

Planning Policy Forum

**10:00 am, Tuesday, 12th November 2013, Chelmsford Museum,
Moulsham Street, Chelmsford, CM2 9AQ**

NOTE OF MEETING**1. Introduction and Apologies**

Jeremy Potter (Chair)	Chelmsford City Council
Paul MacBride	Harlow District Council
Zhanine Oates	Essex County Council
Tai Tsui	Maldon District Council
Alan Massow	Braintree District Council
Gary Guiver	Tendring District Council
Kevin Fraser	Essex County Council
Matthew Jericho	Essex County Council
Sarah Nicholas	Uttlesford District Council
Melanie Jones	Uttlesford District Council
Phil Drane	Brentwood Borough Council
Chris Butcher	Epping Forest District Council
Lesley Stenhouse	Essex County Council
Matthew Winslow	Basildon Borough Council
Amanda Raffaelli	Castle Point Borough Council
Karen Syrett	Colchester Borough Council
Richard Hatter	Thurrock Borough Council
Mark Sheppard	Southend Borough Council
Amy Roberts	Southend Borough Council

1. Introductions & Apologies

Apologies received from Emma Goodings (Braintree) and Ian White (Epping Forest) Sam Hollingsworth (Rochford)

2. Notes of Last Meeting/ Housekeeping Matters

Actions from last meeting:

- Feedback from Health Workshop at Agenda no. 9
- JP circulated notes from previous EPOA Duty to Co-operate Meetings
- JP contacted Chair of EPOA Development Management Forum regarding mineral safeguarding areas. It was decided to ask ECC colleagues to come back to Policy Forum at February meeting to present Minerals/safeguarding zones – presentation at February meeting

3. National News: Local plan and Policy Preparation

- **National Planning Practice Guidance** – CLG assessing comments that have been received to 'beta' version. It is envisaged that the final guidance will be issued by the Secretary of State remaining in a web-based format by the end of this year. There are indications that there is unlikely to be any substantive change
- **Part of Growth & Infrastructure Act** that deals with spurious applications for village greens on development site came into force on 1 October.
- **Renewable Energy Proposals – Ministerial Statement** made in October regarding the potential for Secretary of State to recover appeals for renewable energy schemes for a 6 month period
- **Government response to Further Reforms to CIL consultation**
 - Date for scaling back S106 use is being put back to April 2015
 - Householder extensions and self-build will be exempt from CIL
 - CIL liability will be able to be off-set against delivery of on or off site Infrastructure.
 - Further Amendment Regulations due in early 2014 to implement changes <https://www.gov.uk/government/consultations/community-infrastructure-levy-further-reforms>
- **Consultation on Radioactive Waste Disposal Sites Storage**
 - Consultation on site selection for new deep storage facility <https://www.gov.uk/government/news/communities-consulted-on-radioactive-waste-disposal-site>
- **Nuclear Decommissioning Authority consultation**
 - Draft preferred options on geological disposal site process <https://www.gov.uk/government/consultations/geological-disposal-facility-siting-process-review>
- **Night Flights Consultation**
 - Stage 2 consultation for Heathrow, Gatwick and Stansted <https://www.gov.uk/government/consultations/night-flights>

4. Keith Holland - Planning Inspectorate – National experiences on Duty to Co-operate and Objectively Assessed Development Need.

- Expectation each authority will meet all their objectively assessed identified housing need unless there are major constraints which cannot be overcome e.g. lack of physical space, flood risk etc. If this is the case then Duty to Co-operate should be used within the Strategic Housing Market Area.
- Hart Council – withdrew plan because housing number not based on robust evidence and no engagement with others – LA's weren't prepared to co-operate
- Have to consider the Strategic Housing Market Area
- Don't try to manipulate the figures i.e. Hart Council used 'nil' migration approach – not appropriate
- Kirklees Council – not engaged meaningfully - just advised what they were going to do. Need to co-operate right from the start
- Even if you have adopted plan it doesn't let you off the hook, if adjacent LA has a legitimate need for additional land – you may have to update

- LA's have 'to do all that they can' to co-operate. It's a statutory requirement so could be subject to judicial review between Councils
 - Has LA acted unreasonably?
 - Ignored a relevant consideration?
- Legislation doesn't define what 'Strategic' matter
- Beta NPPG guidance refers to members signing up to Duty to Co-operate to demonstrate agreement (rather than just officers)
- Objectively assessed need – Essex has common baseline through demographic work undertaken by EPOA.
- Population projections lower in most recent publication but based on fewer children which create lower potential households.
- Where there is plenty of land in an authority but environmental constraints may mean it is not deliverable – less sustainable sites may be more deliverable. It's very important that sites are allocated but sites should still be sustainable. Need to be sure a site isn't sustainable before discounting it.
- Should over-allocate if you aren't sure sites are deliverable
- If SHMA shows unreasonable affordable housing figure it is likely that a level of pragmatism will be required to determine % affordable housing policy take i.e. if 1500 units required to build 750 affordable housing units i.e. 50%. Be realistic.
- Planning system should be facilitating new development rather than constraining it.

