

Report to the Cabinet & Full Council



**Epping Forest
District Council**

Report reference: C/ 064 /2005-06

Dates of meetings:

Extraordinary Cabinet – 24 October 2005

Extraordinary Full Council – 27 October 2005

Portfolio: Planning and Economic Development

Subject: Local Plan Alterations Redeposit

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Committee Secretary: Adrian Hendry (01992 56 4246)

Recommendations/Decisions Required:

- (1) To agree officers' responses to the representations made on the Redeposit;**
- (2) To agree that the Alterations should proceed to Public Inquiry (programmed for late February 2006);**
- (3) To authorise the Portfolio Holder for Planning and Economic Development to take decisions on subsequent changes to policies and text, prior to the commencement of the Inquiry, following further negotiation with objectors (as explained in para 3.5 of the report); and**
- (4) To authorise the Portfolio Holder for Planning and Economic Development to adopt the Local Plan Alterations following receipt of the binding Inspector's Report in the particular circumstances described in para 5.3 of the report.**

1. Background

- 1.1 The Government has indicated on many occasions that development of land is best regulated under a plan-led system. It is therefore incumbent upon the Council to keep the Local Plan as up-to-date as possible, particularly in the current circumstances when the development planning system is being significantly changed (by the Planning and Compulsory Purchase Act 2004), and the possibility of a 'policy vacuum' is emerging (see para 4.4 of the report).
- 1.2 The current Local Plan was adopted in January 1998. This means, because of all the procedures that had to be followed in its preparation, that much of the information it contains is based on conditions that applied in the early 1990s. Since 1998, much Government policy has been updated, the Replacement Essex Structure Plan was adopted in April 2001, and the Council's Housing Needs Survey (2003) identified significant problems with the provision of affordable housing.
- 1.3 Experience of policy implementation, particularly through appeal decisions, suggested that some policies either needed reconsideration or at least fine tuning, and some new policies were needed. In agreeing to review the Plan, the former Development Committee recommended in 2000 that the Alterations should focus on those matters which are essential.
- 1.4 The aims of the Alterations have therefore been to:
 - (a) focus resources on matters which are essential and would have a most useful outcome for the future of the district;

- (b) to be as cost effective as possible, making the best use of limited resources.
- 1.5 Some other local authorities chose to completely review their Local Plan and prepare a new one. Altering the Local Plan, as this Council decided to do, is the most efficient and effective choice – and the recent changes to the planning system confirm this was the correct route to follow.
- 2. The Content of the Alterations**
- 2.1 Development Committee recommended in 2000 that a more comprehensive account of the whole sustainability agenda was needed, guided particularly by PPG3: Housing (2000) (and subsequently reinforced by PPG13: Transport (2001)). This includes developing more detailed policies for the use of land in urban areas, encouraging a sequential approach to development and making provision for more sustainable travel patterns. Other issues agreed for inclusion by the Executive Committee in 2002 included (i) a review of Policy E13 (glasshouses) – mainly as a result of Inspectors’ comments at appeals; (ii) updating relevant policies to take account of PPG25: Development and Flood Risk (2001); (iii) reviewing the provision for affordable housing (now given greater emphasis by the Council’s Housing Needs Survey (2003)); (iv) assessing the protection that can be given to community facilities as a result of on-going concern about their loss to, mainly, housing and especially in villages; and (v) a more general review of Green Belt policies, including rural diversification, following on from the Rural White Paper (2000) and a number of appeal decisions. Government policy in PPS7: Sustainable Development in Rural Areas (2004) added to the need for changes to the Green Belt chapter.
- 2.2 A conscious decision was taken by the Council not to include a review of Green Belt boundaries, or the allocation of new housing and employment land (although these were originally intended to be included in a second set of Alterations). The East of England Plan (EEP), now due for adoption in 2007, will set new housing and employment targets for the district up to 2021. It would be premature to start allocating sites when the final totals are not yet known, nor how location specific the recommendations of the EEP will be. (This approach is supported by GO East, and council officers have been in regular contact with staff at the regional office to ensure that this remains the case. This is also apparent in GO-East’s approval in March of the Local Development Scheme.)
- 2.3 However, a significant number of representations on the Alterations have questioned this approach, particularly the lack of new housing land allocations, but these have not been accepted as objections because they address issues which Members had agreed should not be included in the Alterations. It is worth noting that the housing target of the Structure Plan was exceeded in this district by April 2003, eight years ahead of schedule. Permission for housing still continues to be granted on windfall sites where this use satisfies all other relevant Plan policies.
- 2.4 Several representations have been made about other text and policies which are not being changed from the Adopted Plan version. These have also not been accepted as ‘duly made’ representations because they do not address the subject matter of the Alterations.
- 2.5 Summaries of representations on the redeposit and of officers’ responses are shown in Annex B. These replies have been agreed by the Portfolio Holder for Planning and Economic Development, but officers will give an oral update at the meeting if there have been further negotiations and changes.
- 3. Progress of the Alterations**
- 3.1 Production of the Alterations initially followed the guidance in PPG12: Development

Plans (1999). A Key Issues document was issued for public consultation in December 2003. The First Deposit was published in June 2004 (over 800 responses received), and the Redeposit in July 2005 (over 500 responses received). Under the 'old' local plans system a 'modifications' stage was possible after the Public Inquiry, depending on the authority's response to the Inspector's report. The new development planning system being introduced by the Planning and Compulsory Purchase Act 2004 (see below) does away with the modifications stage – in future all Public Inquiry reports will be binding on the local authority.

