

Report to the Local Plan Cabinet Committee



Report reference: *LPC-003-2018/19*
Date of meeting: *22 November 2018*

**Epping Forest
District Council**

Portfolio: Planning and Governance

Subject: Epping Forest District Local Plan Update

Responsible Officer: Alison Blom-Cooper (01992 564066).

Democratic Services: Vivienne Messenger (01992 564265).

Recommendations/Decisions Required:

- (1) That the update in relation to progress in the production of the Local Plan be noted;
- (2) That the updated Local Development Scheme included as Appendix 1 be agreed and published on the Council's website;
- (3) To note expenditure from the Local Plan to date in 2018/19 financial year, and to agree a bid for an addition to the DDF of £25,860 in 2019/20 and £353,000 2020/21 (£378,860 in total over the two financial years); and agree a DDF budget of £11,500 to support Neighbourhood Planning;
- (4) To transfer the posts within the Implementation Team to CSB from 1 April 2018 (at a cost of £316,880 in a full year) except for the Urban Design Officer post which it is proposed to transfer from 1 April 2020 (at a cost of £51,460). But retain DDF funding of £244,000 to fund the difference between Expenditure and income in 2018/19 and 2019/20.

Executive Summary:

This report seeks:

- a) To update members of the progress of the preparation of the District Local Plan.
- b) To seek agreement to an updated Local Development Scheme, the high-level project plan for the preparation of the Epping Forest District Local Plan. The proposed new scheme would supersede the earlier Local Development Scheme agreed in October 2017, with the preparation of the single District wide Local Plan submitted to the Secretary of State for independent examination in September 2018.
- c) To agree the resources needed to match the revised Local Development Scheme and support the Implementation Team.
- d) To agree that the posts within the Implementation Team should be funded through CSB.

Reasons for Proposed Decision:

The Council is obliged under the Localism Act 2011 to prepare and publish a Local Development Scheme so that the public and stakeholders are aware of the likely timing of key stages of the plan making process.

The Council must ensure that the Local Plan is sound and deliverable to meet the requirements of legislation and national planning policy, and also to ensure that future development is plan-led, sustainable and of a high quality. To ensure that the Local Plan will be sound and deliverable it is vital that the production and implementation process is adequately resourced.

Other Options for Action:

- Not to provide an update on the preparation of the Local Plan.
- Not agree to amend the Local Development Scheme.
- Not to agree the additional funding identified for the Local Plan DDF.

Report:

Local Plan Update

1. The Council was delayed in submitting the Local Plan Submission Version for examination following the claim for judicial review made by CK Properties (Theydon Bois) Limited in March 2018. Following the order of Rt Hon Mr Justice Sales on 20 September 2018 refusing the claimants application for permission to appeal to the Court of Appeal, the Local Plan Submission Version was submitted on 21 September 2018. The Secretary of State has appointed Inspector Louise Phillips MA MSc MRTPI to carry out the independent examination of the plan. She will determine whether it has been prepared in accordance with the relevant legal requirements and that it is 'sound' i.e. positively prepared, justified, effective and consistent with national policy. An independent Programme Officer has been appointed to assist the Inspector with all aspects of the examination. Prior to the hearing sessions of the examination, the Inspector does not have direct contact with either the Council or Representors, and all communications with the Inspector take place through the Programme Officer.
2. The Inspector is currently appraising the Local Plan and the representations submitted at the Regulation 19 stage and we have yet to have confirmation of the dates for the hearings. Early indications are that initial hearings are likely to take place in January 2019 with further hearings following. All information relating to the Examination is available on the examination webpages of the website which is regularly updated.

Implementation Team

3. Alongside the production of the Local Plan, and to prepare for Local Plan implementation arrangements were put in place to help deal with the increased number of large and complex development proposals coming forward, especially those identified as Strategic Site allocations in the Local Plan Submission Version. The Implementation Team was created in 2018 following the Cabinet decision on 7 December 2017 when DDF funding of £284,400 was agreed for 2018/19 and 2019/20 with an agreement to review after one year.
4. The posts currently in the team are set out below.

