

5. PLANNING SERVICES STANDING PANEL

The Planning Services Panel consisted of the following members:

Councillor G Chambers (Chairman)
Councillor Y Knight (Vice Chairman)
Councillors D Dorrell, H Kaufman, M McEwen, B Sandler, G Shiell, B Surtees, S Watson, A Watts and D Wixley.

The Lead officer was Nigel Richardson, Assistant Director (Development Management)

Terms of Reference

1. To consider and review Measures taken to Improve Performance within the Directorate concerning:
 - a) Performance standards and monitoring; and
 - b) Other Reviews
2. To monitor and receive reports/updates on the delivery of the Local Plan;
3. To monitor and receive reports/updates on the Planning Electronic Information System. To provide information regarding the progress and availability of planning information held on i-Plan.
4. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year;
5. To report to the Overview and Scrutiny Committee at appropriate intervals on the above. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate;
6. Response to Planning Consultations;
7. Receiving feedback from Chair and Vice Chairmen of Development Control meetings; and
8. Business Plans Review Development Control – Governance and Forward Planning – Neighbourhoods.

The Panel scrutinised a number of important issues over the last year, which included:

- (i) **Update on Local Development Scheme** – At their first meeting of the year the Panel received a report regarding an update on the Local Development Scheme.

The Localism Act 2011 made a requirement that local authorities must prepare and maintain a Local Development Scheme specifying the local development documents. The last scheme, formerly adopted by the Council in July 2013, set out the proposed programme for the preparation of the Epping Forest Local Plan. Members noted that the Council had made good progress in developing the evidence base.

(ii) Section 106 Annual Report - Section 106 of the Town and Country Planning Act 1990 allowed a local planning authority to enter into a legally-binding agreement or planning obligation with a land owner/developer over a related issue.

Section 106 Agreements could act as a main instrument for placing restrictions on developers, requiring them to mitigate on-site and site specific impacts. Such agreements could be sought when planning conditions were inappropriate to ensure and enhance the quality of development and enable proposals that might otherwise have been refused to go ahead in a sustainable manner. Contributions may be secured by:

- (a) Work in-kind provided or constructed by the developer;
- (b) A financial payment (which may be decided using a formula); and
- (c) Transfer of land for a facility.

Performance for the Year 2013/14

Benefits negotiated through the year would provide a total of £729,218 received into the public purse. Benefits actually realised through the year had provided a total of £725,711 received into the public purse, Highway improvements at the developer's expense and funding of a fixed 1 year term Conservation Technical Officer post.

The Future

The use of S106 Agreements attached to planning permissions granted after April 2015 were to be restricted, as they were being replaced by the Community Infrastructure Levy (CIL). The adoption of the CIL required an up to date development plan and adoption after consultation and examination, before such a levy could be adopted and payment received. Monies raised under CIL could only be spent on infrastructure which included roads and other transport facilities, flood defences, schools and other education facilities, medical facilities and sporting and recreational facilities. From 6 April 2015, it would not be possible to use S106 Agreement delivery of such infrastructure items, unless it was site specific and no more than 5 S106 obligations could be pooled together for that one delivery requirement.

As part of the Local Plan the Council must consider the infrastructure necessary to accompany development. In the Local Plan this assessment of infrastructure would form the Information Delivery Plan (IDP). Once all infrastructure needed was identified, all of the existing revenue streams would then be reviewed.

(iii) Local Plan Progress Reports – At various time during the year, the Panel received a progress reports regarding the Local Plan.

They noted that:

- The Strategic Housing Market Assessment (SHMA) was being updated with a draft report. The report would help identify the District's Objectively Assessed Housing Need and constitute an approach to future housing provision.

- Progress had been made on the master planning work for North Weald Bassett in consideration of the way the airfield would relate to the wider village.
- Consultants had been engaged for further work on economic and employment evidence for supporting the Local Plan and the Economic Development Strategy.
- The joint Essex-wide Gypsy and Traveller Accommodation Assessment had been completed with briefings by the consultants held in July 2014. The Planning Policy Portfolio Holder advised that there was a requirement for the district to source 112 extra Gypsy and Traveller pitches, although they would be around existing settlements.
- The Cabinet approved a draft methodology for a comprehensive Green Belt Review which outlined further work being undertaken based on the experience of other recent examinations.
- Officers had been meeting regularly with the appropriate authorities to consider cross boundary issues.

