



COUNCIL MEETING

Members are summoned to attend a Meeting
of the Town Council

**to be held at
Loughton Library & Town Hall, Traps Hill, Loughton IG10 1HD
on Wednesday 13 July 2022 at 7.30pm**

in order to transact the business as shown in the agenda.

Mark Squire
Town Clerk
6 July 2022

Councillor B Cohen (Town Mayor)
Councillor M Stubbings (Deputy Town Mayor)

Cllr P Abraham
Cllr T Downing
Cllr W Kauffman
Cllr M Owen
Cllr J Riley

Cllr P Beales
Cllr S Fontenelle
Cllr N MacKinnon
Cllr C C Pond
Cllr K Valentine

Cllr R Brookes
Cllr L House
Cllr S Murphy
Cllr C P Pond
Cllr G Wiskin

Cllr C Davies
Cllr J Jennings
Cllr S Murray
Cllr K Rainbow
Cllr D Wixley

Note to Councillors:
If you are unable to attend this meeting,
please email your apologies
to contact@loughton-tc.gov.uk

AGENDA

- 1 Apologies for Absence**
To receive any apologies for absence.
- 2 Declarations of Interest**
For Councillors to declare any pecuniary or non-pecuniary interest in any items on the Agenda.
- 3 Confirmation of Minutes**
To confirm the minutes of the meeting held on 24 May 2022.
- 4 Public Representations**
To hear any representations from members of the public who have registered a request to address the Council in accordance with Standing Order no 3 (h).
- 5 Questions Without Discussion**
To answer any questions which have been submitted in accordance with Standing Order no 4.
- 6 Highways Presentation from Essex County Councillor Lee Scott**
Members to receive the presentation.
- 7 Town Mayor's / Town Clerk's Report**
To report (for discussion only) on any further significant information/matters that may be of interest to Town Council members.
- 8 Town Mayor's Engagements and Announcements**
The Town Mayor will report on any events she has attended to represent the Town Council. See attached report page 3.
- 9 Thames Water (TW)**
Members to receive a further letter from TW dated 1 July 2022. See page 4.
- 10 Reports from Committees**
 - 10.1 Planning and Licensing**
Held on 25 April, 16 May, 30 May, 13 June and 27 June 2022.
 - 10.2 Recreation**
Held on 7 June 2022.
 - 10.3 Environment and Heritage**
Held on 22 June 2022
 - 10.4 Resources and General Services**
Held on 5 July 2022 (minutes to follow)
- 11 Reports from Members on Outside Organisations**
 - 11.1 To receive brief reports from representatives on outside organisations**
Council representatives on outside organisations are requested to make a written report, which is attached to the Agenda, on meetings which they have attended. A verbal report can be made on meetings attended within ten days of the Council meeting.

11.1.1 Minutes of the Epping Forest District Local Councils' Liaison Committee held on 14 March 2022. See pages 5 – 10.

11.1.2 Notes from the Broadway Town Centre Partnership meetings held on 10 March 2022 and 12 May 2022. See pages 11 – 14.

12 Local Plan - Inspector's note to Epping Forest District Council

Members to discuss and review – see Pages 15 – 25 (cover letter and relevant extract pages).

13 Management of large scale Community Events

Following the successful Jessel Green Fun Day, the Town Clerk will provide an oral update and suggest some strategic changes for running future such events.

Mark Squire
TOWN CLERK
6 July 2022

Agenda Item 8
Town Mayor's Engagements and Announcements

2022/23

30 May	Lopping Art 22 - Opening Celebration 7pm	MS
30 May	Inauguration of the Mayor of Waltham Abbey 7.30pm	RB
2 June	Lighting of the Beacon Hillyfields 9pm	BC
3 June	Beechlands Care Home Queen's Jubilee Residents Garden Party 2.30pm	BC
4 June	Queen's Jubilee Tea St Mary's Church 2-4pm	BC
5 June	Queen's Jubilee Tea Trinity Church 2-4pm	BC
12 June	150 th Anniversary St Mary's Church 10am	BC
21 June	Creative Week New City College Private Viewing	BC/MS
24 June	New City College – Epping Forest Sport and Wellness Centre – 1pm	BC
25 June	Fred and James Comedy Show – Lopping Hall 7pm	BC
26 June	Jessel Green Fun Day 12noon – 4pm	BC
28 June	New City College – Epping Forest Campus Student Awards	BC
2 July	Abbeyfield Care Home Summer Garden Party	BC

Agenda Item 9
Thames Water (TW)



Clearwater Court
Vastern Road
Reading, RG1 8DB

1 July, 2022

Loughton and Buckhurst Hill Works

Good afternoon,

I am writing to provide you with an update on some of our works which are taking place in and around Loughton at the moment.

Firstly, I want to apologise for the disruption this is causing around the town. I know even small road closures have a big impact on traffic so we are sorry for the impact this is having on everyone.

We are carrying out work at three locations, with two of them being emergency works following bursts.

On Buckhurst Hill, we are currently in the process of replacing a section old Victorian pipe which will boost the resilience of Loughton's water supply network. This is a stretch of pipe which has been particularly susceptible to leaks and bursts in the past so this work will significantly reduce the risk. We currently expect to be on site here for another three weeks.

Unfortunately, while we have been carrying out this work several other bursts have occurred elsewhere in Loughton which we have had to repair to prevent major supply interruptions.

One has occurred on a 12-inch diameter pipe on Alderton Hill, which has led to the full closure of the main road. This was quite a significant burst and work is ongoing to fully fix this section of pipe. As it stands, we hope to have this repair finished by Friday (1 July) before we start to reinstate the road.

The second burst occurred on Valley Hill. While this work is being carried out, temporary traffic lights have been installed. However, this is proving to be a complicated repair, in part because of the damage caused by the burst but also because several key pieces of equipment needed to be installed.

I understand this is especially frustrating given the history of bursts and the disruption in Loughton but please be assured the traffic management is necessary to ensure the work can be carried out efficiently and safely.

