

Chelmsford Policy Board Agenda

1 October 2020 at 7pm

Remote Meeting

Membership

Councillor G H J Pooley (Chair)

and Councillors

H Ayres, N Chambers, W Daden, I Fuller, J Galley, M Goldman,
S Goldman, N Gulliver, G B R Knight, R Moore, R J Poulter,
I C Roberts, A Sosin, N Walsh, R T Whitehead
and T N Willis

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City. There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please telephone Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923 email brian.mayfield@chelmsford.gov.uk

CHELMSFORD POLICY BOARD

1 OCTOBER 2020, 7pm

AGENDA

PART 1

Items to be considered when members of the public are likely to be present

1. ATTENDANCE AND APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. MINUTES

Minutes of meetings on 16 and 23 July 2020

4. PUBLIC QUESTIONS

Any member of the public may ask a question or make a statement at this point in the meeting, provided that they have been invited to participate in this meeting and have submitted their question or statement in writing and in advance. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Board is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting.

Those who have submitted a valid question or statement will be entitled to put it in person at the meeting, provided they have indicated that they wish to do so and have submitted an email address to which an invitation to join the meeting and participate in it can be sent.

5. CONSULTATION RESPONSE TO GOVERNMENT'S PLANNING WHITE PAPER
6. CONSULTATION RESPONSE – INSPECTOR'S MAIN MODIFICATIONS TO THE NORTH ESSEX AUTHORITIES' JOINT SECTION 1 DRAFT LOCAL PLAN
7. CHELMSFORD POLICY BOARD WORK PROGRAMME
8. URGENT BUSINESS

To consider any other matter which, in the opinion of the Chairman, should be considered by reason of special circumstances (to be specified) as a matter of urgency.

PART II (EXEMPT ITEMS)

NIL

MINUTES
of the
CHELMSFORD POLICY BOARD
held on 16 and 23 July 2020 at 7pm

Present:

Councillor G H J Pooley (Chair)

Councillors H Ayres, N Chambers, W Daden, I Fuller, M Goldman,
S Goldman, N Gulliver, G B R Knight, R Moore, R J Poulter, I Roberts, A Sosin, M Steel,
N Walsh, R T Whitehead and T N Willis

Also present:

Councillors M J Mackrory, S R Robinson, T E Roper and M D Watson

1. Attendance and Apologies for Absence

The attendance of those present was confirmed. Apologies for absence had been received from Councillor J Galley, who had appointed Councillor M Steel respectively as his substitute.

2. Minutes

The minutes of the meeting on 4 June 2020 were confirmed as a correct record.

3. Declarations of Interest

All Members were reminded to disclose any interests in items of business on the meeting's agenda and that they should do so at this point on the agenda or as soon as they became aware of the interest. They were also obliged to notify the Monitoring Officer of the interest within 28 days of the meeting, if they had not previously notified her about it.

4. Public Questions

Statements on the Masterplans for West Chelmsford and North of Broomfield and on the Essex Coast Recreational disturbance Avoidance Mitigation Strategy had been received from member of the public, details of which are given in minute numbers 5, 6 and 7 below.

5. Chelmsford Strategic Site Allocation 2 – Masterplan for West Chelmsford (Warren Farm)

The Board considered a masterplan prepared by Crest Nicholson for Strategic Growth Site Policy 2 – West Chelmsford. If approved by the Policy Board, the masterplan would be submitted to the Cabinet on 8 September 2020. A Green Sheet of additions and alterations had been distributed before the meeting setting out the Council's response to comments from consultees.

In allocating sites for strategic growth, policy required that Strategic Growth Sites be delivered in accordance with masterplans to be approved by the Council. This ensured the creation of attractive places to live and the successful integration of new communities with existing.

Masterplans were required to demonstrate how the site would satisfy the requirements of the respective site policies. They were a tool to help achieve a vision and key development objectives, considered sites at a broad level and set a framework for the future planning applications. The core content of masterplans were required to cover:

- A vision for the new place
- Site and context analysis e.g. surrounding landscape, heritage, contamination, flood risk, important views, etc
- Movement structure e.g. walking, cycling, public transport, vehicle circulation
- Infrastructure strategy
- Sustainable Urban Drainage (SUDS) strategy
- A framework for landscape, spaces and public realm
- Land use and developable areas
- Building heights
- Layout Principles
- Delivery and phasing

Following the update to the Masterplan Procedure Note in October 2019, the Council also required consideration of (i) supporting Livewell initiatives across the development and (ii) incorporating sustainable construction methods, energy efficiency and other sustainable development initiatives set out in the Council's Making Places Supplementary Planning Document.

The Board heard from representatives of the Chignal Estate Residents' Association and Writtle Parish Council, the organiser of a petition about aspects of the masterplan, and ward councillors for St Andrews and Writtle wards. Their concerns about the masterplan centred on the following issues:

- The proposed bus link from the development site to the urban area via Avon Road. In particular, there were concerns about the width of footways and the safety of pedestrians using them and possible conflict between them and cyclists; the negative effect of the link on the living conditions of nearby residents, in terms of

pollution, noise and light levels; and the detrimental loss of established green space and wildlife habitat and the visual impact of the provision of a heavily engineered bridge as part of the bus link.

- The depth of the green buffer between the development and Roxwell Road, which was in places 30 metres but, in the view of those who had signed a petition, needed to be much wider to reduce the visual impact of the development.
- The need for improvements to Lordship Road at an early stage of the development to accommodate the additional traffic expected and to improve safety; the need for a bus service to serve the new development; and for an entry and exit to the site for buses via both Roxwell Road and Avon Road.
- The need for safe and sustainable access to Hylands school from the development site.
- The location of the access to the site allocated for travelling showpersons.
- The lack of plans to upgrade the play area in Avon Road.
- The failure of the developer to include plans to provide the energy requirements of residential properties from clean and sustainable sources.

In response to those issues, officers informed the Board that:

- Many of the points made by the Residents' Association concerning pollution, light levels and noise were relevant planning concerns that were best addressed at the planning application stage.
- The bus link was considered to be a vital element in making the development sustainable, would provide residents with a choice of modes of travel and there would be incentives provided to encourage them to use it.
- On the question of road safety, the proposed bus link would be used only by buses, pedestrians and cyclists, complied with minimum standards and could accommodate safely the expected level of pedestrian traffic. The swept paths for turning buses were satisfactory but if the proposed arrangements for this changed at the details stage they would need to continue to comply with the standards. Traffic orders could be used to control parking at the junctions of the bus route. Generally, any outstanding issues arising from the road safety audit could be resolved at the planning application stage.
- Owing to its engineering requirements the bridge would have a visual impact but this could be mitigated to some extent by its design.
- As regards children walking between the school and the Park, the footway would be 1.2 metres at its narrowest point, increasing to 2 metres elsewhere, and would not be used by cyclists.
- Regarding the buffer along Roxwell Road, Writtle Parish Council had expressed no concerns about its depth and officers believed it to be sufficient, subject to the detailed design being satisfactory. Part of the reason for a 30 metre buffer was the effect a built frontage would have on helping to reduce traffic speeds on Roxwell Road. Increasing the depth of the buffer may necessitate increasing the housing density elsewhere on the site. As it was, the density had changed since the first masterplan for the site but remained broadly acceptable, subject to the suggestions outlined in the officer report.

- Works to improve Lordship Road could be carried out as part of a Section 106 agreement.
- Negotiations would take place with the developer to provide the bus link at an early stage of the development.
- Loss of parking in Avon Road could be compensated for by providing additional spaces elsewhere.
- The site for travelling showpersons could not be close to the residential area and providing access to it via the roundabout from Roxwell Road would not be possible in view of the size of the vehicles used by them. A separate access was therefore the preferred solution.

The Board was reminded that the submission of masterplans was just one stage in the development of a site, which included the wider principles regarding its allocation set out in the Local Plan and the details of its design and the mitigation of its impact as part of the submission of planning applications and Environmental Impact Assessments.

The discussion of the masterplan by the Board revealed that members had concerns about a number of its aspects. Prominent among these was the bus link in terms of its route, design and effect on the natural environment. Whilst it was desirable to provide a bus service to connect the development to the urban area, the loss of biodiversity and habitat was not acceptable, its safety for pedestrians and cyclists was questionable and the impact it would have on residents along the route was a cause for concern. On these points, the Board was informed that there would be six or eight buses an hour along the proposed route and that whilst a route could be provided via Roxwell Road, bus companies were not happy to access the site from Lordship Road and it would not be able to meet the requirement that no residents be no more than 400 metres from a bus route. Members felt, however, that the safety, viability and benefits of the bus route, and all the sustainable transport elements of the masterplan, needed to be looked at further.

Another major issue raised by members was the failure or reluctance of the developer to recognise the trend towards providing proven sustainable sources of energy as part of new developments and to anticipate likely future government policy on this. It asked that officers continue to urge developers strongly to take this into account in the development and design of this and other strategic sites. Officers said that they would do so via the developers forum and encourage them to take follow the Making Places Supplementary Planning Document.

The comment was made that the depth of the green buffer along Roxwell Road could be the subject of further negotiation with the developer, taking into account the relationship between the presence of built up frontages and the speed limit on that road.

RESOLVED that

1. The Cabinet be recommended to approve the masterplan for Strategic Site Allocation 2, West Chelmsford (Warren Farm).

2. Before consideration by Cabinet, the masterplan is subject to independent quality and design review undertaken by the Essex Quality Review Panel.
3. The Policy Board authorises the Director of Sustainable Communities in consultation with the Chair, Vice Chair and Cabinet Member for Sustainable Development, to negotiate the further considerations outlined in this report and other subsequent changes to the masterplan ahead of the consideration by Cabinet, and that the Opposition Spokespersons be informed of any changes.
4. The Policy Board acknowledges the significant doubts about the safety, viability and benefits of the bus link proposed in the masterplan. It therefore refers to officers all the sustainable transport elements of this development to officers and agrees, if necessary, to convene a special meeting of the Policy Board to review the masterplan before it is considered by the Cabinet.

(7.10pm to 9.35pm at the meeting on 16 July 2020)

At this point the Board varied the order of business on the agenda to consider the items on the Statement of Community Involvement and Neighbourhood Plans Update before adjourning the meeting.

6. Review of the Council's Statement of Community Involvement (SCI)

The Board were informed that the Council, as a Local Planning Authority, was required by Section 18 of the Planning and Compulsory Purchase Act 2004 to publish and keep up-to-date a Statement of Community Involvement (SCI). The Statement submitted to the meeting had been reviewed and updated and set out the Council's strategy for effectively involving the community, interested organisations and statutory stakeholders in planning and development matters which affected them. It covered both planning policy and development management functions and complemented Council-wide engagement commitments set out in the Consultation and Engagement Strategy and Our Chelmsford, Our Plan. The Board was requested to approve it for public consultation.

The following changes to the document were suggested:

1. On page 4 of the consultation document, the second bullet point under Committees to read: "The vast majority of planning applications are determined by officers under delegated powers. Determination is made by the Planning Committee of (a) changes to buildings which are owned by the Council; (b) applications for planning consent made by our own councillors or our own employees; (c) applications where ward councillors have requested determination by the Planning Committee for an application in his or her own ward, but the request must be for sound planning reasons; and (d) where the Director of Sustainable Communities feels it is appropriate for the Planning Committee to determine an application – this will only usually be for major planning applications".

