EPPING FOREST DISTRICT COUNCIL
COMMITTEE MINUTES

Committee:	Local Development Framework Cabinet Committee	**Date:**	9 November 2009
Place:	Council Chamber, Civic Offices, High Street, Epping	**Time:**	7.05 - 9.25 pm
Members Present:	Mrs D Collins (Chairman), R Bassett, B Rolfe, Mrs M Sartin and Ms S Stavrou		
Other Councillors:	Mrs A Cooper, R Frankel, Mrs A Grigg, Mrs M McEwen, Mrs P Smith, D Stallan, C Whitbread and J M Whitehouse		
Apologies:	M Cohen		
Officers Present:	J Preston (Director of Planning and Economic Development), I White (Forward Planning Manager), A Wintle (Principal Planning Officer), S G Hill (Senior Democratic Services Officer) and G J Woodhall (Democratic Services Officer)		

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10. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

11. ORDER OF BUSINESS

The Chairman proposed that a change be made to the order of business, in that the update on the Gypsy & Traveller Development Plan Document be considered before the item regarding the Essex County Council Consultation on Mineral Extraction.

RESOLVED:

That the update on the Gypsy & Traveller Development Plan Document be considered before the Essex County Council Consultation regarding Mineral Extraction.

12. VICE-CHAIRMAN

As the Chairman had resolved to leave the meeting for the item regarding the Essex County Council Consultation on Mineral Extraction, nominations were sought for a Vice-Chairman.

RESOLVED:

That Councillor Mrs M Sartin be appointed Vice-Chairman for the duration of the meeting.

13. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Collins declared a personal interest in agenda item 8, Essex County Council Consultation – "Minerals Development Document: Site Allocations – Issues & Options Paper". The Councillor had determined that her interest was not prejudicial but would leave the meeting anyway for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor B Rolfe declared a personal interest in agenda item 8, Essex County Council Consultation – "Minerals Development Document: Site Allocations – Issues & Options Paper", as the Councillor had been party to discussions at the Parish Council. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M Sartin declared a personal interest in agenda item 9, Gypsy and Traveller Development Plan Document, as the Councillor's husband had responded to the initial consultation as a resident of Roydon. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(d) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 9, Gypsy and Traveller Development Plan Document, as the Councillor had supported the response of North Weald Bassett Parish Council and had responded as a resident to the initial consultation. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(e) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 9, Gypsy and Traveller Development Plan Document, as the Councillor had responded as a resident of Epping to the initial consultation. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(f) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Grigg declared a personal interest in agenda item 9, Gypsy and Traveller Development Plan Document, as the Councillor had supported the response of North Weald Bassett Parish Council and had responded as a resident to the initial consultation. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(g) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Smith declared a personal interest in agenda item 9, Gypsy and Traveller Development Plan Document, as the Councillor had responded as a resident of Epping Upland to the initial consultation. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(h) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Cooper declared a personal interest in agenda item 9, Gypsy and Traveller Development Plan Document, as the Councillor had responded as a resident of Nazeing to the initial consultation. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(i) Pursuant to the Council's Code of Member Conduct, Councillor B Rolfe declared a personal interest in agenda item 9, Gypsy and Traveller Development Plan Document, as the Councillor had responded as a resident of Epping to the initial

consultation. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(j) Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Collins declared a personal interest in agenda item 9, Gypsy and Traveller Development Plan Document, as the Councillor had supported the response of Theydon Garnon Parish Council and had responded as a resident to the initial consultation. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

14. MINUTES

RESOLVED:

That the minutes of the meeting held on 10 September 2009 be taken as read and signed by the Chairman as a correct record.

15. TERMS OF REFERENCE

The Cabinet Committee noted its Terms of Reference, as agreed by the Council on 17 February 2009 (minute 113(a) refers).

16. ANY OTHER BUSINESS

In accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the Chairman had permitted the following item of urgent business to be considered following the publication of the agenda:

(i) EERA Consultation – 2031 Scenarios for Housing & Economic Development.

17. EERA CONSULTATION - 2031 SCENARIOS FOR HOUSING & ECONOMIC DEVELOPMENT

The Forward Planning Manager presented a report regarding the consultation being undertaken by the East of England Regional Assembly on scenarios for housing and economic growth for the period between 2011 and 2031.

