

Report to the Cabinet

Report reference: C-121-2008/09
Date of meeting: 20 April 2009



Portfolio: Planning & Economic Development
Subject: Local Development Framework – Progress & Resources update
Responsible Officer: Amanda Wintle (01992 564543).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the progress of the preparation of the Gypsy & Traveller Development Plan Document be noted;**
- (2) That the outcome of the 19 March 2009 meeting with the Government Office for the East of England (GO East) to agree a joint work programme for delivering the Core Strategies for East Herts, Epping Forest and Harlow Councils be noted;**
- (3) To note the update on Local Development Framework (LDF) expenditure, and the need to amend the budget timetable in the light of recommendation (2); and**
- (4) To consider the future staffing requirements within the Forward Planning team to progress the preparation of the Gypsy & Traveller Development Plan Document and the Core Strategy.**

Executive Summary:

The first round of public consultation on the Gypsy & Traveller Development Plan Document (G&T DPD) has recently closed, and work is now underway on assessing the responses made.

Significant work on the Core Strategy has been delayed, both by the demands of the preparation of the G&T DPD, and the requirement of the East of England Plan that an "Options Appraisal" is completed in and around Harlow.

Expenditure (up to 10/03/09) in 2008/09 from the LDF overall budget amounts to £229,689, with a further £236,838 attributed to projects which will come forward during 2009/10. Further projects are likely to arise to supplement the evidence base during the year.

Members are asked to consider the future staffing requirements that will be needed to supplement the Forward Planning team. The contract for the consultant currently working on the G & T DPD expires at the end of April 2009, and there are several options set out in the report for consideration.

Reasons for Proposed Decision:

The report is intended to update Members on progress with the LDF, including the Gypsy and Traveller DPD and the Core Strategy; and LDF expenditure. Members are also asked to consider future staffing in the Forward Planning team and 4 options are outlined.

Other Options for Action:

- (i) Continued use of a Consultant on a full-time basis to deal with the Gypsy & Traveller Development Plan Document;
- (ii) Continued employment of a Consultant on a part-time or retained basis for Gypsy & Traveller matters; or
- (iii) Terminate the employment of the Consultant and create a temporary Senior Planning Officer post.

Report:

Local Development Framework (LDF) – Background and Progress

1. The Local Development Framework (LDF) was introduced by the Planning & Compulsory Purchase Act 2004 (as amended 2008). All local planning authorities must now prepare an LDF to determine the location and extent of development over a period of at least 15 years. The Core Strategy is the key document to be prepared, and performs a role akin to the previous County-level Structure Plans, ie it is a strategic document which sets the general principles for the location and type of new development across the district, in addition to identifying the areas and key features which must be protected.
2. The Council was served with a Direction by the Secretary of State to prepare a Development Plan Document on Gypsies and Travellers. This will form part of the LDF but is separate from the Core Strategy as a result of the Direction.
3. There are other documents that may be needed to ensure a full suite of policies is available to determine planning applications and guide new development. These will be listed in the Local Development Scheme (LDS) with a timetable for their preparation. The LDS must look forward at least three years, but the period can be longer to cover the projected date of final adoption of all documents included in the LDS.
4. Progress on the Core Strategy has been hindered by the continued delays in the production of the East of England Plan (EEP). This was finally published in May 2008, but became almost immediately the subject of a legal challenge by Herts County Council and other Hertfordshire authorities. This is due to be heard by the High Court in May 2009, and until such time as this is resolved, there continues to be no Member support from East Herts District Council, although its officers are co-operating in joint studies with this and Harlow Councils to develop the evidence base needed for the Core Strategy. The EEP requires the preparation of an Options Appraisal for the Harlow area (see paragraph 18 below) to “inform the preparation of joint or co-ordinated Local Development Documents”, so this also impacts on the timetable for the preparation of the Core Strategy.

Gypsy & Traveller DPD

5. Consultation on options for sites for pitches ended on 20 February 2009. Around 700 responses were received online and 900 individually completed paper questionnaires were returned. In total around 9,700 local residents replied to the consultation with about 8,100 of these in the form of group responses. One late response was accepted from a local society because of apparent problems with an electronic response. This society claims to represent about 2,500 local residents although there was only one signature on the returned questionnaire.
6. The Strategic Environmental Assessment & Sustainability Appraisal being prepared by the County Council will shortly be published for consultation. Prior to submission of the final DPD to the

Secretary of State in September this year, a further round of consultation is required to receive representations, and these will also be considered at the Examination in Public next year.

