

Supplementary Committee Agenda



Overview and Scrutiny Committee Tuesday, 17th July, 2012

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Committee Secretary: Simon Hill, Senior Democratic Services Officer, The Office of the Chief Executive
email:democraticservices@eppingforestdc.gov.uk Tel: 01992 564249

5.b Call-in Local Plan Consultation (Pages 3 - 38)

To consider a call-in of the Local Plan Cabinet Committee's Decision on the Statement of Community Involvement. Call-in papers and report are attached.

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Report to Overview & Scrutiny Committee

Date of meeting: 17 July 2012

Portfolio: Planning

Subject: Call in – Local Plan Consultation



Officer contact for further information: Adrian Hendry / Amanda Thorn

Committee Secretary: Adrian Hendry – Ext 4246

Recommendations/Decisions Required:

To consider the call-in of the Local Plan Cabinet Committee decision regarding the 'Statement of Community involvement'.

Report:

1. In accordance with rule 20 of the Overview and Scrutiny Rules, 6 members have called in the Local Plan Cabinet Committee's decision, taken on 2 July 2012 and published on 06 July 2012. This relates to the Committee's decision that the statement of community involvement be consulted on for a period of 8 weeks from 30 July 2012 to 21 September 2012.
2. The Chairman of the Overview and Scrutiny Committee determined that consideration of the call-in should be referred to this meeting of the Overview and Scrutiny Committee.
3. Attached to this report are:
 - (a) Copy of the relevant reports;
 - (b) Copy of the decision sheet;
 - (c) A copy of the notification of the call in including the names of the relevant Councillors who requested the call in and their grounds for so doing; and
 - (d) A copy of an extract of the Council's procedures for dealing with call-ins.

Consideration of the Call – in

4. In accordance with the Council's Protocol (attached) the consideration of call-ins by the Committee should be considered in the following manner:
 - (a) the representative of the Councillors calling in the decision shall describe their concerns;
 - (b) the Portfolio Holder shall then respond;

- (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
- (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
- (i) confirm the decision, which may then be implemented immediately; or
 - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns; or
 - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;
- (i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker
- (j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's / Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and
- (k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.
- (l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

5. If, having considered the decision, the Overview and Scrutiny Committee or delegated Panel is still concerned about it, then it may, subject to the procedures outlined in Rule 16(a) or (b) in attached, refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, or in the case of a Cabinet decision, as soon as practically possible amending the decision or not, before adopting a final decision.

6. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within 14 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 working days of the Council request.

7. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

8. The Committee are asked to consider the decision taken by the Cabinet Committee and report accordingly.

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EPPING FOREST DISTRICT COUNCIL

Notification Of Call – In Of Cabinet Or Portfolio Holder Decision Under Rule 20 (8) (Page J13 of the Constitution) Of The Overview And Scrutiny Rules

This form must be signed and completed and the original returned to the proper officer in person on the 5th working day following publication of the decision

<p>Decision to be called-in: That the consultation period...run for 8 weeks until Friday 21 September 2012.</p>
<p>Decision reference: 6(3) & 7 of the Local Plan Cabinet Committee</p>
<p>Portfolio: Planning</p>
<p>Description of Decision: That the “statement of community involvement” * be consulted on for a period of 8 weeks from 30th July 2012 to Friday 21st September 2012. * And “Community Choices – issues and options”</p>
<p>Reason for Call – in The below signed have concerns on the following:</p> <ol style="list-style-type: none"> 1. Significant part of the consultation is during August when most residents are away. 2. This is only two weeks extra to the statutory minimum for this consultation and does not take into point (1). 3. The timescale for roadshows does not permit sufficient time for informed responses from the residents. 4. Changes of committee’s Terms of Reference at meeting meant that councillors would not be aware that committee had decision making powers.

Members requesting call – in (3 members of the Overview and Scrutiny Committee or 5 other members)

Members Name:	Signed:
Lead member: Lesley Wagland	
Ricki Gadsby	
Maggie McEwen	
Sylvia Watson	
Penny Smith	
Gagan Mohindra	
Office Use Only: Date Received: 12 July 2012	

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DECISIONS

Committee:	LOCAL PLAN CABINET COMMITTEE
Date of Meeting:	Monday, 2 July 2012

Date of Publication:	6 July 2012
Call-In Expiry:	12 July 2012

This document lists the decisions that have been taken by the Cabinet at its meeting held on Monday, 2 July 2012, which require publication in accordance with the Local Government Act 2000. The list specifies those decisions, which are eligible for call-in and the date by which they must be called-in.

Those decisions that are listed as being "recommended to the Council...", or request the Chairman of the Council to waive the call-in, are not eligible for call-in.

The wording used might not necessarily reflect the actual wording that will appear in the minutes, which will take precedence as the minutes are the official record of the meeting.

If you have any queries about the matters referred to in this decision sheet then please contact:

Gary Woodhall
Democratic Services Officer
Office of the Chief Executive

Tel: 01992 564470
Email: gwoodhall@eppingforestdc.gov.uk

Call-In Procedure

If you wish to call-in any of the eligible decisions taken at this meeting you should complete the call-in form and return it to Democratic Services before the expiry of five working days following the publication date. You should include reference to the item title. Further background to decisions can be found by viewing the agenda document for this meeting at: www.eppingforestdc.gov.uk/local_democracy

Decision No:

3. MINUTES

Decision:

- (1) That the minutes of the meeting held on 19 December 2011 be taken as read and signed by the Chairman as a correct record.

