

## ***Report to the Cabinet***



**Epping Forest  
District Council**

**Report reference:** C-009-2016/17

**Date of meeting:** 21 July 2016

**Portfolio:** Planning Policy

**Subject:** Local Development Scheme (LDS) and Local Plan Budget Update

**Responsible Officer:** Kassandra Polyzoides (01992 564119).

**Democratic Services Officer:** Gary Woodhall (01992 564470).

### **Recommendations/Decisions Required:**

- (1) To agree that the updated Local Development Scheme included within this report, be adopted and published on the Council's website; and
- (2) To note expenditure against the Local Plan budget in 2015/16, the projected expenditure for 2016/17, and the estimated expenditure for 2017/18 and 2018/19

### **Executive Summary:**

This report seeks agreement to an updated Local Development Scheme (LDS), 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 June 2015, with the preparation of the single District wide Local Plan scheduled for submission to the Secretary of State for examination in Winter 2017. The report also highlights expenditure, commitments and estimated spend against the Local Plan budget last reported to Cabinet in December 2015.

### **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. Cabinet have requested a six monthly update on the Local Plan budget, which has also been re-profiled to match the amended LDS.

### **Other Options for Action:**

To not agree, or to vary, the Local Development Scheme.

### **Report:**

1. The preparation of the Local Plan for Epping Forest District is an on-going and complex process. The level of expert evidence that is required to support the emerging Local Plan is significant. The guidance on exactly what this should cover continues to evolve in light of the National Planning Policy Framework and its associated Guidance, and emerging Inspector's Reports into other Local Plan Examinations around the country. Much of the evidence and support needed requires expert knowledge on specific topics, and therefore necessitates commissioning external consultants with the requisite expertise and experience.

2. The Localism Act 2011 amended the provisions set out in the Planning & Compulsory

Purchase Act 2004. However, S111 maintains the requirement that a local authority must prepare and maintain a scheme to be known as their Local Development Scheme. The scheme should specify the local development documents which are to be development plan documents, the subject matter and geographical area for each development plan document, and the timetable for them. Essentially the Local Development Scheme (LDS) lists and programmes the documents that will be produced by a Local Authority. Although there is no longer a requirement for this to be submitted to the Secretary of State, new provisions in the Act state that the local planning authority must make the following available to the public:

- the up to date text of the scheme;
- a copy of any amendments made to the scheme; and
- up to date information showing the state of the authority's compliance with the timetable set out in the scheme

3. The last Local Development Scheme was formally adopted by the Council in June 2015. This set out the proposed programme for the preparation of a single document – the Epping Forest District Local Plan which will provide a framework for the future development of the district for the period up to 2033. The Plan will contain the strategic vision and policies, site allocations and development management policies. There is no longer a requirement for the Local Development Scheme to list any proposed supplementary planning documents or the statement of community involvement.

4. Since the publication of the Local Development Scheme in June 2015, the Council has made good progress in developing the evidence base and the development of reasonable alternative options for testing. At this stage of the Plan making process, as the draft Local Plan is being prepared to be ratified by Cabinet and Council in October 2016 for publication for consultation, there is a need to review all the evidence we have prepared over time and undertake technical assessments that will allow Members to make the final decisions on the plan's content. This review has identified the need to repeat and refresh some evidence work as well as commission additional consultancy support in order to reach the autumn consultation deadline. The Government has made clear their expectation that all local planning authorities should have a post NPPF local plan in place and have set out their commitment to take action to get plans in place and ensure there are up to date policies. This includes intervening where no local plan has been produced by early 2017 to arrange for the plan to be written, in consultation with local people, to accelerate production of a local plan. One of the penalties proposed for not having produced a plan (it is not clear yet how this will be interpreted) is the loss of new homes bonus. It is clear that the Council needs to make good progress this year and to have consulted on our Draft Plan Preferred Approach prior to the cut off date. NLP published a research report in April 2016 setting out a review of local plan progress. Their report identified 21 authorities most at risk of intervention and names Epping Forest, Uttlesford and East Herts Districts.

5. It is proposed that the new Local Development Scheme is agreed, Scheme with the preparation of the single district wide local plan scheduled for submission to the Secretary of State for potential examination, in winter 2017. The table below sets out the proposed strategic timeline as the basis for the new Local Development Scheme based on a complete review of the programme and assessment of resources/skills available for preparation of the Local Plan going forward.

