

Committee Agenda



**Epping Forest
District Council**

CONSTITUTION WORKING GROUP Tuesday, 24th September, 2019

Place: Civic Offices, High Street, Epping
Room: Committee Room 2
Time: 7.00 pm
Democratic Services Officer V. Messenger Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors S Jones (Chairman), M Sartin (Vice-Chairman), D Dorrell, S Heap, M McEwen, J Philip, C C Pond, C P Pond, S Rackham, J Share-Bernia and J H Whitehouse

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

3. NOTES OF PREVIOUS MEETING (Pages 3 - 10)

To agree the notes of the meeting of the Working Group held on 26 June 2019.

4. TERMS OF REFERENCE & WORK PROGRAMME (Pages 11 - 14)

To review the terms of reference and progress with the achievement of the current work programme for the Working Group.

5. CONSTITUTION - REVISIONS & AMENDMENTS (Pages 15 - 16)

(Monitoring Officer) To note the attached report.

6. DELIVERING INFRASTRUCTURE IN THE DISTRICT: DEVELOPER CONTRIBUTIONS STRATEGY (Pages 17 - 86)

For information: To note the Cabinet report (reference: C-007-2019/20) on Delivering Infrastructure in the District: Developer Contributions Strategy with regard to Section 106 and Section 278 Agreements.

7. COUNCIL MEETINGS - PUBLIC SPEAKING ON PLANNING APPLICATIONS & SITE VISITS (Pages 87 - 130)

(Democratic Services Manager) To consider the attached report.

8. DATE OF NEXT MEETING

To note that the next meeting of the Working Group will be held on 12 March 2020 at 7.00pm.

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION WORKING GROUP
HELD ON WEDNESDAY, 26 JUNE 2019
IN COMMITTEE ROOM 2, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 7.55 PM**

Members Present:	S Jones (Chairman), D Dorrell, S Heap, M McEwen, J Philip, C C Pond, S Rackham, J H Whitehouse, H Kane and C Roberts
Other members present:	S Kane
Apologies for Absence:	M Sartin, C P Pond and J Share-Bernia
Officers Present	R Pavey (Service Director (Customer Services)), S Tautz (Democratic Services Manager) and V Messenger (Democratic Services Officer)

1. SUBSTITUTE MEMBERS

The following substitutions were reported:

- That Councillor H Kane was substituting for Councillor J Share-Bernia, and
- That Councillor C Roberts was substituting for Councillor C P Pond.

2. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the meeting of the Working Group held on 28 March 2019 be agreed as a correct record.

3. TERMS OF REFERENCE & WORK PROGRAMME

(a) Terms of Reference

The Working Group noted the Terms of Reference.

(b) Work Programme

The Working Group reported directly to the Council on its Terms of Reference and the achievement of its work programme. The first four items, Constitution (1), Gifts and Hospitality (2), Member Champions (3) and Paperless Working and Digital Roll-out (4) were on this meeting agenda. Site Visits (6) and Public Speaking (7), particularly at Council meetings, were scheduled for the next Working Group meeting in September 2019.

The Working Group noted the current work programme.

4. CONSTITUTION - REVISIONS & AMENDMENTS

S Tautz, Democratic Services Manager, was in attendance.

A revised version of the Constitution was published on 7 May 2019 having been agreed by Council on 25 April 2019. This had included updates to:

- (i) reflect the appointment of the new 151 Officer (Chief Finance Officer) and the appointment of the Chief Executive as the Electoral Registration Officer and Returning Officer;
- (ii) Article 10 – District Development Management Committee and Area Plans Sub-Committees;
- (iii) the Members Allowances Scheme; and
- (iv) an announcement informing members of this revised Constitution had been published in the Council Bulletin (no 18/2019 - 10 May 2019).

Councillor J H Whitehouse queried why a link to the Constitution was given each week in the Council Bulletin. S Tautz replied that this was for members who might not know where the Constitution was on the Intranet or website.

RESOLVED:

That the report be noted and agreed.

5. MEMBER GUIDANCE ON GIFTS AND HOSPITALITY

S Tautz, Democratic Services Manager, was in attendance.

A full review of the Constitution had been undertaken in 2016/17 which had led to the current Constitution. However, it had always been the intention of the Working Group to review gifts and hospitality separately.

During the last municipal year Internal Audit had reviewed both aspects of gifts and hospitality, for members and staff. Overall the current arrangements were operating well as members were required to provide full details of gifts and hospitality received by keeping their Register of Interests form up to date and were reminded through regular training. However, the audit had identified that the existing gifts and hospitality guidance for members needed to be updated, published in the Council's Constitution and that members were informed to ensure full compliance with the Member Code of Conduct.

The guidance update required reference to the Bribery Act 2010. This had not been covered previously, as the existing guidance had been adopted by Council in 2007. The audit also specified that the current gifts and hospitality value of £25 in the guidance, should be amended to match the figure of £50 specified on the Register of Interests form. After benchmarking with other local authorities, the Chief Internal Auditor recommended £50 was an appropriate level for the declaration of gifts and hospitality.

The revised guidance was set out at Appendix 1 to the agenda report. This also encompassed the registration of declined gifts and hospitality and to inform the Monitoring Officer, N Boateng, if the limits were exceeded. The Monitoring Officer and Chief Internal Auditor had reviewed this guidance, as well as the Corporate Governance Group and members of the Standards Committee.

Members were asked to consider the guidance before them so that the Working Group's recommendations could be made at the next Council meeting on 30 July 2019.

Councillor C C Pond remarked on the uncertainty of the value of a gift or hospitality when he attended events, such as the Corporation of London that extended invites to those that had wards within Epping Forest. S Tautz replied that the guidance accepted and handled this under (4) General Consent to Accept Gifts and Hospitality, specifically at (4.6) What if I do not know the value of a gift or hospitality?

The Chairman, Councillor S Jones, advised it was essential that gifts or hospitality were declared and that the monetary value was as accurate as possible, or what was a reasonable amount.

Councillor H Kane commented that members' circumstances might change and that not a lot of people realised they needed to complete a new Declaration of Interests form, and asked how members could be encouraged to update their declaration. S Tautz agreed and emphasised to members that the legislation allowed members only 28 days to update their Register of Interest or Disclosable Pecuniary Interest forms. Code of Conduct training was organised twice a year for this reason, to reinforce this message that was a key aspect of the training, and from a 'standards' point of view to promote and maintain high standards of conduct by councillors.

Councillor J H Whitehouse asked if the existing Declarations of Interest form could just be amended, to which S Tautz indicated that the Council's arrangements required that a new form be submitted each time a change occurred.

Councillor J Philip suggested keeping the Declarations of Interest form as a Word document, which could be more easily updated when necessary. It would be helpful if members were sent a new form every year to update. S Tautz replied that the Council could not require a new form each year, but indicated that this was best practice.

Councillor C C Pond advised asking the Monitoring Officer if a new form was required every year. County councillors could send amendments to ECC Democratic Services Officers to update their forms.

Councillor C C Pond remarked that some members had been nonplussed about being asked to sign the Related Party Transactions by Democratic Services Officers at recent meetings. S Tautz replied that the Related Party Transaction process had been undertaken by the Council in this way for a number of years and was an end of financial year requirement by the Chief Finance Officer.

Councillor S Kane asked if at (4.1) (iv) small gifts of low intrinsic value below £25 branded with the name of the company etc. and at 4.1 (vii) modest souvenir gifts with a value below £25 from another Council etc. could read £50. S Tautz replied that he could correct this discrepancy if members would allow officers to revise the report appropriately to ensure consistency, which was agreed.

Councillor C C Pond asked if members should try and refuse gifts/hospitality. Councillor J Philip replied that a member could reciprocate an offer, e.g. to buy another coffee, if you had just been bought one. It was about getting a balance so it wasn't the same person buying a drink (hospitality) all the time. S Tautz supported Councillor Philip's advice to return the offer of buying a drink and therefore, purely reciprocating only.

RESOLVED:

- (1) That the report be noted and agreed, subject to the £25 gift values given in (4.1), Members may accept gifts and hospitality in the following circumstances, at bullet points (iv) and (vii) be revised to £50 to ensure consistency;
- (2) That Member Services send all members new Declarations of Interest and Disclosable Pecuniary Interests forms after elections to reinforce best practice;
- (3) That S Tautz check with the Monitoring Officer whether a member needed to submit a new Declaration of Interest or Disclosable Pecuniary Interest form each time an update was made; and
- (4) That the draft member guidance on gifts and hospitality be recommended to Council for adoption on 30 July 2019.

6. APPOINTMENT OF MEMBER CHAMPIONS

S Tautz, Democratic Services Manager, was in attendance.

The appointment of Member Champions and the development of a suitable protocol had been raised by the Appointments Panel at its meeting on 9 May 2019. The Council had previously designated members to 'champion' causes affecting the Epping Forest District, thereby acting as advocates or spokespersons for a specific area of business or its activities to promote communication and positive action. A draft Members Champions Protocol accompanied the report, which detailed the ground rules, for members to base their discussions on. The appointment of Member Champions would be made at the first meeting of each municipal year - Annual Council.

Councillor S Rackham asked how members would be kept informed of Member Champions and had the Council had Member Champions in the past. S Tautz replied that was the purpose of the protocol and the Council had appointed Champions previously. Member Champions would become part of the appointments process, and midway through a year this would be discussed with the leaders of the political groups.

Members commented that there had previously been an Olympics Champion (former Councillor E Webster, a Business Champion (former Councillor A Grigg), and also a Tourism Champion. There had been recent interest from local military groups for an Armed Forces Champion.

Councillor C C Pond suggested the Council could have for instance, a clean air champion, who might attend relevant conferences, but would the champion be eligible to claim travel and subsistence? S Tautz replied, yes. Councillor Pond asked if this could be included in the protocol for clarity. S Tautz advised that he would raise this issue with the Remuneration Panel later in the year. The Chairman commented that this could be included under section (10), Allowances.

Councillor J Philip wanted to clarify that the protocol stated that Member Champions must be elected members of this Council, as there were also Community Champions. S Tautz replied that section (2), Appointment of Member Champions, covered this clearly.

Councillor J H Whitehouse said that if a member had an interest in cycling and a cycling policy was being developed, it would be beneficial if the councillor's views were taken into consideration.

RESOLVED:

- (1) That the report be noted and agreed, subject to the inclusion to allow Member Champions to be eligible to claim travel and subsistence when attending events in an official capacity.
- (2) That the proposed Member Champions Protocol be recommended to Council for adoption on 30 July 2019.

7. PAPERLESS WORKING AND DIGITAL ROLL-OUT

R Pavey, Service Director (Customer Services), and S Tautz, Democratic Services Manager, were in attendance.

'Paperless' committee meetings had been promoted by the Government since 2015 when the Local Government (Electronic Communications) Order 2015 legislation facilitated the use of electronic communications to summon members to meetings. This was provided that members had given their consent to receive agendas electronically, via email, although they could withdraw that consent at any time. With more councils becoming paperless, which was anticipated to become standard practice in local government, the Council continued to look at smarter digital ways of working against the ongoing financial pressures the local government sector was experiencing. Although the frequency of the Council's committees and the size of these agendas varied widely, around 20,000 pages of agendas, minutes and reports were published annually. Therefore, it was expected the paperless initiative would deliver cost savings.

The new Mod.Gov app for the committee management system allowed members to download agendas, minutes and reports to mobile devices along with annotation tools to aid paperless working. In addition, councillors would each be issued with a standardised domain email address '@eppingforestdc.gov.uk' to address Internal Audit's concerns around the security of personal data and the General Data Protection Regulation (GDPR).

R Pavey reported that mobile devices were being rolled-out to members and so far 52 members out of 58 were in receipt of them. One to one support was being provided if needed. The Customer Services Portfolio Holder, Councillor S Kane, had agreed to three months parallel running with paper copies following members' concerns and therefore, had delayed the cessation of the distribution of hard copies of agendas until 30 August 2019. Hard copies of agendas would still be required for the public to inspect at the Civic Offices and for the public attending meetings.

Councillor S Rackham was pleased to see the Council had taken this project on to reduce its carbon footprint, which she considered was a good move forward.

Councillor J Philip agreed this was a good thing and welcomed the parallel running to find out what worked and what did not work. It would be useful at planning meetings if on planning applications, members were able to look at the site map and report at the same time.

Councillor M McEwen queried the use of two email addresses - councillors' original one and the new standardised domain email address '@eppingforestdc.gov.uk'. R Pavey replied that ICT was currently working on an option that would enable Council emails to be received on their personal devices.

Councillor S Kane said that the new Mod.Gov app allowed five years of committee papers to be retained. S Tautz continued that in the setting up of the app and the new Mod.Gov software, the new Council email was the default email address. All existing personal and private emails could be used for routine correspondence during this transition until this was resolved.

Councillor H Kane commented that it was easy for councillors to reply from the wrong email address during work hours. She said it was good practice to work on one device for council work to minimise this risk.

Councillor S Jones said that members could elect to have all emails sent to the new email address.

Councillor C C Pond stated that he did not want the new iPad as he already used another device, nor did he want a Council email address. He had refused a device from Essex County Council and had also refused the Outlook web app (OWA). County had taken a different tack and used OWA Windows XP. R Pavey replied that ICT was looking at a secure app and that email would not be secure unless councillors used the Council standardised domain email address.

Councillor S Kane said that the responsibility rested with the Council which had a duty to maintain control, to which Councillor C C Pond replied that this would not work and Councillor J Philip added that this was fundamentally flawed. R Pavey replied that a new solution would protect the Council's position but would also help councillors work as flexibly as possible.

Councillor C C Pond asked why the email address could not be '@efdc.gov.uk'. Councillor S Jones thought use of '@efdc.gov.uk' would be perceived better by the public.

Councillor C Roberts remarked that he had an iPad and had worked paperless for a long while. He had initially accepted the new iPad but found it too cumbersome to carry around and did not want another device. Residents could contact him on his current email address, which he had set up for council work in 2014 and would not want to give it up.

Councillor S Kane replied that the Auditor's report was driving this and the Council's desire to go paperless.

Councillor S Heap asked if all the old emails could be transferred. Councillor S Kane said that this was riddled with problems as it was not as straight forward as you would think.

Councillor McEwen said she was emailed agendas from parishes which she forwarded to her iPad.

Councillor C C Pond stated that if you viewed the Council Bulletin through the Mod.Gov app then you could read it in one click. However, if you went through the website then four clicks were needed.

The Chairman asked if members agreed with the recommendations/decisions of the report, to which Councillor C C Pond replied, no. He asked if the word 'purely' could be removed from recommendations (2b), (2c) and (3), which was agreed.

RESOLVED:

- (1) That the Working Group noted current progress with regard to the proposed move to paperless working in respect of the publication and distribution of the Council's committee agenda and minutes etc.;
- (2) That the following recommendations be made to Council on 30 July 2019:
 - (a) in order to complete the roll-out of mobile devices and appropriate training for all members of the Council, the general cessation of the publication and distribution of committee agenda and minutes etc. in hard copy, took effect from 30 August 2019; and
 - (b) that, subject to the receipt of appropriate consent from members of the Council to the publication and distribution of committee agenda and minutes etc. by electronic means, such arrangements commenced with effect from 2 September 2019; and
 - (c) that, until the commencement of arrangements for the publication and distribution of committee agenda and minutes etc. to members by electronic means, such publication and distribution continued to be made concurrently in both hard-copy and electronic forms; and
- (3) That pursuant to Recommendations 2(a), (b) and (c) above, the Monitoring Officer be authorised to make any necessary revisions to the Council's Constitution to give effect to the publication and distribution of committee agenda and minutes etc. by electronic means, from 2 September 2019.

8. DATE OF NEXT MEETING

It was noted that the next meeting of the Working Group would be held on 24 September at 7.00pm.

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CONSTITUTION WORKING GROUP

TERMS OF REFERENCE

Title: Constitution Working Group

Status: Working Group

Terms of Reference:

- (1) To review any aspect of the authority's constitutional arrangements as requested by the Council;
- (2) To undertake general reviews of specific elements of the Constitution in order to ensure that the authority's constitutional arrangements complement current legislative requirements and decisions made by the Council; and
- (3) To consider any proposals of the Monitoring Officer for necessary revision to any element of the Constitution.

Reporting:

The Working Group shall report directly to the Council in connection with its Terms of Reference and the achievement of its work programme.

Chairman: Councillor S Jones

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Constitution Working Group
(Chairman – Councillor S Jones)
Work Programme 2019/20

Item	Timescale	Progress
(1) Constitution	Ongoing	To consider the ongoing review of the Constitution to ensure alignment with the Council's management structure.
(2) Gifts and Hospitality	June 2019	COMPLETED To review existing guidance for members.
(3) Member Champions	June 2019	COMPLETED To consider arrangements for the ongoing appointment of member 'Champions'.
(4) Paperless Working and Digital Roll-out	June 2019	COMPLETED To consider the proposed move to paperless working in respect of the publication and distribution of the Council's agenda and minutes etc.
(5) Section 106 and Section 278 Agreements	September 2019	To review planning delegations and practice to examine the approach taken to section 106 and section 278 agreements. (Council Minute 69 (20.12.18)).
(6) Site Visits	September 2019	To consider arrangements for formal site visits to be held with regard to planning applications referred to the Council for determination (Constitution Working Group Minute 21 (28.3.19)).
(7) Public Speaking	September 2019	To review existing arrangements within the Constitution whereby planning applications referred to the Council for determination are not generally subject to arrangements for public speaking (Constitution Working Group Minute 21 (28.3.19)).
(8) Disciplinary Arrangements for Relevant Officers	March 2020	To consider the revision of the Officer Employment Procedure Rules (Constitution (Part 4)).
(9) Audit & Governance and Standards Committees	March 2020	To review the possible merger of the Audit and Governance and Standards Committees (Constitution Working Group Minute 25 (16.04.18)).
(10) Financial Regulations	March 2020	To review the current Financial Regulations. Timescale for review to be advised by Chief Finance Officer (Section 151 Officer).
(11) Planning Process Review	TBC (next MY 2020/21)	To consider any changes required to the current structure of the Area Plans Sub-Committees, arising from the Planning Process Review undertaken during 2017/18 (Constitution Working Group Minute 6 (25.06.18)).

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Report to Constitution Working Group

Date of meeting: 24 September 2019



**Epping Forest
District Council**

Subject: Constitution - Revisions & Amendments

Officer contact for further information: S. Tautz (01992) 564180

Democratic Services Officer: V. Messenger (01992) 564265

Recommendations/Decisions Required:

That recent revisions to the Constitution be noted.

1. Revised versions of the Constitution were published on 28 June and 12 August 2019.
2. The update published on 28 June 2019 incorporated a number of revisions to the Scheme of Delegation to reflect the Council's new management structure, pursuant to the authority granted to the Monitoring Officer by the Council at its meeting on 20 December 2018.
3. Members were advised of these revisions to the Constitution through the Council Bulletin of 5 July 2019.
4. The update published on 12 August 2019 incorporated a revised version of the Council's member guidance with regard to gifts and hospitality, which had been considered by the Working Group at its previous meeting. The update also added relevant authority for the Council to appoint Member Champions in accordance with the protocol agreed by the Working Group at its previous meeting. These additions to the Constitution were agreed by the Council at its meeting on 30 July 2019.
5. This update to the Constitution also included revisions to the Scheme of Delegation (Delegation of Executive Functions) to enable the efficient operation of the Council's estate management function. These changes to the Scheme of Delegation did not fall within the criteria for revisions that could be made by the Monitoring Officer and it was not possible for these matters to be considered by the Constitution Working Group at its recent meeting. These revisions to the Scheme of Delegation were also agreed by the Council at its meeting on 30 July 2019.
6. The 12 August 2019 update to the Constitution also included revisions to the Scheme of Delegation (Local Choice Functions) to reflect the Council's management structure, which were undertaken pursuant to the authority delegated to the Monitoring Officer to make the following types of changes to the Constitution:
 - (a) changes to give effect to any decisions of the Council;
 - (b) changes in the law;
 - (c) minor amendments such as to correct errors; and
 - (d) to ensure that the Constitution is maintained and up-to-date.
7. Members were advised of these various revisions to the Constitution through the Council Bulletin of 16 August 2019.

Resource Implications:

The recommendations of this report seek to ensure that the Council's Constitution remains fit

for purpose.

Legal and Governance Implications:

The Council's Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation Undertaken:

The matters subject of recent revisions to the Constitution have been agreed by the Council.

Background Papers:

None

Risk Management:

The Council's Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Equality:

There are no equality implications arising from the recommendations of this report.

Report to the Cabinet

Report reference: C-007-2018/19

Date of meeting: 11 July 2019



**Epping Forest
District Council**

Subject: Delivering Infrastructure in the District:
Developer Contributions Strategy

Responsible Officer: Alison Blom-Cooper (01992 564066).

