

Report to the Council

Committee: Cabinet

Date: 30 July 2020

Subject: Planning and Sustainability Portfolio

Portfolio Holder: Councillor N Bedford

Recommending:

That the report of the Planning and Sustainability 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 (MMs). Work continues to progress the Actions identified by the Inspector.

The Council's latest response to the Inspector, dated 24 April 2020, sets out revisions to the high level programme as submitted in January 2020 ([ED106](#)). This recaps the way in which the Council is approaching matters relating to the Habitats Regulations Assessment (HRA) and updating and consolidating the Infrastructure Delivery Plan and viability documents supporting the Local Plan. In accordance with the high level programme agreed with the Inspector the Council submitted the third tranche of Main Modifications (MMs) during the week of 8 June 2020. It is anticipated that the final tranche of Main Modifications will be submitted in early September with a view to consultation on the MMs in October 2020.

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.

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 2018 and is working with Natural England to identify potential opportunities to address the backlog of underdetermined applications. The Council continues to undertake work to identify whether an interim approach to managing atmospheric pollution impacts on the EFSAC can be identified to address the backlog of applications. An updated position statement dated 30 April 2020 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 to Cabinet on 20 July 2020.

3. Draft Green Infrastructure Strategy

The report to Cabinet on [15 April 2020](#) advised that to support the policies set out in the emerging Local Plan in relation to Green and Blue Infrastructure, the protection of ecological assets and high quality design a draft Green and Blue Infrastructure Strategy had been developed. The Strategy seeks to address the requirement to provide suitable avoidance or mitigation measures to manage any potential impacts of growth on protected sites, primarily the Epping Forest SAC and a number of SSSI's. This will ensure high quality Green and Blue Infrastructure, including the provision of Suitable Alternative Natural Green Spaces (SANG), is delivered alongside the proposed growth in the District.

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 intention is that following the consultation and any updates arising that 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. Harlow and Gilston Garden Town

The Garden Town has recently published the Annual Review for April 2019 to March 2020. One notable achievement is the securing of Housing Infrastructure funding of £172 million for the River Stort crossings. This will enable early finance for improvements to the existing A414 crossing into Harlow.

A new Delivery Service model has been developed and agreed in principle by the Harlow and Gilston Garden Town Board based on the creation of a more formalised structure for the Board, a Planning Advisory Group and a Delivery Service.

A Stewardship Options assessment was undertaken to identify the preferred model for long term management and maintenance of community assets and this is due to be considered by the Board on 13 July 2020.

A Grant funding allocation of £580,000 from Homes England was received for 2019/20 together with match funding resources from the five Councils, including staff secondments, office space, IT and HR support. The Garden Town will be making a bid for Capacity Funding for the 2020/21 financial year.

5. Delivering Infrastructure in the District

Further work 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 is currently being finalised. This includes updating the Infrastructure Delivery Plan as agreed as part of the local plan hearing sessions to consolidate the various documents and take account of amendments to the Local Plan allocations.

6. Development Management Planning Applications

Planning application income including Pre-application fees for the first quarter of 2020-21 is £207,640, which is a shortfall of £170,100 against a budget estimate that is profiled on a 3-year actual average.

Planning application submissions over the same period are lower by 24% than the same quarter last year (682 compared to 897) with pre-paid planning applications 22% down (43 compared with 55).

Clearly this is the impact of Covid 19 where the largest fee major planning applications are not being submitted and work on all application types has paused because many planning consultancies have furloughed staff. However, the applications have picked up in recent weeks so the expectancy is that this will steadily rise over the next couple of months as work on their submissions resume, but other influencing factors over the rest of the year include the adoption of the emerging Local Plan, an agreed Mitigation Strategy to managing and mitigating the effects of new development on the Epping Forest SAC in relation to air quality and the Governments recent announcement for recovery and future relaxing of planning controls with regards to conversions, changes of use and upward building among other proposals.

The planning application case officers in the meantime have adapted well to new ways of working, including requesting further information and visuals from applicants to help with the decision-making process while site visiting has been more restricted.

Several virtual Planning Committees have now taken place so that decision making not affected by the SAC has continued, but Member site visits are currently not possible in the current climate. A Planning Appeal Hearing chaired by a Planning Inspector has also just been held virtually for an Epping site and included third party resident involvement, which went well.