

# CONTEXT

**“This material should show the wider context and not just the development site and its immediately adjacent buildings.”**

**PPG1 General Policy and Principles  
DOE 1997**

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# 1. Legal Background

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### **Background to the Plan**

**1.1** This Local Plan has been prepared in accordance with the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). District Councils are now, for the first time, under a statutory duty to prepare Local Plans (it was not an obligation previously) and in the form of a single Plan covering the whole of their District.

**1.2** Epping Forest District Council previously had full Local Plan coverage of the District, in the form of three statutorily-adopted Local Plans covering different areas. These have therefore been replaced by a District-wide Local Plan. The previous Plans only looked forward to 1991 because that was the end date of what was then the Structure Plan. This Local Plan looks forward to 2001, in conjunction with the current Structure Plan. Once adopted it will continue to form part of the Development Plan for the District until it is superseded by any alterations to the Plan or a replacement Plan.

### **Function of the Plan**

**1.3** This Local Plan is intended to:-

- set out the Council's policies for the control of development (and hence guide most planning decisions); and
- make proposals for the development and use of land, and allocate land for specific purposes.

**1.4** It is identified in the Council's Corporate Plan as a means of influencing the infrastructure and future economic development of the District to try and meet the needs of the local community. The Council saw the emerging Local Plan as a major opportunity to:-

- (i) anticipate changing economic and infrastructure needs and promote the role of "enabling" development;
- (ii) ensure that development respects the essential character of the area; and
- (iii) consult local communities.

### **Significance of the Plan**

**1.5** The Government guidance given in PPG1 makes it clear that applications for planning permission shall be determined in accordance with the Local Plan policies unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the Plan should not be allowed unless material considerations justify

the granting of planning permission. Where the Development Plan is not relevant (through, for example, not containing a policy relating to a particular development proposal) it follows that the planning application/appeal should be determined on its merits.

**1.6** The importance of Local Plans in the determination of planning decisions was made paramount by the Planning and Compensation Act 1991 which introduced a new Section 54A to the Town and Country Planning Act 1990. That states:-

"Where, in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise."

**1.7** Prior to that, a Local Plan was merely only one of the "material considerations" and had no greater weight than any others.

**1.8** This Plan is therefore a very significant tool in determining the amount, type and location of development that will take place in the District for the foreseeable future. As a consequence, it seeks to be comprehensive in dealing with the types of development proposal that might be expected to come forward during the Plan period.

### **Relationship with the Structure Plan**

**1.9** In the District, the 'Development Plan' comprises both the Structure Plan and Local Plans. The Structure Plan is a strategic, County-wide plan produced by Essex County Council. It is intended, amongst other things, to provide the strategic policy framework for planning and development control locally. The District-wide Local Plan then develops these strategic policies and transposes them into more detailed policies relevant to the District, identifying specific sites for development.

**1.10** The Local Plan is required to be "... in general conformity ..." with the Structure Plan when it is 'adopted'. The County Council has provided a statement that the Plan is in general conformity with the current Structure Plan (see Appendix 1).

**1.11** Two other Local Plans which constitute Development Plans are prepared by the County Council and relate to the whole of Essex. These are the Waste Local Plan (currently in the course of preparation) and the Minerals Local Plan.

### **Relationship with the Lee Valley Park Plan**

**1.12** That part of the District around Waltham Abbey, Sewardstone, Roydon and Nazeing is a substantial part

**Figure 1: - Local Plan Process.**

Preparation of Consultation Draft Local Plan	1990 – 1993
Publication of Consultation Draft Local Plan	July 1993
Publicity of Consultation Draft Local Plan	August 1993 – November 1993
Council assesses response to consultation and preparation of Deposit Copy	January 1994 – April 1994
County Council Issues Statement of Conformity	May 1994
Local Plan placed on Deposit – 6 week period in which to make formal representations (i.e. objections/support)	June 1994 – August 1994
Council considers nature of objections	Autumn 1994
Public Local Inquiry	Autumn 1995 – Spring 1996
Inspector submits report/recommendations	December 1996
Council considers Inspector's recommendations	March 1997
Proposed modifications placed on Deposit – 6 week period in which to make formal representation	August 1997 – September 1997
Council considers response to representations and on proposed modifications	October 1997
Adoption of Local Plan	January 1998