- 3.2 The removal of this stage applies to the Alterations as a result of Transitional Arrangements which now apply to those plans which will be adopted after the 2004 Act came into effect. The Binding Inspector's Report is a key part of the 2004 Act, designed to speed up the process of producing local plans. The Transitional Arrangements also changed the consultation process which the Alterations have undergone. The entire Alterations had to be re-deposited so that comments could be made on any part of the document – i.e. all the content of the First Deposit (where there was a change from the Adopted Plan), and the changes to the Alterations arising from consultation on the First Deposit. The appendices to this report summarise the representations received on the Redeposit and officers' responses to the comments – they are arranged by chapter of the Redeposit document.
- 3.3 PPS12: Local Development Frameworks (2004) – which has now replaced PPG12 - advises that authorities should no longer prepare pre-Inquiry changes. GO-East, after discussions with the Planning Inspectorate, has agreed that the Council can prepare a list of proposed 'minor' changes in an attempt to address some of the points which have arisen in the Redeposit consultation. This list will be sent to the Inspector before the Inquiry and he will decide whether the proposed change is sufficiently minor (a) not to justify further consultation or (b) that it does not need to be considered in public at the Inquiry. This will determine if these changes can be made prior to the Inquiry. If they can, officers would then approach those who made the representations to try and agree that the proposed change meets their concerns and therefore the original representation can be withdrawn. The intention behind this is to reduce the number of representations that will need consideration at the Public Inquiry, and therefore to save some time.
- 3.4 Where the Inspector determines that any of the 'minor' changes do need to be considered in public, officers will take no further action on these now, but will present the case for change at the Inquiry. Members' consideration of the proposed changes in the appendices to this report is therefore crucial now. The text in the appendices will form the basis of discussions with objectors about withdrawing their objections before the Inquiry, and the basis of the Council's case for matters that do go to the Inquiry.
- 3.5 Recommendation (c) of this report seeks authority for the Portfolio Holder to take decisions on subsequent changes to policy and text. The intention behind this is to allow for further minor changes to be made which could mean that objectors are persuaded to withdraw from the Inquiry. If it becomes apparent that less minor changes might be beneficial, it is of course open to the Portfolio Holder to bring these back before Members. In view of the timetable this is a sensible approach.

4. Implications of not Proceeding with the Alterations

4.1 Avoiding a policy vacuum

Under the Planning and Compulsory Purchase Act 2004 (which came into effect on 28 September 2004) structure plans are being abolished and local plans will be replaced by the Local Development Framework. Adopted structure and local plans will retain their development plan status for a period of three years from commencement of the Act. For plans in preparation (which includes the Alterations),

the three-year period will commence from the date of their adoption.

- 4.2 As paragraph 1.2 states, parts of the Local Plan are out of date (which prompted the Council to start preparing the Alterations). The Council's latest stance on seeking affordable housing is set out in its Supplementary Planning Guidance (SPG), as amendment to adopted policy in the Plan. More importantly it is also out of date (i) as regards the Housing Needs Survey of 2003, and (ii) in ideas for seeking affordable housing in circumstances other than just new housing schemes. SPG is being replaced by Supplementary Planning Documents which have to go through more formal procedures of production, and cannot therefore be so easily revised.
- 4.3 The Council has made substantial use of policies in the Replacement Structure Plan, especially as the Local Plan has become more out of date. However the Structure Plan will be abolished in September 2007 (under the 2004 Act) and its policies will fall if they have not been incorporated into a newer plan (eg the Alterations). In fact the Core Policies of the Alterations have largely been adapted from the Core Strategy of the Structure Plan.
- 4.4 All this means there will be a lack of sufficiently robust and up to date local planning policy – a 'policy vacuum'. The Alterations, if adopted, would go a long way to filling that vacuum. Some East of England Plan (EEP) policies should also help, once these have been adopted by the Secretary of State.
- 4.5 Members will be aware of the proposals in the Draft EEP for very large amounts of development in the district up to 2021. When the EEP is adopted, probably early in 2007, this Council will be in the position of having to give effect to the EEP in its adopted/final form through a 'core strategy' local development document (LDD) and a land allocations LDD. On GO-East's approved timetables, these documents will not be adopted until 2009 and 2011 respectively. Developers and/or landowners are unlikely to wait until then to submit development proposals. Large planning applications may be submitted for, say, south and west of Harlow or for land at North Weald (not necessarily including the Airfield) after September 2007 when the Replacement Structure Plan is abolished (under the provisions of the 2004 Act). The applications could even be submitted before EEP is adopted, eg in 2006. If the latter happens, the Council would not be able to rely on the EEP as its policies would not be adopted.
- 4.6 Officers hope this scenario will not arise, but it might. This would also be in the context of Government emphasis on the delivery of increased housing numbers – so refusing an application on the grounds of prematurity might not carry the weight the argument normally does. The dangers of planning applications for large scale housing and other development quickly become apparent, eg in not securing as much affordable housing or S106 benefits/infrastructure (probably on appeal) as we might.
- 4.7 Risks of Legal Challenge

These could occur under various circumstances. If the decision was taken to abandon the Alterations now, there could be a challenge, especially from landowners potentially affected by the glasshouse land allocations. Other circumstances concerning adoption and the Strategic Environmental Assessment deadline are discussed below.