2. On page 22, amend the third bullet point under We Will to read: "Publish your comments on our website".
3. On pages 22/23, add at the end of You Should: "covenants, title deeds and Documents".
4. On page 23, How we Make Decisions, make any necessary amendments to conform with point 1 above.

The Board was told that the suggested amendments would be considered, but avoiding unnecessary duplication of the Council's Constitution, with the consultation document would be amended accordingly.

RESOLVED that

1. That the draft Statement of Community Involvement submitted with the report to the meeting be approved for public consultation, subject to the inclusion of the suggested amendments mentioned above where officers consider it is appropriate to do so.
2. Any subsequent changes to the draft SCI and finalising of all consultation material is delegated to the Director of Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development.

(9.39pm to 9.51pm at the meeting on 16 July 2020)

7. Neighbourhood Plans Update

An update was submitted on current progress on Neighbourhood Plans in the City Council's administrative area. A Neighbourhood Plan was a statutory planning document which established general policies for development and use of land in a neighbourhood, including the location of new homes and offices, and what they should look like. They were used positively to plan for future development and support growth, reflect and build on the strategic needs set out in the Local Plan, and be in conformity with the National Planning Policy Framework.

RESOLVED that the position on the eight Neighbourhood Plans in Chelmsford be noted.

(9.51pm to 10.02pm at the meeting on 16 July 2020)

The meeting was adjourned at 10.02pm on 16 July and reconvened at 7.00pm on 23 July 2020. With the exception of Councillors M Goldman, R Hyland and N Gulliver, who submitted apologies, the members present at the first meeting were in attendance for the reconvened meeting. Councillor M Steel acted as the substitute for Councillor N Gulliver on this occasion.

8. Chelmsford Strategic Site Allocation 8 – Masterplan for Land North of Broomfield

The Board was requested to consider a masterplan prepared by Bloor Homes to guide the development of Strategic Growth site 8, Land North of Broomfield. Although not a member of the Policy Board, Councillor M Mackrory was present as the Cabinet Member for Sustainable Development and declared an interest in this item as a company member of Farleigh Hospice, which was located near the development site.

Members received a presentation from officers on the Masterplan which envisaged a 450 home, landscape-led development with a neighbourhood centre, early year and children's facilities, green and open spaces and an emphasis on sustainable movement to, from and around the development site. The key issues associated with the development were its sustainable design and construction, the provision of new community facilities and the construction of a spine road through the development that would provide access to Broomfield Hospital for staff, delivery and emergency vehicles and buses, thereby relieving pressure on the local road network.

The Board heard statements from a member of the public, representatives of Broomfield and Little Waltham Parish Councils and ward councillors for the area. Whilst accepting the principle of development, all emphasised the need to ensure that its impact on the area was mitigated. In particular,

- the effect the closure of Woodhouse Lane would have on residents was a concern, leading to longer journey times for them and fears that the creation of dead ends would attract criminal behaviour. If the stopping up of Woodhouse Lane could be avoided, measures would need to be taken to prevent rat-running;
- the fact that visitors to the Hospital would not be allowed to use the new access road raised doubts about the potential for improving the traffic situation on Blasford Hill/Main Road, Hospital Approach and other roads. The construction of the access road during the early phase of development would be crucial; and
- the adequacy of the proposed screening to reduce the visual impact of the development, especially on its western side, on existing settlements and the landscape was questioned.

Members were told that at a recent meeting with representatives of the Hospital Trust, ward councillors had been told that 70% of the traffic to and from the Hospital was staff-related and that it had plans for additional staff parking with access via the spine road through the development site. Ward councillors asked whether a detailed traffic analysis of current movements had been carried out.

Responding to those and other points, officers told the Board that:

- the proposal to prevent rat-running through Woodhouse Lane was a key component of the arrangements to improve traffic flow in the area, encourage the use of the new access road, place an emphasis on walking and cycling instead of on car use, and would benefit the residents of that road and North Court Road. It was not believed that CCTV would be necessary to monitor activity at the turning heads;
- the layout of the road network within the Hospital site and the location of the visitor car parks were such that, under the present arrangements, allowing the use of the new access road by visitors would lead to traffic backing up in Hospital Approach and have a detrimental effect on traffic flows on other roads;
- based on the work done on traffic movements in the area as part of the Local Plan and by Essex Highways and Bloor Homes, the 70% figure provided by the Hospital was thought to be accurate, with 60% of those vehicle movements coming from the north. A detailed traffic assessment would be required as part of future planning applications in respect of the development site. The developer was committed to providing the access road as early as possible, subject to technical considerations, and the timetable for its provision would be covered by a Section 106 agreement;
- it was expected that the Masterplan for Broomfield Hospital would be produced in due course. If it included revised arrangements that would enable the use of the access road by visitors without any detrimental effect on the surrounding road network, it would be possible to review the use of the access road;
- the Masterplan indicated a landscape belt around the west and north of the site of approximately 40 meters' depth. Details were yet to be agreed but it was anticipated that it would comprise hedges and trees with woodland characteristics. Settlement patterns had been taken into account in the design of the Masterplan and measures were proposed to separate the new site from existing settlements;
- a cross-valley cycle route was envisaged as part of development of the North East Chelmsford allocation sites, for which there was no timetable as yet. It was planned as part of this Masterplan that its cycling network would be able to connect to the cross-valley route.

In response to questions from and points made by members of the Board during their discussion of the Masterplan, officers said that:

- Bloor Homes were committed to signing up to the Livewell Accreditation scheme;
- it typically took about five years for landscape planting to mature sufficiently to provide adequate screening. More description of landscaping would be provided at the outline planning application stage;
- if the eventual Hospital Masterplan was able to overcome concerns about rat-running, the configuration of parking on the site and traffic flows on the wider road network, it may be possible to revisit the use of the access road by visitors to the Hospital;
- A physical control system was required to prevent rat-running. The use of number plate recognition (ANPR) to control access to the Hospital site via the new access road was not at this time considered sufficient, but officers would consider ANPR as part of the future works within the Hospital site;
- it was likely that encouraging cycling and pedestrian access to the Hospital would reduce traffic using the new access road;

- access to the Hospital for the Park and Ride service was likely to be via the Main Road/Hospital Approach roundabout. The new access road provided an opportunity for the shuttle service to enter the Hospital via that route. The Hospital was committed to carrying out works to the roundabout as part of a Section 106 agreement and it was anticipated that they would come forward soon;
- a traffic assessment would be carried out to determine the number of traffic movements to and from the Hospital and who they would be by. The Hospital had made an assessment of the effect of the development and the new access road on movements within its site but had not extended that to the wider road network;
- the cycle and walking paths, whether shared or segregated, would meet the required standards to ensure pedestrian safety.

In approving the Masterplan, the Board expressed the hope that the developer would optimise the use of alternative sources of energy to gas and follow the Making Places Supplementary Planning Document as closely as possible.

RESOLVED that

1. The Cabinet be recommended to approve the masterplan for Strategic Site Allocation 8, Land North of Broomfield.
2. Before consideration by Cabinet, the masterplan is subject to independent quality and design review undertaken by the Essex Quality Review Panel.
3. The Policy Board authorises the Director of Sustainable Communities in consultation with the Chair, Vice Chair and Cabinet Member for Sustainable Development, to negotiate the further considerations outlined in this report and other subsequent changes to the masterplan ahead of the consideration by Cabinet, and that the Opposition Spokespersons be informed of any changes.

(7.10pm to 8.53pm at the meeting on 23 July 2020)

9. Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

Chelmsford City Council was one of twelve partner local authorities working with Natural England to implement the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Strategy set out a long-term strategic approach to avoid and mitigate recreational disturbance on European designated sites along the Essex Coast, from an increasing residential population arising from new housebuilding throughout the County. The RAMS was adopted by the City Council in March 2019.

The aim of RAMS was to prevent bird and habitat disturbance from recreational activities through a series of management measures which encourage all coastal visitors to enjoy their visits in a responsible manner. It enabled a housebuilder to make a monetary 'developer contribution' towards the delivery of strategic mitigation measures to help

address recreational pressures that would otherwise occur, instead of needing to provide bespoke mitigation themselves.

The RAMS Supplementary Planning Document (SPD) provided a county-wide mechanism for securing developer contributions to fund measures identified in the Strategy. It distilled the Strategy document into a practical document for use by local planning authorities, developers and the public and was returning to the Board following public consultation.

A statement was made by a member of the public who questioned whether the Strategy gave sufficient attention to the principle of avoiding harm to habitats in the first place. He believed that the proposed approach favoured the speeding up of the planning application process at the expense of providing adequate protection to the environment. He also referred to the government's intention to consult on changing its approach to environmental assessment and mitigation in the planning system and asked whether it would be prudent to defer making judgement on the Strategy until any new arrangements that resulted from that were in place.

In response to those points, officers said that Natural England had signed off the Essex Coast RAMS, which was one of several such strategies elsewhere in the country. It had also been accepted by a recent Planning Inspector during an Examination of the North Essex Part 1 Local Plan and there was no evidence that RAMS did not work. One of the principal aims of such strategies was to avoid the impact of development on sensitive wildfowl habitats and whilst it could speed up the planning application process, this was alongside ensuring that effective mitigation measures were taken. The government had announced the publication of a new White Paper on changes to the planning system but it was not known what the timetable would be for making any change, and in the meantime the RAMS complied with existing policy. Should that policy change, the RAMS monitoring process would enable it to be adapted.

When discussing the Strategy and SPD, members of the Board referred to the impact the Strategy would have on development in South Woodham Ferrers, which was within a zone where greater measures would be required from developers. Asked whether developers in that area should still have the option to make their own mitigation arrangements, officers said that although the RAMS was voluntary most developers were unlikely to do so as making the required contributions was likely to be a more cost effective and quicker process. The level of contributions was based on the forecast of the number of dwellings expected to be provided in Essex and the cost of the mitigation measures needed to offset that growth and was set at a level that would be viable and affordable to developers. South Woodham Ferrers was closer to the coast and therefore measures beyond the standard financial contributions could need to be taken by developers to mitigate the recreational harm that new housing could cause to the coastal habitats of birds, in line with the Local Plan site allocation policy.

In response to a question as to why the Strategy only dealt with the protection of bird habitats, officers said that the European sites had predominantly been designated to protect the waders and wildfowl wintering in Essex coastal areas. The mitigation measures set out in the strategy and SPD would benefit other wildlife and habitats.

RESOLVED that

1. The Cabinet be recommended to adopt the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document presented in Appendix 2 to the report to the meeting.
2. The Cabinet be recommended to adopt the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document Adoption Statement presented in Appendix 3, and that it be published in accordance with Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
3. The Cabinet be recommended to adopt the 'You Said We Did' Feedback Report, presented in Appendix 1 and that it be published.
4. The Cabinet be recommended to adopt SEA/HRA Screening Report, presented in Appendix 4, that it be published.
5. The Cabinet be recommended to authorise Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development to make minor changes to the Supplementary Planning Document, Adoption Statement, You Said We Did Feedback Report and SEA/HRA Screening Report in Appendices 1 – 4 should it be necessary before adoption/publication, and to undertake all the necessary legal and procedural adoption processes.
6. The role of Chelmsford City Council as the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy project 'Accountable Body' for a period of three years, subject to the signing of a 'Partnership Agreement', be noted.