7. Members of the LDF Cabinet Committee will receive further detailed reports about the next steps to be taken in due course. The intention is for the draft document to be considered at Cabinet and Council in July to meet the September deadline for submission to the Secretary of State.

8. Members are obviously aware of the very controversial nature of the options consultation. Officers anticipated this to some extent but not fully. The demands placed on the Forward Planning team between early November and late February have meant that progress on building the evidence base for the Core Strategy has been slightly delayed.

Core Strategy

9. The last LDF resources update report on 6 October 2008 (C-041-2008/09), explained that there are still considerable uncertainties surrounding the delivery of the East of England Plan policies for the Harlow area. In December 2008, Scott Wilson were appointed to undertake the Options Appraisal for the urban extensions. This work is Government funded (Growth Areas Fund) and is due to be completed by July 2009. Further detailed reports will be bought to the LDF Cabinet Committee as necessary.

10. A meeting involving officers from GO East and East Herts, Harlow and Epping Forest Councils, was held on 19 March 2009 to discuss an appropriate timetable for the next stages of the LDF, including the Core Strategy. The following timetable was broadly agreed as being achievable and realistic by the Council and GO-East officers:

- Issues & Options consultation – Feb/March 2010;
- Publication of Submission document – April 2011;
- Submission to Secretary of State – October 2011; and
- Adoption – July 2012.

11. This will therefore form the basis of consideration of a revised Local Development Scheme (LDS), which will be prepared for discussion by the LDF Cabinet Committee once the initial outcomes of the Harlow Options Appraisal are known. It is necessary to wait until there is more progress on this work, as it will help inform decisions on the documents and timetables to be included, and could also lead to consideration about the merits and drawbacks of joint or co-ordinated working with Harlow and East Herts Councils.

12. Delays in progressing the evidence base for the Core Strategy will be need to be reflected as part of the review of the LDS.

LDF - Resources

Funding

13. A total budget of £1.278m was allocated to the preparation of the LDF from 2008/09, and £5,000 of this was unspent DDF from 2007/08:

Available Budget	2008/09	2009/10	2010/11	2011/12	Total
Approved DDF (Council 19/02/08)	£293,000	£217,000	£615,000	£153,000	£1,278,000
Planning Delivery Grant (5)	£70,000				£70,000
Supplementary – G&T Consultancy fee (Cabinet 09/06/08)	£19,200				£19,200

Supplementary - Design Briefs in Loughton & Epping (Cabinet 06/10/08)	£66,000	£25,000			£91,000
Total Available	£448,200	£242,000	£615,000	£153,000	£1,458,200

14. Expenditure from the LDF fund for this financial year (as at 10/03/09) amounts to £229,889:

Item	Cost
Core Strategy Evidence Base & Preparation	£20,771
G&T DPD	£138,159*
Design Briefs	£37,188
Local Plan Maps	£12,445
Total	£229,889

* This figure includes an estimate of £200 for courier services to send the paper copies of the questionnaires to a firm specialising in electronic data entry. A similar figure will be spent in 2009/10 for the return of the paper copies. An additional £19,200 was spent on consultancy fees which were not funded from the LDF budget.

15. Any funds not spent at the end of the financial year will be rolled forward to subsequent years. This suggests the following is available in the LDF budget:

	2009/10	2010/11	2011/12	Total
Budget available	£460,000	£615,000	£153,000	£1,228,000

16. Further expenditure of £236,838 is currently committed or anticipated in 2009/10 on the following items:

- Landscape Character Assessment £24,745 – committed;
- Landscape Sensitivity Study £24,980 – anticipated;
- Phase 1 Habitat Study £39,660 – committed;
- St John's Epping, Design Brief £12,453 – committed;
- Town Centre Study £40,000 – committed;
- Employment Land Study (with Brentwood BC) £30,000 – anticipated;
- Strategic Flood Risk Assessment (Phase 2) £40,000 – anticipated; and
- Recreation & Open Space Assessment £25,000 – anticipated.

17. Additional evidence base work will arise throughout the financial year, and Members will be kept apprised of this, principally via the LDF Cabinet Committee. In addition, there will be costs associated with the processes that must be adhered to in document preparation (i.e. public engagement, printing, advertising etc).