- 4.8 What do we do instead

It is within the power of the Secretary of State to direct any local authority to produce LDDs where there has been a failure to prepare them in accordance with the published Local Development Scheme. In the case of this Council, if the decision is taken not to proceed with the Alterations, there could be a direction to bring forward the Core Strategy and Land Allocations LDDs prior to the final approval of the EEP.

This could lead to costly (there will be Public Inquiries for the LDDs) and abortive work if substantial changes are made to the EEP as a result of the Secretary of State's Proposed Changes.

- 4.9 Any decision to abandon the Alterations would require an amendment to the Local Development Scheme. This would have to be agreed by GO-East who would have to be satisfied about the reasons for the change. Part of GO-East's consideration would be whether the decision would enable the authority to more quickly address national issues such as meeting housing numbers emerging from the EEP. For the reasons given above, it is felt that this case cannot be made – i.e. the key time is the adoption of the EEP, because until that time any work on land allocations etc could be abortive. (There would also be the problem of how to allocate Draft EEP housing proposals when this Council's stance is set firmly against the quantities of development proposed in the Draft EEP.) This approach would still have the problem of entering a period of policy vacuum – i.e. no further work on the Alterations coupled with the inevitable delay in getting the first LDDs adopted. GO-East is currently not able to advise on the implications for Planning Delivery Grant if the LDS is substantially amended.
- 4.10 At its meeting on 12 September 2005, Members of the Environmental and Planning Services Standing Panel expressed the view that it was sensible and correct to proceed to the Public Inquiry. This view has been reported to Overview & Scrutiny Committee by the chairman of the Panel.

5.0 Strategic Environmental Assessment

- 5.1 Any plans with environmental implications cannot be adopted after 21 July 2006 unless they have been prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) – a requirement that originally comes from an EU Directive. With the benefit of hindsight it would have been preferable for the Alterations to have been prepared in accordance with the Regulations, but when the programme started, it was believed:
- that the Alterations would have been adopted long before the July 2006 deadline;
 - at the time that officers lacked the resources and expertise to deal with the requirements of the Regulations, and so consultants would need to have been employed;
 - the expense, whether on consultants or in staff time was therefore unnecessary.
- 5.2 Staff shortages for at least the last year have delayed progress of the Alterations and Members should be aware that the timetable for adoption before 21 July next year is now very tight. (The timetable is outlined in Annex A) The programme for the Public Inquiry leading to adoption has been discussed with GO-East and the Planning Inspectorate. Both believe that the deadline can be met, but Members should be aware that there is a chance that it may not be possible to adopt before 21 July next year. This would obviously weaken the Council's ability to deal with applications for significant housing development, as discussed above. Any attempt to adopt after the SEA deadline (without having met the SEA requirements) could be subject to legal challenge.
- 5.3 If the Inquiry lasts for longer than the projected three weeks (which includes allowance for the Inspector's site visits), or there are other delays, there is a chance that the Council will not be able to formally adopt the Alterations following the Inspector's report before the SEA deadline. This situation will be reviewed when the Inspector's draft report is received (for proof reading) and Members advised

accordingly. In the light of these particular circumstances, Members are asked to agree that authorisation should be given to the Portfolio Holder for Planning and Economic Development to adopt the Inspector's report in order to meet the SEA deadline. The undesirable alternative, should any delay mean that the deadline is not met, is not to adopt the Alterations (despite the existence of the Binding Report), but to use the policies in the Alterations in the sense that they would have been adopted if the SEA deadline had not intervened. This situation is vulnerable to challenge at subsequent appeals. The view of the Head of Legal, Administration and Estates is set out in paragraphs 5.5 to 5.10 of this report.

- 5.4 A 'voluntary' SEA was produced by a small planning consultancy when it became apparent that the Alterations might not be adopted by the SERA deadline. It was published with the Redeposit. While it has no legal standing, and will not be considered at the Public Inquiry, it is believed that its findings show that the process of preparation of the Alterations has broadly followed the requirements of SEA. If the SEA deadline is not met, it would assist in demonstrating that the (unadopted) Alterations have considered sustainability issues.
- 5.5 The Head of Legal, Administration and Estates in consultation with Counsel has considered the various scenarios described above.
- 5.6 If the Council were to abandon the Local Plan Alterations Process now, there is a reasonably limited risk of Judicial Review of the Council's decision. However, it would leave the Council in limbo for a significant period of time reliant on an outdated development plan and in a weakened position in relation to resisting controversial applications. Indeed if the Council continued to resist applications on outdated policies the risk of costs awards against the Council at each planning inquiry is greatly increased.
- 5.7 The above advice is equally applicable if the Council proceeds to the Inquiry but misses the date for adopting the plan. The date is 21 July 2006 and cannot be extended. The Council could not adopt the Plan after 21 July 2006 without a Strategic Environmental Assessment and this cannot be prepared retrospectively.
- 5.8 The cost of Judicial Review proceedings can vary greatly depending on the nature of the challenge, the robustness of any defence we make and the duration of the preparation/hearing. In any event, Judicial Review proceedings would not be expected to cost less than £30,000. In addition, if unsuccessful the Council would probably have to pay the other parties' costs.
- 5.9 In practical terms Counsel advises that we must meet the 21 July 2006 deadline. (There is a specific officer at the Planning Inspectorate who can be contacted such that the Inspector is aware of the timetabling difficulties.)
- 5.10 The only circumstance where Counsel has advised abandoning the process is when it is absolutely impossible to meet the deadline. At that stage further work would be abortive. Having unadopted Alterations with a voluntary SEA is better than nothing, but should not deflect the Council from making every possible effort to meet the 21 July deadline.