(8.53pm to 9.26pm of the meeting on 23 July 2020)

10. Work Programme of the Policy Board

An updated work programme for the Board over the coming months was submitted for information. The Board was informed that an item on the St Peters site Masterplan would be added to the programme at some stage. The work programme would be kept under review and an updated draft programme will be circulated to members of the Board well ahead of the next scheduled meeting on 1 October 2020.

RESOLVED that the work programme of the Board be noted.

(9.26pm to 9.37pm of the meeting on 23 July 2020)

11. Urgent Business

There was no urgent business for the meeting.

The meeting closed at 9.37pm

Chair



Chelmsford City Council Chelmsford Policy Board

1 October 2020

Planning for the Future White Paper and Change to the Current Planning System consultations

Report by: Director for Sustainable Communities

Officer contacts:

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Purpose

The purpose of this report is to consider the Council's response to the Planning for the Future White Paper. The report summarises the consultation on which views are sought, the potential implications for Chelmsford City Council and provides a summary of the consultation response which is set out in full in Appendix 1. The report also provides a summary of the Changes to the Current Planning System consultation.

Recommendation:

1. That the Board consider the consultation response to the Planning for the Future White Paper set out in Appendix 1 and provide feedback to enable the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development to finalise the response before submitting it to the Ministry of Housing, Communities and Local Government before the consultation period expires on 29 October 2020.

1. Introduction

- 1.1 On the 6 August, the Government published two documents for consultation. The main consultation document is the 'Planning for the Future White Paper' which sets out the Government's vision for a reformed planning system. This includes measures

to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure and ensure more land is available for development where it is needed. These proposals require new primary legislation. The consultation runs for 12 weeks until 29 October 2020 and is available at <https://www.gov.uk/government/consultations/planning-for-the-future>

- 1.2 The 'Changes to the Current Planning System' is a technical consultation that accompanies the White Paper and sets out four shorter-term measures intended to improve the immediate effectiveness of the current planning system. The measures could be implemented without the need for new legislation. The consultation period runs for 8 weeks until 1 October 2020. The consultation document is available online at <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>
- 1.3 The scope of the proposed changes is considerable and the reforms if implemented as outlined, would have significant implications for local planning authorities. The draft consultation response attached at Appendix 1 also has regard to Government's proposals to reform local government which are due to be set out in a separate White Paper in late 2020/early 2021. This is expected to include proposals to reorganise the existing two-tier system of county and district councils.

2. Summary of Planning for the Future White Paper

Context

- 2.1 The Planning White Paper identifies several problems with the current planning system that it seeks to tackle including: that it is too complex; planning decisions are discretionary rather than rules-based; that it takes too long to adopt a Local Plan; and that it is based on 20th-century technology.

Main changes to plan-making

- 2.2 The White Paper proposes a zonal system whereby local plans designate land into three different categories:
 - i. Growth areas suitable for substantial development including new settlements and urban extensions and which would have automatic outline permission with faster routes for detailed consent. The consultation also asks whether new settlements should be consented via Development Consent Orders (DCOs) under the Nationally Significant Infrastructure Projects regime;
 - ii. Renewal areas suitable for development, largely on urban and brownfield sites, and which would be permitted either through a prior approval process, a faster planning application process or a Local or Neighbourhood Development Order; and

- iii. Protected areas where development would continue to be restricted such as Green Belt, Conservation Areas, Wildlife Sites, areas of significant flood risk and important areas of green space.
- 2.3 The White Paper promotes a simplified, streamlined and more engaging plan-making process with proposals including:
- Removing general development management policies to national policy to create much shorter and focused Local Plans;
 - Replacing the ‘tests of soundness’ with a single statutory “sustainable development” test;
 - Removing the Duty to Co-operate test;
 - Local plans to be more visual and map-based, to follow a standard template and based on the latest digital technology; and
 - A statutory duty to adopt the new style plan within 30 months of the new legislation coming into force or 42 months for councils with a recently adopted plan (such as Chelmsford) with sanctions for those failing to do so.
- 2.4 The White Paper proposes a standard method for establishing housing requirement figures to distribute the Government’s national housebuilding target of 300,000 new homes annually. This would amend the current standard method to include affordability changes over time, remove the cap on the limit of the increase for individual local authorities and include a buffer to account for a drop-off rate between permission and delivery. Land constraints, such as the Green Belt, could be factored in once existing brownfield land for housing has been optimised.
- 2.5 The White Paper promotes a stronger emphasis on the faster build-out rates by requiring masterplans for major sites to include a variety of development types by different builders to allow more phases to come forward together. The requirement to have a five-year supply of deliverable housing sites will be removed, but the Housing Delivery Test would remain.
- 2.6 Areas identified for growth would be automatically granted outline planning permission for the principle of development through the adoption of a Local Plan. There would be a requirement that a masterplan and site-specific design codes are agreed as a condition of allocation in the Plan. Full planning permission (resolving outstanding issues – not the principle of development) would then be achieved through one of three streamlined and faster consent routes:
- A reformed ‘reserved matters’ process;
 - Local Development Orders (LDOs) could be prepared in parallel with the Local Plan and linked to a master plan and design codes; or
 - A Development Consent Order (DCOs) under the Nationally Significant Infrastructure Projects regime (this would be for exceptionally large sites, such as a new town).

- 2.7 In renewal areas there would be a presumption in favour of development. Consent in renewal areas would be granted in one of three ways:
- For pre-specified forms of development, a new permission route giving automatic consent if the scheme meets design and other 'prior approval' requirements;
 - A faster planning application process for other types of development determined in the context of what the Local Plan says the area or site is appropriate for with reference to the National Planning Policy Framework; or
 - A Local or Neighbourhood Development Order.
- 2.8 Proposals in growth or renewal areas which are different to the Local Plan could come forward through a specific planning application. The Government says that this route should be exceptional and that the plan-led approach would be strengthened to provide certainty and confidence in the Plan.
- 2.9 In protected areas, planning applications could be made for development proposals (unless the proposal utilises Permitted Development Rights) and would be judged against policies within the National Planning Policy Framework.
- 2.10 In respect to Neighbourhood Plans, the White Paper proposes that these would still be part of the plan-making process, however, their role would be focused on local design requirements and they would not be able to allocate or zone land for development.

Implications for CCC

- 2.11 Officers consider that the main implications for CCC to plan-making are:
- The Council will have around 3.5 years to replace its adopted plan with the new style Local Plan following the enactment of legislation and this fits with the current timetable for the Local Plan review. However, an assessment would need to be undertaken to establish how up-to-date the adopted Local Plan policies would be for decision-making following the new legislation and guidance, and this could trigger an earlier review of the Local Plan. The publication of the devolution and local recovery White Paper will also significantly affect all future local plan-making across Essex;
 - The proposed increases in housing numbers means that it is very likely that a full review of the Council's Spatial Strategy within the Local Plan rather than partial will be required;
 - Although many of the existing notations of the Local Plan could fall within the three planning zones (Growth, Renewal and Protected), it is unclear whether these can be layered e.g. existing urban areas could be identified for renewal but the wider area could also contain open space, conservation areas, wildlife sites which would need protection;

- Proposals for greater use of digital tools and visual mapping are already used by the Council and will make the Local Plan more accessible although it is unclear how authorities will be resourced to implement the proposed new standardised measures;
- Some proposals to speed up and simplify Local Plan production could reduce Council costs (e.g. new requirement to assemble a more limited evidence base) and make the local plan more publicly accessible (e.g. new requirement to prepare much shorter plans). Other proposals (e.g. reduced public consultation and Development Consent Order routes for exceptionally large sites) could limit opportunities for local people and stakeholders to influence the plan/proposals and could result in opposition by the local community in the final plan;
- Proposals for a more simplified process of assessing environmental impacts of Local Plans will reduce costs and speed up plan making, although there is a risk that this could result in unforeseen adverse impacts on the environment if an effective replacement assessment process is not brought in. The White Paper leaves more detailed reform to a future consultation this autumn;
- Proposals to reduce the scope of Neighbourhood Plans including removing the ability to allocate or zone land for development could undermine local democracy in local planning;
- The known implications of the interim proposed changes to the standard method are set out below. The impact of an additional buffer to account for a drop-off rate between permission and delivery and the potential mitigation of land constraints, such as the Green Belt, referenced in the White Paper, cannot be assessed yet as no detail is provided; and
- The real mechanism that will drive the direction of Green Belt release (or not) will be how far Green Belt is treated as a constraint within the standard method to 'dampen' the level of housing need that such areas are expected to meet in the new standard method housing requirements.

Main changes to decision making (Development Management)

- 2.12 The White Paper seeks faster and more certain decision-making with firmer deadlines. The established period of 8 or 13 weeks for determining an application is proposed to be a firm deadline. 'Extensions of time' which are used currently to agree an extended determination date with the developer are criticised.
- 2.13 Decision-making would make greater use of digital technology, including a new case-management software (this would automate routine processes such as knowing whether applications are "within the rules"); data-rich planning registers; digital templates; standardisation of technical information and standard national planning conditions.
- 2.14 Delegation of planning decisions would be given to Planning Officers where the principle of development has been established (i.e. through designation as growth or renewal land within a local plan).

- 2.15 There would be an automatic refund of planning fees if the application is not determined within the time limit and deemed approval of planning permission if there has not been a timely determination.
- 2.16 Applicants who are successful at appeal will receive an automatic rebate of their planning application fee. The National Planning Policy Framework (NPPF) would also be updated.
- 2.17 The Government propose to strengthen enforcement powers and sanctions and the nature of permitted development would be widened, to include development of popular and replicable forms of development.
- 2.18 A quicker and simpler framework for assessing environmental impacts (Environmental Impact Assessments) is proposed.
- 2.19 The White Paper also proposes to explore whether suitably experienced architectural specialists can have earned autonomy from submitting routine listed building consent applications.

