

# **Supplementary Committee Agenda**



## **Planning Services Scrutiny Panel Tuesday, 8th July, 2014**

**Place:** Committee Room 1, Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Committee Secretary:** Mark Jenkins - Directorate of Governance  
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### **7. UPDATE ON LOCAL DEVELOPMENT SCHEME (Pages 3 - 12)**

(Director of Neighbourhoods) Report attached.

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## Report – Update on Local Development Scheme

### 1. Introduction:

Contained within the Terms of Reference of the Planning Scrutiny Panel is a requirement to monitor and receive reports on the delivery of the Local Plan. This report provides an update on a number of issues in relation to the development of the Plan and provides an opportunity for the Panel to review and comment on the a draft of the revised Local Development Scheme, which is due to be considered by the Cabinet on the 21 July 2014.

### 2. Report:

#### Local Development Scheme:

The Localism Act 2011 amended the provisions set out in the Planning & Compulsory Purchase Act 2004. However, S.111 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 lists and programmes all relevant 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.

The last local development scheme was formerly adopted by the Council in July 2013. This set out the proposed programme for the preparation of a single document i.e. the Epping Forest Local Plan, to provide a framework for the future development of the district, to include strategic vision and policies, for the period up to 2031. The plan will also contain 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.

Since the publication of the local development scheme in July 2013, the Council has made good progress in developing the evidence base and the development of reasonable alternative options for testing. Further details are provided later in the Report. However, the publication of new population projections and census data has led to a need to update our Strategic Housing Market Assessment in order to identify our Objectively Assessed Housing Need in accordance with national guidance. This is being commissioned in conjunction with three other authorities within our housing market area and has led to some delay.

It is proposed that the appended scheme 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 examination in October 2016.

A copy of the draft LDS is attached at Appendix 1 of the report, which contains an indicative timetable. Members should recognise that this draft has yet to be considered by Cabinet. As the Cabinet Agenda is yet to be published, the final document may contain some further amendments or alterations.

### **Progress on Evidence Based Work and Other Issues:**

#### **Green Belt Review:**

A proposed initial methodology for the Green Belt Review in the District was reported and approved by the Local Plan Cabinet Committee on 3 September 2012. However, there have been a number of Local Plan Examinations in Public (EiPs) which provide insight into the approach the Planning Inspectorate expects when a local planning authority undertakes a Green Belt review. An example of this is the Dacorum Core Strategy EiP (July 2013) whereby the Inspector clearly expected a comprehensive review of the Green belt to be undertaken by the Council before the release of Green belt. Given the stage of plan making that has been reached, officers have therefore updated the methodology and sought to extend the work already undertaken beyond the existing settlement boundaries and SLAA sites to encompass the entire district.

The main purpose of the additional work is to undertake a comprehensive high-level review of all Green Belt land across the District to identify the contribution of all Green Belt as stipulated in the NPPF. It will identify both the primary functions of the Green Belt, which deliver the national purposes, and identify areas of Green belt land which are considered to contribute least towards national purposes using the same criteria as used in the previous work undertaken. Cabinet agreed the revised Green Belt Methodology on the 23<sup>rd</sup> June, introducing an additional stage of consultation with Town and Parish Councils.

#### **Other Authorities Consultation:**

Responses have been prepared to the recent publication (17 April) of the Pre-Submission Local Plan for Uttlesford (the closing date for representations was 2 June 2014) and to the Harlow Emerging Strategy and Further Options consultation which ran between Monday 14 April to Friday 30 May 2014. As consultation was during the pre election period when there were no committees scheduled these were signed off by the Portfolio Holder.

#### **Duty to Co-operate:**

The Duty to Co-operate is a key consideration of the NPPF in relation to meeting Objectively Assessed Housing Need across any Strategic Housing Market Area (SHMA). A SHMA/Duty to Co-operate Group has been established with neighbouring authorities. The meeting is Chaired by the Chief Executive and has recently widened its brief to include other cross boundary issues including the approach to green belt reviews, identifying functional economic areas, and is being used as a mechanism for sharing methodologies for

undertaking these pieces of work. It is providing at officer level a very useful forum for dealing with duty to co-operate matters in a positive manner and its objectives are being revised to reflect this.

The next stage will be to establish a more formal forum for elected Members to engage in the Duty to Co-operate.

