friendly? Did difficulties with document access unreasonably shorten the consultation period?

19. Yes - The Regulation 19 Plan was clearly signposted on the Local Plan website. The document was available to view or download as a pdf. The website was accessible and clearly signposted from the Epping Forest District Council main website for the entire Regulation 19 publication period and both before and after that period. As noted on page iv of the LPSV, the Council was/is able to make available the Plan in large print or another language upon request.

d. Was it reasonable for the Regulation 19 comment period to be held over the Christmas holidays?

20. Yes. The Council considered the timing of the Regulation 19 publication very carefully and the full reasoning for the agreed timetable is set out in the Report to Cabinet on 12 October 2017 (EB105) and the Report to Council for the Extraordinary meeting on 14 December 2017 (EB114). In anticipation of the overlap with the Christmas holidays, the Council wrote to all respondents on the consultee database on 6 December 2017 notifying them of the upcoming Extraordinary meeting of the Council, and that the Regulation 19 publication stage would commence on the 18 December 2017 subject to the Council's decision at the meeting. The Council gave as much notice as possible to residents given the timing of the publication period.

e. Were hard copy versions of the Plan available at reasonable cost (£20)?

21. Hard copies of the Plan were available to buy on request. The Local Plan with Appendices 1-5 costs £10, with Appendix 6 available to buy separately at the same cost of £10. The entire Local Plan document (including Appendix 6) was £20.

- f. **Does the absence of Appendix B of the Site Selection Report (and potentially other documents) at the Regulation 19 stage contravene the requirements of the SCI? If so, what are the implications of this for the test of legal compliance?**

22. At paragraph [79] of his judgment in the *CK Properties* case (EB127), Supperstone, J found that the Council had complied with the requirements of the SCI, which required supporting studies to be made available "when finalised". The proper interpretation of the commitments within the SCI is a question of law, ultimately for the courts. In the circumstances, the Inspector may not lawfully come to a different view on the interpretation of the SCI. The Council published Appendix B when it was finalised in March 2018. There are no implications for the test of legal compliance.

Inspector's Question 3

3. **Did the Council's consultation process prior to inviting representations on the Regulation 19 version of the Plan offer interested parties the opportunity for meaningful engagement? In particular:**

Response to Question

- a. **How have the consultation responses made during the preparation of the Plan informed the submitted version, particularly in relation to the desire to protect open spaces and community facilities, and to increase local job and business growth?**

23. The Council took a rigorous approach to the processing and analysis of responses received during the preparation of the Plan. At each stage of consultation, the responses were reviewed and analysed with the Council's findings published on the website and reported to Members. Following the Regulation 18 consultation, the Council produced a Consultation Report (EB122) that gave a summary of all the representations received. An internal review and analysis of all the representations was undertaken to identify the issues raised. This was then used to support the commissioning of further work and re-drafting of policy for the LPSV. Further evidence base work was commissioned relating

to the key issues that had been raised in previous consultations, including the Open Space Study (EB703), Built Facilities Strategy (EB713), Playing Pitch Strategy (EB714), Employment Land Supply Assessment (EB602) and Employment Review (EB603). All findings from the updated evidence base were incorporated in the drafting of the LPSV. The responses from consultation were also tabled in workshops that identified the sites for allocation in the LPSV, as set out in paragraph 2.130 of the Site Selection Report (EB805). Therefore, the Council has ensured that the consultation responses received during the preparation of the Plan have informed the LPSV.

b. Has the inclusion and exclusion of specific sites only at the Regulation 19 stage denied some interested parties this opportunity?

24. No - The Council allowed all interested parties to submit sites for consideration during the preparation of the Local Plan for as long as possible, up until March 2017 as set out in Section 2.4.2 of the Site Selection Report (EB805). While 29 sites in total differed from the site allocations included in the Draft Local Plan in 2016, only 17 of these were new sites – the remainder were existing sites where the boundaries had changed or where sites had been merged. The Regulation 19 publication of the LPSV allowed all parties the opportunity for meaningful engagement on the 17 new sites, as representations could be made on the Plan that could be considered by the Inspector at Examination.

c. What action did the Council take to inform interested parties about significant changes to the Plan?

25. When reporting on the comments received on the Draft Local Plan at Regulation 18, the Council included a summary of the key issues raised and the Council's position in relation to each of these including the work that was to be undertaken to define any changes needed to the Plan. This document was Appendix A to the 11 July 2017 Cabinet report (EB106). The Council then focused on raising awareness of the Regulation 19 publication of the LPSV to ensure that all parties would be able to view the updated Plan and the changes that had been made. The methods used by the Council to publicise the Regulation 19 publication are set out in the Consultation Statement (EB115) in Section 4. For sites, the Site Selection Report (EB805) covered in detail the process and outcome of the site selection process that led to the final allocations in the LPSV.

Issue 3: Has the Duty to Cooperate, as required by S33A of the Planning and Compulsory Purchase Act, been met?

Inspector's Question 1

- 1. The strategic cross-boundary issues addressed by the Co-operation for Sustainable Development Board are set out in Section 3 of the Duty to Cooperate Statement, December 2017 (EB119). as the Duty to Cooperate been met in respect of these matters and are there any significant omissions?**

Response to Question 1

26. The Council considers that the Duty to Co-operate has been met in respect of all the matters set out in Section 3 of EB119 and there are no significant omissions. The terms of reference for the Cooperation for Sustainable Development Board were reviewed and updated in September 2018 (EB1232A).

Inspector's Question 2

- 2. In respect of the Harlow and Gilston Garden Town, how have the Member and Officer Boards cooperated on matters such as transport, infrastructure and service provision, including education, to ensure that the Duty is met?**

Response to Question 2

27. Governance arrangements were first agreed on 31 July 2017 (EB1302) with the setting up of the Harlow and Gilston Garden Town Member Board (" the Member Board") and Garden Town Officer Group ("the Officer Group"). Following a refresh of the Board's Governance Arrangements new terms of reference were agreed on 23 July 2018 (EB1336). The Officer Group and the Member Board meets monthly and bimonthly, respectively. In November 2018, Guy Nicholson was appointed as the independent Chair of the Member Board.
28. At its meeting on 22 January 2018 (EB1330) the Member Board agreed the budget to be spent on joint projects including the Sustainable Transport Corridor Study; Air Quality Monitoring for the Epping Forest SAC; Strategic Transport modelling; and Water Cycle Study. A Vision for the Garden Town and Design Charter had previously been commissioned. Since then, further joint studies have been commissioned and a number of workstreams have been established to take

forward the joint work for the Garden Town. Officers from each of the five respective Garden Town local authorities (Epping Forest District Council, Harlow District Council, East Herts District Council, Essex County Council and Herts County Council) contribute to each workstream which ensures that a collaborative approach is taken. Workstreams include a delivery workstream, a sustainable travel workstream and an infrastructure workstream. The infrastructure workstream has commissioned a joint Infrastructure Delivery Plan (IDP) and Strategic Viability Assessment for the Garden Town. The IDP is due to be completed shortly and will provide a comprehensive schedule of infrastructure requirements including:

- (a) Transport Works, Services and Travel Planning for Active (Walking and Cycling), Sustainable (Public Transport) and Highways works to support the Garden Town target that 60% of all journeys within the new Garden Communities will be undertaken by active and sustainable modes and support a shift across the Garden Town to a 50% mode share;
- (b) Early Years, Primary, Secondary Education and Special Education Needs including new and expanded school provision;
- (c) Health Care & Emergency Services facilities and initiatives;
- (d) Community Facilities;
- (e) Open Space, Sports and Leisure provision;
- (f) Utilities and Waste facilities;
- (g) Stewardship of facilities and open space.

29. The joint IDP will include consideration for the apportionment of costs of these requirements between the new garden community sites and will be the subject of viability testing. The joint IDP is expected to form a key basis for determining contributions and works to mitigate the impact of the proposed growth.

Inspector's Question 3

3. Does the decision of Epping Forest District Council and/or the other Local Authorities comprising the Housing Market Area (HMA) not to meet the Objectively Assessed Need for housing as found by the Strategic Housing Market Assessment July 2017 (EB407) represent a failure of the Duty to Cooperate? What cooperation took place to seek to meet this need within the HMA?

Response to Question 3

30. The decision not to meet the full Objectively Assessed Need (OAN) for housing in the Housing Market Area (HMA), as identified by the SHMA 2017 (EB407) does

not represent a failure of the Duty to Co-operate. Please also see the response set out in Matter 3 Issue 1.

31. Planning Practice Guidance (PPG) recognises that "There is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need" [ID: 2a-005]; and that "Establishing future need for housing is not an exact science. No single approach will provide a definitive answer" [ID 2a-014]. On this basis, it would be inappropriate to treat the OAN identified by any SHMA as a precise number, but instead the evidence should be considered in the context of the scale of housing likely to be needed in the HMA over the plan period.
32. The SHMA 2015 (EB405) originally identified a need for 46,100 dwellings over the 22-year period 2011-2033. The interim demographic update (EB406) updating the overall Housing Need prepared in August 2016 identified that the need could be as high as 54,600 dwellings over the same period. On this basis, the local authorities comprising the HMA considered housing need based on a broad range when establishing the housing requirement, and the Sustainability Appraisal (SA) (EB204) tested scenarios with delivery of up to approximately 57,400 new homes.
33. Based on all of the evidence, a housing requirement figure of 51,100 dwellings was established for the HMA over the 22-year period 2011-2033. This took account of the likely scale of housing need and also the development constraints considered through the SA process. The Memorandum of Understanding (MoU) (EB1200) was agreed in March 2017 on this basis. The MoU predated the SHMA 2017 (EB407), which was published in July 2017 as part of the evidence base for the East Herts District Plan Examination.
34. The SHMA 2017 identified an OAN of 51,700 dwellings. This is within the range of 46,100 dwellings to 54,600 dwellings that had previously been considered, and lower than the 57,400 dwellings tested through the SA process. The figure is only 1.2% higher than the housing requirement agreed through the MoU; and the difference represents only 600 dwellings over the 22-year plan period, equivalent to a total of 27 dpa across the four local authorities that comprise the HMA. The latest OAN does not represent a meaningful change in the housing need identified for the HMA.
35. Furthermore, although the MoU agreed a housing requirement of around 51,100 dwellings for the HMA, some individual Local Plans could include higher numbers. To date, only the East Herts District Plan has been adopted. The housing requirement in the East Herts District Plan (agreed through the MoU) was 18,000 dwellings, whereas their adopted Local Plan provides for 18,458 homes (para 3.2.4). These additional 458 dwellings represent over three quarters (76.3%) of the 600 dwelling unmet need for the entire HMA.
36. Given the overall context, and in particular that the PPG clearly recognises that any OAN should not be treated as a definitive figure, it is entirely reasonable that Epping Forest District Council and the other local authorities decided that it was

not necessary to revise the housing requirement figure agreed in March 2017. Based on the negligible scale of the potential unmet need (a total difference of 27 dpa between the agreed housing requirement and the latest OAN evidence for the entire HMA), it would have been disproportionate for the authorities to engage in Duty to Co-operate discussions with their neighbouring authorities.

37. As set out in the Duty to Co-operate Compliance Statement (EB119), the Council has undertaken joint work on housing need since 2008. The Strategic Housing Market Assessments have shown that the West Essex/East Herts HMA best reflects the relationship between where people live and work in the area. The latest SHMA was published in July 2017 (EB407) and concluded that the housing need across all four authority areas was 51,700 homes whereas the MoU agreed in March 2017 (EB1200) provides for an overall need of 51,100 across the Strategic Housing Market Area and commits each authority to meeting their individual housing needs within their own administrative boundaries. The preparation of the MoU followed the completion of joint work undertaken for the SHMA authorities which assessed the sustainability of strategic spatial options (EB1500) for meeting the overall objectively assessed need within the HMA. In undertaking this work the local authorities considered the potential to increase the level of housing to be delivered across the Housing Market Area but the level of infrastructure constraints, as well as environmental and policy designations the maximum quantum of growth for the plan period is around 51,000 homes for the Housing Market Area. The officer group supporting the Member Board agreed that in view of the small difference in homes between the updated SHMA and the agreement set out in the MoU that it was not necessary to update and it was on this basis that the East Herts District Plan was examined.
38. The MoU identifies the housing requirement for the District is 11,400 and the Plan provides in excess of this requirement.

Issue 4: Has the Plan been informed by an adequate process of Sustainability Appraisal (SA)? Have the requirements of the SEA Directive and Regulations been met?

Inspector's Question 1

1. Is the SA comprehensive and satisfactory and has it sufficiently evaluated reasonable alternatives? In particular, I understand that a "dispersed" pattern of development was pursued as a result of the Community Choices consultation. Were alternative distributions considered through SA, such as a more concentrated pattern, or different dispersal patterns?

Response to Question 1

39. The Sustainability Appraisal (SA) has been carried out iteratively during the plan-making process and influenced the preparation of the Local Plan. As such, the SA is comprehensive and satisfactory. In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) ("the SEA Regulations") and extant PPG the SA has evaluated reasonable alternatives sufficiently. SA Reports have been produced at key stages during the preparation of the Plan, including:
- (a) A Scoping Report in 2010 (EB200);
 - (b) Interim Reports published in 2012 (EB201) and 2016 (EB202);
 - (c) An appraisal of Strategic Spatial Options for delivering housing across the wider Housing Market Area in 2016 (EB203); and
 - (d) An SA Report (incorporating Equalities Impact Assessment) (EB204) published alongside the LPSV in December 2017;
40. In addition, Non-Technical Summary documents were produced in 2016 (EB202A) and 2017 (EB204A).
41. The SA Report (EB204) and NTS (EB204A) submitted with the LPSV identifies, describes and evaluates the likely significant effects of implementing the plan, and reasonable alternatives. Further details of the approach to identifying, describing and evaluating reasonable alternatives undertaken since 2012 is outlined in Part 1 of the SA Report (EB204). Appendix I of the SA Report (EB204), includes a 'checklist' of how (through the SA process) and where (within the report) the regulatory requirements have been, are and will be met (Table C, page 83-84).
42. As set out in Paragraph 5.9 of the SA Report (2017) (EB204), the responses to the Community Choices Consultation (2012), along with available evidence,

determined that a number of alternatives for the distribution of growth around the District were not reasonable. These options included the delivery of a new settlement in the countryside, concentrating growth in one existing settlement and focusing growth at the rural settlements.

43. The rationale for this decision is set out in Paragraph 5.9 of the SA Report (2017) (EB204), which states that:

"There were no available sites of sufficient size to deliver a new settlement within the countryside; delivering all the growth at one settlement would not meet the needs in the rest of the District and focussing growth in the rural areas with poor access to public transport and services/facilities would not result in sustainable development."

44. Excluding the possibility of a new settlement, the concentration of development in one settlement, or an undue focus on rural areas, the Interim SA Report (2012) (EB201) then identified seven reasonable alternatives for the dispersed distribution of growth around the District. The SA process assessed a varying quantum of growth across different settlements, including exploring both 'proportionate' and 'equal' distribution scenarios ('proportionate' being based on existing populations size and 'equal' referring to a more straightforward division) on the basis of scenarios including focusing development around transport infrastructure, away from the London Underground Central Line, and in and around large settlements.
45. The SA and plan-making process assessed reasonable alternatives for different dispersal patterns. The updated evidence base, and responses from the Issues and Options Consultation in 2016, informed five reasonable District-wide alternatives, including the preferred strategy. These are shown in Table 6.2 of the SA Report (2017) (EB204), and explored a range of different growth options, including higher growth in North Weald Bassett and along the Central Line. Reasons for rejecting more concentrated patterns of growth were still considered valid. Further details are provided in paragraphs 6.52 to 6.56 in the SA (2017) (EB204).
46. The reasonable alternatives were further refined in 2017. At that stage, it was not considered necessary, reasonable, or proportionate to revisit broader, spatial strategy alternatives, as updated evidence and consultation representations on the Draft Local Plan and Interim SA Report in 2016 (EB202) did not suggest that there were any new District-wide spatial strategy alternatives that warranted consideration. This is explained in Chapter 7, paragraphs 7.27 - 7.32 of the SA (2017) (EB204).

Inspector's Question 2

- 2. The SA Report of 2017 (EB204) indicates that the Plan will have either negative or minor negative effects in relation to the following SA objectives: biodiversity and green infrastructure; the historic environment; land and waste; and landscape. Have reasonable alternatives been considered to seek to avoid these effects and, if they are unavoidable, is the Plan justified?**

Response to Question 2

47. Part 2 of the SA Report (2017) (EB204) presents an appraisal of the LPSV 2017. As set out in paragraph 8.2, the appraisal identifies and evaluates 'likely significant effects' of the Plan, using the sustainability topics and objectives as a methodological framework.
48. In developing the preferred approach, the Council explored a range of different alternatives for the spatial distribution of housing and employment growth to meet identified needs. The appraisal of these alternatives through the SA process identified the potential for any likely significant effects, as well as identifying any significant differences between them against SA topics/objectives. This is explained within Part 1 of the SA Report (2017) (EB204). Tables 6.3 and 7.2 in the SA Report (2017) (EB204) present a summary of the appraisals of reasonable alternatives undertaken in 2016 and 2017 respectively. They demonstrate that in relation to the majority of SA topics there are no significant differences against SA topics/objectives between the preferred spatial strategy and alternatives. While some are identified/ranked as performing marginally better or worse against SA topics/objectives, the majority are predicted to have the same residual effects. The appraisal of reasonable alternatives, along with analysis of the Draft Local Plan consultation feedback and the updated evidence base, fed into the determination of the Council's preferred approach.
49. Paragraph 9.152 of the SA Report (2017) (EB204) recognises that, for land and waste objectives, all alternatives would result in a similar conclusion and that there would be greenfield loss under a 'no plan' scenario. The SA Report also states that for historic environment, landscape and biodiversity and green infrastructure objectives, that there would be the potential to avoid and mitigate effects through site specific policy and detailed design of developments. It is also important to note that there would be negative effects even under a 'no plan' scenario as speculative development would doubtless come forward.

Issue 5: Have the requirements of the Conservation of Habitats and Species Regulations 2017 been met?

Inspector's Question 1

1. Is the Council's HRA process consistent with the *People Over Wind, Peter Sweetman v Coillte Teoranta* Judgement?

Response to Question 1

50. The Council's HRA process is consistent with the proper approach identified by the Court of Justice of the European Union (CJEU) in *People Over Wind, Peter Sweetman v Coillte Teoranta*,² (EB137). In that case, the CJEU ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage. The implication of this judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering, at the Habitats Regulations Assessment (HRA) screening stage, whether a plan is likely to have a significant adverse effect on a European Site.
51. The December 2017 HRA (EB206) was prepared prior to the CJEU delivering its judgment in the *People Over Wind* case on 12 April 2018. Notwithstanding this, paragraph 2.7 of the December 2017 HRA records that: "Natural England's response to the previous HRA of the Local Plan indicated that they would prefer the air quality analysis at Epping Forest to be classified as 'appropriate assessment' and that approach has therefore been followed in this report."
52. Subsequently, on the Council's behalf, AECOM have carried out additional work to update the HRA of the LPSV. The Council has now published the 'Habitats Regulations Assessment of Epping Forest District Council Local Plan', January 2019 (HRA 2019) (EB209). Paragraph 1.3 of the HRA 2019 explains that
- "The HRA report accompanying the submitted Local Plan was complete based on legal precedent and traffic and air quality modelling results as they stood at the time. Since that time however additional case law has clarified that consideration of mitigation measures must be deferred to the appropriate assessment stage of the HRA process, Natural England confirmed that they considered that an appropriate assessment was

² Case C-323/17, 12 April 2018

necessary and in particular there has been extensively updated traffic and air quality modelling undertaken for Epping Forest SAC, following a methodology agreed with Natural England. As a result it is appropriate to produce this January 2019 HRA report including appropriate assessment. Since the amendments to create this report are extensive (with regard to creating an appropriate assessment and comprehensively updating the air quality work for Epping Forest SAC) this January 2019 HRA entirely replaces the HRA that was submitted with the Local Plan"

53. The HRA 2019 makes reference (at paragraph 2.5) to the ***People Over Wind*** case and how this has been addressed within the remainder of the document. In summary, all impact pathways where likely significant effects could not be dismissed without relying on mitigation (measures to avoid or reduce the effects) are taken forward to appropriate assessment. As such, the appropriate assessment has been expanded to cover recreational pressure and urban edge effects (which are inter-related) as well as air quality.
54. Consequently, it is considered that the HRA process, as recently reviewed, is consistent with the Judgment.

Inspector's Question 2

- 2. The Habitats Regulations Assessment of the Regulation 19 Local Plan (EB206 & 206A) identified that, without mitigation, the Plan would result in likely significant effects upon the Epping Forest SAC, either alone or in combination with other plans or projects, in respect of recreational pressure; urbanisation; and air quality.**

Response to Question 2

- a. Is it correct that no likely significant effects have been identified for the other relevant designated sites (Lee Valley SPA/Ramsar Site; or Wormley-Hoddesdonpark Woods SAC)? e**

55. Following restructuring of the HRA Report to create an appropriate assessment likely significant effects have been identified for Lee Valley SPA/Ramsar site and Wormley Hoddesdonpark Woods SAC. However, it is correct that no adverse effects on integrity requiring mitigation have been identified for any sites other than Epping Forest SAC.

b. Both Natural England and the Conservators of Epping Forest have raised concerns about how the "Baseline", "Do Minimum" and "Do Something" scenarios have been compared in the HRA process to identify likely significant effects. What is the relevance of these terms and is the HRA methodology valid in this respect?

56. The terms "Baseline", "Do Minimum" and "Do Something" are standard names for the scenarios covered by traffic-related air quality modelling, as set out in the Design Manual for Roads and Bridges ("DMRB").³ Baseline is the reference year, typically the year for which traffic counts are available and/or the opening year of the scheme or commencement year of the plan. "Do Minimum" is the forecast future air quality in the assessment year (typically the opening year of the scheme or completion year of the plan, where traffic generation will be greatest) including expected changes in air quality due to traffic growth from other authorities and other interventions (e.g. improved vehicle emission standards) but excluding the plan or project under particular consideration (i.e. Epping Forest District Local Plan in this case). "Do Something" is identical to "Do Minimum" but adds in the plan or project under consideration (i.e. Epping Forest District Local Plan in this case).
57. Calculation of these three scenarios therefore enables: (a) comparison of the "Do Something" results with "Baseline" to ascertain the total change in air quality between base year and assessment year; and (b) comparison of the "Do Something" results with the "Do Minimum" results to specifically observe the contribution the given plan or project (Epping Forest District Local Plan in this case) makes to that overall change. The above scenarios relate specifically to the assessment of air quality effects on the Epping Forest SAC, and were terms used in the December 2017 HRA.
58. However, a letter was received from Natural England, dated 29 March 2018 (EB207) which provided further advice with respect to a number of matters, including with regard to the methodology that should be pursued in undertaking further assessments of air quality effects. Four principal points emerged:
- (a) Natural England wished to be able to separate out the effects of a continuation of the existing improving baseline (due for example to improvements in vehicle emission factors) from the negative contribution of additional traffic growth; this is not possible using the two conventionally modelled future scenarios ("Do Minimum" and "Do Something") which merge together the effects of traffic growth and of any improving (or deteriorating) baseline;
 - (b) Natural England wanted the Baseline to be backdated to 2011 since this was the start year of the Local Plan (in the event reliable traffic data has only been available since 2014 and this has therefore been used and it is

³

<http://www.standardsforhighways.co.uk/ha/standards/>

understood that Natural England are satisfied with this approach – see bullet point d. below);

- (c) Natural England wanted traffic generation attributable to growth within the West Essex/East Herts HMA (including permissions granted since 2014) to be separately visible from growth outside the HMA. Again, this is not visible in the conventional two future scenarios, which place all growth other than Epping Forest District Local Plan into a single Do Minimum scenario.
- (d) Natural England wished some modelling to be undertaken which showed the expected trend in emissions between 2014 and 2033. Again, this is not possible in conventional modelling which only shows the start and end years. The further air quality modelling work that has been undertaken has had regard to that advice, including with respect to the scenarios to be used, and the approach to be taken for comparative purposes. Natural England confirmed by email on 21 November 2018 that the updated modelling scenarios have taken on board its advice as detailed in the letter of 29 March 2018 and this approach has been incorporated into the HRA 2019 (EB209) that has recently been published. The definitions of the scenarios as they now apply are set out in the table on page 18 of the HRA 2019 (EB209).

c. Does the HRA process for screening Plan policies in or out of the assessment remain valid in light of up to date and emerging evidence on visitor behaviour and traffic impact? For example, recent visitor survey information seems to indicate that the Zone of Influence for recreational pressure on Epping Forest SAC is larger than was thought when the Plan was submitted. Has this resulted in any policies and/or site allocations being wrongly screened out of the assessment? If so, what should be done?

- 59. The HRA 2019 (EB209) has taken account of the recent visitor survey information which has identified an extended Zone of Influence for the purposes of identifying the potential sources of recreational pressures on Epping Forest SAC. As a result, a number of sites that had been screened out of the assessment in 2017 have now been screened in. Notwithstanding this, paragraph 4.25 of the LPSV makes it clear that the Council will seek contributions to support the development and implementation of an access management strategy as determined by an up-to-date visitor survey.
- 60. An interim approach to managing recreational pressure was adopted by the Council on 18 October 2018 (EB208) as a material consideration in the determination of planning applications. The interim approach sets out the most up-to-date Zone of Influence. The Council, in developing the strategy, determined to take a proportionate approach, based on evidence, and having had

regard to Section 122 of the Community Infrastructure Regulations 2010, only to seek contributions from those residential development proposals which fall within the 'inner' 0 – 3km Zone.

61. Natural England, in a letter of 1 October 2018 (EB 208), set out its support for the approach which at that point had been detailed in papers circulated for the Co-Operation for Sustainable Development Member Board on 10 September 2018. These papers formed the basis of the approach that was subsequently adopted by the Council. Ultimately, the mechanism for securing contributions is for the individual authority to determine, so long as the sums of monies secured are sufficient to provide the funding for the access mitigation and management measures, a matter with which Natural England concurs.

d. For each likely significant effect identified for Epping Forest SAC, has an appropriate assessment been carried out to ascertain that its integrity will not be adversely affected?

62. Yes - the Likely Significant Effect screening identified the following impact pathways in relation to the Epping Forest SAC are as follows:
- (a) Recreational pressure and urbanisation;
 - (b) Atmospheric pollution.
63. An appropriate assessment for both of these impact pathways has been undertaken to ascertain whether the integrity of the Epping Forest SAC will be adversely affected. These assessments are set out in Chapters 5 and 6 of the HRA 2019 (EB209)

e. In preparing any appropriate assessment, has avoidance of harm been considered before mitigation or compensation? If not, should it have been?

64. The Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") do not require impacts to be avoided as an alternative to 'mitigation'. Indeed, neither of those terms is used in the Regulations at all. The legal test is simply that adverse effects on site integrity (coherence of structure and function) will not arise. Whether the method used to achieve that outcome is termed avoidance or mitigation is not relevant to legal compliance. Nonetheless, it is recognised that the consideration of avoidance is an appropriate 'first step' with respect to good development planning.

65. With respect to the impact pathways of atmospheric pollution, the only way of completely avoiding harm would be not to provide for any development within Epping Forest District. Within the context of the Government's clear priorities of securing the delivery of much needed housing and economic growth, such an approach would be contrary to national policy and guidance. As such, when balancing a range of considerations, including matters of public interest, if avoidance is not an option, then national policy and guidance provide, as the next step, the ability to mitigate any harm (i.e. to reduce it to an insignificant level).
66. With respect to recreational pressure and urbanisation avoidance, the avoidance of harm could, in theory, be achieved by placing all new development more than 6.2km from the SAC. However, this would result in an illogical and unsustainable pattern of future housing development. Consequently, such an approach to avoidance as described above would not be justified or necessary.

f. For the purpose of any appropriate assessment, is it justified to defer consideration of the implications of allocated sites to the planning application stage, as suggested by Policy DM2? For example, how will any new green spaces required be found and secured if not through the plan-making process (e.g. in a SANG Strategy)?

67. Policy DM 2 does not "defer consideration of the implications of allocated sites to the planning application stage". The environmental implications of all allocated sites are discussed in the HRA 2019 supporting the Plan (EB209).
68. For the avoidance of doubt, Policy DM 2:
- (a) Makes it clear (clause B) that developments for which European site issues exist (e.g. within 6.2km of the SAC for recreation) must avoid adverse effects on integrity. This is a legal requirement anyway and also ensures that developers are aware they will need to contribute;
 - (b) Identifies (in C) those settlements where developments will need to contribute to the strategic mitigation solution for recreation – this is a good example of the Council delivering an effective mitigation solution to facilitate the delivery of planned development, by which developers need only make a financial contribution, without deferring consideration of the implication of planned development to the planning application stage;
 - (c) Notes (in D) that the Council "will ensure the provision of a meaningful proportion of natural greenspace".

69. Consequently, the only matters to be addressed at the detailed application stage are:
- (a) Making financial contributions to the strategic solution, which is both necessary and appropriate;
 - (b) Ensuring that the developments which are large enough to do so (e.g. strategic developments) deliver their own bespoke greenspace, which is in line with the approach to larger sites in Thames Basin Heaths; and
 - (c) Ensuring that sites very close to the SAC (within 400m) identify how they intend to minimise risk of such impacts, supplementary to the strategic approach being taken by the Council through the recreation/urban edge impact strategy (e.g. funding for managing fly tipping etc. in the SAC).
70. Access management for the Epping Forest SAC is a key aspect of the overall strategy rather than the provision of SANG, or similar, recognising that the largest proportion of visitors arise from within 3km of the SAC boundary and as such it is not realistic to create an area of greenspace that is as attractive as the Epping Forest. The provision of SANG is therefore supplementary and mainly for the strategic sites to deliver in order to ensure their future self-sufficiency (see paragraph 5.22 of the HRA EB209). Rather than being a general policy that pushes the issue down to the lower tier this policy is actually specific as to how the higher tier mitigation (the strategic Council solutions) and lower tier solutions interact.

g. Is it correct that no likely significant effects have been identified for the other relevant designated sites (Lee Valley SPA/Ramsar Site; or Wormley- For the purpose of any appropriate assessment, is it justified to rely upon the forthcoming Mitigation Strategy to conclude that the integrity of the relevant sites will not be adversely affected given that the effectiveness of the Strategy cannot yet be fully appreciated?

