

EPPING FOREST DISTRICT LOCAL COUNCILS' LIAISON COMMITTEE MINUTES

Date: Tuesday, 29 March 2016 **Time:** 7.30 - 8.55 pm

Place: Council Chamber, Civic
Offices, High Street, Epping

Members Present: **Representing Epping Forest District Council:**

Councillors S Jackman (Vice-Chairman, in the Chair), M Sartin,
G Mohindra and R Morgan

Other Councillors:

Councillors R Bassett and G Waller

Representing Essex County Council:

County Councillors J Knapman and J M Whitehouse

Representing Local Councils:

A Patel (Buckhurst Hill Parish Council), J Browning (Ongar Town
Council), N Wilkinson (Roydon Parish Council), R Northwood
(Sheering Parish Council), S De Luca (North Weald Bassett Parish
Council) and A Kaye (Ongar Town Council)

Apologies: **Epping Forest District Council –**

Councillors E Webster, K Angold-Stephens, A Boyce and B Rolfe

Essex County Council –

Councillors V Metcalfe and C C Pond

Parish/Town Councils: -

V Evans (Buckhurst Hill Parish Council), J Eldridge (Epping Upland
Parish Council), K O'Brien (Buckhurst Hill Parish Council), E Walsh
(Loughton Town Council), Mrs K White (Chigwell Parish Council),
R Balcombe (Fyfield Parish Council) and A Jones (Moreton,
Bobbingworth & The Lavers Parish Council)

Officers Present: D Macnab (Deputy Chief Executive and Director of
Neighbourhoods), K Bean (Planning Policy Manager), C Neilan
(Landscape Officer & Arboriculturist), A Hendry (Senior Democratic
Services Officer), S Kits (Social Media and Customer Services
Officer) and S Tautz (Democratic Services Manager)

By Invitation:

19. CHAIRMAN OF THE MEETING

In the absence of the Chairman, the Vice-Chairman assumed the chair for this meeting.

20. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

21. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 16 November 2015 be taken as read and signed by the Chairman as a correct record.

22. PUBLIC EVENTS - ROAD CLOSURES

The Director of Neighbourhoods, Mr Macnab, informed the committee of the approach to be taken to secure the necessary permissions to close roads traditionally associated with Remembrance Day.

It was noted that late last September, Essex Police informed the authority that they could no longer facilitate the Remembrance Day Parades, whilst the authority appreciated the difficulties Essex Police were encountering at that time; it was not possible for the authority to issue road closures throughout the district at such short notice.

Also, in order to issue a road closure notice the local authority must be satisfied that the applicant had received the appropriate consents from:

- Essex County Council;
- Fire Service;
- Police;
- The Bus Company (if necessary); and
- The owners of neighbouring properties.

Where the road closure required a main through road to be closed or is one with a Bus Service, it would be necessary to advertise the closure to give prior warning to other road users.

The applicant must also ensure that adequate public liability insurance (for a minimum of £5million) was in place and that a risk assessment had been provided. The authority asks for at least 3 months' notice to deal with applications. Consultations on road closures require at least 21 days. This would allow the authority time to receive any comments from the consultees and if there were any objections to an event this would have to go before a Licensing Sub-committee for consideration.

He encouraged the Local Councils to make their applications in good time, noting that EFDC would then issue consents for the parades and that no fee would be required. During May 2016 the Licensing section would canvass comments from various organisations on this approach. It was stressed that EFDC was here to facilitate the road closures but could not offer more than advice; the events would have to be self marshalling and the setting out and subsequent removal of such barriers and signs

would be the responsibility of the local councils. All applications had to be in place by November.

Councillor Knapman asked why it was it not possible to have a 5 or 10 year licence period as it would be exactly the same for each year. Mr Macnab replied that he was not quite sure if this was legally possible to do this. It may well be that a consultation would have to take place each time in case there were other, temporary factors that would affect the roads.

Councillor Patel wondered if the District Council or the Police would provide some training for the marshals. Mr Macnab could not speak for the Police but said that the District Council could issue some practical advice.

Councillor Waller noted that Essex Police had their first cohort of Police cadets in training and it was their intention that they would be made available for Remembrance Day parades.

