



# COUNCIL MEETING

Members are summoned to attend a Meeting

of the Town Council to be held at **7pm** on

**Wednesday 17 January 2018**

at the **Murray Hall, 106 Borders Lane, Loughton, IG10 3SB**

to transact the business as shown in the agenda.

**Enid K Walsh**  
**Town Clerk**

11 January 2018

**Councillor P Abraham (Town Mayor)**  
**Councillor S Murray (Deputy Town Mayor)**

J Angold-Stephens  
B Cohen  
L Girling  
S Murphy  
C C Pond

P Beales  
M Dalton  
J Jennings  
A Omer  
C P Pond

R Brookes  
C Davies  
K Latchford  
T Owen  
M Stubbings

T Cochrane  
T Downing  
J Mahoney  
S Pewsey  
D Wixley

Note to Councillors:  
If you are unable to attend the meeting,  
please phone your apologies  
to the office on 020 8508 4200

**Please note this meeting starts at 7pm in The Murray Hall**

## AGENDA

### 1 Apologies for Absence

To receive any apologies for absence.

### 2 Suspension of Standing Orders

The Council is asked, in accordance with Standing Order 32, to agree to suspend Standing Order 2 h(i)(iv) for this meeting only, as the meeting is a special one with only two main agenda items.

### 3 Declarations of Interest

For Councillors to declare any pecuniary or non-pecuniary interest in any items on the Agenda.

### 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 1(h).

### 5 Council Precept for 2018/19

To consider the recommendation of the Resources and General Services Committee made at its meeting held on 10 January 2018.

\* See attached report (pages 2 –3) and Appendix A.

### 6 Local Plan (Submission Version 2017)

On 18 December 2017, Epping Forest District Council released for consultation the Local Plan Submission Version 2017, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations"). The consultation period runs for six weeks until 5pm on 29 January 2018.

This period allows any person to make representations (known as Regulation 20 representations) and every duly made Regulation 20 representation will be submitted to the Secretary of State with the Local Plan and must be considered by the Local Plan Inspector appointed to carry out the examination.

Under the regulations, the focus of these representations should be whether:

- a. the plan has been prepared in accordance with the Duty to Co-operate under section 33A of the 2004 Act:
- b. whether it complies with relevant legal (procedural) requirements: and
- c. whether it is sound.

The Council is asked to consider the report on pages 4 – 11.

**Enid K Walsh  
TOWN CLERK  
11 January 2018**

**Agenda item 5 – Council Precept for 2018/19**

The Council is asked to consider:

- i) the budget for 2018/19;
- ii) the amount to be taken from reserves; and
- iii) the level of the precept.

**5.1** At its meeting on 10 January 2018, the Resources and General Services Committee considered the Estimates submitted by all the committees. It also looked at the Council’s running costs for 2018/19 and the forecast General Reserves at the end of 2017/18. Budget savings were also considered across the committees.

The Committee’s recommendation for the precept for 2018/19 is shown below. Full budget details together with the revised Rolling Programmes may be found in Appendix A, provided under separate cover.

**5.2 Summary of Committees’ Estimates**

Committee	Income		Expenditure	Expenditure including re-charges
	£	£		
Resources and General Services	32,850		449,445	191,945
Environment and Heritage	25,470		122,655	211,655
Recreation	109,880		541,990	679,990
Planning and Licensing	0		45,200	75,700
		<b>168,200</b>	<b>1,159,290</b>	<b>1,159,290</b>
Interest		<b>5,000</b>		
Use from earmarked reserves				
Resources & General Services	6,500			
Environment & Heritage	39,500			
Recreation	148,700			
Planning and Licensing	35,000			
		<b>229,700</b>		
Local Council Tax Support Grant		<b>13,508</b>		
Total income		<b>416,408</b>		
Less money from general reserves		<b>78,000</b>		
<b>Net requirement</b>		<b>664,882</b>		
<b>Rounding</b>		<b>665,000</b>		

For information: When relating the above summary to Appendix A, the total budget income of £851,708 shown on page 11 is made up as follows:

	£
Committee income	168,200
Interest	5,000
LCTS grant	13,508
Precept	665,000
	<b>851,708</b>

The final net expenditure figure of £307,582 also shown on page 11 of Appendix A will be reduced to zero by the proposed use of reserves as follows:

	£
From earmarked reserves	229,700
Use of general reserves	78,000
Rounding adjustment	-118
	<b>307,582</b>

### 5.3 Use of Reserves

The budgeted net core running costs for 2018/19 amount to £403,357.  
(This derives from the sum of column 1 of each of the committees' rolling programmes less their estimated income.)

