

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF NEIGHBOURHOODS SELECT COMMITTEE  
HELD ON TUESDAY, 30 JANUARY 2018  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.30 - 9.05 PM**

**Members Present:** N Bedford (Chairman), H Brady (Vice-Chairman), N Avey, R Baldwin, G Chambers, L Hughes, J Jennings, R Morgan, S Neville, A Patel, C P Pond, B Rolfe, M Sartin, G Shiell and J H Whitehouse

**Other members present:** W Breare-Hall, J Philip, S Kane and C Whitbread

**Apologies for Absence:** E Webster

**Officers Present** D Macnab (Deputy Chief Executive and Director of Neighbourhoods), T Baker (Land Drainage Engineer), S Bell (Land and Quality Water Officer), K Durrani (Assistant Director (Technical Services)), S Stranders (Drainage Manager) and V Messenger (Democratic Services Officer)

**35. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was reported that Councillor G Chambers was substituting for Councillor E Webster.

**36. NOTES OF PREVIOUS MEETING**

**RESOLVED:**

That the notes of the last meeting of the Neighbourhoods Select Committee held on 21 November 2018 be agreed, subject to Councillor B Rolfe having also given his apologies.

**37. DECLARATIONS OF INTEREST**

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

**38. TERMS OF REFERENCE AND WORK PROGRAMME**

(1) Terms of Reference

These were noted by members.

(2) Work Programme

On item (1) Neighbourhoods Directorate Business Plan 2018/19 – the Chairman advised that the relevant Portfolio Holders would give a presentation to members at the next meeting on 20 March 2018.

On items (3) KPIs 2017/18 and (4) Corporate Plan Key Action Plan – it was noted that the quarter 3 performance would be reported to the next meeting on 20 March 2018.

On items (6) Transformation Projects relevant to this Committee and (7) Transformation Projects closure and benefits – it was noted that there had been no upcoming reports.

On items (13) Yearly review of the Off-street Parking Service – an update would be provided at the next meeting as this was close to the end of the financial year. The full report would be reported at meetings of the Cabinet and then Council.

### **39. ENGINEERING, DRAINAGE AND WATER TEAM**

The Technical Services Assistant Director, K Durrani, introduced his officers – S Stranders (Land Drainage Manager), T Baker (Land Drainage Engineer) and S Bell (Land and Water Quality Officer).

#### **Land drainage**

The Land Drainage Engineer made a presentation on the work of the Engineering, Drainage and Water Team (EDWT). The EDWT was on call 365 days a year to provide a discretionary emergency flood response around the roads of the Epping Forest district. Officers would monitor and respond to incidents and worked closely with the Environment Agency (EA), Essex Fire and Rescue, Essex County Council (ECC) and relevant water companies.

Recent incidents had involved a burst water main in Loughton and Nazeing, a low lying area which was prone to flooding. The Council was proactive in investing in flood alleviation schemes. Examples given included Thornwood Brook (Thornwood Common), and Church Lane and Thornhill (North and South) in North Weald. This showed how contained water was let through in controlled flows. The rates at Thornwood and Thornhill were remotely monitored by telemetry and fixed image CCTV systems. Church Lane, North Weald worked by the use of a bypass channel alongside the road with a controlled runoff into the brook. Also Loughton Brook Reservoir, on City of London Corporation Land, had latterly passed to the EA.

The team also monitored and maintained 50 storm grilles, which helped to protect key surface pipes, and 2,500 kilometres of ordinary watercourses. The Council's contractor checked this on a bi-monthly basis.

Since 1983 the Council had its own Land Drainage Byelaws to help control development along water courses, and was the only district within Essex to have such byelaws. The Council currently issued consents for this type of work (under the Land Drainage Act 1991 and delegated from Essex County Council), and charged an administration fee of £50. The Council also had enforcement powers under this Act, which were used when necessary.

The EDWT worked within the National Planning Policy Framework to reduce flood risk. It had assessed over 1,200 planning applications last year for flood risk and drainage concerns. It had also worked with Planning Policy during the draft Local Plan process to ensure policies on the management of flood risk and drainage were robust.

