

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Local Development Framework **Date:** 7 February 2011  
Cabinet Committee

**Place:** Council Chamber, Civic Offices, **Time:** 7.00 - 9.20 pm  
High Street, Epping

**Members Present:** R Bassett (Chairman), B Rolfe, Mrs M Sartin, Ms S Stavrou and  
Mrs L Wagland

**Other**

**Councillors:** Mrs A Grigg, Mrs C Pond, Mrs P Smith, D Stallan and J M Whitehouse

**Apologies:** Mrs D Collins

**Officers Present:** A Hall (Director of Housing), I White (Forward Planning Manager), S King  
(Information & Technical Officer), K Hallé (Senior Planning & Consultation  
Officer) and L McGann (Planning Officer)

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### **43. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 5, Adoption of the West Essex Local Investment Plan, by virtue of living in the vicinity of one of the areas highlighted for regeneration. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

### **44. ELECTION OF CHAIRMAN**

The Cabinet Committee was informed that the Chairman, Councillor Mrs D Collins, had tendered her apologies for absence for the meeting. Nominations for an interim Chairman were requested from the Cabinet Committee.

**RESOLVED:**

(1) That Councillor R Bassett be elected Chairman for the duration of the meeting.

### **45. MINUTES**

**RESOLVED:**

(1) That the minutes of the meeting held on 11 November 2010 be taken as read and signed by the Chairman as a correct record.

### **46. TERMS OF REFERENCE**

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

**47. ADOPTION OF THE WEST ESSEX LOCAL INVESTMENT PLAN**

The Director of Housing presented a report upon the adoption of the proposed Local Investment Plan for West Essex.

The Director stated that all local authorities were required by the Homes & Communities Agency (HCA) to produce a Local Investment Plan (LIP) to qualify for further funding in respect of affordable housing and infrastructure within their area. At the suggestion of the HCA, and in view of the relationship that was developing between this Council, Harlow and Uttlesford District Councils, a Joint Local Investment Plan for West Essex had been formulated. This now had to be adopted by the three local authorities involved by 31 March 2011.

The draft Plan was reviewed in some detail by the Director and a number of points were highlighted to the Cabinet Committee. There were now over 5,300 people on the Council's Housing Register, which was more than the other two Councils put together, and the section on New Affordable Housing Provision was based predominantly upon this Council's current policy. A summary had been included within the LIP of the number of potential sites within the three authorities for affordable housing, and it was intended to update this schedule every two months. Two areas within the District had also been prioritised for regeneration as part of the Plan; these were Loughton Broadway in the next two years (immediate term), and St Johns Road in Epping in the next three to five years (medium term).

The Director reported that the Management Board had considered the draft Plan and was of the view that it should be adopted by the Council, subject to the inclusion of a statement by all three Councils that boundary changes would neither be instigated nor supported for areas around Harlow, but in the districts of Epping Forest or Uttlesford, where new housing was developed. Although this would have no legal status, it would provide a public commitment from all three Councils that Councils would receive the full benefit of any New Homes Bonus that might arise, as well as all the nomination rights to any affordable housing provided as part of these developments. Both Harlow and Uttlesford District Councils had been previously reluctant to give such an undertaking within the Plan itself, but it had been suggested by Harlow District Council that an exchange of letters between the three Councils should take place, after adoption of the Plan, stating that none of the three Councils would instigate a boundary review, and would work together to consider any boundary review instigated by a third party to ensure that it was not to the detriment of any Council. A proposal from the Assistant Chief Executive at Harlow District Council had been tabled at the meeting reiterating this approach. The Acting Chief Executive and Director of Housing had considered this particular issue and felt that an exchange of letters would have more weight than a short paragraph within a lengthy Joint Investment Plan, especially since any commitments would have no legal standing.

The Cabinet Committee felt that the exchange of letters should occur as a formal, i.e. minuted, process. This would give the letters credence at Harlow District Council, and could also be used as evidence of intent should any problems arise in the future. This exchange and the accompanying resolutions should take place by 31 July 2011, to avoid any undue delay in the process.

