

EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee:	Overview & Scrutiny Committee	Date:	Thursday, 7 January 2021
Place:	Virtual Meeting on Zoom	Time:	7.00 - 8.55 pm
Members Present:	Councillors M Sartin (Chairman), R Jennings (Vice-Chairman), R Baldwin, P Bolton, L Burrows, D Dorrell, I Hadley, S Heather, J Lea, S Murray, C McCredie, S Neville, S Rackham, P Stalker, D Stocker, D Sunger and D Wixley		
Other Councillors:	Councillors N Avey, R Bassett, N Bedford, R Brookes, S Heap, H Kauffman, J Leppert, R Morgan, J McIvor, M Owen, A Patel, J Philip, C C Pond, C P Pond, J Share-Bernia, B Vaz, C Whitbread and H Whitbread		
Apologies:	Councillors D Plummer, J H Whitehouse and S Kane		
Officers Present:	G Blakemore (Chief Executive), A Blom-Cooper (Interim Assistant Director (Planning Policy)), N Boateng (Service Manager (Legal) & Monitoring Officer), T Carne (Corporate Communications Team Manager), N Dawe (Chief Operating Officer), S Kits (Lead Corporate Communications Officer - People), J Leither (Democratic Services Officer), V Messenger (Democratic Services Officer), N Richardson (Service Director (Planning Services)) and G Woodhall (Team Manager - Democratic & Electoral Services)		
By invitation:	J Maurici QC, Dr J Riley (AECOM) and Dr H Venfield (AECOM)		

65. 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.

66. SUBSTITUTE MEMBERS

The Committee noted that Councillor C McCredie had been appointed as a substitute for Councillor J H Whitehouse and Councillor S Neville had been appointed as a substitute for Councillor D Plummer.

67. DECLARATIONS OF INTEREST

- (a) Pursuant to the Council's Members' Code of Conduct, Councillor S Murray declared a non-pecuniary, non-prejudicial interest in item 5, Executive Decisions – Call-in, as he was a member and an officially appointed ambassador of the Epping Forest Heritage Trust, which was a successor organisation to the Epping Forest Centenary Trust and the Friends of Epping Forest. The Councillor had determined that he would remain in the meeting and vote as he was a member of the Overview and Scrutiny Committee.
- (b) Pursuant to the Council's Members' Code of Conduct, Councillor D Wixley declared a non-pecuniary, non-prejudicial interest in item 5, Executive Decisions – Call-in, as he was a member of the Epping Forest Heritage Trust, as he had an interest in the Forest. The Councillor was not representing any views of the Trust, indeed he did not know if they had a view on this item. The

Councillor had determined that he would remain in the meeting and vote as was a member of the Overview and Scrutiny Committee.

- (c) Pursuant to the Council's Members' Code of Conduct, Councillor H Kauffman declared a non-pecuniary, non-prejudicial interest in item 5, Executive Decisions – Call-in, as he was a non-Executive Board Member of Qualis and would remain in the meeting.

68. EXECUTIVE DECISIONS - CALL-IN

The Chairman announced that J Maurici, the Council's appointed Counsel, and AECOM representatives, J Riley and H Venfield, of the appointed HRA and air quality consultants were in attendance at this meeting.

The procedure for the call-in by the Overview and Scrutiny Committee was detailed on page 5 of the agenda. Normally five signatories accompanied a call-in but, on this occasion, there had been seven signatories. The Chairman proposed that the non-committee signatories be offered the opportunity to speak as the other councillors were members of the Committee. Councillor C P Pond said that she would withdraw her right to speak to help facilitate this.

(a) Lead signatory to the call-in regarding his concerns

Councillor C C Pond, the lead member of the call-in, explained why Portfolio Holder Decision (PFH) PLS-003 (2020/21) on the adoption of the Interim Air Quality Mitigation Strategy had been called-in by himself and Councillors D J Wixley, C P Pond, S Neville, D Plummer, S A Heap and H Kauffman.

At the informal meeting held on 24 December 2020, he referred to Councillor N Bedford's remark that there were some 140 outstanding planning applications. Assuming these applications represented differing numbers of houses, this could amount to 700 extra dwellings, which could be authorised under this PFH decision. Also, taking an average of 1.5 vehicles per dwelling into consideration, this could possibly mean 1,000 extra vehicles within four miles of the Epping Forest SAC. The Council could not rely on something which might or might not happen. Air quality was a total concept. As well as the oxides of nitrogen, ammonia and ozone, particulates were also included especially from old diesel vehicles that left a sticky residue on foliage and on our lungs. No mention of this in the research was included in the decision.

The imposition of a charge to drive a vehicle in the Forest was not in the Council's gift. It might or might not be feasible to issue a CAZ, it might require Essex County Council Highways' encouragement, or it might require a private Act of Parliament to establish a CAZ. The Council could not rely on the imposition of a CAZ, as a lot of residents could be against it. He had been advised that it would have been premature to call-in the decision (on the approach to managing the effects of air pollution on the Epping Forest Special Area of Conservation (SAC)) made by Cabinet on 20 July 2020, as there was much to be decided later in the report. It had also been expected there would be further consultation before this PFH Decision had been published. Either a CAZ was deliverable under the Council's powers or this was just window dressing to either hoodwink the public or delude the Local Plan Inspector, the Conservators and Natural England. He had also checked with the Conservators of Epping Forest. This remained premature because of the adverse effects on the SAC as the mechanisms were not embedded in Local Plan policies. It could not be assumed to be deliverable and therefore, it would be improper for planning decisions to be taken on something so loose. Natural England had said this

might be a way forward if it was embedded in the Local Plan, but it was not embedded yet. The Inspector had also been informed. If it was in a CAZ, it would have been in place and fully examined by the main modifications (MMs). However, the Council had not discussed the practical difficulties of charging systems or consulted with residents and because much was unknown in this PFH decision, that was why the decision had been challenged. Also, in the Next planning application consideration before Christmas, there had been lots of objections from Waltham Forest Council to the application because of the extra burden on roads in its borough. It was likely there would probably be objection to this CAZ as people would divert around Epping Forest District to travel on another road to avoid paying a clean air tax.

(b) Portfolio Holder response

This was to follow after (c).

(c) Remaining signatories regarding their support of the call-in

Councillor D Wixley said he was concerned by the issue he and Councillor J H Whitehouse had raised at Cabinet in July 2020 about the retrofitting of charging points for electric vehicles. This was in respect of where there was an established house that did not have provision for off street parking and therefore, would not have an off-street charging point. This had arisen from a resident who had wanted to buy an electric vehicle but would not have had anywhere to charge it. There had been little information on this in the report except in the Cabinet minutes of 20 July 2020 that a future report would come before Cabinet. There was not much on this in the draft mitigation policy but if there had been a member briefing, this issue could have been raised before the final draft mitigation policy. There was a case for having a member briefing and if that meant going back to a full Council meeting, he was in support of the call-in.

Councillor S Neville said that it was not for the Council to decide on a CAZ. A central part of the mitigation strategy was required to be explicitly put into the Local Plan through MMs. The Inspector had yet to agree to the Local Plan and could decide that it was not robust enough. A CAZ would also need to be consented to by the Government. Not many charging CAZs had been consented to by residents in those areas. Particulates had only been mentioned in passing which was a glaring omission as they were very harmful to people and plant life. What work and what monitoring had been done on this? Therefore, as he did not think it was robust enough, he had called in the PFH decision, which was allowed under the Constitution.

Councillor S Heap remarked that the 'call-in' councillors had been charged with delaying building projects. He thought this was unfair as the councillors were acting within the Constitution and therefore, the press release had been biased. It was not their choice but was the choice of the Portfolio Holder. At the informal meeting in December 2020, the Portfolio Holder had said that the Council's Counsel had not given consent for the advice to be shared regarding what was asked and by whom, which is odd because there could not be any commercial interest involved. If the strategy was to be accepted, all permissions would be given. It seems clear that to have to say, yes, to this strategy to release permissions for large developments, would risk big problems later. Some developers might start but, when the strategy started in 2024, if the Inspector made any changes, over or under payments would become tricky. The Cabinet could decide that some £3,000 was lodged in escrow to await a decision and both parties could agree to divvy up at a later time, but the sums in the report were woefully short given the traffic impact on the SAC. There were

things missing from the report. These included particulate matter from tyre degradation and brake dust, as 65% of the particulate problem came from brake pads. These particulates were very small and hard to measure. Ozone was produced by burning fossil fuels, but the report did not show the ozone levels in the seasons, which would be higher in summer (page 38 of the agenda). Cyclists were being encouraged to use the roads, but the Council had no idea what the ozone levels were. HGVs made up 2% of the District's road fleet, but each 38-tonne HGV could cause 17,000 cars-worth of damage to road surfaces and caused more road pollution especially from particulates. The Transport Act 2000 section 163 stated that a CAZ could only be set up by a charging authority (county council or unitary authority). A CAZ could only be implemented after a consultation and provided it appeared desirable for purposes directly or indirectly to facilitate the achievements of policies in the local authority's transport plan. The Essex Transport Plan of 2011 did not include CAZs. The projected cost of a CAZ was £2.5 million. There was no indication of how many automatic recognition points would be needed, 30 perhaps, or of what the CAZ charges would be to residents within the CAZ. There have been rumours of the Council merging with Uttlesford, Harlow and Brentwood in 2024 and the strategy was not due to be implemented until 2024. He thought members had had insufficient time to consider the report and members were being pressed to accept it by the Planning Policy and Implementation Team. Three years and 60 modifications later the Local Plan had still not been accepted.

Councillor H Kauffman said that this issue was fundamental to the health and wellbeing of residents, and the Forest, which made up 90% of our District, and was massively suffering. The issue could have been dealt with in a more transparent way by those involved. He was shocked that the Council had legal advice, but elected councillors had not been allowed to see it. It seemed the solution was to bring in a CAZ by 2024 but the Council did not have the ability to do this by itself. The Council had worked hard to get a Local Plan, but the Inspector was bound to have an opinion on a CAZ. The vast majority of residents would not want CAZ charges to drive in the District. The call-in councillors had taken their own legal advice and he supported Councillor C C Pond. Members were being asked to make a decision but could not see the advice, which was unusual.

(d) Portfolio Holder response

Councillor N Bedford, Planning and Sustainability Portfolio Holder, replied that a lot of concerns had been raised by fellow councillors at this meeting. Councillor C C Pond had talked about the number of outstanding applications. However, he had spoken to the Planning Services Director, N Richardson, and there were 372 developments from 143 applications in abeyance, but these would be subject to further scrutiny before they were approved. Regarding it not being in the Council's gift to implement a CAZ, the Council had to start somewhere and had to look at the mitigating effects of air pollution on the Forest. This had been looked at by Natural England but going forward this was a solution to the Holohan judgement raised by Councillor C C Pond. It was also a way of looking at the Habitats Regulations Assessment in the Forest. As most of the other points raised by the call-in councillors specifically required a response from the Council's technical experts, he would hand this over to the Interim Assistant Director (Planning Policy and Implementation Team), A Blom-Cooper. He thanked the councillors for compiling constructive criticism, but they almost seemed anti-development in some respect. However, he supported Councillor Kauffman's concerns for the health and wellbeing of residents because this was exactly why this assessment had been carried out.

A Blom-Cooper explained that the report on the adoption of the Interim Air Quality Mitigation Strategy had gone to Cabinet on 20 July 2020 and delegated the decision

of the finalisation of the mitigation strategy to the Portfolio Holder. On 10 December 2020, the letter from Natural England had advised the Council that the Interim Air Quality Mitigation Strategy was a sound strategy for the purposes of avoiding and mitigating air quality impacts on Epping Forest SAC that would result from plan led development. The Local Plan Implementation Team had remodelled since the public hearings in August 2019 and what had been modelled took account of the changes in the MMs that the Inspector had requested. Each planning application submitted would require a project-level Habitats Regulations Assessment to show its impact on the Forest. The assessment process was detailed in appendix 2 of the PFH report. A transport planner was working in the team to do the initial assessments. Natural England had stated that the Council must adopt the mitigation strategy before the adoption of the Local Plan. The mitigation measures framework for delivery (appendix 3) was detailed in the report (page 47 of the agenda). The introduction of the CAZ would commence and be modelled from September 2025. A timetable and actions for the implementation of the CAZ were also detailed in the agenda (page 48), which would begin with the establishment of a core working group in January 2021. The development and implementation of the CAZ would require significant monitoring and analysis of the evidence base. The Conservators of Epping Forest and Natural England had worked with the Council since Cabinet in July 2020. The Air Quality Mitigation Strategy had undergone considerable scrutiny before the finalisation of the PFH decision. Stakeholder discussions would continue, and the establishment of a governance base to take the development of the CAZ forward was also provided (page 45 of the agenda).

Dr J Riley, Aecom Technical Director, had supervised the technical work and was the liaison with Natural England. Dr H Venfield was the Principal Air Quality scientist that had worked on the project. It was useful to clarify particulates, ozone, and the relevance of boilers for domestic heating. Epping Forest had been designated as a SAC for its woodland, heathland and stag beetles. On the impact of vegetation receptors, ammonia, oxides of nitrogen (NOx) and the deposition from them were by far, potentially the most damaging to vegetation. Smaller particulates were less damaging to vegetation and stag beetles but were more harmful to the mucus membranes of humans. Dust and larger particles interfered with photosynthesis and the stomatal performance of plants and vegetation that were routinely assessed on construction sites but not usually on metal roads. This was a smaller consideration for protecting the SAC, but more of a consideration for human health, which was not being discussed here. In terms of the Epping Forest SAC, ozone had less impact than nitrogen deposition. There were higher levels of ozone in rural areas than urban areas because the spare atom in ozone goes to form NOx and close to roads there were elevated levels of nitrogen and thus, lower ozone. The focus was on ammonia and NOx. Focussing on traffic and emissions from boilers it was known that across the 5 square kilometres of the SAC, 40% of nitrogen deposited came from traffic and agriculture. Closer to roads the modelling showed this came from vehicles so there was a clear link to nitrogen deposition and traffic (roughly half of which came from vehicles) on the SAC. Industrial/commercial/domestic boilers accounted for 8% of the nitrogen pollution. Dr H Venfield added that a CAZ aimed to increase the number of cleaner vehicles on to the roads, which would reduce the levels of NOx and particulate matter on the roads and improve that reduction.

A Blom-Cooper advised that in reply to Councillor D Wixley, on the retrofitting of electric vehicle charging points, this would be addressed by a future report to Cabinet. The Council had consulted on the Sustainability Guidance of Major and Minor Developments, but the third document in the suite of guidance was for the retrofitting of electric vehicle charging points, which would go to Cabinet in due course. In reference to Councillor C C Pond's remark about the London Borough of Waltham Forest on the Dowding Way (Next) application, she assured the Councillor

that Natural England had been consulted on that application. Additional modelling on its impact of traffic on the Forest had been undertaken by Dr Riley and Dr Venfield.

Councillor N Bedford added that Natural England had appointed its own air quality specialist to check the documentation the Council had submitted. It had made a couple of suggestions that were included in the final report and had withdrawn its objection to the Interim Air Quality Mitigation Strategy. There were two air quality experts at this meeting who had explained further how the decisions had been reached and been checked by Natural England.

(e) Overview and Scrutiny Committee to debate the issues involved

Councillor S Rackham was pleased the Committee was discussing this important issue that would affect residents, but she supported its implementation, as this was the future. Many boroughs including London had implemented schemes. There would be more house builds in the future but in reference to Councillor Wixley's point on electric vehicle charging points, there would be more electric cars. How and where was the Council going to do this?. Would the Council be working with other companies, such as electricity companies? How much would it cost to bring electric vehicle charging points into everyone's daily lives and how would residents use them? A Blom-Cooper advised that officers were looking at sustainability guidance and this would be a future report to Cabinet. In the meantime, there would be a policy in the Local Plan and the Council was looking for electric vehicle charging points to be installed on new developments where parking was being provided. The Council's Sustainable Transport Officer and Air Quality Officer would be working on this and there were Government grants and also guidance coming out about electric vehicle charging points.

Councillor D Sunger said that on the effects of pollution, independent advice had been sought and scientific reports provided. He was pleased to note the experts were satisfied with the Interim Air Mitigation Strategy, as adequate consultation had taken place and all reasonable steps taken. He was struggling to understand why this had been called in. He urged members to confirm the PFH decision and reject the call-in. Councillor M Sartin confirmed with Councillor D Sunger that this was in reference to option (h) (i).

Councillor D Dorrell said that as Chairman of the Area Plans Sub-Committee West, he was aware of how much hardship this impasse had caused local developers and welcomed Natural England's agreement. However, he did agree with one point of the call-in and that there was a pressing need for meaningful consultation, so a CAZ would be presented to the electorate rather than imposed on the electorate. He thought it slightly odd and did not understand the Council wanting to stop people driving in the District but was on the point of agreeing to a 400-vehicle lorry park near the Forest which when it was operational would be charging Waltham Abbey residents to drive. He queried what the call-in councillors would like to see come out of this call-in, as he was not sure what the call-in was seeking to achieve. The progress of the Local Plan seemed a bit like snakes and ladders – moving up and down. He was also unsure what alternative was being proposed by the call-in councillors other than to go to full Council, as this was an Interim Air Pollution Mitigation Strategy, which would be consulted on in the future. Why could members not just treat what they had as interim strategy, and as a going concern. To the PFH, what level of consultation would there be for a CAZ – its form and shape? To the lead call-in councillor, as he was not sure what the call-in was seeking to do, what would you like to see come out of this?

Councillor N Bedford referred to the indicative timetable and actions for implementation of a CAZ in 2025 on page 48 of the agenda where consultation of the final scheme would commence from January to March 2024 therefore, there would be a consultation going out to residents. The Council had to have a process in place. He appreciated what was being said about a CAZ but it would not happen overnight. An increase in electric vehicles and cleaner vehicles would help and would improve with Government legislation. Also, the Government was banning gas boilers from 2025. So, the Government was picking up the directive and that there needed to be change. A Blom-Cooper added that appendix 2 on the process for the implementation of a CAZ for the Epping Forest SAC showed that throughout this process there would be a number of consultations with stakeholders at key stages, including the final stage that Councillor Bedford had referred to.

Councillor C C Pond said that the call-in was seeking to remove the clause in the PFH Decision in which it stated that in recognition of this possible future strategy there should be a removal of the releases of planning permissions, because as Councillor Bedford had said just now, change “would not happen overnight”. If the Council released the planning permissions change would happen overnight, and it was jumping the gun.

Councillor S Murray was glad the full call-in procedure had been published in the agenda, which the Chairman explained at the start of the meeting, and it was being followed. He understood the importance of the SAC and why people loved the Forest and wanted to live here. Permanent damage would be done to the Forest if the Council did not get it right. The Epping Forest SAC was one of the most important in western Europe, especially in relation to its ancient trees. The reasons behind the call-in were excellent. The press release by the Cabinet on the call-in was not a “last-minute undermining”, as the District’s Member of Parliament stated, but was clearly very detailed, knowledgeable and professional. The call-in procedure was a part of the Constitution which every member was entitled to use to call-in Portfolio Holder decisions when there was a real need. He also said that the archived press release was different from the press release of 24 December 2020 on the website. Cabinet members should not be criticising other members of the Council following a due process. All members had benefitted from this discussion. He was also concerned that the lead call-in councillor was not allowed to see, even on a confidential basis, the legal advice provided to Council officers and certain members of the Council. Also, paragraph 7 of the informal call-in meeting notes of 24 December 2020 where the Portfolio Holder asked if Loughton Residents Association and the Green Party might be liable for costs, was not acceptable as they had used correct Council procedure unless he had misinterpreted Councillor Bedford’s remark. He was of the opinion that the call-in needed to be debated at full Council, option (h) (iii).

Councillor N Bedford replied that in reference to a ‘claim against costs’, he was concerned at the time that Loughton Residents Association and the Green Party had sought legal advice and that the Council would need to seek legal advice if the case went to judicial review. If the Council had won the legal case, would the Council be able to make a claim against the costs, against Loughton Residents Association, not for a ‘delay’, but the court costs of having to employ a barrister. It was different to the notes but that was how he had been looking at it.

Mr J Maurici, Queens Council, was appointed last year by the Council to provide advice for air quality and habitats issues that covered the Local Plan and its engagements with Natural England. He was asked to consider given the points raised in the call-in, whether it was necessary for the call-in for this advice to be disclosed with regards to the timing of his advice and the extent to which issues had been raised. In his view, it was not necessary for that advice to be provided in the

context of this call-in. He was not proposing to go into any more detail on that content as the debate was in open session and it was not appropriate for him to do so.

Councillor H Whitbread said it was good to hear this debate but why this could not have been done in July 2020 she did not understand. For many, Councillor C C Pond was the grinch that had stolen Christmas because so many local businesses and local people had been negatively affected by the Natural England situation. The hard work of N Richardson (Planning Services Director), Councillor N Bedford and Dame Eleanor Laing MP in the background as well as the officers, helped achieve the outcome with Natural England. She was disappointed to see this call-in particularly because small developers had had their livelihoods damaged in difficult times. This could have been done so much earlier, six months ago, and asked that Overview and Scrutiny members moved forward with this and allowed developments to go ahead and to support small businesses and hoped members could support the PFH Decision.

Councillor S Heap added that he understood the narrow focus of the scientific report but it would affect everyone around it, so all these things had to be considered. In July all that had been mentioned about a CAZ was sometime before, maybe, 2033 and this had been the first time to talk about it. If permissions were given based on this decision, it could lead to problems. The scientific evidence was a problem because it did not mention ozone. So, by all means give it the go ahead, but it could not be done unknowingly from this point on.

Councillor J Philip said this work had been going on for a long time and firstly it was not inextricable from the Local Plan, but it was not clearly just because of the Local Plan. It had been the impact on the SAC that had caused Natural England to give the Council a direction to stop issuing planning permissions for new builds. Clearly it needed to be referenced as part of the Local Plan, which had been called out by the Inspector to go beyond, and that there was no reasonable doubt determined by Natural England. This was key to starting some developments going forward for approval. All applications would be reassessed against the strategy and where appropriate go to the planning committees. To stop all developments until the adoption of the Local Plan ignored the realities of what the Council needed to do economically for the District and new accommodation for its residents. This situation with Natural England had been going on for too long. The PFH decision gave the Council the opportunity to do this – to move forward and support local builders.

Councillor C Whitbread said that this had been going on for a very long time and members could have called this in back in July 2020 when there was a draft mitigation strategy but if they felt they had not been consulted, they had left it too late. By doing this now it was damaging to small builders and residents in the recovery from the Covid crisis. Members needed to move forward. By doing this call-in they wanted to stop planning applications coming forward, which was what Councillor C C Pond had said in his earlier response, which he thought was disgraceful. He asked members to support that this call-in so it did not go any further and that the Council could move on and start releasing planning permissions.

