



# Epping Forest District Council

## **GOVERNANCE SELECT COMMITTEE** **Tuesday, 4th April, 2017**

You are invited to attend the next meeting of **Governance Select Committee**, which will be held at:

**Committee Room 1, Civic Offices, High Street, Epping**  
**on Tuesday, 4th April, 2017**  
**at 7.15 pm .**

**Glen Chipp**  
**Chief Executive**

**Democratic Services**  
**Officer**

S. Tautz  
Tel: (01992) 564243 Email:  
democraticservices@eppingforestdc.gov.uk

### **Members:**

Councillors N Avey (Chairman), G Chambers (Vice-Chairman), D Dorrell, L Hughes, S Jones, S Kane, H Kauffman, M McEwen, L Mead, B Rolfe, D Stallan, B Surtees, H Whitbread and D Wixley

---

#### **1. APOLOGIES FOR ABSENCE**

#### **2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Director of Governance) To report the appointment of any substitute members for the meeting.

#### **3. NOTES OF PREVIOUS MEETING (Pages 3 - 20)**

(Director of Governance) To agree the notes of the meeting of the Select Committee held on 31 January 2017.

#### **4. DECLARATIONS OF INTEREST**

(Director of Governance). To declare interests in any items on the agenda.

In considering whether to declare a pecuniary or a non-pecuniary interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 9 of the Code in addition to the more familiar requirements.

This requires the declaration of a non-pecuniary interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the

Council is involved and of which the Councillor is also a member.

Paragraph 9 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

**5. TERMS OF REFERENCE & WORK PROGRAMME (Pages 21 - 26)**

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the attached Terms of Reference for the Select Committee for 2017/18.

The updated work programme for the Select Committee for 2017/18 is also attached. The Committee is requested to review current progress with the achievement of the work programme.

**6. GOVERNANCE DIRECTORATE - REVIEW OF ENFORCEMENT ACTIVITIES (Pages 27 - 30)**

(Director of Governance) To consider the attached report arising from the work programme for the Select Committee for 2017/18.

**7. PLANNING APPLICATION VALIDATION CHECKLIST & VIABILITY GUIDANCE FOR AFFORDABLE HOUSING (Pages 31 - 90)**

(Director of Governance) To consider the attached report arising from the work programme for the Select Committee for 2017/18.

**8. KEY PERFORMANCE INDICATORS 2017/18 - REVIEW & TARGETS (Pages 91 - 94)**

(Director of Governance) To consider the attached report.

**9. OVERVIEW & SCRUTINY COMMITTEE - REPORTS TO NEXT MEETING**

To consider any reports to be made to the next meeting of the Overview and Scrutiny Committee.

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF GOVERNANCE SELECT COMMITTEE  
HELD ON TUESDAY, 31 JANUARY 2017  
IN COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.15 - 8.55 PM**

- Members Present:** G Chambers (Vice-Chairman), D Dorrell, L Hughes, S Jones, S Kane, H Kauffman, M McEwen, D Stallan (Vice-Chairman of the Council), H Whitbread, D Wixley, M Sartin and J Lea (Chairman of the Council)
- Other members present:** R Bassett, J Philip, A Mitchell, G Shiell and J H Whitehouse
- Apologies for Absence:** N Avey, L Mead and B Rolfe
- Officers Present** N Richardson (Assistant Director (Development Management)), S Hill (Assistant Director (Governance & Performance Management)), J Leither (Democratic Services Officer) and A Hendry (Senior Democratic Services Officer)

**34. WEBCASTING ANNOUNCEMENT**

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet and that the Council had adopted a protocol for the webcasting of its meetings.

**35. APPOINTMENT OF VICE CHAIRMAN**

In the absence of the Chairman who had tendered his apologies, the Vice-Chairman became the Chairman and requested nominations for the role of Vice-Chairman.

**RESOLVED:**

That, in the absence of a Vice-Chairman, Councillor S Kane be appointed as Vice-Chairman for the duration of the meeting.

**36. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

The Select Committee noted that Councillors M Sartin and J Lea were substituting for Councillors N Avey and B Rolfe.

**37. NOTES OF PREVIOUS MEETING**

**RESOLVED:**

That the notes of the last meeting of the Governance Select Committee held on 29 November 2016 be agreed as a correct record.

**38. DECLARATIONS OF INTEREST**

There were no declarations of interest made pursuant to the Member's Code of Conduct.

### **39. ESSEX COUNTY COUNCIL HIGHWAYS PRESENTATION**

The Committee received a presentation from Matthew Lane, Strategic Development Engineer and Matthew Bradley, Strategic Development Manager from the Transportation, Planning and Development Team at Essex County Council Highways in the role of Essex County Council as Highway Consultee. Mr Lane advised that they were invited to the Select Committee to give a brief overview of the work that they were responsible for within the County.

#### **Strategic Development Team Arrangement**

The Transportation, Planning and Development team were based in County Hall, Chelmsford and consisted of Engineers and Officers who covered twelve districts within Essex. The work they dealt with varied and could be anything from a vehicle crossover on an unclassified road to thousands of houses as part of the Local Plan strategic site allocations, the work can be very varied and on a huge scale. We are there to provide a statutory response as a consultee to all the local planning authorities within Essex. We also respond to Essex County Council Waste and Mineral planning authority which deal with quarries and schools. Essentially we are there to protect the safety and efficiency of the highways network.

#### **The Role of the Strategic Development Team**

Their role was to provide responses to planning applications as a statutory consultee to both Local Planning Authorities and Essex County Council, Waste and Mineral Planning Authority. To protect the safety and efficiency of the highway network and to promote the use of sustainable travel.

#### **Consideration of an Application**

EFDC would consult the Strategic Development Department with an application. It was then the responsibility of the team to look through the application in detail and either contact EFDC for more information or if there was sufficient information to determine the application within 21 days of receipt.

#### **Assessing an Application**

When considering an application, for the majority of proposals, a site visit would need to be arranged and to take into consideration, if the site had previously been considered and there were no changes then the decision would remain as previously determined and a site visit would not be needed.

Depending on the scale of the proposal a transport assessment would be required for 50 or more residential dwellings, to take into consideration the junction impact, site access and sustainable travel in the area. The applicant would employ transport consultants to produce a TA and they would conduct a traffic count and speed data and model the impact of the assessment. ECC would assess the modelling and check that it was done within industry standards. That could then lead on to sustainable travel considerations especially where people want to reduce their vehicle movements and there could be better bus services, good footways and cycle route connections.

We consult with a variety of other departments within the Highway Authority for example Passenger Transport and Public Rights of Way to see if traffic calming can be implicated and yellow line provision in developments. Internal roads would be

checked with the Essex Design guide making sure they are fit for purpose with appropriate turning.

We also check that new dwellings comply with the Parking Standards, unfortunately we have a different view to the districts and boroughs view regarding the Parking Standards as we have to look at it as highway safety not in the loss of parking.

Once we have investigated and completed an application we would then come to our recommendations which would consist of:

- a) From a highway and transportation perspective the Highway Authority had no comments to make on the proposal.
- b) From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:
  - Must accord with both National and Local Planning Policies; and
  - Conditions/Works to mitigate the impact of the development.
- c) From a highway and transportation perspective the impact of the proposal is not acceptable to the Highway Authority for the following reasons:
  - Contrary to both National/Local Policies;
  - Safety Issues – evidence based;
  - Unable to mitigate the impact of the development.

### **Frequent Highway Misconceptions**

Perceived traffic impact and speed – we don't look to assess impact until there are over 50 dwellings as anything smaller would not impact on the highways. If there was a safety measure then we would look at the application.

Residential amenity – was a planning issue and the planners would take this on board.

Pre-existing safety and congestion issues – we would not be able to refuse this as it was the lawful use of that site. The same with congestion at a junction if nothing could be done to improve it then we wouldn't be able to refuse,

Personal circumstances – we cannot take personal circumstances into account.

Mitigation that cannot be justified in line with the NPPF paragraph 204 – necessary, related to and reasonable.

### **Additional Responsibilities**

Applicants come to us for Pre-Application advice, although we cannot determine the application we do advise them on what they need to do and what we need to see as part of that application.

The meeting was then opened up to questions from Members.

**Q.** Regarding site visits, how many officers are in the team that cover Essex?

**A.** There are currently 17 officers in the team that cover Essex there was a vacancy which was expected to be filled soon and the team would be up to full strength with 18 officers. Due to some of the Engineers being engaged on the Local Plan, funding has been secured to employ 2 new temporary posts that have been created for 18 months.

**Q.** Mr Lane earlier you said that you covered the Epping Forest District are you responsible for any other areas?

**A.** Mr Lane replied that along with the Epping Forest District he also covered Harlow and Maldon.

**Q.** There was a perception, by the general public that you do not visit sites, therefore could you supply the EFDC officers with information in your report on the date and time that you visited the site, if not could this be arranged as it would help Members to decide on planning applications?

**A.** It would depend on what the proposal was for and that he would not necessarily have to visit sites on exact days and times, therefore it would not be feasible to pass on this information. The Officer advised that he attended the EFDC offices weekly and he would do the site visits either on his way to Epping or on the way back to his office. Timed visits were rare, but if it was necessary, for example a busy junction with a proposal of 1,000 new houses to be built, officers would sit out in peak times to see how junctions performed.

**Q.** Members weren't aware that Public Rights of Way came under your remit, would you be able to supply EFDC officers with a report if this occurred within an application?

**A.** Where a footpath was outside of the red line on an application we would have no comment. If the footpath went through the development and the applicant had made no provision for the footpath to be diverted then officers would act upon this and refer it to the PRoW department as this would fall under their remit.

**Q.** Passenger transport when Members are advised that a place has suitable passenger transport it would be good to have this in your report. I accept that Loughton has an excellent passenger transport system but areas that are more rural there are limited bus services and no timetables, bus routes stop without warning and there are no tube links. It would help Members to understand what you thought was a suitable level of passenger transport in an area that we were determining an application in?

**A.** We would not comment on levels of service unless it was for a large development or a bus stop improvement.

**Q.** Unless there were more than 50 houses on a development, officers did not seem concerned about the road, the amount of traffic and the parking stress. Members expressed concern regarding the roads that were considered dangerous, where there was a history of accidents, the roads weren't wide enough for lorries to pass with deep ruts in either side of the road. Why were these overlooked and developments allowed to be built?

**A.** When a development of 50+ houses were proposed, we would ask for a transport assessment. A transport assessment would look at the capacity of road junctions. All of the things mentioned regarding road widths and accidents, they would automatically be looked at irrespective of the size of the development.

**Q.** Was the National Policy Planning Framework (NPPF) the only guide that the officers were guided by or did they use something else like a national guide for highways?

**A.** We would always refer to the NPPF as this was our main guide. Locally we would also use our own highways policies which defined priority 1, 2 roads and local roads around the district.

**Q.** In an already very heavily congested area in our district a retail park was being built, when would you do a traffic assessment for this kind of development as in

the past traffic assessments have been know to be conducted in school holiday periods?

**A.** We wouldn't carry out a transport assessment for a large scale development in the school holidays or during the night.

Not many large scale applications are applied for in this district as we are mainly a green belt authority. Highway improvements in connection with the Epping Forest Retail Park along Chigwell Lane/Rectory Lane are necessary otherwise that development would not have been able to go ahead. The Retail Park would attract more traffic but the highway improvements would solve this.

**Q.** We are somewhat in disbelief when, we as local Members, refuse a planning application knowing that the area is very congested and the chaos it would cause to our local roads. The application went to appeal and because we did not get any back-up from you the appeal was granted in favour of the applicant. This happened in an area in Loughton, Church Hill where an application for a supermarket was granted, on a busy through road, next to a public house and a petrol station. The lorries turn up to make deliveries and cause road blocks and congestion as there was insufficient room to park, they have to reverse into the petrol station to unload the goods for the store, therefore making it difficult for cars to get in and out of the store or petrol station.

**A.** Mr Lane advised that he was involved with this proposal for approximately 2 years before an application was submitted. During this time the site had numerous road safety assessments done on it and we felt it was thoroughly assessed. We could not support the appeal because we did not have a technical reason for refusal.

**Q.** With regard to site lines, what do you require on a less than 50 scheme development as a safe site line on a road?

**A.** There was a standard based on speed limit and that was one of the key things we would look at, we work to the NPPF guidelines with regards to safety. We try to secure appropriate visibility for the speed of the road and take into account the lawful use of the site.

**Q.** Members were concerned that there were no resources to have more of our own independent surveys and data for applications and not have to take the applicants data as our only source and trust that the information was correct.

**A.** On the bigger applications we meet with the developer and agree on a scope with them. They go away and get surveys and data from consultants, we ask for the transport assessments to be supplied to us in raw data so that we are able to check that the information provided was truly representative of that application. We also then do our own checks by checking the parameters at junctions to observe the junctions and watching human interaction and don't rely totally on the traffic impact assessments from the developers.

**Q.** We sit with a very long Hertfordshire Border and obviously we have concerns about the Gilson development than it will have impact on the road systems both east and west of Harlow as traffic comes through to go towards other parts of the district including London. What input would you have into this, if any?

**A.** There was a traffic model that had been produced for Harlow and the surrounding area and we are very much poised to let the developer of the Gilson site pay for some runs of that model with his development put into the middle. The only complication of that was that we had to look at several different scenarios and junction 7a on the M11 had come out of the requirements of the Gilson site and other planned developments in the area. Developers are therefore paying the County Council to employ their own consultants are doing these model runs on behalf of the

developers. We are working closely with the officers at Hertfordshire County Council to make sure we are all in agreement with the way forward.

**Q.** In terms of the process of assessment when it is an industrial application is there any variation in the process?

**A.** No, essentially it is exactly the same.

#### **40. KEY PERFORMANCE INDICATORS 2016/17 - QUARTER 3 PERFORMANCE**

The Select Committee received a report regarding the Key Performance Indicators 2016/17 – Quarterly Performance Monitoring (Quarter 3) from the Performance Improvement Officer.

The Local Government Act 1999 required that the Council made arrangements to secure continuous improvement in the way in which its functions and services were exercised having regard to economy, efficiency and effectiveness.

As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPIs) relevant to the Council's services and key objectives were adopted each year by the Finance and Performance Management Cabinet Committee.

A range of 37 Key Performance Indicators (KPIs) for 2016/17 were adopted by the Finance and Performance Management Cabinet Committee in March 2016. The overall position with regard to the achievement of target performance for all of the KPIs at the end of Quarter 3 was as follows:

- (a) 26 (70%) indicators achieved third quarter target;
- (b) 11 (30%) indicators did not achieve third quarter target, although 4 (11%) of KPIs performed within the agreed tolerance for the indicator; and
- (c) 31 (84%) indicators are currently anticipated to achieve the cumulative year-end target, and a further 3 (8%) are uncertain whether they will achieve the cumulative year-end target.

Five of the KPIs fell within the Governance Select Committee's area of responsibility. The overall position with regard to the achievement of target performance at the end of Q2 for these 5 indicators were as follows:

- (a) 3 (60%) indicators achieved target;
- (b) 2 (40%) indicators did not achieve target; however
- (c) 0 (0%) of these KPIs performed within the agreed tolerance for the indicator; and
- (d) 3 (60%) of indicators were currently anticipated to achieve year-end target and a further 1 (20%) indicator is uncertain whether it will achieve year-end target.

#### **RESOLVED:**

That the progress made on the Key Performance Indicators 2016/17 – Quarterly Performance Monitoring (Quarter 3) be noted.



**41. CORPORATE PLAN KEY ACTION PLAN 2016/17 - QUARTER 3 PROGRESS**

The Select Committee received a report regarding the Corporate Plan Key Action Plan 2016/17 – Quarter 3 from the Performance Improvement Officer.

The Corporate Plan was the Council's key strategic planning document, setting out its priorities over the five year period from 2015/16 to 2019/20. The priorities or Corporate Aims were supported by Key Objectives which provided a clear statement of the Council's overall intentions for these five years.

The Key Objectives were delivered by an annual action plan, with each year building upon the progress against the achievement of the Key Objectives for previous years. The annual action plans contained a range of actions designed to achieve specific outcomes and were working documents and subject to change.

The Corporate Plan Key Action Plan for 2016/17 was agreed in March 2016, progress in relation to all actions and deliverables was reviewed by the Cabinet, the Overview and Scrutiny Committee and the appropriate Select Committee on a quarterly basis.

There were 49 actions in total for which progress updates for Quarter 3 were as follows:

- (a) 26 (53%) of these actions had been Achieved or were On Target;
- (b) 13 (27%) of these actions were Under Control;
- (c) 4 (8%) were Behind Schedule; and
- (d) 6 (12%) were Pending.

There were 8 actions that fell within the areas of responsibility of the Governance Select Committee at the end of Quarter 3 and these were:

- (a) 6 (75%) of these actions had been Achieved or were On Target;
- (b) 2 (25%) of these actions were Under Control;
- (c) 0 (0%) of these actions were Behind Schedule; and
- (d) 0 (0%) of these actions were Pending.