23. ISSUES RAISED BY LOCAL COUNCILS

(a) Town and Parish Charter Review

It was noted that the Town and Parish Charter had originally been drawn up some years ago and had not been looked at since 2009. They noted that it should be reviewed every two years. It was out of date with a number of items in it that needed updating. Sue De Luca in conjunction with Councillor Jackman had glanced at the document and found a number of anomalies. Ms De Luca was happy to review the charter with Councillor Jackman and bring their finding to the next meeting. At the same time officers at EFDC could look at the Charter from the District Council's perspective for anything that would need to be updated.

Councillor Knapman would like to know what use the Charter was and what could be done with it.

Ms De Luca said that they could look at everything done at this Local Liaison Committee and how things were done as a whole.

Councillor Sartin agreed that the charter was very out of date and that a lot of work would be involved in updating it.

Councillor Mohindra asked if it could be recirculated to all the Parish and Town Clerks for their input and then put to the Constitution Working Group for their consideration. Mr Macnab replied that it was part of the constitution review taking place at present and any helpful comments from the Town and Parish Councils would be welcome. There needed to be a wider debate on how the Charter was to be used.

RESOLVED:

That:

- 1) Ms. S De Luca and Councillor Jackman review the current charter from the Local Council's perspective and report back to the next meeting of this Committee;
- 2) EFDC officers also review the Charter from their perspective and report back to the next meeting of this Committee; and

- 3) The Charter also be circulated to all Parish and Town Council Clerks for any comments that they may have.

24. EPPING FOREST DISTRICT LOCAL PLAN - PROGRESS

The meeting received a report updating them on the latest position on the Council's Local Plan. The Council was working towards the next key consultation for the draft local plan that was scheduled for July to September 2016, for which the timescale was now not going to be possible for a variety of reasons explained in the report.

The Government had made it clear they would intervene where no local plan had been produced by early 2017, by arranging for a plan to be written in consultation with local people. The government were currently consulting (until 15 April 2016) on the criteria to inform their decision on whether to intervene to deliver this commitment. One of the penalties proposed for not having produced a plan, (it is not clear yet how this will be interpreted), was the loss of the New Homes Bonus. It was clear that the Council needed to make good progress this year and to have consulted on our Draft Plan Preferred Approach as soon as possible. For this reason the focus of the Planning Policy Team was on the outstanding work needed in order to go out to consultation on the Draft Plan as soon as possible and for the moment they would not be able to give much resource to Neighbourhood Planning.

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.

Officers were also involved in transport work being undertaken by the London Borough of Enfield, having opposed reference to construction of a new access road in the North East Enfield Area Action Plan and were now keeping a watching brief on the wider transport work being undertaken as part of Enfield's Northern Gateway Access Package (NGAP).

Further Local Plan Member workshops would be held covering climate change, energy and flood risk and development management policies. A programme was being worked up for these sessions and once finalised Members would be advised of dates and arrangements accordingly.

Work continued on finalising the evidence base reports which will be used to inform the policies included in the Draft Plan (Preferred Approach) that the Council consults on later this year.

An updated Strategic Housing Market Assessment (SHMA) had been produced in conjunction with the other authorities within our Housing Market Area: East Herts, Harlow and Uttlesford. What the SHMA provided us with was figures for Objectively Assessed Housing Need (OAHN) for Epping Forest District and the other three Districts named above. 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. Work was underway with the other SHMA authorities to consider the options for the most appropriate spatial distribution of growth across the area.

An Economic Evidence report for West Essex and East Herts was commissioned jointly by EFDC and East Herts, Harlow and Uttlesford Councils. Local Plan Inspectors pay particular attention to the need for jobs and housing requirements to be aligned.

Government guidance and emerging Inspectors' reports made clear the need to undertake a comprehensive Green Belt Review of the entire District before the release

of any Green Belt land was considered. It was important to remember that the outcome of the Green Belt Review was only one, albeit an extremely important, piece of the evidence base that would inform the Council's future plan-making decisions.