6. Costs

- 6.1 The Government's intention is for development plan inquiry practice to move towards a more inquisitorial, rather than adversarial, style. At this stage, it is not known how many objectors will appoint legal representatives to present their case, and it is therefore difficult to assess the level of legal support that the Council will require for the Public Inquiry. Officers suspect that such support may be required for glasshouses, Stapleford Airfield (possibly), and some aspects of housing, particularly the provision of affordable units.

- 6.2 Some estimates have been made on costs based on needing legal representation for the entire Inquiry. This means that costs are anticipated to be significantly lower than stated below, but by showing the highest possible costs there should be no unwelcome surprises at a later date.

Item	Detail	Cost
Inspector - £679 per day/ £91.76 per hour *	Preparation for Inquiry (approx 8 days)	£5,432 **
	Inquiry (8 days sitting + 4 days site visits)	£8,148 **
	Reporting time (44 days)	£29,876 **
	Travelling expenses (42 pence per mile or re-imburement of public transport fares)	Not yet known
	Subsistence (e.g. hotel (approx £50-60 per night) and meal costs)	Approx £600 + meal costs
Legal Representation	Advice up to Inquiry	£25,000
	Attendance at Inquiry	£15,000
Programme Officer	Preparation for during and after the Inquiry	£15,000
Consultants' Fees		£60/hour ***
Total		£99,056 ****

* Daily and hourly rates for the Inspector are set by the Planning Inspectorate

** Approximate costs based on model provided by the Planning Inspectorate

*** This has been quoted by the RAC – fees for a housing consultant are not known

**** This figure excludes consultants' fees, as the time involved and some rates are not known at this stage

- 6.3 It is not possible to give even approximate costs for travelling expenses or need for a hotel/subsistence costs for the Inspector, as the Council is not permitted to know where the Inspector lives. However, it is assumed that if hotel accommodation will be needed, this will cost in the region of £50-£60 per night at the Quality Inn in Epping (The Bell).
- 6.4 Should legal representation be necessary for a longer period than anticipated (if, for example, the Inquiry lasts longer than anticipated, or more preparation work is needed), each additional day will be charged at £1,500. Fees may also be needed for consultancy input regarding glasshouses and affordable housing viability.
- 6.5 Since proceeding to Redeposit, the Portfolio Holder and officers undertook to keep under review the costs and benefits of continuing with the Alterations. They have done so in the meantime and do so again in this report. The costs, as set out above, are largely proportional to the length of the Inquiry and would have to be borne at some point. In view of section 4 of this report on the implications of not proceeding, it would be a risk to try and defer the costs or delay incurring them until the Inquiries into LDDs.
- 6.6 Delaying having up to date policy may well lead to higher costs in appeals. Members made provision in the DDF budget some years ago for preparing the Alterations and the Inquiry. This money has been carried forward and is still available. The whole approach of doing Alterations (instead of a new local plan as other authorities have done or are doing) is the most cost effective one.
- 6.7 There is a risk of not meeting the SEA deadline, now due largely to circumstances outside of our control. Officers consider (as a result of legal advice) that the Alterations should proceed to the Public Inquiry and that every effort needs to be made to adopt them before the SEA deadline of 21 July 2006.

Reason for decision: Members need to make decisions on officers' proposals for changes to the Redeposit (in the light of representations received as a result of the consultation exercise). These decisions will guide officers in further negotiations and, more particularly, in presenting the Council's case at a Public Inquiry (currently programmed to commence on 21 February 2006).

Options considered and rejected: To abandon the Alterations and move immediately to preparing Local Development Documents under the Local Development Framework (LDF). This could leave the Council open to legal challenge, and would certainly weaken the Council's case in dealing with applications and at appeals. There are likely to be applications for major residential development in the near future, as a result of the proposals in the Draft East of England Plan. These could be submitted before formal adoption of the East of England Plan, and almost certainly well before any new policies could be adopted under the LDF. Many Adopted Local Plan policies would now not be particularly effective in dealing with such applications (and policies in the Replacement Structure Plan may be lost before then).

Consultation undertaken: Key Issues, First Deposit, Redeposit, and then numerous respondents to the Redeposit where officers felt that negotiation could result in withdrawal of objections. GO-East and the Planning Inspectorate have confirmed that, within reasonable limits, this procedure is acceptable, even although official guidance is that no pre-Inquiry changes should be made.

Resource implications: As described in the report and in 'Budget provision' and 'Personnel' below.

Budget provision: Payment for Programme Officer, Inquiry Inspector, possible legal representation (as outlined in the report), and some consultancy fees for the Inquiry (to provide background information on the glasshouse industry in general and in the Lea Valley in particular, and possibly to provide further information on the viability of the affordable housing proposals) from Local Plan DDF budget. Otherwise from existing CSB resources.

