

## Scrutiny Standing Panel Agenda



### **Planning Services Scrutiny Standing Panel Tuesday, 10th November, 2009**

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

**Time:** 7.30 pm

**Democratic Services Officer:** Mark Jenkins - Office of the Chief Executive  
Email [mjenkins@eppingforestdc.gov.uk](mailto:mjenkins@eppingforestdc.gov.uk) Tel: 01992 564607

**Members:**

Councillors Mrs L Wagland (Chairman), K Chana (Vice-Chairman), A Boyce, M Colling, Mrs A Cooper, R Frankel, Mrs A Haigh, J Hart, Mrs C Pond, W Pryor, Mrs P Richardson and H Ulkun

A BRIEFING FOR THE CHAIRMAN OF THE PANEL WILL BE HELD AT  
7.00 PM PRIOR TO THE MEETING

**1. APOLOGIES FOR ABSENCE**

**2. SUBSTITUTE MEMBERS**

(Assistant to the Chief Executive). To report the appointment of any substitute members for the meeting.

**3. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive). To declare interests in any items of the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview and Scrutiny members are asked to 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 Overview and Scrutiny 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 Overview and Scrutiny meeting purely for the purpose of answering questions or providing information on such a matter.

**4. NOTES FROM THE LAST MEETING (Pages 5 - 14)**

To agree the notes of the last meeting held on 8 September 2009 (attached).

**5. TERMS OF REFERENCE (Pages 15 - 16)**

The Terms of Reference are attached.

**6. WORK PROGRAMME (Pages 17 - 20)**

The Work Programme is attached.

**7. PLANNING STAFFING RESOURCES (Pages 21 - 24)**

(Director of Planning and Economic Development). To consider the attached report. This item had been originally discussed and deferred from the 18 June 2009 meeting of the Panel. If the Panel supports the proposals contained in the report, they should report to the Overview and Scrutiny Committee at its next meeting.

Any changes which involve additions to staffing or budgets will require Cabinet approval and, with this in mind, copies of the report have been sent to the Overview and Scrutiny Committee and the Cabinet. The timescale involved for these various meetings also requires this.

**8. ESSEX COUNTY COUNCIL CONSULTATION - "MINERALS DEVELOPMENT DOCUMENT: SITE ALLOCATIONS - ISSUES & OPTIONS PAPER" (Pages 25 - 28)**

(Director of Planning and Economic Development). To consider the attached report. This report will be considered by the LDF Cabinet Committee on 9 November 2009. The recommendations of that Committee will be submitted for adoption to the Cabinet meeting on 16 November 2009. It is recognised that the interest of this panel in the report be submitted to OSC and the Cabinet may have an interest and its members should therefore make their comments known to the Cabinet via the Overview and Scrutiny Committee.

**9. RSS 2031 CONSULTATION (Pages 29 - 36)**

(Director of Planning and Economic Development). The EERA consultation is a Government consultation and falls within the ambit of OSC. It is recognized that Cabinet may also wish to comment on the document and with this in mind the Cabinet will be asked if they wish to consent on 16 November 2009, once this Panel has submitted its views to Overview and Scrutiny Committee on 12 November 2009. A single response will then be submitted to EERA.

**10. IMPROVEMENT PLAN (Pages 37 - 44)**

(Director of Planning and Economic Development). To note the attached Improvement Plan.

**11. ANY OTHER BUSINESS**

**12. DATES OF FUTURE MEETINGS**

The next programmed meeting of the panel is on 5 January 2010 and thereafter on:

11 February; and  
27 March

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**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL  
HELD ON TUESDAY, 8 SEPTEMBER 2009  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.30 - 10.05 PM**

- Members Present:** Mrs L Wagland (Chairman), K Chana (Vice-Chairman), A Boyce, M Colling, Mrs A Cooper, R Frankel, Mrs C Pond, Mrs P Richardson, H Ulkun and J M Whitehouse
- Other members present:** Mrs A Grigg, J Knapman and Mrs M Sartin
- Apologies for Absence:** Mrs A Haigh and J Hart
- Officers Present** D Macnab (Deputy Chief Executive), J Preston (Director of Planning and Economic Development), J Kershaw (Assistant Director (Building Control)), R Sharp (Principal Accountant) and M Jenkins (Democratic Services Assistant)

## **16. SUBSTITUTE MEMBERS**

It was noted that Councillor J Whitehouse had substituted for Councillor Mrs A Haigh.

## **17. DECLARATIONS OF INTEREST**

Councillor Mrs A Cooper declared a personal interest in item 8 of the agenda, Birchwood Estate Fire, by virtue of being a ward member for Nazeing.

## **18. NOTES FROM THE LAST MEETING**

### **RESOLVED:**

That the notes of the last meeting of the Panel held on 8 June 2009 be agreed.

## **19. TERMS OF REFERENCE**

The Panel were advised of the following:

Item 7 – “Reviewing Measures to Improve Performance within Development Control, namely:

- The “Hit Squad”
- Service Restructure
- New IT System
- Application of the Planning Delivery Grant”

had been removed from the Panel’s Terms of Reference.

Item 12 – “Report to the Overview and Scrutiny Committee at Intervals and Submit an Interim on Development Control in the June 2008 cycle” was yet to be completed. A report would be made to the forthcoming Overview and Scrutiny Committee

together with an update on the discussions surrounding the fire at the Birchwood Estate, Nazeing.

## **20. WORK PROGRAMME**

### **Item 1 - East of England Plan**

The Panel was advised that the current East of England Plan was incomplete, because the District Council were awaiting the results of a legal challenge to the Plan from a number of local authorities. East Hertfordshire Council were holding a public consultation on its review of the East of England Plan which was being brought before the Overview and Scrutiny Committee before being reported to the Cabinet. There was also a legal challenge to the Gypsy and Traveller Consultation from St. Albans City and District Council.

### **Item 2 - Traffic Issues Roydon and Nazeing**

It was suggested that the traffic issues in the Roydon and Nazeing areas should be referred to the Local Highways Panel for discussion. The Chairman requested that the report submitted to the Panel should be accompanied by a strongly worded letter regarding the on-going traffic problems.

Councillor Mrs M Sartin was concerned about the forthcoming planning application submitted to Hertfordshire County Council regarding the Dobbs Weir Quarry. She said that there was no freight strategy regarding Nazeing New Road. Councillor J Knapman informed the Panel that he would take up traffic issues in Roydon and Nazeing in his capacity as an Essex County Councillor, he would speak to the County Highways and Transportation Portfolio Holder. He asked for a letter to be addressed to himself, from the Panel, so that he could raise it at the forthcoming Essex County Council Full Council meeting, D Macnab, Deputy Chief Executive, agreed that he would draft the letter on behalf on the Chairman of the Panel.

#### **RESOLVED:**

That D Macnab, Deputy Chief Executive, draft a letter on behalf of the Chairman of the Planning Services Scrutiny Standing Panel, to County Councillor J Knapman regarding traffic issues in Roydon and Nazeing.

### **Item 3 - Provision of Value for Money within Planning Services**

J Preston, Director of Planning and Economic Development, reported that the Value for Money report had not been completed. R Sharp, Principal Accountant, advised that the CIPFA Planning Statistics (not included on the Panel's agenda, but to be part of the Value for Money report) went back 5 years and currently only included around half of the Essex County's District Councils, due to a lack of response.

### **Item 6 - Meeting of Chair and Vice Chair of Planning Committees**

The Chairmen and Vice Chairmen of the Area Planning Committees had met in February 2009. They were due to meet again in September. Councillor Mrs L Wagland requested that the action points from the noted meeting be acted upon prior to the next.

### **Item 7 - Update on Gypsy and Traveller Consultation**

The Local Development Framework Cabinet Committee were meeting on Thursday 10 September with a report concerning the Gypsy and Traveller Consultation.

**Item 8 - Report from Corporate Support Services on Performance at Planning Appeals**

The Panel were advised that a meeting was to be arranged, with the Chairman in attendance, to elucidate the Council's performance at planning appeals.

Members felt that there should be councillor representatives participating in planning appeals. The Chairman felt that more member training was required, particularly around the employment of correct terminology, Councillor Mrs A Grigg advised that councillors can attend public enquiries regarding planning matters, they could register to speak at the enquiries, ask questions of officers present and attend site meetings as well.

**Item 10 - Additional Senior Officer Post (Enforcement)**

The Panel was advised that this report was deferred to a future meeting of the Panel.

**Item 11 - Route of a Planning Enforcement Investigation.**

The Panel was advised that this report was deferred to a future meeting of the Panel.

**New Item**

The Chairman advised that there would be an extra item on the Panel's Work Programme. The Overview and Scrutiny Committee on 3 September 2009 had agreed to refer a report on Officer Delegation – Planning Applications: Comments by Town and Parish Councils to the Planning Services Scrutiny Standing Panel.

**21. BUILDING CONTROL**

The Panel received a report from Mr J Kershaw, Assistant Director of Planning and Economic Development (Building Control).

