

## Scrutiny Standing Panel Agenda



### **Planning Services Scrutiny Standing Panel Thursday, 3rd June, 2010**

**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:**

As appointed at the Annual Council Meeting on 25 May 2010

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 3 - 12)**

To agree the notes of the last meeting held on 11 February 2010 (attached).

**5. TERMS OF REFERENCE (Pages 13 - 14)**

The Terms of Reference are attached.

**6. WORK PROGRAMME (Pages 15 - 18)**

The Work Programme is attached.

**7. IMPROVEMENT PLAN (Pages 19 - 30)**

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

**8. PLANNING APPEALS AND THE INSTRUCTING OF COUNSEL (Pages 31 - 34)**

(Director of Corporate Support Services) To consider the attached report.

**9. GOVERNMENT RESPONSE - EPPING FOREST GYPSY AND TRAVELLER DEVELOPMENT PLAN DOCUMENT (Pages 35 - 44)**

(Director of Planning Services and Economic Development). To note the attached report.

**10. INSURANCE COVER FOR THE COST OF ADVERSE PLANNING APPEALS (Pages 45 - 46)**

(Principal Accountant) To note the attached report.

**11. PLANNING DIRECTORATE STAFF FAMILY TREE**

(Director of Planning and Economic Development) Report to follow.

**12. THE PLANIT (Pages 47 - 54)**

(Director of Planning Services and Economic Development). Attached is the first two issues of The Planit, the Planning Directorate's staff newsletter.

**13. ANY OTHER BUSINESS**

**14. DATES OF FUTURE MEETINGS**

The next programmed meeting of the Panel is on 2 September 2010 and thereafter on:

2 December 2010; and  
3 March 2011

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Planning Services Scrutiny Standing Panel	<b>Date:</b>	Thursday, 11 February 2010
<b>Place:</b>	Committee Room 1, Civic Offices, High Street, Epping	<b>Time:</b>	7.30 - 10.05 pm
<b>Members Present:</b>	Mrs L Wagland (Chairman), A Boyce, R Frankel, Mrs A Haigh, Mrs C Pond, W Pryor and H Ulkun		
<b>Other Councillors:</b>	Mrs M Sartin, Mrs P Smith and J M Whitehouse		
<b>Apologies:</b>	K Chana, J Hart and Mrs P Richardson		
<b>Officers Present:</b>	J Preston (Director of Planning and Economic Development), N Richardson (Assistant Director (Development Control)), S Amin (Senior Accountant) and M Jenkins (Democratic Services Assistant)		

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### 51. SUBSTITUTE MEMBERS

There were no substitute members present at the meeting.

### 52. DECLARATIONS OF INTEREST

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

### 53. NOTES FROM THE LAST MEETING

#### RESOLVED:

That the notes of the last meeting of the Panel held on 5 January 2010 be agreed.

### 54. TERMS OF REFERENCE

The Panel received a report from Mr J Preston, Director of Planning and Economic Development, regarding the Panel's Terms of Reference.

A new draft had been made of the Terms of Reference, some items had been re-prioritised, and two items had been transferred to the Panel's Work Programme, they were:

(a) Item 8 "To review a selection of controversial planning decisions to see if lessons can be learnt from their consideration."

(b) Item 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."

**RESOLVED:**

That the Panel's new Terms of Reference be agreed.

**55. WORK PROGRAMME**

The Panel discussed the Work Programme.

**1 (a) Regional Plan**

Work was still on-going.

**(c) Gypsy and Traveller Development Plan Document**

(i) A letter had been sent to the Government minister concerning the Gypsy and Traveller Development Plan Document (DPD). Mr J Preston, Ms K Polyzoides, Assistant Director of Planning and Councillors Mrs A Grigg and Mrs M Sartin would represent EFDC at such a meeting, officers had been to a preliminary meeting at GoEast on 8 February 2010.

(ii) Temporary planning permission for some Gypsy and Traveller sites had been granted for three and five years. It was felt necessary to examine Gypsy and Traveller sites where permanent planning permission might be granted.

(iii) The Chairman mentioned the meeting of the District Development Control Committee on 2 February 2010 which included a debate on further pitches at a Gypsy site in Nazeing. The Discussion had been very good and well informed. The webcast record of the meeting should be mentioned to Mr M Beard QC (the District Council's Counsel) for the Minister to consider because it illustrated how well the Council approached such decision making.

**(d) Current Staffing**

(i) The Panel had scrutinised a "Family Tree" of the Planning Directorate staffing structure.

(ii) The "Family Tree" was in the Bulletin.

(iii) Extra staff were being used in dealing with outstanding Essex Tree Preservation Orders.

**(2) Value for Money Provision:**

**(b) Building Control**

There was a report on Building Control due for the next meeting of the Panel in April 2010.

**(4) Report from Legal Services on performance at Planning Appeals.**

There was a separate meeting arranged with the Panel's Chairman on 12 February 2010.

**(5) Comments from the Planning Agents and Amenity Groups required matching.**

There was to be a forthcoming meeting of planning agents and amenity groups, it was felt that the meeting should take place late in the afternoon in the two committee rooms for 30 – 35 people. The date needed to be convenient for panel members as well.

**RESOLVED:**

That Mr N Richardson, Assistant Director of Planning and Economic Development, arrange a meeting of planning agents and amenity groups and email suggested dates to Panel members.

**(10) Review the Corporate Planning protocol in respect of applicants, agents, developers and local business community.**

This item was with the Constitution and Member Services Scrutiny Panel.

**56. ACTION POINTS FROM MEETINGS OF DEVELOPMENT CONTROL CHAIRMEN AND VICE CHAIRMEN IN FEBRUARY & OCTOBER 2009**

The Panel received a report regarding the Action Points from the 26 February 2009 and 15 October 2009 meetings of the Development Control Chairmen and Vice Chairmen.

**1. Discussion of plans prior to meetings – pilot a pre-application briefing where a fee is required.**

Officers had attended a preliminary meeting for potential development of land at Epping Forest College, Loughton. This was an opportunity for a Planning Performance Agreement to be drawn up with Area Plans South Chairman/Vice Chairman, and nominated group representatives being briefed by officers following their own meeting with applicants and their agents.

Members asked for this item to be brought back to the Panel for further analysis.

**RESOLVED:**

That Discussion of Plans Prior to Meetings – Pilot (a pre-application briefing where a fee is required), be brought back to the Panel.

**2. Planning Services to consider link to the online plans on Area Plans agenda.**

The online plans were being looked at by the new Business Manager.

**3. Planning Directorate consider planning website/pinpoint member training before or after Area Plans meetings.**

It was difficult to arrange for Area Plans South Sub-Committee members to receive planning website/pinpoint training because there was no link to the website at the meeting area at Roding Valley School. However there was an opportunity for an Iplan presentation at the planning agents and amenity groups meeting. The Constitution and Member Services Panel should discuss Iplan training as this was part of member training.

**RESOLVED:**

That the Constitution and Member Services Scrutiny Panel examine Iplan training for members.

**4. Improving Local Performance Indicator's – Increase Delegation, frequency of meetings etc.**

(a) The validation process had been revisited. Careful checking was taking place and the website updated with the validation checklist.

(b) Performance on major planning applications should be improved by applicants and the Council entering into Planning Performance Agreements (PPA). Officers had either not had prior warning of major applications submissions in 2009 or there was a reluctance on the part of applicants to enter PPA's because they were seen as making the time dealing with a major application longer and therefore were not beneficial to the applicant.

(c) A report had been submitted to the Constitution and Member Services Panel in June 2009, considering a proposal for a change to the operation of the Director of Planning's delegation in determining planning applications. The proposal was to make the interpretation of the views of Local Councils more flexible resulting in more cases being put before Area Planning Committees. The Panel did not support the change preferring to rely on improved advice from planning officers to local councillors in making their views clear. The Overview and Scrutiny Committee had recommended this item to this Panel which came to the same conclusion.

**5. Defending Refusals at Appeals**

(a) Officers had altered the report template to show representations in the middle section of the report as opposed to being at the end of the report focussing officers' attention on comments raised by third parties. More balance was reflected in officer reports showing relevant cases where despite recommendation to grant there was a case to refuse should members vote that way.

(b) Officers viewed the webcast of the committee meeting where recommendations were overturned and incorporated these views into their statement.

(c) All appeals received appeared on the weekly list of applications, which was available on the website.

(d) Dates for hearings and inquiries were also published in the Bulletin closer to the appeal date. Members were able to get more involved in the appeal process.

**6. Decision Making at Meetings – Webcasting**

(a) Chairman of Area Planning Committees now obtained clear reasons for refusal before a vote took place.

(b) Members were putting their reasons for refusing forward more clearly.

(c) There was still an impression that occasionally a Committee Member was reading from a pre-prepared statement, but the position had got better.

(d) With the assistance of the Democratic Services Officer, Chairmen were summarising the decision made and result of voting.

## 7. Highway Objections to Planning Applications

Explanation was required from Essex County Council Highways Engineers for some of their recommendations. There had been a re-organisation of County Council Highways Services and highways engineers had addressed the District Development Control Committee on 2 February 2010 and indicated a greater willingness to co-operate on planning applications. There had been the occasional attendance of Highways Engineers at Area Plans Committees.

## 8. Planning Services and Building Control – working from the same set of agreed plans

Work had begun on drawing up building commencement list and providing approved planning permission plans for Planning Directorate building inspectors to check when visiting sites. It was hoped that this would produce more consistency between planning and building control decisions.

## 57. OFFICER DELEGATION

The Panel received a report from Mr N Richardson, Assistant Director of Planning and Economic Development, regarding recommended alterations to officer delegation to improve planning performance against targets.

At the last meeting of the Panel, members had requested officers to suggest alterations to delegated powers for planning applications and enforcement matters in CL36 and CL56 respectively. The Panel considered recommended changes to the following:

### (a) Enforcement (Ref CL36 Paragraph 1)

Delegation CL36 (1) set out delegated authority to issue enforcement notices, stop notices, contravention notices etc, but if officers wished to serve a discontinuance notice to remove an advert, it currently required Area Plans Committee authorisation. Such action was likely to be rare, but, given that full planning enforcement action was delegated, it appeared not unreasonable for a discontinuance notice to be delegated as well. The Panel supported this.

