



**DRAFT MINUTES**

**Meeting:** EXTRAORDINARY  
COUNCIL

**Date:** 22 June 2015

**Time:** 6.30 PM

**Venue:** NORTH WEALD LIBRARY, 138 HIGH ROAD, NORTH WEALD

**PRESENT:**

**Councillors (13)** C Hawkins (Chairman), B Eldridge, A Buckley, B Clegg, B Bartram  
Mrs E Godwin-Brown, R Spearman, G Mulliner, Mrs A Grigg, D Stallan  
Mrs D Adams, A Tyler, N Bedford

**Also in Attendance (2)**

Susan De Luca – Clerk to the Council  
Adriana Jones - Principal Finance Officer

**Members of the Public (1)**

**Members of the Press (0)**

**C15.042 APOLOGIES FOR ABSENCE (1)**

*NOTED* that apologies for absence had been received from Councillor Blanks.

**C15.043 OTHER ABSENCES (0)**

*NOTED* no other absences.

**C15.044 DECLARATIONS OF INTEREST**

Cllr Spearman declared a Pecuniary Interest in any matters relating to the Local Plan by virtue of submitting land via the land call process.

**C15.045 QUESTIONS FROM MEMBERS OF THE PUBLIC**

The member of the public present had requested to address Council under agenda item 5(b).

**C15.046 NEIGHBOURHOOD AREA PLAN**

**a) Review of EFDC Meeting**

The Clerk reminded members of the process that had taken place over the past two weeks, confirming that the legal advice from the Barrister was circulated to all EFDC Cabinet Members, relevant District Council members and relevant EFDC personnel. Despite this, EFDC Cabinet agreed by way of a vote at their Thursday 11<sup>th</sup> June meeting to designate the amended area as proposed by EFDC. The meeting can be viewed on the EFDC website. There were a number of contradictions spoken at this meeting including the Planning Portfolio Holder saying 'these are strategic sites', followed by the Planning Policy Manager stating 'no strategic sites have been identified as we haven't got that far in producing a draft'.

Councillors noted that at this point there were a number of options available to the Parish Council, which included:

- Accept the decision of Epping Forest District Council to exclude part of the Hastingwood and Thornwood ward from the Neighbourhood Area Designation, and move forward with the creation of a Neighbourhood Plan covering only that area covered in the plan.
- As above, with the understanding that if / when Epping Forest District Council formally allocate strategic sites for development in the excluded area, and request is made to alter the designated area (Councillors noted that this could involve much duplicated work).
- To Challenge Epping Forest District Council on their decision to designate a different area to that proposed by the Parish Council, by way of a Judicial Review (cost implication)
- Not to move forward with a Neighbourhood Plan at this time, and wait until such time as Epping Forest District Council are further along in the Local Plan process, with development sites having already been clearly identified and agreed by the District Council.

Dependent on the decision that Members decide to take, it may involve the potential for Legal Proceedings, and as such any such discussions on this matter will take place under the confidential item on the Agenda as detailed within the pink pages.

Cllr Bedford stated that he understood the reason why EFDC did what they did, and was concerned that the Parish Council may get lulled into a situation where they challenge EFDC decision, and if so he feels this would be a waste of money. He continued stated that he understood the reasons why EFDC has excluded an area of Hastingwood as they need to complete Duty to Co-operation consultations with the neighbouring Local Authorities. Cllr Bedford stated he felt the Parish Council would be wasting money by challenging this decision.

Cllr Spearman asked if the Parish Council proceeded with the legal action and won, would the Parish Councils costs be reimbursed. The Clerk stated she didn't think so.

Cllr Eldridge asked if clarification had been received as to whether or not the sites contained within the excluded area were Strategic or not, to which the Clerk recommended Councillors viewed the webcast of the Cabinet meeting which shows officers and Members differing on this issue.

Cllr Stallan stated that EFDC are under an obligation to co-operate with other authorities as part of the Local Plan process, not to agree, but co-operate. Irrespective of the inclusion or exclusions of the Hastingwood area, this duty still remains and EFDC will continue to have those discussions.

Cllr Godwin-Brown stated that she recalled Councillors took the decision to go as far as they did in terms of sourcing legal advice because fundamentally they felt the decision to exclude an area from the Designated Neighbourhood Plan Area, in essence

excluding residents, was wrong. Cllr Godwin-Brown stated that she was aware of the cost implication, but was concerned that the Parish Council shouldn't just sit back and do nothing. Cllr Spearman stated that he agreed with Cllr Godwin-Brown.