**RESOLVED:**

That the Corporate Plan Key Action Plan 2016/17 Quarter 3 Progress Report be noted.

**42. TERMS OF REFERENCE AND WORK PROGRAMME****RESOLVED:**

- (1) That the Terms of Reference and the Work Programme be noted.

**43. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

The Director of Governance advised members that the select committee would be requiring new items for next year's work programme. The following were suggested:

- (a) Work in relation to complaints to the end of year;
- (b) Development Management Chair and Vice-Chair's Meeting;
- (c) Review of the Operation of the Council's Petitions Scheme;
- (d) Analysis of Compliments and Complaints – data identifying trends;
- (e) Review of enforcement across the services of the Governance Directorate; and
- (c) Building Control report for April 2017.

**44. DATE OF NEXT MEETING**

The next meeting of the Governance Select Committee would be held on Thursday 4 April 2017 at 7.15pm in Committee Room 1.

# The Role of Essex County Council as Highway Consultee

Page 01

Matthew Lane/Matthew Bradley

Jan 2017



Minute Item 39

# Strategic Development Team Arrangement

- A team of Engineers and Officers
- Covering 12 districts within Essex
- Based in County Hall
- Form part of the Transportation, Planning and Development team - managed by Sean Perry
- Vehicular crossings to large strategic allocations

# The Role of the Strategic Development Team

- To provide responses to planning applications as a statutory consultee to both Local Planning Authorities and Essex County Council as Waste & Mineral Planning Authority
- To protect the safety and efficiency of the highway network
- To secure appropriate mitigation to the highway network
- To promote the use of sustainable travel

# Considering an Application

- Timescale – 21 days from receipt of consultation
- Consider:
  - Does the application contain sufficient information?*
  - No** Contact Planning Officer and discuss options
  - Yes** The application is the subject of a detailed review by the relevant officer

# Assessing an Application – 1

- Site visit for the majority of proposals
- Consider:
  - Site history
  - Local Plan/NPPF
  - Highway Authority's DM Policies
  - Accident history
- Transport Assessment/Statement as necessary
- Sustainable Travel Considerations
- If necessary, consultation with other departments within the Highway Authority e.g. Public Rights of Way, Passenger Transport etc.

# Assessing an Application – 2

- Site access (visibility and geometry):
  - DMRB or MfS & MfS2
- Full and/or reserved matters applications:
  - Internal layout
  - Essex Design Guide
  - MfS & MfS2
  - Parking Standards



# Assessing an Application – 3

- Recommendation:

- From a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

OR

- From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

- Requirements:

- Must accord with both National and Local Planning Policies
- Conditions/Works to mitigate the impact of the development

OR

- From a highway and transportation perspective the impact of the proposal is **NOT** acceptable to the Highway Authority for the following reasons:

- Requirements:

- Contrary to both National/Local Policies
- Safety Issues – evidence based
- Unable to mitigate the impact of the development

# Frequent “Highway” Misconceptions

- Perceived traffic impact/speed
- Residential amenity
- Pre-existing safety and congestion issues
- Construction issues
- Personal circumstances
- Mitigation that cannot be justified in line with NPPF paragraph 204: necessary, related to and reasonable.

# Additional Responsibilities

- Pre- Application advice
- Highway evidence for Appeals
- Highway advice for emerging Local Plans
- Legal instructions for S106 & Highway Works Agreements
- Managing implementation of Highway Works (S278) & Adoption of roads (S38) Agreements (Essex Highways)
- Monitoring S106 Agreements (Infrastructure Planning team)
- Licences/Consents for 'paraphernalia' in the highway (Essex Highways)

# Thank you and any questions?

Matthew Lane

Strategic Development Engineer

Transportation, Planning and Development

Essex County Council

Telephone: 03330 130591 or 07747 486164

Email: [matthew.lane@essex.gov.uk](mailto:matthew.lane@essex.gov.uk)

## GOVERNANCE GOVERNANCE SELECT COMMITTEE

### TERMS OF REFERENCE 2016/17

**Title:** Governance Select Committee

**Status:** Select Committee

1. To undertake overview and scrutiny, utilising appropriate methods and techniques, of the services and functions of the Governance Directorate;
2. To develop a programme of work each year, informed by relevant service aims and member priorities, to ensure that the services and functions of the Governance Directorate are appropriate and responsive to the needs of residents, service users and others;
3. To consider any matter referred to the Select Committee by the Overview and Scrutiny Committee, the Cabinet or a relevant Portfolio Holder, and to report and make recommendations directly to the Committee, the Cabinet or such Portfolio Holder as appropriate;
4. To consider the effect of Government actions or initiatives on the services and functions of the Governance Directorate and any implications for the Council's residents, service users and others, and to respond to consultation activities as appropriate;
5. To establish working groups as necessary to undertake any activity within these terms of reference;
6. To undertake pre-scrutiny through the review of specific proposals of the Council and its partner organisations or other local service providers, insofar as they relate to the services and functions of the Governance Directorate, to help develop appropriate policy;
7. To undertake performance monitoring in relation to the services and functions of the Governance Directorate, against adopted key performance indicators and identified areas of concern;
8. To identify any matters within the services and functions of the Governance Directorate that require in-depth scrutiny, for referral to the Overview and Scrutiny Committee; and
9. To recommend the establishment of task and finish panels to the Overview and Scrutiny Committee as necessary, in order to undertake any activity within these terms of reference.

**Chairman:** Councillor N Avey

This page is intentionally left blank

## Governance Select Committee (Chairman – Councillor N Avey)

### Work Programme 2016/17

Item	Report Deadline/Priority	Progress/Comments	Programme of Meetings
(1) Review of the Elections May and June 2016	29 September 2016	Review of the processes for the EU Referendum, District Council and Parish Council Elections <b>COMPLETED</b>	5 July 2016; <del>29 September;</del> 29 November; 31 January 2017; and 4 April 2017
(2) Review of Public Consultations	5 July 2016	Annual Review - <b>COMPLETED</b>	
(3) Key Performance Indicators (KPIs) 2015/16 - Outturn	5 July 2016	Outturn KPI performance report for 2016/17 to be considered at meeting on 4 July 2015. <b>COMPLETED</b>	
(4) Key Performance Indicators (KPIs) 2016/17 - Quarterly Performance Monitoring	Q1 – 29 September 2016 Q2 – 29 November 2016 Q3 – 31 January 2017	Governance indicators only – <b>COMPLETED</b>	
(5) Development Management Chairmen and Vice-Chairmen's Meeting	Ongoing	To receive feedback from meetings of the chairmen and vice-chairmen of the Area Plans Sub-Committees and the District Development Management Committees. Meeting scheduled for 20 March 2017 postponed and to be rearranged.	
(6) Equality Objectives 2012-2016 - Outturn	5 July 2016	<b>COMPLETED</b>	
(7) Equality Objectives 2016-2020 - 6 monthly reporting	29 November 2016	Next report due 4 July 2017 meeting.	

(8) Annual Equality Information Report 2016	29 September 2016	<b>COMPLETED</b>	
(9) Corporate Plan Key Action Plan 2015/16 - Outturn	5 July 2016	Governance actions only - <b>COMPLETED</b>	
(10) Corporate Plan Key Action Plan 2016/17- Quarterly reporting	Q1 – 29 September 2016 Q2 – 29 November 2016 Q3 – 31 January 2017	Governance actions only - <b>COMPLETED</b>	
(11) Review of the operation of the Council's Petitions Scheme	To be carried forward into work programme for 2017/18. Report timescale to be confirmed	To be completed during the 2017/18 municipal year.	
(12) Analysis of Compliments and Complaints information in identifying trends	6 February 2018	The Head of Customer Services has been invited to attend a future meeting. To identify trends, a period of time will need to elapse.	
(13) Review of enforcement activity across the services of the Governance Directorate	Included in agenda for the meeting of 4 April 2017	<b>COMPLETED</b>	
(14) Invitation to Essex County Council Highways for a single item meeting to discuss their consultation work on District planning applications	31 January 2017	<b>COMPLETED</b>	



(15) Building Control	4 July 2017	Carried forward into work programme for 2017/18.
(16) Review of Planning Application Validation Checklist	Included in agenda for the meeting of 4 April 2017	<b>COMPLETED</b>

This page is intentionally left blank



**Report to: Governance Select Committee**

**Date of meeting: 4 April 2017**

**Portfolio:** Governance and Development Management (Councillor R Bassett)

**Subject:** Governance Directorate – Review of Enforcement Activities

**Officer contact for further information:** M. Crowe (01992 564170) & J. Godden (01992 564498)

**Democratic Services Officer:** S. Tautz (01992 564180)

---

### **Recommendations/Decisions Required:**

**That the Committee note the scope of the enforcement activities of the Corporate Fraud and Planning Enforcement Teams, as part of the service portfolio of the Governance Directorate.**

1. Enforcement activity across the Governance Directorate consists of the Corporate Fraud Team under Martin Crowe (Corporate Fraud Manager), which is part of the Internal Audit service, and Planning Enforcement under Jerry Godden, which is part of Development Management. Both officers will be in attendance at the meeting.
2. The main purpose of the Corporate Fraud team is to provide independent and professional investigations into all aspects of fraud affecting the Council, preventing fraud and abuse and taking fair and consistent action against those committing offences.
3. Planning Enforcement investigates alleged breaches of planning legislation such as unauthorised buildings and uses, including development not in accordance with approved plans that have been granted planning permission. It also assists the Tree and Landscape section in prosecutions for destruction and damage to protected trees and the Heritage Section with unauthorised works to Listed Buildings.

### **Corporate Fraud**

4. The team consists of a Corporate Fraud Manager, Senior Corporate Fraud Investigator and two Corporate Fraud Investigators, all of whom are qualified counter fraud investigators.
5. Since its inception, the team has taken both proactive and reactive approaches to antifraud work and looks at every referral made whether by a member of the public or member of staff with a view to risk assessment and where appropriate, investigation. The team is robustly proactive in the prevention and investigation of fraud within a number of areas identified as “high risk”, particularly in the area of social housing culminating in several policy changes and revisions to processes etc.

6. One particular area where the CFT is seeing most success is in the area of Right to Buy (RTB) applications. The team (working in conjunction with the Home Ownership Team) have developed a policy of vetting 100% of applications developing assurance that tenancies are being operated correctly and that the Council (via the RTB scheme) are not being used as a vessel for money laundering.
7. This policy has meant that since April 2016 to date, twenty RTB applications have been stopped and / or withdrawn due to investigation team involvement. A number of these have been identified as having significant issues over the origin of the funding (giving rise to money laundering suspicions). As a result of this, approximately £1.5 million of potential RTB discount has been stopped. Furthermore, these 20 properties continue to remain as valuable public assets providing future revenue streams (in the form of rent continuing to be paid) to the council of approximately £1million.
8. Other investigations into suspected housing frauds since April 2016 have resulted in 11 council properties being recovered in order that they can be re-let to priority cases on the waiting list saving approximately £200,000.
9. The Corporate Fraud Team have been/are involved in a number of criminal prosecutions since April 2016. A Waltham Abbey resident was successfully convicted in July 2016 for fraud relating to the Local Council Tax Support Scheme whilst there are 3 active prosecutions currently at various stages of progress through the Courts. The prosecutions relate to various fraud offences and illegal subletting of a Council tenancy. Furthermore, all 3 cases are also subject to action under The Proceeds of Crime Act for issues such as money laundering and the Council will be pursuing claims for compensation / confiscation under the Act.
10. A Formal Caution was also administered to an Ongar resident for fraud connected to a Right to Buy application.
11. Due to the often complex nature of both criminal investigations and subsequent court action, it is important to note that these cases may take months to both investigate and prosecute (particularly in cases such as at the 3 previously mentioned where “not guilty” pleas have been entered and the case progresses to Crown Court trial).
12. In addition to the above, the Corporate Fraud Team have also undertaken a number of other investigations including 2 staff related investigations, one of which resulted in the dismissal of a staff member for gross misconduct. We have also undertaken a Standards Investigation (for which a fee was received) with another currently in the pipeline and are currently providing Broxbourne Council with a Proceeds of Crime investigation on a paid for basis.
13. Members of the public are continuing to be encouraged to report fraud and an advertising campaign has been undertaken whereby “know a cheat in your street” leaflets have gone out in every Council Tax and Business Rates bill whilst the team is continuing to provide training and advice to external organisations and areas showing the potential for joint working or shared service arrangements are continuing to be explored.
14. The Corporate Fraud Team has recently begun an informal joint working arrangement with Chelmsford City Council relating to the sharing of antifraud staff and resources and similar arrangements are currently being explored with at least a further 2 authorities in Essex. The Corporate Fraud Team, have in the past 12 months also founded The Eastern Corporate Fraud Group, which is aims to bring together counter fraud professionals from local authorities in Essex, Suffolk and Norfolk in a meaningful forum to discuss and promote best practice, form agreements and partnerships for

information sharing and offer support and resources to carry out investigations etc. 3 successful meetings have already been held at North Weald Airfield with plans to move the group forward in the next 12 months by looking at opportunities for cross authority training etc.

### **Planning Enforcement**

15. The Team consists of a professionally qualified Principal Planner, a Senior Enforcement Officer (also professionally qualified as a planner) who deal with the more complex enforcement investigations and any enforcement appeals submitted, three Enforcement Officers who investigate the higher volume of complaints received and an Administrative Assistant who supports this teams work. All are full time positions.
16. Its roles and responsibilities are laid out in the Council's adopted Local Enforcement Plan, which is a detailed document approved by this committee and available on the Council's website at:  
  
<http://www.eppingforestdc.gov.uk/residents/planning-and-building/planning-development-control/planning-enforcement>
17. Since April 2016, they have investigated 696 received complaints of alleged planning breaches, all on different sites and each one has been visited by officers within 2 weeks of the complaint being registered. Many are resolved before action needs to be taken or simply either do not require planning permission or the alleged complaint is not taking place.
18. Through the Council's Legal Section, in this time period they have served 38 Enforcement Notices, which by a set time after an initial warning period, require the owner of the land/building to take action to put a breach right. It is not unusual that these are often appealed against to the Planning Inspectorate (PINS) in Bristol, which is decided upon by an independent Planning Inspector and can be costly, if PINS decided that evidence has to be heard on oath and therefore needs to be a public local inquiry, which usually requires a Barrister to assist arguing the Councils case.
19. Also since April 2016, there have been 9 Enforcement Notices appealed against and heard by the Inspectorate, all of which were dismissed and upheld in favour of the Council.
20. It should be noted that prosecution is a last resort, as the planning system in the interest of fairness does require the planning merits of a case to be considered retrospectively through the planning application process, unless the breach in the professional opinion of officers would not be resolved this way or by having relevant conditions attached to a planning permission.
21. If an enforcement case has been proved in the courts or in extreme cases before court action, the Council can take Injunctive or Direct Action to ensure compliance. In the last year, there have been 4 prosecutions mounted for breach of enforcement notices resulting in findings of guilt and fines as follows:
  - Spain's Hall, Willingale, which was a Listed Building offence fine of £10,000;
  - The Old Rectory, Willingale, Listed Building offences totalling £12,000;
  - Browning's Farm House, Chigwell – unauthorised building – £2,400;
  - Crown Close, Sheering – Change of use - £2,800; and
  - 26A Maypole Drive, Chigwell – change of use of building – £1,000.
22. There has been a further 3 prosecutions for breach of Tree Preservation Orders that

has resulted in findings of guilt and fines of an average of £1,000.

23. Due to the legislative background some cases can take many months to resolve. Even in simple cases, a period of 6 – 8 months from when the complaint is received is common, whilst in some quite complex contested cases, it may take up to three years to gather suitable evidence.
24. Across the Council, the Team works collaboratively for example with Housing and with Environment and Street Scene as well as with external agencies such as Epping Forest and the Environment Agency. The team are always looking for new ways to take enforcement investigations forward and have recently pioneered the introduction of a Council owned Remotely Piloted Air System (also known as a drone) which has already been deployed on enforcement cases. It has been used overtly and in accordance with our licence and adopted policy.

### **Summary**

25. Both sections rely on completely different legislation to enforce and require specialist knowledge and information gathering. Both are ably supported by the Council's Legal Section and in the case of Planning Enforcement, they work closely with the Development Control planning application case officers in |Development Management.
26. The Committee are therefore requested to note the work they are doing utilising the resources at hand. There is a yearly Planning Enforcement training provided by Jerry Godden for Members, which this year is on Friday 30 June 2017.