The Building Control Service was part of the Planning and Economic Development Directorate providing a number of services. The main functions of the Building Control Service were:

- **Full Plans Applications** – Detailed applications submitted to the Council under the building regulations. The Council must determine an application within a legally prescribed timescale or the application would become "deemed approved."
- **Building Notices** – Notifications to the Council, under the building regulations, of intentions to carry out building work.
- **Inspections** – Inspection of building work through the construction stages from commencement to completion. The builder had a statutory responsibility to notify the Council at specific stages of construction, although Council officers may inspect at any stage.

- **Contraventions** – Related to enforcement action securing compliance with the building regulations in terms of building work not complying with approved plans and building regulations. Also where an appropriate full plan or building notice had not been received with work carried out.
- **Initial Notices** – A person carrying out building work may, as an alternative to the Council, choose to use an Approved Inspector. In these circumstances, two main areas of responsibility remained with the Council. Firstly to ensure that an Initial Notice setting out details of the project and the Approved Inspector had been submitted and secondly, where an Approved Inspector had identified a contravention of building regulations in the work under his control, and had been unable to resolve the matter. The building work was handed back to the Council, as the authority, of last resort to carry out enforcement action.
- **Demolitions** – Persons intending to carry out the demolition of a building were required to give the Council six weeks notice of the intended date of commencement. The Council may, by notice, require the demolition of the building taking into account specific matters.
- **Dangerous Structures** – The Council were empowered, under the Building Act, to deal with dangerous buildings and structures. If informal measures were unsuccessful the individual concerned may apply to a court for an order requiring the danger to be remedied. In more urgent cases the powers allowed appropriate emergency action to be taken.
- **Access for Disabled People** – In addition to ensuring the building regulation requirements were complied with, the Building Control Service also provided the role of Access Officer, regularly meeting with the Epping Forest Access Group to promote improved standards of access and facilities for disabled people in the District.

The main direct users of the Building Control Service were property developers and their architects seeking approval to proposed building developments, builders and owners of building work in the constructional stages from commencement to completion.

### **The Building Control Team**

The Building Control Team had an establishment strength of 12 Full Time Engineers with 9 staff in post, of these, 2 were consultants. In addition to this, a Senior Building Control Surveyor was on maternity leave until December. At present the team functioned with the equivalent of 6.8 full time posts.

### **Budget**

The Building Control Service divided financially into two main areas, Fee Earning and Non Fee Earning. Under the Building (Local Authority Charges) Regulations 1998 the Council was authorised to fix a scheme of charges in connection with the performance of its functions under the Building Regulations. Income from the charges should be sufficient to meet the costs of the service provided and must always meet the cost over any three year rolling accounting period.



The revised outturn for 2008/09 showed a surplus/deficit of zero. The £15,000 deficit brought forward from 2007/08 needed recouping over a 3 year rolling cycle. The Cabinet had recently agreed to a fee increase of 8%. The Building Control ring fenced account eventually ended up with a loss of £10,451 for 2008/09, which added to the deficit rolled over from the previous year gave a shortfall to be found in 2009/10 of £25,000. It was estimated that savings or additional income of around £50,000 was needed for this year, to ensure that the ring fenced account will break even, based on the current position.

### **Staffing**

With professional/technical staffing levels at just over 50% of full establishment and little or no response to national advertisements of vacancies, service performance was inevitably effected. External consultants could do some work but even with this assistance only a very basic level of service was being provided. There were also consequential effects upon staff in terms of their ability to meet required Continuing Professional Development programmes and the level of pressure and stress they were being expected to work under.

Previously in 2003/04, when the surveyors were 50% understaffed, the then Assistant Head of Planning Services made decisions on the best use of remaining resources. This meant that all full plans applications were vetted by external agencies. This led to a greater cost to the Council than if the applications were checked in house and also to a dilution of knowledge within the Building Control Section.

The extension of the Approved Inspector Regulations, permitting the private market across the full range of building work, had seen an increase in loss of market share. Higher fee earning work, large scale developments and commercial work for the larger chain stores had been lost to Approved Inspectors.

Members asked why the District Council was losing potential work. J Kershaw advised that an Approved Inspector could decide how much potential work would cost by vetting the plans. There was no level playing field with private inspectors, they could undercut the Council. Councillor K Chana advised that some builders were incompetent and required perhaps 50 visits from an inspector, it was thought that builders should be licensed. However J Kershaw said that they limit themselves to 10 visits per site and following this will approve a site. It took from 5 to 8 weeks to determine an application, it was deemed approved, they can build based on plans only.

There were concerns about staffing levels, Building Control Surveyors had particular skills, other types of surveyor would need to be trained. Mentoring new staff would cause experienced staff to be diverted from other work.

The Chairman asked for a further report on Building Control to be re-submitted to the Panel with particular focus on the possibility of shared services or joint commissioning with other neighbouring contractors.

### **RESOLVED:**

That a report on Building Control be submitted to the panel focussing on using shared services and/or joint commissioning with neighbouring contractors.

**22. BIRCHWOOD ESTATE FIRE**

The Panel received an update from D Macnab, Deputy Chief Executive, regarding the fires at the Birchwood Estate, Nazeing. The issue had been discussed by the Panel in June 2009 and they had referred it to the Safer, Cleaner, Greener Scrutiny Standing Panel for discussion with a request that the Planning Scrutiny Panel receive an update on the matter. The notes from the Safer, Cleaner, Greener Panel meeting were attached to the agenda for this meeting, as was a letter from the District Council and concerned agencies to residents effected by the fires plus a suggested Questions and Answers leaflet to the residents. The Panel was advised that the letter had been dispatched to 2000 households, however only 1 response had been received by the District Council.

Officers had made unannounced visits to the site, there were no reports of materials being taken on the site. To deal with security, fencing had been put around the site, which was nearing completion. Members agreed for a joint report to be made to the Overview and Scrutiny committee, regarding the outcome of the two Panel meetings.

Councillor Mrs A Cooper was concerned that there were significant health and environmental problems posed by the site. Officers advised that everything possible had been done by the District Council, however there was concern that current legislation was inadequate.

It was noted that a public petition had been received in response to the situation and was being dealt with in accordance with the District Council's petitions procedure. It was important to remember what legislative parameters the District Council could work within.

**RESOLVED:**

That a joint report be put before the Overview and Scrutiny Committee from the Planning Services Scrutiny Standing Panel and the Safer, Cleaner, Greener Scrutiny Standing Panel, regarding the outcomes of their discussions concerning the situation at the Birchwood Estate, Nazeing.

**23. IMPROVEMENT PLAN**

The Panel received the updated Planning and Economic Development Improvement Plan.

1. Review the measures used within Planning and Economic Development to ensure that staff are maximising the performance of the Directorate.

- **Ensuring that processes were in place to implement the Corporate Performance Management Framework to include:**
- **Development of Key Cabinet Objectives – completed February 2009.**
- **Production of a Directorate Business Plan 2009/10 – completed April 2009.**
- **Identification of Key Performance Indicators for inclusion in the Council's KPI for 2009/10 – Partially completed.**

- **Production of Action Plans for Key Performance Indicators.**
2. Develop and promote a set of service standards for Planning and Economic Development, outlining the minimum levels of service that external and internal customers would receive.
    - **Postholder had left, a new postholder had been appointed, but was yet to commence work.**
  3. Check the effectiveness of the channels of communication used to ensure that all staff are aware of service priorities and quality standards.
    - **All planning staff had been consulted regarding the Development of the Service Business Plan. The Staff Survey was due for completion by June 2009.**
  4. Improve the mechanisms for regular on-going feedback from users on the quality of service they have received.
 

Ensure officers with the appropriate level of responsibility act upon complaints.

    - **Officer group within Planning to be established to review Customer Services Issues and recommend areas for improvement – completed.**
    - **Refresh training on Customer Complaint handling to be undertaken – limited action.**
  5. Improve ownership of problems and accountability amongst the Senior Management Team within Planning and Economic Development.
    - **Partially achieved through successful recruitment of one Assistant Director.**
  6. Implement appropriate measures to raise morale and increase staff motivation in achieving service improvements.
    - **It was possible for a staff newsletter to improve awareness, however there has been limited action on this.**
  7. Develop a systematic approach to workforce planning to address recurring recruitment and retention difficulties.
    - **The previous Workforce Development Plan was being updated.**
    - **The recruitment procedures had been reviewed, so there was an essentially up to date package of information open to staff that can be used to quickly commence appropriate recruitment campaigns.**
  8. Improve the standard content, presentation and consistency of reports to Development Control, Planning Standing Panel and Area Sub Committees.
    - **Meet regularly with the Chairmen and Chairwomen of the planning committees – partially completed. Next meeting is overdue.**

9. Review the Corporate Planning protocol with respect to dealing with applicants, agents, developers and the local business community to ensure that the highest standards of probity and governance are achieved.

