

Decision by Portfolio Holder



Report reference: PAG-004-2018/19

Date of report: 02-August- 2018

**Epping Forest
District Council**

Portfolio: Planning and Governance

Author: Alison Blom-Cooper (Ext 4066)

Democratic Services: J Leither

Subject: Epping Forest District Council's Response to Draft Epping Neighbourhood Plan regulation 14 consultation

Decision:

- To confirm the District Council's response to the Draft Epping Neighbourhood Plan.**

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ do not approve (delete as appropriate) the above decision:	
Comments/further action required:	
Signed: Cllr J Philip	Date: 3 rd August 2018
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i> None	<i>Dispensation granted by Standards Committee:</i> Yes/No or n/a N/A
Office use only: Call-in period begins: 3 rd August 2018	Expiry of Call-in period: 9 th August 2018

***After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY***

Reason for decision:

This report confirms the District Council's response to the Draft Epping Town Neighbourhood Plan (May 2018). The response attached at Appendix 1 sets out the Council's response to the Plan, setting out the main points in the body of the letter, and more detailed response for each policy and section of the Draft Neighbourhood Plan in an accompanying table. The deadline for responses to the Draft Epping Town Neighbourhood Plan is 31 July 2018, however it has been agreed with Epping Town Council (ETC) that this response will be accepted if it is received within two weeks of the deadline.

Initialed as original copy by Portfolio Holder:
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Options considered and rejected:

Not to respond to the Draft Epping Town Neighbourhood Plan, however, the District Council would not be discharging its statutory duties or its responsibilities under the Town and Country Planning Act 1990 (as amended) and National Planning Policy Framework.

The Draft Epping Town Neighbourhood Plan:

1. The Government introduced Neighbourhood Planning as part of the Localism Act 2011. This was in order to enable Town/Parish Councils and Neighbourhood Forums to produce plans shaping the future of their area. A Neighbourhood Plan, once it has passed a referendum and been 'made' by the Local Planning Authority, forms part of the statutory development plan and must therefore be taken into account in the determination of planning applications. Neighbourhood Plans can include housing and employment land allocations, policies and design statements. Crucially, the Neighbourhood Plan must meet a number of 'basic conditions' set out in Schedule 4B of the Town and Country Planning Act 1990 and have regard to national planning policy as well as be in general conformity with the strategic policies of the District Council's Local Plan.
2. Epping Town Council submitted an application for the designation of a neighbourhood area in July 2014. The Neighbourhood Plan Area Application was approved by Epping Forest District Council at a Cabinet meeting on the 6 October 2014, following an eight week consultation period from 11 August 2017 to 19 September 2014.
3. Local Authorities have a duty to provide advice and assistance to town/parish councils in the preparation of Neighbourhood Plans, and the Council has engaged actively with Epping Town Council in the preparation of the Draft Epping Neighbourhood Plan. A number of meetings have taken place throughout the process. These are in addition to general Council liaison with town and parish councils through the Local Councils Liaison Committee and meetings during the preparation of the Council's Local Plan.
4. Epping Town Council consulted on the Draft Epping Town Neighbourhood Plan from 6 June 2018 under regulation 14(c) of The Neighbourhood Planning (General) Regulations 2012 for a period of eight weeks, closing on 31 July 2018. This report is seeking confirmation of the District Council's response to this consultation.
5. The Draft Epping Town Neighbourhood Plan covers the period up to 2033, however it does not state what the base date of the plan is. Officers in the Council's Policy Planning Team have reviewed the Draft Epping Neighbourhood Plan. Officers have provided advice and assistance throughout the preparation of the Neighbourhood Plan and have corresponded and met with the Town Council on a number of occasions:
 - a. 22 November 2016: Meeting between Epping Town Council and the District Council's planning policy team regarding the proposals for Epping set out in the Draft Local Plan.
 - b. 9 December 2016: Formal responses from Epping Town Council and the Neighbourhood Planning Advisory Committee to the District's Draft Local Plan (regulation 18) consultation.
 - c. 10 May 2017: Meeting between Epping Town Council and the District Council's planning policy team regarding District Local Plan and progress on the Epping Neighbourhood Plan.