**Resource implications:** None for this report.

**Legal and Governance Implications:** None

**Safer, Greener and Cleaner Implications:** None for this report.

**Consultation undertaken:** None required

### **Background Papers:**

- Council's Local Enforcement Plan
- Town and Country Planning Act 1990
- The Fraud Act 2006
- The Prevention of Social Housing Fraud Act 2013
- The Council Tax Reduction Schemes (Detection of Fraud and Enforcement)(England) Regulations 2013
- The Proceeds of Crime Act 2002

### **Impact Assessments:**

**Risk Management** *None for this report.*

**Equality** *No equality implications arise from this report.*

**Report to: Governance Select Committee**

**Date of meeting: 4 April 2017**



**Portfolio:** Governance and Development Management (Councillor R Bassett)

**Subject:** Planning Application Requirement Validation Checklist & Viability Guidance for Affordable Housing

**Officer contact for further information:** N. Richardson (01992 564110)

**Democratic Services Officer:** S. Tautz (01992 564180)

---

**Recommendations/Decisions Required:**

- (1) That the Committee agree the content of the draft revised Planning Application Requirement Validation Checklist and draft 'Guidance Note to Planning Applicants on the Submission of Viability and Financial Appraisals for Affordable Housing';
  - (2) That the draft Validation Checklist and Guidance Note be published on the Council's website for consultation purposes, for a period of 28 days;
  - (3) That any comments submitted during the consultation period be considered by the Assistant Director of Governance (Development Management) and the Director of Communities and that the draft Validation Checklist and Guidance Note be amended as considered necessary and be adopted by way of a formal decision of the Governance and Development Management Portfolio Holder;
  - (4) That the agreed version of the Validation Checklist and Guidance Note be used for the purposes of registration of planning applications and for published on the Council's website as part of the necessary information required to submit a planning application; and
  - (5) That the Validation Checklist be kept under regular review and the Director of Governance be authorised to make minor amendments necessary to reflect changes in Government guidance or Council policy and guidance, without undertaking further consultation or member approval.
1. The Local Validation Requirements List is prepared by the Local Planning Authority to clarify what information is usually required for applications of a particular type, scale or location. Before Development Control Planners begin assessing a submitted planning application, these submissions must be considered to be 'valid', otherwise they are not registered and consulted upon. It is only when it is valid, that the start date of the

planning application begins. The need to revise the local validation requirement every two years is set out in the Town and Country Planning (Development Management Procedure) (England)(Order) 2015.

2. The current local validation requirement list was agreed by the Planning Services Scrutiny Panel in 2014 and put on the Council's website as a final version in March 2015. It has been used since to validate planning applications submitted to the Council. As it is now two years old and before it is consulted upon, there is now the opportunity to review it. This reports recommends that the revised list, attached as an appendix, be agreed by the Select Committee and put on the Council's website for consultation.
3. In addition, the Committee is being asked to agree a "*Guidance Note to Planning Applicants on the Submission of Viability and Financial Appraisals for Affordable Housing*", that has been produced by the Director of Communities which would be annexed to the Checklist. Given there is an increasing relevance of viability in planning and because of its complexity and absence of detailed formal planning guidance on this issue at the national level, there is a need for local guide, which is also requested to be consulted upon.
4. The attached draft revised Local List of Validation Requirement Checklist and Viability Guidance Note, once finalised, will provide guidance and greater certainty to applicants about the information that may be required when submitting planning and related applications and will help to ensure that the Council has all the necessary information to determine applications within set time targets.
5. Amendments will be made if appropriate in the light of representations received during the consultation period. The revised Local List will then used for registration purposes by planning officers and be made available on the Council's website. Failure to review the local validation requirement list after two years and upload it on the Council's website would mean that the Council could only require a planning application submission to have the basic national requirement to make it valid.

### **Validation Checklist**

6. To make a planning application valid, there are national (statutory) and local information requirements. National requirements apply to all planning applications in England and are the basic requirement as set out in The Town and Country (Development Management Procedure)(England) Order 2015 as follows:
  - completed application form;
  - compliance with national information requirements;
  - plans and drawings;
  - ownership certificate and Agricultural Land Declaration;
  - design and access statement; (for some applications);
  - the correct application fee; and
  - provision of Local Information Requirements (See attached)
7. The Local Validation Requirements List is prepared by the Local Planning Authority to clarify what information is usually required for applications of a particular type, scale or location. Its requirements should be specified on a formally adopted 'Local List' which has been published on its website less than two years before an application is submitted. Local Information requirements have no bearing on whether a planning application is valid unless they are set out on such a list. They apply to all planning applications except advertisements; Certificate of Lawfulness existing and proposed; Non material amendments; Prior approvals and works to preserved trees (TPO's).



8. The use of a published Validation Requirements List gives both the Council and applicants more certainty on the type of information required at the outset and also helps to ensure that the information requested is proportionate to the type and scale of any application being made. However, the National Planning Policy Framework at paragraph 193 makes it clear that:

*'Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question'.*

9. The Council has a current validation requirement which was drawn up in 2014 and approved by this committee. This Council's local validation requirement is now due a further adoption for another two years, but before it is consulted upon, there is now the opportunity to review it.
10. A revised draft Validation Requirements List has been produced for Consultation and is attached as Appendix 1. It generally retains the format of the existing one on the website but to bring the List up to date, changes have been made to reflect updates in planning legislation, policy and guidance upon which the requirements are based. The main changes to the document are:
- more detailed information and links to the relevant policies and guidance that apply to the requested document;
  - some terminology has been revised to make it clear when certain plans and information are required and we have tried to adopt a more pragmatic approach to requests for information and where it can be found;
  - a more straight and quicker way forward for developers to satisfy Land contamination issues, that currently delay development being built out; and
  - details introduced regarding Sustainable Urban Drainage Systems
11. Whilst the Council can insist on an applicant supplying any element of the local list, the applicant can set out in writing reasons why they do not consider it necessary to in the individual circumstances of their proposal. As a Council we would have to consider all such requests and the applicant now has a right of appeal against a non-determination of a planning application if it is not made valid. The aim in each case is to make sure sufficient information is submitted to enable all parties to properly assess the impacts of a planning application.

### **Viability Planning Guidance**

12. The Council has a number of policies, contained within its Draft Local Plan and other supporting documents, relating to the provision of affordable housing on new developments within the District, which are in accord with the National Planning Policy Framework (NPPF). Generally, for developments in excess of 10 dwellings, or where the proposed Gross Internal Area of properties is greater than 1,000m<sup>2</sup>, the Council expects at least 40% of the total number of dwellings to be provided as affordable housing, with at least 70% of the affordable housing being provided as affordable rented housing. The Draft Local Plan proposes that the affordable housing target remains at 40%, with the affordable tenure mix reflecting the need assessed through the Strategic Housing Market Assessment (SHMA).
13. The Draft Local Plan reflects the NPPF's requirements that, if it would be unviable for a development to fully comply with the Council's affordable housing policies and requirements, the Council would accept either a lower amount of affordable housing and/or a different tenure mix - subject to the applicant providing a detailed Viability Appraisal, with adequate and appropriate supporting evidence.

14. Similarly, the Draft Local Plan also recognises that there may be exceptional circumstances that would justify the payment of a financial contribution to the Council for use towards the provision of affordable housing on another site in the District, in lieu of on-site provision. However, this is subject to the applicant providing a detailed Financial Appraisal assessing the difference in anticipated property sales values, other income, construction costs and other costs (including a reasonable developer's profit) between a development with all the dwellings being provided as market housing and a development with the required affordable housing provision on site.
15. Officers have identified a significant increase in the numbers of planning applications that are being submitted for residential development, where applicants assert that it would be unviable to provide the required 40% affordable housing, and providing a Viability Appraisal purportedly backing up this assertion.
16. In such cases, the Council's affordable housing consultants are appointed to review the Viability Appraisal in detail, at the applicant's cost, and to provide the Council with a detailed report on their findings, a copy of which is also provided to the applicant. The report comments on each of the applicant's assumptions within their Viability Appraisal, and advises the Council on whether or not they are of the view that the Appraisal can be validated as being acceptable and sound, and identifies any areas where individual assumptions or evidence cannot be validated or supported.
17. If the Council's consultants cannot recommend that the Viability Appraisal should be validated/accepted, they provide the Council with their own view of the level of affordable housing or financial contribution that would be viable and appropriate to meet the Council's Local Plan affordable housing policies. If the applicant's affordable housing proposals are not acceptable, it usually results in a recommendation to the relevant Area Plans Sub-Committee that the application should be refused on the basis of insufficient affordable housing provision/contribution.
18. Despite the increasing relevance of viability in planning and its complexity, there is an absence of detailed formal planning guidance on this issue at the national level. Various industry guidance documents are available, but no single document satisfactorily addresses all aspects of the viability process. Regrettably, the Council often receives Viability/Financial Appraisals that:
  - contain assumptions that are unsupported by robust evidence;
  - include development values that are under-stated and/or development costs that are over-stated, resulting in an artificially pessimistic outcome; and/or
  - seek to limit planning obligations in order to generate excess profits for a developer and/or landowner above a reasonable level of return that is required for the development to proceed.
19. Therefore, a guidance note for planning applicants on the submission of viability and financial appraisals for affordable housing has been produced by the Director of Communities, in order to:
  - provide applicants with greater clarity and guidance on the application of planning policy;
  - inform applicants of the Council's approach to assessing and validating Viability/Finance Appraisals; and
  - help minimise delays in determining planning applications.
20. The guidance explains the national planning policies, the Council's key local planning policies relating to affordable housing and viability and its requirements for the

submission of Viability Appraisals and Financial Appraisals by applicants, where either:

- the applicant is of the view that it would be unviable for a development to provide the expected amount and/or tenure of affordable housing – where a Viability Appraisal needs to be provided by the applicant; or
- the Council has accepted that there are exceptional circumstances that justify a financial contribution towards the provision of affordable housing on another site in the District, in lieu of on-site provision – where a Financial Appraisal needs to be provided by the applicant.

21. A copy of the draft guidance note is attached as Appendix 2 to this report.

### **Recommendations**

22. The Select Committee is asked to consider the Planning Application Requirement Validation Checklist and the Viability Draft Guidance and make any comments it may have, prior to a consultation being undertaken.

23. The Assistant Director of Governance (Development Management) and the Director of Communities will then update the Checklist and Guidance Note with any changes required as a result of the consultation exercise and submit a final version to the Governance and Development Management Portfolio Holder for formal approval.

**Resource implications:** None for this report.

**Legal and Governance Implications:** The need to review the local validation requirement is set out in the Town and Country Planning (Development Management Procedure) (England) (Order) 2015.

**Safer, Greener and Cleaner Implications:** None for this report.

**Consultation undertaken:** Proposal is to make the draft Planning Application Requirement Validation Checklist and the Viability Guidance available for consultation on the Council's website.

### **Background Papers:**

1. National Planning Policy Framework

2. Section 62 (4a) of the Town and Country Planning Act (inserted by The Growth and Infrastructure Act 2013).

3. Article 11(3) of the Town and Country Planning (Development Management Procedure) (England)(Order) 2015

### **Impact Assessments:**

**Risk Management** *None for this report.*

**Equality** *No equality implications arise from this report.*

This page is intentionally left blank

# Epping Forest District Council Planning Application Validation Requirements Checklist

[\\*Not all built development and changes of use require planning permission and therefore may be “Permitted Development”. Please follow this link for more detail on this\\*](#)

[\\*Minerals and Waste planning applications are dealt with by Essex County Council. Please click on this link for more details.](#)

## 1 of 3 - National Requirements

(See section 3 of 3 for Householder planning applications)

Information Item	Policy Driver	Applications that require this information	Further information	Where to look for further assistance
<b>Completed Application Form (1APP) and relevant fee (where required).</b>	Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7	All applications for planning permission and associated consents,(except for applications for hazardous substance consent).	<p>Completed application form 1APP with all relevant certificates (included within form), signed and dated.</p> <p>It is recommended that planning applications and the fee is submitted to us electronically through the <a href="#">Planning Portal</a>. The Planning Portal has a fee calculator.</p> <p>Where a paper copy is your only option, then one copy must be submitted with the appropriate fee.</p> <p>Credit and debit card payments can be made by calling Planning General Enquiries on 01992 564476 or 01992 564436</p>	<p><a href="#">Planning Portal Application Fee Calculator</a></p> <p><a href="#">Apply on Line via Planning Portal</a></p> <p><a href="#">Planning Fees and Charges</a></p>
<b>Notice(s)</b>	Town and Country Planning (Development Management Procedure) (England) Order 2015	All applications	<p>Must be served in accordance with Article 11, Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>“Owners” are freeholders or leaseholders with at least 7 years of the leasehold left unexpired.</p>	<p><a href="#">Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 13</a></p> <p><a href="#">Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 14</a></p>

<b>Design and Access Statement (DAS)</b>	<p>The Town and Country (Development Management Procedure) (England) Order 2015 Article 9</p>	<p>These are only required for:-</p> <ul style="list-style-type: none"> <li>• Major Developments (defined as 10 or more residential units or the site of the residential development is 0.5 hectares or more in size. In the case of commercial development, then it is defined as 1,000 square metres or more, or the site area is 1 hectare or more).</li> <li>• Listed Building Consents</li> <li>• In a designated area (such as a Conservation Area) where the development consists of 1 or more dwellings, or where the provision of a building or buildings where the floor space created by the development is 100 square metres or more.</li> </ul> <p>Please note: Not required for applications for waste development, a change of use, engineering or mining operations or relates to an application to amend the conditions attached to a planning permission</p>	<p>Short report to accompany and justify the proposal in a structured way. The level of detail required will depend on the scale and complexity of the application. The design and access statement should explain the design principles and concepts that have been applied to particular aspects of the proposal and cover:</p> <ul style="list-style-type: none"> <li>• The proposed use and amount of development proposed, its scale, layout, landscaping and overall appearance; and</li> <li>• How issues relating to access to the development have been dealt with including lifetime homes and wheelchair accessible housing.</li> </ul>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 9</a></p> <p><a href="#">Commission for Architecture and the Built Environment – Design and Access Statements (DAS): How to write, read and use them</a></p> <p><a href="#">Planning Portal: Design and Access Statements</a></p>
--	---	--	--	---

<p><b>Site Location Plan</b> Scale 1:1250 or 1:2500 which is up to date in respect of the site, surrounding buildings and includes the direction of north. Must include a scale bar.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>All applications.</p>	<p>Site location plans should include:</p> <ul style="list-style-type: none"> <li>• At least two named roads;</li> <li>• All the surrounding buildings, roads and footpaths on land adjoining the site;</li> <li>• A red line around all the land required for the development, the subject of your planning application;</li> <li>• A blue line around all other land owned by the applicant close to or adjoining the application site.</li> </ul>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 7</a></p>
<p><b>Block Plan</b> Scale 1:200 or 1:500 which is up to date in respect of the site, surrounding buildings and includes the direction of north. It must show the proposal in relation to the site boundaries and other existing buildings on the site and adjacent sites. Must include a scale bar.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>All applications for demolition, replacement or new buildings and/or new extensions to existing buildings (except Outline applications where siting and layout is a reserved matter)..</p>	<p>Should include the following:</p> <ul style="list-style-type: none"> <li>• All buildings, roads and footpaths on land adjoining the site (i.e. the current situation)</li> <li>• Precise positions of existing and, where appropriate, proposed vehicle accesses including dimensions;</li> <li>• All public rights of way crossing or adjoining the site;</li> <li>• The position of all trees and hedgerows on the site and adjacent land;</li> <li>• The extent and type of any hard surfacing;</li> <li>• The type and height of boundary treatment (e.g. walls, fences etc.).</li> <li>• Any Parking spaces</li> </ul>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 7</a></p>



<p><b>Elevations existing and proposed</b> Scale 1:50 or 1:100 of any new buildings or extensions. Must include a scale bar.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>All applications proposing new buildings or alterations to the exterior of existing buildings.</p>	<p>These should show clearly the proposed works in relation to what is already there. This must show:</p> <ul style="list-style-type: none"> <li>• All sides of the proposal and (where possible) the proposed building materials and the proposed style, materials and finish of windows and doors;</li> <li>• Where a proposed elevation adjoins or is in close proximity to another building, drawings must clearly show the relationship between the buildings and detail positions of the openings on each property.</li> <li>• State on the plans what revisions have been made from previously approved, refused or withdrawn plans for the same type of development.</li> </ul>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 7</a></p>
<p><b>Floor plans, existing and proposed</b> Scale 1:50 or 1:100 to show overall size of any new buildings or extensions. Must include a scale bar.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>All applications proposing new or amended floorspace, including loft conversions where dormer extensions are only proposed. (Except Outline Applications)</p>	<p>This should explain the proposal in detail, showing:</p> <ul style="list-style-type: none"> <li>• Where existing buildings or walls are to be demolished (if applicable);</li> <li>• Details of the existing building(s) as well as those for the proposed development.</li> <li>• Refuse bin facility and its position on site where new commercial development or new housing is proposed.</li> <li>• The entirety of any floor being altered.</li> <li>• State on the plans what revisions have been made from previously approved, refused or withdrawn plans for the same type of development.</li> </ul>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 7</a></p>

