



Report to the Cabinet

Report reference: C-007-2015/16

Date of meeting: 11 June 2015

Portfolio:	Planning Policy
Subject:	Local Development Scheme and Local Plan Resourcing
Responsible Officer:	Kassandra Polyzoides (01992 564119)
Democratic Services Officer:	Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To agree that the updated Local Development Scheme appended to this report be adopted and published on the Council's website; and**
- (2) To note expenditure against the Local Plan budget in 2014/15, the projected expenditure for 2015/16, and the estimated expenditure for 2015/16 and future years, including a need to reconsider the project fund as a whole in the next available budget cycle.**

Executive Summary:

This report seeks agreement to an updated Local Development Scheme (LDS), the high level project plan for the preparation of the Epping Forest District Local Plan. The proposed new scheme would supersede the earlier Local Development Scheme agreed in July 2014, with the preparation of the single District wide local plan scheduled for submission to the Secretary of State for examination in Autumn 2017. The report also highlights progress and expenditure since the last LDS was approved in July 2014.

Reasons for Proposed Decision:

The Council is obliged under the Localism Act 2011 to prepare and publish a Local Development Scheme so that the public and stakeholders are aware of the likely timing of key stages of the plan making process. The current LDS, approved a year ago, is due for renewal.

Other Options for Action:

Not to agree or to vary, the Local Development Scheme.

Report:

1. The Localism Act 2011 amended the provisions set out in the Planning & Compulsory Purchase Act 2004. However, S111 maintains the requirement that a local authority must prepare and maintain a scheme to be known as their Local Development Scheme. The scheme should specify the local development documents which are to be development plan documents, the subject matter and geographical

area for each development plan document, and the timetable for them. Essentially the Local Development Scheme (LDS) lists and programmes the documents that will be produced by a Local Authority. Although there is no longer a requirement for this to be submitted to the Secretary of State new provisions in the Act state that the local planning authority must make the following available to the public:

- the up to date text of the scheme;
- a copy of any amendments made to the scheme; and
- up to date information showing the state of the authority's compliance with the timetable set out in the scheme.

2. The last Local Development Scheme was formally adopted by the Council in July 2014. This set out the proposed programme for the preparation of a single document – the Epping Forest District Local Plan which will provide a framework for the future development of the district for the period up to 2033. The Plan will contain the strategic vision and policies, site allocations and development management policies. There is no longer a requirement for the Local Development Scheme to list any proposed supplementary planning documents or the statement of community involvement.

3. Since the publication of the Local Development Scheme in July 2014 the Council has made good progress in developing the evidence base and the development of reasonable alternative options for testing. However there have been a number of factors that have affected the timetable approved last year. The publication of 2011 census information by ONS and the new 2012 CLG household projections published at the end of February 2015 has led to a need to update the Strategic Housing Market Assessment in order to identify the objectively assessed housing need. This has also needed to take into account updated East of England Forecasting Model (EEFM) 2014 employment data published in Spring 2015, to identify the projected jobs growth in accordance with national guidance. This work has been commissioned in conjunction with other authorities within the housing market and functional economic market area and has led to some delay. Further consultation on the Draft Plan is now scheduled to take place in the Summer 2016. It is proposed that the appended scheme is agreed, and would supersede the earlier Local Development Scheme with the preparation of the single district wide local plan scheduled for submission to the Secretary of State for potential examination, in Autumn 2017.

Local Plan Progress

4. In order for the Local Plan to be found sound at Examination, any proposals must be founded on a robust evidence base. The compilation of the evidence base has progressed largely as anticipated within the current LDS. However it became apparent as a result of observation of the experiences of other councils taking Local Plans through Examination in Public, and new Government guidance that a comprehensive Green Belt review of the entire district was required. Other factors that have affected the timetable approved last year are:

- (i) The considerable work required under the duty to cooperate and working with SHMA partners in particular to update the SHMA. EFDC has been at the forefront of instigating the establishment of the Cooperation of Sustainable Development Board – the terms and reference for the officer group were agreed in July 2014 and this is Chaired by this authority's Chief Executive. In addition terms of reference for a member level body were

agreed in October 2014. Its primary purpose is to support Local Plan making and delivery for sustainable communities across geographical and administrative boundaries in West Essex, East Hertfordshire and the adjoining London Boroughs. It will do this by identifying and managing spatial planning issues that impact on more than one local planning area within West Essex, East Herts and the adjoining London Boroughs.¹ For EFDC this means co-operation with the 10 adjoining authorities.

