

# Essex Development Management Forum

## MINUTES

**DATE:** 11<sup>th</sup> January 2013

**TIME:** 10 am

**VENUE:** Chelmsford Museum, Oaklands Park

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### Attendance List:

Tessa Lambert	<i>Braintree DC</i>
Steve Andrews	<i>Brentwood BC</i>
Keith Holmes	<i>Chelmsford BC</i>
Andrew Tyrell	<i>Colchester BC</i>
Simon Cairns	<i>Colchester BC</i>
Nigel Richardson	<i>Epping Forest DC</i>
Katie Smith	<i>Epping Forest DC</i>
Richard Greaves	<i>Essex CC</i>
Mark Lawrence	<i>Essex CC</i>
Maria Tourvas	<i>Uttlesford DC</i>

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### 1. Apologies for Absence

David Lewis	<i>Basildon DC</i>
Caroline McCaffrey	<i>Brentwood BC</i>
Kim Fisher	<i>Castle Point BC</i>
Elizabeth Fitzgerald	<i>Harlow DC</i>
Chris Purvis	<i>Maldon DC</i>
John Whitlock	<i>Rochford DC</i>
Johnathan Keen	<i>Thurrock</i>
Nigel Brown	<i>Uttlesford DC</i>

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### Action

### 2. Minutes

The minutes of the meeting held on 12<sup>th</sup> October 2012 Chelmsford Museum, Oaklands Park were agreed as an accurate record.

### 3. Matters Arising

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Benchmarking – Richard Greaves provided an update - still collating results. This round is trying to be more accurate in terms of performance data, but is also more complex in terms of sorting data (especially financial data). Deadline for submission of spreadsheets was Monday – but this has been extended to mid-January. To be followed by a more detailed report from CIPFA. Nigel Richardson advised that there would be a further exercise later in the year – PAS are keen for LPA's to participate. NR to circulate figures which were provided at recent PAS seminars.

**Nigel Richardson**

Highway Satisfaction Surveys – these have been delayed and are now being dealt with by another officer. A survey will be sent out ASAP and then at six monthly intervals. Matthew Lane (ECC Highways) is willing to attend LPA's with a presentation for Members/Planning Committees. Will cover ECC processes from receipt of application through to recommendation. Maria Tourvas confirmed that following a presentation to Uttlesford there was very positive feedback from both Members and Officers. Nigel Richardson advised that the Planning Guarantee may require fees to be refunded where an application takes longer than 26 weeks - this raises concern in relation to time taken by ECC legal in respect of S106 agreements. Andrew Tyrell suggested that a permanent survey may be useful, to flag up important issues quickly.

Environment Bank – The offsetting condition (provided by Gemma Hallam) was circulated for discussion. Richard Greaves commented that a condition had recently been requested in relation to an application for a site which had no ecological designations. RG and Keith Holmes agreed that the condition may be appropriate where there is a need for offsetting, but there needs to be a discussion regarding when offsetting is appropriate. KH will discuss with Gemma Hallam at a meeting next week and seek some clarification of the process. Andrew Tyrell – Colchester are only accepting offsetting where there is a geographically related receptor site – at present these are only available on the eastern side of Colchester.

**Keith Holmes**

**Richard Greaves**

Item 10 – Richard Greaves to invite Gary White to the next meeting of the Forum.

**Nigel Richardson**

Item 12 – Nigel Richardson will also look through his notes of the presentation on the presumption and will circulate if they are of interest.

Item 13 – The next meeting of the Enforcement Officers group is arranged for this month (25<sup>th</sup>?). Maria Tourvas will request that Nigel Brown circulates details of the arranged meeting.

**Maria Tourvas/  
Nigel Brown**

Pre-app Charging – Keith Holmes has compiled a comparative table on charging across the County, with detail taken from websites and returned information. KH is happy to circulate. Nigel Richardson found the table very useful when recently setting wider ranging fees for Epping Forest. Richard Graves requested that Michael Bontiff ([Michael.Bontiff@basildon.gov.uk](mailto:Michael.Bontiff@basildon.gov.uk)) be copied into the fee schedule when circulated. Maria Tourvas to circulate fees for Uttlesford.

**Keith Holmes**

**Maria Tourvas/  
Nigel Brown**

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## Items for Discussion

### **4. Managing Urban Pollution Guidance**

Guidance was circulated with the agenda. Richard Greaves advised that Essex CC are to include a link in their validation guidance – not as a requirement but for the Applicant's information. Keith Holmes questioned where there was a way of visually confirming that a development was signed up to Managing Urban Pollution – for example a colour coded manhole cover? Members please send any comments on the guidance to Neil Dinwiddie ([neil.dinwiddie@environment-agency.gov.uk](mailto:neil.dinwiddie@environment-agency.gov.uk)) at the Environment Agency.

**ALL**

### **5. Para. 90 NPPF – Material COU of land in the Green Belt**

The Forum agreed that change of use of land within the Green Belt was now inappropriate development. However, where there was no harm to openness, LPA's may well find that very special circumstances exist to justify allowing the use.

