

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL
HELD ON MONDAY, 10 JANUARY 2011
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.50 PM**

- Members Present:** J Philip (Chairman), H Ulkun (Vice-Chairman), C Finn, Mrs A Grigg (Chairman of Council), Mrs S Jones, Mrs M McEwen, J Markham, W Pryor, A Watts and J M Whitehouse
- Other members present:** K Angold-Stephens, Mrs D Collins, Ms S Stavrou and C Whitbread
- Apologies for Absence:** Mrs P Brooks
- Officers Present** J Preston (Director of Planning and Economic Development), N Richardson (Assistant Director (Development Control)), K Polyzoides (Assistant Director (Policy & Conservation)), I White (Forward Planning Manager), P Millward (Business Manager), R Sharp (Principal Accountant) and M Jenkins (Democratic Services Assistant)

48. SUBSTITUTE MEMBERS

There were no substitute members present.

49. DECLARATIONS OF INTEREST

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

50. NOTES FROM THE LAST MEETING

RESOLVED:

That the notes of the Panel meeting held on 11 October 2010 be agreed, subject to clarifying Item 34 Any Other Business, which should read as follows:

"Councillor A Watts requested that the procedure whereby planning applications were referred to Area Plans Sub-Committees even though a Parish Council had not objected should be reviewed at a future meeting of this Panel."

51. TERMS OF REFERENCE

The Panel's Terms of Reference were noted.

52. WORK PROGRAMME

The Panel noted the Work Programme. However there was concern that more details were needed describing the individual items and the progress made on them.

53. HARLOW COUNCIL CORE STRATEGY ISSUES AND OPTIONS CONSULTATION DOCUMENT

The Panel received a report regarding the Harlow Council – Core Strategy Issues and Options Consultation Document from Mr I White, Forward Planning Manager.

The consultation which ran from 29 November 2010 to 28 January 2011 was the first formal stage of Harlow’s preparation of its Core Strategy.

The exercise was proceeding at a time of significant disruption, and changes, to the planning system. These included:

- (a) The Government’s intention to abolish regional spatial strategies (RSSs);
- (b) The introduction of the New Homes Bonus to stimulate housing delivery; and
- (c) A new tier of neighbourhood plans.

There were 31 questions based around the following issues:

The Questions

Question 1 Do you think the Council has identified all the relevant issues that need to be addressed by the Core Strategy?; and

Question 2 If you disagree, what additional issues need to be considered by the Core Strategy?

Response Officers believed that the response to Question 1 should be “No.” The sub-regional Green Belt location of the town, its wider landscape setting and the lack of growth options other than the RSS figures should be included as a response. In regard to Question 2 officers felt that while issues like climate change were mentioned in the consultation document, they were dealt with in a slightly offhand manner and should be more prominent in the adopted Core Strategy. There was no recognition of the wider context of the Metropolitan Green Belt, or the purposes of including land within it.

Question 3 Would the provision of 16,000 new homes in and around Harlow meet the current needs of the local community and help secure the regeneration of Harlow?; and

Question 4 If you disagree/strongly disagree, what do you think the scale of growth should be, ensuring that the Core Strategy addresses the particular issues facing Harlow?

Response In answer to Question 3, the Council supported the regeneration of Harlow and understood that the figure derived from the RSS which itself had an evidence base justifying the total. Nevertheless, the Government had made clear its intention to abolish the RSS and all associated targets. Officers believed that it was not now possible to answer this question, given that some at least of the 16,000 houses would be built in the district. There had been no formal Council engagement with the local community to assess opinion. With respect to Question 4, officers did not believe that an open question of this nature could be realistically answered without an evidence base.

Question 5 Do the visions and priorities set out in the Community Strategy, the Council’s Regeneration Strategy and the Council’s Corporate Plan provide the basis to develop the vision for Harlow’s Core Strategy?; and

Question 6 If you agree/strongly disagree, what do you think the vision for the Core Strategy should be based on?

Response Officers considered that the visions and priorities, with the possible exception of “a university town” were fairly generic and uncontroversial. As with Question 1, it was strange that the Core Strategy did not take account of the equivalent documents of the adjoining authorities which would be expected to take some of the growth, this gave the answer to Question 6.