### (b) Planning Applications (Ref CL56 Para 1, Sch A (f))

The current Delegation CL56 stated that planning applications were determined by the Director of Planning and Economic Development except in certain circumstances when they were instead determined by committee. This includes the following in Part (f) of Schedule A which currently reads:

“Applications recommended for approval on which there was more than one expression of an objection material to the planning merits of the proposal to be approved other than householder applications.”

In order to secure improved performance in NI157c officers recommended reviewing this to “two” rather than “one” expression of an objection, and expand in the case of householder applications to include “other applications.” The Panel agreed but with wording revised from that suggested in the report by officers. The following revised wording formulated by officers was suggested to read as follows:

“Apart from approvals for householder and “other” applications, those applications recommended for approval where there are more than two expressions of objections material to the planning merits of the proposal be approved.”

The Panel noted that “other” applications included changes of use, householder development, adverts, listed building consents, conservation area consents, lawful development certificates, agricultural notifications, telecommunications masts, shop fronts and vehicular crossovers. Officers stated that the Council was very close in achieving the challenging target of 93% set for this category, of planning applications, but there were some low contentious applications that went before a Committee despite no objections raised by Parish or Town Councils which could have been avoided and otherwise dealt with in time.

**(c) Paragraph 1, Schedule A - Proposed Additional Section**

Paragraph 1 Schedule A – It was also suggested that an additional section (m) should be added as follows:

“Applications for extensions to the time limit for implementing planning permission, listed building consents or conservation area consents, unless there had been no changes to material considerations, including planning policy from when the permission was granted.”

The Panel noted that developers with planning permission granted up until 30 September 2009 where the time limit for implementation had not expired, could apply to extend their permissions. This allowed applicants to apply for new planning permission where the original consent which was in danger of lapsing. Amongst other advantages, this particularly helped improve performance NI157A, turn around times of “major” applications where a decision was required within 13 weeks of receipt. However the Panel had concerns that the question of whether circumstances had changed was a matter about which the Sub-Committee’s view might have useful local information. The question of whether something would or would not be delegated could not be known for certain under the proposed revision Therefore it was decided to reject this proposal.

**(d) Paragraph 1 Schedule A (h)**

The Leader of Council had asked that there was a review of the “call-in” by Councillors which would affect part (h) of delegation CL56 that stated:

(h) “Applications which any member requests within 4 weeks of the notification of that application in the Council Bulletin should be the subject of consideration by the relevant committee.”

The Panel noted that the opportunity to call-in applications was currently open to any member of the Council. The Overview and Scrutiny Committee had asked for a review of this because allowing any member to call-in increased the number of such references to sub-committees which would already effect planning performance against targets and because allowing any Councillors to call-in an application went against the principle of area based plans sub-committees.

The Panel noted the following options for meeting this request:

- (a) restricting the call-in to the local ward member (s) for the application concerned;
- or



(b) restricting the call-in to any Councillor representing a ward within the Area Plans Sub-Committee area concerned; or

(c) making no change.

The Panel favoured option (b) as it emphasised the status of Area Planning Sub-Committees.

The other two suggested alternations to delegation below were not necessarily to improve NI performance, but to partly provide an updating of delegation and to respond to members comments.

**(e) CL56 – Paragraph (3)**

Paragraph (3) related to trees and currently stated that delegated powers can be used:

“To determine applications for works to preserved trees (other than felling) unless subject to criteria (f), (g), and (h) of the preceding schedule and dispensing with requirements to replace a preserved tree, and to respond to consultations from Essex County Council.”

N Richardson’s suggested wording which read as follows:

“To determine applications for works to preserved trees, including felling (unless there is a significant risk of a claim for compensation against the Council, unless subject to criteria (f), (g) and (h) of the preceding schedule and dispensing with requirements to replace a preserved tree.”

The Panel noted that Planning Officers considered that in cases where felling was necessary or where there were compensation issues these should remain outside officer delegated powers and still be referred to plan sub-committees. The other reason for the changes was that the Essex County Council TPOs were being revoked and the Council completing a review of these cases as new TPOs. Reference to Essex County Council was therefore no longer required.

**RECOMMENDED:**

(1) That Delegation CL36 (Part 1) be amended by adding the words “discontinuance notices to remove advertisements” after “Planning Contravention Notices.”

(2) That the following amendments to CL56 be made:

(a) That under Schedule A Part 1 (f) be revised to read as follows:

“Apart from approvals for householder and “other” applications, those applications recommended for approval where there is more than two expressions of objection material to the planning merits for the proposal to be approved”;

(b) That the following proposed change to Schedule A Part 1 (m) be not pursued:

“Applications for extensions to the time limit for implementing planning permission, listed building consents or conservation area consents, unless

there has been no changes to material consideration, including planning policy, from when the permission was granted”;

(c) That under Schedule A Part 1 (h) paragraph be revised to read as follows:

“Applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests within four weeks of notification in the Weekly List should be referred to the appropriate Sub-Committee”;

(d) That Schedule A Part 3 be amended by deleting “and to respond to consultations from Essex County Council”; and

(3) That the proposed changes to officer delegation be referred to the Constitution and Member Services Scrutiny Standing Panel for consideration.

## 58. BEST VALUE REVIEW

The Panel received a report from Ms S Amin, Senior Accountant, regarding the Revised Estimate for 2009/10 and Estimate for 2010/11.

At the Panel's meeting on 5 January 2010, members requested that the costs of Enforcement and the administration of Planning Appeals, be included in the Development Control Best Value Review.

As the Panel had previously agreed the format and data included in the review document it was proposed that the future financial monitoring of Enforcement and Planning Appeals was continued in a separate report to the Panel.

Members were interested in the cost of legal advice involved regarding appeals. Officers advised that there was no particular difference in cost between the District Council's legal service and outside legal services. Members asked if it was possible for the Council to take up an indemnity insurance policy of about £80,000 in case of adverse costs ordered against the Council where appeals were upheld. Officers said they would investigate.

### RESOLVED:

(1) That the actual outturn for 2008/09, revised estimate for 2009/10 and original estimate for 2010/11 for Planning Appeals and Enforcement be noted;

(2) That the future monitoring of Enforcement and Planning Appeals will not be included in the Development Control Best Value document, but in a separate report to the Panel; and

(3) That Ms S Amin, Senior Accountant, investigate the possibility and cost of the District Council having an insurance policy for dealing with adverse costs orders on appeals.

## 59. IMPROVEMENT PLAN

The Panel received an updated version of the Improvement Plan from Mr J Preston, Director of Planning and Economic Development. This was updated as follows:

**Item 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.**

There was a new postholder in place, Mr P Millward, Business Manager, who would work on this.

**Item 3 – Check the effectiveness of the channels of communication used to ensure that all staff were aware of service priorities and quality standards.**

Although the staff had been included in the refresh of the Business Plan in February 2010, the staff survey had not been issued yet. Mr J Preston advised that he would circulate the new staff newsletter to the Panel.

**Item 8 – Improve the standard, content, presentation and consistency of reports to Development Control, Planning Standing Panel and Area Sub-Committees.**

The “Standard Template” for reports to Committees was being reviewed.

**Item 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.**

Planning Services did not have the correct software for the data they needed for presenting the enforcement information. Mr D Newton, Director of ICT was putting this information into the right format and Mr J Godden, Principal Planning Officer, would be invited to the Panel for one of its future meetings.

**60. ANY OTHER BUSINESS**

There was no other business for discussion.

**61. DATES OF FUTURE MEETINGS**

The next programmed meeting of the Panel was scheduled for Tuesday 27 April 2010.

**CHAIRMAN**

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## TERMS OF REFERENCE - STANDING PANEL

**Title: Planning Services**

**Status:** Standing Panel

**Terms of Reference:**

1. To consider in detail the provision of Value for Money within the following Planning Services in focusing specifically on:
  - Development Control (including Appeals)
  - Forward Planning
  - Building Control
  - Enforcement
  - Administration and Customer Support
  - Economic Development
  - Environment Team
2. 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.
3. To review the measures taken to improve performance within the directorate.
4. To consider matters which arise through the process that the Government is driving to bring in an East of England Plan. These may range from responding to the views of those who support or oppose us, and how we may support or oppose the views taken by others. This includes how to work in partnership with others to secure delivery of the plan with adequate infrastructure. In particular, those Portfolio Holders with relevant responsibilities to remain tuned in to local views.
5. In association with 4 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, the provision of affordable housing, and the maintenance of the settlement pattern elsewhere in the District.
6. 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.
7. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year;
8. To report to the Overview and Scrutiny Committee at appropriate intervals on the

above. 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

<b>Planning Services Standing Panel 2010/2011</b>			
<b>Item</b>	<b>Report Deadline/Priority</b>	<b>Progress/Comments</b>	<b>Programme of Future Meetings</b>
(1) Regular Updating Reports on: (a) Regional Plan (b) Local Development Framework (c) Gypsy & Traveller Development Plan Document (d) Current Staffing (e) Improvement Plan	Regular updating reports	Final version of the East of England Plan to 2021 complete. Report on new LDF Scheme & implications for S106 agreements, new draft policy required. LDF timeline to be presented. Essex County Council Consultation – Minerals Development Document Site Allocations Issues and Options Paper. EERA Consultation – 2031 Scenarios for Housing & Economic Growth.	3 June 2010  2 September  2 December &  3 March 2011
(2) Value for Money Provision: a) Administration and Customer Support b) Building Control c) Development Control (including Appeals) d) Economic Development e) Enforcement f) Environment Team		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.	

g) Forward Planning			
h) Performance			
(3) Chairmen and Vice Chairmen of Area Planning Cttees. to be invited to a meeting to provide feedback.		Results will be fed back to Panel on 6 monthly cycle.	
(4) Report from Legal on performance at Planning appeals.		Separate meeting to be arranged involving Chairman of Panel, Director of Planning & Legal officers on yearly cycle.	
(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 for the Panel setting out the possible route any planning enforcement investigation could take		Report to include financial implications.	
(7) 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.			
(8) To review a selection of controversial planning decisions to see if lessons can be learnt from their consideration.		This item has been extracted from the Terms of Reference of the Provision for Value for Money within Planning Services Task and Finish Panel and the current Panel	
(9) To consider whether the reporting arrangements for Terms of Reference sections and those from the Section		This item has been extracted from the Terms of Reference of the Provision for Value for Money within Planning Services Task and Finish Panel and	



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 recommend accordingly.		the current Panel.	
(10) Best Value Review			
(11) Planning conditions controlling damage to highways infrastructure	September 2010 Panel meeting, pending consultation with members.	Referred from the Overview and Scrutiny Committee – March 2010.	

