

Our Ref: RJC/EFDC/OTCNP(2)  
Date: 22 December 2021  
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Planning Policy Team  
Epping Forest District Council

By email: [LDFconsult@eppingforestdc.gov.uk](mailto:LDFconsult@eppingforestdc.gov.uk)

Dear Planning Policy Team

**Re: Ongar Neighbourhood Plan 2020 – 2033 (NP) (Regulation 16) December 2021 consultation**

Thank you for consulting Essex County Council (ECC) on this (Regulation 16) 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 Local Education Authority and Lead Local Flood Authority. ECC is also responsible at the local level for public health.

ECC is a key infrastructure provider and delivers / commissions a wide range of strategic and local infrastructure and public services, covering but not limited to highways and transportation, education, early years and childcare, minerals, waste, surface water management, passenger transport, adult social care, and Public Health. The impacts of growth from the allocation of development sites in neighbourhood plans (over and above those identified in a Local Plan) will need to be assessed, including infrastructure requirements, any mitigation, and how they will be funded and delivered.

The ECC response provides information to assist in reviewing the Plan ahead of the examination, outlines where changes need to be made to ensure ECC can deliver its statutory responsibilities and recommends other changes for your consideration. It is confirmed that the response focuses on whether the submitted NP fulfils the Basic 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)).

In developing this current response, ECC refers to its response to the Regulation 14 Draft NP, dated 18 March 2021, as the starting point. Within this ECC provided a series of comments including a number of themes / subject areas requiring further attention and issues to address. Some dialogue on these resulted between ECC and an Ongar NP group (ONPCG) representative. ECC is appreciative of the comprehensive and thorough Consultation Statement for Ongar Neighbourhood Plan 2020-2033 document (document reference ONG-EF106) provided to assist in the NP process, to which ECC has had regard.

## Essex County Council's Neighbourhood Planning Guide (September 2019)

In its response to the Regulation 14 NP, ECC referred to this information guide that explains the main County Council services that may need to be considered when carrying out neighbourhood planning. It also provides weblinks to relevant ECC policy guidance.

This Guide provides the following information on each theme:

- The relevant service or function within ECC and their responsibilities
- Relevance to neighbourhood planning
- The key documents produced by ECC to be considered when a Neighbourhood Plan is being prepared, and weblinks to those documents.

<https://www.essex.gov.uk/planning-advice-guidance/neighbourhood-planning-advice>

Please note that this guide is being signposted again for future reference within NP development and review purposes.

### Requirements of Neighbourhood Plans and Links to emerging Epping Forest Local Plan (2011-2033)

The National Planning Policy Framework (NPPF) 2019 makes it clear that *'the NPPF must be taken into account in preparing the development plan'*. The NPPF also states (at paragraph 13) that:

*'The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.'*

Conformity of the Ongar NP with the strategic policies of the EFDC Local Plan is primarily a matter for EFDC to consider and assess in detail.

The following section of the current ECC response provides comments by each section of the Submission Draft NP document in turn.

#### Section 1.1 or Section 2

Minerals Local Plan (MLP), Waste Local Plan (WLP) and Minerals and Waste Consultation Areas.

ECC notes that minor changes have been changed in this regard, in the form of a new footnote. In the interests of assisting users of the NP it is recommended that a clearer and fuller explanation is provided, as detailed below.

*'The Minerals and Waste Planning Authority expects appropriate reference to be made to the MLP and WLP as part of the description of the Development Plan in the Neighbourhood Plan's introduction. Suggested wording is as follows:*

**"Essex County Council is the Minerals and Waste Authority for the Neighbourhood Plan Area and is responsible for the production of mineral and waste local plans."**



**The Development Plan in Ongar therefore also comprises the Essex Minerals Local Plan 2014 (MLP) and the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP). These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and waste infrastructure from proximal development which may compromise their operation.**

#### Minerals Consultation Area

ECC refers to its previous advice about part of the NP area lying within a Minerals Safeguarding Area (MSA) and that it would help users of the NP by including a map of these land areas subject specifically to the MSA policies of the MLP – please refer to the following text extract from ECC’s previous comments.

