

Report to the Council

Committee: Cabinet
Date: 25 February 2021
Subject: Planning and Sustainability Portfolio
Portfolio Holder: Councillor N Bedford

Recommending:

That the report of the Planning and Sustainability Portfolio Holder be noted.

1. Local Plan progress update

Following the hearing sessions for the Independent Examination of the Local Plan, the Inspector released her Advice on 2 August 2019. Within her advice the Inspector set out a number of changes to the Plan which are required to remedy issues of soundness in the form of Main Modifications (MMs).

In accordance with the high level programme in the Council's response to the Inspector, dated 24 April 2020, the Team worked hard to ensure that the final tranche of Main Modifications (MMs) were submitted to the Inspector in September with a view to consultation on the MMs as soon as possible thereafter. However, the Inspector wrote to the Council on 2 October 2020 (ED115) to advise that due to other work commitments during October and November it was unlikely that she would be able to provide a full response immediately. The Inspector provided an update on progress on 8 February 2021 (ED118) advising that the volume and complexity of the documentation means that progress of finalising the MM schedule is taking some time and the current lockdown measures have unfortunately prolonged it. She hopes to be able to provide more information on next steps shortly.

The Habitats Regulations Assessment is being updated to take account of the Interim Air Pollution Mitigation Strategy and will be finalised to take account of the Green Infrastructure Strategy due to be considered by Cabinet in March.

At the meeting of Council on 8 February 2021 the Council agreed that the Cabinet Member for Planning and Sustainability will form a cross party Portfolio Holder Advisory Group in no more than 1 month from the date of this resolution; and the Group is formed to support the Portfolio Holder in the delivery of the Interim Air Pollution Mitigation Strategy and provide oversight of the work of the Technical Stakeholder Group. This could include working with officers to identify where further initiatives not identified in the APMS could be brought forward to advance Air Quality Improvements with the objective of removing the need to introduce a Clean Air Zone (CAZ). Alongside the acceleration and enhancement of mitigation measures the Portfolio Holder Advisory Group will provide democratic oversight of the development of any CAZ scheme prior to its consideration through the Council's formal decision-making processes and public consultation on it in the event that future air quality monitoring and modelling continues to demonstrate that, even after the acceleration and enhancement mitigation measures, a CAZ is required.

2. Draft Green Infrastructure Strategy

Following consultation on the draft Green Infrastructure Strategy last year the final strategy will be reported to Cabinet on 11 March 2021 for endorsement as a material consideration in the determination of planning applications, masterplans/concept frameworks and guide design and implementation processes.

3. Draft Sustainability Guidance

On 19 September 2019 the Council declared a Climate Emergency, including a resolution to do everything within the Council's power to make Epping Forest District Council area carbon neutral by 2030. To support the declaration and policies in the emerging Local Plan in relation to sustainable and high quality design and construction of developments the Council has consulted on two EFDC draft Sustainability Guidance documents for use across the District; one for Major Developments (10+ units) and one for Minor Developments (1-9 units) between 2 November 2020 and 14 December 2020. The responses have been considered and the final guidance will go back to Cabinet for endorsement as a material consideration on 11 March 2021. Work has progressed on a third document relating to the retrofit and refurbishment of existing buildings and a draft will be included in the report to Cabinet. The guidance is still waiting the work being prepared by the Retrofit Working Group of the London Energy Transformation Initiative (LETI) and will be consulted on once this work is available to be included as part of the consultation.

4. Harlow and Gilston Garden Town

A capacity fund bid was submitted to Homes England in early September for future funding, and the Garden Town is still awaiting the outcome of this bid. Recent work has included the Sustainable and Healthy Living consultation running from 02 November to 14 December 2020 on the draft HGGT Sustainability Guidance and draft Healthy Garden Town Framework. These are due to go to the March Garden Town Board and EFDC Cabinet for endorsement

At the last Garden Town Member Board on 1 February and overview of the work programme for 2021 was provided. The HGGT project is now moving from a policy making focus towards a focus on the delivery phase of the project. One of the key priorities is therefore the design and implementation of appropriate governance arrangements – following a decision in early 2020 a Local Authority Garden Town Board and a Local Authority owned Combined Delivery Service are being proposed. This is to ensure that what is currently an informal partnership arrangement becomes a formally constituted entity owned and led by five Authorities to realise the physical delivery of the Garden Town across Authority boundaries. Professional support has been commissioned by the HGGT to produce a business plan for the Combined Delivery Service.

On behalf of the HGGT, Herts CC have been successful in securing £172m of Housing Investment Grant funding from Government for the forward funding of delivery of Garden Town related Transport Infrastructure initially focussed on the Gilston development and the subsequent creation of a Rolling Infrastructure Fund (RIF) to operate across the whole Garden Town. Herts CC as the accountable body, will receive the funding and agreements will be in place with Essex CC and Places for People in their capacity as the developer, in order to contract to implement the infrastructure. Partner support to enter in to contract with Homes England in order to fully secure and release the HIG funding is crucial to the success of the HGGT project and is an absolute priority for the partnership in 2021.

Sustainable Movement and achieving the 60% shift to sustainable modes of transport within new communities and 50% within existing communities remains a key objective of the Garden Town Vision. Consultation on the draft HGGT Transport Strategy was undertaken during the first part of 2020. During 2021, consultation will also be undertaken as part of the development of the Local Cycling and Walking Implementation Plan (LCWIP).