Question 7 Do you think the Core Strategy Themes cover the range of planning issues in Harlow?; and

Question 8 If you disagree/strongly disagree what changes would you make to the themes to ensure they address the range of planning issues in Harlow?

Response The answers to these questions were broadly similar to those for Questions 1 and 2. The themes were essentially inward looking, and did not fully take account of the wider environmental and amenity implications of Harlow’s expansion.

The themes should include:

- Appreciation of the regional purpose of the Green Belt
- The original design of the town recognising the need to contain southern growth within the landscape bowl
- More prominent and positive support for sustainable construction, carbon reduction and renewable energy.

Question 9 Do the Strategic Objectives provide the necessary framework to deliver the regeneration of Harlow?; and

Question 10 If you disagree/strongly disagree, what changes would you make to the Strategic Objectives?

Response There were 26 strategic objectives listed in the consultation document. The key issues in Question 9 were the use of the word “strategic” and the emphasis on delivery. “Strategic” implied coverage broader than the town itself, which would be appropriate given that some of the proposed growth would have to locate in adjoining districts. It was felt that the wording of the objectives, was centred around Harlow with phrases like “local needs” which needed clearer definitions.

It was disappointing to note that no mention was made of climate change, carbon reduction, sustainable construction and energy efficiency. Delivery was key to the themes of the Core Strategy. This would require co-ordination with, and input from, other agencies and authorities. The Panel therefore felt that co-operative working should be a theme of the Core Strategy, rather just the 25th of 26 objectives.

Question 11 Do you think the policy area identified cover the range of issues that are relevant to the regeneration of Harlow?; and

Question 12 If you disagree/strongly disagree, what changes would you make to the policy areas?

Response Comments on these covered the same issues, for example, the one area dealing with Green Belt merely stated "Definition of extent of Green Belt." This did not imply a broader understanding of the Green Belt or its importance to the adjoining authorities. The only references to landscape referred mainly to the setting of the River Stort, so the importance to this Council of development not breaching the southern ridge defining the Sort Valley was again unrecognised. Officers felt that sustainable development should be more prominent and that, in particular, "sustainable location" should be defined.

Question 13 Do you agree that new development should be directed to areas that will maximise regeneration of the town?

Response It was not particularly easy to answer definitely because the areas were not specified. The likely employment locations identified included The Pinnacles site which was close to Roydon. Any further expansion or intensification of this site was likely to raise concerns about coalescence of settlements, landscape impact and traffic generation.

Question 14 Please rank, in order of priority (1high, 5 low) where you think higher densities of development should go within the District:

- (i) Around public transport hubs
- (ii) Appropriate locations within neighbourhood areas
- (iii) Hatches
- (iv) Neighbourhood centres
- (v) Within the town centre

Response Officers proposed not to offer a response to this question, as this dealt essentially with development within Harlow itself which was unlikely to raise issues of concern to this Council.

Question 15 Should the Council consider underused open spaces and other undeveloped land for development before considering releasing land in the Green Belt?

Response The answer would ultimately depend on whether the spaces have other, currently unacknowledged, value, for example for wildlife or informal recreation.

Question 16 The Green Wedges have performed a variety of roles in shaping Harlow. Should the roles of Green Wedges be reviewed to meet future development needs in the Harlow area?

Response The importance of the Green wedges to the design and layout of the town was acknowledged, but officers strongly supported the suggestion of review, given that the growth aspirations affected Green Belt land in this district and East Herts.

Question 17 Please rank, in order of priority (1 high, 8 low) the most important things that you think should direct new development in and around Harlow:

Response Officers suggested the following hierarchy:

- (1) Maximise use of previously developed land
- (2) Protect Green Belt
- (3) Protect landscapes
- (4) Good access to public transport
- (5) Meeting regeneration goals
- (6) Existing infrastructure capacity
- (7) Protect Green Wedges
- (8) Underused green spaces (Harlow had proposed this as developing these spaces, but the suggested low priority was meant as protecting the space)

Question 18 Do the existing employment areas meet current and future employment needs?;

Question 19 If you disagree/strongly disagree, please explain what changes you think should be made to Harlow’s employment areas; and

Question 20 How do you think Harlow Council should shape future shopping development within the town?