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# EPPING FOREST DISTRICT COUNCIL

## PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2009-2010 (PROGRESS AT MAY 2010)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>1. Review the measures used within Planning and Economic Development to ensure that Staff are maximising the performance of the Directorate.</b>  Page 19	<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	Within existing resources	<input checked="" type="checkbox"/>	Objectives 2 / 4 / 5 / 7 / 16 of the Cabinet objectives were set.  Plan was signed up by the then Portfolio Holder on 31/3/09  KPIs concerning speed of processing planning applications and several carbon reduction indicators were identified.  The action plans were produced to this timetable, or shortly thereafter but as they contain actions for the year ahead this was not previously considered fully achieved action.
			April 2009		<input checked="" type="checkbox"/>	
			Mid March 2009		<input checked="" type="checkbox"/>	
			April 2009		<input checked="" type="checkbox"/>	

## EPPING FOREST DISTRICT COUNCIL

### PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2009-2010 (PROGRESS AT MAY 2010)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>2. Check the effectiveness of the channels of communication used to ensure that all staff are aware of service priorities and quality standards.</b>  Page 20	Include Staff in the Development of Service Business Plan.	Directorate Management Team	Jan-March 09	Within existing resources	<input checked="" type="checkbox"/>	Once again, staff will be included in the refresh of the Business Plan in Feb 2010.  Corporate staff survey planned for 2010  These are amongst the key issues of the revised PDR processes, now in their second year.
	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 checked="" type="checkbox"/>	
<b>3. Improve the mechanisms for regular on-going feedback from users on the quality of service they have received.</b>  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.	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 checked="" type="checkbox"/>	

## EPPING FOREST DISTRICT COUNCIL

### PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2009-2010 (PROGRESS AT MAY 2010)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>4. 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  End of May 2009	Within existing resources.	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	These points were included in both induction procedures (whether for new or existing staff) and are also part of the amended PDR process.
<b>5. Implement appropriate measures to raise morale and increase staff motivation in achieving service improvements.</b>	Introduce new brief Directorate Newsletter (The Planit) to improve awareness and celebrate success.	Director of Planning	By end Mar 2010	Within existing resources.	<input checked="" type="checkbox"/>	Directorate Newsletter to be issued shortly. Corporate Newsletter to be reintroduced.
<b>6. Develop a systematic approach to workforce planning to address recurring recruitment and retention difficulties.</b>	Update the previous Workforce development plan.  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.	Reconvene previous team.  Management Assistant	By end June 2009  By end Mar 2009	Within existing resources.	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	Target needs to change because of need to pick up Corporate data which will not be available until July 2009.  In Business Plan Refresh

## EPPING FOREST DISTRICT COUNCIL

### PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2009-2010 (PROGRESS AT MAY 2010)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>7. Improve the standard, content, presentation and consistency of reports to Development Control, Planning Standing Panel and Area Sub Committees.</b>	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"/>	Programmed date for next meeting: February 2010.
	Review the "Standard template" for reports to Committees.		May 2009	Within existing resources.	<input checked="" type="checkbox"/>	Requires input from new AD (DC)
	Arrange refresher training for all those compiling or agreeing such reports.		End June 2009	Within existing resources.	<input checked="" type="checkbox"/>	Under way

## EPPING FOREST DISTRICT COUNCIL

### PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2009-2010 (PROGRESS AT MAY 2010)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>8. 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>9. 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 checked="" 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.

## EPPING FOREST DISTRICT COUNCIL

### PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2009-2010 (PROGRESS AT MAY 2010)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>10. 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"/>	The Panel and the Management Team have both been active in taking forward then points in this plan.



# EPPING FOREST DISTRICT COUNCIL

## PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2010-2011 (UPDATED MAY 2010)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
<b>1. 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>  Page 25	Review previous protocols, (e.g. those re DC and Enforcement)	Directorate Business Manager	May 2010	Within existing resources	<input type="checkbox"/>	Previous postholder left – tasks are for new postholder, who commenced in Nov 2009.
	Set new Standards		June 2010		<input type="checkbox"/>	
	Report Compliance		Quarterly		<input type="checkbox"/>	

# EPPING FOREST DISTRICT COUNCIL

## PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2010-2011 (UPDATED MAY 2010)

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
2. Improving procedures (e.g. as a result of NI14 assessments).						

# EPPING FOREST DISTRICT COUNCIL

## PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2010-2011 (UPDATED MAY 2010)

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

<b>3. Refocus Business Plan 2011-2012</b>						
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# EPPING FOREST DISTRICT COUNCIL

## PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2010-2011 (UPDATED MAY 2010)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input checked="" type="checkbox"/> Limited Action	
<b>4. 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>	To instigate regular reporting on enforcement performance to Members.	Director of Planning and Economic Development	Quarterly Reporting	J Preston/ S Solon/ J Godden	<input type="checkbox"/>	The direct action in respect of a car wash in Ongar received widespread publicity.
	To publicise the outcome of enforcement action more widely.		Ongoing		<input checked="" type="checkbox"/>	

2008  
 2009  
 2010  
 2011

# EPPING FOREST DISTRICT COUNCIL

## PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN 2010-2011 (UPDATED MAY 2010)

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

<b>5. Green Issues</b>						
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## SCRUTINY



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

**Date of meeting: 3 June 2010**

**Subject: Planning Appeals and the Instructing of  
Counsel**

**Officer contact for further information: Colleen O'Boyle, Director of Corporate Support  
Services (01992 56 4475)**

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

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

**That the Planning Appeals and Instructing of Counsel report be noted.**

#### **Report:**

The purpose of this Report is to inform Members how Planning Appeals dealt with by way of the Public Inquiry process are handled by Legal Services.

#### **Background:**

Appeals against the refusal of planning permission, refusal of a CLD Certificate, the issue of an Enforcement Notice are made to the Secretary of State via the Planning Inspectorate (PINS). Appeals can be dealt with by way of Written Representations, Informal Hearings or by Public Inquiry (PI).

Up until recently the Appellant's decision in respect of the process to be adopted for the appeal was usually given considerable weight. However, PINS now determines the most appropriate appeal procedure using the guidance set out in Annex C to PINS 01/2009. To that end the Public Inquiry procedure will normally be used when the evidence needs to be tested and/or questions need to be asked and if:

- the issues are complex and likely to need evidence to be given by expert witnesses;
- there is likely to be a need to be represented by an advocate, such as a lawyer or other professional expert because material facts and/or matters of expert opinion are in dispute and formal cross examination of witnesses is required;
- legal submissions may need to be made.

As costs can now be awarded in written representation appeals this process has become more favourable with Appellants who previously would have rejected that option if they thought the local planning authority had behaved unreasonably and believed that a costs application might be successful.

Accordingly, the effect of the new policy and guidance is that fewer Appeals will be dealt with by way of Public Inquiry.

Legal Services is only instructed by Planning Services to deal with Appeals when it involves a PI and they require legal representation. Written Representation cases and Informal Hearings are dealt with by the appropriate Planning Officer, with assistance sought from Legal if advice is required on any legal issue arising.

Planning Services instruct Legal when an appeal is to be dealt with by way of a Public Inquiry. The decision as to who will do the advocacy is left with Legal to decide. These matters are usually allocated to the Senior Lawyer.

The decision whether or not to instruct Counsel is based on the complexity of the issues, whether the matter is 'politically sensitive', if there is an expectation by local residents that sufficient resources will be used to defend the Councils position, the case relates to Gypsy and Traveller sites and the number of days scheduled for the PI to be dealt with.

The Senior Lawyer will usually undertake the advocacy in cases where the PI is scheduled for one day, the issues are relatively straightforward and there is no reasonable expectation that the matter should be dealt with by Counsel.

It is not usually a good use of resources for the Senior Lawyer to undertake the advocacy in the more time consuming cases as the necessary preparation time and attendance at the PI takes the officer away from other duties which are not easily covered by other members of the Legal team. However, the Senior Lawyer will be fully involved in the arrangements for the PI, ensuring that Counsel is properly instructed, that all deadlines are met and acts as a contact point for interested Councillors and local residents.

### **Number of Public Inquiries**

In 2007 there were instructions in respect of 15 Public Inquiries of which only 11 were proceeded with by the Appellant. Of these 4 were dealt with by the Senior Lawyer and 2 related to G&T sites.

In 2008 there were instructions in respect of 7 Public Inquiries of which only 4 ended were proceeded with by the Appellant. All of these were dealt with Counsel. There were no G&T cases.

In 2009 there were instructions in respect of 6 Public Inquiries of which 3 were proceeded with by the Appellant. 1 was dealt with by the Senior Lawyer the remaining 2 were G&T cases and dealt with by Counsel

So far this year instructions have been received in respect of 3 Public Inquiries, one has been altered to Written Representations; the other 2 are going to be dealt with by the Senior Lawyer.

As can be seen there has been a steady decline in the number of appeals progressing by way of PI and that trend is likely to continue especially in view of the new guidance.

### **Involvement of Members**

For the past couple of years a new protocol has been introduced in respect of all appeals to be dealt with by PI. This protocol seeks to engage interested Members and Parish/Town Councils in the process. District Councillors and Parish/Town Councillors are often contacted by local residents who object to the proposed Development seeking guidance on how best their views can be taken into account. Such Councillors and interested parties may have valuable evidence and information which will help the Council in opposing the appeal. This is especially so where the Council is restricted in the case it can put forward at the PI as it must relate to the reasons for refusal.

Accordingly, once Legal has been instructed whether or not Counsel is to be instructed Local Ward Councillors, the Chair and Vice Chair of the relevant Planning Committee and the Clerk to the relevant Town/Parish Council will be invited to attend a meeting at which those attending will be briefed on the Councils case, its strengths and weaknesses, the Appellants case and then given the opportunity to explain what other issues they would like raised as part of the objection to the proposal. If this cannot be undertaken by the Council then guidance will be given as to how best to get that information before the PI.



