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FENLAND DEVELOPMENT FORUM

WEDNESDAY, 16 OCTOBER 2019

3.00 - 5.00 PM

COUNCIL CHAMBER, FENLAND HALL, COUNTY ROAD, MARCH AGENDA

Agenda Number	Topic for discussion
1.	Introduction and Apologies
2.	Review of Action Schedule from Last Meeting held on 10 July 2019 (Pages 3 - 16)
3.	100k Homes Presented by Charles Roberts and Emma Grima, East Cambs
4.	Fenland Local Plan Review, Issues and Options Consultation Presented by Gemma Wildman and Ed Dade, FDC
5.	Update on discussions with Middle Level and regarding Local Land Charges
6.	Performance and Staffing update
7.	Any other business

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No	Action Point	Allocation	Timeframe	Update
1	<u>Introduction and Apologies</u>			<p>Apologies from: Lee Bevens, Stephen Buddle, Eugene Cooper, Cllr Anne Hay, Keith Hutchinson, Carol Pilson, David Rowen, Martin Williams, Christian Wilson and Justin Wingfield.</p> <p>Attendees: Dino Biagioni, Ted Brand, Marcel Cooper, Hilary Ellis, Gary Garford, Councillor Mrs Dee Laws, John Maxey (Chairman), Leigh Middleton, Nick Mitchell, Nick Harding, Gary Roberts, Councillor Will Sutton, David Thomas and Gemma Wildman.</p>
2	<u>Review of Action Schedule from Last Meeting held on April 3 2019</u>			The action schedule of the meeting of 3 April 2019 was agreed and approved.
3	<u>Barriers to delivering sites following planning permission</u>			David Wyatt had intended to present this item but was unable to attend, therefore it was agreed to defer this item to the next meeting.
4	<u>Affordable Housing and stalled sites</u>			<p>NH highlighted that as part of the work on the new Local Plan, there will be the identification of the level of housing need that there will be in Fenland over the plan period.</p> <p>It will identify an appropriate split for affordable housing and also a preferred delivery model using information gathered, as the Council will have an insight into those people who are identified as being in greatest housing need in respect of affordability. All the investigations and decisions will form part of the Local Plan process.</p>

Agenda Item 2

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				<p>NH highlighted that the work in relation to identifying housing need and the appropriate split will come through the housing market assessment work. He added that with regard to stalled sites, the Council has put forward a number of sites to the Combined Authority for funding so that those sites have more affordable housing units on them than would otherwise be the case. He added that the funding is only released if the scheme demonstrates value for money as there is a limit per unit that the Combined Authority is prepared to contribute. There are 2 schemes in our area that have been successful in obtaining that funding, however we would be happy to receive any further sites that members of the Forum feel are suitable for Combined Authority funding which can be passed on. NH stressed that it is important that viability information will have to be submitted to the Combined Authority in order for them to consider schemes.</p> <p>NH added that with respect to the Combined Authority processes for considering funding development schemes and the frustrations faced by Planning Officers who may receive a planning application which has indicated that it has got viability issues but the Combined Authority are not in a position to consider those schemes whilst they were 'live'. This meant that planning permission would be granted with a section 106 which has a reduced level of affordable housing being provided and therefore, in order to increase the number of dwellings, there had to be another process. This has made it difficult for all involved parties. The Council have lobbied the Combined</p>

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				<p>Authority to ask them consider potential funding for potential planning application schemes that are currently live and not determined so that as and when a planning permission is issued along with the associated section 106 it reflects that a decision has been made positively for that scheme to funded in part by the Combined Authority.</p> <p>NH stated that a number of officers from FDC have met with Homes England, the Combined Authority and a number of registered providers to discuss how there can be better engagement with regard to the delivery of housing within Fenland. The feedback from that meeting is currently being reviewed to work out how best this engagement can take place.</p> <p>NH mentioned that the Combined Authority have just launched a development company and are looking for sites of up to 40 units where development can commence by 2022. The Council are combing through our 5-year land supply information and records to try and see if there are any suitable candidates. NH asked the Forum if they have any sites that would like to be brought forward to the Combined Authority then please let NH know. The sites need to be outright purchase sites and physically build those developments out.</p> <p>JM asked NH to clarify what mechanism is in place with regard to the Local Plan in setting its policies taking into account viability, as it would seem that there is an opportunity for the Forum to collaborate on working on an agreed viability assessment. There needs to be a robust and</p>