<b>Local Plan</b>	
Role and Subject	Determines the amount and location of development for the district together with some release of Green Belt land for this purpose. Sets out the spatial vision, objectives and strategy, all development sites and development management policies for the development of the district for the period up to 2033.
Which "saved" policies will it replace?	All
Geographical coverage	District wide
Status	Development Plan Document
Conformity	Consistent with national planning policy and planning practice guidance
<b>Timetable</b>	
Evidence gathering & background work Issues & Options preparation and public consultation including initial sustainability appraisal ♣	October 2011 – September 2012 Consultation on the issues & options 'Community Choices' took place between 30 July 2012 and 15 October 2012
Draft plan preparation and sustainability appraisal	October 2012 – October 2016
Consultation on draft plan (a minimum of 6 weeks)	31 October 2016 – 12 December 2016
Preparation of Submission Plan and Sustainability appraisal	October 2016-April 2017
Pre-submission publication and representations on soundness (6 weeks) Regulation 19	June/July 2017
Submission to Planning Inspectorate for Examination Regulation 22	November/December 2017
Examination in public Regulation 24	Subject to discussion with the Planning Inspectorate and timetabling – likely to be Spring 2018
Receipt of report Regulation 25	July 2018
Expected Adoption & Publication (including policies map) Regulation 26	October 2018
<b>Production</b>	
Lead department	Planning Policy (Neighbourhoods Directorate)
Management	The Portfolio Holder (and the relevant Scrutiny Panel and Cabinet as necessary) will consider drafts. Full Council will approve final draft documents prior to submission.
Resources	Planning Policy Team with consultative input from Development Management Team Corporate Support, Economic Development, Environment and Street Scene, Country Care, Finance and ICT, and Housing.
Community and Stakeholder Involvement	In accordance with the Statement of Community Involvement

### Resource Implications:

Much of the budget allocated for 2016/17 is related to the review and completion of the evidence work as outlined above. In addition allocations have been made for the statutory consultation period, in line with previous costs incurred during the Issues & Options consultation. Budgetary allocations have been made for ongoing programme management support and Counsel advice needed to produce the draft plan for public consultation in Autumn 2016.

The table shows the budget agreed in February 2016 totalling £1,472,800, the actual spend in 2015/16 and projected spend through to 2018/19. The re-profiling of the budget suggests additional funding will be required during 2017/18 and this will be formally requested as part of the 2017/18 budget cycle. It is currently estimated that the shortfall is around £448,810.

	2015/16	2016/17	2017/18	2018/19	total
Spend	£297,481	£68,639	£0	£0	<b>£366,120</b>
Committed		£214,688	£0	£0	<b>£214,688</b>
Estimated spend (evidence)		£783,502	£162,100	£0	<b>£895,123</b>
Estimated spend (LP process)		£105,600	£105,600	£184,000	<b>£395,200</b>
<b>TOTAL BUDGET REQUIRED (July 2016)</b>	£297,481	<b>£1,172,429</b>	<b>£267,700</b>	<b>£184,000</b>	<b>£1,921,610</b>
Budget available 2015/16 (Feb 2016)	£435,140	£551,910	£231,750	£254,000	<b>£1,472,800</b>
<b>Budget shortfall (July 2016)</b>	<b>£0</b>	<b>£0</b>	<b>£-264,810</b>	<b>£-184,000</b>	<b>£-448,810</b>

The main reason for this has been a recent decision to appoint Ove Arup consultants to take on work on settlement and site analysis and Infrastructure Delivery Plan work, in order to meet the Local Plan timetable. The significant allocated amounts in 2016/17 for the draft plan consultation are only estimates, so it is suggested that a future request for an addition to the DDF budget is anticipated, but premature at this stage. Planning Policy will continue to monitor the Local Plan budget and submit an update report to Cabinet in December 2016.

A detailed analysis of commitments for 2016/17 and estimated spend for subsequent years to 2018/19, is in the Appendix, Financial Information.

### Legal and Governance Implications:

The Council is obliged to publish and maintain a Local Development Scheme. Approval of a revised document will fulfil this obligation.

### Safer, Cleaner and Greener Implications:

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:**

None.

**Risk Management:**

Preparation of the Local Plan is a key priority for the Council and it is important that the published project plan is kept up to date to inform all stakeholders, and that the project is adequately resourced.

## Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

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The Local Plan will affect all who live, work and visit the District. As a document it will take into account the needs of all and make provisions for their environment to 2033.

The preparation of the Local Plan will be subject to a full equality impact assessment in due course.

A further report setting out details of the consultation arrangements will be presented to Cabinet in due course.