The forecast for the level of general reserves as at 31 March 2018 is £320,458.

Using £78,000 from the forecast general reserves reduces them to £242,458 equivalent to 60.11% of the budgeted net core running costs. This meets the Council's reserves policy.

### 5.4 Precept for 2018/19

For information: The tax base for 2018/19 has been confirmed as 12,408.9. (This is the figure that when divided into the Precept gives the Band D figure.)

**RECOMMENDED that the Council's precept for 2018/19 be set at £665,000.**

This will give the Loughton proportion of the annual council tax for a band D property as £53.59, an increase of £2.43 on that for the current year of £51.16.

**The Council is asked to confirm:**

- i) the budget for 2018/19;
- ii) the amount to be taken from reserves; and
- iii) the level of the precept.

**Agenda item 6**  
**Local Plan (Submission Version 2017)**

The Local Plan and supporting information may be found at <http://www.efdclocalplan.org>  
Paper copies are also available for inspection on request from the Council Offices.

Members' attention is drawn to the Council's detailed response to the draft Local Plan prepared in December 2016 and available at <https://tinyurl.com/yanamna5>

At an informal meeting of the Strategy and Staff Group held on 2 January 2018 to which all members had been invited, the Submission Version of the Local Plan was discussed. The key points raised during that meeting form the draft representations provided below for further consideration. These have been collated by the Town Clerk with assistance from Cllr C C Pond.

\* See pages 4 – 9. Pages 10 – 11 also provide an extract from the Representation Form Guidance Notes.

As suggested by the SSG, advice has been sought from the Council's solicitor, Foskett, Marr, Gadsby and Head. They have contacted Mr David Altaras, a specialised planning barrister who has previously worked with the Council to resolve the Hillyfields illegal encampment issue. Mr Altaras is prepared to assist the Council at the Independent Examination. His fee will be as before, £350 per hour. Instructions for him will be drafted in due course for confirmation by the Council.

Mr Altaras has advised that it also would be beneficial for the Council to work with a specialised planning consultant. In view of the short time frame for this current consultation, this will not be realistic. However, further consideration will be given to this suggestion. In the interim, the Town Clerk has spoken to a planning consultant, who has advised that the best approach for the Council when preparing the Regulation 20 representations is as follows:

- ensure all key issues are included;
- keep representations concise – there is no need to quote legislation.
- convey the strength of feeling in the local community;
- for each objection/concern offer a way forward for the inspector.

**DRAFT REPRESENTATION**

It is **RECOMMENDED** that the Town Council raises no issues in relation to

- A. the Duty to Co-operate; and
- B. the legal compliance of the Plan

With regard to the 'soundness' of the Plan the following comments are provided for further consideration by the Council. The Council is also asked to DELEGATE the completion of the Representation Forms to the Town Clerk to ensure they are in the most appropriate format:

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**Loughton Town Council (The Council) considers the Regulation 19 Submission Plan (the Plan) to be unsound in its present form, but could be made sound by the amendment of sections as shown in bold.**

## INFRASTRUCTURE

Implementation of the Plan will require infrastructure improvements which Epping Forest District Council (EFDC) cannot deliver or in some cases even influence the delivery of:

### TRANSPORT

At least 35% of households in extra building in Loughton and Epping can be expected to travel into London.

- The Central Line is at or beyond capacity at the times people need to travel. There is no evidence at all for statements in the AECOM report that there is spare capacity, save at off-peak times.
- Some limited capacity improvement may be available, according to Transport for London, within the plan lifetime, but not in the near future.
- New trains (capacity improvement for standing passengers only of some 50 per train) on the Line are not expected until right at the end of the Plan period.
- New signalling might deliver a maximum of 2 trains per hour (576 seats) but that is not due within 10 years. (TFL are also intending that seating capacity on the Loop line will actually be *reduced* by the reduction of 8 car trains to 4).

