

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL
HELD ON MONDAY, 3 OCTOBER 2011
IN COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.50 PM**

Members Present:	H Ulkun (Chairman), A Watts (Vice-Chairman), A Boyce, P Keska, Ms Y Knight, J Markham, Mrs C Pond, B Sandler and Mrs J Sutcliffe
Other members present:	K Avey, R Barrett, Mrs S Jones, Mrs M McEwen, J Philip, Mrs M Sartin, Mrs L Wagland and D Wixley
Apologies for Absence:	C Finn and A Lion
Officers Present	J Preston (Director of Planning and Economic Development), K Polyzoides (Assistant Director (Policy & Conservation)) and M Jenkins (Democratic Services Assistant)

24. SUBSTITUTE MEMBERS

It was noted that Councillor Mrs C Pond was substituting for Councillor C Finn.

25. DECLARATIONS OF INTEREST

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

26. NOTES FROM THE LAST MEETING

It was noted that the notes of the last Panel meeting held recently on 13 September 2011 were, as yet uncompleted. They would be submitted to the next Panel meeting on 20 December 2011.

27. TERMS OF REFERENCE

The current terms of Reference were submitted to the Panel. They would be re-drafted in the near future for Panel approval before being recommended to the Overview and Scrutiny Committee.

28. WORK PROGRAMME

The Work Programme was undergoing a re-draft and would be submitted to the next Panel meeting on 20 December 2011 for Member's approval and recommendation to the Overview and Scrutiny Committee.

29. NEW DRAFT NATIONAL POLICY FRAMEWORK

The Panel received a report regarding the Draft National Planning Policy Framework Consultation by the Director and the Assistant Director of Planning and Economic Development, Policy and Conservation.

The proposed National Planning Policy Framework (NPPF) involved the deletion of all but one of the current Planning Policy Statements (PPS), all of the current

Planning Policy Guidance Notes (PPG), and a small number of circulars, replacing these with a much shorter single document. The overall intentions were to:

- (a) Consolidate and streamline national planning policy to reduce bureaucracy;
- (b) Promote sustainable economic growth while retaining important environmental and social objectives;
- (c) Empower local communities to do things their way instead of excessive control from Central Government; and
- (d) More “user friendly” and accessible, so that it was easier for members of the public to have a meaningful say in planning decisions.

The consultation ran for a 12 week period from 25 July to 17 October 2011. Officers expressed concern that this major and complex change to national planning guidance was being put out for consultation through the main annual holiday period when some members and staff were likely to have been away for a number of weeks. There were 41 policy questions relating directly to the draft framework, and other Impact Assessment, covering costs of implementation, sustainable development, economic development, planning for people, and environment.

The draft NPPF also introduced some changes to planning policy. The most significant ones were:

- (i) presumption in favour of sustainable development;
- (ii) removing office development from a “town centre first” approach;
- (iii) increasing the time horizon for assessing impacts on town centres from 5 to 10 years;
- (iv) removing the maximum non-residential car parking standards for major developments;
- (v) removing the national brownfield target for housing development;
- (vi) requiring local authorities to add at least 20% to five year housing requirements;
- (vii) removing the national minimum site size threshold for provision of affordable housing;
- (viii) removing the rural exception sites policy; i.e. for these sites only to be for affordable housing;
- (ix) within the Green belt to permit development on previously developed land even if it had not been identified as a “major developed site” in the local plan;
- (x) Community Right to Build schemes to be permissible within the Green Belt if backed by the local community;
- (xi) extending the alteration or replacement of dwellings (already permissible in the Green Belt) to include all buildings;

(xii) removing the requirement for councils to set decentralised energy targets (based on e.g. micro generation, combined heat and power systems, and district heating systems); and

(xiii) expecting councils to consider identifying suitable areas for renewable and low carbon energy sources, and any supporting infrastructure.

CLG was also seeking responses from all individuals and organisations with an interest in planning. Officers have therefore sent details of the consultation to town and parish councils, residents' and other groups, local businesses and developers, using contact details from the database for the Local Development Framework (LDF), encouraging them to respond.

The Director of Planning advised amongst other points, including those arising from consideration of the same report by the LDF Cabinet Committee indicated that the consultation arguments were favourable to development. There was concern that large numbers of derelict glass houses in the district could be converted to houses using these changes. Although it was advised that members need to be realistic about the major changes they would face in the future with regards to development.

The members commented on the following questions and officer's suggested responses:

Q13 (a) The policy on planning and the Green Belt gives a strong clear message on Green belt protection. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?

Answer – Disagree

Q13 (b) Have you comments to add?

“Development in the Green Belt likely to have significant effects on any of the five purposes of including land in Green Belt would not be sustainable under the terms of the presumption in favour of sustainable development, unless it is accepted that very special circumstances apply.”

4.2 Policy Questions

Q2 (c) The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?

Officer Response – Neither agree or disagree.

Members felt that this response should be enlarged and was too vague.