*‘Although Neighbourhood Plans should not seek to establish policy for minerals and waste land uses, they should include context on such matters, as relevant to the area. It is recommended that such recognition is given to the adopted MLP and WLP as part of paragraph 1.1 or further supporting paragraphs. Some areas of the Plan Area lie within a Minerals Safeguarding Area (MSA) and should be referenced in the planning context section.*

*The following additional text should be included and has been incorporated into many other neighbourhood plans that have been ‘made’ in Essex:*

**‘These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and waste infrastructure from proximal development which may compromise their operation.’**

#### Mineral Resources in the Plan Area

*In light of the fact that only some areas of the Neighbourhood Plan Area are within a Minerals Safeguarding Area, the following wording should be added to the planning context section:*

*“Some areas of the Neighbourhood Plan Area in the South and West are within a Mineral Safeguarding Area due to the presence of sand and gravel deposits beneath the ground. These areas are subject to a mineral safeguarding policy (Policy S8 of the MLP), which seeks to prevent deposits being unnecessarily sterilised by non-mineral development. However, all housing allocations proposed in the Neighbourhood Plan are located outside of Mineral Safeguarding Areas and therefore there are no mineral safeguarding considerations.”*

#### Waste Consultation Area

*In light of the fact that part of the Neighbourhood Plan Area is within a Waste Consultation Area, the following wording should be added to the planning context section:*

*“Some areas of the Neighbourhood Plan Area in the South are within a Waste Consultation Area due to the location of the Waste Transfer Station and the Aggregate Recycling Centre.*

*Where applications of a nature not specifically excluded by Policy 2 of the WLP are submitted for determination by Epping Forest District Council, the MWPA is required to be a consultee. The MWPA will likely object to applications until it is satisfied that the development will not cause operational constraints on the existing waste management facility.”*

ECC maintains that including a map (as provided by ECC) to make this clear would be of value to users of the NP.

#### Section 8.4 Transport and Movement

ECC in its role as the highway and transportation authority, commented previously that this part of the NP, particularly Policy ONG-CT3, required further consideration as the approach was car reliant, would perpetuate private car reliance in future and was therefore unsustainable. In this regard ECC accepts that Policy T 1 (part B in particular) of the submitted EFDC Local Plan (under examination) might reasonably be expected to provide strategic policy in this regard (subject to successful adoption of this Local Plan). Policy T 1 (as a strategic planning policy) is being relied upon for the purposes of the NP as the key transport policy approach to address sustainable travel. Submission Draft NP Policy ONG-CT3 still adds little content or requirements of value to this policy approach.

In order for the NP to support delivery of this strategic policy approach, ECC considers that the NP needs to focus on where it is able to exercise effective influence in this matter in a bespoke, locally targeted way. In this regard, it is considered necessary to help ensure that the NP meets the basic conditions in respect of the second condition – to contribute to the achievement of sustainable development. In this regard, ECC welcomes the preparation and contribution of the supporting (Appendix) document for the NP entitled ‘Appendix – Projects and Actions ~ August 2021’. As stated previously (in ECC’s response to the regulation 14 NP) the NP needs to ensure that sufficient attention is given towards public transport and the role that this may play for the parish area within sustainable travel. On this point, matters have moved on significantly since the earlier (regulation 14) NP draft, as the Government’s national bus strategy, ‘Bus Back Better’, was published on 15 March 2021. It makes clear that better bus services are seen as a key part of the Government’s ‘levelling up’ agenda by improving public transport outside London. ECC has agreed its response to this and published its Bus Service Improvement Plan 2021 – 2026 (BSIP). ECC therefore welcomes the following reference in the NP’s Appendix document setting out its planned projects and actions:

#### ‘2.3 Improved public transport

- Encourage the expansion of transport services<sup>4</sup>, including within the parish to link Chipping Ongar Town Centre with Ongar Health Centre and the potential for additional commuter services to link Ongar to Epping Station by working with bus service providers and other local government authorities.’