There is thus no justification to concentrate housing growth in the Central Line corridor, and none at all for countenancing such growth in the early part of the plan period.

The Plan is therefore **unsound** in expecting Epping and Loughton to accommodate substantial growth in the first ten years.

**The Plan might be made sound by re-phasing any growth along the Central Line to the very end of the plan period.**

### HIGHWAYS (1)

The infrastructure plan envisages the growth of motor traffic from developments in Loughton would require substantial improvements to three junctions/roundabouts which are on Epping Forest land. These are undeliverable because of the inalienability of Forest land without exchange land in the vicinity. The Plan is therefore **unsound** in that it cannot deliver these junction upgrades.

**The Plan might be made sound in this respect by abandoning large (>50 dwelling) developments likely to possess cars near the capacity deficit junctions, or by drastically reducing their housing numbers. The sites involved are LOU R4 and R5.**

### HIGHWAYS (2)

The Council is concerned about the detrimental impact on local air quality resulting from the increased motor traffic from developments in Loughton and other parts of the district where vehicles which will be using Loughton's road network.

Whilst recognising there are passing references to action on air quality in Policies T1G and DM9 H(iv) and a substantial policy DM22, **the Plan might be made sound if policies are strengthened to mitigate against the impact on the health of residents beyond the protection of the Epping Forest SAC.**

## BUS SERVICES

The infrastructure plan refers also to bus services, but does not state how effective services are to be secured. In March 2017, the bus service near Jessel Green (site R5) was reduced by 40%. A service operating to near site R4 was reduced by 55%. The main bus services near R4 do not run after 8pm.

**The Plan might be made sound by stating that developers would be required to fund for at least 5 years a service of at least 15-minute headway near their sites during the 0500-2200 period.**

## STRATEGIC CONTEXT and POLICIES

POLICY SP2 - the so called sequential test. The Council considers this test to be vitiated.

### *Reasons*

- It has never been specifically approved by EFDC.
- It is completely contrary to the great weight of public responses to *Community Choices and Issues and Options*, which EFDC now submits as part of the evidence base.
- No differentiation is made in it between vacant land in settlements and land which is dedicated to public use and enjoyment. This applies within Loughton to site LOU R5 (Jessel Green). Jessel Green was selected as the central open space of the LCC Debden out-county estate in the original plans for the estate in the mid-1940s. It has been held and maintained by the LCC, its successors, the GLC and EFDC, during the whole of that 70-year period, and is highly valued by the community, as public response to the consultation has proved, effectively being so held, maintained, and dedicated in trust to public use under the Open Spaces Act 1906. The Council maintains that EFDC is wrong in law to treat this public facility and amenity as merely vacant land, and that therefore the Plan is unsound in this respect.

**The Council considers the Plan could be made sound (insofar as its own area is concerned; there is one similar but not identical site in Chigwell) by removing Site LOU R5 from the Plan**

## POLICY SP 6 Green Belt and District Open Land

The preamble states "In accordance with the national planning policy a Local Green Space designation of "District Open Land" is proposed."

Policy SP 6 B. confirms "The same level of protection will be applied to areas of District Open Land as is applied to Green Belt. The key characteristics of District Open Land are their openness, permanence, local significance, wildlife value and/or public accessibility."

Attention is also drawn to Section 4.52 in Policy DM 6 which states "Communities are able to seek to designate, and thus protect, Local Green Space which is especially meaningful to a community, local in character and not extensive in size".

With reference to this and NPPF 76 and 77, Jessel Green was one of a number of local sites submitted to Essex County Council in December 2013 for registration as a village green. These applications have been delayed by a legal issue but the substantial evidence provided

particularly for Jessel Green supports and justifies its designation now as a Local Green Space. This makes Jessel Green inclusion in the list of development sites for Loughton (Policy P 2 Loughton) a contradiction.

