

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF NEIGHBOURHOODS AND COMMUNITIES SELECT  
COMMITTEE  
HELD ON TUESDAY, 17 NOVEMBER 2015  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.30 - 9.25 PM**

**Members Present:** H Brady (Vice-Chairman, in the Chair), R Gadsby, L Hughes, R Jennings, J Lea, A Mitchell, S Neville and A Patel

**Other members present:** R Bassett and G Waller

**Apologies for Absence:** M Sartin, N Avey and L Mead

**Officers Present** D Macnab (Deputy Chief Executive and Director of Neighbourhoods), K Bean (Planning Policy Manager), J Chandler (Assistant Director (Community Services)), K Durrani (Assistant Director (Technical Services)), R Gardiner (Environment and Neighbourhood Manager), S Martin (Environmental Coordinator), J Nolan (Assistant Director (Neighbourhood Services)), L Swan (Assistant Director (Private Sector Housing & Communities Support)), J Warwick (Sports Development Manager) and A Hendry (Senior Democratic Services Officer)

**21. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was noted that Councillor J Lea was substituting for Councillor N Avey.

**22. NOTES OF THE LAST MEETING**

The notes of the meeting held on 15 September 2015 were agreed.

**23. DECLARATIONS OF INTEREST**

There were no declarations of interest made pursuant to the Members Code of Conduct.

**24. TERMS OF REFERENCE AND WORK PROGRAMME**

(1) The Committee noted their Terms of Reference and Work Programme.

(2) The Committee went on to consider the PICK form submitted by Councillor Neville on a default 20mph speed limit for the Epping Forest District. They agreed that an officer from Essex County Council, probably David Sprunt, be invited to address this Committee's January 2016 meeting on the County Council's policy in relation to the imposition of 20mph zones on the local road network.

**25. KEY PERFORMANCE INDICATORS 2015/16 - QUARTER 2 PERFORMANCE**

The Director of Neighbourhoods, Mr Macnab introduced the Quarter 2 update on the Key Performance Indicators specific to this Select Committee. The Committee went

on to review each indicator that looked to be in trouble and to question any inconsistencies that they came across.

Councillor Bassett pointed out that the percentages in paragraphs 6 and 7 of the report did not add up to 100%.

**NEI002** – *what % of all household waste was sent to be recycled, reused or composted?* - Councillor Bassett asked if we were still seeing fallout from this year's earlier collection problems affecting our recycling figures. Mr Durrani, Assistant Director (Technical Services), said that even if a collection was missed they would still go back and collect it later. This slowdown was part of a general county wide picture emerging. The general public were getting recycling apathy; also a lot of our recycling was green waste and this was the wrong time of the year for this. It was noted that plans to collect food waste from local schools would be still classed as household waste.

Councillor Lea asked if our move to 4 day collections had made any impact on fly-tipping. She was told that no difference had been detected.

**NEI004** – *what % of our district had unacceptable levels of detritus (dust, mud, stones rotted leaves, glass, plastic etc.)?* – Councillor Neville asked if there were any indications that the actions on the improvement plan were beginning to work. Mr Durrani replied that they checked over 900 sections to arrive at a figure, they were looking for overall improvement and not focusing on any one section. They inspected impartially, but proving any improvement was difficult. They were now getting to the stage where Biffa could be hit by the financial penalties that were put in the contract. These were big enough to make the company take notice. They were in for the full 10 years of the contract and this should focus them.

Councillor Bassett asked how it related to the work Essex Highways did in clearing drains from leaves, mud and dirt. Mr Durrani said that this was particularly relevant in rural areas and was an issue, but our monitoring was very strict.

**NEI010** – *What was the net increase or decrease in the number of homes in the district?* – the construction rate of new homes is generally outside the control of EFDC. Councillor Patel again asked that the wording for the corrective action be looked at as it appeared that we were encouraging more building of dwelling by grant planning permission without any deeper consideration.

Councillor Waller asked about the number of dwellings in applications granted and therefore in in the pipeline but had not yet been built. Mr Bean, the Planning Policy Manager, said that he would find out and put it in the minutes (*see below*).

Subsequent to this it was reported that:

- In the period from April 2011 to end June 2015 there were 953 net new dwellings.
- Planning permission exists for 918 (net) as of yet uncompleted dwelling units. However for official five year housing supply purposes, we are required to apply a 10% non build rate, and exclude anything likely to be completed within this monitoring year. When these factors are applied, our official five year housing supply figure is 747. Permissions granted since 1st April this year have not yet been included in our monitoring.