As some people may be aware, the topography of Loughton makes the network vulnerable to pressure spikes. We are putting extra focus in your area to help manage this.

We are also sorry for what many feel has been poor communications from us. Given the nature of some of the emergency works, it is not always possible to give out warnings but we know this can improve. In the meantime, I can arrange a meeting with one of our management team to talk you through the work.

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Minutes of the Epping Forest District Local Councils' Liaison Committee held on 14 March 2022

**EPHING FOREST DISTRICT LOCAL COUNCILS' LIAISON COMMITTEE
MINUTES**

Date:	Monday, 14 March 2022	Time:	7.00 - 8.35 pm
Place:	Virtual Meeting on Zoom		
Members Present:	<p>Representing Epping Forest District Council:</p> <p>Councillors H Kane (Chairman), C C Pond (Vice-Chairman), J Lea, R Morgan, B Rolfe, M Sartin, J Share-Bernia and J H Whitehouse</p> <p>Other Councillors:</p> <p>Councillors R Balcombe</p> <p>Representing Essex County Council:</p> <p>County Councillors S Kane and Chris Pond</p> <p>Representing Local Councils:</p> <p>A Belgrave (Chigwell Parish Council), S Jackman (North Weald Bassett Parish Council), J Law (Waltham Abbey Town Council), M Squire (Loughton Town Council), Cllr D Stokes (Willingale Parish Council), Cllr J Whybrow (Roydon Parish Council), Cllr D Wixley (Loughton Town Council), E Thomas (Stapleford Abbots Parish Council), P Bamford, Cllr E Burn (Theydon Bois Parish Council), P Charman (Epping Upland Parish Council), S De Luca (North Weald Bassett Parish Council), A Jones (Stanford Rivers Parish Council) and Cllr B Scruton (Epping Town Council) R Morgan (Matching & Sheering Parish Councils)</p>		
Apologies:	<p>Epping Forest District Council – Councillors R Bassett</p> <p>Essex County Council – None</p> <p>Parish/Town Councils: -</p> <p>Buckhurst Hill Parish Clerk (Buckhurst Hill Parish Council), Matching Parish Clerk (Matching Parish Council) and Ongar Town Clerk (Ongar Town Council)</p>		
Officers Present:	<p>N Richardson (Service Director (Planning Services)), P Maginnis (Service Director (Corporate Services)), A Marx (Development Manager Service Manager (Planning)), V Messenger (Democratic Services Officer) and R Perrin (Democratic and Electoral Services Officer)</p>		

13. WEBCASTING INTRODUCTION

The Democratic Services Officer reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

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Local Councils' Liaison Committee

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14. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Committee held on 27 September 2021 be taken as a correct record.

15. DEVELOPME HUB

The Service Director – Corporate Services, P Maginnis gave a short presentation on the DevelopMe hub.

She advised that the online hub was there to support residents across Epping Forest, Harlow and Uttlesford authorities who were looking for jobs or training opportunities, a change of career, to further develop their skills and provide personal development. The hub contained interactive tools, e-learning content and the latest job opportunities which aimed to help residents navigate their way through the job market and grow in confidence.

The link below provided a short video introduction to the DevelopMe hub.

<https://youtu.be/hVoFMiTEWGk>

Users were required to register for the service at <https://westessex.careercentre.me/auth/signup/epping-forest/?AuthToken=25283980-E802-4585-9C28-14CA5AB5F400>

The website was still in its early stage of development and the intention was to ensure it provided a list of local jobs.

The Committee asked the following questions:

- Would local jobs be posted on the website? The Service Director advised that it was the intention, although further work was required on how the jobs advertisements would be upload, updated, and removed.
- Would there be an age limit? The Service Director advised that there was no age limit to serves.
- Was there any information on apprenticeships? The Service Director advised that it had an area dedicated to apprenticeships and further resources for 16–24-year-olds.

16. EPPING FOREST DISTRICT LOCAL PLAN - PROGRESS

The Service Director – Planning Department, Nigel Richardson gave the Committee an update on the Local Plan.

He advised that all representations to the main modifications had been submitted to the Planning Inspector and the Council had been informed that a response would be received in the first quarter of the 2022, with the final report probably due in May/June 2022 which would be presented to the Council for adoption.

The Committee asked the following questions.

- Would purdah effect whether the Council would hold a meeting to adopt the Local Plan? The Service Director advised that they had received legal advice on this, and it had been determined that purdah would not be an issue because the

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decision would be to adopt the Local Plan and not make any alterations to what had already been publicised.

- Could the Planning Inspector ask for more modifications? The Service Director advised that it was possible, although as the Council had already responded to the all the main modifications it was felt it would be unlikely.
- Could the Local Plan be found unsound? The Service Director advised that he would find it unlikely that the Local Plan would be found unsound at this point because there had been no indication from the Planning Inspector to suggest that outcome.
- Could the officer advise whether the Council was on target with the amount of housing developments that had been set out in the Local Plan including windfall developments? The Service Director advised that the Council recorded the number of planning applications made and this figure could be provided. It was noted that the Local Plan had included sites which would take the developments above the 11,400 figures, although this had been to ensure that the required figure of housing could be reached, and the windfall factor would be taken over and above.
- How much money had been collected from 106 Section agreements that had been associated with the Special Area of Conservation (SAC) and how it would be spent? The Service Director advised that it had been set out in the Interim Air Pollution Mitigation Strategy which the Council had recently adopted. The Council had dealt with the backlog of applications and some monies had been collected, although he did not have the figures to hand.

17. ISSUES RAISED BY LOCAL COUNCILS

The Chairman advised that items (i) and (iv) would be taken together as they related to a similar matter.

i. Sustainability in New Builds

The Development Management Service Manager advised that the Council had a Sustainability Checklist as part of the Council's validation requirements, and this had been in place for a year. Initially it had been quite difficult to get applicants and agents to submit these forms, although it was nearly at 100% now. The suitability statements were being published on the Council website and where they form part of the submission bungled and mention in any planning approval documents were consulted on.

