



**SUBMISSION VERSION ONGAR NEIGHBOURHOOD PLAN
2020-2033**

REGULATION 16 CONSULTATION

**Prepared by Strutt & Parker on behalf of Stonebond Properties (Chelmsford) Ltd
December 2021**

Site Name:	ONG.R6 Land between Stanford Rivers Road and Brentwood Road
Client Name:	Stonebond Properties (Chelmsford) Ltd
Type of Report:	Regulation 16 Consultation representations, 11 th November to 23 rd December 2021
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1. INTRODUCTION

- 1.1 This representation has been prepared on behalf of our client, Stonebond Properties (Chelmsford) Ltd ('Stonebond Properties'), in response to Regulation 16 consultation of the Submission Version of the Ongar Neighbourhood Plan 2020-2033 dated August 2021 ('ONP'), which has been formally submitted to Epping Forest District Council. The consultation invites comments on the ONP and specifically on whether the plan proposals fulfil the 'basis conditions' as required by paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011).

- 1.2 This representation focuses on the wording of some of the proposed policies in the plan to ensure they are clear and in respect of the delivery of allocation site ONG.R6, which is a proposed housing allocation in the emerging Epping Forest District Local Plan. The site allocation is identified on the Policy Map of the ONP but there is no specific policy for this housing allocation.

- 1.3 Stonebond Properties welcomes the ONP and would like to acknowledge all the hard work and effort that the Ongar Town Council and Ongar Neighbourhood Plan Community Group and the local community have put into producing the ONP and the accompanying supporting documents.

2. BACKGROUND POLICY CONTEXT

- 2.1 The “presumption in favour of sustainable development” is at the heart of the National Planning Policy Framework 2021 (NPPF). There is no legal requirement for communities to prepare Neighbourhood Plans, however, as set out in paragraph 29 of the NPPF:

‘Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan...’

- 2.2 Once a Neighbourhood Plan is made, it forms part of the statutory Development Plan and, as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications have to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 2.3 National planning policy requires Neighbourhood Plans to support the strategic policies contained in Local Plans or spatial development strategies and they should not promote less development than set out in strategic policies for the area. They should contain policies for the development and use of land and while they may include wider community aspirations than those relating to the development of land, these need to be clearly identified and do not form part of the statutory Development Plan.
- 2.4 The Planning Practice Guide indicates that Neighbourhood Plans should be based on proportionate, robust evidence which should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies. (Paragraph: 040 Reference ID: 41-040-20160211)
- 2.5 The Submission Version Plan has been published to allow representations to be made before it is submitted for examination to the Inspector. The representations will then be forwarded onto the Inspector for consideration. As set out in the Planning and Compulsory Purchase Act 2004 the purpose of examination is to consider whether the Neighbourhood Plan complies with the relevant legal requirements and ‘basic conditions’. The basic conditions are set out in paragraph 8(2) of Schedule 4B of the Town & Country Planning Act 1990 (as amended) and can be summarised as follows:

- a) The plan must have regard to national policies and advice;
- b) The plan must have special regard to the desirability of preserving listed buildings;
- c) The plan must have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas;
- d) The plan must contribute to the achievement of sustainable development;
- e) The plan must be in general conformity with the strategic policies of the development plan;
- f) The plan must not breach EU obligations; and
- g) The plan must meet the prescribed conditions in respect of the habitat regulations and environmental impact assessment.

2.6 This representation has been prepared in general support of the ONP, however, it does seek amendments to some elements of the Plan to provide for greater clarity in the decision making process.

3. SUBMISSION VERSION NEIGHBOURHOOD PLAN

3.1 The ONP is considered to be in general conformity with the 5 basic conditions as set out in Part 1 of the response form for the plan, which are set out below:

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

3.2 The ONP (paragraph 1.2) has been developed to cover the period from when the date the plan is 'made' up to 2033, which aligns with the emerging Epping Forest District Local Plan. In paragraph 1.4, there is a commitment for "...*monitoring and "periodically reviewing the plan..."*" but without any set timescales for when this will take place, but it would be reasonable to apply a 5 year interval review which aligns with the requirements for the emerging Local Plan.

3.3 Neighbourhood Plans are required to be in general conformity with the strategic policies of Local Plans and are not allowed to contain their own strategic policies. Having reviewed the general policies against which new development will be assessed and similar policies in the emerging Local Plan, we set out below are our comments on policies which we believe need further clarification to avoid any ambiguity.

Policy ONG-RR3: Housing Mix and Standards

- 3.4 The policy contains 5 points relating to mix of accommodation, density and character of housing development to complement local context; comply with national space standards; ensuring any affordable housing is tenure blind and the encouragement of community-led, self-build and high environmental performance housing. There are concerns with some parts of this policy when viewed against its parallel policy in the emerging Local Plan H1 (Housing Mix and Accommodation Types).
- 3.5 On the mix of accommodation, the policy sets out a range of accommodations from *“larger accommodation suitable for families”*, *“smaller accommodation suitable for first time buyers and those seeking to downsize”* and *“accommodation suitable for older people and people with limited mobility”*. Policy H1 is not as prescriptive, as it seeks *“a range of house types and sizes to address local needs including downsizing”*.
- 3.6 It is also important that in order to reflect housing mix, this does not undermine the second point of the policy regarding housing to complementing local context, and where the policy prescribes higher density and smaller housing units close to the town centre and lower density and larger housing at the edge of the settlement and beyond.
- 3.7 The housing allocation at ONG.R6, which is for approximately 33 dwellings, is on the southern edge of the town where the site is surrounded by large detached dwellings on generous plots. However, whilst it is important housing schemes also offer choice and variety, it is also important to not be overly prescriptive on the density. There is an expectation in paragraph 124 of the NPPF to ensure developments make efficient use of land by taking into account:
- a. Identifying need for different types of housing;
 - b. Local market conditions and viability;
 - c. Availability and capacity of local infrastructure and services;
 - d. Desirability of maintaining an area’s prevailing character; and
 - e. Importance of securing well-designed, attractive and health places.
- 3.8 Whilst the prevailing density of an area/location is an important consideration of a housing scheme, particularly on the edge of a settlement, it should not be a standalone consideration. The reference in the policy to front and rear gardens prescribes a typical

