

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Planning Services Scrutiny Panel      **Date:** Tuesday, 9 December 2014

**Place:** Committee Room 2, Civic Offices, High Street, Epping      **Time:** 7.30 - 9.35 pm

**Members Present:** G Chambers (Chairman), Ms Y Knight (Vice-Chairman), D Dorrell, H Kauffman, J Knapman, Mrs M McEwen, B Sandler, Ms G Shiell, D Stallan, B Surtees and D Wixley

**Other Councillors:** R Bassett, J Philip, Mrs L Wagland and G Waller

**Apologies:** A Watts

**Officers Present:** D Macnab (Deputy Chief Executive and Director of Neighbourhoods), N Richardson (Assistant Director (Development Management)), S G Hill (Assistant Director (Governance & Performance Management)) and M Jenkins (Democratic Services Assistant)

**Also in attendance:** A Blom-Cooper (Council's Local Plan Consultant)

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### **22. SUBSTITUTE MEMBERS**

It was advised that Councillor D Stallan was substituting for Councillor A Watts.

### **23. DECLARATIONS OF INTEREST**

There were no declarations of interest made pursuant to the Council's Code of Conduct.

### **24. NOTES FROM THE LAST MEETING**

#### **RESOLVED:**

That the notes of the last meeting of the Panel held on 2 September 2014 be agreed.

### **25. TERMS OF REFERENCE**

The Panel's Terms of Reference were noted.

### **26. WORK PROGRAMME**

The Panel's Work Programme was noted.

### **27. LOCAL PLAN**

The Panel received a report regarding an Update on the Local Plan from the Council's consultant Ms A Blom-Cooper.

### **Local Plan Timetable/Workshops**

The Local Development Scheme agreed by the Cabinet in July 2014 proposed that the next stage of consultation on the draft plan/preferred option was to run in the summer of 2015. This would be followed by analysis of the responses and the preparation of a pre-submission plan for publication in early 2016.

A series of three Member workshops, organised on an Area Planning Committee basis, were held in September/early October to further involve members in the process of identifying options for testing. A summary note for Members was awaiting Portfolio Holder signature.

### **Update on Key Evidence Work**

#### **(a) Strategic Housing Market Assessment Update**

It had become increasingly important to ascertain the relationship between the housing need evidence in the Strategic Housing Market Assessment (SHMA) and employment forecasts, as inspectors were questioning this. A report to the Cabinet was expected for Spring 2015 regarding the economic activity scenarios match with appropriate job growth projections for the district but it was important that this was considered at the same time as the report on objectively assessed housing need.

A Blom-Cooper advised that Uttlesford District Council's Local Plan had been examined by the inspector who found that their housing numbers were not sufficient to meet their objectively assessed need. The update of the SHMA was currently being undertaken jointly by the District Council, Uttlesford, Harlow and East Hertfordshire. This work was underway and the four authorities have agreed to include an additional population scenario using the intercensal change between the 2001 and 2011 census. The census information more accurately reflected the situation on the ground, District Council Members had concerns in relation to the migration figures shown in the Phase 6 Essex Planning Officer's Association (EPOA) work which were based on Office for National Statistics (ONS) 2012/13 population figures. The finalisation of the SHMA was required before an objectively assessed housing need figure could be determined for the District Council and the other authorities in the SHMA area. Members urged sensitivity when revealing information to the public although some Members were often unclear as to what they could tell residents. The Planning Policy Portfolio Holder told the Panel that the draft Local Plan was a working document continually in process.

Members requested that any instructions to the Council's legal Counsel should be prepared by legal officers.

#### **(b) Economic and Employment Evidence**

Hardisty Jones Associates, an economic development, regeneration and sustainability consultancy, had provided their interim findings on economic and employment evidence to support both the Local Plan and the authority's overall Economic Development Strategy. This would be reported to the Cabinet alongside the SHMA report. A Blom-Cooper informed the Panel that the evidence base for housing and economic need should be aligned. The Panel suggested that local knowledge needed to be factored into the process.

**(c) Green Belt Review**

The fieldwork for Phase 1 of the Green Belt Review was substantially complete, and the report was being drafted. It would identify both the primary functions of the Green Belt and areas which no longer contributed towards the national purposes or contributed the least. The Phase 1 Review would be reported as soon as it was completed to the Cabinet which was likely to be in February 2015. This would be followed by a briefing for Town and Parish councils and other members and an opportunity to see the findings.

