

## **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 6 October 2016

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.45 pm

**Members Present:** C Whitbread (Chairman), S Stavrou (Vice-Chairman), R Bassett, W Breare-Hall, A Grigg, H Kane, A Lion, J Philip, G Mohindra and G Waller

**Other**

**Councillors:** N Avey, R Baldwin, N Bedford, R Brookes, L Girling, S Heap, S Jones, S Kane, H Kauffman, J Knapman, J Lea, A Mitchell, R Morgan, S Murray, S Neville, A Patel, C C Pond, C P Pond, C Roberts, D Roberts, M Sartin, G Shiell, D Stallan, B Surtees, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley

**Apologies:** -

**Officers Present:** G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), D Bailey (Head of Transformation), S G Hill (Assistant Director (Governance & Performance Management)), K Polyzoides (Assistant Director (Policy & Conservation)), T Carne (Public Relations and Marketing Officer), G J Woodhall (Senior Democratic Services Officer) and S Kits (Social Media and Customer Services Officer)

### **52. WEBCASTING INTRODUCTION**

The Leader of Council made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **53. DECLARATIONS OF INTEREST**

There were no declarations of interest pursuant to the Council's Member Code of Conduct.

### **54. MINUTES**

**Resolved:**

(1) That the minutes of the meeting held on 1 September 2016 be taken as read and signed by the Chairman as a correct record.

### **55. REPORTS OF PORTFOLIO HOLDERS**

There were no verbal reports from the Portfolio Holders present at the meeting on current issues concerning their areas of responsibility.

### **56. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET**

(a) The Cabinet heard from Ben Thomas, representing Savills (UK) Limited, who expressed their disappointment that the Pickfield Nursery site at Pick Hill in Waltham

Abbey was not currently allocated for residential development within the draft Local Plan.

(b) The Cabinet heard from Local Councillor Tom Owen, representing Loughton Town Council, who highlighted some issues for the relationship between the proposed retail development at Langston Road and the existing retail outlets in The Broadway, Loughton; and that the new development would have an impact on the retail outlets in both The Broadway and Loughton High Road.

## **57. DRAFT EPPING FOREST DISTRICT LOCAL PLAN FOR CONSULTATION**

The Portfolio Holder for Planning Policy presented a report on the Epping Forest District draft Local Plan for consultation.

The Portfolio Holder stated that the draft Local Plan outlined the Council's vision and preferred approach for development in the District for the next 17 years. The draft Plan included the identification of sites for residential, traveller and economic growth (including strategic sites around Harlow within this District) to meet the needs as set out in the evidence base and also included draft planning policies for use in determining planning proposals. The Council was seeking to consult on the draft Local Plan under Regulation 18 of the Local Planning Regulations 2012. All comments received would be considered prior to the preparation of the Local Plan for publication, and this might result in changes to the draft Plan prior to publication of the pre-submission version of the Plan.

The Portfolio Holder reported that there would be further work undertaken on the assessment of employment sites – to understand the existing supply and therefore the overall need throughout the Plan period. The Council would then determine the most suitable sites for allocation, however, in the meantime, all the sites had been included that had been identified in order that the Council could obtain views during the consultation period.

The Portfolio Holder confirmed that, in setting out the Council's preferred strategy, consideration had been given to reasonable alternatives as required by legislation. Appendix 2 of the report contained the Non-Technical Summary of the Interim Sustainability Appraisal – the full background report would form part of the consultation documentation. The Summary set out a comparison between the preferred Strategy and four reasonable alternatives for the spatial distribution of housing across the District. Table 3 in the report provided a summary of the findings and how the preferred Strategy performed in relation to the alternatives. The Non-Technical Summary had been updated since the Cabinet agenda was published – the only substantive change was to the monitoring arrangements which had been updated to reflect Appendix 3 of the Local Plan and the proposed monitoring indicators. These amendments would be included in the agenda for the Council meeting on 18 October 2016.

The Portfolio Holder also drew the Cabinet's attention to minor changes in Appendix 5 – the Housing and Traveller Trajectories - as some of the original numbers were incorrect. The updated Appendix 5 reflected the corresponding Appendix in the Site Selection Report. The Cabinet's attention was also drawn to a number of new pieces of key evidence which had not yet been published but had been used to inform the preparation of the Plan; these studies would be published prior to the consultation period. In addition, during preparation of the pre-submission version of the Local Plan, the Council would also be undertaking some additional work, including:

- (i) Local Transport modelling on the sites proposed for allocation to

understand the highway improvements that would be necessary and to inform the Habitats Regulation Assessment;

(ii) Local Plan viability work to ensure that the proposals were viable and to inform the Council's decision on whether to progress the Community Infrastructure Levy (this would take account of the policies in the Draft Plan, e.g. Building Regulation requirements for lifetime homes and residential space standards) and the Draft Infrastructure Delivery Plan;

(iii) further work to progress and provide more detail for the Infrastructure Delivery Plan;

(iv) site selection work on employment sites and any new sites that were put forward during the consultation period; and

(v) an Equality Impact Assessment, to be carried out on the Draft Local Plan prior to the Regulation 19 publication of the Plan - the Equality Analysis report for the draft Local Plan was attached at Appendix 3 of the report.

