

## Scrutiny Standing Panel Agenda



### ***Environmental and Planning Services Standing Scrutiny Panel Thursday, 20th October, 2005***

**Place:** Committee Room 2, Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Democratic Services Officer:** Z Folley - Research and Democratic Services  
Tel: 01992 564532 Email: zfolley@eppingforestdc.gov.uk

**Members:**

Councillors D Stallan (Chairman), M Woollard (Vice-Chairman), Mrs M Boatman, Mrs D Borton, D Kelly, A Lee, P McMillan, T Richardson, Mrs M Sartin and Mrs P Smith

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<p><b>PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND</b></p>
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**1. APOLOGIES FOR ABSENCE**

**2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Head of Research and Democratic Services) To report the appointment of any substitute members for the meeting.

**3. DECLARATION OF INTERESTS**

(Head of Research and Democratic Services). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting

purely for the purpose of answering questions or providing information on such a matter.

**4. NOTES OF THE LAST MEETING - 13 SEPTEMBER 2005 (Pages 5 - 8)**

Attached.

**5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 9 - 10)**

**Recommendations:**

**To consider and allocate reporting deadlines to the following items:**

**(a) Re – Use of Buildings in the Green Belt – Transport Study**

**(b) DEFRA – ‘Cleaner Neighbourhoods’ Consultation**

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

At its last meeting, the Panel considered the review on the Re – use of Buildings in the Green Belt and requested that a transport study be undertaken. The study will form part of the evidence base for the Council’s Local Development Framework and therefore is a future rather than an imminent task. The Panel are invited to allocate a timescale to this review to inform the Overview and Scrutiny Committee of future commitments.

The Overview and Scrutiny Committee has agreed that a study of the DEFRA Cleaner Neighbourhoods initiative be added to this Panel’s Terms of Reference. The Panel are asked to allocate a timescale to this and adjust the plan accordingly.

**6. WEST ESSEX WASTE MANAGEMENT JOINT COMMITTEE - MINUTES OF THE LAST MEETING (Pages 11 - 14)**

(Head of Environmental Services) To consider the minutes of the meeting of the Joint Committee held on 28 September 2005.

**7. EAST OF ENGLAND PLAN - EXAMINATION IN PUBLIC**

Head of Planning and Economic Development to report.

A copy of the Council’s initial statement to the examination has been placed in the Members Room.

**8. LOCAL PLAN AND SCHEME**

Head of Planning and Economic Development to report.

**9. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

To consider which reports are ready to be submitted to the Overview and Scrutiny

Committee at its next meeting.

**10. FUTURE MEETINGS**

To consider the forward programme of meeting dates for the Panel.

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**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF ENVIRONMENTAL AND PLANNING SERVICES STANDING  
SCRUTINY PANEL  
HELD ON TUESDAY, 13 SEPTEMBER 2005  
IN CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.00 PM**

<b>Members Present:</b>	D Stallan (Chairman), M Woollard (Vice-Chairman), Mrs M Boatman, Mrs D Borton, D Kelly, P McMillan, T Richardson, Mrs M Sartin and Mrs P Smith
<b>Other members present:</b>	K Faulkner, R Glozier, Mrs A Grigg, D Jacobs, L Martin, J M Whitehouse and K Wright
<b>Apologies for Absence:</b>	A Lee
<b>Officers Present</b>	J Gilbert (Head of Environmental Services), J Preston (Head of Planning and Economic Development), H Stamp (Principal Planning Officer) and Z Folley (Democratic Services Assistant)
<b>Also in attendance:</b>	Councillor Heather Nicholas (Roydon PC), N Wilkinson (Roydon PC), E Borton (Nazeing PC), Councillor Cooper (Nazeing PC), Councillor Derek Farr (North Weald Bassett PC), Councillor Alan Mansfield (Epping Upland PC) and Alan Burgess (PORA)

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**9. SUBSITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

The Panel noted that Councillor K Faulkner was attending the meeting as a substitute for Councillor A Lee.

**10. DECLARATION OF INTERESTS**

Pursuant to the Council's Code of Member Conduct, Councillors D Stallan, Mrs D Borton, Mrs P Smith, J M Whitehouse and H Stamp (Principal Planning Officer) declared a personal interest in agenda item 9 (Local Plan and Scheme). They determined that their interests were not prejudicial and that they would remain in the meeting for the consideration and voting on the item.

**11. NOTES OF LAST MEETING - 1 AUGUST 2005**

Noted.

**12. TERMS OF REFERENCE / WORK PROGRAMME**

Noted.