The Forward Planning Manager reported that the East of England Plan was being partially reviewed to roll it forward to 2031, and a consultation exercise had been prepared by the Regional Assembly. Four growth scenarios covering the period 2011 to 2031 had been described, with three questions being directly about these and one on the regional impacts of the scenarios. The consultation also asked about the extent of the review of the Plan, notably whether its vision and objectives remained suitable, and whether other policies should be included in the review. The results of this consultation would enable the Regional Assembly to prepare a draft plan in 2010 for full public consultation.

The Forward Planning Manager stated that the document had not made clear that much of Harlow's growth would have to be located in adjoining districts, including Epping Forest. Housing and economic growth, particularly in the quantities proposed in scenarios 3 and 4, potentially affected the whole of the District. Officers were of the opinion that a fifth scenario should have been presented, which provided a more realistic assessment of the necessary infrastructure for delivering housing and economic growth. Of the four scenarios presented, the first scenario was the preferred with a target of 160 new houses being provided per year in the District for

the next twenty years. There had been no consideration of the impact of the scenarios upon the Green Belt, and Officers felt that policies H3 (Provision for Gypsy & Travellers) and H4 (Provision for Travelling Showpeople) should also be included in the next review.

In addition to the Council's own response, a joint response to the consultation by all Essex Local Authorities had been proposed by Essex County Council and the Council was being asked to become a signatory. It was also felt that the Planning Services Scrutiny Panel should be invited to consider the Council's proposed response and comment accordingly. The consultation was due to close on 24 November 2009.

The Committee were concerned that as the County Council were not agreeing the final text of the proposed Joint Essex Response until 1 December 2009, the Council was being asked to become a signatory to a draft response which could be substantially altered. The Committee felt that it was right for the Council to agree to sign up to the Joint Response, but that it should retain the right to comment further if the Joint Response altered significantly from the draft copy. Officers agreed to make copies of the draft Joint Response available for the Planning Services Scrutiny Panel on 10 November 2009. The Committee accepted that housing targets usually ignored the provision of the necessary infrastructure, but was surprised that there had been no consideration of the current economic downturn. It was acknowledged that if housing growth was greater than job growth then each of the scenarios was likely to lead to increased commuting. The Committee felt that it was right to emphasise protection of the Green Belt within the regional impact assessment as it was a significant important issue within the District.

RECOMMENDED:

(1) That the first six questions of the consultation be responded to as follows:

(a) That a fifth scenario should be considered which deals with the realistic assessment of infrastructure provision in terms of the implications for deliverable housing and economic growth;

(b) That the information on Harlow's future growth was misleading. The consultation document should give far more detail about how the figures for the 4 scenarios were going to be split between Harlow, East Herts and this District. This authority also believed that the growth totals proposed in scenarios 3 and 4 were unrealistic and undeliverable in this District;

(c) That scenario 1 of the four in the consultation was preferred, but the fifth scenario (in (a) above) was likely to be the most realistic;

(d) That the regional impact assessment should include consideration of the Green Belt as this was a significant important issue within the District;

(e) That the vision and objectives of the Plan remained suitable; and

(f) That Policies H3 (Provision for Gypsies & Travellers) and H4 (Provision for Travelling Showpeople) from the Single Issue Review should be included in the next review of the Plan as they had concentrated on provision only up to 2021;

(2) That the last two questions of the consultation not be responded to;

(3) That the invitation to become a signatory to the proposed Essex Local Authorities' Joint Response to the consultation be agreed, subject to the Council retaining the right to comment further if the draft Joint Response was substantially altered by the County Council; and

(4) That the Planning Services Scrutiny Panel and Overview and Scrutiny Committee also be invited to consider the consultation questions and comment accordingly.

Reasons for Decision:

The four growth scenarios ignored the existing infrastructure deficit in Harlow, and the problems that would occur if new housing and employment growth went ahead without the adequate provision of new infrastructure. Scenarios 3 and 4 proposed building rates over a 20 year period which had never been achieved in the District. They were therefore considered to be undeliverable, although they perhaps offered the best solution (of the four scenarios) for the current deficit of affordable housing. The lack of clarity about the location of much of Harlow's growth was also a significant concern. Protection of the Green Belt was a key planning aim for this authority, and this should be reflected in the review.

Although provision for Gypsies and Travellers, and Travelling Showpeople, had been recently addressed by the Single Issue Review, the newly adopted policies H3 and H4 of the East of England Plan only dealt with provision up to 2021. These policies should also be rolled forward to 2031, and should therefore be included in the review.

Other Options Considered and Rejected:

To not respond to the consultation, however this would mean that the Council's opinion would not be heard or considered at this stage of the review of the East of England Plan.