**NEI011** – *What % of the rent we were due to be paid for our commercial premises was not paid?* – Councillor Patel asked if we had a KPI for the recreational premises we had. He was told that we had very few premises of this kind and they generated very little money compared to the commercial premises.

Councillor Bassett questioned if the target of 3% was realistic and was told that this should be considered at the end of the year when next year's targets were being considered.

## **26. UTTLESFORD LOCAL PLAN - ISSUES AND OPTIONS CONSULTATION**

The Planning Policy Manager, Mr Bean, introduced the Uttlesford Local Plan Issues and Options consultation report. The meeting noted that Uttlesford District Council's previous Local Plan ran into difficulties at Examination in Public late in 2014. The main concerns related to the Objectively Assessed Housing Needs (OAHN) figure relying on out of date evidence and the capacity of the village of Elsenham to take the amount of new development being proposed. The examination was not completed and as a consequence Uttlesford subsequently withdrew the Plan in February 2015.

Their current Issues and Options consultation on a new local plan was intended to be the first of three stages of formal consultation and engagement. The deadline for this consultation was 4 December 2015. They hoped to have a final draft plan by next year and a submission version by 2017. This current consultation included 19 questions broken into 3 categories – general issues; areas of search; and the overall level of development and different strategies for delivering development.

Uttlesford along with Harlow & East Hertfordshire is one of the Strategic Housing Market Area (SHMA) partners with this Council. Officers were concerned that the SHMA was not mentioned in the consultation document as this was a key piece of joint evidence prepared for the four authorities in the Housing Market Area. Officers were also surprised that there was no mention in the document about boundary issues and that more was not said about the potential impact of Stanstead Airport. Councillor Bassett noted that at a recent six authorities meeting they had considered the Hertfordshire Transport Vision and also that elements of the Crossrail 2 would be a relevant cross border strategic issue as well.

However, officers felt that this was an early stage document, which was perhaps put out too quickly, it may have been better if they had waited a month to include more up to date figures.

Officers did not believe it was helpful or necessary to answer the majority of the consultation questions, as most depended on a detailed knowledge of Uttlesford and were aimed at, and more relevant to, residents and businesses of the district.

### **RESOLVED:**

To respond to two of the consultation questions as follows:

- (a) Cross-boundary strategic planning issues should include:
- housing provision for the settled and travelling communities, taking account of the 2015 SHMA, the updated Essex GTAA, and the planning constraints of neighbouring authorities;
  - implications for housing need, employment demand and commuting

- patterns from development at Stansted Airport and the Harlow Enterprise Zone;
- major infrastructure projects including Junction 7a of the M11, the upgrading of the A414 in the Hertford area, and the Hertfordshire Transport Vision and Crossrail 2;
- (b) It is unfortunate that the timing of this consultation has meant that the final version of the SHMA (published on 15<sup>th</sup> September) has not been included or even mentioned in the consultation document nor had the joint economic employment evidence. This is a key piece of joint evidence prepared for the four partner authorities in the Housing Market Area. Such an important piece of evidence should be explicitly referred to, and would be helpful in explaining the option figures for housing growth;
- (c) The consultation document should also refer to the Co-operation for Sustainable Development Group which is one of the key mechanisms through which SHMA partners have been, and will continue to be, engaged on cross-boundary issues such as housing and jobs provision and distribution, and infrastructure requirements.

## **27. COMMUNITY SERVICES SUMMER ACTIVITIES 2015**

The Assistant Director (Community Services), Ms Chandler introduced the report on the summer activities (2015) organised and delivered by the Community Services section. She was accompanied by James Warwick the Sports Development Manager. The report provided information about a wide range of activities to engage children, young people and their families. It was noted that almost 2000 people had participated in the extensive range of activities on offer which included physical activities such as Soccer Tots, mountain biking Play in the Park and Play in the Forest sessions and dance programmes as well as other creative activities.

These activities were detailed in a brochure that was delivered to all schools in the district. This was supplemented by fliers, posters, school visits, social media, a website, radio interviews and attendance at community events and Town Shows.

This year also saw the launch of an on-line booking portal, accessed via the Council's website.

There was also an 'Inclusion Programme' which was funded through Essex County Council, designed for children and young people with additional needs. Although parents and carers frequently elect to attend sessions with their children, a special fully supervised camping break was organised this year to give parents respite and enable the children to stay without their families if they wanted to. This proved hugely successful and received excellent feedback.