<p><b>Site Sections (Existing and Proposed Finished Floor and Site Levels)</b> Scale 1:50 or 1:100. Must include a scale bar.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>Required for all applications (except outline applications) which involve a change in ground levels or where development is proposed next to changing ground levels.</p> <p>On sloping sites it will be necessary to show how proposals relate to existing ground levels where ground levels may be modified.</p> <p>Levels should also be taken into account in the formulation of Design and Access Statements (DAS), when a DAS is required.</p>	<p>Plan drawn to show a cross section through the proposed building(s).</p> <p>Where a proposal involves a change in ground levels, drawings must show both existing and finished levels across the site and the adjacent site(s). Drawings must include details of floor levels, building height and relationship to site boundaries.</p> <p>Full information should also be submitted to demonstrate:</p> <ul style="list-style-type: none"> <li>• How proposed buildings relate to existing site levels and neighbouring development;</li> <li>• Plans showing existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also in relation to adjoining buildings</li> </ul>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 7</a></p>
<p><b>Roof Plans</b> Scale 1:100 or 1:200. Must include a scale bar.</p>		<p>Required where a roof would be created or altered by the proposed development.</p>	<p>Showing the shape of the roof and details of the roofing materials and any features such as chimney positions or windows.</p>	

# **Epping Forest District Council Planning Application Validation Requirements Checklist**

## **2 of 3 - Local Requirements**

**(See section 3 of 3 for Householder planning applications)**

**The information and reports referred to below are shown in alphabetical order; please refer to column 3 for the threshold criteria applicable to each application type.**

<b>Information Item</b>	<b>Policy Driver</b>	<b>Applications that require this information</b>	<b>Further information</b>	<b>Where to look for further assistance</b>
-------------------------	----------------------	---	----------------------------	---

<p><b>Affordable Housing (AH) Statement</b></p> <p>(see also the attached “Viability Statement” information item)</p>	<p>NPPF, paras 47-54, 159, 173-177</p> <p>Local Plan Policies, policy H5A, H6A, H7A, GB16 subject to updated PPG on Planning Obligations</p>	<ul style="list-style-type: none"> <li>• In settlements where the population is greater than 3,000 and where the site is 0.5 hectares or above, or 15 dwellings or more – <b>On-site AH required = 40% of total;</b></li> <li>• On previously developed land and in settlements where the population is less than 3,000 and where the number of dwellings proposed are more than 10 new units - <b>On-site AH required = 50% of total;</b></li> <li>• In settlements where the population is less than 3,000 and where the number of dwellings proposed are between 2 and 10 and the Gross Internal Floor Area of all properties proposed is <u>greater</u> than 0.1ha - <b>On-site AH required = 50% of total;</b></li> <li>• Where the number of dwellings proposed are between 1 and 10 and the Gross Internal Floor Area of all properties proposed is <u>less</u> than 0.1ha – <b>No AH</b></li> </ul>	<p>The statement must set out:</p> <ul style="list-style-type: none"> <li>• The comparative size mix (by number of bedrooms) between affordable and open market units;</li> <li>• The mix and explanation of units and tenure (i.e. affordable rent, shared ownership etc) ;</li> <li>• Details of any Registered Social Landlords proposed as partners in the development;</li> <li>• A plan showing the location of affordable housing units and their number of bedrooms;</li> <li>• Detailed explanation of any financial contribution for off-site affordable housing when requested.</li> </ul> <p>If the policy has not been met then a full justification why not will be expected to be set out in the Affordable Housing Statement. This will also mean that the application needs to include a Viability Statement (see section below)</p>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p> <p><a href="#">Planning Practice Guidance – Planning Obligations</a></p>
---	--	---	---	---

<p><b>Agricultural Buildings and Appraisals</b></p>	<p>NPPF, paras 55, 109-116</p> <p>Local Plan Policies, GB17A and GB17B</p>	<p>New Agricultural Buildings</p> <p>Any applications proposing new agricultural workers dwellings or to remove agricultural occupancy conditions on existing dwellings.</p>	<p>Explanation/ justification of the agricultural need for the building – What it is to be used for and why it is needed.</p> <p>For larger holdings this may include an identification of the use of other buildings within the site and if vacant, why they are unsuitable for the proposed use.</p> <p>Appraisals for new agricultural workers dwellings should include both functional and financial evidence to demonstrate that there is an agricultural need for a permanent dwelling and that there are no suitable dwellings available in the locality.</p> <p>For removal of condition applications evidence should be submitted to show there is no functional or long-term need for an agricultural workers dwelling in the locality. This should include evidence to show that the property for a minimum of one year has been publicised for sale with its agricultural occupancy status to other relevant interests in the locality. Full details of requirement are in Local Plan policy GB17B.</p>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>
---	--	--	---	--

<b>Air Quality Impact Assessment</b>	NPPF, para 124	<p>An appropriate assessment of air quality must be included with any application that may adversely affect local air quality or be significantly affected by existing levels. It is vital that the applicant considers the need for any assessment before any application is submitted. In particular, any developments that generate:</p> <ul style="list-style-type: none"> <li>➤ significant additional traffic movements or introduce new receptors near to existing pollution sources – major residential development close to M11 and M25 motorways, A414, A13, A113, A128, Loughton High Road and Epping High Street.</li> <li>➤ emissions from biomass burning for heat and/or power generation</li> </ul>	<p>Assessments should detail:</p> <ul style="list-style-type: none"> <li>• Significance appraisal;</li> <li>• Mitigation measures</li> <li>• Dispersion Modelling Assessment.</li> </ul> <p>Contact Public Health (Environment &amp; Street Scene Directorate) on 01992 564496 for further information.</p>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>
--------------------------------------	----------------	---	---	--

<p><b>Biodiversity Survey and Report</b></p>	<p>NPPF, paras 109, 113-120.</p> <p>Local Plan policy NC1 and RST22</p>	<p>Phase 1 Habitat Survey are required for development proposals within 1km of:</p> <ul style="list-style-type: none"> <li>• Sites of Specific Scientific Interest (SSSI);</li> <li>• RAMSAR Sites;</li> <li>• Special Protection Areas;</li> <li>• National Nature Reserves;</li> <li>• Local Nature Reserves;</li> <li>• Special Areas of Conservation;</li> </ul> <p>And within 500m of:</p> <ul style="list-style-type: none"> <li>• Sites where known or suspected Protected Species;</li> <li>• Biodiversity Action Plan habitats;</li> <li>• Local Wildlife Sites;</li> </ul> <p>A minimum of a Phase 1 Habitat Survey will also be required for all development proposals:</p> <ul style="list-style-type: none"> <li>• Containing, or within 250m, of a pond or waterway;</li> <li>• Demolition of rural barns and other farm buildings.</li> <li>• Undeveloped (greenfield) land;</li> <li>• Previously developed land that has been derelict for 2 years or more.</li> </ul> <p>Development in this case does not include removal or variation of non-habitat related conditions, adverts, lawful development certificates, fences, dropped kerbs or prior notifications.</p>	<p>Surveys should provide an assessment of the impact of the proposed development on biodiversity and must be undertaken by an appropriately qualified person and at an appropriate time of year.</p> <p>Assessments should identify what species may be present and what potential impacts may occur if the development were to proceed.</p> <p>Where proposals for prevention cannot be offered, the assessment should set out and justify proposals for mitigation or compensation measures including the protection of habitats, and provision of new habitats (including through offsetting).</p> <p>It shall include an assessment of existing structures or potential natural habitats where they are to be removed or naturally affected by the proposals. It should also explore whether or not the proposals could be redesigned or altered to avoid any such impacts.</p> <p>The above shall conform with BS 42020:2013</p>	<p><a href="#">Natural England</a></p> <p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p> <p><a href="#">Essex Biodiversity Action Plan</a></p> <p><a href="#">Essex Wildlife Trust</a></p> <p><a href="#">The Conservation of Habitats and Species Regulations 2010</a></p>
--	---	--	--	--



<b>Economic Statement</b>	NPPF, paras 18-22, 28	Any application that: <ul style="list-style-type: none"> <li>• creates new employment uses;</li> <li>• results in the loss of existing employment uses;</li> </ul>	Applications will need to be accompanied by a supporting statement detailing: <ul style="list-style-type: none"> <li>• existing and proposed job numbers by FTE;</li> <li>• the relative floorspace totals for each proposed use (where known);</li> <li>• any community benefits;</li> <li>• reference to any wider impacts (positive and negative) including any regeneration impacts.</li> </ul>	<a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a>
<b>Environmental Statement</b>	NPPF, para 192  Town and Country Planning (Environmental Impact Assessment) Regulations 2011	Required in connection with all development identified within Schedule 1 or 2 of the regulations and which in accordance with Schedule 3 would constitute EIA development.	Prior to making an application, applicants are encouraged to apply for a screening opinion to determine whether the proposed development requires an Environmental Statement.  An application for a Scoping Opinion can be made to determine the content and scope of the Environmental Statement.  An Environmental Statement in the form set out in Schedule 4 of the regulations must be provided.	<a href="#">Town and Country Planning (Environmental Impact Assessment) Regulations 2011</a>  <a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a>

<p><b>Flood Risk Assessment</b></p> <p>(see also <i>Sustainable Drainage Checklist</i>)</p>	<p>NPPF, paras 93-108, 166, 192</p> <p>Local Plan Policies U2A, U2B, U3A and U3B</p>	<p>All proposals for new development within Flood Zone 3 and most proposals in Flood Zone 2.</p> <p>Any development within Flood Zone 1 on a site of more than 1 hectare.</p> <p>Visit the Government website for more details on when these are required and what should be included (see Flood Matrix link). Sites at greater risk of flooding may require the submission of a <u>sequential test</u> and possibly an <u>exceptions test</u>. (see advice link)</p>	<p>The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account.</p> <p>The FRA should identify opportunities to reduce the probability and consequences of flooding to the development and the surrounding area. The FRA should include the design of surface water management systems including Sustainable Drainage (SuDS) and address the requirement for safe access to and from the development in areas at risk of flooding.</p>	<p><a href="#">Environment Agency</a></p> <p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p> <p><a href="#">Environment Agency Flood Matrix</a></p> <p><a href="#">Environment Agency Sequential Test and Exceptions Test advice</a></p> <p><a href="#">SUDs Design Guide</a></p>
<p><b>Health Impact Assessment</b></p>	<p>NPPF, paras 69-78, 171</p>	<p>Required for all residential developments of 50+ units and non residential development in excess of 1000 square metres.</p>	<p>The environmental impact upon health which would include the safety of an environment. Need to measure the wider impact upon healthy living and the demands that are placed upon health services and facilities arising from the development.</p> <p>The information to be submitted is site specific. Refer to Essex Planning Officers' Association Guidance on Health Impact Assessments for further detail.</p> <p>Applicants are recommended to approach the Clinical Commissioning Groups and NHS Property Services to confirm the requirements.</p>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>

<b>Hedgerows Survey</b>	NPPF, paras 99, 109, 113-117  Local Plan policy LL7 and LL10	Where there are any hedgerows that might be affected by the development (other than garden hedges) over 20m long, over 30 years old and on or adjoining land used for agriculture or forestry, the breeding or keeping of horses, ponies or donkeys, common land, village greens, Sites of Special Scientific Interest or Local Nature Reserves.	These need to be clearly marked on the submitted plans as they may form hedgerows protected under the Hedgerows Regulations 1997.	<a href="#">Hedgerows Regulations 1997</a>  <a href="#">Natural England Hedgerow Advice</a>  <a href="#">Defra Guide to the Law and Good Practice</a>  <a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a>
<b>Heritage Statement</b>	NPPF, paras 126-141, 169, 170  Local plan policies, policies HC1, HC2, HC3, HC5, HC6, HC7, HC9, HC10, HC11, HC12, HC13, HC13A, HC14 and HC16	Applications which <u>may</u> affect: <ul style="list-style-type: none"> <li>• Designated heritage assets (Listed Buildings, Scheduled Ancient Monuments (SAMs), Historic Parks and Gardens, Conservation Areas);</li> <li>• Non designated heritage assets such as non-scheduled archaeological sites and Buildings on the Register of Local List Buildings;</li> <li>• Applications for Listed Building Consent;</li> <li>• Ancient landscapes</li> </ul>	Description of the asset and the aspect of it which the proposal will impact upon. The importance and significance of the asset will need to be evaluated, defined and assessed. Where relevant, heritage statements should be supported by photographs, phasing plans, historic photographs or drawings, historic maps and other relevant sources. A structural survey may also be required in support of any demolition works.  The level of information required is proportionate to the significance of the asset and the extent of the works proposed and as the scope of detail necessary will vary according to the particular circumstances of each case applicants are advised to discuss proposals with the Council before any application is made.	<a href="#">Historic Environment Practice Guide</a>  <a href="#">Heritage Gateway</a>  <a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a>  <a href="#">Heritage Statements</a>

<p><b>Land Contamination Assessment</b></p> <p><i>Applications where potential for contaminants from onsite or offsite sources to be present or where vulnerable receptors are proposed. The Council's Contaminated Land Officer(CLO) screens all applications.</i></p>	<p>NPPF, paras 120-122</p> <p>Local Plan policy RP4</p>	<ul style="list-style-type: none"> <li>Where contaminating uses or vulnerable receptors are identified and no supporting land contamination assessment reports have been submitted, the CLO assesses the feasibility of mitigating risks from contamination to determine whether potential worst case risks can be overcome and risks addressed by conditions. Or whether the applicant will be required to carry out an investigation and submit a detailed assessment to demonstrate all risks can be overcome prior to application being considered.</li> </ul> <p><b><i>(nb when investigations are by condition rather than initial application this is likely to result in the need to submit 3 sequential pre-commencement approval of details applications which cause lengthy delays to the commencement of development works. In order to avoid these lengthy delays the applicant is strongly advised to submit investigation and remediation proposals in support of their development applications).</i></b></p>	<p>The NPPF states that Competent Persons with relevant qualifications, experience and membership of relevant professional organisations should be employed to prepare site investigation information and the Land Forum (formerly The National Brownfield Forum set up by DCLG and DEFRA) have developed the National Quality Mark Scheme (NQMS) to provide a list of <b>Suitable Qualified Persons (SQP)</b>. Where a submitted report has been prepared under the <b>CLAIRE NQMS</b> it will be possible for this authority to undertake only a <b>very limited review</b> of the information and to <b>fast track approval</b> of details applications (We will however continue to engage in a more detailed review of higher risk cases and audit others on a random basis to monitor the effectiveness of the system and if we subsequently find the NQMS is failing to include the screening of Council held information, to comply with conditions or to protect human health and the environment we will withdraw this position).</p> <p>Detailed site specific land contamination information for inclusion in reports (eg screenshots from the Councils land contamination database and extracts from historic aerial photographs) can be supplied to developers under a Pre-Application Enquiry.</p>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p> <p><a href="#">EFDC Contaminated Land Development Guidance</a></p> <p><a href="#">CLAIRE NQMS for Contaminated Land Management</a></p> <p><a href="#">SQP Register</a></p> <p>Contaminated Land Officer 01992-564036</p>
---	---	---	---	---

<p><b>Lighting Assessment</b></p>	<p>NPPF, para 125</p> <p>Local Plan policy RST21 and RP5A.</p>	<p>All applications, except householder proposals, where it is proposed to incorporate external lighting including security lighting and floodlights.</p>	<p>A technical specification, layout plan with beam orientation and a schedule of the equipment in the design and lighting spill shall be submitted with external lighting applications. Other than within private domestic properties, the assessment should also include intended hours of illumination.</p> <p>Where there is potential for glare or dazzle a lighting orientation plan should be submitted that shows the distance of any illuminations from the existing highway.</p>	<p><a href="#">DCLG Guidance - Lighting in the Countryside: Towards Good Practice</a></p> <p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>
<p><b>Noise Assessment</b></p>	<p>NPPF, para 123</p> <p>Local Plan policy RP5A</p>	<p>Assessments shall be required for:</p> <ul style="list-style-type: none"> <li>• Applications for industrial uses that share a common boundary with residential properties and could potentially raise issues of disturbance by noise to the occupants;</li> <li>• Applications for industrial uses that are sited in noise sensitive areas due to wildlife designations;</li> <li>• Applications for developments that are considered to be noise sensitive (such as residential developments, care homes, etc) and which are close to a significant source of noise (such as a major road)</li> </ul>	<p>The noise assessment should be prepared by a suitably qualified acoustician and demonstrate that there is sufficient sound insulation (or other mitigation) to avoid any harm to the adjacent residents.</p>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>