He advised that it was difficult to produce planning conditions in relation to the sustainability statements that complied with the Government guidance on applying lawful planning conditions. Therefore, the monitoring and enforcement of the sustainability issues fell into the 106 Section process and procedures. There had been internal officer discussions regarding how best to gain compliance, although the Council was required to assess the sustainability over three stages which were; the planning application phase; as built; and after occupation.

It was noted that the main policies had been set out in the draft Local Plan and the Sustainability Guidance sat behind the policies.

The Committee asked the following further questions.

- At what point did the sustainability statement become available to the Parish/Town Councils? The Development Management Service Manager advised that the Sustainability Checklist and statements had to be submitted with the application, which were then considered by a policy officer. There was a small opportunity for the

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Council to requested additional information but once the consultation on the application had begun all documentation would be available on the Council's website.

- Why a Parish Council had received several applications without the required checklists and if they did have the sustainability statements why were the minimum requirements were suggested? The Development Management Service Manager advised that those without checklists may have been associated with the backlog of SAC application which had been validated several years ago and fell outside this requirement. The Council was not allowed to retrospectively ask for the suitability requirements. It was noted that following a request from a District Councillor, all the SAC applications were consulted on again, which had allowed for some voluntary submissions. Regarding the minimum requirements, it would be very hard for the Council to refuse an application on the sustainability guidance because it was guidance, therefore it involved a discussion around suitability in conjunction with the other planning merits.
- Would the sustainability guidance become policy? The Service Director advised that the Council had recently adopted the EFDC Sustainability Guidance Volume 3 (Extension & Refurbishments) on 7 March 2022, which provided the technical and practical guidance which would take time to embed. The Development Management Service Manager advised that two of the Council officers would be attending a zero carbon and sustainability training as well.
- How would demolishing an old building and building a new one be weighed against a viable conversion in the Carbon Bill? The Development Management Service Manager advised that he would ask officers to raise this at their training. It was noted that Council could only control the method of demolition and a carbon mission policy would need to be place if it was to be taken into consideration.

The Service Director advised that the Climate Action Plan would be presented to the Overview and Scrutiny Committee on 31 March 2022 and some of the issues being raised may be addressed in the report or could be raised as questions by District Councillors at the meeting.

- Was planning permission required to demolish a property? The Service Manager advised that in general, planning permission was not required to demolish a building unless it was listed or in a conservation area. Although method of demolition required via a prior notification procedure which would need to be agreed with the Council. Regarding Locally Listed Buildings, the Council was able to apply a policy to prevent the demolition of these assets.

ii. **Failure of planning applications to adhere to Essex Parking Standards-**

The Service Director advised that the Essex Parking Standards adopted in 2009 and were considered out of date and standards within urban areas could be relaxed in sustainable locations. It was noted that Essex County Council (ECC) and other Essex authorities were looking at the approach to transport for new communities and were considering a zonal approach. The new standards would look at safety, quality of life, congestion, sustainability, and economic growth rather than just dwelling figures. In addition to this, there would also be a transport accessibility tool which would enable officers to consider what was actually there and it was hoped that a consultation on this would follow later in year.

The Committee made the following comments

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- A common sense approach should be considered with regards to developments the amount of car spaces that were required.
- The cumulative effect of developments with a lack of parking onsite which effected the surrounding areas and how that impacted the town centres nearby. The Service Manager advised that behind the Local Plan was an Infrastructure Delivery Plan. In addition to this the Council had signed up to reduce the reliance on private motor vehicles, which would in turn reduce the number of the parking spaces required, which had been occurring in London for some time. Regarding the Special Area of Conservation (SAC) developments, extensive work had been carried out to map the potential travel requirements and travel assessments were asked for on these types of applications.
- Comparisons between London and Essex could not be drawn because of the lack of public transport available in the district and suitability for older residents. The Service Manager commented that limiting the amount of parking was seen as a legitimate way to reduce motor vehicle trips.
- Concerns were raised about parking requirements for tradespersons visiting developments without parking requirements; the demand for electric charging points and the increase on parking demand because of the switch to electric cars; the need to be more considerate around creating local amenities; and access to doctors, hospitals etc without public transport.
- The Customer and Partnerships Services Portfolio Holder advised that in additions to all the comments, the Council had to also consider the impact of parking requirements on potential developments and how much residential space would be taken up with parking. Furthermore, EFDC had committed to maintaining as much of the green belt as possible in the district.
- Was it known when ECC would consult on the proposed parking standards and who would be consulted; and had EFDC produced their own parking standards? The Service Director advised that EFDC were still considering their own parking standards and regarding ECC, they were currently behind on their own consultation although it should be starting later this year.
- What were the Councils thoughts on under-croft parking? The Service Manager advised that under croft parking was a good idea visually for the environment, but it was hugely expensive and potentially would make developments unviable or developers would possibly ask for a reduction in the affordable housing requirements.

iii. **Failure of planning applications to meet Local Plan policy on affordable housing provision**

The Service Manager advised that yes, the Councils' policy was to provide affordable housing if a development reached a certain threshold of dwellings or square footage. This would require 40% of onsite affordable housing units or in exceptional circumstance, a financial contribution equal to 40%. A viability statement sets out the calculations made by the developer which included 18% to 20% return, the land value, and decontaminated costs. The process was very complicated, and the Council appointed independent viability consultants as well as consulting the Housing department for their opinion on the affordable housing contribution.

It was stated that the starting point for any determination of a planning application was the Local Plan policies and other material considerations, and the viability assessments fell into the other materials considerations. Furthermore, the applicant at any time could come back to renegotiation the section 106 contribution, where they felt they were unable to make the contributions.