It therefore followed that, simply because a parcel, or part of the parcel, was being appraised as part of the more detailed work, this did not necessarily mean that it should or would be allocated for development in the emerging Local Plan, or that the Council would look favourably on a planning application.

To help inform the best way to meet the objectively assessed housing need for the Strategic Housing Market Area identified, further transport modelling work was being undertaken by Essex County Council. This would look at the implications for the transport network of growth and how it could be distributed across the Housing Market Area.

Delays have been encountered in the strategic transport assessment which has still not been signed off by Highways England. This was of concern because it could lead to a delay in completing the work to test the strategic options for growth in the SHMA area. A joint letter from the leaders of the four authorities to local MPs and relevant ministers was sent on 22 February 2016 seeking a dedicated resource at senior level within Highways England to assist with the work so that Local Plans were not further delayed.

Essex County Council was undertaking a Historic Environment Characterisation study of the District with a final report due in spring. Town and Parish councils were also to be asked for expressions of interest in participating in work leading to the establishment of a Green Infrastructure Framework for the District.

Moreton, Bobbingworth and the Lavers had finalised their draft Plan and had submitted it to the Council. The plan had now been published and was currently being examined.

Eight other Parish and Town Councils have applied to designate neighbourhood planning areas for their areas (Chigwell, Epping, Buckhurst Hill, Theydon Bois, Loughton, North Weald Bassett, Epping Upland and Waltham Abbey). Many of these were now at early stages in scoping out and drafting their plans.

The Housing & Planning Bill containing more than 140 clauses was published in October 2015 and was currently being scrutinised at committee stage in the House of Lords. It was anticipated that the Bill would receive Royal Assent and be enacted later this year and was then likely then to be quickly followed by secondary legislation in order to bring its provisions into force. Measures had been included to streamline the planning process; to facilitate starter homes, self builds and building on brownfield land. It was proposed that more powers were given to the Secretary of State to take over plan making, decision taking and effectively impose financial penalties on local authorities with high-value vacant buildings.

Changes to the compulsory purchase regime are also included in the Bill and are aimed at making compulsory purchase "clearer, fairer and faster".

The Portfolio Holder for Planning Policy, Councillor Bassett thanked the Town and Parish Councils for attending the Member Local Plan workshops and encouraged continued presence at future ones once arranged. He noted that our district was at the heart of a perfect storm, with 92% greenbelt land surrounded by London Boroughs and with the government changing the rules regularly. We did not keep information secret and everything needed to be evidence based as it would not otherwise stand up under inspection. EFDC were not alone as many other authorities faced similar problems and a few that had rushed ahead had their plans overturned by inspectors at examination.

The Chairman wondered if the inspectors all worked to the same set of criteria. Councillor Bassett said that there were set rules but each inspector looked at it from their own perspective. The Planning Policy Manager added that they had the government framework set out in NPPF, Planning Acts and secondary legislation to work within and that decisions were made on soundness of the submitted plan. Examinations were Inspector led and inquisitorial; and that policies included within draft plans had to be evidence based; that said, Inspectors are of course individuals with their own views but ultimately much would depend on the robustness of the draft plan that was being examined.

The member from Ongar Town Council asked if the Neighbourhood Plans being developed still had to go to the residents for a referendum. He was told that following independent examination prior to being made (becoming part of the Local Plan) all neighbourhood plans had to be subject to the referendum process, and so this highlighted the need for and importance of early, effective and ongoing engagement and consultation as neighbourhood plans were being formulated.

Councillor Mohindra asked if a Health Provision workshop was still intended to be held. Officers did not think so but undertook to find out and get back to Cllr Mohindra to confirm this.

Councillor Mohindra then asked that given we would not meet the target set, if we should slow down and reduce the amount of money we spend to try and offset the new homes loss. Was this feasible? Councillor Bassett replied that provided the government could see we were making reasonable progress, then he did not think the government could ask for more from us. There were some fundamental steps that we just have to take. Also if we slowed down then the evidence we gathered would become out of date and we would then have to renew that evidence. It's a balancing act; we had the budget in place, so it made sense to progress production of the plan as expeditiously as we were able to. It's been a long drawn out process, a lot harder than anyone had expected. He did not think we would get anything by slowing it down to try and offset the new homes bonus. The nearer we were to achieving it the better for us.