- **The Planning Protocol reminded staff and assured the public that officers and members had codes of conduct, professional requirements, financial training and various registers of interest. In May 2009 the review was cut to consultation with reports to the Constitution and Member Services Panel in July 2009.**

10. Implement practical measures to improve the public perception and reputation of the Council's Planning Service, particularly with respect to high profile/controversial applications and enforcement action.

- **Instigation of regular reporting on enforcement performance to members and publicise the outcome of action more widely – partially completed.**

11. Take positive action to raise confidence amongst elected Members of the Council with respect to the performance of the service area.

- **Better communication of the successes of the directorate was needed.**

12. Routinely review costs for the different elements of the service, set challenging targets for improved performance and implement effective monitoring arrangements.

- **The Panel had considered costs, further one off reviews were planned.**
- **Challenging targets already existed and the monitoring of these had been audited and acceptable.**
- **New Business Manager would need to be significantly involved in these.**

13. Ensure that there is a clear focus on the actions contained within the improvement plan by all senior staff within Planning and Economic Development and that priority is given to delivery.

- **The monitoring of the Improvement Plan at Directorate Senior Management Team Meetings and providing updates at the scrutiny standing panels has been fully achieved.**

#### **24. BEST VALUE REVIEW**

The Panel was informed that the Best Value Review update was not yet completed. It should go before a future meeting of the Panel.

#### **25. STAFFING UPDATE**

The Panel received an update on the current staffing situation within Planning and Economic Development.

One of the Assistant Director's Posts had now been filled by Mr N Richardson, former Principal Planning Officer. The Assistant Director (Conservation) had been filled by

Ms Cassandra Polyzoides who was starting on Monday 14 September. The Business Manager post had been filled by a Mr Peter Millward who would be starting in early November 2009. It was announced that the Environment Co-Ordinator Miss Lisa Ingwall would be leaving, her post would be advertised externally. The whole exercise for recruiting for the Assistant Director posts cost £9,000, although most of this had been expended on advertising. J Preston informed the Panel that they had used Hayes Recruitment for recruiting for the Assistant Director (Conservation).

**26. ANY OTHER BUSINESS**

There was no other business.

**27. DATES OF FUTURE MEETINGS**

The next programmed meeting of the Panel was scheduled for Tuesday 10 November 2009 and then on:

Tuesday 5 January 2010 at 7.30p.m.;  
Thursday 11 February 2010 at 7.00p.m.; and  
Tuesday 27 April 2010 at 7.30p.m.

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## TERMS OF REFERENCE - STANDING PANEL

**Title:** Planning Services

**Status:** Standing Panel

**Terms of Reference:**

1. To consider matters which arise through the process that the Government is driving to bring in an East Of England Plan as issued in May 2008; these may range from 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, and how to work in partnership with others to secure delivery of the plan with adequate infrastructure. In particular, those Portfolio Holders with planning and economic development responsibilities to remain tuned in to local views.
2. In association with 1, to keep an overview of work associated with securing a sound New Local Development Framework; in particular how the core strategy will cater for the adequate delivery of infrastructure of all types, the limited rolling back of the Metropolitan Green Belt to allow the regeneration and expansion of Harlow, the increased provision of affordable housing, and the maintenance of the existing settlement pattern elsewhere in the District.
3. To consider what changes are practical and desirable to Council policies concerning the Metropolitan Green Belt; including those concerning the extension of existing dwellings, and the reuse of redundant and other buildings; in particular, are further restrictions necessary (changes in policy required) to ensure that such developments are truly sustainable.
4. To consider in detail the provision of Value for Money within the following Planning Services focusing specifically on:
  - Development Control (including Appeals)
  - Forward Planning
  - Building Control
  - Enforcement
  - Administration and Customer Support
  - Economic Development
  - Environment Team
5. To gather evidence and information in relation to these functions through the receipt of:
  - performance monitoring documents,
  - Best Value Review of Planning Services (updated version)
  - benchmarking exercises,
  - consultation with Planning Committee Members, customers and IT Suppliers.
6. To identify problems, possible solutions, barriers to success;
7. To review the measures introduced since 2004 to improve performance within Development Control namely the success of

- the 'Hit Squad',
- the Service restructure(s),
- the new IT system
- the application of the Planning Delivery Grant.

8. To review a selection of controversial planning decisions to see if lessons can be learnt from their consideration.
9. To consider whether the reporting arrangements for all of the above matters and those for the Section 106s (including how they are negotiated agreed and implemented strategically to secure community benefit), and appeals are sufficient (including how new legislation impacts on these) and to recommend accordingly.
10. To evaluate all relevant facts in relation to the topics under review in an objective way and to produce recommendations for future action accordingly;
11. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process 2009/10;
12. To report to the Overview and Scrutiny Committee at appropriate intervals and to submit an interim report on Development Control in the June 2008 cycle, and a final report on all matters by March 2009. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

**Chairman:** Cllr Mrs Wagland



## Planning Services Standing Panel

Item	Report Deadline/Priority	Progress/Comments	Programme of Future Meetings
(1) New Local Development Scheme and East of England Plan and to keep an overview of work associated with securing a sound New Local Development Framework (LDF)	Regular updating reports	Final version of the East of England Plan to 2021 complete.  LDF timeline to be presented.	<del>18<sup>th</sup> June 2009</del> <del>8<sup>th</sup> September</del> 10 <sup>th</sup> November  5 <sup>th</sup> January 2010
(2) To consider the provision of Value for Money within the following Planning Services:  a) Administration and Customer Support  b) Building Control  c) Development Control (including Appeals)  d) Economic Development  e) Enforcement  f) Environment Team  g) Forward Planning	Report at Panel – Sept 09    Report at Panel – June 09  Report at Panel – June 09 with revised reports later	VFM Task and Finish report went to September 08 meeting and the November 08 O&S Cttee meeting where it was endorsed.    To include response to Economic Downturn.	11 <sup>th</sup> February 27 <sup>th</sup> March
(3) Chairmen and Vice Chairmen of Area Planning Cttees. to be invited to a meeting to provide feedback.		Considered at the March 09 meeting. The next meeting was taking place on October 15 2009.	

(4) Report from legal on performance at Planning appeals.	June 2009	Separate meeting to be arranged involving Chairman of Panel, Director of Planning & legal officers	
(5) Comments from the planning agents and amenity groups required matching.		New meetings with planning agents and amenity groups can be organised separately or together.	
(6) That a report be produced setting out the benefits of creating an additional Senior Officer post, replacing the Compliance Officer post with reference to outcomes, options for funding the new post with consideration given to alternative options for securing the same benefits.	Considered at June 2009 meeting. On this current agenda – November 2009.	Deferred to later meeting. Report has been to the Corporate Executive Forum on September 30 2009.	
(7) That a report be produced for the Panel setting out the possible route any planning enforcement investigation could take	Report considered in June 2009 now revised version for January 2010 meeting.	Deferred to September 2009 panel meeting, report to include financial implications.	
(8) Comments from local councils	January 2010	Referred from Constitution & Member Services Panel at request of Chairman of Planning Scrutiny Panel.	
(9) Essex County Council Consultation – Minerals Development Document Site Allocations Issues and Options Paper.	On this agenda. New consultation document, report submitted to Cabinet Local Development Committee on 9 November		
(10) EERA Consultation – 2031 Scenarios for Housing & Economic Growth.	On this agenda. New consultation document. Report submitted to Cabinet pre-briefing on 9 November.		

<p>(11) (i) Re use of buildings in the Green Belt/Traffic Issues in the Roydon and Nazeing Areas.  (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.</p>		<p><b>On going</b> – VOSA attended meeting of the old Environment and Planning Standing Panel on 28 Feb 2008.  Awaiting Essex C.C. transport freight strategy for the Nazeing area.</p>	
<p>(12) Update on current staffing situation</p>	<p>Regular agenda item.</p>		
<p>(13) Improvement Plan</p>	<p>Regular agenda item.</p>		
<p>(14) Update on Gypsy and Traveller Consultation</p>	<p>Regular agenda item.</p>		

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## SCRUTINY



### **Report to Planning Services Scrutiny Standing Panel**

**Date of meeting: 10 November 2009**

**Subject: Staffing in the Directorate of Planning**

**Officer contact for further information: John de Wilton Preston (01992 564111).**

**Committee Secretary: Mark Jenkins (01992 56 4607)**

#### **Recommendations/Decisions Required:**

- (1) That posts PEF06 and PST02 be deleted from the Establishment.
- (2) That post PPC16F have its hours increased from 0.8 FTE to 1.0 FTE
- (3) That a new Senior Enforcement Officer post be added to the Establishment.

#### **Executive Summary:**

These proposals seek, within existing CSB budgets, to make some changes to staffing within Planning, in particular to enhance the Enforcement team and to make provision to preserve protected trees.

#### **Reasons for Proposed Decision:**

Some changes are suggested, reflecting on points made by Councillors at previous meetings. The proposals are within existing budgets, and make a small saving.

#### **Other Options for Action:**

Not to make any changes to the Establishment.