Could the Council prevent developers from reducing the number of dwellings on the site to avoid the affordable housing contribution, to then come back with a further proposal at

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a later date? The Service Manager advised that it this was called threshold abuse. It was noted that there was numerous Case Law around this area, although it was notoriously hard to prove, and the National Policy Framework may have now changed.

iv. Democratic representation in the planning process

The Service Manager advised that the Government had extended the rights of permitted development. This had allowed people to build extra stories on top of their dwellings through the requirement of prior approval, if required. If it was required only a limited number of issues could be taken into consideration. It was noted that these applications were not always considered by a planning committee because of the strict 56-day determination requirement, otherwise planning permission could be given by default and there was nothing in the Council's Constitution regarding this issue.

v. Planning Enforcement Action

The Service Manager advised that EFDC were one of the top ranked Essex authorities for issuing Planning Enforcement Notices and across England in the top quartile. There was also the Local Enforcement Plan which had been in place since 2014 and the latest version had been consulted on and should be in place by 1 April 2022.

The Planning department would also visit Town and Parish Councils to give training to its members, if required. The Council also provided training to newly elected District members, which the Town and Parish Council could access via the Members Services Officer.

18. ANY OTHER BUSINESS

Market Policy

It was commented that any Parish or Town Councils which held markets should look at the District Council's Market Policy, which was being presented to the Cabinet soon. Consultations documents had been sent to Town and Parish Councils although it was felt that two weeks to response was not nearly enough time as the Parish and Town Council had monthly meetings and could not submit a full representation.

It was noted that the Overview and Scrutiny Committee were due to consider the Market Policy at their next meeting on 31 March 2021.

Furthermore, if any Town or Parish required further advice concerning Charter Markets, the Clerk at Epping Town Council may be able to assist.

Chairman

The Chairman, Councillor H Kane advised that this would be her last meeting as she would be stepping down as Chairman of the Council in May 2022. She thanked members of the Committee for their contributions. The Vice Chairman thanked the Chairman on behalf of the Committee.

19. DATES OF FUTURE MEETINGS

It was noted that the next meetings of the Committee would be held virtually on Monday 26 September 2022 and Monday 20 February 2023, although the Committee Officer had noted comments made via email to change the day and times of these meetings.

Agenda Item 11.1.2

**Report from meeting of the Broadway Town Centre Partnership
held Barrington Community Hall on Thursday 10 March, 6.15pm**

Present:

Judy Lovell – Chair
Debbie Taylor - LTC
Susan Clark – New City College
Lorraine Gibson – EFDC
Paul Messenger – EFDC
Duncan Haslam – EFDC
Cllr Kevin Rainbow
Cllr Carol Davies
Cllr Rose Brookes
Geraldine Wilson – Geraldine's Hair

Trader's report

Geraldine Wilson reported that trade in the Broadway was getting busier and the traders WhatsApp group is working well.

Update from Town Centres Manager

Paul Messenger reported:

- The Market Policy is going to Cabinet in April.
- Judy Lovell and Paul had a meeting with Cllr Lee Scott regarding the central reservation, funding should be found for this project.
- He has been trying to research within EFDC to try and find out which department should pay for the refurbishment of the shops – no answer found to date.
- Discussion took place regarding the balconies above the shops and the poor image it is portraying, Paul wants it to be tied up and look more uniform.
- Project in process where the footfall is to be looked at in the Broadway comparing spring 2022 to 2019.
- Post Covid help has been obtained - £5,000 to go to BTCP. Geraldine to talk to traders to get ideas of how to use.
- Lamp column banners are to be changed shortly.
- All Planters being delivered to Waltham Abbey tomorrow. Two quotes for planting/maintenance applied for by DT. SC mentioned that the College may be interested in working together to design/plant them. PM to apply for licence. Also it was suggested that "Grow" may be able to help, CD to follow up with them.
- Confirmed had funding for 6/8 bike racks, licence to be applied for.

LTC report

- **Planters** – I advised that the proposal that LTC pay for the planting/maintenance/watering of the planters is to go to the Environment & Heritage committee meeting on 29 March 2022.

Queen's Platinum Jubilee –

To celebrate this occasion I confirmed that LTC had planned:

- Tuesday 29 March – planting of a tree at the Memorial Rose Garden in Roding Road.
- Thursday 2 June 2022 – Lighting of the Beacon event at Hillyfields open space from 9.15pm
- Sunday 26 June – Jessel Green Fun day will be in the theme of the Queens Jubilee

- Saturday 3 September – Loughton Horticultural Show – with Jubilee themed classes

Treasurer Report

JL advised – still in process of organising online banking.

Community Safety/Policing relating to the Broadway

Mark Arnold could not attend. JL read out Police report sent in.

Community Events

With the £5,000 post covid monies options to be looked at by Traders for events for Jubilee & Christmas. Suggestion made would LTC lead on a Christmas event if the money was put towards it.

AOB

JL advised she was standing down as Chairman as she is moving away from the area, a new Chairman is to be elected. May would be her last meeting.

SC confirmed that the College is happy to host future meetings.

Next meeting:

Full minutes were taken and will follow in due course. Meeting finished 8pm.

DT 14/03/22

Agenda Item 11.1.2

Report from meeting of the Broadway Town Centre Partnership held Barrington Community Hall on Thursday 12 May, 6.15pm

Present:

Judy Lovell – Chair
Debbie Taylor - LTC
Susan Clark – New City College
Lorraine Gibson – EFDC
Duncan Haslam – EFDC
Cllr Rose Brookes
Geraldine Wilson – Geraldine's Hair
Duncan Gould - Treasurer
Frances – KG Chemist

Trader's report

Geraldine Wilson reported:

- Sainsburys had some structural building problems.
- The empty shop on the Broadway is to become a Tile Shop.
- Hopefully the Play Centre would be coming back soon.
- A Traders meeting was held to discuss how to spend the 5K Covid recovery fund, it was very disappointing only 6 traders attended. It was agreed to buy bunting to go up in the Broadway for one month over the Jubilee period.

Update from Town Centres Manager

Paul Messenger was unable to attend the meeting in which event Duncan Haslam gave an update.