71. Following restructuring of the HRA report to create an appropriate assessment likely significant effects have been identified for Lee Valley SPA/Ramsar site and Wormley Hoddesdonpark Woods SAC. However, it is correct that no adverse effects on integrity requiring mitigation have been identified for any sites other than Epping Forest SAC (see HRA 2019 paragraphs 5.5 – 5.16 pages 117-120 (EB209). Numerous precedents exist for interim mitigation strategies being devised and implemented prior to final mitigation strategies being developed, with Local Plans being adopted on the back of policies that commit to the mitigation strategies. The major example is in the South Hampshire area regarding the Solent European sites. The final mitigation strategy for recreational pressure (now known as BirdAware Solent) only came into being in December 2017 but

an interim strategy was operating from July 2014 and many relevant Core Strategies and Local Plans were adopted prior to 2017 (and indeed 2014). Another example is with regard to recreational pressure in Ashdown Forest where an interim strategy is operating and has been operating for a number of years, during which several Core Strategies and Local Plans have been adopted.

h. What is the scope of the forthcoming Mitigation Strategy and what type of mitigation is envisaged for each type of likely significant effect? How is this/could this be secured in the Plan? What progress has been made with the Mitigation Strategy and when will it be completed?

72. The Mitigation Strategy for the Epping Forest SAC will comprise two elements as follows:
- (a) Addressing recreational impacts; and
 - (b) Addressing the air quality impacts.
73. The approach to the mitigation of recreational pressures, by way of access management projects, is set out in the Interim Approach to Managing Recreational Pressure adopted by the Council on 18 October 2018 (EB134). The projects, proposals and costs set out in the Interim Approach were provided by the Conservators of Epping Forest (as the Forest's custodians) and have been supported by Natural England (as confirmed in their letter dated 1 October 2018 (EB208). This includes the proposition that opportunities for SANG provision will be investigated further, recognising that such provision is already being sought as part of the masterplanning of some strategic site allocations in the LPSV. This investigation may include recognition of existing Natural Green Space, which could be effective in absorbing additional visitors if supported by appropriate investment.
74. With regard to air quality impacts, the strategy will build on existing national and international initiatives, which in their own right will contribute to an improvement in air quality over the course of the Plan period, as evidenced by the air quality modelling outputs within Section 6 (page 125 onwards) of the HRA 2019 (EB209). Considering the Epping Forest SAC within Epping Forest District as a whole, these national and international initiatives, combined with the initiatives described below, would result in a net reduction in nitrogen deposition and therefore result in no adverse effect. The methodology used to undertake the most up-to-date Air Quality Modelling work to support the Appropriate Assessment of the air pollution impact pathway is set out in the HRA 2019 (EB209).

75. The likely local mitigation measures are supported by LPSV Policies and Site Allocation requirements as follows:
- (a) Policy T 1 of the LPSV supports the securing of modal shift to sustainable forms of transport, supporting reduced parking and car free development in sustainable locations, and requires that all development which makes provision for parking spaces (regardless of use) must make provision for electric vehicle charging points (EVCPs). It is proposed to use planning conditions to secure EVCPs and to require that development proposals in appropriate locations will be required to provide a Travel Information Pack for sustainable transport and 6 free one day vouchers for use with the relevant local public transport operator;
 - (b) LPSV Appendix 6: 'Site Specific Requirements for Site Allocations' identifies a number of sites, which, because of their proximity to London Underground stations, should limit the provision of on-site residents' car parking to that required to service the essential needs of the development. This is also referred to in Paragraph 3.92 of the LPSV together with a proposition to review residential car parking standards;
 - (c) Policy SP 4 Development and Delivery of Garden Town Communities in the Harlow and Gilston Garden Town sets out the requirement to ensure the provision of integrated and sustainable transport systems for the Harlow and Gilston area that put walking, cycling and public transit networks and connections at the heart of growth in the area, to create a step change in modal shift through providing for and encouraging more sustainable transport patterns. Furthermore, the self-contained nature of the proposed strategic sites will support the reduction in the need to travel elsewhere for their day to day needs. All of these policy requirements, when taken together, will support a reduction in car usage and therefore contribute towards improvements in air quality over the Plan period.
76. These policy interventions, where possible, have been factored into the air quality modelling inputs and assumptions through the approach taken in Scenario DS5 (as set out in the Table on page 15 of the HRA). The approach to modelling the effects of the LPSV on air quality include scenarios that do not include physical highway works to provide evidence as to whether there is a need for such interventions to support improvements in air quality within the Forest (see the Table on page 15 of the HRA)..
77. The Council, in discussion with Natural England, has agreed that Policy DM 2 should be amended to include specific reference to the development and adoption of a Mitigation Strategy and detailed wording will be included within the SoCG. The Council and Natural England have agreed, in principle, to prepare a Statement of Common Ground ("SoCG"), that will provide the Inspector with a record of the additional work undertaken by the Council. It is recognised that the SoCG will be subject to the outcome of Natural England's review of the HRA 2019

(EB209). Nevertheless there is an ambition for the SoCG to be available in time for the first hearing session on 12 February 2019.

78. As set out in the response to Question 2. h. (above at paragraph 69), there are two impact pathways that will require mitigation measures and strategies to support their implementation. In order to provide the sufficient degree of confidence necessary to bring development forward, it is proposed that, effectively, there will be two timescales, as follows:
- (a) For air quality, the Council anticipates that this will be completed by the end of April 2019, although this date will be dependent on securing Natural England's support and the formal agreement by the Council.
 - (b) For recreational pressures it is anticipated that this will be completed by December 2019. The final strategy will be determined by the completion and analysis of a further Visitor Survey to be undertaken in the summer of 2019 followed by any necessary review of the projects set out in the current Interim Approach. This will then need to be agreed by key stakeholders, including Natural England and the Conservators of Epping Forest and the completion of any necessary Council approval processes.

i. Might certain proposals within the Mitigation Strategy itself, such as those for Wake Arms Roundabout, themselves have potentially significant effects upon designated sites which require appropriate assessment? If so, how and when will this be done?

79. The HRA 2019 (EB209) concludes at paragraph 6.23 – 6.25 that the modelled physical mitigation works for Wake Arms and Robin Hood Roundabout would not be viable and that the air quality mitigation measures outlined in the Local Plan and modelled as DS5 (which excludes physical highway improvements within the Epping Forest SAC) should be developed further as part of the proposed air quality mitigation strategy. It is understood that the projects proposed within the Interim Recreational Pressures Mitigation Strategy (EB208) have themselves been reviewed by Natural England at the request of the Conservators of Epping Forest and that Natural England has raised no objections to those projects.

- j. In the absence of a final Mitigation Strategy at this stage:**
 - i. Is it necessary to modify the Plan to require development proposals to comply with its recommendations?**
 - ii. Would this course of action be justified and effective, or is it essential for the Strategy to be completed before the Plan is adopted? Is it clear that the necessary mitigation could be implemented without threatening the delivery of the Plan's strategy?**
 - iii. If it would be necessary, justified and effective to address the absence of the Mitigation Strategy through modifications to the Plan, what changes are needed? (In responding, the Council should have full regard to the representations of Natural England [19STAT0027] and the Conservators of Epping Forest [19STAT0035]).**

- 80. As stated above (at paragraph 74), the Council has agreed with Natural England that Policy DM 2 should be amended to include specific reference to the development and adoption of a Mitigation Strategy. This amendment is the subject of ongoing discussion with Natural England and will be addressed in the proposed SoCG.
- 81. The Council is of the view that it will not be necessary for the final Mitigation Strategy to be completed before the Plan is adopted. With respect to recreational pressures, as noted in paragraph 78(b) (above), the Interim Approach is likely to be replaced by the final Mitigation Strategy toward the end of 2019 (as the Mitigation Strategy is to be informed by a further Visitor Survey which is due to be undertaken in early Summer 2019). In their letter dated 1 October 2018 (EB208), Natural England stated that "This interim proposal provides a solid base on which to further develop the final Mitigation Strategy...". The timescales with regard to air quality are set out in paragraph 75 (a) (above). Again, these matters will be addressed in the proposed SoCG.
- 82. The HRA 2019 records (EB209, Chapter 5) the work the Council has undertaken to respond positively and effectively to the concerns expressed by Natural England in its Regulation 20 Representations. Very considerable progress has been made by the Council to ensure that the necessary mitigation will be implemented without threatening the delivery of the Plan's strategy,

Issue 6: Is the Plan legally compliant in terms of how it seeks to address climate change?

Inspector's Question 1

- 1. Does the Plan include policies designed to secure that the development and use of land in the District contributes to the mitigation of, and adaptation to, climate change as required by Section 19(1A) of the PCPA?**

Response to Question 1

83. Yes - The LPSV provides a policy framework that supports the contribution to the mitigation and adaption of climate change, through both strategic spatial policies, and detailed site specific and Development Management Policies. Paragraph 1.5 of the Plan states that the LPSV "has been prepared under the legislative provision of the Planning and Compulsory Purchase Act 2004".
84. The Climate Change Background Paper (2016) (EB1604), sets out the Council's approach to tackling climate change. Paragraph 1.28 states that "the Council's strategy to meet the challenges of climate change has multiple threads that are interwoven into policy. Policy measures aimed at reducing impact on climate change and adapting to climate change appear throughout the Draft Local Plan and therefore the Council does not propose overarching policy beyond the broad presumption in favour of sustainable development provided by Draft Policy SP 1."
- (a) The rationale for this decision is set out in Paragraph 1.27 of the note, which states that a specific policy that would set targets in relation to aspects of climate change was not considered to be a meaningful approach, given the ever-changing international context, and the need to align with current national policy. There is also a need to demonstrate that policies are deliverable, whilst ensuring that the approach to addressing climate change is embedded throughout. A range of policies throughout the LPSV therefore respond to the challenge of climate change. Paragraphs 1.27 to 1.35 of the Climate Change Background Paper (2016) (EB1604) sets out the approach taken by the Plan to respond to the challenge of climate change in further detail.
- (b) The site selection process (see Site Selection Report EB805) ensures that the most suitable locations have been selected for development taking account of the protection of the highest value natural assets, protection of the best agricultural land for food production and selection of the most accessible places to local services. This is demonstrated in Policy SP 2, along with the site allocations in Chapter 5 of the LPSV. The transport

strategy seeks to encourage a shift to low and zero carbon forms of transport and reduce trip length of journeys for everyday needs, as demonstrated by Policies T 1, T 2 and DM 9. The development strategy seeks to deliver significant improvements to the natural environment, including delivering a green infrastructure strategy and network. This is demonstrated by policies SP 6 and DM 5.

- (c) Policies DM 15, DM 16, DM 17, DM 18 and DM 21 are in place to ensure development incorporates necessary measures to reduce the risk of surface water flooding, support the improvement of water quality and ensure that design measures are incorporated where there is development in river flood risk areas.
- (d) Policies such as DM 9 and DM 20 encourage the use of low carbon and renewable technologies and energy as a consideration in design and sustainable construction as well as co-location of facilities to develop heat and power networks.
- (e) Policies SP4, DM 9, DM 11 and DM 19 require design coding, place-shaping and masterplanning on strategic sites, and ensure that development demonstrates a design process that has sought to ensure a minimal environmental impact, encourages low carbon lifestyles and has low levels of water usage.

Issue 7: Is the Plan legally compliant in respect of superseded policies; mapping; and monitoring?

Inspector's Question 1

- 1. Does Appendix 2 need to explain which policies of the new Plan supersede which policies of the old plans? Could this be confusing and would it be sufficient to simply list the plans and policies to be superseded?**

Response to Question 1

85. Regulation 8(1)(5) of the Town and Country Planning Regulations 2012 states that 'where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy.' EFDC considers that Appendix 2 of the LPSV complies with this requirement and the Council's preferred approach is to maintain Appendix 2 in its current form. However, the Council would be happy to consider an alternative approach if it is deemed to be more appropriate.

Inspector's Question 2

- 2. What does the "submission policies map" consist of? Is it just the single map of the whole district printed at 1:30,000 scale at A0 size, or does it include the A4 Maps within the Plan itself?**

Response to Question 2

86. The "submission policies map" is the single A0 size map at 1:30,000 scale (EB114B) and does not include the A4 maps within the Plan, including those within Appendix 6 (EB114A).

Inspector's Question 3

- 3. Is the geographic illustration of all relevant policies in the Plan shown on the submission policies map?**

Response to Question 3

87. Yes, the geographic illustration of all relevant policies in the Plan are shown on the Submission Policies Map. Some of the designations identified in Policy DM 6 e.g. allotments, amenity green spaces, cemeteries etc. are shown on the web based version of the policies map only but not on the printed version. This is because there are a large number and size of these designations which would be difficult to read on a printed AO map.
88. The flood zones identified in the SFRA are also not currently shown on the printed policies map but are available on the web version.

Inspector's Question 4

- 4. Whether or not the A4 maps in the Plan form part of the submission policies map, are the legends clear and comprehensive? Some of the legends include designations not shown on the maps and *vice versa*. For example, the legend for Map 2.2 includes Traveller allocations, but there are none on the map. By contrast, Map 2.2 includes diagonal green hatching and green and brown dots which are not on the legend. Should such inconsistencies be resolved throughout the plan?**

Response to Question 4

89. The Council has sought to include only the key local plan policy designations on the A4 Maps. A full legend can be found in Appendix 6: 'Site Specific Requirements for Site Allocations'. A full legend is also shown on the submission policies map (EB114B). The Council agrees that legends for individual A4 maps, particularly maps 2.2, 2.3 and 2.4 could be improved to provide further clarity. The Council therefore proposes that a full legend should be added to the LPSV after page 44; and maps 2.2, 2.3 and 2.4 should refer to this full legend.

Inspector's Question 5

5. Does the Plan include a Key Diagram as required by paragraph 157 of the NPPF?

Response to Question 5

90. Para 157 of the NPPF 2012 states that Local Plans should '...indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map'. The NPPF 2012 also refers to the term 'broad locations' in paragraph 47 where it says local planning authorities should 'identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15...'. The LPSV has not designated any 'broad locations' for growth and all the strategic development has been included in the submission policies map (EB114B). The Council has therefore taken the view that a Key Diagram is not essential for the LPSV. If the Inspector considers it would be helpful the Council would be happy to prepare a Key Diagram for the LPSV.

Inspector's Question 6

6. Will the indicators in Appendix 3 enable the effectiveness of the Plan's polices to be monitored?

Response to Question 6

91. Yes, the indicators in Appendix 3 will enable the effectiveness of the Plan's polices to be monitored.

APPENDIX A: Examination documents referred to in this statement

Reference	Document Title	Author	Date
EB101	Local Development Scheme	EFDC	October 2017
EB101A	Local Development Scheme	EFDC	November 2018
EB104	Statement of Community Involvement	EFDC	
EB105	Local Plan Update Cabinet Report	EFDC	
EB106	Draft Local Plan Regulation 18 Consultation Cabinet Report	EFDC Cabinet Report	July 2017
EB111	Draft Local Plan Consultation Strategy	EFDC	2018
EB114	Report to Council for Extraordinary Meeting	EFDC	2017
EB114A	Local Plan Submission Version - Appendix 6 Site Specific Requirements	EFDC	December 2017
EB114B	Local Plan Submission Version - Policies Map	EFDC	December 2017
EB115	Regulation 22 Consultation Statement	EFDC	
EB119	Duty to Cooperate Statement	EFDC	December 2017
EB1200	Memorandum of Understanding Managing the Impacts of Growth within the West Essex / East Hertfordshire HMA on Epping Forest SAC		2017
EB1202	Memorandum of Understanding on Distribution of Objectively Assessed Housing Need	West Essex/East Herts authorities	March 2017

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Reference	Document Title	Author	Date
EB122	Draft Local Plan Consultation Strategy	EFDC	
EB126	Epping Forest District Local Plan Soundness Self Assessment Checklist	EFDC	
EB127	Approved Judgment – R (CK Properties (Theydon Bois) Ltd v Epping Forest District Council [2018] EWHC 1649 (Admin))	HMCTS	29 June 2018
EB1302	Co-op Member Board Minutes	Member Board	31 July 2017
EB1323	Terms of Reference - Cooperation for Sustainable Development Board	Member Board	September 2018 update
EB1323A	Terms of Reference Update	EFDC	2018
EB1330	Garden Town Member Board	Garden Town Team	January 2018
EB1336	Terms of reference - Harlow and Gilston Garden Town Board	Garden Town Board	July 2018
EB134	Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation	EFDC	2018
EB137	Judgment in People Over Wind, Peter Sweetman V Coillte Teoranta	CJEU	2018
EB1500	Harlow Strategic Site Assessment	AECOM	2016
EB1604	Climate Change Background Paper	EFDC	October 2016
EB200	Sustainability Appraisal and Habitats Regulations Assessment Scoping Report	Scott Wilson	2010

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Reference	Document Title	Author	Date
EB201	EFDC LP Interim Sustainability Appraisal Report.	URS	2012
EB202	Sustainability Appraisal Report for the Epping Forest District Draft Local Plan.	AECOM	2016
EB202A	Non-Technical Summary of the Sustainability Appraisal of the Epping Forest District Draft Local Plan.	AECOM	2016
EB203	Sustainability Appraisal of Strategic OAHN Spatial Options.	AECOM	2016
EB204	Sustainability and Equalities Impact Appraisal.	AECOM	2017
EB204A	Sustainability and Equalities Impact Appraisal Non-Technical Summary.	AECOM	2017
EB206	Habitats Regulations Assessment	AECOM	December 2017
EB206A	Habitats Regulations Assessment Non-Technical Summary	AECOM	November 2017
EB207	Local Plan Habitats Regulations advice to Epping Forest District Council	Natural England	March 2018
EB208	Response to the Proposed Interim Approach to the Managing Recreational Pressure on the Epping Forest Special Area of Conservation	Natural England	2018
EB209	Habitats Regulations Assessment	AECOM	January 2019

Reference	Document Title	Author	Date
EB405	Strategic Housing Market Assessment	ORS	2015
EB406	Updating the Overall Housing Need: Based on 2014-based projections for West Essex & East Herts	ORS	2016
EB407	Strategic Housing Market Assessment	ORS	2017
EB602	Employment Land Supply Assessment	Arup	2017
EB603	Employment Review	Hardisty Jones Associates	2017
EB703	Open Space Study	4 Global	2017
EB713	Built Facilities Strategy	4 Global	March 2018
EB714	Playing Pitch Strategy	4 Global	March 2018
EB805	Site Selection Report	Arup	2018

**EPPING FOREST DISTRICT COUNCIL
EXAMINATION OF THE DISTRICT LOCAL PLAN, 2011-2033**

**MATTER 4: THE SPATIAL STRATEGY/DISTRIBUTION OF
DEVELOPMENT**

**PRE-HEARING STATEMENT ON BEHALF OF
EPPING FOREST DISTRICT COUNCIL**

JANUARY 2019

INTRODUCTION

Epping Forest District Council ("the Council") submits this statement in response to the Inspector's Matters, Issues and Questions ("MIQs") (ED5). This statement addresses Matter 4: The Spatial Strategy/Distribution of Development and provides the Council's response to all of the Inspector's questions associated with Issues 1 to 6 (ED5, pp 8-11).

This statement has been prepared with the assistance of Arup and AECOM.

Where appropriate, the Council's responses in this statement refer to but do not repeat detailed responses within the hearing statements submitted by them concerning other Matters.

Key documents informing the preparation of this statement to which the Council may refer at the hearing sessions include:

- [EB805 Site Selection Report \(2018\)](#) and [EB805AK Site Selection Methodology \(2018\)](#)
- [EB204 Sustainability and Equalities Appraisal \(2017\)](#)
- [EB1101A Infrastructure Delivery Plan – Part A Report \(2017\)](#)
- [EB1101B Infrastructure Delivery Plan – Plan B Report \(2017\)](#)
- [EB1500 Harlow Strategic Sites Assessment \(2016\)](#)
- [EB201 OAHN Appraisal of Spatial Options \(2016\)](#)
- [EB705A Green Belt Assessment Phase 2 \(2016\)](#)
- [EB1608 Green Belt and District Open Land Background Paper Update \(2018\)](#)
- [EB1203 Memorandum of Understanding for the Distribution of Objectively Assessed Employment Need across the West Essex-East Hertfordshire Functional Economic Market Area \(2018\)](#)
- [EB913 The Strategic Flood Risk Assessment \(Site Assessments\) \(2018\)](#)
- [EB503 Transport Assessment Report Update \(2019\)](#)

All documents referred to in this statement are listed in Appendix A of this statement together with links to the relevant document included within the Examination Library.

Examination Library document references are used throughout for consistency and convenience.

Issue 1: Does the distribution of development in the Plan place too much reliance upon the Garden Community Sites around Harlow at the expense of testing the capacity of the other settlements in the District?

Inspector's Question 1

- 1. How was the amount of housing proposed in the three Garden Town sites allocated in Policy SP5 determined (3,900 dwellings in total)?**

Response to Question 1

1. The amount of housing proposed for the three Garden Town sites allocated in Policy SP 5 was determined using a methodology for calculating the indicative capacity of residential sites. The methodology applied is set out in Appendix B1.5.3 of the Site Selection Report 2018 (EB805J). The detailed write-up of the capacity assessment for each of the Garden Town site allocations can be found on pages B908 to B904 of Appendix B1.6.4 to the Site Selection Report 2 (EB805N).

Inspector's Question 2

- 2. Could a higher level have been accommodated and would this have reduced the impact of growth proposed elsewhere in the district?**

Response to Question 2

2. The Council does not consider a higher amount of growth, including a higher level of housing, could be accommodated on the three Garden Town sites, or the Harlow area. The three Garden Town Sites allocated in the LPSV comprise part of the planned development of approximately 16,100 homes for the area in and around Harlow¹ over the Plan period. For the reason set out below, a higher level of growth at Harlow is not a realistic or appropriate option, and would not be able to reduce the impact of growth proposed elsewhere in the District. Even if it were possible to accommodate a greater level of growth at Harlow (and thereby reduce the amount of

¹ "In and around Harlow" refers to planned growth within Harlow District in conjunction with the strategic Garden Town allocations in Epping Forest and East Herts Districts.

**Matter 4: The Spatial Strategy/Distribution of Development
Statement by Epping Forest District Council
January 2019**

growth elsewhere in the District), this is unlikely to be an appropriate strategy as it would not help to meet the needs of the individual settlements and communities across the District– see also, the Council's response to Question 3 (below), at paragraph 6 ff.

3. The Sustainability Appraisal ("SA") carried out in 2016 (EB202) tested different potential amounts of growth around Harlow (~10,500, ~14,150, ~17,650 and ~20,985 dwellings). This appraisal shows that growth of between 14,000 and 17,000 new homes could be accommodated provided that the identified mitigation measures are delivered (including upgrades to Junctions 7 and 8 of the M11 and a new Junction 7A). However, in light of transport modelling findings, Essex County Council considered that higher levels of growth would require significant additional transport infrastructure (for example a Harlow northern bypass) which, over-and-above the infrastructure improvements already required, would likely render this unfeasible in this plan period.
4. The Harlow Strategic Sites Assessment 2016 ("HSSA") (EB1500) shows that there are sufficient suitable sites, to accommodate 16,100 homes, and at Figure 3 illustrates the most suitable spatial option for delivering this growth. Pages 66 to 67 of the report provide the justification for this conclusion.
5. In terms of the proportion of the growth to be delivered specifically within Epping Forest District (i.e., 3,900 homes), the Assessment (EB1500) shows that there are only a limited number of suitable or potentially suitable sites, and analysis of constraints and promoter proposals indicate that, largely in landscape terms, the full extent of many of the proposed sites could not reasonably be expected to be developed,² limiting the development capacity within the plan period to around 3,900 homes.

² This applies particularly to site allocation SP 5.1 Latton Priory where landscape constraints limit the developable area. This is explained in greater detail in Appendix 2 to the assessment.

Inspector's Question 3

- 3. Conversely, will the level of growth proposed elsewhere in the district be sufficient to support the vitality and viability of individual settlements over the Plan period?**

Response to Question 3

6. The Council is satisfied that the proposed level growth and spatial strategy underpinning the Local Plan is sufficient to support their vitality and viability of individual settlements over the Plan period.
7. Beyond the sites allocated for development around Harlow, the LPSV distributes the remaining housing requirement (around 4,146 homes) across eighteen settlements.
8. A broad mix ³ of over one hundred individual sites have been allocated across these towns, large villages, small villages and hamlets for housing, employment development and traveller accommodation to assist in realising the 'visions' for how these places are expected to develop over the Plan period. The visions set out in Chapter 5 of the LPSV include a strong focus on sustainable development to strengthen the settlements' existing roles, and for smaller rural settlements, to support their self-sufficiency and long-term viability while minimising the use of Green Belt land. This is consistent with paragraphs 55 and 17 (Core Principle five) of the NPPF. Paragraphs 2.144 to 2.147 of the Site Selection Report 2018 (EB805) provide a clear summary of how the site allocations were chosen to best meet the needs and aspirations of individual settlements.
9. Finally, the Sustainability and Equalities Impact Appraisal 2017 (EB204) at paragraphs 9.56 to 9.60 considers that the distributed growth planned for the District's settlements will have a positive contribution to meeting the housing, employment and infrastructure needs of all communities. It concludes that "on balance ...the Submission Plan would have significant positive long-term effects on communities and wellbeing." Therefore, the level of growth across the District is considered appropriate to support the viability and vitality of the District's individual settlements.

³ In terms of size, existing/proposed land use, capacity, location, ownership and anticipated delivery timescales.

Issue 2: Beyond the Harlow area, is the distribution of development in the Plan justified having regard to the defined settlement hierarchy?

Inspector's Question 1

- 1. What are the key factors which informed the distribution of development in the Plan beyond the Harlow area?**

Response to Question 1

Housing

10. The key factors are set out in the Site Selection Report 2018 (EB805) and in the list of key issues raised by respondents reported to the Local Plan Cabinet Committee on 14 May 2018 (EB115A). These informed the distribution of housing development in the Local Plan beyond the Harlow area and are:
- (a) growth should be spread across the District, rather than focussed in specific settlements;
 - (b) development potential within existing settlements should be maximised, focusing on brownfield land with higher densities where possible, before releasing land in the Green Belt;
 - (c) where sites in the Green Belt are required to meet development needs, they should be located in sustainable areas within the defined 'settlement buffer zones'⁴;
 - (d) opportunities for growth of North Weald Bassett should be maximised in line with the findings of the Masterplanning Study 2014 (EB1003);
 - (e) development proposals should support the realisation of the settlement visions; and
 - (f) The distribution of growth should generally reflect the Settlement Hierarchy – this is addressed in more detail in the response to question 2.

⁴ These 'settlement buffer zones' were defined in Chapter 2 of the Green Belt Review Phase 2 report 2016 (EB705A) and dealt with in more detail below in the response to question 2.

Traveller Accommodation

11. The key factors influencing the distribution of traveller sites are set out in Section 3 of the Report on Site Selection 2018 (EB805) – see in particular paragraphs 3.16 to 3.19, 3.60 to 3.68 and 3.100 to 3.101. These are:
- (a) distributing pitches across the District, rather than focussing pitches only in areas traditionally favoured by the travelling community, or conversely, only in areas less favoured by the travelling community;
 - (b) ensuring sustainable locations for traveller accommodation are chosen, avoiding locations that are too remote from settlements;
 - (c) avoiding locating sites too near to existing settlements, which is likely to be unpopular with both the traveller and settled communities and which therefore reduces the prospects for promoting the peaceful and integrated co-existence between communities that the Planning Policy for Traveller Sites ('PPTS')⁵ advises local planning authorities should seek.
12. Other factors that informed the distribution include:
- (a) the extent to which specific households' needs can be met on sites currently occupied by those households;
 - (b) accordance with the settlement visions and taking account of emerging Neighbourhood Plans where they include site allocations; and
 - (c) the findings of the site selection process, and the potential for sites to contribute to the council's five-year pitch supply.

Employment

13. The key factors which informed the distribution of employment development are set out in Section 4 of the Report on Site Selection 2018 (EB805) and throughout the SEA 2017 (EB204) report. These are:
- (a) meeting the need for additional space to serve employment markets, both in the south of the District where demand for B Use Class uses is greatest, including at Loughton and Waltham Abbey, as well as the rest of the District which is more rural (Paragraph 4.8 in the Site Selection Report 2018 (EB805);
 - (b) ensuring that sites are allocated in areas where there is market appetite to develop and focused where new homes are to be provided (see paragraph 7.49 in the SEA 2017 report (EB204));

⁵ [Planning Policy for Traveller Sites 2015, DCLG](#)

- (c) managing the level of traffic growth generated in order to minimise pressure on roads through Epping Forest Special Area of Conservation; and;
- (d) protecting suitable existing employment sites by designating them in the Local Plan (see paragraph 4.67 of the Site Selection Report (EB805)); and prioritising opportunities for extending existing suitable employment sites before allocating new sites (see paragraph 4.45, 4.60 and 4.61 of the Site Selection Report (EB805)).

Inspector's Question 2

2. How was the settlement hierarchy set out in Table 5.1 page 114 defined, and is it justified? Has the settlement hierarchy informed the distribution of development and if not, what is its purpose?

Response to Question 2

Defining the hierarchy

- 14. Section four of the Settlement Hierarchy Technical Paper 2015 (EB1007) explains how the settlement hierarchy was defined. In summary:
 - (a) Four categories were established using the non-technical terms ('Town', 'Large Village', 'Small Village' and 'Hamlet') being drawn from a combination of sources. See Table 2 of that Technical Paper.
 - (b) A scoring range was developed based on the likely combined number of facilities and services to be found in each type of settlement, whereby Towns were expected to support a higher number of facilities and services than Villages and Hamlets.
 - (c) An appraisal of the facilities and services offered in each settlement was then carried out and used to assign each of the District's settlements to one of the four categories, based on the total number of facilities and services offered by each settlement. This appraisal of facilities and services is recorded in Table 3 of the Technical Paper.

- 15. The scoring was also supplemented by the other more qualitative factors which are:
 - (a) the historic environment and the degree to which settlements may be considered 'historic towns';
 - (b) employment provision;
 - (c) town centres;

- (d) access to sustainable forms of transport;
 - (e) population; and
 - (f) influences outside Epping Forest District, in particular the relationship of settlements to London and other large towns.
16. Parish, Town and District Councillors were consulted for fact-checking purposes over a six-week period. This feedback, alongside the other qualitative considerations listed above, resulted in some of the settlements being assigned to different categories. A justification for each settlement's position in the hierarchy is provided in the settlement profiles provided at Appendix 3 to the Technical Paper.
17. For the above reasons the Council considers that the settlement hierarchy is justified.