Councillor Patel said that he was not aware of this work that the Council did; he was very impressed by it. What about the costs how much did it cost us and how much did we get back. Also, do we charge the children? Ms Chandler said that in respect of the Inclusion programme, the families are charged for all activities but at a reduced rate, as the whole of the inclusion programme was funded externally, through Essex County Council. However, the other generic activities are provided at different costs, some to make a profit, others to break even and some free of charge, as we have about 1500 children living in poverty in our district. Mr Warwick noted that some

activities were externally funded; they tried to make all activities as affordable as possible, charging a uniform price across the district.

Councillor Neville asked about the inclusion programme, what was the cost to the council. Mr Warwick said that there was no cost to the council as the programme was fully funded by the County Council to enable respite care for carers and parents.

**RESOLVED:**

That the Committee noted the success of the Community Services Summer Activities 2015 programme.

**28. REVIEW OF THE LOCAL PLAN (UPDATE)**

The Planning Policy Manager, Mr Ken Bean introduced the report updating the Committee on the Local Plan progress. They noted that the next key stage in the Local Development Scheme was Council approval of the Data Plan Preferred Approach next Spring ahead of full public consultation which was anticipated between July and September 2016.

Mr Bean reminded the committee of the upcoming dates of member briefings and workshops on the Local Plan and that there would be a further series of workshops on other policies starting again in February 2016.

In relation to housing, an updated Strategic Housing Market Assessment (SHMA) has been produced in conjunction with the other authorities within our Housing Market Area: East Herts, Harlow and Uttlesford. The final SHMA was formally considered by the SHMA partners at the Cooperation for Sustainable Development Board meeting on 22<sup>nd</sup> September and was then subsequently added as part of the Local Plan evidence base, together with the related economic and employment evidence, following consideration at the 8<sup>th</sup> October Cabinet meeting.

The SHMA provided figures for the Objectively Assessed Housing Need (OAHN) for Epping Forest District and the other areas covered by SHMA (East Herts, Harlow and Uttlesford). The OAHN figure in Epping Forest District was 11,300 dwellings up to 2033 but it was important to understand that this was not the housing target for the District. The Council had still to determine its housing target, although the production of the SHMA was an important milestone towards doing so.

Since the completion of SHMA in October, the Government had published the Housing and Planning Bill; this necessitated that consideration be given to potential impacts for the SHMA, particularly in relation to starter homes and gypsy traveller accommodation.

A more detailed report covering 'Economic and Employment Evidence to Support the Local Plan and Economic Development Strategy' had been completed for EFDC alone. It identified jobs growth in the range of 400-455 additional jobs per year from 2011-2033 and provided a detailed analysis of the assessed economic need, in terms of employment floorspace and types to be provided through the EFDC Local Plan.

It was noted that the Green Belt Review had moved to a more detailed stage 2 level, looking more closely at a number of broad locations across the District identified by the Stage 1 work.

Moreton, Bobbingworth and the Lavers were finalising their draft Neighbourhood Plan which, following publication for a six week period for representations, goes forward to independent examination. There are seven other Parish and Town Councils that had applied to designate neighbourhood planning areas for their areas which had been approved (Chigwell, Epping, Buckhurst Hill, Theydon Bois, Loughton, North Weald Bassett and Epping Upland).

Officers and Members continue to meet regularly with appropriate authorities, principally through the Cooperation for Sustainable Development officer group and Member Board, to consider a wide range of cross boundary issues. The Lea Valley glass house industry was one of the matters considered at the Enfield, Essex and Hertfordshire Border Liaison Group Member meeting held on 29<sup>th</sup> October. This meeting also received presentations on Crossrail 2 and the Hertfordshire Transport Vision, both of which are currently the subject of public consultation.

Officers have also been involved in transport work being undertaken by the London Borough of Enfield, opposing reference to construction of a new access road in the North East Enfield Area Action Plan and are keeping a watching brief on wider transport work being undertaken as part of Enfield's Northern Gateway Access Package (NGAP). An update of the NGAP transport work was also provided at the recent Border Liaison Group Meeting. Councillor Bassett reported that along with the Planning Policy Manager, he had recently attended a meeting of concerned residents in Enfield called by the local MP at which he defended our position on the NGAR/NGAP, correcting a few misapprehensions and explaining the problems any additional road link would cause to this District.

Councillor Bassett noted that under SHMA we were initially earmarked to have 16,000 houses and had therefore done well to bring it down to 11,300 OAHN figure. We still have a lot more evidence base work to do followed by consulting with neighbouring authorities before a housing target was reached. However, he noted that work had now started on considering what matters individual policies included in the Local Plan ought to address and that the member (District and Parish/Town Council representative) workshops were underway to consult and carry this out in a non-political way.

Councillor Patel asked if officers were consulting with the youth of the District. Mr Bean said that they were looking at using Social Media and for PR to engage as widely as possible with the youth through use of these media.