Personnel: Mainly from existing resources, although Programme Officer will be employed until after the end of the Inquiry. There may be a need for some consultancy work on specific issues, particularly glasshouses and possibly affordable housing.

Land: Not applicable.

Community Plan/BVPP reference: BV200

Relevant statutory powers: Planning and Compulsory Purchase Act 2004 ; Planning Policy Statement 12: Local Development Frameworks ; Town and Country Planning (Transitional Arrangements) (England) Regulations 2004

Background papers: Too numerous to list fully – the Adopted Local Plan (1998) the First Deposit Alterations, the Redeposit Alterations, the Voluntary SEA, the Replacement Structure Plan (2001), the Housing Needs Survey (2003), the RAC Report on the glasshouse industry (2003), the separate consultant's report on E13 glasshouse designations (2005) and the various Planning Policy Guidance Notes (PPGs), Planning Policy Statements (PPSs) and Circulars -as referred to in the appendices.

Environmental/Human Rights Act/Crime and Disorder Act Implications: The Alterations allow the Local Plan to address the issue of sustainable development in a more comprehensive and effective fashion. More specific policies address social issues such as the provision of affordable housing and the retention of community facilities.

Key Decision reference: (if required)

ANNEX A – Current Timetable for LP Alterations

24 October – Special Cabinet

27 October - Special Full Council

October/November – Inquiry questionnaire (Programme Officer)

W/c 21 November - establish draft Inquiry programme (Programme Officer)

22 November – Pre-Inquiry meeting

December to February – officers to prepare proofs for use at Inquiry

21 February to 3 March – Inquiry sits

6 to 10 March – Inspector’s site visits

28 April - Receipt of draft Binding report

9 working days for Council fact check of draft report (2 to 12 May)

20 working days for Planning Inspectorate check of Council comments (15 May to 12 June)

14 July – projected date of adoption of Alterations (need to allow time for Public Notice in local and other papers, after return of final Binding Report)

21 July SEA deadline

ANNEX B - Summary of Responses to the Redeposit

Chapter 4A – Core Policies

This is a new chapter for the Local Plan and the policies (which are closely based on already adopted policies in the Replacement Structure Plan) are intended to address the implementation of sustainable development objectives – a key requirement of the new development planning system. Issues covered include energy conservation and renewable energy, sustainable building, development patterns and transport, economic development, and protecting the quality of the rural and built environment. Adoption of these important strategic policies will ensure the continuation of some Structure Plan policies (as amended to apply to this district) beyond the initial three year ‘saved’ period. The policies are also intended to form the basis of the Core Strategy in the new development planning system. PPS12 advises that ‘the core strategy should set out the key elements of the planning framework for the area. It should be comprised of a spatial vision and strategic objectives for the area; a spatial strategy; core policies; and a monitoring and implementation framework with clear objectives for achieving delivery.’

As a result of the representations made on the Redeposit, a number of changes are being proposed for both policies and paragraphs in the chapter. The most significant involve CP4 (currently titled Sustainable building) and CP7 (Urban form and quality). The changes essentially involve their restructuring with other minor additions. Although the purpose and intention of these policies is not significantly changed, it seems unlikely that the Inspector would be able to accept the changes as minor. Other policies where less significant changes are proposed are CP2 (Quality of the rural and built environment), CP9 (Sustainable transport) and CP10 (Renewable energy schemes). Minor changes are also proposed for paras 4A.7, 4A.22; 5.35a,36a 45a (Green Belt) and 14.7a (Utilities). New paragraphs 4A.6b and 17b are also proposed. Officers believe that most, if not all, of these proposed changes may be acceptable to the Inspector.

Chapter 5 – Green Belt

Changes in this chapter result mainly from experience of implementing the Adopted Plan policies, in particular some appeal decisions, or in the case of site specific policies, because circumstances have changed. Several policies are unaltered but GB3 (Built recreational developments), GB9 (Extension of non-residential buildings), GB12 (Farm shops) and GB20 (Former Royal Ordnance Site) are deleted, the latter because redevelopment of the site has been completed. There are two new policies – GB9A (Residential conversions) and GB17B (Removal of agricultural occupancy conditions). Policies which have been significantly amended are GB8A (Change of use or adaptation of buildings), GB14A (Residential extensions), and GB15A (Replacement dwellings). Designations of new glasshouse sites are proposed and some extensions to existing sites. Some de-designations are also put forward.

A number of objections have been made to GB8A, and officers are recommending some changes to the supporting text and the addition of one sentence to the policy to address some of the issues raised. There is concern about granting permission for extensions to industrial buildings (which were previously agricultural) in the Green Belt. The Alterations have addressed this problem by deleting original policy GB9, but officers also feel that a comment in the text about removing permitted development rights in appropriate cases would be helpful. Comment has also been made about the ten year period in criterion (iv) dealing with works to buildings. Officers believe this period can be justified but the text needs a fuller explanation. Both changes are relatively minor and it is hoped that the Inspector will accept them as such.

Another objection to GB8A (and 9A) concerns potential conflict with policy CP4 (Sustainable building) with respect to energy conservation priorities and impact on conversions to listed properties. Officers acknowledge that this is a fair point and accept the case that heritage conservation should, at least for the foreseeable future, take precedence over energy conservation issues. Two amendments to the supporting text are proposed and one sentence is suggested as an addition to the policy. In themselves they do not alter the intention of the policy, but officers do not know if the Inspector will be able to accept these as minor modifications.

