

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Local Development Framework Cabinet Committee **Date:** 10 September 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.05 pm

Members Present: Mrs D Collins (Chairman), R Bassett, Mrs M Sartin and Ms S Stavrou

Other Councillors: M Colling, Mrs A Grigg, Mrs C Pond, C Whitbread, J M Whitehouse, Ms J Hedges, Mrs A Cooper, A Boyce and J Philip

Apologies: M Cohen and B Rolfe

Officers Present: J Preston (Director of Planning and Economic Development), I White (Forward Planning Manager), A Wintle (Principal Planning Officer) and G J Woodhall (Democratic Services Officer)

1. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M Sartin declared a personal interest in agenda item 6, Gypsy & Traveller Development Plan Document – Sustainability Appraisal & Strategic Environmental Assessment, as the Councillor's husband had responded to the initial consultation as a resident of Roydon. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in agenda item 6, Gypsy & Traveller Development Plan Document – Sustainability Appraisal & Strategic Environmental Assessment, as the Councillor had supported the response of Epping Town Council and had responded as a resident of Epping to the initial consultation. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in agenda item 6, Gypsy & Traveller Development Plan Document – Sustainability Appraisal & Strategic Environmental Assessment, as the Councillor had supported the response of Waltham Abbey Town Council and had responded as a resident of Waltham Abbey to the initial consultation. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(d) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Hedges declared a personal interest in agenda item 6, Gypsy & Traveller Development Plan Document – Sustainability Appraisal & Strategic Environmental Assessment, as the Councillor had responded as a resident of Epping to the initial consultation. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Grigg declared a personal interest in agenda item 6, Gypsy & Traveller Development Plan Document – Sustainability Appraisal & Strategic Environmental Assessment, as the Councillor had supported the response of North Weald Bassett Parish Council and had responded as a resident of North Weald Bassett to the initial consultation. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(f) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a personal interest in agenda item 6, Gypsy & Traveller Development Plan Document – Sustainability Appraisal & Strategic Environmental Assessment, as the Councillor had supported the response of Theydon Bois Parish Council to the initial consultation. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(g) Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Collins declared a personal interest in agenda item 6, Gypsy & Traveller Development Plan Document – Sustainability Appraisal & Strategic Environmental Assessment, as the Councillor had supported the response of Theydon Garnon Parish Council and had responded as a resident of Theydon Garnon to the initial consultation. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issues.

2. MINUTES

RESOLVED:

That the minutes of the meeting held on 15 April 2009 be taken as read and signed by the Chairman as a correct record.

3. TERMS OF REFERENCE

The Cabinet Committee noted its Terms of Reference, as agreed by the Council on 17 February 2009 (minute 113(a) refers).

4. ANY OTHER BUSINESS

The Cabinet Committee noted that there was no business other than that already published on the agenda for consideration at the meeting.

5. GYPSY & TRAVELLER DEVELOPMENT PLAN DOCUMENT - SUSTAINABILITY APPRAISAL & STRATEGIC ENVIRONMENTAL ASSESSMENT

The Director of Planning & Economic Development presented a report on the draft Sustainability Appraisal and Strategic Environmental Assessment of the Options Consultation document for new pitch provision for Gypsies and Travellers.

The Director reported that the Sustainability Appraisal and Strategic Environmental Assessment documents had been produced by the Spatial Planning Group of Essex County Council, acting as consultants for the Council. It was a background technical report whose conclusions on strategy or specific sites were not necessarily endorsed by this Council. These documents would help to identify potentially significant environmental, economic and social issues arising from development or land use proposals, such as increased pitch provision for the travelling community. The two exercises, which were normally combined, had to be subject to public consultation.

The documents and the responses to the consultation would inform the future stages of preparation of the Gypsies and Travellers Development Plan Document. An additional 49 alternative or "omission" sites had been suggested as pitches for the travelling community following the initial Options public consultation.