Implementation Manager	Grade 10
To co-ordinate and manage the work of the team and to take the lead role in liaising with developers	
Principal Planning Officer x 2	Grade 9
To undertake the professional planning technical work in the preparation of masterplans.	

Strategic Infrastructure and Planning Obligations Officer	Grade 9
To identify, develop and assist in securing large scale pieces of infrastructure and other infrastructure projects required to support new development coming forward in the District.	
Urban Designer	Grade 9
To provide urban design expertise to ensure the quality of future development.	
Principal Landscape and Ecology Officer - vacant	Grade 9
To provide specialist conservation input into the development of masterplans and major applications to ensure good green infrastructure is provided.	
Land Drainage Engineer	Grade 8
To assist in the negotiation and delivery of sustainable Urban Drainage Schemes (SUDS) to include ongoing maintenance arrangements.	
Project Coordinator	Grade 6
To support the work of the Implementation Team by coordinating meetings, managing correspondence/invoicing, minute taking and providing a point of liaison	

5. The Implementation Team is currently working on the delivery of Local Planning allocation sites, including the Strategic Masterplan Areas and Concept Framework Areas. However, the team does not benefit from any specialist expertise in landscape architecture and ecology. The urban design officer post has been filled through the Public Practice scheme. An expression of interest has been prepared for the new intake from April 2019 and it is proposed to fill the Principal Landscape Officer post from this together with an Ecology officer and a second urban design officer post proposed for the Garden Town team. The final structure of this team is currently under discussion.
6. The DDF currently shows net expenditure of £238,000 in 2018/19 and £178,000 in 2019/20. It is recognised though that the team will be required longer term and in reality, they need to be an ongoing resource and therefore part of the Continuing Services Budget (CSB). It is therefore proposed that from 1 April 2018 all posts except the Urban Designer be transferred to the CSB at a projected cost of £203,000 in 2018/19 and £316,880 in 2019/20. These figures include an additional Principal Planning Officer that was not included in the original proposal.
7. The Council was also successful in the bid to MHCLG for the Planning Delivery Fund and secured £150,000 (£100,000 for 2017/18 and £50,000 for 2018/19) to support high quality design in the District. This has been used to fund the Urban Design Officer post who has been supporting the Quality Review Panel as well as contributing to masterplanning and other key sites in the District. An amount of £51,500 will be needed in both 2018/19 and 2019/20 with the remaining £47,000 being available to fund the work to support the achievement of high quality design in the District. It is proposed that the Urban Designer post be moved into the CSB from 2020/21 onwards when the MHCLG funding has been fully utilised.
8. In 2020/21 it is expected that the team will become self-financing either from income for Planning Performance Agreements (PPA's) or income relating to the Development Control process but until that point some DDF funding will be required to make up the difference between expenditure and income. Currently this is estimated at £78,000 for 2018/19 and £166,000 for 2019/20, however these amounts will need to be revisited on a regular basis to ensure an appropriate split between CSB and DDF is

applied.

9. By agreeing these proposals it will ensure that the Council can deliver on the sites proposed for allocation in the Local Plan which will come forward over the next 15 years.

Harlow and Gilston Garden Town

10. Work continues to progress the Harlow and Gilston Garden Town and significant progress has been made during 2018. Key strategic documents, which set out the partners' vision for the Garden Town, are being developed, along with an overarching Infrastructure Delivery Plan and Strategic Viability Assessment. Proposals for the long term stewardship arrangements for the Garden Town communities are being developed, along with a Housing Plan and Economic Development Plan.
11. In order to deliver this scale of growth across three Districts and two Counties, it is also considered essential that a collaborative and co-ordinated approach is taken to development implementation as this will ensure the greatest opportunity for successful delivery across the partnership.
12. The partners have, therefore, agreed to put together a wider Garden Town team which will consist of regeneration, communication and engagement functions as well as economic development and programme management. A joint implementation team is also being established as part of the proposals to ensure that there is a co-ordinated, professional and competent approach to the delivery of the strategic Garden Town sites and that development comes forward in line with the Garden Town principles.
13. This team will be funded through District and County contributions, the relevant PPA sums, and a Capacity Fund bid was submitted to Homes England in July of this year for additional funding, which we are awaiting the outcome of.