An objection to policy GB9A pointed out that, with the deletion of the final paragraph from the First Deposit version (which suggested that converted buildings should be offered to Registered Social Landlords), there was now a conflict with paragraph 5.49a where this was still mentioned. Officers accept this, although the confusion was not deliberate. A minor re-wording in the paragraph is proposed which the Inspector should be relaxed about. Retaining the possibility of use of conversions for affordable housing is still considered to be important to address the pressing need for such accommodation in rural areas, although it is accepted that this cannot be justified as a policy, and that the total across the district which could be so used is probably very small.

Concern about justification for 40% residential extensions (policy GB14A) is accepted and an addition to the text is proposed which explains that this figure is derived from an analysis of recent permissions. Officers hope this amendment will be seen as minor.

In response to a representation about the 'agricultural community' in criterion (iv) of policy GB17B, officers are proposing the inclusion of more explanatory text in paragraph 5.89a. It is again hoped that this change will be accepted as minor by the Inspector.

Two very minor changes are proposed in response to representations about paragraph 5.98a (Former radio station site, North Weald) and 5.100a (Grange Farm). These address possible ambiguities in the existing text and should be accepted as minor changes.

Chapter 6 – Heritage Conservation

The only change proposed to this chapter is a new policy for 'locally listed' buildings – ie identifying those which do not quite meet the standards for national listing, but which nevertheless contribute to the historic, architectural or visual character of the district. This

policy has been welcomed by most respondents, and only a minor re-wording of text is proposed to address issues raised in comments on the Redeposit. Officers hope this will be accepted as a minor change by the Inspector.

Chapter 8 – Recycling & Pollution

Only policy RP5 (Adverse environmental impacts) needed amendment following some problems with its application to particular cases. It was worded in too specific a fashion, and the more general wording now proposed will mean it can be applied to a wider range of circumstances, and is more in line with the more generic wording of policies now being promoted by the Government. Representations made on the Redeposit mean that officers are now proposing a minor change to the policy and the replacement of para 8.19a with a rewritten paragraph. It is hoped that the Inspector will regard these changes as minor.

Chapter 9 – Housing

The housing chapter has been largely re-written in the Alterations to take account of the requirements of PPG3: Housing (2000 and 2005 updates) and Circular 01/2005: Residential Density. Briefly, the changes that have been proposed include policies that promote the use of previously developed land over greenfield land where possible; housing density and mix; affordable housing provision; and the application of Lifetime Homes Standards. Adopted policies H3 (Assessing sites outside the Green Belt), H7 (Achieving mobility housing), H8 (Negotiating provision of mobility housing), H9 (New housing to be 'viable'), H10 (Conversion of upper storeys in town centres) and H13 (Changes of use from residential) are all deleted without direct replacement, as they are either now not necessary or are replicated in another part of the Plan. No further housing land allocations are being made at present as explained above in the Background. The complex issue of land for gypsy/traveller sites is not being dealt with by these Alterations, but will be addressed as soon as possible following the final approval of the EEP and the completion of an Essex County Council study into the need for these sites.

Only three changes are proposed to the housing chapter as a result of representations made on the Redeposit. It is anticipated that all will be considered as minor by the Inspector, as the changes only seek to improve the clarity of policies and supporting text rather than introduce anything new.

A minor addition is proposed to para 9.44a to clarify that affordable housing will only be sought in converted buildings where there is a net increase in the number of units. This provides clarity in the affordable housing policies, whilst not decreasing the number of sites where affordable units can be sought.

Minor changes are proposed to H6A(ii), again to provide additional clarity on when affordable housing might be sought in rural areas. Circular 06/98 sets thresholds both in terms of the number of dwellings to be provided and the area of the development site. The policy that appears in the Redeposit does not provide thresholds in terms of the site area, which has been subject to an objection from GO East. Appropriate site size thresholds have therefore been added to the policy to provide clarity, and also to help prevent lower density developments being put forward.

The issues of the adoption of Lifetime Homes Standards as Council policy has provoked many responses, the majority of which request that the policy is either removed or significantly "watered down". Officers do not consider the requirements are unduly onerous and will be of benefit to all sectors of the community. The aim of these Standards is to ensure that people are not forced to move simply because their home cannot be easily adapted to meet their future needs. Adaptation may be necessary for a variety of reasons, including illness and accidents. However, the Lifetime Homes Standard is also designed to take into account the different needs that people may have throughout their lives. For example, wider doorways and halls will help when manoeuvring a pram or wheelchair; a downstairs toilet and space that can be converted into sleeping space could help those with a temporary mobility problem; and space for a stairlift will help those who can no longer manage the stairs. This last point is considered particularly important now fewer bungalows

are being constructed due to land use and density constraints. A minor alteration is proposed to paragraph 9.58a, which allows limited flexibility in the application of the Lifetime Homes Standard in relation to homes that are provided for specific groups, e.g. sheltered housing, which have their own standards to comply with.

Outstanding objections remaining from the First Deposit include many relating to the allocation of housing land, which will be dealt with as outlined above in the Background. The thresholds at which affordable housing is sought, and the percentage of the total development that is provided as affordable, are both issues that have not been resolved as part of negotiations between officers and objectors. These are two of the most substantial matters that will proceed to the Inquiry.