The Portfolio Holder highlighted recommendation 2 of the report, whereby the draft Local Plan could be used as a material consideration in the determination of planning applications and enforcement decisions, if agreed by the Council, in accordance with paragraph 216 of the National Planning Policy Framework. It was also emphasised that the draft Plan would make alterations to the Green Belt but that the boundaries of the Green Belt within the District would remain predominantly the same as the current boundaries.

The Portfolio Holder recognised that many residents would not agree with some of the proposals within the draft Local Plan, however residents were encouraged to respond during the consultation period. The points made by the public speakers were clear and should form the basis of consultation responses. The Consultation Strategy had been agreed by the Cabinet in September, and it was important for residents to make responses to the Consultation as the Council needed further evidence to refine the draft Local Plan.

The Portfolio Holder concluded by seeking the agreement of the Cabinet to consult under Regulation 18 of the Town and Country Planning (Local Planning) Regulations on the draft Epping Forest District Local Plan. The Local Plan, when adopted, would supersede the combined policies of the Epping Forest District Local Plan (1998) and Alterations (2006) and would ensure that the Council had an up-to-date Local Plan to guide future development in the District. This would enable the Council to strategically plan for future development and infrastructure needs, promote sustainable development, and provide an adequate five-year supply of deliverable land for housing in the future.

Cllr Bassett, as the former Portfolio Holder for Planning Policy, reminded the Cabinet that the Local Plan endeavoured to get the best possible result for the District, and the process had been very inclusive with numerous workshops and briefing sessions for District and Local Councillors. It was also emphasised that the consultation had to be evidence led so that the final Local Plan could be defended at the Examination in Public. Cllr Grigg highlighted that the development proposed for North Weald Bassett was considered rather high, and drew the attention of the Portfolio Holder to the fact that the parish of North Weald Bassett encompassed three separate villages (North Weald, Hastingwood and Thornwood Common). The Parish Clerk had requested clarity and consistency in the use of the term "North Weald Bassett". Cllr H Kane

enquired whether the proposed designation of some parcels of land as District Open Land would be given the same protection as the Green Belt.

The Portfolio Holder reassured the Cabinet that the District Open Land designation would give the same protection as that afforded to the Metropolitan Green Belt when the Local Plan was adopted, and Landowners had been consulted as part of the site selection process on the sites proposed for allocation for Traveller pitches and more general development. The use of the term "North Weald Bassett" in the draft Local Plan was consistent with its use in the Masterplan exercise for the Airfield, and recommendation 3 allowed the Director of Neighbourhoods, in consultation with the Portfolio Holder for Planning Policy, to make minor, non-material amendments to the draft Plan before the consultation period began on 31 October 2016. The numbers currently listed for each site were indicative and carried limited weight at this stage in determining planning applications.

Cllr Breare-Hall felt that the draft Local Plan was an important, thoughtful and considered document, and offered his thanks to all of the staff involved in its development. In respect of the future vitality of the Town Centres within the District, development should be positive if it was properly planned. The draft Local Plan took a balanced approach to the utilisation of open space in settlements, the duty to protect the special character of the District and the Green Belt, and the Councillor hoped that this approach would be retained. The Portfolio Holder acknowledged that the Town Centres would change over the next 17 years and recognised that Epping was not the same as Ongar, which was not the same as Waltham Abbey. The Local Plan would protect the open spaces for the future; it would be preferable not to allow development of the open spaces and Green Belt but in order to meet the identified housing requirement that was simply not possible.

Cllr Waller opined that the report reflected the huge amount of work that had been carried out, and it was inevitable that it would cause some indignation from residents. However, Cllr Waller stressed that the Council was under an obligation to provide a certain number of new homes; if this was not forthcoming then the Local Plan would be found 'unsound' at the Examination in Public and the District would be at the mercy of developers. It was highlighted that the draft Local Plan envisaged approximately 1% of the Green Belt being lost, and Cllr Waller requested that no car parking spaces within the District be lost as a result of the proposed allocations for future development.

The Portfolio Holder responded that the draft Local Plan aimed to retain the current amount of parking spaces within the District. The Local Plan had to provide an objectively assessed housing need for the District up to 2033, and the Portfolio Holder hoped that residents would provide objective responses to the consultation, not responses which simply stated that the proposed developments were not liked.