Within this context, ECC would welcome working with the NP group to explore these opportunities to review, promote, and improve public transport serving the parish area. More information is provided on the BSIP in the appendix to this response. ECC also recommends including a reference to the BSIP in the NP itself and in the Appendix on Projects and Actions, as a key strategy which relates to the NP and that may help to deliver its aims.

This programme document ('Appendix – Projects and Actions ~ August 2021') might be afforded additional value and weight through adding a reference to delivering this programme of actions within policy. Policy ONG-CT3 would be the appropriate means of including this reference.

In this context, ECC also recommends inclusion of references in the NP to the following:

1. A commitment to update the evidence base in respect of transport matters, in particular an updated assessment of key transport movements to and from other destinations to Ongar and within the parish

This would seek to enable a fuller analysis of transport movements to and from the parish (from surrounding areas) in respect of key attractors including the schools, health centre and for commercial / business / visitor purposes

2. A commitment to work in partnership with ECC, EFDC and other key partners / interests to develop a broader sustainable transport strategy that covers the parish (and beyond) as part of the wider EFDC district area
3. A commitment to work in partnership with ECC, EFDC and other key partners / interests to explore, promote and realise improvements to public transport within the context of the BSIP

This evidence and strategy should then inform the more detailed actions necessary to promote sustainable travel for these attractors from elsewhere and for local journeys within the parish to be made by active / sustainable modes wherever possible. These would also need to consider the role and contribution of public transport in future, as referenced within ECC's previous comments on the NP (dated 18 March 2021). This will serve to inform subsequent actions that extend beyond land use plans as such, working in partnership as outlined above. ECC considers that these changes may be incorporated within the NP without significant disruption to the NP preparation process and would help ensure the NP meets the basic conditions (in respect of contributing towards sustainable development).

#### Summary of revisions recommended to NP:

- Addition of reference to the document currently set out as 'Appendix – Projects and Actions ~ August 2021' within Policy ONG-CT3.
- Addition of references to commitments set out under 1, 2 and 3 above within the rationale to Policy ONG-CT3 under section 8.4. Those commitments would also need including within the Appendix document itself setting out the planned projects and actions for the NP.

Suggested new policy (relating to elements of existing Policies ONG-ED4 and ONG-ED5)

The below text is reproduced from ECC's response to the earlier (regulation 14) NP Draft document in March 2021, since ECC maintains that changes in respect of these matters would be beneficial in the interests of ensuring sustainable development, particularly given ECC is the Lead Local Flood Authority.

*'In the interests of setting out a comprehensive local policy approach towards key environmental / sustainability issues ECC would suggest that a separate policy is created for flood management and climate change.*

*Neighbourhood planning provides an opportunity for communities to think about and plan for their long-term resilience, whether this is about water stress, heat stress, energy efficiency and/or flooding. Although flood risk is mentioned in Policy ONG-ED4 (Sustainable Design) overall, the plan does not include any considerations for flood mitigation or other measures to adapt and mitigate from a changing climate that would have an impact on the sustainability, resilience and integrity of the Neighbourhood area.*

*It is suggested that the subject matter for this might include:*

- mitigating climate change:*
- renewable energy,*
- energy efficiency,*
- sustainable transport,*
- adapting to climate change:*
- Flooding,*
- extreme weather,*
- green infrastructure & biodiversity*

*A separate policy could provide the detail to help manage the risk from flooding preferably through natural / sustainable methods, such as through open space design innovation that helps manage and store water, and by promoting the use of sustainable urban drainage systems. This will also provide multi-functional benefits, such as assisting with species migration building biodiversity resilience and to provide shading during higher temperatures.'*