18. LOCAL DEVELOPMENT FRAMEWORK - BUDGET UPDATE

The Principal Planning Officer (Forward Planning) presented a report updating the Cabinet Committee on the current budget situation for the Local Development Framework. All legal challenges to the East of England Plan were now complete and the Options Appraisal for the Harlow area was due to be completed by the end of November 2009. This would form a significant piece of evidence to inform the preparation of the Issues & Options consultation document, scheduled for June 2010. Preparation of evidence to support the Core Strategy was continuing, whilst expenditure on the Local Development Framework over the period 1 April 2009 to 22 October 2009 had been £127,900, with a further £91,900 committed. There was a total of £529,000 available in the budget for the current year, with a likely underspend of £209,000 anticipated, however this money would need to be carried forward into 2010/11.

In response to questions from the Cabinet Committee, the Principal Planning Officer stated that the Call for Sites would feed into the Strategic Housing Land Assessment, which should start in the near future and take between six months and one year to complete. The Issues and Options consultation planned for June 2010 would provide the opportunity to challenge the key issues identified by various evidence base studies and would determine if any required updating. There was currently no mechanism to claim funding from either the Government or the County Council for the production of the Local Development Framework; the Council had attempted to

work in partnership with neighbouring authorities as much as possible to reduce the cost of the process.

The Cabinet Committee thanked the Officers involved for their efforts and noted that the Local Development Framework was proving to be a very costly process.

RESOLVED:

(1) That progress on the Local Development Framework be noted; and

(2) That the expenditure in the sum £127,900, with a further £91,900 committed, on preparing the Local Development Framework in this financial year to date be noted.

Reasons for Decision:

To update the Cabinet Committee on progress with the Local Development Framework and expenditure against the budget.

Other Options Considered and Rejected:

There were no other relevant options at the current time.

19. GYPSY & TRAVELLER DEVELOPMENT PLAN DOCUMENT

The Forward Planning Manager provided the Cabinet Committee with an oral update on the progress of the Gypsy and Traveller Development Plan Document.

The Cabinet Committee was reminded that at their previous meeting, they had considered the process being followed, particularly locating sites within or adjacent to settlements, the resources allocated and the timescale for the preparation of the Development Plan Document (DPD), and other matters of concern raised by the settled community, including impact on property prices and the effect on property sales. It was resolved that a Barrister familiar with Gypsy and Traveller issues within the District be instructed to advise upon a range of issues before the Government Office for the East of England (GO-East) be approached to agree a revised timetable for the production of the DPD.

The Forward Planning Manager stated that instructions were issued to the Barrister regarding: was there any way to reduce the resources required; what were the implications of ceasing further work or agreeing a revised timetable with GO-East; what if Members disagreed with the Officer recommendations for deliverable sites; challenging the Government guidance, as the initial consultation suggested both the settled and travelling communities wished to maintain a degree of separation and the District was a heavily constrained area being 94% Green Belt land; and other matters of concern outside the planning sphere such as blight and the fear of crime.

The Forward Planning Manager reported that the Barrister had commented upon the Draft Delivery Strategy but also needed to see the results from the Planning Advisory Service Diagnostic, which was expected within the next week, in order to assess the resources required for the production of the DPD and Core Strategy. A report would be submitted to the Cabinet and Council in December 2009 on the Barrister's findings and, if so directed, Officers would contact GO-East to agree a revised timetable for the production of the Gypsy & Traveller DPD. It was emphasised that this report would only deal with the advice given by the Barrister and would not contain details of the analysis of all the prospective sites.

The Cabinet Committee had concerns about the process being employed as the Council had received no clear guidance from either GO-East or the Government and was potentially in danger of making flawed decisions. It was highlighted that the ordinary planning process had approved twelve further pitches at two different sites within the District, leaving the Council with the task of finding approximately another twenty pitches within the District following the reduction of the initial target from 49 pitches to 34 pitches. It was acknowledged that residents within the District had mounting concerns about the length of time taken by the process and that they considered this to be the most important issue within the District at the current time.

