

**ESSEX PLANNING OFFICERS ASSOCIATION****Great Notley Discovery Centre,  
Great Notley Country Park, Braintree, CM77 7FS.****AGENDA – 28<sup>th</sup> June****10:00am – 1.00pm****Teas and coffee on arrival and mid-morning.****ATTENDEES**

<p>Graham Thomas – Chairman Richard Greaves – ECC Nigel Richardson – Epping Forest Simon Cairns – Colchester Richard Hatter – Thurrock Natalie Hayward – Rochford Ian Butt - Maldon Diane Cooper – Harlow Matthew Winslow – Basildon Amanda Parrott – EPOA Policy Chair Jeremy Potter – Chelmsford Graham Norse – Tendring Gordon Glenday - Uttlesford</p>	<p><b>Guests:</b></p> <p>Hamish McCloud - Director Mobile UK Connie Kerbst – Broadband Programme Manager ECC</p> <p>Laura Taylor Green – Public Health &amp; Wellbeing - ECC</p> <p>Alethea Evans – Place Services - ECC</p>
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	<b>Agenda item</b>	<b>Owner</b>
<b>1.</b>	<p><b>Introductions &amp; Apologies</b></p> <p>Andrew Millward – Thurrock Paul Dodson – Maldon Emma Goodings – Braintree Peter Geraghty – Southend Phil Drane - Brentwood</p>	All
<b>2.</b>	<p><b>Minutes and Matters Arising from previous meeting</b></p> <p><b>Mechanism for addressing GTAA &amp; Transit Sites</b> MW reported that good progress is being made. A task and finish group has been established and will be meeting soon to refine/discuss the work undertaken to date. More information will be provided at the September EPOA meeting.</p> <p><b>GT</b> – In relation to the outstanding Transit site work there needs to be a commitment to jointly fund the outstanding transit site work.</p> <p>This also requires 3-4 local authorities to drive this – Thurrock, Chelmsford, Basildon agreed. Lesley Stenhouse will also support this work.</p> <p><b>AP</b> – explained that we have not monitored sufficient data over a long enough period yet, which explains why there appears to have been a slight delay in bringing the transit work forward.</p> <p><b>Essex Design Guide</b> Work is now getting back on track following a number of staff changes – Anne Clitheroe, will be taking the lead on this.</p> <p>The discussion also needs to address ‘where next’ – what does good practice look like for new areas of work? It would be good if we could add at least two new thematic area of good design guidance for 2018/19 – appreciating there are budget limitations. Most local authorities have now nominated their officer to engage with this task</p>	<p>All</p> <p><b>MW</b></p> <p><b>RH/MW/JP</b></p>

	<p>and finish sub-group.</p> <p><b>SC</b> – Will the EPOA set themes be explored? Yes this was agreed, but it would be helpful if the sub-group came forward with proposals, and any budgetary commitments given more funding would no doubt enable more work thematic work to be undertaken.</p> <p><b>GT</b> – Guidance in relation to employment sites has been talked about and with so much emphasis on Garden Communities it would be extremely helpful to have quality design guidance which assists with employment sites.</p> <p><b>AP</b> – How could G&amp;Ts be better integrated into the Design Guide – this is a key area worth addressing as one of the new themes, consideration.</p> <p><b>Planning Protocol</b> This was agreed and endorsed at last meeting. The Protocol is now on the EPOA website to view.</p> <p>It would be helpful if LPA’s give this visibility within their own Councils including endorsing where this is felt to be helpful.</p> <p><b>NPPF</b> The EPOA response to the draft NPPF consultation was submitted. Thanks to <b>JP</b> for coordinating this on behalf of EPOA.</p>	
<p><b>3.</b></p>	<p><b>Notice of AOB:</b> Data Protection query Planning solicitors North East Essex update</p>	<p>All</p>
<p><b>4.</b></p>	<p><b>Mobile Internet Connectivity</b></p> <p>Hamish McCloud and Connie Kerbst were gave a presentation on Mobile Internet Connectivity in relation to the next wave in mobile technology (5G). This will operate within a higher band width and provide a much quicker responsive service.</p> <p>Getting ready for 5G – which will provide a more intelligent network. The key thing operators want is a closer relationship with local authorities. They want to start engagement.</p> <p>The telecommunication sector is experiencing rapid growth –the increased use of data and multiple devices, phones etc. Hence mobile phone operators are spending lots of money increasing capacity – how can we make use of that investment to make this funding go further?</p> <p><b>HM</b> explained there is a clear demand for improved mobile coverage.</p> <p>Mobile Phones and health – this is not something planners can get involved with but remains a key issue for some sectors of the public.</p> <p>Local authorities are also increasingly looking at digital innovation, applications and digital solutions to progress services, for example applying more digital technology to make social care departments more efficient.</p> <p>Once 5G begins to be rolled out, this will require planning applications to strengthening and increase the height of some masts as well as the need for additional masts.</p> <p><b>HM</b> was interested to explore how mobile phone companies can engage with Councils and have arrangements regarding the different Councils’ public estate? A single point of contact in each local authority is needed to liaise with planning officers etc. – a person who can provide all the required information about a particular site. North Yorkshire Council has come forward as a pilot local authority that 5G companies are working with.</p> <p><b>CK</b> explained ECC has also offered to be involved as a pilot authority, along the</p>	<p>Connie Kerbst &amp; Hamish McCloud</p>

