

# **Report to Stronger Place Select Committee**

**Date of meeting: 12 January 2021**

**Portfolio: Planning and Sustainability (Cllr Bedford)**

**Subject: Local Plan update**

**Officer contact for further information: Alison Blom-Cooper (01992 564066)**

**Democratic Services Officer: L Kirman (01992 564273)**

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## **Recommendations/Decisions Required:**

- 1. To note progress on the emerging Local Plan**

## **Report:**

### **Progress on the emerging Local Plan**

1. 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 changes to the Plan which are required to remedy issues of soundness in the form of Main Modifications (MMs).
2. 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 were submitted to the Inspector in September with a view to consultation on the MMs in October 2020. 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 is likely that she will not be able to provide a full response. We still await further information from the Inspector with a clearer indication of the likely timeframe for her response and proposed timetable for consultation on the Main Modifications.
3. In the meantime the Inspector wrote to the Council on 19 October 2020 to ask whether the amendments to the Use Classes Order which came into force on 1 September 2020 will impact the implementation of policies set out in the emerging Plan. The Council has responded that the changes do not impact on the soundness of the policies in the emerging Plan whilst recognising that in due course some of the policies may need to be updated to reflect the new definitions. In the light of the advanced stage of the emerging Plan and the potential impact of COVID 19 on the recovery of town centres and the future of office floorspaces evidencing any impact of the changes would be difficult. The Council therefore proposes that this is best dealt with in due course as part of a plan review.
4. Following the letter to the Council from the Inspector on 16 July 2020 on the ONS 2018 Household projections (ED111) and the Council's response on 23 September 2020 (ED114 and ED114A), the Inspector has now consulted those who made Regulation 19 representations on these documents. The consultation responses are available on the Council's local plan examination website pages - see <https://www.efdclocalplan.org/local-plan/consultation-on-2018-household-projections/>

5. Further work has progressed to update the Sustainability Appraisal and will be finalised once the MMs have been agreed ready for consultation. In addition the Habitats Regulations Assessment will be updated to take account of the latest air quality and traffic modelling and to address the comments received from Natural England and the Conservators of Epping Forest in respect of recreational pressure and the Draft Green Infrastructure Strategy. A final Green Infrastructure Strategy is due to be reported to Cabinet in February 2021 for adoption.
6. The Interim Air Pollution Mitigation Strategy is the subject of a Portfolio Holder report which will be published on the website shortly. Once adopted, this will enable the Council to lawfully grant planning permission for new development that would result in a net increase in vehicle movements through the Epping Forest Special Area of Conservation. As a result of the consultation, Natural England has now confirmed that if the measures identified in the Interim Air Pollution Mitigation Strategy are secured through appropriate policy wording within the emerging Local Plan to provide the necessary link between the Habitat Regulations Assessment and the mitigation they consider that it could provide a sound strategy for the purposes of avoiding and mitigating air quality impacts on Epping Forest SAC that result from plan led development. The Council will be proposing Main Modifications to Policies DM 2 and DM 22 to the Inspector to address this matter and will be finalising the HRA to take account of the latest evidence. Pending the adoption of the Local Plan the Council can adopt the strategy on an Interim basis to support the Local Plan HRA process and facilitate the determination of planning applications which have the potential to have an adverse effect on the integrity of the Epping Forest SAC in relation to atmospheric pollution without mitigation.
7. The Council currently has around 150 SAC related cases which have been held in abeyance pending the agreement of a mitigation strategy. The proposed sequence for releasing decisions will be as follows:
  - Applications with a Committee resolution to grant permission;
  - Allocated or designated sites that comply with the ambitions of the emerging Local Plan;
  - All other applications in order of validation date.
8. Officers will be reviewing all of the undetermined applications in terms of policy and other material planning considerations, so there may be some refusals in addition to approvals being issued. We are presently making an assessment of the number of applications that are likely to be referred to a committee for decision, and we will engage with Democratic Services to arrange additional committee meetings between January and the end of March 2021 as required in order to ensure we clear the backlog as soon as possible.
9. To support this process the Council has developed a standard S106 template to secure contributions to mitigate the impact of the development on air pollution in accordance with the Interim Strategy. The template will also be used to secure contributions to the interim approach to managing recreational pressures and a sum payable to the Council towards monitoring compliance with the obligations in the S106. A copy of the template is attached as Appendix 1.

### **Draft Green Infrastructure Strategy**

10. The comments received are currently being addressed and the Final strategy will be brought back to Cabinet on 11 February 2021 for endorsement as a material consideration in the determination of planning applications, masterplans/concept frameworks and guide design and implementation processes.

## Draft Sustainability Guidance

11. 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 produced 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). This was reported to Cabinet on 19 October and public consultation was undertaken for a six week period from 2 November 2020 to 14 December 2020. The responses will be considered and the final guidance will go back to Cabinet for endorsement as a material consideration currently scheduled for March 2021. Work is also underway to prepare a third document relating to the retrofit and refurbishment of existing buildings which will be the subject of consultation in Spring 2021. The intention is for this guidance to align with the work being projected by the Retrofit Working Group of the London Energy Transformation Initiative (LETI).

### MHCLG consultation Supporting housing delivery and public service infrastructure

12. This technical consultation which runs from 3 December to 28 January 2021 <https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure> seeks views on proposals for:
  - a new permitted development right for a change of use to residential to create new homes
  - measures to provide public service infrastructure more quickly through expanded permitted development rights and a new streamlined planning application process for hospitals, schools and prisons
  - the approach to simplifying and consolidating existing permitted development rights following changes to the Use Classes Order

Officers are currently considering the implications for the District and a verbal update will be given.

**Reason for decision:** To provide members with an update on the work to support the delivery of the Local Plan

**Options considered and rejected:** Not to provide an update – Stronger Place Select Committee has asked for regular reports on the Local Plan

**Consultation undertaken:** No specific consultation on this report

**Resource implications:** None – all within agreed budget

**Legal and Governance Implications:** The Local Plan is being progressed in accordance with Government policy, planning practice guidance, planning law and the appropriate regulations

**Safer, Cleaner, Greener Implications:** The Local Plan contains a policy designed to promote the notion of making good places to live, work and visit. This will include safer by design principles, sustainable development, the provision of alternatives to the car, energy efficiency and environmental considerations as well as sustainable drainage systems and quality green infrastructure.

**Background Papers:**

**Impact Assessments:** completed