

FAO Planning Policy Team
Epping Forest DC

Our Ref: RJC/EFDC/ETNHP(2)
Date: 18 October 2024
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Dear Planning Policy Team

Epping Town Neighbourhood Plan (Regulation 16) submission consultation

Thank you for consulting Essex County Council (ECC) on this submission draft Neighbourhood Plan (NP). ECC provides the following response, which reflects ECC's role as the Minerals and Waste Planning Authority, the Highways Authority, the Transportation Authority, the lead authority for education (including early years and childcare), the Lead Local Flood Authority and our responsibility for providing and delivering care for adults and children and public health services. Comments also reflect ECCs lead role covering climate change and net zero carbon and green and blue infrastructure.

The ECC response outlines where changes need to be made to ensure ECC can deliver its statutory responsibilities and recommends other changes for your consideration.

If you wish to discuss any of the above matters in further detail please do not hesitate to contact me.

Yours sincerely

Rich Cooke
Principal Spatial Planner
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Sustainable Growth

Everyone's Essex

Everyone's Essex, ECC's organisation strategy, sets out four strategic areas and 20 commitments. One strategic aim seeks a strong, inclusive and sustainable economy. This strategic aim includes a commitment to deliver and maintain high quality infrastructure to support a growing economy and the delivery of new homes and communities. Achieving this requires us to ensure that the development, planning and infrastructure delivery across the administrative county, can be aligned and support the Local and Neighbourhood Plans that are being prepared across the county, at its boundaries and beyond. This is to ensure that the planned growth includes provision for the delivery of ECC's infrastructure and services commensurate with the growth being planned, and to support existing and future residents and businesses.

The response that follows reflects the order of the Neighbourhood Plan (NP) (Submission).

Section 2. Epping: The Big Picture

ECC reiterates the following corrective / update point, as made at the Reg 14 Draft NP consultation stage, as a reminder that this still needs actioning:

Paragraph 2.4

The third bullet point refers to the 2001 Waste Local Plan. This Plan was superseded by a new Essex and Southend-on Sea Waste Local Plan in 2017.'

Section 4. The Forest, Green Belt & Natural Environment

Policy 1

ECC notes that its (previous) comments on the Reg 14 Draft NP around the need to carry out SEA for the NP have been accepted by the NP group, as the NP was screened for both SEA and HRA. ECC also notes the conclusions reached by Epping Forest District Council (EFDC) in determining that both assessments were not required. Thus, ECC's earlier representations on this matter have been addressed.

Policy 2

The playing fields of Epping St John's and Epping Primary schools have been included in this policy. As education authority, ECC advises that to meet the demand for school places, and respond to changes in the curriculum, education settings may in future need to adapt or expand their facilities. Placing restrictions on such changes for schools does not align with paragraph 3.4(c) of the Submission NP and may serve to conflict with requirements arising in future to accommodate additional school places in line with the stated approach of NPPF (December 2023) paragraph 99:

'99. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

Green Belt Boundaries

ECC also notes that its previous comments around the need for the NP maps to show clearly Green Belt (GB) boundaries, as they affect the Epping parish, have been taken on board, with the GB boundary now shown on Map 1 of the latest NP. Thus, ECC's earlier representations on this matter have been addressed.

Section 5. Epping's Growth & Development

ECC notes that the NP does not allocate any housing or employment sites but acknowledges those as required by and allocated in the adopted EFDC Local Plan, Policy P1 – Epping (around 709 homes collectively). In this respect the NP is aligned fully with the adopted EFDC Local Plan. ECC notes that Table 1 in the (Reg. 16) Submission NP has been revised to show a simple breakdown and comparison of homes numbers within the parish between 2011, 2021 and 2033, as a response to ECC's representations 11, 16-18 and 21 on the planned scale and trajectory of growth. This addresses ECC's earlier points about alignment of planned growth between the emerging EFDC LPSV and the emerging NP.

Paragraph 5.1 / Policy 5 / paragraph 9.6

For clarity these sections should refer to a 2.1ha education and early years and childcare site rather than a 'new primary school'. This change would identify the land area required (for planning purposes) and provide appropriate flexibility for the form of provision required in future at the point of delivery.

