

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY PANEL
HELD ON TUESDAY, 8 JULY 2014
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.32 - 8.45 PM**

Members Present: G Chambers (Chairman), Ms Y Knight (Vice-Chairman), K Chana, D Dorrell, B Sandler, Ms G Shiell, B Surtees, A Watts and D Wixley

Other members present: R Bassett, J Philip and G Waller

Apologies for Absence: Ms S Watson

Officers Present D Macnab (Director of Neighbourhoods), N Richardson (Assistant Director (Development Management)) and M Jenkins (Democratic Services Assistant)

1. SUBSTITUTE MEMBERS

It was noted that Councillor K Chana was substituting for Councillor S Watson.

2. DECLARATIONS OF INTEREST

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

3. COUNCILLOR J WYATT - FORMER PLANNING SERVICES SCRUTINY PANEL CHAIRMAN

The Chairman paid tribute to the work of the former Chairman of this Panel, Councillor J Wyatt, who had not sought re-election for his seat in the May elections.

4. NOTES FROM THE LAST MEETING

RESOLVED:

That the notes of the last Panel meeting, held on 10 September 2013, be agreed.

5. TERMS OF REFERENCE

The Panel supported amending its Terms of Reference. It was suggested that the following should be recommended to the Overview and Scrutiny Committee:

Item (1) (a) Reviewing measures taken to improve performance standards and monitoring

The panel recommended retaining this item.

(b) Benchmarking of Services

Members recommended removing this item as it referred to an earlier period in the Panel's history.

(c) Other reviews

This item should be retained.

Item (2) The consideration and review of Business Processes, Value for Money and Staffing

This item should be deleted with a proviso that Value for Money could be discussed.

Item (3) Monitoring the delivery of the Local Plan

This item should be retained.

Item (4) Monitoring the Electronic Document Management System

This item should be retained and amended to electronic information system.

Item (5) Resource implications arising out of the topics under review and advise the Cabinet for inclusion in the budget process

This item should be retained.

Item (6) Reporting to the Overview and Scrutiny Committee at appropriate intervals on the above, and reporting to the Overview and Scrutiny Committee, Cabinet and the Council with recommendations on matters allocated to the Panel as appropriate

This item should be retained.

Members requested that two extra items would be needed under Terms of Reference regarding responding to planning consultations and receiving feedback from the Chair and Vice Chair of Development Control meetings.

The Panel also requested an item to cover review of the Business Plans for Development Control within the Directorate of Governance and Forward Planning within the Directorate of Neighbourhoods.

Officers advised that the Terms of Reference needed referral to the Overview and Scrutiny Committee for approval.

RECOMMENDED:

That the suggested amendments to the Panel's Terms of Reference be recommended to the Overview and Scrutiny Committee.

6. WORK PROGRAMME

The Panel considered their Work Programme as follows:

(a) Item 1 Consider and Review Measures taken to Improve Performance within Development Management.

The Panel would review five Key Performance Indicators.

(b) Item 2 Consider and review Value for Money and any resource implications.

The Panel recommended removing this item.

(c) Item 3 Monitor and receive reports/updates on the delivery of the Local Plan.

This item would be retained.

(d) Item 4 Monitor and receive reports/updates on the Planning Electronic Document Management System.

A report would be submitted to the September/April meetings.

(e) Item 5 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.

Report required for December 2014.

(f) Item 6 Report to the Overview and Scrutiny Committee at appropriate intervals on the above.

The Panel recommended removal to the Panel's Terms of Reference.

(g) Item 7 Any recent meeting of the Chairman and Vice-Chairman of the Area and District Committees Invitation Panel.

The last such meeting took place in February 2013. Attempts were being made to schedule a meeting. It was felt that one should be scheduled prior to December 2014.

(h) Item 8 Receive urgent or other consultations and consider what response to give on behalf of the Council.

The Panel supported retention of this item.

(i) Item 9 S106 Agreements Monitoring Report (Annually).

The Panel received a report on this item at the meeting.