The Senior Lawyer will liaise with those who wish to take an active part, or just wish to be kept informed, and circulate copies of all relevant material as is produced by or received by the Council. The Senior Lawyer will also seek to be a contact point during the PI to assist as necessary.

It is understandably usually only the cases where Counsel is instructed that the invitation is taken up, with these being the more contentious cases. This appears to be a successful arrangement and has worked well with such meetings having been held in respect of 'Mushroom Farm, Laundry Lane', 'Lorry Park Skillets Hill Farm, Honey Lane', 'The Meadows Bumbles Green' 'Hallmead Nursery, to name a few.

### **Appointment of Counsel**

Legal Services has Lexcel which is the Law Society Accredited Practice Management Standard. One of the standards to be met is to have a policy on the use of external third parties. The use of Counsel is thus covered by Lexcel.

Legal Services has a list of Approved Counsel from which Counsel is to be appointed when necessary. The list has been drawn up from recommendations and by experience. Counsel will be removed from the Approved List if their performance, or that of their clerks, is not satisfactory.

If Counsel is required and there is no one of the Approved List with the relevant expertise and/or level of seniority, the appropriate Legal Officer will seek recommendations from either the instructing officer who may have knowledge from attending relevant training, by reference to another local authority or by reviewing information available on line about Counsel. In all cases the Legal Officer will be looking for the appropriate expertise in the subject matter and level of experience. It is also important that Counsel is approachable and ready to be part of the team. Cost will also be a factor but not necessarily the determining one. Some larger Authorities do have fee arrangements with sets of Chambers whereby preferential rates are given based on the volume of work.

For a District Council, Epping Forest is involved in a fair amount of litigation, in the County Court, Magistrates Court, Crown Court and High Court as well as Tribunals and PI's. Some of this work has to be put out to Counsel because of the level of the Court where only Counsel have the necessary rights of audience or due to the complexity of the matter. However, the amount of this work is not on the same scale as say for County Councils and London Boroughs so it has not been possible to set up such arrangements. Although, some chambers will quote their 'local authority' rate so not being a party to an arrangement is not always detrimental.

Legal Officers do have good relationships with the Chambers that are regularly used and those Chambers are fully aware of the need to provide a good service at a competitive price. Invariably when quotations are sought from competing chambers there is very little difference, if any, in the quotes that are provided in respect of Counsel of the same standing.

The Councils Financial Standing Orders apply and quotes must be obtained if the fees to be paid to any one Counsel in a financial year will exceed the authorised limit.

Legal Services is a member of a number local authority forums through which information and best practice is shared. One of these forums is the Law Society Local Government Group for Business Support Managers and one of its members is looking into the feasibility of creating an in-house barristers chambers through partnership working with neighbouring Councils. Legal Services will be expressing an interest in this project to see if it would be beneficial to EFDC.

## **Gypsy and Traveller Sites (G&T)**

In respect of PI's relating to G&T cases where ever possible Mr Mark Beard of 6 Pump Court will be instructed. Mr Beard has acted for EFDC for over 10 years and has good knowledge of the District and its planning policies. In addition over the past 3 years Mr Beard has been particularly involved in assisting the Council in respect of G&T issues generally but in particular the G&T DPD and the Government Direction. Mr Beard also acts for a number of other local authorities in respect of G&T matters and is always up to date on the relevant Government advice and policies. Accordingly Mr Beard brings all this knowledge to any PI relating to G&T's and does not have to be briefed specifically on this issue.

## **Conclusion**

Counsel is therefore only used when considered necessary, with any appointment being made on the merits of the case and the level of expertise required and Legal Services will seek to get Best Value in terms of both the quality of the service and the cost.



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

**Date of meeting: 3<sup>rd</sup> June 2010**

**Subject: Update-Epping Forest Gypsy and Traveller Development Document (DPD)**

# SCRUTINY



**Officer contact for further information: Kassandra Polyzoides, Assistant Director Planning and Economic Development (01992 56 4119)**

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

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

That the updated information on the Epping Forest Gypsy and Traveller Development Document be noted.

**Report:** This Council wrote to CLG on 25<sup>th</sup> January 2010 requesting a meeting with the Minister then responsible for housing issues (John Healey) to discuss the progress being made in increasing pitch provision, and the need for the continuation of the Direction. A reply was received from the then Parliamentary Under Secretary of State (Sahid Malik) on 31<sup>st</sup> March. He turned down the request for a meeting and acknowledged the progress being made but advised that “there remains a pressing and urgent need for Gypsy and Traveller pitches in your district.”

He was not prepared to withdraw or amend the Direction and stressed that the Government wished to see the Council dedicating more of its resource to the timely production of the Core Strategy, whilst continuing to work to increase the number of authorised pitches for Gypsies and Travellers. He encouraged the continuation of the “pragmatic” approach taken by the Council (ie the granting of permanent permission, in suitable cases, for existing tolerated or other unauthorised sites, and for some of those with temporary permissions). He also stressed that this was not the Government’s preferred approach to the issue, as it should ideally be a plan-led system identifying appropriate sites.

He indicated that he would be prepared to “revisit the Direction” once the Council has made provision to meet the immediate needs of the travelling community, ie at least 34 net additional pitches by 2011.

There are a few current planning applications which continue the pragmatic approach, and officers have held discussions with an agent who has contacts with one of the sites where a number of long-standing unauthorised sites remain.

Currently the recent permissions (by appeal or Council decision), and the granting of Certificates of Lawful Development, mean that 17 additional pitches have been authorised in the district since 2006 – precisely half-way to the target set by the East of England Plan Single Issue Review. Officers calculate that even if all the outstanding cases of temporary, unauthorised or tolerated sites were to receive permission (and this seems unlikely), the final total would still fall short of the target by 3 or 4 pitches, but a strong case could still be made for the withdrawal of the Direction.

The change of national Government heralds a new approach to the issue, although no particular details have yet emerged. At this stage, it seems likely that regional housebuilding targets (and therefore presumably pitch numbers for the travelling community) will be dropped. Other indications are that the Council’s enforcement powers concerning encampments will be strengthened, but much more needs to be clarified before the Council

will know how to address the issue in the future.

There is obvious concern about the standing of the sites identified in the Issues and Options consultation, and Members may feel that it would be sensible for the Council to repeat its request for a meeting with the new Minister to discuss the best way forward with regard to the Direction, and the need to continue to work on the preparation of the separate DPD.

The Council has also served FOI requests on Brentwood Council and GO-East regarding the service of a similar Direction on Brentwood and its subsequent withdrawal.

**Reason for decision:** Progress with Gypsy and Traveller DPD

**Options considered and rejected:**

N/A

**Consultation undertaken:**

N/A

**Resource implications:**

Budget provision: N/A for the purposes of this report

Personnel: N/A for the purposes of this report

Land: N/A for the purposes of this report

Community Plan/BVPP reference: N/A

Relevant statutory powers: N/A

Background papers:

Letter to Communities and Local Government from Leader of Epping Forest District Council  
Diana Collins, dated 25<sup>th</sup> January

Response letter from Communities and Local Government to the Leader of Epping Forest  
District Council Diana Collins dated 31<sup>st</sup> March 2010

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

Key Decision reference: (if required)

Date: 25th January 2010

Our Ref: LC/DC/SH

Your Ref:

The Right Honourable John Healey MP  
Housing Minister  
Communities & Local Government  
1/A2 Eland House  
Bressenden Place  
London  
SW1E 5DU

(01992) 564091  
email: dcollins@eppingforestdc.gov.uk

Dear Minister,

### **Epping Forest Gypsy and Traveller Development Plan Document**

I refer to the Direction served by the Secretary of State in September 2007, requiring this Council to amend its Local Development Scheme (LDS) to specify that (a) it includes a Gypsy and Traveller Development Plan Document (DPD); and (b) work will commence on the DPD as soon as possible with submission of the draft for examination by 30 September 2009. The Council submitted the revised LDS to GO-East in November 2007.

As Leader of this Council, I am writing to you as a matter of urgency to request a meeting with you and relevant officials to discuss the Direction and provision of additional Gypsy and Traveller pitches in the District.

There are three major points which the Council considers should be addressed at such a meeting, as follows:

- To consider the very substantial increase in provision for Gypsy and Traveller pitches now made (see table in attachment for brief details). The progress could be described by reference to numbers, but is more importantly about the progress made for individual families. Indeed, live applications for provision are still being made and considered.
- To note that continuation with a requirement to complete a separate Gypsy and Traveller DPD is seriously threatening the process of achieving an up to date Local Development Framework (LDF); this includes reference to the limits on the resources which this Council can devote to Forward Planning.
- The other results of a Local Development Framework Review that the Council has undertaken.

These points will be expanded upon briefly in this letter and the attachments, but as you will readily appreciate, the evidence base for these underlying issues is very considerable.

In the circumstances, the Council does not consider that the overall interests of local spatial planning can properly be served by requiring the preparation of a separate Gypsy and Traveller DPD, and the Council now seeks the withdrawal or substantial amendment of the Direction.

The issues that I have outlined above mean that I, and other Members of the Council, are increasingly concerned that continuing with the preparation of the DPD will intensify the adverse impacts on other LDF work both in terms of costs and staff resources. That cannot be in the best interests of planning for the future of this area. The Government's Chief Planning Officer has recently reminded Councils about the need to make progress with their core strategies.

It would therefore be very helpful to meet you to discuss these issues, and to consider options for withdrawing, suspending or amending the Direction, or for subsuming the G & T pitch provision into the wider housing provision of the Core Strategy. I would expect to be supported by one other Councillor and two officers at such a meeting. If timings allow I may also be supported by Counsel who has undertaken the stock take.

I look forward to your early reply.

Yours sincerely

**Councillor Diana Collins**  
**Leader of Epping Forest District Council**

This letter is being copied to the three Members of Parliament whose constituencies include parts of the District, namely Mrs Eleanor Laing, Eric Pickles and Bill Rammell, together with the shadow Minister, Mrs Caroline Spelman.