Councillor Whitehouse wanted to know when the outcome of the new homes bonus would be known and what penalty would be imposed on the council. Also, could officers expand a bit more on the form that the Local Plan consultation would take. The Planning Policy Manager said that he did not know the exact timing on the new homes bonus matter, but was expecting the end of this year, early next year. As for the second point, active consideration was being given regarding the nature of the consultation and how best it might be taken forward. Underpinning, supporting and justifying the content of the consultation draft plan would be the various pieces of evidence that were being prepared – these too would be available for commenting on during the consultation period. Mr Macnab added that EFDC had recently taken on specialist resources to help with our communications plan and consultation strategy on the Local Plan to give out better information – part of this would include learning lessons from the 2012 Issues and Options by looking to make consultations simpler and easier to understand and respond to.

Councillor Knapman noted that we were talking about autumn 2017, he was not quite sure what that date was referring to, just that we would be in trouble if we have not got this sorted out by then. He was not convinced that we could do all these things by early 2017 and he was very concerned by the rate we were proceeding. Once we have done this and it all went wrong and the inspector threw it out, what was the timetable from that point? Do we start again (with no penalties), or does the government simply takes over? The Planning Policy Manager replied that they were looking to meet the late 2017 deadline for submitting the Local Plan to the Planning Inspectorate but commented that,

the Government were looking at 60 plans from around the country and within these EFDC were in the bottom 15 in terms of age of current plan. We were doing our best to do what we could in terms of moving forward as expeditiously as possible whilst ensuring that a robust plan was drafted that would withstand challenge at examination. He admitted that if we did not produce a plan in a timely manner to the government's satisfaction there was a risk of intervention. At present intervention meant Government would take over completely and effectively do the local authorities role in drafting and progressing the Local Plan. This was very unlikely to happen since through the Housing and Planning Bill the government was looking to take over selective aspects of work on a local plan, but government simply did not have the necessary resources or expertise to do everything on local plans.

Councillor Knapman then asked how confident were officers that they had the right amount of resources and staff. Mr Macnab said that we had the resources, but the difficulty was in keeping the staff as we were flanked by London Boroughs who were more attractive to our staff. But he was confident we would meet our targets. Councillor Bassett added that we were working with the CLG very closely and listening to what they and the other authorities and barristers were saying in our area. None of them have said that we were doing things wrong. It just takes time to do it correctly because of the nature of the district and the immense amount of duty to cooperate work needed for this area. He speculated that it could be that when we went to inspection they may say we were doing well overall but it may be that they would like us to revisit a small part of the plan. Some of what we have done relied upon the cooperation of 'Highways England' and we have been waiting for them to approve a transport model for about two years in order to then undertake our transport assessments as part of the local plan evidence. He noted that Highways England was a government agency and part of the cause of the delays.

Councillor Knapman noted that we now have 9 parishes doing neighbourhood plans without having a clue what number of houses they are going to be asked to take on board. He asked whether some idea could be given of when parishes might expect to know what sort of numbers they would be taking on, as at present they were working in the dark; making up numbers they think the district would want and the district making up numbers that they think the government would want. Councillor Bassett said that they were being kept in the picture and had invited towns and parishes to workshops as they had gone along. Councillor Bassett and officers went onto explain that with regard to exact numbers, we had been working more at the strategic level across the SHMA area and looking at this with the other neighbouring authorities in mind for what they could take or want to take. Until the evidence base documents had been completed and then the discussions with neighbouring authorities, EFDC was not in a position to know what the housing target number for the district would be. The difficulties faced by town and parishes seeking to process their neighbourhood plans was recognised but the position would not become clear until the EFDC draft local plan was published for consultation later this year.

