
COUNCIL

BULLETIN

Issue Number 12/2018
Friday, 23 March 2018



Compiled, designed and produced by
The Directorate of Governance - Democratic Services

Assistant Director – Governance - Simon Hill
Telephone: 01992 564000

Epping Forest District Council
www.eppingforestdc.gov.uk



PART A - FORWARD DIARY

Key to abbreviations:

CC	Council Chamber	Cab Off	Cabinet Office
CR1	Committee Room 1	CONF	Conference Room (1st floor)
CR2	Committee Room 2	CH OFF	Chairman of Council's Office
MR	Members' Room	TR RM	Training Room
TBD	To be decided	HEM	Hemnal Street Offices.
TBN	To be noted		
TBC	To be confirmed		Meeting being filmed for subsequent viewing

Other venues are shown in full.

Week One: 26 March 2018 – 1 April 2018

Monday 26 March	7.30pm	Audit and Governance Committee		CC
Tuesday 27 March	7.15pm	Governance Select Committee		CR1
Wednesday 28 March	7.30pm	District Development Management Committee		CC
Thursday 29 March				
Friday 30 March				
Saturday 31 March				
Sunday 1 April				

Week Two: 2 April 2018 – 8 April 2018

Monday 2 April				
Tuesday 3 April	10.00am	Licensing Sub-Committee Resources Select Committee - Cancelled		CC
Wednesday 4 April	6.30pm 7.30pm	Briefing – Area Plans Sub-Committee East Area Planning Sub-Committee East		CR1 CC
Thursday 5 April	7.00pm	Council Housebuilding Cabinet Committee		CC
Friday 6 April				
Saturday 7 April				
Sunday 8 April				

Week Three: 9 April 2018 – 15 April 2018

Monday 9 April	7.00pm	Joint Consultative Committee		CR1
Tuesday 10 April	7.00pm	Cabinet		CC
Wednesday 11 April	6.30pm 7.30pm	Briefing – Area Plans Sub-Committee West Area Planning Sub-Committee West		CR1 CC
Thursday 12 April				
Friday 13 April				
Saturday 14 April				
Sunday 15 April				

Week Four: 16 April 2018 – 22 April 2018

Monday 16 April				
Tuesday 17 April	7.30pm	Overview and Scrutiny Committee		CC
Wednesday 18 April	2.30pm 6.00pm 7.00pm	Licensing Committee Briefing – Area Plans Sub-Committee South Area Planning Sub-Committee South		CC CR1 CC
Thursday 19 April	4.00pm 7.00pm	Management Board (2007) - Joint Meeting with Cabinet Asset Management and Economic Development Cabinet Committee		CR2 CC
Friday 20 April				
Saturday 21 April				
Sunday 22 April				

PART B - GENERAL INFORMATION

1. PRESS RELEASE REGARDING THE DELAY IN SUBMISSION OF THE LOCAL PLAN FOR INDEPENDENT EXAMINATION

Submission of Epping Forest District Council's Local Plan has been delayed following a Planning Court ruling on 20 March 2018.

The Court granted CK Properties Theydon Bois Limited ("CK Properties") permission to apply for judicial review of the Council's decision on 14 December 2017 to approve the Epping Forest District Local Plan Submission Version 2017 ("LPSV") for publication and submission to the Secretary of State for independent examination.

CK Properties complains that its land to the east of Theydon Bois was not allocated for residential development in the LPSV and contends that it has been prejudiced by the unavailability of Appendix B to the Site Selection Report (Arup December 2017), during the Regulation 19 publication period.

The Court ordered that the Council be restrained from submitting the LPSV for independent examination until the final determination of the judicial review claim, or further order. The Court also ordered that the judicial review hearing can be expedited and it is listed for hearing on 23 and 24 May 2018 with a time estimate of 1½ days.

The Council will be contesting all the claims made and to be heard at the full hearing but the ruling means **the Council cannot meet the agreed submission date of 31 March 2018.**

Councillor John Philip, Planning Portfolio Holder for Epping Forest District Council was disappointed by the Court decision but confident of the final outcome. He said; "It is frustrating but it is not the end of the road. We are ready to submit the Plan but circumstances outside our control have created this delay."

Councillor Philip continued: "Fortunately, the Government's deadline extension means the case can be heard without compromising our position. When all the evidence is placed before the judge, we fully expect to win the review. We are still on target to agree 11,400 homes during the Local Plan period up to 2033."