Cllr Bassett reminded the Cabinet that other Councils were having to follow the same process; Harlow, Uttlesford and East Herts District Councils were either at the same stage as this Council or one stage further ahead. The Portfolio Holder stated that the Council was taking all possible measures to ensure that the draft Local Plan was not found unsound at the Examination in Public, including taking advice from Counsel and working closely with neighbouring Councils. The Portfolio Holder wanted feedback from residents, hence the consultation was being performed at this time, and all Councillors would be provided with a pack to assist them with answering residents' questions following the Council meeting on 18 October 2016.

Cllr Knapman commented that the sites listed in the draft Local Plan appeared to contradict the work performed during the visioning workshops undertaken with

Members; the Limes Farm site in Chigwell was offered as an example, where the current draft of the Plan showed 210 houses earmarked for this site. It was also highlighted that the Chigwell Parish Council Neighbourhood Plan was about to go to public consultation, but very few of the sites listed in that document had been included in the District Local Plan. It was acknowledged that the priority was to protect the Green Belt, but Chigwell Parish Council was content to lose small pockets of the Green Belt in order to protect their urban open spaces. The Councillor requested a firm guarantee from the Portfolio Holder that, following the public consultation, if the sites listed for development were proved to be incorrect then they would be amended. Cllr Knapman also opined that there had been a lack of consistency with the Officers employed throughout the Local Plan process.

The Portfolio Holder acknowledged that there could be a conflict between the District Local Plan and Neighbourhood Plans for a number of individual parishes. The next stage of the process for the District Local Plan was the public consultation, and the District Council would take note of the responses and changes could be made to the Plan before publication of the Presubmission Plan which would seek responses on soundness scheduled for 2017 and the subsequent Examination in Public. It was emphasised that good reasons for change would be listened to, and the District Council could also take note of the responses received for Neighbourhood Plans. The Chief Executive added that the three senior Officers involved with the Local Plan had been consistent throughout the whole process. With regard to the Chigwell Parish Council Neighbourhood Plan, two members of the Cabinet had met with the Chairman of the Parish Council at their request, and the advice from Counsel on the sites within the Neighbourhood Plan had been sent to, and received by, the Parish Council; the District Council was waiting for the Parish Council to send through the justifications for the sites selected in their Neighbourhood Plan.

Cllr J M Whitehouse commented that the draft Local Plan was overdue, and expressed concerns about the apparent vague wording within some of the proposed Planning Policies. For example, the proposed Green Belt policy only made mention of one of the five accepted purposes for the role of Metropolitan Green Belts. The Member felt that the draft was not a balanced Plan in line with the Issues and Options consultation undertaken in 2012, as the proposed development was concentrated in a narrow corridor which followed the M11 motorway and Epping was taking a disproportionate amount of development. This would adversely impact the existing infrastructure and had led to some peculiar site allocations. The Councillor felt that the draft Local Plan was not 'fit for purpose' and that it needed to be drastically changed.

The Portfolio Holder stated that the draft Local Plan was balanced with development spread across the District and focused around the existing settlements. There were a significant number of new planning policies within the draft Plan, which were written as required by the National Planning Policy Framework in a positive manner. The Council wanted feedback from residents on these new policies as well as the proposed sites for development.

Cllr C C Pond was disappointed that 65% of the green open space in Debden was proposed for development; this proposal had no support from ward Members or the local Town Council. It was clear that the green urban spaces were not being preserved or enhanced but being built over instead. It was highlighted that other Councils had created 'Garden Villages' and this was a sustainable way of meeting housing need.

The Portfolio Holder reiterated that there had been no support for 'Garden Villages' in the 2010 Community Visioning consultation. It was pointed out that urban green

spaces were also located around the existing settlements as well within them, and the Council had to take some of the existing open spaces for development. Although, the Portfolio Holder agreed that it would be important to retain a quantum of open space within any new developments and the proposed allocations allowed for this.

Cllr Murray could not understand the justification for a reduction of 65% in the urban green spaces in Debden, and declared that not a single ward Member in Loughton agreed with these proposals. The Councillor also felt that the Council had not historically made good planning decisions within Loughton. Cllr Wixley added that the development of 190 houses on Jessel Green had not been in the Issues and Options consultation in 2012, when the protection of existing green spaces was the top priority for most residents. The Councillor was disappointed that there had been a disconnection with previous consultations, and expected strong local sentiments to be expressed about this proposed development as open space had been a key feature of the original planning ethos for the Debden estate when it was built. Cllr Wixley also felt that the phrase 'evidence based' should be explained to residents.

