

Planning Policy Forum

**10.00 am on Tuesday 8 September 2015, Chelmsford Museum, Moulsham Street,
Chelmsford, CM2 9AQ**

MEETING NOTE**1. Introductions & Apologies**

Present:

Amanda Raffaelli (Chair)	<i>Basildon BC</i>	Martin Paine	Uttlesford DC
Richard Hatter	<i>Thurrock BC</i>	Matthew Thomas	Southend BC
Lesley Stenhouse	<i>Essex CC</i>	Gary Sung	Maldon DC
Ian Frost	<i>Essex CC</i>	Sandra Scott	Colchester BC
Amanda Thorn	<i>Epping Forest DC</i>	Emma Goodings	Braintree BC
Vicky Forgione	<i>Harlow DC</i>	Richard Matthams	Tendring DC
Jill Warren	<i>Brentwood BC</i>	Sarah King	Epping Forest DC
Claire Stuckey	<i>Chelmsford BC</i>		

Apologies:

Anne Clitheroe Castle Point BC, Phil Drane Brentwood BC Laura Chase Colchester BC Ian White EFDC Alethea Evans ECC, Matthew Jericho ECC;	Kevin Fraser ECC , Hamish Barrell ECC; Zhanine Smith ECC; Paul MacBride Harlow DC Natalie Haywood Rochford DC,
---	--

2. Notes & Actions of the Last Meeting 18/5/2015

<u>Item</u>	<u>Action</u>	<u>Update</u>
5	Waste Local Plan ECC Waste Plan Team to provide information on new sites with the relevant District Councils.	Received
6	Coastal Protection Belt, ACTION: Richard Matthams to circulate proposals to EPOA for further work when developed. Protected Lanes Parking Standards: ACTION: Kevin Fraser at ECC agreed to update the group on progress with the review of the 2009 standards.	See Agenda item See Item 7 ECC Update See Item 7 ECC Update
7	ECC SuDs Guidance ACTION: Kat Goodyear from ECC to circulate more detail on	See item 7 ECC update

	the options.	
8	ECC Housing Programme ACTION: Mark Carroll to be providing district level evidence of need to local authorities by the end of May 2015	See Item 7 - ECC – update & ECC to recirculate the Independent Living Position Statement & data
9	London Plan Review/Outcomes of Regional Summit Update ACTION: Richard Hatter to raise issue at EPOA meeting on 4 June 2015	See Agenda item
10	Essex 2014 GTAA & Experiences from recent G&T Appeals <ul style="list-style-type: none"> • Jeremy Potter to raise issue at EPOA meeting on 4 June 2015 • All to send Jeremy Potter details of any pending Gypsy and Traveller appeals 	See Agenda item
11	EPOA Greater Essex Demographic Forecasts: Update – ACTION: Jeremy Potter to raise issue at EPOA meeting on 4 June 2015	JP gained agreement on the appropriate scenario and caveat from Edge Phase 6 Report to send to Zenith Macintyre at ECC/ Rebecca Roebuck for the East of England Economic Forecasting Model.
12	Local Plan progress report ACTION: Updates to Local Plan Preparation Schedule to be sent to Amanda Raffaelli	See Agenda attachment all Authorities provide an update
13	Duty to Co-operate & Planning Compact ACTION: Matthew Jericho ECC to provide an update of the planning compact work.	See item 7 ECC Update

3. Superfast Essex - Presentation by Ian Frost from ECC

Presentation: See slides – as attached to email

Stages 1 & 2a – Implemented by BT

Stage 2b – “The Rural Challenge” – is being implemented by Gigaclear, and is being tested in Epping Forest DC

Phase 1 This is a gap funding model for Rural areas – 5,000 premises uplifted to 2MB; using satellite solutions. It is progressing ahead of target and with savings and is likely to be completed 6 months early. The model planned in a 20% take up, actually achieved 30% and £1.9m back from BT, which is to be re-invested.

Phase 2a Includes some district match funding, with back to back implementation

Interactive maps –go to: www.superfastessex.org

Key to Interactive Maps

- Blue – current / previous Roll Out
- Brown – New Rural areas
- White – Final 5% (note Giga-clear are addressing the white area in EFDC)

Phase 2a Table – Percentage change -

Some changes areas are “negative”, but this is due to the number of new houses built / completed **without** Broadband connection.

