

<b>Committee(s):</b> Planning Committee	<b>Date:</b> 20 December 2022
<b>Subject:</b> Epping Forest District Council Further Main Modification consultation	<b>Wards Affected:</b> All
<b>Report of:</b> Phil Drane, Director of Place	<b>Public</b>
<b>Report Author/s:</b> Name: Andrea Pearson, Senior Policy Planner Telephone: 01277 312572 E-mail: andrea.pearson@brentwood.gov.uk	<b>For Information</b>

### Summary

Epping Forest District Council submitted their Local Plan to the Secretary of State in 2018. Following the initial examination, additional work was required regarding air quality and recreational impacts on Epping Forest. A Main Modifications consultation was undertaken in 2021. Brentwood Borough Council did not respond to this consultation as no previous objections had been raised through the Regulation 18 stage.

Due to the length of time between the commencement examination and the completion of the Main Modifications consultation, added to the availability of the appointed Planning Inspector, a new inspector was appointed to continue the examination process in May 2022. Upon review of the responses received from the 2021 modifications consultation, Epping Forest District Council were instructed to undertake a Further Main Modification consultation, which has recently concluded. Core modifications made to the emerging Local Plan included:

- Stronger requirements regarding air quality and protection of Epping Forest;
- Stronger climate change policies including on-site low carbon and renewable technologies requirements;
- Amendments made to align with the Use Class Order changes;
- Removal of rural residential sites; and
- Inclusion of developer's contributions for infrastructure improvements both on and off site.

An officer response to the Further Main Modifications was submitted, expressing general support that Epping Forest District Council progress their local plan. This report is provided for information to update members on the progress of the plan-making process in an adjoining district.

## Main Report

### **Introduction and Background**

1. The National Planning Policy Framework (NPPF) requires each local planning authority to produce a local plan. This should set out strategic priorities for the area and plan positively for development and infrastructure needs, in line with national policy and guidance.
2. As part of plan-making (Chapter 3), the NPPF states that plans should:
  - a) Be prepared with the objective of contributing to the achievement of sustainable development;
  - b) Be prepared positively, in a way that is aspirational but deliverable;
  - c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
  - d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
  - e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and
  - f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
3. The Epping Forest District Council Further Main Modifications document draws upon representations received in response to previous consultations held prior to the submission of the Local Plan to the Secretary of State on 22 September 2018, the Local Plan examination process (2019), and the representations received from the first Main Modifications consultation (2021). The plan has also been developed further through the various additional evidence produced and published throughout the examination process.
4. The Epping Forest Local Plan examination was undertaken by Inspector Ms. Louise Phillips MA MSc MRTPI. Ms. Phillips required Epping Forest District Council to undertake additional work related to air quality and the recreational impacts on Epping Forest. The District Council completed the additional evidence, which was then reviewed by a second Inspector, Mr. Jonathan Bore MRTPI, who was appointed in May 2022. Following the review of consultation representations and additional work undertaken on air quality, climate change, and energy efficiency, the Inspector instructed the council to undertake a Further Main Modifications Consultation.

5. Brentwood Borough Council responded to the Regulation 18 consultation in December 2016, expressing general support. However, the council raised concern regarding the district's ability to meet its housing needs, as at the time a Memorandum of Understanding between Epping Forest, East Herts, Harlow and Uttlesford districts (who all share a housing market area), had not been finalised (Item 238: Planning and Licensing Committee, 13 December 2016).
6. Since then, a significant amount of work has been undertaken by Epping Forest District Council. Concerns regarding the district's ability to meet their housing needs have been resolved. As such, officers have responded to the Further Main Modifications consultation in line with the council's response in 2016, to express support for Epping Forest District Council's efforts to move forward with a new local plan (Appendix A).

### **Issue, Options and Analysis of Options**

7. The Epping Forest Local Plan Further Main Modifications Consultation ran between 28 October and 9 December 2022. Core modifications made to the emerging plan include:
  - a) Stronger requirements regarding air quality and protection of Epping Forest;
  - b) Stronger climate change policies including on-site low carbon and renewable technologies requirements;
  - c) Amendments made to align with the Use Class Order changes;
  - d) Removal of rural residential sites; and
  - e) Inclusion of developer's contributions for infrastructure improvements both on and off site.
8. The Epping Forest Local Plan is at an advanced stage, and the recommended further main modifications have been made in order to ensure the plan meets the four tests of soundness and legal compliance as required by national planning policy and guidance. Following the Inspectors review of the Further Main Modifications consultation representations, the Inspector will determine whether the plan is sound and can be adopted.
9. An Officer's response to the Further Main Modifications consultation was made to express general support for Epping Forest District Council's efforts to progress their Local Plan, consistent with the council's response in December 2016. Brentwood Brough Council has not previously objected to the Epping Forest Local Plan nor did the Council request to appear at the examination hearings. Therefore, it was considered appropriate for an officer response to issued that recognises the importance of local planning authroities in Essex

(and beyond) to have up-to-date local plans in place to meet local development needs, among other things.

## **Consultation**

10. The Epping Forest District Council Further Main Modifications consultation ran for six weeks from 28 October to 9 December 2022.

## **References to Corporate Plan**

11. The Corporate Plan identifies priority areas to grow our economy, protect our environment, improve housing, and develop our communities. By formally responding to the wider Epping Forest local plan process, the council is proactively engaging in the Duty to Cooperate and expressing a view about how priorities for Brentwood are important to the wider area.

## **Implications**

### **Financial Implications**

**Name/Title: Tim Willis, Interim Director of Resources**

**Tel/Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk**

12. There are no direct financial implications arising from this report.

### **Legal Implications**

**Name & Title: Andrew Hunkin, Interim Director of People & Governance and Monitoring Officer**

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13. The Localism Act 2011 places a legal duty on local planning authorities and other defined local bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but local planning authorities must make every effort to secure the necessary cooperation before they submit their local plan for examination. The cooperation should produce effective and deliverable policies on strategic cross boundary issues.

### **Economic Implications**

**Name/Title: Phil Drane, Director of Place**

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14. There are no direct economic implications.

## **Equality and Diversity Implications**

**Name/Title:** Kim Anderson, Corporate Manager (Communities, Leisure and Health)

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15. Consultation undertaken by Epping Forest District Council considers equality and diversity.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None

## **Background Papers**

- Item 238: Planning and Licensing Committee, 13 December 2016, Response to Epping Forest Draft Local Plan

## **Appendices to this report**

- Appendix A: Officer's response to the Epping Forest Further Main Modifications consultation