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LDF Consult by email

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## **Epping Forest District Council's Response to the Ongar Neighbourhood Plan Regulation 16 consultation.**

Dear Sirs

This response is made by Epping Forest District Council to the Regulation 16 consultation on the Ongar Neighbourhood Plan 2020 to 2033.

The Council commends Ongar Town Council and the Ongar Neighbourhood Plan Community Group (ONPCG) on the significant work that has been undertaken in preparing this considered and positive Plan. To date, the District Council and the ONPGC have engaged positively, and the Council are keen to maintain a positive and constructive approach to engagement in the finalisation of the Plan.

The Council welcomes the changes made as a result of the Council's comments dated 18<sup>th</sup> March 2021 in response to the Regulation 14 consultation. However, there are some concerns which remain and are detailed in the table below.

### **Epping Forest District Emerging Plan Update**

The Local Plan Submission Version 2017 was agreed by Council on 14 December 2017 and the plan was submitted for examination in September 2018 and hearings took place between February and June 2019. The Inspector's advice issued on 2 August 2019 required the Council to undertake further work to support the Local Plan. Epping Forest District Council have consulted on Main Modifications to the emerging Local Plan and representations were invited until Thursday 23<sup>rd</sup> September 2021. All representations have been submitted to the Inspector. It is anticipated that the Inspectors' report on the soundness of the plan will be available early in the New Year. Following receipt of the Inspectors' report and providing it is determined the Plan is 'sound', it will be considered by the Full Council and can be adopted if it makes the Main Modifications recommended by the Inspectors.

The Ongar Neighbourhood Plan Basic Conditions Statement assesses the ONP against 4 strategic policies from the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008). However, the emerging Local Plan is at an advanced stage and the District Council comments below are made in the context of that emerging Local Plan.

Section 5.4 of the Ongar Neighbourhood Plan should be amended to reflect the current position at the time of the Examination.

**Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) Screening**

The outcome of the SEA and HRA screening was based on the Regulation 14 Consultation Version 2.5.1 which concluded that neither a full SEA or HRA would be required. An updated SEA and HRA screening document is attached to take into account changes made since the previous version. Given no significant changes to the plan have been made the conclusions of the SEA and HRA screening have remained the same.

Yours Sincerely

A solid black rectangular box used to redact the signature of the Planning Policy Officer.

Loredana Ciavucco

Planning Policy Officer

**Table 1: Assessment of compatibility with the strategic policies in the Epping Forest District Local Plan Submission Version – as amended by Main Modifications**