lines agreed by DCMS in 2018.

**GT** – LPAs’ are planning to deliver a positive plan led growth agenda which takes a balanced approach to the different land-uses. This growth is much more than simply providing for new houses. With the scale of growth planned what does this mean for the various bits of kit and planning permissions needed?

**RH** – What research and development opportunities are there within Essex?

**HM** – There will be network centres. More network sharing going on. Lots of competition going on. He will find out who in the application layer can help.

**JP** – In relation to the telecommunication infrastructure – with the increase in activity and more people using more forms of IT devices, thereby sending more signals, does this mean larger equipment will be required including masts to accommodate 5G?

**HM** – Yes and no – macro network will operate on the existing grid.

**IB** – Need to understand fibre optics etc. – how transparent will operators be about this? Fibre optics can be controversial – need to see the economic benefit and need to help the operators ‘sell it’. Need to understand it collectively if local authorities are going to help find sites

**HM** – Operators provide all data to Ofcom, Ofcom then provide the maps/data so very transparent.

**DC** – Operators have got to be aware of areas with low/no coverage – council members will be looking at uneven coverage – would not want sites which already have coverage to have increased coverage when lots of areas have none. Would be a hard sell in a planning application.

**NR** – make this prior approval as part of permitted development so it doesn’t go in front of members.

**HM** – In discussions with DCMS about this and the relevant legislation.

**JP** – Government is looking into intervening in terms of the cost of land - when district/boroughs speak to property people they will have a different view. The telecommunications industry needs to sell the social/wider benefit.

**GT** – Local authorities need to be commercially minded – is there an incentive for those coming forward early?

**HM** – Operators are spending money on extra coverage (around £2 billion). Reference was made to the Norfolk County Council report – which is one of the pilot local authorities.

**CK** – Need a dedicated one-off meeting with interested parties to draw up an action plan. Connie will coordinate with interested local authorities – and will follow-up email to all LPA’s.

**CK/HM**

**CK**

**5**

### **EPOA Viability Protocol**

**AE** - Introduced the Viability Protocol that has been prepared by a task and finish sub-group of EPOA she thanked the local authority officers from Chelmsford, Epping, Maldon and Southend who produced this work and the involvement of EPOA DM Forum that has overseen this.

**AE** reminded EPOA that the draft Viability Protocol was considered at the March meeting, and with the current review of the NPPF underway, whilst this work is now completed the decision was made to hold it over to this meeting for full endorsement.

**AE** was seeking endorsement and guidance on how it can be rolled out. Protocol provides basis for how we challenge developers.