The Director explained that discussions had not yet been concluded with the Government Office for the East of England regarding a revised timetable for the production of the Gypsy & Traveller Development Plan Document, and that there was a concern about the stage at which the Sustainability Appraisal and Strategic Environmental Assessment should be publicly consulted upon. In addition, there were concerns about the process being employed; the resources being devoted to the work, the length of time being taken, the frictions being caused by following the Government guidance, and the effect on property values near potential sites. Therefore, it was felt that the Council should not now embark upon the public consultation of the Sustainability Appraisal and Strategic Environmental Assessment until a revised timetable had been received from the Government Office for the East of England. In addition, it was also proposed that the Council should seek external legal advice from a barrister who had recent experience of the issues within the District and that Contract Standing Orders should be waived accordingly.

The Leader of the Council added that there had been no detailed analysis of highways or wildlife issues within the assessment, and further environmental studies were being undertaken. The alternative sites suggested during the initial public consultation were still being evaluated and responses were also being awaited from some landowners of potential sites. The Council had already spent £250,000 on this process, and the criteria being employed were not popular with either the settled or travelling communities. The Government Office for the East of England had not expected this level of response from residents to this process or the problems that it had caused. The external legal advice would suggest the future direction that the Council should take in relation to this process, and it was reiterated that no firm decisions had yet been made on any of the sites under consideration.

In response to questioning from Members, the Director of Planning & Economic Development stated that no instructions had yet been drafted for the proposed Barrister, however there were various issues surrounding the Government guidance issued in 2006 and the special circumstances of the District, being predominantly a rural Green Belt area. It was intended to get advice on these issues and also the issues surrounding the revised timetable for the whole process. The analysis of the technical responses would be performed during the next stage of the process. It was highlighted that some existing sites had been tolerated and were now the subject of planning applications.

The Forward Planning Manager reminded the Cabinet that the Issues & Options public consultation had been undertaken, with the responses being analysed by Officers; the Sustainability Appraisal would have to be consulted upon in due course. Following analysis of the responses to both consultations, a report would be made to the Cabinet and then the Council recommending a final list of sites to be approved. The final Development Plan Document for Gypsies & Travellers would then be consulted upon with an Examination in Public at the end of the process. The Leader of the Council added that if the Government Office for the East of England did not like the recommendations of the Council then it would appoint Inspectors who would unilaterally decide upon the sites to be used as pitches.

The Cabinet Committee were greatly perturbed that residents were suffering from the consultation process and that the concerns of the District were not being acknowledged by the Government. It was accepted that the Council was legally

bound to follow this process in producing a Development Plan Document for Gypsy & Travellers, and acknowledged that the large volume of responses to the initial public consultation had caused problems for the Officers involved. The Cabinet Committee felt that it would be unwise to publicly consult upon the documents at the current time, given the lack of information on highways, environmental and wildlife issues within them.

RECOMMENDED:

(1) That the draft Sustainability Appraisal and Strategic Environmental Assessment not be consulted upon until a revised timetable had been received from the Government Office for the East of England; and

(2) That external legal and planning advice be sought by the Council upon the process and risks still to be faced; and

(3) That Contract Standing Orders be waived to facilitate the appointment of external advisors who had knowledge of the District

Reasons for Decision:

To allow the Council to reflect upon the issues and concerns that had been raised during the initial phases of the process and to seek both a revised timetable and external legal advice before proceeding any further.

Other Options Considered and Rejected:

To publicly consult upon the Sustainability Appraisal and Strategic Environmental Assessment without delay.

6. GYPSY & TRAVELLER DEVELOPMENT PLAN DOCUMENT - RACIST/INAPPROPRIATE COMMENTS

The Forward Planning Manager reported upon the racist or inappropriate comments that had been received during the initial public consultation. This process had formed part of the initial analysis of responses and such comments had been classified into three categories. Firstly, those responses which had been wholly abusive and could not be published. Secondly, those responses which had made a contribution to consultation, but some comments had been inappropriate; the Council's Solicitor would write to these people and request them to amend their comments accordingly. Thirdly, those responses where Officers had been over-sensitive and it was now felt that the comments could be published. The Cabinet Committee were advised that a relatively low number of such comments had been received but that in the majority of cases respondents would be given the opportunity to amend their comments.