5. STRATEGIC LAND AVAILABILITY ASSESSMENT (SLAA)

Decision:

(1) That the completed Strategic Land Availability Assessment and its findings be approved for inclusion in the Council's Local Plan Evidence Base.

6. STATEMENT OF COMMUNITY INVOLVEMENT

Decision:

(1) That the "Statement of Community Involvement" be approved for public consultation;

(2) That, prior to publication, the Portfolio Holder for Planning be authorised to agree any further minor amendments which might be necessary; and

(3) That the consultation period be commenced on Monday 30 July 2012 and run for 8 weeks until Friday 21 September 2012.

7. LOCAL PLAN ISSUES AND OPTIONS CONSULTATION

Decision:

(1) That the "Community Choices – Issues & Options" document be published for public consultation;

(2) That the Portfolio Holder for Planning be authorised to agree any further minor amendments to the document which might be necessary prior to publication;

(3) That the Sustainability Appraisal for the Issues & Options document prepared by Scott Wilson/URS be approved by the Portfolio Holder prior to publication as part of the consultation;

(4) That the consultation period be commenced on Monday 30 July 2012 and run for 8 weeks until Friday 21 September 2012.; and

(5) That the draft questions attached at Appendix 2 of the report, to guide responses to the consultation document, be agreed subject to any further comments being received by the Portfolio Holder for Planning or Officers prior to publication; and

(6) That the Portfolio Holder for Planning be authorised to agree any further minor amendments to the draft questions prior to the commencement of the consultation period.

**Report to Local Plan Cabinet Committee
Cabinet**



Report reference: *LPC-001-2012/13*
Date of meeting: *2 July 2012*

**Epping Forest
District Council**

Portfolio: Planning

Subject: Local Plan - Statement of Community Involvement (SCI)

Responsible Officer: Sarah Kirk (01992 564732)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

- (1) That the “Statement of Community Involvement” be approved for public consultation;
- (2) That, prior to publication, the Portfolio Holder for Planning be authorised to agree any further minor amendments which might be necessary; and
- (3) That the consultation period be commenced on Monday 8 July 2012 and run for 8 weeks until Friday 21 September 2012.

Executive Summary:

The Statement of Community Involvement outlines the different processes that will be engaged by the Council when determining a planning application or preparing a Local Plan. The document will inform the way the Council will consult and engage with both statutory and general consultees throughout the delivery of the Local Plan. It also gives an indication of how people can get involved at each stage of the process and where to find supporting information.

Reasons for Proposed Decision:

So that the Statement of Community Involvement can be published for public consultation, in order to meet statutory requirements of Local Plan preparation.

Other Options for Action:

To not agreed the SCI is published for consultation.

To recommend an alternative consultation period.

Report:

1. The National Planning Policy Framework (NPPF) identifies that “early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential” (paragraph 155). The NPPF and the new Localism Bill have superseded PPS 12: Local Spatial Planning, which outlined in far more detail the criteria for public consultation. It was deemed that the fundamentals of PPS12 should be continued and any lessons learnt

from previous consultations incorporated into any new communication strategy.

2. The Statement of Community Involvement aims to identify the various different stages of the planning process for both Forward Planning and Development Control and how the Council will involve the public at these various stages. It is designed as an easy to follow guide to members of the public as to where to find extra information, how we will contact them and when as well as basic contact details for the Council. In more detail it includes:

- (a) what the key stages are for the delivery of the Local Plan;
- (b) how we will be approaching the various stages of consultation and links to our findings from previous consultations;
- (c) who our consultees are for the duration of the delivery of the plan;
- (d) where to find our supporting information;
- (e) Development Control procedures; and
- (f) General and Local Plan related contact details.

3. The detailed report has been submitted as an Appendix to this report and details all the above stages.

Resource Implications:

From existing Local Plan budget where costs are applicable, although majority of work has been conducted in-house.

Legal and Governance Implications:

The 2012 Planning Regulations state that an SCI must be prepared, and made available for consultation. Subsequently it must be adopted by the Council.

Safer, Cleaner and Greener Implications:

A Statement of Community Involvement will lead to a more efficient and informed public engagement and consultation, for the progression of the Local Plan. This will contribute to Safer, Cleaner, Greener objectives, by planning for sustainable development.

Consultation Undertaken:

Management Board 30 May 2012.

Background Papers:

Epping Forest District Council, Local Plan- Engagement Strategy.

Impact Assessments:

Risk Management

To consider any possible risk management issues for each decision made by the Cabinet, in order to promote a culture of risk management awareness.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
There will be an EqIA completed for the Local Plan in July 2012

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A.

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Statement of Community Involvement

Introduction

1. This document outlines the different processes that the Planning Directorate at Epping Forest District Council go through in determining a planning application or publishing a Local Plan. It also gives an indication of how people can get involved at each stage and where to find supporting information.

Contacting Us

General Enquiries

2. If you want to contact us outside of a consultation period for anything the Planning Reception in the Civic Offices is manned between 9am and 1pm Monday to Friday. A list of Planning Directorate contact details is also contained within the Appendix for ease of use.

How to respond to Consultations

3. Epping Forest District Council will try and increase the number of responses received by using a range of consultation techniques. These will include:
 - Information Leaflet and Questionnaire;
 - Commuter Postcards;
 - Community and Stakeholder Workshops;
 - Public Information Exhibitions;
 - The Councils Website;
 - Press releases and information on amenity group websites e.g. The Local Talk: <http://thelocaltalk.net/eppingforest/>
4. Written representations to both Local Plan consultations or Planning Applications are able to be made on the Councils website or by written submissions addressed to the relevant planning team at the Civic Offices. There is also a weekly list of all planning applications that have been submitted and this too can be found on the Councils website.

