

Committee Agenda



**Epping Forest
District Council**

Local Plan Cabinet Committee Thursday, 17th October, 2019

You are invited to attend the next meeting of **Local Plan Cabinet Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Thursday, 17th October, 2019
at 7.30 pm.**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer:**

V. Messenger
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Members:

Councillors J Philip (Chairman), N Bedford, S Stavrou, C Whitbread and H Whitbread

PLEASE NOTE THE START TIME OF THIS MEETING

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

1. WEBCASTING INTRODUCTION

The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of subsequent, repeated viewing, with copies of the recording being made available for those that request it.

By being present at this meeting, it is likely that the recording cameras will capture your image and this will result in your image becoming part of the broadcast.

You should be aware that this may infringe your human and data protection rights, and if you have any concerns then please speak to the Webcasting Officer.

Please could I also remind Members and Officers to activate their microphones before speaking.”

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

4. MINUTES (Pages 5 - 10)

To confirm the minutes of the last meeting of the Cabinet Committee held on 22 November 2018 (previously circulated).

5. TERMS OF REFERENCE (Pages 11 - 12)

To note the Cabinet Committee’s Terms of Reference, as agreed by the Leader of the Council in June 2012.

6. PRESENTATION - LOCAL PLAN UPDATE

(Interim Assistant Director (Planning Policy and Implementation)) To receive a presentation updating the current position of the Local Plan.

7. PRESENTATION - QUALITY REVIEW PANEL

(Chairman of the Quality Review Panel) To receive a presentation on the activities of the Quality Review Panel.

8. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order (6) (non-executive bodies), any item raised by a non-member shall require the support of a member of the Cabinet

Committee and the Chairman of the Cabinet Committee. Two weeks' notice of non-urgent items is required.

9. EXCLUSION OF PUBLIC AND PRESS

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the Proper Officer at least 24 hours prior to the meeting.

Background Papers

Article 17 of the Constitution (Access to Information) define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Local Plan Cabinet Committee	Date:	Thursday, 22 November 2018
Place:	Council Chamber - Civic Offices	Time:	7.35 - 8.00 pm
Members Present:	J Philip (Chairman), A Grigg, A Lion, S Stavrou and C Whitbread		
Other Councillors:	R Brookes, S Heap, H Kauffman, R Morgan, C P Pond, H Whitbread and D Wixley		
Apologies:	None.		
Officers Present:	D Macnab (Acting Chief Executive), G Blakemore (Strategic Director), A Blom-Cooper (Interim Assistant Director (Planning Policy)), N Richardson (Service Director (Planning Services)), V Messenger (Democratic Services Officer) and S Kits (Social Media and Customer Services Officer)		

1. WEBCASTING INTRODUCTION

The Chairman made a short address to remind attendees that the meeting would be broadcast live to the Internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

2. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Member Code of Conduct, Councillor A Lion declared a non-pecuniary interest in agenda item 7a, Epping Forest District Local Plan Update, by virtue of being a member of Chigwell Parish Council and in relation to the Chigwell Neighbourhood Plan. The Councillor had determined that he would remain in the meeting for the consideration of the item.

3. MINUTES

RESOLVED:

That the minutes of the meeting held on 14 May 2018 be taken as read and signed by the Chairman as a correct record.

4. TERMS OF REFERENCE

The Cabinet Committee noted its terms of reference, as amended by the Leader of the Council in June 2012.

5. RECENT GOVERNMENT CONSULTATIONS

The Interim Assistant Director (Planning Policy) presented a report that sought:

(a) Members approval of the proposed response to the MHCLG technical consultation '*Changes to planning policy and guidance including the standard method for assessing local housing need*' which was published on 26 October with comments due by 7 December 2018.

- (b) To note the consultation on proposed planning reforms and increasing the delivery of new homes published on 29 October 2018 with comments due by 14 January 2019.
- (c) To update members on the Government's response to the consultation on supporting housing delivery through developer contributions.
- (a) **MHCLG technical consultation – Changes to planning policy and guidance including the standard method for assessing local housing need**

This technical consultation followed the publication of the revised National Planning Policy Framework (NPPF) in July 2018 and the release of the 2016 based household projection in September 2018. The proposal was to alter the standard methodology for assessing local housing need to ensure it was consistent with increasing the supply of homes. Therefore, local authorities would continue to use the 2014 based household projections when using the standard method to assess the minimum number of homes needed, which meant 923 homes for this Council, rather than using the 2016 based household projections published in September. However, as Local Plans submitted for examination before 24 January 2019 could be based on existing locally assessed housing need, the Local Plan would be examined on the basis of the Strategic Housing Market Assessment figure of 518 homes per annum as set out in the Local Plan Submission Version 2017.

