

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL
HELD ON TUESDAY, 18 NOVEMBER 2008
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.45 PM**

- Members Present:** Mrs L Wagland (Chairman), K Chana (Vice-Chairman), A Boyce, Mrs A Cooper, R Frankel, Mrs C Pond, P Spencer and H Ulkun
- Other members present:** Mrs A Grigg and Mrs P Smith
- Apologies for Absence:** M Colling and W Pryor
- Officers Present** D Macnab (Deputy Chief Executive), J Preston (Director of Planning and Economic Development), S G Hill (Senior Democratic Services Officer), R Sharp (Principal Accountant) and M Jenkins (Democratic Services Assistant)

23. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitute members present.

24. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Council's Code of Member Conduct.

25. NOTES FROM THE LAST MEETING

The Chairman and Members felt that, following on from the last meeting of the Panel, the notes from that meeting had not reflected accurately that the updated Best Value in Planning, prepared for the Task and Finish Panel, should be submitted to the Overview and Scrutiny Committee without further work, but with an explanation from the Chairman as to why this had been appropriate in these particular circumstances.

AGREED:

That, the notes of the meeting held on 9 September 2008 be agreed subject to the amendment of Note 17, to reflect the Panel agreement to submit the Value for Money Best Value Review report without amendment, to the Overview and Scrutiny Committee.

26. ANY OTHER BUSINESS

There was no other business.

27. TERMS OF REFERENCE

It was suggested that the Improvement Plan should be added to the Terms of Reference of the Standing Panel under item 7 and the terms to be amended in line with the Work Programme.

28. WORK PROGRAMME

The following items from the Work Programme were discussed by the Panel:

Item 1 (i) New Local Development Scheme and East of England Plan

The Director of Planning Services, Mr J Preston, advised the Panel that the final version of the East of England Plan was currently incomplete. There was a legal challenge to the East of England Plan of which the District Council was awaiting the results.

The Gypsy/Traveller consultation had begun and was concluding in early 2009. Mr J Preston told the Panel that the Gypsy and Traveller Consultation had started two weeks previously. The Consultation was taking up an enormous amount of time for both Council officers and elected members. Extra resources had been put into the consultation process, for example provision of staff at public exhibitions. Mr J Preston said that the consultation was causing a certain level of stress for staff.

Councillor Mrs P Smith supported Mr J Preston's comments. She praised the Forward Planning Team for their organisation especially their one on one dialogue with residents in explaining the consultation process to them.

Councillor Mrs A Cooper informed the Panel that there was concern that notices had not been issued regarding a Gypsy/Traveller Consultation event in Nazeing, she also felt that extra staff were needed in Planning Services.

Mr J Preston informed the Panel that at a recent Examination in Public, other Local Authorities had objected to the District Council revealing information from an ongoing update of Gypsies and Travellers' needs assessments. The District Council's consultant, Mr A Lainton, had suggested that other districts such as Uttlesford with only 15 proposed sites, could have a higher number. He had argued that Epping Forest District Council, with 49 proposed pitches, should have had, perhaps, 30 pitches.

Councillor H Ulkan thought that a nationwide strategy integrating Gypsies and Travellers into conventional, settled society, was a better solution to the current problem. Mr J Preston stated that he could not comment on the wider political and social dimensions of integrating Gypsies and Travellers. However he echoed Councillor H Ulkan's opinions that those Gypsies and Travellers who lived on authorised sites were not a problem to other residents, their children went to local schools and generally, they had settled well. However they had traditionally found employment in agriculture, a type of work which was becoming increasingly less available, some had formed into large groups and had sometimes occupied land which did not belong to them. When they were evicted, it had been common for them to leave large amounts of rubbish behind. Because of this, local residents had negative rather than positive feelings towards them. An interesting fact that had emerged from the consultation, thus far, had been that many district residents did not know that there were so many Gypsy and Traveller sites already in the district. There was a strong public perception that the settled community were being ignored.

The Chairman commented that the current cycle of occupying land and then being evicted or evading, needed breaking. The District Council had done well with smaller Gypsy/Traveller sites, but had found it harder managing with larger sites.