18. The broad amended timetable in paragraph 10 above will have impacts on when the LDF budget will be needed. The original budgetary requirements were estimated based on an EEP publication date of late 2007/early 2008, which could have allowed the Issues & Options consultation of the Core Strategy to proceed during May/June 2008 (not allowing for the need to prepare an Options Appraisal). The EEP was published in final form in May 2008, and required the Options Appraisal as discussed in paragraph 4 above. This delay in the anticipated programme will mean that the LDF budget will need to be re-profiled over the period to 2012, and is likely to need to be extended. However, meaningful estimates of the profile required cannot be made until further work on the LDS is progressed. The LDF Cabinet Committee will receive further budgetary information at the same time that a revised LDS is considered. In the meantime, expenditure from the LDF budget will continue to

be reported every six months to the LDF Cabinet Committee and the Cabinet.

Staffing

19. The preparation of the G&T DPD has created significant additional workload for the Forward Planning team. Following the issue of the Direction, a consultant working with Forward Planning had orally accepted the position on a temporary contract to take forward the preparation of the Issues & Options consultation document. Shortly after this, however, he left EFDC to take up full time employment in another local authority. Given the urgency required to meet the terms of the Direction a number of recruitment agencies were approached with a view to supplementing the Forward Planning team. A number of CVs were considered and a consultant with significant experience in the LDF system was appointed.

20. The consultant commenced work as part of the Forward Planning team on 1 May 2008, initially for a three month period funded from existing salary underspends. It quickly became clear that the work involved in preparing the G&T DPD would take longer than originally envisaged. A report was brought before the Cabinet on 9 June 2008 requesting a further three month extension (i.e. to 31 October 2008), and a supplementary estimate to cover the additional expenditure incurred (paragraph 13 above).

21. A Portfolio Holder decision dated 29 October 2008 granted a further extension to the contract period. This expires at the end of April 2009. The staffing resources available within Forward Planning must now be considered in the light of meeting the requirements of the Direction (ie submission by the end of September), representing the Council at the Examination in Public in 2010, and meeting the agreed timetable for the preparation of the Core Strategy. The options are:

- (a) Continued use of a Consultant on a full time basis to deal with the Gypsy & Traveller DPD.

The current consultant has proven knowledge of the LDF system, and up-to-date good practice from other authorities. He prepared the recent "Consultation on Options" and therefore has detailed knowledge of the initial site selection process. There is a continued need for expertise in the team to consider the responses received and recommend the sites that should be taken forward. Such expertise will also be invaluable at the Examination in Public (EiP). This option clearly has significant budgetary implications, and Members would need to consider a further increase to the LDF DDF to allow for the continued employment of the current consultant. Alternatively, Members may wish to consider the employment of a different consultant/consultancy firm, where a less expensive contract could perhaps be agreed.

- (b) Continued employment of a Consultant on a part-time/retained basis on Gypsy & Traveller matters.

The possibility of retaining the current consultant on a part time basis and for him to be available for the EiP could be considered. In discussions, however, the consultant has made it clear that he would not be able to sustain his position with EFDC on a part time basis, and that he could not guarantee that he would still be available for the EiP.

- (c) Terminate employment of the Consultant and create a temporary Senior Planning Officer post.

While the Forward Planning team is capable of undertaking the work on the G & T DPD without an external consultant, other LDF work may be delayed as a result. The pressure from GO East to make timely progress on the Core Strategy (and in particular the issue of joint or coordinated working with Harlow and East Herts Councils) should not be underestimated. There could be some resourcing problems if the G & T EiP coincided with critical period in the preparation of the Core Strategy. Members may also wish to bear in mind that the East of England Plan is currently under review, and is being rolled forward to 2031. Consideration and response to the proposals within any draft documents

will also take significant staff resources. An alternative strategy is for the Forward Planning team to be bolstered with an additional post on a temporary basis for a period of two years. This could be funded by Housing & Planning Delivery Grant. Dependent on the skills and experience of the appointed person, he/she could either take a full role in the preparation of the G&T DPD, or in progressing other aspects of the LDF. Secondment from Development Control is being actively discussed to respond to the impact of the economic downturn on the number of planning applications being submitted.

22. Vacancies within the established posts in Forward Planning are the subject of a further report to be considered by the Cabinet shortly.

Resource Implications:

Paragraphs 13 to 16 describe progress with the LDF budget and outline the implications up to 2012. Paragraph 21 considers options for Forward Planning staffing beyond April this year.

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)

Cabinet Report (Ref: C-041-2008/09 – 06 October 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.