

## **Report to the Cabinet**

**Report reference:** C-036-2017/18  
**Date of meeting:** 7 December 2017



**Portfolio:** Planning and Governance  
**Subject:** Resourcing the delivery of the Local Plan  
**Responsible Officer:** Derek Macnab (01992 564ext).  
**Democratic Services Officer:** Gary Woodhall (01992 564470).

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

- (1) That the Cabinet agrees the establishment of a Strategic Sites Implementation Team to ensure the effective delivery of the required growth in housing and employment with supporting infrastructure, proposed in the new Local Plan.
- (2) That a bid is made for 2 years District Development Fund support of £278,010 per annum in the 2018/19 budget, subject to review in 2019/20 for the 2020/21 budget once the ongoing revenue requirements are fully established, taking into consideration income streams realised.
- (3) That work commences on the development of suitable Job Descriptions and Job Evaluation undertaken to enable recruitment to commence for the new roles as soon as possible after resourcing agreed, in order to demonstrate commitment and progress at the Examination in Public.
- (4) That the location of the new delivery team within the Council's management structure is determined as part of the Council's new People Strategy.

### **Executive Summary:**

As a result of the publication of the Government's proposed standardised methodology for the assessment of housing need, the Council has decided to bring forward the publication of the Regulation 19 Plan to December 2017, in order to ensure submission of the final Plan for Examination before the end of March 2018.

In order for the new Local Plan to be found sound at an Examination in Public, the Planning Inspector will need to be assured that the Plan is capable of being practically delivered. Key to this is the partnership approach to the development of major sites through masterplanning. This is an approach that the Council has previously agreed. Arising from a skills audit of the Council's current capacity, this report seeks additional resources in order that personnel with the appropriate skills and experience can be recruited to commence this important work.

### **Reasons for Proposed Decision:**

Up until this point, the Council's resources have been focused on the production of the policies and proposals that form the Draft Local Plan. It is now necessary to prepare for how

the Plan will be delivered once it is approved. Work needs to commence in advance of the proposed Examination In Public to provide assurance to the Planning Inspector that the Council can deliver growth and supporting infrastructure in the timescales indicated.

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

An alternative approach to the recruitment of in-house expertise would be to utilise external consultants. However, this approach would be more expensive, less flexible and tie up scarce resource in the management and procurement of the work.

### **Report:**

1. In light of the Government's proposed standardised methodology for the assessment of housing need published on 14 September 2017, the Council has decided to bring forward the publication of the Submission Plan to December 2017 (see Cabinet Report of 12 October 2017 with revised Local Development Scheme) in order to ensure submission of the Plan for examination before the end of March 2018. This is to make use of the transitional arrangements enabling the Council to submit a plan on the current assessed housing need of 518 homes per year, rather than the 923 homes per year which the standardised methodology has calculated. As a result of these decisions the timeline for the preparation of the Regulation 19 Plan has been accelerated and will be taken to Full Council on 14 December 2017 for approval.

2. Epping Forest District Council has been preparing its Local Plan for a considerable number of years. The process as prescribed within the National Planning Policy Framework involves the extensive collection of evidence, co-operation with Neighbouring Authorities and other stakeholders, public consultation and engagement with landowners and developers. The development of the Plan to date has incurred significant cost and has been resource intensive, for not only staff within Policy Planning but across the Council corporately.

3. Up until this point, the Council's resources have been primarily focused on the production of the policies and proposals that form the Draft Local Plan, with less emphasis on how the Plan will be practically delivered once it is approved. However, in order for the Draft Local Plan to be found "sound" by an Inspector at the forthcoming Examination in Public the Council must be able to demonstrate that the proposals in the Plan are viable and that they will be delivered. The Council has already given thought to this and in a report to Cabinet entitled, EFDC Local Plan – Implementation on the 15<sup>th</sup> June 2017, when it was agreed that a masterplanning approach will be taken to the development of strategic sites and that Planning Performance Agreements will be introduced for the purposes of managing complex planning applications. A draft Planning Performance Agreement (PPA) framework was also approved as part of this report, which places the Council in a good position to introduce PPAs as soon as it is able. In terms of external engagement, the Council has set up Two Developer Forums, one for strategic sites including those around Harlow (which will become the Garden Town Forum) and one for other smaller sites in the District. The Strategic Forum will allow developers and other stakeholders to engage with the Council to discuss how to bring forward allocated major sites for development, within the plan period.