**(d) Strategic Land Availability Assessment**

An update of the Strategic Land Availability Assessment had been due to be reported to the Cabinet on 15 December 2014 but it had been agreed that there would be an item in the Members Bulletin and the NLP report would be available in the Member's Room.

**(e) Gypsy and Traveller Accommodation Assessment**

The joint Essex-wide Gypsy and Traveller Accommodation Assessment had been completed with officer and Member briefings provided by the consultants in July 2014.

**(f) Duty to Co-operate**

Officers had been meeting regularly with the appropriate authorities regarding cross boundary issues. The Planning Advisory Service had facilitated a Member meeting in September. Following this, governance arrangements had been agreed for the establishment of a member group at a meeting on 20 October 2014 when Councillor S Barker an Uttlesford Councillor was agreed as Chairman until May 2015. Members had a presentation on the emerging findings of the SHMA and agreed in principle to support Junction 7a.

On 27 October the Leader wrote to the Chairman of the Member Group to advise that unless the emerging figure for the Objectively Assessed Housing Need for EFDC were to reduce, it was probable that EFDC could not meet the full housing need, given the Green Belt constraints for the District. This was in the context of the recent planning practice guidance published on 6 October reiterating the advice in the National Planning Policy Framework that local planning authorities should meet objectively assessed needs. Once need has been assessed the authority should take account of any constraints such as Green Belt which indicated that development should be restricted. The Leader had asked that the next meeting of the Member Board should discuss how the objectively assessed need could be met by the wider SHMA area.

**(g) Neighbourhood Plans**

Moreton, Bobbingworth and the Lavers had submitted a revised draft plan following the critical friend advice received from an Neighbourhood Planning Independent Examiner Referral Service (NPIERS) examiner. Officers were considering this and undertaking a screening opinion on the requirement for Strategic Environmental Assessment, a necessary part of the process. The plan was yet to be submitted for examination. Epping town parish was designated as a neighbourhood area for the purposes of making a plan by the Cabinet on 6 October 2014, Buckhurst Hill and North Weald parish councils had also submitted applications.

**(h) Planning Policy Team Staffing**

Appointment had been made to the Planning Policy Manager post and the structure of the team had been reviewed as part of the phase two restructure and was being taken through a job evaluation panel meeting in December.

The Chairman expressed how pleased he was that many non-Panel Members had participated in the meeting to discuss the Local Plan.

**RESOLVED:**

That the Local Plan Update report be noted.

**28. COMMUNITY INFRASTRUCTURE LEVY**

The Panel received a report regarding the Community Infrastructure Levy from the Assistant Director of Governance (Development Management).

Planning obligations were legal contracts made under Section 106 of the 1990 Town and Country Planning Act linked to a planning application decision made by the local planning authority. The obligation related to the land within the planning application only. Planning obligations were used to:

- (a) Prescribe the nature of development to comply with policy (for example, requiring a portion of housing to be affordable);
- (b) Compensate for loss or damage created by a development; and
- (c) Mitigating a development's impact.

A review in 2004 concluded that S106 could not deliver strategic infrastructure and in its place the Community Infrastructure Levy (CIL) was conceived to capture an element of land value for funding strategic investment. The CIL was introduced in 2010 with new regulations. Planning obligations entered into from 6 April 2010 needed to meet three new tests:

- Necessary for making the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

**Setting a CIL**

The following was required for setting a CIL:

- Up to date development plan
- Evidence on infrastructure funding gap
- Evidence on viability
- All evidence was appropriate
- Rates should be consistent with viability evidence across the area

**Post 6 April 2015**

The District Council was yet to decide whether to adopt a CIL which could not be introduced without an up to date adopted Local Plan. It was advised that Council

consultants would inform Members on the potential for introducing CIL in the district. As of November 2014 only 12% of councils (less than 50) had a CIL in place.

**RESOLVED:**

That Community Infrastructure Levy report be noted.

**29. REVIEW OF OPERATION OF PLANNING COMMITTEES AND TERMS OF REFERENCE**

The Panel received a report regarding the Review of Operating Planning Committees and Terms of Reference from the Assistant Director of Governance and Performance Management.

