

EPPING FOREST DISTRICT LOCAL COUNCILS' LIAISON COMMITTEE MINUTES

Date: Monday, 10 September 2018 **Time:** 7.30 - 8.53 pm

Place: Council Chamber - Civic Offices

**Members
Present:**

Representing Epping Forest District Council:

Councillors R Bassett (Chairman), C C Pond (Vice-Chairman),
B Rolfe, M Sartin, E Webster and J H Whitehouse

Other Councillors:

Councillors

Representing Essex County Council:

County Councillors M McEwen, V Metcalfe and C C Pond

Representing Local Councils:

J Share-Bernia (Buckhurst Hill Parish Council), K O'Brien (Buckhurst Hill Parish Council), B Scruton (Epping Town Council), V Evans (Epping Upland Parish Council), D Wixley (Loughton Town Council), E Walsh (Loughton Town Council), J Bowerman (Matching Parish Council), R Brockman (Matching Parish Council), S Billingham (Nazeing Parish Council), K Carter (Nazeing Parish Council), T Blanks (North Weald Bassett Parish Council), S Jackman (North Weald Bassett Parish Council), S De Luca (North Weald Bassett Parish Council), C Feetham (Ongar Town Council), N Wilkinson (Roydon Parish Council), R Morgan (Sheering Parish Council), E Burn (Theydon Bois Parish Council) and K Richmond (Waltham Abbey Town Council)

Apologies: Epping Forest District Council –

Councillors A Grigg and J Lea

Essex County Council –

Councillors R Gadsby, A Jackson and Mohindra

Parish/Town Councils: -

B Rumsey (Epping Town Council), D Farr (Fyfield Parish Council), A Jones (Moreton, Bobbingworth & The Lavers Parish Council), S Clarke (Nazeing Parish Council), R Northwood (Sheering Parish Council) and A Jones (Stanford Rivers Parish Council)

Officers Present: S Hill (Service Director (Governance & Member Services)), N Richardson (Service Director (Planning Services)), P Arnold (Senior Community Engagement Officer), L Walton (Community and Grants Officer), V Messenger (Democratic Services Officer), S Kits (Social Media and Customer Services Officer) and J Leither (Democratic Services Officer)

1. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

2. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Committee held on 12 March 2018 be taken as read and signed by the Chairman as a correct record.

3. APPOINTMENT OF VICE-CHAIRMAN

The Chairman asked for nominations for the appointment of a Vice-Chairman for this municipal year, 2018/19, since the previous long-standing Vice-Chairman, Councillor S Jackman, had stood down at the last meeting in March 2018.

Councillor C C Pond, the Essex Association of Local Councils Epping Forest Branch Chairman, was duly elected Vice-Chairman for this municipal year.

4. COMMUNITY CHAMPIONS PROGRAMME

The Committee agreed to bring forward item 7 (i).

Members received a presentation on the Epping Forest Community Champions Programme from Community Health and Wellbeing Senior Community Engagement Officer, P Arnold, and Community and Grants Officer, L Walton.

The aim of the programme was to build on the skills and knowledge of local people to create positive cohesion in the District's local communities. This could be achieved by developing partnerships with the local voluntary sector through the recruitment and training of community champions.

The Community Health and Wellbeing team were preferably looking for individuals, already well-connected in the local community, and who were:

- over 18 years old;
- passionate about where they lived;
- able to build strong community connections;
- happy to support and promote fun days and community events;
- willing to share information about local services within their area; and
- able to promote useful health improvement information with their community.

The Council's Community Health and Wellbeing team would be able to provide extra support and information to these community champions. This would help them develop their skills, so they could help to deliver community programmes and provide feedback to the Community Health and Wellbeing team. One such annual community programme was the successful 'stay well this winter' campaign.

One of the challenges for the Health and Wellbeing team was to visit the various parishes within the District to promote health and wellbeing. Whereas the team might not return for another two years to a particular parish, the community champions would be ideally placed as an important local and focal point of contact. Currently four community champions had been recruited but more were being sought. It was hoped that both District and local councillors might know of suitable individuals within their wards and parishes.

A members question and answer session followed.

Councillor B Scruton asked how much time would a champion need to commit to this role? P Arnold replied that the commitment should last at least two years. Potential champions should quite naturally be doing this in their local community already, and so this should not be an arduous task to take on.

Councillor D Wixley remarked that he was not familiar with this programme and that parish councillors would probably be ideal candidates. Had the Health and Wellbeing team promoted this through local councils? P Arnold replied that champions were being sought if possible from outside the councillor environment and that publicity information and brochures would be distributed soon. Councillor E Webster added that District councillors had not received this publicity either.