#### **Report:**

1. The Panel have considered whether to replace the Compliance Officer post within the Planning Enforcement team, and various options for doing that, in particular an option for a new Senior Officer post within the Enforcement Team. That post could have the same job description and person specification as the existing senior position in the team.
2. The Panel wanted to understand how such a post could be funded from within existing budgets, rather than as a CSB growth item.
3. The table below shows how this could be achieved;

#### **DIRECTORATE OF PLANNING PROPOSALS FOR SCRUTINY**

POST TITLE	NUMBER	FTE	GRADE	2009/10 SALARY	MIDPOINT	MIDPOINT
x FTE	PROPOSAL	CSB				
SAVING	CSB ADDITION					
Compliance Officer	PEF06	0.5	5	24,930	12,465	Delete 12,465
Senior Enforcement Officer	1	8	38,930	38,930	New post	38,930

Technical Officer (Landscape)	PPC16F	0.8	5	24,930	19,944	Funding for
extra hours needed to create 1 FTE		4,990				
Admin Supervisor	PST02 1	7		34,200	34,200	Delete 34,200
						NET

SAVINGS POSITION 2,745

4. This proposal will thus achieve what the Panel were seeking within the Enforcement team, and it also allows for an increase in the hours of one post within the Trees and Landscape team.

5. Technical Officer (Landscape) PPC16F This post is on the present establishment as 0.8 FTE; predecessor posts have variously been at 1FTE or 0.8. The workload of the team presently suggests that 1 FTE is required, partly because of work associated with the reprovision of Tree Preservation Orders in advance of Essex County Council rescinding such orders. The decision of the County Council, and consideration by this Council was at Cabinet on 8 October 2007; those reports are attached as background. At Appendix A. Councillors had made it clear that they did not expect to see trees left unprotected when Essex complete the rescinding of orders made by them. The Essex orders are all intended to be rescinded by the end of March 2010. This post has been involved in justifying the case for new replacement orders by EFDC. Some measure of the scale of that work can be seen by comparing the numbers of Tree Preservation Orders issued by EFDC in recent years, as shown in the following table;

**Tree Preservation Order Data**

Year	Total Orders Made	EFDC Orders	Essex Re-Survey Orders	Notes
2006	22	22		
2007	12	12		
2008	55	30	25	
2009	51	20	31	Up to 21/09/2009

Total number of Tree Preservation Orders = 994  
(1974 – 21/09/2009)

6. When that work is complete, the future work associated with those new orders will fall upon EFDC, and not ECC. Technical work associated with delivering what is expected as a result of the existing Regional Plan is additional work for the team, and underlies the continuing requirement, rather than a short term one. The post is graded at grade 5 and the cost of an increase of 0.2 FTE is £4990.

7. Administration Supervisor PST 02 The post holder left earlier this year, and the post has been held vacant since, in part because if savings of some magnitude are required, then removing the post from the establishment completely, or replacing it with a lower graded post, may have been the least harmful way to achieve such savings. If the post is deleted and the savings are used for the purposes set out in this report, that has some consequences for the Customer support team. It is intended that the new Business Manager will review several issues within that team.

8. Recent information provided to Councillors by the Director of Finance and ICT emphasises that the Council is likely to have to make savings over the next few years, and in particular from CSB budgets. Those savings are of some scale, and any decision now to use or reallocate CSB funds needs to be seen in that context.

9. The Panel considered Building Control information at its last meeting and in scrutinising shared service arrangements will present an opportunity to consider savings. As vacancies arise, some hard choices will be necessary whilst continuing to maintain and improve performance

10. Providing the Panel agree with these proposals they can be reported to Cabinet for their formal approval.

11. Staff and unions have been consulted about these proposals, and any comments received will be reported to the Panel. At the time of drafting this report the following comments had been received. (Post titles rather than individuals names have been used in this report);

a. GMB Representative. I forwarded your report to the regional office of the GMB who have no issues with it.

b. Members of staff have individually made the following points;

c. Comment 1. I am disappointed that the Supervisor post is to be deleted.

d. When the Business Manager reviews the impact of this on the admin team I presume he will either undertake some of the Supervisor's tasks or change my job description to reflect the tasks I have covered since the Supervisor left in February, if this happens will my job have to be re evaluated?

e. We spoke at the time of the Supervisors departure of the need to have two people in the Admin team for development control, as the Supervisor post is now being deleted and a contract post is covering some of the roles I use to do when the Supervisor was here are you going to create a post that perhaps that person can fill on a more permanent basis rather than being on a contract? In response to this the Director commented; " I note your disappointment.

f. With the arrival of the new Business Manager (BM) the complete customer support teams have The Assistant Director (Building), The Principal Building Control Officer and the new BM to guide and manage them.

g. However, I recognise there may be a case to evaluate how the Admin Supervisors work is being dealt with, and that your role may well end up being re-evaluated. That may also be relevant to others. I have sought to keep the three contract posts whilst the customer support team is more fully reviewed, and recognising the unfilled vacancies of the Scanning Assistant and the afternoon Receptionist posts.

h. If you want to speak, please come and see me."

i. Comment 2. I understand the need for savings at this difficult time. I would like it to be noted that in deleting an admin post services will suffer. We have all taken on different tasks to maintain the admin services of the Directorate in the belief that this was a temporary situation. If it has not been noticed that there was any difference in the services offered it is certainly to our credit that so many tasks have been temporarily absorbed without making a fuss. There is however no cover available for leave or sickness and backlogs will accrue. It now seems that we are being penalised for having helped to maintain the service by the deletion of a post.

j. In response to this the Director commented; "The efforts of the staff to seek to maintain a high level of service is not unrecognised in these difficult times, and it is known that the taking of leave, and sickness, quickly impacts upon the services offered.

k. Workload (on some measures) and income are down, and there are other pressures which these proposals seek to respond to. As indicated at paragraph 7, the new Business Manager will be asked to urgently review the complete admin team, including the points that you raise.

l. If you want to speak, please come and see me."

**Resource Implications:**

As set out in this report.

**Legal and Governance Implications:**

Unless there is adequate capacity in the Enforcement and Landscape teams there could be adverse consequences.

**Safer, Cleaner and Greener Implications:**

None

**Consultation Undertaken:**

Staff and Unions

**Background Papers:**

None

**Impact Assessments:**

Risk Management

There are risks if the Planning Enforcement Team operates below capacity and if it operates without sufficient capacity to not only investigate but also to evaluate the planning implications of unauthorised development. These proposals seek to lessen these risks. Similarly if trees currently protected by Essex orders were left without any protection they could be at risk of being felled or damaged.

There are some risks of deleting a supervisor's post. It is considered that sufficient managerial capacity exists. The recession has lessened some workloads, but a further review will consider the full capacity of the administrative teams.

**Equality and Diversity:**

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

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

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

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

N/A





## SCRUTINY



### **Report to Planning Services Scrutiny Standing Panel**

**Date of meeting: 10 November 2009**

**Subject: Essex County Council Consultation – “Minerals  
Development Document: Site Allocations – Issues &  
Options Paper”**

**Officer contact for further information: John Preston (01992 56**

**Committee Secretary: Mark Jenkins (01992 56 4607)**

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#### **Recommendations/Decisions Required:**

1. To consider and agree the proposed key issues to be contained in the consultation response to Essex County Council in respect of their current consultation document.

#### **Report:**

##### ***Executive Summary:***

Essex County Council has published a consultation document as part of the process of considering further sites for mineral extraction across the County. Two potential sites in Epping Forest District have been identified.

The sites are both considered unsuitable for a number of reasons including impact on the Green Belt, local landscape, the local road network and flooding implications. Officers also consider that the site selection process is flawed.

#### **Report:**

##### **Background**

1. The current Minerals Local Plan was adopted by Essex County Council in November 1996. A new Minerals Development Document (MDD) is now being prepared to replace the existing plan, and to set out the policies for mineral extraction over the period 2007 – 2026.
2. The MDD will establish the vision, objectives, strategy and new sites to meet the need for sand, gravel, silica sand and brick clay aggregate across Essex. It has been identified that an additional 39.025 million tonnes (mt) is required to meet the requirements of the East of England Plan. Essex County Council has previously undertaken consultation on the following documents:
  - (i) MDD: Site Allocations – Issues & Options Paper (December 2005)
  - (ii) MDD: Additional Site Allocations – Issues & Options Paper (March 2006)
  - (iii) MDD: Further Issues & Options Paper (January 2009)
3. None of these documents identified any extraction sites in Epping Forest District. In considering the strategic distribution of sites across Essex, the County Council has made it clear that it considers there is a lack of provision in both the south and west of the district, and has therefore focused its most recent “call for sites” in these areas.

