

Decision by Portfolio Holder




Report reference: PLS-004-2018/19
Date of report: 26 February 2019

**Epping Forest
District Council**

Portfolio: Planning
Author: Alison Blom-Cooper (Ext 4066) **Democratic Services:** J Leither
Subject: Epping Forest District Council's Response to the Moreton, Bobbingworth and the Lavers Neighbourhood Plan Regulation 16 publication

Decision:

1. To confirm the District Council's response to the Moreton, Bobbingworth and the Lavers Neighbourhood Plan submission version and associated supporting documents.
2. That, pursuant to Overview and Scrutiny Rule 53 (Special Urgency) the Chairman of Council be requested to waive the call-in arrangements for this decision, as any delay likely to be caused by the call-in process would seriously prejudice the Council's interests, as a result of not meeting its statutory obligation to respond to the submission Neighbourhood Plan.

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ <u>do not approve</u> (delete as appropriate) the above decision:	
Comments/further action required:	
Signed: 	Date: 27 th February 2019
Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member: None	Dispensation granted by Standards Committee: Yes/No or n/a N/A

**After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY**

CALL-IN PERIOD 27 February 2019

Expiry of CALL-IN 6 March 2019

Initialled as original copy by .
Portfolio Holder: 

Reason for decision:

This report confirms the District Council's response to the Moreton, Bobbingworth and the Lavers Neighbourhood Plan submission version (the Neighbourhood Plan) and associated supporting documents. The response attached at Appendix 5 includes the Council's comments on the Plan. As the deadline for response to the Plan is 5 March 2019, a waiver of the call-in for this decision has been sought in accordance with Overview and Scrutiny Rule 53 (Special Urgency) to meet this deadline.

Options considered and rejected:

Not to respond to the Moreton, Bobbingworth and the Lavers Neighbourhood Plan, however, the District Council would not be discharging its responsibilities under the National Planning Policy Framework.

The Moreton, Bobbingworth and the Lavers Neighbourhood Plan:

1. The Government introduced Neighbourhood Planning as part of the Localism Act 2011. This was in order to enable Town/Parish Councils and Neighbourhood Forums to produce plans shaping the future of their area. A Neighbourhood Plan can include housing and employment land allocations, policies and design statements. Once a Neighbourhood Plan is examined and is successful at the referendum, the Council is asked to agree the plan meets the basic conditions and accept the Plan as 'made' by the Local Planning Authority. Once made the Neighbourhood Plan will form part of the statutory development plan and must therefore be taken into account in the determination of planning applications. Crucially, the Neighbourhood Plan must meet a number of 'basic conditions' set out Schedule 4B of the Town and Country Planning Act 1990 and have regard to national planning policy as well as be in general conformity with the strategic policies of the District Council's Local Plan.
2. The Moreton, Bobbingworth and the Lavers Neighbourhood Plan was previously submitted to the District Council in 2015 and was examined in 2016. In his report the examiner made 21 recommendations - many of these were proposed amendments to the plan for the purposes of aiding the Parish Council should they seek to amend and resubmit the plan. The examiner, nevertheless, concluded that the Plan did not meet the basic conditions in respect of Policies MBL 1.1 Type, size, scale and design of new-build homes" (Recommendation 9) and "MBL 1.3 Redundant Buildings" (Recommendation 13). The Council agreed with the Examiner's conclusion and decided that the Neighbourhood Plan should be refused and should not proceed to referendum (EFDC Report to Cabinet C-008-2016/17 on 21 July 2016).
3. Local Authorities are required to provide advice and assistance support to Parish/Town Councils in the preparation of Neighbourhood Plans, and the Council has engaged actively with the Moreton, Bobbingworth and the Lavers Parish Council at various stages during the preparation of the Neighbourhood Plan.
4. The Parish Council has now undertaken a Regulation 14 public consultation on a revised plan which took place between November 2017 and January 2018. The revised plan has accommodated the majority of the recommendations made by the Examiner. The Council provided a detailed response on the consultation document noting the changes made, as well as a number of issues from the Examiner's Report which were not picked up by the revised plan. Additional comments have also subsequently been provided to the parish council in July 2018 before the plan was resubmitted.

5. Following the Regulation 14 consultation, the Neighbourhood Plan was submitted to the Council on 6 December 2018 and is currently undergoing the formal six-week publication period as required by the Neighbourhood Planning (General) Regulations 2012. The publication period runs between 12 noon on Tuesday 22 January and 4pm on Tuesday 5 March.
6. While the Council does not consider there are any significant policy issues which would prevent the Plan from meeting the basic conditions, there are a number of areas in the submission plan which could be further clarified and strengthened. These issues are explained in detail in the Council's proposed response the Regulation 16 publication document (see Appendix 1)

Resource Implications:

The review of the Moreton, Bobbingworth and the Lavers Neighbourhood Plan submission version and preparation of the report are from within existing resources in the Policy Planning Team.

Legal and Governance Implications:

EFDC has a statutory responsibility to advise and assist with the preparation of all Neighbourhood Plans in the District. It is prudent for the District Council to make its views known regarding whether the Neighbourhood Plan meets the required basic conditions. The publication of the Moreton Bobbingworth and the Lavers submission version Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015 is the final; opportunity for a formal consideration from the Council before the Plan proceed to Examination stage.

Safer, Cleaner and Greener Implications:

None specific at this stage.

Consultation Undertaken:

No specific.