2. PRE-ELECTION PURDAH 22 MARCH 2018

Guidelines and restrictions on decision making and publicity during the pre-election period

As you will be aware, the local elections are due to take place on Thursday 3 May 2018, so I thought it would be useful to remind you about the guidelines and restrictions on publicity during the pre-election period that effectively starts on Thursday 22 March 2018. These restrictions apply to all elections happening during this period.

From the start of the pre-election period ('purdah'), the council must comply with restrictions outlined in Section 2 of the Local Government Act 1986. In addition a Code of Recommended Practice on Local Authority Publicity published in 2011 makes clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Act defines publicity as "any communication, in whatever form, addressed to the public at large or to a section of the public."

Generally, the Act says that we should "not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party." The Code of Practice recommends that authorities should generally not issue any publicity which seeks to influence voters and that publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute.

Decision making

In relation to decision making within the council, the position remains that it is 'business as usual' unless there are very good reasons why this should not be the case. In the vast majority of cases, the pre-election period will have no impact on normal council business, including the approval of planning decisions.

What this means

- The primary restriction is on proactive publicity by the council which particularly relates to candidates and other politicians involved directly in the election.
- The council can still issue media releases on factual matters provided that these do not identify individual councillors or groups of councillors.
- Councillors are still free to respond to enquiries received from the media in a personal capacity.
- Individual councillors can issue their own statements, write letters to the local newspaper(s) for publication, contact the media directly or say what they like in a personal capacity, but must not use council resources to do so.

It is still possible for the council to issue statements on behalf of a councillor holding a key political or civic position provided it relates to important events which are outside the council's control and can be shown to justify a member response. These occasions are likely to be rare and to be the exception, rather than the rule.

I hope this note provides you with the general information you need for the pre-election period, but if you have specific concerns or queries, please feel free to contact me.

(Further information: Tom Carne ext 4039)

3. NEXT MEETING OF THE EPPING FOREST LOCAL HIGHWAYS PANEL - DATE CHANGE

Please be aware that the date of the next meeting of the Epping Forest Local Highways Panel will be on Monday 2 July 2018 at 5pm in Committee Room 2.

(Further information: Jackie Leither ext 4756)

4. STANSTED PLANNING APPLICATION (Pages 13 - 16)

Please see attached.

5. SERVICE 501 - SUNDAY AND BANK HOLIDAYS (ONGAR TO HARLOW) VIA NORTH WEALD AND EPPING

Wendy Jackson, Essex County Council Passenger Transport Manager - T: 03330 322432

E: Wendy.Jackson@essex.gov.uk has advised the following;

“.... is to notify you of changes to ECC Sunday service 501 which is currently operated by NIBS buses. This service will be withdrawn with effect from 28th March. The service provides a bus every two hours between Ongar and Harlow.

However, Trustybus service 420 (North Weald to Harlow) via Epping will be extended to Ongar with effect from 30th March and will offer an hourly service.

Timetables will be available on the bus from this Sunday.”

6. EASTER RAFFLE FOR CHAIRMAN'S CHARITY

Please be reminded that tickets for the Easter raffle in aid of the Chairman's Charities are available from Shirley Hawkins or the Democratic Services Officers.

7. CHAIRMAN'S DIARY (Pages 17 - 18)

Please see attached.

LICENSING ACT 2003

Please be advised that the Licensing Unit has received the following applications for New Premises Licence made under the Licensing Act 2003 for the premises below:

Applicant name: East 15 Acting School

Address of Premises: East 15 Acting School & Corbett Theatre, Hatfield Campus, Rectory Lane, Loughton, IG10 3RY

Brief details of the nature of the application; This is an application to vary a premises licence under the Licensing Act 2003. The nature of the proposed variation is to vary the current approved layout plans to be replaced with the layout plans lodged in support of this application. All licensable activities, hours and conditions are to remain as existing. Opening times are to remain as existing.

Consultation period from 21 March 2018 To 17 April 2018

Officer in charge: Handan Ibrahim

Please ensure that any comments/objections are received by the Licensing team on or before the consultation end date.

Manager	Kim Tuckey 01992 564034
Licensing Compliance Officer	Sarah Moran 01992 564270
Licensing Compliance Officer	Nuala Clark 01992 564340
Licensing Compliance Officer	Joanne Owen 01992 56 4721
Licensing Compliance Officer	Handan Ibrahim 01992564153
Licensing Officer	Jane Mullinger 01992 564461

GOVERNANCE DIRECTORATE - PLANNING

1. Appeals Lodged

None this week

2. Forthcoming Planning Inquiries/Hearings -

None this week

3. Enforcement Appeals

None this week

4. Appeal Decisions

None this week

5. Tree Preservation Orders

None this week

6. S106 Agreements

None this week

7. Changes to Planning Systems

None this week

PROPOSED PLANNING ENFORCEMENT ACTION

None this week

It is important to note, that when enforcement action has been authorised, this includes any subsequent action under Part VII of the Town and Country Planning Act 1990, including a prosecution or an injunction.

