

# Essex Development Management Forum

## MINUTES

**DATE:** 17<sup>th</sup> January 2014

**TIME:** 10 am

**VENUE:** Chelmsford Museum, Oaklands Park

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### Attendance List:

Sarah Hill-Sanders	<i>Chelmsford</i>
Kim Fisher	<i>Castle Point</i>
Vincent Pearce	<i>Colchester</i>
Nigel Richardson (Chair)	<i>Epping Forest</i>
Derek Walker	<i>Tendring</i>
Mark Lawrence	<i>Essex CC</i>
Tessa Lambert	<i>Braintree</i>
Marie Shoesmith	<i>Uttlesford</i>
Caroline McCaffrey	<i>Brentwood</i>
Richard Greaves	<i>Essex CC</i>
Elizabeth Fitzgerald	<i>Harlow</i>
Blaise Gammie	<i>Essex CC</i>

### 1. Apologies for Absence

Phil McIntosh	<i>Southend</i>
Keith Holmes	<i>Chelmsford</i>
Chris Purvis	<i>Maldon</i>
John Whitlock	<i>Rochford</i>
David Lewis	<i>Basildon</i>
Andrew Tyrell	<i>Colchester</i>

### 2. Minutes

### Action

The minutes of the meeting held on 11<sup>th</sup> October 2013 at Chelmsford Museum, Oaklands Park was agreed as an accurate record, except that under point 5, third para, "policy 58" should read "policy S8".

### 3. Matters Arising

**RG** updated on the issue of Fracking - latest license map for UK shows Essex as "bare" and therefore our county is under the radar.

ML Essex Parking Standards feedback received from some Essex authorities. Interim guidance to be finalised and issued shortly.

## Items for Discussion

### 4. **S106 – Education Contributions – brief presentation by Blaise Gammie**

ECC currently have 106,000 primary age pupils which will rise by circa 7500 by Sept 2017 i.e. 36 forms of entry (fe). If every additional pupil arrived at the right school to fill surplus places the deficit would only be around 5fe but the Audit Commission recommends 5% surplus is retained. As a mid point Essex would need 10 new 2fe primary schools in the next 5 years, which could cost £6m each. On the same basis Secondary schools would require £50m and 6<sup>th</sup> form, £10m although this is beyond the forecast period and only given to provide context to the level of funding. This 5 year forecast does not include any housing not published by districts in their five year housing trajectory. Two streams of funding from Govt: 1- Basic Needs Funding which depends on budget of DofEducation and ,according to recent Audit Commission report, underfunded by 20-34%, although receiving £93m in 2014-17 for Essex (£10m-£15m in past years); 2 - Targeted Basic Need, whereby councils can bid for specific schemes to overcome current capacity./funding gaps. Last year ECC won £28m (half of what was bid for). With a new higher Basic Need Funding, there is unlikely to be further Targeted BN funding rounds in the foreseeable future.

DfE considers s106 as the appropriate route to fund demand from new development and forecasts that inform Basic Need funding exclude such growth to avoid double counting. s.106 usually insufficient to pay full cost of expansion projects and Basic Need used to top-up/ match-funded.. Historically around £3m of s106 monies towards education are collected in Essex each year although this should rise with an improving economy.

Delays in signing of s106 agreements has resulted in criticism from some Essex authorities, such that Uttlesford are signing without Essex CC. **BG** confirmed delay not due to his section who respond quickly to solicitors (please let him have any examples where this is not the case). If ECC not a party to the agreement, the LPA would be responsible for any return of unspent monies. LPAs are not the Education Authority and could be open to judicial review for acting ultra-vires if they covenant to spend funds collected for schools. This approach also undermines ECCs ability to plan the capital programme and act in its strategic role - this is causing friction at a political level.

Suggested way forward:-

- need good communication with solicitors and suggest LPA solicitor acts as lead and coordinates one travelling document rather than send draft out to individuals and receive conflicting comments,

- clear deadlines need to be given to all parties including (direct to service staff at ECC,
- Use education s106 template or Unilateral Undertaking, which can be downloaded from ECC web site and sent direct to developer - this saves re-inventing the wheel and ensures ECC happy with first draft,
- Planning officer can contact education officers direct and are encouraged to do so as early as possible in the process (can begin drafting before resolution to grant).
- If issue of viability, urge planning officers to speak to Blaise direct, especially where different triggers being considered (so can plan capital programme) and where different requests being prioritised (as one education age group may be a priority).