Chapter 10 – Employment

Three changes are being made to this chapter: (a) Policy E4 (Retention of employment sites) is replaced by two policies which address protection of, and alternative uses for, employment sites. The main reason for the changes has been the gradual but significant loss of such sites to other uses, mainly housing. Quite apart from possibly missing the Structure Plan's employment land targets, this gradual loss of such uses could eventually endanger the creation or retention of sustainable communities; (b) a new section and policy on farm diversification – this has been introduced partly in response to the increasingly positive approach being advocated by Government guidance and partly to deal with a gap in policy coverage identified by development control officers; (c) a completely revised section on the Lea Valley Glasshouse Industry (the Redeposit version being a further completely revised version of the First Deposit text and policies) – the need for this emerged from a number of appeal decisions and was subsequently confirmed by a Council-commissioned report from Reading Agricultural Consultants (RAC).

(a) Retention of employment sites The only change being proposed is to make the criteria of policy E4A more obviously individual rather than treating them as collective – ie connecting each of the criteria by 'or'. Officers believe this is a minor change, but as it could be argued to change the interpretation of the policy, the Inspector may not be able to agree that this is minor. GO-East retain reservations that this policy is contrary to recent amendments to PPG3: Housing, which requires that a favourable approach should be taken to applications for housing or mixed use development on sites allocated for employment use, but where sites are no longer needed for these uses. Officers believe that the particular situation the Council is in at present (ie Structure Plan housing targets exceeded 8 years early, and some doubt about meeting employment land targets) is a good reason for justifying this policy approach.

(b) Farm diversification No changes to the Redeposit are proposed.

(c) Lea Valley Glasshouse Industry It would be an understatement to say that this issue is complex and controversial. As it is a form of agriculture it is deemed to be an appropriate use in the Green Belt. Horticulture was practised in the Lea Valley for at least most of the last century and the industry experienced periods of expansion and decline. Problems of dereliction coupled with inappropriate uses led to the introduction of a specific glasshouse policy in the Local Plan For Roydon, Nazeing and Waltham Abbey (1989). This specified areas where new glass would be permitted, but outside these areas, development would not be permitted, despite the use being 'appropriate'. The current Adopted Local Plan modifies this approach slightly by permitting expansion onto sites adjacent to the designated areas in particular circumstances. Problems of dereliction and inappropriate uses persist although officers believe that these issues are not as significant as they were in the late 1970s and 1980s, and the policy of concentration is felt to have at least partially contributed to this improvement.

The main cause of concern now is traffic, with the local community arguing strongly that the rural roads of Nazeing and Roydon simply cannot cope with the number and size of HGVs. The industry is facing growing competition from the EU and further afield, and the increasing monopoly of the supermarket chains and their rigorous quality standards impose other demands on the growers. This leads to 'round the clock' working, particularly in the packhouses, and raises another bone of contention

with local residents, as it means more HGV traffic on unsuitable roads but also at unsocial hours. There is also significant concern that the packhouses and some glasshouses are dealing primarily with imported goods, not only adding to traffic worries, but raising questions about the validity of these uses. Other questions involve landscape impact, gradual change to inappropriate uses in the Green Belt (eg garden centres), and the old problem of dereliction leading to pressure for redevelopment for housing. Another issue raised was justifying the need for more land when some glasshouses or whole designated areas appeared to be un- or under-used. On top of all this, the industry now appears to be entering a period of expansion, partly identified in some appeal decisions. The RAC report has identified a demand for 50ha new glass over the next ten years.

While glasshouse horticulture has changed greatly over the years, both in terms of the demands being placed on it and in terms of technological change, the Lea Valley industry is still characterised by it being run on a family basis, consisting mainly of a large number of relatively small independently run units. This inevitably means that some units are more productive or active than others and that pressure, or need, for expansion varies significantly from one holding to the next. Officers are in no doubt, however, that the most modern units, of which there are several examples in the Valley, are very good examples of 'hi-tech' industry.

The Alterations have attempted to make provision for the projected demand, while taking account of, and addressing, the genuine and understandable concerns of the local community. Officers believe that there is no ideal or correct solution to all the problems that are raised by this issue. Even although the Redeposit was entirely restructured and rewritten in an attempt to address the representations made the first time round, many objections have been made to the content of the Redeposit. What seems very clear is that, if the land allocations being proposed are ultimately adopted, the Council will have to give very serious consideration to the use of compulsory purchase powers to implement the Alterations. Similarly, because of the many representations which have been made about this topic, officers believe that a detailed survey of traffic movements in the Nazeing area is justified, and that the local community should be actively involved in deciding what needs to be included in the study and in liaising with any consultants who may be appointed.

Changes are proposed for para 10.104b, adding a table or text to summarise the areas of de-designated and new glasshouse areas, and to describe the reasons for defining two types of de-designation. Para 10.104n is modified to accommodate an objection from GO-East, which officers have reluctantly accepted. Two drafting errors on the Figures are also listed for correction, and part of one site proposed for immediate de-designation is now suggested for inclusion as 'potential de-designation'. It is proposed that E13A is replaced by a slightly modified version of E13C from the First Deposit. This latter is obviously a major change which will have to be considered at the Inquiry.