Principal Planning Enforcement Officer	Jerry Godden	01992 564498
Senior Enforcement Officer	Clare Munday	01992 564114
Planning Enforcement Officers	Sharon Hart	01992 564530
	David Thompson	01992 564108
	James Gordon	01992 564530
	Zara Seelig	01992 564379

PART C - PORTFOLIO HOLDER DECISIONS

The notification of decisions taken by individual Portfolio Holders is no longer included in the Council Bulletin.

All members of the Council receive automatic email notification of the publication of each individual Portfolio Holder decision and the call-in period for each decision commences immediately. Members wishing to call-in a decision should complete the attached call-in form and return it to Democratic Services before the expiry of five working days following the publication date of the decision. Members should refer to the Constitution (Article 6 - Overview and Scrutiny) for the rules of call-in.

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Dear Colleagues

I discussed with you yesterday a note I intended to send to all district councillors and town/parish councils in UDC area regarding the planning application at Stansted Airport. Please see below the relevant paragraphs I have extracted from the total message. Please feel free to share with your members and town/parish councils as you see fit. The meeting on 26 March (at UDC council offices in London Road Saffron Walden) scheduled for town and parish councils is equally open to your town and parish councils.

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## **Current Position**

Before I outline the application received, I thought it would be helpful to outline what the airport currently has permission for, referred to as Generation 1 Permission. This is, of course, different to how the airport is currently operating but it is important to note that the new application has to be considered in light of (on top off, if you like) what is currently permitted.

In summary the airport is currently limited to 35mppa (passengers per annum) and an annual cap of 274,000 ATM (air traffic movements).

The granting of permission for the new arrivals hall in 2017 replaced the unimplemented terminal extension permitted in Generation 1.

Works at the fuel farm in March 2017 constituted lawful implementation of the Generation 1 permission.

Reports to Stansted Airport Advisory Panel (STAAP) (available on UDC's website) in February 2017 and March 2018 provide more details, including the monitoring status of the unilateral undertakings entered into as part of that permission. (You will note in these reports that the ATM referred to is 264,000; condition ATM2 on the permission also permits 10,000 general aviation flights, making a total of 274,000).

## **The Application**

The application is to increase the currently permitted passenger numbers at Stansted Airport from 35 mppa to 43 mppa. In order to facilitate this increase in passenger numbers within the existing runway capacity a new Rapid Exit Taxiway and new Rapid Access Taxiway are proposed to be constructed. In addition a the construction of nine new aircraft stands form part of the application.

The total number of air traffic movements will remain at 274,000 ATM, but as a unified total, which would allow a redistribution of flight types as markets and demands change. Currently the 274,000 ATM is made up of passenger flights, cargo flights and general aviation flights, which the planning application is seeking to unify to provide flexibility. This will not impact on the number of night flights which is strictly controlled by the 'Night flight restrictions at Heathrow, Gatwick and Stansted 2017'. Chapter 7 of the environmental statement accompanying the application provides

further details and STAAP considered and Cabinet approved UDC's response to the consultation regarding this in February 2017.

The increased passenger limit would be achieved through the use of larger aircraft (including for long-haul flights), utilisation of the runway throughout the day (again including for long-haul flights that take off at different times in the day to short-haul European flights) and the use of the rapid access/exit taxiways.

The Case Work Office, on behalf of the Secretary of State, has confirmed that they have no comments to make and the council should determine the application in due course.

### **Planning Performance Agreement (PPA)**

The Council together with Essex County Council has entered into a Planning Performance Agreement (PPA) with Manchester Airport Group; the Council's general use of PPAs was approved by Cabinet in May 2017, following the best practice example of most other local authorities. The PPA is available on the Council's website.

A PPA is a project management tool through which councils and applicants can agree timescales, actions and resources for handling particularly large and/or complex applications. PPAs provide a framework for the timely consideration of an application by committing all parties to a project plan containing milestones that make clear what actions are required and how key planning issues are to be considered and resolved. The timescales are agreed by all parties, which has the result of 'exempting' the local planning authority (LPA) from the Government's standard of determining applications within the 13 or 16 week target (the latter would be applicable to this application). However the applicant would not agree to a PPA if a LPA proposed overly-lengthy timescales.

