

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Planning Services Scrutiny Standing Panel **Date:** Tuesday, 13 September 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.25 pm

Members Present: Councillors A Watts (Vice-Chairman), K Chana, A Boyce, C Finn, P Keska, Mrs M Sartin and Mrs J Sutcliffe

Other Councillors: Councillors K Angold-Stephens, Mrs A Grigg, Mrs S Jones, Mrs M McEwen, J Philip, D Stallan, C Whitbread and J M Whitehouse

Apologies: - H Ulkun, Ms Y Knight, A Lion, J Markham and B Sandler

Officers Present: J Preston (Director of Planning and Economic Development), I Willett (Assistant to the Chief Executive), K Durrani (Assistant Director (Technical)), B Meuli (Land Drainage Engineer), P Millward (Business Manager) and M Jenkins (Democratic Services Assistant)

Also in attendance: T Chinn, G Cowell, D Gor and P Nicholson

13. SUBSTITUTE MEMBERS

It was noted that Councillors K Chana and Mrs M Sartin were substituting for Councillors B Sandler and H Ulkan respectively.

14. APPOINTMENT OF VICE CHAIRMAN

In the absence of the Chairman, the Vice Chairman assumed the role of Chairman and requested a nomination for the role of Vice Chairman.

RESOLVED:

That Councillor A Boyce be elected Vice Chairman for the duration of the meeting.

15. DECLARATIONS OF INTEREST

(1) Pursuant to the Member's Code of Conduct, Councillor Mrs J Sutcliffe declared a personal interest in the following item of the agenda by virtue of being a member of Buckhurst Hill Parish Council. She felt she might be affected by it. The Councillor determined that her interest was not prejudicial and that she would stay in the meeting for the duration of the item and voting thereon:

- Item 7 Environment Agency Consultation – Roding River Area

(2) Pursuant to the Member's Code of Conduct, Councillor A Boyce declared a personal interest in the following item of the agenda by virtue of living close to Cripsey Brook, which could be affected by flooding proposals. The Councillor determined that his interest was not prejudicial and that he would stay in the meeting for the duration of the item and voting thereon:

- Item 7 Environment Agency Consultation – Roding River Area

16. NOTES FROM THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel meeting held on 14 June 2011 be agreed.

17. TERMS OF REFERENCE

The Panel's current Terms of Reference were under review. Following discussion with Panel members, they would be submitted to the Overview and Scrutiny Committee for consideration.

18. WORK PROGRAMME

It was advised that the Work Programme was undergoing a re-draft and would be submitted to the next Panel meeting in October for Member's approval and submission to the Overview and Scrutiny Committee.

19. ENVIRONMENT AGENCY CONSULTATION - RODING RIVER AREA

The Panel received a report regarding the Environment Agency Consultation on Managing Flood Risk in the River Roding Catchment from Mr J Preston, Director of Planning and Economic Development. In attendance at the meeting on behalf of the Environment Agency were the following officers; T Chinn, G Cowell, D Gor and P Nicholson.

The Environment Agency (EA) was seeking opinion on its recommendations for managing flood risk in the River Roding catchment differently. The consultation initially ran from July to 26 September 2011. Flooding was a natural process that could not be entirely controlled or prevented, the Roding catchment having a long history of flooding, the most recent being in 2000 when more than 300 properties were affected in the Woodford area.

The following parishes in the Roding catchment could be affected by the EA proposals:

Abbess, Beauchamp and Berners Roding, Buckhurst Hill, Chigwell, Fyfield, High Ongar, Lambourne, Loughton, Ongar, Stapleford Abbots, Stanford Rivers, Stapleford Tawney, Theydon Bois, Theydon Garnon, Theydon Mount and Willingale

Environment Agency Proposals

There were more than 2,000 residential and commercial properties potentially at risk in the southern part of the catchment. However, the EA's proposals would lead to 15 properties in the district being at greater risk of flooding. The EA justified this on the following basis:

- (a) the financial cost of continuing maintenance of the river was greater than repairing the damage caused by flooding; and

(b) Slowing the water flow in the upper reaches of the catchment would reduce the risk of flooding to properties in the lower catchment, therefore a small number of properties were negatively affected to benefit the majority.

Proposals Affecting the Epping Forest District

The actual proposals which had direct relevance for the district were as follows:

- (i) Withdrawal of all maintenance of the Roding from its entry into the district at Berners Roding to its exit into the London Borough of Redbridge at Buckhurst Hill;
- (ii) Loughton and Cripsey Brooks would continue to be maintained (river channel and flood defences) to the current standard of protection;
- (iii) Creation of a large Flood Storage Area (FSA) near Shonks Mill (south west of Ongar) by 2020 designed to deal with a 1 in 200 year flood event;
- (iv) Construction of an earth embankment approximately 700m long across the floodplain adjacent to Shonks Mill Road; and
- (v) The EA hoped that material to build the embankment could be sourced from excavation works for surface run off areas in Woodford but this implied lorry movements along the A113 through Chigwell, Abridge and Passingford Bridge to the Shonks Mill. The EA noted that the design was not yet finalised, therefore lorry movements were not yet known.