BT are working with districts – noted that in Chelmsford - Beaulieu Park – new homes are putting broadband – fibre connections in to all premises. This was a developer decision (so not just BT putting this in)

Phase 2b - Giga clear – installing fibre to premise (ie not just BT cabinet)

Communications strategy: To promote take up

Q/A Session

1. **What can planners do?**

- Promote development to install as a minimum to the cabinet and if possible to premises.
- Promote LP Policy to install new broadband (eg Tendring LP draft policy)

2. **Contributions required to retrofit with new phone connections?**

- All new building to have fibre-ducts to connect to the unit, which could be re-used, but it would need planning.

3. **Infrastructure Delivery Plan – role for new development?**

Potential to include it as a requirement

BTE - Issue with applications in rural areas proposing 5 – 10 homes, and they are unlikely to be connected by fibre.

4. **Local plan preparation: National News**

A) Government Update

- Government Productivity Plan (summer): Aspiration for all authorities to have produced a productivity plan by March 2017.
- 2 Letters – Brandon Lewis and Greg Clark - instant effect

Recent Local Plan –evidence the change in approach, as per the ministerial letters

Dorsett - 4 LP's with major modifications - all found sound (highly unlikely before hand)

B) Legislation, Policy and Guidance:

- **JR - W Berks and Reading** - re Affordable Housing threshold and vacant building credit. Found it overrode the LP policy process, consultation was unlawful - only 3 week consultation, failed to consider xyz
Failed nearly on all counts - still legal action as it did not quash ministerial statement
- **Revised Traveller Policy - on the agenda**
- **Steve Quartermain - Green Belt Letter**, reiterates general building within the GB will be frowned upon.
- **Rural Productivity Plan - re Affordable Housing** - The aim is to make it easier to gain housing permissions. Starter homes are to be allowed through rural exceptions policy. The main issue is the 5 year restriction and what happens if the house is resold - is it still a starter home?

C) National PPS for Traveller Sites and the Essex GTAA

See next item

5. **Revised Planning Policy for Travellers and the Essex GTAA**

A) Appeal Decisions

Experience to date re GTAA - AR, requested feedback on recent appeal decisions and the EPOA Essex GTAA

THU: 3 Appeal decisions (inc temp and GB), lost on different factors but in all cases PINS supported the GTAA and its methodology

EFDC: 2 hearings - appellants supported by Matthew Green. Both involved a very detailed analysis of the GTAA methodology and that the GTAA is starting from too low a figure. EFDC (IW) has prepared a list of questions for ORS on the points raised, to clarify the position and to gauge the merits of the arguments. No direct PINS comments on the GTAA so far.

ACTION AR - To circulated EFDC questions for ORS

MALDON - LP Evidence - appointed Salford University to provide a critique of the GTAA from a Maldon perspective re approach and methodology as part of the Local Plan evidence. The findings supported the approach and the report has been submitted to CLG. As evidence and is available on Maldon website

CPBC: 1 Appeal Decision: Lost, however PINS applied the RSS figure (and awarded costs)

CCC: 1 hearing pending - and to be reconvened, issues is 5 year housing supply. Same agent as EFDC, however CCC has employed ORS to provide evidence. 1 Appeal decision (June) - dismissed but little reference to GTAA in the decision.

Noted - Broxbourne –have an imminent inquiry on GB traveller sites - but "not" travellers -

B) Implications of new definition of gypsies and travellers (all)

MALDON LP update - no timeframe, SOS - appointed an inspector, Maldon

- Q - Gary - political pressure to review
- MAL - to progress with the GT LP - to demonstrate addressing it

New PPS for Travellers - Published 31 August (Noted it is Still in JR period); key points to note
Change in definition of a traveller - in Annex 2 - additional paragraph - regarding the travellers - "nomadic" status, and if a traveller has ceased travelling permanently, then applications to be dealt in the same manner as the settled community. The Definitions now differs from the Housing Act and GTAA requirements.

EPOA - Action - AT has asked ORS to provide an update re GTAA, emerging outcome is a likely need to change the assumptions on the formation Rate

CONCLUSIONS: Overall, all anticipate a legal challenge on the PPS.