How we will contact you

Consultees

5. There are two broad categories of agencies the Council has to contact with regards to any proposals in the District:
 - a. Statutory consultees - These are agencies that must be consulted if they are affected by the proposals. These include statutory consultees and service providers; for example the Environment Agency and Thames Water.
 - b. General Consultees - These are consultees that will be contacted as the Council considers appropriate. For example local community and amenity groups, resident associations, business sector, developers, landowners and other agencies.
6. These will be contacted formally through letter and/ or email from the Council. Members of the public that have also previously responded to a Forward Planning consultation will be held on our database and will also be notified of any consultation period. Members of the public that have not previously responded to a consultation will be informed via the local newspaper and the Councils website. Further information about each stage of the consultation can be found below.

Local Plan

7. The local plan is a document which outlines the policies which will influence development in the District up until 2031. Both the Local Plan and the supporting studies will be available to view on the Councils website.

Supporting Documents

8. There are a number of studies which are used as background evidence to the main Local Plan document. The studies are used to help guide the policies that are going to be in the final document and perhaps identify options that are not feasible.
9. A full list and timetable of when these are likely to be produced is available in the Local Development Scheme, available from the Council Offices or on the Councils website. This outlines the various documents that will be produced and dates for their estimated preparation and revision.
10. The Council will try to keep this as up to date as possible to make sure that the general public and agents can see when documents are going to be produced and consulted on and any possible shifts in the timescales.

Local Plan Production

11. There are a number of different stages in the production of the Local Plan and these are explained, with how you can get involved, below:

Stage One – Researching/ Gathering Evidence

12. This process involves Officers researching and gathering evidence to guide what is necessary to be included in the Local Plan. This may involve processes such as the Call for Sites in which interested landowners and their agents can suggest their land for future development allocations.
13. Stakeholder briefings/ workshops will also be held to make sure that the Council gets as many public opinions at an early stage as possible; particularly in relation to the supporting evidence base documents. Dedicated briefings and workshops will be held for evidence base reports and findings from our consultants; for example the Strategic Land Availability Assessment and the Open Space Strategy. In the case of the Heritage Review evidence base document a dedicated consultation will take place with interested groups, including local amenity groups, early on in the process. Town and Parish Councils and agents have also been involved in these process.
14. This will also help to make sure that the information used can be seen as 'robust' by the Inspector towards the latter stage of the processes.

Community Visioning

15. 'Community Visioning' is a consultation and public engagement exercise which is undertaken by the Council to understand their views on the issues within the District as well as the priorities for the next 20 years. This took place from November 2010 to January 2011. In order to publicise this event we used the consultation methods mentioned previously in paragraph 3.
16. The Council will use the same techniques to consult on the latter stages of the Local Plan process.

The outcome of the Visioning exercise can be found on the Council's website (<http://www.eppingforestdc.gov.uk/planningourfuture/default.asp>).

Stage Two - Issues and Options Preparation

17. The Council will draft an Issues and Options document. The document will include ideas that have been raised as part of the Community Visioning exercise, as well as ideas and issues we have to consult upon by law. There will be a range of different options to try and gauge public opinion on certain issues such as housing targets, green infrastructure and transport.. This can later be used to decide whether our strategic direction/vision for the District continues to be in line with public opinion and what specific Development Management policies are going to be included in the Local Plan document.

Stage Three - First Public Consultation (Issues & Options)

18. This consultation will run for a minimum of 6 weeks and will be open to comments from both consultees and the general public. We will update the website regularly to ensure the public know in plenty of time when the consultation will start. This will also outline how representations can be made and where to get further information.
19. For statutory consultees a formal letter will set out the subject of the Local Plan and invite representations.
20. For the general public there will be a series of workshops which will take place at various locations around the district at a variety of times. Times will include evening and weekends as well as day time sessions to try and make sure all sections of the community are able to attend if they wish.
21. All documents will also be available at the Council Offices, libraries within the District and the Councils website. We will also advertise the consultation via local media, including local papers and social media such as Twitter.
22. Documents can be provided in other formats where required, including large print.

Stage Four – Draft Plan Preparation (Preferred Options)

23. Once consultation responses have been received the Forward Planning team will take account of the comments made and develop the policies with these in mind. Consultation comments must not be deemed discriminatory as these will not be accepted. Comments made on the Draft Plan will be made available to view on the Councils website and further information will be given about the next stage of the process. The Council will send out a newsletter to all those who have submitted comments to the process to ensure they are kept up to date. This will be done largely via email, but where email addresses have not been supplied they will be sent out to home/ business addresses.

Stage Five – Second Public Consultation

24. The second consultation period will again be for a minimum of 6 weeks and it is the final opportunity for the general public and stakeholders to have their say on the document. It is hoped that due to the previous consultation process any comments at this stage will be concentrated on issues such as changes in wording.
25. If people have commented on the first consultation an letter/ email will be sent to them personally to tell them the details of the consultation period, including dates, times and locations. The consultation will also be advertised by the same means as the first one and the website regularly updated.
26. Given that the draft document will have been produced in line with the previous consultation the document at this stage should be considered 'sound'. There is no legal definition of 'sound' but it means that the document can be justified, is a balanced assessment taking into account all information

including public consultations, and agrees with National Policy. It is this that the Inspector considers at the Examination in Public, towards the end of the process.

Stage Six - Plan Preparation

27. During this stage all comments made during the second round of consultations will be taken into account where possible. These comments will again be able to viewed on the Councils website and a newsletter once again produced detailing the next steps.
28. The Council Officers will then amend any text or diagrams accordingly. The final document will then be agreed by Committee before being sent to the Planning Inspectorate.