Councillor Surtees said he was now beginning to see this as a national plan delivered locally because of all the constraints that were being put on the people working to deliver it. Towns and Parishes need to have that understanding, that this wasn't something that Epping was producing for Epping people in a vacuum, but something that Epping was producing under strict guidelines, that tended to change and get tighter as they went along. He did have concerns about the consultation of the draft local plan, firstly about accessibility for disabled people or persons with special educational needs, they needed to be taken into consideration. Not just Town and Parish councils but other stakeholders in the community would need a clear steer. He added that it would be helpful for someone to say a bit more about the subsidiarity of the Neighbourhood Plans to the Local Plan. The Planning Policy Manager agreed that it was important that the

Local Plan consultation was made as inclusive as possible and that we get views from as wide a range of interests/people as possible. He acknowledged that there was a danger that planning reports could be full of jargon and technical words but it should be made clear and accessible to as many people as possible. As for subsidiarity to the Local Plan, neighbourhood plans when brought into force become part of the development plan for the area. He explained that they could be developed before or at the same time as a local planning authority was producing its Local Plan. A draft neighbourhood plan must be in general conformity with the strategic policies of the development plan in force.

Where a neighbourhood plan was brought forward before an up-to-date Local Plan was in place the Parish/Town councils and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan,
- the emerging Local Plan, and
- the adopted development plan,

with appropriate regard to national policy and guidance.

The Planning Policy Manager thought it important that a proactive and positive approach was taken particularly sharing evidence and where possible seeking to resolve issues to ensure the draft neighbourhood plan had the greatest chance of success at independent examination.

Once made, (adopted) Neighbourhood Plan policies would have the same status and weight as other development plan policies and where relevant equally able to be taken into account when determining applications, but over time they would have to be reviewed. In the event of a prima facie conflict between what is said in a local plan and what is said in a neighbourhood plan it would be the most recent plan to be adopted that was likely to take precedent. That was why such close liaison between Parish/Town and District level was important, as it was in no ones interest to have different or conflicting views in plans. Councillor Surtees replied that they were told some years ago the Neighbourhood Plans could not trump the Local Plan especially in cases of housing allocations etc. was there any change to that? He was told that there were certain things that a Neighbourhood Plan can and can't do, examples given of matters that a neighbourhood plan cannot do were seeking to redraw the Green Belt boundary or set a housing number, although they can say where and the type of housing that can be developed. It must work within the framework. Mr Macnab added that they should wait for the evidence produced by the district rather than developing their own evidence base.

The Chairman at that stage brought the debate to a close as it had been given a good airing. She thanked the Planning Policy Manager for his detailed presentation.

25. GREEN INFRASTRUCTURE FRAMEWORK FOR EPPING FOREST DISTRICT

The Principal Landscape Officer informed the meeting of an offer to engage with Town and Parishes in a series of workshop events to acquire an evidence base to provide a framework for various useful documents and projects. A green infrastructure, meaning trees and other kinds of habitat where they provided benefits such as water meadows, stream sides, green roofs or urban drainage systems done in a green manor and not using formal hard engineering. Green Infrastructure was the latest word for all these things. Why framework? It would provide evidence for the Local Plan and help the council with a green infrastructure strategy and how it interacted with Country Care. Our tree strategy was now out of date and the evidence base we could get from this would prove extremely useful. And it would also help local councils produce their Neighbourhood Plans. He also hoped there could be a web based consultation and not

just workshops. They would like to start this by mid summer and a letter will be going out to the Chairmen of the Town and Parish Councils inviting expressions of interest. He has funding for up to 10 events that should cover the district quite well and still be locally based.

Councillor Knapman asked how confident was he that there would be something in place to go into our local plan due to the tight timetable we have. He was told that it could be done in the timescale. They would be using this consultation and also the existing evidence base. So they were not without an evidence base, but the longer they did this the stronger it would get.

26. ANY OTHER BUSINESS

Councillor Knapman asked that the Chairman attend the Local Highways Panel (LHP) as an observer and contributor. He would send her dates of the Panels with an open invitation to attend. He also noted that the LHP have had their budgets cut in half and that would affect what they could do. The District Council have added £50,000 which was matched by Essex County Council, so they now have £100,000. But, the LHP was still about £200,000 short of what they had this time last year. He noted that they had spent all their money for 2016/17 by now but he would let parishes know what had been agreed.

27. DATES OF FUTURE MEETINGS

The dates of the future meetings were noted and there may well be extra meetings added just to consider the Local Plan.

CHAIRMAN