



**MINUTES**

**Meeting:** EXTRAORDINARY  
COUNCIL

**Date:** 16th March 2015

**Time:** 7.36 PM

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

**PRESENT:**

**Councillors (12)** C Hawkins (Chairman), B Eldridge, B Clegg, G Mulliner, B Bartram, A Buckley, T Blanks, D Stallan, R Spearman, Mrs Godwin-Brown, Mrs Adams, Bedford.

**Also in Attendance (2)**

Susan De Luca, Clerk

Adriana Jones – Principal Finance Officer (PFO)

**Members of the Public (0)**

**Members of the Press (0)**

**C14.176 APOLOGIES FOR ABSENCE (2)**

*NOTED* that apologies for absence had been received from Cllrs Mrs Grigg and Collins.

**C14.177 OTHER ABSENCES (0)**

No other absences were recorded.

**C14.178 DECLARATIONS OF INTEREST**

None

**C14.179 QUESTIONS FROM MEMBERS OF THE PUBLIC**

None

**C14.180 NEIGHBOURHOOD PLAN AREA DESIGNATION**

Councillors recalled from the 2nd March 2015 Parish Council meeting that EFDC were intending to alter the Neighbourhood Plan area designation at the 9th March EFDC Cabinet meeting to exclude part of the Parish, encompassing part of the Hastingwood Ward. A meeting was subsequently arranged with representatives of EFDC for 3pm Monday 9th March 2015. The following were in attendance:

EFDC: Cllr Chris Whitbread, Leader of the Council  
Cllr Richard Bassett, Portfolio holder for Planning  
Cllr Will Breare-Hall, Ward Councillor for Thornwood  
Cllr Richard Morgan, Ward Councillor for Hastingwood  
Derek Macnab, Deputy Chief Executive  
Ken Bean, Planning Policy Manager

NWBPC: Cllr Cyril Hawkins, Chairman  
Cllr Anne Grigg, District Ward & Parish Councillor for North Weald Village

Cllr Terry Blanks  
Cllr Brian Bartram  
Cllr Alan Buckley  
Cllr Baden Clegg  
Cllr Elaine Godwin-Brown  
Cllr George Mulliner  
Cllr Richard Spearman  
Susan De Luca, Clerk  
Adriana Jones, PFO

The Clerk read out a paragraph from the publication 'A history of North Weald Bassett and its people' by Arthur Stanley Newens, which read *'North Weald first began to emerge from the mists of prehistory as a place with a separate identity of its own nearly a thousand years ago. Before that it was part of the huge deciduous forest which spread across most of England after the end of the last ice age.'*

The PFO detailed specifically what the areas meant on the map attached to the agenda, highlighting exactly where the excluded area was.

Cllr Blanks gave a short summary of the meeting, detailing the questions which were posed to Officers and Councillors at EFDC, roughly as reproduced below:

**Q. If Boyer Planning had not contacted you would you have removed Latton Priory from our Neighbourhood Plan area?** EFDC's response was that they have a responsibility to consult and consider any responses to the consultation. The developers of the Latton Priory site had responded, and their response was considered. As a result of this, EFDC met with members and officers of North Weald Bassett Parish Council to discuss this response and the possibility of the area being removed. The Clerk stated that it was not suggested at this meeting that the area would/may be removed, and that she was concerned that the first the parish council heard about this was by way of a report to cabinet stating that the area would be removed. The Clerk stated that she felt more detailed and earlier contact should have been made with the Parish Council to inform them of this proposal. This was accepted by EFDC.

**Q. Why do EFDC prefer a developer's view of North Weald's boundary than the Parish Council's?** EFDC's response was that they do not prefer a developers view of North Weald's boundary, but that under the duty to cooperate, and the fact that the developers for this site have expressed an interest to develop, they must ensure that all of these factors are taking into consideration when determining a Neighbourhood Area. A number of meetings have taken place with ATLAS, Harlow and the developers of Latton Priory, and the reason why the NP area has been altered is for all the reasons contained within the report as attached to the 9th March 2015 Cabinet agenda.

**Q. Do you want restrict our Neighbourhood Planning area because we may be stopping you from doing something?** EFDC stated the Parish Council does not have the power to complete the tasks associated with duty to co-operate discussions with cross boundary authorities and developers.

**Q. We understand that Harlow would prefer to develop North of Harlow rather than South, which ties in to the proposed M11 junction 7a.** EFDC response was that this was their understanding too.

