

Report to the Council

Committee: Full Council

Date: April 2015

Subject: Planning Policy

Portfolio Holder: Councillor Bassett

Recommending:

That the report of the Planning Policy Portfolio Holder be noted

Local Plan

Local Plan timetable/workshops

The Local Development Scheme agreed in July 2014 proposed that the next stage of consultation on the draft plan/preferred option is to run in the summer of 2015. This would be followed by analysis of the responses and the preparation of a pre-submission plan for publication in 2016. It is not now going to be possible to meet this timetable and we are currently reviewing the position with the intention of publishing a revised / updated programme (LDS) which we are targeting for the June Cabinet Meeting

The reasons for the delay are because of multiple factors which I have documented below. As you are aware production of the consultation preferred option draft plan is dependent on completion of key pieces of supporting evidence needed to underpin the policies in the draft plan. In particular the SHMA, undertaking a comprehensive Green Belt Review, additional work required to complete the Strategic Flood Risk Assessment as a result of changes to the Government's Planning Practice Guidance.

We also the need to take very seriously the statutory Duty to Cooperate as we have seen many Local Plans, including the recent Uttlesford' s plan, being found unsound by Inspectors at examination because they lack robust evidence and / or failed in meeting the Duty to Cooperate.

Inspectors decisions have also made us change our work plan and the St Albans Inspector decision meant we needed to undertake a comprehensive Green Belt Review of the entire district: new Government guidance and Inspector's report made it clear that this was expected before the release of any green belt – much of the Stage 1 Green Belt work (see below) has been done in house and has taken a considerable resource

Government changes to policy in relation to strategic flood risk has meant that as part of the existing brief, consultants have been asked to undertake additional work to produce a Level 1 "compliant" SFRA.

We have also seen delays in the strategic transport assessment using the new VISUM modelling – initial results now expected by the end of April and we then need to complete additional transport accessibility work required for the District

We also have experience staffing issues which meant the Planning Policy team has not been fully staffed since January 2014 but we are pleased to report we are now back to full strength.

Update on key evidence work

Strategic Housing Market Assessment update: One of the key pieces of evidence work is an update of our Strategic Housing Market Assessment (SHMA) in conjunction with the other authorities within our Housing Market Area: East Herts, Harlow and Uttlesford. We were not entirely satisfied with initial findings and as such the timetable slipped as we commissioned two additional pieces of work: the first to ensure that the economic activity scenarios match with the appropriate job growth projections for each District, the second to run a scenario based on intercensal population change which would more assess the projections for migration. We obtained agreement from the other three authorities to commission this work and this is now being used as the basis for identifying the Objectively Assessed Need (OAN). The consultants are now looking at housing mix and affordable housing to include in the final report. As Uttlesford recently discovered, this has become an increasingly important issue with Inspector's questioning OAN, the relationship between the housing need evidence in the SHMA and employment forecasts. We hope to get revised draft in May to enable us to progress with settling the Objectively Assessed Housing Need

Economic and employment evidence: Hardisty Jones has provided their interim findings on economic and employment evidence to support both the Local Plan and Council's overall Economic Development Strategy. Officers have provided comments and a meeting has been arranged to discuss comments on the interim findings. This work will need to incorporate the work commissioned by economic development on Waltham Abbey Town Centre and the Essex County Council commission for an Essex Economic Growth Strategy. Once finalised, this report will be reported to Cabinet alongside the report on the SHMA.

Green Belt Review: The fieldwork for Phase 1 of the Green Belt Review in the District to undertake a comprehensive high-level review of all Green Belt land across the District to identify its contribution to the Green Belt, as stipulated in the NPPF has now been substantially completed and is being mapped and written up. It will identify both the primary functions of the Green Belt, which deliver the national purposes, and in particular whether there are areas of the Green Belt land which no longer contribute towards the national purposes or contribute the least to these.