Response If it remained Harlow’s intention to grow by another 16,000 houses, it seemed very unlikely that the existing employment areas could accommodate future needs. There was already a lot of commuting both in and out of Harlow, but the consultation document was ambiguous about whether current needs were being met. There would be consideration for further employment land provision being made within the urban extension, which would include land within this district. Officers believed that this Council should be concerned about extensions to The Pinnacles, and for any such proposals along the southern edge of the town. The employment needs of the wider area, including this district, should be included in any assessment. As regards Question 20, the strategy proposed in the consultation document seemed appropriate.

Questions 21 to 25 sought comments on the 5 spatial distribution options investigated by consultants.

Question 21 What is your view on the Consultant’s recommendations regarding Option A?

Response Option A was described as “RSS: Northern – led” and focused almost entirely on Harlow’s expansion into East Herts. This should be the Council’s favoured option because the greatest part of the growth would be close to the town centre and railway station and the two main employment sites, which should benefit Harlow’s regeneration aims, and with obvious implications for reducing the need for car travel and the promotion of sustainable transport and development. There would be minimal intrusion on the Green Belt in this district, and no threat to the southern ridge line. The main drawbacks were the objections of East Herts and Herts County Councils, and the need for significant infrastructure provision.

Question 22 What is your view on the Consultant’s recommendations regarding Option B?

Response Option B was titled “Policy-led 2,” which showed that it was intended to reflect the broad directional and distributional intentions of RSS policy HA1, but with a greater emphasis on regeneration. The guideline figures, were 3,600 houses

to the north, 3,300 east, 1,300 south and 2,800 west. The consultants stated that this would not breach the southern ridge line and that this would be a “reasonable” option if some of the west housing could be re-allocated to the east and south. Officers agreed that it would be difficult to accommodate this level of growth to the west without significant adverse effect on the character of the area, but also felt that the southern ridge line would be threatened.

Question 23 What is your view on the Consultant’s recommendations regarding Option C?

Response Option C was based on criteria developed by the consultants, and did not follow the general location guidelines of the RSS. This proposed 6,380 houses in the east, 3,520 south and 1,100 west. Officers felt this option was wholly unacceptable, the ridge line would be completely breached, with pressure for a southern bypass to Harlow.

Question 24 What is your view on the Consultant’s recommendations regarding Option D?

Response Option D proposed 5,720 houses to the north, 2,310 east, 2,420 south and 550 west. This again was unacceptable because of the impact to the south, but if a substantial part of the southern allocation could be re-allocated to the east, this could be a reasonable option from this Council’s perspective. The northern distribution, and the adjusted eastern total were likely to require road infrastructure.

Question 25 What is your view on the Consultant’s recommendations regarding Option E?

Response Option E was sustainable transport – led, which resulted in 2,530 houses to the north, 5,390 east, none to the south and 3,080 west. This may require some development in the Sheering/Matching area of the district, but of much greater concern was the possible coalescence of Harlow west with Roydon, identified by the consultants and wholly unacceptable to this council.

Question 26 What is your view on the Consultant’s Suggested Approach to accommodating growth around Harlow?

The consultant’s suggested approach was for 4,000 houses to the north, 5,000 to the east and 1,000 each to the south and south-west. While this addressed most of the environmental concerns of officers (although the southern ridge line may still be threatened), neither the south nor the west locations were strongly related to Harlow’s town centre or the main employment sites, and it was likely that most of the new occupants would use cars for commuting, unless there was a step-change in public transport provision and management within the town.

Question 27 Do you have any other comments on the approach to growth around Harlow?

Answering this question meant repeating earlier points about why the consultation was only presenting one growth option. There must be concerns that with the introduction of localism, Harlow’s expansion into adjoining districts was likely at least to be strongly resisted by affected local communities, and this in turn could influence the decisions of those authorities. If Harlow was to persist with this option of 16,000 houses with related employment and infrastructure provision, this pointed to the need for formal collaboration or co-ordinated working with the adjoining authorities, and for

this to be at Member, as well as officer, level. By restricting itself to one option, the consultation was not considering alternatives which would contain new development within the existing district boundary.