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				<p>properly carried out assessment.</p> <p>NH stated that one of the tasks of the policy team will be to identify what the natural viability position is of the district to set the level of section 106 contributions that we will be looking for. Also for the larger sites that are allocated, there will be a site specific exercise carried out so that when the policy associated with that allocation is drawn up there will be the ability to identify what is the appropriate level of S106 for that site. This way of working is included in new Government national policy on section 106 CIL/viability and the Government are keen that viability challenges at the point of which planning applications are submitted are going to be reduced.</p> <p>The Chairman added that he would encourage engagement with developers and agents.</p> <p>The Chairman asked for clarification with regard to the Combined Authorities development company as to whether they are looking for whole sites or just affordable parts of large sites. NH did not know the answer however stated that if anybody has a proposal please could they let either himself or Dan Horn know and it can be put forward to the Combined Authority.</p> <p>Ted Brand asked whether the Combined Authority funding is just for Infrastructure. NH stated that in terms of the up to 40 homes, that is the Combined Authority operating as a development company and with regard to other contributions they will consider grant assistance towards putting in infrastructure and site acquisition.</p>

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				<p>GG added that they recognise that the delivery of housing will impact on jobs and growth and they want to do what they can to stimulate the market.</p>
5	<p><u>Local Plan Review -update</u></p>			<p>Gemma Wildman presented to the group and explained she is part of the team working on the new Local Plan for Fenland.</p> <p>In February the timetable for the new Local Plan was agreed. This timetable will be updated monthly going forward and will appear on the Council's website.</p> <p>In October 2019 there will be a public consultation for 6 weeks which will form part of the issues and options report which will be a series of questions. There will be no draft policies. Further details will be presented to Cabinet on 19 September.</p> <p>If any members of the forum wish to be included onto the distribution group for the local plan consultation, you need specifically request that by emailing: localplan@fenland.gov.uk</p> <p>Gemma added that she will present again to the forum in October.</p> <p>The first stage will be questions and at the same time there will be a call for sites.</p> <p>Following this, there will be a review of the sites, carry out a site assessment process and then work will commence on a draft version of the Local Plan, which is scheduled to go out for consultation in May 2020. She explained it is 3-year process and it is hoped the plan will be</p>

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				<p>adopted by February 2022.</p> <p>The Chairman added that can the assumption be made that the intent is to have a plan with specific allocations rather than criteria. Gemma said yes that is the assumption but it may change. Nick Harding added that there may be an exception with regards to the Garden Town, as there is a reasonable prospect that the bulk of the Garden Town if it is identified within the Local Plan will be for development predominantly post plan period and therefore will not be identified as an entity to meet the housing requirement in this plan period.</p> <p>The Chairman asked following the call for sites then the next stage will be to move to preferred sites? Gemma stated that there are 3 formal consultation stages and once all the sites have been received which is estimated to be December 19, a key issues report will be published which will summarise the outcomes of the consultation, including a listing of all the suggested sites that were submitted.</p> <p>Then an informal consultation with statutory bodies such as the EA and Natural England and also partnership working with internal partners to identify preferred sites.</p> <p>Gemma stated that the full timetable is currently on the website and the monthly updates will appear going forward.</p> <p>The web link for all the news, updates and matters relating to the Local Plan can be found at:</p>