Councillor C Feetham asked, was this a voluntary role? Also what times would champions be required to be available because if it was during evenings, then recruitment might prove to be more difficult. P Arnold replied that the first meeting would be held in October 2018 when the availability of those attending would be discussed. The support of the champions on other projects would also be discussed.

Councillor C C Pond referred to the 'stay well this winter' campaign that had received funding from the West Essex Clinical Commissioning Group, and that it might be useful to have a 'keep well this summer' promotion to help people cope with the hotter summer months and the dilution of air quality. P Arnold noted this suggestion and advised that 'stay well this winter' would be promoted shortly, as there would be events and sessions taking place in the District this November. The public would need to book to attend these sessions.

The Chairman thanked the Community Health and Wellbeing officers for addressing the meeting.

5. ISSUES RAISED BY LOCAL COUNCILS

(i) Planning delegations

The Service Director (Governance and Member Services), S Hill, reported that planning delegations had been discussed at the Local Councils' Liaison Committee in March 2018. The Constitution Working Group had considered this matter in depth, undertaken two consultations with members and local councils in April and May/June 2018 and, at its last meeting on 25 June 2018, made recommendations to Council. The Full Council on 31 July 2018 approved a number of changes to the delegation arrangements that would now apply to Development Management. The review of planning delegations had

not sought a diminution of the role of parish councils. However, any increase in delegations would assist the Council in moving closer towards the Government's national average target and also help create capacity for members to consider larger applications. The updated planning delegations for Development Management could be found in the Constitution (item 26), Part 3 Scheme of Delegation, Appendix 3 Delegation to Officers from Full Council – CLD 2). Local councils had been issued guidance on this on 21 August and advised that it was the intention of the Constitution Working Group to review the operation of these new arrangements after one year.

Delegations essentially fell into two categories.

- Category A for those that were delegated except in a number of circumstances where they were brought to District members to be determined either by call-in or as a result of consultations. The report detailed the types of applications under this category that would be determined by officers unless they met one of the circumstances that triggered a requirement for their determination to come before a planning committee; or
- Category B for those that were delegated to officers (unless the Service Director (Planning Services) considered it appropriate to be determined by members). The report listed the types of applications that were normally determined by officers for planning related applications and planning and related procedures. Furthermore, officers would normally determine whether enforcement action would be appropriate or if entry onto land by authorised officers was deemed necessary.

The Category A 'triggers' would probably be of most interest to local councils. It was noted that local councils would be counted in the five expressions of objections (3a). A local council objection supported by at least one non-councillor resident with material planning reasons would automatically go to committee. Also when an objection material to the planning merits was received from a local council (3c), that council would need to indicate its attendance and register to speak at the meeting at which the application would be determined. It was also clarified that when one of the triggers was met, the local council would be informed of the date of the planning meeting that the application would be determined. The agendas to the planning committees published advice to the public and speakers attending, including the requirement to register with Democratic Services by 4.00pm on the day before the meeting.

Local councils were asked to inform the Service Director (Governance and Member Services) as soon as possible of any issues that needed to be reviewed, or if they were serious he would look at these immediately. The Constitution Working Group had asked for a review after one year to see what impact these changes had made before anything more radical was considered.

A members question and answer session followed.

Councillor S Jackman asked what the Council did not like about the present system? The Service Director (Governance and Member Services) replied that the issue here was related to the capacity of the planning committees, the length of the meetings and content of the agendas. The Council had to create capacity for a surge in Local Plan applications. This would require significant resources and an Implementation Team had been established to help increase staffing to deal with an escalation in planning application numbers. Furthermore, most members did not always agree with the interpretation of local councils' comments on applications that had gone before committees. In 87 per cent of these cases members had agreed with the planning officer's recommendation. Local councils were being asked to look at the applications

most important to them, and to attend and speak when these came before a planning committee.

Councillor S Jackman continued that officers seemed to approve applications despite objections from local councils. However, parish councillors often knew the history of local sites and other valid reasons for objection, yet when this happened it made local councils doubtful of the system when officers would still give a blanket approval. The Service Director (Planning Services) replied that what local councils would not see were all the applications officers had already refused permission for, that was because the delegated powers allowed officers to refuse certain applications. There were often incidences when the local council was the only objector but there had been no neighbour objections, yet these had still gone to committee. Planning officers did listen to local councils' views but they also had to adhere to national planning policies and local plan policies.