## BROWNFIELD SITES

Section 2.141 states “During the production of this plan the Council has therefore sought to ensure that potential opportunities to redevelop existing brownfield sites outside of the Green Belt were identified wherever possible”.

The Council considers that there has been an inadequate census of such sites and suggests that more work on this is required.

## HOUSING, ECONOMIC and TRANSPORT POLICIES

### POLICY H 2, Affordable Housing

A need for affordable housing across the District has been identified and the Council supports the requirement in this policy for a minimum of 40% of homes on development sites providing 11 or more homes to be affordable.

However, whilst there is passing reference to the provision of starter homes in the Glossary, this policy fails to address this sufficiently. Young people wishing to leave home and set up households for the first time need to be supported through a well-defined policy which defines this.

### POLICY E 1, Employment sites

There appears to be a failure to consider whether low intensity employment sites could be earmarked for housing. Employment sites should be reappraised for residential use. For example, the Bridge Farm (Clintons) site, adjacent to Debden Station, would make an excellent site for a fairly high density residential use, but no mechanism for consideration of such a reclassification of use was built into the process, despite being requested by us at earlier stages.

## DEVELOPMENT MANAGEMENT POLICIES

### POLICY DM 6

This policy would appear to countenance the loss of public open space if certain “tests” are met, but these tests are ill defined or subjective (e.g. an assessment showing the land to be surplus (by whom, to whose satisfaction, by what methodology?), equivalent, better, suitable location – how assessed, by whom?). The policy is far too woolly. *Not extensive in size* in para 4.52 is especially poor drafting. It is meaningless.

**It could be made sound by introducing harder and better defined tests, e.g. by making such tests subject to referendum in the parish, as for Neighbourhood Plans), or by omitting everything after “public open space” in line 3 of para B. Para 4.52 needs defining.**



## PLACES

### P 2 Loughton

The inclusion of Residential Site B(v) LOU.R5, Land at Jessel Green, is contrary to NPPF 73 and 74. The late and rushed publication of the Open Spaces Strategy in November 2017 is evidence that proper assessment of this site and the needs and well-being of the local community had not been properly taken into account when this site was originally included. This makes the Plan unsound without further consideration.

## DEVELOPMENT MANAGEMENT POLICIES

### DM2A

Protection for Epping Forest should not be limited to that part of it contained within the SAC. Protection of those portions of the Legal Forest not contained within the SAC is just as important, and without such protection the Policy is likely to be ineffective and unsound.

**It could be made sound by adding after SAC in para A:**

***“the Forest as legally defined in the Epping Forest Act 1878 as later amended,***

### DM7

In para C, the Local List is mentioned, but not how it is to be established and revised. The Heritage Asset Review, part of the Evidence Base, suggested the establishment of *areas of townscape merit*, in consultation with parish councils and amenity and heritage groups. This has been forgotten.

The policy is therefore incomplete.

**It could be made sound by**

- i. a commitment to review the Local List on a five-yearly cycle with the parishes taking the lead; and**
- ii. to review designation of new, and boundaries of existing, Conservation Areas on a similar cycle.**

### DM9

There needs to be an explicit policy on the height of any new development in the District. D(1) is far too weak. “Positive reaction” is far too indefinite a term, which is liable to subjective interpretation. For example, a 9-storey building in an area of 2-storey houses might be thought by some a “positive reaction”. The policy is hence internally inconsistent and too vague.

**The plan could be made consistent by adding after *heights* in D(i):**

***There should be no building significantly higher than the generality of its surroundings.***

DM9 iii is also ambiguous in reference to boundary treatments, some of which in the district have had deleterious effects by their obtrusive nature.

**The ambiguity could be removed by adding in line 2 of II after *development*, (including intrusive boundary treatments).**

**Policies relating to station car parks**

The Council believes that achieving densities of the level stated for sites LOU R1 and R2 cannot be realised against the parameters set out in policy DM9.

**A STATEMENT ON THE GENERAL SPATIAL STRATEGY**

Page 2 of the Plan states that it is based, *inter alia*, on the results of the 2010, 2012, and 2016 consultations.