**13. WEST ESSEX WASTE MANAGEMENT JOINT COMMITTEE - MINUTES OF LAST MEETING**

The Head of Environmental Services drew attention to the minutes of the last meeting of the Joint Committee which included a copy of a presentation received on the Essex Waste Partnership's Outline Business Plan (ODB). He drew attention to the Joint Committee's Business Plan and the Portfolio Holder decision confirming

the adoption of the Plan. A Member expressed concern as the plan was signed off before being submitted to the Panel for consideration. The Head of Environmental Services reported that the ODB was initialled due to be submitted around October/November 2005 but due to policy changes this date had slipped back. Noted that the ODB would be submitted to Members for consideration before it was submitted to the ODPM. Noted that North Weald Airfield was an identified site for a new waste infrastructure as it had been identified in the East of England Plan. Noted that its availability for a waste facility had been recognised by incoming contractors.

**14. WEST ESSEX WASTE MANAGEMENT JOINT COMMITTEE - BUSINESS PLAN**

The Head of Environmental Services reported the background to and the current position regarding the procurement and implementation of a County Wide Waste Strategy. He considered structural, cost, delivery PFI approach issues and recycling targets. He reported the concerns raised about the process especially those around risk management, decision making in relation to collection and Best Value. He explained Soft Market Testing and the 'affordably envelope'. He stated that a recent assessment using these methods and financial modelling which measured the environmental impact of large scale contracts had indicated that a two area letting process for disposal had benefits over a three area solution. The preferred option would not be let on a fully integrated process. He stated that the Joint Committee's Outline Business Plan would be redrafted to take into account these new conclusions. He asked Members to consider whether, in light of the changes and difficulties they continued to support the overall integrated approach being pursued by the Council to Waste Management.

In response, the view was expressed that a full report should have been circulated prior to meeting. In the absence of sufficient information Members supported the proposals given the investigation, monitoring and reporting arrangements for future proposal from the Joint Commission. The Panel also requested a full report on the issue be made to the next OSC and in view of its importance drawn out as separate agenda item.

**ACTION.**

The Head of Environmental Services to produce report

**15. EAST OF ENGLAND PLAN - RESPONSE TO DRAFT LIST OF MATTERS AND PARTICIPANTS FOR THE EXAMINATION IN PUBLIC**

The Principal Planning Officer for Forward Planning explained that the examination was due to start on 1 November 2005. He explained that it would take place in Ely and Letchworth and that the District Council would be represented at meetings on regional transport strategy and housing as well as the Harlow sub - region. It was noted that concern was expressed at the last meeting of the Panel about the draft list of attendees for the process as it indicated that Roydon, Nazeing, North Weald and Epping Upland Parish Councils and the interest group PORA, who represent areas in the District most affected by the proposals, had not been invited to discussions. The Principle Planning Officer reported that since that meeting the list had been finalised and amended to include, PORA, and the Association for Town and Parish Councils in Essex and Hertfordshire. Representative of the four local councils concerned and PORA were in attendance to express their views about the list and the examination in general. In response to questions, it was agreed that where feasible both written and verbal submissions should be coordinated. The

Principle Planning Officer invited participants to send written statements into the Council so that consideration could be given to this.

It was reported that the first batch of written submissions of the District Council which was an overview of some statistic issues of interest would be submitted to the EIP by 27 September 2005. Due to this tight deadline, there would not be enough time for Member level consideration of the document. Noted that the Portfolio Holder would consider the batch of statements before they were submitted. Members expressed an interest in viewing the document and asked for it to be attached to the next Panel meetings agenda.

It was reported that the consultation process for further written submissions of the Council's including those on Matter 8 H1 had not yet been identified. Noted that proposals would be formulated in due course and reported to Members. Noted that all written submission would appear on the EIP page on the GO- East Website.

The Principal Planning Officer reported that he had not yet received a reply to his letter of 29 June 2005 to the EIP about discrepancies within the draft list of participants. He undertook to chase up a response and circulate it to Members when it was required.

**ACTION:**

(1) That the following be circulated to Members of the Panel and the four Parish Council's and PORA:

(a) The Principal Planning Officer's (Forward Planning) follow up letter of 29 June 2005 to EIP

(b) Website address for EIP page on Go- East Website (which contains the Final List of Matters and Participation for the EIP)

(2) That a copy of initial written submission of the District Council be made available

**16. LOCAL PLAN AND SCHEME**

The Head of Planning and Economic Development reported the results of the redeposit consultation exercise which ended on 30 August 2005. He stated that the Forward Plan team were actively working on representations to see if any could be resolved. A Special Cabinet would be held on 24 October 2005 and a Special Council on 27 October 2005 to consider whether or not to proceed to the Public Inquiry. The Head of Planning and Economic Development anticipated that the number of planning applications submitted could increase during the lead up to the implementation of regional planning guidance. With this in mind the view was expressed that the alterations should go ahead to ensure that planning policy was up to date to deal with future work and a 'policy gap' was avoided.

