

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Local Plan Cabinet Committee **Date:** 25 March 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.05 - 9.05 pm

Members Present: R Bassett (Chairman), W Breare-Hall, Mrs A Grigg, D Stallan and C Whitbread

Other Councillors: K Avey, J Philip, Mrs L Wagland, G Waller, Mrs E Webster, J M Whitehouse and D Wixley

Apologies: -

Officers Present: G Chipp (Chief Executive), J Preston (Director of Planning and Economic Development), K Polyzoides (Assistant Director (Policy & Conservation)), P Seager (Chairman's Secretary) and G J Woodhall (Democratic Services Officer)

32. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

33. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

34. MINUTES

Resolved:

(1) That the minutes of the meeting held on 18 February 2013 be taken as read and signed by the Chairman as a correct record.

35. TERMS OF REFERENCE

The Cabinet Committee noted its terms of reference, as amended by the Leader of the Council in June 2012.

36. PORTFOLIO HOLDER DECISIONS AGREED SINCE THE LAST MEETING

The Cabinet Committee noted that no delegated decisions by the Portfolio Holder in relation to the Local Plan had been taken since the last meeting on 18 February.

37. FEEDBACK FROM THE LOCAL PLAN WORKSHOPS

The Assistant Director of Planning & Economic Development (Policy & Conservation) presented a report reviewing the first three Local Plan Member workshops.

The Assistant Director reported that three workshops were held on 26 January, 9 February and 9 March 2013 and were open to District, County, Parish and Town Councillors as well as the Youth Council. The workshops were designed to assist in considering the options for the future growth of the District and provide a more detailed deliberation of the local areas, through reducing the number of options for the next stage of the Local Plan – the Preferred Options stage or draft Plan. The Workshops were all well attended, with at least 31 District Councillors, one County Councillor, and 15 Town and Parish Councillors or Clerks present at each session. Feedback was increasingly positive as the event programme progressed, with the majority of responses rating the workshops as either quite or very useful.

The Assistant Director stated that the participants were interested to know more about:

- population projections and housing targets;
- brownfield sites;
- the ownership of certain sites;
- landscape appraisals; and
- the infrastructure required to support further development.

As a result, an additional workshop was planned for the summer to cover the issues of population projections and housing targets for the Plan. A report would then be submitted to the Cabinet Committee to decide which options should be tested further. A further workshop would then be held to consider the results of this further testing before the Cabinet Committee decided upon the Preferred Options and the draft Local Plan.

The Assistant Director informed the Cabinet Committee that the results of the workshops were being written up and would be used to test the options set out in the Community Choices consultation. In addition, answers were being prepared for the questions raised that could not be dealt with at the time. Experience so far indicated that the workshop format was a useful tool for Members in considering complex matters for the Local Plan. It was possible that other issues would arise during the future process that would be beneficial to consider in a workshop format and this would be given due consideration.

The Planning Portfolio Holder thanked the Officers for their efforts in organising the workshops, especially given the complex nature of the subject matter, and emphasised that no decisions had yet been taken in relation to the Local Plan as the workshops were intended to assist in shaping the Plan rather than determine it.

The Cabinet Committee was informed that no date had yet been set for the fourth workshop. The latest population data was due from the Government in April, which would then have to be analysed by the Council's consultant, so the next workshop would take place in the Summer. There was some concern expressed that Members might be on vacation and miss the workshop; could not some advance notice of the likely date be given now? The Planning Portfolio Holder stated that the population statistics would also be analysed by the Essex Planning Officers Association (EPOA), and it was hoped that the next workshop would be organised for late July. The Director of Planning & Economic Development stated that an item would be placed in the Council Bulletin advertising when the data became available.

The Cabinet Committee noted that the emphasis so far in the workshops had been on Housing, and perhaps this reflected the concerns of residents. The Director agreed that the previous workshops had concentrated on issues of concern to Members, but other issues could be examined in further workshops. The Portfolio Holder confirmed that work was progressing on other issues and an update would be given in due course. The Assistant Director stated that Officers wanted to publish a factsheet containing answers to the questions raised during the workshops held to date, and that there would be a number of key issues for Members to consider in further workshops such as employment.