Item 2 (i) Re-use of buildings in the Green Belt/Traffic Issues in the Roydon and Nazeing Areas, and (ii) To keep an overview on transport matters that were the subject of a focus day in Nazeing In March 2007 and the action plan.

The Panel expressed strong concern about traffic dangers at the Crooked Mile in Nazeing. There was also strong feeling regarding the liaison between the District Council and Essex County Council Highways on road safety issues, particularly its freight transportation strategy, although the Panel did acknowledge that there were staffing problems current within County's Highways. The Chairman suggested that this issue should go before the Environmental Services Scrutiny Panel, Safer, Cleaner, Greener, Mr J Preston confirmed that it should form part of its Work Programme. The Chairman requested that the District Council's Civil Engineering and Maintenance Portfolio Holder, Councillor R Bassett, be asked to write a letter to his opposite number in the County Council, Councillor N Hume, Highways and Transportation Portfolio Holder, regarding the extreme concern there was surrounding the traffic safety at the Crooked Mile in Nazeing.

AGREED:

- (a) That, the Safer, Cleaner, Greener Scrutiny Panel be asked to discuss the Essex County Council's Freight Transportation Strategy; and
- (b) That, Councillor R Bassett, Civil Engineering and Maintenance Portfolio Holder, be asked to write a letter to Councillor N Hume, Portfolio Holder for Transportation and Highways at Essex County Council, regarding road safety at the Crooked Mile, Nazeing.

Councillor H Ulkan felt that the issue around traffic safety should have been expanded to cover other parts of the district. There were other parts of the district which were probably as dangerous as the Crooked Mile, Nazeing. He suggested that the County Council should furnish the District Council with a map indicating all traffic accidents in the area. The Deputy Chief Executive, Mr D Macnab, advised that Epping Forest had a comparatively high record of killed and injured on the roads. The District Council were attempting to cut traffic accidents, the Local Strategic Partnership had made a successful bid for a driver education programme. The Chairman concurred and suggested that a Driver Plus scheme could be subsidised.

Item (3) Provision of Value for Money

The Chairman was concerned at the delay in the Panel receiving the ICT information promised during the agreed presentation. Councillor Mrs P Smith suggested that a similar presentation should have been included on agendas for the Local Council's Liaison Committee. Councillor Mrs A Cooper congratulated Planning Services on a recent planning portal presentation, it should elevate the District Council's customer satisfaction ratings. Mr J Preston said that a vast volume of material had been scanned in Planning Services for the public to access more easily, he was hoping that links to Mod.Gov and to webcasting could be made. The Northgate Group had taken over Anite Public Sector Limited, the likely result being a significant improvement in the system. The Chairman requested a demonstration for the Panel.

The Chairman reminded the Panel, that they had not discussed Appeals and Building Control, which was on the Panel's terms of Reference. Mr J Preston had reported on this previously, but it needed more detail. Within Provision of Value for Money, the Chairman suggested that the performance of Planning Sub-Committee members and planning applicants, needed careful analysis.

Councillor H Ulkan was concerned about land banking, whereby plots were being bought in areas which had not yet been granted planning permission and in some cases were in Greenfield or Greenbelt zones, for the purpose of development later on. He was concerned that some people may be living on re-developed land and not on better plots of land. Mr J Preston did not know how much land banking there was in the district. He informed the Panel that the recent "Call for Sites" did not impact on what was being done by Registered Social Landlords at present.

29. LOCAL DEVELOPMENT FRAMEWORK - UPDATE

Mr J Preston, presented a report to the Panel regarding an update of the Local Development Framework (LDF). Further progress on a replacement Local Development Scheme had been delayed subject to further discussions with GO East in determining the options available to deliver the policy requirements of the East of England Plan (EEP), this had also delayed progress on the Core Strategy. Technical work creating a robust evidence base continued, this was being undertaken jointly with other relevant authorities where necessary.

A report to the Cabinet in December 2007 identified the funding required to deliver a successful LDF. Expenditure to date, commitments and anticipated work over the rest of the financial year amounted to some £337,000. A further DDF bid had been made for £91,000 in the forthcoming 2009/10 financial year replacing the amount taken from the LDF fund for development briefs in Debden and Epping.