The Government considered the following three changes were the best way to respond to the new ONS 2016 household projections published in September 2018:

- For the short-term, the 2014-based household projection (instead of the recently published 2016-based projection) would be used as a baseline for assessment of local housing need.
- That lower numbers through the 2016-based projections did not qualify as an exceptional circumstance that justified a departure from the standard methodology; and
- In the longer term, the Government would review the formula for assessing local housing need with a view to establishing a new method by the time the next projections were issued.

This would provide stability and certainty for local planning authorities and communities, ensure that planning responded not only to movements in projected household but also to price signals, and also ensure planning policy supported a housing market that worked for everyone.

The consultation document also included a number of proposed clarifications of national planning policy.

The consultation questions and the Council's proposed draft response were detailed in the agenda.

- (b) **Planning reform: Supporting the high street and increasing the delivery of new homes**

The MHCLG consultation, published on 29 October 2018, set out proposals for permitted development rights (PDRs) to support the high street. This included to allow greater flexibility for change of use, to extend buildings upwards to create new

homes, to remove the PDRs for telephone kiosks and associated advertising consent. In addition, there were proposals to increase the height limit for electric vehicle charging points in off street parking spaces to accommodate rapid charging points and to make permanent two time-limited rights to change use from storage or distribution to residential use and for larger home extensions. Views were also invited on the feasibility of a PDR for the redevelopment of a commercial site to create new homes.

The consultation also proposed to extend local authorities' freedoms to dispose of surplus land at less than best consideration without the Secretary of State's consent, invited comments on a draft listed building consent order to allow routine works to the Canal and River Trust's structures without the need for individual applications and on draft guidance on new town development corporations' compulsory purchase powers. The consultation questions were appended to the agenda report and members were asked to submit their comments to these questions. It was proposed that a response would be drafted and agreed with the Portfolio Holder (Planning Services) for submission before the deadline of 14 January 2019.

(c) Government response to the consultation on supporting housing delivery through developer contributions – update

In Spring 2018, the Government published a consultation on a series of proposed reforms to the existing system of developer contributions. The aim of the reform was to ensure that developers knew what contributions they were expected to make, that local communities were clear about the infrastructure and affordable housing they would get, and that local authorities could hold them to account. The Government's response to the consultation and how it intended to take forward the reforms would include:

- To introduce a new tariff (Strategic Infrastructure Tariff) that would allow combined authorities to collect funds from developers towards strategic infrastructure that would benefit multiple areas.
- To remove restrictions on how planning obligations could be used, so that local authorities had greater flexibility to secure the funds needed to deliver infrastructure. These pooling restrictions would be lifted across all areas.
- Measures to make Community Infrastructure Levy (CIL) rates more responsive to changes in the value of development and consult on indexation proposals.
- To increase transparency, by requiring authorities to publish more details on what had been collected and spent, so that local communities could see the value of developer contributions secured.
- To increase certainty for developers on the contributions that they were required to make, by clarifying regulations.

It was noted that legislation would be required to implement the changes set out in the consultation document. Consultation on the draft regulations was expected to take place later this year.

Decision:

- (1) To agree the proposed EFDC response to the MHCLG technical consultation set out in paragraphs 5-10 of this report on '*Changes to planning policy and guidance including the standard method for assessing local housing need*'.
- (2) To note the consultation on proposed planning reforms to support the high street and increasing the delivery of new homes and delegate the Council's response to the Planning Services Director in conjunction with the Portfolio Holder.
- (3) To note the publication of the Government's response to the consultation on '*Supporting housing delivery through developer contributions: Reforming developer contributions to affordable housing infrastructure*'

Reasons for Decision:

This MHCLG technical consultation and the consultation on proposed reforms would inform further updates to national planning policy guidance, which would have a significant bearing on local plan-making as well as decision-making. It was therefore prudent for the Council to provide a formal response to this consultation.