Stage Seven - Submission to the Planning Inspectorate for Examination

29. Epping Forest District Council must submit one paper and one electronic copy of all the documents to the Secretary of State for examination. A summary of the main issues raised in the consultation responses and who was consulted will also be supplied. As soon as the Council has dates of when the Examination in Public is likely to be these will be published on our website, as well as Social Media. Closer to the date we will also ensure that the Examination is advertised in the local paper.

Stage Eight - Examination Period

30. An independent Inspector from the Planning Inspectorate will look at whether the Local Plan and its supporting documents are acceptable and in line with planning guidance.
31. They will make sure that all evidence has been collected in the correct way and that the main issues of the consultation have been investigated and taken into account.
32. When Epping Forest District Council submits the documents for examination copies of the document will be available of the Website, at the Civic Offices and in public libraries. An advert will be put in the local paper giving notice that it has submitted the document.
33. At this point comments are able to be made via a form on the Council's website or there will be a paper copy of the form available within the same locations as the documents. A guidance note will also be provided to help fill in the form and also with details of where and when to send the form in.
34. The Inspector will decide whether to hold the examination as a 'round-table' discussion or as a hearing. Round-table discussions allow people to talk informally on a variety of issues. A hearing tries to focus the discussions and is usually used where there are strongly opposed views, where people are supported by legal representation or where evidence may need to be formally tested.
35. In addition to the methods mentioned above written representations will also be taken into account with the people that have an interest in the document. Written representations are treated with equal importance. Any

representations should be based on why the document is unsound and the changes that you think are needed to make it sound. Representations made cannot remain confidential as the examination is a public process.

36. The length of the examination will depend on how complicated the document is and also the representations made. However the Council will try and keep the public informed as much as possible via the Councils website and the local newspaper with regards to possible timeframes.

Stage Nine – Adoption/ Redo

37. A decision should be made by the Inspector within 12 months from when the document is submitted.
38. Once the Inspector has come to their decision about the ‘soundness’ of the Local Plan it will either be adopted or the Council will have to amend certain sections based on their recommendations.
39. The Council will publish the Inspectors report and inform those people that wanted to be made aware of its publication that it is available. The report will also be made available in the Civic Offices, as well as on the Council website and other venues such as public libraries.
40. When adopted the Local Plan will replace any local existing guidance, including the Local Plan Alterations of 2006.

Planning Applications

The Pre-Application Stage

41. Depending on the size or how controversial a planning application is will determine what pre-consultation methods are used. Pre-consultation is not generally required by law, subject to the Localism Act and concerning major development and infrastructure projects. However early engagement is encouraged and often allows issues that might be a problem later to be solved before an application is submitted. If any more information is needed about this please contact a member of the Planning Development Control Team (Contact Details are contained within the Appendix)

The Application Stage

Public Consultation on Planning Applications

42. There are four ways that the Council will publicise planning applications once they have been formally submitted, these are:
- Advertisements in local papers;
 - Site notices;
 - Weekly planning application lists;
 - Notification to neighbours by letter.
43. The Council is also required to consult statutory bodies, for example Town and Parish Councils, infrastructure providers and environmental groups, on certain planning applications. As a minimum the Council will notify all properties that share a boundary with the application site of a planning application.
44. The planning applications can be viewed at the Council Offices or via the Councils website. Neighbours are given 21 days to comment.

The Decision Stage

45. Once a decision on an application has been reached the Council will write to anyone who has made a representation and let them know the outcome.
46. The Council should decide your application within 8 weeks of accepting it as valid, For major developments it is 13 weeks. If you have agreed with the Council, in writing, a period longer than 8 or 13 weeks, but we have failed to decide your application the Planning Inspectorate must receive your appeal within 6 months of the end of that extended period.

The Post-Application Stage

47. The applicant can appeal the decision. For Household applications this has to be done within 12 weeks of the decision and for other applications the time limit is 6 months. Third parties do not have a right of appeal.
48. If the applicant wishes to appeal the decision there are three methods to choose from:
- Written Representations;
 - Hearing;
 - Inquiry.
49. The Applicant and Epping Council will be able to pick which appeal method is most appropriate, depending on the circumstances. More information about

what is involved in each method is available on the Planning Portal website or the Councils website.

50. If an appeal is lodged and you have commented on a householder or non-householder application you will be notified. However you will only be invited to make further comments in the case of appeals relating to non-householder applications.

Appendix

Planning Contact Details

General Queries:

Epping Forest District Council Main Reception:

Tel: 01992 564000

If you wish to contact the Planning Directorate you can ring the Councils Main Reception and ask to be put through to the Planning Reception (Extension Number 3140) between the hours of 0900 and 1300.

If you wish to contact us via email: contactplanning@eppingforestdc.gov.uk

Or alternatively you can fax us on: 01992 564229

Forward Planning:

For issues relating to the Local Plan or Planning Policies you can contact the Forward Planning Team, Monday to Friday between the hours of 0900 and 1700:

Tel: 01992 564517

Email: Ldfconsult@eppingforestdc.gov.uk

Development Control:

For queries relating to planning applications, permissions or appeals these should be directed to the Development Control Team.