The EA maintained that some properties in rural parts of the catchments would experience little change in flood risk, however, a small number of properties, especially in the northern part of the catchment, would remain at high risk of flooding. The EA intended to notify all of these property owners of the risk and work with the property owners, identifying ways of reducing or managing the risk

Implications for Epping Forest District Council

The EA hoped that some property or land owners would take responsibility for maintaining local flood defences. District Council officers believed that the EA should make appropriate financial contributions to help the owners affected by reduction in maintenance of the river.

An effect of terminating maintenance on the river would be the increase of vegetation along its banks and the build up of silt. This would lead to the blocking of the discharge point of an ordinary watercourse and localised flooding. The District Council would need to increase its monitoring and enforcement activities. The District Council was riparian landowner for approximately two miles of river along the Roding Valley Recreation Area between Debden and Buckhurst Hill and with all maintenance assistance from the EA terminated, there would be an increased cost to the Council. There were 1,000 km of ditches within the district, and additional work in the Roding area would be difficult for officers to maintain. It was acknowledged by members following the comments by the EA representatives that the District Council did not necessarily have to maintain the river in these areas. However it was likely that the authority would undertake this task.

Members expressed concern about the welfare of river wildlife as a result of de-silting. There was concern from the members present, that ending maintenance on the river would leave residents vulnerable to flooding. They felt that the EA's support for residents would fall short of their needs.

Response Deadline

The Environment Agency representatives indicated that they were willing to extend the deadline for comments on consultation, although no new deadline date was set. Members requested that a new report should be submitted to either this Panel or the Safer, Cleaner, Greener Scrutiny Standing Panel when a detailed response to the consultation had been compiled.

RECOMMENDED:

(1) That the District Council objects to the proposed flood risk strategy, as there is insufficient detail to show and assess the potentially short and longer term detrimental effects, in terms of flood risk for the following:

(a) the residents within Epping Forest District Council, adjacent to the floodplain;

(b) individual properties and areas of land, including land owned by the council;

(c) flood zones and hence future development opportunities; and

(d) ordinary watercourses within the district.

(2) That, subject to further discussion between officers of the Council and officers of the Environment Agency, a further report be submitted to the next meeting of this Panel on a more detailed response or, as an alternative to the Safer, Cleaner, Greener Scrutiny Standing Panel on 11 October 2011 and, if necessary the urgency procedure approved under Minute 70 of the Overview and Scrutiny Committee on 24 January 2011 be used thereafter to submit the Council's representations to the EA;

(3) That a copy of the Panel's recommendations is made available to Town and Parish Councils, and

(4) That consideration be given to including within the Council's response to the Environment Agency a request that urgent consideration to compensating and giving assistance to those householders who will be more at risk of flooding as a result of the Agency's proposals.

20. "SUSTAINABLE FRAMEWORK FOR UK AVIATION: SCOPING DOCUMENT" - DEPARTMENT OF TRANSPORT CONSULTATION DOCUMENT

The Panel received a report regarding a Department for Transport (DfT) consultation document entitled "Developing a Sustainable Framework for UK Aviation – Scoping Document."

The DoT was consulting on this document because the previous Government's 2003 White Paper entitled "The Future of Air Transport" was considered out of date as it failed to give sufficient weight to the challenge of climate change. The consultation document before the panel was more a synthesis of points that the Government wished to make, the aim of the document was to define the debate as the Government developed their long term policy for UK aviation.

The consultation had a list of 49 questions, however attention was drawn to question 44:

Is it better to minimise the total number of people affected by aircraft noise or to share the burden more evenly so that a greater number of people are affected by noise less frequently?

The point raised was before landing aircraft circle and descend in stages, this dispersal has caused noise pollution for residents at different locations, times and days or nights. Although it was possible to seek a more concentrated and direct descent path, a consequence of such concentration would be that a location such as Nazeing would be under the flight descent on a regular basis rather than an occasional basis. It was noted that the District Council received very few noise complaints directly about aircraft noise.

The Government suggested that part of its philosophy was to make existing airports better rather than bigger. However it was difficult to envisage how they could eke out more capacity by doing things better at Stansted.

There were vague statements in the document relating to sustainability, without indicating which definition of sustainability was being used. The Government was separately consulting upon a new National Planning framework, which was intended to be a brief document. The document indicated an intention that the final aviation framework document would fulfil the role of a national planning policy for aviation. Quite how sympathetic to growth of aviation it would be, set against environmental concerns, and the views of local communities who get benefits when they flew, but who suffered the effects of aviation, remained to be seen.