Democratic Services: Adrian Hendry (01992 564246)

Recommendations/Decisions Required:

- (1) That the Delivering Infrastructure in the District: Developer Contributions Strategy attached as Appendix A be agreed; and**
- (2) That the mechanisms for Member involvement to support the delivery of infrastructure be noted and;**
- (3) The new regulations to lift the pooling restrictions for S106 contributions and a requirement to produce an annual infrastructure funding statement from December 2020 be noted.**

Executive Summary:

The growth proposed in the Local Plan Submission Version (currently at examination) will result in requirements to provide additional infrastructure, services and facilities. The requirements have been identified in the Infrastructure Delivery Plan and supporting documents. The Council needs to put in place guidance to support the delivery of infrastructure and the processes for achieving the infrastructure. The guidance provides details on how, what and when planning obligations will be used and the approach to viability for proposed sites in the District to determine the appropriate level of developer contributions to be sought.

The Council and Land Promoters have a responsibility, through the planning process, to manage the impact of the growth and ensure that any harm caused, as the result of development, is mitigated and necessary infrastructure is provided. The Council therefore expects new development to contribute to site related and other infrastructure needs.

Reasons for Proposed Decision:

The strategy puts in place appropriate guidance to ensure consistent delivery of infrastructure in the District and sets out the approach and the arrangements required to ensure the sustainability and long-term stewardship of the development. Once agreed this document will provide a framework for the consideration of proposals to ensure that the appropriate infrastructure is realised in accordance with the policies in the Local Plan.

Other Options for Action:

Report:

1. The purpose of the strategy is to set out the Council's approach, policies and procedures in respect of delivering infrastructure in the District to support the growth identified in the [Local Plan Submission Version \(LPSV 2017\)](#), [Epping Forest District Council's Infrastructure Delivery Plan \(IDP\)](#) and [Harlow and Gilston Infrastructure Delivery Plan](#).
2. The Council and Developers have a responsibility through the planning process to manage the impact of the growth and ensure that any harm caused by the development is mitigated and that the necessary infrastructure is provided. The strategy will ensure that a coordinated approach is taken, through the planning process using a combination of Planning Conditions (site/development related) and Planning Obligations to secure developer contributions or works in kind e.g. S106 agreements (site/development related).
3. The strategy identifies where Planning Obligations will be used when the impact of the proposed development cannot be dealt with by planning conditions and the infrastructure requirements relates specifically to the development. The purpose of a Planning Obligation is to make development 'acceptable' in planning terms which might otherwise be unacceptable development were only the use of planning conditions to be imposed. Used properly, Planning Obligations can significantly increase the quality of development. All planning contributions from new developments must be sought for a specific purpose and this purpose should be finalised before planning permission is issued.
4. Where there are competing priorities for the types of obligations that may be required the strategy sets out that engagement at the Local Plan Officer Working Group and Members must be undertaken to establish a way forward. The type of developer contributions that will be included in the S106 agreement will be identified in the Heads of Terms. The proposed infrastructure to be provided will be reviewed by Members during the Pre-Application, Masterplanning and Concept Framework stage through regular reports to the Local Plan Cabinet Committee or Cabinet.
5. The purpose of the IDP's is to set out the infrastructure that will be required to deliver the planned level of housing and employment growth in the district to 2033. The infrastructure types that might be expected to be delivered, given the types of development provided by the Local Plan, are included at Appendix A of the Strategy (see page 18). These reflect the Infrastructure requirements identified in the IDP.
6. The role of use of Planning Conditions is included at Appendix B of the strategy (see page 23) and when used properly, conditions can enhance the quality of development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.

7. The Councils approach to viability for contributions in accordance with national policy is included at Appendix D of the strategy (See page 28). The need to deliver strategic infrastructure items across the District and Garden Town through co-ordinated contributions of land and/or infrastructure costs, mean that it is important to adopt a consistent and transparent approach to viability assessment.

Legal framework – new provisions to remove pooling restrictions and introduce a requirement to publish infrastructure funding statements

8. The legislative context for the use of Planning Obligations and section 106 Agreements is included at Appendix C (see page 25). New CIL Regulations have been laid before parliament and will come into force on 1 September 2019.
9. The restrictions on the ‘pooling’ of section 106 planning obligations to fund infrastructure will be removed. Local authorities are currently allowed to pool no more than five developer contributions to fund a single infrastructure project. The regulations remove any upper limit on the number of developer contributions that can be pooled.
10. The regulations also introduce a requirement for councils to publish "infrastructure funding statements". These statements will replace existing Regulation 123 lists and should include details of how much money has been raised through developer contributions and how it has been spent. Statements must be published on local authority websites at least once a year with the first statement to be published by 31 December 2020.
11. In addition, the Council will be allowed to charge a fee through section 106 agreements to contribute towards the cost of monitoring and reporting on developer contributions. The regulations state that this fee should be "fair" and "reasonable" and reflect the authority’s estimate of the cost of monitoring.

Resource Implications:

The successful delivery of Infrastructure in the District and Harlow and Gilston Garden Town will require a significant commitment of Officer time. It has been agreed that the use of PPA’s to enable cost recovery for this resource commitment. The Strategy also includes payment of a contribution towards the cost of monitoring the compliance for s106 Agreements.

Legal and Governance Implications:

The Strategy has been developed in accordance with Government Policy (NPPF) and Planning Law, Local Plan policies, the Epping Forest District Infrastructure Delivery Plan (2017), Topic Papers and associated addendum and Harlow and Gilston Garden Town IDP and Viability Assessment.

When adopted this document will provide appropriate guidance to ensure consistent delivery of infrastructure in the District, set out the approach and the arrangements

required for the consideration of masterplans, concept frameworks and other proposals for development in the District along with the sustainability and long-term stewardship of development. The Strategy will be subject to monitoring and review and updated as necessary to ensure it remains consistent with relevant Legislation, National Guidance, Local Plan policy and reflect the Epping Forest District IDP.

Safer, Cleaner, and Greener Implications:

The Local Plan contains a policy designed to promote the notion of making good places to live, work and visit. This will include safer by design principles, sustainable development, the provision of alternatives to the car, energy efficiency and environmental considerations as well as sustainable drainage systems and quality green infrastructure. Strategic Masterplans and Concept Frameworks and the delivery of other sites will be the mechanism for these place-making measures.

Consultation Undertaken:

The strategy has been developed with the engagement of officers through the Local Plan Officer Working Group and members at a workshop on 28 March 2019.

Background Papers:

- [EB114 - Local Plan Submission Version December 2017](#)
- [EB1101A – Epping Forest District Council Infrastructure Delivery Plan Part A Report](#)
- [EB1101B – Epping Forest District Council Infrastructure Delivery Plan Part B Report](#)
- [EB1101C Infrastructure-Delivery-Topic-Paper_FINAL_OCT2018-1.pdf](#)
- [EB1101E-EFDC-Topic-Paper-Addendum-Education-and-Highways-Appportionment-EFDC-April-2019.pdf](#)
- [EB1101Ei-IDP-Topic-Paper-Apportionment-Appendix-A-Highways-EFDC-April-2019.xlsx](#)
- [EB1101Eii-IDP-Topic-Paper-Apportionment-Appendix-B-Education-EFDC-April-2019.xlsx](#)
- [EB1107-ECCs-Developers-Guide-to-Infrastructure-Contributions-2016.pdf](#)
- [EB1418-Harlow-and-Gilston-Garden-Town-Infrastructure-Delivery-Plan-HDH-Planning-Development-and-Arup-April-2019.pdf](#)
- [EB1418A-Harlow-and-Gilston-Garden-Town-Infrastructure-Delivery-Plan-Appendix-A-HDH-Planning-Development-Ltd-and-Arup-April-2019.pdf](#)
- [EB1417-Harlow-and-Gilston-Garden-Town-Strategic-Viability-Assessment-HDH-Planning-Development-Ltd-and-Arup-2019.pdf](#)
- [EB1417A-Harlow-and-Gilston-Garden-Town-Strategic-Viability-Assessment-Appendices-HDH-Planning-Development-Ltd-and-Arup-2019.pdf](#)

Risk Management:

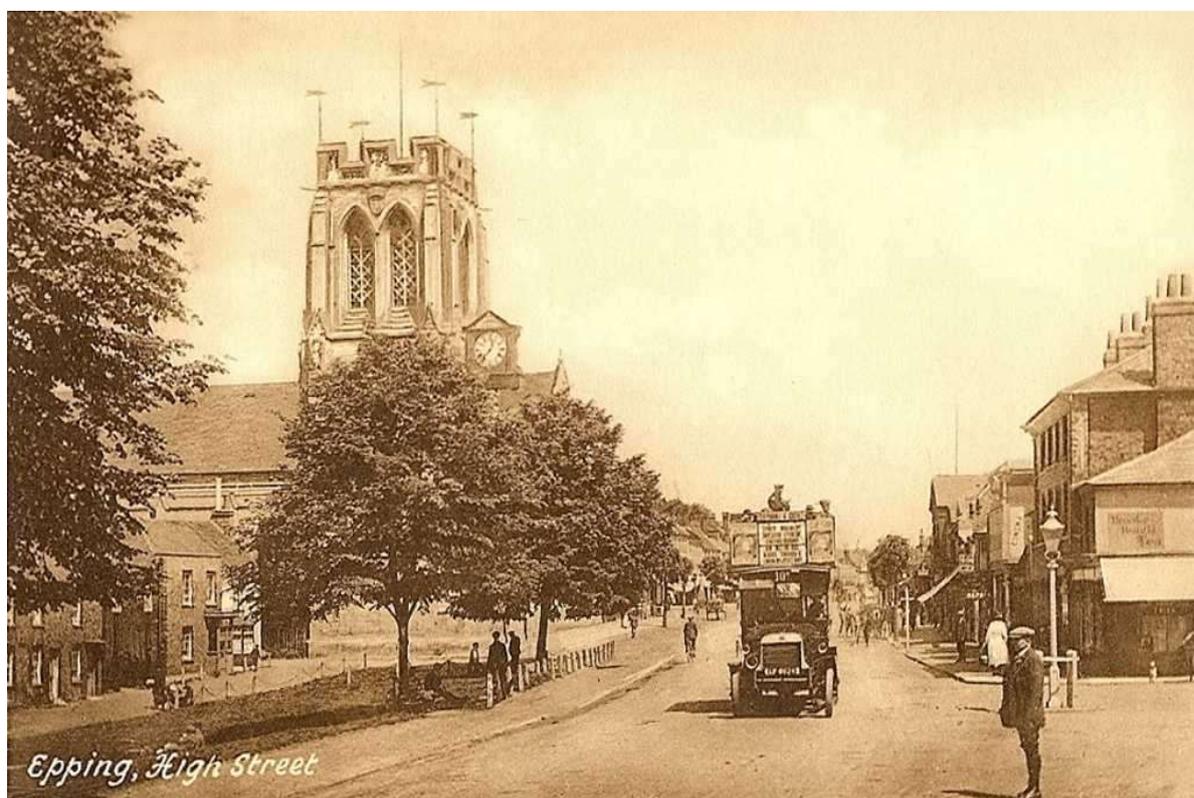
If the Council were not to take a pro-active stance on the delivery of Masterplans and major applications arising from the Local Plan, there is a real risk of not meeting the Housing Delivery Test and/or development occurring of a type that does not extract maximum value for the provision of social infrastructure and poor quality development may occur.

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Delivering Infrastructure in the District: Developer Contributions Strategy

Epping Forest District Council's requirements

June 2019



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1. Introduction

1.1 The purpose of this document is to set out the Council's approach, policies and procedures in respect of delivering infrastructure in the District to support the growth identified in the Local Plan Submission Version (LPSV 2017) and Epping Forest District Council's Infrastructure Delivery Plan (IDP).

1.2 Almost all development has some impact on the impact for infrastructure, services and amenities – or benefits from it – so it is only fair that such development pays a share of the cost. The aim of this document is to provide guidance to support the delivery of infrastructure on what, how, and when planning obligations will operate in Epping Forest District. Specifically, it will:

- Set out the types of planning obligations that may be sought to meet the infrastructure requirements to deliver the planned level of housing and employment growth in the District, as set out in the Local Plan with site specific requirements in Appendix 6 and supporting Infrastructure Delivery Plan.
- Support the approach to apportionment, prioritisation of S106 contributions towards projects (highways/education/open space etc.) and thresholds for securing S106 contributions set out in the IDP topic papers & Addendum.
- Provide transparency in the procedures for securing planning obligations;
- Where there are competing priorities, set out the approach to engagement with the Local Plan Officers Working Group/Members around S106 contributions and on/off site infrastructure.
- To set out the approach to viability for contributions in accordance with national policy.
- To support the SAC mitigation strategy in terms of air quality and recreational pressure on Epping Forest.

3.3 It should be noted that there may need to be other obligations, not covered in this document, which may be required, and arise on a case by case basis, to mitigate against specific site development impacts. Some development schemes may have wide ranging impacts, which require more significant measures to be put in place to address them, these will be discussed in detail at the pre-application stage, where relevant.

2. The Epping Forest District Local Plan Submission Version 2017

- 2.1 [The Council's Local Plan](#) was submitted for Examination in September 2018. It sets out the policies guiding growth over some 11,400 additional homes and 10,800 jobs over in the District over the plan period 2011-2033. It is anticipated that the local plan will be adopted by the Council in late 2019.
- 2.2 This growth will result in requirements to provide local infrastructure, services and facilities which have been identified in the Infrastructure Delivery Plan and supporting documents. The Council and Land Promoters have a responsibility, through the planning process, to manage the impact of the growth and ensure that any harm caused as a result of development is mitigated and necessary infrastructure is provided. The Council therefore expects new development to contribute to site related and other infrastructure needs.
- 2.3 The over-arching reasoning and justification for planning obligations is set out in the Local Plan strategic objectives as well as policies of the Local Plan. [Appendix 6](#) sets out the site-specific requirements for allocated sites outside the masterplan areas.
- 2.4 The starting point for identifying what infrastructure is required is the [Epping Forest District Infrastructure Delivery Plan \('IDP'\)](#), the [Topic Paper](#) and addendum. The 'IDP' draws on work undertaken by the Council to support the local plan, to align and update the information. It is a live document that identifies the levels of infrastructure required to meet the needs of the growing and expanding population. It will be updated to take account of the evolving plan making development and required changes in infrastructure provision.
- 2.5 The IDP Topic Paper provides more information on infrastructure delivery, as well as a more general update on the work undertaken since the IDP was published. It sets out a high-level framework for apportionment and pooling arrangements to be taken forward for key infrastructure (highways, public transport, education, health, and open space, sports, green infrastructure and community facilities) but does not go as far as grouping developments into specific 'pools'. The Topic paper also provides information on those external funding sources outlined in the IDP, including the work currently ongoing to progress and secure funding, the risks of funding not being in place and contingency measures.
- 2.6 The Addendum to the Topic Papers will demonstrate how required upgrade and implementation of schemes might be apportioned to specific sites and how contributions might be sought. Addendum papers on [Education and Highways](#) have been published and [Sport Infrastructure](#) is currently being produced.

Harlow and Gilston Garden Town

- 2.7 Three strategic sites identified in the Local Plan are within the Harlow and Gilston Garden Town. A Harlow and Gilston Garden Town IDP and viability study has been published to support infrastructure delivery in the Garden Town and will form the basis of requirements for the Water Lane, Latton Priory and East of Harlow masterplan areas.

3. Status

- 3.1 When adopted this document will provide appropriate guidance to ensure consistent delivery of infrastructure in the District, set out the approach and the arrangements required for the consideration of masterplans, concept frameworks and other proposals for development in the District along with the sustainability and long-term stewardship of development. This document will be subject to monitoring and review (see Section 14) and updated, as and when necessary, to ensure it remains consistent with relevant Legislation, National Guidance, Local Plan policy and reflect the Epping Forest District IDP.
- 3.2 This guidance sets out how the Council intends to ensure that a consistent approach is adopted to delivering the necessary infrastructure to support the growth together with other services and the arrangements required to ensure the sustainability and long-term stewardship of the development.

4. Delivery Mechanisms

- 4.1 The Council expects new development to contribute to site related and wider infrastructure needs (see Appendix A for a list of infrastructure) through a combination of the following mechanisms:
- Planning conditions (site/development related);
 - Planning Obligations to secure developer contributions or works in kind (s106 agreements and/or site/development related).
 - External funding from Government or other sources e.g. Housing Infrastructure Fund (HIF) bid, Road Investment Strategy (RIS) 1 & 2.
- 4.2 Where there are competing priorities for the types of obligations that may be required this document sets out the process for engagement at the Local Plan Officer Working Group and liaising with members to establish a way forward.

4.3 The type of developer contributions that will be included in the S106 agreement will be identified in the Heads of Terms. The proposed infrastructure to be provided will be reviewed by Members during the Pre-Application, Masterplanning and Concept Framework stage through regular reports to the Local Plan Cabinet Committee or Cabinet.

What are Planning Obligations?

4.2 Planning Obligations will be used where the identified impact of the proposed development cannot be dealt with by planning conditions and the infrastructure requirements relates specifically to the development. A 'Planning Obligation' is a legal document made pursuant to Section 106 of the Town and Country Act 1990 (as amended) also often referred to as a 'S106 Agreement'. This may take the form of an agreement between the Local Planning Authorities ('LPA'), the developer and any persons with an interest in the land or a unilateral undertaking by the developer given to the LPA.

4.3 The purpose of a Planning obligation is to make development 'acceptable' in planning terms which might otherwise be unacceptable development were only the use of planning conditions to be imposed. The outcome of the use of planning obligations should be that the proposed development is brought into compliance with the Local Plan policies and that any development specific works are undertaken satisfactorily. Used properly, planning obligations can significantly increase the quality of development and can do this through:

- prescribing the nature of the development (e.g. by requiring a proportion of affordable housing);
- securing a contribution from the developer to compensate or re-provide for loss or damage created by a development (e.g. through the transfer of land, the requiring of a cash payment to be made, or new habitats to be created etc.) and
- mitigating a development's impact on the locality (e.g. through securing of environmental improvements and the provision of both on an off-site infrastructure and facilities to serve the development such as new roads or junction improvements which, without the proposed development taking place, would not necessarily be required).

4.4 Whilst planning obligations can secure benefits capable of mitigating the adverse impacts of development, they cannot however, be used to make a bad application good where, for example, a scheme does not comply with the spatial strategy and land use principals of the Local Plan. Planning obligations are governed by the fundamental

principle that planning permission may not be bought or sold, and they cannot be used to secure a share in the profit from development.

- 4.5 All planning contributions from new developments must be sought for a specific purpose and this purpose should be finalised before planning permission is issued. To manage this within the tight timescales (and as a starting point for negotiating specific contributions) the Council has a set of agreed, evidence based schedules in the Epping Forest District IDP that are required to mitigate the impact of the new development.
- 4.6 Contributions can be financial or non-financial in nature. Opportunities may therefore arise for provision 'in-kind', where the developer either builds or supplies whatever is required to fulfil the obligation negotiated as part of the planning application. Situations may arise where in-kind provision is preferred, e.g. In cases where finding a suitable site for a facility proves challenging.
- 4.7 However, from time to time and dependent on the specific nature of a development proposal, contributions may be required towards the ongoing costs of running a facility or providing a service, examples of which include the maintenance of parks and areas of open space. This may be necessary to ensure that the specific impacts created by a development are addressed.
- 4.8 S106 developer contributions are not going to fund all the infrastructure needs for the planned growth in the District. The Council will also need to secure external funding to pay for some of the strategic infrastructure through sources such as Road Investment strategy (RIS) i.e. funding the construction of improvements to Junction 7 & 7a of the M11 and the Housing Infrastructure Fund (HIF Bid) that could fund river stork crossings to open up development in Gilston.

The Council's Approach to Delivering infrastructure

5. The use of Planning Agreements

5.1 The Council expect applicants to undertake the correct process when negotiating, preparing and completing planning obligations to ensure that applications and obligations are dealt with in a timely and efficient manner. It is essential that the applicant and council engage in pre-application discussions as early as possible.

5.2 The main stages of the procedure are:

- Stage 1: Strategic Sites – Masterplan /Concept framework; or Allocation Sites outside masterplanning - Pre-application;
- Stage 2: Submission of the planning application (including accompanying proposed Heads of Terms or draft planning obligations); and
- Stage 3: Appraisal, validation and agreement of a related planning obligation

Stage 1: Pre-Application Stage

5.3 The Council will consider each proposed development on its merits against relevant policy and other material planning considerations, and will negotiate and secure planning obligations on a site-by-site and application-by-application basis. The starting point will be identification of requirements in the Epping Forest District Local Plan including Appendix 6 and supporting evidence including the Infrastructure Delivery Plan, Topic papers and associated Addendum.

a) Strategic allocations

5.4 Where appropriate the Local Plan has identified the strategic sites allocated which will need to be subject to masterplanning – either through a strategic masterplan or concept framework. Any planning proposals for these allocations will need to be supported by an endorsed masterplan (see [The Strategic Masterplanning Briefing Note and Concept Framework Note](#), - this was agreed by the Council on 18 October 2018). This sets out the process which will need to be followed and the Council must endorse a developer's masterplan before they can make a formal planning application. Masterplans are high level documents, which sets out what the Council expects from a new development including the provision of the necessary infrastructure. Masterplans will help well

designed new communities and make sure the development delivers what the area needs, while giving the developer some flexibility.

