

## ***Report to the Local Plan Cabinet Committee***



**Epping Forest  
District Council**

**Report reference:** **LPC-001-2018/19**

**Date of meeting:** **14 May 2018**

**Portfolio:** **Planning and Governance**

**Subject:** **Epping Forest District Local Plan Submission Version – Report  
on the Regulation 19 Publication**

**Responsible Officer:** **Alison Blom-Cooper** **(01992 564066).**

**Democratic Services:** **Gary Woodhall** **(01992 564470).**

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### **Recommendations/Decisions Required:**

**(1) That the report in Appendix I analysing the responses received to the Local Plan Submission Version Regulation 19 Publication be noted.**

### **Executive Summary:**

This report seeks to update members following the publication of the Local Plan Submission Version 2017 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for a period of six weeks from 18 December 2017 to 29 January 2018 and provide an overview of responses received and the key issues raised by respondents. The Council received over 1,000 responses to the Local Plan Submission Version (LPSV) from a wide range of stakeholders. This report covers the number, format and subject of all representations received. An update to how the Council took into account representations made to the Draft Local Plan is also included as an appendix to the report.

### **Reasons for Proposed Decision:**

To provide members with feedback from the recent publication of the Local Plan Submission Version

### **Other Options for Action:**

Not to advise members of the key issues raised in relation to the Local Plan Submission Version

### **Background:**

1. At the Extraordinary meeting of the Council on 14 December 2017 the Epping Forest District Local Plan Submission Version 2017 was agreed for publication for a period of six weeks from 18 December 2017 to 29 January 2018 in accordance with the regulations. The publication was in accordance with the Council's adopted Local Development Scheme and Statement of Community Involvement and complies with the relevant legislative requirement and is necessary before the Local Plan can be submitted to the Secretary of State for Independent Examination.

2. The Local Plan sets out the proposed strategy for meeting the District's needs for the

next 16 years and the planning framework to guide future development and the use of land in the District. It identifies how the District will grow and develop whilst at the same time maintaining its attractiveness as a place to live, work and visit. The Plan covers the period 2011-2033. Once adopted the policies in the Plan will replace all of the surviving policies of the Local Plan 1998 and the 2006 Local Plan Alterations. Minerals and Waste Policy remains the responsibility of Essex County Council. The Local Plan, together with the Essex Minerals Local Plan 2014, the Essex and Southend-on-Sea Waste Local Plan 2017 and any adopted Neighbourhood Plans form the Development Plan for the District. The Development Plan is the basis upon which planning applications are determined, unless there are material planning considerations that indicate otherwise. The policies of the Development Plan should be read as a whole.

### **Report:**

3. The Local Plan Submission Version 2017 (LPSV) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) following the decision of the Extraordinary Meeting of the Council on 14 December 2017. The purpose of this stage of the plan-making process is to enable any person to make representations (known as Regulation 20 representations) about the Local Plan Submission Version. Representations may be made about any aspect of the Local Plan and every duly made Regulation 20 representation will be submitted to the Secretary of State with the Local Plan and must be considered by the Local Plan Inspector appointed to carry out the examination. Reflecting the purpose of the examination, the focus of Regulation 20 representations should be whether the plan has been prepared in accordance with the Duty to Co-operate under section 33A of the 2004 Act, whether it complies with relevant legal (procedural) requirements, and whether it is sound. The tests of soundness are set out within paragraph 182 of NPPF and require that:

- the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- the Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- the Local Plan is consistent with national policy, and enables the delivery of sustainable development in accordance with policies within the NPPF.

4. In accordance with the Council's Statement of Community Involvement, the Plan was publicised in the following ways:

- Advert and public notice in the press
- Letters to statutory consultees and all those who have registered on the local plan database to advise them of the publication of the Submission Plan
- Copies of the Plan were made available in the Council's offices (including leisure centres) and libraries across the District
- Regularly updated website with all the background documents

[www.eppingforestdc.gov.uk/planningourfuture](http://www.eppingforestdc.gov.uk/planningourfuture)

- Social media posts - @eppingforestdc and [www.facebook.com/eppingforestdc](https://www.facebook.com/eppingforestdc) and #EFDCLocalPlan

5. A form for completing representations was available on the website and in hard form. A frequently asked questions note explained the publication process, how long it lasts, how to make representations, document availability etc and was available on the website.