Implications for CCC

- 2.20 Officers consider that the main implications for CCC to decision-making are:
- Increased risk – proposals not determined within set time limits would be granted planning permission through the absence of a determination. This could lead to developments that are not fully supported or are undesirable, receiving automatic planning permission. This risk will increase significantly if we have reduced resources or lack of suitable staff;
 - Lost income - as a result of planning fees being refunded if an application is not determined within set time limits or if the Applicant is successful at appeal;
 - Poor quality development – as a result of having to determine applications within strict time limits, without the opportunity to agree an ‘extension of time’, which would eliminate the opportunity for negotiation or improvements to be made. Without this opportunity we would be forced to ‘settle’ for poorer quality development rather than risk losing income through the appeals process;
 - Poor relationships with developers – as a result of stricter time limits officers would be unable to engage with developers during the life of an application to seek minor amendments or benefits. Chelmsford is currently praised by many Planning Agents for the good service we provide;
 - Increased application numbers with no additional application fee. Officers would not be able to ask for or accept small amendments to schemes or have negotiations during the life of the application. This would lead to an increase in the number of applications that are refused planning permission. This would increase repeat applications which would put a strain on resources. Second applications do not attract a fee (they are often a ‘free go’) meaning that we will be dealing with a greater amount of repeat applications without the additional fee income. This would put a further strain on resources;

- Overwhelmed enforcement service – likely to become even more embroiled in minor work or work which does not need express planning permission as a result of extended permitted development rights;
- Increased customer complaints – through being unable to extend determination periods to account for longer consultation periods where they are requested. We would have no scope to agree a longer consultation period for customers to provide us with their representations;
- Less opportunity for Members to call applications to be determined by the Planning Committee – as a result of increased time pressure and determination deadlines;
- Less opportunity for officers to provide informal planning advice or to influence and improve schemes through pre-application advice if their focus has to be on determining formal, higher priority applications, within the strict deadlines for determination;
- More frequent Planning Committee meetings to ensure that applications are determined within deadlines for determination. There would also be no opportunity for the Committee to defer an application for a site visit or to require further information; and
- No opportunity to call applications to be determined by the Planning Committee if the principle of development has been agreed through the Local Plan or by a Permission in Principle.

Main changes to design and sustainability

- 2.21 The headline objective in the White Paper is that planning should create beautiful and sustainable places. This leads on from the recommendations of Building Better, Building Beautiful Commission 2019.
- 2.22 Planning is a powerful tool to create places and new communities, not simply concentrate on building design.
- 2.23 To augment improvements in decision making, local councils will be expected to set out detailed design parameters and specific standards for their areas. A National Model Design Code will be published in the autumn setting out how this may be achieved.
- 2.24 These design guides and design codes should be developed through robust public engagement and emphasise local character.
- 2.25 There is a recognition that this may require a step-change in design skills, prioritisation and leadership available to local council's as well as the need to improve resourcing for planning departments more generally. The role of Homes England, for example in its Garden Towns and Villages programme, will be reviewed to assist with this.
- 2.26 The proposals include a focus on net gains for the quality of the built and natural environments, moving away from 'no net harm'.

- 2.27 The White Paper proposes a fast-track for beauty process whereby proposals that comply with pre-established good design principles (informed by community preferences) would be expediated through the planning process. It also includes proposals to make all new streets tree-lined.
- 2.28 The White Paper proposes to update the framework for listed buildings and conservation areas to allow for sympathetic changes to support their continued use and address climate change.

Implications for CCC

- 2.29 Officers consider that the main implications for CCC to design and sustainability are:
- Proposals for local design guides and codes are already promoted by CCC. The introduction of national design codes and a new expert body to help authorities should support the Council's in-house design skills;
 - As local design codes/guides need to have local community support there is the possibility that might conflict with existing design guidance;
 - The Council will need to appoint a chief officer for "design and place-making"; and
 - Proposals to make all new streets tree-lined via changes to the NPPF would be welcomed and help to deliver on targets with the Council's Climate Change and Ecological Emergency Action Plan.

Main changes to developer contributions for infrastructure

- 2.30 The White Paper proposes that the current system of planning obligations under Sections 106 should be consolidated under a reformed, extended 'Infrastructure Levy'. The existing system of S106 agreements and Community Infrastructure Levy would be removed. The new Levy would:
- Be based on a flat-rate set nationally at either a single rate, or at area-specific rates;
 - Be based on the principle of capturing a proportion of land value uplift to fund infrastructure and affordable housing;
 - Be charged on the final value of the development;
 - Be levied at the point of occupation;
 - Include a value-based minimum threshold below which the levy is not charged;
 - Only be charged on the proportion of the value that exceeds the threshold;
 - Maintain an exemption for self and custom build development;
 - Be chargeable on permitted development proposals
 - Enable in-kind on-site delivery of affordable housing; and
 - Maintain the 'Neighbourhood Share' associated with CIL.
- 2.31 Local authorities could borrow against the Levy to forward fund infrastructure.

Implications for CCC

2.32 Officers consider that the main implications for CCC to developer contributions for infrastructure are:

- The focus is all about financial contributions from developers and the delivery of infrastructure by local authorities using borrowing against receipts to forward fund;
- Negotiating and agreeing Section 106 agreements, particularly on larger sites, remains a complex and challenging process post resolution and can be a cause of delay. However, it does create a direct link between new development and the measures necessary to mitigate the effects of new proposals. It remains to be seen how the new Infrastructure Levy will similarly address this complex issue and ensure mitigation at a site level is adequately funded and infrastructure delivered at the time it is required;
- The changes are quiet on the mechanisms for delivering infrastructure and it is unclear how local authorities should deliver infrastructure where values fall below the proposed threshold for the new Levy;
- The reformed levy will still rely on judgements about benchmark land values which sounds simple but in practice has proved repeatedly difficult to judge/agree in past viability exercises. Therefore, whilst site viability will not be considered under the new Levy as the rate will be fixed, it is not clear how the rate could reflect local circumstances, including the benchmark land values used to judge what is necessary to encourage a willing landowner to make their site available for development;
- The new Levy will be calculated based on the final value of a development (or to an assessment of the sales value where the development is not sold). Consequently, it would not appear to consider the (often) higher costs of delivering brownfield or other sites with larger abnormal costs;
- There is a risk that: (1) The Levy is set at a low level to capture all but the most unviable developments; and sites without constraints 'under-pay' (2) The Levy is set too high and is not compatible with a large proportion of the sites coming forward (3) The Levy dictates the allocation of sites in future e.g. eliminating those requiring costly on-site infrastructure. Note: these risks are higher if a single, national rate is applied);
- It doesn't resolve the issue that 'the cake can only be cut so many ways' and it is not entirely clear who will decide how the cake is cut, especially given the devolution agenda;
- It is unclear whether the quantum raised will be enough to pay for affordable housing as well as other infrastructure, especially if the Levy is set at a single national rate. [The conclusion reached by the independent CIL Review Group (2016 CIL Review) was that affordable housing remained outside the scope of the then proposed Local Infrastructure Tariff, in part because the quantum raised was not likely to be sufficient for pay for affordable housing as well as other infrastructure necessitated by the cumulative impacts of development over time/area.];

- The consultation also considers introducing further requirements giving authorities or providers first refusal right on a given nationally set proportion of affordable housing floorspace, with the developer determining which units on a site would be offered at a discounted price broadly equivalent to build costs. The proportion would be set nationally, and a threshold would be set for smaller sites, below which on-site delivery would not be required. They wouldn't have to be used for affordable housing; they could be sold on the open market to raise money to purchase affordable housing elsewhere. The authority could use the Levy funds to purchase the units. This option would not enable local authorities to specify the level of affordable housing required, although it is not clear how different affordable housing requirements can fit with a single, national Levy rate. The White Paper refers to local authorities having the means to specify the forms and tenures of the on-site affordable housing provision under the proposed reformed Levy; but not the quantum;
- The consultation does not mention in-kind contributions other than for affordable housing. It is not clear if there will be a mechanism to make the development acceptable aside from the developer including the infrastructure within the planning applications;
- To support the timely delivery of infrastructure, the Government's proposals indicate that it would allow local authorities to borrow against the Infrastructure Levy revenues so that they could forward fund infrastructure. This would expose LPAs to levels of financial risk as the rate of receipt collections would be linked to the performance of the wider property market and the deliverability of a long pipeline of development; and
- Beyond key infrastructure projects, the Government alludes to the spending of receipts on improving services or reducing council tax. It would also be possible to use the Levy for providing planning service.

Other changes to deliver the reforms

2.33 These include:

- Introducing a new performance framework across all planning functions;
- Providing stronger enforcement powers and sanctions;
- Greater regulation of discretionary pre-application charging; and
- Potentially widening fee income to cover planning costs e.g. Local Plan submissions

Main Implications

2.34 Officers consider that the main implications for CCC are:

- Proposals for local planning authorities to be principally funded by landowners and developers will mean authorities will need to look carefully at how they cover their overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities.

3. Summary of the White Paper Consultation Response

- 3.1 A proposed consultation response is set out in detail in Appendix 1 with the summary repeated below.
- 3.2 From a Local Plans perspective the proposals are generally supported, particularly where they would reduce the cost of preparing a Local Plan and make the Plan more publicly accessible. Many annotations used within the Local Plan currently could fall within the three proposed areas (Growth, Renewal and Protected). Further clarity is needed. There are risks with the proposals, such as oversimplifying the process of assessing environmental impacts, that would need to be addressed in detail. The removal of development management policies from the Local Plan, to be replaced by national policies, could simplify the Local Plan in some instances, but local policies, to address local issues and priorities, would still be required.
- 3.3 The principles of proposed changes to decision-making (Development Management) are generally supported, but similarly to Local Plans, further clarity and a greater level of detail are needed in order to fully assess impacts. Whether automatic permission granted for Growth areas and Renewal areas would increase certainty and speed up decision-making would largely depend on the method of granting automatic permission and the details of this system. Proposals to introduce stricter deadlines for the determination of application would speed up the decision-making process, however this would not necessarily aid negotiations or allow for amendments during the life of an application. The White Papers shift towards a more technology-based system is also welcomed.
- 3.4 The White Paper places an even greater emphasis on sustainable development and beautiful design. These principles are already present within the Chelmsford Local Plan and therefore greater emphasis is welcomed.
- 3.5 The standard method for establishing housing requirements does reduce housing requirement debates, however the proposed short-term adjustment would significantly increase (93%) the current housing requirement in Chelmsford to 1,558 net new dwellings per year. This amount of housing delivery has not been achieved in the last 19 years, even with up-to-date Local Plans. Intricate details of housing requirement calculations are not clear and further clarification would be required to fully assess the impact this would have.
- 3.6 The Paper proposes a considerable change to the existing Community Infrastructure Levy (CIL) regime and suggests a nationally set levy. There are some risks associated with this, and detailed regulations would need to be fully considered. The White Paper is also silent on how infrastructure could be delivered and how the new levy would ensure mitigation at a site level is funded and delivered.
- 3.7 Generally speaking, whilst the principles behind the proposals of the White Paper are supported in many cases, greater detail and consideration of technical points is

needed to ensure that unintended consequences do not occur and that the future planning system can genuinely, correctly and fairly deliver the intended reforms.

4. Next Steps

- 4.1 The White Paper consultation will be followed by separate and more detailed consultations on specific elements of the proposed reforms starting from the autumn. Subject to the outcome of these consultations, the Government will seek to bring forward legislation and policy changes including an updated National Planning Policy Framework to implement their reforms as soon as possible.

5. Summary of Changes to Current Planning System Consultation

Context

- 5.1 This consultation sets out four main proposals to improve the effectiveness of the current planning system:

- Changes to the standard method for assessing local housing need;
- Securing of First Homes through developer contributions in the short term until the transition to a new system;
- Supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing; and
- Extending the current Permission in Principle to major development.

Standard method for assessing housing numbers in strategic plans

- 5.2 Proposals include short-term adjustments to the standard method for establishing minimum housing requirement figures to include:

- An option for the baseline to be based on a proportion of the size of the existing housing stock if greater than household growth projections;
- Two adjustments for market signals which take account of affordability changes over a 10-year period; and
- The removal of the cap which limits the level of the increase for individual local authorities.

