

Report to the Council

Committee: Cabinet

Date 31 July 2018

Subject: Planning and Governance Portfolio

Portfolio Holder: Councillor J. Philip

Recommending:

That the report of the Planning and Governance Portfolio Holder be noted.

1. Local Plan

As members will be aware the submission of the Local Plan has been delayed following a Planning Court ruling on 20 March 2018 when Mrs Justice Lang in granting leave for a full hearing ordered that the Council be restrained from submitting the LPSV for independent examination until the final determination of the judicial review claim, or further order. The judicial review hearings were held on 23 and 24 May 2018. In the judgement given by Mr Justice Supperstone on 29 June 2018 the High Court dismissed the legal challenge to the Local Plan paving the way for the Council to submit the Plan to the Secretary of State for Independent Examination. The Court rejected all four grounds of challenge brought by property development company CK Properties (Theydon Bois) Ltd, endorsing the lawfulness of the Council decision to approve the Local Plan for 11,400 new homes over the Plan period up to 2033. The claimants now have 14 days to consider whether they wish to appeal and the injunction granted still applies during this period.

It is the Council's case that should the Claimant apply for permission to appeal within the agreed 14 day period the Council will resist the continuation of the injunction whether or not the Court grants permission to appeal. The Council will argue that the Plan is ready for submission and the continued absence of an up to date adopted Local Plan undermines the achievement of sustainable development in Epping Forest District in the public interest.

The Council website has been updated with all the proposed submission documents which include a copy of the judgment.

2. Implementation of the Local Plan

In the meantime work is continuing with site promoters, Essex County Council and where appropriate Harlow Council to put in place Planning Performance Agreements (PPAs) which will provide an agreed framework and project plan for the production of Strategic Masterplans for the Garden Communities and for the masterplan areas across the rest of the District. The PPAs and Strategic Masterplans will ensure that planning proposals for the sites will be 'front-loaded' and coordinated, whilst also ensuring the timely progression of planning applications and delivery.

The Council has received funding totaling £150,000 from the MHCLG Design Quality funding stream to support the implementation of the Local Plan to supplement the DDF funding agreed by Cabinet on 7 December 2017 to establish a new Implementation Team from 1 April 2018. Support under the Design Quality funding stream is offered to increase design skills in local authorities to ensure that new development meets the Governments ambitions for quality as well as quantity. The Council has been successful in filling the urban design officer post through the Public Practice scheme a not for profit social enterprise which places

private sector employees in public bodies with a minimum of three years' experience in practice. One Principal Planning Officer, a Land Drainage Engineer and Countryside Officer have been seconded from elsewhere in the Council and their posts will be backfilled. Following advertisement of the other posts an offer has been made to appoint a Project Coordinator and interviews are being held for the Implementation Manager, Strategic Infrastructure and Obligations Officer and for Principal Planning Officers.

The Quality Review Panel for both the District has been established and the terms of reference have been finalised and are on the website. The first panel meeting for Epping Forest District looked at the WAL.E8 an employment allocation in Waltham Abbey. The Quality Review Panel's feedback will be a material planning consideration for local authorities and the planning inspectorate when determining planning applications and will help ensure that new development is of a high quality and contributes to place making.

3. Epping Forest Special Area of Conservation and proposed mitigation strategy

Of particular importance is the potential impact of growth on the Epping Forest Special Area of Conservation (SAC) as a result of increased pressure from visitors and air quality effects as a result of increases in traffic. The MoU, which has been agreed by relevant local authorities, Natural England and the City of London Corporation (Conservators of Epping Forest) requires the authorities to monitor any impact on the environmental quality of the Forest, and to introduce mitigation measures where these are necessary.

The Mitigation Strategy will comprise two strands covering the management of visitor pressure and the management of air quality. Progress has been made on both these matters but an interim mitigation strategy has still to be agreed. A meeting with the relevant authorities is scheduled for 25 July 2018.

A visitor survey has been undertaken to update previous surveys using a more robust methodology that has been informed by best practice and surveys undertaken in other parts of the country. The report includes the identification of the Zones of Influence and identifies a Zone of Influence of 6.2km (75% of visitors to the Forest) distance together with an inner zone of 3km which is a larger zone than previously identified through a previous visitor survey. This Zone of Influence will be used to clarify the extent to which contributions will be sought for the management of visitor pressures. The level of contributions will be determined by schemes that can be delivered by the Conservators of Epping Forest. Despite repeated reassurance from the Conservators that this information would be available shortly details of projects to which contributions are sought is still awaited. In the meantime this will need to be taken into account when considering residential planning applications.