(See Case Study for full details)

(iv) The London Infrastructure Delivery Plan - The London Infrastructure Delivery Plan (IDP) had been published by the Mayor of London for consultation making the case for better infrastructure provision in London. The Mayor had published a number of key policy reports making the case as follows:

(a) The Independent London Finance Commission Report argued for the full devolution of property taxes to London government with an associated increase in borrowing levels enabling London government to increase investment in its own infrastructure;

(b) The Mayor's 2020 Vision document identified world class infrastructure provision which met the city's needs;

(c) The Further Alterations to the London Plan (FALP) document set out the scale of the housing challenge to 2036 with planning policies to address it, including identified housing capacity to 2025. There were a range of other proposals about infrastructure and the environment ensuring good quality sustainable development; and

(d) The London First Infrastructure Commission examined the challenges faced by the capital because of growing population, workforce, ageing infrastructure and demanding fiscal context. The commission looked at all solutions to planning, delivery and financing for the future, specifically calling for stronger city wide strategic infrastructure planning with greater coordination across sectors.

Members supported the Mayor's approach to London's growth by keeping it within current boundaries and not encroaching on the Green Belt, at least until the full London Plan Review undertaken in 2015.

(v) Progress Report on Electronic Information Systems for Development Management – In September the Panel received a progress report regarding Electronic Information Systems Development Management.

Development Management was dependent on the operation of its planning database for both Development and Building Control which was linked to Information@work, the software for all plans, maps, photographs and documents.

Significant benefits came from reducing the use of paper, therefore work continued on improving electronic access to planning information by Parish and Town Councils. It was advised that the District Council was no longer able to print plans and other documentation received electronically for circulation to Parish and Town Councils. Officers were aware that Internet and computer equipment were limited in some areas, therefore progress had been made on improving the situation with funding for electronic projectors to Parish Councils. Fourteen Parish and Town Councils had made applications for grant funding to support electronic equipment.

A project to convert microfiche records to electronic format was due to begin in November/December 2014. The aim was to convert 71,000 historic Development Control microfiche jackets (4 million images) to electronic format during the course of the next twelve months.

Members expressed frustration at the quality of the plans submitted to Development Control meetings. Officers advised that there was no legal requirement to control the types of plans displayed at meetings, adding that they were often hampered by the electronic technology available at meetings. In particular Area Plans South Sub-Committee had basic resources compared to the District Council's Chamber.

(vi) Key Performance Indicators 2014/15 – The Panel received quarterly reports regarding Key Performance Indicators for 2014/15 specific to their Panel's responsibilities.

Six of the KPIs fell within the Planning Scrutiny Panel areas of responsibility. The overall position with regard to the achievement of target performance at the end of the third quarter of the year for these six indicators was as follows:

- (i) 3 (50%) indicators achieved the cumulative third quarter target;
- (ii) 3 (50%) indicators did not achieve the cumulative third quarter target, although 1 (17%) of these KPIs performed within the agreed tolerance for the indicators; and
- (iii) 5 (83%) were currently anticipated to achieve the cumulative year end target.

(vii) Community Infrastructure Levy – The Panel noted that planning obligations were legal contracts made under Section 106 of the 1990 Town and Country Planning Act linked to a planning application decision made by the local planning authority. The obligation related to the land within the planning application only. Planning obligations were used to:

- (a) Prescribe the nature of development to comply with policy (for example, requiring a portion of housing to be affordable);
- (b) Compensate for loss or damage created by a development; and
- (c) Mitigating a development's impact.

A review in 2004 concluded that S106 could not deliver strategic infrastructure and in its place the Community Infrastructure Levy (CIL) was conceived to capture an element of land value for funding strategic investment. The CIL was introduced in 2010 with new regulations. Planning obligations entered into from 6 April 2010 needed to meet three new tests:

- Necessary for making the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

The District Council was yet to decide whether to adopt a CIL which could not be introduced without an up to date adopted Local Plan. It was advised that Council consultants would inform Members on the potential for introducing CIL in the district. As of November 2014 only 12% of councils (less than 50) had a CIL in place.

(viii) Meeting of the Chairmen and Vice Chairmen of the Planning Sub Committee and the District Development Control Committee - The Panel received a copy of the notes from the meeting of Development Control Chairmen and Vice-Chairmen held on 2 December 2014.

The Panel were informed that:

- (a) The District Development Control Committee (DDCC) would be re-titled District Development Management Committee;
- (b) The Council would use the Department of Communities and Local Government (DCLG) definition advice in determining those planning applications applicable to be reported straight to DDCC;
- (c) The procedure for referring a planning application from an Area Planning Sub-Committee to DDCC was being amended so that a minority reference could only take place after a committee vote had been taken; and
- (d) A Portfolio Holder report was being prepared on the options for the possible re-location of the Area Plans South Sub-Committee from Loughton.