The Cabinet Committee were informed by Officers that there would not be a report ready on the analysis of the prospective sites for the Cabinet meeting in December. Over ten thousand responses had been received for the initial consultation and the analysis of them was proving to be a considerable task. It was possible that a report might be ready in three months if the relevant officers could concentrate solely on the analysis of the responses. It was pointed out that a new Assistant Director (Forward Planning) had recently been appointed and would be reviewing the workload currently being experienced by the Forward Planning team. The report that would go to the December meeting of the Cabinet would concern the advice received from the Barrister engaged after the Cabinet Committee's previous meeting. The Cabinet could decide to proceed with any of the options presented within the report, although if the feeling was to declare all of the potential sites unsuitable then further legal advice ought to be taken prior to the meeting.

The Chairman reminded the Cabinet Committee that the production of a Gypsy & Traveller DPD had been a legal directive from the Government and the Council could not refuse to comply with it. The Chairman acknowledged that everyone within the District was affected by this process but the Council was making slow progress. The Barrister was suggesting in his advice that the Council request a meeting with the Minister of State to explain the unique problems within the District and the constraints of having 94% of the District designated as Green Belt land. It was felt by Officers that a full analysis of all the responses would not be required for a meeting with the Minster of State to explain the difficulties faced by the District in complying with the Government Directive. For the benefit of residents, the Council would attempt to make firm decisions upon the prospective sites at the December Cabinet and Council meetings, after considering all the relevant and available legal advice.

RESOLVED:

That the progress report upon the production of the Gypsy and Traveller Development Plan Document be noted.

20. ESSEX COUNTY COUNCIL CONSULTATION - "MINERALS DEVELOPMENT DOCUMENT: SITE ALLOCATIONS - ISSUES & OPTIONS PAPER."

The Principal Planning Officer presented a report regarding the Essex County Council consultation paper, "Minerals Development Document: Site Allocations – Issues & Options Paper."

The Cabinet Committee were informed that the Essex County Council had published a consultation document as part of the process of considering further sites for mineral extraction across the County. Two potential sites in Epping Forest District have been identified, at Shellow Cross in Willingale and Patch Park Farm in Abridge. Officers had concluded that both sites were unsuitable for a number of reasons including impact on the Green Belt, local landscape, the local road network and flooding

implications, as well as the close proximity of a high pressure gas main at the prospective site in Abridge. Officers also felt that the site selection process had been flawed. No geological surveying had been undertaken at the sites and the spreads of sand and gravel across the District had been 'inferred'. Both sites had been identified as part of a 'call for sites' within the county. The deadline for responding to the Consultation was 12 November 2009, hence it was intended to include the views from both the Cabinet Committee and the Planning Services Scrutiny Panel meeting the following evening.

In response to questions from the Cabinet Committee, the Principal Planning Officer responded that the County Council had stated that the consultation had included the relevant Parish Councils and individual residents in close proximity to the sites. It was acknowledged that any mineral extraction at the proposed sites would impact upon the amenity of nearby properties and both sites were not well located on main county routes. Officers were not convinced that all the suitable options had been identified. It was anticipated that both sites together would provide approximately 15% of the total sand and gravel within Essex each year.

It was confirmed that the County Council would deal with any planning application to extract minerals from either site, but that the District Council would be a statutory consultee if any such planning application went ahead. There had been seven different sites identified within Essex and the County Council was consulting upon all of them, although there were no direct comparisons made over the sites, nor any reference made to any nearby existing sites in Hertfordshire. A Planning Inspector would make the final decision over the sites after an Examination in Public and via a report to the County Council. The Director of Planning & Economic Development added that sand and gravel was required for the construction industry and local sources reduced transport costs.

The Cabinet Committee concurred with the proposed response of the Officers in that both sites were unsuitable for sand and gravel extraction for the reasons given and that there was no benefit to the local residents. It was also agreed that the Planning Services Scrutiny Panel should be invited to comment.

RECOMMENDED:

(1) That the "Minerals Development Document: Site Allocations – Issues & Options Paper" issued by Essex County Council be responded to by stating that the sites for mineral extraction identified at Shellow Cross in Willingale and Patch Park Farm in Abridge were considered unsuitable for sand and gravel extraction for the following reasons:

(a) impact on the Green Belt;

(b) impact on the local landscape;

(c) impact on the local road network;

(d) potential risk of flooding at both sites; and

(e) the existence of a high pressure gas main in close proximity to the Abridge site; and

(2) That the Planning Services Scrutiny Panel also be invited to consider the consultation document and comment accordingly.

Reasons for Decision:

The potential sites for mineral extraction identified in this District would have detrimental impacts on the Green belt, the character of the countryside and the road network, and it was therefore vital that the Council submitted a response.

Other Options Considered and Rejected:

To not submit a response to the consultation.

CHAIRMAN

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