

Report to the Council

Committee: Cabinet
Date: 29 April 2021
Subject: Planning and Sustainability Portfolio
Portfolio Holder: Councillor N Bedford

Recommending:

That the report of the Planning and Sustainability Portfolio Holder be noted.

1. Local Plan progress update

Following the hearing sessions for the Independent Examination of the Local Plan, the Inspector released her Advice on 2 August 2019. Within her advice the Inspector set out a number of actions which needed to be addressed in the form of Main Modifications (MMs) to the Local Plan.

In accordance with the high level programme in the Council's response to the Inspector, dated 24 April 2020, the Team worked hard to ensure that the final tranche of Main Modifications (MMs) were submitted to the Inspector in September with a view to consultation on the MMs as soon as possible thereafter. However, the Inspector wrote to the Council on 2 October 2020 (ED115) to advise that due to other work commitments during October and November it was unlikely that she would be able to provide a full response immediately. The Inspector provided an update on progress on 8 February 2021 (ED118) advising that the volume and complexity of the documentation means that progress of finalising the MM schedule is taking some time and the current lockdown measures have unfortunately prolonged it.

The Habitats Regulations Assessment has been updated to take account of the Interim Air Pollution Mitigation Strategy, which was approved at the meeting of Council on 8 February 2021 and has been finalised to take account of the Green Infrastructure Strategy due to be considered by Cabinet in April. This together with revised wording on policies DM 2, DM 22 and D 8 have been submitted to the Inspector and we await her response before hopefully going out to consultation on the Main Modifications in May 2021.

At the meeting of Council on 8 February 2021 the Council agreed that the Cabinet Member for Planning and Sustainability would form a cross party Portfolio Holder Advisory Group to support the Portfolio Holder in the delivery of the Interim Air Pollution Mitigation Strategy and provide oversight of the work of the Technical Stakeholder Group. This could include working with officers to identify where further initiatives not identified in the APMS could be brought forward to advance Air Quality Improvements with the objective of removing the need to introduce a Clean Air Zone (CAZ).

Following an introductory meeting on 3 March 2021, a further meeting of the Group took place on 23 March 2021 where terms of reference were agreed and members were given a full explanation and presentation from AECOM (the environmental strategy team headed

by. Dr James Riley) on how the forest has been affected by various types of pollution including NOx particles and Ammonia, which is a by-product from catalytic converters in petrol engine vehicles.

2. Draft Green Infrastructure Strategy

Following consultation on the draft Green Infrastructure Strategy last year the final strategy will be reported to Cabinet on 20 April 2021, following approval at Stronger Place Select Committee on 29 March 2021, for endorsement as a material consideration in the determination of planning applications, masterplans/concept frameworks and guide design and implementation processes.

3. Draft Sustainability Guidance

On 19 September 2019 the Council declared a Climate Emergency, including a resolution to do everything within the Council's power to make Epping Forest District Council area carbon neutral by 2030. To support the declaration and policies in the emerging Local Plan in relation to sustainable and high quality design and construction of developments the Council has consulted on two EFDC draft Sustainability Guidance documents for use across the District; one for Major Developments (10+ units) and one for Minor Developments (1-9 units) between 2 November 2020 and 14 December 2020. The responses have been considered and Cabinet endorsed these as a material consideration on 11 March 2021. Work has progressed on a third document relating to the retrofit and refurbishment of existing buildings and a draft will be included in the report to Cabinet. The guidance is still waiting the work being prepared by the Retrofit Working Group of the London Energy Transformation Initiative (LETI) and will be consulted on for six weeks once this work is available to be included as part of the consultation.

4. Harlow and Gilston Garden Town

The HGGT project is now moving towards a focus on the delivery phase of the project. One of the key priorities is the design and implementation of appropriate governance arrangements. During 2020, a series of Governance review reports were presented to the Board which set out the basis for the creation of a constituted Local Authority Garden Town Board (GTB) and a Local Authority owned Combined Delivery Service (CDS). This will ensure that the current informal partnership arrangement becomes a formally constituted entity owned and led by five Authorities to realise the physical delivery of the Garden Town across Authority boundaries. Professional support has been commissioned by HGGT to produce a draft Business Plan. This has invited Officer discussions and written feedback, before a finalised proposal is brought back as a recommendation to the current partnership Board for endorsement after May's elections.