Clerk, S De Luca, said that North Weald parish councillors did know which planning applications officers had turned down as they received a list of these every month. Her concern was directed at (3c) of the report – an objection from a local council material to the planning merits of the proposal was received and confirmed in writing their intention to attend and speak at the meeting where the proposal would be considered. Local residents might have been informed but in her experience there was often a neighbour that was not informed. The Planning team might not realise that a neighbouring property was very close so what would happen then? The Service Director (Planning Services) replied that incidences such as this were few and far between. He had reminded planning officers that it was part of their job during a site visit to check that the correct neighbours had been consulted.

Councillor K Carter commented that two recent applications for the same site had consulted different neighbouring properties. The Service Director (Planning Services) replied that it also depended on the type of application and if it was for a small application, i.e. a rear extension, or for a more major application. He was hoping a system would be available that could identify the addresses of neighbouring properties correctly. However, if individuals had previously objected they could write to Planning on any further applications.

Clerk, K O'Brien, queried that if parish councils had submitted objections why, if it was the only objector, a written statement was not sufficient? The Service Director (Governance and Member Services) replied that he thought the Working Group had taken the view that a parish council would be calling out fifteen or more members of a planning committee for a meeting. Therefore, there was consensus that if the parish council felt strongly enough, it was not unreasonable for a representative to attend the meeting and encouraged the engagement of local councils with the committee.

Councillor E Burn had a concern about the interpretation of (3b) of the report – an objection was received from a local council, supported by at least one non-councillor resident, with material planning reasons – in relation to amenity groups. In Theydon Bois there was one very organised organisation in particular that commented on applications within the village. Although amenity groups could be counted within the five expressions of objection in (3a), could it be interpreted that an amenity group could be counted as the other objector to a local council in (3b)? Going forward with local councils, you wanted to keep engagement and interest for master plans. As this could be reviewed in a year, shouldn't associations have the opportunity to be considered? The Service Director (Governance and Member Services) replied that all representations were taken into consideration before a decision was taken. However, he advised that the word in the Constitution referred to 'resident' not 'amenity group' or 'association'. He did not

believe that the Constitution Working Group had mentioned this during its review of the planning delegation arrangements.

Councillor R Morgan said that many objections made by parish councillors at their meetings were not really relevant planning objections. Therefore he supported the attendance of parish councillors at the District planning committees to help reinforce their objection, as District members did take their comments into consideration. The Service Director (Governance and Member Services) agreed, but commented this was often not the case.

Councillor C C Pond asked about the logistics and mechanics of registering to speak when a local council had submitted an objection and then registered to speak, but Loughton Town Council would probably raise this as a result of an issue at the Area Plans South Committee on 22 August 2018. Secondly, regarding North Weald and Nazeing Parish Councils' earlier remarks, he asked why the Management Board had agreed two years ago where there was a borderline / balanced case, the recommendation to planning officers was for approval? He disagreed with this and asked why it was done. The Service Director (Planning Services) replied that this was not the case if a balanced report was being provided this could go to committee usually recommending approval, but a balanced view could go the other way if the officer was recommending to refuse planning permission under delegated powers. The Government's National Planning Policy Framework recommended a presumption in favour of sustainable development, but if something was really borderline then the guidance might tip the balance in favour of granting an application, this was not a blanket thing that happened though. The Chairman said that when he had been the previous Planning Portfolio Holder, he remembered having discussions with N Richardson on this and the use of the words, 'on balance' to help indicate to members that all the options had been considered but that the recommendation was for approval. N Richardson agreed that the use of the words 'on balance' were used in officers' reports taking all the issues into consideration. The Chairman said that local councils could always go to their District members and ask for their support.

Clerk, E Walsh, said that changes to the Constitution had been approved by Council in July 2018 but the implementation of the changes had happened through Planning Services. When Loughton Town Council received a notification from Planning Services, a Town councillor was registered to speak with Planning, but we did not realise that this needed to be duplicated and the councillor also registered with the Democratic Services team. This duplication was just adding to local councils work. Furthermore, at this Plans South Committee meeting, the Town Councillor had attended the meeting but was not allowed to speak by the Chairman. The Service Director (Governance and Member Services) apologised for these teething problems but N Richardson had since spoken to his officers and reinforced that the public must register with Democratic Services. The guidance given to planning committee chairmen for people not registered was that where another speaker had previously registered then natural justice would allow for a 'late' speaker to address the meeting to give a balanced viewpoint. Sometimes after the deadline registered speakers checked with Democratic Services to see if another speaker had been registered and if not, then might choose to withdraw. Therefore, when no other speakers had been registered on an application, such a 'late' request would normally be turned down, as natural justice would dictate.

Clerk, S De Luca asked for confirmation that the applicants would still be allowed to speak. The Services Director (Governance and Member Services) said that the review had actually widened the number of speakers to four – the applicant, one objector, the parish or town council and one other statutory organisation e.g. Lee Valley Park Authority, the Highway Authority or Epping Forest Conservator.