Question 28 Do you think all the key elements of infrastructure necessary to support the emerging Core Strategy have been identified?

The consultation document listed the infrastructure requirement under nine general headings, officers were satisfied that this covered all of the essentials.

Question 29 If no, what additional infrastructure do you think is needed to support the emerging Core Strategy?

The wording of some categories was Harlow-centric and this should be amended to include the infrastructure needs of the adjoining authorities.

Question 30 Please rank, in order of priority, how Harlow Council should tackle Harlow's congestion problems (1 high, 9 low)

- (1) Encourage use of public transport for work and leisure
- (2) Improve access to the town centre by sustainable modes of transport
- (3) Improve connections from Harlow to the Strategic Road Network (M11, A414)
- (4) Improve walking and cycling routes within the town
- (5) Manage future parking provision across the town
- (6) Measures to improve traffic flow along strategic routes and at roundabouts within the town
- (7) Public transport improvements
- (8) Rail enhancements
- (9) Other, please state below

Other projects were dependent on the support of external organisations such as the Highways Agency and rail operators, so whatever priority results from the consultation would still be dependent on other agencies. Officers were not proposing to reply to this question, but members may wish to identify what they see as the priorities.

Question 31 Do you have any further comments to make, at this stage, on how Harlow should be developed?

There was a need for joint, or co-ordinated working, at officer and member level, of all the affected local authorities, including Herts and Essex County Councils, in the preparation of the respective Core Strategies.

Officers were concerned that the Harlow Options consultation had not identified reasonable alternatives.

Officers believed that, in the light of the forthcoming abolition of the RSS, the evidence base which sustained it should be reconsidered to determine whether a growth target of 16,000 new homes was the right figure.

The consultation document and Panel member's responses would be forwarded to the forthcoming Overview and Scrutiny Committee.

RECOMMENDED:

That the report regarding Harlow Council's Core Strategy Issues and Options Consultation Document be recommended to the Overview and Scrutiny Committee.

54. REQUEST FOR DISTRICT DEVELOPMENT FUND (DDF) CARRY OVER TO 2011/12 AND 12/13

The Panel received a report from Ms K Polyzoides, Assistant Director of Planning and Economic Development, regarding Request for District Development Fund (DDF) carry over to 2011/12 and 12/13.

As of mid-December 2010 there had been a recruitment freeze on external recruitment to all vacant posts with the exception for posts that have implications for health and safety, demonstrated that they generate surplus income or were externally funded. The report was being submitted in parallel with a Town Centre Officer post extension request report.

The amounts of DDF funding requested to be carried over for 2011/12 and 12/13 were as follows:

Economic Development: £12,000 underspend for Town Centre support and £4,000 for Enhanced Business Contacts.

The Cabinet agreed, in December 2007, to a support package using LABGI funds of £36,000 for 3 years from 2008/09. This enabled each Town Centre Partnership (TCP) to apply for a special projects grant of up to £2,000 per year for delivering a project. Officers felt that given uncertainties of future funding, money left in the budget in the third year should roll forward for use in the following year.

Another reason for the underspend was due to under staffing within the Town Centres/Economic Development Team. It was requested that the outstanding £12,000 was carried forward to 2011/12 and 12/13. Any additional £6,000 CSB amount per annum, available to TCPs for special projects, was being utilised.

The Cabinet had also agreed in December 2007 that a £4,000 sum from LABGI payments should be allocated for enhanced business contact related work. However in the light of reduced staffing in 2011, it was not possible to deliver this work in the current financial year. Members agreed with the principle of Town Centre provision being made. However the uncertainty of the economic situation meant that priorities would need careful evaluation.

Conservation/Trees and Landscape

A Technical Support Officer had been in post since July 2010. The postholder had assisted in developing and delivering the Conservation Area, Management Plans and Character Appraisals, with great progress having been made.

The current Conservation Officer was retiring in February 2011. The £10,000 requested to be carried over to 2011/12 in addition to £7,000 already allocated for the technical support post would allow the postholder to remain until November/December 2011, continuing key work in the Conservation Team in what was anticipated to be a challenging period for service and project delivery.