<b>Parking Provision Analysis</b>	<p>NPPF, para 39</p> <p>Local Plan policy ST6</p> <p>Essex Parking Standards: Design and Practice</p>	<p>Except for householder planning applications, all applications likely to result in either:</p> <ul style="list-style-type: none"> <li>• a loss or gain in parking provision on site;</li> <li>• an increase in parking demand.</li> </ul>	<p>The existing and proposed parking and cycle storage and access arrangements for vehicles and pedestrians to be shown on the block/site plan and detailed within the application (either through the forms or via a separate statement). Parking dimensions should comply with the current Parking Standards and parking space dimensions should be detailed within the application (either on the plans or within supporting documentation). If there are any spaces with smaller dimensions than the adopted Standards then an explanation to justify this should be given.</p>	<p><a href="#">Essex Parking Standards: Design and Good Practice</a></p> <p><a href="#">CLG/DfT - Manual for Streets</a></p> <p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>
<b>Planning Obligation Provisions</b>  <b>(Unilateral Undertakings or a Draft Heads of Terms)</b>	<p>NPPF, paras 173, 203-206</p>	<ul style="list-style-type: none"> <li>• All major applications (10+ dwellings, over 1000 square metres of non-residential floor space etc) will be required to be accompanied by draft Heads of Terms for s106 Planning Obligations, where considered necessary and as identified through the Council's paid pre-application service.</li> </ul>	<p>Heads of terms need to be agreed by the Council's Development Control Team with regard to the level of planning obligations required. Thus, applicants are strongly advised to make a Preliminary Enquiry well in advance of their submission dates so that their applications are not delayed unnecessarily whilst these requirements are agreed.</p>	<p><a href="#">CIL Regulations 2012</a></p> <p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>
<b>Refuse and Recycling Provision</b>	<p>Local Plan policy CP5</p>	<p>Applications for any of the following:</p> <ul style="list-style-type: none"> <li>• New residential use or build</li> <li>• New Commercial build</li> </ul>	<ul style="list-style-type: none"> <li>• Size, appearance and siting of storage bin compound shown clearly on a layout plan.</li> <li>• Where collection vehicles have to enter a development site, details of sufficient vehicle tracking and on-site turning circles/turning points are required to be shown on a layout plan.</li> </ul>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p> <p><a href="#">EFDC Good Practice Guidance</a></p>

<b>Retail or Leisure Impact Assessment</b>	NPPF, para 26  Local Plan policies TC1, TC2, TC3, TC4, TC5 and TC6	Applications for any of the following: <ul style="list-style-type: none"> <li>• Retail and leisure developments over 2500 square metres;</li> <li>• Smaller retail and leisure likely to have a significant impact on smaller centres;</li> <li>• Applications for other main town centre uses when they are an edge of centre or out of centre location; and not in accordance with a development plan.</li> </ul>	The assessment should be against the following impacts on centres: <ul style="list-style-type: none"> <li>• impact on existing, committed and planned public and private investment in centre(s) in the catchment area of the proposals;</li> <li>• impact on town centre vitality and viability, including consumer choice;</li> <li>• impact on allocated sites outside town centre being developed in accordance with development plan;</li> <li>• impact on trade/turnover both in centre and wider area;</li> <li>• if in or on edge of town centre whether of appropriate scale;</li> <li>• any locally important impacts on centres.</li> </ul>	<a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a>  <a href="#">Ensuring the Vitality of Town Centres</a>
<b>Shopfront Statement</b>	NPPF, para 67  Local Plan Policy DBE12	For all applications proposing alterations to an existing shop front.	Statements should state how the shop front will be enhanced in design terms and planned public access and how this consideration has informed the new proposal. The Statement should include elevational drawings with the adjoining parts of neighbouring properties at least 2 metres on either side, at 1:50 scale, an elevation of the shop front itself at 1:20 scale including cross-sections, and key details such as joinery profiles and signs.	<a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a>

<p><b>Statement of Community Involvement</b></p>	<p>NPPF, paras 66, 188, 189</p>	<p>SCI will be provided where the proposal:</p> <ul style="list-style-type: none"> <li>• Is contrary to (a departure from) the Development Plan policies;</li> <li>• Proposes more than 10,000 square metres or gross non-residential floor space;</li> <li>• Proposes a new residential site of 3 hectares or more;</li> <li>• Proposes more than 100 dwellings regardless of site size;</li> <li>• Other potentially controversial applications where the nature of the development is likely to attract significant local interest.</li> </ul>	<p>A Statement of Community Involvement (SCI) should illustrate how the applicant has complied with the requirements for pre-application consultation and demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.</p>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>
<p><b>Street Scene relative to neighbouring buildings</b></p> <p>Scale 1:50 or 1:100. Must include a scale bar.</p>	<p>NPPF, paras 28, 50, 52, 54, 112</p> <p>Local Plan Policies, DBE2, DBE9 and DBE10. For sites in Metropolitan Green Belt, also Policy GB2A</p>	<p>All applications proposing new buildings or extensions fronting a road, including additions to the roof.</p>	<p>In addition to the national requirement on elevations, this must show:</p> <ul style="list-style-type: none"> <li>• The proposed elevation relative to the outline of the neighbours building and with metric measurement distance to the neighbours building and boundary;</li> </ul>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>



<b>Structural Survey</b>	<p>NPPF, paras 28 and 126</p> <p>Local Plan Policies HC9, HC11 and GB8A</p>	<ul style="list-style-type: none"> <li>• Applications to convert a barn or re-use other existing rural buildings (including changes of use);</li> <li>• Applications to demolish any part of any listed building due to its condition;</li> <li>• Applications to demolish any building that positively contributes to a conservation area.</li> </ul>	<p>A structural survey must be carried out by a structural engineer or a suitably qualified person. The survey should demonstrate that the building is capable of conversion without major reconstruction and a method statement should detail how works will be carried out to incorporate the structural engineer's recommendations. Where alteration/demolition is proposed, this must be clearly shown on the floor plans and elevations of the proposal and be cross referenced to the structural survey.</p>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>
<b>Sustainable Drainage Checklist</b>	<p>NPPF 103, 109</p> <p>The SoS for CLG Written Ministerial Statement on 18 December 2014 setting out changes to planning that will apply for major development from 6 April 2015</p>	<p>All major development proposals (i.e. developments of 10 dwellings or more; sites larger than 0.5 hectares where the number of dwellings is not known; sites where the floorspace to be created is more than 1,000 sq. metres; or development on a site of 1 hectare or more).</p>	<p>The checklist should be completed and submitted as part of the application in order to demonstrate that the necessary information has been supplied to assess the suitability of the proposed sustainable drainage system, in line with Paragraphs 103 and 109 of the National Planning Policy Framework (NPPF). Failure to provide any of the information requested below may result in the Lead Local Flood Authority (LLFA) making recommendation for refusal of the planning application on grounds of insufficient information.</p> <p>Note: There are separate checklists for full and outline applications.</p>	<p>For further advice about the information requested in this checklist please contact Essex County Council using the following email address <a href="mailto:SuDS@essex.gov.uk">SuDS@essex.gov.uk</a> or view their <a href="#">SUDs Design Guide</a></p>

<b>Telecommunications Development</b>	<p>NPPF, paras 42-46</p> <p>Local Plan policies U5 and U6</p>	<p>Prior approval and planning applications for telecommunications development.</p>	<p>The area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposal.</p> <p>Requires a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection.</p>	<p><a href="#">DCLG : Code of Best Practice on Mobile Phone Network Development</a></p> <p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>
<b>Transport Assessments and Transport Statements</b>	<p>NPPF, paras 32-38</p> <p>Local plan policy ST3</p> <p>The Town and Country (Development Management Procedure) (England) order 2015 Article 18; Schedule 4</p>	<ul style="list-style-type: none"> <li>• All applications likely to generate 30 two-way peak hour vehicle trips or more will require a Transport Assessment;</li> <li>• Applications likely to result in a material increase in the character of traffic entering or leaving a trunk road will require a Transport Assessment;</li> <li>• Applications that result in lower but still significant transport considerations will require a Transport Statement.</li> </ul> <p>An indicative table for both Assessment and Statements of the types of applications likely to generate these traffic movements is given in <a href="#">Appendix A. at the end of this document</a>.</p>	<p>Should include details as set out in the Guidance on Transport Assessments and are likely to include the existing conditions, development details, predicted person trip generation and mode splits, predicted residual vehicular trip generation based on proposed travel plan measures, distribution of residual vehicular trips, junction capacity assessments and merge / diverge assessments at opening year and ten years after registration of application, and details of the proposed mitigation measures including proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal.</p> <p>There may be a need for an applicant to contact either Essex County Council Highway Authority and/or the Highways Agency (if affecting a Trunk Road) as early as possible to establish the need for a Transport Assessment or Statement and if needed, agree the scope.</p>	<p><a href="#">Highways Agency</a></p> <p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p> <p><a href="#">Transport Evidence Bases In Plan Making</a></p>

<b>Travel Plan</b>	<p>NPPF, para 36</p> <p>Local plan policy ST5</p>	<p>All non-residential proposals involving 50 employees or more.</p>	<p>The Travel Plan must set out how the reliance on the private motor car will be reduced through a package of measures produced by employers to encourage staff to use alternatives to single-occupancy car-use. Examples include: car sharing schemes; improved cycling facilities; a dedicated bus services; restricted car parking allocations.</p>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p> <p><a href="#">Essex County Council Travel Plans</a></p>
--------------------	---	--	---	---

<p><b>Tree Surveys: Arboricultural Implication Assessments and Method Statements</b></p>	<p>Town and Country Planning Act 1990, s.197 &amp; 198</p> <p>NPPF paras 8-9, 52-3, 57, 69, 73, 99, 109-10, 114-15, 118, and 120</p> <p>Local Plan policies LL10 and LL11</p>	<p>Where there are trees, within or adjacent to a planning application site that could influence or be affected by proposed development (including any other work associated with the proposal such as access to the site, the routes of new services or the storage of materials).</p>	<p>The potential effect of development on all trees is a material consideration irrespective of whether they are protected by TPO/ conservation area status, or not.</p> <p>At Planning Application stage the following tree related information should be submitted –</p> <ul style="list-style-type: none"> <li>- Arboricultural Impact Assessment to include – a full tree survey.</li> <li>- Evaluation of tree constraints.</li> <li>- Retained trees and Root Protection Areas (RPAs) to be shown on proposed layout plans.</li> <li>- Arboricultural method statement to demonstrate feasibility of the proposal, without causing harm to the tree(s).</li> <li>- Tree protection plan.</li> <li>- Protected area for proposed or future landscaping</li> </ul> <p>All of the above should be produced in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations</p> <p>Lack of the required information will be grounds for refusal, in that it has not been demonstrated that the proposal could be implemented without a detrimental impact on trees on or adjacent to the site</p>	<p><a href="#">British Standard 5837: 2012 “Trees in relation to design, demolition and construction – Recommendations”</a></p> <p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p> <p><a href="#">Avoiding Tree Damage During Construction</a></p>
--	---	---	--	--

<b>Ventilation/ Extraction System</b>	Local Plan Policy RP5A	A3, A4 and A5 uses and any other proposals (except householders) which will incorporate a ventilation/extraction system.	Details of the position and design of ventilation and extraction equipment, together with odour abatement techniques (if necessary) and acoustic noise characteristics. The assessment should be undertaken as per the criteria laid out in British Standard BS4142 (Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas).	
<b>Viability Statement including Financial Viability</b>	NPPF, paras 47-54, 159, 173-177	Any major application where s106 planning obligations will not be met in full, including the policy requirement for affordable housing provision on site. Major applications include those for 10 dwellings or more, on sites over 1 hectare in size, or that create non-residential floorspace over 1,000 square metres.	<p>The statement should include:</p> <ul style="list-style-type: none"> <li>• the number and mix of residential units with the number of habitable units;</li> <li>• the floor space of habitable areas of residential units.</li> </ul> <p>The application plans should show the location of the affordable units integrated into the scheme and the number of habitable rooms or bedrooms and the floor space of each unit. If different levels or types of affordable tenure are proposed for different units this should be fully explained.</p> <p>Details of any financial viability in cases where the applicant/developer is trying to justify an in principle inappropriate development in the Green Belt. Testing of the appraisal would normally be by a consultant who is a development valuer being appointed and instructed by the Council. The consultant's costs would however be paid for by the developer, so please click on the link to the right for charging details.</p>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p> <p><a href="#">See Appendix B: Fees for the validation of Viability Appraisals and Financial Appraisals</a></p>

Note: all drawings must be suitable for scanning and display electronically for the application to be valid.

# **Epping Forest District Council Planning Application Validation Requirements Checklist**

## **3 of 3 – Householder Applications – National and Local Requirements**

Information Item	Policy Driver	Applications that require this information	Further information	Where to look for further assistance
<p><b>Completed Application Form (1APP) and relevant fee (where required).</b></p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>All householder applications for planning permission.</p>	<p>Completed application form 1APP with all relevant certificates (included within form), signed and dated.</p> <p>It is recommended that planning applications and the fee is submitted to us electronically through the <a href="#">Planning Portal</a>. The Planning Portal has a fee calculator.</p> <p>Where a paper copy is your only option, then one copy must be submitted with the appropriate fee.</p> <p>Credit and debit card payments can be made by calling Planning General Enquiries on 01992 564476 or 01992 564436</p>	<p><a href="#">Planning Portal Application Fee Calculator</a></p> <p><a href="#">Apply on Line via Planning Portal</a></p> <p><a href="#">Planning Fees and Charges</a></p> <p>The fee is £172 for extensions</p>
<p><b>Notice(s)</b></p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015</p>	<p>All householder applications where there are “owners” of the application site other than the applicant.</p>	<p>Must be served in accordance with Article 11, Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>“Owners” are freeholders or leaseholders with at least 7 years of the leasehold left unexpired.</p>	<p><a href="#">Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 13</a></p> <p><a href="#">Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 14</a></p>

<p><b>Site Location Plan</b> Scale 1:1250 or 1:2500 which is up to date in respect of the site, surrounding buildings and includes the direction of north. Must include a scale bar.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>All householder applications for planning permission.</p>	<p>Site location plans should include:</p> <ul style="list-style-type: none"> <li>• At least two named roads;</li> <li>• All the surrounding buildings, roads and footpaths on land adjoining the site;</li> <li>• A red line around all the land required for the development, the subject of your planning application;</li> <li>• A blue line around all other land owned by the applicant close to or adjoining the application site.</li> </ul>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 7</a></p>
<p><b>Block Plan</b> Scale 1:200 or 1:500 which is up to date in respect of the site, surrounding buildings and includes the direction of north. It must show the proposal in relation to the site boundaries and other existing buildings on the site and adjacent sites. Must include a scale bar.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>All householder applications for planning permission.</p>	<p>Should include the following:</p> <ul style="list-style-type: none"> <li>• All buildings, roads and footpaths on land adjoining the site (i.e. the current situation)</li> <li>• Precise positions of existing and, where appropriate, proposed vehicle accesses including dimensions;</li> <li>• All public rights of way crossing or adjoining the site;</li> <li>• The position of all trees and hedgerows on the site and adjacent land;</li> <li>• The extent and type of any hard surfacing;</li> <li>• The type and height of boundary treatment (e.g. walls, fences etc.).</li> <li>• Any Parking spaces</li> </ul>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 7</a></p>



<p><b>Elevations existing and proposed</b> Scale 1:50 or 1:100 to show overall size of any new buildings or extensions. Must include a scale bar.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>All householder applications for planning permission.</p>	<p>These should show clearly the proposed works in relation to what is already there. This must show:</p> <ul style="list-style-type: none"> <li>• All sides of the proposal and (where possible) the proposed building materials and the proposed style, materials and finish of windows and doors;</li> <li>• Where a proposed elevation adjoins or is in close proximity to another building, drawings must clearly show the relationship between the buildings and detail positions of the openings on each property.</li> <li>• State on the plans what revisions have been made from previously approved, refused or withdrawn plans for the same type of development.</li> </ul>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 7</a></p>
<p><b>Floor plans, existing and proposed</b> Scale 1:50 or 1:100 to show overall size of any new buildings or extensions. Must include a scale bar.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>All householder applications for planning permission.</p>	<p>This should explain the proposal in detail, showing:</p> <ul style="list-style-type: none"> <li>• Where existing buildings or walls are to be demolished (if applicable);</li> <li>• Details of the existing building(s) as well as those for the proposed development.</li> <li>• The entirety of any floor being altered.</li> <li>• State on the plans what revisions have been made from previously approved, refused or withdrawn plans for the same type of development.</li> </ul>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 7</a></p>

<p><b>Existing and proposed site sections and finished floor and site levels</b></p> <p>Scale 1:50 or 1:100. Must include a scale bar.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 7</p>	<p>On sloping sites it will be necessary to show how proposals relate to existing ground levels and where ground levels may be modified.</p>	<p>Plan drawn to show a cross section through the proposed building(s) and the adjacent level of the land.</p> <p>Where a proposal involves a change in ground levels, drawings must show both existing and finished levels. Drawings must include details of floor levels, building height and relationship to site boundaries.</p>	<p><a href="#">The Town and Country (Development Management Procedure) (England) Order 2015 Article 7</a></p>
<p><b>Roof Plans</b></p> <p>Scale 1:100 or 1:200. Must include a scale bar.</p>		<p>Required where a roof would be created or altered by the proposed development.</p>	<p>Showing the shape of the roof and details of the roofing materials and any features such as chimney positions or windows.</p>	
<p><b>Street Scene relative to neighbouring buildings</b></p> <p>Scale 1:50 or 1:100. Must include a scale bar.</p>	<p>NPPF, paras 28, 50, 52, 54, 112</p> <p>Local Plan Policies, DBE2, DBE9 and DBE10. For sites in Metropolitan Green Belt, also Policy GB2A</p>	<p>Extensions fronting a road, including additions to the roof.</p>	<p>In addition to the national requirement on elevations, this must show:</p> <ul style="list-style-type: none"> <li>The proposed elevation relative to the outline of the neighbours building and with metric measurement distance to the neighbours building and boundary;</li> </ul>	<p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p>

