

# EPPING FOREST DISTRICT LOCAL COUNCILS' LIAISON COMMITTEE MINUTES

**Date:** Monday, 14 March 2022 **Time:** 7.00 - 8.35 pm

**Place:** Virtual Meeting on Zoom

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

Councillors H Kane (Chairman), C C Pond (Vice-Chairman), J Lea, R Morgan, B Rolfe, M Sartin, J Share-Bernia and J H Whitehouse

**Other Councillors:**

Councillors R Balcombe

**Representing Essex County Council:**

County Councillors S Kane and Chris Pond

**Representing Local Councils:**

A Belgrave (Chigwell Parish Council), S Jackman (North Weald Bassett Parish Council), J Law (Waltham Abbey Town Council), M Squire (Loughton Town Council), Cllr D Stokes (Willingale Parish Council), Cllr J Whybrow (Roydon Parish Council), Cllr D Wixley (Loughton Town Council), E Thomas (Stapleford Abbots Parish Council), P Bamford, Cllr E Burn (Theydon Bois Parish Council), P Charman (Epping Upland Parish Council), S De Luca (North Weald Bassett Parish Council), A Jones (Stanford Rivers Parish Council) and Cllr B Scruton (Epping Town Council) R Morgan (Matching & Sheering Parish Councils)

**Apologies:** **Epping Forest District Council** – Councillors R Bassett

**Essex County Council** – None

**Parish/Town Councils:** -

Buckhurst Hill Parish Clerk (Buckhurst Hill Parish Council), Matching Parish Clerk (Matching Parish Council) and Ongar Town Clerk (Ongar Town Council)

**Officers Present:** N Richardson (Service Director (Planning Services)), P Maginnis (Service Director (Corporate Services)), A Marx (Development Manager Service Manager (Planning)), V Messenger (Democratic Services Officer) and R Perrin (Democratic and Electoral Services Officer)

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## 13. WEBCASTING INTRODUCTION

The Democratic Services Officer 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.

#### 14. MINUTES OF PREVIOUS MEETING

##### RESOLVED:

That the minutes of the meeting of the Committee held on 27 September 2021 be taken as a correct record.

#### 15. DEVELOPME HUB

The Service Director – Corporate Services, P Maginnis gave a short presentation on the DevelopMe hub.

She advised that the online hub was there to support residents across Epping Forest, Harlow and Uttlesford authorities who were looking for jobs or training opportunities, a change of career, to further develop their skills and provide personal development. The hub contained interactive tools, e-learning content and the latest job opportunities which aimed to help residents navigate their way through the job market and grow in confidence.

The link below provided a short video introduction to the DevelopMe hub.

<https://youtu.be/hVoFMITEWGk>

Users were required to register for the service at <https://westessex.careercentre.me/auth/signup/epping-forest/?AuthToken=25283980-E802-4585-9C28-14CA5AB5F400>

The website was still in its early stage of development and the intention was to ensure it provided a list of local jobs.

The Committee asked the following questions:

- Would local jobs be posted on the website? The Service Director advised that it was the intention, although further work was required on how the jobs advertisements would be upload, updated, and removed.
- Would there be an age limit? The Service Director advised that there was no age limit to serves.
- Was there any information on apprenticeships? The Service Director advised that it had an area dedicated to apprenticeships and further resources for 16–24-year-olds.

#### 16. EPPING FOREST DISTRICT LOCAL PLAN - PROGRESS

The Service Director – Planning Department, Nigel Richardson gave the Committee an update on the Local Plan.

He advised that all representations to the main modifications had been submitted to the Planning Inspector and the Council had been informed that a response would be received in the first quarter of the 2022, with the final report probably due in May/June 2022 which would be presented to the Council for adoption.

The Committee asked the following questions.

- Would purdah effect whether the Council would hold a meeting to adopt the Local Plan? The Service Director advised that they had received legal advice on this, and it had been determined that purdah would not be an issue because the

decision would be to adopt the Local Plan and not make any alterations to what had already been publicised.

