



North Weald Bassett Parish Council

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Clerk to the Council
Susan De Luca

17th January 2018

TO: ALL COUNCILLORS

You are hereby summoned to attend an **EXTRAORDINARY Meeting** of the **Parish Council** which will be held on **Monday, 22nd January 2018**, in the **North Weald Library**, High Road, North Weald Bassett at **7.30pm** to transact the business shown in the Agenda below.

Cllr Alan Buckley
Chairman

Members of the public and press are invited to attend this meeting

AGENDA

1. APOLOGIES FOR ABSENCE

To **RECEIVE** any apologies for absence.

2. OTHER ABSENCES

To **NOTE** any absences for which no apology has been received.

3. DECLARATIONS OF INTEREST

To **RECEIVE** any Declarations of Interest by Members.

A Member with a personal interest in a matter must consider whether it is a Disclosable Pecuniary, Non Pecuniary or Other Pecuniary Interest, and declare it accordingly. A Member who is unsure as to how to declare their interest should seek independent advice

4. QUESTIONS FROM MEMBERS OF THE PUBLIC

To **RECEIVE** questions from members of the public.

In accordance with an agreed procedure, the time allocated for public questions shall be limited to 15 minutes or such other period determined by the Chairman of the Meeting.

5. EPPING FOREST DISTRICT COUNCIL LOCAL PLAN - REGULATION 19 CONSULTATION

On 14th December 2017, Epping Forest District Council approved their Submission Version of the Local Plan for the Epping Forest District. The Local Plan sets out the strategy for meeting the District's needs from 2011 up to 2033, which includes housing, employment and infrastructure. A period of public consultation (known as the pre-submission Regulation 19 consultation) began on 18th December 2017 and will end at 5pm on 29th January 2018.

Regulation 19 is a technical term that refers to the Town and Country Planning Act (Local Planning) (England) Regulations 2012, and is the second formal stage of the consultation process when

forming a Local Plan. This phase of the consultation process provides local communities, businesses and other interested stakeholders with the opportunity to comment on the policy content of a draft Local Plan within a specific remit. The remit for public consultation relates to the ‘**Tests of Soundness**’ and also includes legal compliance, as set out in National Planning Policy Framework (NPPF).

Paragraph 182 of the NPPF - Examining Local Plans - states the following:

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- 1. **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- 2. **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- 3. **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- 4. **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

Page 4 of the Submission Version of the Local Plan states that '*Representations should be made on the prescribed form and should give details of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply the duty to cooperate. Use of the prescribed form is strongly recommended as this will ensure that responses are in a formal so that they can be passed on for consideration at the subsequent examination by a Planning Inspector.*'

 The documents submitted to the Parish Council for this consultation are as follows:

1. Submission Version of Local Plan (247 pages)

A hard copy of this document is available at the Parish Council offices, or in the library. An electronic copy can be found at <http://www.efdclocalplan.org/submission-version-2017/>

2. Local Plan Appendix 6 – Site Specific Requirements (264 pages)

A hard copy of this document is available at the Parish Council offices, or in the library. An electronic copy can be found at <http://www.efdclocalplan.org/submission-version-2017/>

3. Amendment sheets for the above documents (following the Council meeting on the 14th December) - attached at *Appendix 1*.

4. Duty-to-Cooperate: Statement of Compliance - attached at *Appendix 2*.

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5. **Consultation Statement** - attached at *Appendix 3*.
 6. **Sustainability Appraisal** - attached at *Appendix 4*
 7. **Habitats Regulations Assessment** - attached at *Appendix 5*
 8. **FAQ's** - attached at *Appendix 6*
 9. **Representation form** - Attached at *Appendix 7*
 10. **Guidance Notes** - Attached at *Appendix 8*

An integral part of the Local Plan is the Infrastructure Delivery Plan which sets out the key infrastructure requirements to support the proposed growth for the district as identified in the plan. A copy of this document is also held at the Parish Council offices or library, or can be downloaded at <http://www.efdclocalplan.org/submission-version-2017/> (in two sections).

As mentioned earlier in the agenda, Regulation 19 is about the '**test of soundness**'. In order to assist the Parish Council consider if the 'test of soundness' is achieved, additional guidance is listed below:

TEST 1 - POSITIVELY PREPARED

The plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

The **Duty to Cooperate** was created in the Localism Act 2011, and places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. The duty to cooperate is not a duty to agree, but local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination. The duty to cooperate seeks to ensure that local planning authorities lead strategic planning effectively through their Local Plans, addressing social, environmental and economic issues that can only be addressed effectively by working with other local planning authorities beyond their own administrative boundaries. Councillors are asked to refer to section 3 of the Duty to Cooperate statement at *Appendix 2* in order to give a view as to whether or not this section of TEST 1 has been met.

Sustainable Development is defined in the NPPF as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs.' There are three dimensions to sustainable development: **economic, social and environmental**. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a

high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Councillors are asked to refer to the Sustainability Appraisal Report at **Appendix 4**, as well at paragraphs 2.35 to 2.39, and policy SP 1 on pages 22 and 23 of the Submission version of the Local Plan in order to give a view as to whether or not this section of TEST 1 has been met.

