

Report to the Cabinet

Report reference: C-117-2007/08.

Date of meeting: 10 March 2008.



**Epping Forest
District Council**

Portfolio: Planning & Economic Development.

Subject: Local Development Framework Arrangements.

Responsible Officer: Amanda Wintle (01992-564543).

Democratic Services Officer: Gary Woodhall (01992-564470).

Recommendations:

- (1) The Portfolio Holder for Planning & Economic Development be asked to establish a Local Development Framework Advisory Group; and**
- (2) That the principle of working in a joint and/or coordinated way with adjoining local authorities to ensure a sound evidence base is produced to support the Core Strategy be approved.**

Member Advisory Group:

1. The guidance on the Local Development Framework (LDF) places very strong emphasis on “front loading” – i.e. ensuring that all relevant issues and options are identified and consulted on as early as possible. This is intended to prevent significant late objections on submission, which could mean that a policy document is judged to be “unsound”, and either delay its adoption, or at worst, require the process of preparation to start again. Early decisions are therefore crucial and this could potentially place a lot of pressure on the Portfolio Holder. This report proposes the establishment of an Advisory Group (AG) to help share this responsibility, and to provide an opportunity for Members to be formally involved in the production of the LDF.

2. During the preparation of all LDF documents, there is a statutory requirement for Members to approve the documentation for consultation, the Council’s response to representations and the Council’s final version of any document to be submitted for examination. The level of such approval varies depending on the stage of preparation reached, and this is detailed at Appendix 1.

3. An LDF AG could meet as required to consider draft documents for consultation purposes, and in the later stages the Council’s response to representations. The Portfolio Holder would consider the recommendations of this Group in either making final decisions or recommendations to the Cabinet. Such a group has the advantage of flexibility in the arrangement of meetings and the composition of the group. The Group will be made up of a pro-rata representation of political parties. The Portfolio Holder will request the Group Leaders to make nominations as follows:

- (a) Conservatives 4;
- (b) Liberal Democrats 1;
- (c) British National Party 1; and
- (d) Loughton Residents Association 1.

4. Members of other groups and Independent Councillors may attend the meetings to

input to the debate, but they will not be entitled to vote on any decisions taken.

5. Notification of each meeting will be placed in the Members' Bulletin, as will a note of each meeting. This note will also be placed on the Council's website.

Core Strategy - Joint/Coordinated Working:

6. The formal preparation of the Core Strategy will commence once the final outcomes of the East of England Plan (EEP) are known. Staff at the Government Office for the East of England (GO East) currently suggest the final publication will be in "Spring" 2008, with no more detailed information available.

7. In a report to Cabinet on 19 February 2007, the implications for future work were outlined, including the need to work in a joint and / or coordinated way with other local authorities. Despite the continued delays in the final approval of the EEP, officers now recognise that some progress needs to be made towards these studies. In several cases the actual requirements that emerge from the EEP can be factored in to the studies at a later stage. Examples of this include the Strategic Flood Risk Assessment, the Strategic Housing Market Assessment and the Employment Land Review, all of which are required to take a sub-regional view. These studies are complex and lengthy, for example the Strategic Housing Market Assessment could take up to a year to complete. The Government increasingly sees the Core Strategy as the key document of the new planning system. It should also have close links with the Sustainable Community Strategy. It is therefore important to the delivery of the Core Strategy that work on the background studies is commenced prior to the final approval of the EEP. In addition, there is a concern that the workload being requested of various specialist consultancies may lead to a shortage of companies available to tender for work.

8. Reports will be prepared for the Advisory Group to monitor progress and make recommendations as required. As necessary the Portfolio Holder will relay these recommendations on to the relevant Committee.

9. The joint and coordinated working elements of preparing any Development Plan Document (DPD), and the Core Strategy in particular will require key decisions to be made in the early stages. Such decisions will be made on the basis of the outcomes from the various studies that will be undertaken to create the evidence base.

10. Further, the Sustainable Community Strategy is currently being reviewed, and an updated version will be prepared over the next 18 months. One of the tests of soundness at the Examination in Public seeks to demonstrate that the Core Strategy has taken account of the Sustainable Community Strategy. It will therefore be likely that some meetings will also require the Advisory Group and the Portfolio Holder to make recommendations to the LSP on the content of the document. Accordingly the Local Strategic Partnership Coordinator (to be placed within the Deputy Chief Executive's Office following the Council restructure) will be required to work closely with the LDF team.