Members were also apprised of different ways that the EDWT used to manage flood risk as it was very proactive in the District. One way was through Surface Water Management Plans (SWMP). ECC had determined that Loughton was a 'Tier 1' location and in 2016 the Loughton, Buckhurst Hill and Theydon Bois SWMP was completed. This identified seven Critical Areas of Drainage to help manage predicted

flood risk. Waltham Abbey (Tier 2) would be the next area for a SWMP. The Council uniquely had its own Flood Risk Assessment Zones (FRAZs). These were zones derived from the catchments of ordinary watercourses where there was a particular risk of flooding to help alleviate flood risk. The use of Sustainable Drainage Systems (SuDS) was also explained as a way to manage flows back upstream to the source to reduce flash floods, and on new development sites to lessen their impact on existing drainage systems. Lastly ECC assessed flooding proposals it received and had made grants available for this purpose, which were delivered by a local scheme promoter.

### **Land and water quality**

The Land and Water Quality Officer reported that the Council had a duty to risk assess and sample water quality and enforcement powers to ensure private water supplies were safe for human consumption and without risk to human health. This covered water extracted from boreholes, the 78 known private water suppliers, of which 38 had been inspected, and there might be other unknown water supplies. Problems could arise for instance where there might not be a sewage system and that where this was privately maintained, it did not impact on private water supplies. The Lee Valley sustained a large horticultural nursery industry so it was important that water used to irrigate crops was not then used for public consumption. Many nurseries did not have effective contamination reductions in place. Water towers also needed to be inspected. The Drinking Water Inspectorate considered these sites were the most high risk in the UK.

The Council was statutorily required to inspect and assess contaminated land under the Environmental Protection Act 1990. There were several thousand potentially contaminated land sites. These included former landfills, ex gas works, factories, brickworks and munitions stores. It also investigated the pollution of watercourses to maintain and improve water quality.

### **General drainage issues**

The Land Drainage Manager spoke about general drainage issues and that her officers liaised with the water companies (Thames Water and Affinity Water), the EA and other organisations. The Council operated and maintained seventeen treatment plants and pumping stations. The Council had a statutory requirement under the Building Act 1984 and Public Health Acts that to ensure buildings had adequate drainage. In October 2011 most private sewers transferred to Thames Water. The Council was also responsible for all rural drainage systems, misconnections and other problems. The Council had ongoing capital projects and managed its own assets. Bobbingworth Nature Reserve, a former landfill site, was one such successful project in operation. Other matters covered replying to Freedom of Information and Environment Information Requests and environmental consultations. She explained that income was generated in several ways including, land drainage consents and sponsorship of six roundabouts. There was also the potential for other income generators.

Councillor N Bedford thanked the officers for their presentations. An opportunity for members to ask questions then followed.

Councillor S Neville asked about the 38 inspections served and 21 enforcement notices issued, and whether this was on each of the sites or more than one notice went to certain sites. He also asked when the report would be finalised for Cascade Road, Buckhurst Hill.

The Land and Water Quality Officer replied that the sites were often owned by multiple people so each owner would be issued with a notice. At Cascade Road, the residents had been issued with two newsletters about the elevated organic materials found, which had necessitated further analyses of samples and dealing with householders' letters.

Councillor H Brady asked about the problems encountered in Stapleford Abbotts where effluent from a traveller site often leaked onto the road outside. She was asked to provide further details after the meeting, so it could be investigated.

Councillors J H Whitehouse referred to the Thornhill scheme in North Weald and asked what contributions developers made towards flood alleviations.

The Land Drainage Engineer said that the Council was unlikely to allow development in a designated flood zone, especially if it was identified in the Local Plan and they would look at using S106 monies.

Councillor N Avey asked to what extent did the Council recommend porous hard surfacing. The Engineer replied that the Council absolutely required permeable paving on any development unless there was a good reason.

Councillor R Baldwin said that soakaways were a solution for flooding in gardens and asked why couldn't the sewerage system be used as a drainage system. The Engineer replied that soakaways were not suitable for the Epping Forest district. They could happen in rural areas but not in urban areas, so the Council did not encourage this.

Councillor M Sartin asked if their working relationship with the EA was amenable? She was advised that if you could engage with an officer then they were helpful but their staff resources were very stretched. On real every day issues it would be difficult and very rarely would the EA take enforcement action. This was why the Council would take the necessary action to resolve an issue because if they had not taken action then the Council would have been criticised by the ombudsman.