- 5.5 [The Strategic Masterplanning Briefing Note and Concept Framework Note](#) provide guidance on the nature and extent of the community and stakeholder engagement that the Council will expect each Masterplan and Concept Framework to undertake, whilst also setting out the key principles that should be followed. Members will be expected to play a key role throughout this process, and regular briefings will be held. It is not proposed to utilise the Council's Development Management Forum through the preparation of the Masterplan itself, though the forum will have an important role once proposals are firmed up at pre-application stage.
- 5.6 Endorsement of the Strategic Masterplans and Concept Frameworks (and potential adoption as SPDs) is an essential stage if the documents are to be - material planning considerations against which future planning applications will be assessed. The Local Plan makes it clear that sites identified as requiring a Strategic Masterplan must have the Masterplan completed and endorsed by the Council prior to the granting of a planning permission. The Strategic Masterplans and Concept Frameworks therefore set the fundamental parameters that each subsequent planning application will need to adhere to.
- 5.7 The Strategic Masterplans and Concept Frameworks are firmly linked to the timely delivery of high quality development and infrastructure, a key requirement of central government policy and the Local Plan. It will therefore be critical that the Council can move quickly and can commit to endorsing a finalised masterplan in a timely manner.
- 5.8 The Council's Local Plan Cabinet Committee (LPCC) or Cabinet Committee will approve draft Strategic Masterplans and Concept Frameworks for consultation. The Implementation Team will provide regular updates to the committee on progress in the preparation of masterplans and concept frameworks to ensure that Members are kept fully up-to-date with the progression of each plan. Upon completion of the final draft document for consultation, it is proposed that this is taken to the LPCC to agree consultation on the draft Strategic Masterplan.
- 5.9 Following a six weeks consultation period, and subsequent amendments made to address issues arising, the Masterplan will then be taken to Cabinet for formal endorsement as a material planning consideration. The Cabinet may also adopt the masterplan as a SPD, should this be required, after the adoption of the Local Plan. The process would be broadly similar for a Concept Framework, however owing to their smaller scale, it is envisaged that these will only be taken to LPCC once for final endorsement only.

b) Non strategic allocations or proposals

- 5.10 For other allocations, officers should notify the relevant internal Officers when they receive a pre-application request **for developments of 6 units or more units or on a**

site of more than 0.2 hectares to enable them to have the necessary in-put into the discussions and identify the infrastructure requirements at an early stage. Consideration should be given as to whether or not infrastructure requirements for the proposed development should be considered by the Local Plan Officer Working Group or the Quality Review Panel and/or reported to members at this stage.

- 5.11 Where development sites are subdivided or developed in phases to ensure that the separate planning applications fall below any specified policy threshold for which obligations may be sought, the Council will, as far as possible, consider sites in their totality. Similarly, proposals that are judged not to make the best use of land, so as to result in underdevelopment, will be resisted and a revised scheme will be sought.

Stage 1 - Pre-Application Discussions

- 5.12 Applicants, agents and developers are encouraged to seek pre-application advice prior to the formal submission of major development proposals within the district. The pre-application process offers the opportunity for the applicant and Council officers to discuss, without prejudice, the acceptability of the proposed scheme. This will enable informed and detailed discussions on the types of obligations to be entered, and further discussions can be undertaken relating to 'in kind' either on or off site, or if a financial contribution is needed. If discussions for draft heads of terms fail to result in an agreement, the applicant will be invited to provide justification and alternatives for consideration, and assessment by the Council.
- 5.13 A strong emphasis is placed on the increasing importance of pre-application discussions and the planning process as a method of creating a faster, more responsive and transparent planning system. [Pre-application advice](#) is provided by planning officers, which outlines how the Council are likely to determine any subsequent planning application, and any changes that are likely to be needed, to give development schemes the best chance of being granted a planning permission. The service provided by the Council is set out on the website. For larger schemes the Council will generally expect a Planning Performance Agreement to be used – see <https://www.eppingforestdc.gov.uk/wp-content/uploads/2019/02/pre-app-charging-scheme-june-2018.pdf>
- 5.13 The guidance given at this stage is informal advice and does not bind the Council in any future decision it makes. However, where pre-application advice is obtained and incorporated into any development scheme including the infrastructure provision this is likely to ensure a more efficient processing of any subsequent application. The benefits to seeking pre-application advice include:
- an opportunity to understand how the Council's policies will be applied to the proposed development

- identify at an early stage where there is a need for specialist input, for example regarding listed buildings, trees, landscape, noise, transport, contaminated land, ecology or archaeology issues.
- Identify any planning obligations that will be required to mitigate development including infrastructure requirements
- Confirm any consultation requirements including whether the proposed development should go to the Quality Review Panel, Development Management Forum or be reported to members at an early stage

Stage 2: Application Stage

- 5.14 Where it is identified that infrastructure provision will be required to support the application, the information set out in the local validation checklist and all agreed information identified at the pre-application stage should be submitted with the planning application.
- 5.15 In addition to the draft Heads of terms, developers should also submit with their planning application the necessary title information. The Council should also be notified and informed of any changes in land ownership throughout the application process. Planning Obligations are registered as a Local Land Charge and will remain on the register until they have been discharged.

Stage 3 – Approval and agreement of a planning obligation

- 5.16 When the Council resolves to grant planning permission, either by way of delegated powers or Committee decision, the resolution may be subject to the completion of the planning obligations. The planning obligations will usually need to be formally completed and sealed within an appropriate timescale (3 months as standard) prior to the decision notice being issued and the obligations being placed on the local land charges register.
- 5.17 If the S106 Agreement is not formally completed by the end of the 3 months, and the Council and developer have not agreed an extension to this period, the application will automatically default to a refusal (this trigger being included in the recommendations of the Planning Sub-Committee report or the planning Officer report if made under delegated authority).

6. Drafting the S106 Agreement

- 6.1 The legal costs of drafting a S106 Agreement are an impact of a development, one which the Council would not have to bear if the development were not to take place. Therefore, the developer will be asked to cover the Council's legal and associated costs incurred with the negotiation, preparation and completion of the planning agreement, the

cost of the transfer of any land, as well as payment of a contribution towards the cost of monitoring for compliance.

- 6.2 In terms of the approach to the drafting of the Section 106 Agreement, the Council have appointed Legal Advisors to develop a standard format agreement (the Template Agreement) (Appendix F) which will be used for the new Garden Communities and the basis of the Councils' template for development in the Epping Forest District. Whilst there may be some minor variations in agreements, reflecting the particular requirements of individual developments, the aim will be to ensure a consistency of approach as far as practicable.
- 6.3 Dependent upon any site-specific requirements and the nature and scale of the development, matters to be dealt with in the Template Section 106 agreement may include:
- I. A delivery table identifying key infrastructure provision and delivery phasing;
 - II. Requirements for affordable housing including number of homes, tenure and how and when these will be provided;
 - III. Requirements for all other provisions including but not limited to education, health, community and leisure facilities including how and when these will be provided;
 - IV. The package of measures intended to achieve the 60/40% mode share target for the Garden Town of active healthy sustainable travel and measures for monitoring and managing the 60/40% mode share target, including any interim phased targets (on the understanding that the general approach should be to establish this mode share from the outset in order to encourage and support behavioural change as new residents arrive). Provision should also be made for taking further measures should these be necessary to address any shortfall against these targets;
 - V. The approach to delivering high quality design where not specifically dealt with in the development proposals and any associated conditions;
 - VI. Triggers for delivery of on-site infrastructure and caps on the commencement/occupation of development until that has been agreed/delivered. This will include which infrastructure will be directly delivered and which will be funded through contributions in cash or in kind;
 - VII. Triggers for delivery of off-site infrastructure and caps on the commencement/occupation of development until that infrastructure has been agreed/delivered. This will include mechanisms to ensure infrastructure delivery where dependent upon contributions or actions from third parties;

- VIII. Approach to stewardship and estate management including any provision of assets or funds into a management body to ensure its long-term financial health and viability and the mechanism for agreeing that such management body includes representation from the community and meets key principles for stewardship;
 - IX. Stages or circumstances in which viability may be re-appraised (Appendix D);
 - X. The approach to monitoring generally (section 18 below).
- 6.4 The intention is to promote a consistent approach to the negotiation of Section 106 agreements to provide certainty for those who are engaging with the Councils. The developer should provide the Legal Advisors with the details of the Solicitors instructed to act on their behalf, so they can provide a solicitor's undertaking to pay the Council's reasonable legal fees before they commence any work related to the matter.
- 6.5 Developers should inform and involve landlords or anyone else with an interest in the land (e.g. a bank with a legal charge) at an early stage. If such parties are not involve early enough and only become involved on first draft of the S106 Agreement or later this may slow down the process to completion significantly and increase costs.
- 6.6 The Council's Legal Services charge a fee for drafting the S106 Agreement that will be discussed and agreed. On major developments, the Councils will use external solicitors to act on their behalf, and will charge for their work on an hourly rate basis. The costs are likely to be higher and the Strategic Infrastructure and Planning Obligations Officer will be able to advise on the amount of legal fees payable and undertaking requirements. Protracted negotiation by the developer's lawyers will also result in higher legal costs. The Council's legal costs, will be payable, whether or not the matter proceeds to completion.
- 6.7 The Council's Legal Advisors will draft the S106 Agreement once they have been supplied with title information, costs undertaking and officers have confirmed that the Heads of terms are agreed. The infrastructure types that could be required by S.106 Agreement are included at Appendix A. The Council's Legal Advisors will usually prepare the first draft of the S106 Agreement and Officers will review this before it is sent to the Land Owner for their agreement. The Councils Legal Advisors will deal with the agreement until completion when the planning permission will be issued.
- 6.8 Where obligations are secured towards the provision of facilities, it may be appropriate for the developer to make provision for the physical upkeep of those facilities. A one off financial contribution may be required to cover ongoing maintenance requirements. For all maintenance payments, the Council and the developer will need to negotiate the type of payments to be made, including staged payments for phased development, if

appropriate. Where the financial contribution is solely for maintenance, no repayment should be required.

Trigger Points for Payments and Timing of Obligations

- 6.9 Financial contributions will be payable at specific stages in the development process. The Council wants to ensure that infrastructure, works and community facilities are available as they are needed when the first residents move into the development. During the process of drafting S106 Agreements, trigger points for each obligation will be agreed between the Council and the Land Owners.
- 6.10 The established trigger points are:
- Upon the date the S106 Agreement is completed;
 - Upon or prior to commencement of the development or phase therein;
 - Upon or prior to practical completion of the development or phase therein (as confirmed by the Council); and
 - Upon or prior to occupation of the development or phase therein.
- 6.11 The Land Promoter must inform the Council when the relevant trigger points (or stages in the development), have been reached so that the necessary invoice(s) can be raised by the Council and forwarded for payment.

Transfer of Land

- 6.12 Occasionally obligations will require land to be transferred to the Council or another public body, usually in respect of public realm or open space obligations. In such cases the S106 Agreement will contain a requirement to pay the Councils or the public's body's legal costs in respect of the land transfer and provisions relating to the condition of the land to be transferred.

Deed of Variation

- 6.13 Following the completion and signing of a S106 Agreement, either the Developer or the Council may find it necessary to modify the contents of an Agreement. Additional time, and therefore cost, will be required by the council and in the negotiation, preparation and the drafting of such agreements. Reasonable fees will be charged for this, which will vary dependent on the complexity of the matter.

7. Monitoring and Delivery of Section 106 Planning Obligations

- 7.1 Given the scale of growth proposed across the District, monitoring arrangements are important in order to ensure the appropriate delivery of housing, infrastructure and local services. To this end, it is expected that monitoring data will be collected and compiled of the rate and mix of housing, service and infrastructure delivery, in addition to data showing the annual level of contribution made through the Section 106 process. This

will form part of a Monitoring Framework which will track how the requirements in the IDP are being addressed.

- 7.2 In accordance with the [Planning Practice Guidance](#) (Reference ID: 10-023-20180724) a copy of any planning obligation together with any details of any modification or discharge of the planning obligation will be made publicly available by the local authorities; and (Reference ID: 10-022-20180724) monitoring information will be regularly published so that the public are able to easily see where contributions towards infrastructure and affordable housing have been secured and spent. To achieve this:
- I. A copy of any signed S106 Agreement will be published on the website of the Local Planning Authority that determined the application along with any modification to the S106 or statement confirming discharge of any of the planning obligations;
 - II. A quarterly monitoring report will be taken to the Local Plan Cabinet Committee (LPCC) or Cabinet and included as part of the Council's Annual Monitoring Report.
 - III. Developer Contributions will be published on a regular basis as an 'Infrastructure Funding Statement' in accordance with the CIL regulations and National Planning Policy Framework in the agreed format.
- 7.3 The delivery of non-financial contributions, or in-kind obligations, will be monitored by the appropriate service areas responsible for project delivery. For example, where there is an Affordable Housing element to a legal agreement, the Affordable Housing Team will monitor this section of the agreement to ensure that it is complied with.
- 7.4 The Council's Strategic Infrastructure and Planning Obligations Officer is responsible for the monitoring of S106 Agreements.
- 7.5 All developers that enter into planning obligations will be required to pay a monitoring contribution in order to contribute towards the Council's costs incurred in the administration, monitoring, and reporting of the discharge of the obligation. Work involved includes maintaining the spreadsheet [database], logging individual obligations, checking triggers, ensuring indexed amounts are correct, arranging receipt of contributions, alerting service areas of receipts so that the required actions can be programmed, the completion of actions, making sure that records are kept of discharge of clauses, removing discharged obligations from the Local Land Charges Register, etc.
- 7.6 The current fees for monitoring contributions will be:
- five percent (5%) of the cost value of the financial planning obligations included in the agreement (up to a maximum of £50,000).
 - a flat rate of £500 per each non-financial obligation.

Complex/Major Development

- will be considered on case by case basis. It may be agreed by negotiation, subject to an additional management and administration charge.
- The default position for administration charges being 5% of the total contributions

7.7 The monitoring fee will be payable upon completion of the agreement or later in exceptional cases. Any revenues generated from the fees will be used for S106 administration, monitoring and management purposes only. The monitoring contributions will be payable on the trigger of the first obligation unless otherwise specified within the terms of the agreement. The Monitoring contribution will not be subject to any repayment provisions.

Enforcement and Late Payments

7.8 Agreements made under S106 are binding contracts that run with the land. They may be enforced against both the person(s) originally entering into the agreement and against anyone subsequently acquiring an interest in the land. Only those persons having a legal interest in the land can enter into obligations even if a prospective purchaser/developer of the land has applied for the planning permission (although it is possible for prospective purchasers to also be party to the obligations where they have exchanged contracts to purchase

7.9 The developer should notify the Council upon commencement of development (using the Notification Form at Appendix E) or when other agreed triggers have been reached. Where the Council is not notified of this, and obligations become overdue, the Council will seek to enforce the obligation. Where the Council is not notified of these and obligations become overdue, the Council will seek to enforce the obligation and, in the case of financial obligations, there will be a late payment clause. In the event of any delay in making any payment required under a planning obligation, interest and indexation will be charged to allow for fluctuation of prices between the date the agreement is signed and the date the payment is made.

7.10 The Council will enforce obligations through the relevant legal channels once other reasonable approaches to address non-compliance have been taken. In such cases, the Council will seek to retrieve its legal costs in taking action from the party that is in breach of its obligations as well as any additional indexation or interest on the sum that is due.

8. Parish Councils

8.1 The Council recognise that when developers build new houses, the development will have an impact on the local community e.g. the growth in the local population might lead to greater pressure on social or sports facilities; or an increase in traffic. The Council can

use Section 106 Agreements to require developers to pay for projects to help manage the impact of developments.

- 8.2 Parish Councils will be consulted as part of the statutory process and for larger sites at the pre-application stage through the master plan/concept framework process or through the Development Management Forum to establish the most appropriate form of provision taking account of the location, scale and form of the proposed development in their area. A S106 agreement may include works that the developer has to do, or a payment of a financial contribution in order that their development does not adversely affect the local community. The S106 can only be for site specific measures such as Highways improvements, tree planting etc which are necessary to mitigate the impact of development in their area and must be in compliance with the CIL regulations.
- 8.3 There is always the continual demand on planning contributions, despite the current economic climate. The Council has to consider the validity of requests and priorities these. Inevitably some requests, although considered essential to one body, may not be included in agreements because of viability issues(section?) and CIL compliance (Section 3).

9. Neighbourhood Plans

- 9.1 Neighbourhood plans that have been through the statutory process are part of the development plan framework for the District and where they have identified infrastructure requirements these will need to be provided as part of a proposed development. The Council must use any 'made' Neighbourhood Plans in the District to inform the Council's IDP.

Review of Strategy

- 9.3 This document will be reviewed and updated as is considered necessary. Such review will ensure that the information used in calculating contributions (i.e. building costs, census information) is up to date and base figures accurately reflect costs to ensure that it remains fit for purpose, legislative compliant and in line with the Epping Forest District IDP.

APPENDIX A: Infrastructure Types

1. Affordable Housing

- 1.1 The provision of affordable housing is integral to meeting the balanced mix of different sizes, tenures of housing required to address these demands. The Council's Local Plan SV and previous versions of the Local Plan set out clear requirements for planning applicants on provision of affordable housing in the District.
- 1.2 Annex 2 of the NPPF defines affordable Housing as 'housing for sale or rent to those whose needs are not met by the market'. The Council's housing policies require that this is provided in the form of affordable rent which is allocated to applicants on the Housing Register and shared ownership which is allocated on a cascade basis, prioritising Housing Register applicants and local residents. These requirements and the main terms are set out in the Council's Deed of Nominations which is appended to relevant s106 agreements.
- 1.3 The Council's Affordable Housing Policy H_2 states on development sites which provide 11 or more homes, or residential floorspace of more than 1000sq m (Combined gross internal area), the council will require 40% of those homes to be for affordable housing provided on site. The affordable housing provided should not be larger than 3 bed, as the Council has little need for larger units. The minimum size should be 1 bed 2 person units and no garages should be provided.
- 1.4 The mix of units in respect of size will be determined on a site by site basis dependent on the overall needs for the local area and on the specific characteristics of the individual site. The Council will expect the mix of affordable housing to reflect the mix of market housing, in terms of ratio types, sizes and the overall number of habitable rooms. Mixed tenure residential development proposals must be also designed to be 'tenure blind' to ensure homes across tenures are indistinguishable from one another in terms of quality of design, space standards and building materials.
- 1.5 The Council will expect planning applications to include proposals to meet the Local Plan SV requirements for the provision of affordable housing in full unless the applicants can demonstrate that this would make the proposed development unviable to deliver (Appendix D).
- 1.7 The Council will expect the affordable housing contributions to be provided in the form of on-site housing. However, under exceptional circumstances the Council will accept financial contributions in lieu of this. Financial contributions should be at least equivalent to the increased gross development value if the affordable housing is not provided on site.

- 1.8 The Council expects on-site affordable housing to be provided by one of the Council's Preferred Partner Registered Providers. Applicants should not automatically assume that affordable housing grant will be made available for private sector developments. Typically, applications for grant are only considered for schemes that can demonstrate additionality (i.e. that the grant will enable more affordable housing to be delivered than policy requirements alone would deliver). The applicant should liaise with one or more of the Council's Preferred Partners to determine the prices they will be willing to pay for the affordable housing units.

2. Transport

- 2.1 Highways infrastructure covers both the strategic road network and local roads within the District. Highways England is responsible for providing and managing the strategic network, whilst the road network is managed by Essex County Council, which is the Highways Authority.
- 2.2 At the District level, Local Highways Panels (LHP) are responsible for setting local priorities in their areas. LHPs cover a broad scope, including traffic management tackling congestion, road safety, passenger transport, cycling schemes and major improvement schemes. The Councils Transport Policy T1 & T2 aims to work in partnership to promote a safe, efficient and convenient transport system, it will also minimise the need to travel, promote the opportunity for sustainable transport modes, improve accessibility to services and support future transition to a low carbon future.
- 2.3 As far as possible in accordance with the relevant regulations, new developments should meet their own infrastructure needs. For highways, this is often done through seeking Section 106 contributions to deliver the required infrastructure to support development, delivery through a Section 278 Agreement or Section 38 Agreement (commuted sum for maintenance following adoption). Any commuted sums for maintenance will be required in accordance with [Essex Highways Developer's Construction Manual](#) and the IDP.

3. Education

- 3.1 Essex County Council is the Children's Services Authority, and has the statutory duty to secure sufficient places in state funded schools, free early education and post-16 education for all children and young people. The County Council and Council will therefore work in partnership with a wide variety of education providers to ensure that the needs of the District are met to reflect the Epping Forest District IDP.