It is then proposed to share the findings of Phase 1 with the Town and Parish Councils in accordance with the Cabinet's decision, before reporting to Cabinet on the findings and undertaking Phase 2 more detailed work. As we want to use the outcomes of the updated SFRA1 and transport accessibility work to sieve sites to inform the more detailed assessment, it is likely that this report to June Cabinet.

This will set out the proposed methodology and work programme for Phase 2. A number of our neighbouring authorities are also currently undertaking Green Belt reviews. To ensure consistency of approach at the Cooperation for Sustainable Development Board meeting on 27th January it was agreed to share information regarding methodologies and findings of evidence base work including Green Belt reviews.

Strategic Land Availability Assessment: An update of the Strategic Land Availability Assessment has been completed as part of the Local Plan evidence base. A summary note of the findings will be placed in the bulletin.

Plan viability: The contract for the work on plan viability being undertaken by Dixon Searle Partnership, which will also inform policy choices on CIL/S106, is underway. The timetable has been revised, in discussion with the consultants, to enable the general direction from the Members' workshops on options and outcomes from strategic flood risk assessment and transport accessibility to inform the consideration of viability

Duty to cooperate: Officers have been meeting regularly with the appropriate authorities to consider cross boundary issues including the update to the SHMA and identifying the objectively assessed housing need, the approach to Green Belt reviews being carried out by several authorities, and identifying the functional economic area.

At the recent Sustainable Development Board meeting members had a presentation from John McGill on current West Anglia mainline, Crossrail 2 and also a presentation from Essex County Council updating on M11 Corridor junction including Junction 7a.

Following the previous meeting held last October, Councillor Whitbread wrote to the Chairman (copied to all other members of the group) to advise that we had concerns that the emerging figure for the Objectively Assessed Housing Need for the SHMA might mean we will be unable to meet our full housing need. This is a precautionary measure in the context of the recent planning practice guidance published on 6 October 2014 which reiterates the advice in the National Planning Policy Framework that local planning authorities should meet objectively assessed needs. Once need has been assessed the authority should take account of any constraints such as green belt which indicate that development should be restricted.

Uttlesford Local Plan examination:

The PINS Inspector raised fundamental concerns regarding the soundness of the Uttlesford District Council's draft Local Plan. These focussed on:

- i) the housing numbers derived from an out dated SHMA and objectively assessed need for housing (OAN) and;
- ii) The potential expansion of the village Elsenham, in particular concerns about the capacity of the local road network in the absence of committed significant infrastructure improvements.

In a letter subsequently sent to Uttlesford DC the Inspector concluded that he was not able to recommend adoption of the plan as submitted. He advised that the options for the Uttlesford District Council were either to continue the examination, but with the inevitable conclusion that he would not be able to recommend changes which would make the plan sound, or to consider withdrawing the plan. Uttlesford District Council decided to withdraw. The Council are now considering the additional evidence work required in order to address the Inspector's concerns and revising their Local Plan timetable accordingly.

Neighbourhood Plans: Moreton, Bobbingworth and the Lavers produced a revised draft Plan following the critical friend advice received from an NPIERS examiner. Officers have met with representatives and provided informal comments and advice

and are currently undertaking a screening opinion on the requirement for Strategic Environmental Assessment which is a necessary part of the process. Once this has been completed we will then need to agree with the parish whether the plan is ready to go for examination. As no objections were received following consultation, Buckhurst Hill Parish Council was designated under delegated powers as a neighbourhood area for the purposes of making a plan. . Loughton Parish Council has recently applied for their parish to be designated and a six week consultation on this proposal will be undertaken.

North Weald Bassett Parish Neighbourhood Plan

An application for the designation of a Neighbourhood Area for the purposes of the preparation of a Neighbourhood Development Plan was received from North Weald Bassett Parish Council. This application, and the representation received in response to the advertisement of it, has prompted the Council to recommend the addition of a more detailed set of criteria to be applied to all subsequent applications, to assess each application for known and possible cross boundary matters of strategic importance which should be addressed via the Duty to Cooperate.