Informing the distribution of development

18. The settlement hierarchy informed the distribution of development in four main ways:
- (a) The hierarchy was used identifying the broad areas of the District ('settlement buffer zones') which were generally considered to represent more sustainable locations for growth, and which were considered further through plan-making⁶ and site selection. More detail on the 'settlement buffer zones', how they were defined, and the justifications for each, is set out in Chapter 2 of the Green Belt Review Stage 2 report 2016 (EB705A). Detail on how they were used in the site selection process is provided in paragraph 4.13 of the Site Selection Methodology 2018 (EB805AK).
 - (b) The evidence in the Settlement Hierarchy Technical Paper was used as the basis for more detailed settlement appraisal work undertaken in 2016 which informed the amount of growth and mix of sites chosen for allocation for each settlement through the site selection process. This work is recorded in the Settlement Proformas published as Appendix C to the Site Selection Report in 2016 (EB801O).
 - (c) The settlement hierarchy was also used to establish the indicative development capacity for candidate housing sites, whereby sites located within 'Towns' were estimated to support a generally higher baseline density, while sites located within 'Large Villages' or 'Small Villages' were

⁶ These 'settlement buffer zones', consisted of those settlements which were categorised as Towns, Large Villages or Small Villages in the settlement hierarchy, and the defined areas of Green Belt around them, as well as a limited number of other areas. The justification for this is set out in paragraphs 2.15 to 2.20 of the Green Belt Review Stage 2 (EB705A).

estimated to support a marginally lower baseline density. This was done in order to maximise development opportunities in more sustainable locations in accordance with Core Principle eleven (paragraph 17) of the NPPF. More information on how the indicative capacity of residential sites was arrived at can be found in Appendix B1.5.3 to the Site Selection Report 2018 (EB805J).

- (d) The Site Selection Methodology (EB805AK) states at paragraph 4.27 that the settlement hierarchy will only be used as a sense check on the results of the site selection process given that the land available does not tally with the places most likely to provide growth.

Inspector's Question 3

3. Is the settlement hierarchy justified in respect of how employment opportunities were taken into account e.g. in Nazeing?

Response to Question 3

19. The Council considers that the settlement hierarchy is justified in respect of how employment opportunities were taken into account.
20. As set out in paragraphs 3.15 to 3.17 of the Settlement Hierarchy Technical Paper 2015 (EB1007), it is difficult to measure the role of employment opportunities at a settlement level in this District, as the settlements are not self-contained economies, but instead are closely linked to London particularly in terms of out-commuting. Furthermore, the settlement hierarchy was established based on the status quo, which took into account each settlement 'as it was' in 2015. It was for the later settlement appraisals work and the subsequent site selection process to consider the *opportunities* and *constraints* for each settlement.
21. Therefore, existing employment provision was considered and while relevant to some degree to the role and function of each settlement, was not the key determinant of the settlement hierarchy in this District but one of a number of considerations (see response to Question 2 above). Notwithstanding this, the LPSV recognises that the major employment locations within the District are Loughton and Waltham Abbey, both of which are categorised as 'Towns' in the settlement hierarchy, and both of which benefit from residential and employment site allocations.
22. Since the Technical Paper was finalised in 2015, further employment evidence⁷ shows that in respect to Nazeing, there are a number of existing employment

⁷ Employment Land Supply Assessment 2017 (EB602), the West Essex and East Hertfordshire Assessment of Employment Needs 2017 (EB610) and the Employment Review 2017 (EB603)

locations close to the village. However, many of the business are in the agricultural and horticultural sectors, are largely dispersed and rural in character, and have a limited relationship with the village or its role and function.

23. Furthermore, the detailed settlement appraisal for Lower Nazeing on pages 53 and 54 of the Technical Paper (EB1007) explains that while the village benefits from some services and facilities, it has limited bus services or other sustainable transport options. Therefore, on balance, the Council considers that the classification of Lower Nazeing as a 'Small Village' in particular, and that the settlement hierarchy more generally, is justified in respect of how employment opportunities have been taken into account.

Inspector's Question 4

- 4. Is it justified for North Weald Bassett (NWB) as a Large Village to be allocated more development than the Towns of Loughton, Waltham Abbey and Ongar? More generally, would the proposed growth of NWB be disproportionate, particularly when development at nearby Thornwood and Hastingwood is taken into account?**

Response to Question 4

Justification for Growth at North Weald Bassett

24. It is justified that the amount of growth proposed in North Weald Bassett is higher than that for some of the other larger established settlements in the District, as this reflects the relative constraints and opportunities affecting each of the settlements.
25. The Site Selection Report 2018 (EB805) and its appendices show that Loughton, while being the largest Town in the District, is one of the most constrained. There is a lack of suitable brownfield sites within the urban area, and locations outside the settlement boundary are constrained by high-performing Green Belt, flood risk and ecological designations.
26. The growth planned for Waltham Abbey and Ongar is considered to be appropriate to realise the visions for those settlements, assisting in regenerating Waltham Abbey and supporting Ongar to become more self-sufficient. Any further development at both of these settlements would be less likely to take advantage of and maximise opportunities for sustainable patterns of growth, due to their distance from the Central Line.
27. North Weald Bassett, conversely, is relatively less constrained, is more sustainably located and offers significant opportunities for growth. The evidence set out in the North Weald Bassett Masterplanning Study 2014 (EB1003) shows that maximising housing growth at North Weald Bassett provides a critical amount

of growth so that it can become more self-sufficient, increasing its sustainability and securing the placemaking and infrastructure benefits sought for the village which include a new local centre, health facilities and additional school places.

Development in North Weald Bassett, Thornwood and Hastingwood

28. The proposed growth at North Weald Bassett is considered proportionate when taking into account growth at Thornwood and Hastingwood. Thornwood benefits from good connections to Epping, North Weald, Harlow and the M11, including relatively good bus provision. The quantum of development identified for Thornwood responds to the particular opportunities provided in this settlement and the vision for Thornwood to become more self-sustaining. Development here will benefit from the new and expanded infrastructure, amenities and services planned for Thornwood, Epping and North Weald Bassett, including a new local centre at North Weald. More detail on the existing and planned infrastructure for this area is provided in Parts A and B of the Infrastructure Delivery Plan 2017 (EB1101A and EB1101B).
29. No site allocations have been made for residential or traveller development in Hastingwood. A number of existing employment sites in Hastingwood have been designated to ensure their protection, however, no additional employment development is planned for in this settlement. The Council is not expecting significant development opportunities to come forward, and therefore has no significance to the proposed growth at North Weald Bassett.

Inspector's Question 5

5. Is the relatively limited growth at Buckhurst Hill and Theydon Bois as Large Villages justified by comparison to that proposed at Nazeing and Thornwood as Small Villages?

Response to Question 5

30. The proposed growth for each of the settlements in the District is justified by way of the relative constraints and opportunities of each, and by way of the Council's Spatial Strategy. The justification for why each potential site has or has not been proposed for allocation is set out in appendices B1.5.2 (EB805I) and B1.6.6 (EB805P) of the Site Selection Report 2018. With respect to the individual settlements cited, in summary:
- (a) As in Loughton, the potential for growth in Buckhurst Hill is constrained by highly performing Green Belt, flood risk and ecological constraints. Whilst there were a small number of potentially suitable sites within the urban area, many of these were found to be undeliverable; some were too small to warrant allocation; and the allocation of one other site would conflict

with Local Plan Policy E 1 which seeks to protect existing employment sites.

- (b) Theydon Bois is also constrained by high performing Green Belt and proximity to ecological sites. While there were a number of potentially suitable and deliverable sites considered within and around the settlement, responses to the regulation 18 consultation indicated that there were concerns that the total amount of growth for the village should be minimised due to likely recreational impacts on Epping Forest Special Area of Conservation (SAC). This is set out in paragraph 2.137 of the Site Selection Report 2018 (EB805).
- (c) Whilst it is acknowledged that Nazeing and Thornwood are categorised as Small Villages in the settlement hierarchy, these villages benefit from a greater pool of potentially suitable, available and deliverable sites and are less constrained compared with some of the other settlements in the District. A number of these potential sites were chosen for allocation to assist in realising the settlement visions and these allocations are supported by transport modelling and other evidence which informed the Plan.

Issue 3: Is the distribution of employment land in the Plan justified in light of the distribution of housing?

Inspector's Question 1

- 1. In light of the housing growth proposed around Harlow, does the Plan's proposal to locate the majority of employment land at North Weald Bassett and Waltham Abbey risk creating unsustainable travel to work patterns? How will this be avoided? (Reps Harlow DC).**

Response to Question 1

31. The Plan's proposal to locate the majority of employment land at North Weald Bassett and Waltham Abbey does not risk creating unsustainable travel to work patterns. The Council's Strategy for the distribution of employment land in the Plan supports growth at Harlow as well as ensuring the broader District's needs are addressed and that employment growth opportunities are facilitated. The Council's employment strategy thus makes provision for employment where new homes are to be provided, where there is market appetite to develop and where the level of traffic growth generated can be managed such as to minimise pressure on the roads that adjoin the Epping Forest SAC.
32. The Council notes that this question stems from Harlow's Representations to the Regulation 19 Plan [19STAT0026]. It is important to clarify that Harlow withdrew its objections to the Council's Regulation 19 Plan in June 2018 (EB1507) given progress and ongoing joint working as captured in the Memorandum of Understanding for the Distribution of Objectively Assessed Employment Need across the West Essex-East Hertfordshire Functional Economic Market Area (EB1203).
33. The Local Plan allocates one hectare of employment land for B1a/B1b use at Dorrington Farm (RUR.E19) within the Latton Priory Garden Town Community. This new allocation combined with an existing one-hectare designation of employment land represents a significant opportunity for a comprehensive redevelopment of this site to deliver considerable new employment opportunities that are well integrated within Latton Priory as well as the wider Garden Town. The delivery of this site for B1a/B1b use fits with aspirations for the Garden Town and will deliver higher density employment uses at a sustainable location. The Local Plan also commits within Policies SP 2 and SP 5 that "other small-scale employment uses are expected to be provided as part of the development mix within the new Garden communities", including within the local centres,

education, community and health facilities, which will generate local employment generating opportunities.

34. Harlow District Council's Local Plan Submission Version provides for a higher quantum of B Use land allocation against the levels identified for Harlow in the West Essex/East Herts Assessment of Employment Needs (EB610). In addition, the Harlow Town Centre Area Action Plan, which is currently being produced, will include potential for further office development within Harlow town centre.
35. The District's Economic and Employment Evidence (EB600) considered functional economic market relationships for Epping Forest District and concluded that current functional flows between the District and Harlow are limited (p 5 & EB600B Chapters 1 and 2). The West Essex/East Herts Assessment of Employment Needs (EB610) sought to identify employment sites and premises requirements for each constituent district within the FEMA. The process for agreeing the report included high level consideration of whether each district could meet its own employment requirement. The assessment (EB610) concluded that Epping Forest District was not required to contribute to meeting any unmet employment needs of Harlow.
36. Section 7.8 of the District's Economic and Employment Evidence (EB600) considers the spatial distribution of existing employment activity within Epping Forest District. This identifies two broad sub-markets. The south and west sub-area which largely falls within the M25 (with the exception of Waltham Abbey) and outside of the M25 which is characterised by smaller towns and rural employment sites. The 2017 Employment Review (EB603) recommends provision is made within the two sub-areas (Section 6.3) noting that there is a strong demand and a shortage of supply of employment space across the District, particularly for locations with strong access to key transport infrastructure routes (i.e. the M25, M11 and Central Line) plus also demand from businesses being displaced from London particularly focused at locations with strong access links back in to the capital. There was no evidence that Harlow was providing a demand stimulus within the District.
37. The distribution of employment sites ensures that employment opportunities are provided at appropriate locations across the District in order to respond not only to the role of the Harlow and the Garden Town communities as set out above, but also the wider distribution of housing proposed in the LPSV. In addition, account has been taken of the fact that the focus of uses is primarily for B2/B8 uses, and it is therefore necessary to consider the need for access to the strategic road network to avoid increases in HGVs in particular, on the local road network. The approach therefore provides greater opportunities for new residents to access jobs locally, thus reducing the need to travel longer distances to access employment. Furthermore, the employment sites at Waltham Abbey and North Weald Bassett in particular provide the critical mass needed to support alternative modes of travel in accordance with Policy T 1 of the LPSV.

Issue 4: Is the distribution of development justified in respect of the need for, and approach to, Green Belt release?

Inspector's Question 1

1. Paragraph 14 of the NPPF generally requires that a Local Plan should meet the objectively assessed development needs of the area. However, it also confirms (via footnote 9) that Green Belt is one of the constraints which indicates that development should be restricted. How has this tension been resolved in favour of the conclusion that there are exceptional circumstances to justify the alteration of Green Belt boundaries?

Response to Question 1

38. The Council has taken many steps to resolve this tension, and has undertaken an exhaustive search for sites across the District to minimise development in the Green Belt. This has included a robust and stringent process for identifying brownfield land. Further details of the process adopted by the Council is provided in response to Part C of this question.
39. The Council considers that the need to promote sustainable patterns of development to meet objectively assessed needs over the Plan period can only be achieved with the release of land from the Green Belt. Failing to deliver development to meet those needs would not contribute to the achievement of sustainable development in accordance with national planning policy. It therefore considers that Green Belt release is justified and required in order to facilitate wider strategic development goals in the HMA (in relation to development proposed around Harlow) and in the rest of the District. Further detail on the growth aspirations of the HMA is provided in the response to Matter 4 Issue 1.
40. Section 4 of the Sustainable Appraisal of Strategic OAHN Spatial Options 2016 (AECOM) (EB203) states that the re-use of brownfield land to support regeneration within Harlow was maximised before the three Council's looked at the most appropriate sites within the Green Belt. The Gilston Area, also located in the Green Belt, was found to be sound at the recent examination of the East Herts District Plan. Paragraph 69 of the East Herts Inspector's Report 2018 (EB1506) outlines how the Gilston Area represents the most sustainable growth solution for the wider area.

In particular:

- a. How do the specific development needs of the District weigh against the importance given to Green Belt protection?**
- b. What would be the consequences of not releasing Green Belt land to help meet development needs?**

- 41. Protection of the Green Belt is one of the Council's main concerns. The Green Belt Background Paper Update 2018 (EB1608) confirms at paragraph 3.4 that development need alone is not a sufficient justification for altering Green Belt boundaries. The Council therefore undertook further analysis of specific local circumstances, in order to demonstrate exceptional circumstances.
- 42. The Council's strategy for allocating sites has taken into account the needs, risks and constraints of each settlement. The Land Preference Hierarchy, set out in Paragraph 2.78 of the Site Selection Report 2018 (EB805), has assigned sites to different categories in order to prioritise previously developed land within settlements (Category 1) and minimise allocations in the Green Belt.
- 43. Paragraph 3.12 of The Green Belt Background Paper Update 2018 (EB1608) states that the Site Selection process, along with other evidence base studies has determined that there is insufficient land available outside of the Green Belt to meet the development requirements of the District. Without the release of Green Belt land, the Council would be unable to meet its development requirements as there are insufficient appropriate non-Green Belt sites in the District. This would be contrary to the achievement of sustainable development, a direct component of national planning policy.

c. Have alternatives to Green Belt release been fully considered:

- i. Has full use been made of previously developed land? Has a Brownfield Land Register been published and how has it been taken into account?**

- 44. Yes, alternatives to Green Belt release have been fully considered. Section 2.4 of the Site Selection Report 2018 (EB805) sets out the site identification process. In line with the requirements of Planning Practice Guidance, an exhaustive process was undertaken which includes review of Strategic Land Availability

Assessment (SLAA), the 'Call for Sites' process and reviewing council landholdings. The Settlement Capacity Study 2016 (EB803) further outlines the process the Council took to re-examine options for the provision of additional development in existing settlements, and looked to identify potential sites of previously developed land. Further detail on the process for reviewing and refining the site pool is set out in Paragraph 2.13.

45. The Site Selection Methodology 2018 (SSM) (EB805AK) sets out the process followed by the Council for identifying sites for allocation. Paragraph 4.26 of the SSM sets out the Land Preference Hierarchy. This approach has ensured that the Council has made full use of all suitable, available and achievable brownfield land in the District.
46. The Council has a published Brownfield Land Register 2018 (EB141), informed by the evidence base, including the Strategic Land Availability Assessment 2016 (SLAA) (EB800) and the Site Selection Report 2018 (EB805). The Register lists the 50 brownfield Local Plan allocations as well as 40 other smaller brownfield sites that have been identified as appropriate for residential development. The Brownfield Land Register is regularly updated by the Council and will form part of a future monitoring exercise to keep the Council informed about available brownfield sites in the District.

ii. Has the density of development been maximised, on brownfield and greenfield allocations?

47. Yes, the Council considers it has maximised the density of development on both brownfield and greenfield allocations. As part of the site selection process, the Council undertook a review of the potential capacity of sites which were identified for further testing to ensure that the site capacity was optimised having regard to site specific characteristics and constraints.
48. Further details on the approach to maximising density and the results of the assessment can be found in the following documents:
 - (a) Paragraphs 4.31 to 4.33 of the SSM 2018 (EB805AK) identifies the need for and the purpose of the review of site density assumptions.
 - (b) Table 2 of Appendix B1.5.3 - Detailed Methodology Capacity Assessment 2018 (EB805J) provides a summary of the methodology adopted to undertake a detailed assessment of residential site capacity.
 - (c) Appendix B1.6.4 Result of Capacity and Deliverability Assessment 2018 (EB805N) presents the results of the Stage 3/6.3 capacity assessment.

iii. Could vacant homes be brought back into use? Have approximately 1000 properties in the Epping Area been empty for more than 6 months?

49. The Council takes an active approach to bringing empty residential properties back into use, particularly those that are long-term or problematic. Latest information available from the Council Tax System (December 2018) suggests approximately 740 properties across the District that have been empty for over 6 months, 14 of which are Council owned properties. Of the Council owned empty properties, 6 of these are in the allocation process. Within the settlement of Epping, Council figures suggest that only 65 properties have been vacant for longer than 6 months.
50. There are a range of reasons why these properties are vacant, including those identified as probate properties, prohibited by law, mortgagor in possession, or undergoing major structural works. The Council's approach is set out in further detail in the EFDC Empty Property Strategy 2016 (EB806).

iv. Has the potential for windfall development during the Plan period been underestimated?

51. The Council has made a conservative, but justified, estimate of the amount of windfall development based on historic delivery of housing in the District. Table 2.14 of the Housing Implementation Strategy 2017 (EB410) shows historic housing delivery in Epping Forest District 2001/02 to 2010/11. Paragraph 2.14 sets out how the Council has a good track record of delivering housing against its identified requirements, and exceeded the East of England Plan requirement by more than 40% by the end of 2011.
52. To avoid double counting between windfall sites and commitments, the Council has not made any windfall allowance in the first five years following the adoption of the Local Plan. A conservative allowance of 35 dwellings per annum has been applied for the remaining Plan period. The full justification for the Council's windfall calculation can be found in paragraphs 3.5-3.6 of the Housing Implementation Strategy 2017 (EB410).

v. Could any other authority within the HMA have accommodated some of the District's housing need on non-Green Belt land?

53. No. In line with national guidance, the Council formally sought assistance from neighbouring authorities within the HMA in November 2017, to address the shortfall in supply during the early years of the Plan period.
54. The Council received responses from Harlow Council, East Herts Council and Uttlesford District Council, confirming that they would not be able to contribute towards the identified undersupply within the EFDC Local Plan, as a result of similar constraints and difficulties.

Inspector's Question 2

2. Are the changes proposed to the Green Belt boundary informed by a robust assessment of the contribution made by individual sites to the purposes of the Green Belt (EB74A-B; and EB705A-B)? How were the findings of the Green Belt Review weighed in the balance with other planning considerations in the site selection process?

Response to Question 2

55. Yes, the Council undertook a comprehensive Green Belt Assessment Stage 2 2016 (EB705A). The assessment was undertaken in accordance with the requirements of national planning policy, and provides a robust assessment of the performance of the District's Green Belt against the five purposes, which is of sufficient level of granularity to inform the site assessment process.
56. The findings of the Green Belt Reviews informed various stages of the site selection process and were given significant weight in the decision-making process. Further details are provided in Sections 2.6 – 2.8 of the Site Selection Report 2018 (EB805).
57. When coming to a judgement on the sites to be allocated in the Local Plan, the Council sought to identify sites for allocation which supported the distribution of growth identified in the Local Plan Strategy and maximise the sites allocated in each land preference category before moving onto the next, thus reducing the allocation of sites in the Green Belt. Further details of this process are summarised in Section 2.9.3 of the Site Selection Report 2018 (EB805).

Inspector's Question 3

- 3. Is the scale of Green Belt release proposed at NWB, Thornwood and Waltham Abbey justified and proportionate to the size of the existing built up areas?**

Response to Question 3

58. Yes, in order to inform the site selection process and the Local Plan Spatial Strategy, a review of the District's 12 settlements was undertaken. The assessments are set out in full in Appendix C – Site Selection Settlement Proformas 2016 (EB801O).
59. The scale of Green Belt release reflects the relative constraints and opportunities offered by each settlement, and the contribution of Green Belt to the NPPF Purposes, in line with the Council's Land Preference Hierarchy and site selection methodology. The proposed release across the settlements also reflects appropriate growth in order to realise the settlement visions. The response to Matter 4 Issue 2 above provides further details on growth at the settlement level.

Inspector's Question 4

- 4. How have anomalies in the Green Belt boundary been identified and does the need to correct them amount to the exceptional circumstances necessary to alter the boundaries? Should sites with planning permission for residential development in the Green Belt (such as land north of Ivy Chimneys Road, Epping) be removed from the Green Belt? (See Repls 19LAD0022 re. land north of Ivy Chimneys Road, Epping).**

Response to Question 4

60. Anomalies in the Green Belt boundary have been identified in a number of ways, including:
- (a) Through the Green Belt Review Stage 1 report 2015 (EB704A) and Phase 2 report 2016 (EB705A), which identified where development in the Green Belt had taken place;
 - (b) Where current boundaries cut through sites;
 - (c) Where planning permission has been granted for development in the Green Belt.

61. The argument for exceptional circumstances goes beyond the correction of anomalies. The anomalies are looked at as part of the need to ensure that recognisable and defensible boundaries (as required by the NPPF) are in place so that the permanence of the Green Belt is maintained throughout the Plan period and beyond.
62. The land north of Ivy Chimneys Road, Epping (SR-0466) has an outline application with all matters reserved for the demolition and removal of stables and hardstandings, provision of an access road, and erection of three detached dwellings with garages and car spaces.⁸ The Officer Report⁹ states that the outline application “would not result in any greater harm to the openness of the Green Belt”. The proposed dwellings, located on the existing development footprint, were not considered to alter the land such that it would no longer fulfil the purposes of the Green Belt. The site does therefore not represent an anomaly that would require removal.

Inspector's Question 5

5. Having regard to paragraph 85 of the NPPF, and to the potential for an increased level of housing need in the District to be identified in the future, how has the Council satisfied itself that Green Belt boundaries will not need to be altered at the end of the Plan period? Is it necessary to identify areas of safeguarded land between the urban area and the Green Belt?

Response to Question 5

63. Paragraph 3.17 of the Green Belt Background Paper Update 2018 (EB1608) sets out how consideration was given to the most suitable and defensible alterations for future Green Belt boundaries to accommodate the residential, employment and traveller allocations/designations in the LPSV.
64. Safeguarding is not a requirement for every local authority with Green Belt land, and may not be necessary depending on a range of factors. The Council does not consider it necessary at this stage, and has decided not to specifically include provision for safeguarded land.
65. Having regard to the changes in national Green Belt policy within the Chapter 13 of the revised Framework (July 2018), in particular paragraphs 135 to 139, it would be wholly inappropriate to identify areas of safeguarded land within the existing Green Belt areas in the District. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), will require the Council, as local planning authority, to complete a review of this Local Plan

⁸ Reference EPF/0458/15

⁹ <http://planpub.eppingforestdc.gov.uk/NorthgatePublicDocs/00463148.pdf>

within five years of its adoption. Given the changes to national planning policy, including the changes to Green Belt policy (mentioned above) and those relating to housing supply and delivery, at this stage, it is impossible to know whether the exceptional circumstances necessary to alter existing Green Belt boundaries will exist in the future.

66. On any view, in the circumstances, "the potential for an increased level of housing need in the District to be identified in the future" is but one of many material considerations that will be relevant to any future review of this Local Plan. Of itself, "the potential for an increased level of housing need" cannot rationally be considered a proper reason to identify in this Plan areas of 'safeguarded land' on the District. To do so would be to ignore other material planning considerations, not least the potential for the development needed to meet any future increased housing need to be delivered in areas beyond the Green Belt outside the District.
67. For all these reasons, at this stage, it cannot reasonably be considered necessary to identify in this Local Plan areas of 'safeguarded land' within the Green Belt.

Issue 5: Is the distribution of development justified in respect of the approach to flood risk; and to protecting water quality?

Flood Risk

Inspector's Question 1

1. Notwithstanding that the Plan requires all residential development on allocated sites to take place within Flood Zone 1, has the potential impact of climate change been allowed for in the site allocation process? Should the relevant policies in the Plan require all residential development to take place in Flood Zone 1, allowing for climate change? Should this requirement relate only to the housing and ancillary development itself, and permit associated development such as amenity open space to be provided in higher risk zones?

Response to Question 1

68. The Council published its Level 1 Strategic Flood Risk Assessment ('SFRA') Update (EB909) in 2015. The assessment took into account climate change guidance available at the time (see EB909, paragraph 4.2.24) and identified local flood risks at a broad/strategic scale. The assessment was used to inform the Council's site allocation process as outlined in paragraph 3.7 and 4.26 of the Site Selection Methodology 2018 (EB805AK).
69. Since the Level 1 SFRA 2015 (EB909) was published, new climate change guidance has been published by the Environment Agency (EA),¹⁰ which introduces an increase in the 'allowance factors' that needs to be applied in new SFRAs. Following the Regulation 19 publication, the Council has commissioned AECOM to undertake additional work to address concerns raised by the Environment Agency through their Regulation 20 representations in relation to the need to respond to the new guidance. The outcome of that additional work is recorded in the 'Strategic Flood Risk Assessment – Site Assessment' 2018 (EB913).
70. The EA is satisfied with the methodology adopted and the findings within the SFRA - Site Assessments and has since withdrawn all their objections to the LPSV, subject to a number of proposed modifications, through the agreed Statement of Common Ground between the Council, the Environment Agency and Thames Water 2018 (ED3). These changes include additional wording to relevant policies which make it clear that, except for essential infrastructure and water compatible developments, no development will be permitted within Flood

¹⁰ <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

Zone 2 and 3 as identified in the Council's latest SFRA, including the appropriate allowance for climate change.

Inspector's Question 2

2. The following allocations include some land within or adjacent to Flood Zones 2/3: SP5.2 (Water Lane Area); SP5.3 (East of Harlow); NWB.R3 (in North Weald Bassett); NAZE.R1 & R4 (in Nazeing); and LOU.R11 (in Loughton).

a. Do the above allocations pass the Sequential Test required by paragraph 100 of the NPPF?

Response to Question 2

71. The allocations identified pass the Sequential Test required by paragraph 100 of the NPPF, which together with paragraph 101, require Local Plans to steer new development to areas with the lowest probability of flooding and avoid inappropriate development in areas at risk of flooding. The Council has adopted a sequential approach in the Local Plan site allocation process which "proposes land [for allocation] in Flood Zone 2 and 3 only where need cannot be met in Flood Zone 1" (see EB805AK, paragraph 4.26). Relevant LPSV policies also make clear that (subject to the proposed amendments set out in the agreed Statement of Common Ground between the Council, the Environment Agency and Thames Water (ED3) and further proposed amendments detailed below), no built development will be permitted within Flood Zone 2/3, except for essential infrastructure and water compatible developments. The Council therefore submits that all the housing allocations, including the five sites identified, are compliant with relevant NPPF requirements.

b. Does the Strategic Flood Risk Assessment (Site Assessments) March 2018 (EB913) constitute a Level 2 Strategic Flood Risk Assessment? Has it considered site specific flood risk characteristics, including climate change?

72. The Strategic Flood Risk Assessment (Site Assessments) March 2018 (EB913) does not constitute a Level 2 Strategic Flood Risk Assessment. Based on the findings of the assessment which are accepted by the EA, EFDC and the EA are both satisfied that, subject to a number of proposed modifications, a Level 2 SFRA is also not required and the EA has withdrawn their objections to the LPSV.

73. As stated above, in 2018, the Council commissioned the ‘Strategic Flood Risk Assessment - Site Assessments’ (EB913) in response to concerns raised by the Environment Agency through their representation on the LPSV. The assessment builds on the Level 1 SFRA and includes site specific assessments for a number of LPSV allocations that are either located within or adjacent to Flood Zones 2 and 3, including sites NWB.R3, NAZE.R1, LOU.R11, SP5.2 and SP5.3 (referred to in the report as site SP4.2 and SP4.3). Guidance published by the EA, including its latest guidance on climate change allowances for river basin districts across England has been applied to the assessment. The assessment’s methodology has been development and agreed with the EA and is considered to be robust and proportionate.

c. Are the above allocations required to pass the Exception test and, if so, do they?

74. The Council’s position is that an Exception Test is not required on these sites because relevant LPSV policies have made it clear that no built development (except for essential infrastructure and water compatible uses) will be permitted in Flood Zones 2/3. Without prejudice to that position, were Exception Tests are required, the Strategic Flood Risk Assessment - Site Assessments (EB913) states that because the majority of the site is in Flood Zone 1, through considered management of flood risk it is likely that a development layout could be determined to pass the Exception Test (please refer to the Non Technical Summary within EB913). To provide further clarification and ensure consistency between policies, the Council proposes the following amendments to the LPSV.

