

# ***Report to the Council***

**Committee:** Cabinet  
**Date:** 29 October 2020  
**Subject:** Planning and Sustainability Portfolio  
**Portfolio Holder:** Councillor N 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 has set out a number of changes to the Plan which are required to remedy issues of soundness in the form of Main Modifications (MMs).

In accordance with the high level programme set out in the Council's response to the Inspector, dated 24 April 2020, the Team worked hard to ensure that the final tranche of Main Modifications were submitted to the Inspector in September with a view to consultation on the MMs in October 2020. In addition to reporting on the MMs the Council has submitted further information to the Inspector. This includes:

- Responses to other actions identified by the Inspector
- An Additional Modifications schedule to ensure that the Plan which was first drafted in Autumn 2017 is up to date
- Revised mapping to take account of the changes to the local plan
- Draft Green and Blue Infrastructure Strategy (EB149) that was consulted on earlier in the year
- Consolidated Infrastructure Delivery Plan (IDP) update and associated viability report.

Further information will be submitted to the Inspector in the next few weeks. This will include:

- An updated Sustainability Appraisal – this is currently being undertaken by consultants AECOM but needed to wait for the MMs to be completed
- Updated Habitats Regulations Assessment and Air Pollution Mitigation Strategy – these are being finalised to take account of initial comments received from Natural England and the Conservators of Epping Forest

The Inspector wrote to the Council on 2 October 2020 (ED115) to advise that due to other work commitments during October and November it is likely that she will not be able to provide a full response immediately. We await further information from the Inspector with a clearer indication of the likely timeframe for her response and proposed timetable for consultation on the Main Modifications.

## **2. Progress with outstanding planning applications**

The advice from Natural England still remains that proposals for new development anywhere within the District that may lead to an increase in vehicle movements on roads within 200m of the Epping Forest Special Area of Conservation (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.

In view of Natural England's latest advice, the Council currently cannot lawfully grant planning permission for new development that would result in a net increase in vehicle movements through the EFSAC. This has resulted in planning applications being held in abeyance pending the identification of an acceptable air quality mitigation strategy to manage the adverse effects of atmospheric pollution arising from additional vehicles using roads in the vicinity of the EFSAC.

As previously reported the Council is continuing to work actively to resolve the current situation that has restricted housing and economic development coming forward in the District since July 2018 and is working with Natural England to identify potential opportunities to address the backlog of underdetermined applications. A position statement is available on the website at [ED108](#) and a Draft Air Pollution Mitigation Strategy for formal consultation with Natural England and the Conservators was reported and agreed by Cabinet on 20 July 2020.

## **3. Draft Green Infrastructure Strategy**

The public consultation for the Green Infrastructure Strategy commenced on 4 June for a period of 6 weeks until 16 July 2020. This included a series of workshop/forum events for Members, Youth Council and developers in the District. The comments received are currently being addressed and the Final strategy will be brought back to Cabinet for endorsement as a material consideration in the determination of planning applications, masterplans/concept frameworks and guide design and implementation processes.

## **4. Draft Sustainability Guidance**

On 19 September 2019 the Council declared a Climate Emergency, including a resolution to do everything within the Council's power to make Epping Forest District Council area carbon neutral by 2030. To support the declaration and policies in the emerging Local Plan in relation to sustainable and high quality design and construction of developments the Council has produced two EFDC draft Sustainability Guidance documents for use across the District; one for Major Developments (10+ units) and one for Minor Developments (1-9 units). This was reported to Cabinet on 19 October for agreement to go out to Public consultation for a six week period from 2 November 2020. This is programmed to run concurrently with consultation on the draft Harlow and Gilston Garden Town guidance.

## **5. Harlow and Gilston Garden Town**

A capacity fund bid was submitted to Homes England on 4 September for future funding. To support this a two year programme has been produced. Recent work has included an update on Planning Obligations, the production of draft sustainability guidance and a Local Cycling and Walking Investment Plan.

The Director of the Harlow and Gilston Garden Town Claire Hamilton left on 16 October 2020 to take up the role of Chief Executive at Dacorum Council. Tom Dewey will provide Interim

Director cover until January 2020 whilst recruitment for a new Director is undertaken.

## **6. Government White Paper: Planning for the Future**

The Government published a White Paper “Planning for the Future” on 6 August 2020 <https://www.gov.uk/government/consultations/planning-for-the-future>. This sets out significant changes to the planning system for consultation that, if implemented, will change both the nature and content of Local Plans and the operation of the development management process. The White Paper is clear that the intention is to replace the raft of current planning legislation with new legislation and to introduce new ideas and concepts into the system. It is therefore not always easy to compare the ideas against current concepts and practice. The closing date for responses is 29 October 2020 and the Council’s proposed response was subject of a report to Cabinet on 19 October 2020.

## **7. Development Management Planning Applications**

Planning application income including Pre-application fees for Q1 and Q2 of 2020-21 is £417,410, which is a shortfall of £240,820 against a budget estimate that is profiled on a 3-year actual average.

However, there appears to be potential sign of post-Covid income recovery given the actual income for September is £86,366 against a budget estimate of £78,660 and planning application submissions so far in 2020/21 over the same period have also picked up and are close to last years at this same stage.

In addition, a report updating on the Local Plan to the October 19<sup>th</sup> Cabinet updates that the Implementation Team has been proactively engaging with relevant site promoters to progress the Strategic Masterplan and Concept Frameworks in the District and whilst some are more advanced than others, it is picking up again and good progress has been made.

Virtual Planning Committee meetings with public participation are being held in general on a weekly basis such that decisions are being taken with all relevant information available through Zoom. Overall, it has been well received by the public, acknowledging that we are trying to ensure that these committees are run as normal as possible. In addition, a virtual Development Management Forum, also involving public participation, successfully took place recently as part of the broad strategy consultation Qualis are promoting on the five Council owned town centre sites in Epping.