

Report to the Council

Committee: Cabinet
Date: 28 October 2021
Subject: Planning and Sustainability Portfolio
Portfolio Holder: Councillor Nigel 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 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 specific requirements).

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 address drafting inaccuracies or are factual updates required.

The MMs consultation commenced on 15th July 2021 and closed at 5pm on 23rd September 2021.

Specific elements of the consultation included a District Member, Local Council and Developer Forum briefing sessions, presentation of all consultation materials and guidance on the Plan Examination/Council website, ensuring the availability of hardcopy materials at points within the District (taking into account any COVID19 restrictions), communication with the consultee database, a series of Council press releases and communication via social media. Officers responded to individual questions and provided support in navigating the material during the consultation.

Although work is ongoing to review the representations, initial analysis suggests that approximately 228 representators have submitted 877 separate representations on the Main Modifications and the supporting documents. The number of representations from members of the public total 289, the number from Statutory Consultees total 252, the number from Landowners and Agents total 212 and 'Others' total 124.

The full representations will be forwarded to the Inspector together with a summary report which has been requested by the Inspector to help navigate through the documentation and

collate representations by Main Modification. The representations and the summary report will be available on the EFDC website.

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 and providing it is determined the Plan is 'sound', it will be considered by the Council and can be adopted if it makes the Main Modifications recommended.

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 16th September, 2021, Ongar Parish Council resolved to submit the Ongar Neighbourhood Plan to Epping Forest District Council. The Planning Policy Team are currently in the process of checking that the submitted Neighbourhood Plan has followed the proper legal process and that the legal requirements for consultation and publicity have been followed. The Council's HRA and SEA screening opinion will be updated to reflect the most recent version of the Neighbourhood Plan. The Council will commence a 6 week consultation (known as a Regulation 16 consultation) shortly. Following the consultation period, the Neighbourhood Plan will be submitted for examination.

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 plans 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)

Work has been progressing at pace, to set a new direction for designing and implementing effective governance for the Garden Town. A Task and Finish Group of Lead Members and Officers from the five authorities was established to review HGGT Governance options, with a preferred option of the establishment of a 5 Council Joint Committee using a Lead Authority model to deliver the Garden Town Vision and programme. Further work by officers and members to consider outcomes and recommendations is ongoing, with Officers continuing to work towards Members' request that a Joint Committee go live for April 2022.

A report setting out the endorsement process for Strategic Masterplans and Planning Applications within the Garden Town is going to the HGGT Board in October, which gives further clarity on the process and programme for how the EFDC Garden Communities sites engage and brief the HGGT Board. The HGGT Transport Strategy and Rolling Infrastructure Fund MoU are also going to the HGGT Board in October for endorsement and these will each then return to the EFDC Cabinet in December for endorsement.

The HGGT Infrastructure Delivery Plan Review is in its final stages of completion with partners currently being engaged. Work is ongoing on Sustainable Transport Corridors design work and engagement, the Garden Town LCWIP and Stewardship arrangement proposals.

The HGGT Communications and Engagement Strategy was approved by the HGGT Board on July 27 with a recommendation that the Senior Management Teams of all five Garden Town

council partners receive a copy for endorsement. This has been reviewed by EFDC Leadership Team and relevant Portfolio-Holders and endorsed for use at EFDC in relation to all communications directly and indirectly related to the HGGT project.

The HGGT Sustainability Guidance and Checklist has been shortlisted as a finalist for the Urban Design Group Awards – it will be published as an example of Best Practice in their forthcoming Urban Design Journal.

Homes England are yet to announce the Capacity Fund Bid Round for 2021-22 and advise that this is still with Ministers at DLUHG for consideration.

4 Development Management

Planning Applications

The Special Area of Conservation (SAC) backlog consisted of about 260 planning applications where decisions had not been issued, which were split into three separate tranches to reflect the agreed sequence for release in the approved protocol of the Interim Air Pollution Mitigation Strategy (APMS). The agreed sequence was firstly, cases that had been previously reported to Planning Committees, secondly the Local Plan allocated/designated sites and thirdly, all remaining applications in date order of their validation.

The first tranche of backlog cases (committee cases) have been either issued or are pending awaiting from applicants the finalisation of the s.106 agreement. The remaining 230 applications have been reviewed by Planning Application & Appeals Team Manager and the SAC project planning officer to ensure they are consistent with Local Plan policies. This part of the process took approximately 4 months to complete.

To date, 58 planning permissions have been successfully released equating to 132 dwellings. 14 applications have been withdrawn and 5 have been refused planning permission. Where delays in releasing decision have and/or continue to occur is largely attributed to the following factors:

1. Officer review of cases (now complete);
2. Having to regularly explain the process to applicant's agents, despite clear and consistent messaging from the Project Officer and updating on releasing decisions on the Council website;
3. Incorrectly completed S106 Agreements or requested information being returned by Applicants/Agents;
4. Some of the third tranche cases requires planning committee's determination before progressing S106s and decisions (50 in total). Additional planning committee meetings will be required to those timetabled.

We anticipate that the backlog will be cleared by the end of this financial year.

Planning Enforcement

The updated Local Enforcement Plan will be published during October, committing the service to amended priority categories and associated site visit target dates. The Development Management Service Manager was invited to attend the North Weald Bassett Parish Council meeting on 6 September 2021 to speak about planning enforcement matters, and a useful general update on enforcement activities was given, with specific updates on current enforcement investigations in the Parish area subsequently provided in writing.

5. Climate Change

Finally, to end on a positive note, consultation on the Climate Change Action Plan was fully launched 12th October and will run until 26th November. Events planned and attended include a Stay Well event 11th Oct, Members briefing October 14th, Youth Council in November and a Community Q&A on October 26th. The climate change webpages are now live on our Website.