The Cabinet Committee was told that many Local Plans currently in development would need to be revised when the 2011 census figures became available, which would incur further public expense. Given this problem, the current deadline appeared to be unfair, and maybe the Council should write to the Government highlighting this and requesting a relaxation of the deadline. The Chief Executive commented that this would be a worthwhile exercise, especially if the letter was jointly drafted and signed by other Essex authorities. The Portfolio Holder declared that the EPOA shared the concerns expressed regarding the late availability of the revised population figures, however the Director of Planning & Economic Development reminded the Cabinet Committee that the Government's focus at the moment was on promoting growth.

The Portfolio Holder reassured the Cabinet Committee that some discussions had taken place with neighbouring authorities, including the London Borough Councils of Redbridge and Waltham Forest; in addition, there were the ongoing discussions with the tri-council group that included Broxbourne Borough Council and the London Borough Council of Enfield. It was enquired as to whether the results of the Issues & Options consultation had been fed back to residents. The Assistant Director stated that Officers had replied to most of the respondents from the consultation, but the process was still on-going given the large volume of responses. The Leader added that the results of the consultation would be published on the Council's website and an article placed in the Forester magazine. The Portfolio Holder added that he intended to present an item to the Youth Council at one of their forthcoming meetings, in an effort to engage the younger residents of the District with the Local Plan process.

Finally, in respect of the infrastructure improvements required within the District, the Assistant Director explained that there was still much information and data to analyse before decisions could be made, as the ability to deliver infrastructure improvements would affect the growth possible within the District and could be a limiting factor.

Decision:

- (1) That the purposes of the workshops held to date and the activities undertaken be noted;
- (2) That the feedback from the workshops held to date be noted;
- (3) That the proposed actions in respect of the feedback received and the next steps proposed in the engagement of County, District, Town and Parish Councillors through additional workshops be noted; and
- (4) That Youth Council involvement in the Local Plan process be fostered by the Planning Portfolio Holder attending and presenting an item at one of their meetings in the near future.

Reasons for Decision:

An update and review report for noting.

To engage the Youth Council in the Local Plan process.

Other Options Considered and Rejected:

To revert to engagement with District, Town and Parish Councillors through the Council Bulletin, briefings and the Local Plan Cabinet Committee. However, the ability to consider matters in depth presented by a workshop format was considered highly beneficial.

38. LOCAL PLAN COMMUNICATIONS STRATEGY

The Assistant Director of Planning & Economic Development (Policy & Conservation) presented a report on the updated Local Plan Communications Strategy.

The Assistant Director reminded the Cabinet Committee that an early version of the Local Plan Communications Strategy had been approved as the Local Development Framework (LDF) Communications Strategy by the LDF Cabinet Committee in November 2010. Since then the Council had consulted on the Statement of Community Involvement (SCI), that set out the minimum consultation methods the Council would be required to undertake during the preparation of Local Plan. The Local Plan Cabinet Committee had approved the SCI in February 2012 to go to the Council meeting in April for adoption.

The Assistant Director reported that many recommendations and feedback received as a result of the SCI consultation between July and October 2012 were more relevant to the Communications Strategy and had been incorporated in the current draft document. The Strategy set out an approach for ongoing engagement with key stakeholders and interested parties, including the community, during the preparation of the Council's new Local Plan. The Communications Strategy outlined the engagement methods used for the Local Plan consultations to date. In looking forward, it also identified the previously successful approaches to continue with and additional methods of engagement and issues that should be resolved. The main aim was to provide an array of methods by which stakeholders could engage with the Council and for the Council to maximise the representations received during the preparation of the Local Plan.

The Assistant Director added that a series of principles of engagement had been developed, based on experience to date and best practice, aimed at providing clarity to stakeholders of the Council's intentions when performing consultations on the Local Plan, and to ensure a consistent approach was adopted. For the forthcoming Preferred Options consultation, it was intended to invest more in Public Relations with a greater emphasis on early engagement with local newspapers. Advertisement campaigns would also be a key focus. In addition to the engagement methods utilised for the Community Choices consultation, other methods might also be employed. These included better use of the Forester magazine, including a special edition to inform and engage with residents; a summary document of the Preferred Options accompanying the letter informing consultees of the consultation launch; area focused consultation activities, such as local workshops or community presentations, for directly affected communities; and detailed briefing packs to enable Town and Parish Councils and other groups to carry out their own detailed consultation event on the preferred options.