Councillor Waller noted that eight areas were seeking to implement a Neighbourhood Plan. We were expected to assist with this, but what demands did this place on our resources. He was told that there was a growing demand and they had appointed someone within the Policy Team in August to take the lead on Neighbourhood Planning and engagement with the 24 town and parish councils in fulfilling EFDC's statutory duty to support. The Government were also proposing significant revisions for Neighbourhood Planning to speed up the process, thus placing more demands on the team. There were various levels of funding available to help us and that a report would be going to the December Cabinet meeting. The Elections section was gearing up to the need to hold neighbourhood plans referendums in due course. With resourcing issues in mind, officers had therefore written to all Town and Parish Councils asking about their intentions in relation to neighbourhood planning.

**RESOLVED:**

That the progress made on the Local Plan was noted.

**29. FLY TIPPING CLEARANCE AND ENFORCEMENT**

The Assistant Director, Neighbourhood Services, Mr Nolan and the Environment and Neighbourhood Manager, Mr Gardiner, introduced the report on fly-tipping clearance and enforcement. It was noted that this was a problem that was growing. The Environment & Neighbourhoods (EN) Team were responsible for enforcing waste law in the district. They log all incidents of fly-tipping and prioritise investigations to try and trace the source of the waste and fly-tipper. They took as an example Laundry Lane that was constantly being fly-tipped and constantly being cleared by the district or the County Council. Waste has also been dumped on private land and although the Council has the powers to force the land owner to clear the tip they did have some sympathy with them on this. They were also getting pressure from the private land owners to help them clear up the tipped areas.

Councillor Bassett sympathised with their problem and considered that some sort of covert work needed to be carried out here. He noted that some land owners have had to spend £5,000 clearing away fly-tips on their land. This was a difficult problem. Officers needed some sort of discretion for instance to allow the landowner to pay us to clear up their land at a reasonable discounted rate on an exceptional basis. More enforcement and more covert surveillance was needed. There should be a purge on fly-tipping especially in troubled areas and help with CCTV for private landowners. The only way to stop it was to catch them.

Mr Nolan replied that it was very difficult to put in CCTV on rural roads, in order to be effective you needed good quality images/equipment and they were resource intensive. They should ideally be placed near a power source, if not the batteries would have to be changed on a regular basis. He liked the idea of having a purge on an area or, if possible, blocking off a road. He noted that we could not erect overt fake cameras since a recent court case. The installation of warning signs was also raised. However, these strategies were likely to just move the problem to another nearby area.

Councillor Jennings asked about best practice and what did other authorities do about this. Mr Nolan said that we were with the national body that dealt with CCTV and we were ahead on the use of best practice.

Councillor Bassett noted that Town and Parish Councils may want our help. He was told that we would always help and advise local councils if asked.

Councillor Bassett asked if we could charge for removing fly-tips at cost price without taking any profit. He was told that would be up to councillors to decide that change in policy.

Councillor Bassett raised a question regarding Essex County Council (ECC) asking about pushing waste blocking roads into a ditch. He was told that EFDC would pursue this with ECC if ECC Highways did so as an emergency to unblock or remove a hazard but did not return and collect it later.

Councillor Patel suggested we put in Automatic Number Plate Recognition (ANPR) cameras at both ends of a road and log the vans that use it. We could use the money

we spend on clearing away the waste to buy this equipment and hopefully catch the perpetrators. Mr Nolan said that in order to convict they needed evidence that was 'beyond all reasonable doubt'. Which meant that there was limited potential for CCTV unless it was in the right spot to capture significant detail of someone fly-tipping.

The Director of Neighbourhoods noted that issues of policy needed to be addressed here. Were members minded to go back to the Overview and Scrutiny Committee seeking more money from the Cabinet? Also, what were their priorities on this, such as meeting the cost for private land owners?

Councillor Waller was sympathetic to the land owners, but EFDC paying for clearance would not deal with the root of the problem. What was the maximum penalty that could be given? He was told that it was now unlimited and a recent case had seen a fly-tipper being sent to jail for four years. Councillor Waller said he would like to see us catching the perpetrators of this crime and getting money back from them.

Councillor Brady commented that they would also like to help landowners as we could not catch all the perpetrators.

Councillor Bassett asked if we could allow them to take their waste to our dumps. It was clarified that "dumps" (Recycling Centres) are owned/managed by the ECC and not EFDC. Mr Gardiner explained that victims of fly-tipping could take household waste to ECC Recycling Centres. EFDC could assist victims to liaise with ECC to try and ensure waste was not turned away as sites did not accept commercial waste.

