

# ***Report to the Council***

**Committee:** Cabinet  
**Date:** 24 February 2022  
**Subject:** Planning and Sustainability Portfolio  
**Portfolio Holder:** Councillor Nigel Bedford

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## **Recommending:**

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

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### **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 MMs consultation commenced on 15<sup>th</sup> July 2021 and closed at 5pm on 23<sup>rd</sup> September 2021.

The Inspectors have received copies of all the representations submitted in response to the consultation on the proposed Main Modifications to the Local Plan together with summary reports which help navigate through the documentation and collate representations by Main Modification. The representations and the summary reports are available on the EFDC website.

The Inspectors will determine whether the Local Plan is 'sound' and produce a written report outlining their final recommendations. This Final report is expected in the first quarter of 2022. Following receipt of the Inspectors' 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.

Planning Policy is undertaking consultation until 22<sup>nd</sup> February on Volume 3 of its Sustainability Guidance covering refurbishments and extensions. This document provides practical and technical guidance on how relevant sustainability indicators and policies in the Local Plan will be applied to residential extensions and refurbishments across the District. Once approved, the Guidance will sit alongside the already published Volumes 1 and 2 relating to major and minor developments respectively.

North Weald Airfield draft Strategic Masterplan Framework was endorsed by Cabinet on 8<sup>th</sup> November for public consultation. The consultants Soundings will run and manage the public consultation on behalf of the Council. This will be held between Wednesday 8<sup>th</sup> December 2021 and Sundays 30<sup>th</sup> January 2022. Two virtual sessions were held on 11<sup>th</sup> and 19<sup>th</sup> January with consultation material available online from 8<sup>th</sup> December. A drop-in consultation is also planned for 29<sup>th</sup> January between 11am and 3pm in North Weald. The Council is also meeting and engaging with North Weald Parish Council. Statutory consultees such as ECC Highways

will also be consulted on the details of the masterplan framework. Following the close of the consultation, the Masterplan will be reviewed and subject to any amendments, referred back to Cabinet for its endorsement.

## **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.

Ongar Parish Council has submitted the Ongar Neighbourhood Plan to Epping Forest District Council. The Planning Policy Team has checked 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 has undertaken a 6 week consultation (known as a Regulation 16 consultation) on the Plan (ending on Thursday 23 December 2021) and is preparing for the Plan's examination.

## **3 Harlow and Gilston Garden Town (HGGT)**

A Stage 1 Governance report setting out new arrangements for the governance of the Garden Town is being prepared following ongoing discussions with the Task and Finish group of Lead Members and Officers, with a view to go to HGGT partner authorities' Cabinets and Executives in January/ February 2022.

A Memorandum of Understanding (MoU) for the Rolling Infrastructure Fund (RIF) is recommended to be agreed by Cabinet in December, alongside agreement to set up and operate the RIF 'in principle' subject to further detailed work on appropriate governance and operational arrangements. It has been agreed to govern the RIF initially in accordance with the approved MoU, as required by Homes England as a condition of the £171m Housing Infrastructure Grant funding.

The HGGT Transport Strategy was approved by the Garden Town Board in October and is now going through the process of endorsement by the HGGT partner authorities in order for it to have material planning weight and was approved by EFDC Cabinet on 25 January 2022, having been reviewed by Overview and Scrutiny Committee in November 2021, with a recommendation for endorsement.

A Capacity Fund Bid is being prepared by the HGGT team, with the expectation that Homes England will announce the Capacity Fund Bid Round for 2021-22 by December.

## **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.

To date, 124 planning permissions have been successfully released equating to 173 dwellings (which includes dwellings for nursery workers). 14 applications have been withdrawn and 5 have been refused planning permission. It is anticipated that the Planning permission for residential development of the St Thomas More site in Debden (allocated site LOU.R16) will be issued at the end of January or the beginning of February, which will add a further 26 dwellings to the housing stock – the development includes a new community centre.

Where delays in releasing decisions have occurred, or continue to occur, it may be 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 require planning committee's determination before progressing S106s and decisions (50 in total). Additional planning committee meetings will be required to those timetabled and it is planned that this process will be completed in April 2022.

The Authority is now working with an external legal service provider to ensure sufficient resources are available to secure the expedited signing and completion of legal obligations.

### **Planning Enforcement**

The Planning Enforcement Team continues to secure successful prosecutions in instances where transgressors do not comply with the requirements of Enforcement Notices.

Most recent successes are:

- A transgressor was convicted and fined £30,800 (and £6,477 awarded in costs) for failure to remove a hard standing at a property in Ripley View, Loughton. The transgressor was previously fined £22,000 (reduced on appeal). The offending development has now been removed.
- The Enforcement Team has recently secured guilty pleas for failure to cease unauthorised changes of use in breach of Planning Enforcement Notices at Sarnia and Providence Nurseries in Avey Lane, Waltham Abbey. Sentencing and Proceeds of Crime confiscation proceedings will take place in January 2022 and members will be updated on the matter at the appropriate time.
- Enforcement action was taken against an unauthorised traveller encampment and associated operational development at the Old Foresters site in Theydon Bois during October 2021. The site has now been vacated and the Authority is pursuing the removal of an unauthorised hard standing and an earth bund.

## **5 Climate Change**

A report on the outcomes of the Climate Change Action Plan Consultation, which took place between 12<sup>th</sup> October and 26<sup>th</sup> November 2021, has been agreed to go to Overview and Scrutiny on 31st March with the updated Action Plan then going to Cabinet on 11th April.