

Report Planning Services Standing Scrutiny Panel



Date of meeting: 18 November 2008

Portfolio: Planning & Economic Development.

Subject: Local Development Framework – Update.

Responsible Officer: Amanda Wintle (01992–56 4543).

Democratic Services Officer: Mark Jenkins (01992–56 4607).

Recommendations/Decisions Required:

- (1) To receive a progress report and update on the Local Development Framework.**
- (2) To note the expenditure and further commitments on the Local Development Framework.**
- (3) That a DDF Growth bid for 2009/10 in the sum of £91,000 be made to replace funding subsequently allocated to development brief projects in Debden and Epping.**
- (4) To note the potential sources of funds which may be available to add to the Local Development Framework fund in future.**
- (5) To receive a further updates on this process at regular intervals.**

Summary:

Further progress on a replacement Local Development Scheme has been delayed subject to further discussions with GO East to determine the options available to deliver the policy requirements of the East of England Plan. Subsequently, progress on the Core Strategy has also been delayed. Technical work to create a robust evidence base continues, and this is undertaken jointly with other relevant authorities where necessary.

A report to Cabinet in December 2007 identified the funding required to deliver a successful Local Development Framework (LDF). Expenditure to date, commitments and anticipated work over the rest of the financial year amount to some £337,000.

A further DDF bid has been made for £91,000 in the 2009/10 financial year, to replace the amount taken from the LDF fund to pay for development briefs in Debden and Epping.

Recent announcements have shown that the Council is due to receive £93,284 from Housing & Planning Delivery Grant. The final amount should be confirmed in the Autumn. It is difficult to assess the amounts that may be forthcoming in future rounds, but an assessment is made of the criteria under which EFDC may benefit in future.

Report:

Local Development Framework (LDF) – Progress

1. Further to the Cabinet report on 14 July 2008 (C-017-2008/09), discussions between this authority, Harlow DC, East Herts DC and GO East are on-going. A further officer meeting is to be held shortly to explore the possible options available to progress the LDF in accordance with the East of England Plan (EEP). Matters have been slightly delayed by the additional uncertainty introduced by Hertfordshire County Council's application for a judicial review of the EEP. It is anticipated that Hertfordshire County Council will receive notification of a court date in the Autumn, with resolution being reached early in 2009. The outcome of this further officer meeting will be discussed by the Portfolio Holder Advisory Group, with further reports to Cabinet as necessary.
2. The Local Development Scheme (LDS) will be amended to reflect the outcomes of the discussions on coordinated/joint working, and the timetables associated with making the appropriate arrangements. The Cabinet must approve the LDS prior to submission to GO East.
3. In the meantime, joint working on technical studies continues (more detail below) which will underpin the Core Strategy (regardless of what form this takes).
4. Members have previously expressed concern at the length of time it will take to prepare and adopt a Core Strategy, and have requested that the feasibility of adopting the document over a two year period rather than three years should be explored. Changes to the Regulations governing the preparation of LDF documents now mean that only two formal rounds of public engagement are required. However, the opportunity remains for each Council to determine if additional consultation is necessary, depending on local circumstances.
5. Officers consider that the issues to be determined by the Core Strategy are likely to be contentious, and it would therefore be appropriate to retain the structure of three rounds of formal public consultation. However, it is recognised that this will cause the timetable to remain at a similar length i.e. three years until adoption.
6. Given the uncertainties expressed in 1. above, it is too early to consider whether further staffing resources may be needed in the Forward Planning team. There are currently five officers and two support staff in the policy team. In addition, a further four officers report to the Forward Planning manager. There are currently three officer vacancies in the entire team. The recruitment process is underway for two of these posts, and recruitment will commence shortly for the third post. The team is currently supplemented by a consultant working on a short-term contract (initially six months) to progress the Gypsy & Traveller Site Allocations Development Plan Document.
7. It should be noted that at present, progress on the LDF is limited by issues which are outside of the direct control of this Council (e.g. challenge to the EEP and coordinated/joint working arrangements to be entered into). Once these issues are resolved further consideration of available staff resources in comparison to the timetables/milestones to be achieved will be required.

LDF Budget & Resources

8. Collation of the evidence base to support the preparation of the LDF continues. To fund the preparation of the Local Development Framework (LDF) an amount of DDF money has been allocated to Forward Planning. This has been allocated as follows:

2008/09	2009/10	2010/11	2011/12	Total
£382,200	£217,000	£615,000	£153,000	£1,367,200

9. The table below shows the budget, actual and variance on LDF related projects carried out so far this financial year. A total of £56,881 has been spent to date, with a further £85,368 committed to work that is underway. There has been slippage within the programme (as above) and as part of the 2009/10 budget process the remaining DDF allocation for this purpose will need to be re-phased.

Item	Budget Estimate (Dec07) (£)	Actual Cost (£)	Variation (£)	Paid to date/payment date (£)
LDF & Visioning Day	0	616	616	616
Printing – “Call for Sites” exercise	0	254	254	254
Strategic Housing Market Assessment	30,000	12,268	-17,732	Sept 08
Review of Phase 1 Habitat Study (08/09 phase only*)	20,000	18,000	-2,000	Equal payments Jan & Mar 09
Specialist consultation with Gypsy & Traveller Community **	30,000	13,475	-16,525	13,475
Employment of consultant to produce Gypsy & Traveller DPD (second 3mths only)	19,200	19,200	0	1,800
Strategic Environmental Assessment/Sustainability Appraisal for G&T DPD	10,000	1,200	2,700	Sept 08
Creation of “baseline” SEA/SA position to inform DPD production		11,500		Equal payments Oct 08 & Mar 09
Debden Broadway Development Brief ***	0	24,735	24,735	24,735
Debden Broadway Development Brief Consultation exercise	0	16,000	16,000	16,000
St John’s Road, Epping Development Brief ****	0	25,000	25,000	Staged payments to be agreed
Total	109,200	142,249	33,049	56,881

* this study will be split over two financial years, the remainder of the project will be completed in 09/10 and has been quoted at £31,660. The total value of work is £49,660.