6. Discussion re: Rural Exception Sites (Sandra Scott to lead)

SS: Colchester is seeking feedback on paper with questions regarding LPA's approaches for planning to address the requirements of the rural exceptions policy, seeking views on.

Questions

a. Need to define rural areas now the 3000 definition has been removed?

HO - jury out - need to define what constitutes rural

BTE - no exceptions - general, clarifies village hierarchy with key villages (therefore excluded)

CCC - as above

EFDC - do not have a settlement hierarchy, previously used GB as a village settlement boundary

**b. NPPF allows/encourages the re-allocation of sites as an exception site (contradiction)
Is anyone do this / allocating?**

CCC - 4 rural exception sites identified; one completed, one with PP; one discussions but issues a as a market site; one refused - application for mkt housing and a small proportion of affordable housing.

Allocations - within village boundary and based on own specific hg need assessment

BTE - Are not planning allocation of exception sites, the current policy is for 5 dwellings plus (no applications at the moment)

c. **Ability to market housing on exception sites to market a proportion of housing for affordable housing?**

COL - recent permissions to allow market housing on basis to gain some afford housing

d. **Retention of Aff Housing in perpetuity? - Starter Homes - what / how to implement and cross ref to right to buy?**

COL are addressing this via a legal agreement

e. **Custom Build Register - what is the approach?**

COL - nothing in place yet and Housing Officer's advice is to hold off at present

UTT, CCC and BTE have taken it up. ACTION - All to forward details to SS

f. **DTC re Afford hg and exception sites, issue - how does this relate / apply between parishes in delivering rural exception sites?**

BTE - General approach based on village need

7. ECC Update including:

- | | |
|---------------------------------------|--|
| I. Essex Parking Standards | VII. Planning Compact |
| II. Essex Urban Design Guide review - | VIII. Airports |
| III. Essex SUDs | IX. Essex Independent Living Strategy |
| IV. Essex Developers Guide | X. Special Neighbourhood Planning for Sustainable Energy - – 17 September Workshop |
| V. Protected Lanes EPS Update | XI. MSA & SHLAA's - prep |
| VI. Essex M&W Planning Update | |

I. ESSEX PARKING STANDARDS

ECC Strategic Development – has prepared an interim NPPF compliant review, albeit slower than anticipated. It is now going through the internal sign off procedures, prior to public consultation before Christmas

It is to be supported by a key change document, a list of questions and an SEA and an Equality Audit

II. ESSEX URBAN DESIGN GUIDE – REVIEW

Understand there is interest to Review the Guide, and this is being considered as part of the ECC internal task and finish group (due to finish in December).

Discussion Points:

- EG BTE: Note that this is frequently referred to in the Devolution discussions
- SS CBC - Note that Colchester BC are already looking at type 4 roads are not practical; but it is an ECC requirement.

III. ESSEX – SUDS

A. SUDs GUIDE-

The team is still happy to look into running a consultation on behalf of the LPAs but would need confirmation of interest before we start that work (in a similar manner as parking standards /

design guide).

Note – the South Essex Authorities – are keen to adopt this as SPD, AR was to- to liaise with Suds

Discussion Points

- EG - Advised Braintree have adopted this as Guidance
- RG – Advised that Thurrock have prepared their own guide, with a lighter touch, to reflect it.

B. SUDS VALIDATION LIST

Team has prepared a SuDS validation list, to help streamline their involvement in the planning process.

It was reported to the EPOA DM forum in the spring and has some use by some districts and boroughs but general take up hasn't been as good as we would have liked.

- Is everyone aware of this and are they using it?

C. STRATEGIC FLOOD RISK ASSESSMENTS - Reminder

It is a key bit of evidence that should be referenced when updating planning policy. However, most SFRA's are now considerably out of date. As part of the local plan process SFRA's should at the very minimum be reviewed to ensure they are covering all of the key issues within an area. It may be necessary for some LPAs to make significant changes to reflect work that has been carried out since they were written. Once an up-to-date SFRA is in place 2 yearly reviews should be put into action to make sure that latest information is available when assessing the impact of policy decisions.