4. However, these arrangements alone are unlikely to be sufficient to convince an Inspector that Epping Forest D.C will deliver the development of 11,400 new homes in the remaining 15 year plan period. The Inspector will want to be assured that there is a rolling 5 year land supply capable of meeting the identified housing need. Furthermore, in order to meet the housing targets required by national policy the Council will have to demonstrate that it can achieve a dramatic improvement in the number of new homes brought forward annually. The annualised average requirement for new housing in the district is approximately

518. However, over the past years only 150 – 220 dwellings per annum have been delivered, leaving the Council with a significant shortfall of approximately 1500 dwellings for the years 2011 – 2017. This shortfall must also be delivered in the Plan period. If the Council wishes to convince an inspector that it can deliver on the proposed delivery trajectory, then work needs to start now to bring forward the strategic sites for development within the first 5 years of the plan. The same is true also for the provision of new jobs, although the pressure to demonstrate how new jobs will be provided has lessened slightly compared with housing due to the role of Local Enterprise Partnerships in delivering these and the consistently high profile given to the national housing shortage.

5. Key to achieving the early delivery of significant numbers of new housing and jobs is the need for clarity about the type, extent and cost of new supporting infrastructure for roads, schools, health and leisure facilities and how this will be funded. An Inspector will want to be assured that the Council understands what supporting infrastructure is needed, that it has identified possible funding sources and that it has commenced partnership working with other responsible bodies to bring forward new provision in a timescale that will support and not hinder the delivery of major housing and employment sites. The Draft Local Plan also sets out other ambitions for the District, including promotion of its town and district centres, an increase in visitor numbers and the protection and enhancement of the natural environment. For all these elements, the Council will be required to show how it intends to implement the policies and proposals in the Local Plan.

6. In order for the Council to show that it is able to deliver the proposals in the Local Plan, particularly housing, on which there is a national focus, it will need to demonstrate not only corporate commitment to delivery, but that work to bring forward key sites is well underway and that barriers to development are being removed on sites that are programmed for implementation in the first five years of the plan period. This means that work to bring forward the first tranche of sites for development must be progressed well in advance of the examination.

7. The Draft Local Plan sets out proposals for the delivery of 11,400 new homes on a number of allocated sites throughout the District, to include the four strategic site allocations on the border with Harlow. Many of the smaller sites will be delivered by the private sector without facilitation by the Local Authority and the development management policies set out in the plan will be sufficient to ensure that the standard of development complies with the Council's requirements for this. In addition, The Council owns a significant number of sites throughout the district that will need to be brought forward by the Local Authority in its role as landowner, which is entirely separate from the Council's role as Local Planning Authority. Since the Council has control of these sites the task of bringing forward development in accordance with the Local Plan should be less complicated provided that the appropriate skills and resources are available in the Council's estates and property service.

8. However, for the larger, more complex strategic sites, local leadership, partnership working and technical support from the Council will be needed to bring forward schemes that meet the design and quality standards set out in the Local Plan. As larger sites are more commercially attractive to the major house builder, there is a risk, that if the Council fails to take a leading role in bringing forward these sites, developers will seek to develop them solely to maximise profit. Without engagement, the Council's sphere of control would be limited to consideration of the planning application only therefore sacrificing its influence over the provision of new road, transport and social infrastructure necessary to support new communities in addition to detailed design considerations.

9. The Council does not necessarily anticipate commissioning masterplans itself (although it may choose to do so for significant sites that it owns) but it will nevertheless need to appoint staff with the relevant skills and experience to advise and articulate the Council's

wishes to any masterplan Consultants appointed by a third party, ensuring that the Council's desired outcomes are achieved in terms of place-making. In order to assess the capability of the Council and its readiness to practically deliver proposals in the Local Plan, an independent skills audit was commissioned. The audit concluded that neither of the two existing planning teams (planning policy and development management) have the capacity to lead on the preparation of masterplans, given the anticipated increase in major planning applications, the extra resources that will be needed to manage Planning Performance Agreements and the continuing demands associated with the finalisation and adoption of the Local Plan. The current organisational split between Development Management and Planning Policy does not help this situation as there is no single overview of the skills and resources available and although co-operation currently exists, staff cannot be deployed with maximum flexibility.

10. The Council Services areas required to contribute significantly to masterplan exercises are: Planning Policy, Development Management, Land Drainage, Estates & Valuation, Countryside Management and Housing Services (with respect to affordable homes). Whilst the audit identified individual staff members with the experience and potential to take a leading role in masterplan preparation, there is no capacity to release these staff for significant periods of time due to the pressure of maintaining existing service provision.

11. In addition, the Estates & Valuation Service does not currently have any permanent specialist staff in the field of development management, which is of particular concern given that a great many of the sites allocated for housing and/or employment in the Draft Local Plan are Council owned and could achieve significant value for the authority. Whilst much of the work to bring forward these sites could be outsourced, it will be necessary to establish an in-house client function to commission, assess the quality and output of work carried out by consultants and to manage the contract.

12. Based on the overall conclusions of the skills audit and experienced gained through the initial engagement with the developer forums and statutory partners, it is proposed that a new Strategic Sites Implementation Team is recruited, composed of the following roles.