In addition, this letter is also being forwarded for information to:

Leader of Harlow District Council – Andrew Johnson  
Leader of East Herts District Council – Anthony Jackson  
Local Government Association

## Attachments

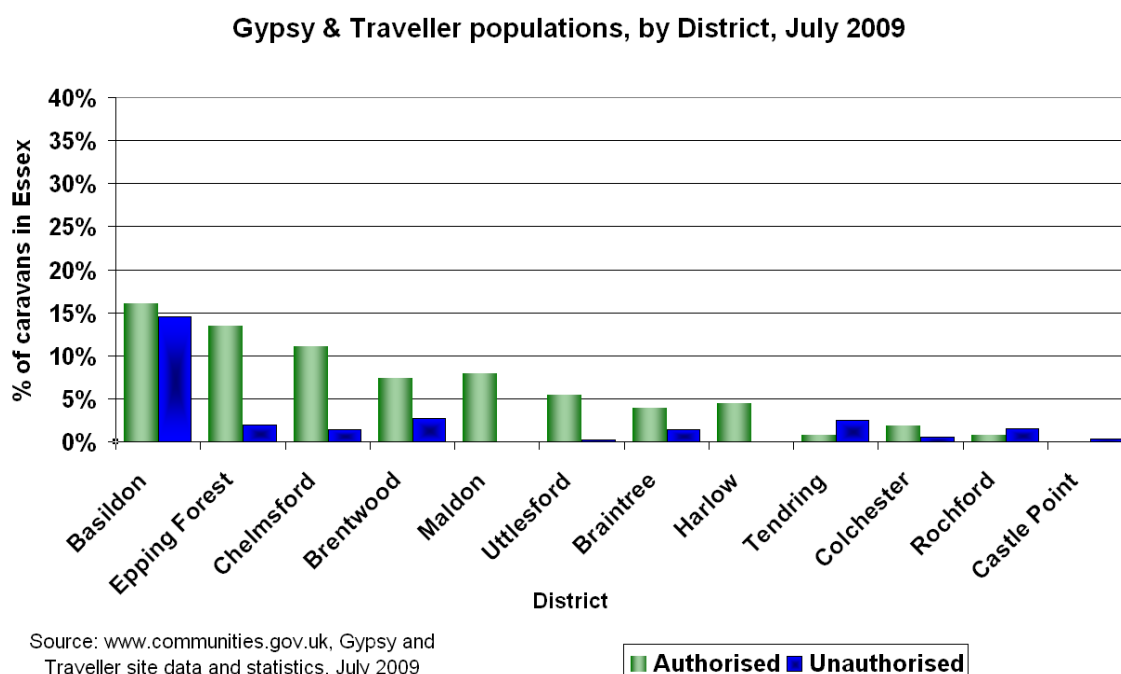
### Progress

1.0 The table gives information from 2006 compared to the position in late 2009:

	2006 Total	2009 Total	Comments
Public Authorised	16	16	Same
Private Authorised	95	114	Significantly increased
Tolerated	10	12	Increased
Temporary	0	27	Significantly increased
Unauthorised	32	9	Significantly reduced
<b>TOTAL</b>	<b>153</b>	<b>178</b>	

2.0 Progress can also be contrasted with the position elsewhere in Essex; see figure 1, which shows the population of Gypsies and Travellers in Essex on authorised and unauthorised sites.

Figure 1: Gypsy and Traveller populations, by District, July 2009



## **Threats to LDF**

3.0 Were the Council to continue work on a Gypsy and Traveller DPD, the experience to date is that the Council could not run a consultation exercise on the next draft of the DPD at the same time as any other consultation exercises and/or associated processes for any other parts of the LDF, including the mandatory Core Strategy and Statement of Community Involvement. To date the Council has allocated a very significant level of financial and human resources towards preparing the draft Gypsy and Traveller DPD. Such resources are finite and they can only be stretched so far without materially undermining the Council's other strategies and priorities.

4.0 The cost to the Council of the Gypsy and Traveller DPD so far (not including staff costs which, as you will readily accept, are considerable) is already in the region of £180,000. The Council has a budget of £1.3 million (agreed in December 2007) for the preparation of the entire LDF. Using over 10% of the total budget on a single, albeit important, issue is disproportionate.

5.0 Senior Staff and Councillors also had, and continue to have, a heavy involvement in these matters. Work on other Forward Planning issues virtually ceased for the duration of the consultation period, and the most experienced member of the team still deals with the topic almost full time to this day. This has obviously had a significant and adverse impact on other LDF work, and will continue to do so particularly if the Council has to undertake a second consultation exercise on amended options.

6.0 It is also not correct to assume that the detrimental impact of preparing a separate Gypsy and Traveller DPD is confined to the Council's LDF, or local spatial planning in the District. The Council's Core Strategy does not just have to deal with the requirements of the East of England Plan (RSS) as they relate to Epping Forest District; the Council is also required to undertake joint working with Harlow District Council and East Hertfordshire District Council to plan for the proposed growth of Harlow as a Key Centre for Development and Change. (See below)

7.0 The LDF process was intended to be quicker, cheaper and more flexible than the old Local Plan; using LDF resources to such a degree on a single DPD does not fit that bill.

## **The Local Development Framework Review.**

8.0 The Council has recently participated in a Planning Advisory Service (PAS) Diagnostic as part of an overall review of the progress the Council has made in the preparation of its LDF as required by the Planning and Compulsory Purchase Act 2004. The PAS report highlights the direct and adverse impact that the preparation of the Gypsy and Traveller DPD has had on progress with the preparation of the Council's Core Strategy, but is very complimentary about the work the Council has undertaken in respect of making provision for additional provision of Gypsy and Traveller pitches, particularly in its attempts to engage with the travelling community. In respect of these matters the PAS report states as follows:

*"The authority is and has taken a very robust approach to the delivery of the Gypsies and Travellers DPD with some particularly good work around engagement with the community and innovative approaches to engaging with the Travellers. However, given limited resources, the attention on this document has undermined progress on the Core Strategy".*

9.0 The PAS report raises more subtle, but very worrying, concerns about public perception of the planning process as a consequence of the Gypsy and Traveller DPD Options Consultation (referred to below) which, the Report states, is likely to impact on the preparation of other LDF documents. One can describe that as "starting off on the wrong foot" with the entire local community. The authors of the report also express concern about the costs that are being incurred by the Council in attempting to comply with the Secretary of State's Direction. The main findings of the Diagnostic are summarised as a further attachment to this letter, or a full copy of the diagnostic can be provided



once it has been considered by Councillors.

10.0 Between November 2008 and February 2009, the Council carried out an Options Consultation on its proposals for the Gypsy and Traveller DPD to which in excess of 10,500 responses were received. A significant number of those responses were very lengthy and raised complex issues. The Council's entire Forward Planning team was engaged almost full time with the Options Consultation, including arranging and manning exhibitions and dealing with a huge number of questions from members of the public, expressions of concern and, on occasion, distress, or requests for ever more detailed information. The Council has had to deal with responses from both the settled and, to a lesser extent, the travelling communities.

11.0 The timetable imposed by the Secretary of State's Direction meant that it was not possible for the Options Consultation to be linked with a consultation on the Sustainability Appraisal/ Strategic Environmental Assessment (SA/SEA) of the proposals within the Options Consultation. It was decided at a very early stage that, given the very controversial nature of the subject, the SA/SEA of the proposals within the Options Consultation should be carried out independently. The Council subsequently appointed the Spatial Planning Group within Essex County Council to carry out the SA/SEA. This exercise was not completed until July of this year. To comply with the requirements of domestic and European law, the Council must carry out a consultation exercise on the SA/SEA that has been completed to date.

12.0 The volume and complexity of the response to the Options Consultation on the Gypsy and Traveller DPD made it apparent that the Council would be quite unable to meet the deadline set by the Secretary of State's Direction (i.e. submission of the draft DPD to the Secretary of State by the end of September 2009.) Consequently Council officers have been in discussions with GO-East (including two meetings) since July 2009 in the hope of agreeing a revised timetable for the preparation of the DPD and how best to progress with the work necessary to prepare the DPD, having regard to the fact that the Council is also required to prepare a Core Strategy in co-ordination with Harlow and East Hertfordshire District Councils, as required by the Regional Spatial Strategy for the East of England ( i.e. the East of England Plan).

13.0 One of GO-East's suggestions for shortening the revised timetable was to link consultation on the SA/SEA of the proposals within the Options Consultation with the requirement of Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) to publish the draft submission DPD to allow representations to be made to the Secretary of State on the soundness of the draft DPD. The suggestion made by GO-East included a rider that the Council should seek its own legal opinion in respect of this proposal.

14.0 Very recently, the Council sought the advice of independent Planning Counsel on the suggestion made by GO-East and in relation to the preparation of the Gypsy and Traveller DPD, and the Council's LDF generally. A summary of the advice received is attached, and it is notable that Counsel (a) strongly advises against pursuing GO-East's suggestion for linking the two consultations; and (b) proposes a Ministerial meeting to discuss competing local spatial planning priorities.

15.0 In reviewing the evidence base gathered to date, it is clear that some of the criteria in Circular 1/2006 regarding location of sites raise particular difficulties in this district, to the extent that officers believe that the weight given to some of those criteria needs to be reconsidered. As a consequence of this, the Council believes that several of the sites proposed within the Options Consultation should now be discounted, as they are simply unacceptable to the settled community, and the Council doubts seriously whether they would hold any attraction for the travelling community. Please also find attached our analysis on these points. As a result of the responses to our Options Consultation exercise it is considered that there are weaknesses in the guidance in ODPM Circular 1/2006, which will affect seriously the deliverability of sites and therefore the achievement of additional pitch provision as required by the Single Issue Review of the East of England Plan (published in July 2009). Even more crucially, these matters will have wider repercussions beyond this district.

16.0 A touchstone of the LDF system is the emphasis given to the evidence base; having undertaken a significant Options Consultation, and received such a significant response, it is plainly

common sense to take notice of what it is telling us all.

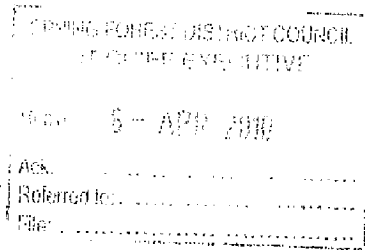
17.0 One of the more positive outcomes of the Options Consultation has been an increase in the number of applications from the travelling community for new pitches – this appears to be the way that a significant part of the travelling community has chosen to respond, rather than completing the Options Consultation questionnaire. This has meant that (i) a number of further planning permissions have been granted, and (ii) some Certificates of Lawful Development (CLDs) have been approved so that there has been a significant addition to the number of authorised pitches in the District.