- 3.2 The Council's policy D2 aims to achieve access to high quality education as it is an important element of building and supporting sustainable communities and promoting economic prosperity. Essex County Council seeks contributions, where appropriate, from developments of 10 or more dwellings to mitigate impact on education facilities. Contributions on sites smaller than ten dwellings will not be sought, unless their co-location with other sites would create a cumulative impact.
- 3.3 The IDP and Infrastructure schedule sets out the future requirements for education services over the plan period and further information is included in the ['Essex County Council's: Developers Guide to Infrastructure Contributions \(2016\)](#). Any contributions will still need to comply with the pooling restrictions.

4. Open Space, Community Facilities and Green Infrastructure

- 4.1 For some types of open space – particularly amenity greenspace, and in some cases children's play – the provision of new space to meet newly arising demand will be expected as part of developments. For larger development, more strategic open space as well as community facilities will be expected.
- 4.2 The Council's Policy DM6 states that where appropriate development proposals will be required to provide open space, or links to open space in accordance with the guidance contained in the IDP and open space strategy.

5. Sports and Leisure

- 5.1 The Council will take a two-pronged approach to ensure the delivery of sport infrastructure through the Local Plan and planning process. For sites that are allocated in the Local Plan, all relevant projects have been captured through the Infrastructure Delivery Plan.

6. Healthcare

- 6.1 The NHS is undergoing a shift in service in response to rising demands and decreasing resources. New models of service provision are focused on a more integrated network of community and social care services, enhanced out of hours services, and the collaboration of a more diverse range of healthcare professionals. The Council's policy D2 states that development proposals will be permitted only where they provide improved essential facilities and services required to serve the scale of the proposed development.

7. Emergency Services

- 7.1 Police and fire and rescue services are funded through a combination of Central Government grant and council tax revenues. Ambulance services are funded by

NHS England. There are no identified physical infrastructure requirements associated with the quantum and distribution of growth proposed in Epping Forest District.

8. Managing Recreational Pressure and Air Quality Impact on the Epping Forest Special Area of conservation ('SAC')

- 8.1 Epping Forest (the Forest) is London's largest open space, it also provides recreational open space for residents from within Epping Forest District. It covers some 2400 hectares and is run by the Conservators of Epping Forest owned and managed by the Corporation of London. The Council's policy DM2 states that the Council will expect all relevant development proposals to assist in the conservation and enhancement of the biodiversity, character, appearance and landscape setting of Epping Forest SAC.
- 8.2 [An Interim Approach to Managing the Recreational Pressures on the Epping Forest Special Conservation Area \(SAC\)](#) was adopted by Cabinet on the 18 October 2018. It is a material consideration in determination of planning applications and permitted development rights proposals for residential development which would result in net increase in new homes within the Epping Forest District administrative area.
- 8.3 The interim approach recognises that visitors from one local authority administrative area often go to a part of the SAC that lies within a different local authority administrative area. The Interim Approach identifies schemes and their associated costings developed and programmed to cover the period up to 2033. Contributions will be sought to mitigate the impact of the recreational pressures on the Epping Forest SAC. The route for securing the contributions will be by way of a Section 106 legal obligation in accordance with the Strategy. The monies secured are not subject to CIL Regulations pooling restrictions.
- 8.4 The Interim Approach referred to above does not, however address the significant effect that all residential and employment development within the District is likely to have on the SAC with regards to air quality. There is currently no interim approach to managing air quality for the District and the Council and other partner organisations continue to work together to identify an acceptable air quality mitigation strategy.

9. Stewardship

- 9.1 Delivering a successful new community requires a clear understanding of how assets generated by the development process will be managed in perpetuity. New development must demonstrate how such management will be undertaken on behalf of the community. Putting local people at the heart of this process can generate increased local support, creativity, and entrepreneurialism. The right stewardship models can also

provide reassurance for local authorities who may be worried about taking on the management of such assets at a time of increasing budgetary pressure.

- 9.2 There is a range of types of stewardship bodies that take on responsibility for green space management, in which an organisation committed to charitable objectives for a town commits to proactively share and reinvest money created through the town's development and management in order to look after a range of community services, ranging from art to healthcare. Such bodies can take a range of organisational and legal forms, depending on the type of development, the delivery vehicle used, and the assets being managed.
- 9.3 Local Plan Policy SP 3 and SP 4, refer to stewardship principles for infrastructure and services required as a consequence of development, provision for their maintenance will be sought from developers which could include transport, community facilities, parklands, open spaces etc.
- 9.4 The sustainable, long-term success of a stewardship model can only be achieved with an effective means of income generation. Assets require maintenance and management over the long term, which requires security, flexibility and transparency in funding from the stewardship body.

10. Other Potential Development Specific Requirements

- 10.1 This Strategy may not identify all possible planning obligations requirements that may be applicable to any individual development. The precise circumstances of each development will be different and therefore there may be additional development specific requirements, such as mitigation measures, that may be needed to address the impact of individual developments. Such requirement, by reason of their nature, will need to be assessed on a site by site basis.

Appendix B: Planning Conditions

1.1 New development will contribute to site related and other infrastructure needs through a combination of either:

- Planning Conditions (site/development related) or;
- Planning Obligations to secure developer contributions or works in kind (strategic, local requirements & site/development related).

What are Planning Conditions?

1.2 Planning conditions are requirements made by the Council, in the granting of planning permission, to ensure that certain actions or elements related to the development proposal are carried out. Planning conditions are likely to cover, amongst other things,

- the submission of reserve matters;
- controls over the materials to be used;
- controls over the occupation of new buildings or further stages of development until certain other actions are completed;
- the requirement to undertake further investigations as work proceeds (e.g. archaeological recording);
- construction in accordance with the submitted method statement;
- the requirement to implement works in accordance with the submitted plans such as landscaping, tree planting, drainage works etc.;
- and requirements for the certification of works following completion.

1.3 Where there is a choice between imposing planning conditions and entering into a planning obligation to manage the impacts of a new development, the use of planning conditions is always preferable.

1.4 When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.

1.5 The main powers relating to Council's use of conditions are in sections 70,72,73,73A and Schedule 5 of the Town and Country Planning Act 1990. Section 70(1)(a) of the Act enables the Council in granting planning permission to impose "such conditions as they think fit". This power must be interpreted in light of material factors such as the National Planning Policy Framework, this supporting guidance on the use of conditions, and relevant case law.

Appendix C: Legislative contact

National

- 1.1 The [Planning Practice Guidance on Planning Obligations](#) states these assist in mitigating impact of development to make it acceptable in planning terms (Reference ID: 23b-002-20190315) entered into by landowners and developers (and others) through Section 106 agreements (Reference ID: 23b-001-20190315). Under [Section 106 of the Town and Country Planning Act \(1990\)](#) a planning obligation may:
- I. Restrict the development or use of the land in any specified way;
 - II. Require specified operations or activities to be carried out in, on, under or over the land;
 - III. Require the land to be used in any specified way;
 - IV. Require a sum or sums to be paid to the authority on a specified date, dates or periodically

Planning Obligations

- 1.2 The [National Planning Policy Framework \(NPPF\) \(February 2019\)](#) (Paragraph 56) and Regulation 122(2) of the [Community Infrastructure Levy \(CIL\) Regulations \(2010\)](#) place into law for the first time, the Governments policy tests on the use of S106 Agreements. As of 6 April 2010, It therefore became unlawful for planning obligations to be taken into account when determining a planning application for a development, if the obligation does not meet any of the following tests:
- I. Necessary to make the development acceptable in planning terms;
 - II. Directly related to the development; and
 - III. Fairly and reasonably related in scale and kind to the development.
- 1.3 At present these legal tests (often referred to as 'Regulation 122 tests) restrict the use of Planning Obligations by prohibiting pooling where five or more separate S106 Agreements already exist in the LPA area for a particular project or infrastructure.
- 1.4 In November 2015, the Government commissioned a review of the CIL system. The results of the CIL review, published in February 2017 alongside the Housing White Paper, concluded the current CIL system was not fulfilling the original intention of providing a faster, fairer, simpler, more certain and more transparent way of ensuring that all development contributes something towards cumulative infrastructure need.

On the 1st September 2019 (CIL Regulations 2019) the restrictions on the 'pooling' of section 106 planning obligations to fund infrastructure will be removed.

- 1.5 Where Planning Obligations are necessary, the Councils require applicants for major development to enter into Planning Obligations that capture the value of land for consented development to deliver required infrastructure on site and across the District. Applicants are required to support their applications at submission stage with:
- I. Proposed draft Heads of Terms for a Section 106 agreement including itemised schedule of infrastructure, phasing, cost and responsibility for delivery based upon the Policy, the IDP and as identified through engagement with the Councils. This should reflect requirements of the Template Section 106 Agreement (below) or, for smaller sites, such other agreed process;
 - II. A Statement of Delivery. This statement will confirm the Applicant's position in relation to the viability and deliverability of the development (see Appendix D).
- 1.6 The provision of many items of infrastructure across the District is the responsibility of Essex County Council under its statutory duties. In addition to the District Council's IDP and supplementary guidance, developers will also be expected to refer to the County Council's Developers' Guide to Infrastructure Contributions

2 Section 278 Agreement

- 2.1 Agreements to authorise work on the public adopted highway network are made under section 278 of the Highways Act 1980, as amended by section 23 of the New Roads and Street Works Act 1991. These agreements facilitate works that have been identified and determined as necessary for planning permission to be granted. This strategy does not specify the circumstances in which a S278 agreement will be required. Requirements for S278 agreements will be identified separately, although this will often take place alongside negotiation of the S106 agreement.
- 2.2 Essex County Council is responsible for delivering and maintaining highways, transport, and schools Infrastructure, in addition to providing libraries, adult social care and youth services. The County Council is also responsible for waste and is the lead flood authority. The Council is working with ECC to assist in identifying the additional infrastructure that is needed to support growth in the Local Plan.

3. Section 38 Agreement

- 3.1 Should the construction of a new road be required for residential, industrial or public the normal method for the road to be adopted and therefore become part of the existing

public highway network is through an agreement struck under Section 38 of the Highways Act 1980.

- 3.2 Section 38 Agreements are negotiated between the Local Highway Authority's engineer and the developer's Highway Engineer. Plans showing all elements of construction and specifications should be provided. The plans and details will be similar to those required for highway improvements under a Section 278 agreement (see above). Additional guarantees may be required between the developer and the Local Highway Authority to ensure that the proposed works can be satisfactorily completed in the event of any default or unforeseen circumstances.
- 3.3 The adoption process can be lengthy. For the period of time which the road lies unadopted, the developer is responsible for maintenance and upkeep of the road until adoption happens. On larger developments, the completed road may be used as site access for later phases of the development; adoption under a Section 38 normally takes place on or after completion of the whole development.

Appendix D: The Council's Approach to Viability

1 Viability Testing

- 1.1 Viability testing is an important part of the planning process. The requirement to assess viability forms part of the National Planning Policy Framework (NPPF), and it is a requirement of the CIL Regulations. In each case the requirement is slightly different, but all have much in common.
- 1.2 All considerations and approaches to assessing Viability will be based upon the context of the guidance set out in the [PPG on Viability](#) and Paragraph 57 of the [NPPF \(February 2019\)](#).

2 National Planning Policy Framework (July 2018)

- 2.1 As in the 2012 NPPF, viability remains a core area of the plan-making process. The 2018 NPPF does not include detail on the viability process, rather stresses the importance of viability.
- 2.2 The main change is a shift of viability testing from the development management stage to the plan-making stage.
- 2.3 The 2018 NPPF does not include technical guidance on undertaking viability work. This is included within the PPG that was also updated in July 2018.

3. National Planning Practice Guidance (July 2019)

- 3.1 When the use of land changes, for example from agricultural to residential, the value of that land changes. [National Planning Practice Guidance \(PPG\) on Viability](#) sets out how the value of land should be considered (Reference ID: 10-013-20180724 and 10-019-20180724). Provided that the value generated by a development is more than the cost of developing it and that a sufficient incentive exists to provide the land and build the development, then the scheme is viable. The aim is to ensure an approach that balances reasonable landowner incentive and developer profit with appropriate benefits to the public through high quality development and infrastructure. The provision of these benefits is what is referred to as Land Value Capture.
- 3.2 The Council will ensure that any increases in land value that arise from the granting of planning consents are used to ensure that high quality development proposals are delivered that are supported by necessary infrastructure. Illustrated simply:

- 3.3 The form that this equitable Land Value Capture may take is varied and will include a combination of the following:
- I. Achieving high quality design – through collaborative engagement on masterplans and planning applications between Councils, developers, stakeholders and the community on the appearance and form development takes in response to its surroundings. Investment in high quality design by the developer enhances the overall value of the development;
 - II. Delivering infrastructure on-site – through approval of design details via applications, planning conditions and planning obligations in **Section 106** agreements (see below) including affordable housing and education, health and community facilities. These are necessary to make development acceptable and are funded by the developer and landowners;
 - III. Contributing to infrastructure – through planning obligations in Section 106 agreements including public transport and highway improvements. Contributions to infrastructure may come from more than one development and there is also the possibility of additional funding from external sources (see below);
 - IV. Providing services, endowments/assets and governance arrangements to support on-going stewardship – through planning obligations in Section 106 agreements and planning conditions including measures to support public transport such as subsidised travel for residents and cycle hire, provision of assets or funds into a management organisation for the long-term stewardship of the development and its buildings and spaces. Garden City Principles state that Stewardship should include community ownership

4. Viability Guidance

- 4.1 The need to deliver strategic infrastructure items across the District and the Garden Town including on a 'pooled' basis, through co-ordinated contributions of land and/or infrastructure costs, such as the STC, mean that it is important to adopt a consistent and transparent approach to viability assessment.
- 4.2 Alongside the IDP and as a part of the Plan-making processes, viability assessment for each of the allocated sites will be undertaken in order to determine the appropriate level of developer contributions to be sought given the need to deliver the necessary infrastructure whilst ensuring that the sites remain viable and deliverable.
- 4.3 For any major development (applications for 10 or more homes or 1,000m² for non-residential development) applicants will be required to demonstrate that the application will meet requirements of policies and is considered viable and deliverable. This should be through the provision of a Statement of Delivery (paragraph 4.4) comprising:

- I. Gross Development Value for the application scheme*;
- II. Benchmark Land Value based upon existing use value (EUV) plus the assumed Landowner Premium (EUV+)*;
- III. Development Costs including build costs, site-specific infrastructure costs, total cost of meeting Policy requirements including contributions to infrastructure set out in the IDP, General Finance Costs, Professional Fees, and any project contingency costs as well as any assumed provision of external funding*;
- IV. A comprehensive development programme indicating assumed phasing and/or timing associated with the delivery of infrastructure and, specifically, where such phasing and/or timing does not accord with policy, the IDP or requirements identified as necessary through engagement with the Councils for reasons of viability this should be supported by a details of development cash flow;
- V. List of Abnormal Costs that the applicant has identified which have been taken into account when defining the Benchmark Land Value;
- VI. Financial return assumed by the Developer.

* The Applicant will be required to include explicit agreement to the assumptions of the most recent viability assessment published for the District or Garden Town or, alternative assumptions where clear evidence is provided to demonstrate what has changed since that viability assessment was undertaken.

- 4.4 The Statement of Delivery should reflect the requirements set out in Policy, the IDP and as otherwise agreed through engagement with the Councils and should, wherever appropriate, include explicit agreement to the assumptions within the most recent viability assessment published for the District or Garden Town. Where the applicant wishes to rely upon different assumptions these must be clearly evidenced so that they can be assessed by the Council.
- 4.5 The Councils recognise that delivery of growth in the district will extend over many years during which, from time to time, external factors could improve or reduce viability of development. The viability of development may also be affected by the accuracy of assumptions made at the stage of assessment which may vary during planning for outline or detailed/reserved matters stages and again at the commencement of, and during, the construction phase.
- 4.6 As set out in PPG (Reference ID: 10-009-20180724) the potential risk to developers is accounted for in the assumptions for developer return in a viability assessment. Realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. As a general rule, re-appraisal of policy compliant will not be entertained.

- 4.7 Where Applicants fail to demonstrate full compliance with policy requirements through reasons of viability they will be required to provide detailed information to support all assumptions made within the Statement of Delivery in order that the Council can assess the case. As set out in the PPG (Reference ID: 10-009-20180724), the applicant will also be required to commit to re-appraisal and agree a clear process and terms of engagement for how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Circumstances where re-appraisal will be undertaken may include:
- I. Detailed planning stage (if viability only assessed at plan-making or outline planning stage);
 - II. Change in scheme proposals, where the Council deem this to have a bearing upon viability;
 - III. Change in market conditions, where the Council deem this to have a bearing upon viability;
 - IV. Approximately every 3 to 5 years, or the occupation of 500 homes or completion of an agreed phase on the development since the last viability appraisal, whichever the Council deem to establish new market evidence to be considered;
 - V. Provision of any external funding contributions which may reduce the apportionment of infrastructure costs, or improve cash flow, for the development.
 - VI. Where the Council agrees that schemes are unviable. Mechanisms for re-appraisal will be written into Section 106 agreements. If viability improves, applicants will be required to rectify any short fall in later stages of the development.
- 4.8 Statements of Delivery, viability evidence and viability re-appraisal will be reviewed by the Council. In accordance with the PPG (Reference ID: 10-021-20180724) viability assessment will be made publicly available and should be prepared on that basis.
- 4.9 In accordance with the PPG (Reference ID: 10-021-20180724) viability assessment will be made publicly available and should be prepared on that basis.
- 4.11 Where the Council is satisfied that the applicant has demonstrated that the submission of a viability assessment is justified, the Council will give due weight to the assessment having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment. The Council will undertake an independent review of that assessment for which the applicant will bear the cost. Where the Council is satisfied that the viability assessment justifies the provision of affordable housing below the level required by Policy H 2, where appropriate, the Council will expect additional affordable

housing provision to be made if viability improves before full completion of the development permitted.

- 4.12 Proposals that do not accord with the requirements of paragraph A of Policy H2 must be accompanied by a financial and viability assessment appraisal (with supporting evidence), which is transparent and complies with relevant national or local guidance applicable at the time. Where a viability assessment is submitted, it must be based upon and refer back to the viability evidence which informed the Local Plan. The applicant must demonstrate what has changed since the evidence was produced which justifies the need for a viability assessment.
- 4.13 In determining the weight to attach to a viability assessment submitted, the Council will have regard to:
- I. How up to date the Local Plan and viability evidence underpinning the plan is;
 - II. Any change in site circumstances since the plan was brought into force; and
 - III. The transparency of assumptions behind evidence submitted as part of the viability assessment.”

APPENDIX E: NOTIFICATION FORM

EVENT NOTIFICATION AND PAYMENT

PURSUANT TO SECTION 106 AGREEMENT/UNILATERAL UNDERTAKING	
Dated	
Made Between	
Planning Ref:	EPF/ / /
Site Address	
Agreement Date	

SITE OWNER DETAILS	
Name	
Contact name	
Address	
Main	
Mobile	

EVENTS BEING NOTIFIED	
Commencement Date	
Occupation of Development (Number if relevant) & date	

COMPLIANCE WITH OBLIGATION(S)	
Schedule	Paragraph
Details of Obligation and compliance	

PAYMENT OF S106 CONTRIBUTIONS

Payment Type	Amount	Indexation	Total	Payable to
Example Education (primary)	X £	Y £	X+Y £	ECC
Example (Affordable Housing)	A £	B £	A+B £	EFDC

METHOD OF PAYMENT

Payment of S106 contributions can be made by BACS, CHAPS or cheque.