### **Options for Growth – Transport Testing:**

Following a briefing with Members in February 2014, on using sustainability appraisal to support the development of reasonable alternative options, officers have worked with the retained consultants to progress the development of potential options so that initial transport testing can be progressed. We have provided Essex County Council with the information to test three hypothetical growth options based on the Edge Analytics population projection work undertaken in July 2013 i.e. low growth, moderate growth and ambitious growth, and for each to test two different spatial scenarios i.e. distributions. It is anticipated that we will have initial results back on this first cut of options by the end of June.

### **North Weald Bassett Masterplanning Exercise:**

Building on the success of the public consultation exercise in January, the Council's Masterplanning consultants have developed a range of options for the improvement of community infrastructure in North Weald, as highlighted by residents, along with the necessary growth scenarios in terms of houses and employment to deliver. An exhibition was held at North Weald Village hall on the 28 June and was well attended by the local community. Feedback from the event will be fed into the final report, which is planned for formal adoption into the Local Plan evidence base in September.

### **Economic and Employment Study:**

Specialist consultants Hardisty Jones have been commissioned to undertake further work on economic and employment evidence to support both the Local Plan and Economic Development Strategy. It is hoped that the work will be ready for final consideration by December 2014.

### **Developer Briefings:**

In conjunction with Harlow and East Herts Councils, Developer Briefings were held in April and May 2014, to allow those who have put forward large SLAA sites on the edge of Harlow to set out their current thinking on their proposals for the development of these sites. This will assist in assessing which sites are deliverable (an important test at examination), the timing of delivery, and any infrastructure requirements. Harlow and ourselves have made a formal approach to ATLAS (Advisory Team for Large Applications, which is part of the HCA) requesting their support in handling proposals for major sites, as part of the Large Sites Infrastructure programme. A response is expected later in the summer.

### **Neighbourhood Plans:**

Moreton, Bobbingworth and the Lavers have recently consulted on their draft Neighbourhood Plan, and we have been advised that, following amendments to take account of comments, and the Council should receive a copy shortly. The Parish have agreed to use the critical friend service provided by the NPIERS Panel of Neighbourhood Plan Examiners to review the draft Plan.

Theydon Bois Parish have applied to be designated as a Neighbourhood Area in order to progress with a Neighbourhood Plan – the consultation period closes on 8 July and a report will go to the July Cabinet.

### **Risk Register:**

The risk register for the plan has been updated and is attached. Risk 1 staffing remains a high risk until a new structure is in place and any consequential recruitment. The team are currently carrying vacancies for 2 planning officers, and there is a shortfall in senior officer capacity in the team. A senior planning officer departs in mid July. Risk 2 remains high given the emerging GTAA work which early indication suggests that EFDC may potentially be required to provide a number of new pitches. Risk 3 has increased due to the likelihood that limited progress will be made as a result of the pre-election period, and there will need to bring any new Members up to speed, and the time that may be needed by Members to agree an objectively assessed housing need range and consider their preferred option. Risk 4 around the duty to co-operate remains high although good progress has recently been made with Harlow and the SHMA authorities. Risk 5 has reduced with the completion of the development of the transport model.

# **Epping Forest District Council Local Development Scheme Adopted July 2014**

The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to prepare and maintain a local development scheme setting out the development plan documents it intends to prepare together with details and a timetable for their preparation. This document seeks to provide that information.

The Council's first local development scheme was published in March 2005, and was reviewed in October 2007. This scheme proposed a number of development plan documents: a core strategy DPD, land allocations DPD and two action area plans. The most recent Local Development Scheme was adopted in July 2013: this proposed to produce a single document – the Epping Forest Local Plan. The timetable for this has changed and the scheme set out below supersedes the 2013 local development scheme.

## **The present policy position**

The Government published the National Planning Policy Framework in March 2012 which replaced a significant amount of detailed national policy. The current Local Plan was adopted in January 1998. Alterations to that Plan were adopted on 10 July 2006 and have superseded or changed some of the policies in the adopted 1998 Local Plan. The remaining policies in the Local Plan will be used in conjunction with the Local Plan Alterations as the local planning policies for this District and given weight in accordance with the degree to which the policies are deemed to be compliant with the National Planning Policy Framework. Those policies rated as compliant, generally compliant or partially compliant will continue to be used until the adoption of the new Local Plan supersedes them.

The Council is progressing with the preparation of a single district wide local plan. This new Local Plan for the area therefore will determine the amount and distribution of development and policies related to development but must be in general conformity with national policy.

Planning for minerals and waste will continue to be undertaken by Essex County Council, and it will produce its own Local Development Scheme for the future production and review of a Minerals Development Framework and a Waste Development Framework. Epping Forest District Council will continue to be a consultee during production of these.