18.0 Necessarily, these grants of planning permission and CLDs in part meet the additional pitch requirements in the Single Issue Review of the East of England Plan. Details of these decisions are summarised in the table at the start of this attachment. I am confident that you will be satisfied that very substantial progress is being made by this Council in terms of meeting the RSS additional pitch requirement targets, and I would be very surprised if any other Council in the Eastern Region can show such positive achievements.

John Preston DOPaED



Councillor Diana Collins  
Leader  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
Essex  
CM16 4BZ



**Shahid Malik MP**  
Parliamentary Under Secretary of State

**Department for Communities and Local  
Government**  
Eland House  
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Our Ref: JH/SM/002144/10  
Your Ref: LC/DC/SH

31 MAR 2010

*Dear Diana*

### **EPPING FOREST GYPSY AND TRAVELLER DEVELOPMENT PLAN DOCUMENT**

Thank you for your letter of 25 January to the Rt Hon John Healey MP, requesting a meeting to discuss Epping Forest's Gypsy and Traveller Development Plan Document. The letter provides a useful update on your progress in meeting the accommodation needs of the Gypsy and Traveller community and the resource implications the plan has had on your authority.

I am pleased to see that the Council has made headway in approving permanent sites to meet the accommodation needs of the Gypsy and Traveller community. This is positive but there remains a pressing and urgent need for Gypsy and Traveller pitches in your district.

I appreciate that the Direction has had consequences for the preparation of the Core Strategy. Whilst I am not prepared to withdraw or amend the Direction at the current time, it is worthwhile clarifying the Government's expectation of you as a local authority. First and foremost we want to see a responsible, proportionate approach being taken to plan-making. In practice this means dedicating more of your staff resource to the timely production of the Core Strategy whilst working with Gypsy and Traveller families and the wider community to enable the granting permanent permission for suitable Gypsy and Traveller sites.

Your evidence indicates that pitch provision since 2006 has been delivered via the granting of permanent planning permission to existing temporary, unauthorised or tolerated sites. Although this is not the preferred planned approach to delivering new sites, it is a pragmatic way forward for meeting immediate needs. I am given some comfort that 19 pitches have been granted permission since 2006 and understand that more permanent sites are in the pipeline.

I would be prepared to revisit the Direction once you have demonstrated that provision has been made to meet the immediate needs of the Gypsy and Traveller community in Epping Forest. This would mean meeting the East of England Plan requirement of at least 34 net additional permanent pitches by 2011.

In terms of longer term provision the most effective way in meeting the accommodation needs of the Gypsy and Traveller community is for local authorities to take a proactive, planned approach to provision rather than rely on ad-hoc planning decisions. To meet accommodation needs beyond 2011 the Government expects a planned approach to be taken. This means allocating specific sites to meet identified need in a Site Allocations DPD.

I note that there have been discussions between your officers and officers from the Government Office. I am happy for this dialogue to continue and as such do not think it necessary for a meeting at the current time. I have asked my officials to keep me informed of your progress.

Best wishes

A handwritten signature in cursive script, appearing to read 'Shahid'.

**SHAHID MALIK MP**



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

# SCRUTINY

**Date of meeting: 3 June 2010**

**Subject: Insurance Cover for the Cost of Adverse Planning Appeals**



Epping Forest District Council

**Officer contact for further information: Roger Sharp, Principal Accountant (01992 56 4603)**

**Committee Secretary: M Jenkins, Democratic Services Assistant (01992 564607)**

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

That the report regarding Insurance Cover for the Cost of Adverse Planning Appeals be noted.

### **Report:**

At the meeting held on 11 February 2010, arising from a report relating to Best Value Review Members requested that the possibility of an insurance policy to cover the Council for adverse costs arising from planning appeals, be investigated.

The Council's insurance Company, Zurich Municipal were asked if such a policy could be arranged.

Zurich have said that the risk is not an area where insurance cover can be specifically arranged. This is because the risk is identified and classified as a business risk and providing proper planning procedures are followed there would not normally be capacity for a successful appeal and the related costs awarded against the Council.

Zurich did however point out that an area of cover that the Council currently has which could be relevant would be Official's Indemnity, where if an error or omission in the planning process did result in a third party suffering a financial loss, a claim could be relevant where financial loss was suffered.

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## SCRUTINY



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

**Date of meeting: 3<sup>rd</sup> June 2010**

**Subject: PlanIt Epping Forest Planning Department  
Newsletter**

**Officer contact for further information: Robin Hellier**  
Ext 4546

**Committee Secretary: Mark Jenkins**

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**Recommendations/Decisions Required:** Update on the Planning Directorate's The PlanIt Newsletter

**Report:**

The primary aim of the two page monthly newsletter is to promote staff inclusiveness. In the Planning Directorate, teams have tended to isolate themselves within the focus of their own discipline. Therefore the aim of the publication is to link up and inform groups of other teams achievements, good news and success stories and updates on planning related items, such as new Government initiatives and Policy changes. Hyperlinks are used for certain subjects to allow more in depth examination of articles, should individuals choose to gain further insight on matters. Initial feedback from officers and Members have been positive, with comments for improvements also taken on board. The third issue of the newsletter is attached for reference.

Currently the newsletter is circulated internally only. There is an aspiration for a version of the newsletter to be circulated more widely to the general public as a means of updating and informing people about Planning and also in order to elevate the Planning Directorate's profile. For this to happen the existing content would need to be edited and additionally items added for public consumption. This would allow for valuable, appropriate information to be circulated that would bring the public up to speed on important Planning matters and promote the vital function that Planning plays within the EFDC Corporate structure.

**Reason for decision:**

No decision required.

**Options considered and rejected:**

To retain PlanIt purely for internal use.

**Consultation undertaken:**

Continually receiving feedback from Council officers and Members

**Resource implications:**

Budget provision: None applicable  
Personnel: 6 officers at approximately two hours each monthly.  
Land: None

Community Plan/BVPP reference: N/A  
Relevant statutory powers: N/A

Background papers: None

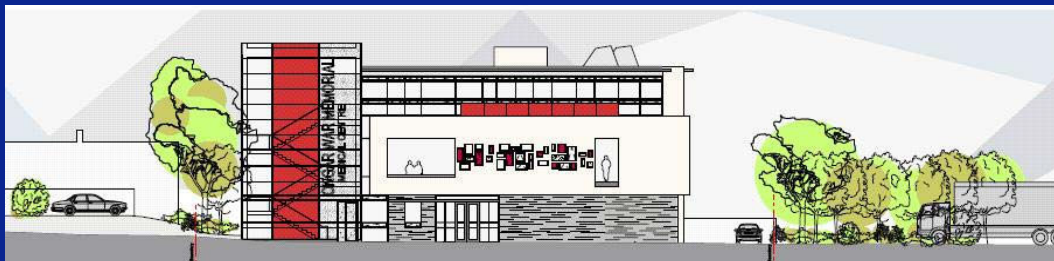
Environmental/Human Rights Act/Crime and Disorder Act Implications: None

Key Decision reference: (if required) None



**STOP PRESS** – Congratulations to 'The Grand Slammers' (including Robert F, Nigel R, Jerry G, Steve Andrews & Barry Land) on winning the Chairman's Charity Quiz (for the 11<sup>th</sup> time?).

Well done to our 'Flatliners' 5-a-side football team (including Robin H, Kevin W and Nigel R) who beat Stace (multiple title winners, and current league leaders)!



Indicative plan for Ongar War Memorial Development – see Development Control section

Welcome to the first edition. The editor invites you to give him feedback on content and even the title! Please contact via: [ThePlanit@eppingforestdc.gov.uk](mailto:ThePlanit@eppingforestdc.gov.uk)



**Coffee/cake fundraisers**  
The DCC team would like to know, how many do you think we should have per year? E.g. 2, 3, 4 or 5?? Please let us know via Robin or Sarah K.

## Admin team – our focus this month

**NEW FACES IN SCANNING** - **Dominique Pharoah** and **Selvina Poric** join us temporarily to help with the backscanning of the planning files. With over 90% of the files now scanned and online, they will be helping to scan the remainder of the 2008 and the 2007 files.

**MUSICALITY** - **Chris Redman** will be tickling the ivories again at Harlow Playhouse on 4<sup>th</sup> March, accompanying the classic Buster Keaton movie Steamboat Bill Jr (the one where the house falls down around him at the end) as part of The Playhouse's Film Festival. Tickets are now on sale. **Carol Ferrary** sings bass in a 65-member Wanstead Rock Choir. Decca has recently cut the Choir's record, and there are plans to perform at the Royal Albert Hall.

**ACHIEVEMENTS** - Congratulations to **Elaine Grimwood** on successfully attaining her Photography A Level at Epping Forest College, after 2 years hard work on the course. In celebrating the 40<sup>th</sup> anniversary of the Riding for the Disabled Association, **Kathy Howell** received a Long Service Award from HRH Princess Anne, for her sterling work as a helper at Chigwell Riding Trust. **Melinda Barham** and **Victoria James** also help at the Riding School.

## Building Control

**Robin Saunders** reports that the BC team have secured the Building Control aspect of a multi-million pound project for the Bank of England. Works are due to commence in early March. Strict security prevent further disclosures!

Congratulations to **Barry Hill** on his recent 60<sup>th</sup> birthday. Following the presentation of his birthday gift, a sparkling zimmerframe, Barry (60) was visibly moved!

**John Kershaw** recently enjoyed a Texan road trip holiday. On being quizzed about his trip, he responded by saying, "I am sorry that 56lb steaks remain unavailable in this country".

## Development Control

**Contentious War Memorial Redevelopment**  
Officers are considering an application for redevelopment of the War Memorial Hospital in Ongar (see above). The proposed new Health Centre will retain war memorial status and continue to hold remembrance ceremonies. Is the design contemporary, striking, ugly, or inappropriate?

**Mothercare and Pet Superstore at Waltham Abbey**  
Planning permission has recently been granted for Mothercare and Pets at Home to open at Highbridge Retail Park, Waltham Abbey.

**Planners say "No" to golf course**  
A recent County Matters application for additional 18 and 9 hole golf courses at Blakes Golf Course, North Weald was objected to at District Development Control Committee on 10 grounds. The application is now with Essex County Council.

**LIDL grand opening**  
Also new to Waltham Abbey is a Lidl discount store, which was granted planning consent in 2009, and opened on the 25<sup>th</sup> February.

