



DRAFT MINUTES

Meeting: COUNCIL

Date: 27th April 2015

Time: 6.30 PM

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

PRESENT:

Councillors (7) N Bedford, B Clegg, B Bartram, T Blanks, A Buckley, R Spearman,
G Mulliner

Also in Attendance (2)

Susan De Luca, Clerk

Adriana Jones – Principal Finance Officer (PFO)

Members of the Public (4) - Inc ECC Cllr Anthony Jackson

Members of the Press (1)

C14.202 ELECTION OF CHAIRMAN AND VICE CHAIRMAN FOR MEETING

Cllr Blanks **PROPOSED** Cllr Bedford to stand as Chairman for the meeting. This was **SECONDED** by Cllr Mulliner. There being no other nominations, Cllr Bedford was elected as Chairman for this meeting.

Cllr Bedford **PROPOSED** Cllr Blanks to stand as Vice-Chairman for the meeting. This was **SECONDED** by Cllr Mulliner. There being no other nominations, Cllr Blanks was elected as Vice-Chairman for this meeting.

C14.203 APOLOGIES FOR ABSENCE (5)

NOTED that apologies for absence had been received from Cllr Hawkins, Cllr Eldridge, Cllr Stallan, Cllr Mrs A Grigg and Cllr Adams.

C14.204 OTHER ABSENCES (2)

NOTED other absence of Cllr Collins and Cllr Mrs Godwin-Brown.

C14.205 DECLARATIONS OF INTEREST

Cllr Spearman declared a non-pecuniary interest by virtue of submitting land via Epping Forest District Councils Local Plan Land Call For Sites process.

C14.206 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chairman welcomed members of the public and press, however there were no questions.

C14.207 NEIGHBOURHOOD PLAN

a) Response to Letter from EFDC

Councillors noted that attached to the agenda was a copy of a letter dated 23rd April 2015 sent by Ken Bean, Planning Policy Manager for Epping Forest District Council, which was in response to the letter sent by the Clerk dated 19th April 2015 on behalf of the Parish Council requesting further information with reference to Counsel's advice.

The Chairman welcomed Cllr Jackson, and asked if he would like to address the Council. Cllr Jackson stated that had no role at the meeting, and was present as a member of the public. He would like to hear the views of the Parish Council before addressing them.

Cllr Blanks stated that he had taken the time to read the legislation referred to in Mr Beans letter, and that it seemed to him that the legislation is not really what the Government intended it to be. In this case, at present, the suggested area that had been recommended by EFDC to be the excluded area could not form part of any Neighbourhood Area Designation, and he was sure this was not Eric Pickles MP intention. Cllr Bedford asked the Clerk if she had received guidance from the Parish Councils insurance company as to whether or not we were covered for legal advice, in respect of this matter to which the Clerk stated she advised we were not .

The Clerk tabled a suggested response to Mr Bean's letter, and gave members the opportunity to read it. A vote was taken, and all members who were present agreeing the letter was an excellent response and should be sent to Mr Bean.

Cllr Jackson stated that now members had expressed their view, he was happy to report that he too has concerns regarding the exclusion of part of the Parish, and had that day, sought some informal legal advice from ECC, who although are not the Local Planning Authority, they do deal with Planning matters. The response was that they *'have great difficulty in understanding why the District Council would have any grounds in excluding any part of the parish from the Neighbourhood Area Plan .* EFDC have not finished their Local Plan, they have not completed their Preferred Options consultation, and the site hasn't been officially designated a strategic site. As such, the decision to exclude could in fact be illegal, and could prejudice the Plan itself. Cllr Jackson stated that he too supported the Parish Councils draft letter as a response.

Cllr Blanks stated that in his opinion, the Latton Priory site was a Strategic site for Harlow, and not EFDC, despite this being within EFDC's boundary. Cllr Jackson stated that there is ongoing discussion between Epping Forest District Council, Harlow Council and East Herts with reference to the expansion of Harlow and the new Junction 7a of the M11. The County Council are also having discussions with Highways England. It was certainly a possibility that if houses were placed on the Latton Priory site, there would be pressure on the Boundary Commission to alter boundaries. In addition, Cllr Jackson expressed concern that EFDC have a lack of clarity in terms of where the ridge actually is, stating that in his opinion and as can be clearly seen from Ordnance Survey maps, it is very well defined.

Cllr Blanks stated that he had reviewed EFDC Local Plan timetable, and on the EFDC Calendar it states that the Pre-submission publication and representations on soundness (6 weeks) Consultation was due to run from 1st April 2015 through to 31st May 2015. Cllr Blanks was disappointed no District Councillors were present as he would like to have asked if they had any comments on this. In addition, it also states

on the District Councils website that in preparing the new Local Plan they will need to satisfy the duty to cooperate, and that this applies to Harlow District Council where provision may be made in this District for some of Harlow's housing provision. The Clerk stated that she had expressed her concern to EFDC as to why EFDC are not looking to expand into other surrounding Districts and are simply allowing other districts / boroughs to expand into Epping Forest and was informed that EFDC are not a predatory council.