## Current Consultation

4. The consultation document identifies two potential sites for sand and gravel extraction in the district, at Shellow Cross, Willingale and Patch Park Farm, Abridge. Copies of the maps enclosed in the consultation document are attached at Appendix 1 for information. The current consultation runs between 17 September and 12 November 2009. In consultation with the Leader and the Environment Portfolio Holder, EFDC officers will submit a response prior to the deadline. ECC officers have confirmed that the further views of the Committee can be submitted following this meeting. The consultation document asks specific questions of each of the potential sites:
  - a. Do you support this potential site for sand and gravel extraction?
  - b. Do you object to this potential site for sand and gravel extraction?
  - c. If b, are there any changes that could be made to this proposal that would make it acceptable to you?
  - d. Is the proposed after-use acceptable to you. If not, what do you consider to be appropriate to this location and why?
5. The sites in Willingale and Abridge have been identified as a result of the final “call for sites” outlined in paragraph 3. The consultation document makes clear (paragraph 2.1) that neither Essex County Council nor the British Geological Survey hold sufficient detailed geological data for the county to identify all potential extraction sites themselves. This is particularly disappointing as there are large “inferred spreads of sands and gravel” in Epping Forest District. This suggests that the process by which potential sites are being identified is flawed. It does not seem that all possible alternative options will have been identified if a comprehensive survey of the county (and particularly this district) has not been undertaken.
6. The County Council has also stated in the consultation document (pages 6 and 7) that a detailed site assessment will be undertaken in accordance with a standard approach. This assessment will then be used to inform the preparation of the preferred site options document.

### Shellow Cross, Willingale

7. The potential site at Shellow Cross lies across the administrative boundary with Chelmsford Borough Council, with approximately a third of the site being in Epping Forest District. The details of the potential site are contained in Appendix 1.
8. Officers **object** to the identification of this site for sand and gravel extraction. The site is wholly within the Metropolitan Green Belt. PPG2 (paragraphs 3.11-3.14) states that mineral extraction is not necessarily harmful to the Green Belt. However processing plant will be required on the site (suggested for the northern parcel of land, within Chelmsford Borough Council area), which by definition will be harmful to the openness of the Green Belt and should therefore be resisted.
9. The Forward Planning team has commissioned a Landscape Character Assessment to inform the preparation of the Local Development Framework. This research is not yet complete, but the initial findings can be drawn upon to determine the extent of any harm to the landscape of the potential working of this site. The Willingale area is predominantly rural in character, and there is a strong sense of remoteness and tranquillity throughout. The presence of a network of mature hedgerows in the area is key to the character, and should be protected and enhanced where possible. The Assessment considers that this area has a moderate to high sensitivity to change. Clearly, the impact of a mineral extraction facility in this location will be detrimental.
10. The details of the site refer to an area of woodland in the centre of the potential extraction site. This area is also a designated Local Nature Reserve. It is claimed in the information provided that this will not be disturbed. However, no information is given

about how this wooded area would be protected, and officers are doubtful that this area can be properly protected from harm.

11. The route of the access road is only indicative at this stage, and suggests all traffic will be routed via the A1060, rather than the more rural Skreens Park Road. No information is provided about the potential number of lorry movements that would result if the site becomes operational, and therefore the traffic impact cannot be assessed from the available information.
12. Flood risk does not appear to have been considered at this stage. This council's Land Drainage engineers have made a brief initial assessment of the site and have identified a number of areas of concern. These include the lack of information provided, the presence of a number of waterways within or near to the potential extraction area and the presence of a natural spring in the centre of the site which suggest a complex groundwater environment. Significant changes in this area could affect the flow of water in the area, and cause a detrimental impact on local habitats, as well as local well users.
13. It is not considered that any changes could be made to this proposal that would make it acceptable.
14. The method of restoration proposed is partly at lower levels within in-situ clays and spoils, and part to former levels using inert infill. Inert infill is defined as "construction, demolition and excavation waste, a high percentage of which comprises mixed soils.". It is not proposed at this stage that the site will be used for domestic landfill. There is no suggestion of how long the restoration period will be following the extraction period (23 years), but as it is proposed that the site will be partially filled with material which will need to be delivered to the site, this suggests a further traffic impact over a longer time period. Notwithstanding the unsuitability of this site for sand and gravel extraction in the first instance, the proposed method of restoration is probably the "least worst" scenario as only some of the material required to return the land to former levels would need to be delivered to the site. The land would be returned to agricultural and nature conservation use, and it is possible that with appropriate partnership working, enhancements to the local landscape could be achieved.

#### Patch Park Farm, Abridge

15. The potential site described as Patch Park Farm, Abridge lies to the north of Ongar Road opposite Patch Park (formally Crowther's) Garden Centre. The site details are contained in Appendix 1.
16. Officers **object** to the allocation of this site for sand and gravel extraction. Similarly to the potential site at Shellow Cross, the land is entirely within the Metropolitan Green Belt and there are potential impacts on the openness of the Green Belt caused by the processing plant. During the 1960s and 70s planning applications were made for sand and gravel extraction on this land. All were rejected, primarily on grounds of the harm that would be caused to the Green Belt. There is nothing to suggest that there has been a significant change in circumstances in this area to warrant a site now being allocated, particularly in relation to the opening admission of the consultation document that a full survey of the County has not been undertaken.
17. The Landscape Character Assessment referred to above concludes that this area also has a moderate to high sensitivity to change. This is due to the generally open views along the river corridor and strong sense of intervisibility between the valley corridor and the adjacent arable and pastoral fields. There are no identified areas of nature or biodiversity significance within or adjacent to the potential extraction site, but a full assessment must be undertaken to determine that no significant harm will be caused to biodiversity or habitats that exist nearby.
18. The indicative access point is shown to the east of the main extraction area, joining onto

the A113 (Ongar Road). No details of potential lorry routes have been provided, or the number/frequency of trips, so there are significant concerns about the impact sand and gravel extraction, and site restoration, would have on the local road network.

19. A high pressure gas pipeline runs alongside the northern side of the A113, and a small part of the potential site falls within the protective buffer zone. No acknowledgement of this gas pipeline is given, nor any assurance that sand and gravel could be safely extracted in the southern part of the site.
20. The potential site is entirely within Flood Zone 3, and the brief information given in the consultation document suggests that the County Council is aware of the significance of the flood risk in this area. There is a short reference to the possibility that flood alleviation works will be required in the short term. However, there are no details of how the “de-watering” of the site will be achieved and what impact this may have on surrounding land and property.
21. Progressive restoration is proposed using imported pre-treated inert waste. This would cause a more intensive pattern of lorry movements during the period the site is operational, but should not significantly extend the period over which lorry movements visit the site. Depending on the type of material used to fill the created void, there may be a further risk associated with the nearby airfield and an increased risk of bird strike. There is a history of flooding in the area, and it is disappointing to see that no permanent flood alleviation measures are proposed as part of the restoration of the site. However, even if such measures were incorporated, there would still be a number of other issues to be addressed before an operational site in this location could be considered acceptable.

**Reason for decision:**

The potential sites for mineral extraction identified in this district would have detrimental impacts on the Green belt, the character of the countryside and the road network, and it is therefore vital that the Council submits a response.

**Options considered and rejected:**

To not submit a response to the consultation.

**Consultation undertaken:**

None at this stage. Further discussion with the Leader and Environment Portfolio Holders will be required to finalise the response from officers

**Resource implications:**

None

**Community Plan/BVPP reference:**

EP3

**Relevant statutory powers:**

**Background papers:**

Minerals Development Document: Site Allocation – Issues & Options Paper August 2009

**Environmental/Human Rights Act/Crime and Disorder Act Implications:**

Sand and gravel extraction from either site would have significant local environmental impacts, and would increase HGV movements on some unsuitable roads.



### **Report to Planning Services Scrutiny Standing Panel**

**Date of meeting: 10 November 2009**

**Subject: EERA Consultation – 2031 Scenarios for  
Housing and Economic Growth**

**Officer contact for further information: John Preston (01992–56).**

**Committee Secretary: Mark Jenkins (01992–564607).**

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#### **Recommendations/Decisions Required:**

- (1) To respond to the first six consultation (of eight) questions as follows:**
  - (a) A fifth scenario should be considered which deals with the realistic assessment of infrastructure provision in terms of the implications for deliverable housing and economic growth;**
  - (b) The information on Harlow's future growth is misleading. The consultation document should give far more detail about how the figures for the 4 scenarios are going to be split between Harlow, East Herts and this district. This authority also believes that the growth totals proposed in scenarios 3 and 4 are unrealistic and undeliverable in this district;**
  - (c) Scenario 1 of the four in the consultation is preferred, but the fifth scenario (in (a) above) is likely to be the most realistic;**
  - (d) The regional impact assessment should include Green Belt;**
  - (e) The vision and objectives of the Plan remain suitable; and**
  - (f) Policies H3 and H4 (from the Single Issue Review) should be included in the next review of the Plan as they concentrate on provision only up to 2021;**
- (2) Not to respond to the last two questions of the consultation;**
- (3) To agree to be a signatory to the proposed Essex Local Authorities' Joint Response to the consultation.**

#### **Summary:**

The East of England Plan is being partially reviewed to roll it forward to 2031, and a consultation exercise has been prepared by the Regional Assembly. Four growth scenarios covering the period 2011 to 2031 are described, with three questions being directly about these and one on the regional impacts of the scenarios. The consultation also asks about the extent of the review of the Plan, notably whether its vision and objectives remain suitable, and whether other policies should be included in the review.