The major expansion of Stansted was always locally considered to be a possible future threat to North Weald. However, the document provided no guidance in understanding a Government view of a particular further development.

RECOMMENDED:

- (1) That the District Council welcomes sustainability considerations being given greater prominence in future aviation policy;
- (2) That the District Council welcomes the decision rejecting further runways at Gatwick, Heathrow and Stansted;
- (3) That the potential for a new owner and operator to take over at Stansted Airport be noted, and that dialogue with them should take place;
- (4) That the District Council should remain vigilant in responding to details in the new National Planning Framework particularly regarding aviation and the impact of night time flight restrictions for Stansted, North Weald and Stapleford Tawney;
- (5) That the District Council supports wider dispersal of aircraft descent paths, and answers Question 44 accordingly; and
- (6) That the procedure agreed by the Overview and Scrutiny Committee on 24 January 2011, (Minute Item 70), be utilised, to ensure that there responses are made to the Department for Transport by the deadline.

21. ESSEX COUNTY COUNCIL (ECC) - FURTHER SITE ALLOCATIONS ISSUES AND OPTIONS PAPER FOR MINERALS DEVELOPMENT

The Panel received a report regarding ECC Minerals Development Document – Further Site Allocations Issues and Options.

ECC was responsible for preparing the County level Minerals and Waste Development Framework (MWDF). As part of this framework, ECC was working towards a new Minerals Development Document (MDD) replacing the existing Minerals Local Plan (1996). The MDD was required by the Government to plan for a steady and adequate supply of minerals in Essex to meet the County's current and future needs to 2028 identifying suitable sites for mineral extraction, aggregate recycling, and mineral transportation. Several stages of consultation had taken place since 2005 the next opportunity to comment on site A41, Patch Park Farm, Abridge, would be the submission consultation to be held in 2012.

As part of the Preferred Options, ECC invited consultees to suggest any other potential sites which had been overlooked. It was currently consulting on the five new site suggestions received. The consultation closed on 20 October 2011.

Effect on Epping Forest District

The only new site suggestion within Epping Forest District was at Weald Hall Commercial Centre, on Weald Hall Lane, between Thornwood and North Weald. The proposal was that this site became a "Strategic Aggregate Recycling Site" (SARS). "Aggregate" was defined as "crushed rock, or sand and gravel, used in civil engineering work in a bound (as concrete) or unbound condition." It was proposed that the facility would recycle construction, demolition and excavation waste from construction sites. The amount of material to be recycled at the site is 100,000 tonnes.

The County Council recommended considering criteria in formulating a response. Each criterion was addressed in turn below:

(a) Mineral Resource and Timetable

It was proposed that the site was used for recycling existing construction, demolition and excavation waste. No materials would be extracted from the ground on the site. The site would be a permanent facility, lasting beyond the current plan period.

(b) Planning History/Background

This site was currently in employment use, although not designated as an employment site within the Local Plan. It appeared that no consideration had been made of whether the existing businesses could partly remain on site, or could be relocated locally.

(c) Landscape

The site was entirely within the Green Belt. The proposal was to use the existing buildings for recycling, and that outside storage would be minimal. The use of this site for aggregate recycling could have a materially greater impact.

(d) Ecology and Designations

Officers were not aware of any ecological issues, or designations other than those answered in other points.

(e) Historic Environment

Weald Hall Farmhouse, which was on the proposed site, was a Grade II listed building. Planning Policy Statement 5: Planning for the Historic Environment stated that when considering applications which would not make a positive contribution to the setting of a listed building, the Council should “weigh any such harm against the wider benefits of the application.”

(f) Agriculture

It was not thought that the proposal would cause significant impacts on local agriculture, as the land was not currently in agricultural use.

(g) Proximity to Sensitive Uses

The entrance to the site was directly opposite two residential houses, and within 130 metres of Weald Hall Nursing Home. The use of the site for aggregate recycling could potentially be disruptive to residents in these buildings.

(h) Water/Hydrology/Flood Risk

Views had been sought from the Land Drainage team on potential issues. However the lead in time for this report was too short to allow a reply to be made.

(i) Traffic and Transportation

The proposal could result in a significant increase in vehicle movements to and from the site, mostly by HGVs. The proposal was to use the existing access road to the north east of the site, which leads up to Canes Lane. This small road was unlikely to be suitable for the amount of traffic likely to ensue.

(j) Recreation

North Weald Airfield directly adjacent to the site, was currently used for recreational rather than commercial flights, and was also home to a flight school, as detailed in the recent Halcrow “North Weald Airfield Intensification Study.” The amenity of these various uses could potentially be affected by the proposal.