IV. ESSEX – DEVELOPERS GUIDE

This is in the final members sign off process incorporating some minor tweaks, chasing sign off

Discussion Points

Feedback from the Main EPOA meeting:

- Further amendments proposed to make the document more "pro-active"

V. PROTECTED LANES – Adrian Gascoyne Essex Place Services - update

A. Basically, through ECC funding for re-survey work, we are able to offer 'free evidence' to those LPA's that would like to take the Protected Lanes policy forward into their Local Plans, as Chelmsford, Braintree and Uttlesford have done in the past. I'd be grateful if you could circulate this to EPOA members as soon as possible, because we hope to get re-survey work in the County underway in the next few weeks.

B. As circulated by to the Group by Amanda –

C. Update BRW, BAS, COL, EFDC, TEN & MAL - have all requested to have their evidence updated. EPS are in discussion with Col, EFDC & BRW regarding how the policy might be taken forward in the future as per my briefing note to EPOA.

The desk based work and field survey of lanes has been completed for Epping, Brentwood and Tendring, and desk based work is underway for Basildon and Maldon.

VI. ESSEX MINERALS & WASTE PLANNING UPDATE

Public consultation on the Revised Preferred Approach closed on 30 July. Over 1000 comments were received from around 500 respondents across the three main consultation documents.

As anticipated, the proposed Site Allocations received the greatest level of interest. Officers are working to analyse comments and will be capturing the response of the Authorities, and confirming any changes to the Plan as a result of the comments received, within an outcomes report. This report will be published alongside the Pre-Submission draft of the Waste Local Plan.

A programme of engagement with prescribed bodies under the duty to cooperate is ongoing throughout September.

The Pre Submission Plan will incorporate outcomes from the recent public consultation, ongoing engagement under the DTC and the recent PINS review of the Plan.

The depth and breadth of issues to be addressed is resulting in reconsideration of the approved timetable. As a result, it is anticipated that the Pre Submission Plan could be approved by the full Councils in December and the public engagement would then commence in January 2016, although this remains subject to confirmation.

VII. PLANNING COMPACT

Progress on the Planning Compact has been "paused" whilst the Essex devolution discussions play out. As you may remember one of the ideas we developed with districts during discussions on the compact was an Essex (minus Southend and Thurrock) Infrastructure Plan. The idea has been raised with Cllr Hirst (now re-branded as Growth and Infrastructure Framework) and will be considered more fully as part of an upcoming Member Economic Growth and Regeneration Board's task and finish group, chaired by Cllr Hirst.

See Kent & Medway Growth & Infrastructure Framework example:

<https://democracy.kent.gov.uk/documents/s53634/150710%20Kent%20and%20Medway%20GIF%20Final%20Low%20Res%20DRAFT.pdf>

VIII. AIRPORTS UPDATE

A. Airports Commission

In early July 2015 the Commission published their Final Report. It set out recommendations to government for expanding aviation capacity in the UK, emphasising that further airport capacity is crucial for the UK's long-term prosperity. The Final Report concluded that the proposal for a new northwest runway at Heathrow Airport, combined with a significant package of measures to address its environmental and community impacts, presented the strongest case.

The Heathrow northwest runway offers the greatest strategic and economic benefits – providing around 40 new destinations from the airport and more than 70,000 new jobs by 2050. The recommended Heathrow option delivers a full-length runway, maximising connectivity gain. It is situated further west than the current runways, reducing the number of people affected by noise. It is accompanied by measures to limit the impacts including:

- **Night Flight Ban** - Ban on all scheduled night flights in the period from 11.30pm to 6.00am, which is only possible with expansion;
- **No Fourth Runway** - no fourth runway: the government should make a firm commitment in Parliament not to expand the airport further – the Commission considers that there is no sound operational or environmental case for a fourth runway at Heathrow;
- **Noise Envelope** - a legally binding 'noise envelope' putting firm limits on the level of noise created by the airport;
- **Aviation Noise Levy** - a new aviation noise levy to fund an expanded programme of mitigation, including noise insulation for homes, schools and other community facilities;

- **Commitment to Air Quality** - a legal commitment on air quality that new capacity will only be released when it is clear that compliance with EU limits will not be delayed;
- **Community Engagement Board** - a Community Engagement Board, under an independent chair, with real influence over spending on mitigation and compensation and over the airport's operation;
- **Independent Noise Authority** - an independent aviation noise authority, with a statutory right to be consulted on flightpaths and other operating procedures at all UK airports;
- **Training and Apprenticeship Opportunities** - Provision of training opportunities and apprenticeships for local people, so that nearby communities benefit from the jobs and economic opportunities.