Implications for CCC

- 5.3 Officers consider that the main implications for CCC are:

- The impact of the two-stage adjustment is significant in Chelmsford as it almost doubles the affordability ratio from 1.4575, using the current standard method, to 2.43;

- The table below shows the current housing requirement figure, the current standard method figure and the proposed new minimum local housing need figure using the new standard method proposed in the consultation document; and

Table 1 – Housing Requirement Numbers

| Source | Date | Average dwellings per annum |
|------------------------------|--|-----------------------------|
| Adopted Local Plan | May 2020 – Housing Requirement in adopted Local Plan | 805 |
| Existing Standard Method | April 2020 | 946 |
| Proposed new Standard Method | August 2020 | 1,558 |

- The impact of this proposed 94% increase in housing need on the current housing requirement will become relevant at the point of the review of the Local Plan.

Delivering First Homes

5.4 The consultation is proposing that:

- First Homes should be sold at a minimum discount of 30% from market price;
- A minimum of 25 per cent of all affordable housing units secured through developer contributions should be First Homes (subsequently be secured through the extended 'Infrastructure Levy'); and
- replace the existing entry-level exception sites policy with a First Homes exception site policy.

Implications for CCC

5.5 Officers consider that the main implications for CCC are:

- The proposed policy change would reduce the shared ownership offer but would not impact on the number of affordable rented homes that should be delivered through the Local Plan. The Local Plan requires 13% of all housing to be provided as affordable home ownership housing and 22% of all housing to be provided as affordable housing for rent on developments of 11 or more dwellings. This equates to a 37/63 % mix of affordable housing for home ownership and affordable housing for rent. Under this proposed policy change, this would mean a compliant application would deliver 25% First Homes; 12% Shared Ownership and 63% affordable housing for rent (9% of the total housing would be First Homes; 4% would be shared ownership and 22% affordable housing for rent);
- The two products cost about the same so the proposed change would not affect the viability of the Local Plan;

- Because the new product is predicated on discounts from the open market, its role will vary dramatically across the Country. A 30% discount to Open Market Value still leaves the homes very expensive in Chelmsford. Shared ownership is accessible to a wider range of households because the deposit and borrowing requirements are lower;
- The implication is that First Homes will be delivered by developers direct and not by Registered Providers;
- Registered Providers could have a much-reduced role in the intermediate market. Many Registered Providers use staircasing receipts to deliver additional affordable homes;
- The Council's Housing Working Group has identified the promotion of entry-level exception sites to meet our priority housing needs and deliver additional larger affordable housing for rent as a priority. The re-casting of national planning policy in favour of First Homes will make this priority difficult to deliver unless the flexibility regarding other affordable housing tenures is realised in the revised national policy and isn't confined to the localities in which they are located i.e. the strong evidence of local need remains 'district wide';
- The removal of the site size threshold and the introduction of the possibility of market housing; and
- The government propose to introduce a mandatory exemption from CIL for First Homes and encourages CIL charging authorities to give immediate support to delivery prior to regulation being laid, through discretionary affordable housing relief. This is no different to shared ownership housing which is the predominant affordable home ownership product delivered through the Local Plan.

Supporting small and medium-sized developers

- 5.6 The government propose to raise the national threshold for contributions for affordable housing of up to 40 or 50 units for an initial period of 18 months, to reduce the burden of planning contributions on SMEs.

Implications for CCC

- 5.7 Officers consider that the main implications for CCC are:
- Having reviewed CCC's Housing Land Supply data for the next 5 years the impact of this change could be minimal – a loss of 13 affordable housing units over the next five years. There is no difference if the threshold were set at 40 or 50 units;
 - Having reviewed windfall sites completions on sites of 11 dwellings or more during the last three years (excluding office to residential conversions and care home developments that would be exempt from the affordable housing contribution), the average number of affordable units that might be lost on windfalls per annum is 10 dwellings; and
 - This proposed change would however mean that there would not be any new commuted sums in lieu of on-site affordable housing contributions for development sites between 11 and 15 dwellings, which would assist with

delivering more temporary housing solutions for those currently homeless or at risk of homelessness.

Extension of the Permission in Principle consent regime

- 5.8 The government propose to remove the restriction in the current Permission in Principle regulations on major development. This would mean that proposals for major development (i.e. 10 or more dwellings) could be submitted under the Permission in Principle route, rather than a full planning application or outline planning application being made. Environmental Impact Assessment (EIA) development would continue to be excluded from this consent regime.

Implications for CCC

- 5.9 Officers consider that the main implications for CCC are:
- Additional applications Permission in Principle which require less information up front and no detailed plans to be submitted. Once Permission in Principle is granted further drawings would be submitted at the Technical Details stage. The Permission in Principle regime (PIP) first became available as a consent route in 2018. Since then, CCC have only received two PIP applications. Whilst the option is available to applicant's, it appears that, in Chelmsford, there is little take-up of the initiative. This is likely due to the Council having an up-to-date Local Plan.

6. Next Steps

- 6.1 The technical consultation on changes to the current planning system runs until 1st October 2020. Officers in consultation with the Cabinet Member for Sustainable Development propose to submit a draft response to the consultation before the deadline for confirmation at the Chelmsford Policy Board on 1st October. The consultation response will be made available to the Board ahead of this meeting.

7. Conclusion

- 7.1 The scope of the proposed changes is considerable and if the reforms are implemented as outlined, they would have significant implications for all local planning authorities. It is important that CCC responds to the consultation to help influence the proposals which will have significant direct impacts on its area.

List of Appendices

Appendix 1 – Planning for the Future White Paper consultation response

Background papers

None.

Corporate Implications

Legal/Constitutional:

There are no direct legal/constitutional implications arising from this report.

Financial:

There are potential financial implications arising from the Government's proposals in this report relating to future planning related fee income and resources required to meet new obligations. These implications will be monitored when further detail is forthcoming as part of the passage of the legislation.

Potential impact on climate change and the environment:

There are no immediate environmental implications arising from this report, however, the Government's proposals will be monitored when further detail is forthcoming as part of the passage of the legislation.

Contribution toward achieving a net zero carbon position by 2030:

There are no immediate environmental implications arising from this report, however, the Government's proposals will be monitored when further detail is forthcoming as part of the passage of the legislation.

Personnel:

There are no immediate direct staffing implications arising from this report, however, the Government's proposals will be monitored when further detail is forthcoming as part of the passage of the legislation.

Risk Management:

There are no immediate direct risk management implications arising from this report, however, the Government's proposals will be monitored when further detail is forthcoming as part of the passage of the legislation.

Equalities and Diversity:

There are no direct equality and diversity implications arising from this report.

Health and Safety:

There are no direct health and safety implications arising from this report.

Digital:

There are no immediate direct digital implications arising from this report. The Government has indicated increased use of digital communication in the planning system. The Government's proposals will be monitored when further detail is forthcoming as part of the passage of the legislation.

Other:

None.

Consultees:

CCC Financial Services, Strategic Housing and Property Services.

Relevant Policies and Strategies:

The report takes into account the following policies and strategies of the City Council:

Chelmsford Local Plan 2013-2036 (Adopted version being considered by Council on 27 May 2020)

Statement of Community Involvement, 2020

Climate and Ecological Emergency Action Plan, January 2020

Our Chelmsford, Our Plan

The above report relates to the following priorities in the Corporate Plan:

Promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and provide more housing of all types.

Making Chelmsford a more attractive place, promoting Chelmsford's green credentials, ensuring communities are safe and creating a distinctive sense of place.

Encouraging people to live well, promoting healthy, active lifestyles and reducing social isolation, making Chelmsford a more enjoyable place in which to live, work and play.

Bringing people together, empowering local people and working in partnership to build community capacity, stronger communities and secure investment in the city.

Appendix 1 Planning for the Future White Paper consultation response

Pillar One – Planning for development

Question 1. What three words do you associate most with the planning system in England?
N/A

Question 2(a). Do you get involved with planning decisions in your local area? [Yes / No] 2(b).
If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care /
Other – please specify]
N/A

Question 3. Our proposals will make it much easier to access plans and contribute your views
to planning decisions. How would you like to find out about plans and planning proposals in
the future? [Social media / Online news / Newspaper / By post / Other – please specify]
N/A

Question 4. What are your top three priorities for planning in your local area? [Building
homes for young people / building homes for the homeless / Protection of green spaces /
The environment, biodiversity and action on climate change / Increasing the affordability of
housing / The design of new homes and places / Supporting the high street / Supporting the
local economy / More or better local infrastructure / Protection of existing heritage buildings
or areas / Other – please specify

All of the above are key priorities for Chelmsford City Council (CCC) in planning for its local
area. Effective planning requires the balancing of competing demands rather than focusing
on a small number of priorities.

Question 5. Do you agree that Local Plans should be simplified in line with our proposals?
[Yes / No / Not sure. Please provide supporting statement.]

Overall CCC agrees with a number of the proposed measures to simplify the Local Plan
process especially where they could reduce Council costs, make Local Plans more efficient to
produce but crucially retaining important community engagement.

Proposed zonal system

It is considered that many generic annotations and notations of Local Plans could fall within
the three proposed planning areas (Growth, Renewal and Protected) although further clarity
is needed to ensure that all would. It is not clear whether a layering is envisaged. Existing
urban areas may in general terms be considered renewal areas, but they will contain open
space, conservation areas, green corridors which all will need protection. Provisions must
also be in place to ensure that wildlife will be protected when it is located outside 'protected'
areas and/or migrates across different zones leading to disconnected landscapes.

Permission in principle

Automatic permission in principle is only considered potentially suitable for land identified
for strategic-scale development in Local Plans (Growth areas) with development of other

areas of land, as now, determined in accordance with Local Plan policies and the National Planning Policy Framework. See also response to Question 9.

Digitised, web-based Local Plans

Proposals for greater use of digital tools and visual mapping are welcomed and are already used to some degree by CCC. Further digital approaches will make Local Plans more accessible although further clarity is needed to understand how authorities will be resourced to implement the proposed new standardised measures.

Question 6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]

CCC would agree with the principle of setting out general development management policies nationally and streamlining the content of Local Plans. It is, however, difficult to see how all policies could apply across the country, particularly with regards to specific local issues such as parking standards, design, protection of community facilities and open space and the provision of the right type and size of housing accommodation (including affordable housing). Local constraints and influences will give rise to the need for specific locally distinctive development management policies.

CCC would suggest that generic development management policies are national such as heritage, flood risk, green belt, protection of living conditions/amenity etc. However, where there are more local issues including the individual geography, demography, landscape and socio-economic factors, the ability to have a limited suite of locally distinctive development management policies should be retained where they are justified with evidence.

Overall CCC consider that generic development management policies could be applied nationally, but there should be the scope and opportunity to set additional local level policies within the plan if they are necessary and justified.

Questions 7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.] 7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Sustainable Development Test

Proposals for a single test of ‘sustainable development’ are supported in principle as these would simplify the system and speed up the process of plan preparation.

