

AGENDA ITEM 6 PSEGC/16/17

Report to: Place Services and Economic Growth Policy & Scrutiny Committee	
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Title of report: Briefing on Large Housing Development	
Report by: Cllr Sue Lissimore, Cabinet Member for Housing, Property and Planning	
Head of Service: Graham Thomas, Head of Commissioning: Strategic Planning, Housing Growth & Development	
Enquiries to: Graham Thomas, Head of Commissioning: Strategic Planning, Housing Growth & Development, graham.thomas@essex.gov.uk , Tel. 03330 130453	

1. Introduction

- 1.1 This report has been prepared in response to a request by the Chairman of the Committee for a briefing on Large Housing Development in Essex, including:
- The procedures in which ECC responds to planning applications
 - Local Plans
 - Links to Flood Management
 - Essex Highways responses

2. Background

- 2.1 We know from the recently published Greater Essex Growth and Infrastructure Framework, that over the next 20 years (to 2036) there is a need to plan for 180,000 new homes and upwards of 80,000 plus additional jobs in Greater Essex (including the two unitary authorities). We know the majority of this new growth is being pro-actively planned for by the District Councils in their role as Local Planning Authorities (LPA) through the Local Plan process, which is the means to ensure the supply of land for homes and jobs is provided for.
- 2.2 Whilst there is no standard definition, much of this growth will be in larger scale developments and accordingly this report sets out:
- To explain how the County Council engages and responds to the emerging District Council Local Plans, and the necessary statutory and non-statutory areas of work needed to support/inform these Plans;
 - To provide clarity on how this Council engages in the formation of Local Plans and other steps necessary to support the delivery of Garden Communities which constitute the largest developments coming forward in Essex; and

- To explain how ECC as a consultee engages with the large scale strategic planning applications on which it is consulted by the Local Planning Authorities and other National Government bodies/departments such as Public Health England, Department for Transport and Department for Communities and Local Government as well as other bodies such as Port and Airport Operators.
- 2.3 This briefing note provides an opportunity to share some of the changes underway, which are aimed at ensuring this Council is positioned to support LPAs' to deliver both their Local Plans and the implementation of these to deliver high quality, large scale developments, both housing and employment sites.
- 2.4 Finally, whilst the majority of large scale development for housing is planned for, a small proportion of sites are not. Some development will come forward that is not planned, primarily due to the LPA not having an up to date Local Plan or not having a 5 year land supply or both. In such circumstance planning permissions are secured through the planning appeal process which is then determined by the Planning Inspectorate and does in some cases reduce the County Council's ability to secure the most appropriate infrastructure.
- 3. Local Plans**
- 3.1 New Local Plans are currently being prepared by all the Essex LPAs' and the two Unitary Authorities. Local Plans are effectively the "blue-print" for an area; they identify the scale of growth required and the most appropriate sustainable locations for the different land uses including housing and employment. Local Plans are also seen to be investment plans as they provide a framework for billions of pounds of private and public finance to come forward to deliver the new homes, jobs and the necessary infrastructure over a 15-20 year period. It is these Plans that contain specific policies and sites for the large housing developments including where relevant, Garden Community proposals. Equally, it is these Local Plans and the policies contained within them that protect other areas of Essex from being developed.
- 3.2 LPAs must prepare a Local Plan in accordance with national planning legislation, policy and guidance (the main document being the National Planning Policy Framework or NPPF) and locally determined areas of work often referred to as evidence/studies. Preparing a Local Plan involves a number of formal and iterative consultation stages. Generally this covers:
- Stage 1 - Issues and Options (identify the issues to be addressed in a new Local Plan and some of the options for addressing them - includes the key issue of identifying where future growth might be located)
 - Stage 2 - Preferred Options (a Draft Local Plan showing the preferred strategy and policies the LPA is seeking to adopt)
 - Stage 3 - Publication or Pre-Submission (the final version of the Draft Local Plan to be submitted to Government for approval)
 - Stage 4 – Examination in Public of the Local Plan by an independent Planning Inspector
- 3.3 At each of the above stages the LPA publishes the detailed evidence to support the emerging Local Plan, and seeks comments from residents,

businesses, statutory consultees (including ECC) and other interested parties. As the upper tier authority ECC has a very important strategic and partnership role in the formation of a Local Plan.