The Portfolio Holder highlighted that 1% of the Green Belt was a larger area than 65% of the green urban spaces in Debden, and that measures taken 60 years ago were not necessarily still appropriate today. If good planning reasons were given during the Consultation then the Council would listen and changes would be made, and the Portfolio Holder expected the draft Local Plan to change after the Consultation period was finished. It was acknowledged that there had been changes from the Issues and Options Consultation in 2012, and that 'evidence based' meant the submission of good planning reasons for the inclusion/exclusion of a particular site - not simply "I don't like it!".

Cllr Neville felt that the proposed measures to improve transport links within the District were admirable but needed to be strengthened in order to achieve their aims. Cllr Jones was concerned about using the policies within the draft Local Plan to determine planning applications straight away, and that it would be better to wait until after the public consultation had been completed. The Portfolio Holder stated that he would be happy to strengthen the enclosed policies after the consultation. However, the draft Local Plan had now been published and was therefore a material consideration in determining planning applications. There were some very useful planning policies in the draft Local Plan, and Planning Inspectors would give them some weight in determining planning appeals. It was emphasised that the current boundaries of the Metropolitan Green Belt would not be formally altered until the Local Plan was adopted.

Cllr Stallan supported the earlier comments of Cllr Grigg regarding the use of the term 'North Weald Bassett' within the draft Local Plan. The Councillor did not agree with the majority of the sites proposed for development within North Weald Bassett, but this was now the opportunity for local residents to make their views known. Cllr Stallan highlighted the recent article in the Epping Forest Guardian which had quoted the wrong figures for future development within the District. The Portfolio Holder was disappointed about the content of the recent article; a journalist from the Epping Forest Guardian had attended the press briefing two weeks ago, and the Portfolio Holder had also given an interview to the newspaper. The Portfolio Holder also undertook to review the use of the term 'North Weald Bassett' within the draft Local Plan.

Cllr Girling queried whether there would be paper copies of the questionnaire available for residents to fill in, or whether they could simply write back to the Council. In addition, could Town and Parish Councils be permitted use of the displays after the exhibitions had been completed. The Portfolio Holder encouraged residents

to use the online questionnaire for their responses, which would be analysed by Planning Policy Officers, but written responses would also be accepted from residents, including hard copies of the questionnaire. The Portfolio Holder would report back to the Cabinet and Council on the responses received during the consultation period. There would be a number of static exhibitions in place throughout the consultation period, and local Councils could organise further public meetings if displays were available. The Council was endeavouring to engage with all sections of the community within the District; there would be more on social media than in 2012, the Portfolio Holder would be speaking to the Youth Council, and leaflets would be handed out to commuters at stations throughout the District.

The Leader of Council offered his thanks to Cllrs Philip and Bassett, and Planning Policy Officers, for their efforts since 2007. This was a process which the Council had to follow, and all members of the Cabinet had been fully briefed on the draft Local Plan. This was a very important public consultation for the future of the District and the Leader encouraged all local residents to respond to the consultation.

#### **Decision:**

(1) That the Draft Local Plan (Appendix 1 of the report) and the Non-Technical Summary of the Sustainability Appraisal (Appendix 2 of the report) be endorsed and that consultation on the Draft Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 should commence for a six-week statutory period from 31 October to 12 December 2016 in accordance with the Statement of Community Involvement, and that representations received after 5.00pm on 12 December 2016 would be deemed invalid, be recommended to the Council for approval;

(2) That the endorsement of the Draft Local Plan as a material consideration to be used in the determination of planning applications and enforcement decisions, in accordance with paragraph 216 of the National Planning Policy Framework, be recommended to the Council for approval; and

(3) That the granting of delegated authority to the Director of Neighbourhoods, in consultation with the Planning Policy Portfolio Holder, to make any necessary minor non-material amendments to the Draft Local Plan prior to the commencement of public consultation on 31 October 2016 be recommended to the Council for approval.

#### **Reasons for Decision:**

The proposed public consultation was in accordance with the Council's approved Local Development Scheme and Statement of Community Involvement; complied with necessary legislation/regulations and was considered necessary for meeting the Government objective for Councils nationally to have produced Local Plans by the early part of 2017. The progression of the Local Plan was essential to ensure that the Council could strategically and positively plan for future development and infrastructure needs and safeguard against inappropriate or uncoordinated development.

#### **Other Options Considered and Rejected:**

To not agree the Draft Local Plan for consultation; however, this would put the Council at risk of its draft Local Plan being found 'unsound' at the Examination in Public and intervention by the Secretary of State for not making timely progress with the Local Plan.

**58. ANY OTHER BUSINESS**

The Cabinet noted that there was no further urgent business for discussion.

**59. EXCLUSION OF PUBLIC AND PRESS**

The Cabinet noted that there was no business which necessitated the exclusion of the public and press.

**CHAIRMAN**