Sustainability Appraisal

Proposals for a more simplified process of assessing environmental impacts of Local Plans are supported in principle as these could reduce costs and speed up plan making, however there is a risk that this could result in unforeseen adverse impacts to the environment if an effective replacement assessment process is not brought in. Adequate consideration will also

need to be given to the achievement of net gain as set out in the Environment Bill. CCC awaits further details on this in a future consultation this autumn.

Duty to Cooperate

CCC supports replacing the Duty to Cooperate test with a more streamlined way of considering strategic cross-boundary issues, such as major infrastructure or strategic sites especially where this speeds up Local Plan making. Proposals for combined authorities as part of the reform of Local Government could provide appropriate bodies for dealing with strategic cross-boundary issues.

Questions 8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.] 8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

- (a) The standard method does reduce debates about housing numbers, which historically has been a time-consuming process. However, the impact of the proposed short-term adjustment to the standard method for establishing minimum housing requirement figures results in a 94% increase on the current Local Plan housing requirement in Chelmsford adopted in May 2020. It produces a figure of 1,558 net new dwellings per year which hasn't been achieved in the last 19 years. Annual housing delivery has only ever exceeded 1,000 dwellings per annum on four occasions since 2001/02. This is within the context of Chelmsford being an early adopter of the Local Development Framework and has recently adopted a new Local Plan for the period 2013 – 2036 which both allocated 20% more land than the housing requirement.

The affordability adjustment over a 10-year period considers the period just after the last recession. Were a 5-year time period included, the adjustment would still require significant increases in the housing required but more realistic delivery targets for landowners, developers and the housing supply chain to achieve. It is not clear or evidenced why the period of 10 years has been chosen and the volatility of the results depending on the time period chosen, indicates that further assessment is required.

It is unclear how constraints are going to be applied to what is essentially an algorithm, nor the impact of an additional buffer to account for drop off rates between permission and delivery. The degree to which the Green Belt is treated as a constraint within the standard method to dampen the level of housing need that such areas are expected to meet in the new binding housing requirements, will drive the direction of Green Belt release.

- (b) Affordability and the extent of existing urban areas are sensible indicators of the quantity of development needed, rather than that which can be accommodated. The proposed new housing numbers will not be deliverable for many local authorities given their land constraints and past rates of delivery, even with an up to date Local Plan.

Workplace, as opposed to resident based median house price to median earnings ratios, are driving larger affordability ratios in commuter belt areas such as Chelmsford. Whilst it is important to balance the needs of the workforce, it is also relevant to consider the large role existing residents play in market moves and the degree to which housing market adjustments using workplace based ratios are more 'over-represented' in the algorithm in areas close to London over the longer term. In order to achieve the Government's 'levelling up' agenda, it might be more appropriate for some locations in the South East to use median resident based earnings ratios, whilst the workplace earnings ratios are retained for those areas that are considered regional focal points of inequality in the levelling-up programme if the 10 year affordability adjustment is retained.

Also, as mentioned above, market fluctuations over the last 5 years would be a better indication of change. A five-year timescale should retain workplace-based median house price to median earnings ratios.

Questions 9(a). Do you agree that there should be automatic permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.] 9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]

CCC is supportive of the principle of increasing certainty for Growth areas, however it is not clear within the White Paper whether the proposal for 'automatic permission' would be granted Outline planning permission, Permission in Principle (PIP) or another form of permission. Phrases are used interchangeably and therefore the proposal is not clear. Whether automatic permission granted for Growth areas would increase certainty and speed up decision-making would largely depend on the method of granting automatic permission and the details of this system.

In our view, the Permission in Principle regime does not give any greater certainty than an allocation in a Local Plan. Permission in Principles can only relate to location, uses and the amount of development. This is no more than a site allocation in a Local Plan. Technical Details consent would be required, and this would essentially be starting from a blank page, with very similar considerations to a full planning application. Due to the limited scope of Permission in Principle, and the inability to consider key matters such as ecology, heritage, design, affordable housing, Section 106 agreements and access, there is less certainty attached to a Permission in Principle than an outline planning consent. These technicalities can give rise to significant constraints on development that would only be introduced at the Technical Details stage. Overall, it is the Council's view that Permission in Principle, as it currently exists, would add no greater certainty if automatically granted as part of the Local Plan designation as a Growth area. It is our view that this will not speed up the process or add certainty.

A more certain way of establishing automatic planning consent would be to effectively grant outline planning permission through the allocation of a Growth site in the Plan. That being said, it is not clear how important matters, such as the environmental impacts of a

development, would be effectively assessed and addressed, particularly as the White Paper looks to abolish Local Plan stage sustainability appraisals.

The above commentary also applies to proposed consent arrangements for Renewal areas. It is unclear how this would be achieved. Renewal areas are likely to be more constrained in terms of how much development is achievable. It is therefore difficult to see how granting automatic permission could be achieved without the consideration of many detailed aspects. For this reason, CCC consider that development proposals should continue to be fully assessed in accordance with policies and the National Planning Policy Framework.

There would be little difference between the proposal for Protected areas and the way the current planning system requires a planning application.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

CCC considers that there could be merit in allowing exceptionally large sites such as a new town where there maybe complex land assembly and planning challenges to be consented via a Development Consent Order under the Nationally Significant Infrastructure Projects regime. The process provides clear expectations on the applicant, statutory stages of public consultation and clear timeframes for decision-making. This can provide certainty for the public and stakeholders and speed up decision-making. Careful consideration would need to be given to ensuring that consultation and engagement if open, accessible and meaningful and that applicants are required to provide evidence of how they have responded to consultees' needs and priorities to ensure public confidence in process. As it is critical that local authorities and statutory consultees engage with the DCO process which can be very resource intensive, careful consideration would need to be given to ensuring that these bodies are adequately resourced. However, if the proposals are not contained within Local Plans, the DCO route by-passes local democratically elected decision-makers.

Question 10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

CCC support the principle of speeding up decision making, providing that it results in a better system and the detail is executed well.

Stricter deadlines

The White Paper proposes that deadlines should be rigidly adhered to, and that extension of time agreements should not be used to get around this. This would speed up the decision-making process, however removing all scope to extend deadlines where they are mutually beneficial would introduce unnecessary costs, repeat applications and introduce delays. Removing this flexibility is likely to have the unintended consequence of increasing the refusal of planning permissions, as there may not be sufficient evidence or technical assessments for local planning authorities to make decisions. This in the long run has the potential to increase the time spent gaining a permission.

Extension of time agreements currently have a real value for developers, and are often requested by them so that they can overcome any policy requirements or objections. Rather than removing the opportunity for extension of time agreements, it would be more beneficial for the option of extension of time agreements to remain so that they can be used with the full agreement of the developer. In this scenario, there should be no automatic refund of the planning fee or deemed consent.

Beautiful Places

The White Paper places a great emphasis on 'beautiful places'. This follows the objective of the National Planning Policy Framework (NPPF, chapter 12) to put the creation of high quality buildings and places as a fundamental part of what planning and the development process should achieve (para.124). The NPPF says that good design is a key aspect of sustainable development and seeks to ensure that policies and decisions: respond to local context; create places that function well and add to the overall quality of an area; are visually attractive and establish a strong sense of place (para.127).

CCC support an added emphasis on creating 'beautiful places' and proposal which will support the delivery of beautiful places. The proposals within the White Paper, such as rigidly adhering to deadlines, refund of planning fees where an appeal is allowed, and the potential for deemed planning consent, could have the effect of creating poorer quality developments. Through removing the scope for extension of time agreements and introducing sanctions for allowed appeals or failing to issue a decision on time, LPA's will be faced with a financial risk that could lead to proposals being approved simply because the LPA cannot risk losing the fee income and wanting to avoid second repeat applications. The LPA may simply 'settle' for poorer quality development.

Community Engagement

The White Paper emphasises the importance of community engagement and CCC support this. In our experience, consultation and dealing with responses makes up a substantial portion of an application timetable. In order to save time at decision-making stage, and speed up the planning process, our suggestion is that consultation should be carried out before an application is submitted. An application should be submitted to the LPA with consultation and community engagement responses front loaded and show how these have been responded to and addressed before the application is submitted.

Digitisation and Automation

Proposals to limit the amount of documentations that can be submitted with a planning application are generally supported by CCC, as this would assist in cutting down the time it takes to digest the full application. That being said, any standardised applications or limited supporting statements would still need to ensure that all technical matters (such as flood risk, transport and ecology) are still capable of being adequately assessed by both the LPA and consultees. The Local Planning Authority must view such documents, and general planning statements, in an analytical way. It is not uncommon for planning statements to make unjust

conclusions or to include potentially misleading information. In this instance it is necessary for the LPA, acting in a neutral capacity, to challenge these statements or ask clarifying questions in order to make a sound planning judgement. They should not be taken at face value. The proposed rigidity of deadlines would seem to limit the LPA's ability to do this.

There is a proposal to make the application process easier for an applicant for a smaller scale project, and it is suggested that validation will be combined with submission. How this would work is unclear, however CCC would welcome a validation service prior to an application being submitted. Despite having a clear local validation checklist, the percentage of applications that are invalid when submitted is very high. This can be caused by developers submitting planning applications, without all the necessary documents, in order to meet contractual milestones. Any proposal to validate applications prior to submission is supported in principle as this would save time and prevent delays.

Many applications include inaccurate drawings, are missing the correct technical supporting statements or are submitted with no drawings at all. For this reason there would still need to be a form of validation stage to ensure the necessary and accurate drawings and supporting information have been submitted. The absence of this would create serious issues when processing the application as the exact proposal would be unknown. This would undoubtedly lead to delays for the applicant as there would be no option but to refuse or take no further action against an application. Validation is an important step in assisting applicant's with making sure their application includes all the relevant plans and details.

The White Paper also proposes to change the processing of planning applications, with an emphasis on digitisation and a new software to automate the processing of applications and determine whether proposals are 'within the rules'. CCC supports, in principle, the digitisation of the planning system and moving to a system that makes the most of the most up-to-date technology available.

There is a lack of detail about how this could be achieved, particularly as 'the rules' can be subjective, dependant on individual site circumstances which will rarely be the same in one administrative area, let alone in other areas of the country. Good design is about responding to an individual site's context and the local area as well as a development functioning well and representing good quality. This should not be determined on the basis of a 'rule', even with a design code. Other important considerations, such as the consideration of a development proposal on the amenity of local residents, visual impact, the openness of the Green Belt, and the impact on the function or role of an employment or retail area cannot be automated; they are a matter of planning judgement. Aside from this, details such as cost, maintenance, compatibility and technical support for any new software have not been suggested.

Question 11. Do you agree with our proposals for digitised, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Proposals for greater use of digital tools and visual mapping are already used by CCC and will make Local Plans more accessible although further details are needed to understand how authorities will be resourced to implement the proposed new standardised measures.

Question 12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Proposals for a statutory timescale including the transition period of 42 months for local planning authorities who have adopted a Local Plan within the previous three years are supported in principle as this could speed up the Local Plan making process. Proposals to require local authorities to assemble a more limited local plan evidence base and make the local plan more publicly accessible (e.g. new requirement to prepare much shorter plans) are also welcomed in principle as these could speed up and simplify Local Plan production and could reduce Council costs. However, further information is sought in terms of sanctions that could be applied and what would constitute a “Higher-risk” authority and how authorities will be resourced to accelerate Local Plan production. Careful consideration would also need to be given to ensuring adequate opportunities are provided for public consultation to influence the plan during its preparation to prevent community opposition in the final adopted plan.