The EFDC contributions required to deliver the Garden Town in 19/20 and 20/21 are as follows:

Garden Town District Lead Officer - £76,000

Contribution to delivery programme of work - £57,000

14. These contributions mirror those being made by the Garden Town District partners and Essex County Council is also providing this level of resources through a commitment to provide a planning and transport officer to the project. Hertfordshire County Council is yet to confirm its contribution to the project.

A contingency sum of £30,000 has been requested to cover any unforeseen work that is needed. This is noted but is not included in the overall budget. In summary, the total EFDC budget proposed to deliver the Garden Town project over the next budget period includes the following provision:

2019/20 £133,000

2020/21 £133,000

Local Development Scheme

15. The current Local Development Scheme was agreed by the Cabinet on 12 October 2017. The Council published the plan at Regulation 19 in accordance with the agreed Local Development Scheme and this ran from 18 December to 29 January 2018. However, as a result of the judicial review the Council was delayed in submitting the Plan for independent examination until 21 September 2018. This has resulted in the slipping of the subsequent stages to reflect this delay.
16. The updated Local Development Scheme reflecting these timescales is appended to this report (see Appendix 1).

Resources

17. Cabinet last received a report on Local Plan resourcing in October 2017 when a reprofiled budget for 2017/18 was agreed.
18. Appendix 1 shows the detail of the currently forecast budget required to support the Local Plan to adoption in 2019/2020 and subsequent work to adopt potential supplementary planning documents and consider the introduction of CIL. There was a budget carried forward from 2017/18 of £271,560 to 2018/19. Taking account of the work identified for 2018/19, 2019/20 and 2020/21 this shows a shortfall of £25,860 for 2019/20 and £353,000 for 2020/21. This is largely a result of additional spend required to undertake the additional evidence based work to take account of the large number of sites going through the site selection process which has had a knock on impact on other pieces of work such as transport modelling/testing, IDP and viability work. Appendix 1 shows the summary of the Neighbourhood Planning grant which was provided by the government to provide advice and assistance to parish councils to develop neighbourhood plans. Support has been provided through a contract with RCCE. However, the Council has incurred additional costs as a result of the unsuccessful examination of the Chigwell Neighbourhood Plan which cannot be recouped through government grants and an additional £11,500 is required in 19/20 to continue this support.

	2017/18	2018/19	2019/20	2020/21	Total
Carry forward		£271,560	£470,330		
Budget	£1,226,710				
Actual/Estimated spend	£955,150	£746,910	£896,370	£353,000	
Total budget		£1,018,470	£1,366,700	£353,000	
Total additional required			£25,860	£353,000	£378,860

Resource Implications:

The budget for 2017/18 and beyond was approved as part of the Local Plan budget in December 2016. The October 2017 report sets out the budget required to take the Local Plan through to adoption in accordance with the proposed revised Local Development Scheme. As set out above and by Appendix 1, the overall Local Plan budget requires an additional £25,860 in 2019/20 and £353,000 in 2020/21 and the Neighbourhood Planning budget requires £11,500 over the grant provided by the government.

Legal and Governance Implications:

The Council is required to prepare and maintain an up to date Local Plan to set out the strategic priorities for the area and the policies that address these. The Local Plan needs to be prepared in accordance with an agreed local development scheme. It is necessary to ensure the preparation of this Plan is supported by comprehensive and robust evidence, and the necessary staffing resources are in place to ensure delivery in a timely manner.

Safer, Cleaner and Greener Implications:

The preparation of a Local Plan is a key Corporate Priority for the Council and the delivery of a Local Plan, informed by a robust evidence base, will contribute to safer, cleaner, greener objectives by planning for sustainable development.