**17. RE USE OF BUILDINGS IN THE GREEN BELT**

The Head of Planning and Economic Development stated that the issue of the reuse of agricultural buildings in the Green Belt had been raised during the PICK process for selecting topics for the current scrutiny programme. He also explained that during the Local Plan Alteration process it had been noted that reused agricultural buildings were often being used for business purposes and producing significant

vehicle movements including HGV traffic. Concerns were raised about particular areas in the District. It was reported that there was a need for a proper study of vehicle movements in order that a comparison could be made with activities and usages in the past. Member agreed that this information be reported to the Committee before they made any recommendations.

**18. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

Report on Waste Procurement Process (re- 6 Agenda item)

**19. FUTURE MEETINGS**

Noted that the next meeting would take place on 20 October 2005 at 7.30 pm.



## TERMS OF REFERENCE - STANDING PANEL

<b>Title:</b> <b>Environmental and Planning Services</b>		
<b>Status: First Draft</b>		
<b>Terms of Reference:</b>		
<ol style="list-style-type: none"> <li>1. To keep under review the activity and decisions of the West Essex Joint Waste Committee with respect to:               <ol style="list-style-type: none"> <li>(a) the procurement of the integrated waste collection and disposal contract for the West Essex area (Epping Forest, Braintree, Harlow, Brentwood &amp; Uttlesford);</li> <li>(b) following procurement the monitoring of contract performance; and</li> <li>(c) the annual review of the Joint Waste Committee business plan.</li> </ol> </li>   <li>2. To consider what changes are practical and desirable to Council policies concerning the reuse of redundant and other buildings in the Metropolitan Green Belt; in particular, are further restrictions necessary (changes in policy required) to ensure that such developments are truly sustainable.</li>   <li>3. To consider the processes by which the existing Local Plan is being amended to seek to keep it up to date, in particular whether the resources required are being provided, and whether alternatives are realistic. To similarly consider the arrangements by which the new Local Development Scheme is being brought into operation. In particular, to consider how new requirements for community consultation and strategic environmental assessment work in practice.</li>   <li>4. To consider matters which arise through the process that the Government is driving to bring in an East Of England Plan; these may range from arrangements concerning the Examination in Public, how to respond to the initiatives or views of those who support or oppose us, and how we may support or oppose the views taken by others. In particular, this is to allow the Portfolio Holder for Planning and Economic Development to remain tuned in to local views, and supersedes previous advisory group arrangements.</li> </ol>		
<b>Work Programme 2005/6</b>		
<b>Item</b>	<b>Priority</b>	<b>Report Deadline</b>
1. Receive the minutes of the West Essex Joint Waste Committee	High	Mid July 2005 and after every Committee meeting thereafter
2. Re use of buildings in the Green Belt	Medium	September 2005.

<p>3. Local Plan and Scheme.</p> <p>4. East of England Plan.</p>	<p>High</p> <p>High</p>	<p>August 2005 for Local Plan.</p> <p>By November 2005 for examination in public.</p>
<p><b>Chairman:</b> <b>Councillor David Stallan</b></p>		

**MINUTES OF A MEETING OF THE WEST ESSEX AREA  
WASTE MANAGEMENT JOINT COMMITTEE HELD AT  
COUNTY HALL, CHELMSFORD ON 28 SEPTEMBER 2005**

Membership

- \* Councillor Tony Sleep, Brentwood Borough Council (Chair)
- \* Councillor Norman Hume, Essex County Council (substitute for Councillor Roger Walters)
- \* Councillor Michael Gage, Braintree District Council
- \* Councillor Derek Jacobs, Epping Forest District Council
- \* Councillor Chris Millington, Harlow District Council
- \* Councillor Alan Thawley, Uttlesford District Council

\* present

**24. Apologies for Absence and Notices of Substitution**

Apologies for absence were received from Councillor Roger Walters, Essex County Council, with Councillor Norman Hume as his substitute. Apologies for absence were also noted from Graham Tombs, Director for Environment and Commerce, Essex County Council.

**25. Minutes**

The Minutes of the meeting held on 31 August 2005 were approved as a correct record and signed by the Chairman.

**26. Matters Arising from the Minutes**

There were no matters arising from the Minutes of the meeting held on 31 August 2005.

**27. Declarations of Interest**

There were no Declarations of Interest.

**28. Date of Next Meeting**

It was confirmed that the next meeting of the West Essex Waste Management Joint Committee would be held on Wednesday 26 October 2005, commencing at 2.30 pm in Committee Room 1, County Hall, Chelmsford.

**29. Urgent Business (Part I)**

There was no urgent (Part I) business for discussion.

### **30. Exclusion of the Public**

#### **Resolved:**

That the public, including the press, be excluded from the meeting during the consideration of the following agenda items on the grounds that it involves the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972: -

Procurement options appraisal;  
Timetable for procurement approach decision making;  
Project progress report.