Questions 13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Yes, CCC agrees that Neighbourhood Plans should be retained in the reformed planning system.

Neighbourhood Plans are a key part of local plan making, where communities can have a real say in what happens in their area. There should be a clear commitment in the reformed planning system to continuing that community right. This should include greater emphasis on their role as forming part of a Local Plan, rather than the perception that they are an ‘add-on’.

The timing of communities deciding to embark on a neighbourhood plan has, in our experience, not aligned with the timetable for developing the Local Plan, thereby minimising the influence a Neighbourhood Plan can have on the Local Plan contents. Speeding up the Local Plan making process can only exacerbate this and further reduce the time for local communities to have a meaningful input through Neighbourhood Plans.

Proposed zonal system

Any proposals to reduce the scope of Neighbourhood Plans including removing the ability to allocate or zone land for development could undermine local democracy in local planning. If the Local Plan is the mechanism to designate land in a new zonal system, where does this leave the discretion for Neighbourhood Plans to allocate land to meet their needs?

Currently, the NPPF requires strategic policies to set out a housing requirement for designated neighbourhood areas, either reflecting the overall strategy (Para 65) or at the neighbourhood body’s request (Para 66). It then follows that it is the Neighbourhood Plan which will decide where these houses should be located. Therefore, the policy needs to include the flexibility for neighbourhoods to either allocate the zone or have the ability to

change it once set by the Local Plan. For example, in the Green Belt or rural area, it could be assumed that the defined settlement boundary will be replaced with a protected area, either around the existing settlement or incorporating the existing settlement as well. If a Neighbourhood Plan then identifies the need, for example, for a small amount of housing to meet local needs or a community facility, the zonal system needs to include an exceptions policy where evidence demonstrates a departure from the policy.

A failure to address this would effectively mean that the role of a Neighbourhood Plan in bringing forward proposals to address local needs would be significantly diminished, in many cases negating the reasons for deciding to develop a plan in the first place.

Removal of development management policies

If planning applications are to be decided against higher level national development policy, this appears to remove consideration of specific local circumstances from decision making.

Neighbourhood Plans carry a significant emphasis on local character, heritage, village setting, and generally a sense of place. An important role is for them to define this character and its special qualities, so that planning decisions can take account of particular local circumstances – such as use of materials, building line, protection of key views and landscape features.

Although the use of locally produced design guides/codes is referenced in the White Paper, it appears to indicate that these would be set at a local planning authority level rather than a parish/neighbourhood level, with the potential for further erosion of the usefulness and influence of a Neighbourhood Plan. Due to issues of timing of different plans coming forward, there is the potential for a policy vacuum between local authority design guides and codes, and the preparation of design guides by community groups.

It is also essential that adequate grant funding continues to be made available for Neighbourhood Groups to commission design guides/codes, which in our experience has not been the norm.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Focused content

Guidance on what a focused Neighbourhood Plan would look like has some potential for speeding up Neighbourhood Plan development and concentrating the effort of communities into subject areas where they have a real influence. However, there is also then the danger of excluding matters which are of particular importance to individual communities.

Digital tools

Some digital tools are already available (e.g. Mapping for Change/Community Maps), and pilot projects for other tools will be helpful. In our experience, the level of digital confidence and ability in some rural communities, even within the Neighbourhood Plan groups

themselves, is low. Combined with some areas having lower broadband speeds or a lack of take-up of faster connections, some Neighbourhood Plan groups struggle with digital engagement. These skills and resource gaps extend into their communities. Proposals to improve accessibility would be welcome, including training and ongoing technical support for Neighbourhood Plan groups and their communities.

Urban Neighbourhood Plans

Encouragement of urban area Neighbourhood Plans would be welcome. More emphasis should be placed on skills and resources for groups to form Neighbourhood Forums, with a dedicated body to provide training and support, in the way that rural community councils assist rural communities.

Whether there is scope to spread the use of community-led planning to small areas such as individual streets is questionable, due to the small number of people likely to be involved and the skills required, along with the mechanisms for constituting a relevant body and the requirements for transparent decision making. It is not clear how this aspiration would fit alongside the introduction of higher level national development policy for decision making.

It is also essential that adequate grant funding is to be made available for Neighbourhood Forums to operate, particularly as they may be focused on areas of greater social deprivation, with a potential lack of access to premises and digital tools, and no ability to raise funds in the way that Parish Councils do.

Question 14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]

Build-out rates can be low due to market saturation or developers seeking to maintaining certain price points for products. Developers should be encouraged to look at a range of tenures including affordable rent, joint ventures with the public sector and housing associations to deliver housing that meets local need. A more diverse housing offer that also includes greater variance in the type and design of homes would also help accelerate absorption rates. Accelerating build-out rates should not be at the expense of high-quality design.

Pillar Two – Planning for beautiful and sustainable places

Question 15. What do you think about the design of new development that has happened recently in your area? [not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]

CCC has a long standing track record of delivering attractive and well-designed places. We are referenced in numerous national and local government publications including Essex Design Guide (1973), By Design (2000) and National Design Guide (2019). We are very proud of this legacy. It comes from consistent, cross-party political support and an acknowledgement that adequate resourcing is key to delivery. The White Paper focuses on

the visual and aesthetic nature of new development, whereas, the focus should be on high quality design.

Question 16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

It is CCC's view that all of these matters are priorities for sustainability. By its definition sustainability should not be isolated to one priority. We therefore consider that all of the above are priorities and are interlinked. They should be given equal focus and attention at all levels of the planning process.

Question 17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]

CCC are supportive of this approach. It ensures that good design retains its rightful place as a priority within the planning process.

Question 18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

CCC see this as a positive step. A national body would be most successful if it is established as a single point of contact and 'go to' resource. This could be very similar to the Commission for the Built Environment (CABE) abolished in 2010. Having a design champion at local authority level will be most effective if it includes both an officer and a member.

CCC are supportive of greater emphasis being placed on good design and additional tools to achieve this. It will be important to ensure that local influence is retained and CCC welcome the idea of each local authority having a chief officer for design and place-making. Authorities must be given the appropriate resourcing to secure these posts.

Question 19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

Yes. Any policy change that supports good design and place making is to be welcomed.

Question 20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

Any proposal to fast track and simplify is welcomed. The challenge is identifying what is meant by beauty, as the inference is that this is very much addressing the visual and aesthetic. With so many actors involved in the planning process, there are concerns that this will become watered down to a lowest common denominator. Fast track also raises the difficulty of introducing new ways of doing things to meet other priorities such as climate change and carbon reduction. Such innovation takes time to agree and implement.

It is the Council's view that pre-approved designs could weaken the overall quality of place-making, losing the opportunity to respond to context and local influences in a truly responsive manner. CCC would have concerns about the practicalities of expanding permitted development rights further and in the same way permitted development proposals would be subject to the proposed new infrastructure levy, they should also be subject to design codes and standards such as the Nationally Described Space Standards where adopted by the local planning authority. Whilst there may not be 'harm', it would seem difficult to achieve a 'net gain' in beauty without using a site's individual context and surrounding influences within the design process. The current system of permitted development rights, ever growing and encompassing additional prior approval matters, makes the overall planning system complicated to understand with similar outcomes to the submission of full planning applications.

Pillar Three – Planning for infrastructure and connected places

Question 21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

The priorities for required infrastructure to support new development are set out within the Council's Local Plans and Infrastructure Delivery Plans. They cover all of the types of infrastructure cited and more including low/zero carbon interventions. The need for affordable housing, the promotion of active and sustainable travel and sustainable/zero carbon energy are common across development. Other priorities will vary depending on the specific requirements of the site and its context.

Robust infrastructure planning is crucial in ensuring the timely provision of supporting infrastructure and to make proposals acceptable in planning terms. The existing up-to-date Local Plan has been fully viability tested and requires both S106 and CIL funding to enable supporting infrastructure to be delivered to support housing and economic growth. There are significant concerns that the new Levy, payable on occupation as the only mechanism to deliver required infrastructure will not be successful in delivering infrastructure priorities.

Questions 22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.] 22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]

At this stage CCC considers that there is insufficient detail as to how the new Levy would work in practice. The current system places responsibility on the developer to deliver infrastructure and affordable housing through S106, with the ability of Councils to collect CIL to fund wider infrastructure priorities that cannot be funded through a development. The proposals decouple the need and cost of infrastructure required to make a development

acceptable in planning terms from the future mitigation i.e. the amount of levy received. Whilst having its limitations, this approach is a proportionate split of responsibility between developer and local authority and in Chelmsford has worked well. The White Paper's approach appears to shift all responsibility and risk of infrastructure delivery to the Local Authority, which is disproportionate and is not supported. It is difficult to envisage how a national single rate can be applied to local circumstances, given large variations in land values. A local rate is supported as with CIL.

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

Ideally the Levy should aim to capture at least the same amount of value overall, but as there are many infrastructure deficits the starting point is that it supports more value, for greater investment in infrastructure, affordable housing and local communities.

Negotiating and agreeing Section 106 agreements, particularly on larger sites, remains a complex and challenging process post resolution and can be a cause of delay. However, it does create a direct link between new development and the measures necessary to mitigate the effects of new proposals. The proposed reforms are silent on the mechanism for delivering infrastructure and how the new Infrastructure Levy will ensure mitigation at a site level is adequately funded and infrastructure delivered.

It doesn't resolve the issue that 'the cake can only be cut so many ways' and it is not clear how the quantum raised will be enough to pay for affordable housing as well as other infrastructure, especially if the Levy is set at a single national rate.

On a simplistic level there are three risks with the level of the Levy itself:

- (1) The Levy is set at a low level to capture all but the most unviable developments; and sites without constraints 'under-pay'.
- (2) The Levy is set too high and is not compatible with a large proportion of the sites coming forward.
- (3) The Levy dictates the allocation of sites in future e.g. eliminating those requiring costly on-site infrastructure.

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]

There needs to be more detail in the proposals to determine the size/extent of borrowing that could arise. Council's may find the size of the expected borrowing is disproportionately large compared to the size of the Council. The CIL income streams are affectively fund by the developer and its success, the Council is therefore taking on debt and is reliant on the success of third parties to deliver the income to repay that debt. This seems a significant increase in risk to local authorities' finances.

Question 23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

Yes. It has always been a vagary of the current system that, in the case of CIL, changes of use of offices that have remained empty for many years, but with a small proportion of space still in use, can be converted to a large number of residential units, placing increased pressure on infrastructure, yet have been immune to paying the Levy and making any infrastructure contribution. This should be reformed through any new levy regulations. Design and space standards should also be applicable to permitted development.

Questions 24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.] 24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.] 24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.] 24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]

- (a) It is essential that affordable housing is still delivered on-site at least the same proportion that is demonstrated to be viable and required in Local Plans and the decision whether to accept funding through the levy instead should always rest with the local planning authority. The opportunity and capacity to deliver affordable housing off site or through community sums in lieu of on-site provision is much reduced and should be the exception rather than the norm.
- (b) In-kind payments most closely mirror the current system and the risk shouldn't be any greater, if reflected properly in the land value. The complication is whether the Levy is enough to deliver the required affordable housing in the tenure and form to address local housing need; as well as providing other essential infrastructure.
- (c) If the Levy is not set at a sufficient level to support the infrastructure required in the Local Plan and maintain existing levels of on-site affordable housing in the tenures required to address local housing need, then the Government mitigation should be capital funding to support the on-site affordable housing provision in the quantum/tenure identified in Local Plan policies.
- (d) Local Plan policies should prevent low-standard homes of any tenure being built. High service charges on flatted developments, the financial credentials of a small number of SME developers and the management preference of Registered Providers; rather than build standards, play a much more significant role in the on-site provision and location of new affordable homes.

Questions 25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.] 25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

Local authorities should have sufficient flexibility in terms of how they can use the Levy to deliver infrastructure as per the current arrangements within the CIL Regulations, However, Council's should be required to ensure that the Levy is spent on infrastructure linked specifically to the development that has generated the sum and, where it is spent on infrastructure beyond the development, Council's should be required to produce annual statements setting out how the funding has been spent or is proposed to be spent and on what infrastructure. The ability to ring-fence the levy to deliver important policy requirements such as affordable housing is supported. However, it highlights the deficiencies in the proposals, as there may well be significant disparities between the amount of levy received and the total cost of infrastructure, including affordable housing, to make the development acceptable in planning terms.

What happens next

Question 26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

N/A



Chelmsford City Council

1 October 2020

NORTH ESSEX LOCAL PLAN - SECTION 1 PROPOSED MAIN MODIFICATIONS CONSULTATION

Report by: Director for Sustainable Communities

Officer contact: Laura Percy, laura.percy@chelmsford.gov.uk 01245 606486

Purpose

To inform the Committee of the consultation on the North Essex Authorities Shared Strategic (Section 1) Local Plan Proposed Main Modifications and provide a proposed response.

Recommendations

That the Board approve the consultation response to the 'North Essex Authorities Shared Strategic (Section 1) Local Plan – Section 1 Proposed Main Modifications Consultation' set out in Appendix 1.

1. Background and Context

- 1.1 In 2015 the Government invited proposals for new 'Garden Communities' across the UK as a way of tackling the housing crisis. The North Essex authorities as the North Essex Garden Communities (NEGC) group, made up of Braintree, Colchester and Tendring Councils, responded and put forward draft proposals for three new settlements to be designed and delivered to Garden City Principles.

- 1.2. Since then, the North Essex Authorities (NEAs) have been working in partnership through the shared Section 1 of their emerging Local Plans to cover cross-boundary strategic issues. This included the principle of development of the three new Garden Communities at the locations west of Braintree (Rayne, Gt Sailing), Colchester/Braintree Borders (Marks Tey area) and Colchester/Tendring Borders (Essex University/Wivenhoe area).
- 1.3 This Section 1 joint Local Plan was submitted for Examination in October 2017 and hearing sessions took place in 2018. The examination paused at the end of 2018 as the Inspector required further work to be done to support the Section 1 Plan. Additional evidence was then prepared and consulted upon in 2019 and further hearing sessions took place in January 2020.
- 1.4 Following this the Inspector still had concerns about the proposals and wrote to the NEAs in May 2020 setting out two possible options for a way forward with the Section 1 Local Plan:
 1. To propose and consult on main modifications to remove the Colchester / Braintree Borders and West of Braintree GC proposals from the Plan; or
 2. To withdraw the Plan from examination.
- 1.5 The NEAs confirmed that they wished to proceed with the first option – namely to consult on main modifications to remove the Colchester / Braintree Borders and West of Braintree GC proposals from the Plan, which is what this latest consultation is for.
- 1.6 The consultation runs from 27 August to 9 October 2020. It should be noted that the consultation relates specifically to the Proposed Main Modifications and associated documents. It is not an opportunity to repeat or raise further representations about the published plan or to seek further changes to the plan.
- 1.7 The examination of the shared Section 1 Local Plan is following the transitional arrangements, so the proposed housing numbers are not using the standard method introduced in 2018 and will only be affected by new proposals identified in the Government’s Planning White Paper on its first review.

2 Proposals

- 2.1 Chelmsford City Council (CCC) has been supportive of the NEAs Section 1 Plan as it sought to meet the three authorities housing needs. The modifications set out as part of this consultation propose to retain the relevant and necessary housing requirements for each authority and include a commitment to meeting these needs. However, only one garden community between

Colchester and Tendring District Council's borders is retained in the Plan and the remaining housing requirements will need to be identified within each authorities Part 2 Local Plan.

- 2.2 With the removal of two large Garden Communities there is a level of uncertainty as to how and where these needs will be met within the three authorities. There is however currently the intention and commitment for each authority to continue to meet their housing needs in the future with further sites and locations being required to be identified in their Part 2 Plans, which will be consulted upon separately.
- 2.3 The proposed development in the Section 1 Plan as it remains has limited impact on Chelmsford as it lies on the Colchester/Tendring borders. CCC has not previously raised concerns about this development location itself. As this consultation is only concerned with the modifications and not an opportunity to raise new issues or repeat previous objections it is not considered necessary to raise any concerns in respect of the site and principles which remain in the Section 1 Plan.
- 2.4 However, as a result of the removal of two large sites CCC are concerned how the three authorities are to meet their housing requirements in full and until such time as each authorities Part 2 Plans are published for consultation it is unknown if each authority will be able to meet these needs.

3 Conclusion

- 3.1 CCC continues to support the Section 1 Plan and the broad level of commitment in Policy SP3 to meet each authorities housing needs in full and will await further consultations for each authorities Part 2 Local Plans to assess any implications for CCC which may arise from any changes to the identified locations for growth in those Plans, and if each respective authorities housing needs are met.
- 3.2 On this basis the comments attached at **Appendix 1** are recommended to be submitted to the NEAs consultation by 9 October 2020.

List of Appendices

1. Proposed response to NEAs consultation.

Background papers

NEGC Proposed Modification Consultation documents, available at:
www.braintree.gov.uk/NEAMMS1

NEGC examination homepage:

https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_local_plan/4

Corporate Implications

Legal/Constitutional:

Councils have a legal duty to co-operate in their plan preparation.

Financial:

None

Potential impact on climate change and the environment:

N/A

Contribution toward achieving a net zero carbon position by 2030:

N/A

Personnel:

None

Risk Management:

It is important that the City Council respond to the consultations to ensure it can influence decisions taken by these neighbouring authorities on sites for future development and growth.

Equality and Diversity:

(For new or revised policies or procedures has an equalities impact assessment been carried out? If not, explain why)

It is expected that the documents will be subject to Equalities Impact Assessment in accordance with North Essex Authorities normal practice.

Health and Safety:

None

Digital:

None

Other:

None

Consultees:

None

Relevant Policies and Strategies:

This report takes into account the following policies and strategies of the City Council:
Local Plan 2013-2036

CHELMSFORD CITY COUNCIL RESPONSE TO NORTH ESSEX LOCAL PLAN – SECTION 1 PROPOSED MAIN MODIFICATIONS

Chelmsford City Council welcomes the opportunity to comment on the North Essex Authorities Shared Strategic (Section 1) Local Plan – Proposed Main Modifications to help influence the emerging proposals and monitor the key cross-boundary/strategic issues that affect Chelmsford City Council's administrative area.

Chelmsford City Council has worked collaboratively with Braintree, Colchester and Tendring Councils throughout their plan making and is a co-signatory of a Memorandum of Co-operation with the three Local Authorities and Essex County Council.

As part of this co-operation, a jointly Objectively Assessed Housing Needs Assessment (OAHN) and Strategic Housing Market Assessment (SHMA) has been prepared providing a common evidence base for proposed housing numbers across the Housing Market Area (HMA) and demonstrates collaboration under the Duty to Co-operate.

The City Council has reviewed the proposed modifications, Sustainability Appraisal and Habitats Regulations Assessment for this consultation and has the following comments.

Overall, the City Council continues to support the joint Section 1 Local Plan. The proposed development in the Section 1 Plan as it remains has limited impact on Chelmsford. It welcomes the fact that the modifications propose to retain the relevant and necessary housing requirements for each authority in Policy SP3. However, with only one garden community between Colchester and Tendring District Council's borders being retained in the Plan there remains a level of uncertainty as to how and where the three authorities will meet these identified housing requirements.

Chelmsford will await further consultations for each authorities Section 2 Local Plans to assess any implications for CCC which may arise from the identified locations in those Plans, and if each respective authorities housing needs are met.

Chelmsford City Council will continue to actively engage with the North Essex Authorities on their Local Plan preparation through the Duty to Co-operate and to work on any cross boundary matters which arise through each respective authorities Section 2 Plan.

CHELMSFORD POLICY BOARD WORK PROGRAMME

1 October 2020

AGENDA ITEM 7

| Date of Meeting | Report Subject |
|-----------------|--|
| 1 October 2020 | <p>Consultation Response - Government's Planning White Paper - <i>To agree the City Council's consultation responses.</i></p> <p>Consultation Response - Inspector's Main Modifications to the North Essex Authorities' Joint Section 1 Draft Local Plan - <i>To agree the City Council's consultation responses to the Inspector's Main Modification to the Joint Strategic Section 1 Local Plan produced by Braintree, Colchester and Tendring Councils.</i></p> |
| 15 October 2020 | <p>Masterplan – West Chelmsford (Warren Farm) - <i>To consider changes to the final masterplan of the site allocated in Local Plan following the Policy Board's consideration at its meeting on the 23 July 2020.</i></p> <p>Chelmsford Garden Community Development Framework Document (masterplan) Update - <i>To update the Policy Board on progress on the preparation of the Development Framework Document for Chelmsford Garden Community.</i></p> <p>Special Expenses – <i>To receive recommendations from the Connectivity and Local Democracy Working Group</i></p> |
| 5 November 2020 | <p>Masterplan – Land at North of South Woodham Ferrers (provisional date) - <i>To consider final masterplan of site allocated in Local Plan ahead of consideration by Cabinet.</i></p> <p>Authority Monitoring Report (AMR) - <i>To note the contents of the Annual Monitoring Report for 2019/20</i></p> <p>Improving Movement Around the City - <i>To consider the initial findings of the Working Group</i></p> |
| 14 January 2021 | <p>Masterplans – Land at East Chelmsford (provisional date) - <i>To consider final masterplan of site allocated in Local Plan ahead of consideration by Cabinet.</i></p> |

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|--------------|--|
| | <p>Essex Minerals Local Plan consultation (ECC publication date not yet confirmed) - <i>To consider representations to ECC Mineral Local Plan</i></p> <p>Health and Wellbeing Working Group - <i>To consider a report from the Working Group on the implementation of the Health and Wellbeing Plan adopted by the Council in November 2019, including any proposed changes in the focus of the Plan</i></p> |
| 4 March 2021 | <p>Masterplans – Land at Great Leighs (provisional date) - <i>To consider final masterplan of site allocated in Local Plan ahead of consideration by Cabinet.</i></p> <p>Chelmsford Garden Community Development Framework Document (masterplan) Update - <i>To update Policy Board on progress</i></p> |
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