- Central reservation - is ongoing, it does look like the work will go ahead.
- Market Policy – has been delayed but will be going to Cabinet this month.
- EFDC should be receiving 330k funding this year to support local businesses. They have three months to put their plan in.
- Planters – Judy Lovell reported on behalf of Cllr Carol Davies that she had been in communication with Phil Hawkins – EFDC in regard to the planters and he is happy to oversee. I raised the question how much it would cost for van hire, staff to collect, soil plants, Susan Clark said she would like the students from the college to be involved. I added that LTC had said they would pay for the summer planting this year and I suggested maybe the college could be involved in future plantings. Judy said on behalf of traders thank you to LTC. I asked Duncan to confirm when the planters will be installed.
- Missed collection of refuse from behind the Broadway shops was discussed.
- Bike racks – Duncan said he would follow up on this.
- Footfall report – Duncan said monitoring would take place during Ride London.

LTC report

I listed the forthcoming events to be hosted by LTC:

- Lighting of the Beacon event at Hillyfields open space - Thursday 2 June 2022 from 9.15pm
- Jessel Green Fun day - Sunday 26 June

- Loughton Horticultural Show - Saturday 3 September (includes Best Allotment awards).
- Loughton Community Day – Saturday 17 September.

I advised that the Christmas Lights tenders were being reviewed and an order would be going out in due course for Christmas Lights to go up this coming November.

EFDC report

The new security doors to the flats above the shops on the Broadway are proving a success and cutting down on the drug dealing, Susan Clark from the College agreed.

Treasurer Report

Duncan Gould reported over 6k currently in the account, they are still trying to arrange online banking.

AOB

Susan Clark mentioned there was various exhibitions/displays taking place at the college which we were all welcome to attend.

I advised that following the Jessel Green event LTC would be reviewing resources to see if a Christmas event could be held on the Broadway, we are open to suggestions for something different.

Judy Lovell reminded everyone that this was her last meeting and thought needs to be given to who to nominate for her replacement.

Next meeting: 14 July 2022 AGM

Full minutes were taken and will follow in due course. Meeting finished 7.50pm.

DT 16/05/22

Agenda Item 12

Local Plan- Inspector's note to Epping Forest District Council

Inspector's note to Epping Forest District Council

16 June 2022

I am very pleased to have been appointed to continue the examination into the Epping Forest Local Plan. My aim is to help the Council bring the plan to an adoptable state as soon as possible.

I have read the examination documents and have now considered all the comments made on the main modifications consultation, and as I have been newly appointed to complete the examination, I have reviewed the position more widely. It is clear that changes are required to both the text of the submitted plan and to those main modifications that have already been published in document ED130, in order meet the tests of soundness set out in the National Planning Policy Framework.

These changes are set out in the schedule in Appendix 1, attached to this note. The schedule is in plan order for simplicity's sake and is cross referenced to Policy, Page and Main Modification number. It refers to both text in the submitted plan and to text in the published Main Modifications. It contains a set of actions and text changes which I hope are clear enough to be speedily implemented.

It is recommended that a completely new schedule of main modifications is produced. I will need to see and agree detailed wording before it is published for consultation, but as I have provided replacement text where possible to help the Council, I expect the wording to be quickly resolved.

The new schedule of main modifications will need to be distinguished from the schedule set out in ED130, but it will be convenient to use same main modification numbers as the previously published set.

I accept that this will take a little time to carry out, but it is necessary so that the Council can adopt a robust plan that provides an effective basis for determining planning applications. At the present time, subject to the adequate demonstration of a rolling 5 year housing land supply, I can see no reason why the plan should not reach the stage where it can be adopted by this autumn.

It will be seen that there are recurrent themes throughout. These can be summarised as follows.

Use Classes

Notwithstanding the Council's response in document ED123B to Inspector Phillips' question regarding the changes in the Use Classes Order, it is clear that a number of policies are ineffective because they refer to revoked Use Classes. This can generally be simply remedied by inserting references to Class E, as indicated in the Appendix to this note, and the Council should make the relevant changes.

Housing delivery

I need to be satisfied that a 5 year housing land supply will be available on the adoption of the plan and can be maintained thereafter, so the Council need to produce a detailed calculation including new site capacities and up to date completions, based on an anticipated plan adoption date of Autumn 2022. This is particularly important given that the number of homes allocated by the plan has decreased as a result of the modifications. Once this is received, I may have further questions.

Non-statutory documents

A common theme is that the plan requires development to be in accordance with (or be in general conformity with) documents such as the Infrastructure Delivery Schedule, Concept Frameworks, Strategic Masterplans, and the Air Pollution Mitigation Strategy. Whilst these documents might be material considerations in planning decisions, they have not gone through the rigours of development plan production and examination, and do not carry the status or weight of the development plan. The plan cannot therefore require development to be in accordance, or in general conformity, with them. I have set out alternative wording in the Appendix to this note.

The protection of the Epping Forest SAC

As the Council rightly point out in document ED139, all relevant planning applications are required to be supported by a site-specific Habitats Regulations Assessment (and appropriate assessment). If development is incapable of meeting the policy requirements, such that a conclusion of “no adverse effect” cannot be reached, then the application will be refused. This in itself is sufficient to ensure that the plan will not have an adverse effect on the integrity of the SAC. With this in mind I have provided the Council with new wording for Policy DM2, set out in the Appendix to this note. This will serve to prevent harm to the integrity of the SAC. Policy DM2 needs to be worded in a brief and simple manner so that this point is completely clear.

An unnecessary amount of wording has been introduced into Policy DM2 and Policy DM22 and their supporting text through previous main modifications, much of which is repetitive and is not required to make the plan sound. The additions in fact undermine the effectiveness of these policies, and undue weight is placed on compliance with non-statutory documents. The text for Policy DM2 set out in the Appendix to this document is a simple and effective way of ensuring no harm to the integrity of the SAC. Policy DM22 addresses different air quality issues and should not deal with the SAC.

Zone of Influence for the Epping Forest SAC

Communities and developers need to be able to plan on the basis of sound evidence available at the present time and the policies in the plan need to be applied in a consistent manner. The current Zone of Influence should therefore be the basis for seeking mitigation measures for all the site allocations for the life of the plan. It is not sound for the plan to suggest, as it does in a number of places, that the Zone of Influence might change. Any such change would not have been subject to rigorous examination and would introduce uncertainty into the plan by potentially imposing a different and currently unknown pattern of mitigation requirements during the life of the plan.