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				https://www.fenland.gov.uk/article/14143/Emerging-Local-Plan
6	<p><u>Update following meeting with Middle Level and Land Charges</u></p>			<p>The Chairman explained that a meeting had taken place with members from Middle Level, Developer Forum, County Council and the District Council.</p> <p>At this meeting issues were discussed and it was clear that there are different bodies applying different standards for dealing with surface water drainage.</p> <p>For example Building Control has a requirement that a calculation is taken on a 1 in 10 year basis, Middle Level and NPPF use 1 in 100 with a suitable allowance for climate change which could be up to 40%.</p> <p>Some of the problems that have arisen with soakaways having been signed off and then Middle Level not being happy with them have arisen as they have been built with building control approval on a 1 in 10 year basis or in some cases on the basis of the manufacturers recommendations irrespective of what pecculation tests may or may not have been carried out.</p> <p>The principle of using local land charges to control this was discussed. JM added that under the local land charges act there is a questionable point as to whether local land charges can be used to enforce bylaws. Further discussion on this aspect is still to take place.</p> <p>The suggestion has been made as to whether this could be dealt with rather than having a local land charge by comprehensive condition on planning</p>

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				<p>consents that require surface water drainage to be provided based upon proper investigation, i.e. BRE 365 percolation tests and proper calculation to the NPPF standard. This information would then need to be submitted in discharging that condition so there was confidence that it had been carried out by a qualified person to the required standard.</p> <p>The Chairman added that another part of the issue about having a condition is whether the local authorities involved are able to find a resource to be able to deal with the resulting discharge applications.</p> <p>David Thomas from Middle Level stated that they would never seek to place a local land charge on a property; they would put an alert, via a note on the land charges register via the planning authority to state that there may be an issue with regard to surface water drainage so a potential buyer is aware that there are unresolved matters. He added that clarification is sought so local authorities are all working from the same set of rules.</p> <p>The Chairman added that what developers and agents require is some clarity, but also a single point of contact to get all matters related to surface water dealt with and signed off.</p> <p>Nick Harding explained that it is not possible to be able to hire an additional resource to facilitate the checking of surface water details submitted for approval by the local planning authority.(this is the system the working group wished to see introduced)</p>

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				<p>A discussion to consider possible solutions to reach a satisfactory outcome took place. Gary Garford added that the core issue is to stop flooding and if we are dealing with major and minor applications, is there a need because of the less risk to check the minor applications or is there just the need to ensure major applications comply.</p> <p>Middle Level provides 15 minutes of free advice to householders with regard to drainage.</p> <p>Further discussion took place concerning processes and the lack of resources. The Chairman stated that at the very least a compliance condition would make people aware that they have to design to the right standard.</p> <p>NH added that there are already notes on permissions that advise that developers should liaise with Middle level regarding any surface water discharges to their systems and going forward he would be happy to adjust or add another note which says 'In order to avoid a note going on land charges, you are strongly advised to contact Middle Level and have confirmation that any soakaways you are proposing are designed appropriately.'</p> <p>David Thomas added his preference would still be some type of condition and the Chairman said yes a condition at outline planning and a land charge note at reserved matters stage if the reserved matters application does not include the full drainage details would seem to be a situation which in most cases mean they include their details in the wit the reserved matters and it</p>

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				<p>avoids 99% of the notes.</p> <p>Ben Hornigold commented that there is no reason why at outline stage a BRE 365 test cannot be carried out on site to see whether the site is suitable to take infiltration systems.</p> <p>Lee from Middle Level suggested the following website which may help developers when looking at quality of land including soil type.</p> <p>www.mapapps.bgs.ac.uk/geologyofbritain/home.html</p> <p>The Chairman concluded by saying that there are ideas on the table as to how we may move the issue forward to try and find a satisfactory solution.</p> <p>The Chairman added that in his opinion there is no reason why a compliance condition on the standard of design for soakaways could not be put in place and this would provide the right type and quality of drainage.</p>
7	<u>Royal Haskoning flood management report</u>			<p>Gary Garford gave the forum an update on the modelling approach work to the River Nene in connection with the Garden Town project. The project involved looked at Dutch modelling techniques and created flood situations and looked at ways of proactively managing the flood situation from the results of the model.</p> <p>The Environment Agency and the Internal Drainage Boards were involved in the process and the model now satisfies the river and the fluvial and all agencies are happy with the results. Further detailed work is now required to look at</p>

