

Report to the Cabinet



**Epping Forest
District Council**

Report reference: C-100-2009/10

Date of report: 19 April 2010

Portfolio: Leader of the Council

Subject: Conservation Resources & Planning Delivery Grant

Responsible Officer: Kassandra Polyzoides (01992 564119).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To create a one year fixed term Technical Officer post in the Conservation section (Grade 5 post), and that the post be filled via a secondment;**
- (2) To note that this post would ensure that progress was made on the existing Conservation Area Appraisals and Management Plans but it would not allow for work to commence on considering whether other areas merit designation in the District;**
- (3) To note that the funding bid in (1) above can be covered by allocating existing Planning Delivery Grant 4 (PDG4) funding in the amount of £25,200, earmarked for Planning Policy & Conservation staffing purposes; and**
- (4) To carry forward, Forward Planning Continuing Services Budget (CSB) underspend from 2009/10 in the sum of £10,000 to fortify the existing printing budget and fund emerging projects resulting from ongoing completion of Conservation Area Management Plans. The sum will also be used to deliver tree related projects, and to commence a strategic review of Tree Preservation Orders for the District.**

Executive Summary:

The proposal seeks to utilise existing PDG4 funding to create a fixed term post in the Conservation section. The aim is to ensure that the Conservation Officer has adequate support given that the role has increasing demands namely related to the creation of 25 Conservation Area Character Appraisals and Management Plans, but also related to other demanding statutory duties and National policy changes.

There are individuals within the Directorate that have the required skill set to fill the secondment. The advantage of a secondment is that given that the post is one year there would not be a loss of time in bringing an external candidate up to speed on issues and knowledge of the District. It is felt that a secondment therefore would also strengthen our position in securing a worthy candidate that could fill the Conservation officer post in due course and be the best approach for succession planning. It is unlikely that a qualified Conservation Officer would apply for the post of Technical Officer, but a seconded Officer would be able to produce Character Appraisals and Management Plans for our existing conservation areas and new projects relating to these. There would still be inadequate resources to enable evaluation of new conservation areas within the twelve month period.

The request for carrying over £10,000 CSB underspend emerged partially as a result of the

proposed technical officer support role, as this would allow work on Conservation Areas to be progressed and additional funding to support this work would be required. Additionally, as a result of work carried out by the Trees & Landscape team on the Essex Tree Preservation Order (TPO) re-provision exercise, it has become apparent that more strategic work is needed regarding the protection of trees in our District as well as progressing the Trees Community Strategy and veteran tree surveys. The Trees & Landscape team do not currently have a dedicated budget to fund key items of work.

Reasons for Proposed Decision:

To ensure that the Council continues its ongoing work, completing the updating and creation of the District's Conservation Area Character Appraisals and Management Plans. Additionally it has been assessed that the Conservation Officer requires adequate support in order to continue the high standard of Development Control application and Enforcement team advice and other statutory functions. The Technical Officer would assist on a variety of projects to be carried out within the District, assist with our statutory obligations and day to day administrative tasks

The Essex Tree Preservation Order re-provision work carried out by the Trees & Landscape team, has made it apparent that further work needs to be done relating to protecting trees in our District as well as progressing a number of key projects, such as the veteran tree survey work and the District's community strategies.

Other Options for Action:

(i) To do nothing. However, this would result in no more Character Appraisals and Management Plans being completed within the foreseeable future. There would also be lack of resources to begin to address the issues raised by the public and community groups and to embrace changes to heritage requirements within the planning system.

(ii) To fill the technical support officer role via external recruitment. However, this would entail finding someone externally for a one year period that would have the necessary qualifications and be able to proceed with the tasks at hand in a very short period of time. This may be an issue, especially given the short period of the recommended contract. Existing skills to fill this post exist within the Council.