*Consideration for Green Infrastructure planning can help the local community protect itself from the effects of climate change, whether through river restoration, wetland creation and tree planting. These improvements will reduce flood risk to homes, create high quality habitat for wildlife, improve air quality and provide an education and recreation resource. The planned improvements will also help to cool the air and provide clean water and shade.*

*The Essex Flood and Water Management team has worked on delivering successful natural flood management techniques from rain gardens in Basildon hospital to leaky dams in Thaxted watercourse in Uttlesford and the Kingsmoor area of Harlow. Please refer to the Essex SuDs Design Guide on this matter - <https://www.essexdesignguide.co.uk/suds>. For other helpful examples of Sustainable Drainage Systems (SuDS) schemes visit here: [www.ciria.com/suds/case\\_studies.htm](http://www.ciria.com/suds/case_studies.htm) , such as Lamb Drove development, South Cambridgeshire which successfully showcased SuDS as a viable and attractive alternative to more conventional piped drainage systems.*

*The SuDS measures included: water butts; permeable paving; a green roof; swales; detention basins; filter strips; and a retention pond. The scheme has reduced the impact of development on flood risk, improved water quality, enhanced landscape and improved biodiversity and ecology.'*

ECC suggests that the form of a new, broader climate change policy is for the NP group to determine. In relation to sustainable drainage, this is a more well established and technical matter for which ECC as LLFA suggests good practice policy wording for the NP. Content and possible wording for a new SUDs policy is accordingly provided in the appendix to this response.

### Renewable Energy

ECC also notes that the NP group has elected not to address renewable energy (or a local approach towards electric vehicles) as part of a local response to climate change for the Submission Draft NP. It is also noted that the emerging EFDC LP provides Policy DM 20 (Low Carbon and Renewable Energy) on this matter at a more strategic level. ECC acknowledges that tackling this matter through a local policy requires some expertise and work that has not been carried out by the NP group to date. Accordingly, the NP group proposes to defer this matter to a NP review in future times. ECC considers that there may be some merit in that approach if essential, although it would miss an opportunity to put in place a local response towards climate change on this important matter for the duration of this NP's lifespan (to 2033). Accordingly, an alternative proposition has been provided in the form of an outline policy approach that the NP group might wish to consider, as per that outlined in the attached appendix to this ECC response.

ECC therefore refers to its earlier comments on this matter as follows, for the purposes of the NP examination process:

#### 'Renewable Energy

*It is noted that the NP does not address this matter. On this, the NPPF states that it recognises all communities have a responsibility "to contribute to energy generation from renewable or low carbon sources" and supports community-led initiatives.*

*This plan does not mention its stance on renewable energy for domestic and commercial developments, such as wind turbines, battery pods and community renewable heat initiative. Consideration might be given as to whether domestic solar panels would be the only renewable technology the local community would support. There is much more to be explored and many different ways in which a community can benefit from renewable energy.*

*Smart energy tools and storage devices (battery pods) are beginning to emerge which help to manage energy within the home and within the local network to make better use of the energy we produce and use. These tools have potential to reduce the amount of energy used in homes or businesses and reduce fuel bills.*

*A separate renewable policy would be a positive way of communicating the communities' position on renewable energy and the type of technologies that could be considered. The Neighbourhood Plan policies can provide and add detail to the policy on renewables*

within the emerging EFDC Local Plan 2011 – 2033 (Policy DM 20). Please refer to Appendix 1 for suggested policy content / wording.

### Electric vehicles

*It is suggested that the Parish Council should consider the provision for and promotion of electric vehicles through the NP, including a provision policy for electric vehicles (in line with adopted vehicle parking standards and/or the Essex Design Guide<sup>1</sup>). The Essex Design Guide states the follow: “For housing developments with garages and/or dedicated off-street parking, each new dwelling should be fitted with a standard (3-7kW) charge point. For housing developments with no off-street parking, 10% of the unallocated parking bays should have an active charge point. A further 10% should have the necessary underlying infrastructure (passive) to enable quick, simple installation at a later date when there is sufficient demand.”*