**Q. The London Borough of Redbridge borders on both Chigwell and Buckhurst Hill and has identified strategic sites and cross border issues but these are not considered relevant to these Parishes' area designations. Why not?** EFDCs response was that any cross boundary matters have been considered for both these areas, and that the London Borough of Redbridge has not indicated they wish to expand, whereas Harlow has made it very clear that it would like to.

**Q. How does restricting our area in comparison to other parishes tie in with the CONSISTENCY label so important to maintain?** EFDC response was that the Local Plan process changes so frequently in terms of learning from other authorities, that this has resulted in the suggested alterations in terms of the process for designating a Neighbourhood Area. Therefore, you can be as consistent as possible, but there may always be a need to change processes in accordance with developing lessons learnt.

**Q. Has the Latton Priory site and Harlow Gateway site already been identified as 'strategic sites', and what is the definition of a strategic site (Daws Hill ruling referred to a strategic sites identified).** EFDC's response was that although officially they were unable to confirm these two sites are strategic sites, all the evidence suggests that these are strategic sites, and it would be wrong of EFDC to include a strategic site in a NP area designation, only to have to remove it at a later date.

**Q. DCLG document entitled *Neighbourhood Planning* states the following:**

- **Communities to decide the future of the places where they live**
- **Putting power back in the hands of local residents, employees, business, councils and civic leaders - those who know best the needs of their local areas**
- **In areas with a parish or town councils, the parish or town council will take the lead on neighbourhood planning. They have a long experiences of working with and representing local communities**

**It also states that if the local planning authority says that an area needs to grow, then communities can use neighbourhood planning to influence the type, design, location and mix of new development. How can all the above be achieved if the area is removed.**

EFDC response was that the Local Plan process was extremely complex and involved, and the officers at EFDC are working tirelessly to ensure all the appropriate works is accurately and correctly completed to ensure what's right for this district is contained within the Local Plan. This entire process is extremely frustrating at a District level, and they accepted that it was also frustrating from a Parish Council level, but it is absolutely vital that the correct process and discussion take place with reference to any cross boundary issues.

**Q. Would including this area in a Neighbourhood Plan area restrict / prohibit EFDC from conducting the green belt review, cross district boundary agreement of housing and job growth figures, and planning and delivery of key strategic infrastructure including transport measures?** EFDC's response is that a Neighbourhood Plan doesn't include the

power to address green belt reviews, or any cross boundary agreements in terms of housing and job growth figures, etc.

**Q. Page 196 of the 9th March Cabinet report states that the district council has a broad discretion in determining whether it is desirable to designate the area which has been applied for, which we accept is written in legislation. However this has to be fully justified. Can you confirm to whom you have considered this exclusion to be desirable for?** EFDCs response is that the reasons and justification for excluding this area is clearly set out in the report attached to the 9th March 2015 Cabinet Agenda. It is in the best interest of the District and all its residents that the Local Plan is found 'sound', and as such the correct processes and discussions need to take place.

**Q. EFDC state that option 2 (memorandum of understanding) is unlawful as the regulations make no allowance for conditional designating of neighbourhood Plan Areas. Can EFDC elaborate further as to the unlawful aspect of this?** EFDCs response is that it isn't necessarily unlawful, but that it would be open to challenge by developers and other parties as the District Council cannot conditionally designate an area.

**Q. Page 204 of the 9th March Cabinet report states 'if a stage is reached in which the area at Latton Priory is allocated for development purposes, there may then be an opportunity for the Neighbourhood area to be altered'. If so, at what point in the Local Plan process would this be? Preferred Options / Draft Local Plan?** EFDC's stated that further along the line it may be that the areas excluded from the Neighbourhood Plan area could be reconsidered for inclusion, however at this stage EFDC deem it inappropriate to include them due their nature as a potential strategic site.

**Q. Page 205 details how EFDC has considered the revised boundary (PPG guidance on ward boundaries being a good starting point, and the M11 being a strong defensible boundary). However, the issues and options document refers to the 'ridge' which according to the Planning Practice Guidance can also be a consideration (*the natural setting or features in an area*). In addition, HAR-C only suggests possible expansion up to the ridge? The landscape character assessment suggested landscaping planning guidelines states with reference to this area....'*conserve the landscape setting of Harlow (to the north of the study area) and ensure that any potential new development at the settlement edges does not encroach onto the ridge which encloses Harlow*'. This Ridge of farmland forms some of the highest in the district. Why was the ridge not considered?** EFDCs response was that the ridge has been considered, and that the area map shown had already been amended to include consideration of the ridge. The problem is that there are conflicting opinions as to where the ridge is.