Policy code	Policy Name	Compatibility with EFDC Local Plan Strategic Policies – October 2020	Regulation 16 Comments
ONG - RR1	Employment and Rural Diversification	<b>Policy E 1 Employment Sites.</b> The policy is not incompatible with Policy E 1. The Local Plan deals with the environmental impacts of such development in the DM Policy Section, in particular DM 21 Local Environmental Impacts, Pollution and Land Contamination which is not a strategic policy.	No comments
ONG-RR2	Chipping Ongar High Street	<b>Policy E 2 Centre Hierarchy/ Retail Policy</b> The NDP policy is more permissive than Policy E 2 in the context of the Use Classes Order but new changes to the Use Class Order makes this irrelevant.	Part 2. The phrase “Uses not open to the general public” is unclear. There is no clear indication of what type of use is envisaged.  The control envisaged may not be achievable given the new Use Class Order introduced on 1 <sup>st</sup> September 2020. The new Class E - "commercial, business and service" - use class would subsume the existing Class A1 (Shops), Class A2 (Financial and professional services), Class A3 (Restaurants and cafes), and Class B1 (Business) use classes.  Part 4 - Pleasant Car Park was assessed through the Local Plan site selection process (SR-0845) which concluded it was not suitable for development for the following reasons: “Although the site is in a sustainable location, it scored poorly against several criteria at Stage 2 including settlement character and impact of air quality. The potential loss of car parking in this location was considered unacceptable and the site therefore did not proceed any further.”
ONG-RR3	New Housing Mix and Standards	<b>SP 3 Place Shaping</b> – to be considered not incompatible with this policy further justification needs to be provided for part 2 densities.  <b>Policy H 1 Housing Mix and Accommodation Types</b> The policy is not compatible with policy H 1 for the reasons noted under ‘Further Comments’  <b>Policy P 4 Ongar</b> This policy is not compatible with Policy P 4 due to the indicative densities of sites allocated in the Local Plan. Should significantly lower densities be imposed on these sites the strategy of the Local Plan could be compromised due to achieving a lower yield and not making most effective use of land.  It should be noted that Main Modifications are proposed to the site requirements of Policy P 4.	Part 1. Requires that the mix of accommodation must both reflect the latest evidence of local housing need AND include 3-4 bedroom, 1-2 bedroom and housing suitable for the elderly or people of limited mobility.  This is contradictory in the sense that it identifies that the local evidence should be reflected then presupposes what that evidence might state. Also, it is not reasonable to ask for a mix in every individual development, where the size of the development may not make this feasible. If reworded to replace ‘including’ with ‘for example’ this would overcome the concern.  The use of the word ‘must’ is not appropriate here and should be more flexible. It is not reasonable to ask for a mix in every individual development, where the size of the development may not make this feasible.  Whilst the SHMA 2015 provides the overall housing mix required at District level, it is recognised that the mix proposed on individual sites should reflect local need and respond to specific site constraints. A strategic approach to delivering housing mix is required to ensure that District wide mix is met, but individual sites provide the housing mix most appropriate to their context. Therefore, the starting point for determining mix for any site should be the indicative capacity and density as set out in the LPSV site allocations. The local need for market vs. affordable housing will be different, and this should be taken into consideration.  Part 2. Requires that the density of new residential development should complement the local context and wider existing area. The supporting text highlights the existing average density of 24 dwellings per hectare.  Policy SP3 Place Shaping of the LPSV seeks densities above 50 dwellings per hectare in towns (Ongar is classed as a Town in the LPSV). However, at Part B (iv) the policy notes that lower densities may be appropriate in certain circumstances. A proposed modification to Policy SP3 amplifies Part B (iv) of the policy to note that where such lower densities are proposed, there would need to be suitable justification.  The indicative site densities of the Local Plan allocations: ONG.R3 is 34 dph, ONG.R4 is 43 dph, ONG.R5 is 36 dph, ONG.R8 is 34 dph, and ONG.R1 & 2 in the West Ongar Concept Framework are around 40dphhowever, ONG.R6 is 25 dph and ONG.R7 is 23 dph. Clarity is required to ensure that the policy does not compromise the delivery of the allocated sites in the emerging Local Plan.