Policy 4

Policy 4 states:

'The Town Council will consider other proposals for sustainable development taking into account the adopted local development plans, the provisions of the National Planning Policy Framework and other relevant policies in this Plan.'

This is a less rigid and restrictive policy approach than that proposed by the Reg 14 Draft NP Policy 4 and is considered by ECC as more flexible and positive, as well as being in greater conformity with the adopted EFDC Local Plan and NPPF. Thus, ECC's earlier representation (representation 19 refers) on this matter has been addressed.

Policy 5

'ECC advises that as this large development in South Epping is likely to build out over a number of years, it is important to ensure that increases in land and house values are captured over time to maximise develop contributions. In response, it is suggested that the Town Council works with EFDC on facilitating S106 agreements which allow for review points to capture this value uplift. Although EFDC will be responsible for dealing with planning applications and a party to S106 agreements (instead of the Town Council as a rule), consideration could be given to the use of such a value uplift capture mechanism for other developments identified through the NP (or potentially across the board).'

At the Reg 14 Draft NP stage ECC provided the above comments (representation 20 refers). It is noted and welcomed that an additional reference to ECC in the context of S106 negotiations has been added. However, this reference is too narrow and restrictive in scope, as it only cites ECC as 'Highway Authority.' In order to reflect ECC's much broader roles (including wider transport authority, education authority, etc.) it is recommended that this reference is revised to refer to ECC i.e. not only as 'Highway Authority'.

Accordingly, ECC recommended that the following wording is substituted for the currently proposed wording of Policy 5:

'The range of affordable housing provided within South Epping alongside the required infrastructure provision would be the subject of negotiation ~~with~~ **between** developer(s), **EFDC** and Essex County Council ~~as Highway Authority.~~'

In addition, ECC notes that at paragraph 5.12 (regarding Town Centre Sites) the following wording is currently proposed:

'Advance infrastructure development would be the subject of S.106 negotiations, Essex County Council capital allocations and government grant.'

It is important to make clear that ECC objects to this text wording since ECC would not be in a position to make available advance funding by way of its own capital allocations to accommodate and mitigate such new development. This is because it is the responsibility of the developer(s) to mitigate the impacts of the development proposed by way of developer funding contributions and / or other such means. Accordingly, ECC requires that this sentence be reworded as follows:

'Advance infrastructure development would be the subject of S.106 negotiations, ~~Essex County Council capital allocations~~ and **if proven essential and justifiable, potential** government grant.'

Section 6. Accessibility & Connectivity

At the previous Draft NP consultation stage, ECC provided the following initial comments: 'As Highways Authority for the district (and parish area) ECC advises (as a note of caution) that there is a potentially higher expectation of the highway improvements cited in the NP, at key junctions around the town, than can demonstrably be delivered in reality. This is apparent to ECC, given the constraints of highway land availability etc. within the Epping Forest (much of this land instead being held by the Corporation of London).'

ECC maintains this position for the Submission NP, since the approach of the NP now is in most important respects unchanged on this matter.

Similarly, on the text box (now on pg. 21) that is now titled 'Community Aspirations', ECC provided the following initial comments:

'Community Aspirations: Accessibility and Connectivity Improvements Section (P19)

First text box: generally; this needs to reflect the sequential approach favouring sustainable travel modes in the first instance. Accordingly, the elements identified need to be re-ordered

to start from the important premise of reducing need to travel, encouraging non-car modes (walk, cycle, bus, tube, rail), and any general traffic road improvements to be last (or remove these road focused references if appropriate).

ECC notes the bullet points that mention increases in road capacity, such as extra lanes. Increasing the road capacity has the potential to induce a greater net traffic flow, so any such road capacity increase measures need to be set within a broader strategic transport approach. The ECC approach is summarised as follows in the ECC Developers' Guide to Infrastructure Contributions:

'When identifying solutions, priority must be given to promoting 'smarter choices' i.e. alternatives to private car use and those that make efficient use of the transport network. Essex County Council employs a sequential test under which measures such as travel planning will be looked at first, then schemes designed to enhance walking and cycling, followed by public transport enhancement and then highway works. In mitigating the impact of a development on the highway network, direct mitigation by the developer is preferred.'