Finally, the Cabinet Committee was requested to delegate authority to the Acting Chief Executive, in consultation with the Leader of the Council, to agree the final version of the West Essex Local Investment Plan.

In response to a number of questions from the Cabinet Committee and other Members present, the Director stated that:

- the proposed exchange of letters would have to address the concerns about the New Homes Bonus and nomination rights to affordable housing, as well as not instigating any boundary reviews;
- the proposed exchange of letters would be a public statement by the three Councils that could be referred to at a later date if required, in conjunction with the proposed resolutions to be passed by all three Councils;
- it was understood that Harlow had a greater need for owner-occupied properties rather than affordable housing, whereas Uttlesford had a greater priority for affordable housing, whilst maintaining the green character of their areas;
- the main reason for the Plan was to qualify for further funding from the HCA, and, as it demonstrated a continuing demand for affordable housing within Epping Forest, it could be used as a future agreement with the Agency;
- although the budget of the HCA had been reduced by 50%, through the Government's Comprehensive Spending Review, it still had uncommitted funding (approximately £2.2billion) available for affordable housing projects;
- currently, anyone could register on a Council's Housing Register, but the proposed Decentralisation and Localism Bill would give Councils more authority over who would be allowed to register in future;
- no funding for any sites currently under development would be lost, whether it had been obtained via the HCA or Section 106 agreements;
- a lot of the District's affordable housing had been provided via 'windfall' sites in recent times; and
- the Steering Group for the West Essex LIP was still in existence, and some points had to be finalised within the draft Plan, but it had to be adopted by all three Councils before 31 March.

There were three issues which the Cabinet Committee felt should be included within the Plan, if possible and if it would not delay its adoption.

(i) Transport issues and in particular the Central Underground Line within this District. It was highlighted that the Central Line operated at full capacity during peak periods, and that there was insufficient parking provided at London Underground stations within the District. This could be a significant constraint on any future potential development within the District and it was agreed that this issue should be added to section 3.2 – Transport & Infrastructure – of the Plan.

(ii) Section 4.1.2, which dealt with the regeneration of the St John's Road area in Epping, did not make any mention of the proposals for community use that were being considered as part of the Development Brief. It was agreed that this was an oversight and should be included in the relevant section.

(iii) It was felt that reference should be made to the West Essex Alliance and its objectives, as the Alliance was comprised of the same three Councils.

The Cabinet Committee was requested to recommend the adoption of the draft Local Investment Plan, subject to the proposed exchange of letters between the three member Councils taking place by 31 July 2011, and the further amendments agreed regarding transport issues, community use within the St John's Road regeneration proposals, and reference being made to the West Essex Alliance.

#### **RECOMMENDED:**

(1) That the draft West Essex Local Investment Plan be recommended to the Cabinet for adoption by the Council, subject to:

- (a) an exchange of letters taking place between the Chief Executives of all three local authorities by 31 July 2011, following formal resolutions by the relevant executive bodies of each local authority, confirming that each District Council would give a commitment that it would not seek to instigate a boundary change in respect of any areas where new housing was developed close to its boundary, other than through mutual agreement, together with the reasons;
  - (b) the proposed exchange of letters further stating that, if a boundary review was instigated by a third party, the affected Councils would work together to ensure the proposed changes were not to the detriment of either Council, particularly in relation to the New Homes Bonus and nomination rights to affordable housing;
  - (c) reference being made to the current capacity of the Central Line and the potential constraints this could place upon development within the District;
  - (d) reference being made to the proposals for community use within the Development Brief for the St John's Road area in Epping; and
  - (e) reference being made to the West Essex Alliance of District Councils;
- (2) That the Council be recommended by the Cabinet to make such a commitment and resolution as outlined in recommendation 1(a) above when it adopts the West Essex Plan at its meeting on 29 March 2011; and
- (3) That authority be delegated to the Acting Chief Executive to agree the final version of the Plan, in consultation with the Leader of the Council.

**Reasons for Decision:**

The Council was required to submit a Local Investment Plan to the Homes and Communities Agency, if it was to receive any funding from the HCA in the future.