*‘Active spaces’ are those fully wired and connected, with ready to use, EV charging points at parking spaces. While passive provision requires the necessary underlying infrastructure wiring (e.g. the capacity in the connection to the local electricity network and electricity distribution board, as well as cabling to parking spaces) to enable simple installation and activation of a charge point at a later date.*

*The installation of wiring (installed at the same time as the general wiring for any new dwelling e.g. utilities) can provide provision for external EV charging facilities. This will not only help to mitigate potential air pollution from the growth of cars, but will represent a measure of “future proofing” to meet the growing demand. Since Government is committed to ban the sale of new diesel and petrol vehicles from 2040 in UK a few car manufacturers have already announced they will only produce electric vehicles from 2019/20 onwards, such as Volvo and Jaguar/Land Rover. Currently just over 2% of all new car sales are either plug-in hybrid vehicles or pure electric vehicles. This figure is expected to be around 10% by 2025. The industry anticipates that by 2025 it will be cheaper to buy an EV than an internal combustion engine vehicle so at that point even without Government subsidies the share of EVs will continue to rise.’*

### **Concluding Comments**

ECC maintains that in the interests of ensuring the NP meets the basic condition of contributing towards sustainable development, some revisions to the NP remain necessary in relation to its approach towards Transport, Sustainability and Climate Change. This would help to ensure that the NP contributes at local level towards progress in tackling climate change.

The overall approach and content of this response seeks to be as positive as possible in shaping and improving the NP. In particular, the themes of ECC’s input aim to ensure the NP is in conformity with the overall Development Plan, consistent in itself and promotes / delivers sustainable development.

If you wish to discuss any of the above matters in further detail please contact me via the contact details provided above.

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<sup>1</sup> Essex Design Guide [www.essexdesignguide.co.uk](http://www.essexdesignguide.co.uk)

Yours faithfully

Rich Cooke  
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## Appendix 1

### Section 8.4 of NP – Transport and Movement; also ONP 2020 – 2033 Appendix Projects and Actions August 2021

Essex's bus Strategy - the Bus Service Improvement Plan 2021 – 2026 is a key part of the strategy set by 'Bus Back Better', the Government's national bus strategy published in March 2021. The BSIP sets out the local issues relating to the bus network and how local authorities will tackle them. This Bus Service Improvement Plan covers the following areas:

- The Vision for the Essex Bus Network and why we need an improvement plan: Sections 1 and 2.
- The background to the plan: Section 3.
- How the plan has been produced and how it will be managed: Section 4.
- Data and background on the network, the key operational elements, and statistics: Section 5.
- The impact of COVID-19: Section 6.
- The barriers to growing and improving the network: Section 7.
- What Essex County Council will do, alongside a significant number of partners, including bus operators, to tackle those barriers and deliver improvements: Section 8.

The plan is a substantial document. Essex covers a large area and has a substantial population, with a complex geography and diverse communities. It will be essential for all partners to work together to deliver a better, stronger bus network and reap the environmental, economic and social benefits that will flow from those improvements. A journey by bus may be seen as an investment in the community, in the environment and in the local economy

### Renewable Energy

Suggested policy content / wording:

#### **Policy XX: Renewable Energy**

The Neighbourhood Plan wishes to encourage community led renewable energy schemes and will support community-based groups working with local energy users in seeking funding to establish the technical, financial and legal feasibility of appropriate schemes within the neighbourhood area.

Proposals for community owned or led renewable energy schemes (including micro-hydro, photovoltaic or bio-mass projects) will be supported subject to the following criteria for the proposed development:

- The siting and scale are appropriate to its setting and position in the wider landscape;
- It does not give rise to unacceptable landscape or visual impact, either in isolation or cumulatively with other development;
- It does not create an unacceptable impact on the amenities of local residents;
- It does not have an unacceptable impact on a feature of natural or biodiversity importance