Business Management

An essential part of the Directorate Improvement Plan identified the need to improve planning processes that were directly linked to the Electronic Document Management System. The current £9,800 PDG budget for ICT equipment and software was the only funding available to the Directorate for essential software upgrades to IPlan and provision of non-standard ICT equipment that was not funded/available from ICT.

Directorate Training

The ongoing CSB Training Budget was fully committed with previous commitments to meet the training needs of one trainee building surveyor in Building Control who was completing a four year Bsc in Building Surveying from 2007/08 to 2011/12 at £1,600 per year. The trainee would then undergo certification by the Royal Institute of Chartered Surveyors in 2012/13 at an estimated cost of £2,000. The balance of the CSB Training Budget was fully committed for a large number of short courses and seminars. If the directorate was unable to retain the above budget of £10,000 they may well be required to prioritise the CSB budget commitments.

Although members felt that investing in staff training raised morale and improved aspiration, there was also concern expressed that there had been an under spend in this area.

RECOMMENDED:

- (1) That the carry forward of District Development Funding in the sum of £10,000 to 2011/12 for the continuation of the Technical Support Officer (Conservation) Post until November 2011 be recommended; and
- (2) That further District Development Funding previously approved in the sum of £10,390 be offered as a revenue saving for 2011/12.

55. TOWN CENTRES OFFICER POST/FUTURE MANAGEMENT OF TOWN CENTRES

The Panel received a report from Ms K Polyzoides, Assistant Director of Planning and Economic Development, regarding the Town Centres Officer Post/Future Management of Town Centres.

The Town Centres Officer post (PPC08S) had been funded for a 3 year period from 2008 by LABGI monies. Because the initial post-holder went on an extended period of sick-leave which included a period of reduced salary, the budget would extend for a short period into the financial year 2011/12.

The creation of the post, funded for its first 3 year period through Section 106 monies, reflected the Council's commitments to economic prosperity.

As of mid-December 2010 there had been a recruitment freeze on external recruitment to vacant posts within the District Council. It was felt that the Town Centre Officer post did not directly fall into these categories and it provided added value to existing Council initiatives. While there was no direct income generation for the Council, the work of the Economic Development Officer and TCO assisted in sustaining viable town centres.

Members were asked to consider whether the post should be continued beyond its current 3 year term, and how this should be budgeted.

Members felt that the Town Centre Officer post should be extended to April 2012 on the basis that this post was delivering valuable work in the district. It was also felt that the District Development Fund underspend within Planning and Economic Development initially allocated for Town Centre Partnership support and other purposes such as succession planning and training should be utilised for the salary costs for the post. It was suggested that should the Cabinet agree to this, that discussions were held with Town Centre Partnerships informing them of changes to initial arrangements regarding funding support.

RECOMMENDED:

- (1) That the Town Centre Officer (TCO) post be continued for a further temporary period until April 2012;
- (2) That an existing District Development Fund underspend within the Planning and Economic Development Directorate in the sum of £25,410 be allocated for the further temporary extension of the Town Centre Officer Post until April 2012; and
- (3) That the option of creating a Social Enterprise for the future operation of the six Town Centres within the District be considered.

56. THE PLANNING AGENTS AMENITY GROUP FORUM

The Panel received the minutes from the Planning Agents Amenity Group Forum held on 26 October 2010. Mr N Richardson, Assistant Director of Planning and Economic Development, informed members that attendance had been good. The meeting had discussed the following:

(a) Registration and validation of planning applications

It was advised that planning agents could not always gain access to neighbour's properties for measuring purposes. Therefore they relied on photographs for illustrating the street scene, which may not guarantee accuracy of perspective. Officer response was that this should be labelled as "indicative," streetscenes had been requested by Town and Parish Councils to help in decision making.

Planning agents were concerned about inconsistency with planning fees. Although fees were currently set by the Government, officers had experienced difficulties in categorizing some types of development. The website could be updated with attention drawn to Government Circular 04/2008, which gave good examples of fee calculating.

Applications had been returned for initial reasons and following rectification had been returned for another reason. Officers advised that sending plans back to agents had been quite common a year ago, important parts, like scale bars had been missing. Agents also commented that too much detail was required to front-load a planning application. The attendees were informed that validation requirements had been toughened as a response from pressure groups.