Chapter 11 – Town Centres

This is a replacement chapter which originally took account of PPG6: Town Centres and Retail Developments (June 1996), although this has now been superseded by PPS6: Planning for Town Centres (April 2005), leading to further changes in the Redeposit. PPG3: Housing (March 2000) and PPG13: Transport (April 2001) contain further advice about town centre uses, the latter in particular endorsing the sequential approach to location. Policy STC7 of the Adopted Plan (Controls in primary and secondary shopping frontages) had also proved difficult to implement because of problems with interpretation.

The objectives of the chapter, in line with Government guidance, are to (i) define a hierarchy of centres, and (ii) actively promote and manage change by adopting a pro-active, plan-led approach to town centres. The emphasis has moved slightly from concentrating on retail provision to ensuring that town centres retain and attract a variety of uses which are appropriate to their location – the essence being to promote the vitality and viability of the

centres. A significant change from the Adopted Plan has been to move away from the fairly traditional primary/secondary frontage approach to one of defining key frontage. This change has been brought about partly because of difficulties with policy STC7 as outlined above, but also as a result of regular monitoring of the main centres to keep track of changes in use. A figure of 70% retail in the key frontages has been identified as the amount necessary to ensure that the town centres retain a mix of uses which will ensure their vitality and viability.

As a result of representations on the Redeposit, changes are proposed for policy TC1 (Town centre hierarchy) and the related para 11.7a. The policy will be strengthened by the proposed changes and the new issue of Retail Impact Assessment will be introduced to the paragraph. It is unlikely that the Inspector will be able to accept these changes as minor. More minor changes, essentially just updating, are proposed for paras 11.14a and 11.22a.

Chapter 12 – Recreation, Sport & Tourism

Only policy RST10 (Roydon Lodge Chalet Estate) has been amended in the Alterations to take account of Supplementary Planning Guidance which was adopted in September 2003. A new paragraph links this policy with policies U2A and U3A which deal with flood risk – the estate being in the floodplain of the River Stort. The Environment Agency has indicated that the amendments are satisfactory. No changes are proposed as a result of representations on the Redeposit.

Chapter 13 – Community Facilities

The Alterations introduce a new policy which addresses the retention of such facilities. Pressures for change of use, usually to housing, have gradually increased over the years. In the interests of creating and maintaining sustainable communities, it is important that proper consideration is given to the retention of such facilities when they are threatened by such development proposals. Some representations to the Redeposit have supported the policy, but others have questioned its validity in the absence of a comprehensive audit of such facilities. Other comments have confused infrastructure provision with community facilities and there have been requests for a more detailed list of relevant facilities to be included. Minor changes to the policy and supporting text are proposed to meet some of the objections. Officers again believe that the Inspector should view these changes as minor.

Chapter 14 - Utilities

Policies U2 and U3 of the Adopted Local Plan have been updated in the light of PPG25: Development and Flood Risk (July 2001), and as a result of detailed consultation with the council's Land Drainage section following experience of flooding within the district. New policies addressing Flood Risk Assessment Areas and Sustainable Drainage Systems have been introduced. Minor changes to three paragraphs (14.7a, 14.10a and 14.10b) are proposed as a result of the representations. Officers are also suggesting a complete rewriting of U2A, including a retitling (from 'Floodplain proposals' to 'Development in flood risk areas'). This is obviously a major change which would have to be considered at the Inquiry.

Chapter 17 – Sustainable Transport

PPG13: Transport (2001) necessitated a replacement chapter. The emphasis now is on reducing the need to travel, especially by car, although acknowledging that there must be limits to this in a district which is still 90% rural in terms of land take, and has limited public transport serving the rural areas. Other Government aims which need to be reflected in policies include promoting more sustainable transport choices and promoting accessibility to jobs and services etc by sustainable transport.

Maximum car parking standards, transport assessments, travel plans and a policy for the safeguarding zone of Stansted Airport are also introduced.

The First Deposit included a specific policy for Stapleford Airfield. This was intended to address the seemingly reasonably straightforward issue of building accommodation and renewal. Instead it disturbed a hornets' nest of concern from local residents with issues of noise and disturbance, times and height of flights, increased flying activity etc being frequently mentioned. The policy was deleted from the Redeposit and this has led to counter-

objections arguing that such a policy is needed to ensure the future viability of the airfield. Officers are recommending no change to the Redeposit, but that the issue is addressed under the Local Development Framework following a much more detailed study of all the issues that are involved.

Apart from some minor updating, particularly concerning the Epping to Ongar Line, the only significant changes being proposed to the Redeposit involve policy ST9 (Stansted Aerodrome Safeguarding) and paragraph 17.41a. In both cases representations have been made by the British Airports Authority (BAA), and officers consider that the suggestions (with a few small changes) are an improvement on the Redeposit policy and supporting text. While the functioning of the policy will not be greatly affected by the proposed changes, officers believe that the Inspector is unlikely to be able to accept these as minor amendments.

Chapter 18 - Implementation

Policy I1 was originally updated in order to take account of government Circular 01/97. Since the Alterations process commenced, this has been superseded by Circular 05/2005: Planning Obligations. Although this does not propose significant changes, amendments to the Redeposit are necessary – these involve changes to criteria (vi) and (vii) of policy I1A. These amendments should be considered as minor by the Inspector.