- 3.4 For many years this Council's spatial planning team has coordinated and led on providing a single corporate response to the different stages of each Local Plan with detailed contributions from specialist service areas. At each stage this Council's corporate response is approved through a Cabinet Member Action (CMA). The CMA outlines the collective response from all relevant ECC service areas, this includes our statutory roles as the strategic highway and transport authority, including responsibility for the delivery of the Essex Local Transport Plan and the Local Highway Authority; Local Education Authority; Minerals and Waste Planning Authority; and as the Lead Local Flood Authority. Equally, this Council actively engages in our role as lead advisors on Public Health, in relation to Adult Social Care (e.g. housing for older people), and in relation to our strategic housing interests.
- 3.5 In approving the sign-off to the ECC response, member engagement takes place including sharing the emerging work with the relevant County division members and with Cabinet Members. All of this internal officer and member engagement has to take place within the 6 weeks consultation period allowed.
- 3.6 In addition to the 'formal' consultation process, LPAs' engage with ECC officers throughout the Plan preparation process to ensure they produce a "sound" Local Plan based on an up to date and robust evidence, and they comply with the 'duty to cooperate'. This informal working involves many different ECC services including highways and the planners in the flood team who engage with LPA's directly, which is then coordinated and managed by ECC's spatial planners.
- 3.7 ECC officers always seek to work closely with each LPA to support each Plan. ECC provides an assessment of the existing and required infrastructure (such as but not limited to, highways, sustainable travel, schools, early years and childcare, surface water management and public health requirements) needed to support planned growth, together with costs and phasing. The LPA includes these requirements in a document called an Infrastructure Delivery Plan. These requirements are then linked to Local Plan policies and site allocation proposals where specific requirements are listed in order to make a development acceptable, e.g. provision of land for a new primary school and highway access arrangements and setting aside land for features such as Sustainable Urban Drainage (SuDS).
- 3.8 One of the main requirements in the NPPF is for all LPAs to significantly boost their supply of housing. A document called a Strategic Housing Market Assessment helps the LPAs determine how many homes are needed and the size, tenure and type.
- 3.9 The LPA then determines options for where the additional new homes could be sustainably located. This is based on a consideration of environmental constraints, the existing settlement pattern, the need to promote Brownfield land ahead of Greenfield and Green Belt, capacity of the highway network, access to sustainable transport, and infrastructure requirements – education, health, transport, flooding, utilities, emergency services, waste, community

facilities etc. ECC is actively involved in providing information on the above issues particularly transport (undertaking highway modelling) and education (assessing school capacity).

- 3.10 The LPA then needs to determine whether land is available for development, if this can be delivered in the Plan period, together with the required infrastructure to support the new development.
- 3.11 As LPAs' need to plan for a larger number of new homes, they are increasingly looking at larger sites which are more viable and able to deliver the required infrastructure requirements. This could include urban extensions like Great Notley in Braintree District, which was built in the early 2000's, or New Settlements which could follow Garden Communities or Garden suburb principles (as proposed being proposed in North Essex, Uttlesford and Harlow, as well as smaller sites in areas such as Maldon).
- 3.12 ECC is both an infrastructure technical advisor and funding partner, and therefore has an important role to ensure that the development allocations proposed are realistic and do not place an unnecessary (or unacceptable) cost burden on the public purse, and specifically ECC's Capital Programme. Accordingly, ECC requires that all developments are designed with infrastructure as a core element which needs to be accounted for and costed. This means that LPAs' increasingly need to include sites of sufficient scale and form to ensure that the infrastructure required to support growth is viable and deliverable.
- 3.13 In helping LPAs' determine appropriate locations and requirements for large housing development sites, ECC provides the following feedback:
 - Are large developments sustainably located?
 - Links to existing settlements
 - Capacity of the highway network, access to sustainable travel, capacity of existing schools and need for new schools (and early years and childcare)
 - Access to employment - not just by road but public transport, walking and cycling. Or provision of new employment areas
 - Are the delivery timescales realistic?
 - The scale and complexity of larger housing development sites mean that they take time to plan and require significant upfront capital investment. Furthermore, there is a need to be realistic about how quickly they can deliver new homes – such sites are not immune to the challenges and risks of the market
 - Is the spatial strategy viable and deliverable?
 - It needs to be clear what infrastructure is required, when it will be delivered, who is delivering, and the cost.

Local Plan – Engagement/Process Conclusions

- 3.14 ECC is a very important statutory consultee, infrastructure provider and technical advisor in relation to both our transport and highway and lead local flood authority roles, along with the other areas mentioned. LPAs' engagement with ECC plays a critical role in helping to shape and support Local Plans, through site selection work, infrastructure needs and shaping/informing planning policies.

- 3.15 In these different roles it is vitally important that ECC works with LPAs' to shape/inform the strategic and large scale housing allocation in Essex. In essence if we have good quality policies in Local Plans and have helped determine the best sites for development and clarified their infrastructure needs, this helps officer as they engage/negotiate with developers at the planning applications stage.

4. Garden Communities

- 4.1 A Local Plan is not just about providing for new homes, it is about providing for the of delivery of sustainable developments, by ensuring that housing growth is supported by the necessary infrastructure, jobs and community facilities etc.
- 4.2 Several LPAs' within Essex are bringing forward Garden Communities or New Settlements which embrace the need to address all these different requirements which deliver quality places to live, work and enjoy. And by developing at scale, this ensures that the viability and infrastructure needs can be planned for and met by the development itself.
- 4.3 In addition to all of the above Local Plan preparation work, ECC is working very closely with the LPAs', NHS, education and highways to ensure that vital community facilities such as schools, GP surgeries and roads and public transport links are in place to support existing residents as well as the new communities that are being planned for.
- 4.4 The principles of Town & Country Planning Association Garden Communities are being embedded into a range of statutory and non-statutory planning documents to ensure what comes forward for development delivers what is required. In relation to the Garden Communities this involves preparing:
- A North Essex Garden Communities Charter – showing how the Town and Country Planning Association's 10 'Garden City Principles' are being applied in a local context
 - Detailed Development Plan Documents for each Garden Community
 - Master Plans for each Garden Community
 - Economic Growth Strategies for each Garden Community.
- 4.5 In north Essex the three LPAs' and ECC have worked together to produce a shared ambition and strategic section 1 of each of their respective Local Plans which sets out the high level strategy and overarching strategic policies.
- 4.6 In addition, all four Councils (Braintree, Colchester Essex and Tendring) have worked closely to put in place a shared governance structure of senior officer working groups which are helping to shape the above documents but also support a joint Members Board which is leading this work. The North Essex Garden Communities Board is chaired by Cllr John Spence. The four authorities have jointly established a limited company called "North Essex Garden Communities Limited" and have the aspiration to set up a Development Corporation to oversee the planning and implementation of these unique New Settlements.
- 4.7 New Settlements and Garden Communities is very much an area of activity that is welcomed and supported by Central Government. As such additional

enabling funding has been given to a number of the lead planning teams to undertake the Master Planning and project management and additional technical support needed to successfully bring forward strategic large scale New Settlements.

- 4.8 The Garden Communities have an additional work stream focused on the viability and delivery of the necessary infrastructure and quality of these new places. This finance assessment work has focused on both the means, and application of an alternative way of delivering large scale development through the creation of Local Delivery Vehicle(s) which will ensure the land value uplift is able to be captured to ensure the required level of infrastructure for both the Garden Communities themselves, and provide for a level of betterment to address adjacent infrastructure and connectivity needs.

Garden Communities – Engagement/Process Conclusions

- 4.9 The example given of the North Essex Garden Communities illustrates that, over and above the formal Local Plan preparation process, this Council is working collaboratively with the three LPAs to shape/inform and ensure that first phase of development that comes forward for determination, is of a high quality and has the required infrastructure needed, and the Councils' will have the skilled teams in place to be effectively deal with this, to provide an outcome all can justifiably feel proud of.
- 4.10 The four Councils have already invested along with DCLG in additional officer technical/project management resources to assist with this work, and provided for additional technical evidence than would otherwise have been available.

5. Large Planning Applications – ECC Role and Engagement

- 5.1 The starting point for large scale planning applications is the planning policy context and site allocation policies contained with Local Plans. All of which has been influenced by earlier work undertaken by this Council as outlined above. It is also necessary to define loosely what is meant by a large planning application because in some services this is considered larger than in others. For example a new primary school would be considered in developments larger than 700 units, unless of course local situations pupil forecasts and cumulative impact of other developments warrant the need for a new or expanded primary school.
- 5.2 Historically the process for large housing applications has been for the LPAs' to consult the individual service areas within ECC, which in practice means this will always come to the Strategic Development Highway team, the Infrastructure Planning team (education and early years) and since April 2015 the Sustainable Urban Drainage planning teams as all are statutory consultees. Each of these teams provide a separate response directly to the LPA in relation to the planning application, this will include relevant recommendations, conditions and any planning obligation requirements. However, depending on the scale and size of development it may mean that some service areas require much longer than others, for example highways may require additional traffic modelling to be undertaken to ensure that the assessment of the impacts is as robust as possible. There is also a lot more work needed to understand and properly assess the technical information

submitted with the larger scale planning applications, which often requires amendments to the planning application itself, and the phasing of infrastructure provision. As such dealing with the larger planning applications is an iterative process, which takes time to get right

- 5.3 However, historically consultation with ECC in relation to our Public Health advice, Adult Social Care (elderly person housing requirements), Waste Authority, Skills, or Mineral and Waste Planning functions have been consulted infrequently at best, on the large scale planning applications for housing. This is down to several reasons, including the fact these are non-statutory consultee functions, the level of experience of the officers working within these areas in dealing with planning applications, and the fact that LPAs' are less informed about these functions and do not necessarily know who to contact within ECC.
- 5.4 In early 2016 this Council updated the Developers Guide to Contributions which informs and guides developers and Local Planning Authorities on the ECC requirements in relation to development proposals including large scale housing schemes. As with previous editions, it details the scope and range of contributions towards infrastructure which Essex County Council may seek from developers and land owners in order to make development acceptable in planning terms.
- 5.5 In developing this Guide, Essex County Council has worked with a number of partners and carried out appropriate public consultation. The Guide has also been screened for its environmental impact and has undergone a sustainability appraisal. The Guide has been adopted by Essex County Council as 'County Supplementary Guidance'. It should thereby be considered a 'material consideration' in the determination of planning applications. However, this is not necessarily adhered to by all LPAs, and some of the areas listed within this guide, clearly do not get consulted.
- 5.6 In the role of statutory consultee ECC deals with several thousand planning application consultations each year, and is very aware that it is the highway responses that generate the most interest and correspondence. In relation to the large scale application the move to provide this as part of a single corporate response will be helpful, and officers are always looking at what can be done differently to improve consultation responses provided to all applications both major and minor.
- 5.7 In addition to the Developers Guide to Contributions there are a number of other material considerations and policies which need to be borne in mind when developers are putting together planning applications. It is these documents and policies which will be used to craft the responses back to the LPA's with respect to a recommendation to approve or refuse an application:

Developers Guide to Contributions (as per above): This provides details of the impacts that development may have on Essex County Council services and infrastructure, and guidance to developers regarding how section 106 agreements and the Community Infrastructure Levy may be used to secure works, finance and/or land to mitigate these impacts.

<http://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/Developers-guide.pdf>

Education Site Check List: Where a new development needs land for a new school or early years and childcare facility, the developer must send in a Land Compliance Study with their planning application. The main points covered are set out in this checklist and should also be used to shape pre-application discussions regarding appropriate locations.