- Could the Planning Inspector ask for more modifications? The Service Director advised that it was possible, although as the Council had already responded to the all the main modifications it was felt it would be unlikely.
- Could the Local Plan be found unsound? The Service Director advised that he would find it unlikely that the Local Plan would be found unsound at this point because there had been no indication from the Planning Inspector to suggest that outcome.
- Could the officer advise whether the Council was on target with the amount of housing developments that had been set out in the Local Plan including windfall developments? The Service Director advised that the Council recorded the number of planning applications made and this figure could be provided. It was noted that the Local Plan had included sites which would take the developments above the 11,400 figures, although this had been to ensure that the required figure of housing could be reached, and the windfall factor would be taken over and above.
- How much money had been collected from 106 Section agreements that had been associated with the Special Area of Conservation (SAC) and how it would be spent? The Service Director advised that it had been set out in the Interim Air Pollution Mitigation Strategy which the Council had recently adopted. The Council had dealt with the backlog of applications and some monies had been collected, although he did not have the figures to hand.

## 17. ISSUES RAISED BY LOCAL COUNCILS

The Chairman advised that items (i) and (iv) would be taken together as they related to a similar matter.

### i. Sustainability in New Builds

The Development Management Service Manager advised that the Council had a Sustainability Checklist as part of the Council's validation requirements, and this had been in place for a year. Initially it had been quite difficult to get applicants and agents to submit these forms, although it was nearly at 100% now. The suitability statements were being published on the Council website and where they form part of the submission bungled and mention in any planning approval documents were consulted on.

He advised that it was difficult to produce planning conditions in relation to the sustainability statements that complied with the Government guidance on applying lawful planning conditions. Therefore, the monitoring and enforcement of the sustainability issues fell into the 106 Section process and procedures. There had been internal officer discussions regarding how best to gain compliance, although the Council was required to assess the sustainability over three stages which were; the planning application phase; as built; and after occupation.

It was noted that the main policies had been set out in the draft Local Plan and the Sustainability Guidance sat behind the policies.

The Committee asked the following further questions.

- At what point did the sustainability statement become available to the Parish/Town Councils? The Development Management Service Manager advised that the Sustainability Checklist and statements had to be submitted with the application, which were then considered by a policy officer. There was a small opportunity for the

Council to requested additional information but once the consultation on the application had begun all documentation would be available on the Council's website.

- Why a Parish Council had received several applications without the required checklists and if they did have the sustainability statements why were the minimum requirements were suggested? The Development Management Service Manager advised that those without checklists may have been associated with the backlog of SAC application which had been validated several years ago and fell outside this requirement. The Council was not allowed to retrospectively ask for the suitability requirements. It was noted that following a request from a District Councillor, all the SAC applications were consulted on again, which had allowed for some voluntary submissions. Regarding the minimum requirements, it would be very hard for the Council to refuse an application on the sustainability guidance because it was guidance, therefore it involved a discussion around suitability in conjunction with the other planning merits.
- Would the sustainability guidance become policy? The Service Director advised that the Council had recently adopted the EFDC Sustainability Guidance Volume 3 (Extension & Refurbishments) on 7 March 2022, which provided the technical and practical guidance which would take time to embed. The Development Management Service Manager advised that two of the Council officers would be attending a zero carbon and sustainability training as well.
- How would demolishing an old building and building a new one be weighed against a viable conversion in the Carbon Bill? The Development Management Service Manager advised that he would ask officers to raise this at their training. It was noted that Council could only control the method of demolition and a carbon mission policy would need to be place if it was to be taken into consideration.

The Service Director advised that the Climate Action Plan would be presented to the Overview and Scrutiny Committee on 31 March 2022 and some of the issues being raised may be addressed in the report or could be raised as questions by District Councillors at the meeting.

- Was planning permission required to demolish a property? The Service Manager advised that in general, planning permission was not required to demolish a building unless it was listed or in a conservation area. Although method of demolition required via a prior notification procedure which would need to be agreed with the Council. Regarding Locally Listed Buildings, the Council was able to apply a policy to prevent the demolition of these assets.

ii. **Failure of planning applications to adhere to Essex Parking Standards-**

The Service Director advised that the Essex Parking Standards adopted in 2009 and were considered out of date and standards within urban areas could be relaxed in sustainable locations. It was noted that Essex County Council (ECC) and other Essex authorities were looking at the approach to transport for new communities and were considering a zonal approach. The new standards would look at safety, quality of life, congestion, sustainability, and economic growth rather than just dwelling figures. In addition to this, there would also be a transport accessibility tool which would enable officers to consider what was actually there and it was hoped that a consultation on this would follow later in year.