## **Preparing the new Local Plan**

1. Following the analysis of responses to the Community Choices consultation which took place between 30 July and 15 October 2012, the Council agreed to prepare a district-wide local plan for submission to the Secretary of State by October 2015. The Local Plan will provide a framework for the future development of the district and include strategic vision and policies for the

period up to 2031, site allocations and development management policies. The current projected timetable is set out in the table below.

2. There will be opportunities for community engagement in the content of the plan on a 'continuous' basis but for practical purposes the next key stage will be the consultation on the Draft Plan which is scheduled to take place between May to July 2015 for a period of 8 weeks. Following consideration of the consultation responses the Council will prepare the plan for submission. Prior to the submission of the plan for examination by an independent inspector, all interested parties will be invited to make representations relating to the soundness of the plan. This is scheduled to take place for 6 weeks (in accordance with the regulations) between March and April 2016 with the submission of the Plan for examination scheduled for October 2016.
3. The consultation documents will be accompanied by draft Proposals Maps, prepared to the appropriate level of detail for each stage, and which will be kept up to date as the plan is developed and amended. Sustainability Appraisals and Reports will be published simultaneously as part of these consultation exercises.
4. In preparing the new Local Plan, the Council will need to satisfy the 'duty to co-operate' requirements of the Localism Act 2011 which mean that Councils need to co-operate on relevant cross boundary planning matters. This applies particularly to Harlow District Council where provision may be sought in this district for some of Harlow's future housing provision. Epping Forest District Council adjoins another nine local planning authorities – East Herts and Broxbourne in Hertfordshire; Uttlesford, Chelmsford and Brentwood in Essex; and the London Boroughs of Havering, Redbridge, Waltham Forest and Enfield. Preparation of the local plan will also involve co-operation with Hertfordshire and Essex County Councils, the Greater London Authority, Lee Valley Regional Park Authority, the City of London Corporation and all appropriate statutory undertakers and other Government agencies.
5. The Council will also be considering the introduction of a Community Infrastructure Levy (CIL) in the district. This is the mechanism that Councils will use to collect and pool contributions from developers toward the infrastructure needs of the district. The Council will be considering this concurrently with the local plan. If the Council decides to implement a CIL charge in the district, consultation will be undertaken on the proposed charging schedule in accordance with the appropriate regulations and subject to a separate examination.
6. The adopted Proposals Map will be revised as and when new local development documents, or their revisions, are themselves adopted.
7. This revised Local Development Scheme will come into effect on 21 July 2014. It will continue to be reviewed on a regular basis. The reviews will be reported to Members and published on the Council's website, to ensure (i) that progress with the preparation of the local plan is closely monitored and managed; and (ii) the local community and other interested parties are kept fully informed.



Local Plan	
Role and Subject	Determines the amount and location of development for the district together with some release of Green Belt land for this purpose. Sets out the spatial vision, objectives and strategy, all development sites and development management policies for the development of the district and a framework for development management for the period up to 2031.
Which "saved" policies from the 1998/2006 Local Plan will it replace?	All
Geographical coverage	District wide
Status	Development Plan Document
Conformity	Consistent with national planning policy
<b>Timetable</b>	
Evidence gathering & background work for Issues & Options preparation and public consultation including initial sustainability appraisal	October 2011 – September 2012 Consultation on the issues & options 'Community Choices' took place between 30 July 2012 and 15 October 2012
Further evidence collection, draft plan preparation and sustainability appraisal	October 2012 – May 2015
Consultation on draft plan (8 weeks)	May – July 2015
Preparation of Submission Plan and Sustainability appraisal	September-February 2016
Pre-submission publication and representations on soundness (6 weeks) Regulation 19	March-April 2016
Submission to Planning Inspectorate for Examination Regulation 22	October 2016
Examination in public Regulation 24	Subject to discussion with the Planning

	Inspectorate and timetabling – likely to be early 2017
Receipt of report Regulation 25	May 2017
Expected Adoption & Publication (including proposals map) Regulation 26	September 2017
<b>Production</b>	
Lead department	Planning Policy (Neighbourhoods Directorate)
Management	The Portfolio Holder (and the relevant Scrutiny Panel and Cabinet as necessary) will consider drafts. Full Council will approve final draft documents prior to submission.
Resources	Planning Policy Team with consultative input from Development Management Team Corporate Support, Environment and Street Scene, Finance and ICT, and Housing
Community and Stakeholder Involvement	In accordance with the Statement of Community Involvement