(b) Charging for planning applications/advice

This had been operating for the last 5 years with mixed results. It applied to major category applications only, and was £1,500 + VAT. Agents said that since officer

responses were virtually a re-issue of planning policy, it was therefore not worth paying. Officers would review the charging and report to Members.

(c) Implementing planning policy

It was explained that the timetable for production of the Local Development Framework had been delayed by other priorities. Protection of the Green Belt was raised by amenity groups, as 94% of the District Council was Green Belt.

It was questioned whether Landscape Character Appraisals, Village Design Statements and Ward Profiles should be included in the LDF process. It was felt that loss of bungalows in Theydon Bois should be resisted because there was a need there. Local Plan Policy H4A – Dwelling Mix could be used to defend them. Officers stated that the loss of bungalows needed research.

(d) Impact of development on existing infrastructure

There was a discussion about North Weald Airfield, the question was posed that if the site was re-developed, the infrastructure would not be able to support new development. However the best forum for this discussion was felt to be the North Weald Airfield and Asset Management Committee.

(e) Impact of development on Green Belt/Open Spaces

There was general agreement that the Green Belt was important in protecting the forest areas. Small developments close by could have a large impact. For example large agricultural houses, and agricultural vehicles that damaged roadside verges. These aspects should be foreseen before granting planning permission. Officers advised that there was a difficulty in balancing the agricultural requirements against ecology and biodiversity issues. There should only be very special circumstances that allowed significant development in the Green Belt.

(f) Role of Members in planning decision making

Planning agents felt frustrated when officer's recommendations were overturned at committee. It was suggested that better training was required for members and planners. With regards to the issues which concerned members at committee, the Planning Services Scrutiny Standing Panel was undertaking a project which involved visiting 3 – 4 sites where development had taken place, assessing the planning issues involved and their impacts. It was advised that objectors to planning applications were issued an information pamphlet on speaking at committees.

(g) Any other business

- The website required a more user-friendly format. A user group was being set up which would advise on making improvements.
- Improved consultation on planning applications in the area would make people more aware of what was on-going in their neighbourhood. It was advised that on request, weekly list of all planning applications received were emailed out.
- It was advised that some planning case officers did not respond to emails, phone calls, even with repeated chasing up. Workload and constant deadline

priorities could be a problem. The matter would be raised at the officer team meeting.

- It was felt that the 8 week target was too rigidly enforced. Agents sometimes advised nearer the deadline that plans needed altering and therefore should withdraw the application or have it refused. Officers stated it was the performance by which the development control service was measured by the Cabinet and Epping Forest. It was advised that the Government had announced scrapping of performance targets in respect of speed of decision making within 8/13 weeks parameters at the end of next March.

The attendees were happy with the forum continuing.

RESOLVED:

That the notes from the Planning Agents Amenity Group Forum of 26 October 2010 be noted.

57. PLANNING ENFORCEMENT

The Panel received a report from Mr N Richardson, Assistant Director of Planning and Economic Development, regarding the Planning Enforcement Protocol. However due to administrative errors in compiling the Panel agenda, the incorrect appendices had been attached, therefore it was felt that the correct documents should be submitted to the next Panel meeting.

58. ESSEX COUNTY COUNCIL MINERALS DEVELOPMENT DOCUMENT PREFERRED APPROACH PAPER

The Panel received a report from Ms K Polyzoides, Assistant Director of Planning and Economic Development, regarding the Essex County Council (ECC) Minerals Development Document: Preferred Approach Paper.

Essex County Council was currently in the process of producing a Mineral and Waste Development Framework (MWDF) as required under the Planning and Compulsory Purchase Act (2004). This replaced the Essex Mineral Local Plan (adopted 1996) and the Essex Waste Local Plan (adopted 2001). The focus of the report was the Minerals Development Document which set out the authority's vision, objectives, Core Strategy policies and plans for the area with respect to mineral related development over a 15year period.