** money initially allocated to help identify possible sites.

*** this is half the cost of this work, an initial payment of £24,735 was made in the 07/08 financial year. The total cost of the project is £65,471 (inc. consultation costs).

**** total cost of this development brief is to be split equally with Essex County Council. The cost of the entire project will not exceed £50,000. Any costs beyond the preparation of this Brief have not yet been

estimated nor payment attributed to any organisation.

10. Further expenditure was outlined in the report to Cabinet in December 2007 (C/090/2007-8) and is expected within this financial year (approximately £195,000). This will include the following (including estimated costs):

- a. Local Plan Alterations Proposals Maps - £10,000
- b. Employment Land Review (jointly with Brentwood Borough Council) - £30,000
- c. Town Centres Study - £60,000
- d. Strategic Flood Risk Assessment (Phase 2) - £40,000
- e. Recreation & Open Space Assessment - £25,000
- f. Landscape, Heritage & Archaeological Study - £30,000

11. A total of £337,000 is therefore spent or committed (including the development briefs), of the £382,200 available in the DDF fund. As above, uncertainty remains over the costs that may be associated with any coordinated/joint working that may be needed to deliver the Core Strategy and other associated documents (outside of the evidence base/procedural costs already identified). Any such costs will need to be paid from the LDF fund, and is likely to include joint SEA/SA work. In addition, procedural costs associated with the preparation of documents were scheduled to have been incurred during this financial year. The continued delays caused by the judicial review of the EEP and the uncertainty surrounding coordinated/joint working have meant that these funds have not yet had to be called on.

12. As seen in 9. above the funding for two development brief projects has been taken from the LDF budget, totalling £91,000. These projects were not included in the original figures put forward. A bid for further DDF monies in the 2009/10 financial year should be made to address the shortfall this will create in the LDF fund.

13. Further funding sources are potentially obtainable to further add to the resources available to prepare the LDF. The Local Area Agreement is linked to a Performance Reward Grant (PRG) which is allocated over the life of the Agreement (2008-11). The provisional award for Epping Forest is £678,855. Invitations to bid for PRG were recently received by target lead officers, but due to insufficient guidance and the request being received in the August holiday period no bid has been made at this stage by Forward Planning officers. This position will be reconsidered if and when further opportunities arise. It should also be noted that any grant awarded will not be received by the Council until the end of the LAA period (i.e. 2011).

14. The Housing & Planning Delivery Grant is to be awarded annually based on the number of new homes built and the progress made on the LDF. The provisional allocation for the first award has recently been announced and suggests this Council will receive £93,284. The final figure should be confirmed this Autumn. At present the "housing" part of the grant is only awarded if dwellings *in excess* of 0.75% of the current housing stock are constructed. There are currently approximately 53,000 dwellings in the district so to achieve any award on this basis, over 398 new dwellings would need to be built every year. The East of England Plan annualised target is 175 dwellings per annum, and recent average completions amount to approximately 230 per annum. It is considered unlikely that this Council can access the "housing" element of the grant in the foreseeable future, particularly given the down turn in the housing market.

15. The "planning" element of the grant is allocated in accordance with (i) identification of a 5- and 15-year housing land supply; (ii) delivery of Core Strategies and Development Plan Documents which allocate over 2,000 dwellings; (iii) joint working; and (iv) publication of a Strategic Housing Market Assessment. It is difficult to estimate the amount of money which might be available in relation to each of these elements, as the total available is split between eligible authorities. However, an assessment can be made as to which of the elements may result in grant being awarded. In relation to (i) above, the Council must prepare an Annual

Monitoring Report every December, which contains the 5-year assessment of land supply. In addition a Strategic Housing Land Availability Assessment must inform the preparation of the Core Strategy and Land Allocations DPD, and publication of this will result in an enhanced level of grant being awarded. Awards of grants under (ii) and (iii) are largely dependent on the nature and extent of joint working that is entered into with Harlow & East Herts Councils and therefore cannot be assessed with any certainty at this point. The Strategic Housing Market Assessment is due to be published early in 2009.

16. A further commitment has been made by the government to introduce a further element relating to the provision of affordable housing. No details of this are currently available.

Resource Implications:

As stated in the report.

Legal and Governance Implications:

No relevant implications.

Safer, Cleaner and Greener Implications:

No relevant implications.

Consultation Undertaken:

None

Background Papers:

Cabinet Report (Ref: C/090/2007-08 – 17 December 2007)

Cabinet Report (Ref: C-017-2008/09 – 14 July 2008)

Impact Assessments:

The Corporate Risk Register identifies two risks in relation to the East of England Plan, and the management of growth which arises from it:

3. East of England Plan – Housing built without infrastructure (B1)

4. East of England Plan – Unable to agree joined up plan (B2)

Proper resourcing of the LDF will help prevent these two risks from occurring.