The Planning Portfolio Holder also stated that it was intended to invite the District's Members of Parliament and County Councillors to future Member workshops, of which a further two were already being planned. The Portfolio Holder intended to create a test group for the Preferred Options website to avoid the problems that had occurred with the Community Choices website. Consideration was also being given about how to provide residents with interim updates on the Local Plan.

It was suggested that bodies such as Transport for London, the Fire Service, the Ambulance Service and Sport for England should be added to the list of Local Plan Consultees at Appendix 2 of the draft Local Plan Communications Strategy. The Director of Planning & Economic Development responded that the highlighted Appendix contained the national list of compulsory consultees, the Council had a larger list of groups that it was already actively engaged with and this would be added to the Strategy.

Decision:

- (1) That the Local Plan Communications Strategy be noted as a dynamic document to be updated when necessary to meet the requirements of the Local Plan consultations;
- (2) That Appendix 2 of the Local Plan Communications Strategy be amended to include the groups that the Council was already actively engaged with in respect of the Local Plan; and
- (3) That the updated Local Plan Communications Strategy be agreed.

Reasons for Decision:

Effective communication was key in order to engage successfully with stakeholders, particularly with the general public where consultation fatigue and previous negative consultation experiences could act as a barrier. The Local Plan Communications Strategy would allow for more clarity and transparency in the Council's approach to community and wider stakeholder engagement.

Other Options Considered and Rejected:

To not approve the Local Plan Communications Strategy and rely on the Statement of Community Involvement should it be adopted by the Council in April 2013.

39. ANY OTHER BUSINESS

The Chairman announced that a Memorandum of Understanding for the Tri-Council Group, comprising Epping Forest District Council, Broxbourne Borough Council and the London Borough Council of Enfield, was in the process of being drawn up. When this process was complete then the Memorandum would be published in the Council Bulletin and reported to the Cabinet Committee for approval.

Resolved:

- (1) That, as agreed by the Chairman and 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 following item of urgent business be considered following the publication of the agenda:

- (a) The National Planning Policy Framework – One Year On.

40. THE NATIONAL PLANNING POLICY FRAMEWORK - ONE YEAR ON

The Director of Planning & Economic Development presented an update report on the National Planning Policy Framework, one year after its implementation.

The Director stated that the National Planning Policy Framework (NPPF) was a relatively short document which was issued by the Government following consultation and revisions to a consultation draft. It had replaced a large number of lengthy Policy Statements and Guidance Notes which were often duplicated or conflicted with one another, and which had been issued over a long period of time. It was highlighted that this first year had been a transition period, after which if Local Plan policies were not compliant with the Framework, then the Framework was likely to be given more weight in Development Control decisions. Particular attention was drawn to policy GB8a, Change of Use or Adaption of Buildings in the Green Belt, and that the criterion in paragraph (iv) of the policy was no longer compliant with the Framework.

The Director highlighted the local and national experience with the Framework, and the Cabinet Committee's attention was drawn to the issues that other Councils had experienced in bringing their new Local Plans forward. A number of Councils had run into significant problems at the Examination in Public stage, where Planning Inspectors had reached conclusions that had forced the submitted Plans back to a much earlier stage in the procedure. The key issues identified so far had included: the adequacy of population projections and the suggested housing numbers; review of the Green Belt; and failures over the duty to co-operate. The problems experienced by Dacorum Borough Council, Rushcliffe Borough Council and Coventry City Council were particularly emphasised.

The Cabinet Committee was asked to consider and agree a list of Local Plan policies which were now non-compliant with the Framework and which would not now be used in relation to development control management decisions; and a list of policies which were compliant and which could be used until they were superseded by the adoption of a new Local Plan, or until such time as appeal decisions warranted their discontinuation. The Council's existing policies had been examined by Development Control Officers, Forward Planning Officers and Legal Counsel in determining whether a policy was compliant, generally compliant, partially compliant or not compliant. The amended policy lists, if agreed, would be published on the Council's website and Member briefings would also be considered.