## Interviews getting to know...

### Peter Millward – Business Manager since Nov 09

Peter previously worked at Nottingham City Council from 2000 – 2009, as Senior Administrative Officer in Children's social care. He moved to the area partly because he wanted to work in a small friendly authority.

Peter sees his role at EFDC as supporting the Directorate in providing high quality technical and administrative service to all our customers and residents in the District.

### Pam Barnes – Planning Receptionist

Pam has been a cover Receptionist since her retirement from the Benefit section in 1997. She has also been a poll clerk and issued bus passes! Pam enjoys taking her 4 grandchildren to see her sister in Spain. She also enjoys walking, the theatre, and did start belly dancing, but put her back out!

## Enforcement

**Sharon Hart** has recently secured the removal of an unauthorised conservatory in the Green Belt at Red Cottage, New Farm Drive. On the same road, **Don Andrew** pursued enforcement action against unauthorised caravans, containers and a fence at New Farm Cottage – the applicant's appeal was lost, and as they did not comply with the notice, the matter will go to court on the 12<sup>th</sup> of March. **Clare Munday** has been dealing with unauthorised works to the listed property 85 High Street, Ongar. An enforcement notice was served, and the landowner prosecuted, and ordered to pay £5000 plus costs. **Dave Thompson** handled a case of the unauthorised grubbing out of a hedgerow at land adjacent to 62 Hoe Lane, leading to a prosecution at Harlow Court. The perpetrator subsequently appealed, and the case is going to Chelmsford Crown Court.

## Forward Planning

Work on the Development Plan Document for new pitches for Gypsies and Travellers is on hold at present, while we wait for a meeting with the Government Minister. We are working with officers in East Herts and Harlow, to co-ordinate plans for housing growth around Harlow, which will be expressed in our Local Development Framework Core Strategy.

FP have enjoyed having **Paula Onyia** in their team on secondment, and will miss her on her return to Development Control as a newly appointed Senior Planning Officer. **Kevin Wright, Alex Sleet, Vicki Willis** and **Sarah King** are all studying part-time for planning-related Masters'. They are studying Urban Design, Conservation of Buildings and Town Planning (x2) respectively.

## Environmental Issues

A successful event was held in the High Street on February 16<sup>th</sup> with the Energy Saving Trust. It was a chance for local businesses, EFDC staff and Chairman Mrs Penny Smith to learn Smarter Driving. Driving in a 'smarter' style reduces fuel consumption by up to 15%, releasing less CO<sub>2</sub> and also saving money! Work on a Key Line of Enquiry (KLoE) report for the Audit Commission is ongoing. **Sarah Creitzman** is collecting evidence on the Council's use of natural resources including electricity, gas, water and other materials. The KLoE will also assess how we are engaging our staff in environmental issues.

## Trees & Landscape, and Countrycare

Tree O'Clock (see photo) was part of BBC Breathing Places five year campaign to encourage all of us to get outside and make space for nature. In December members of Trees and Landscape and Countrycare took part in a world record breaking national tree planting event. Over 20,000 trees were planted!!!

All Essex County Council TPOs are to be revoked by the end of March 2010. In order to ensure that important trees remain protected, new TPOs need to be made. The extra push to complete this major task has led us to take on **Tom McCarthy, Anneka Johnson-Marshall**, and a tree surveyor, **Judith Moore** to bolster the team.

Countrycare won grants to restore ponds in Nazeing and pollard trees at Chigwell Row Wood. The team has put 30 Local Wildlife Sites into positive conservation management, and has planted almost 1km of hedge with local school groups.



The Countrycare team welcomed new assistant **Nicola Rogers**. Her interest in wildlife started with volunteering work at St. Tiggywinkles Wildlife Hospital! Nicola experience gained while training with the Oxfordshire Wildlife Trust (BBOWT) at university.

## Conservation

There has been application to English Heritage to delist Thrift Cottage (Grade II) property which is currently being assessed by English Heritage. The refurbishment of Gaynes Park Mansion has now commenced. Hopefully, this should result in the property being removed from the next edition of the English Heritage At Risk Register.

**Lizzy Haines**, aided by **Elaine Duddy** (now working in the city), have recently produced detailed Conservation Area Appraisals and Management Plans for Bell Common, and Epping. A character appraisal assesses topics such as public space, local history, key views, and sites with development potential. Please see 'Heritage Conservation' on our website.



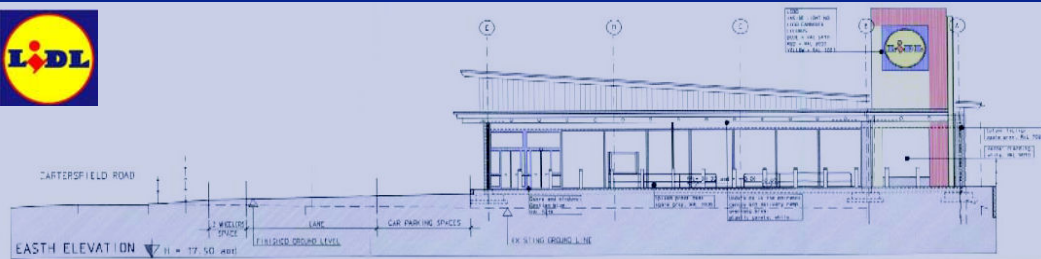
**Stay Classy, Epping Forest...A judge, a bishop and a planning consultant were talking. They wondered, who was the greatest? The judge said, "when I walk into the courtroom, the bailiff says 'All rise!' and all the people stand to pay me honour." The bishop said, "when people come to me they kneel, and call me 'Your Eminence.'" The consultant snorted and said, "When I walk into any room, people throw their hands up say "oh, my God!"**

# The Planit Issue 2 – April 2010



**STOP PRESS – London to Paris Pedometer Challenge - 3 teams from Planning were part of the virtual challenge, aiming to walk 10,000 steps a day for 40 days. A team from Environment & Street Scene won. Chairman's Austerity Lunch – the Chairman held a soup lunch on 31st March, in aid of both The Alzheimer's Society and Christian Aid, which was very successful.**

Welcome to the second edition. The Editor invites you to give him feedback on content. Please email Robin H or Sarah K with comments.



Indicative plan of Lidl's new premises at 1 Cartersfield Road, Waltham Abbey

Visitors to the Reprographics (Print) section may have noticed an unusual fellow customer recently, a newt who probably wandered in from the newt-friendly pond habitat installed by Countrycare in the car park!



## Enforcement – our focus this month

The Enforcement team are currently investigating several issues regarding the new Lidl store in Waltham Abbey, whose grand opening was reported in last month's Planit. There appear to have been numerous breaches of planning conditions attached to Lidl's planning permission, involving items sold in the store, an agreement to provide additional trees in the surrounding area, highway issues, and the implementation of CCTV. **Don Andrew** is the officer primarily dealing with the case. Watch this space for further updates.

The Hoe Lane Hedgerow prosecution saga continues. The case has been heard over three days at Chelmsford Crown Court, during which prosecution witnesses **Paul Hewitt**, **David Thompson** and **Chris Neilan** gave evidence. The defence claimed that there was no case to answer. A star prosecution witness, **Dr Rob Walton**, gave strong evidence for the prosecution, and the judge deemed that there was a case to answer. Two further days have now been set for the defence to put its case before a judgement is made.

## Interviews - getting to know...

**Kassandra Polyzoides – Assistant Director (Policy & Conservation) since September 2009**

Kassandra has worked for several London Boroughs, and felt that Epping Forest would present a different, less inner-city, challenge. She sees her role as ensuring the delivery of a successful Local Development Framework and promoting the excellent work of the Countrycare, Trees and Conservation teams. She has dual citizenship, as she was born in Washington DC, and lived in Crete, where she had the chance to play basketball professionally.

## Admin

**Dominique Pharoah**, who was working temporarily in the Admin team, has recently left to continue her worldwide travelling.

Admin have welcomed a new temporary member of staff, **Ben Ixer**, who will also be working on the backscanning project, which is almost complete, up to 2008. The next part of the project involves 'spot checking' of the files, scanned externally, for quality control purposes.

The Admin team will soon be bolstered by another temporary member of staff - **Stephanie Archer**, employed through the Future Jobs Fund.

## Environmental Issues

**Vicky James** won the recent eco-driving event, by achieving the lowest fuel consumption figure of the staff who took part, beating the Leader of the Council **Penny Smith!** Those involved learnt how to drive in a more eco-friendly manner. You can read more about the event at:

[http://www.eppingforestdc.gov.uk/news/2010/chairman\\_learns\\_ecodrive.asp](http://www.eppingforestdc.gov.uk/news/2010/chairman_learns_ecodrive.asp)

The World Wildlife Federation celebrated 'Earth Hour' on Saturday 27th March at 8:30pm, by encouraging people to switch off their lights for one hour. Thank you to all who participated. The worldwide event helps to save energy all over the world and to raise awareness of climate change. Below are images of Big Ben and the Houses of Parliament, two of many landmarks which were plunged into darkness for Earth Hour.



**Jerry Godden – Principal Planning Officer (Enforcement)**

Jerry has worked in the Directorate since 1999, in several different roles. His aim as the new leader of the Enforcement team, is to provide a responsive and high quality service to the public and colleagues. He is heavily involved in the Air Training Corps in his spare time.



## Economic Development

**Vicki Willis** and **John Preston** recently attended a Council visit, led by the Chairman, to the Sainsbury's Distribution Centre and recycling unit. This Waltham Abbey facility is a key business in the District and responsible for a significant 10% of Sainsbury's distribution network. Economic Development joined forces with the Rates section and external partners to host a well-attended business breakfast briefing on 23 March. Businesses heard about the importance of business continuity planning, as well as contributions from the Valuation Office and Business Link. **Cathy MacBride** has hit the ground running as temporary Town Centres Officer. She has been getting to know the 6 town centres and Town Centre Partnerships and is already thinking ahead to Christmas and the festive lights and celebrations in our centres!

## Building Control

The Health and Safety Executive (HSE) reports that the number of deaths and serious injuries on construction sites, although dropping, is still too high, with 180 serious injuries or deaths last year alone.