- d. 22 January 2018: Formal response from Epping Town Council to the District's Local Plan Submission Version (regulation 19) publication.
 - e. 4 April 2018: Meeting between Epping Town Council and the District Council's planning policy team regarding the District Local Plan and progress on the Epping Neighbourhood Plan.
 - f. 4 July 2018: Meeting between Epping Town Council and EFDC planning policy regarding initial comments on the Draft Epping Neighbourhood Plan for consultation, the District Local Plan, and the South Epping Masterplan Area.
6. To date, the District Council and Epping Town Council have engaged positively, and the Council are keen to maintain a positive and constructive approach to engagement in the finalisation of the Neighbourhood Plan, alongside the Strategic Masterplan for South Epping, and the Local Plan. The Council commends Epping Town Council and the Neighbourhood Planning Advisory Committee on the significant work that has been undertaken in preparing this considered and positive Plan for consultation.
7. Notwithstanding this, there are a number of matters that the Neighbourhood Plan will need to address prior to submission. The main points are summarised here, and explored in more detail along with other comments in the consultation response accompanying this report at Appendix 1:
- a. Compliance with the Environmental Assessment of Plans and Programmes Regulations and the Habitats Regulations with regard to assessing and mitigating any environmental effects of the plan. In particular, air quality impacts and recreational pressure impacts on Epping Forest Special Area of Conservation (SAC) are a key concern. As the Neighbourhood Plan is proposing to make site allocations in proximity to Epping Forest SAC, some of which are different to those in the District's LPSV, it is very likely that the Neighbourhood Plan will be required to undertake Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) to ensure that the Neighbourhood Plan does not adversely affect the Forest.
- In order to resolve this issue, we would advise that Epping Town Council should wait for completion of the Mitigation Strategy for Epping Forest being developed by the Council in conjunction with the other Competent Authorities, the Conservators of Epping Forest and Natural England. With regards to SEA, Epping Town Council will need to request a Screening Opinion from Epping Forest District Council.
- b. Policies 1, 2 and 4 seek to restrict development within certain areas, and in the case of Policy 4, seeks to limit windfall development (i.e. development on non-allocated sites) to no more than five dwellings. The NP places importance on plan-led growth whilst limiting additional growth over and above that which is 'planned for', however as currently drafted, this approach is unlikely to be considered consistent with the national or local plan policies, and the need for plans to support sustainable development.
 - c. The Neighbourhood Plan seeks to protect the green spaces of Epping in Policy 2, by designating them as Local Green Spaces, as well as identifying Wildlife Green Corridors. However, it is considered that further detailed justification and evidence for this policy will be required.

- d. Policy 5 provides for the allocation of South Epping as a sustainable extension to Epping. This generally aligns with the policies in the District's Local Plan for the South Epping Masterplan Area, however further discussion through engagement with the South Epping Strategic Masterplan group will be required, along with other stakeholders to ensure that the requirements set out in the plan are justified, evidenced and deliverable.
8. The Council hopes that the comments set out in the response are helpful, and are received in the positive and constructive way in which they are intended. The Council will continue to provide advice and assistance to Epping Town Council and the Neighbourhood Planning Advisory Committee on the Neighbourhood Plan as it nears completion, and involve them in the forthcoming masterplanning work for the South Epping Masterplan Area. The analysis of responses to the consultation which relate to the masterplan area will provide a useful input to the development of plans for South Epping.

Resource Implications:

The review of the Draft Epping Neighbourhood Plan and preparation of the report are from existing resources in the Policy Planning Team.

Legal and Governance Implications:

Epping Forest District Council has a statutory responsibility to advise and assist with the preparation of all Neighbourhood Plans in the District. At this stage, it is prudent for the District Council to make its views known regarding whether the Draft Neighbourhood Plan meets the required basic conditions, noting that this is a consultation draft of the Plan published as part of the preparatory stages, and is not the final version of the plan intended for submission. The consultation of the Draft Epping Town Neighbourhood Plan under regulation 14 of the Neighbourhood Planning (General) Regulations 2012 is the first opportunity for a formal consideration from the Council before the Plan proceeds to Submission Version stage prior to examination. The Council reserves its right to comment on the forthcoming Submission Version of Neighbourhood Plan in due course, as well as come to a view as to whether a neighbourhood plan meets the basic conditions after the independent examination has taken place, after the examiner's report is received and once any modifications recommended by the examiner have been addressed by the Parish Council.

Safer, Cleaner and Greener Implications:

None specific at this stage.

Consultation Undertaken:

EFDC Legal Adviser

Background Papers:

Appendix 1: EFDC Response to Draft Epping Town Neighbourhood Plan
Draft Epping Town Neighbourhood Plan May 2018

Impact Assessments:

No specific.

Risk Management:

No specific risks identified.

Key Decision Reference (Y/N): No

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an appendix to this report.