<p><b>Tree Surveys: Arboricultural Implication Assessments and Method Statements</b></p>	<p>Town and Country Planning Act 1990, s.197 &amp; 198</p> <p>NPPF paras 8-9, 52-3, 57, 69, 73, 99, 109-10, 114-15, 118, and 120</p> <p>Local Plan policies LL10 and LL11</p>	<p>Where there are trees, within or adjacent to a planning application site that could influence or be affected by proposed development (including any other work associated with the proposal such as access to the site, the routes of new services or the storage of materials).</p>	<p>The potential effect of development on all trees is a material consideration irrespective of whether they are protected by TPO/ conservation area status, or not.</p> <p>At Planning Application stage the following tree related information should be submitted –</p> <ul style="list-style-type: none"> <li>- Arboricultural Impact Assessment to include – a tree survey.</li> <li>- Evaluation of tree constraints.</li> <li>- Retained trees and Root Protection Areas (RPAs) to be shown as part of the proposed layout plans.</li> <li>- Arboricultural method statement to demonstrate feasibility of the proposal, without causing harm to the tree(s).</li> <li>- Tree protection plan.</li> </ul> <p>All of the above should be produced in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations</p> <p>Lack of the required information will be grounds for refusal, in that it has not been demonstrated that the proposal could be implemented without a detrimental impact on trees on or adjacent to the site</p>	<p><a href="#">British Standard 5837: 2012 “Trees in relation to design, demolition and construction – Recommendations”</a></p> <p><a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a></p> <p><a href="#">Avoiding Tree Damage During Construction</a></p>
--	---	---	--	--

<b>Flood Mitigation Measures</b>	NPPF, paras 93-108, 166, 192  Local Plan Policies U2A, U2B, U3A and U3B	All householder extensions, excluding self-contained annexes, within Flood Zone 2 and 3.  Visit the Environment Agency website for more details on when these are required and what should be included.	Complete the Flood Matrix table on the Environment Agency website (see link to the right) and submit with required supporting evidence.	<a href="#">National Planning Policy Framework &amp; Planning Practice Guidance</a>  <a href="#">Environment Agency Flood Matrix</a>
----------------------------------	---	---	---	--

## Appendix A

### Transport Assessment(TA)/Transport Statement (TS) Guideline Thresholds:

Use	Thresholds for TSs	Thresholds for TAs
<b>A</b>		
A1 Food retail	250 – 800m <sup>2</sup>	>800m <sup>2</sup>
A2 Non-food retail	800 – 1500m <sup>2</sup>	>1500m <sup>2</sup>
A2 financial and professional services	1000 – 2500m <sup>2</sup>	>2,500m <sup>2</sup>
A3 restaurants and cafes	300 – 2500m <sup>2</sup>	>2,500m <sup>2</sup>
A4 drinking establishments	300 – 600m <sup>2</sup>	>600m <sup>2</sup>
A5 hot food takeaway	250 – 500m <sup>2</sup>	>500m <sup>2</sup>
<b>B</b>		
B1 business	1500 – 2500m <sup>2</sup>	>2,500m <sup>2</sup>
B2 general industry	2500 – 4000m <sup>2</sup>	>4,000m <sup>2</sup>
B8 storage and distribution	3000 – 5000m <sup>2</sup>	>5,000m <sup>2</sup>
<b>C</b>		
C1 Hotels	75 – 100 bedrooms	>100 bedrooms
C2 residential – hospital, nursing homes	30 – 50 beds	>50 beds
C2 residential – education	50 – 150 students	>150 students
C2 residential – institution hostel	250 – 400 residents	>400 residents
C3 Residential	25 – 50 units	>50 units
<b>D</b>		
D1 non-residential institutions	500 – 1000m <sup>2</sup>	>1000m <sup>2</sup>
Primary and secondary education	School TS where an increase in staff/pupil numbers is proposed	Any new school
Higher and further education	0 – 50 pcus	>50 pcus
D2 Leisure and assembly	500 – 1500m <sup>2</sup>	>1500m <sup>2</sup>
Others	Discuss with LHA	Discuss with LHA

LHA = Local Highway Authority (Essex County Council)

## Appendix B

**Fees for the validation of Viability Appraisals and Financial Appraisals by the Council's Affordable Housing Consultant**

**for planning applications where applicants**

**(a) Assert that it is unviable to meet the Council's policy-compliant affordable housing requirements  
or**

**(b) The Council has agreed to the payment of a financial contribution in lieu of on-site affordable housing provision**

**(1<sup>st</sup> March 2015 – 31<sup>st</sup> March 2016)**

	No. of Residential Dwellings			
	6 - 14	15 - 49	50 -149	150 +
<b>Residential use only</b>	£4,250	£5,500	£6,200	£7,000
<b>Supplement for 1 additional use</b>	£1,000			
<b>Supplement for 2 additional uses</b>	£1,750			
<b>Supplement for 3 additional uses</b>	£2,500			
<b><u>Discounts</u> to the above fees - where the Council does <u>not</u> require cost or valuation advice as part of the validation <i>(Residential use only – cost and valuation advice is always required for developments that include additional uses)</i></b>	(£500)	(£1,000)	(£1,000)	(£1,500)

Notes: (1) VAT is not payable on the above fees

(2) The above fees are the same fees that the Council's Affordable Housing Consultant charges the Council for their services, and were the lowest fees received from consultants in response to a competitive fee tender exercise undertaken by the Council in January 2015

**Guidance Note to  
Planning Applicants  
on the Submission of  
Viability and  
Financial Appraisals  
for Affordable  
Housing**

**January 2017**

# Contents

---

1. Introduction
2. The Council's Draft Local Plan – Affordable housing
3. The National Planning Policy Framework (NPPF)
4. Viability appraisals and financial contributions in lieu of on-site affordable housing provision - Housing Background Paper
5. Assessing viability and financial contributions – The Council's general approach and requirements
6. The Council's approach to discussions with applicants and consideration of Viability and Financial Appraisals
7. Professional accountability and transparency
8. Appraisal methodology
9. Appraisal assumptions
10. Review mechanisms
11. Confidentiality of information
12. Further information



# 1. Introduction

---

1.1 The Council has a number of policies, contained within its Draft Local Plan and other supporting documents, relating to the provision of affordable housing on new developments within the District, which are in accord with the National Planning Policy Framework (NPPF).

1.2 Generally, for developments in excess of 10 dwellings, or where the proposed Gross Internal Area of properties is greater than 1,000m<sup>2</sup>, the Council expects at least 40% of the total number of dwellings to be provided as affordable housing, with at least 70% of the affordable housing being provided as affordable rented housing.

1.3 However, the Draft Local Plan reflects the NPPF's requirements that if it would be unviable for a development to fully comply with the Council's affordable housing policies and requirements, the Council would accept either a lower amount of affordable housing and/or a different tenure mix - subject to the applicant providing a detailed **Viability Appraisal**, with adequate and appropriate supporting evidence.

1.4 Similarly, the Draft Local Plan also recognises that there may be exceptional circumstances that would justify the payment of a financial contribution to the Council for use towards the provision of affordable housing on another site in the District, in lieu of on-site provision. However, this is subject to the applicant providing a detailed **Financial Appraisal** assessing the difference in anticipated property sales values, other income, construction costs and other costs (including a reasonable developer's profit) between a development with all the dwellings being provided as market housing and a development with the required affordable housing provision on site. Again, adequate and appropriate supporting evidence must be provided.

1.5 Despite the increasing relevance of viability in planning and its complexity, there is an absence of detailed formal planning guidance on this issue at the national level. Various industry guidance documents are available, but no single document satisfactorily addresses all aspects of the viability process.

1.6 Therefore, in order to:

- Provide applicants with greater clarity and guidance on the application of planning policy;
- Inform applicants of the Council's approach to assessing and validating Viability/Finance Appraisals; and
- Help minimise delays in determining planning applications;

this Guidance Note to Planning Applicants explains the national planning policies the Council's key local planning policies relating to affordable housing and viability and sets out the Council's requirements for the submission of Viability Appraisals and Financial Appraisals by applicants, where either:

- The applicant is of the view that it would be unviable for a development to provide the expected amount and/or tenure of affordable housing – where a Viability Appraisal needs to be provided by the applicant; or
- The Council has accepted that there are exceptional circumstances that justify a financial contribution towards the provision of affordable housing on another site in the District, in lieu of on-site provision – where a Financial Appraisal needs to be provided by the applicant.

## 2. The Council's Draft Local Plan – Affordable housing

---

2.1 The Council published its Draft Local Plan on 31<sup>st</sup> October 2016 for consultation, with the consultation period ending on 12<sup>th</sup> December 2016. At the time of writing, the consultation responses are being collated

and analysed. The Draft Local Plan contains a number of proposed planning policies relating to affordable housing, including the following:

***“ Draft Policy H2 – Affordable Housing***

*A. Seek a minimum of 40% of homes for affordable housing. The mix of affordable housing units in terms of affordable rent and intermediate housing will be required to accord with the latest available evidence set out in the Strategic Housing Market Assessment. All new homes will be required to meet accessible and adaptable homes standards as defined by the Building Regulations applicable at the time of the application;*

*B. The management of the affordable housing provided will be undertaken by a Registered Provider, which is a Preferred Partner of the Council unless otherwise agreed by the Council. Any scheme will need to demonstrate that the design, siting and phasing of such housing provides for its proper integration and timely provision as part of the wider development;*

*C. Where it has been demonstrated to the Council’s satisfaction through the submission of viability evidence, which is open and transparent, that the provision of affordable housing in accordance with the above levels and tenure mix would deem the scheme unviable, then the Council will take a flexible approach to achieving viability as follows:*

- i) Reviewing the tenure mix*
- ii) Reviewing the extent of other site specific planning obligations; and*
- iii) The proportion of affordable housing; and*

*D. The mix of units in respect of size will be determined on a site by site basis, dependent on the overall needs for that area and on the specific characteristics of the individual site.*

***Draft Policy H3 Rural Exceptions***

*A. Planning permission may be granted for small-scale "affordable" housing schemes within the smaller settlements, as an exception to the normal policy of restraint, where the Council is satisfied that:*

- i) There is a demonstrable social or economic need for affordable housing for local residents which cannot be met in any other way and which can reasonably be expected to persist in the long term. An application would be expected to be supported by an assessment appraisal which clearly demonstrates that there is a local housing need;*
- ii) The development is well-related to the existing settlement and there is no detriment to the character of the village or the countryside, or causes significant harm to Green Belt objectives. Proposals involving extensions into the open countryside or the creation of ribbons or isolated pockets of development are unlikely to be considered acceptable and should be avoided. There should be no significant grounds for objection on highways, infrastructure or other planning grounds; and*
- iii) Suitably secure arrangements will be made to ensure the availability of the accommodation, as built, for initial and subsequent local needs households whose total income is insufficient to enable them to afford to rent or buy a dwelling of a sufficient size on the open market; and*

*B. The Council will consider the provision of some market housing within a site if it can be demonstrated, through open and transparent viability evidence, that such housing is necessary to ensure the delivery of the affordable homes.”*

### 3. The National Planning Policy Framework (NPPF)

---

3.1 Paragraph 173 of the NPPF includes the following requirements relating to the viability of developments:

*“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”*

3.2 Part of the NPPF includes Planning Practice Guidance (PPG) on Viability, which sets out the policy principles relating to viability assessments.

3.3 Paragraph 001 of the PPG states the importance of Viability Appraisals, as follows:

*“Decision-taking on individual schemes does not normally require an assessment of viability. However, viability can be important where planning obligations or other costs are being introduced. In these cases decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth.”*

3.4 Paragraph 016 defines viability, as follows:

*“A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.”*

3.5 Paragraph 004 sets out the underlying principles for understanding viability in planning, which includes the following statements:

- *“Assessing viability requires judgements which are informed by the relevant available facts. It requires a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market.”*
- *“Understanding past performance, such as in relation to build rates and the scale of historic planning obligations can be a useful start. Direct engagement with the development sector may be helpful in accessing evidence.”*
- *“A collaborative approach involving the local planning authority, business community, developers, landowners and other interested parties will improve understanding of deliverability and viability. Transparency of evidence is encouraged wherever possible.”*

3.6 Paragraph 017 explains the period at which costs and values should relate:

*“Viability assessment in decision-taking should be based on current costs and values. Planning applications should be considered in today’s circumstances.”*

*However, where a scheme requires phased delivery over the medium and longer term, changes in the value of development and changes in costs of delivery may be considered. Forecasts, based on relevant market data, should be agreed between the applicant and local planning authority wherever possible.”*

3.7 Paragraph 021 gives guidance on the assessment of “Gross Development Value (GDV)”, as follows:

*“On an individual development, detailed assessment of Gross Development Value is required. On housing schemes, this will comprise the assessment of the total sales and/or capitalised rental income from the development. Grant and other external sources of funding should be considered. On retail and commercial development, assessment of value in line with industry practice will be necessary.”*

*Wherever possible, specific evidence from comparable developments should be used after adjustment to take into account types of land use, form of property, scale, location, rents and yields. For housing, historic information about delivery rates can be informative.”*

3.8 Paragraph 022 explains how costs should be assessed, as follows:

*“Assessment of costs should be based on robust evidence which is reflective of market conditions. All development costs should be taken into account including:*

- Build costs based on appropriate data, for example that of the Building Cost Information Service;*
- Abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or historic costs associated with brownfield, phased or complex sites;*
- Infrastructure costs, which might include roads, sustainable drainage systems, and other green infrastructure, connection to utilities and decentralised energy and provision of social and cultural infrastructure;*
- Cumulative policy costs and planning obligations. The full cost of planning standards, policies and obligations will need to be taken into account, including the cost of the Community Infrastructure Levy.*
- Finance costs including those incurred through loans;*
- Professional, project management and sales and legal costs.”*

3.9 Paragraph 023 explains how land values should be assessed, as follows:

*“Central to the consideration of viability is the assessment of land or site value. Land or site value will be an important input into the assessment. The most appropriate way to assess land or site value will vary from case to case but there are common principles which should be reflected. In all cases, land or site value should:*

- Reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge;*
- Provide a competitive return to willing developers and land owners (including equity resulting from those wanting to build their own homes); and*
- Be informed by comparable, market-based evidence wherever possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise.”*

3.10 Paragraph 024 provides guidance on the NPPF’s requirement that viability should consider “competitive returns to a willing landowner and willing developer to enable the development to be deliverable”, as follows:

*“This return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.*

*A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy.”*

## 4. Viability appraisals and financial contributions in lieu of on-site affordable housing provision - Housing Background Paper

---

### *Introduction*

4.1 The technical *Housing Background Paper*, published at the same time as the Draft Local Plan, provides more detailed information about the Council's approach to providing new housing within the District up until 2033.

4.2 The *Housing Background Paper* explains (Para 1.79) that, in developing its affordable housing policies, the Council recognises that not all development sites that come forward will be capable of delivering affordable housing on-site, and that in some instances this may not be desirable in terms of the form and location of development.

### *Development viability*

4.3 It is recognised (Para 1.80) that not all private sector developments that come forward for housing will necessarily contribute to the delivery of affordable housing. This includes some proposals for market housing that, because of site-specific complexities and costs, would not generate sufficient development value to be viable if the full proportion of affordable housing sought under Draft Policy H2(A) were to be provided. The *Housing Background Paper* therefore explains that, in such circumstances, the Council will take a balanced approach to the provision of affordable housing so that:

- The level of affordable housing that is needed is delivered;
- The level of affordable housing sought is viable and does not prevent the delivery of homes; and
- Sufficient flexibility is built in to take account of site-specific circumstances.

4.4 To help understand what level of affordable housing would be appropriate on sites, whilst ensuring that those developments would still be viable, as part of the evidence base for its Local Plan the Council commissioned a *Stage 1 Assessment of the Viability of Affordable Housing, Community Infrastructure Levy and Local Plan* ("Stage 1 Viability Report"), which was completed in June 2015.

4.5 The report considered the level of affordable housing that could reasonably be sought from developments across the District, taking into account the possibility of the Council introducing a Community Infrastructure Levy (CIL) if considered appropriate. The report assessed this against a range of options for affordable housing and CIL levels, site sizes and locations for development (both geographic, and in relation to both greenfield and brownfield sites).

4.6 The *Housing Background Paper* explains (Para 1.82) that the Council recognises that there needs to be sufficient land value to generate a sufficient surplus to developers once all the costs of development have been met. The assumptions used in the Stage 1 Viability Report take into account not only planning obligations (e.g. Section 106 agreements), CIL and affordable housing, but also any policy requirements that may have a cost impact on development – including sustainability, density, unit mix, affordable housing type/tenure and housing standards.