Councillor Jennings suggested working in partnership with other Local Authorities and providing joint sites for people to use. He was told that this could run into millions of pounds to set up and run. But sites were already available but people did not want to pay to use them.

#### **RESOLVED:**

On consideration of the current position regarding the clearance of fly-tipped waste the Committee suggested that:

- 1) Consideration should be given to help landowners by charging cost prices for the removal of tipped waste;
- 2) There was no support for providing additional funding to enable EFDC to provide a fly-tipping waste clearance service from private land; and
- 3) Members supported the continued enforcement to catch perpetrators.

### **30. ENFORCEMENT OF WASTE CONTAINERS STORED ON THE PUBLIC HIGHWAY**

The Assistant Director, Neighbourhood Services, Mr Nolan introduced the report on the enforcement of waste containers stored on the public highway.

The Committee noted that the Environment & Neighbourhoods (EN) team were responsible for enforcing waste law across the district. The EN team receive complaints about commercial premises storing waste on the public highway and also find examples of poor commercial waste management whilst out in the district.

Waste stored on the highway can cause similar issues as fly-tipping. It could look unsightly, pose a hazard to users and encourage others to dump waste in the area

and by the bins. Any spillages of waste could easily escape onto the highway causing litter and marking of the surface. Grease deposits from waste spillages can build over time if the same location on the highway is used.

It was illegal to store waste in a container or directly on the surface of the public highway without the consent of Essex County Council (ECC) as the highway authority for the district. They have not issued any such consent for this district. We can therefore safely assume that all bins stored on the public highway within the district have no consent and are therefore illegal, akin to fly-tipping waste on the highway.

There are some examples where a well managed commercial bin stored on a public highway causes no significant issues or complaints and storage on the highway appears to be in keeping with the commercial use of the public highway in that area.

Whether or not EFDC should enforce the law and require a bin to be removed was entirely at our discretion. However it should be noted that by not enforcing we are not giving tacit consent.

#### **RESOLVED:**

- (1) That officers be allowed to exercise sensible enforcement of this issue, but retain some discretion; and
- (2) That the council adopts a procedure to assess the impact of the breach of the waste legislation before deciding whether or not EFDC should seek to use waste laws to remove bins containing waste stored on the highway.

#### **31. UPDATE FROM THE GREEN CORPORATE WORKING PARTY**

The Assistant Director for Private Sector Housing and Community Support, Lyndsay Swan in conjunction with Sarah Martin the Environmental Co-ordinator, introduced the report on the development of a green corporate energy strategy/environmental policy, the development and adoption of which was an item on the Select Committee's work programme.

The Committee noted that they were working towards a new environmental policy to tie in with the Council's Corporate Objectives.

A presentation was given to the Leadership Team on 11<sup>th</sup> November 2015 which Directors and Assistant Directors were asked to consider the options for the development of a corporate energy strategy/environmental policy. They came up with a number of suggestions including:

- Electric vehicle charge points in the district;
- The council to have their own electric vehicles;
- E-billing, e-notification, more on-line forms;
- Have targets for energy efficiency as part of the local plan;
- Making communities resistant to the impact of climate changes;
- Making meetings paperless.

These, and the other suggestions made would be taken to the next green working party meeting to be discussed. They would then look to create an 'environmental charter' with an action plan which would then be brought back to this meeting for

comments and agreements. This would replace the Council's existing Climate Change Policy 2009.

**RESOLVED:**

That the Committee noted the outcome of the presentation to the Leadership Team and that a further report would be brought to a future meeting.

**32. WASTE MANAGEMENT PARTNERSHIP BOARD MINUTES FOR 17 JUNE 2015**

The Committee note the Waste Management Partnership Board minutes for a meeting held on 17 June 2015.

Mr Macnab took the opportunity to update the meeting on the upcoming special meeting to be held on 17 December 2015 to review the Waste Contract and associated problems as put forward by a PICK form. The meeting noted that:

- A communication strategy had been developed by PR to engage the public;
- They are canvassing for questions from the public. If they receive similar questions they would group them and choose an indicative question to be asked at the meeting;
- Articles would be put on the website;
- Poster and press releases to be issued;
- The Town and Parish Councils are also to be notified;
- Only 120 people could be housed in the chamber;
- If need be people could watch the proceedings in the atrium on the TV screens;
- The meeting will also be webcast.

**33. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

The Committee thought that a short report back to the Overview and Scrutiny Committee should be given on the items covered at this meeting, especially on the items on the waste containers, fly-tipping, and on the Uttlesford Local Plan consultation document.

**34. FUTURE MEETINGS**

The meeting noted the future meeting dates for this Committee.