5. EPOA New Gypsy and Traveller Accommodation Assessment: *Progress Report*

- Draft report to be circulated shortly
- Basildon have sought legal advice to ensure report is legally compliant
- Main issue is that methodology has been challenged in terms of household formation. 3% has been the norm but shouldn't just accept this if there is more up to date information (ORS report suggests it should be lower 2.5%)
- Legal advice based on previous high court case suggests the use of 3% (because 2.5% not been tested in law)
- County information being provided based on waiting lists for existing sites so doesn't apply to every LA. Steve Andrew at ECC is providing consultants with waiting list information for existing public sites.

ACTIONS:

- **JP to contact Andrew Taylor at Uttlesford regarding next steps**
- **Draft Report to be circulated for comment in due course**

6 EPOA Demographic Study: Update

- JP updated Forum on the re-commissioning of Edge Analytics to provide forecasting for a further three years.
- Forecasts will be timed for Nov/Dec 2013, May/June 2014 and 2015

ACTIONS:

- **Please supply Kevin Fraser at ECC with Purchase Order Numbers for the new work t**

7. NATS Airspace and Southend Airport consultations

- MW from Basildon highlighted the recent consultations from Southend Airport and NATs.
<http://www.londonairspaceconsultation.co.uk/>
<http://www.southendairport.com/news/controlled-airspace>
- The Southend Airport consultation is only related to the airspace directly around the airport where they seeking to re-instate control over this airspace.
- NATs consultation dealing with changes to controlled airspace for Gatwick, Biggin Hill and London City Airports. London City Airport airspace changes affects areas in in South Essex.
- ECC will be doing a response and potentially local authorities in South Essex.

ACTIONS:

- **ZO from ECC will circulate summary note that has been prepared**
- **Local authorities can liaise with ZO at ECC regarding shared issues arising from consultation**

8. Discussion on Five Year Land Supply Methodology

- Uttlesford circulated paper which is seeking a potential common methodology for undertaken five year housing land supply schedules.
- The two approaches were discussed – 1) Forward look approach Liverpool Method – current year plus 5 years i.e. 6 years (Maldon took legal advice on this) 2) Backward looking method Sedgfield Method – where previous shortfalls are factored into 5 year rolling supply.
- Planning magazine last week looked at 2 methodologies – Liverpool and Sedgfield. Canvey planning application – Inspector used Sedgfield approach and dated it back to 2001- How to deal with previous shortfall
- Keith Holland – if you have up to date assessments of need you should base land requirement on that
- More about housing people than simply the Sedgfield approach (if you have a housing need problem you need to solve it now)
- If you have up to date SHMA you can ignore backlog (to avoid double counting)
- PINS accept sites without PP within 5 year supply if it can be demonstrated they will be delivered
- General agreement that it would be useful to have countywide methodology

ACTIONS:

- **Comments on paper to Sarah/Melanie at Uttlesford by 22 November and notify JP if you want to be involved in sub-group to take this forward. It will then be raised at main EPOA 12 December.**
- **Colleagues from Uttlesford agreed to take this forward and sort volunteers for a Sub-group. Colchester, Thurrock, Chelmsford and ECC have already volunteered.**

9. Feedback from Health, Wellbeing and Planning Workshop 23/10/13

- Feedback received from colleagues that attended workshop organised by Graham Seward and Paul Anderson (ECC Health) on 23 October 2013
- Re-Organisation means we need to be sure we are talking to the right people
- List of health contacts proposed to be put on EPOA website (hosted by Uttlesford Borough Council).
- Until they get their strategies in place it is difficult for them to advise us on planning implications.
- Graham Seward and Paul Anderson from ECC Health requested a potential further workshop which outlines from a planning perspective.
- Currently 3 groups – NHS England, CCG & NHS Property Services. Also ECC Public Health Team.
- HIA guidance – needs to be updated/replaced – checklist suggested. NPPF talks about wellbeing and this should be focus of HIA
- Zhanine Oates from ECC suggested we use Essex County Council Community Infrastructure Group – meets monthly and includes health reps. Try to identify LA's before they go out to consultation so any issues can be addresses – Blaise Gammie chairs this group.

ACTIONS:

- **JP to contact Andrew Taylor regarding EPOA web pages**
- **JP to circulated when available 23/10/13 workshop notes**
- **JP to confirm to Graham Seward that a checklist approach should be employed to update existing EPOA HIA Guidance.**
- **Graham Seward organising another workshop 11/12/13 TBC**

10 Local Plan/LDF progress report

- An updated Plan Preparation would be circulated with the meeting notes
- Tendring DC will be making focused changes to their emerging Local Plan
- London Gateway LDO has come into force in Thurrock. Contact Richard Hatter for further information.

ACTIONS:

- **JP to circulate updated Plan Preparation Schedule**

11 Any other Business

- Karen Syrett circulated paper Identifying Suitable Areas for Renewable and Low Carbon Energy Development prepared by ECC and Colchester BC-
Comments back to Luciana Almeida (ECC) on the paper
- Invitation to Luciana to present to next Policy Forum meeting (18 Feb 2014)
- In the interim Luciana and Shelley Blackaby (Colchester) to do some research – what are others doing/under both options

Date of Next Meeting – 18 February 2014.