National Westminster Bank Plc

279 High Road

Epping CM16 4BT

Sort Code: 60 07 39

Account No: 56340001

Please quote reference – EPF/ /

This form should be completed and sent to:

Strategic Infrastructure & Planning Obligations Officer

Epping Forest District Council, Civic Offices, High Street, Epping, CM16 4BZ

APPENDIX F: S106 PRECEDENT AND NOMINATION AGREEMENT

S106 PRECEDENT

NOMINATION AGREEMENT

THIS DEED OF NOMINATION is made the _____ day of _____ 2019

BETWEEN

- (1) THE COUNCIL** and
- (2) THE ASSOCIATION**

DEFINITIONS

- "Affordable Housing Unit" any dwelling for use as self-contained housing accommodation provided by the Association within the District either as a Rented Unit or as a Shared Ownership Unit

- "Affordable Housing Land" the land upon which the Affordable Housing Units are constructed

- "Applicant" either a Rented Unit Applicant or a Shared Ownership Applicant as appropriate

- "Association" [INSERT DETAILS]

- "Bidding Cycle" the period between vacant possession of a Rented Unit being first advertised through the Choice Based Lettings Scheme and the closing date for applicants to express expressions of interest to receive a tenancy offer for vacant properties

“Broad Market Rental Area”	the geographical area set by the Valuation Office Agency which is used to define the amount a household might be able to claim in housing benefit to support their housing costs
“Capital Funding Guide”	the Affordable Housing Capital Funding Guide hosted by the Homes and Communities Agency
“Choice Based Lettings Scheme”	a process through which applicants on the Council’s Housing Register and existing tenants seeking a transfer can apply for vacant Rented Units which are advertised locally
"Council"	Epping Forest District Council of Civic Offices, High Street, Epping, Essex CM16 4BZ
“Council’s Housing Register”	a list of applicants for Council and Housing and Association accommodation held by the Council in accordance with the Housing Act 1996
“Deed”	this deed
“District”	the administrative area of Epping Forest District Council
"Expert for Affordable Housing”	an independent chartered surveyor with not less than 10 years post qualification experience in the valuation of residential dwellings and residential development land to be appointed (in default of agreement on appointment) by the President for the time being of the Royal Institution of Chartered Surveyors
“Help to Buy Agent”	the organisation selected by the Homes and Communities Agency to assist Shared Ownership Applicants find Shared Ownership Units and to assist Registered Providers of Social Housing to find suitable Shared Ownership Applicants
“Homes and Communities	the organisation of that name (trading as Homes England) or

Agency”	such other body for the time being having or being entitled to exercise the power to regulate Registered Providers of Social Housing now conferred on such body under the Housing and Regeneration Act 2008
“Housing Allocation Scheme”	the Council’s written statement of how it allocates its own housing and makes nominations to Registered Providers of Social Housing
“the List”	the Rented Unit List or the Shared Ownership List (as applicable)
“Local Housing Allowance”	the maximum amount that would be paid in housing benefit for different types of Rented Unit within the Broad Market Rental Area
“Local Letting Plan”	an arrangement between the Council and the Association for the nomination of applicants with specific recognised needs related to the type or design of the Affordable Housing Units being provided by the Association
“Mortgagee”	is any mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver))
“New Affordable Housing Unit”	any Affordable Housing Unit ready for its first occupation as self-contained housing accommodation provided by the Association within the District

“New Rented Unit”	any Rented Unit ready for its first occupation as self-contained accommodation provided by the Association within the District
“New Shared Ownership Unit”	any Shared Ownership Unit ready for its first occupation as self-contained accommodation provided by the Association within the District
"Nomination Rights"	the rights of the Council to nominate people for occupation of the Affordable Housing Units
"Notice"	written notice by the Association to the Council of the completion of or the vacancy of a Rented Unit in respect of which the Council has Nomination Rights and will include full details including the amount of rent payable, number of bedrooms, services, floor level, lift availability
“Open Market Value”	the market value of the Affordable Housing Units or the Affordable Housing Land as appropriate as determined in accordance with the Royal Institution of Chartered Surveyors Appraisal and Valuation Manual Practice Statement 4.2 or other replacement guidance current at the date of valuation provided that the terms within this Deed relating to the provision of Affordable Housing shall be disregarded in such determination. In the event of disagreement the Open Market Value shall be referred to the Expert for Affordable Housing
“Priority Bands”	the criteria within the Housing Allocation Scheme used to prioritise between Applicants
“Receiver”	any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed

under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator

“Registered Provider of Social	means a landlord on the Register of Providers of Social Housing maintained by the Homes and Communities Agency or Housing” successor body under Section 1 Housing Act 1996
“Rented Unit”	an Affordable Housing Unit let at a rent in accordance with the Homes and Communities Agency Rent Standard applicable to Registered Providers of Social Housing or any replacement arrangement and which shall be no more than the Local Housing Allowance relating to the Broad Market Rental Area in which the Affordable Housing Unit is situated
“Rented Unit Applicant”	a person applying to be nominated for a Rented Unit
“Rented Unit List”	a written list of names and addresses of suitable nominees in priority order in respect of the Rented Unit nominated in accordance with the criteria set out in Clause 4
“Schedule”	the written list of Shared Ownership Applicants for Shared Ownership Units identified and considered by the Association in accordance with the criteria set out in Clause 5
“Shared Ownership”	disposal by means of a shared ownership lease which is a lease granted on payment of a premium calculated by reference to a percentage of the value of the demised premises the cost of providing them and under which the tenant is entitled to acquire a maximum of a 75% interest initially but with the entitlement to acquire additional shares to a 100% leasehold interest or a freehold interest in the demised premises as appropriate

“Shared Ownership Applicant”	a person applying to be nominated for a Shared Ownership Unit within the District
“Shared Ownership Unit”	an Affordable Housing Unit that is disposed of as Shared Ownership
“Shared Ownership Unit List Shared”	the written list of Shared Ownership Applicants identified in the Schedule prioritised by the Council in respect of each New Shared Ownership Unit in accordance with the criteria set out in Clause 4
“Site”	[INSERT DETAILS]

This Deed is made pursuant to the Housing Acts 1985 and 1996 (as amended) and Section 111 of the Local Government Act 1972 and in each case any statutory amendment variation substitution or re-enactment thereof together with all other statutory powers and Acts pursuant to which the parties hereto shall be empowered to enter into this Deed.

IT IS AGREED AS FOLLOWS:

Existing Nomination Agreements

1. As from the date hereof any nomination agreements made previously between the Council and the Association shall be revoked and the Council's Nomination Rights in respect of New Affordable Housing Units and Affordable Housing Units shall be in accordance with the terms of this Deed.

Nomination Rights

2. The Council shall have the right to nominate Applicants for selection for 100% of New Affordable Housing Units and for 75% of lets of Rented Units thereafter (that is the

first 3 out of every 4 lets) as the Rented Units become vacant in each instance except where:

(a) The Council has previously owned the land on which the Rented Units are situated, in which the case the Council shall have the right to nominate Rented Applicants for 100% of Rented Units; and

(b) the Council and Association agree a higher percentage figure than 75% of lets of Rented Units.

3. The Council's nomination of Applicants will be in accordance with its Housing Allocations Scheme, pursuant to Part VI of the Housing Act 1996 (as amended).
4. When compiling the List the Council will generally prioritise the Applicants in the following order:
 - 4.1 people who are on the Councils Housing Register – ranked according to the Priority Bands set out in the Councils Housing Allocations Scheme and the Applicant's Registration Date on the Council's Housing Register
 - 4.2 other residents of the District – ranked by length of residency in the District
 - 4.3 people who work in the District – ranked by length of time worked in the District
 - 4.4 people who have a parent or child living in the District
 - 4.5 people who do not meet any of the above criteria
5. When compiling the Schedule the Association must include the full postal address and the number of bedrooms for each Shared Ownership Unit and in respect of each Shared Ownership Applicant include the following information:
 - 5.1 their full name and address;
 - 5.2 whether or not they are on the Councils Housing Register;
 - 5.3 whether or not they are otherwise a resident in the District and if so their length of residency in the District together with the addresses where they have lived in the District and the dates of residency for the previous 5 years;
 - 5.4 whether or not they currently work in the District and if so:

- (a) the name of their current and previous employers relating to when they have worked in the District for the previous 5 years;
 - (b) the address(es) of their place(s) of employment in the District for the previous 5 years; and
 - (c) how long they have worked for each employer in the District;
- 5.5 whether or not a parent or child currently lives in the District and if so the name and address of the parent or child

Council's Exercise of Nomination Rights for Rented Units

- 6. The Association shall give the Council a minimum of two months' Notice of the expected date of availability for occupation of a New Affordable Housing Unit and as much notice as possible of a vacancy of a Rented Unit in respect of which the Council has Nomination Rights
- 7. On receipt of the Notice for a New Affordable Housing Unit or a Rented Unit the Council will advertise the vacancy in the next available Bidding Cycle for the Choice Based Lettings Scheme and shall then provide the List to the Association within 5 working days of the closing date for the bids received in that Bidding Cycle
- 8. The Association shall have the final right to approve those Rented Unit Applicants nominated by the Council but in the event that a Rented Unit Applicant is not approved the Association shall invite the Council to make further nominations in accordance with Clause 11.
- 9. The Association shall use reasonable endeavours to offer the Rented Unit to the Rented Unit Applicants in the order of priority on which they appear on the List.
- 10. The Association shall advise the Council, in writing, of the Rented Unit Applicant selected and, if not in the order of priority on the List, the reasons for refusing each of the other nominated Rented Unit Applicants
- 11. If the Association does not accept any of the Council's nominated Rented Unit Applicants on the List or all of those nominated refuse a tenancy, the Council will be invited by the Association to provide another List within ten working days for a New

Affordable Housing Unit or five working days for a Rented Unit of written notification of same and the provisions of Clauses 7 8 and 9 of this Deed shall apply

12. If the Council does not provide a List in accordance with the provisions of Clause 7, the Association shall be free to let the New Rented Housing Unit or the Rented Unit to someone other than a nominee of the Council and the Council shall forego its Nomination Rights in respect of such letting in that particular instance PROVIDED the allocation is made in accordance with the Capital Funding Guide
13. In such circumstances as described in Clause 12 the Council may nominate Rented Unit Applicants to Rented Units in respect of the next 3 lettings and the Council's continuing right to nominate Rented Unit Applicants in respect of the Rented Units remains unchanged

Councils Exercise of Nomination Rights for Shared Ownership Units

14. The Association must market the availability of New Shared Ownership Units so as to achieve the highest possible number of Shared Ownership Applicants such marketing to include liaising with the Help to Buy Agent and obtaining a list of Shared Ownership Applicants
15. The Association shall serve the Schedule on the Council no less than two months before the proposed date of completion of a New Shared Ownership Unit or Units for which the Council has Nomination Rights
16. The Council shall provide the Shared Ownership List to the Association:
 - 16.1 within five (5) working days of receiving the Schedule in respect of the New Shared Ownership Units where the number of Shared Ownership Applicants is five (5) or less; and
 - 16.2 within ten (10) working days of receiving the Schedule in respect of the New Shared Ownership Units where the number of Shared Ownership Applicants is six (6) or more
17. The Association shall use reasonable endeavours to offer each New Shared Ownership Unit to the Shared Ownership Applicants in respect of that unit in the order of priority on which they appear on the Shared Ownership List EXCEPT THAT

- 17.1 in circumstances where the total number of Shared Ownership Applicants on the Schedule and any subsequent Schedule is less than the total number of available New Shared Ownership Units then none of the New Shared Ownership Units shall be offered to any Shared Ownership Applicant who only meets the criteria set out at Clauses 4.4 or 4.5 above for a period of six (6) months from the date that the relevant New Shared Ownership Unit is ready for first occupation
- 18 The Association shall advise the Council in writing of the Shared Ownership Applicant selected and, if not in the order of priority, the reason for refusing each Shared Ownership Applicant
- 19 If all of the Shared Ownership Applicants identified on the Shared Ownership Unit List in respect of the New Shared Ownership Unit refuse the offer of that Shared Ownership Unit the Association will re-market that unit to include writing to all those listed on the Council's Housing Register who have a housing need for a property with the number of bedrooms provided by that Shared Ownership Unit or for a property with one bedroom less than provided and thereafter provide another Schedule to the Council following receipt of reservation forms in respect of that Shared Ownership Unit and the provisions of Clauses 16 and 17 of this Deed shall apply PROVIDED THAT the Association shall be under no obligation to provide more than two Schedules to the Council in any circumstances
20. If the Council does not provide a Shared Ownership List in accordance with Clause 16 or the Association has provided two Schedules in accordance with Clause 19 the Association shall be free to offer the Shared Ownership Unit to any Shared Ownership Applicant and the Council shall forgo its right to nominate in respect of that Shared Ownership Unit Provided that the allocation is made in accordance with the Capital Funding Guide
21. The Association shall be responsible for investigating and assessing that the Shared Ownership Applicant is financially able to afford the Shared Ownership Unit having regard to the Home and Communities Agency's guidelines.

Mortgagee Provisions

22. Nothing within this Deed shall prevent or restrict the mortgaging or charging of an Affordable Housing unit
23. It is hereby agreed that the provisions of this Deed shall not be binding upon nor enforceable against the following: -
- (a) Any tenant of an Affordable Housing Unit exercising a statutory or voluntary right to buy or right to acquire pursuant to the Housing Act 1985 or the Housing Act 1996 or any statutory amendment modification or re-enactment thereof
 - (b) Any lessee of a Shared Ownership Unit whether or not such lessee has staircased to 100% ownership
 - (c) Any mortgagee, chargee or receiver appointed by a mortgagee or chargee of a Shared Ownership Unit (not being a Mortgagee)
 - (d) The successors in title to the persons or bodies referred to in paragraphs (a) (b) and (c) above or any persons or bodies deriving title through a Mortgagee.
24. The parties agree that if a Mortgagee seeks to dispose of the Affordable Housing Units or any one of them pursuant to its power of sale or other power or powers within the mortgage:
- 24.1 it shall give notice to the Council in writing of its intention to dispose (“the Initial Notice”) and thereafter first seek to dispose of the Affordable Housing Units or any one of them to another Registered Provider of Social Housing provided that if within a period of one calendar month from the date of the Initial Notice the Mortgagee is unable to so dispose at the price it may desire it shall offer to transfer its interest to the Council or the Council’s nominee (“the Mortgagee Notice”) and the parties hereto acknowledge that the Mortgagee may serve the Mortgagee Notice simultaneously with the Initial Notice or at any time within 1 month after service of the Initial Notice;
 - 24.2 the consideration for any transfer to the Council or the Council’s nominees shall be the Open Market Value
 - 24.3 if the Council or the Councils nominee and the Mortgagee have not agreed the consideration for the said transfer within 2 weeks after the Mortgagee Notice then the

matter shall be referred to the Expert for Affordable Housing and the procedure detailed in clause 25 shall apply;

- 24.4 if the Council fails to complete the transfer or their nominee fails to the transfer within 3 months from the date of the Mortgagee Notice, notwithstanding the procedure detailed in clause 25 applying, the Mortgagee shall be entitled to dispose of its interest in the Affordable Housing Units to whomsoever it wishes at whatever price free from the obligations and restrictions contained in this Deed.

Appointment of Expert for Affordable Housing

25. If the matters in clause 24.3 occur then the appointment of the Expert for Affordable Housing shall be made jointly by the parties or, if they do not agree on the appointment within 2 weeks after the Mortgagee Notice, the appointment shall be made by the President of the Royal Institution of Chartered Surveyors or his duly appointed deputy, or other person authorised by him to make such appointments on his behalf within 4 weeks after the Mortgagee Notice;
- 25.2 the parties shall ensure that the terms of the appointment of the Expert for Affordable Housing shall require him to give his written decision within two weeks of receipt by him of the submissions referred to in the preceding paragraph;
- 25.3 if the expert refuses to act, becomes incapable of acting or dies, either party may request the appointment of another expert in his stead under this clause 25;
- 25.4 the determination of the Expert for Affordable Housing, except in case of manifest error, is to be binding on the parties and time shall be of the essence in respect of all timescales referred to in this clause 25.

Local Letting Plan

26. The parties agree that in respect of some Affordable Housing Units that the Association develops and/or manages within the District it will be appropriate to look at Local Letting Plans to create sustainable communities;

26.1 where it is agreed in writing between the parties that a Local Letting Plan is appropriate in respect of identified Affordable Housing Units it is agreed that this Deed shall not apply to those identified Affordable Housing Units whilst the Local Letting Plan is in operation.

Allocations based on false information by a Rented Unit Applicant

27. The Association agrees that if it comes to its attention that a Rented Unit has been allocated to a person on the basis of false information supplied by that person it will at the first opportunity take steps to investigate and establish (to include obtaining legal advice) if it is reasonable in all the circumstances to seek to terminate the tenancy of that person with a view to obtaining vacant possession of the Rented Unit;

27.1 the Association shall inform the Council in writing as soon as possible if an investigation is commenced in accordance with clause 27 and will share with the Council the results of the investigation and provide to the Council a copy of the legal advice obtained;

27.2 if the legal advice obtained in accordance with Clause 27 states that there would be a reasonable chance of success in obtaining a court order for possession the Association will institute legal proceedings without delay to seek to repossess the Rented Unit.

27.3 In the event that the Council does not agree with the legal advice given under clause 27.1 then the Council will at its own cost obtain a second legal advice and the Association will cooperate with the Council and provide to the Council all necessary information and documents to enable the Council to seek the second legal advice;

27.4 where the second legal advice generally accords with the original legal advice the action recommended by the original legal advice will be taken by the Association without delay;

27.5 in the event that the second legal advice is fundamentally different to the original legal advice the Council and the Association shall liaise and jointly decide on the appropriate course of action to be taken PROVIDED always that the overriding objective of both parties is to ensure that the Affordable Housing Unit is occupied by a person who meets the relevant criteria and that the action taken is both lawful and proportionate in the circumstances.

THE COMMON SEAL OF)

[)

Was affixed in the presence of:

Signature of [Director]

Signature of Director [Secretary]

Common Seal

THE COMMON SEAL OF)

EPPING FOREST DISTRICT COUNCIL)

was affixed in the presence of:)

Signature:

Job Title:

The Common Seal of the Council

UNILATERAL AGREEMENT – SPECIAL AREA OF CONSERVATION ('SAC')

DATED

201

(1) [INSERT NAME]

in favour of

(2) EPPING FOREST DISTRICT COUNCIL

DEED OF UNILATERAL UNDERTAKING

under Section 106 Town and Country Planning Act 1990

relating to land at [INSERT SITE DETAILS]

THIS DEED OF UNILATERAL UNDERTAKING is given on

20[]

BY:

(1) **[INSERT NAME]** of **[INSERT ADDRESS]** ("**the Landowner**"); [and]

[(2) **[INSERT NAME]** (Company Registration Number **[INSERT NUMBER]**) whose registered office is at **[INSERT REGISTERED OFFICE ADDRESS]** ("**the Mortgagee**")]

in favour of

(3) **EPPING FOREST DISTRICT COUNCIL** of Civic Offices, High Street, Epping, Essex CM16 4BZ ("**the Council**")

BACKGROUND

(A) For the purpose of the 1990 Act, the Council is the local planning authority for the area within which the Site is located.

(B) The Landowner is the freehold owner of the Site with registered title number **[INSERT TITLE NUMBER]** at the Land Registry

[(C) The Mortgagee is the proprietor of a charge dated [] registered against title number **[INSERT TITLE NUMBER]**

(D) The Planning Application has been made to the Council by the Landowner and in granting the Planning Permission the Council consider it expedient that provision should be made for regulating or facilitating the Development or use of the Site in the manner hereinafter appearing and that entering into this Deed will be of benefit to the public

- (E) In order to satisfy the tests in Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 the Council and the other parties are satisfied that the planning obligations contained in this Deed are necessary to make the Development acceptable in planning terms are directly related to the Development and fairly and reasonably relate in scale and kind to the Development
- (F) The Landowner has agreed to enter into this Deed with the intention that the obligations contained in this Deed may in the event that the Planning Permission is granted be enforced by the Council against the Landowner and their respective successors in title.
- (G) This Deed is entered into by the Landowner to mitigate any adverse effect on the integrity of the European Site as a result of the Development

IT IS HEREBY AGREED AS FOLLOWS:

1. OPERATIVE PROVISIONS

- 1.1 This Deed is made pursuant to Section 106 of the 1990 Act to the intent that it shall bind the Landowner and its successors in title and assigns and the persons claiming under or through them.
- 1.2 This Deed creates planning obligations for the purposes of Section 106 of the 1990 Act and such obligations and covenants hereinafter contained shall be enforceable by the Council acting under the powers contained in Section 106 of the 1990 Act
- 1.3 This Deed shall come into effect on the date of this Deed

2. INTERPRETATION

- 2.1 In this Deed, the following words and expressions have the following meanings:

"1990 Act"	the Town and Country Planning Act 1990 as amended
"Commencement"	means solely for the purposes of this Deed and for no other purpose to initiate the Development by carrying

out a material operation as defined in section 56(4) of the 1990 Act. Where used in the context of part of the Development commence means the carrying out of a material operation on that part. The terms "**Commenced**" and "**Commence Development**", "**Commencement Date**" and other congruent terms are to be construed accordingly. The following matters do not constitute a material operation and consequently shall not individually or together constitute Commencement:

- (a) Demolition;
- (b) Site clearance;
- (c) Site investigations, testing or surveys;
- (d) The provision of underground drainage and sewers and the laying and diversion of other services and service medium;
- (e) Archaeological investigations and digs;
- (f) Ecological surveys, investigations or assessments;
- (g) Decontamination and remediation works;
- (h) The construction of boundary fencing or hoardings (including the erection of an enclosure for the purpose of site security);

"Development"

[INSERT DESCRIPTION OF DEVELOPMENT] all in accordance with the Planning Permission

"European Site"

all that land designated on 1 April 2015 under Article 4(4) of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna known as the Epping Forest Special Area of Conservation (SAC)

designated for the purpose of protecting three qualifying habitats namely beech forests on acid soil, European dry heaths and North Atlantic wet heaths with cross-leaved heath and one qualifying species namely the Stag Beetle

["Index Linked"]

means the recalculation of any payment specified in this Deed by applying the following formula:-

$$A \times \frac{B}{C} = D$$

Where:

A = the payment specified in this Deed

B = the figure shown in the relevant Index for the month last published prior to the date the payment is made under this Agreement

C = the figure shown in the relevant Index for the month immediately prior to the date of this Agreement

D = the recalculated sum payable

and "Index-Linked" and other congruent terms shall be construed accordingly]

"Mitigation Strategy"

means the interim mitigation strategy adopted by the Council on [INSERT DATE] in respect of the European Site

"Plan"

the site plan attached to this Deed

"Planning Application"	the planning application submitted to the Council and given application reference number EPF/[INSERT NUMBER]
"Planning Permission"	the planning permission granted pursuant to the Planning Application
"Regulations"	means the Conservation of Habitats and Species Regulations 2017.