Report:

Background –Conservation

1. Historically, at its peak, the Conservation section has employed a Conservation Officer and one Conservation Assistant. A service level agreement with Essex County Council has been in place since 2008 for specialist advice on archaeology and statutory listed buildings. The last Conservation Assistant vacated the post in December 2007, which has not been filled on a permanent basis since.

2. For three months from November 2008 to February 2009 a temporary Assistant Conservation Officer was appointed to carry forward work on three Character Appraisals and Management Plans. Another temporary Assistant Conservation Officer was appointed in November 2009 and left in early February 2010. Since November 2008 two Character Appraisals and Management Plans were completed and three additional ones were carried forward.

Ongoing tasks and progress to date

3. The service level agreement with Essex County Council is still in place until April 2011. The District Council's Conservation Officer is tasked with carrying out the statutory functions of providing specialist advice in respect of new development in Conservation Areas and works to historic buildings and other heritage structures. Other tasks include providing and maintaining an effective information and monitoring system for providing specialist advice to the Development Control and Enforcement teams, liaising with statutory and voluntary organizations in respect of all heritage and conservation matters, preparing and designing schemes for environmental enhancements within Conservation Areas and carrying out the assessment, implementation and monitoring of the Council's Historic Buildings Grants Scheme.

4. Government guidance recommends that best practice is to review Character Appraisals and Management Plans for all Conservation Areas on a five year basis. Currently we have six up to date Character Appraisals and Management Plans for our 25 Conservation Areas. Three Character Appraisals and Management Plans have been worked on within the District but are now in abeyance. One, Copped Hall, is being worked on by an independent company, Cheffyns, funded by the Copped Hall Trust. This will have to be overseen by the Council, with the draft report amended, put out to public consultation and produced in accordance with Council procedures. After the departure of the previous Assistant Conservation Officer, work on Character Appraisals and Management Plans has only been achieved by the employment of temporary staff. As of February 2010 the Conservation officer has been carrying out duties without assistance, as a result all works on Conservation Area Appraisals and Management Plans has halted. Table 1 in Appendix 1 shows, the current number of Conservation Area Character Appraisals and Management plan completed and outstanding.

5. Currently there is a greater expectation from the general public and community groups, particularly encouraged by English Heritage, that greater protection for our current Conservation Areas is sought and that the designation of new conservation areas be evaluated. New Conservation Area designation is also encouraged by the misconception that it would preclude new development which has been shown to be necessary within the East of England Plan. The formulation of the Local Development Framework will increase public awareness of development needs in the District and we anticipate that amenity and other groups would seek the designation of more Conservation Areas in the upcoming year. We have already been formally approached by Loughton Town Council to designate six new Conservation Areas within Loughton. Buckhurst Hill have a working party currently evaluating areas to be considered for designation as new Conservation Areas.

6. The Council is in the process of reviewing procedures for Conservation Area Designation and terms of reference for public and community led participation in the evaluation of designation of new Conservation Areas and the production of up to date Character Appraisals and Management Plans for all existing Conservation Areas.

7. There are also major increases in workload anticipated if and when the Heritage Reform Bill eventually goes through Parliament and is given royal assent. The changes from the current Planning Policy Guidance 15 and 16 to a combined Planning Policy Statement 5 will also result in a greater workload for the Conservation section and other sections within the Planning Directorate.

Background- Trees & Landscape Team TPO Re-protection Programme

8. The Tree and Landscape team began the Essex County Council TPO re-protection program in 2008. Over the three previous years the average number of TPO's made had

been 15 per annum. In 2008/09 respectively the totals were 56 and 78. As of the beginning of April 2010 the replacement Orders for the trees previously protected by the County Council have been made and served.

9. The totals for 2005-07 were somewhat below the general average of TPO's made (41 p.a. for 2000-04 incl.) reflecting pressure on Officer time. Use of resources originally made available to fund a High Hedge Officer allowed the increase in numbers for 2008, while the greater numbers for 2009 and 2010 reflects the use of additional resources, aimed to ensure that the program is completed by end March 2010.