rural form of housing with lack flexibility for creative design. It is therefore considered that parts a) and b) of point 2 should be removed as they are considered too prescriptive, and they are not required as the point is made in needing to complement local context. The policy also appears to step on the toes of policy ONG.ED1 in terms of the considerations for new developments. We therefore recommend that the policy is amended to be more aligned to policy H1 of the emerging Local Plan.

- 3.9 Point 5 encourages “*community-led*” and “*self-build*” housing but does not provide any context on what these mean (no definition in the accompanying Glossary) and how this element of the policy would assess the consideration of such housing schemes. In terms of environmental performance of housing, there is a minimum standard requirement in the Building Regulation regarding thermal insulation which should be reference.

Policy ONG.ED1: Local Character and Design

- 3.10 The policy has two parts; the first states that new build must complement the rural character of the Ongar Parish, and the second states innovative and creative design solutions will be welcome especially where they incorporate “*superior environmental performance*”. This policy appears to align with policy DM9 (High Quality Design) of the emerging Local Plan which sets broadly specific requirements for all new development to achieve high quality (i.e. “*relate positively to their context*”). However, policy ONG.ED1 is considered to be too prescriptive and less clear.
- 3.11 Part of the policy includes a list of issues that new build developments must include. This includes prescribing the type and height of front boundary treatment (d), and a requirement to open glimpses to the surrounding countryside by using landscape buffers (e) and incorporating views and glimpses to the surrounding countryside.
- 3.12 It is unclear why the policy requires the need to prescribe this type of boundary treatment as this should be judged by local context and a design-led process, rather than being narrowed to two options. It stifles innovation and creativity and so we would encourage item d) to be removed from the policy for clarity.
- 3.13 Items e) and f) appear to seek to also prescribe specific outcomes. It would be difficult to achieve glimpse views on a site that is bounded by trees and dense vegetation and would appear to conflict with issue c) which seeks to retain existing trees and hedges. Therefore, we would encourage issues e) and f) to be combined or the following wording used:

“Using soft landscape features to create a soft transition for development on the edge of rural areas to mitigate the impact on the surrounding countryside”

- 3.14 We would also encourage adding reference to “*subject to a tree survey*” to understanding the condition, in issue c) rather than expect existing trees to be retained regardless of their condition.
- 3.15 It is unclear if “*superior environmental performance*” is a specific standard and whether it differs from “*high environmental performance*” as stated in policy ONG.RR3. Therefore we recommend the wording on environmental performance is made consistent to provide clarity.
- 3.16 The support text in para 7.2 references the Ongar Design Guide which accompanies the ONP documents. It states that “*Any new development must apply the guidelines in Ongar Design Guide 201951 together with the National Design Guide 2021, and National Model Design Code 2021 in their detailed planning, as well as information in Essex Design Guide*”. Whilst the Ongar Design Guide is not referenced in the policy itself, the rationale and interpretation makes references to four different design guidance documents and is unclear which document would take priority. We therefore recommend that this is clarified in the ONP to ensure developers and decision makers have clarity in the decision making process.

Policy ONG.CT4: Infrastructure Priorities

- 3.17 This policy sets out the infrastructure priorities required from developer contributions which consist of additional sport pitches and courts, new car parking provision close to the town centre and pre-school provision in close proximity to the town centre.
- 3.18 Epping Forest District Council has produced an Infrastructure Delivery Plan (Sept 2020) which sets out the range of infrastructure projects (including transport, education, health and community facilities) in order to mitigate the impact of development and support new communities. The plan sets out what the infrastructure requirements are to deliver the planned growth across the District over the plan period. For Ongar, 15 infrastructure projects have been identified each with a priority category from ‘critical’, ‘essential’ and ‘required’.

3.19 In view of this up to date information, it is important therefore that this policy reflects the infrastructure projects set out in the latest Infrastructure Delivery Plan in order to avoid 'double-dipping' or seeking contributions for projects that have not been identified as being needed. This is important to ensure developer contributions are focused on the infrastructure projects that are required. Therefore, the policy makes reference to the Infrastructure Delivery Plan rather than prescribe three projects.

4. CONCLUSION

- 4.1 Stonebond Properties would like to acknowledge all the hard work and effort that the Steering Group and the local community have put into producing the ONP and the accompanying supporting documents. Overall, Stonebond Properties are supportive of the draft Plan subject to a few amendments which will add clarity to the plan for the decision making process.
- 4.2 The recognition in the ONP of the site allocation ONG.R6 under the Policy Map is welcomed.
- 4.3 Amendments have also been suggested to Policies ONG.RR3, ONG.ED1 and ONG.CT4 which it is hoped add clarity to the Plan and will help to satisfy the basic conditions test.
- 4.4 In conclusion, subject to the above clarifications, Stonebond Properties welcomes and supports the ONP, and commends all the hard work and effort that the Steering Group and local community have put into producing this version document which will help to benefit the existing and future residents of Ongar.