Consultation Undertaken:

Accountancy, within the Resources Directorate

Background Papers:

- Cabinet Reports C-047-2016/17 December 2016 and (C-068-2016/17) March 2017 and (C-022-2017/18) 12 October 2017.
- Local Plan Regulations (2012)

Risk Management:

Adequate resourcing is key to the timely delivery of the Local Plan. The continued progression and implementation of the Local Plan is required in order to manage and mitigate the risks of potential speculative or unco-ordinated development across the District. The adoption of the Local Plan will help to ensure that the Council is making adequate provision for the development and infrastructure needs of the District, including a sufficient supply of deliverable housing land as required by national planning policy. It is important that resources are in place to support the Independent examination of the plan and any modifications arising from the examination. A failure to adopt is likely to have considerable resource implications for the Council, and would also significantly restrict the ability of the Council to take a plan-led approach to meeting the future development and infrastructure needs of the District.

Appendix 2 – Local Plan expenditure

	2017/18	2017/18	2018/19	2018/19	2019/20	2019/20	2020/21
	Revised Budget	Actual Spend	Original Budget	Estimated Spend	Original Budget	Estimated Spend	Original Budget
Evidence Base							
Project Management and Critical Friend Support	233,510	342,910	211,680	371,910	211,680	249,870	0
Local Plan Engagement Prior to Publication	28,850	4,230	0	0	0	0	0
Demographic Projections (ECC)	0	0	0	0	0	0	0
Strategic Housing Market Assessment	20,000	5,280	20,000	0	5,000	5,000	5,000
Transport Modelling	173,000	41,360	70,000	100,000	0	50,000	20,000
Central Line	10,000	0	0	0	0	0	0
Combined Sustainability Appraisal/ Equalities Impact Assessment	9,500	7,850	5,000	10,000	0	0	0
Strategic Sustainability Appraisal work	25,340	26,570	10,000	0	0	0	0
Habitats Regulations Assessment	40,000	12,360	15,000	15,000	5,000	5,000	5,000
Strategic Flood Risk Assessment	20,000	6,000	20,000	5,000	0	0	0
Local Plan Viability Assessment/CIL	16,600	16,600	10,000	10,000	5,000	10,000	20,000
Economic Study	15,000	14,950	5,000	0	0	0	0
Strategic Functional Economic Market Area Economic Study	10,000	6,280	5,000	0	0	0	0
Open Space, Indoor Sports and Playing Pitch Studies	49,320	18,990	0	0	0	0	0
Visitor Accommodation Study	2,840	5,680	0	0	0	0	0
Masterplanning/ Site Guidance to support site delivery	50,000	20,970	100,000	50,000	100,000	100,000	100,000
Garden Town - match funding	0	0	50,000	50,000	50,000	133,000	133,000
Site Selection and Infrastructure Delivery Plan	400,000	322,040	100,000	50,000	0	50,000	20,000
Green Infrastructure	7,750	0	0	0	0	0	0
Total	1,111,710	852,070	621,680	661,910	376,680	602,870	303,000
Local Plan Process							
Publication - Local Plan	95,000	17,080	0	5,000	0	5,000	0
Counsel Advice (prior to Submission and including JR)	20,000	86,000	0	20,000	0	0	0
Local Plan Independent Examination costs	0	0	324,000	60,000	23,500	265,000	50,000
Modifications arising from Independent	0	0	0	0	0	23,500	0
Total	115,000	103,080	324,000	85,000	23,500	293,500	50,000
Overall Total	1,226,710	955,150	945,680	746,910	400,180	896,370	353,000
Budget Summary							
	2017/18	2017/18	2018/19	2018/19	2019/20	2019/20	2020/21
	Revised Budget	Actual spend	Original Budget	Estimated Spend	Original Budget	Estimated Spend	Original Budget
Carry forward			271,560	271,560		470,330	-25,860
Budget	1,226,710	955,150	945,680	746,910	400,180	896,370	353,000
Total Budget to Spend/Required	1,226,710	271,560	1,217,240	1,018,470	400,180	1,366,700	327,140

Neighbourhood Planning Budgets							
	2017/18	2018/19	2019/20				
	Actual spend	Estimated Spend	Estimated Spend				
Grant carry forward	27,000	20,500	2,500				
Spend	-6,500	-18,000	-14,000				
Total Budget to carry forward/(required)	20,500	2,500	-11,500				