Councillor A Patel was concerned that Buckhurst Hill residents often complained that the drains were blocked in The Meadway and Stradbroke Drive and asked about the maintenance programme for this area.

The Land Drainage Engineer advised that Thames Water primarily served this area but after a flood the Council's EDWT would check to see if there was a problem with their system. The EDWT was proactive if the water courses were causing issues but by and large it was Thames Water's responsibility. P Charman, the Emergency Planning Officer, had carried out some training on this to improve education awareness.

Councillor N Bedford asked about misconceptions. The Land Drainage Manager replied that these occurred, for example, when at a domestic property the washing machine had been plumbed incorrectly into the water supply. It was down to the local authority who had the powers to correct. Surface water to foul water was undetectable, but misconnecting foul water going into water courses was a health hazard that needed to be resolved.

Councillor N Bedford asked about flood alleviation in North Weald regarding the plans to improve the scheme if it was filling up to 75 per cent, and would a grant be applied for to help resolve this problem.

The Land Drainage Engineer replied the scheme was designed to work. It could be breached but it was designed not to flood and had been in place for twenty years.

Councillor R Baldwin was concerned that there were seventeen sewerage and pumping stations nearing the end of their life and asked if Thames Water was responsible for these stations.

The Land Drainage Engineer replied that when the Council would need to replace a sewerage treatment plant, it would look to replace the plant and units. There was 'Housing' capital funding available.

Councillor W Breare-Hall said that the Drainage Team were very committed professionals. They had spoken about SuDS and their importance in the LP and asked if the long term maintenance and management of SuDS was difficult.

The Land Drainage Engineer replied that there were various mechanisms that could be used, such as getting managing agents to act when it was their responsibility and local authorities using their own vehicles to maintain those sorts of assets. The Council could also secure funds via S106 agreements.

The Technical Services Assistant Director advised that as part of the development of the LP, the Council was actively looking at this, i.e. that a land trust could adopt a SuDS after its development. As the LP went through public examination, this would need to be investigated. It was likely that a third party would be taking over full responsibility to manage / maintain, and would be required to be legally bound to an agreement. As there were many small sites below the threshold, the Council would therefore be looking for external third parties to take on this work.

Councillor J Jennings asked if the Council encouraged the recycling of rainwater, as brown waste, to flush toilets etc. in new developments.

The Land Drainage Engineer replied that there was a policy that would be backed up by the LP for internal water systems. This was not yet at a commercial price except for large developments.

Councillor N Bedford thanked the officers again for attending the Neighbourhoods SC meeting.

#### **40. LOCAL PLAN UPDATE**

The Deputy Chief Executive and Director of Neighbourhoods, D Macnab, reported that there had been extensive consultation with local councils over the course of the draft Local Plan (LP). A database of respondents had built considerably and now numbered around 13,000. The Council had published the Submission version of the LP on 14 December 2017 to seek representations on its soundness and legal compliance. This consultation (Regulation 19) had received around 1,000 responses, which were currently being processed by officers, for the Inspector to consider. As the Government was proposing a new Housing Delivery Test, if the Council was to delay its LP submission for Independent Examination beyond the March 2018 deadline, it might have to build some 923 houses per annum instead of 518 – the quota currently identified as the District's housing requirement. A programme officer to support the Inspector while the LP was undergoing examination, had been secured. This officer was familiar with the process and with the Epping Forest District area.

Moving forward from plan making to plan implementation, the Council had agreed to the production of 'strategic masterplans' and to the introduction of Planning Performance Agreements. It had also been agreed that additional staff resourcing would be required to implement the proposed new LP, specifically for the required growth in housing, employment and infrastructure. The Developer Forum, for sites around Harlow and the rest of the District, would hold its next meeting on 26 February 2018. The Planning Policy team was liaising with relevant landowners / developers through the Developer Forum and had commenced individual meetings on the masterplan areas. The Garden Town Forum specifically co-ordinated the sites in Harlow and East Herts Districts and a project director, C Hamilton, had now been appointed. She would be based here at Epping, and also partly at East Herts District Council. In terms of the Gilston Garden Town, the Council was still pursuing external funding for further work on the transport corridor. The Garden Town funding of £175,000 secured in 2017/18 had been ring-fenced to support the setting up of a Quality Review Panel. Consultants had been appointed to prepare a spatial vision and design charter. Also a pool of seventeen external professionals had been appointed to draw on their expertise and advice would be sought when schemes were presented to the Review Panel.