Background Papers:

Examiner's Report: Moreton, Bobbingworth and the Lavers Neighbourhood Plan 18 May 2016
Report to Cabinet: C-008-2016/17 Neighbourhood Plan Examination Outcome 21 July 2016
Letter to Clerk to the Parish on 22 January 2018 with the Council's response to the Pre-Submission Draft
Moreton, Bobbingworth and the Lavers Neighbourhood Plan Submission Version and supporting documents
Epping Forest District Local Plan Submission Version 2017

Impact Assessments:

No specific.

Risk Management:

No specific risks identified.

Key Decision (Y/N): No

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix 1 to the report.

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Date:



Neighbourhoods Directorate

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Epping, Essex CM16 4BZ

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Forward Planning (01992) 564547
ldfconsult@eppingforestdc.gov.uk

Mrs Julia Milovanovic
Clerk to MBL Parish Council

By email mblparishcouncil@gmail.com

Dear Mrs Milovanovic,

Epping Forest District Council response to Moreton Bobbingworth and the Lavers Neighbourhood Plan – Submission Draft 2017-2035

1. Thank you for consulting the Epping Forest District Council (EFDC) on the Submission Draft of the Moreton, Bobbingworth and the Lavers Neighbourhood Plan under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012.
2. The Council notes that the majority of the recommendations made by the Examiner relating to the 2016 version of the neighbourhood plan have been accommodated. We also note that the plan has been updated to reflect a number of concerns raised by EFDC through the Regulation 14 consultation which took place between November 2017 and January 2018.
3. One of the basic conditions the Neighbourhood Plan (or Order) must meet is that the Plan must have regard to national policies and advice contained in guidance issued by the Secretary of State. In that context, the Planning Practice Guidance on Neighbourhood Planning states that '*a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications* (Paragraph: 041 Reference ID: 41-041-20140306).'
4. Having reviewed the submission documents, EFDC considers that the submission plan should be further clarified by addressing the following issues:
 - i. There is a need for a clear definition of the term 'local people' in Policy MBL 1.2 (Examiner's recommendation 9). EFDC suggested in our response to your 2017 consultation document that the Neighbourhood

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Plan should consider the use of the same definition as that included in the Submission Version of the Epping Forest District Local Plan December 2017 at Policy H 3 (parts C & D).

- ii. It would be prudent to address the examiner's concern (his recommendation 13) and provide a clear definition of the meaning of "*substantial, permanent and worthy of keeping*" in Policy MBL 1.3. This would assist in the understanding of the intent of the policy. EFDC maintains its view that the plan should make it clear that this policy is not removing any relevant Permitted Development Rights for the change of use of agricultural buildings to dwellinghouses as specified under Schedule 2, Part 2, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - iii. The plan should include the examiner's recommendation that a further sentence be added to Policy MBL 2.4 "*where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality* (his recommendation 17)." The Council also recommends that the policy can be further clarified by replacing the phrase '*exceptional circumstances*' with the line '*unless it can be demonstrated that the benefits to the community outweigh the harm.*'
5. Should you have any queries regarding this response, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized first name followed by a surname, with a small dot at the end.

Equality Impact Assessment

Section 1: Identifying details
Your function, service area and team: Interim Assistant Director, Planning Policy
If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: n/a
Title of policy or decision: Epping Forest District Council response to Moreton, Bobbingworth and the Lavers Regulation 16 publication and supporting documents
Officer completing the EqIA: Tai Tsui Tel: 01992 564547 Email: ttsui @eppingforestdc.gov.uk
Date of completing the assessment: 18 Feb 2019

Section 2: Policy to be analysed	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? Yes
2.2	Describe the main aims, objectives and purpose of the policy (or decision): The Moreton, Bobbingworth and the Lavers Plan sets out planning policies which will influence future developments within the designated neighbourhood area of Moreton, Bobbingworth and the Lavers. The Plan, once 'made', will form part of the Council's Development Plan. What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? An agreed response to the Moreton, Bobbingworth and the Lavers Neighbourhood Plan Regulation 16 publication draft and supporting documents
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none"> • service users • employees • the wider community or groups of people, particularly where there are areas of known inequalities? <p>It will affect the local communities in the Moreton, Bobbingworth and the Lavers area but they will be able to vote through a referendum before the plan is made</p> <p>Will the policy or decision influence how organisations operate? Yes. Once 'made' the Council will need to apply policies in the Plan in determining relevant planning applications.</p>

2.4	Will the policy or decision involve substantial changes in resources? No
2.5	Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes? Once 'made'. The Plan will form part of the Council's Development Plan and has the same weight as the Local Plan

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	What does the information tell you about those groups identified? See below
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? See below
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: As part of their submission documents the Parish Council has published a 'Consultation Statement' detailing what steps have been taken to engagement with local communities and other organisations.

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral – no impact	
Disability	Neutral – no impact	
Gender	Neutral – no impact	
Gender reassignment	Neutral – no impact	
Marriage/civil partnership	Neutral – no impact	
Pregnancy/maternity	Neutral – no impact	
Race	Neutral – no impact	
Religion/belief	Neutral – no impact	
Sexual orientation	Neutral – no impact	

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If 'YES', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
n/a	n/a	n/a

Section 7: Sign off

I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)

Signature of Head of Service: Alison Blom-Cooper	Date: 19 February 2019
Signature of person completing the EqlA: Tai Tsui	Date: 18 February 2019

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.