5. Further government measures to support delivery of better designed homes, streets and neighbourhoods

On 30 January 2021 the Government launched a package of measures to support the delivery of better designed and more sustainable homes, streets and neighbourhoods in England. Alongside the Government's response to the Building Better, Building Beautiful Commission's recommendations, updates to the National Planning Policy Framework were issued for consultation. The consultation runs from 30 January to 27 March 2021:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957295/Draft_NPPF_for_consultation.pdf. The proposed policy changes seek to ensure the system helps to create more attractive buildings and places, while maintaining the NPPF's existing strong focus on delivering the homes and other development which communities need. The changes will make beauty and placemaking a strategic theme in the NPPF, set out the expectation that local authorities produce their own design codes and place an emphasis on granting approval to schemes that are well-designed. Proposed changes also include an expectation that all new streets should be treelined and that there are improvements in biodiversity and access to nature through design.

The National Design Code has been also been launched alongside a pilot programme (see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957205/National_Model_Design_Code.pdf). As part of this programme, interested local authorities are invited to submit expressions of interest to take part in pilot programmes to apply design coding in their areas with funding of £50,000 per project available. As set out in Policy DM 9 in the emerging local plan Design Codes will be required to be produced and agreed to support the implementation of the Strategic Masterplans. The Council is therefore intending to submit a bid.

6. Development Management Planning Applications

Planning application income up to the end of January 2021, including Pre-application fees, was £883,887, which is a shortfall of £273,734 against a budget estimate that is profiled on a 3-year actual average. This has picked up in the last couple of months from that previously reported, mainly as a result of three high fee scale planning application submissions such that the income received level is now higher than that received at this stage in 2017/18 (application fees in 2018/19 and 2019/20 were the highest recorded).

Virtual Planning Committee meetings with public participation are being held in general on a weekly basis such that decisions are being taken with all relevant information available through Zoom. It continues to be generally well received by the public, acknowledging that we are trying to ensure that these committees are run as normal as possible.

7. Preparations to release Planning decisions held up by the SAC

The Development Management team has been preparing since November 2020 to release the backlog of planning application decisions that have been held up by the lack of an agreed Air Quality Mitigation Strategy. Around 220 decisions could not be released, and re-assessment of the applications is ongoing. With the Interim Strategy finally approved by

Council on 8 February 2021 it is anticipated that the first decisions will be released during the second part of February 2021.

8. Publication of Development Management and Enforcement Service Charters

During January 2021 new Service Charters for the Development Management and Enforcement teams were published:

<https://www.eppingforestdc.gov.uk/planning-and-building/development-management-service-charter/>

<https://www.eppingforestdc.gov.uk/planning-and-building/planning-enforcement-service-charter/>

The charters clearly set out the manner in which the respective services will be delivered, explaining to service users the basic levels of service they may expect when engaging with the teams by telephone and email contact, and it commits the service to shorter turnaround times for pre-application advice requests.

9. Fees and Charges

The Development Management Service has reviewed its schedule of fees and charges, and a decision has been taken to standardise fees to be charged for any activities (such as pre-application advice, research fees and provision of information) at an hourly rate of £140 from 1 April 2021. This revision constitutes a modest increase in the current fees and are intended to contribute to the self-financing of the service as planning application fees generally do not finance the full cost of the Development Management service. The service will continue to provide information that it has statutory duty to provide (Statutory Planning & Enforcement Registers) free of charge.

10. Review of Enforcement Plan

The Enforcement Plan is currently under review, and it is intended to ask for adoption of the plan in the fourth quarter of 2020/2021. The draft update commits the service to general good practice, active performance management, revised priority categories and associated response times for enforcement complaints and clearly sets out the service's approach to planning enforcement matters as suggested in the National Planning Policy Framework (NPPF).

11. Digital Planning and Building Control Project

The Planning and Building Control services have secured funding for the procurement and implementation of a new back-office and mobile working solution that will enable a single working space for all officers to complete their day-to day tasks from anywhere on any device. The chosen supplier is delivering a powerful case management system, a modern and intuitive customer portal and real-time business intelligence and reporting to support performance and time management for officers and managers, driving efficiency savings and an enhanced user and customer experience supporting the channel shift ambitions of the service to digital and flexible ways of working.

12. Proactive planning enforcement

The Planning Enforcement Team have been called out to deal with two high profile cases in the last two months:

- Land north of Heathlands, Norton Heath, Willingale – Officers were called to deal with nine Traveller mobile homes moving onto the land over a weekend before Christmas. Planning Enforcement and Legal were proactive in obtaining and serving a High Court Injunction within 72 hours of the offence. Legal action is ongoing and Planning Enforcement notices are also being served after the refusal of the retrospective planning application to develop the site.
- Old Foresters/Station Hill, Theydon Bois – Officers were called to deal with four mobile homes being brought onto the site without planning permission. An officer was on site when these arrived and the mobile homes were not stationed on the land. Initial preparations were made to obtain an injunction but no subsequent breach has occurred on the site although investigations have been complex and time consuming. Enforcement officer response has been swift as the site has been subject to considerable local concern and person(s) unknown attempted to block access to the site via Station Hill.