

31 January 2018

Planning and Licensing Committee

**Response to the Epping Forest Local Plan Submission
Version 2017**

Report of: *Phil Drane – Planning Policy Team Leader*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 This report seeks Members approval on a formal response to Epping Forest District Council's Local Plan Submission Version (December 2017). A response has been submitted to comply with the consultation deadline, subject to the approval of the Council's Planning and Licensing Committee.
- 1.2 The Council's response sets out general support for the Epping Forest Local Plan, with concerns expressed over the Plan not meeting the five-year housing supply and lack of clarity as to the actual housing figures.
- 1.3 Both Councils have a "Duty to Cooperate" on strategic priorities, such as planning issues that cross administrative boundaries. These priorities include housing and Gypsy, Traveller and Travelling Showpeople site allocations; conservation of the natural and built environment; and green infrastructure. Although Epping Forest District Council are at the Pre-Submission stage of their Local Plan, the two councils will continue to engage through the duty to cooperate, even after both respective Local Plans have been adopted.

2. Recommendation

- 2.1 To approve the response to the Epping Forest Local Plan Submission Version (December 2017), as set out in Appendix A.**

3. Introduction and Background

- 3.1 Epping Forest District Council undertook a public consultation for the Epping Forest Draft Local Plan (Regulation 18) in October 2016. Brentwood Borough Council responded to this consultation to indicate general support. The Epping Forest Draft Local Plan (2016) focused on the vision for the district as outlined in the Brentwood Planning and Licensing Committee report on 13 December 2016 (Item No. 238).
- 3.2 Moving on to the next stage of the Epping Forest plan-making process, Epping Forest District Council is inviting representations for the statutory minimum consultation period of six-weeks from 18 December 2017 to 29 January 2018. The Local Plan Submission Version (2017) is at the pre-submission stage of the plan-making process (Regulation 19), which is the final opportunity to make representations on the plan before it is submitted to the Secretary of State and the Planning Inspectorate are appointed to consider whether the proposals are "sound" for adoption. If adopted this version of the plan will replace the combined policies of the current Epping Forest District Local Plan (1998) and Alterations (2006).
- 3.3 Brentwood Borough Council is duty bound to undergo the duty to cooperate with neighbouring authorities on preparation of their local plans. The Council's response is limited to high level comments regarding the strategic planning issues shared by Epping Forest District and Brentwood Borough.

4. Issue, Options and Analysis of Options

- 4.1 The National Planning Policy Framework (NPPF) requires each local planning authority to produce a local plan. This should set out strategic priorities for the area and plan positively for development and infrastructure needs, in line with national policy and guidance.
- 4.2 Local Plans should include strategic policies to deliver:
- a) Homes and employment needed in the area;
 - b) Provision of retail, leisure, and other commercial development;
 - c) Provision of infrastructure for transport, telecommunications, water supply, waste water, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - d) Provision of health, security, community and cultural infrastructure and other local facilities; and

- e) Climate change mitigation and adaption, conservation and enhancement of the natural and historic environment, including landscape.

4.3 Responses to a Regulation 19 pre-submission stage of the plan-making process are limited to identifying whether the proposed Local Plan has adhered to the duty to co-operate, is sound, and legally compliant. These are defined in national policy as:

Duty to Co-operate

Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities as set out in para 156 of the NPPF.

Soundness

Soundness is defined in NPPF paragraph 182 as a local plan which is:

- a) **Positively prepared** - the plan should be prepared 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;
- b) **Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- c) **Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- d) **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Legally Compliant

A plan is legal when it complies with the legal requirements under section 20(5)(a) of the Planning and Compulsory Purchase Act 2004.

- 4.4 Epping Forest District Council and Brentwood Borough Council have been meeting to discuss strategic planning matters (as identified in paragraph 4.2 of this report). Continued engagement will be required following the adoption of the Epping Forest Local Plan, particularly around infrastructure, schools, and GP surgeries in the Ongar area due to its proximity to Brentwood Borough.
- 4.5 Epping Forest District shares a housing market area with three other districts (East Herts, Harlow, and Uttlesford). The Epping Forest Local

Plan Submission Version (2017) states that 51,700 new homes were identified for the housing market area need between 2011-2033, as set out in the West Essex & East Herts Strategic Housing Market Assessment (SHMA) (2015). According to the SHMA (2015), Epping Forest District would be responsible for providing 12,573 new dwellings over the plan period 2011-2033. All local planning authorities within this housing market area have signed a memorandum of understanding where Epping Forest is committed to providing 11,400 dwellings and 64 pitches for Gypsy, Traveller and Travelling Showpeople.

