

Report to the Council

Committee: Cabinet
Date: 29 July 2021
Subject: Planning and Sustainability Portfolio
Portfolio Holder: Councillor Nigel Bedford

Recommending:

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

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 actions which needed to be addressed in the form of Main Modifications (MMs) to the Local Plan.

The proposed Main Modifications are set out in a single document. This includes modifications relating to the Local Plan Submission Version (LPSV) 2017 and all its appendices, including Appendix 6 (site allocation).

The MMs do not alter the strategy of the LPSV (2017) (i.e. that focus of growth is in the Garden Communities around Harlow and at the larger settlements within EFDC) with a strong emphasis on the use of previously developed land and minimising the loss of Green Belt. The MMs do not propose any new residential, traveller or employment site allocations to the LPSV (2017). Some MMs are also made to pick up on drafting inaccuracies or are factual updates required.

The MMs consultation is an opportunity for people to make representations on the proposed changes to the published LPSV 2017, including the supporting documents that have informed these changes.

It had been anticipated that the consultation would be launched on 8th July. However, at the time of producing this report, there is a short delay to the start of the Main Modifications consultation as the Council is working with the Inspector to finalise all elements, including responding to supplementary questions. Members will be informed as soon as we have confirmed a new launch date.

Early briefings have been completed with Full Council (28th June) and Town and Parish Council briefing (8th July).

Following the consultation, the Council will forward all representations to the Planning Inspector for her consideration. The Council is also required to consider the responses to each MM and provide a summary Council response per MM. Once the Inspector has considered the responses, including the evidence presented throughout the duration of the Examination, she will determine whether the Local Plan is 'sound' and produce a written report outlining her final recommendations. Following receipt of the Inspector's report, the Plan can be formally

adopted by the Council. It should be noted that the Planning Inspector is able to call further hearing sessions if she determines that they are required.

1. Housing Action Plan

Annually, MHCLG publishes a Housing Delivery Test (HDT) measurement which calculates the number of new homes built in the past 3 financial years and divides this by the number of new homes required. The latest Housing Delivery Test (HDT), published in January 2021, calculates the HDT measurement for Epping Forest between April 2017 to March 2020 as 49%. As the HDT is below 95%, the Council is required to prepare a Housing Action Plan.

The reasons for under delivery, below MHCLG's requirement figure, include planning applications being held in abeyance pending the identification of an acceptable air quality mitigation strategy to manage the adverse effects of atmospheric pollution arising from additional vehicles using roads in the vicinity of the EFSAC. It also includes the delayed submission of the Local Plan (LPSV), primarily because of a judicial review and the consequential delay to the adoption of the Local Plan, which has impacted upon the delivery of Local Plan allocations and commitments.

The Draft Housing Action Plan was considered at the Cabinet meeting on 12th July and builds upon the Council's Housing Implementation Strategy (HIS) Update 2019 (EB410A).

Key interventions to accelerate housing delivery include the adoption of the Local Plan, thereby releasing housing allocations for development, the focused work on major sites and masterplanning through a dedicated Implementation Team, the Council's House Building Programme and its development company – Qualis.

2. Neighbourhood Planning

Neighbourhood Planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Local Planning Authorities are required to facilitate Neighbourhood Planning and constructively engage with communities throughout the process.

On 25 May 2021 Lambourne Parish Council wrote to the Council to request the designation of the whole Parish of Lambourne as a neighbourhood area. The Local Plan Area was approved on 10th June 2021. The Policy Team are also working with Waltham Abbey and North Weald Bassett Neighbourhood Plans.

The Planning Policy Team are also working with the Rural Community Council of Essex (RCCE) to deliver support to Town and Parish Councils in producing Neighbourhood plan and also Design Statements. RCCE takes on the role of enabler and facilitator, ensuring that local residents genuinely lead the decision making process.

3. Harlow and Gilston Garden Town (HGGT)

The HGGT project is now moving towards a focus on the delivery phase of the project. One of the key priorities is the design and implementation of appropriate governance arrangements. Naisha Polaine was appointed to the position of HGGT Director in April this year. She and the team are spearheading a review of the current challenges facing the informal partnership of five local authorities that together make up the Harlow and Gilston Garden Town and scoping out what the next iteration of the partnership is. This formalisation of the partnership will allow the respective corporate risks and demands on the individual authorities to be shared and accounted for. It will also allow the combined strength of the partnership to be fully mobilised to realise the immense opportunity to deliver a nationally groundbreaking model of local co-operation, delivering large-scale growth and regeneration at pace. It may well also open other avenues of public and private sector funding sources.