The Planning Portfolio Holder commented that the experience of other Councils had indicated the complexity of the Local Plan process, but that it was also important to study those Councils who had successfully passed their Examinations in Public to learn any lessons from their approach. It was clear that there were problems with Employment policies in other Districts being found unsound. The Assistant Director of Planning & Economic Development (Policy & Conservation) added that the Framework required Councils to be flexible over employment sites, especially when the emerging employment trends were considered. Officers were currently analysing the completed Town Centre Studies and other designated employment zones; more information would be available later in the year on Economic Forecasting from the Department of Communities & Local Government. The Director confirmed that the Framework gave greater emphasis to economic growth and employment.

The Cabinet Committee was advised that the Council should complete the work on its employment policies and that, as 92% of the District was designated as Green Belt, the Council should perform a strategic review of it as soon as possible. The

problems experienced by Rushcliffe Borough council also illustrated why accurate and relevant population data was critical to the success of the Local Plan. The opinion was expressed that the Framework could be more useful to the Council than first thought, as it set out the default position that would apply which the Local Plan would overrule if it was found sufficiently sound.

The Portfolio Holder reassured the Cabinet Committee that the Council was in discussions with neighbouring authorities over various issues, including Harlow District Council, although there was some uncertainty over the arbitration process. The Director of Planning & Economic Development clarified that the Council needed to co-operate with other Councils over the Local Plan, but that if one neighbouring Council was dissatisfied over a proposal then the onus was on the Councils involved to resolve it. The Council should not continue regardless and hope that the Planning Inspector would find in its favour at the Examination in Public, as experience so far had shown that the Planning Inspector would send the Council back to an earlier stage in the process to resolve the dispute.

Members expressed serious concerns about deleting planning policies which had been relied upon when making planning decisions. The Green Belt was the single, most important planning issue to residents, as borne out by the Issues & Options consultation and the recent Member workshops. It was felt that the Council should recognise the non-compliant policies but not delete them. The Leader of the Council agreed that the Council should not delete policies that had been used for many years with support from residents. The Leader proposed that the compliant, generally compliant and partially compliant policies should be agreed for continued use, whilst Officers should provide more information regarding the non-compliant policies and the decision on whether to delete them or not should be deferred to the meeting of the Cabinet scheduled for 10 June 2013. The Director of Planning & Economic Development undertook to review the conformity rating again for policy GB9a, Residential Conversions (in the Green Belt), before it was considered by the Cabinet, to provide more information about use of the policies at appeal during the last year and to provide more information in a table about the Plans submitted to Planning Inspectors in the last year which had been overturned; in particular were they Core Strategies, Development Plan Documents or Local Plans.

Recommended:

- (1) That the experience of other authorities in applying the National Planning Policy Framework over the last year, including any lessons learnt, be noted;
- (2) That, following comparison of the Council's existing policies against the National Planning Policy Framework, the policies rated as compliant, generally compliant or partially compliant be continued to be used until the adoption of the new Local Plan superseded them;
- (3) That those existing policies rated as non-compliant be subject to a further report to the meeting of the Cabinet scheduled for 10 June 2013; and
- (4) That the experience of other Councils when their Local Plans were Examined in Public be noted and measures taken to ensure this Council avoided the problems encountered to date.

Reasons for Decision:

It was now necessary to consider the degree of consistency of the Council's Local Plan policies by determining their degree of compliance with the National Planning

Policy Framework and give some prominence to those compliant policies which the Council would continue to use. It was sensible to draw on the experience of other authorities during the operation of the Framework and utilise any lessons for the benefit of the Council.

Other Options Considered and Rejected:

To simply rely on the National Planning Policy Framework until such time as a new Local Plan had gone through more of its procedural stages. However, this would mean that planning applications would be determined by nationally derived policies only rather than those developed at a District level through the preparation of the Local Plan.

CHAIRMAN