

Report to the Local Development Framework Cabinet Committee



**Epping Forest
District Council**

Report reference: **LDF-010-2009/10**
Date of meeting: **11 March 2010**

Portfolio: Leader

Subject: Planning Advisory Service (PAS) Diagnostic on the Local
Development Framework (LDF)

Responsible Officer: Ian White (01992 564066)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) To consider and adopt the following recommendations, listed in order of priority, made by the Planning Advisory Service (PAS) in relation to the preparation of the Local Development Framework (LDF):

(a) ensure that the Leader and the Chief Executive are engaged with the partnership work with East Herts and Harlow to champion the development of joint or co-ordinated work and documents in a timely way;

(b) produce an engagement plan that identifies the key stakeholders, including internal services, across the area, and how best to engage with them throughout the preparation of the joint or co-ordinated Development Plan Document (DPD);

(c) develop a joint briefing/awareness programme for key internal partners and Members to raise understanding of the benefits of the LDF;

(d) involve non-executive Members as part of the visioning and objective setting to increase ownership of the LDF;

(e) address and plan for the sharing of information, monitoring of the core (strategy) DPD, consultation processes and evaluation, including the need for ICT systems;

(f) encourage Councillors to seek support through the PAS Planning Members' and Leaders' networks; and

(g) seek further support from the county Local Strategic Partnership on best practice and sign-posting to information.

Executive Summary:

A consultant on behalf of the Planning Advisory Service visited the Epping Forest District Council and conducted a number of interviews about the LDF preparation on 12 October 2009. The final report, containing recommendations for actions, was received in December 2009. The recommendations included in the report are set out above, but cover matters including the further involvement of backbench Members in the LDF process, the need to address the governance arrangements that need to be made to deliver the proposed growth of Harlow, and further liaison with other key stakeholders.

Reasons for Proposed Decision:

The Planning Advisory Service has undertaken this review in order to aid the Council in achieving a sound LDF. Having now received the final report, the recommendations should be considered and appropriate action taken.

Other Options for Action:

Not to take action following the recommendations of the Planning Advisory Service.

Report:

1. At its meeting on 10 September 2009, the LDF Cabinet Committee noted the decision of the Chief Executive to participate in the LDF Diagnostic as offered by PAS, and agreed to receive the completed report and consider any recommendations. A PAS consultant visited the authority on 12 October and had meetings with the Leader, the Chief Executive, the Director of Planning and Economic Development, the Assistant Director of Policy and Conservation, the Assistant Director of Development Control, the Forward Planning Manager, the Principal Planning Officer and other LDF team members, and the Local Strategic Partnership (LSP) Manager. The consultant also met Principal Planning and Senior Highways Officers from the County Council and held a telephone interview with a GO-East Officer. A series of documents relating to the LDF, the Local Development Scheme (LDS), the Gypsies and Travellers Development Plan Document (DPD) and the Essex Local Area Agreement (LAA) were also examined.

2. Similar exercises by PAS were carried out for East Herts (the same consultant) and Harlow at about the same time.

3. The final version of this Council's PAS report was received on 7 December 2009. The report is structured into 7 headings:

- Achieving outcomes;
- Integration and collaboration;
- Leading and engaging the community;
- Management;
- Innovation, learning and managing risks;
- Shared knowledge and evidence; and
- Decision-making.

Achieving outcomes

4. The Gypsies and Travellers DPD has been a difficult and contentious issue for the authority, work on which has undermined the delivery of other elements of the LDS. Public perceptions of the planning process have suffered as a result of the consultation on increased pitch provision for Gypsies and Travellers, and from the related negative media coverage. That being said, the consultant was complimentary about the "very robust approach to the delivery" of the DPD, and in particular the work undertaken to engage with the travelling community.

5. Delay to the preparation of the Core Strategy has been compounded by the delay to the preparation of the East of England Plan. Since its publication, officers have worked hard to develop the evidence base and ensure co-ordinated working on growth options for Harlow. This work needs to evolve to include discussions with Members of all the authorities. The joint or co-ordinated work requirement has made the process appear more cumbersome, and

is perceived as an obstacle to progressing other priorities, in particular shaping the future of the district outside the Harlow area.

Integration and collaboration

6. Within the Council, the consultant recognised the existence of strategic management teams, but she felt that there was poor communication across these teams. The LDF is a standing agenda item for the Corporate Executive Forum, but across other Directorates there appeared to be limited understanding of the work and information that was available from the LDF team.

7. It is essential that there is a debate around the roles and relationships of Epping, Harlow and East Herts Councils, so that key partners can share a common spatial vision and objectives to develop and deliver their LDFs. The consultant understood that there is no buy-in to this process from East Herts politicians, but noted that the Leader of EFDC was taking a proactive approach to facilitate better engagement, at Member level, with the neighbouring authorities.