(ix) Building more Homes on Brownfield Land, Consultation Proposals - A Government consultation published on 28 January 2015 sought views on proposals for measures making it easier for building on brownfield land suitable for housing. They expected that permissions on brownfield land suitable for housing would in future be granted by Local Development Orders (LDO) and had set an objective that by 2020, LDOs should be in place in over 90% of brownfield land suitable for housing, with an intermediate target of 50% by 2017, and which did not already benefit from planning permission.

LDOs granted permission to specific types of development within a defined area and removed the need for developers to make a planning application. Members noted that a particularly controversial aspect of the consultation was the proposed sanction of placing councils under special measures for not making sufficient progress in setting LDOs in place. In these cases, applicants would have a choice of applying directly to the Secretary of State for planning permission. Whilst it was acknowledged that in a district such as Epping Forest, which was over 92% green belt, the Government's proposals should not be a major issue, there were still a number of potentially harmful implications and an objection in principle to the proposals was recommended.

The Chairman requested that the full response submitted by the Panel be put before the next meeting, be placed in the Council Bulletin and also be copied to the local MPs.

Case Study: Delivery of the Local Plan

Contained within the Terms of Reference of the Planning Scrutiny Panel is a requirement for the Panel to monitor and receive reports on the delivery of the Local Plan.

At the July 2014 Panel meeting it was reported that under the Duty to Co-Operate, a Strategic Housing Market Area (SHMA) Group had been established with neighbouring authorities, widening its brief to include other cross boundary issues.

Members noted that Developer Briefings had been held in the Spring of 2014 allowing those who had put forward large sites on the edge of Harlow, to set out current thinking on their proposals.

The September 2014 Panel noted that progress had been made on the master planning work for North Weald Bassett in consideration of the way in which the airfield related to the wider village.

The Panel was advised that the Essex wide Gypsy and Traveller Accommodation Assessment had been completed with briefings by the consultants held in July 2014. The Planning Policy Portfolio Holder advised that a requirement had been made for the district to source 112 extra Gypsy and Traveller pitches.

The Council had been a signatory to a letter sent from local authorities in the South East to the Greater London Authority in response to the consultation on the draft Further Alterations to the London Plan, expressing concern that it potentially undershot the provision of future homes that London needed by a considerable margin. It had failed to adequately plan for the interim level of need identified of 49,000 dwellings per annum because only 42,000 were specifically allocated to London boroughs.

The December 2014 Panel was advised of the importance in ascertaining the relationship between the housing need evidence in the Strategic Housing Market Assessment (SHMA) and employment forecasts. The District Council's Local Plan consultant advised the Panel that a neighbouring district council's Local Plan had been examined by the inspector who had found that their housing numbers were not sufficient to meet their objectively assessed need. The District Council's work with neighbouring authorities had led to inclusion of an additional population scenario using the intercensal change between the 2001 and 2011 census. This more accurately reflected the situation on the ground.

The Panel Chairman requested an extra-ordinary meeting scheduled for February 2015 for further discussions on the Local Plan and any consultations that might arrive. This meeting received confirmation that the Uttlesford Local Plan Examination had not been recommended for adoption by the inspector. There was concern that the housing numbers had derived from an outdated SHMA and Objectively Assessed Need for housing, plus the potential expansion of the village of Elsenham, particularly concerns about the capacity of the local road network in the absence of committed significant infrastructure improvements.

At the Panel's last meeting in April 2015, Members were advised that receipt of the final report from consultants on the updated Strategic Housing Market Assessment (SHMA) was slightly delayed. This was because new household projections had been published by the Government requiring an updated SHMA.

The Phase 1 of the Green Belt Review was nearing completion and its findings would be shared with parish and Town Councils at the Local Council's Liaison Committee scheduled for 15 June 2015 which would be a single item agenda meeting.

It was noted that Planning officers from the District Council would be attending an Inspection of the Northern Gateway Access Road scheme, submitted by Enfield Borough Council on 28 April 2015, along with representatives from Loughton and Waltham Abbey Town Councils. A District Council final statement objecting to the scheme, had already been submitted.

The Planning Policy Portfolio Holder informed the Panel that he had attended a meeting at City Hall to develop better communication with local authority representatives in the south east. He was advised that there were plans to build 49,000 homes in London with no expectation that any of these would be exported beyond its boundaries.

This was the final Panel meeting and Members were informed that their Work Programme was completed.