			Part 3 – Potential duplication in that LPSV states that any new development should ‘meet or exceed’ the National Space Standards.
ONG-RR4	Broadband	<b>Policy D 5 Communications Infrastructure</b> The policy is not incompatible with Policy D 5.	The use of the word ‘must’ means in every circumstance which may not always be possible. This goes beyond the emerging Local plan Policy, see LPSV Policy D5, Part A: <i>A. The Council will promote enhanced digital connectivity throughout the District by supporting high speed broadband and telecommunication infrastructure. In particular applicants submitting planning applications for major development proposals should demonstrate how high speed broadband infrastructure will be accommodated within the development.</i>
ONG-ED1	Local Character and Design	<b>SP 3 Place Shaping</b> The policy is not incompatible with Policy SP 3  <b>P 4 Ongar</b> The policy seeks to go further than the Local Plan in terms of tree retention on sites. Should significantly lower densities be imposed on these sites as a result the strategy of the Local Plan could be compromised due to achieving a lower yield and not making most effective use of land.  It should be noted that Main modifications are proposed to the Site requirements of allocated sites in Ongar.	The use of ‘must’ should be avoided – recommend should.  The policy would benefit from a caveat in respect of the criteria such as by adding “where possible” to ‘This includes...’ this would also make the policy more compatible with the requirements that the Local Plan places upon the sites such as minimising the loss of trees rather than ruling them out altogether.  Section 7.2 In relation to the supporting text to policy ONG-ED1 concerning site density, the approximate capacity figures in the LPSV, which set out housing numbers for allocated sites, are the result of a comprehensive site selection and assessment process. This process, outlined in the Site Selection Report (EB805), takes into account policy constraints, quantitative and qualitative considerations (incl. environmental, biodiversity and heritage impact, value to Green Belt, accessibility, landscape and townscape impact and physical site constraints). Therefore, the housing numbers put forward should already be considered appropriate for the site.
ONG-ED2	Design and Character in the Chipping Ongar Conservation Area	<b>SP 3 Place Shaping</b> This policy is not incompatible with Policy SP 3. In particular it seeks to add further detail to Part (xi) which seeks to maintain and enhance the important features, character and assets of existing settlements.	The policy is compatible with the non strategic DM 14 Shop Fronts and on Street Dining including proposed Main Modifications to Policy DM 14.  The use of the word ‘must’ should be avoided and could be replaced with ‘should’ or ‘should normally’.  The policy should not duplicate references to other parts of the plan as the plan is read as a whole.  Part 1, third bullet – reference to ‘the architectural diversity of the area’ needs more specification, perhaps reference to the Ongar Design Guide could be made here.
ONG-ED3	Historic Buildings	There are no directly relevant strategic policies in the Local Plan	The use of ‘must’ should be avoided – recommend should.  Part 1 & 2 – Each case should be assessed on its own merits.  Part 3 of the policy is not compatible with National Policy as the requirement for alterations to be reversible is a more stringent requirement.  Part 4 of the policy is a more detailed interpretation than the national guidance in respect of the setting of listed buildings and should describe the importance of the spaces in relation to the significance of the listed building.  Part 6 – ‘constructional detail’ has not been defined within the Plan itself or the accompanying Glossary
ONG-ED4	Sustainable Design	<b>SP 3 Place Shaping</b> In broad terms the policy is not incompatible with Policy SP 3  <b>SP 7 The Natural Environment, Landscape Character and Green and Blue Infrastructure</b> In broad terms the policy is not incompatible with Policy SP 7 subject to the comments in ‘Further Comments’. It should be noted that Main Modifications are proposed to Policy SP 7	The use of ‘must’ should be avoided – recommend should.  Part 1 final bullet – It may not be appropriate that “all hard surfaces” are made permeable in new development in Ongar. There may be sites and locations where this is not suitable, indeed this is dependent upon geology. The requirements should be caveated with words such as ‘where possible’ or ‘normally’ to provide some flexibility.  Part 2 - it is not clear why the provisions in Part 2 should only relate to new development involving new layout (roads and footpaths) since it precludes other opportunities to incorporate high quality public realm, SuDS, enhancements to biodiversity.

			<p>Please note the Council has now published its Sustainability Guidance.</p> <p><a href="https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/08/EFDC-Sustainability-Guidance_Vol1_major-dev.pdf">https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/08/EFDC-Sustainability-Guidance_Vol1_major-dev.pdf</a></p> <p><a href="https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/08/EFDC-Sustainability-Guidance_Vol2_minor-dev.pdf">https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/08/EFDC-Sustainability-Guidance_Vol2_minor-dev.pdf</a></p>
ONG-ED5	Natural Environment	<p><b>P 4 Ongar</b> The policy seeks to go further than the Local Plan in terms of tree retention on sites in relation to retention of newly planted woodland, copses and hedges. Should significantly lower densities be imposed on these sites as a result the strategy of the Local Plan could be compromised due to achieving a lower yield and not making most effective use of land.</p>	<p>The use of ‘must’ should be avoided – recommend should.</p> <p>Insert unacceptable adverse environmental impact in section 2 to be consistent with part 1</p>
ONG-ED6	Landscape and amenity buffer zones	<p><b>Policy P 4 Ongar.</b> The policy is not considered to be compatible with the strategic policies of the Local Plan. Refer ‘Further Comments’</p>	<p>The requirement for a landscape buffer is not reflected in the Local Plan, although its consideration may form part of the process in developing the Concept Framework Plan. Whilst we can understand the desire to reference here, we do not consider it appropriate for a plan to be included or for the specific spatial extent to be stated at this stage. We consider that this could be misleading to readers of the Plan.</p> <p>The supporting text could usefully be expanded to provide context as to what a Concept Framework Plan is and for instance the requirement that this plan is produced by wide range partners, considered/ informed by QRP and requirement for it to be endorsed prior to determination of any application.</p> <p>The buffer should not preclude vehicular access to the site from the High Street which is noted as the Council’s preference in the LPSV, p107 of Appendix 6. Should significantly lower densities be imposed on this site as a result the strategy of the Local Plan could be compromised due to achieving a lower yield and not making most effective use of land.</p>
ONG – CT1	Local Green Spaces		<p>This policy is not consistent with National Policy NPPF Paragraph 103:</p> <p>Policies for managing development within a Local Green Space should be consistent with those for Green Belts.</p> <p>Green Belt policy does not preclude all development.</p> <p>The supporting text will also need updating to reflect this.</p>
ONG-CT2	Community, Cultural, Leisure and Sports Facilities	<p><b>Policy D 2 Essential Facilities and Services.</b> This policy is broadly compatible with Policy D 5 subject to the comments’</p> <p>It should be noted that Main Modifications are proposed to Policy D 2.</p>	<p>Part 2 of the policy is a statement of information rather than a policy and simply states a short list of facilities considered to be of particular importance to local provision.</p> <p>The policy as written is unclear and should highlight the need to protect/enhance facilities if there are impacts.</p>
ONG-CT3	Transport and Movement	<p><b>Policy T 1 Sustainable Transport Choices.</b> This policy is broadly compatible with Policy T 1. However, it should be noted that Main Modifications are proposed to Policy T 1.</p>	<p>Part 1 – ‘must’ has not been replaced with more flexible wording.</p> <p>The policy needs to be aligned with LPSV policy T1 which as amended by the Main Modifications states: The Council will regard Essex County Council’s adopted Parking Standards as the starting point and will appraise proposals on a case by case basis to assess that the level of parking is commensurate to the development proposed. This will include consideration of the scale and type of development, the sustainability of its location (including access to sustainable transport modes and access to services) and local vehicle ownership levels. Where practicable and for sites within 400m of a London Underground Station and/or within a Town Centre or comparable sustainable location, the Council will seek reduced car parking provision, including car free, development.</p> <p>Part 1 (b)– 2009 is added to ‘Essex Parking Standards’. Suggest removing the date to futureproof. Alternatively, include the wording ‘or any future adopted parking standards’.</p>

			<p>Part 4 –The emerging Local Plan (LPSV Policy T1) requires that all new parking spaces provided as part of a development must provide direct access to an electric vehicle charging point</p> <p><i>G. In order to accommodate the use of low emission vehicles to support improvements in air quality within the District all new parking spaces provided as part of a development must provide direct access to an the provision of electric vehicle charging points will be required within all new developments which make provision for car parking for vehicles.</i></p> <p>LPSV states all parking spaces must provide access to electric charging points whereas the NP Policy ONG-CT3 Part 4 states electric charging points should be provided for areas of more than 10 parking spaces. The LPSV sets tougher criteria therefore this part of the policy is not in conformity with strategic policy T1 of the LPSV.</p>
ONG-CT4	Infrastructure Priorities	<p><b>Policy D 1 Delivery of Infrastructure.</b> The policy is, in theory, broadly compatible with Policy D 1 However, it is likely to be ineffective as a development plan policy.</p>	<p>The policy sets priorities for the provision of infrastructure through S106 contributions for the neighbourhood area. This is a reasonable aspiration but any S106 requirements must meet three tests - necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.</p> <p>Therefore, the ability to prioritise collection of monies for those purposes is restricted and this could make the policy ineffective and therefore not compatible with National Policy.</p> <p>In addition, infrastructure delivery is taken from the IDP which is a 'live' document and therefore subject to change. This further enhances the view that a prescriptive policy would be ineffective.</p>
ONG-CT5	Footpaths and Cycle Route	<p><b>Policy T 1 Sustainable Transport Choices.</b> It is not incompatible with Policy T 1 subject to the comments in 'Further Comments' However, it is not possible to understand the impact of the proposal without seeing the protected route for the footpath.</p>	<p>The hand drawn map Ong-CT5 is not necessary for showing the location of the protected route, the first satellite plan is sufficient.</p> <p>Part 1 – we suggest deleting the word 'must enhance'</p> <p>Part 1 – 'footpath' should be defined, is it a public right of way or a path accompanying a road.</p> <p>Bullet 2 – it is unclear why high enclosures or blank walls should be avoided if the footpaths are rights of way, or accompanying a road since for example, garden walls are a common feature.</p> <p>It is not clear how this will be funded and implemented.</p>