Energy and renewables

The requirement for all parking spaces in new development (of whatever kind and purpose) to have access to an electric charging point is unnecessary because this issue is being addressed by the Building Regulations.

The requirement for all major sites to (in effect) be self-sufficient in meeting all their energy needs is neither realistic nor founded on satisfactory evidence. Changes to these policies are addressed in the Appendix to this note.

Site allocations

Outstanding issues concerning the South Epping Masterplan Area include the justification for the site capacity figures, the relationship with the air quality monitoring exercise referred to by the Council and its effect on housing delivery, and the question of whether the approach to this site is consistent with that of other sites. Rather than re-iterate the points here, they are set out in detail in the Appendix to this note.

Policy RUR.R1 as modified is ineffective; being a development allocation it cannot remain in the Green Belt; alternatively, the allocation should not be made.

Review

It is not appropriate to insert a plan review requirement based on the outcome of future air quality monitoring. It would undermine the plan; the implication that the plan's current provisions could be removed in certain circumstances would create uncertainty which would act as a potential deterrent to investment and implementation.

If individual schemes were unable to demonstrate (in accordance with Policy DM2) that they would not cause harm to the integrity of the SAC, they would not be able to come forward. If that were to lead to a shortfall in housing supply, a review would be triggered. It follows that the review triggers based on housing delivery and supply are adequate in themselves.

Other matters

There are several other points which are picked up in the Appendix and will not be repeated here.

Conclusion

I would be grateful if the Council could carefully consider all the points raised in this note and in the Appendix and reply to me in due course with proposed modified text. This should not be presented as "modifications to the modifications" because of the potential for confusion. Rather, as I indicated above, there needs to be a completely new schedule of main modifications to the submitted plan, encompassing all the changes to the plan, clearly distinguishable from the set in document ED130 but keeping to the same MM numbers if practical to do so. This will ensure that there is one clear set of changes, paving the way for my final report and for the plan to move to adoption.

Please can the Council also respond to the small number of questions I have raised in the Appendix, the most significant of which relate to the South Epping Masterplan Area and to housing land supply.

Provided the Council can produce appropriately modified text as indicated in the Appendix, a sound and effective approach to the South Epping Masterplan Area, and convincing evidence in respect of housing land supply, further hearings will probably not be needed and I am hopeful that the outstanding issues can be speedily resolved. I am not inviting comments from any other party at this time. The new schedule of main modifications will be subject to public consultation.

Jonathan Bore

INSPECTOR

	T1 Part G		<p>There is an issue about the appropriateness of applying this to all new developments given their differing parking and charging needs, as well as ambiguity in what is meant by “direct access to”. However, this matter is about to be covered by the building regulations so this requirement should be deleted as a policy.</p> <p>Action 17: Delete the requirement for all parking spaces to have direct access to electric charging points.</p>
75	Policy T1 Part F (iv)	41	<p>TRANSPORT AND PARKING</p> <p>The plan cannot require parking “in accordance with” adopted parking standards because these are not a development plan document and have not been examined.</p> <p>Action 18: replace “in accordance with” with “having regard to”.</p>
82	First new paragraph after para 4.23	46	<p>EPPING FOREST SAC</p> <p>The plan itself establishes the quantum and location of development. Subsequent outputs from the monitoring framework cannot change the location of development or alter the quantum of development from the plan’s provisions (though those provisions may themselves allow for increases above defined thresholds in clearly defined circumstances).</p> <p>Action 19: end the paragraph at “APMS”. Delete “or the Local Plan ... development being proposed.”</p>
82	Second new paragraph after para 4.23	46	<p>EPPING FOREST SAC</p> <p>The plan cannot be based on a moveable zone of influence because that leaves too much uncertainty for developers who need to plan their sites on the basis of current requirements.</p> <p>Action 20: delete “The current zone of influence is the Monitoring Framework for the Forest” and replace with “The zone of influence for the purposes of this plan is 6.2km”.</p>
82	Policy DM2 Part B, B1, B2 and B3	47	<p>EPPING FOREST SAC</p> <p><u>The key policy element is in the first sentence of Part B. This is the main mechanism by which harm to the SAC and SPA will be prevented.</u> It is perfectly sufficient to say this:</p> <p><i>“New development that would [not will] have an adverse effect on the integrity of the Epping Forest Special Area for Conservation or the Lee Valley Special Protection Area, either alone or in combination with other plans or projects, will not be permitted unless mitigation measures, on-site and off-site as appropriate, are put in place to ensure that there will be no harm to the integrity of these areas. Contributions towards off- site measures to mitigate the likely impacts of air pollution and</i></p>

