

ESSEX PLANNING OFFICERS ASSOCIATION**MINUTES OF MEETING HELD ON 14 June 2012 9:30am – 1:00pm**
AT THE BRAINTREE DISCOVERY CENTRE

PRESENT: Nigel Brown (Uttlesford) Jennifer Candler (Brentwood) Diane Cooper (Harlow) Eleanor Dash (Braintree) Richard Hatter (Thurrock) Lewis Herbert (ARU) Keith Holmes (Chelmsford)	Derek Lawrence (Maldon) Roy Leavitt (Essex) Roy Lewis (Essex) John de Wilton Preston (Epping) Steve Rogers (Castle Point) Shaun Scrutton (Rochford) Clive Simpson (Basildon) Karen Syrett (Colchester)
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	Attention was drawn to the fire exits and location of toilets at the request of the Centre Manager	
1.	Apologies David Green (Chelmsford) Gary Guiver (Tendring) Jon Hayden (Braintree) Andrew Taylor (Uttlesford) and Ian Vipond (Colchester)	
2.	Election of Chairman and Vice Chairman for 2012/2014 John de Wilton Preston was appointed Chairman, and Eleanor Dash as Vice Chairman. John paid tribute to Steve Rogers calm and efficient chairing over the past two years in particular during a challenging period for Planning.	
3.	Notice of AOB None.	
4.	Minutes of meeting of 15 March 2012 and Action list, and matters arising Action List: All completed. Corrections: Roy Lewis had not been at the meeting. Matters arising: Has Elizabeth Moon had suggestions from all representatives of Districts about joining the Working Group re: a replacement/updated Essex Design Guide?	
5.	Essex Demographic Forecasts. Roy Lewis provided an update on phases 3 and 4, and promised a further report at the September meeting. Phase 3 has some changes because the check of the base figures against Council tax records as compared to CLG figures suggests slightly lower base figures. The consultants are presenting more information on 15 June. Roy was seeking to provide an ECC venue to hold a briefing sessions for Portfolio Holders, a senior officer and a technical	

	<p>officer from each Authority. The data issued to date is being used by many and is already being challenged at an appeal in Harlow; in particular the economic projection.</p>	
6.	<p>Essex Housing Officer Group Roy Leavitt had attended the EHOOG meeting on 12 June. That meeting had agreed that there was value in a joint meeting with EPOA, both generally, but specifically concerning affordable housing, use of Section 106 and/or Community Infrastructure Levy, and concerning Gypsy Roma Traveller (GRT) issues. It was agreed that there was some urgency in having a joint meeting, because of the two unsuccessful attempts at this. It was suggested that EHOOG be asked whether such a meeting can follow in the afternoon after their next meeting (which is scheduled for September 2012. (Check))</p>	
7.	<p>Gypsy Roma Traveller Liaison John Preston presented a short paper, in the spirit of co-operation, and suggesting that there should be a protocol involving at least the Essex Authorities, and which would consider such matters as the common definition of what special or strict planning constraints are taken to include, what approaches are envisaged to reduce the number of unauthorised developments, what assessments are undertaken and to what standard, and how local connections would be considered. Can agreement be reached that the area in which the local connection is most strongly demonstrated should take the lead? It was agreed that this should be referred to the Policy Forum, and to EHOOG. It was also considered that the possibility of a third Essex GTAA should be considered at the same time. This item has links to the items above and below on the agenda.</p>	
8.	<p>Essex County Gypsy and Traveller Unit Roy Leavitt reminded the Group of experience in Northamptonshire, and that the statistics concerning GRT showed particularly poor health and educational achievements compared to virtually all other groups in society; this manifested in various public agencies or parts thereof in considerable expenditure; for example dealing with fires at GRT pitches or seeking to provide advice about the risks of fire. A Police Officer was about to commence work in the unit, and would thus increase the emphasis of tackling hate crime. Essex was thus in the active process of setting up a similar arrangement (ECGTU), and Roy understood that almost all Districts/Boroughs/City Councils had agreed to this, at least in principle at Leader level. Roy further drew out that the Essex Police use of section 61 powers had been changed during and after the Dale Farm Basildon evictions, and that the existing Essex Code of Tolerance was due to be refreshed. It was not the intention that the ECGTU would deal with matters which were the responsibility of existing Local Planning Authorities. John Preston indicated that Epping Forest DC had not agreed to join, and made brief reference to issues with a particular group of GRT whom had been on several areas of public land in Waltham Abbey over last Christmas; EFDC considered that handing responsibility for such events to the County Unit was unacceptable politically, and unless a “mix and match” approach to Membership of ECGTU were allowed that they were most unlikely to join; they did understand advantages of the group, particularly in positive liaison with the GRT community. Some others present asked whether their Leaders had understood some of the practical points, such as Governance, or that the unit would be likely to avoid chasing the same group of GRT from one District to another. The refreshed Code of Tolerance’s specifics would be important in this regard.</p>	
9.	<p>Planning Training Programme Lewis Herbert attended to update on the positive feedback from last year’s programme, and obtained agreement that a further programme was desirable. ARU have held the costs of the programme since 2004, but cannot continue to do so; the options considered were keeping the contribution at £31,000 but</p>	