The Committee made the following comments

- A common sense approach should be considered with regards to developments the amount of car spaces that were required.
- The cumulative effect of developments with a lack of parking onsite which effected the surrounding areas and how that impacted the town centres nearby. The Service Manager advised that behind the Local Plan was an Infrastructure Delivery Plan. In addition to this the Council had signed up to reduce the reliance on private motor vehicles, which would in turn reduce the number of the parking spaces required, which had been occurring in London for some time. Regarding the Special Area of Conservation (SAC) developments, extensive work had been carried out to map the potential travel requirements and travel assessments were asked for on these types of applications.
- Comparisons between London and Essex could not be drawn because of the lack of public transport available in the district and suitability for older residents. The Service Manager commented that limiting the amount of parking was seen as a legitimate way to reduce motor vehicle trips.
- Concerns were raised about parking requirements for tradespersons visiting developments without parking requirements; the demand for electric charging points and the increase on parking demand because of the switch to electric cars; the need to be more considerate around creating local amenities; and access to doctors, hospitals etc without public transport.
- The Customer and Partnerships Services Portfolio Holder advised that in additions to all the comments, the Council had to also consider the impact of parking requirements on potential developments and how much residential space would be taken up with parking. Furthermore, EFDC had committed to maintaining as much of the green belt as possible in the district.
- Was it known when ECC would consult on the proposed parking standards and who would be consulted; and had EFDC produced their own parking standards? The Service Director advised that EFDC were still considering their own parking standards and regarding ECC, they were currently behind on their own consultation although it should be starting later this year.
- What were the Councils thoughts on under-croft parking? The Service Manager advised that under croft parking was a good idea visually for the environment, but it was hugely expensive and potentially would make developments unviable or developers would possibly ask for a reduction in the affordable housing requirements.

### iii. **Failure of planning applications to meet Local Plan policy on affordable housing provision**

The Service Manager advised that yes, the Councils' policy was to provide affordable housing if a development reached a certain threshold of dwellings or square footage. This would require 40% of onsite affordable housing units or in exceptional circumstance, a financial contribution equal to 40%. A viability statement sets out the calculations made by the developer which included 18% to 20% return, the land value, and decontaminated costs. The process was very complicated, and the Council appointed independent viability consultants as well as consulting the Housing department for their opinion on the affordable housing contribution.

It was stated that the starting point for any determination of a planning application was the Local Plan policies and other material considerations, and the viability assessments fell into the other materials considerations. Furthermore, the applicant at any time could come back to renegotiation the section 106 contribution, where they felt they were unable to make the contributions.

Could the Council prevent developers from reducing the number of dwellings on the site to avoid the affordable housing contribution, to then come back with a further proposal at

a later date? The Service Manager advised that it this was called threshold abuse. It was noted that there was numerous Case Law around this area, although it was notoriously hard to prove, and the National Policy Framework may have now changed.

**iv. Democratic representation in the planning process**

The Service Manager advised that the Government had extended the rights of permitted development. This had allowed people to build extra stories on top of their dwellings through the requirement of prior approval, if required. If it was required only a limited number of issues could be taken into consideration. It was noted that these applications were not always considered by a planning committee because of the strict 56-day determination requirement, otherwise planning permission could be given by default and there was nothing in the Council's Constitution regarding this issue.

**v. Planning Enforcement Action**

The Service Manager advised that EFDC were one of the top ranked Essex authorities for issuing Planning Enforcement Notices and across England in the top quartile. There was also the Local Enforcement Plan which had been in place since 2014 and the latest version had been consulted on and should be in place by 1 April 2022.

The Planning department would also visit Town and Parish Councils to give training to its members, if required. The Council also provided training to newly elected District members, which the Town and Parish Council could access via the Members Services Officer.

**18. ANY OTHER BUSINESS**

**Market Policy**

It was commented that any Parish or Town Councils which held markets should look at the District Council's Market Policy, which was being presented to the Cabinet soon. Consultations documents had been sent to Town and Parish Councils although it was felt that two weeks to response was not nearly enough time as the Parish and Town Council had monthly meetings and could not submit a full representation.

It was noted that the Overview and Scrutiny Committee were due to consider the Market Policy at their next meeting on 31 March 2021.

Furthermore, if any Town or Parish required further advice concerning Charter Markets, the Clerk at Epping Town Council may be able to assist.

**Chairman**

The Chairman, Councillor H Kane advised that this would be her last meeting as she would be stepping down as Chairman of the Council in May 2022. She thanked members of the Committee for their contributions. The Vice Chairman thanked the Chairman on behalf of the Committee.

**19. DATES OF FUTURE MEETINGS**

It was noted that the next meetings of the Committee would be held virtually on Monday 26 September 2022 and Monday 20 February 2023, although the Committee Officer had noted comments made via email to change the day and times of these meetings.