Alethea  
Evans

	<p><b>AP</b> – To make officers more confident in using the document it was suggested that we use the ARU skills training for this year to strengthen our collective capability around development viability.</p> <p><b>JP</b> – Explained that Chelmsford will formally endorse the protocol – he viewed as being a good resource for authorities to use with developers. We also need to be mindful that not all sites will be viable. Also requested a tweak to paragraph 3.10 – wants to change the word ‘demonstrate’ to ‘consult’ – so ECC does not have the final say over the district/borough council which was endorsed at the meeting.</p> <p><b>RH</b> explained that Thurrock has not signed-up to the EPOA Viability Protocol.</p> <p><b>DC</b> – Section 5 – Review mechanisms: Can we add that if a site is unviable we expect a mechanism of a review – clarity of years/money – what is the review mechanism? And do we have clarity on developer profit calculation.</p> <p><b>AE</b> – The protocol recommend review mechanism be applied particularly where it is successfully argued development viability would reduce infrastructure contributions – as a means to reconsider at appropriate trigger points. The NPPF also specifies an expectation in relation to developer profit which in the draft NPPF is 20%.</p> <p><b>MW</b> – Was expressed support and expressed it was important for members of EPOA take this forward within their own Councils to give this weight and traction on expressed his intention to get the protocol endorsed by his Planning Committee.</p> <p><b>RG</b> – Already taken the Planning Protocol to ECC’s Planning Committee. Factor it into validation checklist?</p> <p><b>JP</b> – Consultation process – could go on consultation at the same time as the SPD and pull the representations together.</p> <p>Subject to RH the meeting endorsed the EPOA Viability Protocol (2018) subject to JP revision. AE agreed to take away and finalise artwork.</p> <p><b>GT</b> – Two main points have come out of this conversation:  1 – The next step is to collectively producing a Viability SPD – need 3 or 4 authorities to work on this – Maldon, Chelmsford, Basildon and Uttlesford agreed to assist with this.  2 - Focus the ARU training programme on Development Viability to be considered at the next meeting.</p>	<p><b>AE</b></p> <p><b>AE</b></p> <p><b>AE to lead</b></p> <p><b>GT to follow- up</b></p>
<p><b>6</b></p>	<p><b>EPOA Health Impact Assessment 2018</b></p> <p>Laura Taylor-Green gave a presentation explaining that the current EPOA HIA Guidance is now 10 years old and needs updating in line with national changes. She explained that a number of EPOA members are working with her to refresh and update the EPOA HIA guidance with a view to getting this completed in the autumn.</p> <p>There are well known benefits associated with preparing an HIA – a developer can come to you can say there are lots of positives with ‘unintended’ negatives – gives local authorities the ability to properly assess via:</p> <ul style="list-style-type: none"> <li>• desktop HIA (take a few days)</li> <li>• Rapid HIA – Community engagement</li> <li>• Full &amp; comprehensive HIA which takes – months of work, weighty, lots of community engagement.</li> </ul> <p>The GLA – suggest a full HIA for all NSIPs. It is too late if an HIA is submitted with an application as the HIA is done and you cannot input into it.</p> <p>HIAs’ currently only cover health protection – not really public health and wellbeing. For Statutory nuisance/noise – the advice is to consult the environmental health team who have the expertise.</p> <p>Most local councils also now have their-own wellbeing teams. And there is lots</p>	<p>Laura Taylor-Green</p> <p><b>LTG</b></p>

of advice and guidance available which will help with the HIA update.  
In relation queries on NHS estates and infrastructure – go to your health partners first.

**GT** – What scale should we be applying HIA? When is it applicable – developments are 20 units or below.

**LTG** – NHS wants to be contacted if a minimum of 50.

**MW** – A degree of judgement is required.

**JP** – Have ‘live well’ developments as an incentive – an accreditation.

**LTG** - felt it was important to commence developer discussions as early as possible, as retrospective addressing HIA recommendations are expensive.

**RH** – As endorsed partner on the current EPOA HIA, he confirmed he would find out his Councils position on the new HIA guide.

**RG** – Pointed out the health is now within the 2017 regulations – EIA scoping?

**LTG** – health is interwoven into an EIA. Wales are making HIAs’ statutory and it will be helpful if we equally apply HIA as an important part of the planning application process particularly for the large scale planning applications.