Between the hours of 1030 and 1300 Monday to Friday you can contact the Duty Officer on 01992 564477

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Report to the Local Plan Cabinet Committee



Report reference: *LPC-002-2012/13*
Date of meeting: *2 July 2012*

**Epping Forest
District Council**

Portfolio: Planning
Subject: Local Plan – Issues & Options Consultation Document
Responsible Officer: Amanda Thorn (01992 564543)
Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

- (1) To agree that the “Community Choices – Issues & Options” document can be published for consultation, and that the Portfolio Holder for Planning be authorised to agree any further minor amendments which may be necessary;**
- (2) To agree that the Sustainability Appraisal of the Issues & Options document prepared by Scott Wilson/URS can be published for consultation;**
- (3) To agree that the consultation period will run for 8 weeks from Monday 30 July to Friday 21 September 2012; and**
- (4) To agree the draft questions attached to this report to guide responses to this consultation document, and to authorise the Portfolio Holder for Planning to agree further minor amendments prior to the commencement of the consultation period.**

Executive Summary:

Following the publication of the National Planning Policy Framework (NPPF) in March 2012, the Council is required to produce an up to date Local Plan. The timetable is challenging, but necessary to ensure that the district has continued Local Plan coverage.

Community Choices covers a wide range of issues including options for potential growth targets, possible distribution patterns and locations for growth. It also identifies a number of policy issues which need to be addressed, including Green Belt, historic and natural character, transport, economic development and the Community Infrastructure Levy.

The proposed consultation period will be between 30 July and 21 September 2012.

Reasons for Proposed Decision:

To meet the timetable as previously agreed by Members to prepare a new Local Plan for the District as quickly as possible.

Other Options for Action:

To agree the Community Choices consultation document for public consultation with some amendments

Not to agree the Community Choices consultation document for public consultation

To require that Scott Wilson/URS undertake further work on the prepared Sustainability Appraisal prior to public consultation

Not to agree that the Sustainability Appraisal is published for public consultation

To require an alternative period of public consultation.

To not agree the draft consultation questions for publication, or to agree the questions with some amendments.

All of the above alternative options would cause a delay to the publication of the Community Choices – Issues & Options consultation document, and would therefore cause delay to the overall timetable for achieving an adopted Local Plan.

Report:

1. The Council has made a commitment to replace the existing Local Plan. This is largely in response to the publication of the National Planning Policy Framework (NPPF – March 2012), but also to reflect a need for the District to accommodate necessary growth in a planned manner, rather than in an ad hoc response to planning applications.

2. The NPPF replaces all of the previous Planning Policy Guidance notes and all but one of the Planning Policy Statements with a single shorter document. By its nature, the guidance that is provided is more succinct, leaving much detail to be covered in Local Plans. The NPPF gives a short transitional period until March 2013. After this date the adopted Local Plan policies (1998 and Alterations 2006) will no longer be in effect if they are not in conformity with the NPPF. It is therefore vital that in order to protect the most sensitive parts of the district, a revised Local Plan is put in place as quickly as possible. The emerging Local Plan will cover the period to 2033.

3. Previous reports to this Cabinet Committee (and its predecessor – LDF Cabinet Committee) have set out a challenging timetable which seeks to produce a Local Plan as quickly as possible. The first stage is to consult on the Issues & Options paper. This consultation period seeks views on the issues, determining whether those identified are the correct ones; and invites comments on the potential options available to address these issues.

“Community Choices” – the Issues & Options paper

4. The proposed consultation document is contained within Appendix 1. It must be stressed that the Issues & Options consultation document is not a policy document, and at this stage does not commit the Council to any particular course of action. The options presented here are those that are considered reasonable for further investigation, and may eventually form part of the final Local Plan. Issues have been identified on the basis of the available evidence, and responses received from the Community Visioning exercise undertaken at the end of 2010.

5. The draft document proposed for consultation is split into a number of chapters which set out the key issues and potential options for the District up to 2033.

6. Chapters 1 and 2 introduce the document, and provide a series of key facts about the District to establish the context within which the Local Plan is being prepared. General figures

are included around historic and estimated population growth, migration, and key features of the District. There are also a number of brief profiles on the largest settlements in the district, identifying key features. The draft Vision and Aims are included at the end of this section. The LDF Cabinet Committee was asked to agree draft Vision, Aims and Objectives for the Core Strategy in August 2011. Now that the Council is preparing a full Local Plan rather than a Core Strategy, a slightly different approach is required. Whilst the general direction of the agreed Vision, Aims and Objectives has been retained, the detailed wording has not been at this stage. The detailed objectives will follow as the Local Plan is prepared, and will be informed by the consultation responses received over the summer.

7. Chapter 3 concerns the Green Belt and the character of the District. The continued protection of the Green Belt is the priority for residents of the District, and therefore this issue is addressed at the outset and the potential options for growth later in the document are included with this in mind. It is clear that amendments to the Green Belt boundary will be needed in the period to 2033 to accommodate the growth needs of the District. No significant changes to the Green Belt boundaries in the district have been made since they were first established, and no housing or employment land allocations have been made since the last full Local Plan was adopted in 1998.

8. One of the key principles of Green Belt policy is to maintain separation of Distinct settlements. The draft consultation document includes a number of areas that could be identified as “Strategic Green Belt Gaps” in order to protect this element of separation. These are primarily in the south of the District, separating Buckhurst Hill, Loughton, Theydon Bois and Epping. There are further areas around Chigwell where the inner Green Belt boundary prevents the outward spread of the Greater London area, and between the western edge of Harlow and Roydon.

9. Chapter 4 presents the reasonable options for the levels of growth that could be included in the Local Plan, and the potential strategies for distribution of this growth. In the longer term the East of England Plan (EEP) is due to be abolished, but this has not yet happened and no timetable has been published by CLG for this. In the meantime, the EEP remains part of the Development Plan for the district, and the Council must continue to take this into account. However, the NPPF (para 47) requires that Local Plans must meet “...the full, objectively assessed needs for market and affordable housing...”. In order to investigate this fully, the Community Choices document also includes alternative options for levels of growth based on population projections using different assumptions which would determine the appropriate level of growth. Three possible targets for housing growth are included within the document, covering a range of between 7,700 and 11,500 new homes.