### **6. DCLG Consultation on Planning Performance**

Tessa Lambert – assessments are to be based on 2011/12 and 2012/13 performance relating to determination of majors in time (30%) and success rate of major appeals (not more than 20% overturned). Nigel Richardson confirmed that PAS had confirmed that the 20% would be taken from the total of all majors – not just those dealt with at appeal and would include applications with PPAs attached.

Andrew Tyrell advised that Colchester have very positive experience of using PPAs. Unless an application is very straightforward, most majors have a PPA. Where an application is received without a PPA, one is offered to the agent prior to registering the application. Applicants are often keen, as applications with a PPA have a much greater chance of success. Steve Andrews – commented that he had similar experience from dealing with PPA's at Hackney – they were very beneficial. AT commented that PPAs also include provision for early member engagement and the timetable is flexible and may be changed with agreement of both parties. Tessa Lambert – commented that a draft would be really useful. Nigel Richardson advised that PAS is due to produce a template for a 'light' PPA. AT stated that a draft is available on Croydon's website. NR advised that Croydon also have a template available on their website. AT confirmed that charges for PPAs vary between Council, for example Hounslow charge £4,000 per month. At Colchester, PPAs have offset the need to make savings and have enabled the recruitment of new staff and expansion of other resources. NR commented that a PPA will also prevent the need to repay a fee

under the Planning Guarantee – along with post planning agreements. Returning to the DCLG consultation, there was some concern about how LPAs manage consultation responses and S106 involvement of third parties. TL will be responding to the consultation regarding the Planning Guarantee, particularly in relation to the matter of S106.

**7. ESS Specialist Advice SLA – What is the Countywide Position?**

Tessa Lambert – has previously had annual SLA's with service providers. However, she is concerned that the Historic Buildings team is presently struggling, due to staff shortages) and is considering whether Braintree should now appoint internally. Nigel Richardson advised that Epping Forest also have annual SLA's. Steve Andrews - Brentwood use a consultant (James Ross). Maria Tourvas – Uttlesford have an internal conservation officer, but have called in additional support from County when needed. Simon Cairns advised that Colchester provide consultancy services to other LPA's and can respond to any requested made (CB Consultancy leaflet circulated at meeting).

**8. Secondment Opportunity (Colchester)**

Andrew Tyrell advised that Colchester will be creating a 12 month secondment planning officer post. If any other LPA needs to make savings shortly – would they like to relocate a planning officer to Colchester for 12 months?

**Reports from other groups**

**9. EPOA**

Content of minutes noted.

**10. Enforcement Liaison Group**

See Item 13 of 'Matters Arising'.

**11. Essex Planning Administration Officers Forum**

Content of minutes noted. Richard Greaves attended the meeting. He suggested that the agenda should be strengthened and chairmanship resolved – but the meeting was worthwhile and useful and could generate some good practice in Planning Support. Michael Bontiff to be invited to the next meeting of the Forum to provide feedback.

**Richard Greaves**

**Items for Information**

**12. Update of forthcoming legislation/guidance**

This item was previously reported by Lindsay Speed and there is no longer a member of the Forum who can comment on this. Keith Holmes suggested that the layout of the agenda is changed. Andrew Tyrell

advised that there is a current (?) consultation regarding gaps in planning policy. KH advised there is a consultation relating to the consolidation/reduction of guidance. KH and NR both received policy updates from Peter H???? AT also advised that a work plan is published on DCLG's website which gives an indication. It was agreed to keep an item on the agenda covering current policy updates.

### **13. Any other business**

Richard Greaves – Country are undertaking consultation with parish councils and are finding that some are very unhappy about receiving documents on CD rather than on paper – he asked what districts do in this respect. Nigel Richardson advised that Epping Forest send paper to parishes. Tessa Lambert advised that in Braintree at parishes except one receive electronic copies. Maria Tourvas and Keith Holmes – Uttlesford and Chelmsford send paper copies only when paper is received with the application. Andrew Tyrell – in Colchester some parishes receive plans electronically but they do not have the equipment to allow them to print large plans.

Nigel Richardson – PINS update – approximately 3% of application go to appeal. 80% of approvals are given at local level. 33% of appeals are allowed. PINS is looking into increasing the types of appeal which may be fast tracked . PINS are looking into revision to allow them to seek costs recovery themselves.

Keith Holmes – questioned Simon Cairns regarding the services which could be provided through CB Consulting. This led to a wider division about the use of consultants, financial procurement, tendering and contracts.

### **14. Items for next agenda**

Jacqueline Millward (ECC Legal) to be invited to a future meeting to discuss concerns re S106 times in relation to the Planning Guarantee.

**Richard Greaves**

### **15. Date, time and venue of next meeting**

19<sup>th</sup> April 2013

At Chelmsford Museum, Oaklands Park, 10am

Nigel Richardson to identify dates for future meetings (next likely to be early July, pre school holidays) and send through to Keith Holmes, who will check the dates with the Museum.

**Nigel  
Richardson/Keith  
Holmes**