In the 2010 consultation, the predominant public reaction was (as reported to EFDC Cabinet 7.2.11) to protect and enhance green spaces, whilst encouraging local businesses.

In 2016, the consultation relied greatly on the concept of a so-called “proportionate” distribution of housing in the District. But 76% of respondents to the consultation disagreed or strongly disagreed with this. (Remarkable Engagement report Feb 2017, Q2).

In the 2012 report, a majority (29%) of respondents selected one of the two *development away from the Central Line* options as compared with 24% who preferred proportionate distribution. (Report to Cabinet 10.6.13) p43.

The Council thus believes that EFDC having adopted proportionate distribution has insufficient public support.

Even if it had, there is no element of proportionality in the Plan. A proportionate distribution of the 11040 dwellings in the 139 square miles of the District would result in 79 dwellings per square mile; but what is proposed results in 19 per sq mile in Theydon Bois, 120 in North Weald, and 196 in Loughton, with none at all in Lambourne. In population terms, as a proportion of population (which would in itself be irrational), that is 0.4% in Theydon Bois, 17.4% in North Weald, and 3.3% in Loughton.

The phrase “proportionate distribution” appears to be missing entirely from the Regulation 19 submission, but it is on this the whole spatial strategy appears to be based. This, we believe, is enough to invalidate the whole Plan.

**However, we think the Plan has achieved nevertheless an element of functionality in its spatial aspect. The two main failures are over-cramming Loughton and disproportionately high development at North Weald, whilst not giving enough thought to the critical mass of the proposed garden town.**

**The removal of 450 dwellings from Loughton and the addition of 450 to sites in the Garden Town would make the Plan sounder in this respect. North Weald Parish Council will doubtless have its own views.**

This is an extract from the Representation Form Guidance Notes also available at <http://www.efdclocalplan.org/wp-content/uploads/2017/12/Guidance-Notes-FINAL.pdf>

### **Meeting legal requirements**

If you think your representation is about legal compliance you need to consider the following questions:

#### **Is the Local Plan consistent with the Council's production timetable known as the Local Development Scheme (LDS)?**

The Council should have complied with the key stages set out in the LDS. You can find a copy of our LDS on our website at: <http://www.efdclocalplan.org/technical-information/>

#### **How has the community been involved in the process and has the Council met Its Statement of Community Involvement (SCI)?**

The SCI sets out the District Council's strategy for involving the community in the preparation of the local development documents. The SCI can be seen on Epping Forest District Council's website at: <http://www.efdclocalplan.org/wp-content/uploads/2017/11/Statement-ofCommunity-Involvement-EFDC-2013-EB104.pdf>

#### **Does the Local Plan comply with the Town and Country Planning (Local Planning) (England) Regulations 2012?**

You can view the Regulations by visiting: <http://www.legislation.gov.uk/ukpga/1990/8/contents> The Regulations require that the local planning authority should publish the documents prescribed in the Regulations, and make them available at their offices and on their website. The local planning authority must also consult general and specific consultation bodies and any persons who have requested to be notified.

#### **Was a Sustainability Appraisal (SA) Report produced and how has it been carried out?**

Sustainability appraisal is a tool for reviewing the Local Plan and its policies to ensure that the local planning authority has taken into account sustainability principles in preparing the Plan. The local planning authority is required to prepare a sustainability appraisal report which explains how the sustainability appraisal has been carried out, the baseline information used to inform the process and the outcomes of that process. It effectively sets out how the Plan has been prepared. You can find the Sustainability Appraisal Report of the Submission Local Plan at: <http://www.efdclocalplan.org/technical-information/>

### **Soundness**

#### **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;

#### **Justified**

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

#### **Effective**

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

#### **Consistent with national policy**

The Plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework see:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

The preparation of the Local Plan has had regard to all policies in the National Planning Policy Framework. However, you may take the view that the Local Plan:

- a. Fails to address a requirement of the NPPF; in this case you should explain what else it needs to include. Please note that the Local Plan does not need to repeat national policies; or
- b. Departs from national planning policies without good local reasons. In this case please explain why.

**Duty to Co-operate**

The duty to co-operate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans.