

**PLANNING POLICY WORKING GROUP held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 10 JANUARY 2017 at 7.00pm**

Present: Councillor H Rolfe – Chairman
Councillors S Barker, A Dean, S Harris, J Lodge, J Loughlin, A Mills, E Oliver and J Parry.

Officers in attendance: M Cox (Democratic Services Officer), R Fox (Planning Policy Team Leader), G Glenday (Assistant Director Planning), G Holmes (Planning Policy Officer) and R Harborough (Director of Public Services).

PP30 APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

Apologies for absence were received from Councillors Davies.

PP31 MINUTES

The minutes of the meeting held on 28 November 2016 were signed by the Chairman as a correct record.

It was agreed that a list of the actions arising from the meeting would be attached to the minutes. There had been no actions arising from the meeting on the 28 November.

PP32 COMMUNITY INFRASTRUCTURE LEVY (CIL)

Chris Bowden from Troy Consulting presented a report on the Infrastructure Levy (CIL). He explained that the CIL was a fixed levy on new development, which could be spent on infrastructure anywhere in the district and had been intended to largely replace Section 106 as a mechanism for securing contributions from development that would fund new infrastructure. As part of the development of the Local Plan, the Council had to consider whether to put in place a CIL charge or to continue to use just Section 106. This decision was now in the context of a more restrictive legal framework, which only allowed the pooling of up to five Section 106 agreements for any one infrastructure type or item.

This issue had been considered in 2014, when it had been concluded that there was insufficient justification to take forward a CIL charge. This was mainly because Section 106 could deliver the necessary infrastructure to support the delivery of the sites. However, the new emerging Local Plan was likely to propose a greater number of larger strategic sites. Also, the council was likely to breach the pooling limits in the near future, which could hinder the use Section 106 to secure contributions for future developments.

It was explained that the strategic sites were likely to pay CIL at a rate of £0/m² due to the high cost of on-site infrastructure provision. However, contributions

from other growth could be used to address these or any other infrastructure needs.

The report concluded that there was likely to be merit in putting a CIL charge in place. There would also need to be work to identify the infrastructure to support the strategic sites and how this could be secured through the Section 106 mechanism. A review of CIL had been carried out by a Government appointed expert panel and Members would need to consider the implications of this as well as any outcomes from the Government White Paper. The next step was to carry out further analysis of the funding and the infrastructure that could be brought forward by each option.

In answer to a question regarding the relationship between CIL and health provision, it was acknowledged that this was a complex area. Long term planning for health was only 3- 5 years compared to the longer period of the plan. It was important to update the infrastructure delivery plan and to improve consultation and engagement with the CCG.

The meeting discussed how the CIL would operate in practise and acknowledged the need to put in place governance and decision making principles to ensure the money was spent appropriately and also to prepare for the likely requirement for additional staff to run an effective CIL system.

The Chairman thanked Mr Bowden for this report. He said there would be a continuing dialogue on this issue with a view to making a decision when the evidence developed later in the process.

PP33

LOCAL PLAN EVIDENCE BASE - UPDATE

The Planning Policy Team Leader provided an update on the Local Plan evidence base, which set out the evidence that had been commissioned since the Local Plan pause. He said the status of all the studies was recorded on a master spread sheet and some of these studies might need to be revisited as they had now become out of date.

Nick Buhaenko-Smith spoke to the meeting concerning issues around the proposed site to the west of Braintree. A copy of his statement is attached to these minutes.

The Chairman thanked Mr Buhaenko-Smith for his comments and said these would be addressed as the plan progressed. He stressed the importance of having a clear project plan in place as soon as possible.

A question was asked about the highway testing and modelling for South Cambs and whether there had been a dialogue to understand the main concerns and how these might be mitigated to allow for the development of a strategic site.

Cllr Rolfe said there would be a member/officer meeting with South Cambs later in the week. This discussion was part of the specific work being done since the pause, which also included

- The future housing numbers for the district

- The A120 developments
- Saffron Walden and other alternative models
- Evidence in relation to the Great Chesterford site

The Planning Policy Team Leader said officers would be meeting with south Cambs and Cambridge City to discuss the details of the highway modelling requested by Cambridgeshire County Council on the implications of the potential development on the roads on both sides of the border.

Cllr Dean said there still appeared to be a lot of work to be done before the council was in a position to make a decision on any of the strategic sites. He asked for an assurance that the related meetings would be minuted to provide an audit trail.

In relation to the project plan, officers were looking at the evidence base in the context of the governance arrangements and the resulting timetable would form the basis of the updated Local Development Scheme.