Cllr Bartram stated that in his opinion the areas in question did not include Strategic Sites at present, but they may well become so at some point in the future.

Cllr Buckley stated that the Parish Council are guided by EFDC in terms of the Area than can be designated, and asked if there is any guidance from ECC in terms of what they want to do. Cllr Jackson stated that he could not confirm this, and that as a County Councillor he represents people, and there are lots of people in this area and surrounding areas that want to be heard, and it's his job to represent them. Cllr Jackson continued stating that Harlow is a very peculiar town in that its centre is located right on one side. The new Junction 7a of the M11 would be to the North of Harlow. Cllr Blanks referred to the historic issue of Church Langley, stating that anyone can make a mistake but doing it twice is just stupid. Cllr Jackson stated that at the time of consultation on the proposed Latton Priory Development, he had spoken to the late District Councillor Penny Smith and also to District Councillor Richard Morgan, and there was a feeling amongst those people that the development wouldn't be right for the area. Cllr Jackson confirmed he would also speak to Robert Halfon MP.

The Chairman suggested an amendment to the letter in that a set response time should be included. This was **AGREED** and set for 15th May 2015. It was also suggested that the letter should be sent direct and addressed to Cllr Chris Whitbread, however it was **AGREED** to send to both Cllr Whitbread and Ken Bean.

Cllr Clegg stated that his general observation was that there are in fact 'clandestine' conversations going on behind closed doors between EFDC and Harlow, and he feels the Parish Council are being totally kept in the dark. In addition he expressed concern that District Council feels the Parish Council is a thorn in their side, and that they don't believe the Parish Council has professional people to deal with such issues.

The PFO stated that with reference to Cllr Blanks earlier statement regarding the current Local Plan timeline, she too had obtained these details from the District Councils website, and had different details to those of Cllr Blanks. The current approved timetable (agreed July 2014) is as follows:

1. Evidence gathering & background work: **October 2011 - September 2012**
2. Issues & Options preparation and public consultation including initial sustainability appraisal: **30 July 2012 - 15 October 2012.**

3. Draft plan (preferred options) preparation and sustainability appraisal: **October 2012 - May 2015.**
4. Preferred Options Consultation (8 weeks): **May 2015 – July 2015.**
5. Preparation of Submission Plan and Sustainability Appraisal: **September 2015 – February 2016.**
6. Pre-submission publication and representations on soundness (6 weeks): **March 2016 – April 2016.**
7. Submission to Planning Inspectorate for Examination: **October 2016**
8. Examination in public: **Subject to discussion with the Planning Inspectorate & timetabling, likely to be early 2017.**
9. Expected adoption and publication (including proposal maps): **September 2017.**

The PFO also stated that she is aware this deadline is already behind schedule and that she had seen correspondence from EFDC confirming this and that a reviewed timetable would be agreed in the future. She continued, stating that on average a Neighbourhood Plan would take around 2 years (dependent on how pro-active the Parish Council was), and that at this rate a Neighbourhood Plan could be completed before the District Council completes its Local Plan. The PFO read out a statement from the PAS which stated that a Draft Neighbourhood Plan is judged on the Local Plan in place at that time, and not an emerging Local Plan (although the contents of an emerging Local Plan would be a material consideration).

The Clerk tabled a letter / estimate she had received from Green Planning Studio giving a cost for obtaining initial legal advice on whether or not the Parish Council had grounds to challenge the District Councils proposed decision. The cost quoted was approximately £2,000. The Clerk advised that she had observed the company in action at the recent Woodside Planning Appeal and was quite impressed with their work ethics. A discussion ensued after which the Chairman requested a vote was taken to engage Green Planning Studio to provide initial legal advice regarding the District Councils propose decision to exclude an area, the results were:

6 - For
0 - Against
1 - Abstention

It was therefore **AGREED** to engage Green Planning Studio on the terms of their estimate. It was also **AGREED** to engage them with immediate effect.

Cllr Clegg ask that it be recorded in these minutes that the Parish Council received 68 response to its consultation of residents in the excluded area, 63 of which felt it was wrong to exclude them from the Neighbourhood Plan area. Cllr Clegg stated that we owed it to these residents to do everything we could to ensure they are included.

b) Response to Letter from Boyer Planning

A copy of a letter received from Boyer Planning was attached to the Agenda. The Clerk stated that the letter seemed to reiterate what the District Council were saying,

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and requested a meeting with the Parish Council. The PFO stated that it is normal practice in Neighbourhood Planning to engage with local land owners and those wishing to develop land in the area, in order to establish what their thoughts and ideas were. Councillors **AGREED** to ask Green Planning Studio for their advice in terms of meeting with Boyer Planning.

Cllr Jackson stated that in his opinion the business of talking to developers as part of this process was highly concerning, and it goes against the normal procurement process.

Cllr Jackson asked that the Parish Council note that they may need to put aside some funds for legal representation at the time of the Local Plan.

Meeting closed 7.02pm

Signed
Date