LPSV	Proposed Changes
Policy DM 15	[a new section H] <u>Site specific Flood Risk Assessment must be undertaken in accordance with relevant national and local requirements. Revised hydraulic modelling including climate change allowance will be required as part of a site specific Flood Risk Assessment where this is deemed necessary by the Council.</u>

**Matter 4: The Spatial Strategy/Distribution of Development
Statement by Epping Forest District Council
January 2019**

LPSV	Proposed Changes
Paragraph 4.99	The Epping Forest District Council Strategic Flood Risk Assessment (SFRA) Level 1 Update 2015 <u>and the SFRA – Site Assessment</u> contains a great deal of detail on the matter of flood risk. The forms of flooding experienced in the District are: ‘fluvial’ from rivers and other watercourses; ‘pluvial’ from rain i.e. surface water flooding resulting from rain; and ‘groundwater’ flooding which is the emergence of water from the ground away from river channels
Part I of Policy P 1 Epping	<u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u>
Part K of Policy P 2 Loughton	<u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u>
Part L of Policy P 3 Waltham Abbey	<u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u>
Part H of Policy P 4 Ongar	<u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u>

**Matter 4: The Spatial Strategy/Distribution of Development
Statement by Epping Forest District Council
January 2019**

LPSV	Proposed Changes
Part H of Policy P 5 Buckhurst Hill	<p><u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u></p>
Part J of Policy P 6 North Weald Bassett	<p><u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u></p> <p>*This supersedes the proposed modification to Policy P 6 in document ED3</p>
Part F of Policy P 7 Chigwell	<p><u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u></p>
Part G of Policy P 8 Theydon Bois	<p><u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u></p>
Part E of Policy P 9 Roydon	<p><u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u></p>

**Matter 4: The Spatial Strategy/Distribution of Development
Statement by Epping Forest District Council
January 2019**

LPSV	Proposed Changes
Part E of Policy P 11 Thornwood	<u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u>
Part H of Policy P 12 Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbots	<u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u>
Part I of Policy P 13 Rural Sites in the East of the District	<u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u>
Part F of Policy P 14 Rural Sites in the West of the District	<u>Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest SFRA maps, including the appropriate allowance for climate change. In accordance with Policy DM15, development on residential allocations must be located wholly within Flood Zone 1.</u>

Inspector's Question 3

- 3. Document EB913 identifies several employment allocations in flood risk areas or which have watercourses running through them. Do these sites pass the Sequential Test and, if necessary, the Exception Test required by paragraph 100 of the NPPF?**

Response to Question 3

75. The Council considers that employment sites identified in the Strategic Flood Risk Assessment (EB913) pass the Sequential Test and, if necessary, the Exception Test as required by paragraph 100 of the NPPF.
76. Flood risk has been factored into the Council's site selection process. Full details of the approach followed, and the results of the site selection process can be found in the Site Selection Report 2018 (EB805). For example, sites were excluded from further assessment at an early stage of the selection process if they were entirely constrained by Flood Zone 3b. Flood risk was again assessed through criterion 1.7b in Appendix A of the Site Selection Methodology (see EB805AK, page A31) which informed site scoring and site ranking.
77. Decisions on employment site allocation were also informed by the Council's approach to employment provision, which is to focus on protecting and enhancing existing employment sites (LPSV, paragraph 3.44 and 3.45). In respect of new employment provision, the extension of existing employment sites will be preferred ahead of new employment sites (see EB805AK, page A26, paragraph 4.75). The outcome of employment site selection is detailed in Appendix F1.5.3 2018 (EB805AH).
78. The majority of the sites identified are existing employment sites, except site LOU.E2 and site WAL.E6 which involved extension of existing employment sites, and site WAL.E8 which is an entirely new allocation. The Council has not planned for a specific quantum of additional employment development on designated existing employment sites. Should this eventuality arise in the future (e.g., in the form of windfall employment development), the development proposals in question will be subject to the Sequential and if necessary, Exception Tests at that time.
79. For site LOU.E2 and site WAL.E6, new employment areas are being allocated through extensions to existing employment sites. In both cases, the new employment areas are located outside of Flood Zones 2 or 3, meaning that development proposals for employment use will not require the Sequential Test or Exception Test to be undertaken. For site WAL.E8, less than 0.1% of the site is within Flood Zones 2 and 3.
80. With regards to the Exception Test, employment uses (Class B uses) are classified as 'less vulnerable' use in terms of flood risk: see PPG, paragraph 7-

066 (Reference ID: 7-066-20140306). In accordance with national guidance, the Exception Test is not required for this type of development: see PPG, paragraph: 7-067 (Reference ID: 7-067-20140306).

Water Quality and Wastewater Treatment

Inspector's Question 4

- 4. Is the level of growth and the distribution of development in the Plan justified in the absence of a specific strategic assessment to demonstrate that there is sufficient capacity in the water supply network and waste water treatment network to support it without detriment to the water environment? The Environment Agency has suggested that a Water Cycle Study could have been prepared, but that other evidence, including consultation with relevant service providers, could be sufficient. What is the evidence to demonstrate that the Plan is sound in this regard? Is the Council carrying out the three actions suggested by the Environment Agency in its representations on Policy DM18?**

Response to Question 4

81. The level of growth and the distribution of development in the Plan is justified in terms of water quality and wastewater treatment. To address issues raised in the Environment Agency's representation 2018 (19STAT0036), the Council has undertaken further consultation with Thames Water who is the main waste water undertaker for the District. A Statement of Common Ground (SoCG) has since been agreed between the three parties (ED3) and objections from both the Environment Agency (EA) and Thames Water have been withdrawn subject to continued partnership working between stakeholders and a number of proposed modifications to the Local Plan.
82. In the process of agreeing the SoCG, Thames Water has made it clear that it does not anticipate any major constraints to growth based on allocations in the LPSV. Where upgrades may be required to some of the treatment works these are not expected to result in the need for any amendments to existing permits agreed with the EA.
83. In response to the three actions suggested by the EA in its Regulation 20 representations in relation to Policy DM 18, the Council has:
- (a) incorporated recommendations received from Thames Water and proposed modifications to the LPSV accordingly through the SoCG (document ED3);

- (b) worked with partners (see EB1111, Harlow Water Cycle Study 2018 Executive Summary) to complete the recently published Study 2018 (EB1111); and
 - (c) committed to work together with the EA and other partners to identify any further studies that may be required for future updates to the Local Plan.
84. With regard to capacity in the water supply network, no objection or concern has been raised by Thames Water 2018 (19STAT0022) or Affinity Water 2018 (19STAT0007) – the two main water undertakers in the District.

Inspector's Question 5

5. Thames Water has identified that significant infrastructure upgrades will be required to the Abbess Roding Sewage Treatment Works (STW), the Epping STW, the North Weald STW, the Stanford Rivers STW and the Thornwood STW in order to support planned growth. Furthermore, the impact of cumulative development in nearby Council areas upon the Deephams STW and the Rye Meads STW will need to be kept under review. Capacity at the Theydon Bois STW and the Willingdale STW might also need to be reviewed. What work is being undertaken in respect of these matters to ensure that the Plan's allocations are deliverable at the appropriate time?

Response to Question 5

85. Due to the extent of growth proposed both in the District and in nearby areas, upgrades are likely to be required for a number of sewage treatment works to accommodate the increase in development. Thames Water is currently confirming their business plan for the period 2020 – 2025. Sewage treatment works which require upgrades within this timeframe will be identified using local plan development trajectories and other information received from councils and developers. Several treatment works, including Stanford Rivers STW and Thornwood STW, have been identified as requiring upgrades within this period and are currently included within the business plan. Requirements for the upcoming plan period and beyond will be subject to further review and prioritisation as per Thames Water's standard growth process. This includes a review of growth projected and a modelled view of risk to prioritise which sites will need a project and when, to ensure capacity is in place ahead of development coming forward.
86. The Council acknowledges that upgrades are likely to be required to a number of local Sewage Treatment Works in order to support planned growth both in the District and in nearby areas. Modifications to the LPSV have therefore been proposed to Part B of Policy DM 18 (see Statement of Common Ground (ED3), page 5) requiring developers to 'demonstrate, through the planning application

process, that consultation has taken place with local sewerage infrastructure provider and that any necessary upgrade can be delivered in advance of the occupation of development.’ This is considered as a proportionate approach and is supported by both the EA and Thames Water as part of the agreed Statement of Common Ground.

87. The Council has also worked with Harlow District Council on the recently published Harlow and Gilston Town Water Cycle Study Update 2018 (EB1111). The study assesses the potential issues relating to future developments within the Harlow-Gilston Garden Town study area (including site SP5.1, SP5.2 and SP5.3 in the LPSV) and the impacts on water supply, wastewater collection and waste water treatment. The study concluded that there is no strategic-scale water or wastewater constraints on growth within the study area. It also confirmed that the Rye Meads Waste Water Treatment Works has sufficient capacity to accommodate all planned growth from Harlow District and the Harlow-Gilston Garden Town, as well as contributing to growth planned in areas of the six neighbouring Local Planning Authorities of Broxbourne, East Herefordshire, Epping Forest, North Hertfordshire, Stevenage and Welwyn Hatfield, up to 2036 (p91, section 10.1). This position is also supported by the position statement published by Thames Water in October 2018 (EB1110).
88. The Council will continue to work with Thames Water and other stakeholders to ensure that the Plan’s allocations are delivered at the appropriate time.

Issue 6: Is the distribution of development justified in respect of its effect upon transport and other infrastructure in the District? Will the Plan be effective in securing the infrastructure necessary to support proposed growth?

Inspector's Question 1

Transport

- 1. Have the transport impacts of the Plan as a whole been tested? Has all necessary mitigation been identified and is there confidence that it can be delivered in time to support the proposed growth? Are there any remaining uncertainties or shortcomings?**

Response to Question 1

89. The transport impacts of the Plan as a whole have been tested, the appropriate mitigation identified, and the Council is confident that it can be delivered in time to support the proposed growth. The preparation of the Local Plan has been informed by extensive transport modelling work and close liaison with relevant authorities, including Essex County Council (as Local Highway Authority), Highways England, and neighbouring local planning authorities. This has been an iterative process which has culminated in the publication of the Transport Assessment Report, Essex Highways/Jacobs, 2019 ("TAR") (EB503). The assessment represents a 'worst-case' scenario in relation to traffic growth and therefore provides a robust assessment of the predicted traffic-related effects arising from the LPSV. The Council is satisfied that there are no remaining uncertainties or shortcomings regarding the work undertaken to test the transport impacts of the Plan.
90. The TAR builds on the Highway Assessment Report (Essex Highways/Jacobs, 2017) (EB502) which was published as part of the evidence base supporting the Regulation 19 publication of the LPSV. It provides details of the work undertaken to assess the potential transport related effects of the LPSV, together with a summary of the physical highway interventions considered at different junctions across the network, as well as potential bus and cycle improvements. The assessment includes updates to the modelling methodology as well as a more detailed assessment of a potential highway mitigation package to accommodate future Local Plan traffic growth. The key updates are summarised at paragraph 2.2.2 (pages 6 and 7) of the TAR (EB503).
91. Section 3 of the TAR (EB503) provides a description of the Highway Model used to assess the effects of LPSV development on the local highway network. It also

provides an overview of the 'Strategic Harlow Model' and the traffic model that is specific to the highway network located within and adjacent to the Epping Forest Special Area of Conservation. The transport modelling has taken into account potential growth in traffic arising from development outside of the Epping Forest District administrative boundary to assess the 'in-combination' effect of other plans on the highway network with and without development proposed in LPSV. All proposed housing and employment development including development on windfall sites, as well as new education provision, has been modelled. As such, the outputs from the traffic modelling represent a 'worst-case' scenario in relation to traffic growth.

92. The traffic impacts of the LPSV have been assessed using the forecast year of 2033. The weekday AM and PM worst-case peak hours have been modelled for a number of scenarios to assess the effects of LPSV development on the highway network.
93. The 'Strategic Harlow Model' referred to in paragraph 3 above has been used to assess the impact of development proposed in the West Essex/East Hertfordshire (WEEH) districts in and around Harlow, including Epping Forest, Harlow, Uttlesford and East Herts. In particular, the model has been used to identify and test major infrastructure requirements around and within the town of Harlow leading to the M11. A summary of the outputs from the Strategic Harlow Model as they relate to the LPSV are set out at Section 12 of the TAR (EB503).
94. Throughout the preparation of the Plan, Essex Highways/Jacobs have produced a series of Technical Notes which have reported on modelled development and informed the process (see TN1 to TN8 EB500A - EB500H). These Technical Notes identified locations where the network would be under particular stress in the wider Harlow area and also assessed the impacts that alternative options to improve capacity around larger development sites, including Gilston, East Harlow, Latton Priory and Water Lane area (including West Katherine's and West Sumners).
95. The transport related infrastructure improvements for the District are set out within the Infrastructure Delivery Plan ("IDP") (EB1101A/B). The Council's IDP Topic Paper (EB1101C) provides further detail in relation to the delivery and funding of these highway mitigation measures.
96. The emerging IDP for the Harlow and Gilston Garden Town will provide details of the transport related infrastructure improvements required for the Garden Town as a whole. This will identify when those improvements need to be delivered and how much they are expected to cost. The Garden Town IDP will also identify the sites that will be expected to deliver, or contribute to, infrastructure improvements and will apportion estimated infrastructure costs to specific sites. It is anticipated that the draft Garden Town IDP will be available for publication at the end of March.
97. The methodologies set out at Section 2.1 (page 5), Section 5 (page 27 onwards), Section 6 (page 32 onwards) and Section 7 (page 45 onwards) of the TAR

- (EB503) demonstrate that a robust approach has been taken to testing the transport impacts of the LPSV. The TAR has built on the previous transport and highways assessments which were undertaken to inform the overall spatial strategy, the Draft Local Plan 2016 (EB123) and the LPSV.
98. The Site Selection Methodology (EB801A, EB802A and EB805AK) included criteria to better understand the accessibility, or potential accessibility, of each site to both alternative transport modes and to local services. The appraisal of sites undertaken following the Draft Local Plan 2016 (Regulation 18) consultation and the publication of the LPSV included undertaking 'sensitivity testing' to better understand the opportunities for minimising transport impacts and congestion, and the transport impacts on the town of Epping in particular (EB805 and EB502 paragraph 3.3.10 and Table 3.1 page 10).
99. The TAR (EB503) and the IDP (EB1101A/B) identify the mitigation measures required by the end of the plan period, based on a sequential approach whereby physical highway works are the 'option of last resort'. The approach taken is in accordance with national guidance such as the advice set out in the 'Transport Evidence Bases for plan making' sections of the Planning Practice Guidance (including Paragraph: 004 Reference ID: 54-004-20141010) and Department for Transport (WebTAG) modelling principles¹¹. In particular it has reviewed the effects of the LPSV both with and without physical highway mitigation measures in order to understand the effects (both positive and negative) on the highway network.
100. All of the transport assessments informing the preparation of the LPSV have adopted a precautionary 'worst case' approach. The elements of the transport modelling where 'worst-case' assumptions have been used include the following:
- (a) All LPSV housing allocations have been modelled, as well as a 'windfall' allowance. Consequently, whilst the 'housing requirement' for the District to the end of the plan period is 10,020 new dwellings using the base date of 2017 the LPSV makes provision for 11,822 net additional dwellings and it is this latter figure which has been included within the transport modelling assumptions. This provides for a greater level of housing than the minimum requirement identified in the LPSV (the components of which are set out in Table 2.3 page 29 of the LPSV). The level of assumed housing supply provides for choice in the market and flexibility recognising that, based on past experience, not all sites will come forward for development within the plan period, or that the rate of delivery on some larger sites may be slower than originally profiled within the housing trajectory. Allocations for new employment development and the locations of schools have also been modelled;

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<https://www.gov.uk/guidance/transport-evidence-bases-in-plan-making-and-decision-taking>
<https://www.gov.uk/government/publications/tag-data-book>

- (b) The traffic growth assumptions have not been 'discounted' to fully take account of linked trips (i.e. those that have multiple destinations), trips that remain internal to a development site (this is particularly relevant to the larger sites), pass-by and diverted trips (i.e. trips that are already on the road network which will turn into a site or which will divert from their existing route), transferred trips (i.e. those that are already present on the network that have the potential to transfer their destination), or pairing of new residential and new employment trips. Therefore, there is an element of 'overcounting' on peak hour traffic movements;
 - (c) The traffic growth assumptions do not take account instances where existing residents and commuters switch from cars to other transport modes as a result of improvements to public transport, walking and cycling infrastructure;
 - (d) Traffic growth assumptions for trips which start and end outside of the District (i.e. 'through-traffic') use a precautionary approach of 3% to provide some additional buffer to account for fluctuations in traffic notwithstanding that current evidence would suggest that this figure is nearer 1%;
 - (e) The traffic model used does not have the flexibility to factor in changes in route choices to make better use of available capacity on the network (i.e. people deciding to use a different route because of increased delays at particular junctions, or as a result of provision of new or improved infrastructure such as improvements to Junction 7 and provision of new Junction 7a on the M11);
 - (f) The modelling assumptions are based on a housing mix which is based on 2011 Census data for individual settlements as a proxy to inform TRICS based trip rate assumptions. This has a high proportion of houses which have a higher trip rate than flats. Therefore, there may be an overestimate of trip rates, particularly in relation to Loughton.
101. A number of the LPSV site allocations are located in close proximity to London Underground stations. For these sites a significant reduction in parking provision is sought as set out in Appendix 6 to the LPSV. Paragraph 6.5.13 of the TAR (EB503) explains the precautionary approach taken in terms of modelling assumptions for these sites. However, in reality it is anticipated that such sites would generate lower vehicle trips than has been tested.
102. The TAR (EB503) has assessed the potential for car trips to reassign to access railheads within the District. Section 6.10 sets out the methodology used. The modelling outputs indicate that less than 3% of journeys overall would reassign but that impacts could be greater on some parts of the network with up to 9% of development trips either removed from or added to a junction. However, these travel patterns could be influenced by future changes in capacity and pricing which would reduce the impacts on some parts of the highway network, particularly those parts of the network used to access London Underground

stations. In particular potential improvements to rail services to the west of the District arising from the implementation of the Crossrail 2 project, which is currently programmed to be operational in 2030, and separately the continuing dialogue between partners regarding the equalisation of fare structures between the Greater Anglia rail service and London Underground would result in changes in car travel patterns.

103. In order to reflect the fact that the modelling outputs and the identified physical highway schemes are based on a 'worst case' scenario, Section 11 of the TAR (EB503) provides the rationale for using a 'peak spreading' methodology to assess the impacts of LPSV developments. Such an approach provides a reasonable alternative against which to assess the impacts of the LPSV. It is also important to recognise that the modelling outputs are based on the effects on the highway network at the end of the Local Plan period (i.e., 2033). Also, the individual key junction assessments identify the effects based upon the 'worst operating' arm of each junction; in reality, not all arms would 'underperform'.
104. Indicative conceptual design solutions for potential physical works to a number of key junctions across the District have been developed and are included at Appendix F of the recently published TAR (EB503). These have been used to inform the transport modelling work as well as the development of the LPSV Infrastructure Delivery Plan (EB 1101A/B). The feasibility of the design solutions is subject to further work at both the preliminary and detailed design stage and in a number of cases may require land outside of the highway boundary.
105. Monitoring of traffic growth and levels of congestion will determine the need for their implementation. In the case of Wake Arms and Robin Hood Roundabouts, project-level Habitats Regulations Assessments would be required as, in those cases only, physical improvements are likely to require small amounts of land that currently forms part of the Epping Forest Special Area of Conservation ("the SAC"). Notwithstanding this, the transport modelling of the Plan has included assessing the LPSV planned development both 'with' and 'without' the implementation of physical highway works.
106. Finally, the need for physical highway works and network management interventions at Junction 5 of the M11 Motorway, and whether those works are likely to be needed, will be addressed under Matter 15 Issue 2 (Loughton).

Inspector's Question 2

- 2. Is planned growth dependent upon a “step-change” towards sustainable travel? What does this mean and how will the Plan facilitate it? What has been done to assess the need for increased public transport and how will this be provided? How will success be monitored?**

Response to Question 2

107. Planned growth will need to be supported by an increase in journeys undertaken by sustainable travel modes during the AM and PM peaks. Improvement to the existing level of sustainable transport supply across the District has been assessed within the TAR (EB503) to derive transport modelling assumptions which allow for a reasonable level of modal shift. The improvements in sustainable transport opportunities could equate to a future 8% reduction in car trips when compared to a ('Low Sustainability') scenario where no improvements are added over and above the existing supply (see Section 7.1 pages 49-50 in the TAR (EB503)). The Draft Transport Strategy being prepared for the Harlow and Gilston Garden Town (HGGT) includes an ambition of achieving 60% non-car modal share for the new Garden Town Communities and a 50% non-car modal share for the existing built-up area of Harlow. Outside of the HGGT area, planned growth is therefore not dependent on a significant “step-change” towards sustainable travel.
108. The Plan facilitates sustainable travel through Policy T 1 (Sustainable Transport Choices). This builds on the approach to site selection referred to in paragraph 98 above which includes an assessment of individual sites in terms of their accessibility to local services, such as schools and doctors' surgeries, as well as to public transport services. In addition, a number of site allocations are located in close proximity to London Underground stations. Development of these sites are expected to make limited on-site residents' parking provision to service the essential needs of the development (e.g. for car clubs, visitor parking and blue badge holders). Opportunities exist across the District to secure enhancements to existing bus services and supporting infrastructure, or through the introduction of new bus services and supporting infrastructure, as part of development proposals, particularly in the Masterplan areas. Such enhancements to the network will provide sustainable transport choices for future occupiers as well as existing residents and businesses. In addition, where appropriate, development proposals will be expected to support improvements to the cycle network in the District as set out in the Cycle Action Plan for Epping Forest District published in March 2018¹². In addition, the strategic sites are expected to be supported by

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<https://www.essexhighways.org/uploads/files/Getting%20Around/Cycling/Epping-Forest-District-Cycle-Action-Plan.pdf>

services and infrastructure which will reduce the need to travel for day to day needs.

109. All proposals over a certain scale (as currently defined in Appendix A to the Council's Local List of Validation Requirements EB912) are required to submit a Transport Statement or Transport Assessment, which will need to demonstrate how the scheme has maximised sustainable travel opportunities in accordance with Policy T 1 of the LPSV and, where appropriate, be supported by a Travel Plan.
110. As well as securing sustainable transport opportunities through Policy T 1, the LPSV also supports opportunities for reducing the need to travel in the first place through Policy D 5 (Communications Infrastructure) by requiring all major development to demonstrate how high-speed broadband infrastructure will be accommodated within the development. This will support 'home-working', which is anticipated to increase over the period of the Plan (see paragraph 4.2.1 page 26, Figure 4.2 page 27 and Section 5.4 page 35 of the West Essex and East Hertfordshire Assessment of Employment Needs 2017 EB610). In transport terms empirical evidence suggests that the number of trips people make have been steadily reduced over the past 20 years partly due to increased connectivity and more flexible working. The Department for Transport's Road Traffic Forecast and National Travel Survey 2018¹³ shows at paragraphs 3.45-3.49 and Figure 16 (pages 38 and 39) that commuter trips have reduced by 13% since 2002 with a 4% reduction in commuter trips between 2011-2016.
111. Paragraphs 4.6.2 – 4.6.4 of the TAR (EB503, pp 18-20) provides an assessment of existing bus services within the District. Paragraph 7.3.3 of the TAR (EB503) identifies the opportunities for enhancing bus services and supporting infrastructure across the District and Figure 7.1 on page 55 of the TAR (EB503) provides an overview of potential Bus and Cycle Improvements and Wider Harlow Sustainable Travel Corridors (STCs). In addition, the settlements of Waltham Abbey, Loughton and parts of Chigwell are served by buses operated by Transport for London (TfL). The enhancement of bus services is set out in Proposal 57, (page 158) of the Mayor's Transport Strategy 2018¹⁴ and forms part of the approach to supporting the Mayor of London's stated ambition (Policy 1 at page 21 of that Strategy) that 80% of all journeys will be undertaken by foot, cycle or public transport by 2041.
112. Travel Plans developed to support planning proposals provide the key mechanism for monitoring, measuring and reporting mode shift performance to both EFDC and Essex County Council. The Department for Transport's 'Trafficmaster' data can also be used to compare changes in journey times, congestion and delay across the district. In addition, programmes of annual data

¹³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740399/road-traffic-forecasts-2018.pdf

¹⁴ <https://www.london.gov.uk/sites/default/files/mayors-transport-strategy-2018.pdf>

collection can provide an assessment of real traffic growth against predicted growth to 'sense check' the need for costly infrastructure. Essex County Council's 'The Essex Transport Strategy: the Local Transport Plan for Essex' 2011 (EB500), at Section 10.4 (page 132-133) sets out the approaches to monitoring that it will undertake as the Local Highway Authority.

Inspector's Question 3

Other Infrastructure

- 3. Does the Infrastructure Delivery Plan and Schedule (EB1101A & B) demonstrate that the development in the Plan can be served by adequate infrastructure at the appropriate time? Are there any significant omissions or funding gaps?**

Response to Question 3

113. The Council considers that the Infrastructure Delivery Plan (IDP) and Schedule (EB1101A/B) adequately demonstrate that the development in the Plan can and will be served by adequate infrastructure at the appropriate time. The Council considers that there are no significant omissions within the documents, and that the funding sources and potential funding gaps are clearly identified. The Council is satisfied that the documentation sufficiently identifies that infrastructure can and will be delivered in accordance with national planning policy (paras 162 and 177 of the NPPF (2012) and paragraph 018 of Planning Practice Guidance).
114. The IDP (EB1101) includes a review of existing infrastructure and identifies any shortfalls in provision, informed by consultation with infrastructure and service providers. From this starting point, the impact of growth over the Plan period has been considered, and new infrastructure requirements identified. Responsibilities for delivery and funding mechanisms have also been identified.
115. The IDP includes an Infrastructure Delivery Schedule (EB1101B), which pulls together the identified outputs and infrastructure requirements. The purpose of the Schedule is to:
- (a) Present indicative costs associated with delivering the infrastructure required to support growth.
 - (b) Summarise the potential funding sources that could be used to deliver infrastructure, recognising that developer contributions will be a key part of this.

- (c) Prioritise the infrastructure interventions according to whether it is considered to be 'critical', 'essential' or 'desirable', and identify when in the Plan period the infrastructure will be required.
 - (d) Identify, where possible, the scale of the funding gap where funding is not fully committed.

- 116. To inform the Local Plan Examination, the Council has prepared a Topic Paper on infrastructure delivery (EB1101C), which supplements the IDP and Schedule. The purpose of the Topic Paper is to provide additional information on infrastructure delivery, as well as a more general update on the work undertaken since the IDP was published. The topic paper includes a high-level framework for apportionment and pooling arrangements to be taken forward for key infrastructure (highways, public transport, education, health, and open space, sports, green infrastructure and community facilities). The Topic Paper recognises that as proposals develop through from a Local Plan allocation to planning applications, there will inevitably need to be a finer level of detail in relation to funding and delivery arrangements for specific infrastructure projects to support the development management process. This goes beyond what would be possible, required or appropriate within an Infrastructure Delivery Plan to support a Local Plan. Further discussions and negotiations will be required through the production of strategic masterplans, concept frameworks and planning applications, which will determine specific pooling and delivery arrangements as further information becomes available.

- 117. Three Addenda to the Topic Paper are being produced to support the development management stage, which will provide further site-specific details on delivery and funding apportionment for the following key infrastructure types:
 - (a) New educational facilities and contributions towards expansion of existing facilities;
 - (b) Highway mitigation measures; and
 - (c) Sports infrastructure.

- 118. As well as a framework for apportionment, the Topic Paper provides additional information on those external funding sources outlined in the IDP, including the work currently ongoing to progress/secure external funding sources, and any risks of funding not being in place and contingency measures for this.

- 119. Separately, the Council is working with the other 'Garden Town' local authorities (Harlow District Council, East Herts District Council, Hertfordshire County Council and Essex County Council) to produce an IDP for the entire Harlow and Gilston Garden Town. Whilst the infrastructure required to support the delivery of the Garden Town sites that are located within Epping Forest District (SP 5.1, SP 5.2 and SP 5.3) is already sufficiently identified and set out within the Infrastructure Delivery Plan (IDP) and Schedule (EB1101A/B) in support of the Local Plan, the

production of the Garden Town IDP recognises the need to coordinate the planning and delivery of complex strategic infrastructure over the entire plan period (and beyond) across the entirety of the Garden Town, covering three District Council areas and two County Council areas.

120. Once complete, the Garden Town IDP will supplement the Infrastructure Delivery Plan (IDP) and Schedule (EB1101A/B) and identify in further detail the infrastructure required across the Garden Town as a whole to support housing and employment growth, when it needs to be delivered and how much it is expected to cost. The document will also identify which sites will be expected to deliver or contribute to infrastructure; and apportion estimated infrastructure costs to specific sites.