6. The Council collated and processed all the Regulation 20 representations received during the Regulation 19 publication stage ready for submission and these have been available on the website since 21 March 2018. A Regulation 22 Consultation Statement summarising the issues raised in the representations was prepared for submission and is available on the Council's website – it will be updated to reflect the findings set out in Appendix I to this report. This report, together with all the representations received during the representation period, the Plan and its supporting documents will be submitted to the Secretary of State for examination.

Summary of responses received:

7. The Council received over 1,000 responses during the publication period, with 28% of these submitted using the online form provided, 50% submitted in hard copy and 22% submitted through email. The majority of representations (75%) were from residents or members of the general public. The Council also received representations from statutory consultees, landowners and agents, residents associations, local organisations/businesses and some group responses.

8. Most of the comments received were in relation to the proposed site allocations in the LPSV, with residents and the public commenting most frequently on the Places policies. A large number of representations (379) have been received in relation to one site in North Weald Bassett (SR-0179) not proposed for allocation in the LPSV stating support for the development of the site. It should be noted however that 42% of these representations were from respondents living outside of the District, and the wording of each response was similar.

9. Other allocations frequently commented on included the proposed allocations in Epping, in particular the South Epping Masterplan Area and Epping Sports Centre. The key issues raised were the impact of the South Epping Masterplan Area on traffic and air quality and the loss of facilities at Epping Sports Centre. A group response was received objecting to Epping Sports Centre with over 800 signatures. Loughton and in particular LOU.R5 (Land at Jessel Green) also had a high level of response. Notably, there was a group response with over 4,600 signatures objecting to the allocation of the site on the basis of the impact of loss of open space. The settlement of Stapleford Abbots was also commented upon frequently, with the majority of comments objecting to STAP.R1 due to the site not appearing in the Draft Local Plan. Comments received in relation to other settlements are set out in Paragraphs 2.10 – 2.41 in Appendix I which is a full report on the responses received.

10. Alongside comments relating to specific settlements or allocations, the other key issues raised in relation to the Local Plan Submission Version are:

- (a) That the Council has not consulted fairly in the course of preparing the Local Plan Submission Version and not taken into account previous consultation responses.
- (b) That the Council's approach to infrastructure remains unclear in relation to where and when infrastructure will come forward and how it will be funded.

- (c) Objection to the level of Green Belt release and claims that the new Green Belt boundaries are not robust.
- (d) Objection to the Council not publishing the site selection appendices before the Regulation 19 publication period.
- (e) Concern over what the Council is doing to tackle the issue of air quality and representations from statutory bodies on how to strengthen the approach.

11. Appendix I to this report provides more detail on the issues raised in the representations from all stakeholders.

### **Resource Implications:**

The budget for the Publication of the Local Plan Submission Version was approved as part of the Local Plan budget in December 2017. The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix 2 to the report”.

### **Legal and Governance Implications:**

The Council is required by national legislation to prepare and maintain an up to date Local Plan to set out the strategic priorities for the area and the policies that address these.

### **Safer, Cleaner and Greener Implications:**

The delivery of a Local Plan, informed by a robust evidence base, will contribute to safer, cleaner, greener objectives by planning for sustainable development.

### **Consultation Undertaken:**

All stakeholders including residents, local groups or businesses, statutory consultees and landowners were given the opportunity to make representations on whether the Local Plan Submission Version is legally compliant, sound and/or meets the Duty to Cooperate, in accordance with Regulation 19 of the Local Plan Regulations 2012 and in accordance with the Council’s Statement of Community Involvement.

### **Background Papers:**

Statement of Community Involvement: <http://www.efdclocalplan.org/wp-content/uploads/2018/02/EB104-Statement-of-Community-Involvement-EFDC-2013.pdf>  
Local Plan Regulations 2012: <http://www.legislation.gov.uk/ukSI/2012/767/contents/made>

### **Risk Management:**

The Council needs to be seen to make timely progress on the preparation of a Local Plan to avoid the risk of intervention by the Secretary of State.