Objectively Assessed Development refers to both Housing and Economic need. Paragraph 2.15 of the Submission Version of the plan states that three Strategic Housing Market Assessments published in 2010, 2012 and 2015, have been undertaken for the combined area of East Hertfordshire, Epping Forest, Harlow and Uttlesford Districts. The 2015 Strategic Housing Market Assessment gives an up to date and policy compliant assessment of housing need over the Housing Market Area for the period 2011-2033. Further partial updates were also undertaken in 2016 and 2017. The four authorities also commissioned joint economic and employment studies to consider the Objectively Assessed Economic Need of the Functional Economic Market Area. The Objectively Assessed Housing Need for the Epping Forest District is 11,400 net new homes over the Local Plan period, 3,900 of which are allocated around Harlow. The Objective Assessed Economic Need, i.e. employment land requirement over the period 2011-2033 is 16-19ha of Employment land (B uses) for offices.

Councillors are asked to refer to paragraphs 2.40 to 2.81 (pages 24-33 of the submission Version of the Local Plan) in order to give a view as to whether or not this section of TEST 1 has been met.

Infrastructure refers not only to transport and roads, but also utilities, flood and surface water management measures, open space, cycling and walking, social and community infrastructure including education, healthcare and leisure, etc. Paragraph 6.4 (page 182) of the Local Plan states that 'In order to deliver sustainable and balanced growth outlined in this plan, significant investment in infrastructure is required to meet the needs of residents and business.' The Council has compiled an Infrastructure Delivery Plan (IDP) that sets out the infrastructure required to support growth over the plan period. The IDP identifies the organisation responsible for delivering each infrastructure item, the period over which the relevant investment will be required (including trigger points in relation to the planned phasing of housing and employment development), and the cost of each item and how it is to be funded.

Councillors are asked to refer to paragraphs 6.4-6.45 (pages 182-189) of the submission Version of the Local Plan, as well as the Infrastructure Delivery Plan in order to give a view as to whether or not this section of TEST 1 has been met.

TEST 2 - JUSTIFIED

The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence

Section 2 (page 14) of the Local Plan addresses the key policies which set the **strategic direction** of the plan. This includes a spatial strategy which prioritises and supports the London Stansted Cambridge Corridor Core Area Strategic Vision by providing new homes and employment around Harlow, and a joint strategy with other stakeholders to address cross boundary development matters. The spatial strategy underpinning the Local Plan focuses on opportunities for accommodating new

homes within existing urban areas. The overarching strategy of the Local Plan is contained in the following policies:

- Policy SP 1 Presumption in favour of sustainable development (page 23)
- Policy SP 2 Spatial Development Strategy 2011-2033 (page 31)
- Policy SP 3 Place Shaping (page 34)
- Policy SP 4 Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town (page 40)
- Policy SP 5 Garden Town Communities (page 42)
- Policy SP 6 Green Belt and District Open Land (page 51)
- Policy SP 7 The Natural Environment, Landscape Character and Green and Blue Infrastructure (page 52)

Section 2 (pages 3-22) of the Sustainability Appraisal (Appendix 4) considers alternatives to the chosen Strategy, as well as setting out the Council's justification for the preferred approach.

Councillors are asked to review these strategies and the Sustainability Appraisal in order to give a view as to whether or not TEST 2 has been met.

TEST 3 - EFFECTIVE

The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Appendix 3 of the Local Plan (page 218) set out the minimum measures that will be in place to monitor the effectiveness of policies in the Local Plan. Overall, the assessment of how well the plans vision and objectives are being met will be undertaken by the District Council on a five yearly cycle and will include the full range of contextual and specific development indicators. Some policy indicators will be published annually and others more infrequently. The **cross boundary strategic priorities** include the allocation of land to provide for new employment floorspace to support the London Stansted Cambridge Corridor Core Area Strategic Vision, facilitating the delivery of new homes and necessary infrastructure and services to support the needs of existing and future residents which will also support the economic performance of the area, and the need to protect the environmental assets within the District, including Epping Forest and the Lea Valley.

National policy requires a full understanding of the likely infrastructure requirements to facilitate growth to ensure a deliverable Local Plan. This is addressed in both chapter 6 of the Local Plan (page 183), Appendix B of the Infrastructure Delivery Plan (part A report) which sets out the Housing Delivery Trajectory 2016/17 – 2032/33 (page 150), and the whole Part B Report of the Infrastructure Delivery Plan entitled the Infrastructure Delivery Schedule. The infrastructure interventions have been listed as either “critical”, “essential” or “desirable”.

- Critical infrastructure is that which must happen in order for development to proceed. It most commonly involves connections to transport and utility networks. It is usually triggered by the commencement of development activity.
- Essential infrastructure is that which is necessary to mitigate impacts arising from the development, for example provision of education and health facilities. It is usually triggered at occupation of a development site, either a specific phase or the whole site. It enables development to come forward in a way that is both sustainable and acceptable in planning terms.