4.7 The methodology basis is the same for all parts of the Stage 1 Viability Report – it uses Residual Land Valuation (RLV) techniques (see Section 8 below). The outcomes of the study indicate that an affordable housing target of 40% on **all** sites across the District of 11 or more dwellings would be viable and would support the delivery of a meaningful level of affordable housing, as identified in the Council's Objective Assessment of Housing Need (OAHN). The report also identifies that, in addition, there would also be sufficient scope to achieve a reasonable combination of both affordable housing and CIL on some sites in those areas of the District with higher values, bearing in mind that CIL rates would need to be "buffered".

4.8 As recognised in the Council's District-wide Stage 1 Viability Report, there may be occasions where a site would not be deliverable if the required level of affordable housing and tenure split were sought. The *Housing Background Paper* explains (Para 1.86) that, in such cases, the applicant will be expected to

provide a full Viability Appraisal (in accordance with both national guidance and any local guidance) to demonstrate the case and the level and type of affordable housing that could viably be provided.

4.9 The *Housing Background Paper* also explains that Viability Appraisals will be reviewed by an expert appointed by the Council, the cost of which will be borne by the applicant. If the Council is satisfied that the Appraisal confirms that the affordable housing cannot be provided in line with Draft Policy H2, the *Housing Background Paper* explains (Para 1.87) that the Council will agree either an alteration in the tenure split requirement or a reduction in the overall affordable housing requirement, whichever the Council considers is most appropriate – and that the Council will apply this approach until the proposal is considered viable.

4.10 The *Housing Background Paper* also explains that the Council may require the inclusion of a viability review mechanism to be secured through a planning obligation at appropriate stages of the development (see Section 10 below).

#### *Financial contributions in lieu of on-site affordable housing provision*

4.11 The *Housing Background Paper* also explains that the Council's 'default' position for the provision of affordable housing on all sites of 11 or more homes will be that it should be provided **on-site** as part of the development. However, it goes on to acknowledge that there may be exceptional circumstances that would justify a financial or other contribution towards the provision of the required element of affordable housing on another site in the District.

4.12 In such circumstances (Para 1.85), financial contributions towards the provision of affordable housing off-site will be based on the difference in development values (in terms of anticipated property sales values, other income, construction costs and other costs – including a reasonable developer's profit) between a development with all the dwellings being provided as market housing and a development with the required affordable housing provided on-site, with adequate and appropriate supporting evidence. In so doing, account should be taken of the potential enhanced value of not making the affordable housing provision on-site as well.

4.13 The *Housing Background Paper* explains that, for sites in excess of 10 dwellings, financial contributions to provide affordable housing off-site will only be accepted where the developer can demonstrate exceptional reasons for not providing the affordable housing on site. It strongly advises that, if a developer considers that this route is the only realistic option for the development to be delivered, early discussions should take place with Council officers to determine the sufficiency of the justification and the level (and timing) of the contribution to be provided.

## **5. Assessing viability and financial contributions – The Council's general approach and requirements**

---

5.1 Where applicants are of the view that viability issues do not allow for the full range of planning obligations to be met, the Council requires applicants to provide a detailed Viability Appraisal, which should provide adequate and appropriate supporting evidence, in accordance with the requirements of this Guidance Note.

5.2 The Viability Appraisal must clearly demonstrate a lack of viability, before any consideration will be given to granting planning permission for residential developments where less than the expected 40% affordable housing would be provided, or with a different tenure mix than would ordinarily be required.

5.3 Similarly, where the Council has accepted in principle that there are exceptional circumstances that would justify a financial contribution towards the provision of affordable housing on another site in the District, in lieu of on-site provision, the Council requires applicants to assess, through a detailed Financial Appraisal, the level of financial contribution that should be provided to the Council. This sum should be equivalent to the difference in:

- Anticipated property sales values;
- Other income;
- Construction costs;
- Other costs; and
- A reasonable developer's profit

between a development;

- With all the dwellings being provided as market housing; and
- A development with the required affordable provision on site.

5.4 A consequence of the current absence of national planning guidance in respect of Viability/Financial Appraisals is that there is wide scope and discretion in how matters relating to viability and financial contributions in lieu of on-site affordable housing provision are dealt with. The Council's experience prior to the publication of this Guidance Note was that, in some instances, it led to the use of inappropriate approaches to assessing viability, which came into conflict with the principle of sustainable development and the "plan-led" planning system.

5.5 As the Local Planning Authority, it is the Council's role to determine the most appropriate approach to be taken in each case. The Council receives a large number of Viability Appraisals in support of planning applications where it is suggested that it is not possible to meet the Council's affordable housing requirements, and occasional Financial Appraisals, in agreed cases, where Financial Contributions would be considered in lieu of on-site affordable housing provision.

5.6 It is important in both cases that the inputs and assumptions used for Viability and Financial Appraisals are appropriate, due to the direct impact on the outcome of the appraisal and determination of the application, as well as the potential implications of failing to meet the Council's usual policy requirements.

5.7 This Guidance Note therefore seeks to provide clarity on the nature and extent of information required by the Council to enable it to robustly scrutinise Viability and Financial Appraisals.

## **6. The Council's approach to discussions with applicants and consideration of Viability and Financial Appraisals**

---

6.1 Where applicants are of the view that either:

- It may not be possible to meet the Council's requirements for the provision of affordable housing due to a potential lack of viability; or
- For exceptional reasons, a financial contribution should be provided to the Council to help fund affordable housing on another development in lieu of on-site affordable housing provision

the Council encourages applicants to discuss these issues with Council officers at the earliest possible stage, through the pre-application process.

6.2 Applicants are advised to ensure that planning applications have regard to the advice given by the Council at the pre-application stage. If a subsequent planning application does not reflect the advice given by the Council at a pre-application stage, the risk of planning permission not being granted will be increased. However, for the avoidance of doubt, it does not necessarily follow that an application that is in accordance with advice given at the pre-application stage will receive planning permission.

*Pre-application stage*

6.3 The Council's Communities Directorate leads on discussions with applicants about affordable housing provision and its comments on development proposals are included in the Council's overall pre-application

advice. Representatives from the Communities Directorate are generally available to attend meetings with applicants during the pre-application process.

6.4 The pre-application stage offers the opportunity to scope out the requirements of the Viability/Financial Appraisal and to discuss the proposed methodology and assumptions to be adopted.

6.5 It is beneficial to applicants to submit Viability/Financial Appraisals at the pre-application stage, since it enables the Council to validate the Appraisal (or not), on the advice of its affordable housing consultants, early in the application process and to provide early comments to applicants before their development proposals are formulated and finalised for the submission of a planning application.

#### *Review and validation of Appraisals*

6.6 Where an applicant is of the view that it would not be viable to meet the Council's Local Plan affordable housing policies, or that it would be more appropriate to provide a financial contribution to the Council, either a Viability Appraisal or a Financial Appraisal (as appropriate) must be submitted respectively.

6.7 Before a Viability/Financial Appraisal can be reviewed, applicants must pay to the Council the fee that the Council itself must pay its own affordable housing consultants to review and advise the Council on the validation of the Appraisal. Details of the fees, and how payments should be made, can be obtained from either the Planning Case Officer or the Senior Housing Development Officer dealing with the application. The fees are based directly on the fees submitted by the Council's affordable housing consultants through a prior competitive tender process. No additional costs (e.g. for administration) are added to the fees. VAT is not charged to applicants.

6.8 Following receipt of payment, the Viability/Financial Appraisal (together with the required accompanying supporting evidence and information) must be submitted to the Planning Case Officer in accordance with this Guidance. The Council's Communities Directorate will then arrange for the Appraisal to be reviewed in detail by the Council's affordable housing consultants.

6.9 If the Council's affordable housing consultants require any further supporting information or evidence to back-up assumptions used for the Appraisal, they will contact the applicant direct to obtain this information. Where an Appraisal does not include all the relevant information required by the Council, it will cause delays to the determination of the application. If details requested by the Council's consultants are not provided by the applicant, this is likely to undermine the validity of the Appraisal and limit the weight that can be given to it.

6.10 It is important that applicants understand that the Council's affordable housing consultants are reviewing the applicant's own Viability/Financial Appraisal to advise the Council on whether or not the Appraisal can be validated (or otherwise). Therefore, all the information and evidence that the applicant considers necessary to support their Appraisal should be provided **at the time of submission**, or in response to the Council's consultants' request for information. Once the Council's consultants have issued their report (see 6.12 below), applicants will not have any further opportunity to provide any new information or evidence subsequently – unless a completely new Viability/Financial Appraisal is submitted by the applicant, which will not only result in the applicant having to pay a further validation fee in full, it will also result in a delay in the determination of their planning application.

6.11 When the Council's consultants have all the required evidence and information, they will review the Appraisal and provide the Council with a detailed report on their findings, usually within 10 working days. The report will comment on each assumption and will advise the Council on whether or not they are of the view that the Appraisal can be validated as being acceptable and sound and will identify any areas where individual assumptions or evidence cannot be validated or supported. If the Council's consultants cannot recommend that the Viability/Financial Appraisal should be validated/accepted, they will provide the Council with their own view of the level of affordable housing or financial contribution that would be viable and appropriate to meet the Council's Local Plan affordable housing policies.

6.12 A copy of the Council's consultants' report will be provided to the applicant and will be also used to inform the Communities Directorate's recommendation to the Planning Case Officer on whether or not the



affordable housing proposals are acceptable. If they are not considered acceptable, a recommendation will be made to the Planning Case Officer that the application should be refused on the basis of insufficient affordable housing provision/contribution. Where planning applications are determined by a Committee of the Council, the Planning Case Officer's report will include the comments of the Communities Directorate and its recommendations.

6.13 If material changes are made by an applicant to their application after submission of a Viability Appraisal, and a significant amount of work has already been undertaken by the Council's affordable housing consultants in reviewing the Appraisal, a revised Appraisal must be submitted - which the Council will need its affordable housing consultants to consider and report upon, which will be at the applicant's further cost.

6.14 Occasionally, the Council receives Viability Appraisals for proposed developments where none of the proposed dwellings would be suitable as affordable housing (e.g. large "luxury" houses and/or properties with garages), on the basis that it would be "unviable" to provide any affordable housing on the site. From experience, this assertion is rarely correct and the validation process often establishes that it would be viable to provide at least some on-site affordable housing. The applicant then finds themselves in the position of having to redesign the scheme to provide the level of affordable housing that would be viable, submit a revised appraisal and meet the Council's additional costs of validating the revised Appraisal. It is for this reason that, if an applicant considers that it would be unviable to meet the Council's affordable housing requirements, they have early discussions with Council officers to avoid delays and additional costs. Further information relating to this issue is provided at Section 8.13 below.

## **7. Professional accountability and transparency**

---

7.1 It is generally recognised that there is the potential for significant variations in the outcome of Viability/Financial Appraisals depending on the assumptions used. It is therefore essential that Appraisals are formulated based on robust information and evidence.

7.2 The Council expects high levels of professional integrity from applicants and their agents when they submit Appraisals. It is important that the information provided to the Council is consistent with the development appraisals that a developer has themselves relied on to inform their own commercial decision-making in relation to the development.

7.3 The information provided should include details of actual arrangements in place between landowners and developers, and be the same information provided to banks to secure development finance. Clearly it would be inappropriate and unacceptable for an applicant to submit an assessment that does not accurately reflect the assessment that they themselves have relied on when determining whether or not to proceed with a development and the assessment provided to their funders.

7.4 Regrettably, the Council occasionally receives Appraisals that:

- Contain assumptions that are unsupported by robust evidence;
- Include development values that are under-stated and/or development costs that are over-stated, resulting in an artificially pessimistic outcome; and/or
- Seek to limit planning obligations in order to generate excess profits for a developer and/or landowner above a reasonable level of return that is required for the development to proceed.

7.5 Such cases will be identified during the Council's consultants' review and validation process and will result in a recommendation being made that planning permission is refused, due to an insufficient level of affordable housing or financial contribution being provided.

7.6 In order to ensure the quality and reliability of information submitted, and to minimise the potential for inaccurate or misleading information being provided, the Council will require a statutory declaration to be signed by a director of the applicant's company confirming that:

(a) The information provided in the Appraisal is accurate and consistent with the information the applicant is using to inform their own commercial decisions and has or will be submitted to their funder(s) for development finance; and

(b) The applicant has not instructed any agents to formulate the Appraisal under an arrangement where their fee is increased if they are successful in reducing planning obligations.

7.7 Members of the Royal Town Planning Institute (RTPI) and the Royal Institution of Chartered Surveyors (RICS) are bound by professional Codes of Conduct and the Council will expect professionals undertaking Appraisals to accord with these professional standards at all times. Where the Council considers that this is not the case, the Council may refer these matters to the relevant body for investigation and consideration.

## 8. Appraisal methodology

---

### *Use of Agents*

8.1 Undertaking a Viability/Financial Appraisal, and the sourcing and provision of appropriate supporting information and evidence, is a complex task and requires appropriate expertise and experience. Applicants are therefore strongly advised to engage an appropriate agent to undertake the Appraisal.

8.2 In some cases involving small-scale developments only, and on the request of the applicant, the Council may agree to a required Viability/Financial Appraisal being **jointly** produced by the Council's affordable housing consultants on behalf of the Council and the applicant, on the basis that both the applicant and the Council is prepared to be guided by the Appraisal, without the need for any further validation. The fee for such work has been pre-agreed with the Council's affordable housing consultants through a competitive process, and the benefit to the applicant of such an approach is that it avoids the need to meet the cost of both the applicant's Appraisal and the Council's validation review. It also avoids the potential for disagreements between the applicant and the Council and associated delays in determining the planning application. If applicants would like to request that a Viability/Financial Appraisal is jointly produced, they should submit a request to the Planning Case Officer in the first instance.

### *Viability and Financial Models*

8.3 There are a range of standard models that are typically used for undertaking Viability/Financial Appraisals, including the Three Dragons Toolkit and the Homes and Communities Agency's (HCA's) Development Appraisal Tool (DAT). Although applicants are free to use whichever model they feel most appropriate, the Council has a preference for the HCA's DAT, which is the model used by the Council's affordable housing consultants.

8.4 It is essential that applicants use the most up-to-date version of the relevant model and that the Council is provided with a working electronic version of the Appraisal model used, so that it can be fully tested and interrogated by the Council's affordable housing consultants.

### *Residual Land Value (RLV)*

8.5 The Residual Land Value (RLV) valuation methodology should be used by the applicant to determine the available 'residual' value that is available to pay a landowner, once the costs of undertaking the development and a reasonable developer's profit are deducted from the Gross Development Value (GDV) generated by the proposed development.

8.6 Use of the RLV approach is consistent with the long-standing principle that policy requirements are paid for from the additional value generated by the grant of planning permission for a development, or change

of use on the land. Applied properly, this approach is appropriate for assessing viability as part of the planning process, given that the purpose of the planning system is to achieve sustainable development, as determined by the Council's Draft Local Plan.

8.7 Since any additional value associated with a development above the value of the site, for either its existing use or an alternative (policy compliant) use, is dependent on the grant of planning permission based on the Council's affordable housing policies within its Draft Local Plan, the requirements of the Council's affordable housing policies should be included as part of the overall development costs, which are then deducted from the GDV to determine the residual value that is available to pay for the land.

#### *Benchmark Land Value (BLV)*

8.8 For a development to be financially viable, any uplift from its Existing Use Value (EUV) to the RLV that arises if planning permission is granted should be able to meet the cost of planning obligations (including the provision of affordable housing), whilst ensuring an appropriate return for both the landowner and the developer. Clearly, the return to the landowner from the sale of the land needs to be greater than the Existing Use Value (EUV). However, it will normally be less than the Open Market Value for development land for which planning permission has been secured and planning obligation requirements are known. The land value, with this uplift in value from the EUV, is generally referred to as the Benchmark Land Value (BLV). A key factor that must be taken into account when assessing the BLV is the Council's affordable housing target that 40% of the total residential housing should be provided as affordable housing.

8.9 The Council will generally deem a development to be viable if the RLV is equal to, or higher than, the Benchmark Land Value (BLV) - as this is the level at which it is considered the landowner has received a 'competitive return' and will release the land for development.

8.10 A common approach to assessing the BLV is to use the EUV plus a landowner's premium (sometimes referred to "EUV+"). The justification for the premium is that it provides a landowner with an incentive to release the site for development, having regard to the circumstances of the site. Although the Epping Forest District is outside London, and in the absence of any other planning guidance, the Council has had regard to the Mayor of London's Housing Supplementary Planning Guidance (SPG) that states:

*"On balance, the Greater London Authority has found that the 'Existing Use Value plus' based approach is generally more helpful for planning purposes, not least because of the way it can be used to address the need to ensure that development is sustainable in terms of National Planning Policy Framework and Local Plan requirements."*

8.11 The Council will therefore generally adopt the EUV+ approach when assessing and validating Benchmark Land Values.

8.12 Some applicants may seek to adopt an Alternative Use Value (AUV) approach to the BLV. However, it should be noted that this will only be accepted where there is a valid consent for the alternative use, or if the alternative use would clearly fully comply with the Local Plan, including the requirement to provide at least 40% affordable housing.