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				<p>the development and the review of management techniques within the development to manage the flood. Whilst the EA are happy with the work carried out to date they are not prepared to sign the project of totally as it does contravene the NPPF approach.</p> <p>There have been high level meetings with Central Government who are also interested in the technique and modelling. The outcomes also looked at the potential of a barrier on the River Nene, with the preferred option being South of Sutton Bridge.</p> <p>The cost of the defences is between £80,000,000 and £100,000,000 and would remove Wisbech out of flood zone 3.</p> <p>Anglian Water has recognised that a barrier would help water resource due to the fact that East Anglia is a climate change dry spot and the fact that in the next 10 – 15 years there will problems with regard to water.</p> <p>The next stage of the Garden Town Project should be commissioned in the next couple of months which will include full viability, market testing and a master plan, whilst also looking at a cross benefit analysis to see if it is worth pursuing. Other factors to be considered with the study include the business case for the A47 duelling and also for the rail link. The study should take 12 months and the outcome of the A47 study is due in August and the rail study is due in January. The Government have stated that they would like to use Wisbech as a climate change resilient town of the future.</p>

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				<p>Gary Garford agreed to put a presentation together for the next forum scheduled in October.</p> <p>Gary Garford added that with regard to the Anglian Water report, the Government are looking at the new water resource plan, which is out for consultation and if anyone wishes to make any comments on the Strategic Flood Plan for the country.</p> <p>The link for this is</p> <p>DEFRA are hosting a 'Call for Evidence' seeking evidence on key flood and coastal issues to help develop a flood and coastal erosion and national infrastructure strategy:</p> <p>Government website:</p> <p>https://www.gov.uk/government/consultations/flood-and-coastal-erosion-call-for-evidence</p> <p>DEFRA website:</p> <p>https://consult.defra.gov.uk/flooding/call-for-evidence-flooding-and-coastal-erosion/</p>
8	<u>5 year land supply update</u>			<p>Gemma Wildman advised the forum that the recent 5 year land supply report had been published.</p> <p>It shows that there are 7.18 years identified of supply of land. This is calculated based on the Governments new method that was introduced a</p>

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				<p>year ago in the NPPF and national guidance.</p> <p>It takes into account the Governments standard methodology for housing need and the number for Fenland is 550 per year.</p> <p>The Chairman added that the reason that the figures have increased is not due to a higher number of planning consents but the fact that there is no backlog.</p> <p>The Chairman added that there is still the need to deliver sites.</p>
9	<u>Performance and Staffing Update</u>			<p>Nick Harding provided an update on performance and staffing.</p> <p>He highlighted to the Forum, Members of staff who had left the Planning Team and also the new starters who have joined the department.</p> <p>He confirmed that at the end of May - 70% in 5 working days, following a period of sickness and absence.</p> <p>The results for last month have just been released and there is a further improvement in performance and there is no backlog beyond 5 days with regard to validation.</p> <p>With regard to planning application performance against the government standard with extensions of time taken into account, the figures are pleasing.</p> <p>The Chairman added that no major applications</p>

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				<p>are being dealt with in 13 weeks and he is concerned that none are going through within the 13 week period. Nick Harding agreed to report on that at the next meeting.</p> <p>The Chairman highlighted that the appeal process seems to be taking a considerable amount of time to commence.</p>
10	<u>Any other business</u>			<p>The dates of the future meetings are.</p> <p>October 16, 2019</p> <p>January 15, 2020</p> <p>April 1, 2020.</p> <p>Meetings all commence At 3.00pm and are held in the Council Chamber at Fenland Hall.</p>

Finish: 5.00 pm