- Desirable infrastructure is that which is required for sustainable growth and to achieve good place making objectives but the absence of which is unlikely to prevent development in the short to medium term. It is usually triggered at occupation of a development site, either a specific phase or the whole site. This type of infrastructure would improve operational capacity, and deliver other wider benefits, but would not prevent or delay the delivery of further development.

There is an element of the unknown concerning this Test, in that the Plan should be based on effective joint working, which in of itself relies on the efficiency, organisation, and willingness of staff and organisations to work effectively together. This is a test that can only really take place as and when the joint working happens, however for the purposes of Regulation 19, the Test should apply to the effective joint working that has taken place to date.

Councillors are asked to review the above points and stated documents in order to give a view as to whether or not TEST 3 has been met.

TEST 4 - CONSISTENT WITH NATIONAL POLICY

The plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

This test applies to the National Planning Policy Framework - a 59 page document which sets out the National Planning Policies. Paragraphs 150-182 refer to Local Plan making, however the entire document is relevant in terms of testing whether the Local Plan is consistent with national policy. A copy of the NPPF can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf.

Councillors are asked to review the National Planning Policy alongside the Local Plan in order to give a view as to whether or not this test has been met.

Councillors are now asked to **CONSIDER** the response of this Parish Council to the consultation of the Submission Version of the Local Plan for the Epping Forest District, and by default if further legal guidance should be sought.

WHAT HAPPENS AFTER THE REGULATION 19 STAGE

Councillors are advised that once the Regulation 19 consultation is complete, the submission version of the Local Plan is then submitted to the Secretary of State for the Department for Communities and Local Government, together with the sustainability appraisal report, a submission policies map if the adoption of the local plan would result in changes to the adopted policies map, a statement setting out which bodies and persons the local planning authority invited to make representations under regulation 18, how those bodies and persons were invited to make representations under regulation 18, a summary of the main issues raised by the representations made pursuant to regulation 18, how any representations made pursuant to regulation 18 have been taken into account; if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations, and if no representations were made in regulation 20, that no such representations were made, copies of any representations made in accordance with regulation 20, and such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan.

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As soon as reasonably practicable after a local planning authority submits a local plan to the Secretary of State they must amongst other responsibilities send to each of the general consultation bodies and each of the specific consultation bodies which were invited to make representations under regulation 18(1), notification that the documents are available for inspection and of the places and times at which they can be inspected and give notice to those persons who requested to be notified of the submission of the local plan to the Secretary of State that it has been so submitted.

The Secretary of State will then appoint an independent Planning Inspector to undertake a 'public examination' of the draft Local Plan. During the examination process, the Secretary of State and the independent Planning Inspector will use the National Planning Policy Framework and comments submitted during the Regulation 19 consultation to determine whether a Local Plan is sound and legally compliant.

Councillors are asked to **NOTE** that a hearing normally takes place as part of the examination process. The right to appear and be heard at a hearing is limited to those persons defined in section 20(6) of the PCPA, i.e. any person(s) that has made representations seeking a change to the plan. However, the inspector is not precluded from inviting anyone to appear and be heard where he or she thinks that person is needed to enable the soundness of the plan to be determined. Anyone who wishes to be heard, but whose representations fall outside the ambit of the Inspectors agenda for specific hearings may be allocated to a general matters section at the end of the hearings. Such representors should be advised that their representations do not go to the heart of the Inspectors issues and questions to give them an opportunity to review whether they still wish to be heard or have the matter dealt with by written representations. Representors who are supporting the submitted plan do not have a right to appear, since their position is represented by the LPA

It is understood that you may attend such hearings as an observer if so requested.

6. MEETING WITH DEVELOPERS

The issue of whether or not the Parish Council should meet with developers was raised at the 8th January Parish Council meeting. Cllr Stallan requested that this item should be placed on the agenda for this Extraordinary meeting so it can be fully debated. At the 8th January meeting, the Clerk advised that the Neighbourhood Planning Steering Group had already stated its intention to meet with developers as part of the Neighbourhood Planning process. There is differing advice concerning whether or not Town and Parish Councils should meet with developers. Planning Aid England's advice to those preparing a Neighbourhood Plan is that *early engagement and open discussions with landowners and developers can help them to understand what you hope to achieve and can influence their thinking about what is appropriate development*. It also states that *early engagement will help to pick up on any issues that may lead to an objection to a policy or policies in your plan. You can then explore and seek to resolve these through discussion*. However, Councillors also need to ensure an open mind is maintained so that they are able to view any future planning application objectively and without fettering themselves.

Parish Council is therefore asked to **CONSIDER**:

- a) If the Parish Council as a body should meet with developers regarding the future development in the Parish
- b) If not, should the Parish Council request that members are permitted to attend Neighbourhood Plan Steering Groups meetings with developers.
- c) Any other suggestions