

# Essex Development Management Forum

## MINUTES

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

**TIME:** 10 am

**VENUE:** Chelmsford Museum, Oaklands Park

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### Attendance List:

Keith Holmes	<i>Chelmsford</i>
Kim Fisher	<i>Castle Point</i>
Andrew Tyrell	<i>Colchester</i>
Nigel Richardson (Chair)	<i>Epping Forest</i>
Jenny Cordell (minutes)	<i>Epping Forest</i>
Mark Lawrence	<i>Essex CC</i>
Tessa Lambert	<i>Braintree</i>
John Whitlock	<i>Rochford</i>
Caroline McCaffrey	<i>Brentwood</i>
Richard Greaves	<i>Essex CC</i>
Nigel Brown	<i>Uttlesford</i>
David Lewis	<i>Basildon</i>
Hamesh Barrell	<i>Essex CC</i>
Elizabeth Moon	<i>Essex CC Place</i>
Jacqueline Millward	<i>Essex CC Legal</i>
Katherine Wilkinson	<i>Essex DM</i>
Emma Featherstone	<i>Essex DM</i>

### 1. Apologies for Absence

Phil McIntosh	<i>Southend</i>
Elizabeth Fitzgerald	<i>Harlow</i>
Chris Purvis	<i>Maldon</i>

### 2. Minutes

### Action

The minutes of the meeting held on 12<sup>th</sup> July 2013 at Chelmsford Museum, Oaklands Park was agreed as an accurate record.

### 3. Matters Arising

Noted.

#### Items for Discussion

#### 3. S106 – Issues: Jacqueline Millward – brief presentation

ECC has noted an inconsistency in approach to legal obligations throughout the County. There are time related issues in preparation of S106 agreements between a number of parties, however this is indicated from internal audit of a sample of varied cases, to mostly relate to the date of instruction. Often this could be improved upon by better communication at an earlier stage. Uttlesford have standard clauses to secure contributions meaning ECC is not a signatory, long term implications of this approach are unclear at present but performance has significantly improved as a result. ECC still received funds but they are secured by Uttlesford and passed along after determination. ECC do have developer packs available to assist with standard clauses, perhaps these should be more frequently used.

Harlow and Colchester have a similar approach to Uttlesford. There is a concern as to whether the differing approaches deliver what is required, particularly in relation to education contributions. To provide direction it was suggested the Blaise Gamme be invited to the next Management Forum to provide feedback on the differing approaches and any benefits or difficulties that have or are likely to arise.

NR to invite Blaise Gamme to next meeting

#### 4. Essex Admin Officers Forum

Did this happen? No one was clear. NR to explore.

NR to find out about Admin Officers Forum

#### 5. Mineral Safeguarding Area and Mineral Consultation Areas

Hamish Barrell from ECC attended to provide a briefing on the current status of the ECC Mineral Plan and raise awareness over the safeguarding and consultation areas established over the last 8 years. The meaning of safeguarding has now changed and as of the EiP in November the associated policies now have weight. The policy doesn't introduce new issues, basis goes as far back as PPS1.

In Essex main resources are silica sand, brick earth, brick clay, chalk and gravel. Consultation areas and safeguarding areas are not the same. Consultation area is a 250m buffer around the deposit. Just because an area exists does not mean it will be exploited. The layers also protect strategic mineral and aggregate processing sites including

NR to ensure Minerals Resource Assessment on validation checklist

NR to check layers in use for Epping

transshipment sites, associated plants and railheads or wharfs, development affecting these requires consultation also.

Mineral constraint layers have been provided to LPA's. Developments over 5ha are affected for sand and gravel. The requirement being that under policy 58 applications need a Minerals Resource Assessment as part of an application. This should look not just at geology but geotechnical information as well. This should not be unacceptable as a developer would need this to plan foundations in any event. Appendix 9 sets out the consultation process. Further SPD will be consulted on in due course and ECC will attend another meeting to brief.

Questions regarding Fracking were raised. ECC believe this is not an issue in the County, but will circulate a standard wording for LPA's to use.

#### **6. Essex Parking Standards – Katherine Wilkinson/Emma Featherstone presented**

There is a need for revision to provide clarity following the publication of the NPPF and also to resolve any previous problems. After a short presentation from ECC discussions centred around issues raised in the application of the policies and any areas not covered that could maybe be incorporated.

ECC intend to provide an interim guidance as oppose to overhaul the document.

All present encouraged to forward any issues in the next few weeks to be considered for incorporation.

#### **7. Prior Approval – Experience so far**

Lots of discussion about what to do when the 2016 date is coming to a close, whether the maintain a schedule of applications and have enforcement pro-actively chase 6 months before? What stance to take following this deadline. This will be a big burden for enforcement.

Noticeable loss of income from CLD's now the PN process can be used for extensions of 3.1m or 3.2m.

Issues relating to PN's being used as a fall back position for applications in the Green Belt.

There was a general dissatisfaction regarding neighbouring 21 day consultation.

Item to remain on agenda for future discussion as the PN process continues.

## **8. Strategies to avoid the threat of special measures and returning planning fees**

It was discussed that a Planning Performance Agreement is enough to prevent the 26 deadline being triggered.

There are concerns regarding S106 agreements causing delays.

It was discussed whether a withdrawal or refusal is better practice than an extension of time.

There are concerns that if returns can not distinguish between PPA applications and those within 26 weeks how useful is the information?

In terms of procedure it was clear that a formal exchange of correspondence is required, including caveats that no refund will be sought and permitting a designated extension of time to a date.

## **9. Requirements for sprinkler systems in new buildings**

David Lewis stated his Committee chairman is associated with the fire service and at time a requirement to fit sprinkler systems by condition is requested. Basildon can see merit in school/care home applications but not in residential applications for homes as this is already covered under building regulations.

## **10. Habitat Regulations Assessment Training**

Concerns regarding Judicial review on EIA development. Chelmsford is intending to host training session and has an open invite for others to attend to assist in funding. Course also relevant for Screening Opinions for habitat regulations.

Information also useful to enforcement with sites which may impact on ecologically sensitive sites.

## **11. Validating Outline planning applications**

EFDC have experienced issues in relation to Environment Agency objections to outline scheme not including a Flood Risk Assessment. There were no other examples elsewhere in the County so this appears a one off issue.

## **12. Interesting Appeal Decisions**

Interesting Appeal decisions were discussed including an agricultural reservoir in Tendering (dismissed) where agricultural need did not justify impact to minerals.

Response to be provided to Chelmsford with any expressions of interest and numbers of staff keen to attend.

## **Reports from other groups**

### **13. EPOA**

**Nothing to report.**

### **14. Enforcement Liaison Group**

Enforcement meetings to be 6 monthly. Braintree not likely to lead after next year. A chair and lead is needed.

### **15. Essex Planning Administration Officers Forum**

Should have more of a Technical Officer lead. Nigel Brown and David Lewis to liaise.

### **12. Any other business**

No new legislation or regulations to discuss.

National Grid are becoming more proactive and may contact LPA's.

### **13. Items for next agenda**

- Essex County Council – Blaise Gammie/Judith Coates re: S106
- Experiences with Prior Approval applications. Including how many received.

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

17<sup>th</sup> January 2014

At Chelmsford Museum, Oaklands Park, 10am