The Report recognised Heathrow airports role as the country's largest air freight hub, carrying more freight by value than other UK airports combined. The long-haul links that an expanded Heathrow can provide will support long-term growth in this sector.

The Report acknowledged the investment that MAG and Stobart have accomplished at Stansted and Southend. It appreciated the successful growth experienced at Stansted in recent months.

Next Stages – Await a reaction from Government that is imminently anticipated. It is expected that Government will express how they will deliver future aviation capacity, and we anticipate that this may be through a National Aviation Policy Statement providing the direction for considering the planning application for future runway capacity, or a Hybrid Bill introduced in Parliament, this was the approach adopted by HS2. It is important that we continue to be mindful of the need for further investment to deliver the short and medium term aviation capacity available at the Essex airports.

B. Department for Transport

A consultation that outlines the DfT's views on the future for Airspace and a separate consultation that will look at Night Noise are expected for publication in Autumn/Winter 2015/16.

C. Stansted – On Friday 4 September

Stansted Airport launched a public consultation on an innovative new take-off procedure that will reduce the effects of aircraft noise for over 4,000 people living near the airport. The origin of the consultation is following joint working with the Stansted Airport Consultative Committee's Environmental Issues Group, over the last two years. An airspace trial at Stansted has been and continues to be conducted, and it is considered that the procedure demonstrates significant and positive improvements for the local area.

12 week Consultation **4 September – 27 November 2015**, more information is on the airports website - www.stanstedairport.com/consultation

The information that is available that officers may be interested in reviewing include –

- Performance Navigation – Consultation Document;
- Summary Document;
- Technical Report; and
- Frequently Asked Questions.

IX. ESSEX INDEPENDENT LIVING STRATEGY

Planning Policy Guide – Update –

A Planners Guide is being prepared and Spatial Planning has provided some feedback including a request for the Guide to set out the evidence base and forecasting/ projections used in the calculations. Anticipate the Guide will be distributed to EPOA Policy forum for comment before finalising.

X. SPECIAL NEIGHBOURHOOD PLANNING FOR SUSTAINABLE ENERGY – workshop
17th September London: *How can those communities who care about sustainability take the lead role in planning for sustainable energy in their neighbourhoods?*

A SPECIAL (Spatial planning and energy for communities in all landscapes) workshop on neighbourhood and area-wide planning policy approaches to sustainable energy.

XI. MINERAL SAFEGUARDING AREAS AND LOCAL PLAN SHLAA'S

ECC is carrying out a pilot project with CHL and COL on how to factor in and assess policy S8 (MSA & MCA) within their SHLAA – site suitability assessment.
It reflects national policy in NPPF and is to be applied

Emerging issues at the Call for Sites stage and the information/details to be requested and assessed:

1. Does the site fall within an MSA/MCA area?
2. Is the site within defined settlement?
3. Is the site within 250m of defined settlement?
4. Is 90% of the site within 250m of Defined Settlement?

Q Can each LPA capture and measure this information on your GIS system?

A – General feedback – yes LPA's can capture the above information for sites via their GIS system

Q How do LPA's approach site assessments & when would you want to engage the MSA process in the sifting exercise (ie before or after the show stoppers)

Emerging General Approach

LPA	To undertake the initial MSA Assessment of scheduled sites - is it in/outside an MSA,
LPA	Is the site within an MSA; then is it within / adjoining 250m of a defined settlement, (ECC is using the MLP site selection process
LPA	to incorporate this within their sieving exercise; then work through to supply ECC with the site information
ECC/MPA	To take into the other environmental constraints – as part of an “on balance” in principle judgement on whether would grant PP - BEFORE requesting a Mineral Resource Assessment (MRA)
ECC/MPA	Request an MRA
LPA	Request MRA from site promoter and forward to MPA
MPA	assesses the MRA to judge whether a mineral of economic importance.