EFDC's Building Control section was keen to offer support to the HSE in a local area crack down of unsafe construction site workplaces. Information from the database of current projects and some local knowledge, enabled them to provide the HSE with a list of small to medium size construction sites within the district to proactively monitor.

## Conservation

Good news on the conservation front. The War Memorial on the Town Greens, Palmers Hill, Epping, now enjoys Grade II listed status. The photograph to the right was taken by **Lewis McGann**. As well as affording the memorial the protection listed status confers, the Town Council will now be able to apply for grants that are only available for listed structures.

English Heritage are currently assessing Llanfoist, 5 Kendal Avenue, Epping for potential listed status. This building, which is on our Local List, was built in 1907 and is little changed from the original design. The original plans of Llanfoist still survive. They are in the possession of the current owners.



## Development Control

Club 195, which had its licence revoked last October following violent scenes has new management, and has been granted a new licence by the Council's licensing section. It is currently permitted to remain open until 2:30am, but the management have appealed to remain open until the original time of 4:00am – watch this space! Colleagues were pleased to welcome back **Paula Onyia**, as a newly appointed Senior Planner, after her secondment to Forward Planning. **Anne Woods'** family has been celebrating the arrival of her twin grandsons Austen and Lewis, weighing in at 6 pounds 6 ounces.

## Trees & Landscape, and Countrycare

Countrycare have welcomed two new members of staff, **Paul Ceconi** and **Mark Godsafe**, financed by the Future Jobs Fund.

To celebrate the beauty of our spring flowers, Countrycare are arranging a 'Bluebell walk' around the Bluebell woods of the old Lambourne Estate, including Apes Grove, Mutton Corner and Great Wood. Although Epping Forest District has many woodlands abundant with Bluebells, globally it is a rare and increasingly threatened species. The Bluebell walk will take place on 8<sup>th</sup> May at 3:30pm led by **Paul Hewitt**, and **Duncan Fisher** the Multifor Project officer at ECC. You can read more about the Multifor (Management of Multifunctional Forests) Project, at: [http://www.eppingforestdc.gov.uk/Council\\_Services/planning/countrycare/Multifor\\_project.asp](http://www.eppingforestdc.gov.uk/Council_Services/planning/countrycare/Multifor_project.asp).

He will then lead a 'bat walk' at 8pm. Both walks start at Lambourne Church. Speak to Countrycare, or read more at : <http://www.plantlife.org.uk/uk/assets/saving-species/saving-species-publications/blubells-for-britain-report.pdf>.



**And finally...**The Local Government Association recently published a list of 250 'government speak' words and phrases which we in the public sector shouldn't use. These included such gems as, 'citizen touchpoints', 'deep dive', 'gold plating', 'wash-up session', 'thought shower' and 'wicked issues'!

**Jargon busters...**DDF, or District Development Fund, is a fund for one-off projects which can be either capital or revenue.

# The Planit Issue 3 – May 2010



**STOP PRESS – Bravo to Melinda Barham and Robin Hellier and the entire Trees team, on their successful prosecutions of Tree Preservation Order offences, totalling fines of £25,000 plus costs!**

**Congratulations to Steve and Kirsten Bacon on the birth of their baby daughter Isabelle.**

**Well done to Jerry Godden, who is now a Member of the Royal Town Institute (RTPI).**

Welcome to the third edition. The Editor thanks you all for your kind comments. Please email Robin H or Sarah K with any suggestions.



The flyer above is for a free event in Islington on the 15<sup>th</sup> May. Why not go along? It may be recycling but it certainly won't be rubbish!

## Environmental Issues – our focus this month

Sarah Creitzman is hoping to arrange a visit to a recycling centre soon, to learn more about the processing of various streams of different material. Sarah King was interested to learn, in a recent lecture at Anglia Ruskin University, where the different streams of recycling collected in the District actually go for processing.

Did you know, the Council's glass is processed in Yorkshire, its textiles in London, the aluminium cans in Warrington and its paper travels to King's Lynn? Some travels even further afield, as European countries have more expertise in recycling some materials than we do here in the UK. Tetrapaks are currently sent to Sweden for processing and our plastic travels to Holland.

You can learn more about recycling and how to recycle more difficult items such as computers, on the following website: <http://www.recycling-guide.org.uk/facts.html>



Melinda Batham took this local wildlife photo!

## Interviews - getting to know...

**Sarah Creitzman – Environmental Coordinator since 2009**

Sarah has worked at EFDC since 2007. She previously worked at Redbridge and Waltham Forest councils, leading a team of recycling promoters. When asked what attracted her to this District, she replied "the trees!".

Sarah said "Due to global warming, there are lots of big changes being made in the environment sector at the moment and the main part of my job is to ensure that EFDC is keeping up with all the new legislation, and also to report on national indicators. Aside from that, my role is really to try and co-ordinate people from across the Council, so that we're all working together to deal with climate change issues".

You can read more about climate change and read the Council's climate Change Strategy online here:

[http://www.eppingforestdc.gov.uk/council\\_services/environmental\\_health/green\\_issues/climate\\_change.as](http://www.eppingforestdc.gov.uk/council_services/environmental_health/green_issues/climate_change.as)



## Conservation Admin

The big news this month is that at the meeting on 19<sup>th</sup> April Cabinet agreed to the secondment of a technical officer to the Conservation Section for one year.

Further news on this front, is that the Trees Team have very kindly allowed Lizzy Haines to borrow Vicky James for two and half days a week as an interim measure to help carry forward work on character appraisals and management plans

The following is an extract from a recent article which Peter Millward submitted to the National eWell-being Awards 2010 on behalf of the Planning Directorate.

"Planning and Economic Development is possibly one of the most 'paper dependent' departments in the district council, with over half a million maps, plans and documents electronically scanned. However, the road towards total electronic documentation of records has been littered with a number of navigational difficulties. Whilst there is a backlog of files to be scanned onto our system, we are adopting a policy of back-scanning the small amount of manual planning files that remain, as well as taking steps to ensure that information not currently available on our website is quickly provided. As a result steady progress has been made towards providing an easily accessible electronic planning record system. This has improved our ability to deliver effective carbon-friendly Planning Services, providing both significant, environmental and social benefits by making information easily available"

The 2010 National eWell-Being Awards specifically supports and promotes initiatives that demonstrates how ICT can help improve people's lives and reduce our impact on the environment. You can read more at: <http://www.sustainitawards.co.uk/about.html>

## Trees & Landscape, and Countrycare

Between January and 31<sup>st</sup> March 2010 the Trees team have been busy working on finishing the remaking of TPOs on trees which have until now been protected by Essex County Council. The project has been ongoing for the last couple of years but as Essex County Council had decided to revoke all their Orders by the end of March quite a considerable push has been needed to meet their deadline.

To give you some statistics – in the first three months of the year 78 new Orders have been made (we usually make about 15 a year). This has protected 510 individual trees, a further 780 trees in 75 groups and 93 woodlands.

## Building Control

As of 6<sup>th</sup> April 2010 Building Control have implemented the new Part G section of the Building Regulations which covers water efficiency, hot water supply and systems, sanitation and solar water heating, amongst others.

This new environmentally friendly Part G will contribute to water conservation, energy efficiency and sustainability.

## Forward Planning

The Forward Planning Team will be starting public consultation on a draft Sustainability Appraisal Scoping Report, for the future Core Strategy, in May.

All new planning policy documents need to be subject to "Sustainability Appraisal" (SA) i.e. an assessment of the likely economic, environmental and social effects of the new policies. The Scoping Report is designed to assess the 'scope' and level of detail which the SA should go into.

## Contaminated land

**Jane Gravelle** is Planning's Contaminated Land expert. Jane advises Officers in Development Control and Building Control on contamination issues and reviews land contamination reports submitted by developers to ensure that they comply with current standards. She also advises our Estates department on contamination issues on Council owned land. She has recently carried out a Phase 1 investigation on the old Hallsford Bridge Tip landfill site near Ongar, where she is currently working on remediation proposals for Countrycare, who are hoping to open up the land as a public access nature reserve.

## Development Control

We are pleased to announce that **Lindsay Trevillian** has been offered, and has accepted, the permanent Planning Officer post, starting Monday the 3<sup>rd</sup> of May.

Planning permission has been granted for the War Memorial Hospital in Ongar (previously discussed in Issue 1). Skillet Hill Lorry Park (see right) at the Waltham Abbey junction of the M25 was granted a license to serve alcohol at Magistrates Court, which also resulted in costs being awarded against the Council.

**Katie Smith, Dominic Duffin, Lindsay Trevillian** and **Jenny Cordell** have started a 10 week course on 'The History of Architecture' on Tuesday nights at City University.



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## Economic Development

**Cathy MacBride** has set up a page on Facebook for Epping Town Centre, as a marketing tool to attract potential customers to the area. If you are on Facebook, please be Epping Town Centre's friend! Cathy has also been liaising with the IT department regarding the staff 'Green Room' section on the Intranet. She would like to develop this as an area in which staff can write reviews about any of the businesses in the district's town centres – Ongar, Waltham Abbey, Loughton, Buckhurst Hill, Loughton Broadway (aka Debden), and Epping. If you can think of any businesses you'd like to review, please use the template attached to the email distribution of this edition of the Planit and return it to Cathy.

## Enforcement

On a recent site visit for unauthorised work to a TPO tree, **Sharon Hart** was faced with the unusual situation of not being allowed to leave the site.

The situation arose after the officer tried to place a man at the owner of the property under caution for the work that had been carried out. This proved impossible as he kept on making phone calls. Sharon then said that she would leave and send a letter inviting him in for an interview under caution. The man then said she should wait for his relative, which Sharon declined and then got into her car. The man then placed himself in front of the car to stop her from driving off. Sharon asked him to get out of the way but he repeated that he wanted her to speak to his relative. Sharon, although tempted to drive over him (not really!), put the car in reverse but still the man ran after her. As her reverse driving was not up to the standard of The Sweeney she stopped the car and the man remained in front of the bonnet.

There was no alternative but to call the police. They arrived quickly and Sharon was able to leave the site. All in a days work for Enforcement!

**Local talent...**We're starting this new section looking at celebrating talent in our staff and their families. Do you have any talented kids or partners who you'd like to tell us about? What hidden talents do we have here in Planning?

**Did you know?...**Many people in the Directorate have recently received a letter of congratulation on their full attendance for last year – let's hope this exclusive club grows over the next year!