			<p><i>adverse recreational effects arising from a development will be sought where these are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale to the development.”</i></p> <p>That is all that is required for Part B of the policy to be sound and fully effective and for the local plan to safeguard impacts on the SACs.</p> <p>It is not necessary to repeat the requirement in each site-specific policy because the plan is read as a whole and each development must comply with Policy DM2. It is not necessary to add further parts of Policies SP 4, P 1 and P 6 as suggested by document ED139. Each development giving rise to likely significant effects will need to have an appropriate assessment and suitable measures devised to ensure the integrity of the protected areas is not adversely affected.</p> <p>The reference to the Council’s mitigation strategies for the Epping Forest SAC should be put into the supporting text in brief. They are not examined documents and cannot form part of local plan policy. In any case it is noted that the air quality mitigation strategy is not finalised; certain aspects such as the CAZ have not been fully worked through, and consultation and technical modelling are likely to be required, notably involving Essex County Council who are currently an objector to that aspect of the air quality strategy. Moreover, this is a fast moving subject, with ongoing rapid take up of fully electric vehicles in response to technical improvements, increasing fuel costs and changing social attitudes: see https://www.gov.uk/government/statistics/vehicle-licensing-statistics-2021/vehicle-licensing-statistics-2021</p> <p>There was a 76% annual increase in battery electric vehicle registrations in 2021 and a 1,726% increase in such registrations over the 5 years to 2021. Additional statistics for Q1 of 2022 will be available in July 2022 but the trend is expected to continue on a rapid upward trajectory.</p> <p>In addition, the focus needs to be on impacts, not outputs. So it is not appropriate to require mitigation in respect of all developments giving rise to a net increase in traffic. The issue is whether emissions from vehicles associated with such developments will harm the integrity of the SAC, not whether they give rise to extra traffic per se. This point comes up again in the proposed new paragraphs following paragraph 4.163 (MM74). Specific mitigation measures will need to be put forward for each development at the time of the application, with the strategies providing guidance and overview.</p>
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			<p>For all these reasons it is inappropriate to say in Policy DM2 (and elsewhere) that mitigation measures should be “in accordance with” such strategies.</p> <p>Action 21: delete Part B, B1, B2 and B3 and replace them with the text set out in italics above. Include a modified version of Parts B1, B2 and B3 in the supporting text, taking account of the comments above.</p>
82	Policy DM2 part C	47	<p>EPPING FOREST SAC</p> <p>Perpendicular can be construed as vertically above.</p> <p>Action 22: modify the policy to read “within 400 metres of the boundary of the Epping Forest SAC” in the interests of clarity.</p>
105	Policy DM18	68	<p>WATER INFRASTRUCTURE</p> <p>MM68 needs to recognise the role of phasing in the delivery of water infrastructure. This is a similar point to Policy SP 4, MM19.</p> <p>Action 23: after “in advance of occupation of development” add “or at an agreed point where development is phased”. The final sentence “failure to do so...occupation of development” should be deleted.</p>
107-108	Para 4.149 Policy DM20	71, 72	<p>RENEWABLE ENERGY</p> <p>The requirement in paragraph 4.149 for all major development (the definition of major development being as small as developments of 10 or more homes) to incorporate site wide communal energy systems that serve all energy demands from within the development is highly unrealistic particularly when it is considered that “all energy demands” includes heating, lighting, energy required for cooking and other appliances, and the supply of electricity to vehicle charge points. The warning about the use of biomass which has been inserted into paragraph 4.149 is unnecessary because the plan already contains policies which prevent harm to the integrity of the SAC. Part E of the policy is unnecessary as it is background material that focuses on only one possible supply of energy.</p> <p>Having regard to Inspector Ms Phillips’ clear post-hearing advice in paragraph 82 and Action 10, both the supporting text and Policy DM 20 are still too focused on district heating and cooling systems. There are other possibilities for renewable energy generation as well as the promotion of energy efficiency in new development and it should be recognised that whilst encouraging renewables is beneficial, energy self- sufficiency on a site-by-site basis is an unrealistic and unnecessary strategy given both growing future energy demands and the potential for major future national and indeed international sources of renewable energy generation.</p>

			<p>Action 24: re-write and reduce 4.149 and Policy DM 20, creating a much shorter policy that simply seeks the incorporation of renewable energy installations and energy efficiency measures in new development.</p>
110	Additional paragraphs before para 4.156	74	<p>AIR QUALITY</p> <p>MM74 adds four new descriptive paragraphs about different kinds of pollution. These are not necessary to make the plan sound and I am not going to recommend their inclusion.</p> <p>Action 25: delete the four additional paragraphs before 4.156.</p>
111	Para 4.162	74	<p>AIR QUALITY</p> <p>As the plan as a whole is based on sustainability objectives, it is misleading to single out a few policies that contribute to those objectives.</p> <p>Action 26: do not include the additional list of policies added to paragraph 4.162 and delete the sentence in paragraph 4.162 of the submitted plan which refers to Policies SP 2 and T 1.</p>
111	Policy DM22 and proposed new paragraphs following paragraph 4.163	74	<p>AIR QUALITY</p> <p>This section mixes up the effects on the SAC with other air pollution issues. As the Epping Forest SAC has its own specific policy in Policy DM2, SAC issues should not be re-visited in Policy DM22 or its supporting text. This creates a lot of confusion and raises the potential for inconsistency and argument.</p> <p>Action 27: strip out all references to the Epping Forest SAC from Policy DM22 and its supporting text. That includes all the references that have been added in as part of previous modifications. Simply cross-refer the reader to Policy DM2. See commentary on plan p82/MM47/Action 21 above.</p> <p>The second new paragraph in the supporting text after paragraph 4.163 gives some examples of pollution generation including pollution controllable under other legislation. It is not required for soundness and I will not be recommending its inclusion.</p> <p>Action 28: delete this paragraph. Retain the third paragraph which refers to validation requirements.</p>
116-117	Policy P1 and supporting text	78	<p>SOUTH EPPING MASTERPLAN AREA</p> <p>The number of homes allocated in the South Epping Masterplan Area has been reduced by the main modifications from 950 to 450. However, document ED120 has been submitted on behalf of the developers containing a capacity analysis pointing to the potential for the site to accommodate</p>