(j) Item 10 Community Infrastructure Levy (CIL)

The Panel requested that an extra item be placed on their Work Programme regarding the Community Infrastructure Levy (CIL). Following approval at the Overview and Scrutiny Committee this would be scheduled for the December 2014 Panel meeting.

These suggested amendments would require approval at the Overview and Scrutiny Committee.

The Portfolio Holder for Planning Policy advised that there would be training about the implementation of the Community Infrastructure Levy (CIL) on the evening of 31 July. At the training session, attendees would also receive an update on the Local Plan from the Council's barrister.

RECOMMENDED:

That the suggested amendments to the Panel's Work Programme be recommended to the Overview and Scrutiny Committee for approval.

7. UPDATE ON LOCAL DEVELOPMENT SCHEME

The Panel received a report from the Deputy Chief Executive regarding an Update on the Local Development Scheme.

The Localism Act 2011 made a requirement that local authorities must prepare and maintain a Local Development Scheme specifying the local development documents. The last scheme, formerly adopted by the Council in July 2013, set out the proposed programme for the preparation of the Epping Forest Local Plan. Members noted that the Council had made good progress in developing the evidence base.

Progress Made

(a) Green Belt Review

A proposed initial methodology for the Green Belt Review in the district was reported and approved by a Cabinet Committee in September 2012. Recently the inspector expected a comprehensive review of the Green Belt to be undertaken prior to any release of Green Belt land. Officers had updated the methodology extending the work already undertaken beyond the existing settlement boundaries.

(b) Other Authorities Consultation

Responses had been prepared for the recent publication of the Pre-Submission Local Plan for Uttlesford and to the Harlow Emerging Strategy and Further Options consultation.

(c) Duty to Co-operate

The Duty to Co-Operate was a key consideration of the NPPF in relation to meeting Objectively Assessed Housing Need across any Strategic Housing Market Area (SHMA). A SHMA Duty to Co-Operate Group had been established with neighbouring authorities and had widened its brief to include other cross boundary issues.

(d) Options for Growth – Transport Testing

Following a briefing with Members on using sustainability appraisal to support the development of reasonable alternative options in February 2014, officers had worked with the retained consultants to progress the development of potential options so that initial transport testing could be progressed. Officers had provided Essex County Council with the information to test three hypothetical growth options based on population projection work undertaken in July 2013.

(e) North Weald Bassett Masterplanning Exercise

The Council's Masterplanning consultants had developed a range of options for the improvement of community infrastructure in North Weald, along with the necessary growth scenarios in terms of houses and employment to deliver. Feedback from an exhibition held in North Weald in June would be fed into the final report.

(f) Economic and Employment Study

Specialist consultants had been commissioned to undertake further work on economic and employment evidence to support both the Local Plan and Economic Development Strategy.

(g) Developer Briefings

In conjunction with Harlow and East Herts Councils, Developers Briefings were held in April and May 2014, to allow those who have put forward large SLAA sites on the edge of Harlow, to set out their current thinking on their proposals. EFDC and Harlow have made a formal approach to the Advisory Team for Large Applications requesting their support in handling proposals for major sites, as part of the large Sites Infrastructure programme.

(h) Neighbourhood Plans

Moreton, Bobbingworth and the Lavers have recently consulted on their draft Neighbourhood Plan, Theydon Bois Parish had applied to be designated as a Neighbourhood Area in order to progress with a Neighbourhood Plan.

(i) Risk Register

The Risk Register for the plan had been updated as follows:

(i) Risk 1 Staff vacancies caused by resignation/long term sick/maternity leave

Staffing remained a high risk until a new structure was in place, the team were currently carrying vacancies for two planning officers, and there was a shortfall in senior officer capacity in the team. A senior planning officer departed in mid-July.

(ii) Risk 2 Compliance with changes to national policy in respect of new gypsy/traveller provision and 5 year land supply

This remained a high risk given early indication that EFDC may potentially be required to provide a number of new pitches, for Gypsies and Travellers.