Recent announcements had shown that the Council were receiving £93,284 (£93,469 now had been received) from Housing and Planning Delivery Grant. It was difficult to assess the amounts that may have been forthcoming in future rounds, but an assessment was made of the criteria under which EFDC may benefit in future.

Discussions between the District Council, Harlow District Council, East Herts District Council and GO East were on-going. Matters had been slightly delayed by the additional uncertainty caused by Hertfordshire County Council's application for a judicial review of the East of England Plan. The District Council were receiving notification of a judicial review court date in the autumn, with resolution in early 2009.

Members had previously expressed concern at the length of time it would take to prepare and adopt a Core Strategy, and felt that the feasibility of adopting the document over a two year period, rather than three years, was worth exploring. Changes to the regulations governing the preparation of LDF documents now meant that only two formal rounds of public engagement were required.

Given the current uncertainties, it was too early considering whether further staffing resources were needed in the Forward Planning Team. There were five officers and two support officers in the policy team a further four officers reported to the Forward Planning Manager. However there were three officer vacancies in the entire team. The team was currently supplemented by a consultant working on a short term contract to progress the Gypsy and Traveller Site Allocations Development Plan Document.

Progress on the LDF was limited by issues which were outside of the direct control of the District Council, the challenge to the EEP and co-ordinated working arrangements being entered into. Following resolution of these issues, there should be consideration of available staff resources.

Councillor R Frankel was concerned that delays in the LDF were having an impact on the Local Plan. Mr J Preston told the Panel that there was a three year time limit on the Local Plan Alterations policies from the date of their adoption. This could be extended by a Direction from the Secretary of State, however this had to be supported by reasons. The application needed to be with GO East six months before the expiry date, January 2009.

Councillor R Frankel was also concerned about Policy GB14a – Residential Extensions in the Green Belt. This policy was being deleted because the limit on building of 40% up to a maximum of 50 square metres had been changed to permitted development. This meant that some developments no longer required permission.

The Chairman requested a summary on the changes stemming from deletion of Policy GB14a.

AGREED:

That, a summary of changes be presented to the Panel regarding the changes following Policy GB14a.

The Government changes had led to a reduction in simpler planning applications, however this was not expected to have a huge effect on workload because members of the public were reporting development work to the Enforcement Team, and some building changes were now found to be controlled.

Councillor K Chana said there was an increase in the number of inquiries from the public since the recent change in the law. Mr J Preston said that the notes on the website were being updated. Some householders may think they had permitted development and have increasingly fought a certificate of lawful use.

Mr J Preston advised the Panel that because of the legal challenge to the East of England Plan, the Local Development Framework had slowed down. It was possible that GO East may decide that the local authorities were not moving fast enough. The Panel requested a timetable indicating steps for the LDF process, Mr J Preston replied that he did not have a clear start date, not all items could be dealt with consecutively, however it should be ready by January 2009.

The Chairman asked about the Statement of Community Involvement. Mr J Preston said that Planning Services staff were struggling with this, the regulations were not simple to follow. There was a large amount of material available.

The Chairman said that the consultation was extensive and may distract from other areas. The community aspect of the LDF may ease the process.

Mr R Sharpe, Senior Accountant, said that the District Development Fund had recently been before the Cabinet, and approved with the necessary LDF budget requirements, known at that point in time. The Planning budgets for the current year revised and for 2009/10 estimated were currently being prepared and that the position would be reported to members in January 2009. Mr D Macnab advised that through the Portfolio Holder Advisory Group, there was a regular update on progress.

Members asked about the budget for the Gypsy/Traveller Consultation, Mr J Preston replied that there was in-house expenditure on exhibitions and the like. Public responses were being directed to an external company for electronic analysis.