This PPA with MAG enables the Council to offer a six week consultation period (see later note) and a 20 week determination period; a Planning Committee has been scheduled for 18 July 2017 to consider this application.

The PPA commits MAG to fund additional resources for UDC and ECC to meet these timescales. For UDC that includes dedicated staff, project management resource and funding to commission external consultancy expertise. Applications relating to the airport have previously resulted in additional resources to process the applications being funded by the applicant, in acknowledgement of the impact such applications have on the planning service.

Separate to the PPA is the planning application fee, which is determined by statutory regulations. For this application that fee is just over £2K. Without the PPA, the Council's general fund (including council tax income) would be subsidising the determination of the application. In addition, the officer time required would adversely impact on the delivery of the planning service and would cause uncertainty in the process/timescales for determining this application and other applications.

The PPA addresses these issues for the benefit of the residents, members, staff, partners and the applicant.

**However, entering into a PPA does not impact on the planning authority in determining the outcome of the application, ie it does not give a guarantee of planning permission. The Planning Committee will be judging the application on its individual merits taking into account all relevant issues such as surface access and highways issues as well as comments made by the public and statutory consultees.**

As previously advised, it is the negotiated timescale by which the council is assessed for the purposes of the government's performance management of planning authorities, which means that providing we adhere to the timescales, the council will not be judged to have 'missed' their target determination time and therefore potentially bring the council within the government's designation scheme for planning authorities.

### **Consultation arrangements**

Consultation responses to this application are requested by 3 April 2018. During this time MAG are providing a number of public exhibition events (community outreach events they call them), the details of which have been circulated by MAG to councillors and town/parish councils. MAG are also publicising these events on social media.

Consultation responses are sought by 3 April 2018 in order that matters raised can be scheduled in for discussion with the applicant and other statutory bodies. The Council may also need to commission work to explore those issues further. It is important that interested parties engage with the issues expeditiously. Our experience with consultations suggests that a longer period does not necessarily result in better evidenced responses. Six weeks as the target period sets a reasonable balance between allowing consultees to undertake analysis of the issues that are relevant to their interests and enabling the planning team to consider carefully the points raised and to carry out further work as described above.

Having said that the Council is required to have regard to all comments received before the determination, including public comments made to the committee at its meeting. However, the more that can be fully considered and referenced in the report for committee members to consider, for the public to read and for the applicant to respond to, the better it is for all parties concerned.

Hatfield Heath PC have identified that their parish council do not meet until 4 April and I have given them full assurance that the council will welcome and consider their response received following that meeting.

At the request of a parish council, a briefing for all parish councils is being organised for Monday 26 March (6-8pm). This will be an officer briefing, similar to that offered to district councillors on Wednesday of this week. Any members who would like to attend will of course be very welcome.

A meeting is being arranged specifically for Stop Stansted Expansion to discuss their representation.

A number of members will be aware that MAG have facilitated the submission of representations in support of the application via their website. They have also provided a link to their staff which similarly generates a representation of support. These responses are separately identified on the council's website and are annotated 'Support Airport' whereas other representations are identified as 'Representation Letters'. The generation of such support emails is no different to the council receiving petitions supporting or opposing applications or standard letters often generated for residents to submit in support of or opposing an application; officers and members of the Planning Committee will weigh their contents accordingly.

Finally, regarding public consultation, members are reminded that two public speaking sessions have been arranged in addition to the public speaking slot at the Committee on 18 July. These sessions will take place on the afternoon and evening of 11 July and will be publicised widely nearer the time.

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I am on leave from the end of today until the Tuesday after Easter and so if you have any queries please do not hesitate to contact Roger or Gordon, who I have copied into this message.

Kind regards

Dawn French
Chief Executive
Uttlesford District Council

Agenda Item 7

Date	Time	Event	Venue	Attending
Friday 23 March	1.00pm	Grant Aid Celebration Event	Civic Offices, Epping	Chairman of Council
Friday 23 March	7.00pm	Civic Dinner	Civic House, Porters, Southend on Sea	Chairman of Council
Monday 26 March	7.00pm	Motiv8	Epping Forest College	Vice-Chairman of Council
Tuesday 27 March	5.45pm	EFYC Election Results	Civic Offices, Epping	Chairman of Council
Tuesday 27 March	7.00pm	Motiv8	Epping Forest College	Chairman of Council
Monday 9 April	5.00pm	Declaration Ceremony for the New High Sheriff of Essex	County Hall, Chelmsford	Chairman of Council

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