A recommendation was presented to the June Garden Town Board for a Lead Member led Governance Task and Finish Group to be established as soon as possible. This will consider, design, and propose the joint-working arrangements for the Partnership going forward, consisting of a lead member and a lead officer from each of the partner Authorities, and present the Governance recommendations to the wider HGGT Partnership Board by August 2021.

4. Development Management

Planning Applications

Work continues to release planning decisions held back by the Epping Forest Special Area of Conservation and 16 planning permission have been released, subject to appropriate air quality mitigation measures, unlocking 42 dwelling to contribute to the housing stock of the District. DDMC also agreed at their 7 July meeting to the release of 3 further applications that equates to an additional 40 dwellings.

There were two notable planning decisions made in the last month.

The first by Next, who submitted a planning application at Dowding Way, Waltham Abbey proposing the erection of a warehouse (Use Class B8) with ancillary accommodation & photo studio (sui generis); a multi-storey car park with associated bridge link, a signalised junction to A121 and shared foot and cycle links including a connection to the Public Right of Way network, was refused after a four hour long Full Council Extraordinary Meeting on 24 June 2021, against officer advice and recommendation, so we await now the inevitable appeal against this eight reason refusal.

Second, following a public inquiry concerning two planning applications on the Epping Forest College and Borders Lane sites, The Inspector allowed both appeals on 15 June 2021. These sites are for allocation in the emerging Local Plan under ref: LOU.R4 (Borders Lane Playing Fields) and LOU.R9 (Land at Former Epping Forest College) and proposed 139 residential units on the “middle site” on the north side of Borders Lane next to the College site and (planning application ref: EPF/2905/19) and 285 residential dwellings and Wellness Centre (Use Class D1) at Former Playing Fields, Epping Forest College, Borders Lane (planning application ref: EPF/0379/20).

Both appeals were against the non-determination of the planning applications by the Local Planning Authority, however, the Council asserted during the appeal that had the LPA determined the planning applications that they would have been refused. Both appeals were being challenged on the grounds of design/character and poor level of amenity for future occupiers; adverse impact on the SAC; viability and the absence of infrastructure (education, health, highway, open space and community facilities). The Borders Lane playing fields appeal was also being challenged on the grounds of over provision of car parking, contrary to the site specific requirements of the emerging Local Plan policy LOU.R4.

The Appeal Inspector concluded that he found no conflict with the Council’s policies and he identified that as the District has a substantial shortfall in housing delivery there would be very significant benefits arise from the early delivery of housing on these sites. He gave substantial weight to the emerging Local Plan.

Whilst not stated specifically by the Inspector, other deciding factors no doubt was that the sites are located in sustainable locations with close proximity to a local shopping centre, public transport including Debden tube station, education and open space (Roding Valley Nature

Reserve and playing fields) and it is not taking up Green Belt land, plus both sites are allocated in the emerging local plan for residential.

In addition, by the close of the appeal, the Council had negotiated with the appellant and agreed a position in respect of the package of measures required to mitigate the impact on the SAC, which included 50% EV charging points. The Council had also agreed on a 'without prejudice basis' a package of planning obligations within a signed S106 agreement that included 22 affordable units for Appeal A, 85 affordable units for Appeal B, a financial contributions towards early years, secondary education, GP surgeries, site specific green infrastructure projects, EFSAC recreational pressure and air pollution mitigation, and off-site affordable housing contribution. The proposals also included the provision of the Wellness Centre at an approximate cost of £4.7 million.

Planning Enforcement

During the month of June the Development Management Service undertook a consultation on an update Local Enforcement Plan. All District Council Members were invited to comment, as well as all EFDC Town and Parish Councils. Three responses were received, so it is planned that the updated Local Enforcement Plan will be formally adopted in July 2021 by Portfolio Holder sign-off.

The Planning Enforcement team secured another successful prosecution on 18 May 2021 at Southend Magistrates Court when a transgressor pleaded guilty to breaching the requirements to remove assault course structures, hard standing and associated materials from land at Lyngs Farm, Nupers Hatch Stapleford Abbots. The transgressor was fined £1428 and ordered to pay costs of £1742 and a victim surcharge of £140.

5. Portfolio Holder Advisory Group on Air Pollution Mitigation Strategy

In addition to the delivery of the environmental and air quality strategies supporting the Local Plan, as you are aware, I have drawn together an advisory group to include opposition party members and contribution for Essex County Council and the Corporation of London, of which so far, three meetings have taken place.

I can report that considerable progress has been made by the group since its inception and there are several additional ideas and suggestions made by the group in addition to those in the Interim APMS that are currently being investigated prior to possible implementation. However, the groups success will be heavily dependent on the ideas generated by the group, the evaluation of these ideas and advice given on their implementation. All members of the group are thanked so far for their contributions to date but will need to remain active in this regard over the following months.

A progress report will be submitted to the (date to be inserted) Cabinet Meeting.