(ii) The latest CLG household projections for 2012-2037, which were delayed and published on 27 February 2015, updated the 2011 based interim projections. These were awaited in order to comply with Planning Practice Guidance that wherever possible local needs assessments should be informed by the latest available information (the full dataset was further delayed). Additional work has also been required to test the employment/job target assumptions used based on the EEFM data and to provide a shared, common employment growth projection for the SHMA area. As a result additional work was jointly commissioned from Hardisty Jones Associates to feed into the SHMA. A final draft report of the SHMA is anticipated in early June.

(iii) Additional work required to complete the SFRA – changes to Planning Practice Guidance has meant that as part of the existing brief, consultants have been asked to undertake additional work to produce a Level 1 “compliant” SFRA.

(iv) Advice and assistance provided for the development of Neighbourhood Plans – most recently in ensuring that the Moreton, Bobbingworth and the Lavers NP will meet the basic conditions and undertaking an SEA screening.

(v) Delays in the **strategic transport assessment** using the new VISUM modelling. The initial results were not received until the end of April 2015, but further work and model runs are required.

(vi) The changing requirements being placed on local planning authorities as a result of lessons learnt from examinations and Inspector’s decisions. There is a view emerging following Inspector’s letters in respect of the recent Amber Valley and South Derbyshire examinations, which suggest that authorities within a SHMA should be undertaking strategic sustainability appraisals of the apportionment of the objectively assessed development needs and options. Accordingly the SHMA officers have been discussing with our retained consultants URS (now AECOM) the potential for undertaking this work.

(viii) More recently the Inspector for the Maldon examination has written on 8 May 2015 to indicate that the initial findings are that policy H6 (Provision for Travellers accommodation) which used a criteria based approach rather than site allocations to advise that the policy, and thus the Plan, is unsound. This is the first local plan to be found unsound on the basis of the provision for gypsies and travellers. Officers are waiting the outcome of the recent consultation undertaken by DCLG on the planning definition of travellers so

¹ The core constituent administrative areas are identified as Epping Forest, Harlow and Uttlesford districts, Brentwood Borough and Essex County Council, East Herts and Broxbourne districts and Hertfordshire County Council, and the London Boroughs of Waltham Forest, Redbridge and Enfield.

that it would not include those who have ceased to travel permanently to determine whether the Essex wide GTAA will need to be updated.

(ix) Preliminary conclusions on the Cambridge City and South Cambridgeshire Local Plans were issued on 20 May 2015 and raised concerns that their objectively assessed housing needs was not based on the updated Planning Practice Guidance issued in late February and has reaffirmed the view that the Council needs to ensure that the SHMA is completed on the basis of the latest information.

5. The table below sets out the proposed strategic timeline as the basis for the new Local Development Scheme based on a complete review of the programme and assessment of resources/skills available for preparation of the Local Plan going forward.

LDS adopted July 2014	New LDS adopted June 2015 (key dates in bold)
	GBR2 results and sieve for final site pool to take place in Nov/ Dec 2015
	Air Quality outputs Jan 2016
	Options selection and SA Jan 2015 – March 2016
	Council draft for approval May 2016
May 2015 - July 2015 for 14 weeks	Draft Plan consultation July 2016 to September 2016 (a/c for summer)
	Proposed revisions for submission plan publication discussions Dec 2016
	Publication plan to Cabinet and Council March 2017
March – April 2016	Publication for reps April/ May 2017
October 2016	Submission October 2017
	Examination early 2018
	Adoption September 2018

6. The key pieces of work that will affect the critical path are the SHMA, strategic transport work, provision for GRT, Stage 2 of the Green Belt review and fulfilling the duty to cooperate. On the latter there is now an established officer and member group which meets regularly.