“SAC Contribution”

means the sum of [£XXX] Index Linked payable to the Council as a financial contribution towards:

- i. mitigating air pollution impacts on the European Site as a result of increased vehicular activity; and
- ii. maintenance, improvement, management, access management and monitoring of the European Site

to mitigate the impact of the Development on the European Site in accordance with the Mitigation Strategy

[“Seven Day LIBID Rate”

means an assessment of the rate of interest the Council can expect to earn on investments through the money market, the rate being the average interest rate at which banks are willing to borrow Eurocurrency deposits or in the event that the rate is no longer published or the calculation method is substantially altered then an appropriate alternative rate nominated by the Council]

"Site"

means [INSERT DETAILS] shown for identification purposes edged red on the Plan

2.2 References in this Deed to the Landowner the Council [or the Mortgagee] any one or more of them shall include reference to their respective successors in title and to persons claiming through or under them.

- 2.3 Words importing the singular meaning where the context so admits shall include the plural meaning and vice versa
- 2.4 Words of the masculine gender include the feminine and neuter genders and words denoting natural persons include companies corporations and firms and all such words shall be construed interchangeably in that manner
- 2.5 Words denoting an obligation on the Landowner to do any act matter or thing shall include an obligation to procure that it be done and words placing the Landowner under a restriction shall include an obligation not to cause permit or allow infringement of the restriction
- 2.6 Any reference to an act of parliament shall include any modification extension or re-enactment thereof for the time being in force and shall include all instruments orders plans regulations permissions and directions for the time being made issued or given thereunder or deriving validity therefrom
- 2.7 Headings contained in this Deed are for reference purposes only and should not be incorporated into this Deed and shall not be deemed to be any indication of the meaning of the parts of this Deed to which they relate
- 2.8 Reference to any recital, clause, sub-clause, paragraph number, schedule, appendix or plan is a reference to a recital, clause or sub-clause of, paragraph number of, schedule to, appendix to or plan annexed to this Deed;
- 2.9 The applicable law for this Deed shall be English law

3 NOTICES

- 3.1 Any notice or other written communication to be served or given by one party upon or to any other party under the terms of this Deed shall be deemed to have been validly served or given if received by electronic mail received by facsimile delivered by hand or sent by

recorded delivery post to the party upon whom it is to be served or to whom it is to be given provided that the notice or other communication is marked as follows for each recipient:

3.1.1 for the Landowner it shall be marked for the attention of [INSERT NAME] of [INSERT ADDRESS]

3.1.2 for the Council it shall be marked for the attention of the Service Director – Planning Services, Civic Offices, High Street, Epping, Essex, CM16 4BZ quoting reference EPF/[INSERT NUMBER]

3.1.3 for the Mortgagee it shall be [INSERT DETAILS]

4. OBLIGATIONS OF THE LANDOWNER

4.1 The Landowner undertakes to comply with the obligations set out in the **Schedule**

4.2 The Landowner shall upon the date hereof pay to the Council its reasonable and proper legal expenses in connection with the preparation completion and registration of this Deed in the sum of £500.00 (no VAT)

4.3 The Landowner shall upon parting with all of its interest in the Site be released from all obligations rights and duties under the terms of this Deed but shall remain liable for any breaches of this Deed occurring before parting with such interest.

4.4 The Landowner covenants to give the Council written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged.

4.5 The notice referred to in Clause 4.4 above shall give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

5. GENERAL

- 5.1 Any covenant by the Landowner not to do an act or thing shall be deemed to include an obligation to use reasonable endeavours not to permit or suffer such act or thing to be done by another person where knowledge of the actions of the other person is reasonably to be inferred
- 5.2 The Landowner acknowledges that nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions in any capacity and the respective rights powers duties and obligations of the Council under private public or subordinate legislation may be effectively exercised
- 5.3 Any obligation covenant or undertaking contained herein by any of the parties which comprise more than one person or entity shall be joint and several and where any obligation covenant or undertaking is made with or undertaken towards more than one person it shall be construed as having been made with or undertaken towards each such person separately
- 5.4 If any provision of this Deed is declared by any judicial or other competent authority to be void voidable illegal or otherwise unenforceable the remaining provisions of this Deed shall continue in full force and effect and the parties shall amend those provisions in such a reasonable manner so as to achieve the intention of the parties provided that any party may seek the consent of the other or others to the termination of this Deed on such terms as may in all the circumstances be reasonable if the effect of the foregoing provisions would be to defeat the original intention of the parties
- 5.5 No variation to this Deed shall be effective unless first approved by the Council and made by deed or pursuant to the determination of an application made under Section 106A of the 1990 Act

- 5.6 Failure by the Council to enforce at any time or for any period any one or more of the terms or conditions of this Deed shall not be a waiver of them or of the right at any time subsequently to enforce all terms and conditions of this Deed
- 5.7 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed
- 5.8 This Deed will end (to the extent it has not already been complied with), if the Planning Permission
- 5.8.1 is quashed, revoked or otherwise withdrawn at any time so as to render this Deed or any part of it irrelevant, impractical or unviable; or
- 5.8.2 expires before Commencement
- 5.9 It is hereby agreed and declared that a person who is not a local planning authority shall not be entitled in his own right to enforce any term of this Deed pursuant to the Contracts (Rights of Third Parties) Act 1999
- 5.10 This Deed shall be enforceable as a local land charge and shall be registered as such

6. VAT

- 6.1 All consideration given in accordance with the terms of this Deed shall be exclusive of any properly payable VAT.
- 6.2 If at any time VAT is or becomes chargeable in respect of any supply made in accordance with the terms of this Deed then to the extent that VAT has not been charged in respect of that supply the person making the supply shall have the right to issue a VAT invoice to the person to whom the supply was made and the VAT shall be paid accordingly.

7. INDEX-LINKING

7.1 Any sum referred to in this Deed or in the Schedules to this Deed as being payable by any party shall be Index-Linked using the Retail Prices Index

8. LATE PAYMENT

8.1 Without prejudice to any other right remedy or power herein contained or otherwise available to the Council if any payment which is due to the Council under the terms of this Deed is made later than the date such payment is due it shall attract interest at the Seven day LIBID Rate from the date payment was due until the payment is received by the Council

9. SPEND IN ADVANCE

9.1 If prior to the receipt of any SAC Contribution payable under the terms of this Deed the Council incurs any expenditure in providing facilities or services to which this Deed authorises a SAC Contribution to be applied then the Council may immediately following receipt of such SAC Contribution deduct therefrom sums equivalent to such expenditure

10. MORTGAGEE'S CONSENT

10.1 Subject to Clause 10.2 the Mortgagee acknowledges and declares that this Deed has been entered into by the Landowner with its consent and that the Site shall be bound by the obligations contained in this Deed and that the security of the mortgage over the Site shall take effect subject to this Deed

10.2 The Mortgagee shall have no liability under this Deed unless it takes possession of the Site in which case it too will be bound by the obligations, covenants and undertakings as if it were a person deriving title from the Landowner]

IN WITNESS whereof this document has been executed as a Deed and delivered the day and year first before written

SCHEDULE

The Landowner agrees and covenants that from the date of [this Deed] [Commencement of the Development] the Site shall be permanently subject to the following obligations:

NOTICE OF COMMENCEMENT OF DEVELOPMENT

1. At least ten (10) working days prior to Commencement of Development written notice confirming the date of Commencement of Development shall be given to the Council (in accordance with the notice provision in Clause 3 of this Deed) such notice to include the proposed date for such Commencement of Development together with details of the person or body who or which shall constitute the owner at the time of such Commencement of Development.
2. Not to Commence Development unless and until the written notice referred to in paragraph 1 above has been given to the Council.

PAYMENT OF FINANCIAL CONTRIBUTIONS

3. To pay the SAC Contribution to the Council in cleared funds [on the date of this Deed] [prior to the Commencement of Development].
4. Not to Commence Development unless and until the SAC Contribution has been paid in full to the Council

SIGNED AS A DEED by the said)

[INSERT NAME])

in the presence of:)

Sign:

Name:

Address:

Occupation:

SIGNED AS A DEED by the said)

[INSERT NAME])

in the presence of:)

Sign:

Name:

Address:

Occupation:

APPENDIX G: Useful References

- [National Planning Policy Framework \(NPPF\) \(February 2019\)](#)

- [National Planning Practice Guidance \(PPG\) Planning Obligations](#)
- [National Planning Practice Guidance \(PPG\) Viability](#)
- [Harlow and Gilston Garden Town IDP \(April 2019\)](#)
- [Harlow and Gilston Garden Town Strategic Viability Assessment \(April 2019\)](#)



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Report to Constitution Working Group

Date of meeting: 24 September 2019



**Epping Forest
District Council**

Subject: Council Meetings - Public Speaking on Planning Applications & Site Visits

Officer contact for further information: S. Tautz (01992) 564180

Democratic Services Officer: V. Messenger (01992) 564265

Recommendations/Decisions Required:

That the Working Group review:

- (a) **current arrangements for public speaking at Council meetings, with regard to the consideration and determination of planning applications; and**
 - (b) **current arrangements for the holding of member site visits with regard to the consideration of planning applications referred to the Council for determination.**
1. At its meeting on 28 March 2019, the Working Group reviewed the operation of trial arrangements for the identification of requirements for formal member site visits with regard to planning applications scheduled for consideration by the Area Plans Sub-Committees. The recommendations of the Working Group in this regard were subsequently agreed by the Council on 25 April 2019, alongside the extension of arrangements for site visits for members of the District Development Management Committee, to ensure consistency of approach.
 2. At that time, the Council also agreed that the following matters be added to the ongoing work programme of the Working Group:
 - (a) the review of existing arrangements within the Constitution whereby planning applications referred to the Council for determination are not generally subject to arrangements for public speaking.
 - (b) The consideration of possible arrangements for formal site visits to be held with regard to planning applications referred to the Council for determination; and
 3. This report seeks the review of these matters by the Working Group.

Public Speaking

4. In order to ensure consistency of approach with regard to arrangements for public speaking in relation to planning applications, the Working Group is requested to review existing arrangements within the Constitution whereby planning applications referred to the Council for determination are not generally subject to arrangements for public speaking.
5. The Council introduced arrangements for 'public' speaking at meetings of the District Development Management Committee and Area Plans Sub-Committees over twenty years ago and has a well-established procedure for the registration of applicants, objectors and local town and parish councils (or representatives) to speak at meetings.

6. These existing arrangements for public speaking currently only extend to meetings of the District Development Management Committee and the Area Plans Sub-Committees and do not apply to planning applications considered by the Council. The current arrangements do not preclude an applicant, objector or parish/town council representative that has previously made representations on a planning application at a meeting of an Area Plans Sub-Committee from speaking again, if any matter is reconsidered by the District Development Management Committee.
7. The only exception to these arrangements is in respect of planning applications submitted directly to a meeting of the Council without prior consideration of the development proposal by the District Development Management Committee and/or an Area Plans Sub-Committee. In these circumstances, applications are subject to the existing arrangements for public participation by applicants, objectors and parish/town councils in the same way as those applied to the District Development Management Committee and the Area Plans Sub-Committees. The types of planning application that can be considered by the District Development Management Committee and the Area Plans Sub-Committees, are set out in the Constitution.
8. The relevant provisions of the Constitution in this regard are:
 - Article 10 (District Development Management Committee and Area Plans Sub-Committees) (Appendix 1 - Rules for Participation); and
 - Council Procedure Rules (Rule P2) (Planning Applications).
9. Copies of these extracts of the Constitution are attached as Appendix 1 to this report.
10. Planning applications are occasionally referred to the Council for determination by way of constitutional requirement or a minority reference from the District Development Management Committee. In the previous five years, only four planning applications have been considered at Council meetings as follows:

2019/20: Nil
2018/19: 2 (one withdrawn)
2017/18; Nil
2016/17: 1
2015/16: 2
2014/15: Nil
11. In the previous five years, no planning applications have been submitted directly to a meeting of the Council without prior consideration of the development proposal by the District Development Management Committee and/or an Area Plans Sub-Committee.
12. A benchmarking exercise has recently been undertaken amongst other local authorities in Essex and the Council's 'family group' of comparable authorities, with regard to the introduction of arrangements for public speaking at meetings of planning committees. The results of the benchmarking exercise are attached as Appendix 2, although it must be noted that as committee structures vary between authorities, meaningful comparison in relation to such matters is not easily achieved.
13. Whilst all local authorities that responded to the benchmarking exercise have introduced public speaking arrangements along the lines of those applied by this Council to the District Development Management Committee and Area Plans Sub-Committees, only two authorities (Guildford Borough Council and Hertsmere District Council) have introduced arrangements for members of the public to speak at meetings of the full Council in objection to or support of planning applications that have been referred to the Council for determination.
14. Members should also be aware that, in a significant number of local authorities that

responded to the benchmarking exercise, planning applications are determined at the level of this Council's Area Plans Sub-Committee framework and that there are generally no 'parent' or 'higher level' planning committees to which planning applications can be referred upwards for determination. From analysis of the results of the benchmarking exercise, it appears that the determination of planning applications by the full Council (and therefore the need for arrangements for public speaking at Council meetings) is therefore unusual amongst comparable authorities.

15. The Working Group is therefore requested to review this authority's current arrangements for public speaking at Council meetings, with regard to the consideration and determination of planning applications.

Site Visits

16. The Council has longstanding arrangements whereby formal member site visits may be undertaken in respect of any site subject of a current planning application, where this offers a substantial benefit to the decision-making process. Site visits are undertaken at an agreed time and are subject to the presence of a representative of the Service Director (Planning Services). Site visits are managed by the Chairman (or Vice-Chairman) of the relevant Area Plans Sub-Committee, or the Planning Officer in attendance. No discussion with interested parties as to the merit of the development proposal is permitted at any time during a site visit. The Council's protocol for the management of site visits is set out in Appendix 2 to Article 10 (District Development Management Committee and Area Plans Sub-Committees) of the Constitution, which is included within Appendix 1 to this report.
17. As already indicated, planning applications are occasionally referred to the Council for determination either by or constitutional requirement or minority reference from the District Development Management Committee. Although certain planning applications may be submitted directly to a meeting of the Council without prior consideration of the development proposal by the District Development Management Committee and/or an Area Plans Sub-Committee, no such planning applications have been submitted to the Council for determination in the last five years. At present no arrangements are in place for site visits to be held (where appropriate) by members of the Council in these circumstances.
18. In order to ensure consistency of approach with regard the site visit arrangements applied by the District Development Management Committee and Area Plans Sub-Committees, the Working Group is requested to review arrangements for formal site visits to be held with regard to planning applications referred to the Council for determination.
19. The number of planning applications considered at Council meetings in the previous five years, is highlighted in paragraph 9 of this report. The majority of local authorities that responded to the benchmarking exercise referred to earlier in this report have not introduced arrangements for the consideration of planning applications by the full Council and have also therefore not considered arrangements for member site visits. Only one authority (Guildford Borough Council) has introduced arrangements for site visits to be held for the full Council in advance of its consideration and determination of planning applications. The determination of planning applications by the full Council (and therefore the need for arrangements for site visits) accordingly appears to be unusual amongst comparable authorities.
20. The Working Group might wish to consider whether, in circumstances where an application that has been subject to a formal site visit by members of the District Development Management Committee is subsequently referred to the Council for determination (either by constitutional requirement or minority reference), a further site visit should be arranged for members of the Council prior to its consideration of the application.

21. The Working Group may also wish to consider whether site visits should be arranged as a matter of routine with regard to planning applications submitted directly to a meeting of the Council without prior consideration by the District Development Management Committee and/or an Area Plans Sub-Committee. notwithstanding that no planning such applications have been submitted to a Council meeting in the last five years.
22. In general, a site visit is only likely to be necessary if the impact of the proposed development is difficult to visualise from the submitted plans and any supporting material, including photographs taken by officers, where the comments of the applicant and objectors cannot be expressed adequately in writing, or if the development proposal is particularly contentious. Whilst members may wish to visit development sites on their own, they are only entitled to view such sites from public vantage points and have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the land owner, it is not good practice to do so on their own, as this can lead to a perception that the member may no longer be impartial.
23. It should be recognised that the holding of site visits for all members of the Council would be likely to present logistical difficulties in terms of arranging access to smaller development sites by a significant number of members (in addition to associated parking difficulties) and that it will generally be difficult for officers to make arrangements for sites visits to be held on dates and times that are convenient to a majority of members.
24. Additionally, dependent on the period of time arising between the consideration of relevant applications by the District Development Management Committee and the Council, it should be appreciated that the holding of site visits for all members of the Council might present a delay in the determination of relevant planning applications.
25. The Working Group is therefore requested to review current arrangements for the holding of member site visits with regard to the consideration of planning applications referred to the Council for determination. Any recommendation for the introduction of such formal site visits should ensure that they continue to be undertaken in accordance with the guidance set out in Article 10 of the Constitution.

Resource Implications:

The recommendations of this report seek to ensure that the Council's Constitution remains fit for purpose.

Legal and Governance Implications:

The Council's Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation Undertaken:

The Service Director (Planning Services) has been consulted with regard to the recommendations of this report.

Background Papers:

None

Risk Management:

The Council's Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Equality:

There are no equality implications arising from the recommendations of this report.

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ARTICLE 10

District Development Management Committee and Area Plans Sub-Committees

The Council will establish the following Committees which shall be appointed at its annual meeting.

Membership

- (1) The following shall be the non-executive committees of the Council, consisting of the number of members set out below:

Committee or Sub-Committee	Number of Councillors	Membership
District Development Management Committee	15 members	15 members of the Council appointed by the Council at its Annual meeting, subject to pro rata requirements and including those members appointed as Chairman of each Area Planning Sub-Committee. Members to be appointed on the basis of aptitude, interest and planning experience
Area Plans Sub-Committee South	25 members	All District Wards in the parishes of Buckhurst Hill, Chigwell and Loughton;
Area Plans Sub-Committee East	19 members	The District Wards of Chipping Ongar, Greensted and Marden Ash; Epping Hemnall; Epping Lindsey and Thornwood Common; Hastingwood, Matching and Sheering Village; High Ongar; Willingale and The Rodings; Lambourne; Lower Sheering; Moreton and Fyfield; North Weald Bassett; Passingford; Shelley and Theydon Bois.
Area Plans Sub-Committee West	14 members	All District Wards in the parish of Waltham Abbey together with the District Wards of Lower Nazeing; Broadley Common, Epping Upland and Nazeing and Roydon.

- (2) Members of the Council appointed to each Area Plans Sub-Committee shall be drawn solely from those representing wards within the area for which the Sub-Committee is responsible shown in the 'Membership' column above. Seats on each Sub-Committee shall be allocated to all Councillors representing electoral wards in the areas concerned. The requirement for the appointment of Sub-Committees from all members of the Council shall not apply to the Area Plans Sub-Committees.

- (3) Newly elected members may be appointed to the relevant Area Plans Sub-Committee at the next ordinary meeting of the full Council.
- (4) A member of the executive may serve on an Area Plans Sub-Committee if otherwise eligible to do so as a Councillor.

Responsibility for functions:

The Committee and Sub-Committees the subject of this Article have responsibility for determining matters which have been delegated by the Council and the Executive shown in Part 3 of this Constitution, showing those which are the responsibility of the Executive and those which are not Executive functions and any limitations on delegation.

Terms of Reference:

District Development Management Committee

- (1) To determine:
 - (a) Any development proposals which affect more than one Area Plans Sub-Committee;
 - (b) Any 'large scale' application¹ (as defined below);
 - (c) Any 'major' application² (as defined below) where the Council is the land owner;
 - (d) Any application referred by an Area Plans Sub-Committee by resolution, by a minority of members of an Area Plans Sub-Committee in accordance with the Council's Rules or where the Sub-Committee is unable to determine the application;
 - (e) To determine any recommendation of an Area Plans Sub-Committee which relates to potential decisions liable to give rise to claims for costs or compensation, including development management matters and enforcement of planning requirements (including recommendations of no action) but excluding works on preserved trees;
 - (f) Any planning application or other planning matter submitted by, or on behalf of, a Councillor of the Authority (and/or their relevant person as defined in the Council's Code of Conduct); and
 - (g) Any development proposals for a site made by or on behalf of the Council or where the Council is the landowner that has been recommended for refusal by the relevant Area Plans Sub-Committee contrary to a recommendation of the Service Director (Planning Services) that planning permission be granted.