The Government also published its response to a previous consultation on '*Supporting housing delivery through developer contributions: Reforming developer contributions to affordable housing and infrastructure*' (Consultation ran from 5 March to 10 May 2018). In its response the Government proposed a number of potential changes to Community Infrastructure Levy and S106 pooling restrictions. If implemented, these proposed changes could have a significant impact on the way this Council collected developer contributions for infrastructure delivery.

Other Options Considered and Rejected:

Not to update members on the MHCLG consultations and the Government response to the consultation on supporting housing delivery through developer contributions.

6. ANY OTHER BUSINESS

That, as agreed by the Chairman and in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules of the Constitution, the following item of urgent business be considered following the publication of the agenda:

- (a) Epping Forest District Local Plan Update

7. EPPING FOREST DISTRICT LOCAL PLAN UPDATE

The Interim Assistant Director (Planning Policy), A Blom-Cooper, presented a report that sought:

- a) To update members on the progress of the preparation of the District Local Plan.
- b) To seek agreement to an updated Local Development Scheme, the high-level project plan for the preparation of the Epping Forest District Local Plan. The proposed new scheme would supersede the earlier Local Development Scheme agreed in October 2017, with the preparation of the single District-

wide Local Plan submitted to the Secretary of State for independent examination in September 2018.

- c) To agree the resources needed to match the revised Local Development Scheme and support the Implementation Team.
- d) To agree that the posts within the Implementation Team should be funded through Continuing Services Budget (CSB).

The Council had been delayed in submitting the Local Plan Submission Version for independent examination following a claim for judicial review in March 2018. When the claimant's application for permission to appeal to the Court of Appeal was refused, the Local Plan Submission Version was submitted to the Secretary of State on 21 September 2018. Louise Phillips MA MSc MRTPI, the Inspector appointed to carry out the independent examination of the Local Plan, was currently appraising it and the representations submitted at the Regulation 19 stage. It was likely that the public hearing sessions would start in February 2019. When confirmed, the hearing dates would be publicised on the Council's website.

The revised Local Development Scheme (appended to the agenda) set out an ambitious target of July 2019 for the receipt of (final) report, Regulation 25, and October 2019 for the expected adoption and publication, Regulation 26.

Resourcing of the Local Plan was previously agreed by Cabinet in October 2017 and a budget agreed to take the Local Plan through adoption, in accordance with the current Local Development Scheme. As a result of the delay in submission, the budget had been re-profiled to take account of the revised Local Development Scheme and identified that the overall Local Plan budget required an additional £25,860 in 2019/20 and £353,000 in 2020/21. This was largely a result of additional spend from the delay and costs incurred by the judicial review, and extra evidence based work such as transport modelling/testing, air quality and updated work for the infrastructure delivery plan (IDP).

The Neighbourhood Planning budget required £11,500 over the grant provided by the Government (to provide advice and assistance to parish councils to develop neighbourhood plans). Support has been provided through a contract with the Rural Community Council of Essex. However, the Council had incurred additional costs as a result of the unsuccessful examination of the Chigwell Neighbourhood Plan which could not be recouped through government grants and an additional £11,500 was required in 2019/20 to continue the support to parish councils who were preparing neighbourhood plans.

The Implementation Team had been created in April 2018 following a Cabinet decision on 7 December 2017 when DDF funding of £284,400 was agreed for 2018/19 and 2019/20 with an agreement to review after one year. The posts and grades within the Implementation Team were detailed, as well as net expenditure of £238,000 in 2018/19 and £178,000 in 2019/20 from DDF. As the team would be required longer term, this needed to be part of the CSB. It was therefore proposed that from 1 April 2018 all posts except the Urban Designer were transferred to the CSB at a projected cost of £203,000 in 2018/19 and £316,880 in 2019/20. These figures included an additional Principal Planning Officer that was not included in the original proposal. The Council had also successfully secured £150,000 to support high quality design in the District in its bid to MHCLG for the Planning Delivery Fund, and this would be used to fund the Urban Design Officer post for the first two years when it would also be transferred to CSB. Furthermore, it was expected that the Implementation Team would become self-financing either from income from Planning

Performance Agreements (PPAs) or income related to the fees for processing planning applications. However, until that point some DDF funding would be required to make up the difference between expenditure and income. This was estimated at £78,000 for 2018/19 and £166,000 for 2019/20, subject to regular review.