**Proposed Composition of Strategic Implementation Team:**

<b>Implementation Manager</b>	<b>Grade 10</b>
To co-ordinate and manage the work of the team and to take the lead role in liaising with developers	
<b>Principal Planning Officer</b>	<b>Grade 9</b>
To undertake the professional planning technical work in the preparation of masterplans.	
<b>Development Surveyor</b>	<b>Grade 9</b>
To input specialist valuation and development expertise on not only applicants' sites to ensure that land value is utilised effectively to deliver community benefit and infrastructure, but also to undertake a lead role on the Council's own sites.	
<b>Urban Designer</b>	<b>Grade 9</b>
To provide urban design expertise to ensure the quality of future development.	
<b>Land Drainage Engineer</b>	<b>Grade 8</b>
To assist in the negotiation and delivery of sustainable Urban Drainage Schemes (SUD'S) to include ongoing maintenance arrangements.	

<b>Countryside/Conservation Assistant</b>	<b>Grade 5</b>
To release time for the Council's Countryside Manager to provide specialist conservation input into the development of masterplans and major applications to ensure good green infrastructure is provided.	

NB. All indicative grades subject to Job Evaluation.

13. In terms of reporting lines within the Council's Corporate Structure, it is recognised that the Council has commissioned feasibility work from the LGA to inform the emerging People Strategy. The new shape of the Council's Management Structure and preferred Delivery Model should incorporate the new Team, in what is deemed to be the most appropriate location.

#### **Resource Implications:**

The annual revenue costs of the new implementation team (taken at midpoint, including on-costs) are as follows:

Implementation Manager	Grade 10	£55,210
Principal Planning Officer	Grade 9	£50,300
Development Surveyor	Grade 9	£50,300
Urban Designer	Grade 9	£50,300
Land Drainage Engineer	Grade 8	£43,970
Countryside/Conservation Assistant	Grade 5	£27,930
<b>TOTAL</b>		<b>£278,010</b>

These annual costs can be significantly offset through developer contributions achieved by Planning Performance Agreements, albeit it must be understood that the Council will be committed to the terms of the agreements. In addition, the Council will be in receipt of large planning applications fees, Section 106 contributions (potentially CIL) SUD's commuted sums, Retention Uniform Business Rates and Council Tax Receipts.

At this stage it is difficult to precisely quantify the cash-flow of these potential revenue streams which depend largely on the Local Development Scheme Timetable and the date and success of the Examination in Public. However, as outlined in the report, progress needs to commence in advance of Examination and therefore District Development funding is requested for 2 years to initiate the work of the delivery team. This DDF funding to be reviewed towards the end of the period i.e. Budget 2020/2021 when the income achieved will be able to be more accurately assessed and the level of ongoing CSB funding required should be more certain. However it is estimated that £40,000 of revenue will be generated in 2018/19 rising to £100,00 in 2019/20

#### **Legal and Governance Implications:**

The Local Plan is being developed in accordance with Government Policy (NPPF) and Planning Law. Planning Performance Agreements will be required to be developed between the Council and Landowner/Developers. These will be contractually binding.

**Safer, Cleaner and Greener Implications:**

The Local Plan contains policy designed to promote the notion of making good places to live, work and visit. This will include safer by design principles, sustainable development, the provision of alternatives to the car, energy efficiency and environmental considerations as well as sustainable drainage systems and quality green infrastructure.

**Consultation Undertaken:**

The Local Plan has been developed in partnership with other Local Authorities under the Duty to Co-operate, Local Stakeholders and in consultation with residents.

**Background Papers:**

“Preparing for Delivery”. A report on the Council’s readiness to deliver proposals in the Local Plan: Skills Audit Findings and Assessment of Future Capacity Requirements - Plangent Consulting Ltd – September 2017.

**Risk Management:**

If the Council was not to take a pro-active stance on the delivery of Masterplans and major applications arising from the Local Plan, there is a real risk of being found unsound at Examination and/or development occurring of a type that does not extract maximum value for the provision of social infrastructure and poor quality development may occur.

**Equality Analysis:**

Recent case law has indicated that the Due Regard Record system for providing information in reports to Cabinet and Portfolio Holders is insufficient. As a result, the following changes to the process have been introduced:

- the Due Regard Record will no longer be used; and
- an equality impact assessment will now be provided to accompany reports.

An equality impact assessment (also known as equality analysis) relating to the subject of the report must be undertaken. This must be a relatively recent assessment and must include information relevant to the report. Assessments must be evidenced based, meaning that information and data should be used in the assessment of impact. The assessment should be thorough and generate good quality information of impact. Assessment of impact must be timely and provide information on the impact of the subject of the report. A written record must be made of the assessment of impact. The whole assessment must be included as an appendix to the report, a summary is not sufficient.

The following ‘must read’ statement will included in the ‘Resource Implications’ section of the report:

“The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix ??? to the report”.