10. Less detailed information about job growth is known at this stage. Potential options have been presented from the information available within the Employment Land Review and Town Centres Study (3,960 jobs), and secondly the East of England Plan review (3,917 jobs). Officers are aware that further research will be needed, both in terms of updating available evidence to take into account the changes in the economic markets over last few years, and to investigate in more detail the types of business that already exist within the District. This work should also look at any aspirations the Council or businesses may have for creating economic clusters that do not currently exist within the District.

11. Epping Forest Council, in common with all local authorities in England, must make planned provision for growth, and is required to be able to demonstrate 5-years of housing land supply at any point. If this land supply cannot be shown, the Council will be in a much weaker position to refuse planning applications for development which is considered inappropriate.

12. Further to a consideration of overall growth targets, the Community Choices

document also presents a number of possible distribution options. Key decisions that must be taken early in the preparation of the Local Plan are whether (i) growth on the periphery of Harlow should be supported, and (ii) land should be allocated for development on the boundaries of Harlow but within Epping Forest District. Whilst the EEP is due to be abolished, growth in this area can still be considered as a reasonable option for the Local Plan. Under the Localism Act 2011 the Council has a “Duty to Cooperate” with adjoining authorities, and Harlow Council has continued to make clear its aspiration for regeneration within the town. A level of growth to help to deliver this regeneration may be appropriate. Five potential options for directions of growth around Harlow, within Epping Forest district, have been identified at this stage, drawing on evidence that has been jointly prepared between Epping Forest, Harlow & East Herts Councils.

13. In considering the remainder of Epping Forest District, a number of potential spatial distribution options have been identified. All of these have been presented both including and excluding growth on the periphery of Harlow, therefore demonstrating the potential impact on the remainder of the District. Taking into account the findings of the Community Visioning exercise previously completed, a proportionate distribution pattern was investigated – i.e. the largest towns would accommodate the largest level of growth. However, it was clear from the outset that the largest town in the District (Loughton) is the most constrained. Epping Forest is to the north west, with the River Roding flood plain to the south east, and small but strategic areas of Green Belt to the south west and north east. It is therefore not reasonable to take a proportionate distribution pattern forward as it cannot be delivered. The options that have been included take into account the currently identified capacity in Loughton and Buckhurst Hill, and whilst further land may be identified throughout the continued preparation of the Local Plan, at this stage this is the best available information.

14. The spatial options that have been identified are:

- (a) Proportionate distribution;
- (b) Transport focus – Proportionate distribution;
- (c) Transport focus – Equal distribution;
- (d) Development focus away from Central Line - Proportionate distribution;
- (e) Development focus away from Central Line – Equal distribution;
- (f) Large settlements - Proportionate distribution; and
- (g) Large settlements – Equal distribution.

15. It is also possible for respondents to the consultation to suggest alternative growth targets and distribution patterns, although these must be supported by robust and up-to-date evidence.

16. An analysis of the potential opportunity areas within existing settlements, and possible areas for expansion outside of existing towns and villages, is presented. It is important to stress at this point that the Council is required to consider **all reasonable options** during the preparation of the Local Plan, and as a result significantly more land than would be required under any of the growth options has been identified. For the majority of these areas, a change in policy approach will be required in order to deliver development. Within existing settlements, such changes could include possible alterations to existing designated employment areas or leisure uses.

17. In considering the possible areas for expansion of towns and villages, all of these areas are within the Green Belt. For most of these areas there will be existing constraints of various kinds which could preclude development in whole or in part. At this stage, it is important that every reasonable option is fully considered in an open and transparent way.

18. The consultation process will request that residents and other stakeholders provide comments and evidence on their preferences for the future growth of the District. It is also an opportunity for additional growth areas to be suggested at this point.

19. Chapter 5 considers the issues around the delivery of new housing in the district, including density, the provision of affordable housing, design and sustainability. The Council must also consider the most appropriate way of making provision in future for the Gypsy, Roma & Traveller communities. Options on this latter issue are provided within the consultation document for comment (paragraph 5.7).

20. Chapter 6 identifies the issues relating to economic development, including town centres, employment land and the rural economy. Short profiles for each of the main town centres are presented, including potential opportunities for change (in connection with identified opportunity areas in Chapter 4). As per paragraph 10 of this report, less information is known at present about the numbers and types of new jobs that may be needed in the district over the period to 2033, although some general trends are identified. For the rural areas of the district, any provision of economic opportunities will need to be balanced against Green Belt policy. One of the key issues to be addressed by the Local Plan is the policy approach that should be taken to the horticultural glasshouse industry in the western part of the District. The Council has had a long standing policy of containing this use to particular areas, although it is becoming clear that the needs of the industry are changing significantly. There are a number of issues that need to be addressed around the future of the industry, and managing the decline of (in particular) the smaller sites that are no longer in use for horticulture.

21. Chapter 7 identifies issues around transport and movement, particularly recognising that congestion on local roads, the capacity of the Central Line, and HGV traffic in rural areas are significant issues for the District.