**Other Options Considered and Rejected:**

To not adopt the Joint Local Investment Plan or request further changes prior to its adoption by the Council.

To insist upon the inclusion of a statement regarding potential future boundary changes within the Plan.

**48. EPPING FOREST CORE PLANNING STRATEGY SUSTAINABILITY APPRAISAL - SCOPING REPORT**

The Forward Planning Officer presented a report about the Core Planning Strategy Sustainability Appraisal Scoping report for the Council. The draft scoping Report had been considered by the Cabinet Committee on 12 April 2010, where consultation arrangements had been agreed. An updated version of the report was tabled at the meeting for consideration by the Cabinet Committee, which included the results of the consultation.

The Cabinet Committee was reminded that, in 2009, Scott Wilson was jointly commissioned by Epping Forest, Harlow and East Herts District Councils to carry out a Sustainability Appraisal of each of their Core Planning Strategy documents to help inform their preparation. These would form a central part of each Local Authority's Local Development Framework (LDF). The Sustainability Appraisal had involved

identifying and evaluating the impacts of a plan on the economy, the community and the environment – the three dimensions of sustainable development – and then suggesting ways to avoid or reduce adverse impacts and maximise positive impacts.

The Forward Planning Officer stated that, in order to undertake the Sustainability Appraisal of the Core Planning Strategy, it was first necessary to establish the scope of the appraisal, i.e. the issues that should be included. The scope of the Sustainability Appraisal had been established by setting a 'framework' to guide the appraisal. The initial draft of the Council's Scoping Report was completed in Spring 2010 and had been subjected to consultation with stakeholders and members of the public between 17 May and 9 July 2010. Comments received from the consultation process had now been examined and a revised Scoping Report had been produced. The Cabinet Committee was requested to approve this document and, once approved, the document would then be used to assess policy options as part of the preparation of the Core Planning Strategy.

The Forward Planning Manager added that lessons from the consultation exercise on the Gypsy & Traveller Development Plan Document had influenced the extent of the consultation on the Sustainability Appraisal Scoping Report, and that Scott Wilson was being retained for the Issues and Options consultation later in the year. If approved by the Cabinet Committee then the scoping report for the Sustainability Appraisal would be published on the Council's website.

**RESOLVED:**

- (1) That the outcomes of the public consultation held between May and June 2010, and the subsequent changes to the Core Planning Strategy Sustainability Appraisal Scoping Report by the consultants be noted; and
- (2) That the final Core Planning Strategy Sustainability Appraisal Scoping Report be agreed and added to the Evidence Base to support the preparation of the Local Development Framework, although it had been based upon and influenced by policies and targets which might not be applicable in the future and might necessitate a review of the report in due course.

**49. ANNUAL MONITORING REPORT 2009/10**

The Information & Technical Officer for Forward Planning presented the draft Annual Monitoring Report for 2009/10. The actual report itself had been published via a supplementary agenda on the Council's website due to its size (64 pages).

The Information & Technical Officer stated that the Council was obliged to prepare and submit an Annual Monitoring Report to the Government by the end of December each year. The Monitoring Report should report on activity within the previous financial year, including housing completions, employment land provision, and the protection of areas of natural conservation value. The Monitoring Report was also used to measure progress with the Local Development Framework.

The Cabinet Committee was informed that the Monitoring Report had generally reported good performance against the various targets set for the Council throughout the East of England Plan, but had also highlighted some issues which needed resolving, such as the balance of retail and non-retail units within the town centres, and the overall loss of employment floorspace. These issues would need to be addressed through the Core Planning Strategy, and close monitoring of the objectives and targets within the Core Planning Strategy, via the Annual Monitoring Report, would be key. Performance against housing targets, which had historically

been the Government's highest priority, was shown to be very good, as it had been since the beginning of the East of England Plan period. The Cabinet Committee was requested to approve the Annual Monitoring Report for the period 1 April 2009 to 31 March 2010.