8. The consultant suggests that an open and transparent discussion between Members and officers over the spatial approach to development in all three districts has the potential to benefit all the authorities. It remains unclear how the Council is working with East Herts and Harlow, the two County Councils and the Regional Development Agency to integrate plans to deliver infrastructure in the longer term. A co-ordinated multi-organisational approach is required.

9. It is not clear that the work of corporate partners is integrated into the LDF work streams. Better buy-in from partner services needs to be established and this would be facilitated by the championing of the LDF process.

10. The authority is working well with the Epping Forest LSP, but still struggles to engage with the County LSP, and would welcome further help and support with best practice.

Leading and engaging the community.

11. The consultant concluded that the Leader and Chief Executive understand the LDF process and the intention to link with the Sustainable Community Strategy (SCS) and other strategic documents. They recognise that there is still work to be done as the connections are not as well understood in other areas of planning. The authority still has a focus on the regulatory approach of development control, rather than moving towards a development management approach.

12. The splitting of the planning service between three portfolio holders impacts on how the process is championed and delivered. Planning was perceived as having a low profile which was exacerbated by the division of the portfolio. While the Leader is responsible for the LDF, and the LDF Cabinet Committee has been established for some time, the wider membership does not appear to have a consistent understanding of the LDF. Backbench Members are not sufficiently involved and therefore tend to be parochial in their outlook. They appear to be able only to consider the effects on their wards rather than helping the authority to develop and deliver a clear vision for the area as a whole.

13. The Forward Planning team is perceived as predominantly inward-facing and focused on specific topics. It has taken time to make the cultural transition required by the 2004 Planning Act. It was unclear whether the Core Strategy was seen as a delivery plan for the Council's wider strategic aspirations.

14. The report is complimentary about several recent initiatives by the authority to involve the local community. These include the close links with the LSP and in particular the strong programme of engagement to refresh the SCS, the use of web casting, the techniques used to involve the travelling community, and guidance notes for town and parish councils concerning village plans and design statements.

Management

15. The consultant felt that the amount of work required for the (new) planning process has been underestimated and the full implications of programmes have not been grasped. There was very little evidence of resource-based plans or Gantt charts and the authority needs to pay far greater attention to project and resource management. Such systems need to be developed to refocus resources to where they are most required.

16. A project management approach would enable the better alignment of key strategies and joint or co-ordinated working across the three authorities and with other agencies.

17. Improvements to computer programmes to facilitate the collation of representations and the sharing of information are also required. The consultant was concerned about the impact the lack of suitable ICT has had on the collation and analysing of the Gypsies and Travellers consultation responses.

18. Since the report from the consultant has been completed, Forward Planning have commenced installation of a web-based consultation system which is fully integrated with the existing Northgate planning applications system.

Innovation, learning and managing risks.

19. The implications and responsibilities of joint or co-ordinated working with neighbouring authorities and partners have yet to be formally worked through. Senior management has been slow to respond to the needs of the LDF process and team, and needs to identify how working with the neighbouring authorities will benefit the Council.

20. The risks to partnership working need to be identified, monitored and mitigated wherever possible. Effective governance arrangements are required between the three authorities to ensure the development and delivery of improved places for their local communities.

Shared knowledge and evidence

21. It would be useful to look at how information is shared across the organisation and with partners to ensure that the best use is being made of resources for the monitoring of the LDF, SCS and LAA. This should ensure that information is collected once but used on numerous occasions. Links will also be required with Hertfordshire databases.

22. The Council opted out of the county monitoring service several years ago as there was duplication of work and information was not always available at appropriate times. The consultant suggests that this decision should be re-visited as better monitoring is required to draw out clear messages to inform the development of future policy.

23. It would be useful to have a standing item on sharing information at senior management meetings, and a central area for information storage. Better shared systems could be developed with the Performance Improvement Unit and with the County Council Observatory.

Decision-making

24. There are no clear governance arrangements in place to cover the growth agenda and joint or co-ordinated working with neighbouring authorities. It is a complicated picture involving three district councils, three LSPs, two county councils, at least one PCT and other partners. It is certainly unclear as to who might be the lead organisation.

25. The consultant concludes that it is essential that a common vision and objectives, memorandum of understanding, programme and governance arrangements are established to facilitate decision making.

Resource Implications:

Dependent on decisions taken regarding the PAS recommendations.

Legal and Governance Implications:

Dependent on decisions taken regarding the PAS recommendations.

Safer, Cleaner and Greener Implications:

Not applicable.

Consultation Undertaken:

Corporate Executive Forum.

Background Papers:

Copy of the PAS report issued on 7 December 2009.

Impact Assessments:

Risk Management

The report addresses the risks associated with joint or co-ordinated working with East Herts and Harlow Councils. While not part of the PAS study, account may need to be taken of the Conservative Green Paper on Planning which is due to be published in late February. This discusses abolishing the regional government tier and all housebuilding targets associated with regional spatial strategies.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A