Councillor A Patel queried the Government's Housing Delivery Test and if there was under-delivery, would a presumption in favour of development apply.

Councillor J Philip, Planning and Governance Portfolio Holder, replied that the Council did not think this test was suitable but the presumption was that it was suitable. The planning committees were the only influence but they could decide that there were other mitigating factors and list them. There would also be training for members on the planning committees in February. Development Management colleagues must also give weight to the LP and where they could find arguments to support any development according to the LP.

Councillor G Chambers asked how the consultation representations received under Regulation 19 would be presented.

The Director of Neighbourhoods replied that there was a requirement to take all the representations and correlate them against the policies in the LP. They would all be published and he advised members that there would be a Local Plan Cabinet Committee meeting arranged in May when it would be reported. He also explained that the Community Infrastructure Levy (CIL) might come in later, or not at all, as at this stage officers did not know whether it would be beneficial to the Council. The Council would have to adopt the LP first and then check on CILs.

Councillor C P Pond asked if the Inspector would have access to all the responses submitted and would they be accepted in all formats i.e. as paper, email and on the forms.

The Director of Neighbourhoods emphasised that the Inspector would have access to every single comment indexed against the LP policies. Councillor J Jennings was pleased as this would not penalise respondents who had not used the formal response form.

Councillor S Neville asked if there was a chance that these responses would delay the Inspector.

Councillor J Philip said that the Inspector would take all the representations that the Council had received during the Regulation 19 consultation and that this would be in

time for the Council to submit the LP for public examination before the end of March 2018. As the Council was an authority with a significant amount of Green Belt Land it would be dealt with correctly. The Inspector might ask for additional clarification on some sites or could instruct the Council to make modifications.

Councillor J H Whitehouse said that the pressure should be on developers to build more sites and asked for more information on the Quality Review Panel.

Councillor J Philip replied that the Government had said that national planning policies could not change this. There were incentives. Encouraging developers to build was one and therefore the developer forums were useful in this respect. There were also planning performance agreements, which were a reflection on their commitment to develop. The Council had a duty to cooperate with partners on infrastructure development and an interest to join in and unlock sites by having an infrastructure. Information on the membership of the Quality Review Panel and their areas of expertise would be published in the Members Bulletin. They had been initially appointed under the auspices of the Garden Town Forum.

Councillor S Kane asked about the future format of the masterplanning exercise and where were we on changing the planning committees.

Councillor J Philip commented that there appeared to be increasing dichotomies on any changes to the planning committees. However, masterplanning would involve members. It was important to find a way forward and to make sure that these masterplan areas were better places for people to live and work in.

**Agreed:**

Director of Neighbourhoods – to publish in the Members Bulletin information of the membership of the Quality Review Panel and their areas of expertise.

**41. CORPORATE GREEN WORKING PARTY**

The Corporate Green Working Party report was noted. The Director of Neighbourhoods advised members that he would ensure more information was provided in these reports so that members would be able to scrutinise the progress / work of Working Party.

Councillor J Jennings commented that she was pleased to see that water fountains were coming back and that carafes were being used at tonight's meeting. This was a step forward to stop plastic bottle use.

Councillor J H Whitehouse asked if the full report could be circulated fairly soon, before the next meeting of the Neighbourhoods SC.

Councillor S Neville asked if the 'actions spreadsheet' could in future be part of the agenda report.

**Agreed:**

The Director of Neighbourhoods – to liaise with the Environmental Coordinator to receive a full report of the CGWP's activities, including the actions spreadsheet in future agendas of the Neighbourhoods SC.

**42. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

It was noted that the Chairman would report to O&S that the Engineering, Drainage and Water Team had made a presentation to the NSC at its meeting on 30 January 2018 when members had scrutinised their work.

**43. FUTURE MEETINGS**

It was noted that the next meeting of the Neighbourhoods SC would be held on 20 March 2018 at 7.30pm.