ACTION ECC, CCC & CBC to report back to EPOA – once progressed further

8. Feedback on GLA workshops with East of England authorities (Richard Hatter)

GLA - Update – Second Roundtable Management Group Meeting

RH - Provided an update on the emerging working arrangements under DTC with London.

- A wider Executive Group of Members is being considered with only 4 reps per region (SE & EoE).
- Separate thematic working groups

Key Issues & Concerns focussed on what and how to ensure all authorities could be represented, and there is limited representation on a regular basis (most is via the thematic group work)

There are a number of evidence base issues, mainly population and demographics, as the GLA produces and updates their comments annually, but issues on its use. Overall there is an immediate need to have consistent economic forecasting modelling across all three areas (GLA own admissions note a 30% inaccuracy on projections)

East of England - authorities / actions -

- Need to explore possible links between EoE and GLA population and demographic evidence (likely topic paper)
- EoE Officer Group is preparing a report on the existing evidence, data gaps and options to commission cross boundary work with the GLA & South East.

Next Steps

- **GLA - New London Plan, likely consultation in** summer 2016, following the Mayors elections
- EoE officers Oct meeting to clarify - Timeframes, evidence, additional work required, what can be broadened out -
- Dec Summit - to report back on the 2 workshops

Question raised about London's approach to Air Quality Reports?

RH – THU referred to the East London - transport - air quality report

SK – Referred to EFDC - Concerns re impact of air quality of Epping Forest itself - Q what / how could this be factored in on a broader perspective.

Key discussions - have so far only focussed on Population, Demographics and economic growth - but yes do need to flag wider technical work - eg - climate change / air quality etc

9. Local Plan / LDF progress report (all)

Local Plan Schedule (circulated with Agenda)

ACTION ALL to ensure it is up to date and to supply updates

Any key issues / factors to share

- LS – Referred to ECC's schedule Minerals and waste updates– and to be attached at end of the minutes
- CS – Flagged the CCC - SA/SEA CONSULTATION Scheduled to close this Friday and thank you to all for comments received so far.

DTC joint working activities & MOU's on matters of more than local importance

- RH:-Joint SE -SMHA workshop and anticipate publishing the report in December.
- RH – referred to South Essex - DTC - workshops - on Thematic Templates to be part of South Essex – MOU/Memorandum of Co-operation

10. Duty to Co-operate & Planning Compact – See ECC Update

11. Future Agenda Items

- G&T update
- DCLG population updates? - re household groupings / categories
- Feb - London Plan update

12. Any other business

Date of Next Meetings: 24 November 2015 and 16 February 2016

Appendix –
Local Plan Schedule – updates
ESSEX

Authority	Name and date of Adopted/ Saved Development Plan	NPPF Checklist of Conformity	Stage of Preparation of New Plans and Timetable	Stage of Key Evidence Base Preparation	Progress on Neighbourhood Planning	Progress on CIL
<p>Essex CC (minerals and waste)</p>	<p>Essex & Southend Waste Local Plan Adopted 2001</p> <p>Essex Minerals Local Plan Adopted 2014</p>	<p>Adopted MLP (2014) is NPPF compliant.</p> <p>Adopted WLP (2001)– NPPF compliance completed. Checklist available online.</p>	<p>SCI – Approved Dec 2012. Second revised SCI to be adopted in Sept 2015.</p> <p>LDS Published May 2015.</p> <p>Replacement Essex and Southend on Sea Waste Local Plan</p> <ul style="list-style-type: none"> • Revised Preferred Approach consultation- June/July 2015 • Pre Submission engagement- likely to occur in Jan/Feb 2016 • As a result of this delay, the remainder of the timetable is likely to be pushed back slightly. <p>Biodiversity SPD- consultation anticipated in autumn.</p> <p>Mineral and Waste Safeguarding SPD- timetabled for public consultation in 2016.</p>	<p>WLP- Preparing for Pre Submission engagement:</p> <ul style="list-style-type: none"> • Analysing responses received over the summer • Revising policy approaches as necessary • Preparing evidence papers to support Pre Submission engagement • Programme of DTC sessions with prescribed bodies is ongoing throughout September. <p>Mineral and Waste Safeguarding SPD- early work to benchmark/trial run key elements of data gathering has commenced with Colchester and Chelmsford.</p>	<p>N/A</p>	<p>N/A</p>