APPENDIX A: Examination documents referred to in this statement

Reference	Document Title	Author	Date
19STAT0007	Affinity Water Regulation 20 Representation	<i>Affinity Water</i>	2018
19STAT0022	Thames Water Regulation 20 Representation	<i>Thames Water</i>	2018
19STAT0026	Harlow District Council Regulation 20 Representation	<i>Harlow District Council</i>	2018
19STAT0036	Environment Agency Regulation 20 Representation	<i>Environment Agency</i>	2018
EB1003	North Weald Masterplanning Study Part A North Weald Masterplanning Study Part B	<i>Allies & Morrison Urban Practitioners</i>	2014
EB1007	Settlement Hierarchy Technical Paper	<i>EFDC</i>	2015
EB1101A	Infrastructure Delivery Plan (IDP) Part A Report	<i>Arup</i>	2017
EB1101B	Infrastructure Delivery Plan (IDP) Part B Report	<i>Arup</i>	2017
EB1101C	Infrastructure Delivery Plan Topic Paper	<i>EFDC</i>	2018
EB1110	Thames Water – Greater Harlow Position Statement	<i>Thames Water</i>	2018
EB1111	Harlow and Gilston Garden Town Water Cycle Study Update	<i>JBA</i>	2018
EB115A	Report Analysing Responses Received to the Regulation 19 Publication of the Epping Forest District Local Plan Submission Version 2017	<i>EFDC</i>	2018
EB1200	Memorandum of Understanding Managing the Impacts of Growth within the West Essex / East Hertfordshire HMA on Epping Forest SAC	<i>Co-operation for Sustainable Development Board</i>	2017

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EB1201	Memorandum of Understanding on Highways & Transportation Infrastructure for the West Essex / East Hertfordshire Housing Market Area	<i>Co-operation for Sustainable Development Board</i>	2017
EB1202	Memorandum of Understanding on Distribution of Objectively Assessed Housing Need across the West Essex / East Hertfordshire Housing Market Area	<i>Co-operation for Sustainable Development Board</i>	2017
EB1203	Memorandum of Understanding the Distribution of Objectively Assessed Employment Need across the West Essex-East Hertfordshire Functional Economic Market Area	<i>FEMA Authorities: East Herts; Epping Forest; Harlow; and Uttlesford District Council</i>	2018
EB123	Epping Forest District Council Draft Local Plan	<i>EFDC</i>	2016
EB131	Community Choices Issues & Options – Consultation Document	<i>EFDC</i>	2012
EB141	Brownfield Land Register	<i>EFDC</i>	2019
EB1500	Harlow Strategic Site Assessment	<i>AECOM</i>	2016
EB1506	East Herts District Local Plan Inspector's Report	<i>Christine Thorby MRTPI IHB</i>	2018
EB1507	Epping Forest Local Plan – Regulation 18 and 19 – Withdrawing Objections	Harlow District Council	2018
EB1608	Green Belt and District Open Land Background Paper	<i>EFDC</i>	2018
EB202	Interim Sustainability Appraisal Report for the Epping Forest District Local Plan	<i>AECOM</i>	2016
EB203	Sustainability Appraisal of Strategic OAHN Spatial Options	<i>AECOM</i>	2016
EB204	Sustainability and Equalities Impact Appraisal	<i>AECOM</i>	2017
EB403	Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment	<i>ORS</i>	2014

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	on behalf of Essex Planning Officers Association		
EB410	Housing Implementation Strategy	<i>EFDC</i>	2017
EB500	The Essex Transport Strategy: the Local Transport Plan for Essex' covering the period 2011-2026 And Delivery Plan 2015-2020	<i>Essex County Council</i>	2011
EB500A	Technical Note 1: Base Year Junction Capacity Modelling	<i>Essex Highways</i>	2013
EB500B	Technical Note 2: Spreadsheet Model Development, Latest Study Position and Next Steps	<i>Essex Highways</i>	2014
EB500C	Technical Note 3: Early-Stage Forecast Modelling Results – Background Growth Only and Initial Local Plan 'Scenario'	<i>Essex Highways</i>	2014
EB500D	Technical Note 4: Forecast Modelling Results from 7 x Development Scenario Tests	<i>Essex Highways</i>	2014
EB500E	Technical Note 5: Preliminary Mitigation Measures Modelling	<i>Essex Highways</i>	2014
EB500F	Technical Note 6: Sustainable Accessibility Mapping and Analysis	<i>Essex Highways</i>	2014
EB500G	Technical Note 7: Sustainable Accessibility Ranking, Mapping and Analysis	<i>Essex Highways</i>	2015
EB500H	Technical Note 8: Sensitivity Testing / Car Ownership & Use Mapping	<i>Essex Highways</i>	2016
EB502	Highway Assessment Report	<i>Ringway Jacobs</i>	2017
EB503	Transport Assessment Report	<i>Essex Highways</i>	2019
EB600	Economic and Employment Evidence to Support the Local Plan and Economic Development Strategy	<i>Hardisty Jones Associates</i>	2015
EB600B	Economic and Employment Evidence to Support the Local Plan and Economic Development Strategy-	<i>Hardisty Jones Associates</i>	2015

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	Appendix 2 Evidence & Consultations		
EB602	Employment Land Supply Assessment	Arup	2017
EB603	Employment Review	Hardisty Jones Associates	2017
EB610	West Essex and East Hertfordshire Assessment of Employment Needs	Hardisty Jones Associates	2017
EB704A	Green Belt Review Stage 1 Report	EFDC	2015
EB705A	Green Belt Assessment: Phase 2	Land Use Consultants	2016
EB800	Strategic Land Availability Assessment	Nathaniel Lichfield & Partners	2016
EB801	Report on Site Selection	Arup	2016
EB801A	Appendix A -Site Selection Methodology	Arup	2016
EB801O	Appendix C – Site Selection Settlement Proformas	Arup	2016
EB802A	Updated Site Selection Methodology	Arup	2016
EB803	Settlement Capacity Study	Fregonese Associates	2016
EB805	Site Selection Report	Arup	2018
EB805AH	Appendix F1.5.3 – Results of Identifying Sites for Allocation	Arup	2018
EB805AK	Appendix A – Site Selection Methodology	Arup	2018
EB805E	Appendix B1.4.1- Detailed Methodology for Stages 2 and 6.2 Assessment	Arup	2018
EB805I	Appendix B1.5.2 – Results of identifying sites for Further Testing	Arup	2018
EB805J	Appendix B1.5.3 Detailed Methodology Capacity Study	Arup	2018
EB805N	Appendix B1.6.4 – Results of Capacity and Deliverability Assessments	Arup	2018

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EB805O	Appendix B1.6.5 – Technical Assessment Testing	<i>Arup</i>	<i>2018</i>
EB805P	Appendix B1.6.6 - Results of Identifying Sites for Allocation	<i>Arup</i>	<i>2018</i>
EB805Q	Appendix C1 – Settlement Proformas	<i>Arup</i>	<i>2018</i>
EB806	Epping Forest District Council Housing Service Strategy - Empty Homes in the Private Sector	<i>EFDC</i>	<i>2016</i>
EB909	Level 1 Strategic Flood Risk Assessment Update	<i>URS</i>	<i>2015</i>
EB912	Epping Forest District Council Planning Application Validation Requirements Checklist	<i>EFDC</i>	<i>2017</i>
EB913	Strategic Flood Risk Assessment – Site Assessments	<i>AECOM</i>	<i>2018</i>
ED3	Statement of Common Ground between Epping Forest DC, Environment Agency & Thames Water	<i>AECOM</i>	<i>2018</i>

**EPPING FOREST DISTRICT COUNCIL
EXAMINATION OF THE DISTRICT LOCAL PLAN, 2011-2033**

MATTER 8: GARDEN TOWN COMMUNITIES

**PRE-HEARING STATEMENT ON BEHALF OF
EPPING FOREST DISTRICT COUNCIL**

FEBRUARY 2019

INTRODUCTION

Epping Forest District Council ("the Council") submits this statement in response to the Inspector's Matters, Issues and Questions ("MIQs") (ED5). This statement addresses Matter 8: Garden Town Communities and provides the Council's response to all of the Inspector's questions associated with Issues 1 to 4 (ED5, pp 16-18).

Where appropriate, the Council's responses in this statement refer to but do not repeat detailed responses within the hearing statements submitted by the Council concerning other Matters.

Key documents informing the preparation of this statement to which the Council may refer at the hearing sessions include:

- [EB1500 Harlow Strategic Site Assessment \(2016\)](#)
- [EB1405 Harlow and Gilston Garden Town Design Guide \(November 2018\)](#)
- [EB1406 Harlow and Gilston Garden Town Vision \(November 2018\)](#)
- [EB133 Report to Cabinet on 18 October 2018 Governance Arrangements for Local Plan Implementation \(2018\)](#)
- [EB1101A Epping Forest District Infrastructure Delivery Plan – Part A Report \(2017\)](#)
- [EB1101B Epping Forest District Infrastructure Delivery Plan – Part B Report \(2017\)](#)

All documents referred to in this statement are listed in **Appendix A** of this statement together with links to the relevant document included within the Examination Library.

Examination Library document references are used throughout for consistency and convenience.

Issue 1: What is the "Garden Town" concept as applied to proposed allocations SP5.1, SP5.2 and SP5.3 and is this significant for plan-making purposes?

Inspector's Question 1

- 1. Are the four Garden Town Communities (including Gilston in East Herts) intended to function together in some way, or are the allocations essentially separate entities? Does this matter?**

Response to Question 1

1. The four Garden Town Communities are intended to function together, both through physical and characteristic linkages. They are part of the Harlow and Gilston Garden Town, an entity which provides a framework for joint-working and cross-boundary collaboration across three District Councils and two County Councils.
2. Harlow and Gilston was designated as a Garden Town by the Ministry for Homes, Communities and Local Government in January 2017, following a joint Expression of Interest from Epping Forest District Council, East Hertfordshire District Council and Harlow Council (EB1401). The Councils share a bold vision and set of objectives, recognising that areas in and around Harlow present a number of opportunities to deliver growth of considerable scale and significance. Such growth is key not only to meet growing pressures of housing and infrastructure need locally, but also in delivering broader regeneration and change for Harlow, as set out in the Harlow Strategic Sites Assessment (EB1500).
3. Delivering at such scale is however complex and challenging, requiring a positive partnership approach. This not only involves the Councils, land owners and developers to bring proposals effectively through the planning system, but also requires a shared commitment with infrastructure providers and national Government to provide a strategic approach, enabling barriers to be overcome and opportunities to be realised. A holistic, comprehensive approach to planning and delivery of developments that are part of the Harlow and Gilston Garden Town will enable these proposals to achieve 'Garden City' ambitions, whilst allowing delivery in an efficient and timely manner.
4. The cross-boundary approach provided by the Harlow and Gilston Garden Town provides a joint-working framework via a number of workstreams, including technical workstreams such as Quality Design, Infrastructure, Sustainable Travel, Housing, Health and Economic Development. Work to undertake joint Garden Town strategies and projects is ongoing through regular workstream meetings

between officers from Epping Forest District Council, Harlow District Council, East Hertfordshire District Council, Essex County Council, Hertfordshire County Council, and the Garden Town Team. This work includes, but is not limited to, the Harlow and Gilston Garden Town Vision (EB1406) and Harlow and Gilston Garden Town Design Guide (EB1405), the Harlow and Gilston Garden Town Draft Transport Strategy (EB1408), the Sustainable Transport Corridor Study (EB1407A) and ongoing work on the Harlow and Gilston Garden Town Infrastructure Delivery Plan and Viability Study.

5. The Town and Country Planning Association's (TCPA) Garden City Principles have been interpreted to reflect local context and place-making considerations within the Harlow and Gilston Garden Town Vision (EB1406) and the Harlow and Gilston Garden Town Design Guide (EB1405). These documents set out key criteria and objectives for quality and character and were commissioned and created jointly by the Councils. These documents were endorsed to be used as material planning considerations by Cabinet on 10 December 2018 (EB135). The Strategic Masterplans, and subsequent planning applications for the Garden Town communities therefore must be designed within the guiding principles of the Harlow and Gilston Garden Town Vision and Design Guide.
6. The Councils share an ambition to achieve modal shift from car to non-car use within the Harlow and Gilston Garden Town, as set out in the Harlow and Gilston Garden Town Draft Transport Strategy (EB1408) and Sustainable Transport Corridor Study (EB1407A). Development proposals within the Garden Town, including the four Garden Town communities, will therefore also function together through their physical connections via proposed north-south and east-west sustainable transport corridors, and their modal shift objectives.
7. The strategic sites around the Garden Town will also be consistent in their approach to producing Strategic Masterplans, as required by Policies SP 3, SP 4 and SP 5 and illustrated in figure 2.1 in the LPSV. The Strategic Masterplan process is clearly set out in the LPSV and in the Strategic Masterplanning Briefing Note endorsed by Epping Forest District Council Cabinet on 18 October 2018 (EB133). The approach to Strategic Masterplanning has been agreed with Harlow District Council, to ensure a consistent approach, especially in regard to SP 5.3 East of Harlow Masterplan Area, which spans across the district boundary.

Inspector's Question 2

2. If the communities are intended to function together, is this possible in light of their physical separation? Will the requirement for separate Strategic Masterplans be effective in achieving coherent schemes?

Response to Question 2

8. The communities are intended to function together, both through physical and characteristic linkages, as noted in the above response to Question 1. Separate Strategic Masterplans will be effective in achieving coherent schemes, through a consistency of process, guidance and the framework for collaborative and cross-boundary working.
9. The Harlow and Gilston Garden Town Vision (EB1405) and Harlow and Gilston Garden Town Design Guide (EB1406) provide a guiding vision and set of principles to support the delivery of a locally-lead Garden Town, and ensure developments achieve Garden City ambitions. This includes principles in regard to Placemaking and Homes, Landscape and Green Infrastructure, Sustainable Movement, and Economy and Regeneration. The Design Guide also provides site specific guidance for the four Garden Town strategic sites, from p.30-45, around these key principles. Within the Design Guide there are also Design Quality Questions p.50-51 - all developments are required to demonstrate how the proposals answer these questions, addressing the key principles for healthy growth as set out in the Design Guide. The Design Quality Questions enable officers, the Quality Review Panel, and the community to review Garden Town schemes coherently, and with a common agenda.
10. The approach to Strategic Masterplanning for the strategic sites, as set out in Policy SP 3 Place Shaping, and as shown in figure 2.1 of the LPSV, requires all Strategic Masterplans to adhere to place shaping principles and to be consistent in their planning process. The Council has prepared a Strategic Masterplanning Briefing Note that provides further guidance which was endorsed by the Council's Cabinet Committee on 18 October 2018 (EB133). This sets out the requirements for the preparation of Strategic Masterplans to ensure that a comprehensive approach is taken to the planning and delivery of Masterplan Areas.
11. Policy SP 4 of the LPSV sets out in more detail the requirements for the development and delivery of Strategic Masterplans within the Garden Town. Paragraph 2.101 and Policy SP 4 Part C(vii) of the LPSV also state that Strategic Masterplans should be informed through review by the Harlow and Gilston Quality Review Panel. The creation of a project-specific quality review panel, with consistent panel chair, ensures that Strategic Masterplans are reviewed coherently as part of the Garden Town, and not solely within district boundaries.

Inspector's Question 3

- 3. Does the Garden Town approach have specific implications for how infrastructure needs are identified and provided? Have Harlow and Epping Forest Councils worked together constructively in making decisions about where to provide health and education infrastructure, for example?**

Response to Question 3

12. The Garden Town approach does have specific implications for how infrastructure needs are identified and provided. Harlow and Epping Forest District Councils continue to work together constructively, along with the other Garden Town local authorities, to progress the identification and delivery of these infrastructure needs. Particular regard has been had to planning constructively to meet future health and education needs across the Garden Town through a series of ongoing discussions and dialogue.
13. The infrastructure required to support the delivery of the Garden Town sites is already sufficiently identified and set out within respective Infrastructure Delivery Plans (IDPs) (EB1101A, EB1101B), and the viability of these requirements is assessed through District-level Viability Studies (EB300 and EB301), in order to inform and support Local Plans.
14. IDPs for Epping Forest District and Harlow District were developed through close collaboration and joint working between Officers of both District Councils and Essex County Council, holding specific meetings to discuss and agree requirements for strategic sites (as captured in LPSV Policy SP 5), and sharing draft versions of emerging policy text for comment prior to finalisation. The appointed IDP consultants (Arup and Atkins) agreed a protocol for collaboration in order to ensure that the two IDPs were aligned (EB1101D).
15. Policy SP 4 of the LPSV, which sets out the development and delivery of Garden Communities in the Harlow and Gilston Garden Town, was jointly written for inclusion in emerging Local Plans by Epping Forest and Harlow District Councils and captures the shared objectives and collaborative approach in regard to the Garden Town sites.
16. The production of the Garden Town IDP and Harlow and Gilston Garden Town Viability Study (produced by HDH Planning and Development) recognises the need to coordinate the planning and delivery of complex strategic infrastructure over the entire plan period (and beyond) across the entirety of the Garden Town, covering three District Council areas and two County Council areas (ED9). Once complete, the Studies will then be endorsed by the respective local planning authorities of the Garden Town as material planning considerations for decision-making, and will form key planning policy documentation alongside Local

Plans. The County Councils will also endorse the documents alongside existing strategies relating to the delivery of infrastructure

17. Joint studies have been commissioned and a number of workstreams have been established and are ongoing in taking forward the joint work for the Garden Town. Officers from each of the five respective Garden Town local authorities (Epping Forest District Council, Harlow District Council, East Herts District Council, Essex County Council and Herts County Council) contribute to each workstream which ensures that a collaborative and constructive approach is taken. These workstreams are focused around governance and technical workstreams. A specific Infrastructure workstream has been established in order to discuss and agree the future delivery of infrastructure across the Garden Town. In addition, ongoing collaboration and joint working is taking place through the 'Health' and 'Delivery' workstreams.
18. Regular Duty to Cooperate discussions have taken place through the Cooperation for Sustainable Development Member Board meetings from 2014 onwards. These meetings and associated minutes note collaborative and constructive discussions regarding health and education infrastructure provisions, including in regard to the potential relocation of the Princess Alexandra Hospital. Ongoing work on this sits within the Garden Town Health workstream.

Issue 2: Are the Garden Town allocations deliverable in respect of their impact on transport infrastructure?

Inspector's Question 1

- 1. Are the requirements of Policy SP5 in relation to transport sufficient to mitigate the effects of the proposed development in all three communities upon existing Junction 7 of the M11 and to ensure that adequate financial contributions are made towards the provision of Junction 7a? Is it the case that the provision of Junction 7a and associated infrastructure is a prerequisite of development on these sites and, if so, is this sufficiently clear in the Plan?**

Response to Question 1

19. When taken together, Policies SP 4 (Part B and Part C (ix)) and SP 5 (Part C) of the LPSV provide consistent development principles across all of the Garden Town Communities, which will ensure that the impacts of development on Junction 7 of the M11 will be adequately mitigated, and that Junction 7a will be delivered.
20. The delivery of Junction 7a is already fully funded and is not therefore dependent on financial contributions from development to be allocated in the LPSV. Further details are provided in section 5.1.5, p.24, of the Infrastructure Delivery Plan (IDP) (EB1101A) and ref DW3, p.17 of the IDP Schedule (EB1101B).
21. In the short term, minor upgrades will be made to Junction 7 of the M11, which are estimated to cost £5,000,000. Unless funding is secured from Highways England Road Investment Strategy 2, the improvements will be funded through developer contributions (Ref LPR3, p.28, EB1101B). Accordingly, Part F, Policy SP 5 of the LPSV requires the development at Latton Priory to 'include highway and transport improvements including ... upgrades to Junction 7 of the M11'. This is confirmed within the IDP Topic Paper (p.16, EB1101C) which provides further details on arrangements for future infrastructure funding and delivery (as of October 2018).
22. Over the longer term, it is anticipated that more significant improvement works will be required to upgrade Junction 7 of the M11 (Ref DW4, p.18, EB1101B). This is estimated to cost £29,000,000, and is subject to a funding bid through the Highways England Road Investment Strategy 2. The funding and delivery of this upgrade is considered to be of strategic importance to the sub-region, and neither the IDP or LPSV anticipate developer contributions towards this longer-term requirement at this time.
23. Further details on the planned roles of M11 Junction 7/7a in delivering planned growth are set out in the Memorandum of Understanding on Highways and

Transport Infrastructure for the West Essex / East Herts Housing Market Area (EB1201, p. 9-10 and Appendix 2).

24. The provision of Junction 7a of the M11 is considered to be a prerequisite for the development of the strategic Harlow and Gilston Garden Town sites (EB1201, page 5). The scheme is fully funded, and work is already progressing to bring forward its delivery. Essex County Council (ECC), in partnership with Highways England (HE), published the orders required by law to be able to progress with construction of the scheme on 30 August 2018. This followed the granting of planning permission on 21 July 2017 (planning application ref: CC/EPF/08/17) for 'Construction of a new motorway junction (Junction 7a) on the M11 between existing junctions 7 and 8'. Junction 7a is due to become operational by 2023. Accordingly, growth planned as part of the Harlow and Gilston Garden Town is phased with delivery planned to commence from 2022/2023 following the implementation of the new Junction 7a of the M11, as set out within Appendix 6 to the Housing Implementation Strategy Update (EB410B).
25. The delivery of other associated infrastructure, including the entirety of the Sustainable Transport Corridor, is not considered to be a prerequisite. However, in order to seek to maximise the promotion of use of sustainable transport measures, it will be necessary for key elements of sustainable transport provision to be available when new developments are first occupied. This will be required in order to prevent the establishment of unsustainable travel behaviour, and to provide viable alternatives to private car use.
26. Part C (ix) of Policy SP 4 states that 'Each Garden Town Community must ... ensure that on-site and off-site infrastructure is provided in a timely manner, subject to viability considerations, ahead of or in tandem with the development it supports to mitigate any impacts of the new Garden Communities, meet the needs of residents and establish sustainable travel patterns.' However, the Council considers that the addition of the following text to follow paragraph 2.117 of the LPSV will ensure that this position is further clarified within the Plan:
27. The growth plans for the Garden Town require the implementation of a new junction (Junction 7A) on the M11. This new junction is planned to be operational by 2023, prior to the occupation of the strategic developments. In order to maximise the promotion of use of sustainable transport measures, it will be necessary for key elements of sustainable transport provision to be available when new developments are first occupied. This will be required in order to prevent the establishment of unsustainable travel behaviour, and to provide viable alternatives to private car use. The Council will secure the necessary measures through the use of planning obligations or other relevant mechanisms as appropriate.

Inspector's Question 2

- 2. More generally, are the highway and transport improvements sought by the policy expected in the form of physical works or financial contributions? Is this clear?**

Response to Question 2

28. The highway and transport improvements will comprise a combination of physical works and financial contributions, and the Council considers that Policies SP 4 and SP 5 already make this sufficiently clear.
29. Contributions will be sought for off-site highway and transport works which are to be, or are being, provided by Essex County Council as the Local Highway Authority or by Highways England as the statutory body with responsibility for the Strategic Road Network (SRN). The improvements expected are set out in the IDP (EB1101B). Section 8.4 (p.21-22) provides details of the works and / or financial contributions required strategically to support growth across the Garden Town. Sections 8.5 – 8.8 (p.23-33) provide details of the works and / or financial contributions required to support each of the planned Garden Communities.
30. Part C of SP 5 sets the requirement for infrastructure to be delivered at a rate and scale to meet the needs arising from the proposed development, in accordance with the Infrastructure Delivery Plan with proportionate contributions for the delivery of improvements to Junction 7 and other strategic infrastructure requirements. The Policy also sets out the highway and transport improvements that are required from each strategic site (SP 5.1, SP 5.2 and SP 5.3).

Inspector's Question 3

- 3. Essex County Council has indicated that the Latton Priory development could not deliver an essential north/south sustainable transport corridor. What difficulties does this present and can they be resolved?**

Response to Question 3

31. Whilst it is acknowledged that the Latton Priory development could not on its own deliver the north/south sustainable transport corridor in its entirety, the five Garden Town partner authorities (including Essex County Council) are committed to the delivery of this project, recognising the challenges that exist.
32. To this end, a Sustainable Transport Corridor Study (EB1407A) has been produced which identifies indicative routes for the north/south corridor and demonstrates the feasibility of the overall project. In addition, the Garden Town

partner authorities have produced a draft Transport Strategy (EB1408) (which will be subject to public consultation in the Spring) and are in the process of producing a Garden Town Infrastructure Delivery Plan and Viability Study which will provide further detail on future funding and delivery arrangements (ED9).

33. A dedicated Garden Town workstream has been established by the partner authorities to focus on planning for the future delivery of sustainable transport infrastructure and improvements. Through this workstream, consultants have been commissioned to deliver a feasibility study including identifying routes and costs relating to the design of the southern corridor. Initial findings are due to be presented in the coming weeks.
34. The Sustainable Transport Corridors will be funded via a range of sources, including developer contributions from development across the Garden Town and central Government. The Latton Priory development will be required to provide proportionate developer contributions towards the project, but will not be required to fund the entirety of the north / south corridor.
35. Recognising the importance of the future delivery of the Sustainable Transport Corridors, the Garden Town partner authorities have agreed an overarching plan (see Appendix 1) for inclusion in the Draft Transport Strategy for the Garden Town. This Plan identifies the indicative routes for the Sustainable Transport Corridors. Both Harlow District Council and Epping Forest District Council propose to include the Plan within emerging Local Plans in order to provide clarity, and to safeguard the land required for the Corridors.
36. The Council therefore proposes to insert the Plan (Appendix 1) into the LPSV directly after Map 2.1 (p.39) as Map 2.2. The routes for the Corridors will also be included within the Policies Map as safeguarded routes. In addition, the Council proposes to insert the following additional text into Policy SP 5 after Part E:

Land will be safeguarded for the Sustainable Transport Corridors in accordance with Map 2.2 and the Policies Map. Development proposals and Strategic Masterplans will be required to safeguard land accordingly.
37. It is important to recognise that these corridors are intended to be multi-modal and walking and cycling routes may follow a different alignment to that of public transport services. In particular, the final route for public transport services will need to not only maximise the opportunities for supporting the new Garden Town Community for Latton Priory but also provide improved opportunities for existing residents living in the southern Harlow area.
38. As illustrated by Appendix 1, it is proposed to extend a corridor further south from Latton Priory, providing enhanced linkages and accessibility to and from the Garden Town to Epping and neighbouring settlements. This will not only help to support the required modal shift away from private car use, but will also provide further patronage to support the ongoing viability of future services

Issue 3: Are the criteria in Policy SP4 justified, effective and consistent with national policy?

Inspector's Question 1

1. Will the criteria within Policy SP4(C) ensure that sufficient regard is had to the historic environment, including built heritage; townscape; archaeology; and designed landscapes, in planning generally for the Garden Town Communities? (Reps HE).

Response to Question 1

39. The criteria set out in Policy SP 4, together with Policies DM 3 (Landscape Character, Ancient Landscapes and Geodiversity) and DM 7 (Heritage Assets) of the LPSV, will ensure that sufficient regard is had to the historic environment including built heritage; townscape; archaeology; and designed landscapes, for the Garden Town Communities and are consistent with national policy.
- (a) Policy SP 4 (C) sets out criteria to ensure that sufficient regard is had to the historic environment and in particular:
 - (b) SP 4 C (i) – the principle of high quality place-making;
 - (c) SP 4 (vi) - the need to be consistent with and adhere to Design Code(s);
 - (d) SP 4 (viii) - promotion and execution of the highest quality of planning, design and management of the built and public realm, the capitalisation on local assets, and the need to have regard to the original guiding principles established by Sir Frederick Gibberd's masterplan for Harlow; and
 - (e) SP 4 (xvi) - the creation of distinctive environments which relate to the surrounding area, the natural and historic landscapes.
40. Any Masterplans and subsequent planning applications will be required to conform with all relevant policies within the Plan, including Policy DM 7 (Heritage Assets). To take account of the representation from Historic England (19STAT0020), the Council has proposed that an amendment is made to the wording of Policy SP 4 (C) (xvi) as set out in the Draft Statement of Common Ground with Historic England, (see Appendix 2). The proposed amendment as agreed with Historic England is as follows:
- "(xvi) create distinctive environments which relate to the surrounding area, protect or enhance the natural and historic landscapes and systems and wider historic environment, provide a multi-functional green-grid which creates significant networks of new green

infrastructure and which provides a high degree of connectivity to existing corridors and networks and enhance biodiversity."

41. The Council are also proposing amendments to the wording of Policy SP 4 C (xvii) to include an additional requirement for the development proposals for the Garden Town Communities to produce a Heritage Impact Assessment at the strategic masterplan stage. The proposed wording is as follows:

"A Heritage Impact Assessment will be required to inform the design of the Garden Town Communities to ensure heritage assets within and surrounding the sites are conserved or enhanced and the proposed development will not cause harm to the significance of a heritage asset or its setting unless the public benefits of the proposed development outweigh any harm to the significance or special interest of the heritage asset in question."

42. The definition of 'heritage asset' 'as set out in the Glossary to the LPSV (page 199) covers the aspects listed in the question and it is proposed to include archaeological remains, as agreed with Historic England, in the definition as follows:

"A building, monument, site, place, area or landscape 'or archaeological remains' identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)."

43. The Strategic Masterplanning Briefing Note endorsed by Cabinet on 18 October 2018 (EB133) sets out stages for the masterplan process including topic based meetings at an early stage and lists heritage and archaeological assessment as part of understanding the constraints and opportunities for the site. At a more detailed level, planning applications for the development of the Garden Town Communities will be subject to Environmental Impact Assessments where any impacts to heritage assets will need to be assessed through the screening and scoping stages then addressed. The EIA process will also include engagement with statutory bodies such as Historic England. For smaller sites planning applications will need to be supported by a Heritage Statement (as set out at paragraph 4.60 page 89 of the LPSV) and an archaeological evaluation (as set out at paragraph 4.63 page 90 of the LPSV) where appropriate.

Issue 4 Are the site allocations (SP5.1, SP5.2 & SP5.3) in Policy SP5 sound and deliverable?

Inspector's Question 1

All sites

- 1. Should Policy SP5 and the relevant supporting text exclude reference to the size of schools to be provided for flexibility? Should a land area be specified instead? Should the policy make it clear that financial contributions could be sought towards school provision?**

Response to Question 1

44. As agreed with Essex County Council via the (Draft) Statement of Common Ground (ED10), the Council proposes an amendment to the wording of Policy SP 5 and the supporting text, to remove the 'form-entry' requirements for schools and refer instead to a minimum land area to allow more flexibility in terms of school delivery.
45. It is not considered that the policy needs to make specific reference for financial contributions towards school provision. Policy SP 5 (Parts B and C) refer to the requirement for development on the Strategic Sites to be supported by necessary infrastructure with those requirements being delivered at a rate and scale to meet the needs that arise from the proposed development. These infrastructure requirements will include any necessary financial contributions towards school provision. In addition, Policy D 2 Essential Facilities and Services requires the provision and improvement of essential facilities and services to serve the scale of proposed developments, with reference made within the supporting text to Essex County Council's 'Developers Guide to Infrastructure Contributions' (EB1107) and the District Council's Infrastructure Delivery Plan (EB1101A and EB1101B).
46. The proposed amendments to SP 5 and its supporting text are as follows:

Paragraph 2.125

"Sites within Latton Priory provide capacity for around 1,050 homes, alongside community facilities including Early Years facilities, a new ~~two form-entry~~ primary school (including the provision of land) and appropriate contributions towards a secondary school (including the provision of land) to serve the needs arising from new development."

Paragraph 2.128

"Sites within the Water Lane Area provide capacity for around 2,100 homes, alongside community facilities including Early Years facilities, a new ~~two-form-entry~~ primary school (including the provision of land) and appropriate contributions towards a secondary school to serve the needs arising from new development. In addition 0.5 ha for up to five traveller pitches will be provided."