22. The potential introduction of the Community Infrastructure Levy (CIL) (Chapter 8) is a key part of the new Local Plan. From April 2014 CIL will largely replace Section 106 agreements as the mechanism for levying payments from new development for the provision of infrastructure (including community infrastructure) in association with the grant of planning permission, other than for the securing of payments for on-site requirements and affordable housing. The setting up and adoption of a CIL charging regime needs to be prepared in conjunction with the Infrastructure Delivery Plan (IDP) that is a key part of the Local Plan. The IDP will identify the infrastructure that is currently planned and budgeted for by providers, and will identify what else is needed in the district to support new or existing development. Any CIL payments introduced by the Council would then be used to fund infrastructure and community benefits which are not already funded from capital programmes.

23. Finally, Climate Change (Chapter 9) and Community Facilities (Chapter 10) are addressed. Identified issues include addressing and mitigating against the impacts of climate change within new development, flood risk management and carbon reduction. In respect of Community Facilities issues include methods by which existing services can be protected and retained, and where new facilities could be provided. This includes matters of accessibility and location.

Sustainability Appraisal

24. All local plans are required to be assessed in accordance with the European Strategic Environmental Assessment Regulations, which have been included within Sustainability Appraisal requirements in England. Scott Wilson/URS have been retained to prepare the Sustainability Appraisal of the Issues & Options consultation document, and have produced a broad assessment of the options that have been put forward at this stage. This assessment considers the advantages and disadvantages of those options, and provides information which will be used in determining which are most appropriate for the District. The Sustainability Appraisal process will be used in conjunction with the outcomes of public consultation and further technical research.

25. The Sustainability Appraisal will be available for comment during the consultation period, and will be published as a supplementary Appendix to this agenda when it is completed.

Consultation arrangements

26. Subject to the agreement of this Cabinet Committee, the consultation period for the Issues & Options will be between **Monday 30 July** and **Friday 21 September 2012**. Officers accept that holding the consultation period over the main holiday period, when there are a number of major sporting events being held, is not ideal. However, it is necessary in order to achieve the quick preparation of the Local Plan. For this reason, the consultation period has been extended from the statutory minimum of 6 weeks to 8 weeks.

27. Consultation documentation will be published on the Council's website, and respondents will be encouraged to submit comments using a new online consultation system. Hard copies can be made available on request, and copies will be deposited at a number of locations around the District for those that do not have access to the internet.

28. A number of methods will be used to advertise the consultation and encourage residents and key stakeholders to get involved. The methods that will be used include:

- (a) extensive use of the Council's website, including Facebook and Twitter where appropriate;
- (b) information leaflet delivered to every household and business address in the District;
- (c) letter/email to residents, businesses and interested parties that have registered on the Local Plan Consultee Database to advise that the consultation period has started;
- (d) mailshot to statutory undertakers and other key stakeholders;
- (e) leaflets handed out at Central Line stations – commuters have previously been identified as a “hard to reach” group;
- (f) exhibitions and workshops held in various locations around the District – these will be held at the beginning of September so that the main holiday period is avoided;
- (g) positive engagement with Town / Parish Councils, including specific meetings to ensure the key messages and reasons are understood; and
- (h) press briefings / releases as necessary.

29. It is important that the consultation questions strike the right balance between allowing

residents and stakeholders to give their full responses, but ensuring that these responses can be easily analysed in order to meet the overall timetable for preparation of the Local Plan. Draft questions are attached at Appendix 2. The questions will be published as part of the online system referred to above, and paper versions of the questionnaire will be available on request.

Next Steps

30. Following the end of the consultation period, the responses received, and the findings of the Sustainability Appraisal and any further technical studies, will be used to bring forward a Preferred Strategy. It is currently intended that this next step will be published for consultation from January 2013.

Resource Implications:

Within identified Local Plan budget as revised – Cabinet 11 June 2012

Legal and Governance Implications:

Preparation of a Local Plan is required by the Planning & Compulsory Purchase Act (2004) as amended.

Safer, Cleaner and Greener Implications:

The Local Plan seeks to plan for the necessary growth of the district over the period to 2033, taking into account the character of the district and the existing infrastructure constraints.

Consultation Undertaken:

Some consultation and briefing sessions have been held for relevant stakeholders on a number of evidence base documents in the recent past.

Informal consultation has been undertaken with Management Board and Cabinet.

Background Papers:

Previous reports to Local Development Framework Cabinet Committee

National Planning Policy Framework (March 2012) -

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Impact Assessments:

Risk Management

None identified.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?

No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?

*** An Equality Impact Assessment will be carried out prior to the commencement of the Issues & Options consultation period ***

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

**PROTOCOL ON CONSIDERATION AND REPORTING ON EXECUTIVE DECISIONS
CALLED IN BY OVERVIEW AND SCRUTINY****1. Purpose of Protocol**

- (a) To codify how the Overview and Scrutiny Committee or delegated Panel should deal with "call in" items.
- (b) To codify how the Executive should respond to reports by Overview and Scrutiny on decisions which have been called in.

2. Validation of "Call In"

- 2.1 All "call in" requests shall be made in writing in accordance with the Council's constitution. "Call in" requests shall only be made by members of the Council who are not members of the Executive. The "call in" shall be validated by the Chief Executive and referred to the Overview and Scrutiny Committee for consideration in accordance with the provisions of the constitution.