¹ 'Large-scale major development' means development involving any one or more of the following;

(a) The provision of dwellinghouses where (i) The number of dwellinghouses to be provided is 200 or more: or (ii) The development is to be carried out on a site having an area of 4 hectares or more where the number of dwellinghouses is not known (normally an Outline application) or

(b) The provision of a commercial building or buildings where the floor space to be created by the development is 10,000 square metres or more: or

(c) Commercial development carried out on a site having an area of 2 hectares or more.

² 'major development' means development involving any one or more of the following;

(a) The provision of dwellinghouses where (i) The number of dwellinghouses to be provided is 10 or more up to 199: or (ii) The development is to be carried out on a site having an area of 0.5 hectares or more but just less than 4 hectares where the number of dwellinghouses is not known (normally an Outline application)..

(b) The provision of a commercial building or buildings where the floor space to be created by the development is 1,000 square metres or more up to 9,999 square metres: or

(c) Commercial development carried out on a site having an area of one hectare but less than 2 hectares.

Area Plans Sub-Committees

- (1) To consider all applications (except as may be delegated to the Service Director (Planning Services)) or fall to the District Development Management Committee to determine as set out above) received for development within the respective Sub-Committee area and, except as detailed below, to make decisions on behalf of the local planning authority thereon;
- (2) Subject to the prior approval of the Chairman of the Sub-Committee, to consider informal proposals for development and to give guidance to the Service Director (Planning Services);
- (3) To consider planning applications made by other authorities which are considered by the Service Director (Planning Services) to require member response;
- (4) To consider and make recommendations to the District Development Management Committee on applications for development where:
 - (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
 - (b) the refusal of consent may involve the payment of compensation; or
 - (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
 - (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution; or
 - (e) development proposals for a site are made by or on behalf of the Council or where the Council is the landowner, that are recommended for refusal by a Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted;
- (5) Planning applications made by officers of Service Director level and above;
- (6) Where an application is objected to by a Councillor in a purely personal capacity;
- (7) To consider enforcement action on a site where members have refused a retrospective planning application;
- (8) To require a report (pursuant to (7) above) to be made to the relevant Area Plans Sub-Committee from officers in those cases where no further action is subsequently proposed, such report to give option to refer enforcement action to the District development management Committee; and
- (9) To require that such report (pursuant to (7) above) be made within two months after the elapsing of the timescale within which a retrospective application can be appealed and that the Sub-Committee is informed if an appeal has been launched after the six week deadline.

Public Participation at District Development Management Committee and Area Plans Sub-Committees on Planning Matters

- (1) There shall be afforded to those classes of persons specified in the rules for participation at Appendix 1 to this Article an opportunity, on request, to make oral representations to any Area Plans Sub-Committee (or in appropriate circumstances, the District Development Management Committee) meeting concerning any planning application or related matter before that Sub-Committee for determination.
- (2) The procedure for dealing with requests to address an Area Plans Sub-Committee or the District Development Management Committee shall be as prescribed from time to time by the Council and as set out in Appendix 1 to this Article.

Site Visits

- (1) Formal Site visits may be undertaken of any potential development site subject to application where there is a substantial benefit to the decision-making process. Such a visit may be approved by the District Development Management Committee or the appropriate Area Plans Sub-Committee at the meeting where they are being asked to determine the matter or in advance on the recommendation of the Service Director (Planning Services) in consultation with the Chairman of the District Development Management Committee or the appropriate Area Plans Sub-Committee.
- (2) In those circumstances where an application that has been subject to a formal site visit by an Area Plans Sub-Committee is subsequently referred to the District Development Management Committee for determination, a further site visit will be arranged for members of the District Development Management Committee prior to its consideration of the application.
- (3) Formal Site visits will be undertaken following the guidance at Appendix 2 to this Article.

**RULES FOR PARTICIPATION ON PLANNING MATTERS AT COUNCIL,
AREA PLANS SUB AND DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE
MEETINGS**

1. The following persons shall be able, on request, to address the appropriate Area Plans Sub-Committee and/or District Development Management Committee on any planning application or related matter within its terms of reference and included on any agenda, for a period of three minutes:
 - (a) one objector;
 - (b) one representative of any relevant Parish or Town Council for the purpose of explaining the views of that Council on the matter in question;
 - (c) one representative of any other authority consulted on the application or as a statutory consultee where they have so requested; and
 - (d) the applicant (or one nominated agent or representative);
2. In the case of planning applications which have a District-wide significance, it shall be permissible for the Chairman of an Area Plans Sub-Committee or the District Development Management Committee, to allow any Parish or Town Council to speak on such an application.
3. For the purposes of this Standing Order the definition of "planning application or any related matter" shall not include any existing or proposed enforcement action under the Planning Acts.
4. The Chairman of the Committee or Sub-Committee may allow additional speakers in exceptional circumstances.
5. Persons wishing to address the Committee or Sub-Committee are required to register with Democratic Services by 4.00 pm on the day before the meeting. The Chairman may make changes or additions to speakers after that time at their discretion.
6. Persons addressing an Area Plans Sub-Committee shall be allowed no more than three minutes to present their case. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.
7. Written submissions and photographic or similar material will not be considered by an Area Plans Sub-Committee or District Development Management Committee. Any written submissions received after the agenda is produced will be verbally summarised and reported to the Committee.
8. The right to address the Committees is extended to both the Area Plans Sub-Committees and the District Development Management Committee (but not to Council). Having previously made representations at an Area Sub-Committee does not preclude any applicant, objector or parish/town council representative from speaking again when the matter is reconsidered.

Guidance for Members at Site Visits

Formal site visits may be requested by any planning committee. These can be requested either before a planning meeting or resolved at the meeting concerned. However, these consume resources and delay determination of an application. It is good practice to consider site visits only where there is a substantial benefit to the decision-making process, e.g. when the impact of the proposed development is difficult to visualise from prior inspection from a public place, or from the plans and the supporting material; or it is particularly contentious.

It is recognised that Councillors are subject to lobbying on specific applications. In such cases, it is essential that care is taken to maintain the Council's and its members' integrity so as to protect the credibility of the planning process.

Councillors are asked to bear in mind the following guidance when undertaking planning site visits so as to avoid the perception of pre-determination.

- Site visits should be undertaken at an agreed predetermined time and conducted in a single group with a planning officer present at all times.
- Members of the committee concerned are encouraged to attend site visits.
- The site visit is managed by the Chairman, Vice-Chairman or planning officer present. The Chairman or Vice Chairman will remind Councillors of the guidance at the beginning of each visit. Members of the Committee or Sub-Committee should not enter into discussions with interested parties, such as the applicant, the agent or neighbours during the visit.
- Councillors/Planning Officers should not allow interested parties to use the site visit as an opportunity of lobbying members of the committee. It is made clear to other parties at the outset that the purpose is to gather information and to view the site only.
- Any questions from Councillors should be limited to questions of fact and directed, in the first instance, to the planning officer present and not directly to interested parties present.
- In the interests of fairness to all parties, members as a single group should consider the desirability of viewing an application site from more than one property when the site visit is arranged.
- Councillors must ensure that the application is not determined at the site visit
- Councillors should avoid acceptance of any hospitality at a site visit which could be misinterpreted by third parties.

COUNCIL RULES

Application:

Rules and procedures shown in columns 2 and 3 shall be applicable to those bodies as shown in the Application columns 4,5,6 and 7 using the following key:

- C – Council
- E – Executive
- O – Overview and Scrutiny Committee and Panels
- NE – Other non Executive and Regulatory Committees, Sub-Committees, Panels and Working Groups

No.	Rule	Procedure	Application			
			C	E	O	NE
A1	AMENDMENT OF COUNCIL PROCEDURE RULES	Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.	X			
A2	ATTENDANCE OF NON-MEMBERS AT MEETINGS	Any member of the Council may attend a meeting of the Cabinet, a Cabinet Committee any other Committee, Sub-Committee, Panel, Board or Working Group of the Council, except a meeting of a committee dealing solely with quasi-judicial matters. With the permission of the Chairman, a member may take part in discussion but may not vote and may not introduce any new business.	X	X		X
C1	CANCELLATION OF MEETINGS	The decision to cancel any meeting of the Council shall be made by the Chairman in consultation with the Chief Executive (or his representative). In circumstances where a meeting has to be cancelled for reasons which are outside the Council's control at short notice, the decision to cancel shall be made no later than 2 hours before the commencement of the meeting and notified to all Councillors and other interested persons as soon as possible thereafter.	X	X		X
C2	CHAIRMAN OF MEETING	The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees, Sub-Committees, Working Groups and Panels.	X	X		X

Part 4 - Council Rules

REV: Changes agreed at Council 20.12.18 (S Hill)

No.	Rule	Procedure	Application			
			C	E	O	NE
		<p>If the appointed Chairman and Vice Chairman are absent, another member from those present shall preside for all or part of the meeting in question.</p> <p>The Leader shall be the Chairman of the Cabinet and in his/her absence the Deputy Leader shall preside</p>	X	X	X	X
D1	DISCHARGE OF COMMITTEE BUSINESS AFTER ELECTION	In order to ensure the continuous discharge of the ordinary current business of the Council pending the reconstitution of the committees after the retirement of councillors on the fourth day following an election, each committee shall after the retirement of councillors and until reconstituted by the Council, consist of such members of the committee who remain or who have been re-elected members of the Council.				X
D2	DISTURBANCE BY PUBLIC	<p>Removal of Member of the Public</p> <p>If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.</p> <p>Clearance of Part of Meeting Room</p> <p>If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.</p>	X	X	X	X
E1	EXCLUSION OF PUBLIC	Members of the public and press may only be excluded either in accordance with the Access to Information Article (Article 17) or following Disturbance by Public.	X	X	X	X
E2	EXTRAORDINARY COUNCIL MEETINGS – CALLING OF	<p>(1) Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:</p> <p>(i) the Council by resolution;</p> <p>(ii) the Chairman of the Council;</p>	X			

Part 4 - Council Rules

REV: Changes agreed at Council 20.12.18 (S Hill)

No.	Rule	Procedure	Application			
			C	E	O	NE
		<p>(iii) the Monitoring Officer; and</p> <p>(iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.</p> <p>(2) Single Issue Council Meetings - The Leader may, from time to time, call for a Council meeting to be held dealing with a single issue of critical importance to the residents of the District. The normal rules of debate will apply in the case of 'single issue' Council meetings. Such meetings will be extraordinary Council meetings.</p>				
E3	EXTRAORDINARY MEETINGS – OTHER BODIES	It shall be competent for the Chairman of the Cabinet, any committee, Sub-Committee, panel or working group to call an extraordinary meeting following advice from the proper officer.	X	X		X
I1	INTERESTS	<p>(1) Any member of the Council who has registered a disclosable pecuniary interest or has a pending notification of such interest in any items of business to be considered by the authority, must withdraw from the Council Chamber (or other meeting room) including the public gallery during the whole consideration of that item except if he or she is permitted to remain as a result of a dispensation.</p> <p>(2) Such requirements shall also apply to any Cabinet members with a disclosable pecuniary interest (including a pending notification) who shall be debarred from determining any matter which they would otherwise have dealt with as a portfolio holder under delegated authority.</p> <p>(3) Where a member of the Council has not registered such an interest or does not have a pending notification, they shall declare the existence and nature of that interest and withdraw from the meeting during discussion of any relevant item of business.</p> <p>(4) The Leader may take a decision, direct another member of the executive to do so, refer the matter for Cabinet decision or delegate to the decision to another officer where the exercise of an</p>	X	X		X
				X		X

No.	Rule	Procedure	Application			
			C	E	O	NE
		executive function that has been delegated to an individual member or an officer gives rise to a pecuniary or non-pecuniary interest				
M1	MEMBERS' CONDUCT	<p>Standing to Speak</p> <p>When a member speaks at full Council they must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.</p> <p>Chairman Standing</p> <p>When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.</p> <p>Member not to be Heard Further</p> <p>If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.</p> <p>Member to Leave the Meeting</p> <p>If the member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.</p> <p>General Disturbance</p> <p>If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.</p>	X			
			X	X	X	X
			X	X	X	X
			X	X	X	X
			X	X	X	X

No.	Rule	Procedure	Application				
			C	E	O	NE	
M2	MINORITY REFERENCES	<p>(1) It shall be competent for at least one quarter (rounded up to the nearest whole number) of the number of Council members of a Committee present at a meeting of that Committee to require immediately after a vote has been taken at the meeting that no action be taken on a particular matter until it has been considered by the Council. In the case of Sub-Committees acting under delegated authority (except for Plans Sub-Committees) it shall be competent for one quarter (rounded up to the nearest whole number) of the members of that Sub-Committee present at a meeting of that Sub-Committee to require at the meeting that no action be taken on a particular matter until it has been considered by the parent committee.</p> <p>(2) In relation to Area Plans Sub-Committees it shall be competent for at least four members of that Sub-Committee present at a meeting of that Sub-Committee to require that no action be taken on a particular matter until it has been considered by the District Development Management Committee.</p> <p>(3) This Standing Order shall apply only to items of business at a committee or sub-committee meeting and not to those submitted for information or report.</p>				X	
M3	MINORITY REPORTS	If a minority consisting of not less than one quarter (rounded up to the nearest whole number) of the members present at any meeting proposing to report to its parent body and forwards it to the Chief Executive so that it is received by the tenth working day (or such other time as is agreed with the Chief Executive) following the date of the meeting, copies of such minority reports shall be circulated by the Chief Executive with the report of the body concerned.				X	
M4	MINUTES	<p>Signing the Minutes</p> <p>The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.</p> <p>Extraordinary Meetings</p>	X	X	X	X	

No.	Rule	Procedure	Application			
			C	E	O	NE
		<p>Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.</p> <p>Form of Minutes</p> <p>Minutes will contain all motions and amendments in the exact form and order in which the Chairman put them.</p> <p>Notice of Motion</p> <p>Except for motions which can be moved without notice, written notice of every motion, signed by at least the mover and seconder of the proposed motion, must be delivered, in writing, to the Chief Executive not later than seven working days before the date of the meeting.</p> <p>Motions to be set out in Agenda</p> <p>Motions for which notice has been given will be listed on the agenda in the order in which each notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it. Any motion involving executive functions shall automatically stand referred to the Cabinet and any motion which deals with the Council's policy or budget frameworks, the Constitution or any matter requiring the consent of the Council, shall be subject to a report back to the next appropriate Council meeting.</p> <p>Scope of Motions</p> <p>Motions must be about matters for which the Council has a responsibility or which affect the Epping Forest District.</p>	X			
M5	MOTIONS - ON NOTICE		X			

No.	Rule	Procedure	Application				
			C	E	O	NE	
M6	MOTIONS - RULES OF DEBATE -	<p>No Speeches until Motion Seconded No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.</p> <p>Right to Require Motion in Writing Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.</p> <p>Secunder's Speech When seconding a motion or amendment, a member may reserve their speech until later in the debate.</p> <p>Content and Length of Speeches Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Council.</p> <p>When a Member may Speak Again A member who has spoken on a motion may not speak again whilst it is the subject of debate, except: (a) to speak once on an amendment moved by another member; (b) to move a further amendment if the motion has been amended since he/she last spoke; (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried); (d) in exercise of a right of reply; (e) on a point of order; and</p>	X				

No.	Rule	Procedure	Application			
			C	E	O	NE
		<p>(f) by way of personal explanation.</p> <p>Amendments to Motions</p> <p>(a) An amendment to a motion must be relevant to the motion and will either be: (i) to refer the matter to an appropriate body or individual for consideration or reconsideration; (ii) to leave out words; (iii) to leave out words and insert or add others; or (iv) to insert or add words as long as the effect of (ii) to (iv) is not to negate the motion.</p> <p>(b) only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.</p> <p>(c) if an amendment is not carried, other amendments to the original motion may be moved.</p> <p>(d) if an amendment is carried, the motion as amended takes the place of the original motion becoming the substantive motion to which any further amendments may be moved.</p> <p>(e) after an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.</p> <p>Alteration of Motion</p> <p>(a) A member may alter a motion of which he/she has given notice with the consent of the Council. The Council's consent will be signified without discussion.</p> <p>(b) A member may alter a motion which he/she has moved without notice with the consent of both the Council and the seconder. The Council's consent will be signified without discussion.</p>	X			

No.	Rule	Procedure	Application			
			C	E	O	NE
		(c) Only alterations which could be made as an amendment may be made.				
		Withdrawal of Motion A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The Council's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused by the Council.	X			
		Right of Reply	X			
		(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.				
		(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.				
		(c) The mover of the amendment has no right of reply to the debate on his or her amendment.				
		Motions which may be Moved during Debate	X			X
		When a motion is under debate, no other motion may be moved except the following procedural motions:				
		(a) to withdraw a motion;				
		(b) to amend a motion;				
		(c) to proceed to the next business;				
		(d) that the question be now put;				
		(e) to adjourn a debate;				
		(f) to adjourn a meeting;				
		(g) to exclude the public and press in accordance with the Access to Information Article; and				

No.	Rule	Procedure	Application			
			C	E	O	NE
		<p>(i) to not hear further a member or to exclude them from the meeting.</p> <p>Point of Order</p> <p>A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.</p> <p>Personal Explanation</p> <p>A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.</p> <p>Motions referred to Overview and Scrutiny</p> <p>Any motion adopted by the Council following due notice from a Member of the Council and which relates to the responsibilities of Overview and Scrutiny shall, on adoption, stand referred to the Overview and Scrutiny Committee for consideration. In determining how to respond to the motion, the Overview and Scrutiny Committee shall consider whether the proposal should be incorporated in the work programme or held for future consideration in accordance with the procedures outlined in Paragraph 4 and 5 above. The Committee shall also advise the Council, via the Members' Information Bulletin, of the action taken on such motions.</p> <p>Mover of Motion may attend Committees</p> <p>When a motion has been referred to the Executive or any Committee from a meeting of the Council, the member of the Council who has moved or given notice of intention to move the motion and his secondor shall have notice of the meeting at which it is proposed to consider the</p>	X			X
			X			
			X			X
			X			X

No.	Rule	Procedure	Application				
			C	E	O	NE	
		<p>thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.</p> <p>(l) closure motion - to adjourn a meeting (see above) (m) to suspend a particular council procedure rule; (n) to exclude the public and press in accordance with the Access to Information Rules; (o) not to hear further a member or to exclude a member from the meeting; (p) to extend the time allowed for any member's speech under (Council only); and (q) to give the consent of the Council where its consent is required by this Constitution.</p>	X	X	X	X	X
N1	NOTICE AND SUMMONS TO MEETINGS	The Chief Executive will give notice to the public of the time and place of any meeting in accordance statutory regulation. The notice (or summons) will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.	X	X	X	X	X
P1	PETITIONS	All petitions received by the Council shall be dealt with in accordance with the Authority's approved procedure shown at Appendix 1 to these rules	X				
P2	PLANNING APPLICATIONS	<p>(1) Any planning application submitted directly to a Council meeting without prior consideration by the District Development Management Committee and/or an Area Plans Sub-Committee shall be subject to the procedure for public participation by applicants, objectors and parish/town councils in the same way as those applied to Committees and Sub-Committees.</p> <p>(2) That, pursuant to the scheme of delegation on planning applications set out in Part 3 of this constitution, where a local council have indicated, during the course of planning consultations, of their intention to attend and speak at the Area Plans Sub-Committee meeting where the proposal will be considered and then subsequently fail to register and attend, the application be referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination</p>	X				X

No.	Rule	Procedure	Application			
			C	E	O	NE
Q1	QUESTIONS BY MEMBERS FOLLOWING NOTICE	<p>(1) A member of the Council may ask a question on any matter in relation to which the Council has powers or duties or which affects the Epping Forest District to:</p> <p>(a) the Chairman;</p> <p>(b) the Leader;</p> <p>(c) a Portfolio Holder</p> <p>(c) the Chairman of any Committee or Sub-Committee</p> <p>Notice of Questions</p> <p>(2) A member may only ask a question under Rule (1) above if either:</p> <p>(a) they have given at least four working days' notice in writing of the question to the Chief Executive; or</p> <p>(b) the question relates to urgent matters, the content of the question is given in writing to the Chief Executive and they have the consent of the Chairman by 10.00 a.m. on the day of the meeting.</p> <p>Replies to Questions under notice</p> <p>(3) An answer may take the form of:</p> <p>(a) direct oral answer;</p> <p>(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or</p>	X			