Paragraph 2.129

"East of Harlow is located across the administrative boundary between Harlow District Council and Epping Forest District Council. The land within the Epping Forest District provides capacity for 750 homes. Development is required to provide community facilities including Early Years facilities a ~~two-form-entry~~ new primary school (including the provision of land) and appropriate contributions ~~(including the provision of land)~~ towards a new secondary school to serve the needs arising from new development. In addition 0.5 ha for up to five traveller pitches will be provided"

Policy SP 5 part F point (viii)

"A ~~two-form-entry~~ new primary school with Early Years and Childcare provision on an education site of at least 2.1 hectares;"

Policy SP 5 part G point (v)

"A ~~two-form-entry~~ new primary school with Early Years and Childcare provision on an education site of at least 2.5 hectares;"

Policy SP 5 part H point (vii)

"A ~~two-form-entry~~ new primary school with Early Years and Childcare provision on an education site of at least 2.1 hectares;"

Inspector's Question 2

2. Will sufficient employment land be available in/near to the new Garden Town Communities to “enable residents to meet the majority of their day to day needs” within them and to “maximise the use of sustainable transport modes” as required by Policy SP4? Has consideration been given to providing more employment land (and less housing if necessary to achieve this) within the relevant allocations? (Reps Harlow and ECC).

Response to Question 2

47. The Council considers that sufficient employment land, accessible using sustainable transport modes, will be available within the Garden Town Communities to serve the day to day needs of residents.
48. Various strategic spatial options have been explored by the Council throughout the Plan preparation process, including considering more employment land adjacent to Harlow. Specifically, in finalising the spatial strategy within the LPSV, the Council identified and ‘tested’ three district-wide reasonable alternatives, informed directly by consideration of the latest available evidence (including transport modelling, the Employment Review (EB603), the Employment Land Supply Assessment (EB602)) and responses received to the Draft Local Plan consultation. The consideration of District-wide reasonable alternatives at this stage focused on exploring variations in terms of distributing the housing and employment needs based on the preferred spatial strategy. The alternatives were.
- (a) Alternative A – ‘Minimising change to the Draft Local Plan’ – this considered the potential implications of a lower level of employment growth adjacent to Harlow;
 - (b) Alternative B – ‘Exploring alternative travel patterns’ – this considered a higher level of employment growth adjacent to Harlow; and
 - (c) Alternative C – ‘School variation across the District’ – this considered a high level of employment growth adjacent to Harlow.
49. Technical assessment work was undertaken in order to further understand the potential implications of these difference alternatives and inform the finalisation of the Local Plan. Further details are provided within the Sustainability Appraisal (EB204) paragraphs 7.27 – 7.37 (pp 36 – 42).

50. Sites ultimately identified for allocation within the LPSV represented a hybrid of the three alternatives. The Sustainability Appraisal (EB204) reflects the outcome of this process, as it relates to employment sites, in paragraph 7.48:

"The spatial distribution of the employment sites has sought to reflect the needs identified across the District, particularly taking into account the need for additional space to serve employment markets in the south of the District, including at Loughton and Waltham Abbey. Significant employment opportunities already exist at Harlow through the relocation of Public Health England and the Enterprise Zone, and further small-scale employment uses will also be provided within the Garden Town Communities to promote the sustainable growth of Harlow and reduce out-commuting."

51. The Harlow Local Development Plan Pre Submission Publication (May 2018) provides for a higher quantum of land allocation within the Use Class B against the levels identified for Harlow in the West Essex-East Hertfordshire Assessment of Employment Needs (EB610). In addition, the emerging Harlow Town Centre Area Action Plan will include potential for further office development within Harlow town centre. The strategy for the Garden Town is to regenerate and promote Harlow Town Centre as a highly accessible employment hub with sustainable transport links between it and all Strategic Allocation sites (Garden Communities), as highlighted within the Harlow and Gilston Garden Town Vision (EB1405) and the Harlow and Gilston Garden Town Design Guide (EB1406).
52. It is important to recognise that the Garden Communities will be linked directly to significant employment opportunities within Harlow, including the Public Health England campus, Harlow Enterprise Zone and broader employment area at Pinnacles industrial estate. In addition, the Harlow and Gilston Garden Town Vision (EB1405) which overlays the Spatial Masterplans under production for the Garden Communities, provides the framework for the promotion of sustainable travel and self-sufficiency within the Garden Town.
53. The LPSV allocates one hectare of employment land for Class B1a/B1b use at Dorrington Farm (RUR.E19) within the Latton Priory Garden Town Community. This new allocation, combined with an existing one-hectare designation of employment land, represents a significant opportunity for a comprehensive redevelopment to deliver considerable new employment opportunities that are well integrated within Latton Priory as well as the wider Garden Town, linked in the future by Sustainable Transport Corridors. The delivery of this site for Class B1a/B1b use fits with aspirations for the Garden Town and will deliver higher density employment uses. In addition, Policies SP 2 and SP 5 of the LPSV require other small-scale employment uses, including education and retail, to be provided as part of the development mix within the new Garden communities.
54. Future job creation within the Garden Town will not be solely reliant on the provision of traditional employment floorspace. The Council recognises that

increasing numbers of homeworkers / peripatetic workers will play an important role in creating sustainable travel patterns in the future. This is recognised within the relevant employment evidence base documents *see paragraph 4.2.1 page 26, Figure 4.2 page 27 and Section 5.4 page 35 of the West Essex and East Hertfordshire Assessment of Employment Needs 2017 EB610, and Appendix 2, p.32 EB603*). The benefits that such ways of working have from a transport perspective are set out at paragraph 20 of the Council's Hearing Statement in respect of Matter 4 Issue 6. In addition, the Garden Communities within Epping Forest District will result in job creation outside of Class B Uses as a result of the site specific social and community infrastructure that will be provided.

55. Consequently, the quantum of employment land, when combined with other on-site employment opportunities and the growth in home/peripatetic working is such that there is no requirement to accommodate additional employment floorspace and that there is no evidence that the Council has seen that would suggest that additional employment land should be provided from either an economic or sustainability perspective.

Inspector's Question 3

- 3. What effect would the development of sites SP5.1, SP5.2 and SP5.3 have upon the purposes of the Green Belt? What would be the impact of Site SP5.2 (Water Lane Area) on the identity of Broadly Common and Old House Lane in Roydon Parish?**

Response to Question 3

56. The effect that the development sites would have on the Green Belt is set out in the Technical Annexe to the Green Belt Review Stage 2 2016 (EB705B).
57. Development of **SP 5.1 Latton Priory** is likely to have a very high impact on the Green Belt. The Green Belt here contributes strongly to Purpose 1 "checking the unrestricted sprawl of large built up areas", as the site is contiguous with the Harlow built up area, and that development here would be visible from the ridge and would be perceived as a significant expansion of Harlow. The north west part of the site (parcel 073.3) is somewhat isolated from the wider Green Belt by Mark Bushes to the east and trees to the west and therefore contributes less to Purpose 1 than the rest of the site. In relation to Purpose 3 "assisting in safeguarding the countryside from encroachment", the site makes a moderate contribution. The site makes a weak contribution to Purpose 2, and no contribution to Purpose 4. [See proformas for parcels 073.1, 073.2 and 073.3 in the Annexe].
58. Development of **SP 5.3 East of Harlow** is likely to have a very high impact on the Green Belt. The site contributes strongly to Purpose 1, as the parcel adjoins

the large built up area of Harlow and plays an important role in preventing sprawl. It also contributes strongly to Purpose 3. It scores weakly against Purpose 2, and makes no contribution to Purpose 4. [See proforma for parcel 003.1 in the Annex]

59. Development of **SP 5.2 Water Lane** is likely to have a high impact on the Green Belt, albeit to a lesser degree than for East Harlow and Latton Priory. The site contributes relatively strongly to Purpose 1 for a number of reasons set out in the Annexe, including that the site maintains a fairly consistent gap between the edge of Harlow and the B181 Epping Road. The site also contributes relatively strongly to Purpose 3. It scores weakly against Purpose 2, and makes no contribution to Purpose 4. [See parcels 066.1, 066.2 and 067.1 in the Annexe].
60. It is considered that development of the Water Lane area may impact on the identity of Broadley Common or Old House Lane, and it is recognised that development here would bring the urban footprint of Harlow closer to Broadley Common [see findings for sites R and U in the Harlow Strategic Sites Assessment 2016 (EB1500)]. On balance, the positive attributes associated with this site alongside the potential to address this issue as part of the strategic Masterplanning process could sufficiently address this issue - full regard will be had to the existing settlements of Broadley Common and Old House Lane in order to protect the character and identity of these areas. The Harlow and Gilston Garden Town Design Guide (EB1406) references this at page 31 and page 32.
61. It is important to clarify that in Green Belt terms, Broadly Common and housing at Old House Lane are not considered 'Towns' and therefore concerns regarding coalescence under Purpose 2 of the Green Belt are not applicable here.

Inspector's Question 4

4. **Do the maps of the Masterplan Areas require amendment to clarify that the "residential site allocations" are also expected to include land for schools and other services and infrastructure? (Reps ECC).**

Response to Question 4

62. The Council considers that the maps which delineate the Masterplan Areas should be amended to make clear that both residential and non-residential uses will be incorporated.
63. As part of the agreed (draft) Statement of Common Ground with Essex County Council (ED10), the Council proposes to make amendments to the map legend for maps 2.1, 2.2, 2.3, 2.4, 5.1 and 5.12 to clarify that the 'residential site allocations' are also expected to include land for schools and other services and

infrastructure. The Council considers that the use of the word 'strategic' as opposed to 'residential' will make this clear.

64. The proposed amendment is as follows:

~~"Residential~~ Strategic site allocation."

Inspector's Question 5

Site SP5.1: Latton Priory

- 5. Will Policy SP5(F) effectively preserve or enhance the setting of designated and non-designated heritage assets to the south of the site, including Latton Farmhouse; Latton Priory; two scheduled monuments; and two moated sites? (Reps HE).**

Response to Question 5

65. Policy SP 5 Part F will effectively preserve or enhance the setting of designated and non-designated heritage assets to the south of the site. Paragraph (vi) of the policy requires a sympathetic design which responds to the adjacent Scheduled Ancient Monument and ancient woodlands. In addition, the Council seeks to ensure that the conservation or enhancement of the historic environment is upheld through its approach to masterplanning, and through the application of policy DM 7 Part A and DM 7 Part B, which would apply to all the heritage assets referred to within this question). It has been agreed within the Draft Statement of Common Ground with Historic England, (Appendix 2 to this Statement), that these policies are both effective and fit for purpose. In addition the following amendment is proposed to Policy SP5.1 – Latton Priory (F):
- “(vi) A sympathetic design which responds to the adjacent ancient woodland, ~~and the Scheduled Monuments~~ and listed buildings to the south of the site”
66. As indicated in the Council's Hearing Statement for Matter 8 (Issue 3, Question 1) an amendment is proposed to the wording of SP 4 as proposed in the Draft Statement of Common Ground with Historic England, (Appendix 2 to this Statement). This will require a Heritage Impact Assessment to be completed at the strategic masterplan stage. The application of Policy SP 4 and SP 5 will ensure due regard is given to designated and non-designated heritage assets in, and surrounding, the development of the Garden Town Communities planned in the Harlow and Gilston Garden Town.
67. In addition, this matter is also addressed at page 35 of the Harlow and Gilston Garden Town Design Guide (EB1406) and Principle D (6) on page 11 of the Harlow and Gilston Garden Town Vision (EB1405).

Inspector's Question 6

- 6. Does the Masterplan Area shown on Map 2.2. provide sufficient points of access to achieve a sustainable connection route to the B1393 Epping Road? (Reps ECC).**

Response to Question 6

68. An indicative access point on to the B1393 London Road is shown on Map 2.1 within the LSPV. To provide greater clarity, the Council proposes an amendment to Map 2.2 to include this indicative access point.
69. Transport modelling has been undertaken for the Latton Priory allocation site in collaboration with Essex County Council, Harlow District Council, and Homes England. This has utilised the Harlow Strategic Model and several potential access options have been identified and assessed. This includes various scenarios involving a mix of potential northern, eastern, southern and western access points.
70. The modelling work and assessments suggest that neither a northern or western access would be suitable as the primary access into the site and either an eastern or southern primary access would be required to ensure that there is not undue pressure placed on the existing highway system.
71. Additional consideration is now being given from the different stakeholders, including the developers, to decide on the most suitable and preferred access arrangements for the site. These access arrangements will then be incorporated into the emerging Strategic Masterplan.

Inspector's Question 7

Site SP5.2: Water Lane Area

- 7. Is this site deliverable in respect of the multiple land ownerships involved? In particular, are the owners of the nurseries in the northern part committed to the development?**

Response to Question 7

72. Information submitted during the Regulation 18 Draft Local Plan consultation confirms that the site is jointly owned by multiple parties who have a formal agreement to work together as 'the Consortium'. This is set out on page 91 of the

Site Selection Report appendix B1.6.4 – Results of Capacity and Deliverability Assessments (EB805N).

73. A Draft Statement of Common Ground between Epping Forest District Council, Manor Oak Homes Ltd and The West Katherines Consortium has been prepared and confirms that the entire site is deliverable and developable despite the multiple land ownerships.
74. As part of the Strategic Masterplanning work currently being undertaken the Council has identified and written to the various landowners/occupants of the 'small sites' within each of the Strategic Allocation Sites. No representations have been received from any of these land owners/occupants suggesting that their sites would no longer be deliverable.

Inspector's Question 8

8. Historic England states that this site includes part of the Nazeing and South Roydon Conservation Area and three Grade II Listed Buildings. Has regard been had to them in making this allocation and will Policy SP5(G) ensure they are preserved or enhanced? Will the setting of the numerous heritage assets in close proximity also be preserved or enhanced? (Reps HE).

Response to Question 8

75. The Council seeks to ensure that the conservation/enhancement of the historic environment is upheld through its approach to masterplanning, and by way of Policy DM 7 Part A, through which all development proposals should seek to “conserve or enhance the character or appearance and function of heritage assets and their settings, and respect the significance of the historic environment” and Policy DM 7 Part B, which protects the significance and setting of heritage assets from harm as a result of development. An amendment is proposed to the wording of DM 7 Part B to explicitly state a requirement for a heritage statement and archaeological evaluation to be required for any application that may affect heritage assets (both designated and non-designated). It has been agreed through the Draft Statement of Common Ground with Historic England, (Appendix 2 to this Statement), that these policies are effective and fit for purpose. These policies are relevant to all heritage assets referred to within this question. It is also proposed to make specific reference to the listed buildings and scheduled monuments in the masterplan area by way of a proposed amendment to Policy SP5.2 - Water Lane Area (G) as follows:

(vi) A sympathetic design which responds to listed buildings adjacent and within the site, Scheduled Monuments to the north and west and considers the setting of the conservation area

76. In addition to the above, the preservation or enhancement of heritage assets is addressed at page 31 and page 32 of The Harlow and Gilston Garden Town Design Guide (EB1406)
77. In making this allocation, due regard has been given to the heritage assets outlined above through the jointly commissioned Harlow Strategic Site Assessment (EB1500) and Appendix B1.5.2 - Results of identifying sites for Further Testing (EB805I) as part of the Site Selection Report (EB805).
78. As indicated in the Council's Hearing Statement for Matter 8 (Issue 3, Question 1) an amendment is proposed to the wording of SP 4 as proposed in the Draft Statement of Common Ground with Historic England (Appendix 2 to this Statement). This will require a Heritage Impact Assessment to be completed at the strategic masterplan stage. The application of Policy SP4 and SP5 will ensure due regard is given to designated and non-designated heritage assets in, and surrounding, the development of the Garden Town Communities planned in the Harlow and Gilston Garden Town.

Inspector's Question 9

Site SP5.3: East of Harlow

- 9. Map 2.1 shows that the Masterplan Area for this allocation crosses the boundary with Harlow. Have the Councils worked together to ensure complementary proposals for this area?**

Response to Question 9

79. The Councils have worked together to ensure complementary proposals for the East of Harlow area.
80. There is a Memorandum of Understanding between Epping Forest, Harlow, East Hertfordshire and Uttlesford District Councils about the distribution of housing across the West Essex/East Hertfordshire Housing Market Area (EB1202).
81. In addition, Epping Forest District Council and Harlow District Council have worked collaboratively to align and coordinate their Local Plans. Relevant policies have been developed collaboratively and processes have been put in place to ensure a joined-up approach to masterplanning. This includes the approach to cross boundary planning applications at East of Harlow agreed by the Garden Town Board on 18 June 2018 (EB1334) and endorsed by Epping Forest District Cabinet on 18 October 2018 (EB133 Appendix 3).
82. A regular Garden Town Developer Forum has been jointly set up and meetings are being held with developers. There have been ongoing Duty to Co-operate

discussions at officer and Member level, including through the Cooperation for Sustainable Development Member Board and the Garden Town Member Board, to consider cross-boundary issues and both Princess Alexander Hospital Trust (PAH) and ECC have been party to these to ensure a consistent approach to infrastructure delivery.

83. Epping Forest District Council and Harlow District Council have worked together through the Garden Town Delivery workstream to consider and establish an appropriate approach to bringing forward plans for the SP 5.3 East Harlow site; including having one strategic masterplan. The report to Cabinet on the 18 October 2018 (EB133) states at paragraph 28 *“at the site specific level, aligning a consistent approach across each local authority area is particularly important. From an EFDC perspective this is vital to shape the delivery of the East of Harlow site, where a single masterplan will straddle both Harlow and EFDC’s administrative boundary. A report considering the approach to the determination of planning applications on the East of Harlow site was taken to the Garden Town Member Board on 18 June 2018 (see Appendix 3), and concluded that it would be preferable for two separate (but otherwise identical) planning applications to be submitted to each respective local authority. It is therefore important that the Strategic Masterplan is given equal status and weight in each authority area to enable planning decisions to be made that are consistent”*. This approach was agreed by Members.
84. Finally, The Harlow and Gilston Garden Town Vision (EB1405) and the Harlow and Gilston Garden Town Design Guide (EB1406) provide a consistent overarching basis for planning the SP5.3 East Harlow site across boundaries. Page 26 of the Vision (EB1405) and page 46 of the Design Guide (EB1406) confirm the collaborative working that has taken place between the three District Councils (Epping, Harlow and East Herts) in the preparation of the Vision and Design Guide, along with more detailed guidance and delivery of the Garden Town.
85. In order to be consistent and to address the concerns raised by Historic England and as set out in the Draft Statement of Common Ground (see Appendix 2 to this statement it is proposed to amend Policy SP 5.3 – East of Harlow (H) as follows:
- (vi) A sympathetic design which responds to listed buildings adjacent and within the site, Registered Parks and Garden to the west and Scheduled Monuments in close proximity to the site

Inspector's Question 10

10. Are the requirements in Policy SP5(H) intended to apply to the whole Masterplan Area or only to the part within Epping Forest? Should this be clarified? In particular, is the “local centre” required by Part H(v) needed to support the whole area or just that in Epping Forest?

Response to Question 10

86. The requirements contained within Policy SP 5 (H) only relate to the allocation site reference SP 5.2, which is shown on Map 2.4. This constitutes just the area of the East of Harlow Masterplan Site situated within the administrative boundary of Epping Forest District. An amendment to the Policy can be made in order to clarify this if considered to be necessary.
87. The ‘local centre’ required by Part H (v) is to support the allocation site reference SP 5.2 and not the entire site. The Harlow Local Development Plan Policy HS3 (F) contains a similar requirement the developers to “provide for appropriate local retail facilities, similar to Neighbourhood Centres (incorporating an element of employment use) and Hatches elsewhere in Harlow”. This requirement relates to the allocation site HS3 as shown on the Harlow Local Development Plan Policies Map, which is situated within the administrative boundary of Harlow District. Furthermore, the indicative plan on page 27 of the Harlow and Gilston Garden Town Design Guide (EB1406) demonstrates that a local centre will be provided in the northern part of the allocation site (within Epping Forest District) with a large village centre/smaller local centre being provided in the southern part of the allocation site (within Harlow District).

Inspector's Question 11

11. I understand that no firm decisions have been made about the preferred location for the new hospital campus or secondary school referred to in Part H(vi) and (viii) respectively. On this basis, is it justified to include these requirements in the Policy? What will happen to the land safeguarded for these purposes if ultimately it is not needed? Should this be clarified?

Response to Question 11

88. The Council considers that it is justified to include the requirement for the relocation of the hospital site and the secondary school in the policy to ensure the delivery of these key pieces of infrastructure. However, an amendment to the wording can be made in order to clarify this if considered to be necessary.

89. If the land is not required within allocation site reference SP 5.2 for the hospital campus or secondary school, then the land take could be utilised for other purposes, although this would not necessarily mean housing. It has been agreed with the site landowners that two masterplan options can be produced and considered concurrently, one with the hospital campus provided and one without. The location of the secondary school would also be determined as part of the Strategic Masterplanning work.

Inspector's Question 12

12. Should part H(xvi) concerning surface water run-off to Pincey Brook also require any increased volume of water discharging into the Brook to be mitigated? (See reps ECC).

Response to Question 12

90. As agreed in the (draft) Statement of Common Ground with Essex County Council (ED10), The Council proposes an amendment to Policy SP 5 Part H(xvi) to address the County Council's representations as follows:

Policy SP 5 Part H(xvi)

"Measures to ensure the protection of the functional flood plain and restriction of surface water run-off from the site into Pincey Brook to no more than existing rates and where possible existing volumes. In order to mitigate any increased volumes, discharge rates should either be limited to the 1 in 1 greenfield rate or provide long-term storage."

Inspector's Question 13

13. Are the requirements of Part H(xii) concerning the highway works required too specific at this stage? Should this part be reworded to allow for detailed solutions to be determined at the planning application stage? (Reps ECC).

Response to Question 13

91. As agreed in the (draft) Statement of Common Ground with Essex County Council (ED10), the Council proposes an amendment to Policy SP 5 Part H(xii) to address the County Council's representations as follows:

Policy SP 5 Part H(xii)

~~"The delivery of works to widen the B183 Gilden Way, a left turn slip road from M11 Junction 7A link road approach to the East Harlow northern~~

access road ahead of development commencing; Suitable highway improvements to be agreed with the highway authority;"

APPENDIX A: Examination documents referred to in this statement

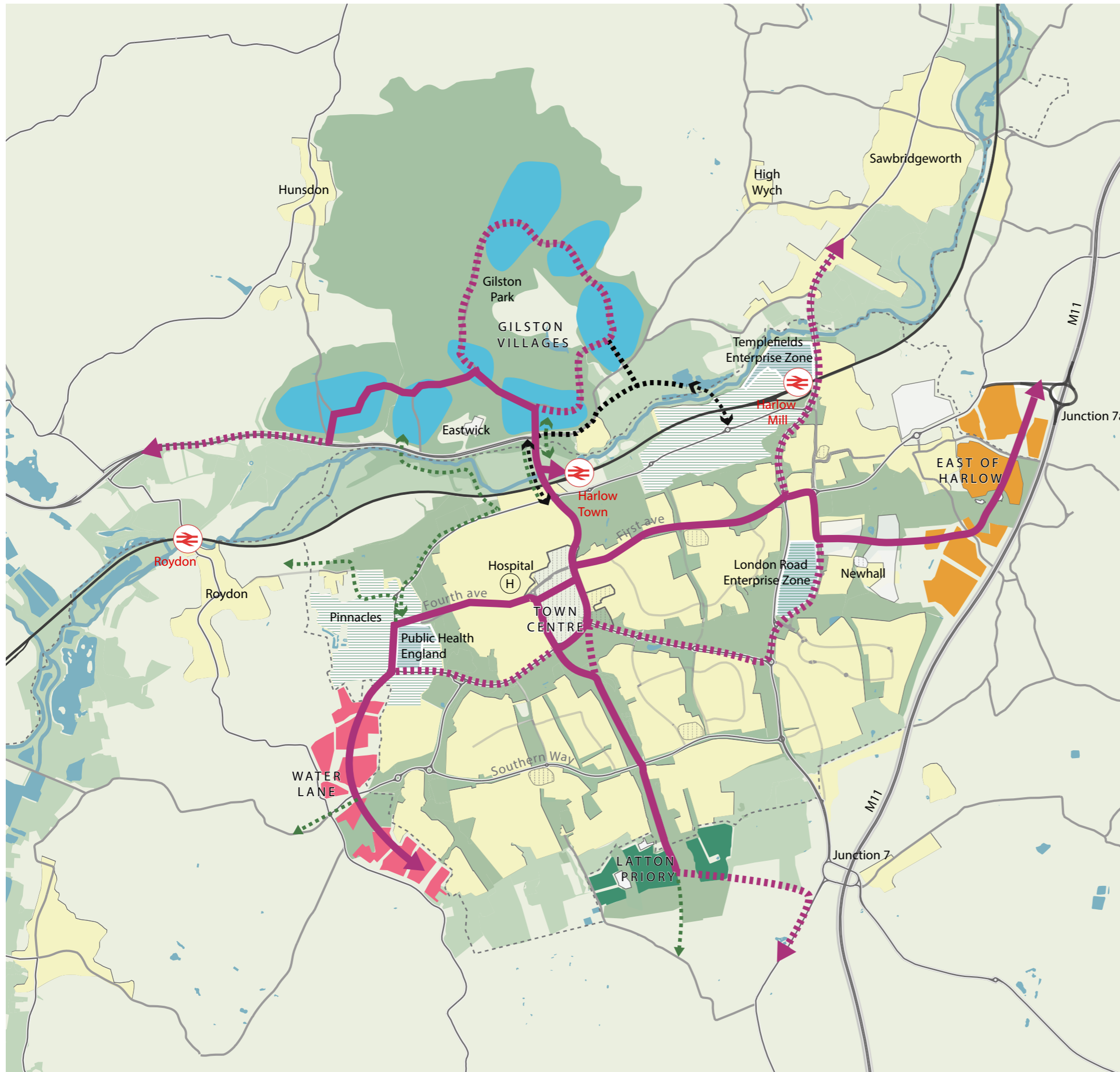
Reference	Name	Author	Date
19STAT0020	Historic England Regulation 20 Representation	Historic England	2018
EB1101A	Epping Forest District Infrastructure Delivery Plan – Part A Report	Arup	2017
EB1101B	Epping Forest District Infrastructure Delivery Plan – Part B Report	Arup	2017
EB1101C	Epping Forest District Council: Infrastructure Delivery Topic Paper	Epping Forest District Council	October 2018
EB1101D	Aligning Epping Forest District and Harlow IDPs	Arup	June 2017
EB1107	Essex County Council's Developers Guide to Infrastructure Contributions	Essex County Council	2016
EB1201	Memorandum of Understanding on Highways & Transportation Infrastructure for the West Essex / East Hertfordshire Housing Market Area	East Herts Council/ Epping Forest District Council/ Harlow District Council/ Uttlesford District Council/ Essex County Council/ Hertfordshire County Council	February 2017
EB1202	Memorandum of Understanding on Distribution of Objectively Assessed Housing Need across the West Essex / East Hertfordshire Housing Market Area	East Herts Council/ Epping Forest District Council/ Harlow District Council/ Uttlesford District Council/ Essex County Council/ Hertfordshire County Council	March 2017
EB133	Report to Cabinet on 18 October 2018 Governance Arrangements for Local Plan Implementation	Epping Forest District Council	October 2018
EB1334	Report to the Garden Town Member Board on the Approach to Cross-Boundary Planning Applications at East of Harlow	Garden Town Team	18 June 2018
EB135	Report to Cabinet on 10 December 2018 Harlow and Gilston Garden Town – Vision and Design Guide	Harlow and Gilston Garden Town	December 2018

Reference	Name	Author	Date
EB1401	Harlow and Gilston Garden Town Expression of Interest	Epping Forest, East Herts & Harlow District Councils	October 2016
EB1405	Harlow and Gilston Garden Town Design Guide	Allies and Morrison Urban Practitioners	November 2018
EB1406	Harlow and Gilston Garden Town Vision	Allies and Morrison Urban Practitioners	November 2018
EB1407A	Sustainable Transport Corridor Study	Systra	January 2019
EB1408	Harlow and Gilston Garden Town Draft Transport Strategy	Harlow and Gilston Garden Town	February 2019
EB1500	Harlow Strategic Site Assessment	AECOM	2016
EB204	Sustainability and Equalities Impact Appraisal	AECOM	2017
EB300	Stage 1 Assessment of the Viability of Affordable Housing, CIL and Local Plan	Dixon Searle Partnership	June 2015
EB301	Viability Study Stage 2	Dixon Searle Partnership	November 2017
EB410B	Housing Implementation Strategy	EFDC	January 2019
EB602	Employment Land Supply Assessment	Arup	December 2017
EB603	Employment Review	Hardisty Jones Associates	December 2017
EB610	West Essex and East Hertfordshire Assessment of Employment Needs	Hardisty Jones Associates	October 2017
EB705B	Green Belt Review: Stage 1 (Technical Annex)	Land Use Consultants	2016
EB805	Site Selection Report	Arup	March 2018
EB805I	Appendix B1.5.2 - Results of identifying sites for Further Testing	Arup	2018
EB805N	B1.6.4 – Results of Capacity and Deliverability Assessments	Arup	2018

Reference	Name	Author	Date
ED9	Harlow and Gilston Garden Town update	Epping Forest District Council	February 2019
ED10	Draft Statement of Common Ground between Epping Forest District Council and Essex County Council	Epping Forest District Council and Essex County Council	February 2019

APPENDIX

1



-  District boundaries
-  Train stations
-  New neighbourhoods and villages
-  Harlow Town Centre and local centres
-  Industrial areas
-  Enterprise Zones / PHE
-  Existing neighbourhoods and villages
-  Sustainable Transport Corridor (incl. walking and cycling)
-  Sustainable Transport Corridor potential extension (incl. walking and cycling)
-  New / improved road river crossing
-  New / improved pedestrian and cycle link
-  Potential road extension
-  Junction 7a
-  Potential hospital redevelopment

APPENDIX

2

Epping Forest District Local Plan Submission Version 2017

Statement of Common Ground between Epping Forest District Council and Historic England

February 2019

Summary

This Statement of Common Ground (SoCG) has been prepared by Epping Forest District Council (the Council) and Historic England (HE) to inform the Inspector and other interested parties about the areas of agreement and matters not yet agreed between the two parties for the purpose of the examination of the Epping Forest District Local Plan Submission Version 2011 - 2033 (referred to hereafter as the Local Plan Submission Version or LPSV).