**BG** requested that they be involved in the Local Plan process in terms of allocating land for D1 use. Need to select sites against Criteria Checklist and ensure not open to claim it has residential land value.

Finally, **BG** requested that they be involved in the Local Plan process in terms of allocating land for D1 use.

## **5. Prior Approval - Experience So Far**

All agreed now bedded in in respect of householder rear extensions, but seeing country-wide varying appeal decisions taking account or not of development plan policies. **NR** - Epping had 60+ applications and only 5 objections, of which only 2 refused. Appears the concern over this may be unfounded.

There was some discussion on B1(a) to C3 change of use, whether a prior approval positive outcome for the developer would be a material consideration if then come in for planning permission for a replacement build for flats. Agreed that as prior approval is time limited the change of use would need to have been implemented, and before May 2016, to be considered as a fall back position. Otherwise, planning policies of Development Plan could be material enough to refuse.

**DW** stated that Tendring had turned away submission for prior approval because ancillary to another use/ mixed-use.

All agreed to keep as an item for the next agenda.

## **6. Threat of Returning Planning Fees**

**EF** stated effective way of safeguarding against this is by having threat removed by wording in a Planning Performance Agreement (PPA).

**NR** stated Epping putting extension of time in the PPA section of PS1/PS2 quarterly returns, which exempts such applications from counting negatively against performance.

## 7. Solar Farms

TL enquired how others were seeking ecology/biodiversity and landscape impact advice in respect of solar farm applications. Could we joint procure expertise across Essex?

SH-S confirmed Chelmsford use ECC Place on pay-as-you-go for landscape advice and an external company for ecological advice. They have an appeal decision which they can forward to all.

EF - for renewables, there is a rule of thumb separation distance of 6000m between wind farms and residential.

Discussion moved onto life expectancy of wind farms and alternative uses, at which point RG informed that 50 golf courses nationally are to go bust and looking for alternative uses. If this raises mineral safeguarding issues, then need to consult him. Rule of thumb authorities CeThere 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.

**Chelmsford to  
send appeal  
decision to all**

## 8. Planning News

News update attached to agenda was noted.

## 9. Interesting Appeal Decision

Epping example, attached to agenda, was noted.

## Reports from other groups

### 10. EPOA

Minutes attached to agenda was noted.

### 11. Enforcement Liaison Group

Next meeting set for 10 March 2014 at Braintree. All to encourage appropriate officer to attend. A chair and lead is needed.

### 12. Essex Planning Administration Officers Forum

Awaiting minutes from 2 December 2013 meeting held at Basildon.

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

**NR** raised issue of whether hard copies of planning applications and plans are still being sent to parish council's.

Chelmsford, Braintree, Tendring, Colchester and Castle Point no longer do - all are electronically viewed.

**EF** - Issue with out-of-town business parks pulling major retailers from town centres. Concern for Harlow town centre if Marks & Spencer carry out threat to relocate and will resist on grounds of harm to vitality and viability. Similar examples in Bath and Dundee re: Tesco's.

**ML - 1.** Does everyone have GIS layer of definitive map - are we using it? Will ask for it to be sent round.

**ML - 2.** Do we issue a Weekly List? Yes, was the general response. ML will feedback to ProW officer for them to send their details for inclusion on weekly list.

**VP** - Andrew Tyrell (Colchester) enquired if we are concentrating less on turnaround times of Minor and Other application types. **NR** replied that Members at Epping still consider these are important targets to be hit and are local performance indicators. Another strong measure for Epping was appeal decisions split between two targets - Officer Delegated and secondly, Committee Reversals. In the latter case, Members performance was poor this year. There was surprise, as committee reversals in other authorities were much lower.

**RG** – following a recent court judgement on a waste transfer site in Uttlesford, the issue of how to assess 'cumulative effects' at the screening stage was considered. This may have implications for both District and County planning authorities as it may be necessary for officers to considering the cumulative effect of permissions granted by either authority up until the point of decision. The example RG referred to was a case where county had granted permission for the waste development and 2 days before issuing the decision notice, the district council had issue a permission for a housing development – unknown to county. This may mean that on occasions both authorities may need to consult each other to ensure that any proposed county and district proposals are considered in any EIA screening decision (up to the point of decision).

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

- Major Infrastructure Capital Build for Schools - Peter Geall (ECC)
- Development & implementation of public art – Jonathan Banks (IXIA)
- Experiences with Prior Approval applications. Including how many received.

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

2 May 2014 - At Chelmsford Museum, Oaklands Park, 10am