			<p>735-829 dwellings, or 650 if a new primary school is required. The Council's response document ED133 reiterates the figure of 450.</p> <p>Action 29: please may I see the Council's detailed analysis of document ED120 that underpins its conclusions in ED133.</p> <p>The proposed new part of the policy after Part L appears to prevent any application for permission being determined until the results of air quality monitoring in 2024/25. The first rather fundamental point is that policy cannot prevent any statutory procedure under the Planning Acts from being discharged. The second, more practical point, is that there is no indication as to the relevance of 2024/25, nor would an applicant have any control over the time interval from monitoring to analysis and publication. Given the length of time it would take (even after publication) for the applicant to obtain the full range of permissions and consents, negotiate the s106 process and put the contracts in place, the effect of this requirement appears largely to negate the contribution of this site to the housing trajectory within the plan period.</p> <p>A third point is one of inconsistency: there is a question as to why this restriction is solely applied to this site when there are other development sites capable of having an impact on the SAC.</p> <p>Moreover, there appears to be inconsistency between the main modification which prevents any development from taking place at all pre-monitoring, and what the Council says in ED133. This says "The proposed approximate capacity of 450 new dwellings is predicated on the current assessment of constraints ... However, the Council recognises that there may be the potential for the SEMPA to deliver an increased number of dwellings to the 450 ... any increase would need to be justified through the submission of a robust Appropriate Assessment.." ED133 therefore says something quite different from Policy P1 as modified because it appears to accept the 450 dwellings as a baseline predicated on the current assessment, with any additional dwellings over and above the 450 being predicated on air quality monitoring in 2024/25.</p> <p>Perhaps this is what the modification to Policy P1 meant to say?</p> <p>Action 30: the allocation needs to be demonstrably capable of a meaningful contribution towards housing supply in the plan period and its commencement should not be predicated on mid-term monitoring, the outcome of which cannot be known; the trigger which would allow for an increase in development over the figure of 450 homes needs to be clearly set out; and</p>
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			<p>the approach to this site needs to be consistent with that for other sites.</p> <p>Part J of the policy requires development proposals to be in general conformity with a strategic masterplan. The way the policy and text are phrased, the plan seeks to give the masterplan in effect development plan status, requiring it to have been formally endorsed prior to the determination of any planning applications. Any such masterplan would be non- statutory and the development plan cannot require applications to comply with it. Nor can this policy prevent the determination of any planning application for the site. The appropriate approach is to allow the masterplan to come forward as part of the normal planning application process.</p> <p>Action 31: The policy should state that planning applications should be accompanied by and have regard to a masterplan which takes into account the requirements of the wider defined area as set out in Policy P1. This masterplan should be subject (as Part L says) to consideration by the Quality Review Panel and should also be subject to public consultation, including consultation with all those with a development interest in the defined area. See also comments on Policy P6.</p>
122	Policy P2	79	<p>LOUGHTON</p> <p>Inspector Phillips' Action 17 was to consider imposing a height limit and Action 18 was to seek a statement of common ground with TfL. But both sites LOU.R1 and LOU.R2 have been deleted.</p> <p>Action 32: please can the Council provide me with the background that led to this decision and any SOCG with TfL (or details of any attempt to draw one up).</p>
134	Policy P4, new paragraph after 5.69	83	<p>ONGAR / ZoI</p> <p>The inappropriateness of a variable Zone of Influence has been discussed above in connection with MM46.</p> <p>Action 33: delete the proposed new paragraph after 5.69.</p>
134-135	Policy P4	84	<p>ONGAR</p> <p>Action 34: please will the Council confirm that Part D(ii) of this policy remains as a consequence of the modifications.</p>
135	Policy P4 I	84	<p>ONGAR</p> <p>The plan cannot require development proposals to be in accordance with (or even in general conformity with) a concept framework which has previously been endorsed by the Council since such a framework will not have the status of a development plan. Nor can this policy prevent the</p>

			<p>infrastructure delivery schedule, the issues arising from any particular site might in practice require deviation from it.</p> <p>Action 44: Delete the first new paragraph and replace with the following: “The delivery of infrastructure either directly or through contributions will be sought where this is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale to the development. In assessing the need for particular kinds of infrastructure, regard will be had to the infrastructure delivery schedule.” The second new paragraph is acceptable.</p>
184	Paragraph 6.18	107	<p>ESSENTIAL FACILITIES AND SERVICES</p> <p>In the second sentence of 6.18, the word “include” is ambiguous and is likely to lead to future argument over the extent of the policy. A change is required for effectiveness.</p> <p>Action 45: replace “include:” with “are:”</p>
186	Policy D2, Part B (iii) and (iv)	108	<p>ESSENTIAL FACILITIES AND SERVICES</p> <p>There should be an “or” at the end of part B (iii) before new clause (iv).</p> <p>Action 46: add “or” as indicated.</p>
187	Policy D3 Part B	109	<p>UTILITIES</p> <p>The Council cannot by law or policy <i>require</i> a developer to enter into an obligation, which is a voluntary act, in order to make a payment. Moreover, utilities providers themselves have certain statutory obligations which will need to be factored into any consideration of infrastructure contributions. And not all infrastructure will need to be completed prior to first occupation as Part B of the policy requires. This part of the policy is largely unnecessary anyway because the issue is covered adequately in Part A.</p> <p>Action 47: delete Part B and simply add “at the right time” to Part A. In Part C, replace “prior to occupation” with “at the right time”.</p>
112	New Policy D8	n/a	<p>NEW POLICY: PLAN REVIEW</p> <p>Part C, third bullet. This is not an appropriate review criterion because it undermines the plan. The plan contains very strong policy safeguards for the protection of the SAC, not to mention the statutory safeguards that exist. If any of the individual sites is unable to demonstrate through appropriate assessment that it would not harm the integrity of the SAC then the site cannot progress. Ultimately any problems progressing any site will</p>

			<p>affect housing delivery and the review mechanism will be triggered through that route.</p> <p>Action 48: delete new Part C, third bullet.</p>
Vario us	Policy SP5C, P1D, P2E, P3F, P4D, P5C, P6F, P7C, P8C, P9C, P10D, P11D, P12E, P13F, P14D	Vario us	<p>INFRASTRUCTURE DELIVERY SCHEDULE</p> <p>Action 49: in all these instances, the expression should be “having regard to” the Infrastructure Delivery Schedule, rather than “in accordance with”. The modification “unless...have changed” should be dropped.</p>
Vario us	Policy P1F, P2G, P3G, P4F, P5E	Vario us	<p>USE CLASSES</p> <p>Action 50: in all these instances, the reference to Use Class A1 should be deleted and replaced with “Class E use”.</p>
Vario us	Policy P1G, P2 I, P3J, P4G, P5F, P6H, P7E, P8E, P9E, P10F, P11F, P12G, P13H, P14E, P15 (new part)	Vario us	<p>AIR POLLUTION MITIGATION STRATEGY</p> <p>Action 51: in all these instances the text should say “... they are in accordance with Policy DM2 and Policy DM22 and should have regard to the Council’s adopted Air Pollution Mitigation Strategy”.</p>