Councillor E Burn asked about previous representations Theydon Bois Parish Council had made on pre-applications and how the progress of these applications through the planning process could be monitored so they did not slip through? The Service Director (Planning Services) said that firstly, all comments should be made through the case planning officer, so he aware of early objections, but they would need to check the planning committee agendas and register to speak when the application came before a committee. He also drew to their attention that District councillors could 'call in' an application but this had to be done within four weeks of the publication of the relevant Weekly List, otherwise it would be too late to go onto an agenda if this was the only trigger. The Service Director (Governance and Member Services) emphasised that local councils could only register to speak with Democratic Services once the relevant committee agenda had been published.

The Chairman thanked members for this useful discussion and that the planning delegations scheme would be reviewed in a year's time. He also added that there would be lots of Local Plan applications coming into the Council within the foreseeable future.

6. EPPING FOREST DISTRICT LOCAL PLAN - PROGRESS

The Service Director (Planning Services), N Richardson, reported that the Council restructure of senior management had officially started today and he was now responsible for the Local Plan (LP). A Judicial Review of the LP had prevented its submission to the Inspector. The claimant's case had been dismissed but the developer had taken the case to the Court of Appeal, but the summer recess had caused a further delay. The injunction had remained in place preventing the Council from formally submitting the LP, which was very frustrating. In the meantime a second version of the National Planning Policy Framework (NPPF) had been published and in order for the Council to be assessed against the original version, the Government now required LPs to be submitted by 24 January 2019. If the Council missed this deadline, the Government could then impose a housing target in which the numbers could go up. This would therefore involve the Council in a lot more work.

The policies in the LP submission version were a material consideration in determining all planning applications now and an advice notice had been given to the planning officers. Officers now referred to both the current Adopted LP and the submission version of the LP in their reports. It upheld the presumption to protect green belt land (GBL) and further guidance on GBL was given in the NPPF version 2 and there were lots of issues around housing regarding the definition of housing numbers.

A Quality Review Panel (QRP) had been set up in April 2018, and a panel of experts appointed, which was new for this Council. This meant that for large scale sites the Council had an elite team of experts to critically start assessing large applications. As a result of advice from the QRP the developers of Gilston and Harlow Garden Town and some Council sites, such as Dowding Way, Waltham Abbey, had made amendments to their applications. It was the developers that paid for the critical assessments / services of the QRP. When an application came before a committee, any remarks made by the QRP would be included in the case officer's report. Planning Services would also become involved in Development Management Forums to engage the developer and the public in early discussions on potential proposals, not to endorse but more to facilitate these discussions. The Service Director (Planning Services) had attended a forum on land at Dowding Way, Waltham Abbey and one last week, the 'Quinn' development in North Weald, which was very well attended.

On the Epping Forest Special Area of Conservation (SAC), the Council would have to produce a mitigation strategy in partnership with Natural England and the Conservators of Epping Forest. This was to do with the recreational use of the Forest by visitors and

air quality. The Council had joined with neighbouring authorities and established that, within 3.2 kilometres of the boundary of the SAC, developers would have to pay a contribution towards making improvements to the Forest and, on a District-wide level, to air quality. Therefore at the moment there was a freeze on planning permission until the impact on the Forest could be defined. This only affected new buildings not extensions onto existing houses, and the developer would have to pay this on the granted application. At the moment the Council was liaising with the Conservators of Epping Forest on which projects they had identified would require a payment to be made. Therefore, on all planning applications for each additional house built, developers would have a legal, Section 106 agreement, and a certain amount from this would be paid to the Council to pass onto the Conservators of Epping Forest. Air quality work was still ongoing. Finally the LP team were busy with the master planning areas in the LP.

A members question and answer session followed.

Councillor K Carter asked even if the LP was submitted in time, what would happen if it was rejected, would the Council still be allocated more housing numbers? The Service Director (Planning Services) replied that as long as the LP was submitted on time that was the Council's requirement, and there would be no higher level imposed.

Councillor K Carter asked about air quality and what would happen if the incinerator got the go ahead, which would be on the borderline but close to Nazeing and Roydon although in Hertfordshire County Council's area? What would the Council do about air quality from this facility? The Service Director (Planning Services) said that he thought it would concern air quality in our District not a neighbouring authority's area. The air quality issue here was to do with the Epping Forest SAC. He would have to find out and get back to the councillor after the meeting. The Chairman said that there could be air quality issues from this incinerator proposal but that this would be for Hertfordshire County Council to assess.