3. Consideration of "Call In" Items by Overview and Scrutiny Committee

- 3.1 Consideration of Call-ins shall be the responsibility of the Overview and Scrutiny Committee which will decide whether to consider the issue itself or direct a Panel to undertake it and report back to the decision maker. "Call in" items shall be referred to the next available date for the Overview and Scrutiny Committee or delegated Panel. The provisions of the Overview and Scrutiny Rules in the Council's constitution will apply to "call in" requests which need to be dealt with more quickly.
- 3.2 At its meeting, the Overview and Scrutiny Committee or delegated Panel will receive:
 - (a) copies of all documentation submitted to the Executive on which the decision was based;
 - (b) a copy of the written notification of the "call in" including the names of the relevant Councillors who requested the "call in" and their grounds for so doing; and
 - (c) any other relevant documentation.
- 3.3 The relevant Executive Portfolio Holder and at least one of the members who activated the "call in" and who shall act as spokesperson for those members, shall attend the Overview and Scrutiny Committee or delegated Panel meeting.
- 3.4 The "call in" decision shall be considered in the following manner:
 - (a) the representative of the Councillors calling in the decision shall describe their concerns;
 - (b) the Portfolio Holder shall then respond

- (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
- (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
- (i) confirm the decision, which may then be implemented immediately, or
 - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
 - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;
- (i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker
- (j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and
- (k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.
- (l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

4. Consideration of Reports on "Call In" Items by the Executive

- 4.1 The report of an Overview and Scrutiny Committee or delegated Panel will be referred in the first instance to the relevant Portfolio Holder(s) for the executive function concerned.
- 4.2 If the Executive decision is one which the Portfolio Holder(s) has delegated powers to make, he or she shall consider the written proposals of the Overview and Scrutiny Committee or delegated Panel, must consult the Overview and Scrutiny Committee and delegated Panel Chairmen if he or she is minded to accept or reject them. In doing so the Portfolio Holder will ensure that, in recording that decision, the reasons for accepting, rejecting or amending those views are set out in the decision notice.
- 4.3 If the Executive decision is one which the Executive itself or a Committee of the Executive (acting under delegated powers) is competent to take, the relevant Portfolio Holder will consider the proposals of the Overview and Scrutiny Committee or delegated Panel and refer them, with his or her written response, to the decision making body concerned.
- 4.4 At a meeting of the Executive or of any Committee of the Executive, the following documentation shall be submitted:
- (a) the agreed report of the Overview and Scrutiny Committee or delegated Panel and any other supporting documents considered by it;
 - (b) a report of the Portfolio Holder indicating the response to the proposals of the Overview and Scrutiny Committee or delegated Panel, indicating the options available and recommendation for acceptance, rejection or alteration of those proposals with reasons; and
 - (c) any other information.
- 4.5 The Executive or Committee of the Executive shall consider the matter as follows:
- (a) the Chairman of the Overview and Scrutiny Committee or delegated Panel shall present the views and recommendations of the Committee/Panel based on the report of the relevant OSC meeting and respond to questions, make general comments and respond to new proposals as appropriate;
 - (b) the relevant Portfolio Holder shall then respond by presenting his report and recommendations on the proposals of the Overview and Scrutiny Committee or delegated Panel;
 - (c) the Executive (or Committee thereof) shall then consider the original decision, the views of the Overview and Scrutiny Committee or delegated Panel and any proposals by the Portfolio Holder; and
 - (d) the Executive (or Executive Committee) will then make a final decision on whether to re-affirm the original decision, amend the original decision or substitute a new decision. This decision shall be recorded in the minutes of the meeting together with supporting reasons.
- 4.6 Where a Committee of the Executive is required to report to the full Executive on any matter, it shall submit a recommendation on action proposed to the Executive as part of the minutes of the meeting.

5. Implementation of Decisions When Cabinet Control or Membership Changes

- 5.1 Notwithstanding the provisions of paragraphs 3.4(g) and (h) above, where political control of the Cabinet or Cabinet membership changes following the Annual Council meeting each year, any decision made by the Executive and supported by the Overview and Scrutiny Committee or delegated Panel following a "call-in" but not implemented before the changes occur, shall stand referred to the Cabinet for further review before action is taken.

6. Consideration of "Call In" Reports of Overview and Scrutiny Committees made to the Full Council

- 6.1 In some circumstances, the Overview and Scrutiny Committee or delegated Panel may choose to refer the results of their consideration of "call in" items to the full Council, rather than the Executive in those instances set out in paragraph 3.4 (d) (iii) above and 6.2 below. With any necessary modification the "call in" shall be dealt with at the Council meeting in accordance with paragraphs 4.1 - 4.5 above.
- 6.2 In considering whether to report to the full Council, the Overview and Scrutiny Committee or delegated Panel shall take account of the advice of the proper officer on:
- (a) whether the Council may properly determine the matter if the function is delegated to the Executive;
 - (b) whether the Executive decision affects the policy or budget framework of the Authority and should properly be determined by the Council;
 - (c) whether the Executive decision relates to a matter which either reserved to the full Council by the constitution or by resolution; and
 - (d) any other advice which indicates that, for whatever reason, a report to the Executive is more appropriate to the proper despatch of Council business.

7. Restriction on "Call In"

- 7.1 The Overview and Scrutiny Committee shall at all times be aware that the decisions of the regulatory or non-executive bodies of the Council are not subject to "call in".
- 7.2 The "call in" procedure shall also not apply to any recommendation by the Cabinet to the full Council.

8. Definitions

8.1 For the purpose of this Protocol, the following definitions shall apply:

(a) "Executive"

This term should be interpreted as referring to the Cabinet, a Cabinet Committee or an individual Portfolio Holder acting under delegated powers.

(b) "Decision"

Denotes a decision on an Executive function by the Cabinet, a Committee of the Cabinet or of an individual Portfolio Holder.

(c) "Decision Taker"

This means the Cabinet, a Cabinet Committee or an individual Portfolio Holder who made the original decision.

9. Review of Protocol

9.1 This Protocol will be reviewed by the Council as part of its constitution as and when appropriate.

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