The Chairman drew attention to the additional 34 Gypsy & Traveller pitches within the District that had been approved via normal planning processes since 2008, which was the target for the District from the East of England Plan Single Issue Review. The Forward Planning Manager added that the current guidance from the Government was for the Council to continue to determine locally its future need for additional Gypsy & Traveller pitches, and that there would be no further directives from the current Government. This issue would be included in the forthcoming Issues and Options consultation. The report had only made reference to those sites granted planning permission (page 45 refers), and it was agreed to provide further information to the members of the Cabinet Committee regarding the number of pitches that had been refused permission.

The Cabinet Committee noted the inclusion of the key findings from the recent Town Centres Study within the Monitoring Report (page 24 refers). It was felt that it would be difficult for businesses within the District to obtain more trade from existing customers, and that new customers needed to be attracted to the District. The current approach of the six town centres within the District was too traditional, and that this needed to change to compete with the internet and the trend towards the development of larger retail centres. Officers agreed that this would be an important issue in the future.

**RESOLVED:**

- (1) That the draft Annual Monitoring Report for 2009/10 be noted;
- (2) That the draft Annual Monitoring Report for 2009/10 be approved for submission to the Government Office for the East of England and publication on the Council's website.

**50. COMMUNITY VISIONING RESULTS**

The Senior Planning & Consultation Officer presented a report upon the results of the Local Development Framework (LDF) Community Visioning exercise, which had taken place between November 2010 and January 2011.

The Senior Planning & Consultation Officer reported that the aim of the exercise had been to engage with the local communities in order to understand their views on the priorities for the District over the next 20 years, the planning issues which affected the local area, and the approaches to growth that were most appropriate for the future. A number of methods had been used in order to publicise the consultation and provide the opportunity for the community to give the Council their views. These had included leaflets, workshops, exhibitions, a dedicated website and a Facebook page. The online consultation had now finished, however paper responses were still coming in and residents could still be encouraged to respond if they wished to do so.

The Cabinet Committee were informed of the three key findings from the Community Visioning. The first key finding was that the priority for the District over the next twenty years was to protect and enhance green spaces whilst encouraging the growth of local jobs and businesses. The second key finding was that the most important planning issues facing local areas were better protection for green spaces, reducing traffic congestion and providing more local job opportunities. The third key

finding was that the favoured approach to the location of new houses and jobs should be to locate growth close to public transport links and around or within existing towns whilst considering a combination of options throughout the District where appropriate.

The Senior Planning & Consultation Officer concluded that the results of the Community Visioning Exercise would now provide a key element for the evidence base used to produce the Issues & Options document in the summer of 2011. The consultation for the Issues & Options document would engage on more specific issues related to development within the District and could be of greater interest to the local community.

The Cabinet Committee was delighted with the value that residents had placed upon the Green Belt and felt that the key findings would provide better protection against future threats to the Green Belt. The Cabinet Committee was slightly concerned that the results from rural areas were not given greater prominence within the report, and that the detailed results only displayed a percentage. Officers agreed to perform further analysis to ascertain the results from rural areas within the District, and would also publish the number of responses received for the various options to complement the percentage figures.

#### **RESOLVED:**

(1) That the following key results, as set out in the Local Development Framework Community Visioning Results report, be included as part of the Evidence Base in the forthcoming preparation of the Core Planning Strategy:

- (a) Priorities for the District over the next twenty years:  
To protect and enhance green spaces whilst encouraging the growth of local jobs and businesses;
- (b) Most important planning issues facing local areas:  
Better protection for green spaces, reducing traffic congestion and providing more local job opportunities; and
- (c) Favoured approaches to the location of new houses and jobs:  
To locate growth close to public transport links and around/within existing towns whilst considering a combination of options throughout the District where appropriate.

#### **51. IMPACT OF THE PROPOSED PLANNING SYSTEM CHANGES ON THE CORE PLANNING STRATEGY**

The Forward Planning Manager presented a report upon the potential impact of the pending changes to the Planning System on the progress with the Core Planning Strategy and the current staffing levels within the Forward Planning section.