At the September 2014 Overview and Scrutiny Committee, a PICK request, sponsored by Councillor B Sandler, was referred to the Planning Scrutiny Panel. It asked that a review take place concerning the operation of the District Council's planning committees and their terms of reference in the light of recent public concerns about the procedures employed at meetings and that no such review had taken place for some time.

**RECOMMENDED:**

That the Review concerning Operation of Planning Committees and Terms of Reference be recommended to the Constitution and Member Services Scrutiny Panel:

- (1) That the operation of the speaking arrangements and submittal deadlines for material to the Planning Sub-Committees should now include:
  - (a) That the classes and types of speaker – Objector/Applicant (or their agent), Parish or Town Council and Statutory Consultee. It was felt that the 3 minute speaking limit should be retained along with the current registration arrangements and deadline of 4p.m. the day before the meeting;
  - (b) That the Panel supported the Chairman's discretion in allowing slightly more time to some speakers or perhaps merging speaker's speeches if they were registered on two applications at the same site; and
  - (c) That the Panel did not recommend changing the procedure for making submissions and providing photographic material. These should be completed before the meeting date and not be tabled.
- (2) That the Terms and Reference for the District Development Control Committee should include the following:
  - (a) That any development proposals which affected more than one Area Plans Sub-Committee;
  - (b) That a major application where the Council was the land owner;
  - (c) That any application referred by an Area Plans Sub-Committee by resolution, by minority reference at sub-committee, or where the Sub-Committee were unable to determine the application;

- (d) That determination of any recommendation of an Area Plans Sub-Committee which related to potential decisions liable to give rise to cost claims or compensation;
- (e) That any planning application submitted by or on behalf of a Councillor of the authority; and
- (f) That the power of determining proposals subject to any ruling by the Leader of the Council is respect of:
  - (i) That major importance to the Council, or the whole district;
  - (ii) That or affecting more than one Area Plans Sub-Committees; and
  - (iii) That proposals for development of which the committee had approved but required notification to the Secretary of State by reason of scale, nature, locale which significantly prejudiced the implementation of development plans, policies and proposals.

### **30. KEY PERFORMANCE INDICATORS 2014-15 - QUARTER 2 PERFORMANCE**

The Assistant Director of Governance (Development Management) presented a report to the Panel regarding Key Performance Indicators 2014/15 – Quarter 2.

Pursuant to the Local Government Act 1999, the Council was required to make arrangements for securing continuous improvement in the way in which its functions and services were exercised having regard to a combination of economy, efficiency and effectiveness. As part of the duty for securing continuous improvement, a range of Key Performance Indicators (KPIs) relevant to the Council's services and key objectives were adopted each year. Performance against the majority of KPIs was monitored on a quarterly basis. Therefore a range of 36 Key Performance Indicators (KPIs) for 2014/15 was adopted by the Finance and Performance Management Cabinet Committee in March 2014. Progress in respect of each of the KPIs was reviewed by the relevant Portfolio Holder, Management Board and OS panels at the conclusion of each quarter.

#### **Key Performance Indicators 2014/15 – Quarter 2**

The overall position with regard to the achievement of target performance for all of the KPIs at the end of the second quarter (1 July to 30 September 2014) of the year was as follows:

- (1) 25 (69%) indicators achieved the cumulative second quarter target;
- (2) 11 (30%) indicators did not achieve the cumulative second quarter target, although 2 (5%) of these KPIs performed within the agreed tolerance for the indicator; and
- (3) 30 (83%) were currently anticipated to achieve the cumulative year end target.

Six of the Key Performance Indicators fell within the Planning Services Scrutiny Panel areas of responsibility. The overall position with regard to the achievement of target performance at the end of the second quarter of the year for these six indicators, was as follows:

- (a) 3 (50%) indicators achieved the cumulative second quarter target;
- (b) 3 (50%) indicators did not achieve the cumulative second quarter target, although 1 (17%) of these KPIs performed within the agreed tolerance for the indicator; and
- (c) 5 (83%) were currently anticipate to achieve the cumulative year end target.

**RESOLVED:**

That the Key Performance Indicators 2014/15 Quarter 2 Performance be noted.

**31. ANY OTHER BUSINESS**

There was no other business for consideration at the meeting.

**32. DATES OF FUTURE MEETINGS**

The next meeting of the Panel will be held on Thursday 26 February 2015 and then on Thursday 14 April.

**CHAIRMAN**

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