Although the above text is not that of the latest update of the ECC Developers' Guide to Infrastructure Contributions (2024), the Local Transport Plan (LTP) for Essex is currently being produced. In line with the current NPPF (2023) the new LTP continues to place the emphasis on sustainable approaches to transport planning. Epping Town represents a relatively sustainable location, given the scale of the urban area, with feasible sustainable alternatives to private car use (walking, cycling and bus passenger transport). Given these considerations, ECC maintains the above point that a continued emphasis in the Submission NP, on road further infrastructure measures to alleviate road network congestion, still needs to be changed to promote a modal shift in travel in the interests of a more sustainable, healthy and equitable transport strategy. The Town Council's response is noted (final Consultation Report refers) that funding to support new transport measures should be sought from the Government's Housing Infrastructure Fund. However, ECC would point to the following:

- There is no evidence that in developing the submission NP, any such funding sources have been explored by the Plan-making authority in terms of feasibility or availability
- In the experience of ECC, the grant of such external funds has proven to be on an exceptional basis, where substantial growth has been proposed, and / or in partnership with Government, such as that for the Harlow & Gilston Garden Town, where Garden Town/Community status was awarded, or for Chelmsford and Tendring Colchester Borders Garden Communities.

1st bullet point, ECC advises that for Epping there are very few 'route options', and such real-time traffic information would be likely to lead to use of less suitable routes.

3rd bullet point: Extending the Oyster card system coverage to Harlow or Roydon / reducing the higher fares payable from Harlow or Roydon stations (than those from Epping) is more likely to have greatest impact on reducing Epping station usage and commuter car parking demand/travel to Epping than to Roydon. ECC advises that there is also not spare capacity at Roydon station for increased car parking demand that could result from this.

6th bullet point: Junction improvements cited are noted but do not effectively ease congestion by themselves and need to be viewed as part of a wider transport strategy. Experience from

road capacity enhancement measures indicates that any additional road capacity might be taken up by existing suppressed demand and increased journeys as a result of this.'

As these representations made at the Reg 14 Draft NP stage have not been taken on board, ECC reiterates them in relation to the Submission NP.

ECC advises that at the previous Draft NP consultation stage, ECC also provided the following two representations:

(1) 'Policy 6 (Enhancing Epping station)

ECC advises that increasing car parking availability at Epping station would result in more in-commuting by car (leading to additional traffic through the town) and would not encourage sustainable travel to the station. Accordingly, this is a measure that ECC could not support and it is not in line with proposals of the former EFDC LPSV. ECC is considering potential for a Park and Ride facility at North Weald to serve Epping station (this could serve to remove vehicular traffic from Epping itself).

(2) Policy 6

ECC notes the reference in this policy to increasing car parking provision at Epping station. Whilst it has been identified that this car parking provision is under pressure for the station, any such proposals need considering in the broader context of the likely increase in car traffic on the local road network and how this needs managing / mitigating.'

These comments do not appear to have been acknowledged and are not cited in the published Final Consultation report.

ECC maintains its position on both of these representations on substantive matters of transport strategy that will need to be addressed in the NP.

In a similar vein, at the Reg 14 Draft NP consultation stage, ECC provided the following representation:

Page 22 Community Aspirations table / Policy 8 / Page 26 (para 6.20 and box) / Page 45

The reference to 20mph limits near schools is welcomed. These proposals should form part of wider actions to establish safe direct walking and cycling routes to all schools.

'Paragraph 6.8 (p. 18)

As mentioned previously, there are transport intervention proposals (that ECC is pursuing) with the aim of addressing network issues from north of Epping through to the M25. It needs to be noted that these are planned to mitigate planned growth (that is provide basically nil detriment), rather than to deal with congestion already experienced. To seek to fully address this would require more challenging interventions that would take much land from the Epping Forest Special Area of Conservation (SAC) (which may be deemed as unacceptable) and it is considered that even the measures being proposed will be challenging to secure.'