of the Lee Valley Regional Park. The area of land within the statutory boundaries of the Park is affected by the proposals contained in the Lee Valley Park Plan 1986 which are included in this Local Plan by virtue of Section 14(2) of the Lee Valley Regional Park Act 1966. The Lee Valley Park Plan is being reviewed with a view to adoption in 1998.

### **Government Planning Guidance**

**1.13** This is set out clearly at the beginning of each chapter in the other sections. It takes the form of Planning Policy Guidance Notes (PPGs - a current schedule of relevant PPGs is given in the glossary) and Ministerial Circulars. Although these have no formally binding legal force, every local planning authority is under a statutory obligation to have regard to them at every stage when formulating its proposals in a Local Plan. If a local planning authority wishes to depart from national guidance expressed in PPGs and Circulars the authority must set out clearly the justification for the departure. Local circumstances, properly surveyed and analysed, may be the basis for a departure depending on degree, and on any relevant provisions of the Structure Plan.

### **Stages in Local Plan preparation**

**1.14** The Local Plan represents the culmination of a lengthy preparation process (see Figure 1). At various stages in its preparation the Plan has been the subject of widespread consultation with a range of bodies including Government departments, statutory undertakers, parish councils, interest groups and the public at large. The Council has amended the Plan as a consequence of some of the responses received and to reflect changing circumstances.

**1.15** Over 1000 formal objections were made to the Deposit Copy Local Plan in 1994. Whilst 260 were conditionally withdrawn following discussions with objectors, all the objections were considered at a Public Local Inquiry which ran from October 1995 to April 1996. The Inquiry was chaired by an independent inspector approved by the Department of the Environment. The Council subsequently accepted the vast majority of his recommendations and published its Proposed Modifications accordingly.

**1.16** Given the length of time that has elapsed since the preparation of the Plan commenced it will now be subject to review as and when necessary (see Chapter 19).

### **Format of the Plan**

**1.17** The Plan comprises the Written Statement and the Proposals Map which should be read together. The Written Statement sets out the Council's policies

(in bold capitals) together with their justification. Generally, each chapter sets the scene and indicates the Government guidance and the County policy before putting forward the Plan policies. The chapters are grouped into sections each of which deals with similar sorts of issues. The final chapter looks at individual settlements in the District to indicate how the Plan will affect them.

#### **1.18**

The Proposals Map indicates the areas to which each of the policies applies and the sites subject to specific policies. The Proposals Map features a series of 'inset' maps of certain areas in order to enable them to be shown in sufficient detail.

#### **1.19**

The areas of the District covered by each of the component sheets of the Proposals Map are as follows:-

##### Sheet A

Map 1 Map of whole District

##### Sheet B

Map 2 Loughton, Buckhurst Hill, Chigwell  
 Map 2a Loughton (High Road) Town Centre  
 Map 2b Loughton (Broadway) Town Centre  
 Map 2c Buckhurst Hill Town Centre

##### Sheet C

Map 3 Waltham Abbey  
 Map 3a Waltham Abbey Town Centre  
 Map 4 Epping  
 Map 4a Epping Town Centre  
 Map 5 Chipping Ongar  
 Map 5a Chipping Ongar Town Centre

##### Sheet D

Map 6 Roydon/Nazeing

##### Sheet E

Map 7 Sheering  
 Map 8 Fyfield  
 Map 9 Sewardstone  
 Map 10 Theydon Bois  
 Map 11 North Weald Bassett/Thornwood  
 Map 12 Chigwell Row  
 Map 13 Abridge  
 Map 14 Stapleford Abbots

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