RESOLVED:

That the progress report on the racist and inappropriate comments received during the initial public consultation be noted.

7. GYPSY & TRAVELLER DEVELOPMENT PLAN DOCUMENT - TIMETABLE

The Director of Planning & Economic Development referred the Cabinet Committee to his earlier comments, during the agenda item regarding the draft Sustainability Appraisal and Strategic Environmental Assessment, about the production of a revised timetable for the Gypsy & Traveller Development Plan Document

The Leader of the Council reported that it had been nine weeks since the last meeting with the Government Office for the East of England about a revised timetable for the Gypsy and Traveller Development Plan Document and still no response had been received. The Government had been dilatory too. The Leader of the Council acknowledged that it was a very difficult and lengthy process for everyone involved, but the Council had to follow the Government guidance.

RESOLVED:

That the ongoing discussions with the Government Office for the East of England regarding a revised timetable for the production of the Gypsy & Traveller Development Plan Document be noted.

8. PLANNING ADVISORY SERVICE - LOCAL DEVELOPMENT FRAMEWORK DIAGNOSTIC

The Principal Planning Officer presented a report concerning the Council's participation in the Local Development Framework Diagnostic offered by the Planning Advisory Service. The Cabinet Committee was advised that the Planning Advisory Service offered all local authorities an opportunity to undertake a diagnostic assessment of their process in preparing the Local Development Framework (LDF), which would provide an independent review of the Council's methodology. Suggestions would be made for potential improvements, and elements of good practice would also be passed on to other local authorities. The Council's participation in the diagnostic had already been agreed by the Corporate Executive Forum, and the Cabinet Committee was advised that the external assessor from the Planning Advisory Service would be visiting the Council on 12 October 2009. There were no cost implications for the Council through taking part in the diagnostic.

RECOMMENDED:

(1) That the decision of the Corporate Executive Forum for the Council to participate in the Local Development Framework Diagnostic offered by the Planning Advisory Service be noted; and

(2) That the report from the Planning Advisory Service be received by the Cabinet Committee once it is complete, and any recommendations therein considered.

Reasons for Decision:

Undertaking the assessment at an early stage in the preparation of the Core Strategy would assist in the identification of any risks to achieving a sound Local Development Framework, whilst corrective action could still be taken.

Other Options Considered and Rejected:

To not participate in the Diagnostic offered by the Planning Advisory Service.

9. CORE STRATEGY - EVIDENCE BASE PROGRESS REPORT

The Principal Planning Officer presented a verbal update upon the Evidence Based Progress Report for the Core Strategy of the Local Development Framework. An update sheet on all 14 studies currently in progress was tabled at the meeting, with the Cabinet Committee's attention being drawn to the following four studies:

- (i) The Harlow Area Appraisal of Planning Transport and Infrastructure Options – being undertaken in partnership with Harlow and East Herts District Councils in accordance with policy HA1 of the East of England Plan;
- (ii) The Strategic Housing Market Assessment – being undertaken jointly with Harlow, East Herts, and Uttlesford District Councils as well as Broxbourne and Brentwood Borough Councils to assess the housing need across the area;
- (iii) The Town Centre studies – being undertaken by Roger Tym and Partners and analysing the viability of the District’s Town Centres; and
- (iv) The Level 1 Strategic Flood Risk Assessment – being undertaken in collaboration with Harlow Council and in accordance with *PPS25 Development & Flood Risk*.

RESOLVED:

That the progress of the Evidence Based Studies for the Core Strategy within the Local Development Framework be noted.

CHAIRMAN