Statement in Support of Recommended Action:

11. The preparation of sound LDF documents requires local planning authorities to work at both a sub-regional and local level to ensure spatial issues are properly addressed. There is a clear need for this authority to work with others to ensure a coordinated and complementary approach to the future development of the District.

Other Options for Action:

12. In assessing the options for a Member working group the following alternatives were considered and rejected:

(i) no advisory group of any kind is established, the Portfolio Holder would make

decisions as appropriate; however this route does not allow other Members to be a part of the formal decision making process;

(ii) Overview & Scrutiny ad hoc LDF Panel, but this would not offer the same flexibility as the Advisory Group; and

(iii) Cabinet Committee, however this would not offer the same level of inclusivity across all political groups as the Advisory Group, and the procedure for calling meetings and publishing agendas and minutes would make this type of group more inflexible.

Consultation Undertaken:

13. No external consultation.

Resource Implications: From existing resources, as agreed by the Cabinet on 17 December 2007.

Budget Provision: From within existing LDF budgets.

Personnel: From within existing LDF team.

Land: Not applicable.

Council Plan 2006-10/BVPP Reference: GU1, GU4, HN1, EP3, EP5, EP6, IP4.

Relevant Statutory Powers: N/A.

Background Papers: Cabinet Report 19 February 2007 - East of England Plan: Secretary of State's Proposed Changes December 2006; Cabinet Report 17 December 2007 – Planning Directorate Key Capital and Revenue Requirements 2008/09 – 2011/12.

Environmental/Human Rights Act/Crime and Disorder Act Implications: N/A.

Key Decision Reference (if required): Not a key decision.

APPENDIX 1

The stages outlined below will apply to all Development Plan Documents (DPDs) produced.

Preparation Stage	Member involvement & approval required
Preparation of "Issues & Options" consultation document	<p>Officers will work with Members & key stakeholders to identify the Issues that need to be addressed. The Portfolio Holder Advisory Group will make recommendations to the Portfolio Holder.</p> <p>The final approval of the content of the Issues & Options consultation document will rest with the Portfolio Holder.</p>
Consideration of representations made to Issues & Options consultation document	<p>Officers will present representation summaries and proposed responses to the Portfolio Holder and the Advisory Group.</p> <p>The Portfolio Holder will approve the responses.</p>
Preparation of "Preferred Options" consultation document	<p>Following approval of the responses, officers will draft the Preferred Options consultation document in consultation with the Portfolio Holder & the Advisory Group. The Portfolio Holder will make recommendations to the Cabinet.</p> <p>The Cabinet will approve the Preferred Options consultation document for public consultation.</p>
Consideration of representations made to Preferred Options consultation document	<p>Officers will present representation summaries and proposed responses to the Portfolio Holder and the Advisory Group.</p> <p>The Portfolio Holder will approve the responses.</p>
Preparation of "Submission" consultation document	<p>Following approval of the responses, officers will draft the Submission consultation document in consultation with the Portfolio Holder & the Advisory Group. The Portfolio Holder will make recommendations to the Cabinet.</p> <p>The Cabinet will make recommendations to Full Council. This will be the version of the document that the Council would like to see as the final document. There is no further opportunity within the Regulations (at present) for changes to be made by the Council after this stage.</p> <p>As no further changes can be made by the Council after this stage, delegated authority to adopt the final document should be given to the Portfolio Holder.</p>
Examination in Public	<p>Officers will prepare detailed technical documents to be presented at the Examination as required. Where appropriate the Portfolio Holder will be asked to consider and approve responses.</p>
Receipt of Binding Report	<p>The Report will be presented to the Portfolio Holder for information. Unless the Inspector has erred on a point of law there is no scope for the Council to query or reject any of the proposed changes.</p>
Adoption	<p>As above, by delegated authority the Portfolio Holder will adopt the final document as per the Regulations.</p>

* the current draft version of PPS12 suggests removal of one stage of public consultation (Preferred Options), and moving the "Submission" stage of public consultation to **before** Submission of the document to the Planning Inspectorate. If these changes occur in the currently proposed fashion, the specific opportunities for Members to be involved in the process will be changed. Any such changes will be notified to Members as they occur.