

Report to the Council

Committee: Cabinet

Date: 17 December 2019

Subject: Planning Portfolio

Portfolio Holder: Councillor Philip

Recommending:

That the report of the Planning 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 has set out a number of changes to the Plan which are required to remedy issues of soundness in the form of Main Modifications. The Council has responded to the Inspector with the programme of work to establish the precise forms of MMs that are required. The Inspector responded to the proposed programme on 25 November 2019 and her letter is now available on the website as ED102. In that letter the Inspector has advised that:

"The steps you propose to take in relation to the HRA are clearly directed to addressing the concerns I have raised and seem to me a reasonable response. There is significant focus on improving confidence in the likely composition of the vehicle fleet and I understand that you propose to use a bespoke prediction of future emissions instead of relying upon the DEFRA 2030 factors. This would seem to serve the purpose of increasing scientific certainty, but I would encourage you to consult with Natural England in relation to the "beyond reasonable scientific doubt" test. I note that the modelling will take account of the changes to the Plan's site allocations referred to in my advice, but it is not clear whether you would consider further amendments if necessary to avoid adverse effects on the SAC. Your work programme appears to be challenging but realistic and I would be grateful if you could keep me informed of progress."

The Council has made good progress with the actions in relation to the Habitats Regulations Assessment (HRA). As set out in paragraph 38 of our response to the Inspector (see ED100) the Council has re-run the air quality modelling using the tall deposition velocity rates. It has also undertaken additional ANPR surveys to provide the most up to date bespoke vehicle fleet mix for traffic using the EFSAC roads. The Council has also sought Defra's views on aspects of the proposed methodological updates via its Air Quality Helpdesk. A technical meeting has been held with Natural England's representatives and advisors about proposed methodological updates and reviews to update the approach taken and a further meeting is scheduled for mid December to which the Conservators of Epping Forest have also been invited. The intention would then be to undertake the transport modelling of various alternative scenarios.

The Authority Monitoring Report for 2018/19 has recently been published and is available on the website.

2. Progress with outstanding planning applications

The Council is well aware of its obligations as the competent authority under the Habitats Regulations and the legal requirement to undertake an Appropriate Assessment of application proposals likely to have a significant effect on the EFSAC, either alone or in combination with other plans or projects, and the prohibition on granting consent for such plans or projects that would adversely affect the integrity of the EFSAC. The Council is also aware of its obligation to consult Natural England on applications requiring an Appropriate Assessment and to have regard to any advice received. The current advice from Natural England is that proposals for new development anywhere within the District that may lead to an increase in vehicle movements on roads within 200m of the EFSAC are likely to have an in combination effect on the EFSAC and to advise that any impacts arising from atmospheric pollution are best dealt with by way of a strategic solution.

The Council therefore has concluded that, currently, it is not able lawfully to grant planning permission for new development that involves a net increase in vehicle movements. This has resulted in planning applications being held in abeyance. Consequently, the Council has been attempting to find a solution pending the completion of the additional HRA work required by the Local Plan Inspector (see her letter of 2 August 2019). The Council has undertaken a comprehensive review of all the applications held in abeyance and after further detailed assessment of the traffic movements has been able to conclude that some of the proposals will **not** result in a net increase in vehicle movements and, as a result, can be screened out as having no likely significant effect on the EFSAC. This review has resulted in 15 applications being identified for release from the end of November 2019. Release of these permission will allow erection of 34 dwellings across a number of schemes, development of a hangar at the North Weald Airfield, and provision of accommodation for 31 nursery workers in two schemes. The list remains under review.

Working with Natural England, the Council is currently exploring what other steps can be taken to release further permissions including obtaining legal advice and a further report will be brought to Cabinet in January.

3. Neighbourhood Planning

Following the referendum on the 26 September 2019, when the electorate of the Moreton, Bobbingworth and the Lavers area voted in favour of the Neighbourhood Plan, the Plan was reported to Full Council on 5 November 2019 when it was formally 'made'. For the designated area (encompassing five parishes), the Neighbourhood Plan now forms part of the statutory development plan for the District and planning applications relating to land within the designated area must be determined in accordance with the development plan, including the policies in the Neighbourhood Plan, unless material considerations indicate otherwise.

4. Harlow and Gilston Garden Town

A bid for further funding for the 2019/20 Financial Year has been submitted to Homes England. A total of £6m is available across the 23 Garden Towns and Villages which is a reduction from the total amount available for 2018/19. There is no news on the funding announcement and any announcement will now be after the General Election. MHCLG have announced a funding competition to support work on Delivery and a bid has been made by the Harlow and Gilston Garden Town.

Raising awareness of the Garden Town

Events to raise the awareness of the Garden Town project are planned - with initial events scheduled for January 2020.

The HGGT team are also launching the website harlowandqilstongardentown.co.uk, coupled with an official Twitter and Facebook profile.

Transport Strategy Consultation

In accordance with the Cabinet decision on 7 March 2019, consultation on the transport strategy for the Garden Town is planned for January 2020. Details will be made available on the website.

Stewardship

Work is progressing on developing the most appropriate arrangements to ensure the long-term management and maintenance of community assets that will be delivered as a result of development within the Garden Town including green space, the public realm and other community assets. A stakeholder event for members and representatives from town/parish councils has been held and further work is now underway to evaluate the preferred model.

5. Delivering Infrastructure in the District

I reported to the November Council meeting that a Developer Contributions Strategy was agreed by Cabinet on 11 July 2019. The guidance provides details on how, what and when planning obligations will be used and the approach to viability for proposed sites in the District to determine the appropriate level of developer contributions to be sought.

It is important for the Area Planning Committees and the District Development Management Committee to ensure that, when granting planning permission, reference is made to the identified infrastructure requirements set out in the Council's Infrastructure Delivery Plan and supporting documentation which have been developed to support the Local Plan in order to ensure that the appropriate provision is made.

Further work has also been commissioned to provide an up to date District wide viability assessment to determine the maximum level of developer contributions to be sought and to provide a robust starting point for development management decision making purposes for development in the District in accordance with paragraph 57 of the National Planning Policy Framework 2019. This work is well under way and a draft viability report is available on the Council's website and out to consultation until 6 January 2020.

6. Statement of Community Involvement

Cabinet approved the adoption of an updated Statement of Community Involvement on 18 November 2019 and this is now on the website. It sets out the arrangements for community engagement for both plan making and planning proposals including masterplans and provides information on the Quality Review Panel and Development Management Forum.

7. Development Management Planning Fee Income

Planning income including Pre-application fees for eight months to November 2019 is £903,220 and it is likely that the combined Planning Fee and Pre-Application Income may reach £1.3 million for 2019/20.

Planning Fee income

Planning Fee income for November 2019 was £66,852 (comparison with 2018, it was £89,166). However, October 2019 income was very positive at £241,114 (2018 £85,058) and exceeded budget by £156,634. This was mainly due to the submission of the new planning application EPF/2503/19 on behalf of Next PLC for developing Land North of

Dowding Way, Waltham Abbey. Planning Fee Income fees for the first eight months of 2019/20 up to November 2019 is £768,476 (2018/19 it was £860,153).

Pre-application Income

Pre-application Income for eight months to November for 2019/20 year is a healthy £134,744 (2018/19 it was £81,784) and comprises of 128% of the annual budget for eight months.

Summary

Planning Pre-application income for 2019/20 is likely to be over £165,000 (eight months actual plus four months budget) with a possible £60,000 surplus for the year over budget, which will help to offset the likely lower planning application income against budget (currently estimated to be £70,000 under).