10. Members should note that the re-protection programme will have an ongoing impact on the work of the team. The making of the TPOs has 3 phases; the survey and assessment of the trees; the making and services of the order; and then the administration necessary, for example, to ensure all owners of land affected are given the opportunity to respond to the Order, to deal with any objections and to achieve confirmation within 6 months. The team thereafter also has to deal with the applications arising from the new Orders, which would have been dealt with previously by the County.

11. For information the recent totals of applications are: 2007: 106; 2008: 94; and 2009: 130. For comparison, in the early 1990s application numbers were running at approx 60 p.a.

12. Following completion of the program the team's capacity to make new Orders will return to below the levels of 2005-07.

Conservation-Technical Officer post

13. Due to budget constraints the current recommendation asks for Technical Officer support, not for an Assistant Conservation officer post to be approved. It is recommended that this post be filled via a secondment. This will assist in achieving successful succession planning for the Conservation Officer post, as identified in the Planning Directorate Workforce development plan section of the Planning Directorate Business plan. This would also support the current ongoing training being funded within the Planning Directorate for Conservation of Buildings and Town Planning.

Resource Implications:

PDG4-Planning Delivery Grant 4

It is recommended that funding of the 1 year fixed term post be covered by a PDG4 underspend of £25,200, earmarked for Planning staffing purposes.

Forward Planning CSB underspend

The 2009/10 CSB £10,000 underspend is requested for the following:

(i) To bolster the existing printing budget, as completing more Conservation Area Appraisals and Management Plans would entail additional printing costs. It is also foreseen that the Trees team will require additional funding for printing any new community tree strategies - £3,000;

(ii) To fund the development of emerging projects, which will result from the completion of Conservation Area Management Plans - £2,000; and

(iii) It has become apparent, for some time, that it is in our interest to carry out a strategic review of TPO provision in the District, continue our veteran tree survey work and community strategies for the District - £5,000

Legal and Governance Implications:

N/A.

Safer, Cleaner and Greener Implications:

Lack of appropriate funding in line with, new requirements, demands, additional workloads and ongoing project support in the Conservation & Trees & Landscape team can result over the long term in Safer, Cleaner and Greener targets not being met.

Consultation Undertaken:

At the Local Councils' Liaison Committee meeting on 17 March 2010, Town and Parish Councils brought up their concerns regarding Conservation Areas:

"Local Councils requested that additional areas should be considered for conservation area status. This matter had been raised at the meeting of the Epping Forest Association of Local Councils and after a brief discussion about the value of Conservation areas, it had been agreed that they were not being served well by present planning arrangements in the District. In spite of being identified as 'conservation areas' much that was of interest had been lost. It was also noticed that without the adoption of Article 4 provisions, the District's conservation areas lacked meaningful protection."

It was agreed that a report will be drafted for Overview and Scrutiny Committee, to bring other members up to speed on work being delivered by the Council and the recommendations made by Local Council's Liaison Committee. The recommendations of the current report do not cover the issues raised at Local Councils' Liaison Meeting regarding additional Conservation Areas and focus on the District's existing Conservation Areas only, this was noted at the Local Councils' Liaison Meeting.

Background Papers:

Local Councils' Liaison Meeting – 17 March 2010 Agenda & Minutes.

Impact Assessments:

Risk Management

Not having additional support for the Conservation officer would lead to there being little progress on Conservation Area Character Appraisals and Management Plans for the existing 25 Conservation Areas. Without the additional CSB funding, there would be the possibility of not being able to print and distribute the final documents or begin to progress emerging projects. In addition without the additional CSB funding there would be little scope of progressing the community trees strategies or commencing conducting a strategic review of Tree Preservation Orders within the District.

Equality and Diversity:

It is not considered that there are any specific equalities issues arising from having these posts.

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? No

What equality implications were identified through the Equality Impact Assessment process?
None.

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.