Councillor H Ulkan asked how many staff were working on the Gypsy/Traveller Consultation. Mr J Preston advised that himself, I White, Forward Planning Manager A Wintle, Planning Officer, K Wright and the consultant A Lainton were directly involved. Other officers were L McGann, Planning Officer, S King, Information and Technical Officer, and A Sleet, Forward Planning Assistant. Exhibition staff included W Gains, Safety Officer, J Kershaw, Building Control Manager, D Baker, Administration Supervisor, Customer Contact Team, a tree officer plus the receptionist. Temporary staff were involved in sending packs to the public. Mr D Macnab advised that Public relations, Democratic Services and Directors were also involved as well. The Chairman expressed her gratitude to staff for their ongoing work.

The Panel spoke next of the planning portal, Mr S Bacon, ICT Business Manager, in Planning Services, was to attend a cycle of planning meetings to explain the latest ICT developments.

RESOLVED:

- (1) That, the progress report and update on the Local Development Framework, be noted; and
- (2) That, the expenditure and further commitments on the Local Development Framework, be noted; and
- (3) That, the Panel support the additional DDF Bid for 2009/10, in the sum of £91,000, be made to replace funding subsequently allocated to development brief projects in Debden and Epping; and
- (4) That, the potential sources of funds, which may be available to add to the Local Development Framework fund in future, be noted; and
- (5) That, the Panel receive further updates on the Local Development Framework at regular intervals including the proposed implementation timetable and key milestones.

30. PLANNING DIRECTORATE IMPROVEMENT PLAN

Mr J Preston, Director of Planning Services, presented a report to the Panel regarding the Improvement Plan for the Directorate of Planning and Economic Development. The Overview and Scrutiny Committee had agreed that the Directorate would produce an Improvement Plan for the following eighteen months. The Panels' investigations had shown there had already been significant change within Planning over the last few years. However, there was scope for further change and improvement. The plan was identifying 13 areas of potential improvement, based on feedback on current performance and proposed action addressing this alongside the resources needed and an timescale.

Mr J Preston said that the process of getting into the top quartile was being picked up by the Key Performance Indicators. There had been concern from members regarding the District Council's use of consultants. Evidence was needed as to the circumstances under which they were hired. In some cases, the Portfolio Holder would be asked to waive the relevant Contract Standing Orders.

Mr J Preston was asked about public feedback on services. A lot of feedback should be done via the website. The Chairman thought more work was needed on website feedback. Mr S Tautz, Performance Improvement Manager had captured some of this information already. It was suggested that by re-visiting 10% of calls made, officers could extract feedback on the service.

The Chairman pointed out to the Panel that the aim of the Improvement Plan was in changing aspirations to actual tasks completed.

31. STAFFING POSITION UPDATE

The Director of Planning Services, Mr J Preston, provided the Panel with an update on the current staffing situation within Planning Services. The Assistant Director, Mr B Land, was still unwell, Mr J Preston was awaiting an updated medical report. The other Assistant Director Post which was vacant, had been advertised and interviews had taken place. The District Council had received ten applications and interviewed six applicants. However it was found that none of the interviewees were suitable for the post. Mr J Preston told the Panel that the Micro Site had indicated that 200 people had looked at the post advert on the internet but most had not applied for the position.

There was also a member of staff on maternity leave within Development Control, and one person had been appointed to fill that vacancy. A Building Surveyor's was also vacant due to maternity leave. The Panel were reminded of the resources employed in mentoring and directing new members of staff. The recruiting of staff had been a problem possibly because of the comparatively lower salaries that the District Council offered. The Chairman commented that there had been huge redundancies in many planning companies and consequently, within a very short period, it was expected that the District Council would be receiving more enquiries about vacant posts.

It was felt that suitable analysis should have been made to find the reasons why some potential applicants had been deterred from applying. The Panel was told that surveying techniques on the internet may have been counter productive, an exit interview on the website would help. Mr D Macnab assured members that the Council's Executive were closely monitoring the volume of business and would adjust the Council's staffing structure to meet any change. Members thought that directorates could have been more creative in attempting to retain existing staff, but did acknowledge that good staff would inevitably leave for better paid work.

32. DATES OF FUTURE MEETINGS

The Panel noted that the dates of the following meetings were as follows:

6 January 2009;

12 February 2009; and

13 March 2009