- 4.6 It is proposed that concern needs to be raised by Brentwood Borough Council regarding the lack of five-year housing supply. The Epping Forest Plan states that "if the Authority Monitoring Report (AMR) demonstrates that annual housing delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is lower) for three consecutive years, the Council will undertake a partial review of the Plan". Further concern is raised as to whether Epping Forest District can meet their housing need as set out in the plan and West Essex & East Herts SHMA. Local plans are required to be reviewed every five years. Therefore, the above sentence would not be required unless there were concerns that the housing delivery targets could not be met.
- 4.7 Epping Forest District Council has proposed that the majority of this development will take place around Harlow as urban extensions (approximately 3,900 new homes within Epping Forest District over the plan period), as well as infilling around the central transport corridor of the urban areas of Epping and Loughton. There are also a number of smaller extensions to villages within the district, including Ongar close to the northern Brentwood Borough boundary.
- 4.8 Development proposed in the eastern parts of Epping Forest District in Ongar is for 590 homes (20 less than what was previously indicated in the Draft Local Plan 2016). Therefore, whilst it is acknowledged that this is a significant increased proportion of new homes in the area, it is considered that any direct impact on Brentwood Borough is likely to be minimal. Comment is made that the additional homes in Ongar need to provide supporting local community infrastructure facilities to lessen any burden on nearby villages within the 'rural north' area of Brentwood Borough.
- 4.9 The Epping Forest Local Plan Submission Version (2017) proposes a minimum of 40% affordable housing on sites of 11 or more units. Proposals are also made that the loss of bungalows will be resisted.

- 4.10 Where there is evidence of unmet need, and where there is already appropriate infrastructure and larger scale new development, the plan requires development to incorporate specially designed/specialist accommodation for people with support needs (including older people) and for self-build/custom build schemes.
- 4.11 The Functional Economic Market Area (FEMA) aligns with the Housing Market Area (HMA). According to the FEMA the employment for the HMA is 51,000 new jobs, of which Epping Forest will be providing 10,800 over the plan period (2011-2033). According to the plan, 7,900 new jobs will be provided between 2016-2033. It is unclear from the plan whether the remaining 2,900 new jobs have already been provided for (between 2011-2015) and so this is highlighted in the submitted response set out in Appendix A.

5. Reasons for Recommendation

- 5.1 The Epping Forest Local Plan Submission Version (2017) has been considered by Officers to be in general conformity with the duty to cooperate, soundness, and legally compliant. Therefore, support of the Plan is proposed. Concerns are raised as outlined above in section 4.
- 5.2 It is considered appropriate that Brentwood Borough Council express general support for the way Epping Forest District Council has moved forward with challenging local development needs, and a commitment to continued collaboration through the duty to cooperate on strategic planning matters that affects our two areas.

6. Consultation

- 6.1 The Epping Forest Local Plan was made available for public comment between 18 December 2017 and 29 January 2018. Local planning authorities have a statutory obligation to allow consultees a minimum of six weeks to respond as part of the plan-making process.
- 6.2 Officers have responded to the consultation in order to meet the deadline. This response was submitted subject to the approval of Members at the next available Planning & Licensing Committee. Thanks is expressed to Epping Forest District Council for allowing this approval to take place after the deadline. It is noted that although Epping Forest District Council allowed for representations to be made for the statutory six-week period, given this time fell over the Christmas and New Year's bank holidays, additional time for representations could have been permitted.

7. References to Corporate Plan

- 7.1 The Epping Forest Local Plan will have a close relationship with the emerging Brentwood Local Development Plan, the production of which is a key priority in the Council's Corporate Plan.

8. Implications

Financial Implications

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- 8.1 None directly arising from this report.

Legal Implications

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- 8.2 The Localism Act 2011 places a legal duty on local planning authorities and other defined local bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but local planning authorities must make every effort to secure the necessary cooperation before they submit their Local Plan for examination. The cooperation should produce effective and deliverable policies on strategic cross boundary issues.

9. Background Papers

- 9.1 Epping Forest Local Plan Submission Version (December 2017)

10. Appendices to this report

- 10.1 Response letter to Epping Forest Local Plan Submission Version (2017)

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