**RH**

## 7. Local Plan Updates

All

### **NEA – Planning Inspectors Letter**

**SC** – It was a surprise that more work is needed on the gardens community project – around viability and transport. A lot of work will need to be outsourced and the whole project has been delayed significantly. Three scenarios of how the Local Plan can be taken forward are being very carefully considered by the three LPAs’.

**GT** – Is a lessons learnt piece of work being carried out?

**SC** – The lesson is we need a really robust evidence base – how strategic transport infrastructure will be delivered.

**JP** – The situation highlights that councils need a ‘Plan B’.

**DC** – Interested in how much evidence of transport delivery is required. How much certainty are local authorities expected to have?

**MW** – Attended a meeting where it was discussed the issue that PINS aren’t examining strategic plans in a strategic way? Is there a difference between in relation to Garden Communities between MHCLG and PINS?

**IB** - How do we provide collective strategic support on getting plans through?

**JP** – SA discussion

### **South Essex Joint Strategic Plan**

A Joint Strategic Plan is being prepared by the six South Essex LPAs’ with the support of ECC. A signed Memorandum of Understanding has been in place for a while and this has been strengthened by a Statement of Common Ground being agreed with the support and agreement of MHCLG

Consultants have been appointed to bring forward this work with the aim of producing a draft JSP early in new year? Early spatial options work is expected in October

**MW** – SA is being commissioned right at the start.

**Uttlesford** - **GG** took their Reg 19 Plan to full Council last week – consultation started this week and ends mid-August. Concerned about impact of North Essex letter and will follow-up with a meeting with MHCLG officers shortly.

**Harlow** - **DC** reported the Reg 19 consultation is underway.

**Epping** - **NR** confirmed the Plan still impacted by the JR process which will it have a knock on effect to the timetable. Also Natural England has placed a moratorium on Epping Forest in relation to the need to address the SAP.

**Basildon** - **MW** confirmed will be discussing the MHCLG intervention and with an altered Plan going back to committee and council in October.

**Chelmsford** – **JP** explained the Plan went to Full Council in June. Submitting plan tomorrow. Looking at HRA matters. Have been told they can have hearings

	<p>in October. Committed to a review (I&amp;O) in 2022.</p> <p><b>Thurrock – RH</b> Issues and Options consultation expected in late July. Will be a very high level consultation. Spatial Options will be included.</p> <p><b>Castlepoint – AE</b> - Reg 18 consultation starting next week. No response to intervention conclusions yet. Started DtC with neighbours.</p>	
8.	<p><b>To agree the EPOA position in relation to Natural England’s Newt Licensing proposals</b></p> <p><b>AP</b> – Introduced the item. Natural England want to know if the Councils' will sign up “in principle” to their proposed scheme. If however, local authorities won’t sign up they will find third party partners. They want a legally binding agreement – and it was considered helpful continue working with NE to see what their strategy looks like. Should be raising the resource implications around this – be mindful that NE keep coming back at local authorities with more issues. Should we be pushing back to them?</p> <p>Another issue – you can’t destroy newts’ habitat before the creation of new habitats, but none of the developers have been following the development of this new NE scheme? It was agreed <b>AP</b> to talk to the Essex Developers Group. To engage them with the NE proposal</p> <p><b>DC</b> - Should we circulate a standard statement? 31<sup>st</sup> July is the response deadline.</p> <p><b>EPOA</b> – Agreeing to endorse the “in principle” proposal, delegating – AP to progress with the task and finish group and submit a response by the 31 July 2018 deadline.</p>	<p>Amanda Parrott</p> <p><b>AP</b></p> <p><b>AP</b></p>
10.	<p><b>Planning Portfolio Holders – agenda 4 July 2018</b></p> <p><b>GT</b> reported that Andrew Taylor will no longer be able to attend the Planning Portfolio Holders meeting.</p>	
11.	<p><b>AOB</b></p> <ul style="list-style-type: none"> <li>• Chelmsford have now updated their privacy notice.</li> <li>• Basildon is looking for assistance from the Planning Advisory Service.</li> </ul>	
	<p><b><u>Next EPOA meeting</u></b></p> <p><i>Thursday 6 September 2018 Discovery Centre</i></p>	