Staffing

7. With the extra requirements and work that is required to complete a successful local plan we have been constantly reviewing resource availability. As such we have restructured and brought in extra resources as required. However we have been competing with our neighbouring authorities who have all been seeking to

recruit experienced staff. There is a limited pool of experienced planners available and the authority has found that it has taken longer to recruit experienced planners to the new posts with a limited number of suitably qualified applicants despite budget resources being made available. As such it has been agreed to use the budget from the vacant planning officer post and technical support post to recruit a fixed term contract senior planner post for 18 months.

Resource Implications:

The table below indicates the existing budgetary position as reported at Council in February 2015. The budgetary requirement is adjusted to reflect the proposed new timetable.

	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Budget available 2014/15 (Cabinet July 2014 updated by Management Board Report March 2015)	£230,000	£250,000	£280,000	£0	£0	£760,000
Spend	£251,350	£12,900	£0	£0	£0	£264,250
Committed	£0	£164,923	£60,000	£0	£0	£224,923
Estimated spend (evidence)	£0	£262,500	£105,700	£25,100	£0	£393,300
Estimated spend (Consultation periods & legal advice)	£0	£5,000	£110,600	£110,600	£189,000	£415,200
TOTAL BUDGET REQUIRED	£251,350	£445,323	£276,300	£135,700	£189,000	£1,297,673
Surplus/shortfall (rolling)	-£21,350	-£216,673	-£212,973	-£348,673	-£537,673	-£537,673

As detailed in the report above, the timetable for preparation of the Local Plan has been extended. The budgetary provision therefore also needs to be extended, and this will be addressed through the next budget cycle. There are sufficient funds available in the Local Plan DDF to cover projected expenditure for 2015/16. A number of key pieces of evidence are likely to require updating, notably the study into the Glasshouse Industry in the Lee Valley, the Town Centres Study, the Gypsy & Traveller Accommodation Assessment and the Open Space, Sport and Recreation Study. Additional estimate is included for further local transport testing and modelling, and it is anticipated that a contribution towards the strategic transport modelling work for the wider Harlow area may also be required.

The financial resources taken to fully meet the Duty to Co-operate are considerable, although it has proved possible to achieve some economies of scale in commissioning work jointly with neighbouring authorities. Initial officer discussions have taken place amongst the authorities in the SHMA grouping (EFDC, East Herts, Harlow and Uttlesford District Councils) around whether a jointly appointed officer may be required to coordinate joint working. There may be CLG funding available for this type of post, and as such no budgetary provision has been made at this time.

The additional funds required total £537,673 up to 2018/19, split across financial years as indicated above and will come from the DDF. Funding for Local Plan preparation has been in the region of £1.2m since 2004/05.

Legal and Governance Implications:

The Council is obliged to publish and maintain a Local Development Scheme. Approval of a revised document will fulfil this obligation.

Safer, Cleaner and Greener Implications:

The delivery of a Local Plan, informed by a robust evidence base, will contribute to safer, cleaner, greener objectives by planning for sustainable development.

Consultation Undertaken:

Management Board.

Background Papers:

- Report to Cabinet 22 July 2013 Planning Budgets – Local Plan and Maternity Cover Ref C-008-2013/14
- Report to Cabinet 22 July 2013 Review of North Weald Airfield C-018b-2013/14
- Report to Cabinet 22 July 2013 re: LDS C-007-2013/14
- Report to Cabinet 11 June 2012 Local Plan Budget requirements 2012/13, 2013/14, and 2014/15 Ref C-006-2012/13
- Report to Cabinet 21 July 2014 Ref C-010-2014/15

Risk Management:

Preparation of the Local Plan is a key priority for the Council and it is important that the published project plan is kept up to date to inform all stakeholders, and that the project is adequately resourced.