In all of their previous consultation documents, ECC had identified that an additional 39,025 million tonnes of sand, gravel, silica sand and brickclay aggregate were required within the County between 2007-2026. The MDD Preferred Approach paper now estimated that 42,225 million tonnes would be identified for the 20 year plan period (2009-2028 inclusive).

Of the 20 sites initially selected as the preferred options to meet future mineral need within the county, the site known as land at Shellow Cross Farm, Elm Farm and Newland Hall Farm, Willingale had been included. Within the site assessment, ECC stated that it currently viewed this site as suitable for consideration and anticipated that it would be located to the west of Roxwell.

In response to these findings it was suggested that the District Council should object again to the identification of this site for sand and gravel extraction. It was wholly inappropriate to locate the second biggest mineral extraction site in Essex in terms of its area, in a heavily rural area of Green Belt.

The Council similarly noted that sites currently rejected could later be included as "Preferred Sites." In light of this, officers suggested stressing approval of the exclusion of the site known as Patch Park Farm, Abridge as one of the initial 20 preferred sites. Officers were keen to ensure that this decision was permanent as the site was highly unsuitable given the negative impact it would have on the local landscape and local ecology of this part of the Roding Valley, and the high risk of flooding.

Officers felt that the issue raised to ECC regarding the belief that the methodology for identifying sites for mineral extraction within the county was flawed, had never been satisfactorily answered. ECC had therefore been relying on an incomplete evidence base to locate potential mineral extraction sites. Officers were therefore very concerned that ECC may not have identified the most appropriate deposits of sand and gravel within this district which consequently had led to the County Council selecting the site at Shellow Cross Farm, Elm Farm and Newland Hall Farm, Willingale which officers felt should not be included in the final list of 20 sites.

RECOMMENDED:

That the potential impacts of the proposals from the Essex County Council Preferred Options Mineral Development Document be approved.

59. CONSULTATION PLANNING FEES

The Panel received a report from Mr N Richardson, Assistant Director of Planning and Economic Development, regarding Proposals for Changes to Planning Application Fees in England Consultation.

On 15 November 2010, the Secretary of State for Communities and Local Government (CLG) issued a consultation paper seeking views on proposed changes to the planning application fees regime, which would decentralise responsibility for setting fees to local planning authorities. It also proposed widening the scope of planning application fees allowing authorities to charge for applications which were currently free and to set higher fees for retrospective applications.

The handling, checking, administering, assessing, deciding and publicising of planning applications required each one to have appropriate and careful consideration. The Government introduced fee charging over 20 years ago to recover costs of processing most types of planning applications. Subsequently the fees have been increased, the most recent of which was a 23% increase in 2008. So far, setting fees had been restricted so that they were done only nationally. It was advised that the fees were not taking account of differing local circumstances, it had been found that some authorities, including the District Council, were not recouping their costs. The consultation paper assumed that most local planning authorities would increase fees on average by 10-15%. However, the District Council shortfall was greater and required a much greater fee increase to achieve full cost recovery.

Options

There were three options outlined in the Consultation Paper.

Option 1 – Decentralise the responsibility for setting fees for planning applications to local planning authorities, who would establish a charging scheme which reflected full cost recovery and the principle that the user should pay for the service received.

Option 2 – This was similar to Option 1, but with a cap of 25% on maximum fee levels.

Option 3 – Maintain the current centrally set planning fee system, subject to a 10% to 15% increase in fee levels.

Eight questions were posed in the consultation response.

1. Do you agree that each local planning authority should be able to set its own (non-profit making) planning application fee charges?

Response Strongly agree

Epping Forest District Council costs and fees were higher than the average 10% shortfall being quoted. Based on the budget for 2011/12, our current fee income would cover 49% of costs and the average fee was £708. By using an initial maximum 25% annual increase based on the budget set for 2011/12 of £481,000, the Council expect to raise a further £120,000, plus a further £80,000 from areas not currently subject to charges. Current fee income would then cover 69% of costs, so the likelihood would be that a further fee increase would be required for 2012/13 and beyond, until full cost recovery was achieved.

2. Do you agree that local planning authorities should be allowed to decide whether to charge for applications that were re-submitted following withdrawal or refusal?