Paragraph 6.8 - text box (p. 19)

1st bullet point: ECC advises that adding an extra lane at Bell Common traffic lights would need to impinge on Forest land. The need to reduce road travel demand, instead of just increasing road capacity, through reducing the need to travel and higher levels of sustainable travel,

thereby becomes important. On balance however (and given localised air quality issues) ECC does not oppose this measure.

3rd bullet point

B1393/B181 The Plain junction improvement: As per the 1st bullet comments above; right turn movements from North Weald towards Harlow are not an identified key movement (an alternative route is available via Woodside).

This section then refers to 'Infrastructure to support South Epping', although the status of measures that this reference (first bullet point, citing Brook Road / Bridge Hill) sets out is not clear. It is acknowledged that this may refer to an aspiration to address a locally identified traffic issue. If this and other transport measures references refer to identified transport interventions, these need to be identified on a plan to illustrate them and explained in supporting text.'

Paragraph 6.9

A review of the local route signage shows that signing on routes is already in place for strategic movements (although there do not appear to be many directional signs along Epping High Street or on side roads close to Station Road /St Johns Road). Other locations (such as the vicinity of Stonards Hill / The Plain) have more signing. More route signing locally would involve significantly more street furniture (which might be seen as clutter) to address this stated priority. It is also known that an increasing tendency to use 'SatNav' by drivers when unfamiliar with a location (and even when more familiar) to find the least congested route at that time of day has an impact in this regard. The NP would need to be clear in identifying whether any alternative routes are being proposed locally.

2nd bullet point

This makes a reference to 'car-parking charges structured so that car-usage isn't the primary option and to reflect true costs and encourage alternative travel where feasible,' – ECC suggests that this needs further consideration in order to identify and understand what this might mean in practice. Consideration is necessary on whether this indicates setting higher parking charges and for which car park users. An alternative measure of reducing car parking availability would encourage alternative travel (although it is acknowledged that the car park operator proposes 600 more spaces). Parking availability and pricing (approached holistically) is a demand management tool not referred to in the NP as currently drafted.

Paragraph 6.11

Car Parking: ECC notes that the 2nd bullet point included at paragraph 6.9 (p19), copied above, suggests a car parking measure which is not mentioned here in this car parking section. The consistency of approach between this point and Policy 7 is not evident. ECC's comments made above in response to this bullet point continue to apply for this section, including a need for recognising demand management potential.

As these representations have not been taken on board for the Submission NP, ECC reiterates this point now for the consideration of the appointed Examiner.

At the previous Draft NP consultation stage, ECC provided the following comment:

'Policy 7

ECC advises that (as stated previously) 600+ additional public car parking spaces in Epping will draw in more car traffic, exacerbating the congestion problems on which much of the NP content focuses.'

ECC notes and supports that the Submission NP now states a commitment that 'Long-term the sustainable transport system is to accord with local plan policies which aim to support walking, cycling and public transport.'

However, the Submission NP also maintains (through revised Policy 7) its previous commitment for proposals to increase public car parking. Accordingly, ECC objects to this measure, which will only serve to draw in more car traffic and congestion to both the town and the vulnerable forest (as a designated Special Area of Conservation). This represents an unsustainable approach and acts counter to the drive towards reaching Net Zero carbon targets and EFDC's declaration of a climate emergency. In this important respect, the transport approach / strategy of the Submission NP, by increasing car parking provision, in essence maintains a 'business as usual' / continuation of existing travel patterns.

As two informative points, ECC reiterates the following comments now, as made at the Reg 14 Draft NP consultation stage:

'Paragraph 6.13 (p22)

This deals with car parking improvements and in this context ECC advises of the need to ensure that the North Essex Parking Partnership (NEPP) is consulted with regard to parking policy and delivery arrangements.

Policy 8: Paths to Countryside

As Highways and Transport authority, ECC notes the proposals in this policy (as illustrated in Map 1) to create new north-south and east-west Greenways routes linking the central areas of Epping with destinations beyond (such as the underground station) and nearby countryside. The routing of these Greenways is considered generally appropriate in terms of desire lines and the serving of key routes and attractors with sustainable travel options. However, as with much desired or proposed cycle infrastructure, deliverability is always subject to land and highway constraints. This issue is exacerbated due to the nature of the existing road network and volumes of traffic. It is considered, at this point, that a segregated or off-road cycle lane is unlikely to be achievable. Accordingly, whilst not objecting to these proposals, it is necessary to provide a cautionary note that their deliverability cannot be assured by ECC.