<http://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/Education-Site-Checklist.xls>

Strategic Development Policies: The 'Strategic Development policies' set out the Council's expectations about Highway design and transport matters in relation to new development. They strike a balance between the need for new housing and employment opportunities, the regeneration agenda, and protecting the transport network for the safe movement of people and goods.

http://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/Development_Management_Policies.pdf

Car Parking Standards: The Essex Parking Standards set out the number of parking spaces that should be included in new development along with design guidance. They have been produced in partnership with the Essex Planning Officers Association (EPOA).

http://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/Parking_Standards.pdf

5.8 In addition to the above documentation, for highways infrastructure in particular, any infrastructure must also adhere to national design standards. Namely the **Design Manual for Roads and Bridges** and for lower trafficked development the **Manual for Streets**.

6. What are we now doing differently

6.1 A number of changes to the operating context and way ECC responds and prepares for the larger scale planning applications are underway to ensure that ECC's responses are high quality and are joined-up to reflect the full range of ECC's areas of interest.

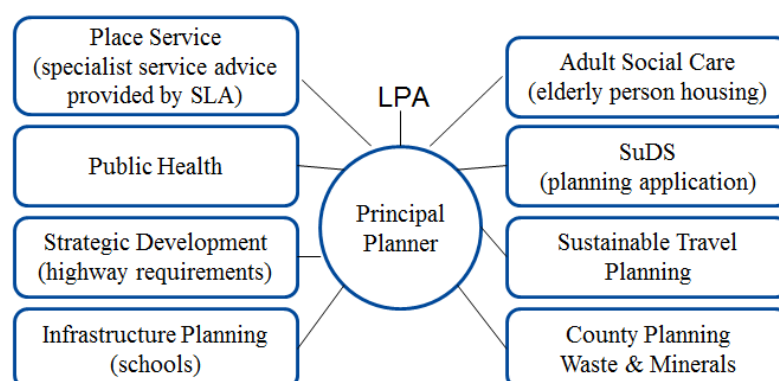
6.2 ECC has taken a stronger position by providing a generic planning obligations policy to embed into each new Local Plan as and when consulted. This policy will strengthen both the LPAs' and ECC's position when asking for necessary infrastructure contributions.

6.3 ECC has regularised and introduced a pre-application planning process for a number of the different teams involved in responding to planning applications. Pre-application fees and charges have been introduced and this Council is working with LPAs' and developers to roll-out more **Planning Performance Agreements (PPA)** particularly for the larger scale developments. Discussions are underway with a number of LPAs' and developers whom have indicated they value the additional support and dedicated resource a PPA provides. In essence, the developer is paying for a bespoke dedicated technical resource and guarantee of resource and delivery timetable which is over and above the normal service provided.

- 6.4 The **Essex Design Guide (EDG)** is currently being revised. This new document will provide updated guidance for LPAs and developers alike on what constitutes good practice design guidance, in relation to New Settlement and Garden Communities. The EDG will also have helpful design guidance in relation to:
- Active Design Principles;
 - Digital and Smart place making;
 - Health & Wellbeing; and
 - Ageing Population.
- 6.5 In 2016 ECC recognised it was important to introduce additional posts to support the growth agenda in Essex both planners in relation to Local Plan production, and new viability skills into the Planning Service. Additional posts were also created within the Development Management Highways team and additional investment was made to add capacity to the transport modelling team. These two additional planning posts have also allowed the planning function to have an additional planning resource leading on the large scale planning applications. Early examples of this include dealing with Public Health England's planning application in Harlow and the expansion of Tilbury Port.

Dealing with the larger scale - Developments

Below is an example of some of the service areas that will need to be bought together by a lead planner for each large scale development.



- 6.6 This coordinated single ECC response to the large scale planning applications has been warmly welcomed by the LPAs' as it provides more certainty and a single point of leadership and engagement with ECC. This approach also helps where there are viability issues, and will ensure that the internal governance arrangement can be dealt with promptly.
- 6.7 Finally, in relation to the all too common viability question, the additional ECC viability resource together with a new **Viability Protocol** (once written), will provide a framework of best practice and strengthen the position of both the LPAs' and ECC in securing the correct level of S106 infrastructure needed to support large scale development including housing proposals.