No.	Rule	Procedure	Application			
			C	E	O	NE
		<p>(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.</p> <p>Answers to questions falling within categories (a) and (b) above shall be made available to the member asking the question one hour before the meeting of the Council at which the question will be put. Answers to questions under (c) above will be circulated to all Councillors.</p> <p>Supplementary Question</p> <p>A member asking a question under Rule (2) above may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.</p>				
Q2	QUESTIONS BY MEMBERS WITHOUT NOTICE	<p>(1) A member of the Council may ask the Leader, Chairman of Overview and Scrutiny or any member of the Cabinet any question without notice on any matter in relation to which the Council has powers or duties or which affects the Epping Forest District.</p> <p>Response to a question without notice</p> <p>(2) An answer to a question without notice may take the form of:</p> <p>(a) direct oral answer.</p> <p>(b) direct oral answer from the Chairman of the Overview and Scrutiny Committee or, if appropriate, from another member dealing with that issue as part of an Overview and Scrutiny review;</p> <p>(c) where the desired information is in a publication of the Council or other published work, a reference to that publication;</p>	X			

No.	Rule	Procedure	Application				
			C	E	O	NE	
		<p>(d) where the reply cannot be conveniently be given orally, a written answer circulated later to the questioner; or</p> <p>Time Limit for Questions without Notice to the Leader of Council & Portfolio Holders on Written Reports and Other Matters</p> <p>(3) A time limit of 30 minutes shall be set for questions under this Rule. Any question which cannot be dealt with within the time available will receive a written reply.</p> <p>(4) Questions without notice on written reports and on other matters will be dealt with by the Chairman of the Council as follows:</p> <p>(a) by extending the period of thirty minutes by up to 10 minutes at his/her discretion; and</p> <p>(b) by ensuring that questions by members are dealt with in the order in which they are put and that all questions from each political group and from independent members receive a reply.</p> <p>Time Limit for Questions without Notice to the Chairman of the Overview & Scrutiny Committee on Written Reports and Other Matters</p> <p>(5) questions without notice on reports of the Chairman of the Overview & Scrutiny Committee and on any other matter affecting Overview & Scrutiny will be dealt with at the same time as other business from that Committee and shall be limited to a period of ten minutes extended by the Chairman's discretion by a further ten minutes if necessary; and</p> <p>(6) the Chairman of the Council shall apply the rules for questions set out in Rule (1) and (2) above to questions to the chairman of the Overview & Scrutiny Committee.</p> <p>Supplementary Questions</p> <p>(7) The will be no supplementary questions permitted in respect of questions put under this</p>					

No.	Rule	Procedure	Application				
			C	E	O	NE	
		Rule.					
Q3	QUESTIONS BY THE PUBLIC	<p>General</p> <p>(1) Members of the public may ask questions of the Leader of the Council, any Portfolio Holder or the Chairman of Overview and Scrutiny Committee, at ordinary meetings of the Council;</p> <p>(2) Members of the public may also ask questions of any Portfolio Holder at ordinary meetings of the Cabinet and of the Chairman of Overview and Scrutiny Committee at ordinary meetings of the Committee;</p> <p>Order of Questions</p> <p>(3) Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.</p> <p>Notice of Questions</p> <p>(4) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive at least 4 working days before the meeting. Each question must give the name and address of the questioner.</p> <p>Number of Questions</p> <p>(5) At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.</p> <p>Scope of Questions</p> <p>(6) The Chief Executive may reject a question if it:</p>	X	X	X		

No.	Rule	Procedure	Application			
			C	E	O	NE
		<p>(a) is not a question on any matter in relation to which the Council has powers or duties or which affects the Epping Forest District.</p> <p>(b) is defamatory, frivolous or offensive;</p> <p>(c) is substantially the same as a question which has been put at a meeting of the Council or Cabinet in the past six months; or</p> <p>(d) requires the disclosure of confidential or exempt information.</p> <p>If a question is rejected, the Chief Executive will reply to the questioner outlining the reasons why the question was rejected and report the matter for noting to the next relevant meeting of the body concerned.</p> <p>Dealing with Questions</p> <p>(6) The Chief Executive will immediately send a copy of any received question to the member determined by the Leader or Chairman as being responsible for the response. Copies of all questions, including those rejected, will be tabled at the meeting.</p> <p>Asking the Question at the Meeting</p> <p>(7) The Chairman will invite the questioner to put the question to the relevant member. If a questioner who has submitted a written question is unable to be present, he/she may ask the Chairman to put the question on their behalf.</p> <p>Supplementary Question</p> <p>(8) A questioner who has put a question in person may also put one supplementary question without notice to the member who replied to his or her original question. A supplementary</p>				

No.	Rule	Procedure	Application			
			C	E	O	NE
		<p>question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule (5) above.</p> <p>Written Answers</p> <p>(9) Any question which cannot be dealt with during public question time will be dealt with by a written answer.</p> <p>Reference of Question to the Executive or a Committee/Sub-Committee</p> <p>(10) No discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.</p>				
Q4	QUORUM	<p>(1) The quorum of a meeting will be one quarter of the whole number of members or a minimum of three members unless otherwise specified below. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.</p> <p>(2) The quorum for a meeting of an Area Plans Sub-Committee or Licensing Committee is five or more members.</p> <p>(3) The quorum for a meeting of the Cabinet, shall be 5 members of the executive. The quorum for a Cabinet Committee shall be three members. Appendix 1 to these rules sets out procedures for safeguarding the Cabinet quorum in exceptional circumstances.</p>	X		X	X

No.	Rule	Procedure	Application				
			C	E	O	NE	
R1	REJECTION OR REJECTION OF PREVIOUS DECISIONS AND MOTIONS	<p>Motion to Rescind a Previous Decision</p> <p>A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 members.</p> <p>Motion Similar to One Previously Rejected</p> <p>A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.</p>	X				
R2	RECORD OF ATTENDANCE	All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.	X	X		X	
S1	SUBSTITUTE MEMBERS - APPOINTMENT	<p>(1) A Leader, Deputy Leader or other appointed member of a political group shall be authorised to nominate substitute members from that group in respect of any committee, sub-committee, panel, board or working group of the Council, subject to the following conditions:</p> <p>(i) notice being given to Democratic Services by not later than 60 minutes before the commencement of the meeting concerned;</p> <p>(ii) any political group member so appointed shall be notified to the Governance Manager at the beginning of each Council year;</p> <p>(iii) the substitution notification deadline shall be included on every agenda where substitution is permitted under the Council's Constitution.</p> <p>(iv) substitutions on Cabinet Committees shall be restricted to other members of the Executive</p> <p>(v) substitutes on Area Planning Sub-Committees are not permitted</p>	X	X		X	

No.	Rule	Procedure	Application				
			C	E	O	NE	
		(2) It shall be competent for the Chief Executive, in circumstances where a political group notifies that a Councillor from that group will be temporarily unable to attend a Committee for a period of 8 weeks by reason of serious illness or other incapacity, to approve a substitute member and to report to the Council on action taken.	X				
S2	SUSPENSION OF THE RULES	A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1. It shall be competent for the Chief Executive, after consultation with the Monitoring Officer, to seek a decision from relevant members on the suspension of any rule on grounds of public interest. Such suspension shall be recorded as a decision of the executive and notified to all Councillors.	X				
T1	TIME AND PLACE OF MEETINGS	(1) Meetings of the Council shall be held at the Civic Offices, High Street, Epping at 7.30 p.m. or at such other time or venue as the Chairman of the Council may determine in consultation with the Chief Executive. (2) The time and place of other meetings of the authority shall be agreed with the Chairman of the meeting concerned and approved by that committee at its next meeting. (3) A calendar of meetings shall be approved by the council annually	X				
V1	VOTING	Majority Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.	X	X	X	X	X

No.	Rule	Procedure	Application				
			C	E	O	NE	
		<p>Chairman's Casting Vote</p> <p>If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a second or casting vote.</p> <p>Show of Hands</p> <p>Unless a recorded vote is demanded (Council only), the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.</p> <p>Recorded Vote</p> <p>If five members present at the meeting require it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.</p> <p>Right to Require Individual Vote to be Recorded</p> <p>Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.</p> <p>Quasi-judicial meetings – Voting</p> <p>If a Committee, Subcommittee or Panel is acting in a quasi-judicial capacity, any member absent for any part of the hearing of evidence for the item of business shall not vote on that item. This may also be subject to such a ruling by the Chairman of the meeting concerned.</p>	X	X	X	X	
V2	VOTING ON APPOINTMENTS	If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.	X		X		

No.	Rule	Procedure	Application			
			C	E	O	NE
V3	VOTING ON BUDGET/COUNCIL TAX	<p>The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require that immediately after any vote on the budget or council tax is taken at a budget decision meeting of an authority, the individual votes on a decision must be recorded in the minutes of the meeting.</p> <p>In accordance with the Council's Code of Conduct, no declarable pecuniary interest is created by the requirement of this rule.</p>	X			

Petition Scheme – Epping Forest District Council

1. Definition

1.1 For the purpose of this procedure a petition is a request to the Council made either in writing; or through the Council's e-petitions system on its website.

1.2 The petitions page of the Council's website is available at:

<https://rds.eppingforestdc.gov.uk/mgePetitionListDisplay.aspx>

2. Scope of Scheme

2.1 The Council will accept paper-based petitions, e-petitions (but only those submitted through its own petition system) or a mix of paper and e-petitions. The proper officer for petitions is the Democratic Services Manager.

3. Acknowledgement

3.1 The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition.

3.2 All petitions sent or presented to the Council will be acknowledged within seven days of receipt. Such acknowledgement will be sent to the lead petitioner and will set out what the Council plan to do with the petition.

4. Exceptions to the Scheme

4.1 The following do not fall within the scope of this Petition Scheme:

- (a) emailed petitions, as email systems are not secure. Petitioners must use either paper or the Council's e-petitions system. The Council will not monitor third party petitions systems;
- (b) petitions which are considered to be vexatious, abusive, anonymous or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum the Council may need to deal with a petition differently – if this is the case the Council will explain the reasons with the petitioner and discuss the revised timescale which will apply;
- (c) petitions relating to a planning application, including those about a development plan document or the community infrastructure levy. The planning application process deals with objections to applications;
- (d) petitions relating to a licensing decision; (as the Licensing scheme deals with objections to applications);
- (e) petitions relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal;

- (f) any matter for which the Standards Committee has powers for determining complaints received under the Local Assessment process;
- (g) any complaint made against an employee of the District Council;
- (h) any matter which is substantially the same as a petition submitted in the previous 12 months;
- (i) where the subject matter is subject to ongoing legal proceedings; or
- (j) petitions made during formal Council consultations related to the subject matter of the consultations (these will be formally referred to that process as appropriate).

4.2 Where a petition submitted relates to one of the categories set out above the Council will write to the lead petitioner and explain why the matter is not covered by the authority's Petition Scheme. In appropriate circumstances, the Council may advise how the public views can be considered via alternative means.

5. Submission guidelines/Signatory Requirements

5.1 Petitions submitted to the Council must include:

- (a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take;
- (b) the name and address and signature of any person supporting the petition; and
- (c) contact details, including an address (and a valid email address if submitted electronically), for the lead petitioner;

5.2 If the lead petitioner wishes to start an e-petition, the Council and the lead petitioner will agree the period over which signatures will be collected and the final wording of the petition. The petition will then be available to sign 'electronically' for the agreed period on the Council's website. On the expiration of that time, the Council will respond in accordance with Section 7 below.

5.3 Anyone who lives, works or studies in Epping Forest District is entitled to sign to support a petition. The supporter's name, address, a valid email address and/or postcode are required to sign an e-petition on the Council's website. For paper petitions signatories must provide their, name, address and signature.

5.4 A paper petition template can be downloaded from the Council's website.

5.5 E-petitions will run on the Council website for a maximum of 3 months, but the Council and the lead petitioner can choose a shorter timeframe up to the maximum period.

6. The procedure when the Council receives a petition

6.1 The Council will send the lead petitioner an acknowledgement of the petition within seven working days. Local ward councillors will be informed of the receipt of a petition.

- 6.2 If the Council can do what the petition asks for, the acknowledgement may confirm that the Council have taken the action requested and the petition will be closed.
- 6.3 If the petition needs more investigation, the Council will advise the lead petitioner of the steps that it plans to take.
- 6.4 If the lead petitioner has created an e-petition, the Council will check that the content of the e-petition is suitable before it is made available for signature. This will take a maximum of ten working days. Any person wishing to submit an e-petition should ensure there are no existing petitions addressing the same issue before creating a new petition.
- 6.5 If the Council cannot publish an e-petition for some reason, the Council will contact the lead petitioner within ten working days to explain the reason for not publishing a petition based upon the exceptions in section 4 above.
- 6.6 A lead petitioner is able to change and resubmit their e-petition within ten working days. If they fail to do so within that time, a summary of the e-petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 6.7 When an e-petition has closed for signature, it will automatically be submitted to the Council's Democratic Services Section. In the same way as for a paper petition, the lead petitioner will receive an acknowledgement within 10 working days.
- 6.8 All e-petitions currently available for signature will be available on the Council's website. Any person visiting the e-petition will be able to see the name of each signatory in the list of those persons that have signed the petition, but contact details will not be visible. All members of the Council will be advised of the submission of an e-petition, through the Council Bulletin.

7. How the Council considers petitions

Petition type	Response
Correspondence with fewer than 20 signatures	This will normally be dealt with by the appropriate Directorate as ordinary correspondence, unless the Service Director concerned is of the opinion that the subject matter is sufficiently important or contentious to warrant referring the matter to the appropriate Portfolio Holder.
Petitions with more than 20 but fewer than 1200 signatures	These will be considered and dealt with by the relevant portfolio holder who may: <ul style="list-style-type: none"> (a) take action if he or she has delegated powers to act alone; (b) prepare a report to the Cabinet or a Sub-Committee of the Cabinet for decision if appropriate.

Petition type	Response
Petition containing at least 1200 signatures.	The relevant Portfolio Holder will prepare a report to the Cabinet for decision on the matter.
2400 signatures or more	These large petitions will be scheduled for a council debate.
E-petitions	When an e-petition has closed for signature, it will automatically be submitted to the relevant officer, portfolio holder or Council In the same way as a paper petition.

8. Decisions on petitions

8.1 The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition;
- considering the petition at a council meeting;
- holding an inquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration by the Cabinet or a Cabinet Committee;
- writing to the lead petitioner setting out our views about the request in the petition.

8.2 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

8.3 If a petition is about something over which the Council has no direct control, the responsible body (under section 7 above) will consider making representations on behalf of the community to the relevant body.

8.4 There is a three-tier system of local government in the Epping Forest District. Generally, Essex County Council is responsible for strategic functions and services such as education and social care and the district and borough councils provide more local services, although some functions are shared between the county and district councils. Details of the main functions of Essex County Council and Epping Forest District Council can be found in the Appendix to this Scheme. Some of the Council's functions and responsibilities have also been devolved to local town and parish councils.

8.5 In addition, many public services are delivered by other organisations, including the police (through the Police, Fire and Crime Commissioner), health services (via the National Health Service), welfare benefits and employment services etc.

8.6 If the Council is not able to meet the petitioners' requests for any reason (for example if what the petition calls for conflicts with council policy), then the Council will set out the reasons for not taking the action requested in writing to the lead petitioner.

Part 4 - Council Rules

REV: Changes agreed at Council 20.12.18 (S Hill)

- 8.7 Decisions made by a Portfolio Holder will be recorded in writing and notified to the public, the lead petitioner and all members of the Council.
- 8.8 All petitions received will be reported to the Council via regular Portfolio Holder reports.

9. Petitions received after a decision is made

- 9.1 In cases where a petition is received after a decision has been made by the Council on any matter, the following steps will be taken by the relevant service director unless the petition meets the threshold for a Council debate:
- (a) a letter of acknowledgement shall be sent to the lead petitioner, including a statement of the action already taken by the Council;
 - (b) in consultation with the appropriate Portfolio Holder, Committee or Sub-Committee Chairman a decision will be taken as to whether the petition raises new evidence requiring further consideration by the Portfolio Holder or Committee concerned;
 - (c) if it is decided that no new matters are raised by the petition, the lead petitioner shall be advised accordingly;
 - (d) if new matters are raised then the petition will be treated as 'new' under this Scheme.

10. Full Council and Cabinet debates

- 10.1 If a petition contains more than 2400 signatures it will be debated by the full Council at its next ordinary meeting.
- 10.2 If a petition contains more than 1200 signatures it will be subject to report and debate by the Cabinet at its next available meeting.
- 10.3 The lead petitioner will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors.
- 10.4 The Council or Cabinet will decide how to respond to the petition at this meeting. The Council or Cabinet may:
- (a) decide to take the action the petition requests, and in the case of a Cabinet debate, report to Council if appropriate (see paragraph 11 below)
 - (b) not to take the action requested for reasons put forward in the debate, or
 - (c) commission further investigation into the matter, for example by the Cabinet (if the matter was debated at Council) or a relevant Cabinet committee.

11. Council Referrals

- 11.1 Where the issue is one on which the Council Executive are required to make the final decision (i.e. within the financial and policy framework), the Council will decide whether to make recommendations to inform that decision. The lead petitioner will receive

written confirmation of this decision. This confirmation will also be published on the Council's website.

12. Further Information

12.1 Further information about the Council's Petition Scheme can be obtained by contacting:

democraticservices@eppingforestdc.gov.uk

Appendix: Main functions of local authorities

Function	Tier
Allotments	Town/Parish
Arts and recreation	County/District
Births, ceremonies and deaths registration	County
Building regulations	District
Burials and cremations	District
Cemeteries	Town/Parish
Children's services	County
Community safety	District
Concessionary travel	County
Consumer protection	County
Council tax and business rates	District
Economic development	County/District
Education, including special educational needs, adult education, pre-school	County
Elections and electoral registration	District
Emergency planning	County/District
Environmental health	District
Highways (not trunk roads), street lighting and traffic management	County
Housing	District
Libraries	County
Licensing	District
Markets and fairs	District
Minerals and waste planning	County
Museums and galleries	County/District
Open spaces	Town/Parish
Parking	County/District
Passenger transport (buses) and transport planning	County
Planning and development	County/District
Public conveniences	District
Public health	County
Social services, including care for the elderly and community care	County
Sports centres, parks, playing fields	District
Street cleaning	District
Tourism	County/District
Trading standards	County
Waste collection and recycling	District
Waste disposal	County

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LOCAL AUTHORITY BENCHMARKING

	Basildon	Braintree	Brentwood	Broxbourne	Castle Point	Chelmsford	Colchester	East Hampshire	East Hertfordshire	Guildford	Harlow	Hertsmere	Horsham	Maldon
Has the Council introduced arrangements for members of the public to speak at meetings of its planning committees in objection to or support of, planning applications?	Yes					Yes		Yes	Yes	Yes	Yes	Yes		
Are arrangements in place for planning applications to be referred upwards from a planning committee to a 'higher level' committee such as the District Development Management Committee?	No					No		No	No	No	No	No		
Has the Council introduced arrangements for members of the public to speak at meetings of such 'higher level' committee in objection to or support of planning applications that have been referred upwards by a planning committee?	N/A					N/A		N/A	N/A	N/A	N/A	N/A		
Are arrangements in place for the consideration and determination of planning applications to be further referred upwards from a 'higher level' committee (e.g. the District Development Management Committee) to the full Council?	N/A					N/A		N/A	N/A	Yes	N/A	Yes		
Has the Council introduced arrangements for members of the public to speak at meetings of the full Council in objection to or support of planning applications that have been referred upwards for determination?	No					No		No	No	Yes	No	Yes		
Has the Council introduced arrangements for site visits to be held (where requested) for all members of the Council, with regard to referred planning applications?	N/A					N/A		N/A	N/A	Yes	N/A	N/A		

	Mid-Sussex	Reigate & Banstead	Rochford	St. Albans	Sevenoaks	Southend	Spelthorne	Tandridge	Tendring	Three Rivers	Thurrock	Uttlesford	Waverley
Has the Council introduced arrangements for members of the public to speak at meetings of its planning committees in objection to or support of, planning applications?	Yes	Yes	Yes	Yes		Yes	Yes	Yes				Yes	Yes
Are arrangements in place for planning applications to be referred upwards from a planning committee to a 'higher level' committee such as the District Development Management Committee?	Yes	No	No	Yes		No	No	No				No	No
Has the Council introduced arrangements for members of the public to speak at meetings of such 'higher level' committee in objection to or support of planning applications that have been referred upwards by a planning committee?	Yes	N/A	N/A	Yes		N/A	N/A	N/A				N/A	N/A
Are arrangements in place for the consideration and determination of planning applications to be further referred upwards from a 'higher level' committee (e.g. the District Development Management Committee) to the full Council?	No	N/A	N/A	No		N/A	N/A	N/A				N/A	N/A
Has the Council introduced arrangements for members of the public to speak at meetings of the full Council in objection to or support of planning applications that have been referred upwards for determination?	No	No	No	No		No	No	No				No	No
Has the Council introduced arrangements for site visits to be held (where requested) for all members of the Council, with regard to referred planning applications?	No	N/A	N/A	N/A		N/A	N/A	N/A				N/A	N/A