Paragraph 6.17 and associated Action Plan (at section 13)

At the previous Reg 14 Draft NP consultation stage, ECC provided the following comments in response to this:

'Infrastructure – General

ECC welcomes the consideration given to this in principle and the attention given to coverage of this within the NP, including an action plan. Whilst some mention is made of reflecting aspirations (as expressed locally), ECC notes the reference made (paragraph 6.17) to the need for these infrastructure improvements being fairly related to the developments giving rise to them and welcomes this. This reflects the need for infrastructure measures being planned

appropriately, being realistic and deliverable. The NP would benefit from explanatory text to emphasise the importance of collaboration and effective partnership working between a wide range of agencies (including the County Council) and with private sector interests, including landowners, site promoters, developers etc. within this infrastructure planning and delivery context.'

It is noted that the paragraph has been revised to remove any reference to 'the need for these infrastructure improvements being fairly related to the developments giving rise to them' in the Submission NP. Deleting this reference does not help Plan users in understanding this important point on infrastructure provision. Similarly, ECC maintains that adding the point in the final sentence of the above paragraph is still needed for clarity and accuracy in the final NP.

Section 7. Epping Town Centre

As a minor point, ECC recommended that Policy 9 be given a specific title to accord with the rest of the NP and to summarise its subject matter for the benefit of Plan users. ECC notes that this point has been addressed in the final published (Reg. 16) Submission NP.

Section 8: Business & Employment

ECC notes that the overall Submission NP indicates a relatively supportive approach towards economic prosperity and employment and this is considered positive in the interests of the area's overall well-being. As the final consultation Report notes, ECC provided the following comments at the Reg 14 Draft NP consultation stage, which it appears the Town Council accepted, but ECC can find no indication of these having been actioned in the Submission NP:

'Section 8 Business & Employment – Policy 13

The ECC Economic Growth Team is generally supportive of Epping Town NP's stated overall aspiration to encourage proposals which support the business and commercial activities of the area. However, the policy approach does not address protection and retention of existing employment uses (these considerations are not mentioned). Similarly, there is not any mention of a policy with regard to resisting change of use from employment to other uses (unless specific conditions are met – see below). With the benefit of local knowledge, complemented by local community consultation and community links, plus the NP Vision and economic aims as set out, it is suggested the NP could usefully go further in how it would wish to see the local economy sustained and promoted.

In response, ECC recommends changes in the policy wording that state an aspiration to support the retention of existing employment areas, especially office-based employment sites and that proposals which result in the loss of an existing business use will be resisted, unless it can be demonstrated that its continued use is no longer viable - consistent with emerging EFDC Local Plan policies. For example, such a policy could require the applicant to demonstrate:

- Details of the existing use and the proposed use and how it operates
- Limitations of the site including its buildings and land for Class B uses
- Whether investment would enable the site to be used for Class B uses
- Why the proposal cannot be provided in an alternative, more suitable location

- An assessment of current and potential future market demand for the site, building or premises in question, which should reflect current economic trends, future forecast changes and actual attempts to market the site, building or premises in question
- Any other considerations including economic viability'

ECC reiterates the above points now, for the consideration of the appointed Examiner.

Section 9: Local Facilities for Health, Arts, Culture & Recreation

ECC provided comments in support of what is now Policy 13 (formerly Policy 13; Enhancing Social, Sporting, Play, Cultural and Community Facilities) at the Reg 14 Draft NP consultation stage. Accordingly, ECC supports its retention in the Submission NP as now published (see previous ECC comments below):

'Policy 14

ECC supports the objectives of this policy, since new developments to improve social, sporting, cultural and community facilities are all considered important aspects for good quality place and sustainable communities.'