1.0 Background

- 1.1 The Council is the Local Planning Authority responsible for the production of the Local Plan for Epping Forest District. HE is the public body that protects historic places in England. This SoCG focuses on the matters which are relevant to the two parties and is provided without prejudice to other matters of detail that the parties may wish to raise during the examination.
- 1.2 The Council has engaged with HE through official Local Plan stages and separate consultations such as ad hoc presentations to the Co-operation for Sustainable Development Officers Group.
- 1.3 Historic England submitted representations to both the Regulation 18 consultation and the Regulation 19 publication. The Draft Local Plan was consulted on in October to December 2016. The Regulation 18 response from HE gave some general comments on individual policies and more detailed comments on the draft allocations included in the Draft Local Plan. The Council reviewed the comments made at Regulation 18 and incorporated any comments made specifically on draft allocations into the second round of the site selection process.
- 1.4 The Regulation 19 Local Plan Submission Version (LPSV) was published and representations sought in December 2017 to January 2018. The representation submitted to the Council dated 29 January 2018 covered the following main comments:
 - i. The use of wording in the Local Plan vision and other key policies and whether it best reflected national guidance.
 - ii. HE requested a change to the wording of the vision for the London Stansted Cambridge Core Area.

- iii. The need to carry out Heritage Impact Assessments for the Garden Town Communities to discern the level of impact on the historic environment and any potential mitigation measures necessary.
- iv. HE expressed concern that there were no references to known heritage assets within or in close proximity to the Garden Communities in the policy.
- v. HE questioned the wording and evidence for Policy DM 12 on Subterranean, base development and lightwells.
- vi. The weight of Appendix 6 to the Plan was questioned, with HE expressing that inclusion of heritage assets in the policy text would ensure that they were given greater significance.
- vii. Site or area specific comments relating to the relationship to key heritage assets.

2.0 Areas of Common Ground

- 2.1 The Council and HE have agreed a number of areas of common ground which will require modifications to the Plan. The Council will propose modifications to the Inspector for incorporation in the Local Plan in line with the modifications set out in Appendix 1 (Resolved Objections) of this document. If the Inspector is minded to accept these proposed modifications, these modifications will address the issues raised by HE.
- 2.2 The Council and HE have also agreed a number of representations which HE notes the Council's position on and will therefore be making no further comments to their submitted representations. These are incorporated in Appendix 1.

3.0 Areas of Uncommon Common Ground

- 3.1 All outstanding objections are detailed in Appendix 2 with a summary of each parties' position on the respective objections. These issues relate to the Vision, strategic policy SP5 (Garden Town Communities) and site allocations SP5.1 (Latton Priory), SP5.2 (Water Lane Area) and SP5.3 (East of Harlow). Supplementary information on heritage matters relating to the strategic site allocations is provided in appendix 3.
- 3.2 Both parties acknowledge that this SoCG does not preclude any further written or verbal representations that EFDC or HE may wish to make as part of the Local Plan Examination, in relation to any other matters which may not have been agreed and/or which do not form part of this SoCG.

4.0 Legal Compliance and Duty to Co-operate

- 4.1 All the representations HE made to the LPSV are in relation to soundness matters as defined under paragraph 182 of the 2012 NPPF. Both EFDC and HE have complied with their Duty to Co-operate to date and continue to engage proactively with each other.

5.0 Signatures

Name	
Position	
Signature	
Organisation	Epping Forest District Council
Date:	

Name	
Position	
Signature	
Organisation	Historic England
Date:	

Appendix 1 – Resolved Objections

For proposed modifications, underlined text = new text suggested, and ~~Strikethrough text~~ = text proposed for removal

Objections in relation to heritage matters

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
1	Chapter 1: Introduction. Paragraph 1.44	4 - Consistent with National Policy Recommend that the wording referring to “historical artefacts and buildings” be amended to better reflect national policy and improve soundness of the plan	Revise wording of Paragraph 1.44 to refer to “historic environment” rather than “historical artefacts and buildings”. This will better reflect national policy and improve the soundness of the plan	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Paragraph 1.44 <u>Protecting and enhancing the historic environment</u> historical artefacts and buildings , protected trees, hedgerows and landscape.
2	Paragraph 2.26	3 – Effectiveness Although welcome recognition of character as a contributor to creation of locally distinct places, the Vision should be strengthened to better emphasise the aspiration of conserving or enhancing the historic environment.	Revise wording of Paragraph 2.26 to change “maintain and enhance the special character of the area” to “maintain or enhance” in point A(i). Amend A(iv) to include reference to “high quality built, natural and historic environment, unique landscapes”.	HE notes the Council’s position and will be making no further comments on this representation. The Vision for the LSCC Core Area was agreed in the Memorandum of Understanding for the Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area to which EFDC are a signatory to. The specific wording for the vision was included as an appendix to the MoU and all signatory authorities agreed to include it in their Local Plans. The Council therefore cannot make any changes to this section of the LPSV.
3	Paragraph 2.27 – Vision for the District	4 - Consistent with National Policy The Plan’s strategic policies will derive from the Vision so there needs to be sufficient aspirations in the Vision for the maintenance and enhancement of the historic environment as a strand in the pursuit of sustainable development as defined by paragraph 14 of the NPPF. This will help to ensure that associated strategic policies incorporate a positive and clear strategy to deliver the conservation and enjoyment of the historic environment (linked to paragraphs 126 and 157 of the NPPF)	Revise wording of Paragraph 2.27 (Vision for the District) to include bullet point (vi) Vision should be locally specific to Epping Forest District and reference types of heritage assets / character of settlements found in the district. Should refer explicitly to ‘conserving and enhancing’ the historic environment. Add bullet point which reads “the historic environment will be conserved and enhanced”.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Paragraph 2.27 - Vision for the District <u>‘(vi) the historic environment will be conserved or enhanced’</u>

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
			Vision should refer to Heritage at Risk register.	
4	Paragraph 2.27 – Local Plan Objectives	3 – Effectiveness Recommend point A (iv) is amended to replace term “heritage resources” with “historic environment”	Revise wording of Paragraph 2.27 (Local Plan Objectives) to change point A(iv) from “heritage resources” to “historic environment” before going on to list types of heritage assets.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Paragraph 2.27 – Local Plan Objectives ‘A(iv) to protect and encourage the enhancement of <u>heritage resources</u> <u>the historic environment</u> including Scheduled Monuments, statutorily and locally listed buildings, Registered Parks and Gardens, and Conservation Areas’
5	Policy SP4 – Development & Delivery of Garden Communities in the Harlow and Gilston Garden Town	3 – Effectiveness Reference to the Garden City principles should refer to the historic environment. The current wording of Point C(xvi) is insufficient alone to secure the conservation and enhancement of the historic environment. The current policy does not cover aspects of built heritage, townscape, archaeology or designed landscapes. Lack of consideration for heritage at this strategic level is concerning. An additional criterion should be added which relates to the historic environment.	Reference to the Garden City principles should refer to the wider historic environment. It is recommended that an additional criterion should be added to SP4 which solely relates to the historic environment.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Policy SP4 – Development & Delivery of Garden Communities in the Harlow and Gilston Garden Town C(xvi) ‘Create distinctive environments which relate to the surrounding area, <u>protect or enhance</u> the natural and historic landscapes, systems <u>and wider historic environment</u> , provide a multi-functional green-grid which creates significant networks of new green infrastructure and which provides a high degree of connectivity to existing corridors and networks, and enhances biodiversity’
6	Policy T1 – Sustainable Transport Choices	3 – Effectiveness Design of transport modes (e.g. highways design, cycle paths, hardstanding, signage) should consider the historic environment of the area need to assess their impacts upon townscape, historic landscape and heritage assets and design accordingly.	The policy should include a criterion which will ensure that transport appraisals properly assess all potential impacts on the historic environment to an appropriate level of detail.	HE notes the Council’s position and will be making no further comments on this representation. The LPSV should be read as a complete document which means that Policy DM 7 and Policy DM 9 will apply when reviewing the design of highways.

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
7	Policy DM 7 – Heritage Assets	3 – Effectiveness No objection – See proposed modifications	<p>Revise title of Policy DM7 Policy to “Historic Environment”. Point A should be reworded to read “development proposals should seek to conserve or enhance the character or appearance”. Enhancement could be further emphasised in the supporting text.</p> <p>The requirement for a heritage statement (para 4.60) and the need for an archaeological evaluation (para 4.63) should be reflected in the policy as a criterion as well.</p>	<p>HE agrees to withdraw this representation subject to the following:</p> <p>Proposed LPSV modification: Policy DM 7 - Heritage Assets ‘<u>Historic Environment</u>’</p> <p>Part A: ...Development proposals should seek to conserve and <u>or</u> enhance the character <u>or</u> appearance and function of heritage assets...</p> <p>Part B: ‘Heritage assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset (whether designated or non-designated) or its setting, will not be permitted without a clear justification to show that the public benefits of the proposal considerably outweigh any harm to the significance or special interest of the heritage asset in question. <u>A heritage statement will be required for any application that may affect heritage assets (both designated and non-designated). Where development proposals may affect heritage assets of archaeological interest, an archaeological evaluation will be required.</u>’</p>
8	Policy DM 9 - High quality design	3 – Effectiveness Need for design to respond to and have regard to the historic environment.	Revise wording of Policy DM9 to include a bullet point referring to the need for design to respond to and have regard to the historic environment.	<p>HE agrees to withdraw this representation subject to the following:</p> <p>Proposed LPSV modification: Policy DM9 - A(i)</p> <p>‘<u>Relate positively to their context, drawing on the local character and historic environment</u>’</p>
9	Policy DM 12 – Subterranean, basement development and lightwells	<p>3 – Effectiveness The implications for basement development on the historic environment should be better articulated and considered in the supporting text and policy.</p> <p>Recognition of the historic environment in Point A(v) needs to be strengthened in the policy and supporting text.</p> <p>It is not clear how the historic environment has been considered when</p>	<p>Revise wording of Policy DM12 to change point A(v) from “will not adversely impact” to “will conserve or enhance”.</p> <p>Additional supporting text (as a minimum) signposting relevant considerations or policy for householders to consider the historic environment is needed.</p>	<p>HE agrees to withdraw this representation subject to the following:</p> <p>Proposed LPSV modification: Policy DM12 - A(v)</p> <p>‘...will not adversely impact <u>will conserve or enhance</u> the local natural and historic environment, <u>in line with the considerations set out in Policy DM 7.</u>’</p> <p>Paragraph 4.83</p>

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
		<p>developing this policy. Key related issues such as archaeology, disturbance to/loss of historic fabric and impact to character. Specific reference to these elements should be made to support applications.</p> <p>Questions referral to permitted development rights and why this hasn't been included elsewhere in relation to above ground extensions, change of uses or other works.</p> <p>There is limited detail provided as to how applicants should interpret the policy, lack of evidence to support and demonstrate how the historic environment has been considered. There is not enough detail given about what information will need to be provided about construction etc.</p>	<p>Historic environment should be listed alongside natural environments in paragraph 4.83.</p>	<p>'It is important that basement development is carried out in a way that does not harm the amenity of neighbours, compromise the structural stability of adjoining properties, increase flood risk or damage the character of the area, <u>historic or</u> natural environments in line with national planning policy.'</p> <p>See 'Glossary' modification which includes the mention of archaeological remains.</p>
10	Policy DM 14 – Shopfronts and on street dining	<p>3 – Effectiveness Suggest that “historic features” rather than “original features” is used.</p>	<p>Revise wording of Policy DM14 (Shopfronts) to change point A(ii) to “historic features” rather than “original features”.</p>	<p>HE agrees to withdraw this representation subject to the following:</p> <p>Proposed LPSV modification: Policy DM14 - A(ii)</p> <p>'replacement shopfronts should relate to the host building and conserve <u>original historic</u> materials and features as far as possible'</p>
11	Policy DM 20 – Low carbon and renewable energy	<p>3 – Effectiveness Listed buildings, buildings in conservation areas and scheduled monuments are exempted from the need to comply with energy efficiency requirement of the Building Regulations where compliance would unacceptably alter their character or appearance. Part L of the Building Regulations outlines further special considerations given to heritage assets.</p> <p>The design and siting of some energy efficient equipment can have a detrimental impact on the character and</p>	<p>Supporting text should make reference to the exemptions of listed buildings, buildings in conservation areas and scheduled monuments to comply with energy efficiency requirements.</p> <p>Reference to the historic environment should be made in relation to the design and siting of energy efficiency equipment.</p>	<p>HE agrees to withdraw this representation subject to the following:</p> <p>Proposed LPSV modification: Additional paragraph below 4.143</p> <p><u>'The design and siting of energy efficiency equipment should consider the historic environment. Certain classes of historic buildings are exempt from the need to comply with the energy efficiency requirements where compliance would unacceptably alter their character and appearance. In line with Part L of the Building Regulations, special considerations are given to a number of buildings. These include locally listed buildings, buildings of architectural or historic interest within registered parks and gardens and the curtilages of scheduled monuments, and buildings of traditional construction with</u></p>

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
		appearance of a historic places and setting of heritage assets		<u>permeable fabric that both absorbs and readily allows the evaporation of moisture.'</u>
12	Policy DM 21 (Point E) – Local environmental impacts, pollution and land contamination	3 – Effectiveness Some heritage assets, such as listed buildings, may not be compatible with modern construction techniques and it is not clear how this policy will be applied. It is advised that the policy or supporting clarifies the position regarding heritage assets and sustainable construction techniques.	Propose to amend supporting text to ensure construction techniques are appropriate and suitable for listed buildings/heritage assets.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Policy DM 21 - Point E In addition, the Council supports the use of sustainable design and construction techniques including where appropriate the local or on-site sourcing of building materials enabling reuse and recycling on site. <u>'For existing buildings which are heritage assets, in considering whether sustainable construction requirements are practical, consideration should be given to policies DM 7 and DM 8. Historic buildings dating pre-1919 are often of a traditional construction which performs differently, and not all types of sustainable construction would be appropriate in alteration and extensions to these buildings.'</u>
13	Policy P 1 – Epping (South Epping Masterplan Area)	3 – Effectiveness The objective to minimise heritage impacts on designated assets of could be strengthened	Revise wording of Policy P1 (South Epping Masterplan Area) – Point K(viii) from “minimising impact” to “conserved or enhanced”.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Policy P1 (South Epping Masterplan Area) – Point K(viii) <u>Minimising the impact upon 'Conserving or enhancing the setting of the Grade II listed Gardners Farm and Grade II listed Farm Buildings.'</u>
14	Appendix 6, WAL.R4 – Fire Station at Sewardstone Road	3 – Effectiveness Development of these sites has the potential to impact on the setting of designated heritage assets. It should be noted that the Waltham Abbey Conservation Area is on the National Heritage at Risk Register.	WAL.R4 - It is recommended that the policy and supporting text recognise that the conservation area is on the HAR register.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Appendix 6 (Site Specific Requirements), WAL.R4 Add section on heritage: <u>'Heritage'</u> This site is adjacent to the Waltham Abbey Conservation Area, which is on the National Heritage at Risk Register.

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
15	Appendix 6, WAL.R5 – Waltham Abbey Community Centre (Heritage)	3 – Effectiveness Development of these sites has the potential to impact on the setting of designated heritage assets. It should be noted that the Waltham Abbey Conservation Area is on the National Heritage at Risk Register.	WAL.R5 - It is recommended that the policy and supporting text recognise that the conservation area is on the HAR register.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Appendix 6 (Site Specific Requirements), WAL.R5 (Heritage) The site is adjacent to the Waltham Abbey Conservation Area <u>which is listed on the National Heritage at Risk register.</u>
16	Policy P 6 - North Weald Bassett Masterplan Area (point L)	3 – Effectiveness Harm in the first instance should be avoided before mitigation is considered therefore advise that a policy criterion is added to make provision for the conservation and enhancement of the historic environment and for the setting of the individual heritage assets.	Policy wording for NWB Masterplan Area, point L(vi) changed to read “development should conserve or enhance the setting of the Grade II listed buildings Bluemans Farm and Tyler’s Farmhouse”.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Policy P 6 (Point L – (vi)) ‘... careful design that mitigates any potential impact upon <u>development should conserve or enhance</u> the Grade II Listed Buildings at Bluemans Farm/Tyler’s Farmhouse.
17	Policy P 10/Appendix 6	3 – Effectiveness NAZE.E6 and NAZE.E7 are adjacent to Nazeing and South Roydon Conservation Area which is listed on the National Heritage at Risk Register. Any development will need to protect and enhance the listed buildings and their settings and should be high design quality.	Policy wording should be updated to ensure development protects and enhances adjacent listed buildings and their settings and should be high design quality. It is also recommended that the policy and supporting text recognise that the conservation area is on the HAR register	HE notes the Council’s position and will be making no further comments on this representation. These are existing employment sites, therefore the same level of site guidelines does not apply. Any further applications will be assessed in line with Policy DM 7 and Policy DM 8 which will conserve/enhance the heritage assets in this area.
18	Appendix 6, LSHR.R1 – Land at Lower Sheering (Heritage)	3 – Effectiveness LSHR.R1 – Located adjacent to the Lower Sheering Conservation Area and there is concern the development of this site would adversely impact upon the group of buildings. Development requirements do not reference Grade II* listed lodges.	Request that the policy and supporting text is amended to identify the lodges and that a policy criterion is added to ensure that development conserves or enhances the setting of these buildings. It is recommended that the policy and supporting text recognise that the conservation area is on the HAR register.	HE agrees to withdraw this representation subject to the following: Proposed LPSV modification: Appendix 6 (Site Specific Requirements), LSHR.R1 (Heritage) Development of this site may impact upon the setting of the Grade II listed Little Hyde Hall, <u>and the Grade II* listed Lodges at the south entrance to the Park of Great Hyde Hall.</u> The site is located adjacent to the Lower Sheering Conservation Area <u>which is listed on the Heritage at Risk register.</u>

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Agreed position
19	Appendix 6	3 – Effectiveness Variety of site allocations where the requirements in Appendix 6 are welcomed but there is concern over the weight of these requirements.	N/A	<p>HE notes the Council’s position and will be making no further comments on this representation.</p> <p>Appendix 6 is still part of the plan and it is stated in the policy text for all Places policies that ‘proposals for development on allocated sites should accord with the site-specific requirements set out in Appendix 6’.</p> <p>Guidance in appendix 6 will have appropriate weight to ensure the conservation and enhancement of heritage assets.</p>
20	Appendix 6	3 – Effectiveness Concern raised that the guidance given on heritage will not have appropriate weight if it forms part of an appendix.	HE would prefer the requirements written into the policy, and if this is not possible for appendix 6 to form part of the Places chapter.	<p>HE notes the Council’s position and will be making no further comments on this representation.</p> <p>Appendix 6 is still part of the plan and it is stated in the policy text for all Places policies that ‘proposals for development on allocated sites should accord with the site-specific requirements set out in Appendix 6’.</p> <p>Guidance in appendix 6 will have appropriate weight to ensure the conservation and enhancement of heritage assets.</p>
21	Glossary	3 – Effectiveness Specific reference to archaeology is omitted from policy DM12	N/A	<p>Definition of heritage asset: A building, monument, site, place, area or landscape, <u>or archaeological remains</u>, identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).</p>

Appendix 2 – Outstanding Objections

For proposed modifications, underlined text = new text suggested, and ~~Strikethrough text~~ = text proposed for removal

Objections in relation to heritage matters

Ref.	Policy	Objection on soundness 1- Positively prepared; 2 -Justified; 3- Effective; 4 - Consistent with National Policy	HE proposed modifications	Current position
1	Paragraph 2.27 – Vision for the District	<p>3 – Effectiveness Vision should be locally specific to Epping Forest District and reference types of heritage assets / character of settlements found in the district. Should refer explicitly to ‘conserving and enhancing’ the historic environment.</p> <p>Epping Forest District contains a number of sites which are on the 2017 National at Risk Register (HAR register). It is advised the Vision contains reference to the need to address HAR. This could also be a useful monitoring indicator.</p>	<p>Revise wording of the Vision to ensure it is locally specific to Epping Forest District and reference types of heritage assets / character of settlements found in the district.</p> <p>Vision should refer to Heritage at Risk register.</p>	<p>EFDC position:</p> <p>Paragraph 2.27 (Vision for the District) is to be amended to explicitly state that ‘(vi) the historic environment will be conserved and enhanced’ in accordance with HE representations. In addition, paragraph 2.27 (Local Plan Objectives) includes the requirement ‘(iv) to protect and encourage the enhancement of the historic environment including Scheduled Monuments, statutorily and locally listed buildings, Registered Parks and Gardens, and Conservation Areas’.</p> <p>The types of heritage assets/character of settlements are listed in the local plan objectives. The vision contains an overarching commitment to conserve and enhance the historic environment. The Council does not consider that it is necessary to refer to the HAR in the vision, as there is already a dedicated policy to this matter (Policy DM 8).</p> <p>The Local Plan should be read as a complete document as is stated on every page of the LPSV document, therefore the types of heritage assets and heritage at risk is felt to be adequately covered in the Plan as stated above.</p> <p>HE position:</p> <p>We would reiterate that we encourage all local plans to be locally specific rather than generic in defining their vision for the historic environment. This information can be drawn from or inspired by the Heritage at Risk Register, Conservation Area Appraisals, information on important heritage in the area. It can cover particular types of heritage assets that are more prevalent in Epping Forest and/or the particular character of the settlements and/or particular building materials used etc.</p>
2	Policy SP4 – Development & Delivery of Garden Communities in the Harlow	<p>2 – Justified Historic Impact Assessments should be undertaken for the Garden Town Communities to determine appropriateness of location for development, extent and therefore</p>	<p>Revise wording of Policy SP4 to ensure Heritage Impact Assessments are prepared for the Garden Community sites in advance of the Independent Examination.</p>	<p>EFDC position:</p> <p>The Council does not consider that it is necessary to undertake Heritage Impact Assessments of sites as part of the evidence base as an initial assessment has been undertaken through the site selection process (see evidence outlined in Appendix 3) and there</p>

	<p>and Gilston Garden Town</p>	<p>potential capacity, the impacts upon the historic environment, impacts of development on the asset and potential mitigation measures. Appropriate criteria for the protection of heritage assets and their settings should be included in policy and supporting text for the Garden Communities.</p>	<p style="text-align: center; opacity: 0.2; font-size: 48px; transform: rotate(-30deg);">DRAFT</p>	<p>are sufficient provisions in the LPSV to ensure the conservation and enhancement of heritage assets in the District. However, the Council are proposing the undertaking of a Heritage Impact Assessment as part of the masterplan process for the allocated Garden Community sites to be included under Policy SP4 C(xvii). There will also be a need to undertake an Environmental Impact Assessment at application stage where any heritage issues will be identified.</p> <p>Proposed LPSV modification: Policy SP4 – Development & Delivery of Garden Communities in the Harlow and Gilston Garden Town</p> <p><u>C(xvii) A Heritage Impact Assessment will be required to inform the design of the Garden Town Communities to ensure heritage assets within and surrounding the sites are conserved or enhanced and the proposed development will not cause harm to the significance of a heritage asset or its setting unless the public benefits of the proposed development considerably outweigh any harm to the significance or special interest of the heritage asset in question.</u></p> <p>HE Position</p> <p>Heritage Impact Assessments should be prepared prior to allocating sites to test the suitability of these sites in terms of the potential impact on the historic environment.</p> <p>It is important to establish the suitability of the site per se prior to allocation. If the sites are suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram.</p> <p>This is consistent with other similar strategic site allocations across the East of England.</p>
<p>3</p>	<p>Policy SP5 – Garden Town Communities</p>	<p>2 – Justified</p> <p>Heritage Impact Assessments should be undertaken to support the allocations of the Garden Communities and Masterplan Areas across the district, then used as evidence to support the masterplan process. Should the HIA conclude that development in the area could be acceptable and the site be allocated, the findings of the HIA should inform policy including development criteria and a strategy diagram expressing</p>	<p>Revise wording of Policy SP5 to ensure Heritage Impact Assessments are prepared for the Garden Community sites in advance of the Independent Examination.</p>	<p>EFDC Position:</p> <p>The Council does not consider that it is necessary to undertake Heritage Impact Assessments of sites as part of the evidence base as an initial assessment has been undertaken through the site selection process (see evidence outlined in Appendix 3) and there are sufficient provisions in the LPSV to ensure the conservation and enhancement of heritage assets in the District. However, the Council are proposing the undertaking of a Heritage Impact Assessment as part of the masterplan process for the allocated Garden Community sites to be included under Policy SP4 C(xvii) (Please refer to proposed wording above under ref. 2). There will also be a need to undertake an Environmental Impact Assessment at application stage where any heritage issues will be identified.</p>

		development criteria in diagrammatic form		<p>HE Position:</p> <p>Section 1.8a of Appendix B1.4.1 sets out the assessment criteria. The criteria jump from “(-) Site is located within a Conservation Area or adjacent to a Listed Building or other heritage asset and effects can be mitigated.” To “(--) Site would likely result in the loss of a heritage asset or result in significant impact that cannot be mitigated.” There is no assessment criterion of whether changes to the proposed allocation could be made to avoid the impact. There also is a gulf between the two criterion whereby considerable harm could be caused to significance (directly or through development within setting) which either cannot be mitigated or can only partly be mitigated.</p> <p>The assessment criteria used a 1km setting for scheduled monuments, conservation areas, registered parks and gardens and grade I listed buildings. It was 500m for grade II* listed buildings and nothing for grade II and locally listed buildings. Whilst we understand the need to set an initial parameter for assessment, we would note that the grade of building does not necessarily correlate to the size of their setting though the report notes that, “...the setting of these assets would be smaller and less sensitive to change and thus no buffer was applied...”</p> <p>We note that the larger sites will be subject to the Environmental Impact assessment process, however, this places unreasonable uncertainty in the planning process as an EIA should not be identifying why an allocation is unsound unless, exceptionally, nationally significant archaeology is found where there was no indication of archaeology.</p> <p>Heritage Impact Assessments should be prepared prior to allocating sites to test the suitability of these sites in terms of the potential impact on the historic environment.</p> <p>It is important to establish the suitability of the site per se prior to allocation. If the sites are suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram.</p> <p>This is consistent with other similar strategic site allocations across the East of England.</p>
4	Policy SP5.1 – Latton Priory	2 – Justified and 3 – Effectiveness A number of assets to note to the south of the site, such as Grade II Latton Farmhouse, Grade II* listed Latton Priory, and scheduled	Revise wording of Policy SP5.1 (Latton Priory) to ensure Heritage Impact Assessments are prepared for the Garden Community sites in advance of the Independent Examination.	<p>EFDC Position:</p> <p>Proposed LPSV modification: Policy SP5 - Latton Priory (Point F)</p>