The location of North Weald Bassett Parish, immediately adjacent to Harlow's administrative boundary, and the possibility of strategic cross boundary growth via the Local Plans of Epping Forest, Harlow and East Hertfordshire District Councils, has caused the Council to question the desirability of designating the whole of the parish, for Neighbourhood Development Plan purposes, at this stage in the preparation of the District Local Plan.

In considering the alternatives available, advice from Counsel has been received which confirms that the District Council has a broad discretion in determining whether it is desirable to designate the area which has been applied for. As a result, it determined that the north western part of the Parish, bounded by the M11 to the east, the administrative boundary with Harlow to the north, the Parish boundary to the west, and the London Road (B1393) and Rye Hill Road to the south, should be excluded from the Neighbourhood Area designation and treated as a strategic Site . We subsequently met with the Parish to explain the reasoning and allowed them time to report and discuss with their full parish council before we concluded any designation. We expect a report to come to the June Cabinet.

Uttlesford Statement of Community Involvement

Uttlesford DC are currently consulting on a revised Statement of Community Involvement (SCI). Actually they have made only very minor changes to their existing SCI, mostly to do with reflecting changes in national policy since it was adopted, and the fact that their Local Plan timetable has changed since their draft Plan was withdrawn at Examination recently. I do not see any problems with the minor changes they have proposed, and it seems to me to fulfil all the NPPF requirements.

Planning Policy Team staffing

Following appointment of the Planning Policy Manager, the structure of the rest of the team has been reviewed through a job evaluation panel. As a consequence we are appointing two career grade planning officers and an administrative support officer to replace the previous postholder who resigned in December.

Lea Valley Food Task Force Update

The partnership has been refocusing its work programme around three main work streams, Planning Policy, Employment and Education, Food Institute.

Potential EU project bid with Westland Municipality where we are working with EU enterprises to establish a joint bid to Interreg Fund, which would amount to several million Euro. This would in the first instance look at recycling and opportunities to expand R+D. An officer had been sent to attend a meeting in Amsterdam to meet with EU counterparts and he passed back details of the emerging bid from Holland and Belgium.

It was agreed that this represented an exciting opportunity and the chance to lever in EU Funding at a significant level and officers should work up proposals with EU Partners, consult with potential local partners, and prepare an Expression of Interest.

National Institute work stream - A brief had been prepared for consultants by ADAP+ as agreed and this had been approved by the Steering Group. This looked at a fund of £30K to enable a comprehensive study to be undertaken. The allocation for the work was now £20K, following the redirecting of £10k from this work to enable the qualification project to proceed. It was agreed that further contributions should be sought from other partners locally, and further afield if required, to enable the comprehensive study to occur, if this was not possible a scaled back version would be produced.

Essex Food Sector Study - ECC had commissioned an Essex wide study into the food sector following on from the work of the Task Force. A Project plan will be ready shortly.

London Stanstead Cambridge Consortium Report - LVFTF had been lobbying hard to ensure that Food was adopted as one of the LSCC main priorities. It had commissioned, as agreed, with financial support currently from LSCC, London Borough of Enfield a study into food resources along the LSCC area.

LVRP Proposals for Areas 6/7/8 - Members individually and collectively were very concerned that the proposals included statements about compulsory purchase of glasshouses and their businesses. It was agreed that we would respond to the consultation in line with the general consensus that both the content and timing of the proposals are very unhelpful particularly considering that partners were awaiting the outcome of a judicial review initiated by the Park Authority into EFDC permission for glasshouse expansion.

At the request of the Task Force I wrote to the Chairman of the LVRPA outlining the concerns of partners and ask that the consultation be withdrawn. I subsequently have received a reply from Derrick Ashley the Chair of the Authority that the proposals had been badly written in respect to what they meant and that they were referring to possible small redundant glasshouse sites and not any of the existing businesses.