

Report to the Council

Committee: Cabinet

Date 24 April 2018

Subject: Planning and Governance Portfolio

Portfolio Holder: Councillor J Philip

Recommending:

That the report of the Planning and Governance Portfolio Holder be noted.

1. Local Plan

As members will be aware the submission of the Local Plan has been delayed following a Planning Court ruling on 20 March 2018. The Court granted CK Properties Theydon Bois Limited (CK Properties) permission to apply for judicial review of the Council's decision on 14 December 2017 to approve the Epping Forest District Local Plan Submission Version 2017 (LPSV) for publication and submission to the Secretary of State for independent examination.

CK Properties complains that its land to the east of Theydon Bois was not allocated for residential development in the LPSV and contends that it has been prejudiced by the unavailability of Appendix B to the Site Selection Report (Arup December 2017), during the Regulation 19 publication period.

The Court ordered that the Council be restrained from submitting the LPSV for independent examination until the final determination of the judicial review claim, or further order. The Court also ordered that the judicial review hearing can be expedited and it is listed for hearing on 23 and 24 May 2018 with a time estimate of 1½ days. The Court order sets out dates for filing and serving additional evidence prior to the hearings.

It is the Council's case that from the material contained in the report to Council and previous work and briefings with Members that we were in a position to make an informed decision on the Submission Version. Indeed, the merit of the site in Theydon Bois, promoted by CK Property Developments Ltd was, as you may recall, specifically debated.

The Council will be contesting all the claims made and to be heard at the full hearing but the ruling means the Council could not meet the agreed submission date of 31 March 2018. Council was recommended to submit the plan by the 31 March 2018, not only to mitigate the risk of higher housing numbers due to the new targets. It was also to assist the Council in meeting the requirements of the Housing Delivery Test which remains a challenging target for 2018 and without a local Plan potentially unachievable in the following years. It also reduces the likelihood of Central Government intervention in the plan making process. The Council website has been updated with all the proposed submission documents.

2. Implementation of the Local Plan

In December 2017, the Department for Communities and Local Government (DCLG) issued a prospectus for the Planning Delivery Fund which is part of the resource funding announced in the Housing White Paper. The Council submitted a bid for funding for 2017/18 and 2018/19 under the Design Quality funding stream to support the implementation of the local plan. Support under the funding stream is offered to increase design skills in local authorities to ensure that new development meets the Governments ambitions for quality as

well as quantity. The Council has sought funding, in particular, to support the masterplanning process identified in the Submission Version Local Plan - £100,000 in 2017/18 and £50,000 in 2018/19. The Council was advised on 23 February 2018 that the bid had been successful and the full amount awarded to the Council. This has enabled the Council to accelerate the Implementation Team recruitment. *Jobsgopublic* have been appointed to support the recruitment of an Implementation Manager, two Principal Planning Officers and a Strategic Infrastructure and Planning Obligations Officer.

The Quality Review Panel for both the Garden Town and for the District has been established and the terms of reference have been finalised and are on the website. Peter Maxwell who is the Head of Design at the London Legacy Development Corporation and a panel of planning, architecture, urban design and construction experts to provide impartial expert advice in relation to development schemes and proposals have been appointed. The Quality Review Panel's feedback will be a material planning consideration for local authorities and the planning inspectorate when determining planning applications and will help ensure that new development is of a high quality and contributes to place making.

3. Harlow and Gilston Garden Town

The Project Director for the Garden Town has worked with officers from the three districts and two counties to further develop the work streams required to take the Project forward. There are 12 work streams underway which are being reported regularly to the Garden Town Board which meets monthly. The Council's representatives on the Board are currently Cllr Whitbread, Bedford and Philip.

Work is well advanced on the preparation of a spatial vision and design charter and proposals for the implementation of sustainable transport corridors for the Garden Town which will be subject to community engagement prior to finalisation. Public Exhibitions are planned for week commencing 8 May 2018 in locations close to the strategic sites around Harlow and static exhibitions will also be on display at Harlow and Epping Forest District Civic Offices.

The bid submitted on behalf of the Garden Town under the Joint Working fundstream of the Planning Delivery Fund for a total of £113,000 for 2017/18 and £290,000 for 2018/19 to provide support on the preparation of a Garden Town Infrastructure Plan, identifying and setting out all the infrastructure requirements for the Garden Town and its hinterland and to carry out more detailed work to take the sustainable transport proposals to design stage was also successful.

4. Development Management

The income figures for Development Control (DC) and Building Control (BC) continues to demonstrate both resilience and optimism regarding the overall increased levels of planning and building control activity across the district.

While DC income for 2017/18 has dropped by 13% compared to 2016/17, DC Income of £845,729 exceeded budget by nearly £6,000.

BC Income has performed remarkably well despite increased private sector competition to exceed the £500,000 barrier for the first time in seven years to record an impressive £532,000 for 2017/18.

Overall the Development Management charges including pre-application income and Building Control fees recorded a total income of £1,490,019.

Building Control

BC income for 2017/18 recorded a very strong income of £532,070 (2016/17 £482,224) and exceeded their revised budget of £530,000. Given the strong competition from Approved Inspectors (AI's) BC have maintained their focus on matching Expenditure with Income recording a 10% increase in income (2016/17 increase over previous year was 2%).

The outlook for Building Control is very positive with a resilient team of Building Control Surveyors in place and vacancy rate of less than 10%. The success of their Workforce Development Plan with the emphasis on internal professional development is particularly encouraging as all Local Authorities are experiencing difficulties in filling Professional Technical Surveyor posts. The recent growth in independent Approved Inspectors who are now competing for Building Control work means that BC needs to ensure they have enough professionally qualified staff available to respond to these competitive pressures.

Development Control

Development Control had a good year in 2017/18 generating £845,729 in income (2016/17 £975,188). Although this constitutes a 13% decrease (2016/17 15% rise) in revenue there are cautious grounds for optimism given the proposed development across the district combined with the planning fees increase.

Pre-Application income for DC in 2017/18 was £112,219 (2016/17 £120,922) and added to the DC income this brings the total DC income to £959,948 (2016/17 £1,096,110). The consistency of Pre-Application Fees has demonstrated an element of improvement where we now expect Pre-Application fees to exceed £100,000 each year.

Development Control has taken steps in their Workforce Improvement Plan to improve the processing of planning applications. This is against a background of increased planning applications combined with significant development across the district to focus on producing internally trained planning officers and currently has two Planning Officers completing Master's level development at two highly regarded London Universities'.

Finally, we have been successful in recruiting to the new Compliance Officer post, approved by Cabinet in 2017 from CSB funding, who will support the enforcing of planning control, particularly in respect of clearing details and compliance of conditions attached to planning permissions. It is anticipated that the officer will start in May.

5. Elections – 3 May 2018

Preparations for the District Elections in May are now well advanced. There are a total of twenty two seats across twenty wards being elected this year. Polling cards were delivered on time and by the time of the Council meeting postal votes will have been dispatched.

Councillors and Candidates are reminded that Electoral Commission guidance states that although candidate are uniquely placed to encourage people to vote (please direct them to the Government Portal at www.go.uk/register-to-vote) campaigners should never handle completed postal vote packs either from supporters or from the public on the doorstep.

Due to the number of wards up for Election this year admittance to the Count, which will be held on the evening o 3 May 2018 at Debden Park School, will be strictly by ticket only and for security reasons you may be asked for identification on the door. If you have any problems, please speak to the Returning Officer directly.