Risk Register – Epping Forest Local Plan

Risk No.	Description	Consequence	Likelihood	Impact	Risk Score	Owner	Mitigation /Contingencies	Current state
31	Staff vacancies caused by resignation/long term sick/maternity leave	Failure to fill vacant posts/ensure that there is sufficient capacity at a senior level will affect the ability of the team to meet the timetable with consequent delay in the preparation of the plan.	5	5	25	AC/DMcN	Proposal to undertake a mini restructure considered by MB on 29 May 2014 in order to ensure sufficient capacity at a senior level in the policy team and extend short term contracts to cover the slippage to the local plan and maintain morale. Ensure high morale in the team is retained and mitigate against stress by ensuring team is not asked to take on additional tasks, and work programme is achievable.	<b>HIGH</b>
3	Compliance with changes to national policy, in respect of new gypsy and traveller provision requirement and 5 year land supply difficult to achieve in the district Lack of consensus to endorse the plan so that timely decisions are able to be made on the quantum of growth and timetable for the preparation of the Local Plan is maintained	If not able to comply with national policy the plan is likely to be found unsound at examination Delay in the preparation of the draft plan. Authority vulnerable to appeal decisions if no plan in place. The concerns regarding identifying the objectively assessed housing need for the District means that time has been lost in the programme which has delayed the development of the preferred option	4	5	20	DMcN/PFH	Early briefing of members of the risk has already been undertaken. Further engagement with members will be scheduled as part of the workshop series for developing the plan.	<b>HIGH</b>
3	Unable to provide evidence to show compliance with the duty to cooperate set out in the Localism Act 2011 with adjoining authorities in particular agreeing the proportion of allocated supply to meet EFDC housing needs. Harlow (if growth around Harlow is a strategic development option)	If not able to achieve outcomes that would be acceptable to an inspector and therefore set out an appropriate statement for submission with the plan – likely that the plan will not pass the legal test (S33A of the Localism Act) or be found unsound.	5	5	25	DMcN/PFH	Early briefing and involvement of members at key stages has been built in to revised programme. Regular meetings with Leader/Portfolio Holder continue to take place - briefings and information in the Council bulletin.	<b>HIGH</b>
4	Unable to provide evidence to show compliance with the duty to cooperate set out in the Localism Act 2011 with adjoining authorities in particular agreeing the proportion of allocated supply to meet EFDC housing needs. Harlow (if growth around Harlow is a strategic development option)	If not able to achieve outcomes that would be acceptable to an inspector and therefore set out an appropriate statement for submission with the plan – likely that the plan will not pass the legal test (S33A of the Localism Act) or be found unsound.	4	5	20	AC/PFH	Regular updates will be provided as part of the regular reports on progress of the Local Plan. Key strategic issues have been identified and suggestions made for additional engagement over and above existing arrangements. The issue has been discussed by the Local Plan Officer Working Group and will be a regular item. The SHMA group has started to meet regularly and is being used as an officer forum for cross boundary strategic issues to be aired. Its terms of reference are	<b>HIGH</b>

5	Inadequate time has been allowed in the programme to undertake the evidence gathering on transport and flooding issues	Delay in the preparation of the plan	3	5	15	AC	being amended to take a wider DfC role. Initial transport modelling work has been completed and is more comprehensive than the original brief. An initial set of options developed using sustainability appraisal have been sent to the County for testing and preliminary results are due in mid June. Further iterations will be sent following the member workshops - these were originally scheduled for July but the timetable has slipped. The SFRA has been completed and options will be tested for appropriate assessment/HRA at the same time as the transport modelling.	<b>MODERATE</b>
6	Taking all reports through the democratic process and committee cycle rather than a fast track PFH sign off	Taking reports through the Committee cycle is likely to lead to an extended timeline for the Local Plan project.	3	4	12	AC	Continue to hold workshops for all members on areas likely to be contentious in order to seek to avoid call in following PFH sign off or Cabinet decision. Retain the possibility of LPCC in case Cabinet agendas become too packed.	MODERATE
7	Inadequate budget resources for preparation of plan and commissioning of additional support (evidence base etc)	Delay in preparation of the plan	3	5	15	AC	Revised budget report to be taken to Cabinet in July 2014 and will be regularly monitored.	MODERATE

Likelihood (1 not likely, 5 very likely); Impact (1 low impact, 5 very high impact); Risk score = Likelihood x Impact