Cllr Bartram asked the Clerk to remind members of the outcome of the survey conducted with residents in the excluded area. The Clerk stated that 195 residents were given surveys (hand delivered) and out of the 75 who responded, 69 stated that were in favour of the area being included. 5 (from the same household) disagreed, and 1 response was unclear. The remaining 120 did not respond. Cllr Bartram asked if this response rate (38%) was a good response rate, to which the PFO stated it was a very good response rate.

Cllr Stallan stated that EFDC has made their decision. As a Parish Council, Councillors must now weigh up the options in front of them, and decide how to move forward. Cllr Stallan stated that EFDC has made its decision after seeing the legal advice given to this Council, and the Parish Council now need to do the same. He stated that he had been assured by the portfolio holder, Cllr Bassett, that there are no discussions taking place with regard to a boundary review.

Cllr Clegg stated that he tended to agree with Cllr Bedford, adding that it's very difficult for the Parish Council to move forward when EFDC are unclear as to if sites are / are not strategic. He stated he was in favour of including that area, however expressed concern that the Parish Council could be spending a lot of money to no avail.

Cllr Bedford asked Councillors to look at it from a 'back to basics' point of view, in that the District Council has a Duty to Co-operate with Harlow and identify areas for possible development, and for this reason are excluding the area from our Neighbourhood Plan. If the Parish Council decide to challenge that decision and win, the District Council will still continue with the Duty to Co-operate and any strategic decisions that are needed will go ahead anyway. Cllr Bedford stated that whatever the outcome, the Parish Council will be wasting its money.

Cllr Clegg asked what would happen if the Parish Council sat back and waited to see what the outcome of the Local Plan was. The PFO stated that the timetable for the Local Plan had moved and was now not expected to be completed for another 3 years. A Neighbourhood Plan is not a tool to stop development, but it is a means for the local people to control what happens in their area and be involved in the plan making process. Waiting 3 years for EFDC to complete the Local Plan goes completely against Localism where plan making should be from the bottom up. The PFO stated that Government hadn't perhaps thought it through as much as they should, as they have left District Councils in a position where they are being challenged from all angles.

Cllr Bedford suggested that perhaps the Parish Council could continue with the Neighbourhood Plan process, but gather evidence from the excluded area and keep it / include it if the opportunity to amend this area in the future comes forward. Cllr

Stallan stated that all the decisions concerning the Local Plan go out to consultation and inspection, and even if sites in the excluded area do not form part of the development plans for the Local Plan, the developers could challenge this at inspection stage. Anything the Parish Council complete now will be supporting evidence.

Cllr Hawkins stated that when there was a possibility of development up to the ridge, there wasn't so much concern, however the excluded site goes up to Rye Hill Road which is a much greater area. Cllr Stallan stated this is for reasons of establishing a defensible boundary. Cllr Stallan reminded members that changes in boundaries are conducted by the Boundary Commission, and not District Councils.

Cllr Stallan **PROPOSED**, and Cllr Bedford **SECONDED** that the meeting goes into private session so that Councillors could review the Confidential Item on the agenda - Letter from Green Planning Studios. This was **AGREED**, and the member of the public was excluded.

Councillors reviewed the confidential items as attached to the agenda. Cllr Bartram **PROPOSED** that the Parish Council moved forward with challenging the District Councils decision to designate a smaller Neighbourhood Area by way of a Judicial Review. This was **SECONDED** by Cllr Eldridge. The Chairman asked that a recorded vote was taken, the results of which were as follows:

Cllr Clegg	- Abstention
Cllr Bartram	- For
Cllr Buckley	- For
Cllr Bedford	- Abstention
Cllr Stallan	- Abstention
Cllr Tyler	- For
Cllr Mulliner	- Against
Cllr Godwin-Brown	- Against
Cllr Spearman	- For
Cllr Grigg	- Abstention
Cllr Adams	- For
Cllr Eldridge	- For
Cllr Hawkins	- For

7 - For  
4 - Abstention  
2 - Against

It was therefore **AGREED** to proceed with the process of Judicial Review. The meeting moved into public session and the member of public present was invited to return.

Cllr Spearman stated that he was disappointed that there wasn't the spirit of openness in terms of the District Councillors present being able to divulge the legal advice

received by the District Council. Cllr Stallan stated that the Parish Council had not divulged all the legal advice to the District Council, to which the Clerk stated they had. Cllr Stallan stated he stood corrected on this point and apologised. The Clerk stated that a full copy of the legal advice had been sent to Glen Chipp, Derek Macnab, Ken Bean, and Simon Hill.

**b) Essex County Council Waste & Minerals Plan – Call For Sites – Area at the Rear of the County Highways Site – M11 Roundabout Junction 7 (adjacent to McDonalds Restaurant)**

Following the notification that this area has been included for a large Recycling Facility (type Currently unknown) by Essex County Council in their current call for sites, the Principal Financial & Admin Officer attended a Meeting at County Hall where the Replacement Waste Local Plan and Revised Preferred Approach was discussed.

The PFO had created a presentation to aid members with understanding the Waste Local Plan and how it fits into the future planning for the area. This was given at the meeting.

The PFO stated that the Waste Local Plan was similar to the District Councils Local Plan, but addressed how the County Council plans to manage the waste within the County for the next 15-20 years. The different types of waste produced are called 'waste streams', and include:

- *Non-Hazardous Waste*
- *Construction, Demolition and Excavation waste (CD&E) Hazardous waste*
- *Low-level radioactive waste*
- *Wastewater (sewage)*
- *Agricultural waste*

ECC had completed a call for sites in 2011, where site owners and promoters were invited to put sites forward for waste management processes. Sites were assessed for suitability, and it was at this time that the site at Hastingwood was 'held back' at stage 2 due to being within the Green Belt. During this time, ECC were also working on the Minerals Local Plan, which was subsequently adopted in 2014. The outcome of the Minerals Local Plan included the suggestion that there was a 'capacity gap' in the west of the County for dealing with inert waste. This, in conjunction with changes in legislation, has led ECC to add another level of consultation into the process which addresses these changes. This involved completing a further call for sites and looking at the capacity gap. Subsequently, the site at Hastingwood had been 'reconsidered' and was now one of ECC preferred Strategic Aggregate Recycling Sites, dealing with Construction, Demolition and Excavation waste (CD&E).

Cllr Chairman invited the member of the public to speak. The member of the public stated that works had been taking place on between a third and a half of the proposed site for some years, however she was under the impression that planning permission was in place. Further encroachment into this area would not be acceptable to the residents living in close proximity to the site. The resident stated that the name of

contractor using the site, stating that it is her understanding that they are contracted by ECC.

The Clerk stated that her initial investigations had revealed that there wasn't planning permission in place for these works, and as such this is illegal encroachment into the Green Belt. Cllr Clegg stated that if this has been going on for many years, somebody somewhere must have known about it, and if so why hasn't any action been taken.

The PFO informed members that the inclusion of this site within the Revised Waste Local Plan wouldn't necessarily mean permission is a foregone conclusion. The site would need to go through the appropriate planning application process, however the document states that the sites would be looked upon 'favourably' by the District Council. Cllr Stallan stated this was incorrect. The PFO stated that within the document itself it referred to these waste sites being supported in principle. Cllr Stallan stated that this may be the standpoint for Officers, however this was not the same for Councillors.

The PFO informed Members that whilst ECC are the relevant authority that needs to plan for waste, once the document is created and approved they have no further involvement (other than processing the planning application) for each of the sites. It is then up to the site promoter, land owner or private companies who will manage the site.

Cllr Grigg stated that she was extremely concerned regarding this site and feels that any objection put forward by the Parish Council should include the relevant issues for the area which included Green Belt, concerns regarding mains sewage in the area, and proximity to a listed building.

The question was raised as to what other sites ECC had looked at in Harlow, as there were at least two industrial sites where buildings had been knocked down. The PFO stated that ECC had proposed a Hierarchy of sites, which allocated sites first, Areas of Search next, followed by all other areas. The Areas of Search included potential Industrial Areas in and around the County which may be suitable for certain types of waste activities, however this was dependent on many factors including permission from the owner as these sites were not necessarily submitted via the Call for Sites process. In addition, they are only suitable for enclosed operations.

The PFO tabled the methodology and results specific to the Hastingwood site. Cllr Clegg confirmed he would look into the calculation of waste requiring disposal (1.27m tonnes per annum) and establish how much of this would need to be dealt with at the Hastingwood site, converting this into lorry movements.

Members **AGREED** that the proposed site at Hastingwood was not a suitable site, and expressed their deep concern that ECC and EFDC may not have been adequately controlling the activities on the site which has led to encroachment into the Green Belt. Members requested the Clerk contact the Leader of EFDC, together with ECC Cllr Jackson asking for a meeting to discuss this issue.

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The PFO stated that whilst the inclusion of the Hastingwood site was concerning, the Consultation asked numerous questions relating to methodology and process. It was **AGREED** that the PFO would compile a draft response to the consultation for Members approval.

Meeting closed:

Signed .....

Date .....