A capacity fund bid was submitted to Homes England in early September for future funding, and the Garden Town is still awaiting the outcome of this bid. Recent work has included the Sustainable and Healthy Living consultation, leading to the HGGT Sustainability Guidance being endorsed at the March Garden Town Board and EFDC Cabinet.

Following a comprehensive recruitment process, Naisha Polaine has been appointed to the position of HGGT Director. Naisha will formally take up the position on Monday 12th April.

On behalf of the HGGT, Herts CC have been successful in securing £172m of Housing Investment Grant funding from Government for the forward funding of delivery of Garden Town related Transport Infrastructure initially focussed on the Gilston development and the subsequent creation of a Rolling Infrastructure Fund (RIF) to operate across the whole

Garden Town. Negotiations focussed on discharging the pre-contract conditions to enable HCC to enter into the agreement and back-to-back agreements with ECC and Places for People have now concluded, and partners have entered into the necessary agreements. Herts CC, as the accountable body, will receive the funding and contracts to implement the infrastructure are now in place.

Ensuring that financial contributions can be captured from new developments to support infrastructure as well as the work of the Garden Town team is essential; as such an HGGT Developer Contributions Guidance document is being prepared. ARUP have been commissioned to undertake a review and update the HGGT IDP (published in 2019). This process has now commenced and is to conclude by the end of Summer.

Sustainable Movement and achieving the 60% shift to sustainable modes of transport within new communities and 50% within existing communities remains a key objective of the Garden Town Vision. Consultation on the draft HGGT Transport Strategy was undertaken during the first part of 2020. During 2021, consultation will also be undertaken as part of the development of the Local Cycling and Walking Implementation Plan (LCWIP). Essex's work on the STCs is progressing, with Officer engagement invited on Stage 2 of the East to West route, and Stage 1 of the Centre to South helping these move towards preferred options with the objective to have preferred options for all junctions and links by the end of the next year. Wider engagement on the North to Centre designs is expected in late summer 2021.

5. Development Management Planning Applications

Planning application income up to the end of March 2021, including Pre-application fees, was £1,109,904, which is a shortfall of £305,957 against a budget estimate that is profiled on a 3-year actual average. Given the impact Covid has had over the last year in terms of delays to planning application submissions whilst planners in the private sector were furloughed, the actual figure being approx. 76% of the budget estimate is considered to be better than expected.

Virtual Planning Committee meetings with public participation are being held in general on a weekly basis such that decisions are being taken with all relevant information available through Zoom. It continues to be generally well received by the public, acknowledging that we are trying to ensure that these committees are run as normal as possible, although these are proposed to return to actual meetings after the May elections.

6. Preparations to release Planning decisions held up by the SAC

The Development Management team has been preparing since November 2020 to release the backlog of planning application decisions that have been held up by the lack of an agreed Air Quality Mitigation Strategy. A special Development Management Committee meeting has been arranged for 26 April 2021 were the first tranche of around 30 applications will be tabled to Members to agree to the release of the decisions after the relevant Appropriate Assessments being undertaken and appropriate visitor pressure and air quality mitigation measures agreed by applicants.

7. Fees and Charges

The Development Management Service has reviewed its schedule of fees and charges, and modest fee increases were implemented on 1 April 2021, along with online application forms and fee payments.

8. Planning enforcement prosecutions

The Planning Enforcement Team had recent success with the following prosecutions:

- Epping Place, Epping: Unauthorised works to protected trees. The owner pleaded guilty after a long running and complex investigation and was fined £750 fines with £1000 costs.
- Alderton Lane, Loughton: Failure to remove roller shutter despite Enforcement Notice. The owners were found guilty and fined £154 and £124 respectively with £750 costs each.
- Lyndhurst Drive, Chigwell: Outbuilding not removed despite Enforcement Notice. The owner was found guilty and fined £1000 fine with £5000 costs.