Work on the Harlow and Gilston Garden Town project had progressed significantly during 2018. It was essential that a collaborative and co-ordinated approach was taken to development implementation to ensure successful delivery across the partnership. Agreement to establish a wider Garden Town Team and Joint Implementation Team had been reached in principle. In summary, the total EFDC budget proposed to deliver the Garden Town project over the next budget period included the provision of £133,000 for 2019/20 and also £133,000 for 2020/21.

Decision:

- (1) That the update in relation to progress in the production of the Local Plan be noted;
- (2) That the updated Local Development Scheme included as Appendix 1 be agreed and published on the Council's website;
- (3) To note expenditure from the Local Plan to date in 2018/19 financial year, and to agree a bid for an addition to the DDF of £25,860 in 2019/20 and £353,000 2020/21 (£378,860 in total over the two financial years); and agree a DDF budget of £11,500 to support Neighbourhood Planning;
- (4) To transfer the posts within the Implementation Team to CSB from 1 April 2018 (at a cost of £316,880 in a full year) except for the Urban Design Officer post which it is proposed to transfer from 1 April 2020 (at a cost of £51,460). But retain DDF funding of £244,000 to fund the difference between Expenditure and income in 2018/19 and 2019/20.

Reasons for Decisions:

The Council was obliged under the Localism Act 2011 to prepare and publish a Local Development Scheme so that the public and stakeholders were aware of the likely timing of key stages of the plan making process.

The Council must ensure that the Local Plan was sound and deliverable to meet the requirements of legislation and national planning policy, and also to ensure that future development was plan-led, sustainable and of a high quality. To ensure that the Local Plan would be sound and deliverable it was vital that the production and implementation process was adequately resourced.

Other Options Considered and Rejected:

- Not to provide an update on the preparation of the Local Plan.
- Not agree to amend the Local Development Scheme.
- Not to agree the additional funding identified for the Local Plan DDF.

8. EXCLUSION OF PUBLIC AND PRESS

The Cabinet Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

Local Plan Cabinet Committee – Terms of Reference

- 3.1 To oversee and submit recommendations to the Cabinet as appropriate on:
 - (a) agreement of documentation for consultation on the draft plan/preferred option and documentation to seek pre - submission representations on the proposed Local Plan;
 - (b) the final form of the Council's Local Plan (ie the version to be submitted to the Planning Inspectorate for Examination in Public); and
 - (c) responses that should be made to any representations received following consultation on the Local Plan and related documents and supplementary planning documents.
- 3.2 To be responsible for all aspects (except those matters specified in 3.1 above) including but not restricted to:
 - (a) monitoring of the achievement of milestones within the Local Plan and Community Infrastructure Levy preparation and review process;
 - (b) agreement of engagement strategies for consultation periods as necessary;
 - (c) agreement of documentation for consultation on the Issues and Options; and
 - (d) agreement of draft options and policy wording to be used as the basis for Sustainability Appraisal.
- 3.3 To note, receive and, if necessary, agree officer reports on consultants' studies which contribute to the establishment of an up-to-date evidence base to influence preparation of the Local Plan.
- 3.4 To agree options for joint or co-ordinated working with neighbouring Councils, which comply with the Council's duty to co-operate and which best meet the needs of this District.
- 3.5 To respond to the Planning Services Standing Scrutiny Standing Panel as appropriate.
- 3.6 To monitor within the budgetary provision for the Local Plan, as approved by the Cabinet and the Council.
- 3.7 That the membership of the Committee comprise of members of the Cabinet, the number to be determined by the Leader of the Council.
- 3.8 That the Committee will be chaired by the Portfolio Holder responsible for Planning matters.
- N.B. (1) In the event that the Council's Cabinet is constituted according the pro rata membership requirements of the Local Government & Housing Act 1989, any political group not having representation on the Committee by virtue of one of the named Cabinet portfolios shall nominate one member of the Cabinet to serve on this Committee.

(2) In the event that seats on the Cabinet are allocated by the Leader of Council solely to one political group, or to an alliance of one or more groups forming an administration, seats on the Sub Committee shall only be allocated to members of that group or alliance who have seats on the Cabinet.