Further work is also being undertaken in respect of air quality monitoring. In the meantime Natural England has advised that until this is completed and *the HRA has been updated* *Natural England doesn't have the following critical information to provide any interim advice* regarding how to deal with air pollution impacts:

- The severity of the in-combination air pollution impacts, especially with respect to whether there are any adverse effects and
- The mitigation measures which will be applied to reduce or remove any impacts to enable a conclusion of no adverse effects to be reached (where adverse effects have been identified)

In the absence of this information they are unable to identify additional mitigation measures which could be applied to proposals for residential and employment development.

4. Neighbourhood Planning

Moreton, Bobbingworth and the Lavers Neighbourhood Plan is the most advanced in terms of its stage in preparation. The Plan was examined in 2016 but the independent examiner concluded that Plan did not meet all of the Basic Conditions, meaning that it could not proceed to referendum and the Council making the plan. The Parish is currently preparing to finalise and submit a revised Plan.

The Chigwell Neighbourhood Plan has been submitted to the Council and Regulation 16 publication has taken place. Preparations are now being made for the examination of the plan against the Basic Conditions. Subject to the outcome of the examination, the Plan would then proceed to a local referendum. If the referendum result is positive the Council will then need to determine whether the Plan meets the basic conditions and determine whether to make the plan.

Epping Neighbourhood Plan is currently out to consultation (Regulation 14) until 31 July 2018 and a questionnaire has been circulated with a deadline of 8 July 2018 to help with the formation of the North Weald Bassett Neighbourhood Plan.

All other neighbourhood plans in progress including those for Buckhurst Hill, Epping Upland, Loughton Town, Ongar, Theydon Bois and Waltham Abbey, are in their early stages of preparation.

5. Harlow and Gilston Garden Town

The Project Director for the Garden Town has worked with officers from the three districts and two counties to develop the work streams required to take the Project forward. There are 12 work streams underway which are being reported regularly to the Garden Town Board which meets regularly. The Council's representatives on the Board are currently Cllr Whitbread, Bedford and Philip.

Work is well advanced on the preparation of a spatial vision and design charter and proposals for the implementation of sustainable transport corridors for the Garden Town which will be subject to community engagement prior to finalisation. Public Exhibitions are took place at the Council's Civic Offices during w/c 3 and 10 July 2018 with a staffed session on 5 July 2018. The studies are due to be agreed by the Garden Town Member Board in September with reports back to the three local planning authorities to endorse them as material planning considerations in the determination of planning applications.

6. Development Management

Building Control

Building Control's income from April-June 2018 is £122,913 (budget £144,417) and comprises of nearly 25% of the overall budget set at £500,000 for 2018/19.

Given the level of business Building Control is currently achieving it is likely they will be able to meet the required increased budget targets of £49,000 per month for July to September 2018. This is encouraging news as it indicates that Building Control is able to match last years improved income figures.

Development Control

Development Control's Income from April-June 2018 is significantly over budget at £506,946 (budget £249,360) and comprises of 47% of the overall budget set at £1,080,000 for 2018/19.

The main reason for this large increase in Planning Income is mainly due to the submission of a number of high fee 'Major' applications for development at Tesco's site at Waltham Abbey, North Weald Golf Course in North Weald and Land at Dowding Way in Waltham Abbey. Also, in addition the planning fees increase in January 2018 has also had a positive impact on Planning Fee Income.

The budget targets for Planning have risen each year to the increased current budget of £1,080,000 for 2018/19 and whilst in the past increases in income are difficult to exceed in following years, it looks likely that this will be achieved this financial year.

Whilst DC income has been rising steadily each year it is worth noting that in 2015 Development Control's Planning Fee income was £595,000 and that the workload across Planning has increased accordingly, resulting in the need to bring in short-term additional planning officers.

Finally, as stated in section 3 above, the impact of growth on the Special Area of Conservation (SAC) means that at the current time, the Council cannot grant planning permission on any planning applications resulting in additional residential development which are within 6.2km of Epping Forest SAC until such a time that an appropriate financial contribution to mitigate against this adverse impact has been determined and agreed. It also cannot grant planning permission for proposals that result in additional residential and/or employment development within the entire District because of its likely air pollution impact on Epping Forest SAC, unless an Air Quality Assessment has been submitted providing full justification that the development will not result in any increase in air pollution or that the impacts from air pollution would be adequately mitigated. All submitted information would need to be agreed by Natural England prior to determining an application.

Applications can still be reported to planning committees, but it will not be possible to finalise the legal agreement or issue a decision notice until the mitigation strategy and the financial contributions required have been agreed. However, it has caused some delay, which resulted in the cancellation of July's Area Plans East and West sub-committees and concern among applicants on the progress of their planning applications, but they have been advised and details are on our website.