(Paras 8 – contract for the acquisition of property or the supply of goods or services and 9 – terms relating to negotiations for a contract).

### **31. Procurement Options Appraisal**

(Public and Press excluded)

#### Introduction

Referring to paper WEWM/01/05, Alex Creecy, Technical Manager, Waste & Recycling, Essex County Council, gave a presentation on the results of the procurement options appraisal and relevant feedback. Members also considered papers WEWM/02/05, WEWM/03/05 and WEWM/04/05 as background information to the discussion and the decision making process.

#### Background

Members noted the information contained in report WEWM/01/05 with reference to three suggestions concerning area configurations, particularly in relation to those providing the best solutions in terms of cost and performance. An explanation of the modelling used to test different scenarios and the feedback obtained to date from the Department for Environment, Food and Rural Affairs (DEFRA) were also provided.

It was confirmed that there would be a workshop in October aimed at deriving a further, more detailed, understanding of the implications of the recent modelling results.

It was noted that, for each scenario, overall performance had been assessed against a range of factors such as geographical, environmental and social. It was stated that the sites included in the examples had been selected for modelling purposes without prejudice to decisions to be taken in the future. Possible solutions resulting from the recent modelling exercise providing the Best Practicable Environmental Option (BPEO) for Essex were also noted. Members heard that economies of scale would theoretically be possible using selected solutions.

#### Discussion

Various technical points concerning different aspects of waste disposal processing and the potential impact on recycling rates and associated costs were briefly discussed in relation to the recent modelling results.

With reference to the different funding options available, members considered these in relation to various technical aspects such as future landfill costs and space.

Members discussed the commitments currently required by DEFRA of all partners and the potential, implications for collection services, particularly in terms of finance and actual delivery offered by industry. A summary of communications with DEFRA since April 2005 was provided for members. It was confirmed that, currently, DEFRA would require a letter from each partner committing each authority to an 'affordability clause' (also referred to as an 'affordability envelope'). It was noted that DEFRA also required the final solution to conform to the waste strategy and the consultation. At the request of members, it was **agreed** that Essex County Council waste and legal officers would continue to look at the current requirements specified by DEFRA. With reference to the 'affordability clause', members offered opinions, based on the estimated likely response of their respective authorities, regarding DEFRA's present requirements. The overall indication from members was that the affordability clause, in its current format, would be unacceptable.

Members expressed views, on behalf of their respective authorities, on the procurement options appraisal emanating from the results of the recent modelling and were comfortable with the new possibilities presented for different area configurations. There was a brief discussion about potential sites and the associated technical and logistical aspects of waste treatment, including consideration of the function and use of transfer sites. Members welcomed the fact that the West Essex officers would continue the more detailed discussions in terms of collection services and it was **agreed** that an update on this matter would be provided to the next meeting.

## **32. Timetable for Procurement Approach Decision Making**

(Public and Press excluded)

### Introduction

Referring to paper WEWM/05/05, Nicola Beach, Head of Waste & Recycling, Essex County Council, presented the timetable for the procurement approach decision making.

### Discussion

Members heard that the Waste Officers Steering Committee had agreed the next steps in terms of the timetable for the procurement approach decision making. With reference to the schedule for the remaining area Joint Committee meetings of 2005, the revised procurement approach and the business case would be present on future agendas. It was noted that further modelling work was being carried out in relation to the contractual element of the procurement approach

and that a business case would be required irrespective of the final funding option taken.

Several key points relating to the next stages of development were outlined including the re-affirmation of some basic principles of the partnership and opportunities for system integration.

In considering the revised procurement approach and other related points, it was noted that the project design element, management of the risk interface and opportunities for working needed to be explored in more detail.

### 33. Project Progress Report

(Public and Press excluded)

Introduction

Referring to paper WEWM/06/05, Peter Kelsbie, Project Co-ordinator, Waste & Recycling, Essex County Council, presented a schematic representation of project progress as at 16 September 2005.

It was noted that the paper provided a summary of a report distributed regularly to the Lead Officers of the partnership.

Discussion

The 'dashboard' style of the paper was briefly explained. It was noted that the summary contained various elements including key dates, a Gantt chart illustrating the project timeline and a risk summary. It was explained that regular meetings were held to look at the critical risks involved and associated risk management. .

Members heard that various suggestions had been made to incorporate changes to the summary, such as a more detailed timeline and current service contract end dates, to provide additional reference points.

It was confirmed that the dashboard style summary provided a useful 'snapshot' and it was **agreed** to continue regularly to provide these reports to the Committee.

### 34. Urgent Business (Part II)

There being no urgent (Part II) business for discussion, the meeting closed at 4.50 pm.

Chairman  
26 October 2005