Useful documents and guidance –

- Low Carbon Neighbourhood Planning guidebook updated January 2018 produced by the Centre for Sustainable Energy <https://www.cse.org.uk/downloads/reports-and-publications/policy/community-energy/energy-advice/planning/renewables/low-carbon-neighbourhood-planning-guidebook.pdf>
- Planning practice guidance for renewable and low carbon energy – Department of communities and Local Government - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/225689/Planning\\_Practice\\_Guidance\\_for\\_Renewable\\_and\\_Low\\_Carbon\\_Energy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225689/Planning_Practice_Guidance_for_Renewable_and_Low_Carbon_Energy.pdf)

## Surface Water Management and Flood Risk

ECC in its role as Lead Local Flood Authority (LLFA) provides the following comments that reiterate comments made on the Regulation 14 Plan. The Plan contains limited information about flood risk. The LLFA recommend the inclusion of the following wording in the Plan.

*In order to help manage downstream flood risk, any new development within the Plan area should be directed away from areas of existing flood risk where possible. New development within the plan area must ensure that surface water runoff rates are not increased beyond existing rates.*

*All development within the plan area should use Sustainable Drainage Systems (SuDS) to manage rainfall runoff from the site. These techniques should encompass the four pillars of SuDS, addressing water quantity, water quality, biodiversity and amenity. In order to achieve these results, the use of above ground SuDS should be promoted. Where possible these features should be multifunctional, not only providing flood risk mitigation but also enhancing green infrastructure within the plan area.*

*All drainage strategies for major development within the plan area should be based on the Essex Sustainable Drainage Design Guide. It is recommended that developers engage in pre-applications discussions with the Lead Local Flood Authority (LLFA) to ensure that any recommendations can be incorporated into site design as early into the planning process as possible. While the LLFA is not currently a statutory consultee on minor applications it is still recommended that the principles of the Essex SuDS Design Guide are implemented on smaller sites to ensure that the cumulative effect of multiple smaller developments does not have a significant increase downstream flood risk.*

*Although not directly linked with the planning process it should be ensured that any new development within the Plan area complies with the Land Drainage Act and an application is made to the LLFA for ordinary water consent before making any changes to existing ordinary watercourses.'*

## **General Comment included for Information Only**

### **Minerals**

Policy S8 of the MLP defines Mineral Safeguarding Areas (MSA) to ensure that important, finite resources are not needlessly sterilised by non-mineral development. As can be seen from Map 1 below, the plan area pertaining to the Ongar Neighbourhood Plan contains land designated as an MSA for sand and gravel. Where applications of a nature not specifically excluded by Policy S8, and which equate to 5ha or more within an MSA for sand and gravel, are submitted for determination by Epping Forest Council, the MWPA are required to be a consultee. The MWPA will likely object to applications which would result in the unnecessary sterilisation of mineral resources.