	reducing the numbers of sessions from 12 to 11, or to increase the cost for 12 sessions to £35,000. Lewis was asked to absent himself briefly whilst the possible available EPOA budget was considered. It was agreed that ARU are asked to plan for 11 sessions at the existing cost, but that if a detailed review of the EPOA budget reveals that £35,00 can be found that they will then be asked to provide 12 sessions for 2012/2013.	
10.	<p>Essex Integrated County Strategy</p> <p>John Preston had attended the most recent meeting of the ICS and reported in the absence of Ian Vipond. The new SELEP Director, Dr Susan Priest had attended and had given an update on current and future work of this LEP; plainly the LEP is getting into its stride. John had queried one of her references to early successes referring to the Dartford Crossing, because the recent consultation decision on increasing charges was considered disappointing. The ICS work is assisting discussions and decisions which the LEP are making. There had been a brief update on the Whole Essex Community budget pilot, on the Economic Growth Strategy and the development of the Investment Fund; although some questions remain about what interest rates would be charged on which projects; this in turn impacted upon the Project Filter and the Growing Places Fund. There was also an update on the recent work of the Key Town sub group.</p>	
11.	<p>Local Enterprise Partnership</p> <p>Steve Rogers in heralding the up coming meeting of the Board, provided a reminder of the work streams that the Executive Group had considered at their most recent meeting; in particular those concerning Financial Instruments (Such as Growing Places Fund, Tax Increment Financing, and Community Infrastructure Levy) and Strategic Transport. A brief discussion referenced the Dartford Crossing and J30/31 M25 issues earlier, and also recognised issues concerning Aviation (where the Parsons Brinkerhoff work for the LEP raises some issues about the development of Stansted.)</p>	
12.	<p>Planning Legislation Update</p> <p>Roy Leavitt referred to the monthly legislation update service provided by Peter Hakes (who was a retired former ECC Officer) Authorities had previously subscribed individually, although some had ended doing so as part of austerity measures. Given the simplification associated with the NPPF, and the availability of other electronic sources of such information some questioned the need for this service. It was neither clear if EPOA took out a subscription whether that meant that all the remaining Authorities who were still subscribing would change that arrangement. It was agreed to request that Peter Hakes provides a proposal to the EPOA September meeting, including costs for EPOA, and individual Councils; whether updates can be made more interactive/searchable, and what service is provided or intended re EIA.</p>	
13.	<p>EPOA Budget</p> <p>Roy Leavitt was aware of several payments being made to Edge Analytics for the Demographic forecast work, but was not clear of the exact level of commitments remaining against the EPOA budget. It was agreed that Roy would check and advise, in particular given the discussion and decision on the ARU Planning Training Programme.</p>	
14.	<p>Planning Policy Forum</p> <p>Minutes of meeting of 17th April were noted.</p>	
15.	<p>Development Control Forum</p> <p>Minutes of meeting of 20th April were noted.</p>	