Comment: In the draft corporate plan 2015-2020 (Overview and Scrutiny 10 Feb) it states under Local Plan '*to undertake consultation with local residents and work with neighbouring councils, and to publish a sound local plan which meet the needs of our communities whilst minimising the impact on the districts green belt*'. We accept this, and inform you that the need of the community for North Weald Bassett is to ensure the entire Parish are involved.

**Q. How would exclusion of this area and any potential development affect any % of a Community Infrastructure Levy (CIL) presuming it is introduced?** EFDC's response was that the CIL has not been introduced yet, but that any CIL that was obtained from development outside a Neighbourhood Plan Area would not benefit from the increased 25% proportion to the Parish Council.

Councillor Clegg recalled that the Parish Council responded to the Issues and Options document some time ago, however it seems that this has not been considered at all.

The PFO explained that there was a concern in that the excluded area to the south (near Rye Hill Road) seemed to follow the 'Latton Priory development area' and not the Ward Boundary. The Planning Practice Guidance lists the suggested criteria for Local Planning Authorities determining altered Neighbourhood Plan areas, the suggested starting point being Ward Boundaries. Clarification needs to be obtained from EFDC as to why the suggested alteration to the boundary encroaches into the Thornwood Ward, and the reasons for this.

Cllr Blanks stated that there are three main issues:

1. The need to establish why EFDC has not followed the Hastingwood Ward Boundary in the vicinity of Rye Hill Road;
2. Why residents in the excluded area are being disenfranchised; and
3. Why the Parish Council has not been involved more in the process.

In addition, Cllr Blanks stated that he had drafted a letter to Eric Pickles MP, who is the MP responsible for the Localism Act, and read out the content. Cllr Blanks stated that in his opinion, the actions recently undertaken by EFDC is anything but Localism. Cllr Blanks also expressed his concern that EFDC are changing the criteria for Neighbourhood Area Designation, after a number of areas have already been designated. Cllr Blanks asked Cllr Stallan for his thoughts as a District Councillor on the actions of EFDC. Cllr Stallan stated that firstly, he hadn't seen any revised report if there was going to be one. The process for Cabinet is that Councillors meet two weeks before a meeting (in this context the next meeting is 13th April meaning they will meet probably on 30th March) and that this would be the first indication or sighting of any of the reports for that meeting. Cllr Stallan stated that if the report is that of Cllr Bassett, he doubts Cllr Bassett would vote against it. Cllr Stallan stated that he didn't agree with the report as put to Cabinet on 9th March. Cllr Blanks asked what the correct process would be in order for the Parish Council to inform District Councillors of its views prior to the 13th April Cabinet meeting. Cllr Stallan replied stating that he could not confirm that this issue would in fact be on the 13th April Cabinet meeting, but he would assume that following Cllr Whitbread's comments that the communication could have been dealt with better, the Parish Council may be given an advance copy of the agenda. It could be deemed wise to let other District Councillors know the views of the Parish Council after the agenda is published, and not before.

Cllr Bedford asked if the Leader of the Council should be thanked for agreeing to defer this item, and asking him to defer again until we give him a date when we would like it placed on an agenda. The Clerk confirmed that she had already written to Cllr Whitbread thanking him

for the meeting and agreeing to defer the item. Cllr Stallan stated that it should be noted there could be a different Cabinet in May.

With regard to the Cabinet meeting on 9th March, the Clerk asked Cllr Stallan if he had seen the reports at the pre-meeting two weeks before, to which Cllr Stallan stated he had. The Clerk then asked why he hadn't informed the Parish Council. Cllr Stallan stated that he had never informed anybody of the content of the executive briefings of meeting, and so this time was no different.

It was **AGREED** that contact should be made with the relevant Councillors of the Cabinet with regard to the views of this Council in terms of the altered area designation if necessary.

Cllr Blanks stated that Cllr Whitbread seemed quite keen not to deal with this issue as a matter of urgency. EFDC stated at the meeting that they would be willing to defer the matter, however made it clear that it may be deferred for longer than a month, and expressed concern that the Parish Council were fully aware of this. The PFO had confirmed this was fine, as it was essential everybody was given time to consider how to move forward.

The PFO informed members that if they decided to challenge EFDC with this decision, they needed to be aware of the repercussions of doing so, and that defending the Parish and residents could be extremely costly. The PFO explained that she wasn't trying to be negative, but wanted Councillors to be fully aware of what's involved in making a challenge and subsequently dealing with all the issues that may come as a result of the challenge.

It was **AGREED** that the Parish Council should write to all houses / residents in the excluded area informing them of the current situation, and give them the opportunity to give a view. The results of this survey would then feed into the decision as to whether or not the decision of EFDC to exclude the area should be challenged.

Meeting closed

Signed .....

Date .....