The report was noted.

PP34

ACTION PLAN FOR THE LOCAL PLAN – UPDATE

The working group was advised that the report commissioned from IPE, through the Planning Advisory Service, on the progress of the Local Plan had now been received and officers' had prepared a draft action plan in response. The Scrutiny Committee had requested this report and would therefore consider it at the meeting on 17 January, but it was considered useful to have the views of PPWG at this stage.

The Assistant Director Planning said the recommendations were broadly in line with the work that was already being undertaken. This included considering an additional consultation and updating the Sustainability Appraisal. These issues would be discussed at the member workshop 1st February, as well as considering the 2016 housing figures for the SCHMAA authorities and the upcoming White Paper. The action plan also recommended updates to various studies and work on these was already underway.

In relation to the possible increase in housing numbers, members were informed that the neighbouring authorities Epping Forest and East Herts had submitted their plans based on a figure between the 2012 – 2014 AECOM projections. The Inspector had advised UDC that it should take the 2014 figure (14,100 dwellings) as a starting point and then test this figure.

Cllr Lodge reminded the group that UDC was still working to its existing housing number of 12,500 dwellings. He said the council's project plan was missing more significant work around the new settlements and he was concerned that UDC was falling behind its neighbours in working up plans. He understood that three councils in Essex had set up the overarching vehicle to deliver these sites and he would like assurance that work was going on in the background.

The Director of Public Services said that the reports from Braintree, Tendring and Colchester had deliberately separated the preparation of Local Plans from

the establishment of mechanisms to deliver the new settlements. It was appropriate to say in a local plan that the council was proposing the delivery of a strategic development in accordance with Garden settlement principles but not to select sites on the basis of the type of delivery vehicle, particularly if this was a council owned company. However, he said that credible delivery arrangements would support housing supply, which could be material. He said work was continuing on this policy area. There was the option for UDC to join the North Essex authorities' company structure to deliver garden communities if a proposal came forward in the west of Braintree area that included UDC land.

The Chairman said he recognised that there was a lot of work going on but to ensure visibility he would like the strategic sites to be specifically referenced in the Project Plan. He also requested that the Project Plan be circulated as soon as possible, to include a timetable with both a start and finish date. He expected the next meeting to have a more meaningful discussion on the issues raised.

PP35 EMPLOYMENT LAND TOPIC PAPER

The group received a paper which set out the current position on future employment growth in the district. The paper addressed how the need for future employment land had been identified, the current employment land, the future site provision and the next steps.

The findings had been based on a medium growth scenario of Stansted Airport achieving its target of 35mppa. It had been calculated that over the plan period there would be a requirement to provide 16,600sqm office space and 18ha of industrial land.

The report update recommended a total of 23 preferred sites that were potentially suitable. AECOM had been commissioned to undertake a detailed assessment of these sites and produce an addendum report which would also take account of the recently published East of England Forecasting model figures, which could have an impact on the future requirement.

In answer to a member question, it was explained that the growth scenarios, also took into account the East of England base line assumptions, which didn't include projections for Stansted Airport.

The report was noted.

PP36 UTTLESFORD PLANNING POLICY MEMBER FORUM

The Chairman put forward a proposal to establish a small member group to meet on a more regular basis to oversee progress of the action plan. It was suggested that this group could comprise group leaders (or their representative) plus the Cabinet member. They would report progress on any issues to their group members. He stressed that this was an advisory role, to consider issues in detail at an early stage before items were considered by PPWG.

Cllr Loughlin said she objected to this proposal as being undemocratic as she had expected all the Local Plan meetings to be public. The Chairman confirmed

that this arrangement was not a substitute for PPWG, but rather a case of operational efficiency and to ensure adherence to the timetable.

Cllr Dean said there hadn't been a clear project plan over the last year and members hadn't been adequately informed about the process. He therefore thought it was a good idea to consider a different approach, particularly given the enormous agenda which couldn't be discussed in detail at a formal meeting.

AGREED to recommend the establishment of a Planning Policy Member Forum.

PP37 **REGULATION 18 CONSULTATION**

The Chairman explained that the previous Local Plan timetable had not included a draft Local Plan consultation and it was now suggested that a programme be prepared that included a preferred options consultation as part of the Regulation 18 stage. This would give the public and other key stakeholders the opportunity to comment on the relative merits of the spatial strategy and policies, and allow time for any modification to the plan as a result of the comments received.

The previous guillotine of 31 March 2017 had been lifted, which would enable this additional consultation to take place. The DCLG was aware of the councils' programme of work and dialogue with officers was continuing.