The results of this consultation will enable the Regional Assembly to prepare a draft plan in 2010 for full public consultation.

The document can be easily misinterpreted, because it is not made clear that much of Harlow's growth will have to be located in adjoining districts, including Epping Forest.

Housing and economic growth, particularly the quantities proposed in scenarios 3 and 4, potentially affect the whole of the district, so this is a key decision.

## **Report:**

### **Context**

1. The East of England Plan (EEP) was published in May 2008. It is the strategic part of the development plan and sets growth targets for all the districts in the region up to 2021. This consultation is therefore very important as it means that the Council's views will be taken into account in the final determination of housing and jobs targets for the ten-year period beyond 2021.

2. Regional plans should set out long term strategies for at least 20 years, so the Government asked the East of England Regional Assembly (EERA) to carry out an immediate (but partial) review of the EEP to address development needs for the period 2011 to 2031. Growth in the range of 30,00 to 40,000 new homes every year in the region was to be tested. (The Government considers that this scale of growth is necessary to stabilise long-term house prices.) This compares to 26,000 in the current EEP and past delivery of 22,000. EERA believes that it is inappropriate to test the highest end of this range as this would nearly double the rate of house building in the region, and would rely on large scale immigration and jobs growth significantly greater than the most optimistic projections. Some account also needs to be taken of the immediate to medium term impacts of the current recession. Nevertheless, in the light of the Government's intention to further increase housing provision, the review is intended to contribute to the increased national target of 240,000 additional homes per year by 2016.

3. The review is intended to ensure that:

- the region's ability to deliver growth in a sustainable way has been fully investigated. EERA is therefore undertaking an "integrated sustainability appraisal" which will incorporate strategic environmental assessment, equality and health impact assessment, and a Habitats Regulation Assessment;
- overall growth is linked to adequate infrastructure. EERA and the East of England Development Agency (EEDA) are developing an "Implementation Plan" to show what actions are needed to deliver the policies in the EEP and the Regional Economic Strategy; and
- the strategy addresses the challenge of climate change.

4. The consultation period runs from 2<sup>nd</sup> September to 24<sup>th</sup> November. There are three questions on the scenarios, one on regional impacts, two on the extent of the review and two on supporting information. EERA contacted the Association of Town and Parish Councils about the consultation presumably on the understanding that that organisation would inform all its associated councils. The Director of Planning and Economic Development has written to all the parish and town councils in the district to advise them of the consultation and to stress that the period for replying will not be extended.

5. EERA intends to prepare a draft plan in early 2010 which will be subject to full public consultation. This will be followed by an Examination in Public.

### **The Growth Scenarios**

6. Four growth scenarios are described in the consultation document, and their environmental impacts and infrastructure requirements are considered. No locations within the district are suggested for the new housing – that is not the function of the EEP or its review. When the final figures for the region and all the districts are adopted, it will be the function of the Local Development Framework (LDF) to identify suitable sites for new housing and employment. EERA advises that the scenarios should only be seen as "tools for helping us to consider the future", and the final strategy for growth could contain elements of all four or of others identified through the consultation.

7. The detailed breakdown of the scenarios gives annual average new housing figures and 20-year targets (ie 2011-2031) for each district in the region. This presentation is, however, very misleading as the Harlow growth figures will potentially entail significant development in this district and in East Herts. The consultation document gives no indication of how Harlow's growth would be apportioned for any of the scenarios. Appendix 2 merely states (in relation to Harlow) "tightly bound urban area, part of growth implied may need to occur in surrounding authorities."

8. Scenario 1 – Roll forward of existing Plan

Most councils in the region have indicated that a continuation of the current EEP rates to 2031 is the highest level of development that would be deliverable, and even so would need Government support for new infrastructure. It would also mean that growth is concentrated at the main settlements identified as "key centres for development and change" (KCDC) in the EEP. Harlow is one of 6 KCDCs in Essex, and there are concerns about its existing infrastructure deficit, as well as doubts about adequate future infrastructure provision to cope with the projected growth levels. Detailed figures for new housing for this district and Harlow are shown immediately below, although as outlined in paragraph 7, the distribution of the Harlow numbers is not discussed in the document:

	<u>Annual average</u>	<u>20 year target</u>
EFDC	160	3,200
Harlow	1,010	20,200

9. Scenario 2 – National housing advice and regional new settlements

This option uses the lower estimate of the National Housing and Planning Advisory Unit (NHPAU), and considers which parts of the region have the capacity to accommodate significantly more growth than in scenario 1. The analysis concluded that such growth should be focused on Cambridge, Norwich and Chelmsford, with smaller expansion at Ipswich, Colchester and Bury St Edmunds. In Essex, new settlements could be considered in "the Braintree area" or "south of the A120/east of Stansted Airport". (The latter is only an option if there is likely to be significant growth at Stansted, and this seems to be increasingly unlikely.) Consequently, although the regional housing target (30,000 homes/year) is slightly larger than that for scenario 1 (26,000), the figures for this district and Harlow are unchanged.

10. EERA has decided that the major regional growth proposed at Cambridge and Norwich under this scenario is unrealistic, as current activity is already pushing the limits of the market for delivery on an annual basis. This means that Essex would take half the total regional increase and the County Council indicates that it feels that this is disproportionate.

11. Scenario 3 – National housing advice and regional economic forecasts

The same housing number as for scenario 2 is used, but the extra growth (over scenario 1) is distributed to those council areas where there is forecast to be demand for additional workers. EERA has used the East of England Forecasting Model (EEFM) to develop a set of economic and employment projections for the region up to 2031. The output of this model highlights a mismatch of jobs and homes at the local scale in a number of places in the region. This includes districts where job growth is not projected to keep pace with new housing provision (eg Harlow), and vice versa.

12. Where housing growth exceeds new job numbers, the scenario assumes that intervention will take place to enable job growth to be increased to support the new levels of housing growth. Conversely, where job growth will significantly exceed the local labour supply up to 2031, the scenario assumes that these jobs should be filled by the local workforce, so it allocates sufficient extra new housing to these local areas.

13. This results in particular concentrations of additional growth in Cambridgeshire, Hertfordshire and south Essex. This has significant implications for new housing in this district, although the figures for Harlow are again unchanged: EFDC – annual average of 390 new homes with a 20 year target of 7,760 (the document does not explain why this figure is

not 7,800). This amounts to a 142% increase in the housebuilding rate compared with the current planned figure in the EEP, and requires the new rate to be achieved on an annual average basis over a 20 year period.

14. Setting aside the lack of information about the distribution of the Harlow quota, this scenario could involve significant growth in the towns and main villages of the district which in turn could require a substantial review of existing Green Belt boundaries. While there have to be limits about the amount of detail which can be included in a “high-level” strategic document, the lack of any guidance on the proportionate distribution of growth in this scenario between urban extensions to Harlow, and the expansion of other settlements in the district, is very unsatisfactory. It is also unclear from the consultation document what the economic justification is for this extra growth.

15. The Interim Integrated Sustainability Appraisal (IISA) accompanying the consultation document is somewhat ambiguous about the implications of this level of growth on the Forest itself (the main part of which is designated as a Special Area of Conservation - a recognition of its importance for nature conservation at a European level). There is some concern that growth “could increase pressure on the internationally important ancient woodland complex”, the main threat coming from increased traffic through the Forest which results in increased nitrogen deposition. The Habitats Regulation Assessment section of the IISA, however, comes to a different conclusion – “ ....the allocation ...for Epping Forest .... is unlikely to introduce major conflicts with internationally designated sites.” This brings into question the issue raised in paragraph 7, ie has this analysis understood that potentially significant development credited to Harlow could actually be built in this district.

16. New job totals for scenarios 1 to 3 are only discussed at regional level, so there is no indication of the implications for this district or how the employment growth at Harlow will be accommodated. The relevant figures are: Scenario 1 - 25,400 jobs annually (508,000 overall); Scenarios 2 and 3 – 28,000 jobs annually (560,000 as a 20 year target). The IISA does suggest that scenario 3 “appears to perform better from a stand-point of addressing deprivation” and notes that this district, in the context of the London Arc East sub-area, does show “some relative deprivation”.