Please note that at the Reg 14 Draft NP stage, ECC provided the following comments, with limited evidence of these being reflected in the Submission NP, which are reiterated now to help ensure that the final made NP is as effective as possible in planning terms as part of the Development Plan:

'Early Years and Childcare (EYCC)

ECC notes that there are limited references to EYCC within the NP, other than those referring to the Epping South and St John's developments. It needs to be recognised that the planned growth of Epping (both the town itself and the wider district) will require additional EYCC provision to ensure that parents living in the area can work or study safe in the knowledge that their children are in good or outstanding childcare provision. ECC advises that it is working collaboratively with EFDC and neighbouring Harlow Council on these matters (noting that both EYCC provision and choices on uptake by parents tend to be cross-border in nature). The currently identified requirements for future provision to meet the growth needs of Epping (town) form part of the current consideration. The advisory committee should contact ECC to determine appropriate wording for the NP and possible responses in this regard.'

Section 11. Heritage, Historic Buildings and Public Realm

It is positive to see the preservation and enhancement of Epping's heritage as a theme through the Plan.

At the Reg 14 Draft NP consultation stage, ECC provided the following comment, which is considered beneficial in helping to maintain local environmental quality in a relatively broad sense and whilst this appears not to have been acted on (in the Submission NP) ECC recommends its reconsideration at this stage:

The need to protect and enhance local landscape features could be reflected in the wording for the community aspiration set out on page 38, which currently states that:

'This Plan specifies a range of measures as Community Aspirations to support and enhance the area's heritage and public realm ...'.

ECC advises that the Conservation Areas of Epping Town will afford some protection to trees but it would also be beneficial to refer to the need to encourage the retention and replanting of trees, and other landscape features within the Conservation Area and wider town area.'

Paragraph 11.1

A clarity in terminology could be beneficial and is recommended in paragraph 11.1. The document currently reads:

'There are 134 heritage assets listed in Epping Parish, 62 of which are Listed Buildings, the Epping Forest Purlieu Bank is a Scheduled Monument and Coopersale House has a Registered Park and Garden. The remaining 70 heritage assets range from...'

The additional information added is appropriate. The document should refer to the Historic Environment Record rather than Environmental in the second sentence of 11.1.

The numbers of heritage records have increased to 62 listed buildings and 74 others recorded. There are 134 heritage records on the Essex Historic Environment Record (HER), including 62 listed buildings etc. There are likely more than 134 heritage assets in the Parish. There could be additional non-designated heritage assets not yet listed on the HER, so clarifying the terminology to refer to the number of heritage records rather than heritage assets would be useful. The three designated Conservation Areas should also be noted.

In paragraph 11.2 reference to the grades of listed buildings should be updated to mirror the official National Heritage List from Historic England. The grades need to be stated as II and II* (rather than 2 and 2*). The Epping Conservation Area should be noted in this paragraph too.

Policy 17

It would be worth stating that all new housing or commercial developments will contain a desk-based assessment based on a search of the HER which would assess the impact on below ground archaeological deposits.

There is a query and point to raise for the NP in regard to Policy 17. A reason for the linking of the Epping and Bell Common Conservation Areas should not be the protection of statutory listed buildings and their settings (as currently stated). It should instead be based on merits, that is whether the area has special architectural or historic interest worthy of preservation or enhancement. The settings of listed buildings are already protected under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

To assist with the successful implementation of Policy 17, it would be extremely beneficial to have up-to-date Conservation Area Appraisals and Management Plans (CAAMPs). The Epping CAAMP dates back to November 2009, the Bell Common CAAMP dates to February 2010, and that of Coopersale dates back to March 1995. The proposed review of their boundaries in

regard to linking Epping and Bell Common Conservation Areas should be wider reaching to review the entirety of the designation and reappraise their character.

In the Community Aspirations box on page 39 it is unclear what the '2007 appraisal' refers to. It is advised that this needs to be clarified and corrected if necessary.

In paragraph 11.4, there is a mistake in referring to 'Theydon Mount' as Grade 1 listed rather than Hill Hall (in Theydon Mount). It should also read Grade I not 1. Hill Hall is also a Grade II Registered Park and Garden. In paragraph 11.5, it should be noted that Copped Hall is Grade II listed and located within Copped Hall Conservation Area and Copped Hall Registered Park and Garden (Grade II*).