(iii) Risk 3 Lack of consensus to endorse the plan so that timely decisions were made on the quantum of growth and timetable for preparation of the Local Plan

This risk had increased due to the likelihood that limited progress would be made as a result of the pre-election period.

(iv) Risk 4 Provision of evidence to show compliance with the duty to cooperate set out in the Localism Act 2011 with adjoining authorities

This risk had remained high although good progress had recently been made with Harlow and the SHMA authorities.

(v) Risk 5 Inadequate time allowed in the programme to undertake the evidence gathering on transport and flooding issues

This risk had reduced with the completion of the development of the transport model.

(vi) Risk 6 Taking all reports through the democratic process and committee cycle rather than a fast track Portfolio Holder sign off

Workshops would continue to be held for Members on contentious areas to avoid call-ins following Portfolio Holder/Cabinet decisions.

(vii) Risk 7 Inadequate budget resources for preparation of plan and commissioning of additional support

A revised budget report would be submitted to the Cabinet in July and be regularly monitored.

The Chairman asked that the timeline of the Local Plan should be communicated at every opportunity to all stake holders and confirmation was given that this would be the case.

RESOLVED:

That the report on the Update on Local Development Scheme be noted.

8. SECTION 106 ANNUAL REPORT

The Panel received a report from the Assistant Director of Governance (Development Control) regarding the Section 106 Agreement Annual Report.

Section 106 of the Town and Country Planning Act 1990 allowed a local planning authority to enter into a legally-binding agreement or planning obligation with a land owner/developer over a related issue.

Section 106 Agreements could act as a main instrument for placing restrictions on developers, requiring them to mitigate on-site and site specific impacts. Such agreements could be sought when planning conditions were inappropriate to ensure and enhance the quality of development and enable proposals that might otherwise have been refused to go ahead in a sustainable manner. Contributions may be secured by:

- (a) Work in-kind provided or constructed by the developer;
- (b) A financial payment (which may be decided using a formula); and
- (c) Transfer of land for a facility.

Performance for the Year 2013/14

Benefits negotiated through the year would provide a total of £729,218 received into the public purse. Benefits actually realised through the year had provided a total of £725,711 received into the public purse, Highway improvements at the developer's expense and funding of a fixed 1 year term Conservation Technical Officer post.

The Future

The use of S106 Agreements attached to planning permissions granted after April 2015 were to be restricted, as they were being replaced by the Community Infrastructure Levy (CIL). The adoption of the CIL required an up to date development plan and adoption after consultation and examination, before such a levy could be adopted and payment received. Monies raised under CIL could only be spent on infrastructure which included roads and other transport facilities, flood defences, schools and other education facilities, medical facilities and sporting and recreational facilities. From 6 April 2015, it would not be possible to use S106 Agreement delivery of such infrastructure items, unless it was site specific and no more than 5 S106 obligations could be pooled together for that one delivery requirement.

As part of the Local Plan the Council must consider the infrastructure necessary to accompany development. In the Local Plan this assessment of infrastructure would form the Information Delivery Plan (IDP). Once all infrastructure needed was identified, all of the existing revenue streams would then be reviewed. Once the assessment of infrastructure expenditure was carried out, the gap between the cost of future development infrastructure needed and what was currently being provided could be identified.

RESOLVED:

That the Section 106 Annual Report be noted.

9. ANY OTHER BUSINESS

The following was noted:

- (a) Members suggested that a report regarding changes to Permitted Development rights should be submitted to the Area Planning Sub-Committees; and
- (b) The Planning Policy Portfolio Holder advised that he was writing a response to the London Borough of Enfield consultation on the North East Enfield Area Action Plan – Proposed Submission Stage. Members' responses should be directed to I White, Forward Planning by 18 July.

10. DATES OF FUTURE MEETINGS

The next scheduled meetings of the Panel would be in Committee Room 1 at 7.30p.m. on 2 September 2014 and then on:

- (a) 9 December at 7.30p.m.; and
- (b) 14 April 2015 at 7.30p.m.

The Chairman advised that he would like to arrange a new Panel meeting for February 2015. Officers would schedule suggested meeting dates.