Members discussed Appendix 1 of the report, it was felt that Questions 3a to 6a should be responded with “Disagree.”

Q10 (a) The policies on housing will enable communities to deliver a wide choice of quality homes, in the right location, to meet local demand. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?

Officer Response – Neither agree or disagree.

Members felt the answer should be “disagree.”

Q14 (c) The policy on renewable energy will support the delivery of renewable and low carbon energy. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?

Officer Response – **Neither agree or disagree.**

Members felt a firmer answer was needed.

RESOLVED:

That the consultation response be agreed subject to suggested amendments by members of this Panel together with those of the LDF Cabinet Committee.

30. LOCAL PLANNING REGULATIONS (CLG)

The Panel received a report regarding a Consultation for Local Planning Regulations by the Assistant Director of Planning Policy and Conservation.

The process of preparing a local plan was currently set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Regulations 2004. The Localism Bill was amending the 2004 Act, and this consultation sought views on revised regulations replacing the amended 2004 Regulations. Comment was sought regarding whether the changes proposed to the regulations would deliver the intended outcomes.

This consultation concerned the specific regulations which must be followed in order to achieve a sound local plan. It was stated that the intention behind amending these regulations was to ensure that centralised bureaucracy was removed and decision making in planning was returned to local councils and communities.

The Localism Bill introduced a “Duty to Cooperate” in relation to planning of sustainable development. This duty applied to a broad list of organisations including local planning authorities, county councils and other bodies as prescribed by the regulations. The duty required that these organisations engage constructively, actively and on an ongoing basis in the preparation of development plan documents where they related to strategic matters. Concern remained over whether the resources were available within all of these organisations to engage effectively.

The draft regulations made reference to “general” and “specific” consultation bodies. It was not clear whether this would remain following the publication of the final version of the NPPF and the Regulations.

There was an existing requirement for each local planning authority to submit an Annual Monitoring Report to the Secretary of State by 31 December every year. The draft regulations now proposed that a Monitoring Report must be published by each local authority which identified.

- (a) progress against published timetables for DPD preparation;
- (b) any adopted policies which were not being implemented, and the reason(s) for this;

- (c) what action should be taken to ensure these policies were implemented in future;
- (d) the number of dwellings built in that year, and since the relevant policy was published;
- (e) details of any Neighbourhood Development Order or Neighbourhood Plans that had been published;
- (f) progress against any Community Infrastructure Levy (CIL) tariff that had been adopted;
- (g) any action that had been taken under the duty to co-operate.

The regulations did not specify a timetable over which monitoring reports must be published, but did not set out that information that was collected for monitoring purposes should be made available as soon as possible after it was collected. This information must be made available on the Council's website, and at principal offices. It was necessary for the Council to identify from the outset, the frequency at which update Monitoring reports would be published.

The consultation questions and proposed responses were as follows:

- (1) (a) Do you agree that the revised regulations effectively reflect the changes proposed in the Localism Bill?

Agree

- (b) If you have any comments please enter these below:

The stated intention of the Localism Bill is to return control of the plan making process to local authorities and local communities. The revised draft Regulations reflect this intention.

- (2) (a) Do you agree with the list of bodies included in the duty to cooperate?

Agree

- (b) If you have any comments please enter these below:

The proposed list of organisations within the regulations, in addition to those specified in the emerging Localism Bill appears to be appropriate. However, there are concerns over whether all of these organisations have sufficient resources available to engage effectively. The Panel members added that local councils should be added to this list.

- (3) (a) Do you agree the revised regulations effectively consolidate the 2004 regulations with the revisions in 2008 and 2009?

Agree

- (4) (a) Are there any ways in which the regulations should be changed in order to improve the process of preparing local plans, within the powers set out in the Planning and Compulsory Purchase Act 2004 and the Localism Bill?

Yes

(b) If "Yes", please specify below:

The continued use of the terms "local development document" and "development plan document" is confusing, particularly when the draft NPPF makes clear that the term "local plan" is favoured. It would be helpful for consistent terminology to be used.

RECOMMENDED:

(1) That the report regarding the response to the Local Planning Regulations (CLG) be noted;

(2) That the responses to the consultation questions be submitted to the Communities and Local Government (CLG) in addition, under (2)(b) that local councils be added to the proposed list of organisations within the regulations; and

(3) That the procedure agreed by the Overview and Scrutiny Committee on 24 January 2011 (Minute Item 70) be utilised to ensure that these responses are made to the Department of Communities and Local Government by the deadline.

31. ANY OTHER BUSINESS

It was advised that site visits would be taking place on the 8 October 2011 for Panel members, which formed part of the Panel's Work Programme. A subsequent report would be submitted to a future Panel meeting.

32. DATES OF FUTURE MEETINGS

The next programmed meeting of the Panel was scheduled for Tuesday 20 December 2011 at 7.30p.m. and thereafter on:

Tuesday 7 February 2012; and
Tuesday 24 April