(k) Amenity and Pollution

The proposal would involve screening, crushing and washing of aggregate materials, which could give rise to pollution in the air, which may affect the use of the adjacent airfield. Similarly, the HGVs transporting material to and from the site could cause air pollution. There was also a form of clubhouse on the airfield, on the southern boundary of the proposed site, whose amenity could be adversely affected by the increase in noise. The Contaminated Land Officer reported that the site had been identified as a potentially contaminated site due its former use as a farmyard and its use by various industrial units, the presence of made grounds and bunds, and the presence of backfilled ponds and a moat.

(l) After – Use and Restoration

It was not thought that this criterion applied in this case, as the proposal was that the site would be permanent.

(m) Other potential benefits of this site

None were apparent

Suggested response to consultation questions.

Only question 4 related to the Weald Hall Commercial Centre site. It was agreed that answers were not given to the other five questions as none of the sites were in this District.

Question 4 had three parts.

(i) Do you support this potential Strategic Aggregate Recycling Site?

No

(ii) Do you object to this potential Strategic Aggregate Recycling Site?

Yes

(iii) If (you answer yes to) (b), are there any charges that could be made to this proposal that would make it acceptable to you?

No

This was an unsuitable location for a Strategic Aggregate Recycling Site. This site was currently in commercial employment use, and the proposed use was likely to create/sustain fewer jobs by comparison. The Council would seek to safeguard this site as an existing employment location. The Director of Planning and Economic Development reported the views of Land Drainage and Noise and Environment Teams. The noise and environment comments were based on experience of a site elsewhere which was predominantly an open site. Plainly piles of crushed material would only economically be stored in such a manner. Therefore that emphasised the proposal was inappropriate development in the Green Belt, and led to objections about dust and consequent impacts upon local amenities, and upon the airfield and aircraft.

This Council was very concerned that this proposed site was not included in the Sustainability Appraisal and Strategic Environmental Assessment Statement. It was far too late to consider the sustainability and environmental affect of a proposal only once the submission stage of consultation was reached. The impact of such a proposal should be assessed from the start of the process, as with all the other proposed sites.

RECOMMENDED:

(1) That the potential impacts of the new proposal for a Strategic Aggregate Recycling Site (SARS) at Weald Hall Commercial Centre within Essex County Council's Minerals Development Document Further Site Allocations Issues and Options Paper be noted;

(2) That the proposed response to the only relevant consultation question, number 4, be as set out below:

“(i) Do you support this potential Strategic Aggregate recycling Site?

No

(ii) Do you object to this potential Strategic Aggregate Recycling Site?

Yes

(iii) If (you answer yes to) (b), are there any changes that could be made to this proposal that would make it acceptable to you?

No”

(3) That any amendments to the final response necessary following receipt of comments from Land Drainage officers be agreed with the Planning and Technology Portfolio Holder and the Chair of Planning Scrutiny Standing Panel; and

(4) That the Director of Planning and Economic Development share the Panel's comments with Councillors for Epping Lindsey and Thornwood and North Weald wards; and

(5) That the procedure agreed at Overview and Scrutiny Committee on 24 January 2011 (Minute 70) be used to ensure that the Panel's recommendations meet the consultation deadline.

22. FEE SETTING - DEVELOPMENT CONTROL

The Panel received a report from Mr P Millward, Business Manager, regarding Locally Agreed Fee Setting for Planning Services.

Current arrangements for local setting of planning fees was being presented to Parliament for approval in August 2011. However this had now been postponed, possibly to April 2012. Following this legislation, the District Council would be able to set local planning fees.

This delay would have an effect on the Development Control Income this financial year which had been assumed to rise with an increase in fees by £100,000 for 2011-12, with a further £100,000 likely in 2012-13. However it was noted that Development Control income was ahead of budget by £40,000 to date in the current year. The budget was monitored monthly.

An important element of locally setting planning fees was the full cost recovery of all planning fee earning activities. The Directorate had been working with Planning Advisory Service to co-ordinate the development of a low cost model for local fee setting process for planning applications. This was being carried out in conjunction with over two hundred local authorities.

RECOMMENDED:

(1) That the Locally Agreed Fee Setting for Planning Services report be noted; and

(2) That the earliest effective date for any increase in Planning Fees to take place being in 2012-13, the resource/financial implications of this be noted.

23. DATES OF FUTURE MEETINGS

The Panel was advised that the next meeting of the Panel would be an extraordinary meeting on 3 October 2011 at 7.30p.m. in the Council Chamber. The meeting would immediately follow the Local Development Framework Cabinet Committee.

The following programmed meetings of the Panel were scheduled for:

Tuesday 20 December 2011;
Tuesday 7 February 2012; and
Tuesday 24 April

CHAIRMAN