Clerk E Walsh asked if there had been any movement on the Community Infrastructure Levy (CIL) that had been discussed over the last few years. The Service Director (Planning Services) replied that there was more work to be done on this because the Council could not have a CIL until it had an adopted LP.

Councillor T Blanks asked if a quality review of the 'Quinn' development would be conducted by the Council and if the views of the North Weald parishes would be made known to the QRP? The Service Director (Planning Services) confirmed that the QRP would be looking at this development in North Weald with a forum organised towards the end of the month. The minutes of the meeting would be made known to the Panel.

Councillor S Jackman continued that this meeting was very useful and she supported quality in design but were these quality forums open to the public and if not, how would parish councils know what had been discussed? The Service Director (Planning Services) replied that the QRP forums were not public meetings but that their findings would be part of an officer's report and appended to the report at that time. He remarked that so far the experts had been fairly critical of the schemes put before them and he wasn't sure if the minutes of those meetings would be publically viewable, but he would try and find out.

Councillor S Billingham asked how the SAC would be measured because in Nazeing recently for two large developments, one was assessed to be outside the SAC and one assessed as inside, but the one that was assessed outside was actually closer to the SAC? If this situation arose again, could Nazeing Parish Council bring this to his attention? The Service Director (Planning Services) said that initially the SAC zone was for 6.4 kilometres but now it was 3.2 kilometres. If that was the case then he did not

understand how it had happened, but the clerk could let Planning know before an agenda was published. There was quite a detailed map of the SAC for both the north and the south planning teams. The Chairman asked if this map showing the SAC could be circulated to members after the meeting, to which the Service Director (Planning Services) would try to provide.

Councillor S Billingham referred to the public consultations held in North Weald and if there would be a limit on the size of a development for a public consultation to be convened? A large development in Nazeing, although not the size of the one in North Weald, would have a massive impact on a smaller village. The Service Director (Planning Services) replied that he thought only schemes of 50 plus houses or 4,000 square metres of commercial floor space would go to the QRP Panels, but understood that in some small village settlements, a development of 30 plus houses would have a significant impact. Each case would have to be assessed and the QRPs would be involved and consultations public consultations arranged.

Councillor S Billingham continued that in Nazeing there had been three separate applications, which had totalled around 90 together but were all under 50 houses. The Service Director (Planning Services) replied that unfortunately the applications for these schemes were dealt with separately when they were submitted.

Councillor D Wixley asked if Planning was advising applicants on the reduction of the SAC zone to 3.2 kilometres on applications that had gone to committee when the SAC zone was for 6.4 kilometres, and that the contribution would not now need to be made? The Service Director (Planning Services) replied, yes, this would need to be reviewed for those applications that had gone to committee. These applicants would still have to do an impact assessment on air quality though, which could be sorted out when officers were looking at the S106 agreements.

Councillor D Wixley said that last November councillors were told that the LP had to be submitted by 31 March 2018 to avoid an increase in housing numbers, which had not happened, and had any advantages been taken with this extra time? The Service Director (Planning Services) commented that when the LP was presented to Council in December 2017, that was the fear at that time if the deadline was missed, but typically the Government had moved the goal posts now to 24 January 2019.

Councillor C C Pond said that in respect of the extra levy for air quality on new buildings, if an application doubled the size of the floor plan of a building, could that also attract a levy if that was going to increase the number of inhabitants at that dwelling?

The Service Director (Planning Services) replied the Council wanted to keep the levy simple and this would complicate it, therefore the levy was only for extra dwellings. He added that Waltham Forest and Redbridge Borough Councils would also be included in this recreation impact, but it was up to the individual authorities to assess how they would deal with the levy.

The Chairman thanked members for their questions.

7. ANY OTHER BUSINESS

Councillor C C Pond had expected a further report on air quality to be made at this meeting following on from the air quality presentations made to this Committee in September 2017. Instead members had been informed beforehand that, as there had not been any new developments, there would be no additional report. Since a press release had been issued earlier in the year about the Council being able to fine drivers of idling vehicles, especially near school gates, during the hot summer weather vehicles

had also been left running to keep their air-conditioning on. He had thought the Committee might have received a report on how the effects of car pollution were being tackled by the Council's Environmental Health enforcement officers and the number of fixed penalty notices that had been issued by them on this problem. The Service Director (Governance and Member Services) replied that he would ask for an update from the Service Director (Commercial and Regulatory Services), J Nolan, which could be relayed to local councils in due course.

8. DATES OF FUTURE MEETINGS

It was noted that the next meeting of the Committee would be held on 11 March 2019 at 7.30pm.

CHAIRMAN