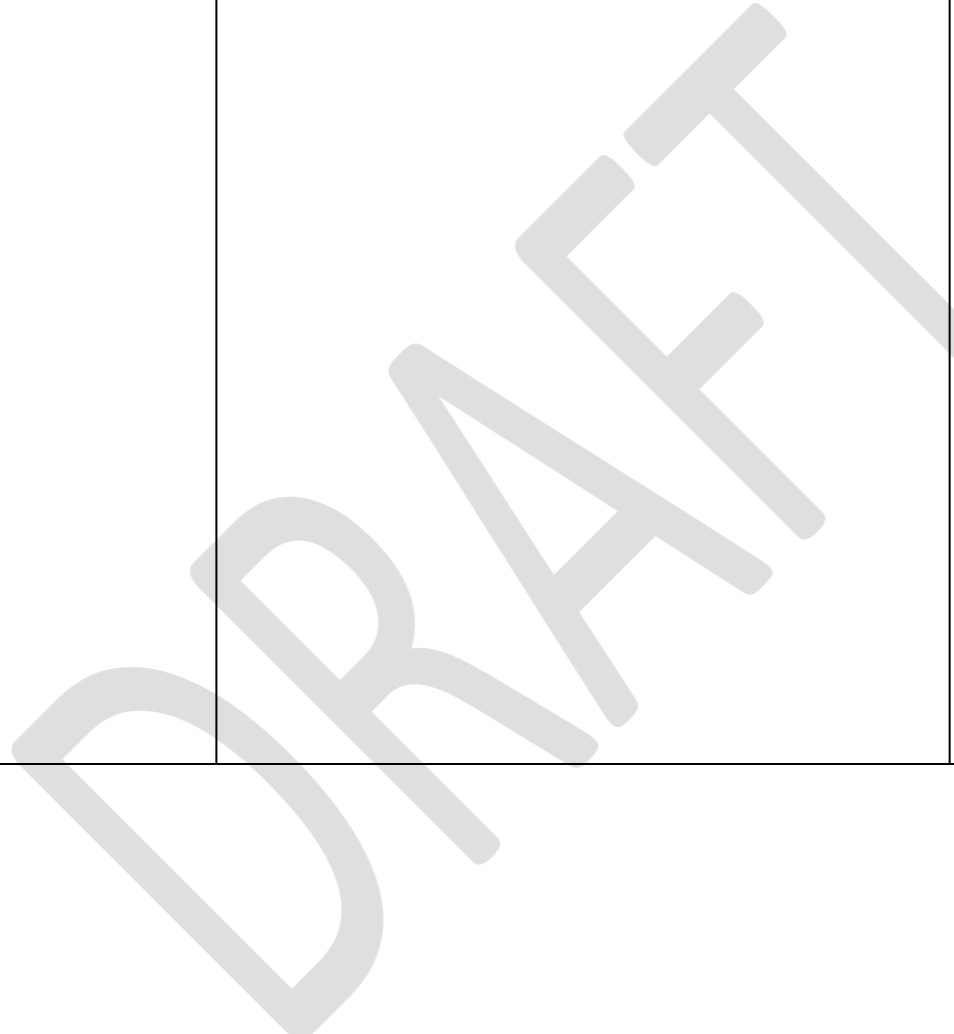
		<p>monuments/moated site south of Dorrington Farm.</p> <p>There is no provision to conserve or enhance the scheduled monument or its setting and policy is silent on the presence of listed buildings and potential presence of non-designated heritage assets.</p> <p>Advise that an assessment of archaeology of the site should be undertaken given proximity to monuments.</p>	<p>Should the Inspector be minded to find the allocations sound in planning terms without a Heritage Impact Assessment forming part of the evidence base, HE advise that additional policy references in respect of the historic environment are required and should include the following:</p> <p><i>“A full Heritage Impact Assessment must be prepared. This assessment should inform the design of the proposed development. Development will need to conserve, and where appropriate enhance, the significance of designated heritage assets, both on site and off site. Harm should be avoided in the first instance. This includes the harm to the significance of heritage assets through development within their settings. Only where harm cannot be avoided should appropriate mitigation measures be incorporated into the design, as identified through the Heritage Impact Assessment.”</i></p> <p>Revise wording of Policy SP5.1 to make explicit reference to potential discovery of non-designated heritage assets as HE are currently researching this area.</p> <p>Policy for the site should refer to listed buildings etc and require masterplanning process to take these things into account.</p>	<p>(vi) A sympathetic design which responds to the adjacent ancient woodland, and the Scheduled Monuments and listed buildings to the south of the site</p> <p>The Council does not consider that it is necessary to undertake Heritage Impact Assessments of sites as part of the evidence base as an initial assessment has been undertaken through the site selection process (see evidence outlined in Appendix 3) and there are sufficient provisions in the LPSV to ensure the conservation and enhancement of heritage assets in the District. However, the Council are proposing the undertaking of a Heritage Impact Assessment as part of the masterplan process for the allocated Garden Community sites to be included under Policy SP4 C(xvii) (Please refer to proposed wording above under ref. 2). There will also be a need to undertake an Environmental Impact Assessment at application stage where any heritage issues will be identified.</p> <p>SP 5.1 Latton Priory is formed of SR-0046A-N and SR-0139. The results of the Stage 2 and Stage 6.2 Assessment can be found in Appendix B1.4.2 - Results of Stage 2 and Stage 6.2 Assessment Part 3 (EB805Fii), on pages B470 and B475. Page F37 of Appendix F1.3 - Stage 2 and Stage 6.2 Assessment (EB805AD) covers the RUR.E19 Dorrington Farm employment site.</p> <p>Policy SP 4 sets out the approach to the development and delivery of the Garden Communities and includes point (xvi) referring to the historic environment.</p> <p>A heritage and archaeology assessment is included as part of the Strategic Masterplan process as noted in the Strategic Masterplanning Briefing Note.</p> <p>The Council's Validation Requirements (EB912) requires that a Heritage Statement is submitted alongside all planning applications and references Historic England guidance.</p> <p>All planning applications (including outline applications for Strategic Masterplan sites) will be assessed against Policy DM 7 and Policy DM 8 of the LPSV.</p> <p>HE position:</p> <p>SR-0046A-N is classified as 'effects can be mitigated' through sensitive layout locating development away from the scheduled monuments of Latton Priory and the moated site to east and utilising landscape features, good design and good screening. There is no underlying evidence provided (i.e. a Heritage Impact Assessment) to support this conclusion. Neither are the mitigation measures included in the policy.</p> <p>For similar allocations in other authorities, this evidence has been present, the mitigation has been included in the policy and concept</p>
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				<p>diagrams showing buffers and means of mitigation e.g. indicative location of country parks or areas where height / density / massing needs to transition are identified. None of this is present here.</p> <p>There is a need for Heritage Impact Assessments for strategic site allocations, where there are significant impacts on the historic environment, as part of the proportionate evidence base. If the sites are suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram. This is consistent with other similar strategic site allocations across the East of England.</p> <p>There is also a need for detailed historic environment policy references in Strategic Policies, including setting out how harm should be avoided or mitigated for the allocation to be sound.</p>
5	Policy SP5.2 – Water Lane Area	<p>2 – Justified and 3 – Effectiveness Nazeing and South Roydon Conservation Area partially overlaps with the site. Site includes three Grade II listed buildings. There are a number of other designated heritage assets including 11 Grade II listed buildings and 2 scheduled monuments.</p> <p>Policy should refer to listed buildings etc and required that the masterplan process takes these into account.</p>	<p>Revise wording of Policy SP5.2 (Water Lane Area) to include explicit reference to requirement for a Heritage Impact Assessment as follows:</p> <p><i>“A full Heritage Impact Assessment must be prepared. This assessment should inform the design of the proposed development. Development will need to conserve, and where appropriate enhance, the significance of designated heritage assets, both on site and off site. Harm should be avoided in the first instance. This includes the harm to the significance of heritage assets through development within their settings. Only where harm cannot be avoided should appropriate mitigation measures be incorporated into the design, as identified through the Heritage Impact Assessment.”</i></p>	<p>EFDC Position:</p> <p>Proposed LPSV modification: Policy SP4 – Development & Delivery of Garden Communities in the Harlow and Gilston Garden Town</p> <p><u>C(xvii) A Heritage Impact Assessment will be required to inform the design of the Garden Town Communities to ensure heritage assets within and surrounding the sites are conserved or enhanced and the proposed development will not cause harm to the significance of a heritage asset or its setting unless the public benefits of the proposed development considerably outweigh any harm to the significance or special interest of the heritage asset in question.</u></p> <p>Proposed LPSV modification: Policy SP5 – Water Lane Area (Point G)</p> <p><u>(vi) A sympathetic design which responds to listed buildings adjacent and within the site, Scheduled Monuments to the north and west and considers the setting of the conservation area</u></p> <p>HE Position:</p> <p>In respect of Water Lane, HE notes the report commissioned by the developers for part of the proposed site allocation, which now forms part of the Council's evidence base, and the AECOM Strategic Site Assessment.</p> <p>The wording proposed by EFDC does not take into account that in terms of setting it is harm to the significance of the heritage asset through development within its setting. It also does not take account of the varying tests for harm depending on whether that harm is</p>

				<p>substantial or less than substantial harm or whether the asset is designated or non-designated. The proposed wording also accepts harm for public benefit without consideration for how that harm could be avoided or mitigated.</p>
<p>6</p>	<p>Policy SP5.3 – East of Harlow</p>	<p>2 – Justified and 3 – Effectiveness Site contains a Grade II* building, 3 Grade II listed buildings. There are two Registered Park and Gardens within close proximity to the site. HE will be a statutory consultee to any proposals and these assets should be identified in the policy and supporting text.</p> <p>Any masterplan needs to take into account the need to protect and enhance the conservation area, scheduled monuments, listed buildings and their settings with the development to be high design quality.</p>	<p>Revise wording of Policy SP5.3 (East of Harlow) to ensure Heritage Impact Assessments are prepared for the Garden Community sites in advance of the Independent Examination.</p> <p>Should the Inspector be minded to find the allocations sound in planning terms without a Heritage Impact Assessment forming part of the evidence base, HE advise that additional policy references in respect of the historic environment are required and should include the following:</p> <p><i>“A full Heritage Impact Assessment must be prepared. This assessment should inform the design of the proposed development. Development will need to conserve, and where appropriate enhance, the significance of designated heritage assets, both on site and off site. Harm should be avoided in the first instance. This includes the harm to the significance of heritage assets through development within their settings. Only where harm cannot be avoided should appropriate mitigation measures be incorporated into the design, as identified through the Heritage Impact Assessment.”</i></p> <p>Revise wording of Policy SP5.3 to make explicit reference to listed buildings etc and require masterplanning process to take these things into account.</p>	<p>EFDC position:</p> <p>Proposed LPSV modification: Policy SP5 – East of Harlow (Point H)</p> <p><u><i>(vi) A sympathetic design which responds to listed buildings adjacent and within the site, Registered Parks and Garden to the west and Scheduled Monuments in close proximity to the site</i></u></p> <p>The Council does not consider that it is necessary to undertake Heritage Impact Assessments of sites as part of the evidence base as an initial assessment has been undertaken through the site selection process (see evidence outlined in Appendix 3) and there are sufficient provisions in the LPSV to ensure the conservation and enhancement of heritage assets in the District. However, the Council are proposing the undertaking of a Heritage Impact Assessment as part of the masterplan process for the allocated Garden Community sites to be included under Policy SP4 C(xvii) (Please refer to proposed wording above under ref. 2). There will also be a need to undertake an Environmental Impact Assessment at application stage where any heritage issues will be identified.</p> <p>SP 5.3 East of Harlow is comprised of SR-0146C-N. The results of the Stage 2 and Stage 6.2 Assessment can be found in Appendix B1.4.2 - Results of Stage 2 and Stage 6.2 Assessment Part 4 (EB805Div)1, on page B590.</p> <p>Policy SP 4 sets out the approach to the development and delivery of the Garden Communities and includes point (xvi) referring to the historic environment.</p> <p>A heritage and archaeology assessment is included as part of the Strategic Masterplan process as noted in the Strategic Masterplanning Briefing Note.</p> <p>The Council’s Validation Requirements (EB912) requires that a Heritage Statement is submitted alongside all planning applications and references Historic England guidance.</p> <p>All planning applications (including outline applications for Strategic Masterplan sites) will be assessed against Policy DM 7 and Policy DM 8 of the LPSV.</p> <p>The site will need to undertake an Environmental Impact Assessment where any heritage issues will be identified.</p>

¹ <http://www.efdclocalplan.org/wp-content/uploads/2018/03/EB805Fiv-Appendix-B1.4.2-Results-of-Stage-2-and-Stage-6.2-Assessment-Part-4.pdf>

				<p>HE position:</p> <p>The site assessment does note that given the scale, further assessment is required on landscape impact (possible setting impact of RPGs and SM), although not on the setting of GII* Sheering Hall and other GII listed buildings within the site. The mitigation proposed, reducing density and an appropriate layout, is without evidence as to whether it is appropriate and there is no evidence of avoidance of harm. This could have been explored though a Heritage Impact Assessment.</p> <p>For similar allocations in other authorities, this evidence has been present, the mitigation has been included in the policy and concept diagrams showing buffers and means of mitigation e.g. indicative location of country parks or areas where height / density / massing needs to transition are identified. None of this is present here.</p> <p>There is a need for Heritage Impact Assessments for strategic site allocations, where there are significant impacts on the historic environment, as part of the proportionate evidence base. If the sites are suitable, the measures to avoid harm, or mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. These could include the extent of the allocation, capacity and/or varying densities across the site, location of buffers etc. As such we recommend inclusion of a concept diagram. This is consistent with other similar strategic site allocations across the East of England.</p> <p>There is also a need for detailed historic environment policy references in Strategic Policies, including setting out how harm should be avoided or mitigated for the allocation to be sound.</p>
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Supplementary Information – Heritage Matters relating to Strategic Site Allocations

1.0 Background

This appendix provides supplementary information to support the SoCG between Epping Forest District Council (the Council) and Historic England (HE), and to assist the Inspector during the examination of the Epping Forest District Local Plan Submission Version 2011 - 2033 (referred to hereafter as the Local Plan Submission Version or LPSV).

The representation submitted by HE to the Council in January 2018 set out a number of comments in relation to the policies and evidence underpinning the strategic site allocations within the LPSV. These include:

- i. The need to carry out Heritage Impact Assessments for the Garden Town Communities to discern the level of impact on the historic environment and any potential mitigation measures necessary; and
- ii. Concerns that there were no references to known heritage assets within or in close proximity to the Garden Communities in the policy.

In order to resolve these outstanding concerns, HE requested further information from the Council to demonstrate that impacts on the historic environment arising from the strategic site allocations have been properly evidenced. The Council has therefore prepared this addendum to the SoCG to bring together a range of existing information surrounding the historic environment, specifically for the strategic site allocations.

2.0 Additional Evidence

This information and assessment work has been obtained from a range of documents, both published and emerging. These are set out in more detail below:

Strategic Site	Relevant Evidence Base	Specific document reference
North Weald Bassett	North Weald Bassett Masterplanning Study (Allies and Morrison, 2014)	Section 3.3 Landscape, Character and Heritage (Pages 33-40)
Latton Priory	AECOM Strategic Sites Assessment (AECOM, 2016) Latton Priory Harlow and Gilston Garden Town Strategic Masterplan Framework (Hallam Land Management and ceg, 2018) Appendix B1.6.6 Results of Identifying Sites for Allocation (EB805G) (Arup, 2018)	Page 44, Figure 5: Heritage Context, Appendix 2: Site M landscape appraisal Page 34 Page B1094

Water Lane	AECOM Strategic Sites Assessment (AECOM, 2016) Epping Forest District Local Plan 2011-2033 Response to Planning Inspector’s Examination Question (Asset Heritage Consulting, 2019)	Page 51 and 55 Whole document.
East of Harlow	AECOM Strategic Sites Assessment (AECOM, 2016) Appendix B1.4.2 - Results of Stage 2 and Stage 6.2 Assessment Part 4 (EB805Div)	Page 40 Page B590

The Council endorses this evidence, and considers that it provides the additional necessary assessment of the strategic sites in relation to heritage assets, and impact on the historic environment more broadly. For ease of presentation and review, the relevant information surrounding the historic environment has been lifted from these documents, and consolidated into the table below. The information has been split out under a series of headings, to summarise content and guide the reader to the relevant topic.

3.0 Additional heritage information underpinning the strategic site allocations

Strategic Site Allocation	Relevant topics
North Weald Bassett	<p>Vision¹: The analysis and consultation undertaken during the study indicated that the settlement has potential for some growth that can help to more effectively support the local community in the future, but that this growth must be minded to preserve the existing assets of the settlement and bring about additional benefits for the community. The assets include, but are not limited to, the settlement’s relationship with the surrounding green open space, stand-out historic buildings, a range of housing types which can support a mixed community and the heritage and current economic role of the North Weald Airfield. The vision is to protect these assets, attract investment to strengthen the existing commercial centre and establish North Weald Bassett as a sustainable place in its own right with an active community life.</p> <p>Heritage assets: North Weald Bassett is a low density ribbon development of mostly 20th century housing. The church (listed) is not on High Road, which suggests a split historic centre (if there was one). The settlement is not in a conservation area. The wider area is characterised as type F5, Ridges and Valleys, in the Epping Forest Landscape Characterisation Study. The M11 to the west was built in the late 1970s, but only fully operational in 1980.</p> <p>To the south is the Former Central Line. The central section of the Central Line was constructed in the 1890s, but it was only extended from Stratford to Epping and Ongar (over the London and North Eastern Railway) in the 1940s. The section between Epping and Ongar was closed in 1994. There have been various train enthusiasts running trains on the tracks since, but it is not a commuter service.</p> <p>Key historic features:</p>

¹ North Weald Bassett Masterplanning Study (Allies and Morrison, 2014)

<p><u>Roman Road:</u> The course of a Roman Road runs across the east side of the site, although it is unclear how visible this is on the ground. There could be archaeology present, which could be used as a design constraint.</p> <p><u>Estate Lands:</u> The site of two ancient estates, to the west and east of the settlement. Both have listed houses on them: (1) Weald Hall Farm House and Little Weald Hall, to the north and west of the airfield – it is unclear whether there are any landscape features remaining; (2) Ongar Park Hall and Lodge – outside the site, but also unclear as to remains of landscape features. North Weald Redoubt This fort is one of 15 London mobilisation centres constructed during the 1890s to protect London against possible invasion. It is a scheduled ancient monument. It is on higher ground, and its setting will have to be considered. There is no direct connection with the airfield, but it was used in WWI and WWII.</p> <p><u>North Weald Airfield:</u> The airfield opened in 1916 and saw active service in WWI and WWII. The control tower, which was built in 1952, is listed at grade II and the officers mess (Norway House) was built in 1923 and is listed at grade II. The site remained in RAF usage until the 1980s. It is now used for events, shows etc. The airfield is the biggest local feature in the area, there is an active pressure group to keep it open. Much of the development of the settlement is related to the airfield.</p> <p><u>Listed Buildings:</u> There are several listed buildings within the settlement, but, depending on masterplan, of which the most significant are the Ongar Redoubt, the Control Tower, the Officers Mess, Weald Hall and Ongar Park.</p> <p><u>Airfield heritage:</u> North Weald Bassett's aviation heritage is evident throughout the settlement in the form of street and development names. Many of these reflect the names of fighter planes including Hurricane, Blenheim, Tempest, Beaufort and Lancaster. The street names which draw on the aviation heritage of the settlement are highlighted in the plan to the left.</p> <p>Constraints to development:</p>
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	<p>The 1805 map shows that the historic urban structure is triangular – North Weald (location of the church), Tyler’s Green and Weald Gullet (at base of Church Road) – with Weald Hall to the west and Ongar Park Hall to the east. From this brief desktop review, it would seem that there are likely to be no major heritage constraints to development (other than military history), but that there are several surviving features that could be used to inform the design. The key consideration will be how the airfield is treated, and how a unified settlement is created.</p>
<p>Latton Priory</p>	<p>Heritage assets²:</p> <p><u>Designated Heritage Assets:</u> There is one scheduled monument located within the site and one that is sited in close proximity to the site boundary. Within the site is a medieval moated site located on the southern boundary at the west end of the site. The site of Latton Priory is located just outside of the boundary to the south east of the site. This is a scheduled monument and within this, the surviving element of the Priory is a Grade II* listed building. Latton Priory Farmhouse is a Grade II listed building. Webbs Cottage, which is located to the south west of the site is a Grade II listed building.</p> <p><u>Non-Designation Heritage Assets:</u> A desk based assessment of the site has been undertaken by Orion Heritage. This established that there is the potential to contain Roman remains associated with a suspected Roman road that crosses the site north-south in the vicinity of Latton Priory. The presence of both Latton Prior and the scheduled moated site indicate that further associated archaeological remains of medieval date could be located within the site. However, following the desk-based assessment, a geophysical survey the whole of the site and the wider area to the east and the south east, was undertaken. While this survey recorded a few features of possible archaeological interest, the survey recorded no signals indicative of significant archaeological remains within the site. Further archaeological research will be undertaken to better understand and inform the design of the proposed development. Further mitigation archaeological investigations will be undertaken as the proposed development progresses.</p>

² Latton Priory Harlow and Gilston Garden Town Strategic Masterplan Framework (Hallam Land Management and ceg, 2018), p. 34

The moated site will be within the Green Belt area in the southern part of the site and so there will be no impacts upon it. The development provides a unique opportunity to improve the condition of the monument and to provide interpretive material on the moated site and Latton Priory and help promote a greater sense of place and time depth for the residents of the new community.

Setting³:

The ridge is a prominent feature in the landscape south of Harlow. It is currently largely undeveloped and creates a rural backdrop to the town. The few buildings which are located on the ridge are prominent in views, particularly from Harlow Town Centre. Views south from the town centre and along the Green Wedge currently look out towards open countryside, with the ridge forming a wooded horizon. This is an important part of the character and experience of the area. Any new development proposed on the top of the ridge would alter the setting of the area, as it would be highly visible due to its elevated position within the open landscape.

The ridge also preserves the openness of the green belt by forming a natural barrier to the encroachment of urban settlement into the wider countryside. Whilst the extent of development currently proposed for Latton Priory would not result in coalescence with other nearby settlements, it would give the impression of continuous development when viewed from Harlow and from Epping. The site is well served with public rights of way, including a footpath which passes through the area centrally from London Road, and two long distance trails, Forest Way and Stort Valley Way. These footpaths are connected to the Harlow Green Wedge which facilitates ease of access to the countryside from the town centre. From these paths, there are long distance views of the countryside to the south. If these paths were to cross through development, their amenity value could be lessened.

Other sensitive features of the site include two Scheduled Ancient Monuments: Rye Hill Moat, near Dorrington Farm in the southwest of the site, and the remains of Latton Priory in the southeast of the site. They are both located on high ground within an open setting, which would be altered greatly if they were to be surrounded by new development.

Finally, there are a number of woodland blocks located on the site, running both north-south up the ridge, and east-west at the top of the ridge. The dense vegetation add to the sense of enclosure of Harlow, and enhances its rural setting.

³ Harlow Strategic Site Assessment (AECOM, 2016), Appendix 2, p. 72-73

Mitigation⁴:

FCPR and Boyer Planning suggest that a combination of existing woodland and advanced woodland planting at the southern edge of the plateau could visually contain built development from East Herts, Epping Forest, Harlow and Uttlesford District Councils Final Report the wider Epping District. They also suggest that views of the Latton Priory development from Harlow would be screened or heavily filtered by intervening buildings and trees. However, initial analysis carried out by AECOM suggests that any development situated at the top of the ridge would be visible from Harlow in the north and Epping in the south because of its open aspect and elevated position. Whilst planting could reduce its impact, it would not be as effective in initial years as the plants establish, nor in the winter when canopy cover is less dense.

The plateau at the top of the ridge should not be developed, as this would have the potential to result in significant effects on the local landscape and views. New development should therefore be set down on the northern side of the ridge, such that the roof line is below the top of the plateau. This would allow space to substantially strengthen the woodland on the southern edge of the ridge in order to lessen the visual impact of the development from Harlow and Epping. This would also create opportunities for further green infrastructure improvements linking the proposed development and Harlow more generally with the wider landscape.

The 2013 study's visual analysis was limited to a comparative assessment of selected viewpoints. For such a sensitive and open landscape, it is recommended that a zone of theoretical influence (ZTV) of the proposal is prepared to more fully understand the extent to which development built on the elevated land would be visible from the wider landscape.

Opportunities to avoid harm⁵:

This site was identified as available within the first five years of the Plan period. It has been marketed and there are no identified restrictions that would prevent it coming forward for development. As a result of the landscape sensitivity of the site and the potential for harm to the settlement character, particularly affecting the southern and eastern parts of the site, as well as possible impacts on heritage assets, SSSIs, BAP Habitats and a Local Wildlife Site, it is proposed that development should be limited to the northern part of the site at the edge of Harlow, with development not extending beyond the identified ridgeline to the south. This ridgeline is the historic planned extent of Harlow, the origins of which date back to the original Gibberd plan for the new town. Limiting development to the area north of the ridgeline would prevent visual harm, both to the surrounding countryside and within

⁴ See Footnote 3.

⁵ Appendix B1.6.6 Results of Identifying Sites for Allocation (EB805P) (Arup, 2018), p. B1094

	<p>Harlow. Such a judgement is consistent with the recommendations made by AECOM in the Harlow Strategic Site Assessment (2016). While it is acknowledged that there are complexities around the deliverability of the site, in part due to infrastructure which needs to be planned and delivered in co-ordination with Harlow District Council and Essex County Council as well as the constraints posed by access (which would need to be provided from London Road), it was considered that these will be resolved through the proposed Latton Priory Strategic Masterplan. It is proposed that the reduced site area should be allocated in combination with SR-0139 consistent with the allocation proposed in the Draft Local Plan (2016).</p>
<p>Water Lane</p>	<p>Heritage assets: <u>West of Katherines⁶:</u> Brookside Cottage, grade II listed, is located on the site with other Listed buildings adjacent in the west and south of the site. The southern part of site is in the Nazeing and South Roydon Conservation Area. Development will need to consider the setting of Listed buildings and also impact upon Conservation Area. It is likely that impacts can be avoided / mitigated.</p> <p><u>West of Sumners⁷:</u> Partly within Nazeing and South Roydon Conservation Area to the south. Several grade II listed and local listed buildings just beyond site boundary. There is potential impact upon the Conservation Area and settings of listed buildings. However, it is likely that impacts can be avoided / mitigated.</p> <p>Assessment of potential harm⁸: <u>Black Swan Public House (Grade II)</u> The Black Swan is located on the north-west side of Common Road at Broadley Common. Its setting is relatively small, being confined by woodlands to the north, industrial warehousing to the west and residential housing to the south and east on both sides of Common Road. The closest part of the West Sumners site allocation to the listed building is some 200m to the east and it is visually separated from it by Common Road, by Epping Road and by woods, fields and by buildings. There is no visual or other connection between the listed building and the site allocation. Consequently, there could be no impact on The Black Swan Public House or its setting. The setting of the listed building would be preserved.</p>

⁶ Harlow Strategic Site Assessment (AECOM, 2016), p. 51

⁷ Harlow Strategic Site Assessment (AECOM, 2016), p. 55

⁸ Epping Forest District Local Plan 2011-2033 Response to Planning Inspector’s Examination Question (Asset Heritage Consulting, 2019), p. 5-8

Fairlawn, Epping Road, Broadley Common (Grade II)

Fairlawn is a house located on the north-east side of Epping Road in Broadley Common. Its setting is relatively small, being confined by houses on Epping Road to the north and south and by mature trees which separate its garden from farmland to the east. The closest part of the West Sumners site allocation to Fairlawn is some 100m to the east but that part of the site is proposed as strategic open space. The closest part of the site allocated for housing development is approximately 300m to the north-east. It is visually separated by fields, by mature trees and by hedgerows. The likelihood of there being any views of built development from the listed building, or of the listed building from the development, is very small. Consequently there would be little or no impact on the setting of Fairlawn arising from the proposed site allocation. As such the setting of the listed building and its significance as a building of special architectural or historic interest would be preserved.

Richmond Farmhouse, Jacks Hatch, Parsloe Road, Kingsmoor (Grade II)

Richmond Farmhouse is located on the north-west side of Parsloe Road. It still enjoys a rural setting to its south. To the north-west it is separated from the Kingsmoor housing estate by a narrow strip of woodland. To its rear it is separated from the West Sumners site allocation by an extensive area of commercial and industrial buildings, hardstanding and vehicle storage areas. There is no intervisibility between the West Sumners site allocation and the listed building because of the scale of the intervening commercial buildings. As such, its setting and its significance as a building of special architectural or historic interest would be preserved.

Sumner's Farmhouse, Parsloe Road, Sumners (Grade II); C17 Barn North-East of Sumner's Farmhouse (Grade II); C18 Barn North-East of Sumner's Farmhouse (Grade II)

This complex of three listed buildings at the former Sumner's Farm are assessed jointly here as, historically and architecturally, they form a coherent group and any heritage conservation issues are common to all three. The former farm complex, now converted to houses, is located within the Kingsmoor estate, a modern housing estate dating from the 1980s and 1990s. Its setting now has a distinctly suburban character as a result of the highway design and character of the surrounding housing estate. The complex of listed buildings is located 150m to the north-east of the West Sumners site allocation but it is separated from it by housing at Manorcourt Care Home, by housing on Archers, Barns Court, Phelps Road and Wellesley. It is also separated from the site allocation by mature trees along the field boundary and by a small area of woodland.

	<p>Consequently, there is no visible or other connection between the listed buildings and the West Sumners site allocation and there would be no potential for development to impact on the setting of the former Sumner’s Farm complex. As such, the listed buildings, their settings and their significance as buildings of special architectural or historic interest would be preserved.</p> <p><u>Weatherwhites Car Showroom Epping Road, Broadley Common (Locally Listed)</u> Weatherwights car showroom is prominently located in the fork between Common Road and Epping Road at Broadley Common. Its immediate setting is characterised by the extensive display of cars for sale. Its wider setting extends to the housing on the east side of Epping Road and the woodlands and the pub car park on the north of Common Road. There is no visual or other connection between the locally listed building and the West Sumners site allocation which is 150m to the east at its closest point.</p> <p>However, this part of site is allocated for strategic open space in the design concept document with the closest built development being 300m distant. It would have no impact on the locally listed building or its setting. As such, the setting and the architectural and historic interest of the locally listed building would be preserved.</p> <p><u>The Nazeing and South Roydon Conservation Area</u> The Nazeing and South Roydon Conservation Area has not been reviewed since it was designated in 1982. Its boundaries are widely drawn to include Halls Green in the north, areas around Roydon Hamlet, Nazeing, Nazeing Gate, Bumbles Green and Middle Street in the south and Broadley Common in the east. Large tracts of fields and agricultural land are also included within the conservation area.</p> <p>There is no character appraisal for the conservation area but the Epping Forest District Council website makes brief reference to the importance of “the conservation area’s quiet, intimate, small-scale rural qualities characterised by small grassed fields that are dissected by narrow winding lanes and footpaths and bounded by tall hedgerows and mature trees.” It also makes reference to the importance of ‘closed field patterns’ and ‘open or common field systems’ which give the settlements a distinctive setting. Importantly, there is no built development proposed within the part of the site which falls within the designated conservation area in the Design Concept Document 2018.</p> <p>In fact, there is typically a buffer of approximately 70m of public open space or strategic open space separating any built development from the conservation area boundary. The site allocation affords the opportunity to preserve or enhance the ecological</p>
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	<p>and landscape character of the conservation area as well as the proposed areas of public open space and strategic open space which fall just outside the boundary of the conservation area.</p> <p>There will inevitably be some vantage points where the development can be seen from the conservation area or the conservation area can be seen from the development but the relationship between the built environment and the landscape is an inherent part of the character of the Nazeing and South Roydon Conservation Area. Careful design, particularly in the master planning and landscape design, mean that the statutory duty to preserve or enhance the character or appearance of the conservation area is quite achievable at the West Sumners site allocation. Policy SP5(G) specifically requires the development to include: “Strategic ‘green infrastructure’ comprising natural/semi natural open space, walking and cycling routes, flood mitigation and wildlife space and new Green Belt defensible boundaries as indicated on the map.” The policy will effectively secure appropriate treatment of the part of the West Sumners site allocation which falls within the conservation area.</p> <p>The Nazeing and South Roydon Conservation Area is widely drawn and it overlaps the West Sumners site allocation along part of its eastern boundary. The Design Concept Document 2018 illustrates how the site can be developed without building on land which falls within the conservation area. It also demonstrates how public open space and strategic open space can be used to positively preserve or enhance the character of those parts of the site that fall within the conservation area as well as those areas which fall just outside the conservation area. The consequence is that the West Sumners site allocation, the Design Concept Document 2018 and Policy SP5(G) can all fulfil the statutory duty to have special regard to preserving or enhancing the special character or appearance of the Nazeing and South Roydon Conservation Area.</p>
<p>East of Harlow</p>	<p>Heritage assets⁹:</p> <p>The site contains some listed buildings including Grade II * Sheering Hall and several grade II listed buildings including two barns at Sheering Hall, a house north west of St Stephen’s cottages, Franklins Farmhouse, a locally listed building and a number of listed buildings just beyond the site boundary. Consideration will need to be given to the potential impact upon the setting of these listed buildings. However, there may be limited scope for development within parts of the site. There is also a Conservation Area in close proximity in Harlow and the site is within 500m of a Registered Park and Garden and archaeological assets. It is likely that impacts can be avoided / mitigated.</p>

⁹ Harlow Strategic Site Assessment (AECOM, 2016), p. 40

	<p>Mitigation¹⁰: Given scale, further assessment required on landscape impact (possible impact on setting of RPGs and SM). Impact on setting of GII* Sheering Hall and GII LB to centre, and GII LB within south of site. Mitigation reducing density, appropriate layout.</p>
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¹⁰ Appendix B1.4.2 - Results of Stage 2 and Stage 6.2 Assessment Part 4 (EB805Fiv), p. B590