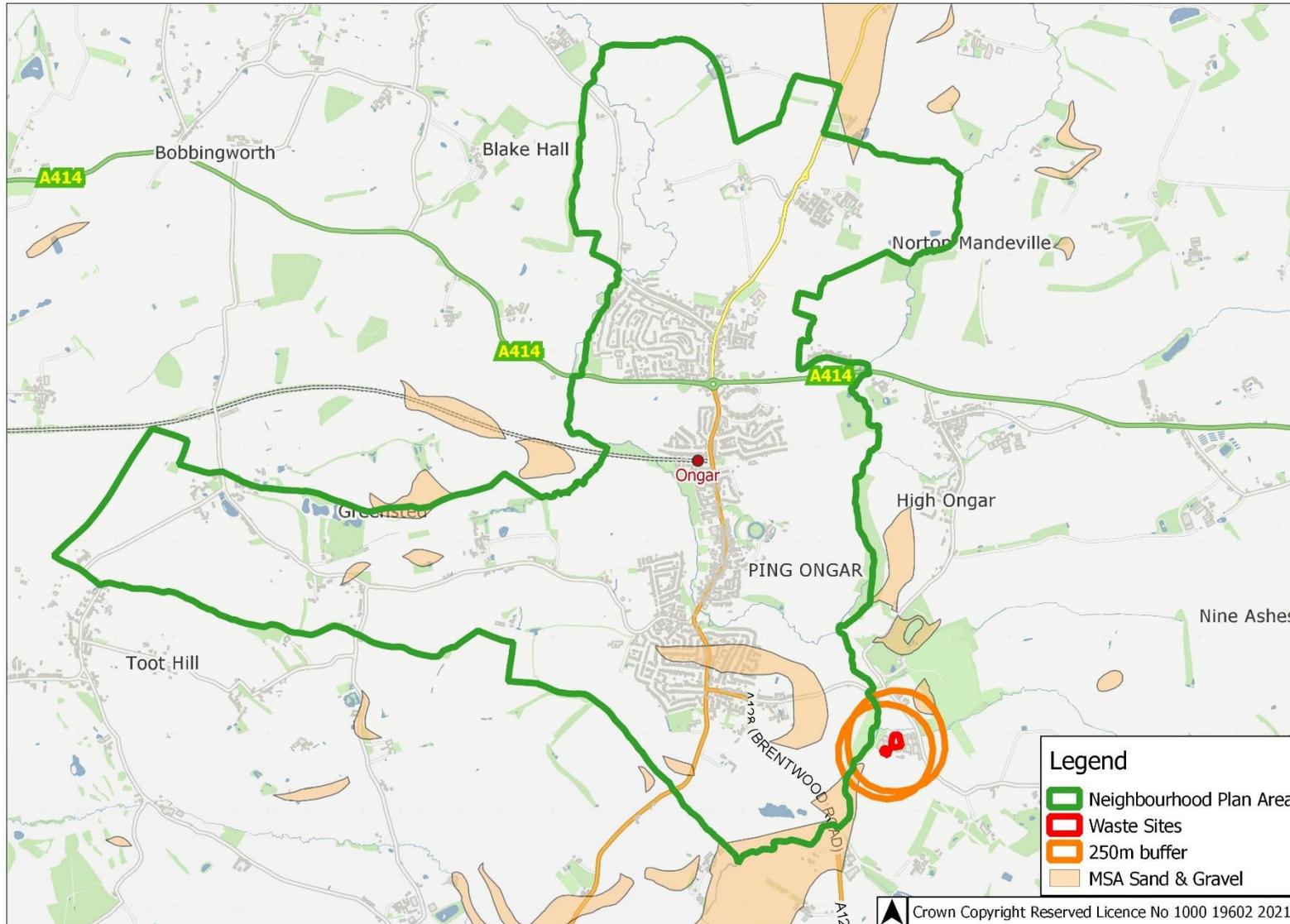
### **Waste**

Policy 2 of the WLP seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation. Policy 2 defines Waste Consultation Areas as extending up to 250m from waste management facilities (extending up to 400m for Water Recycling Centres). There are two waste sites which have associated Waste Consultation Areas which fall within the Neighbourhood Plan area, Lunnon Plant & Waste Services and P H Keen Ltd. Where applications of a nature not specifically excluded by Policy 2 are submitted for determination by Epping Forest District Council, the MWPA are required to be a consultee. The MWPA will likely object to applications unless it is satisfied that the development will not cause operational constraints on the existing waste management facility or there is an overriding justification as set out in Policy 2 of the WLP. It is noted that this site is not within the Neighbourhood Plan area itself, but this issue is raised given references to the site in the Neighbourhood Plan.

Please note that MSAs and WCAs are not intended to be a barrier to all potential future development, rather they seek to ensure that the Minerals and Waste Planning Authority are consulted on non-minerals and non-waste development that could adversely impact on the operation of a safeguarded mineral or waste site, or associated infrastructure. They also ensure that potential future development is not adversely affected by existing or future mineral and waste developments.

## Appendix 2

### Map 1 – Mineral Safeguarding and Waste Consultation Area within Ongar



**Map 2 – Waste Sites and Waste Consultation Area within Ongar**