<p>16.</p>	<p>Any other Business</p> <p>Jennifer Candler was seeking information about potential Project Managers for a Town Centre development; she would be glad to receive information from colleagues.</p> <p>A number of Authorities were struggling with the requirement in paragraph 15 of the National Planning Policy Framework that requires a sustainability policy to be included; Inspectors are requiring such a policy even if a consultation was itself only suggesting amending one existing policy. (Post Script. See policy below recommended by Inspector for Central Lancashire Core Strategy)</p> <p>Surface Water Management Plans. See information on ECC website www.essex.gov.uk/flooding and update from Lucy Sheperd who is the Flood Partnerships Manager at ECC set out below.</p>	
<p>17.</p>	<p>Items for Future meetings</p> <p>September: Demographic Forecasts - Roy Lewis Terms of reference for Sub Groups – John Preston Proposals for Planning Legislation Update Service – Roy Leavitt (Peter Hakes) Budgets – Roy Leavitt</p>	
<p>18.</p>	<p>Date of Next Meeting</p> <p>The next meeting would take place on 13 September 2012 at 9:30am at the Discovery Centre Braintree</p> <p>The meeting closed at 12:50</p>	

Appendix B Main Modification 2, as follows:

Policy X – Presumption in favour of sustainable development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- b) specific policies in that Framework indicate that development should be restricted.

Full Inspector's report available at:

<http://www.centrallancashire.com/design/downloadstest.asp?a=search&value=1&SearchField=or=inspectorreport&SearchOption=Contains&SearchField=>

Land Drainage Act Changes

What has changed?

The responsibilities and powers of Sections 23, 24 and 25 of the Land Drainage Act were transferred to Essex County Council on the 6th April as summarised below.

Change to Land Drainage Act	What it means	Pre April 6 th 2012	Post April 6 th 2012
Section 23	Determining applications to install pipes or other obstructions to the flow of an ordinary watercourse	 Environment Agency  Epping Forest District Council	 Essex County Council
Section 24	Contravention of Section 23, ability to enforce the removal of unconsented works.	 Environment Agency	 Essex County Council
Section 25	Ability to enforce maintenance where the flow of water is impeded or do works and recover the expense.		 Essex County Council

The Lead Local Flood Authority has the ability to delegate any of the above powers back to the District/Borough authorities (although overall responsibility would remain with ECC). We have contacted each Local Authority to seek their view on whether these are responsibilities they had an interest in being delegated. While some Districts/Boroughs expressed an interest in us delegating all powers to them, more than half provided a mixed response or had no interest.

The reason for this change in legislation is not explicit, but in view of the recommendations from the Pitt Review, it is a change that brings land drainage and ordinary watercourse regulation together within a single authority. From a customer point of view we feel that having these responsibilities aligned would be desirable. As a lead local flood authority we also have an overarching duty to tackle flood risk from ordinary watercourses. With that in mind, it is in our interest to be pro-active in this task.

In a high portion of flooding cases, there is also an overlap in responsibility with Essex Highways. We therefore intend to tie up our working practices with Essex Highways, and draw from their local knowledge and drainage experience. We have also already agreed with our Vehicle Access Crossing Team that they will determine any applications to install a culvert as part of the standard crossing application, rather than the customer having to apply for two permissions from two different teams.

Epping Forest District Council

EFDC has provided a very strong case for us to delegate S23, S24 and S25 powers to them. They have an existing drainage team and informal arrangements in place with the Environment Agency for them to work under S23. EPDC also have existing byelaws around ordinary watercourses, and

have been successful in taking legal action against byelaw contraventions. In addition, EFDC falls with the EA Thames boundary making this a more feasible separation from the rest of the County. We are therefore in discussion with them over the delegation.

We accept that this task will stretch us, but with time we hope to improve the delivery of this service and pursue legal cases where necessary. We will be closely monitoring our progress and review the situation in two years time.