Response Strongly agree

There were a number of costs still included in handling, administering and assessing these applications. In particular, the checking for completeness of the submission, further consultations, report writing etc. In effect, this resulted in re-assessment of the planning issues and used officer time as with any other type of planning application.

3. Do you agree that local planning authorities should be able to set higher fees for retrospective planning applications?

Response Strongly agree

4. Are there any development management services which are not currently charged for but should require a fee?

Response Yes

Whilst not part of the CLG preferred consultation recommendation, fees should be chargeable for listed building applications and conservation area consents, particularly where these were not accompanied by a fee paying planning applications, because the District Council had a large number of listed buildings and required specialist advice in assessing them. At Epping Forest, between 1 April and 1 December 2010, no fee application accounted for 30% of all type of submitted applications.

Apart from claiming for costs, there was no income return on planning application related appeals. A fee payable to the Council covering administration costs should be introduced and be variable depending on which procedure was chosen.

5. Are there any development management services which currently require a fee but should be exempt from charging?

Response No

Officers were in favour of not charging for applications relating to disabled access. comfort issues. Works to trees in conservation areas and those that were protected appeared a little unreasonable given the Council protects these in the first place, and there was the fear that a fee may encourage works to take place without an application.

6. What are the likely effects of any of the changes on you, or the group or business or local authority you represent?

It would allow for a move closer towards full cost recovery, reduce overall cost of the service by re-looking at our overheads and re-charges, staff retention and greater emphasis on pre-application advice and collaboration with various parties. Setting fees locally allowed authorities to run a more efficient service since it would be a more transparent system, directly accountable to local residents.

7. Do you think there will be unintended consequences to these proposals?

Response Yes

Difficulty in accountability of cost recovery as a comparison across local authorities, depending on what was included in the budget make-up of Development Control/Management sections.

Potential disagreement and fluctuations of fees comparable to neighbouring authority, resulting in increased challenges of fees set.

Threat to general positive customer feedback as agents became disillusioned and confused by varying fees between authorities, particularly if the fees were substantially increased.

8. Do you have any comment on the outcomes predicted in the Impact Assessment, in particular the costs and benefits?

Response Yes

Option 1 This would be the preferred option. The benefits for local planning authorities would result from being able to locally set fees and allow them to increase to a level where costs were fully recouped. The benefits for the District Council would be full cost recovery, based on local conditions and on current estimates, this would mean a further income in a full year of approximately £500,000.

The costs would be the additional cost burden imposed on applicants with an average estimate of 13% on fees paid by individuals and 87% on fees paid by

business. Full cost recovery would in the case of the District Council possibly double the fees currently being charged.

The consultation responses would be forwarded directly to the Department of Communities and Local Government.

RECOMMENDED:

- (1) That the Proposals for Changes to Planning Application Fees in England Consultation be noted; and
- (2) That the consultation responses be forwarded to the Department of Communities and Local Government.

60. DRAFT BUSINESS PLAN

The Panel received the Directorate of Planning and Economic Development Draft Business Plan 2011-2012, presented by Mr J Preston, Director of Planning and Economic Development and Mr P Millward, Business Manager, Planning and Economic Development.

The District Council had introduced arrangements for the alignment of its business, budget and workforce planning and development processes into a clear framework, enabling the authority to focus on key priorities, improving performance, communication and consultation on key priorities.

The following sections of the Business Plan were discussed:

Section 4 Corporate Objectives and Priorities

Members thought this section needed a SWOT analysis.

Section 6 Conservation

It was advised that there was some doubt as to the funding of conservation work within the district. Officers were awaiting the Essex County Council budget statement. SWOT analysis was required here.

Section 9 Development Control

Under (b) Action Plan – 2011/12 (Forward Look), it was advised that this required more explicit comment, that officers needed to address.

Section 11 Directorate Planning Support Team

Councillor A Watts suggested an ICT, Facilities Management Plan linked in with an office inventory. These should be cross-referenced documents, with a clear statement as to whether the current ICT structure meant the District Council's requirements

RESOLVED:

That the Draft Business Plan be amended as discussed, where this meets corporate guidelines.

61. ANY OTHER BUSINESS

There was no other business.

62. DATES OF FUTURE MEETINGS

The next meeting of the Panel was on 3 March 2011.