

Essex Development Management Forum

Date: 23 October 2014
Time: 10am
*Venue: Chelmsford Museum,
Oaklands Park*

Attendance List:

Nigel Richardson (Chair)	Epping Forest District Council
James Rogers (Minutes)	Epping Forest District Council
Tom McCarthy	Essex County Council
Sarah Hill-Saunders	Chelmsford Borough Council
John Whitlock	Rochford District Council
Tessa Lambert	Braintree District Council
Andrew Tyrrell	Colchester Borough Council
Derek Walker	Tendring District Council
David Geall	Basildon District Council
Stuart Spears	Basildon District Council
Kim Fisher	Castle Point Borough Council
Maria Shoosmith	Uttlesford District Council
Mark Lawrence	ECC Highways
Caroline McCaffrey	Brentwood

Guest speakers:

Dominic Collins	Head of Commissioning Growing Essex Future Development
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1. Apologies for Absence

Chris Purvis – Maldon

Elizabeth Fitzgerald – Harlow

Phil McIntosh – Southend-on-Sea

Jonathan Keen - Thurrock

2. Minutes

The minutes of the meeting held on 21 July 2014 were agreed as accurate.

3. Matters arising

None

ITEMS FOR DISCUSSION

4. Planning Compacts (Dominic Collins)

DS presented what is a Planning Compact and the role of Essex County Council in supporting strategic growth and infrastructure delivery.

Planning Compact includes consideration of any joint policy and/or practice approach that assists partners in delivering improvements to the planning process and/or strategic plan making in order to realise ambitions for sustainable growth. The benefits of an Essex Planning Compact are promoted primarily on the basis of evidence that a more collaborative approach to spatial planning has a positive impact on coordinating housing and economic growth through recognition of functional economic and housing market areas.

For Development Management, there is general consensus amongst LPAs that Development Control does not represent a major barrier to delivery in Essex. This view is backed up by performance statistics and the large number of sites with planning permissions that are not being developed out. There was a consensus amongst stakeholders that the issues of strategic plan making and allocating of sites represents a more compelling case for policy action and represents the priority focus for planning compact. However, there are opportunities to continue to improve the quality, timeliness and uniformity of service of planning across Essex, especially for major applications. Models available to achieve this aim are available in the form of Planning Performance Agreements and the Planning Advisory Service *Investing in Our Place: Assessing our Capacity* tool.

A draft outline of Planning Compact is going to EPOA group in December.

5. Google Group (Tom McCarthy)

Tom raised possibility of creating a generic email address which would allow planning staff across Essex to raise questions and queries in the interests of shared knowledge. Such a forum would allow individuals to raise particular planning related issues, share advice and experience. Some concerns were raised about the potential volume of emails received however there was general agreement that this was a good idea and be encouraged asap.

ACTION: Tom would set this up and send details around to the DM reps on how to join etc.

6. Prior Approval applications

Conversation focused on agriculture to residential and the potential to refuse consent on sustainability grounds. Ripon case in Yorks was mentioned where a Planning Inspector dismissed an appeal because the building was not in a sustainable location (500m away!). Most agricultural buildings are not in sustainable locations, but generally felt each should be looked on a site by site basis. The issue of a potential fall-back position for justifying new build dwellings was mentioned but no general consensus was reached.

TENDRING had a case that may be helpful and would send on. (Appeal decision attached)

7. CIL and Regulation 123 list

This was put on the agenda given the looming 6 April 2015 date where no more than 5 contributions can be pooled for individual infrastructure projects (counted back to Oct 2010) which are not on a Regulation 123 list. Only a few Essex Council's have a CIL (12% nationally). There was discussion about whether education contributions for education sought can only be used 5 times or whether 5 pooled together can be per school. It was generally agreed that a maximum of 5 contributions could be gained for individual schools.

8. Revenue Raising

Some authorities have introduced an instant validation service by which an applicant can pay a little extra in order to have their planning application validated immediately. The charges ranged from £35 for householders and £80 for all others. Newspaper advert compression was also suggested, EPPING FOREST had reduced their costs by as much as £30k from 5 years ago. The potential for applicants to receive a second opinion on their application from a neighbouring authority was raised. This could involve a fee, however no specifics of how this would work in practice was mentioned and there was concern over decision delay against targets.

9. National Grid/HSE Consultation

EPPING FOREST DC has looked at subterranean gas pipe-lines and the need to consult the National Grid and HSE where new development may affect them, although still unsure about the process. Planning authorities were given on-line access to PADHI+, to deliver HSE's statutory advice role and to help speed up the planning process. This enables planning authorities to use the system directly and obtain HSE's advice quickly without the need to refer planning applications to HSE. However, the HSE website on how to use PADHI+ is not straightforward. Those present did not have experience of the site.

PADHI+ should be used to consult HSE on any developments which meet any of the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- *residential accommodation;*
- *more than 250m² of retail floor space;*
- *more than 500m² of office floor space;*
- *more than 750m² of floor space to be used for an industrial process;*
- *or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.*

10. Application and Appeal Performance

COLCHESTER has seen the number of appeals allowed increase recently. All generally agreed that the number of planning applications have increased, but not noticed appeals allowed has changed other than the total no. of appeal lodged are lower in recent years. Authorities had sent their stats to Andrew Tyrell before the meeting and he was happy to collect on a regular basis.

ACTION – Andrew Tyrell to collect the stats every quarter or half year for those who want to participate. Stats to also include FTE Planners and total applications decided.

11. Planning News

Technical Consultation on Planning has concluded. A few Essex Authorities responded.
Sept 2014 – Planning and Travellers: Proposed Changes to Planning Policy and Guidance is out for consultation.
Sustainable Drainage Systems: changes to the planning system – consultation concluded: EPOA responded.
Housing standards review: technical consultation – consultation concluded.

12. Interesting Appeal Decisions

Green Belt Infill Development. Recent Appeal Decision in Epping Forest DC. The inspector concluded that the site was not within the boundaries of the village and therefore did not constitute an infill development, although the inspector conceded that the NPPF gives no guidance on what constitutes a village.

13. AOB

PS1/PS2 Quarterly Returns – PPA's or Extension of Time for Decision to be Made – Does not differentiate on the returns. Some LPA's use forms and get the Officer to set out reasons why it is required.

Pre app charging for Householder - Range from £35 – £50; a meeting is £140 in some cases. Some authorities do not offer any pre app advice at all as they do not have Officer resource.

14. Items for Next Agenda

Heritage Statements requirements for Validation?
ECC approach to S106 re: Education after 6 April 2015?

15. Date, time and venue of next meetings

Friday 16 January 2015 - Chelmsford Museum, Oaklands Park 10am.