The Forward Planning Manager stated that a number of changes to the Planning System had been proposed by the Government, including abolition of Regional Spatial Strategies and their targets, introduction of the New Homes Bonus and various measures within the Localism Bill such as Neighbourhood Development Plans, the Community Right to Build and the Community Infrastructure Levy. The apparent unwillingness of East Herts District Council to participate in joint discussions over the future growth of Harlow with both this Council and Harlow District Council was highlighted to the Cabinet Committee, and would undoubtedly affect plans for an additional 16,000 houses in Harlow. Neighbourhood Development

Plans would involve the Council in providing technical advice and support to Parish and Town Councils.

The Forward Planning Manager added that the Council's Community Infrastructure Levy had to be in place by April 2014, and should be based upon an analysis of housing and employment needs within the District along with the associated infrastructure requirements. This could conflict with the current timetable for the Core Planning Strategy, through which these issues were currently being considered. The formation of Local Enterprise Partnerships, both at a South-East England regional and West Essex level, could further impact upon the Planning System.

The Cabinet Committee was advised that the additional work envisaged from the proposed changes to the Planning System, along with the continuing work in preparing the Core Planning Strategy, could have an adverse impact upon the available resources within the Forward Planning section. In view of this, Officers would like the opportunity to update Members on a more regular basis on various different issues. This could be achieved by reviewing and commenting upon drafts of documents, and informal meetings of the Cabinet Committee being held to further advise Officers.

The Cabinet Committee welcomed the report from Officers, but felt that the Localism Bill would be substantially amended before it received royal assent. A number of Parish and Town Councils had already completed Parish Plans or Village Design Statements, therefore the future levels of support might not be as onerous as initially thought. The Core Planning Strategy could absorb some of the forthcoming changes as it was still in development. The Cabinet Committee discussed further the implementation of the Community Infrastructure Levy and that the Council could do some preparatory work to avoid missing out on revenue opportunities. It was acknowledged that the Levy was intended to succeed Section 106 Agreements, but the Cabinet Committee felt that it was still important to devise a Local Development Framework policy background for Section 106 Agreements to ensure that contributions from current developments within the District were not lost at planning appeals. It was felt that the proposals to improve communication between Members of the Cabinet Committee and Officers should be implemented.

The Forward Planning Manager advised the Cabinet Committee that no target had yet been set for housing provision within the District for the period until 2031 on which to base the Community Infrastructure Levy calculations, and that it was difficult to start these calculations until this had been determined. The potential urban extensions to Harlow could complicate the process further and add delay because of the different infrastructure needs facing the town. Any reports from the proposed informal meetings would be published in the Council Bulletin to keep all Members of the Council informed of developments. The Forward Planning section currently had two vacancies, as a Senior Planning Officer post had not been filled before the recruitment freeze was applied and an administration post was being filled via a temporary contract.

**RESOLVED:**

- (1) That the impending legislative changes to the national planning system being introduced by the Government be noted;
- (2) That the potential impact of the following proposed changes upon the preparation of the Core Planning Strategy by the Forward Planning section be noted:



- (a) the pending abolition of the East of England Plan with its housing and employment targets, particularly with regard to the expansion of Harlow;
  - (b) the need for enhanced joint working at a strategic level to maximise the economic development and regeneration opportunities presented by the Local Enterprise Partnerships at both the South-East England Regional and West Essex levels;
  - (c) the timetable for the introduction of the Community Infrastructure Levy; and
  - (d) the requirement to support local communities in their preparation of Neighbourhood Plans; and
- (3) That, to inform the Cabinet Committee of progress in preparing the Issues and Options consultation document within the changing planning environment, communication be improved through:
- (a) the circulation of draft documents to Members of the Cabinet Committee for review; and
  - (b) additional informal meetings of the Cabinet Committee, with any ensuing reports published in the Council Bulletin for the benefit of all Members.

**52. ANY OTHER URGENT BUSINESS**

There was no other urgent business for the Cabinet Committee to consider.

**53. EXCLUSION OF PUBLIC AND PRESS**

There were no items for consideration that required the public and press to be excluded from the meeting.

**CHAIRMAN**