17. Scenario 4 – National household projections

The scale and distribution of growth are taken from Government projections of the number of new households, involving demographic trends (eg births, deaths, household formation and migration). This approach results in the largest number of new houses being required (33,650 per year in the region) and focuses the majority of the additional growth in Essex, Hertfordshire, Norfolk and Suffolk, although there is no explanation for this distribution. Confusingly, the numbers for this district increase significantly while those for Harlow are even more significantly reduced. If this is a “statistical adjustment”, this would be inconsistent with the other three scenarios, but the consultation document again simply does not explain how the figures have been arrived at:

	<u>Annual average</u>	<u>20 year target</u>
EFDC	550	11,000
Harlow	200	4,000

18. The scenario 4 projections make no allowance for the impact of future government, regional or local planning policies, changing economic circumstances, or other factors which may influence demographic trends and behaviour. A large proportion of the population and household growth arises from major net in-migration to the region from other parts of the UK. EERA has considerable discretion in policy terms whether or not to provide for such growth, particularly if it considers that the impacts on the region are unsustainable and incompatible with infrastructure delivery programmes. EERA has prepared a series of “Sub-Area Profiles” to provide more information about the scenarios and the “London Arc East Sub-area” includes this district and Harlow. That document suggests that the figures for Harlow drop significantly in this scenario because the planned expansion of Harlow (in the EEP) has not yet started and so is not reflected in past migration trends. There must be questions about



whether this scale of growth would be sufficient to encourage the regeneration of the town.

19. Scenario 4 is inconsistent with a decision taken by EERA in July 2008. The Assembly meeting decided that the lower end of the NHPAU projections (ie 30,000 new homes annually in the region as in scenarios 2 and 3) was the maximum that should be considered in the review of the EEP. This scenario proposes 33,650 new homes annually.

20. Simply by virtue of their greater housing numbers, scenarios 3 and 4 offer better opportunities for addressing the need for increased affordable housing provision in the district, but doubts must remain about the likelihood of being able to sustain such building rates over a 20 year period, and this in turn would affect the provision of new affordable units.

21. Officers conclude that the growth scenarios (particularly 3 and 4) are a significant risk for the district in terms of (a) pressure and demands on infrastructure; (b) adverse impacts on the general character of the settlements and countryside; (c) loss of Green Belt; (d) possible imposition of an Urban Regeneration Company to deal with the extensions to Harlow; and (e) boundary changes in the longer term. An appropriate entry should therefore be made to the Planning Directorate Risk Register.

### **The Growth Scenarios Questions**

22. The first 3 questions of the consultation concern the growth scenarios themselves and are:

- Have the right growth scenarios been chosen for consideration, and if not, what other scenarios should be considered and why?;
- Does the Council have any comments on the four growth scenarios?; and
- What is the Council's preferred growth scenario and why?

23. Although there is a recognition in both the London Arc East Sub-area profile and in the Interim Integrated Sustainability Report that Harlow has a significant existing infrastructure deficit, none of the four growth scenarios appears to address this in a meaningful sense. Officers therefore believe that a fifth scenario should be tested and examined, which could be titled along the lines of "Realistic Assessment of Infrastructure Provision." Beyond 2011, the scenario would therefore assess the deliverability of housing and economic growth based on the likely timing of provision of major infrastructure – notably but not exclusively a new Junction 7A on the M11 north-east of Harlow with a direct link to the town, a northern bypass to Harlow from the A414 to the new motorway junction, capacity improvements to the West Anglia Main Line and the Central Line, and addressing the commuter parking problems at the London Underground stations in the district. Feedback from earlier consultations suggests that, unless Harlow's transport communications are significantly improved, the regeneration (a key aim of the EEP) and expansion of the town will at best be significantly delayed, if not put in jeopardy. This fifth scenario would recognise this and could identify limits to growth until or unless adequate provision of infrastructure is made – in essence it would be a far more realistic option than the four outlined in the consultation document.

24. In answer to the second question, officers are disappointed at the lack of detail in the consultation document – key aspects of this being (a) the lack of information about how the proposed growth in Harlow (which is significant in scenarios 1 to 3) is to be distributed; and (b) no assessment of a housing/jobs balance. The EEP recognises that there are significant environmental constraints to the south and west of Harlow, so growth up to 2021 results from redevelopment, and expansion to the east and north. The EEP also indicates that longer-term growth should be concentrated to the north, but the growth scenarios do not address this. This leaves the question of further eastern expansion open, particularly whether the M11 itself could be breached.

25. Officers also believe that the totals in scenarios 3 and 4 are unrealistic and undeliverable as they represent growth rates (to be sustained over a 20 year period) which have never been achieved in this district. It is also impossible to comment meaningfully on

the jobs figures because they have not been broken down to district level.

26. Officers assume that the third question is intended to cover the four growth scenarios in the consultation document, in which case scenario 1 has to be the preferred option (ie the least disliked) because it has a more realistic growth rate than either scenario 3 or 4, even although the distribution of Harlow's growth is unclear. This would mean that the issues of affordable housing and economic deprivation have to be addressed separately. If the third question is also intended to include the response to the first question, then the preferred scenario should be the one based on infrastructure provision, as outlined in paragraph 23 above, with affordable housing provision and deprivation being again treated as "special issues".

### **Regional Impacts of the Scenarios**

27. The consultation document and the Integrated Sustainability Appraisal assess a wide range of issues at a regional scale. These are:

- Air quality;
- Biodiversity;
- Climate change (including energy and flood risk);
- Community and well-being (including deprivation, health, "sense of place and community", access to services and other cross-cutting issues);
- Economy, employment and regeneration;
- Historic environment;
- Housing (including affordable housing);
- Land availability;
- Landscape character;
- Rural areas;
- Transport;
- Waste; and
- Water resources and quality.

28. Analysis of these issues at this scale is inevitably very broad-brush and even cursory, particularly so when specific locations for growth have not been identified. Officers therefore find it difficult to make practical comments on these sections of the documents. The consultation question asks whether all the regional impacts of the four scenarios have been covered, and if not, what else should have been addressed.

29. There is very little, if any, mention of the Metropolitan Green Belt in the consultation document. This is a valid regional issue and, while it affects only those authorities closer to the boundary with London, the protection of the Green Belt is a key consideration for this Council. Officers therefore believe that an assessment of the regional impact on the Green Belt by the four scenarios should have been carried out by EERA and be included in the consultation. The review should acknowledge that any significant new development in this district will have to be in the Green Belt. This will eventually lead to a net loss of Green Belt land which cannot be compensated for, or replaced, within the district. It is very unlikely that local residents will be satisfied with a strategic review of Green Belt boundaries elsewhere in the region.

### **Focus of Review of Plan**

30. EERA believes that the vision and objectives, and many of the policies of the EEP remain "fit for purpose" and so do not need to be reviewed. Those that will need updating obviously relate closely to the growth scenarios and their implications, eg spatial strategy, jobs and housing numbers, and implementation. Other policies need to be reviewed in the light of further developments in national policy, or because of other changes, eg climate change and energy.

31. The fifth and sixth questions of the consultation deal with the vision and objectives of

the Plan and the selection of policies to be reviewed:

- Do the vision and objectives of the Plan remain suitable, and if not, what changes should be made?
- Do other policies need to be updated or created?

32. The vision and objectives of the current Plan address economic development, housing shortages, impact on and exposure to climate change, quality of life, and improving and conserving the region's environment. Officers agree with EERA that these remain fit for purpose and so do not need to be reviewed.

33. The consultation document does not indicate that the policies for sub-areas and KCDCs are to be updated. The County Council has been asked to review policy HA1 (Harlow KCDC), and officers assume that (a) a similar review is being carried out on relevant policies elsewhere in Essex and (b) the other counties in the region are also reviewing policies for sub-areas and KCDCs.

34. Officers believe that the new policies H3 (Provision for Gypsies and Travellers) and H4 (Provision for Travelling Showpeople), which resulted from the Single Issue Review of the EEP, should be included in the next review, as both only look forward to 2021. This would help to link future housing provision with that for the travelling community, which is now a requirement of Government policy.

### **Supporting Information**

35. The final two questions of the consultation concern the supplementary documents – the Sub-area Profile and the Interim Integrated Sustainability Appraisal. These have been assessed by officers but their very broad-brush nature means it is difficult to make specific comments on their content or coverage. Officers have therefore not attempted to answer both questions.

### **Essex Local Authorities' Joint Policy Response**

36. The County Council has proposed that, in addition to the individual responses from Essex authorities to the EERA consultation, a joint response from the Greater Essex authorities should also be sent. An Essex Members' meeting was held on 15<sup>th</sup> October to discuss county-wide and strategic concerns about the consultation. Issues discussed included (a) lack of infrastructure; (b) impact of the recession on housing completions, and the time-lag before the industry recovers, with consequent implications for meeting existing EEP targets, let alone the projections to 2031; (c) whether the consultation document and process are "fit for purpose". An "Explanatory Background Briefing" prepared by the County Council was circulated before the meeting, and this examined these issues in some more detail. The main conclusion of the meeting was that "the prospect of delivering the higher housing targets in scenarios 2, 3 and 4 is not realistic or sustainable". While a final "Joint Policy Response" has not yet been prepared, officers believe that this Council should sign up to such a statement as it will simply reinforce the recommendations of this report.

### **Reason for decision:**

The four growth scenarios appear to ignore the existing infrastructure deficit in Harlow, and the severe problems that will occur if new housing and employment growth goes ahead without adequate provision of new infrastructure. Scenarios 3 and 4 propose building rates to be sustained over a 20 year period which have never been achieved in the district. They are therefore considered to be undeliverable, although they perhaps offer the best solution (of the four scenarios) for the current deficit of affordable housing. The lack of clarity about the location of much of Harlow's growth is a significant concern.