(f) Lead signatory's opportunity to respond to the debate

Councillor C C Pond said that he had admiration, or he did until a moment ago, for the Leader of Council particularly during the Covid emergency as he thought he had given good leadership. He asked the Overview and Scrutiny members to concentrate on scrutiny. After hearing everything tonight this was a document with large holes in it, as it was half baked and half ready, because they would be releasing planning permissions on the basis of something which might or might not happen. Most

members had doubted whether a CAZ could be adopted in the way envisaged in the report. By considering the wellbeing of the Forest, let it be delivered to future generations unimpaired and the edges left for the residents in the Forest villages and towns that had been built up. However, the Forest edges of the SAC, would be damaged through increased traffic and pollution from developments being built up on the edges of the SAC, such as the Royal Oak site in Forest Road, Loughton – these would cause greater damage. As part of the strategy, the Council had not looked at deleting sites at the edges of the Forest, but it should not allow any more and the site he had mentioned was a fait accompli. The fleet mix might change but not necessarily in the way or to the timetable given in the report. The ‘disgraceful’ delay that the Leader referred to that he had caused was minimal as building firms and builders did not work over the Christmas period. The delay by waiting until the MMs could be expedited and the timetable for the CAZ to be enshrined in the Local Plan, would be minimal. For those reasons he thought the air quality was a concept as a whole and something that the Council must concentrate on, particularly where the Forest was most vulnerable – adjacent to the streets and the main part of it. The members of the Overview and Scrutiny Committee were loyal Tories and wanted to support their Leader, but for the reasons stated this was premature. These documents needed to be enshrined in the Local Plan and in a few months, this would be a sound Local Plan, as there was much that was good in the mitigation strategy. He had agreed with Councillor Murray’s remarks on the press release and due political impartiality was required. Under the Chairman this had been a good debate and had raised many items that had been addressed, which might not otherwise have been addressed. In reference to Councillor H Whitbread’s remark that this should have been called in last summer, how could it have been when it had many references to, e.g. this is a working draft only etc. He would have been rightly criticised if this had been called-in at that time. He asked that members refer this to full Council (option (h) (iii)) for a further, extra debate for all members. Public consultation would have begun, and it would only have been delayed by a few week/months on release of the planning applications. His sympathies were not with developers but with the trees and the integrity of the SAC.

(g) Portfolio Holder’s opportunity to respond to the debate

Councillor N Bedford said that having listened to the expert advice tonight, he hoped the Committee acknowledged this had been a good debate and the advice given. In view of the progress that had been made, and in getting Natural England to withdraw its objection, he could see no reason why members could not move forward and support option (h) (i). He knew that everyone had worked extremely hard on this, and with Natural England and the Conservators of Epping Forest. The Conservators were split into two camps – protect Epping Forest and commercialise parts of it. The Council had set a timetable that needed to be followed. By referring this call-in to full Council it would only create more delay and put more hardship on builders. The planning permissions needed to start being released and the Council needed to move forward. He urged members to move this policy on.

(h) Overview and Scrutiny options after the debate

The Chairman, Councillor M Sartin, thanked everyone for this debate and the information and the advice provided at the meeting. The options before the Overview and Scrutiny were outlined below:

- (i) to confirm the decision, which may then be implemented immediately;
or
- (ii) to refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns; or

- (iii) to refer the matter to full Council in the event that the Overview and Scrutiny Committee considered the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget;

Councillor S Murray proposed to move to refer the matter to full Council, option (h) (iii).

N Boateng, Monitoring Officer, advised the Committee that it was only allowed to refer the call-in to full Council if members considered the decision to be contrary to the policy framework or budget of the Council. She did not believe that this option applied in this situation.

Councillor S Murray asked for his vote to be recorded in the minutes of this meeting.

Councillor D Sunger proposed that members rejected the call-in, and vote for option (h) (i), to confirm the decision of the PFH, which may then be implemented immediately. This was seconded by Councillor L Burrows.

The Chairman announced the result of the Committee's vote that was to confirm the decision of the PFH, which may then be implemented immediately. The Chairman thanked everyone once again for participating in this debate, which had been very interesting and did not happen very much in this format. She hoped that everyone agreed that it had been a good hearing of the subject although not everyone would be happy with the outcome of the decision. Going forward members would be hearing a lot more about the sustainability strategies and policies and the work that would be done around the electric vehicle charging points, which would be a means of encouraging more people to change over to that form of transport.

RESOLVED:

- (1) That Members voted for option (h) (i) – to confirm the decision, which may then be implemented immediately; and
- (2) That Councillor S Murray voted against option (h) (i).

CHAIRMAN