Members supported this proposal as an opportunity to re-engage the public with the process.

AGREED to recommend the inclusion of a Regulation 18 draft Local Plan consultation stage in the revised Local Plan timetable (LDS).

The meeting ended at 8.30pm

Action points

PP33 – Local Plan evidence base	To make available the notes from meetings with neighbouring authorities concerning the strategic sites.
PP34 – Action Plan for the Local Plan	To include in the Action Plan reference to the work around new settlement options. To circulate an updated project plan to include both a start and finish date.
PP36 – Planning Policy Member Forum	To forward to Cabinet the recommendation to establish a Planning Policy Member Forum
PP37 - Regulation 18 Consultation	To forward to Cabinet the recommendation to include a Regulation 18 draft Local Plan consultation stage in the revised Local Plan timetable (LDS).

Public Speaker

Mr Buhaenko - Smith

Once again, thank you for allowing me to speak on behalf of SERCLE. There are four topics I would like to address this evening.

The first is Garden Villages

Councillors are probably aware of the recent announcement by the government of a new batch of garden villages. You may not be aware that reading through various broad sheet papers both left and right of the political spectrum, both sides have been indicating the government seem to be putting their faith in smaller garden developments. Why?

- They are faster to build and will more likely assist the government in meeting it's housing targets. A 10,000+ house development will take a minimum of 4-5 decades to complete.
- The growing political backlash on what one paper stated as "War on the countryside" with senior Tory MPs and Ministers starting to speak out against building larger "Garden Cities".

Two papers, one being the Telegraph, also indicated that the PM's support for "Garden Cities" is waning and specifically support for the Ebbsfleet development is "quietly being scrapped".

The second topic is Lord Kerslake's report on Braintree District Council's Local Plan

Before I go any further I should state that the Lord Kerslake team that put together the report is very pro-development.

What was the result of their report? Currently all we can go on is the details released by the BDC press office. The press release highlighted the praise for the councils working together. As we all from experience, things can work well together but not the reach the right results. But behind this is the real point of the report i.e. insufficient evidence to support the chosen locations of development sites and the reasons behind the rejected sites. So what's the result - BDC delaying their local plan by up to 4-5months so they can strengthen their evidence.

The third is Land Delivery Vehicles

The third topic concerns the financial data to support the creation of the North Essex "New Town" LDVs. For the West of Braintree, the initial estimate of costs is nearly £900million and this is just for the BDC side of West of Braintree. SERCLE estimates the costs for UDC side would be in the region of £200-300million. These are initial estimates and from evidence of previous major infrastructure projects, that costs will rise. It will definitely not go down!

Allocation of costs is another area that should be a concern to UDC councillors. Using the other "new towns" as a benchmark, the costs for West of Braintree would be split equally between BDC, ECC and UDC. So, we may assume UDC's share of the costs towards the project could rise to £400million. Again, I reiterate these costs are an initial estimate.

But it's not just the projected costs. SERCLE have reviewed the maths and we believe that we've identified mistakes. They maths don't add up.

However, along with projected costs and maths that don't add up, is the alarming statement in the LDV report to BDC councillors:

In my experience from a career in investment banking, a statement like that would raise a red flag. I never came across a sensitivity test scenario that can project decades into the future with that level of confidence.

The last topic I would like to raise is on the subject of evidence on DtC

SERCLE notes that minutes from some DtC meetings are attached to this meeting agenda. That's is encouraging however may I remind the working group of a statement from the minutes of PPWG Nov 26 2015:

"Action: To circulate a timetable of future duty to cooperate meetings to all members of the working group and ensure that the minutes of these meetings were reported as soon as they were available"

SERCLE looks forward to seeing the minutes from UDC's meetings with BDC regarding the West of Braintree.

To summarise my points:

- It seems that government political support is waning for Garden Cities, instead emphasising the promotion of smaller, less politically charged garden communities
- It seems the pro-development, Kerslake report has found the evidence for the North Essex new towns to be "un-sound"
- The report to support the feasibility of the West of Braintree LDV is fraught with risk and the numbers do not add up
- The potential costs to UDC for West of Braintree are upwards of £400million with no guarantee that the ability to recoup the monies within a reasonable time frame? Could that be considered a sound return of investment?
- UDC's evidence for their DtC meetings with BDC is still outstanding

With these points in mind and the many other issues that the council will face, I would assume councillors will wish to discuss the question –

"Should we maintain the risks of development within our control and borders, and then assess feasibility of developing a "garden city" with BDC maybe in the next plan period?"