Protection of the Green Belt is a key planning aim for this authority, and this should be reflected in the review.

The list of policies to be reviewed does not include those dealing with the sub-areas and Key Centres for Development and Change. These areas and centres, however, will be directly affected by the review, so the policies should be added to the list.

Although provision for Gypsies and Travellers, and Travelling Showpeople, has been recently addressed by the Single Issue Review, the newly adopted policies H3 and H4 of the East of England Plan only deal with provision up to 2021. These policies should also be rolled forward to 2031, and should therefore be included in this review.

**Options considered and rejected:**

Not to respond to the consultation which would mean that the Council's opinion would not be heard or considered at this stage of the review of the East of England Plan.

**Consultation undertaken:**

Director of Housing

**Resource implications:**

The review of the East of England Plan will be dealt with from existing staff resources.

**Community Plan/BVPP reference:** GU1, GU4, HN1, EP3, EP5

**Relevant statutory powers:** Planning and Compulsory Purchase Act 2004; PPS12: Local Spatial Planning

**Background papers:**

East of England Plan 2031: Scenarios for housing and economic growth (Consultation September 2009)

London Arc East Sub-area Profile

East of England RSS Review: Integrated Sustainability Report: Interim ISA Report (September 2009)

Explanatory Background Briefing for proposed Essex Local Authorities' Joint Policy Response (ECC October 2009)

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** The higher growth scenarios could have a significant impact on the character of the main settlements and of significant parts of the countryside. There could be other adverse environmental effects if infrastructure provision is not adequately addressed.

**Key Decision reference: (if required)**

# EPPING FOREST DISTRICT COUNCIL

## PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN (UPDATED OCT 2009)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input type="checkbox"/> <input type="radio"/> <input type="checkbox"/>	Fully Achieved  Partially Achieved  Limited Action

<p><b>1. Review the measures used within Planning and Economic Development to ensure that Staff are maximising the performance of the Directorate.</b></p>	<ul style="list-style-type: none"> <li>• To ensure that processes are in place to implement the Corporate Performance Management Framework within Planning and Economic Development to include:</li> <li>• The development of Key Cabinet Objectives for the Planning and Economic Development Portfolio.</li> <li>• To produce a Directorate Business Plan for 2009/2010.</li> <li>• To identify Key Performance Indicators for inclusion in the Council's KPI set for 2009/2010.</li> <li>• To produce Action Plans for Key Performance Indicators.</li> </ul>	Director of Planning and Economic Development	Feb 2009  April 2009  Mid March 2009  April 2009	Within existing resources	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input type="radio"/>	<p>The action plans were produced to this timetable, or shortly thereafter but as they contain actions for the year ahead this is not yet a fully achieved action.</p>
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## EPPING FOREST DISTRICT COUNCIL

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					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>2. Develop and promote a set of service standards for Planning and Economic Development, outlining the minimum levels of service that external and internal customers will receive.</b>	Review previous protocols, (e.g. those re DC and Enforcement)	Directorate Business Manager	End Mar 2009	Within existing resources	<input type="checkbox"/>	Postholder left – tasks are for new postholder, who is due to commence in Nov 2009..
	Set new Standards		April 2009		<input type="checkbox"/>	
	Report Compliance		Quarterly		<input type="checkbox"/>	
<b>3. Check the effectiveness of the channels of communication used to ensure that all staff are aware of service priorities and quality standards.</b>	Include Staff in the Development of Service Business Plan.	Directorate Management Team	Jan-March 09	Within existing resources	<input checked="" type="checkbox"/>	
	Undertake Staff Survey to assess effectiveness of current communication channels.		June 2009		<input type="checkbox"/>	
	Raise as part of Staff PDR Process		By end of May 09		<input type="checkbox"/>	

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					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>4. Improve the mechanisms for regular on-going feedback from users on the quality of service they have received.</b>  <b>Ensure officers with the appropriate level of responsibility act upon complaints.</b>	Officer Group within Planning to be established to review Customer Services Issues and recommend areas for improvement.	Directorate Business Manager	End of November 2008	Within existing resources.	<input checked="" type="checkbox"/>	Responses now being received: need to consider reporting framework.
	Refresh Training on Customer Complaint Handling to be undertaken	Director of Planning, Assistant Directors	July 2009		<input type="checkbox"/>	
<b>5. Improve ownership of problems and accountability amongst the Senior Management Team within Planning and Economic Development.</b>	Individual Responsibilities to be clearly articulated at appointment. Part of Performance Development Review interviews to be undertaken by Director of Planning.	Director of Planning	At appointment	Within existing resources.	<input type="checkbox"/>	
			End of May 2009		<input type="checkbox"/>	
<b>6. Implement appropriate measures to raise morale and increase staff motivation in achieving service improvements.</b>	Explore the production of a Directorate Newsletter to improve awareness and celebrate success.	Director of Planning	By end Sept 2009	Within existing resources.	<input type="checkbox"/>	

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<b>7. Develop a systematic approach to workforce planning to address recurring recruitment and retention difficulties.</b>  Page 40	Update the previous Workforce development plan.	Reconvene previous team.	By end June 2009	Within existing resources.	<input type="checkbox"/>	Target needs to change because of need to pick up Corporate data which will not be available until July 2009.
	Review recruitment procedures, so that there is an essentially up to date package of information open to all staff that can be used to quickly commence appropriate recruitment campaigns.	Management Assistant	By end Mar 2009		<input checked="" type="checkbox"/>	



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					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>8. Improve the standard, content, presentation and consistency of reports to Development Control, Planning Standing Panel and Area Sub Committees.</b>  Page 41	Meet regularly with the Chairmen and Chairwomen of these.	Director of Planning and Assistant Directors	1st Meeting February 2009 2 <sup>nd</sup> meeting 15 October 2009	Within existing resources.	<input checked="" type="checkbox"/>	Requires input from new AD (DC)
	Review the "Standard template" for reports to Committees.		May 2009	Within existing resources.	<input type="checkbox"/>	
	Arrange refresher training for all those compiling or agreeing such reports.		End June 2009	Within existing resources.	<input type="checkbox"/>	

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<p><b>9. Review the Corporate Planning protocol with respect to dealing with applicants, agents, developers and the local business community to ensure that the highest standards of probity and governance are achieved.</b></p> <p style="text-align: center;">42</p>	<p>Report to Standing Panel for their consideration, in liaison with Constitutional Affairs Panel.</p>	<p>Director of Planning and Assistant to Chief Executive</p>	<p>February 2009</p>	<p>Within existing resources</p>	<input type="checkbox"/>	<p>The existing Planning Protocol is already intended to remind staff, and to assure the public that officers, and members, have codes of conduct, professional requirements, financial training and various registers of interests. The protocol is being reviewed/ amended and are being brought to Standing Panel for their consideration.</p> <p>The review went to consultation and was considered by the Standards Committee and the Constitutional &amp; Member Affairs Panel.</p>
<p><b>10. Implement practical measures to improve the public perception and reputation of the Council's Planning Service, particularly with respect to high profile/controversial applications and enforcement action.</b></p>	<p>To instigate regular reporting on enforcement performance to Members.</p> <p>To publicise the outcome of enforcement action more widely.</p>	<p>Director of Planning and Economic Development</p>	<p>Quarterly Reporting</p> <p>Ongoing</p>	<p>J Preston/ S Solon</p>	<input type="checkbox"/>  <input type="checkbox"/>	<p>The direct action in respect of a car wash in Ongar received widespread publicity.</p>

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					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>11. Take positive action to raise confidence amongst elected Members of the Council with respect to the performance of the service area.</b>	To report planning performance on a regular basis to the Standing Panel and Overview and Scrutiny Performance Management Committee	Director of Planning & Economic Development	Quarterly	Within existing recourse	<input checked="" type="checkbox"/>	There needs to be better communication of the successes, such as ICT.
<b>12. Routinely review costs for the different elements of the service, set challenging targets for improved performance and implement effective monitoring arrangements.</b>	To incorporate Value for Money considerations to include Benchmarking and Comparative Data from the Audit Commission within the Service Business Plans	Director of Planning and Principal Accountant	Business Plan completed by 31.3.09	Within existing Resources	<input type="checkbox"/>	The Scrutiny Panel has considered costs; further one off reviews are planned.  Challenging targets already exist and the monitoring of these has been audited and found to be acceptable.  New Business Manager will need to be significantly involved in these.

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					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>13. Ensure that there is a clear focus on the actions contained within the improvement plan by all senior staff within Planning and Economic Development and that priority is given to delivery.</b>	To monitor the Improvement Plan at Directorate Senior Management Team Meetings. Provide updates at the Scrutiny Standing Panel	Director of Planning and Senior staff.	Regular Team Meetings  When Standing Panel Meet	Within existing resources	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	