#### *Policy Compliant Scheme*

8.13 By implication, Viability Appraisals are only necessary if the applicant is of the view that it would not be viable to undertake a development that fully complies with all of the Council's planning policies, particularly the provision of the required amount of affordable housing. In order to demonstrate this, the applicant's Viability Appraisal should provide two analyses, as follows:

- One analysis that shows the financial effects if a fully policy-compliant development was to be provided (i.e. the amount of negative RLV or how much the RLV is below the BLV).

This is to demonstrate:

- (and support) the applicant’s assertion that a policy-compliant development is not viable;
  - the extent to which the proposed development is unviable; and
  - that the applicant has sought to take into account all of the Council’s required planning policies and requirements, including the provision of affordable housing, at the design stage, and to confirm that the only reason a planning application for a non-policy-compliant development has been submitted is because it had initially been established that a policy-compliant scheme would be unviable; and
- Another analysis that shows the financial effects of the proposed, viable, development – which may differ in terms of design and layout from the first analysis.

*Evidence*

8.14 Local authorities are required to ensure that both their local plans and their planning decisions are based on robust evidence. It therefore follows that the use of robust evidence to determine planning applications extends to the viability and financial information submitted with planning applications. This helps to ensure:

- Good planning outcomes;
- That there is consistency in the way planning applications are assessed; and
- That the planning process operates fairly and does not advantage or disadvantage other applicants.

8.15 The Council therefore requires that all viability and financial evidence is robustly justified and that assumptions are benchmarked against publicly-available data sources. Applicants will also be expected to be transparent about the arrangements that are in place between parties involved in the development, to ensure that the viability and financial information presented can be properly tested.

## 9. Appraisal assumptions

---

9.1 It is essential that realistic and appropriate assumptions are used for Viability/Financial Appraisals, based on **actual** costs and values where possible, since small variations in assumptions used can have a significant impact on the outputs. Wrong or inappropriate assumptions can result in either:

- An applicant committing to provide more affordable housing or a higher financial contribution than would be viable, causing difficulties for the applicant and therefore the delivery of the development; or
- An insufficient affordable housing or financial contribution being provided than could be afforded, up to a fully policy-compliant scheme

9.2 The following sub-sections set out the Council’s expectations in terms of the approach taken by applicants to the main assumptions used, which is based on good practice and for which the Council’s affordable housing consultants will be checking for compliance when they undertake their validation review:

*Development values*

9.3 Information that is provided to support assumed development values should be directly comparable to the site in question, so that it can be given appropriate weight. Transactions or market data should be:

- Up to date (from at least within the last 6 months);
- Within an appropriate distance from the site; and
- Relate to new build properties.

9.4 If there is a lack of new build data available, the provision of information for existing properties, with an appropriate additional premium for new build included within the assumption, would be acceptable.

9.5 Comparable sales information should be fully analysed and explained, to demonstrate how sales information has been interpreted and applied to the application scheme. Where an assessment refers to indices or other information sources generated by third parties, a full explanation of the data and methodology used to inform the index must be provided.

#### *Affordable housing values*

9.6 Applicants are advised to undertake Viability Appraisals in liaison with one of the Council's Preferred Housing Association Partners, who will be able to give an indication of the price that they would be able to pay to an applicant to purchase the completed affordable housing.

9.7 In order to ensure that affordable housing values used for the Viability Appraisal are truly reflective of the income that an applicant is likely to receive for the affordable housing provision, details of Preferred Housing Association Partners' offers should be included as part of the supporting evidence for the Viability Appraisal. This should also include details of any subsidy or grant that is available to the Housing Association, either from the Homes and Community Agency, the Housing Association itself (e.g. recycled capital grant funding – RCGF) or elsewhere.

9.8 It may be necessary to seek further offers from housing associations, if the tenure mix needs to be amended as a result of offers received and the outcome of the first iteration of the Viability Appraisal.

9.9 Rents for affordable rented housing should be based on whichever is the lower of:

- 80% of market rents in the locality of the proposed development (including service charges); or
- The Local Housing Allowances (LHAs) for the sizes of properties proposed, within the relevant Broad Rental Market Area (BRMA)

9.10 Offers for shared ownership housing should be based on the Council's standard Heads of Terms for Section 106 Agreements involving shared ownership, which are as follows:

- Average initial equity shares sold to applicants across all of the shared ownership properties on the development should be no more than 35%;
- Initial equity sales to individual applicants should be no less than 20% and no more than 75% of the open market value of the purchased properties;
- The rent charged for the equity retained by the Preferred Housing Association Partner should be no more than 2.0% of the value of the unsold equity per annum; and
- An appropriate value should be included in Appraisals representing expected "staircasing" (where shared owners purchase additional tranches of equity over time, eventually to 100% equity).

#### *Build costs*

9.11 An assessment of build costs (i.e. a cost plan) should be undertaken by a qualified building surveyor or quantity surveyor and provided in an elemental form that enables the Council's affordable housing consultants to benchmark against publicly-available sources of information, such as the Building Cost Information Service (BCIS) or SPON's Architects' and Builders' Price Book. Where assumptions diverge from such benchmarks, applicants must explain the reasons for the divergence within their supporting information. The cost plan should be accompanied by a detailed specification of the proposed development. This information is essential to underpin the analysis of both costs and values.

9.12 It is essential that any site-specific abnormal costs (e.g. for de-contamination) are fully supported by evidence and/or by relevant quotes and that only associated works that are directly required in order to enable the development to proceed are included.

## *Developer's Profit*

9.13 It is an accepted principle that applicants must receive:

- A competitive return for a scheme to proceed; and
- A level of profit that is sufficient for finance to be secured.

9.14 The most common approach for calculating a developer's profit is as a percentage of the Gross Development Value (GDV) or, in some circumstances, the Gross Development Cost (GDC). This is therefore the approach that the Council expects applicants to use in their Viability/Financial Appraisal.

9.15 The level of developer's profit will vary from scheme to scheme, which is determined by a range of factors including property market conditions and the development's risks. In accordance with the National Planning Practice Guidance (NPPG), the Council avoids having a rigid approach to profit levels and will consider the individual characteristics of each scheme when determining an appropriate level of developer's profit and, where necessary, will require supporting evidence from the applicant's lenders to justify the level.

9.16 However, for the guidance of applicants, based on current market conditions and knowledge of the development industry, the Council would expect the level of developer's profit to be between 15% and 17.5% of the GDV. Since expectations/assumptions of the developer's profit are likely to be higher for developments that involve abnormally higher risks, applicants must provide sufficient justification for assuming a developer's profit at the higher end of this range. In view of the lower levels of risk associated with occupying affordable housing and the positive impact on developers' cash flows (through the payment of up-front, interim and completion payments throughout the build contract), the Council would expect the level of developer's profit associated with the affordable housing provision to be lower than for the market housing. Indeed, applicants' attention is drawn to the fact that the Homes and Communities Agency (HCA) uses a default level of 6% of the GDC for the developer's profit in respect of affordable housing in its own Development Appraisal Tool (DAT). If a higher level is included in an applicant's Viability Appraisal, the Council requires justification for this higher level to be provided as part of the supporting information.

9.17 Some mixed tenure developments include an element of commercial development, for which the level of risk is also reflected in the level of developer's profit. Most experienced and prudent developers seek to establish 'pre-let' arrangements with future tenants as a means of reducing risk, as opposed to proceeding on a speculative basis. This reduced risk usually warrants a lower level of developer profit. Again, the Council avoids having a rigid approach to commercial profit levels and will consider the individual characteristics of each scheme when determining an appropriate level of developer's profit. However, again for the guidance of applicants, based on current market conditions and knowledge of the development industry, the Council would expect the level of developer's profit to be no more than 15% of the Gross Development Value (GDV) for any commercial element of developments, and applicants must therefore provide sufficient justification for assuming a developer's profit higher than this level. In any event, the Council requires full details of discussions with future occupiers to be provided as part of the supporting information, including details of rent and lease arrangements.

## *Development finance*

9.18 Development finance generally relates to the short term loan(s) that the applicant or a developer requires to fund the development, which are generally repaid on occupation of all the dwellings. An exception to this may be where a housing association is the developer and utilises longer term finance to fund the development (usually at a lower interest rate), with rental income used to repay the loan, either over a period of time or on maturity of the loan. The cost of development finance is therefore a legitimate development cost to include within Viability/Financial Appraisals.

9.19 Development finance is a complex area, with lots of different products and arrangements which differ according to:

- The organisation providing the funding
- The type of funding required; and

- The circumstances of the developer receiving the funding.

9.20 Availability and costs of development finance vary through economic and market cycles, and the Council expects applicants to have regard, as the Council will, to the current availability and costs of development finance for inclusion within their Appraisal.

9.21 There are two main approaches to development finance commonly adopted by applicants within Viability/Financial Appraisals, as follows:

- **To assume that all developers will incur generic average finance costs based on ‘standard’ market rates** – the benefit of this approach is that it avoids a situation where a small developer, incurring high finance costs, secures a planning consent, perhaps for a development that does not meet the Council’s policy requirements due to viability issues, but then sells the site to a larger developer who is able to acquire cheaper finance, but benefits from the same planning consent without fully complying with the Council’s Local Plan requirements.

However, applying ‘standard’ borrowing costs to all developers favours larger developers and housing associations, who are able to access cheaper finance or, in the latter case, may even have access to public subsidy or loans. Developers that have access to their own equity and who incur lower or no finance interest payments are also likely to benefit.

- **To use actual finance costs** – the benefit of this approach is that the true and accurate finance costs can be included in the Appraisal. However, this can only apply if the development is to be undertaken by the person or organisation that has arranged finance.

9.22 The Council’s preference is that, wherever possible, applicants should use **actual** finance costs, since these provide a true representation of the applicant’s costs. In these circumstances, the Council will require full details of the lender(s) and the terms of the development finance for the scheme to be provided. The Council will also require the finance provider to confirm that they will lend on the basis of the Viability/Financial Appraisal that has been provided.

9.23 Where the applicant will not be the eventual developer, and the developer has not yet been identified, the Council will accept a generic average finance cost to be included within the Appraisal. However, the applicant must provide within their supporting information detailed information on the assumptions used, and the Council’s affordable housing consultants will form a view on whether or not they consider them acceptable, based on the size and nature of the proposed development.

#### *Other Section 106 and Planning Obligations*

9.24 Applicants should have early discussions with the Council’s planning officers, through the pre-application process, about other Section 106 and planning obligations that are likely to be required from the development (e.g. financial contributions for health, highway or education services). These costs can then be included within the Viability Appraisal as a legitimate development cost.

#### *Other Assumptions*

9.25 There are a number of other assumptions relating to costs and values that are usually included within Viability/Financial Appraisals, for which applicants are required to justify within the supporting information for the Appraisal. All of these other assumptions will also be reviewed and either validated or not by the Council’s affordable housing consultants.

## **10. Review mechanisms**

---

10.1 Development values used within Viability and Financial Appraisals are usually based on current day values (i.e. at the point of the planning permission being granted). However, there is then usually a significant time lag between planning permission being granted and completion of the development.

10.2 During this time, significant changes can occur which would affect the viability of the development, in particular, build costs and development values. Therefore, for certain types of developments, the Council will require, through the S106 Agreement, a review of the actual viability of a development, either when the development has been completed or at agreed stages during the development period. This is to enable any affordable housing requirements that were reduced due to an apparent lack of viability demonstrated through the original Viability Appraisal to be corrected once the actual costs are known, in order to ensure that the maximum affordable housing contribution is achieved, up to that required for full policy compliance.

10.3 However, since the purpose of review mechanisms is to enable policy requirements that have previously been forgone to be met (and not to enter into an open-ended profit share arrangement with a developer), the S106 Agreement will include a cap on the level of additional provision to be provided - which will be the level assessed to ensure full compliance with the Council's Local Plan requirements.

10.4 It is likely that review mechanisms will be sought for the following types of developments:

- Large developments;
- Phased developments;
- Developments to be completed over an unusually long period of time;
- Developments that stall; and
- Developments where the actual viability is truly uncertain at the time of producing the original Viability Appraisal.

10.5 Where appropriate, the Council will seek to include mechanisms within S106 Agreements enabling some reviews to be carried out at an early stage in the development or, for phased schemes, prior to implementation of each phase, that require an appropriate amount of the properties earmarked for market housing to be provided as affordable housing. Where this is not possible, the Council would accept a financial contribution to fund affordable housing provision elsewhere in the District, in lieu of on-site provision.

10.6 When determining the viability of second and subsequent phases of larger developments, further re-appraisals will take account of the actual costs and values from previous phases of the development.

## **11. Confidentiality of information**

---

11.1 Some applicants seek confidentiality in the disclosure of some or all of the information contained in Appraisals and supporting information provided to local planning authorities. In such cases, this usually takes the form of seeking an exemption from disclosure under the Environmental Information Regulations 2004 and/or the Freedom of Information Act 2000, on the basis that such disclosure would adversely affect the confidentiality of commercial information that protects a legitimate economic interest.

11.2 However, the Council is unable to commit to keep such information confidential as its duty to comply with the legislation may require it to disclose the information, unless an exemption applies. Whether or not an exemption applies is usually determined around the issue of public interest. The Environmental Information Regulations apply a presumption in favour of disclosure, with exceptions only applying if retaining confidentiality would serve the public interest better than disclosing the information.

11.3 There is already case law relating to these issues, and the Council will always have regard to the most recent precedents from the courts.

11.4 If an applicant is of the view that any element of a Viability/Financial Appraisal should be kept confidential, they should provide a justification for why disclosure would cause harm to their commercial interests and also, crucially, harm the public interest. Justification must be provided for each individual component of an Appraisal that the applicant considers should not be disclosed.



11.5 The Council will only publish or disclose information submitted in support of an application where it is either necessary or appropriate to do so (for example, to justify officers' recommendations to a Council Committee) or if it is requested by a member of the public. Any information which the Council considers should not be disclosed, having regard to the legal position at the time, will be redacted. In this case the applicant may be required to provide a redacted version of the information, in a form specified by the Council.

11.6 Notwithstanding any decision by the Council not to disclose information, the Council may still need to release information to a third party where another body has a role in determining the application (e.g. where the application is subject to a planning appeal).

11.7 The Council reserves the right to provide information to external parties advising the Council on viability matters (e.g. the Council's affordable housing consultants) where this is necessary to ensure due diligence in assessing the application and to properly fulfil its statutory requirements as Local Planning Authority.

## **12. Further information**

---

12.1 For further information relating to any planning aspects of proposed developments, applicants should contact the Planning Case Officer that has been allocated to their application.

12.2 Any queries relating to affordable housing or the submission or validation of Viability/Financial Appraisals should be directed to the Council's Senior Housing Development Officer (Tel: 01992 564746).

This page is intentionally left blank



### **Report to: Governance Select Committee**

**Date of meeting: 4 April 2017**

**Portfolio:** Governance and Development Management (Councillor R. Bassett)

**Subject:** Key Performance Indicators 2017/18 – Review and Targets

**Officer contact for further information:** C. O'Boyle (01992 564475)

**Democratic Services Officer:** S. Tautz (01992 564180)

---

#### **Recommendations/Decisions Required:**

**That the select committee reviews the proposed key performance indicator set and targets for 2017/18 for those areas which fall within its areas of responsibility, and provide comment for the Finance and Performance Management Cabinet Committee as appropriate.**

#### **Executive Summary:**

The Council is required to make arrangements to secure continuous improvement in the way in which its functions and services are exercised, having regard to a combination of economy, efficiency and effectiveness. To assist with this a range of Key Performance Indicators (KPI) relevant to the Council's service priorities and key objectives, are adopted each year and targets set which are appropriate and challenging.

#### **Reasons for Proposed Decision:**

The KPIs provide an opportunity for the Council to focus attention on how specific areas for improvement will be addressed, and how opportunities will be exploited and better outcomes delivered. It is important that the key performance indicators are reviewed annually to ensure their continued relevance and that their targets are appropriate and challenging.

#### **Other Options for Action:**

No other options are appropriate in this respect. Failure to identify challenging performance targets, could mean that opportunities for improvement are lost and might have negative implications for judgements made about the progress of the Council.

#### **Report:**

1. The adoption of challenging but achievable KPIs each year is an important element of the Council's Performance Management Framework, and the KPI set is reviewed annually by Management Board to ensure the indicators and their targets are appropriate to provide challenge in the Council's key areas and to meet its objectives.
2. The provisional target for each indicator has been identified by service directors and relevant portfolio holder(s), based on third-quarter performance (and the estimated outturn position) for the current year. Management Board will review the provisional

targets against outturn data for 2016/17 when this becomes available, and any revisions to next year's targets will be reported to the appropriate select committees in June 2017.

3. The review of the KPIs which fall within the areas of responsibility of the Governance Select Committee has resulted in no change to the KPI set and targets, the details of which are set out in the attached appendix.
4. Improvement plans will be developed for each KPI for 2017/18, identifying actions to achieve target performance, if they fail to reach target at any quarter. The plans will be considered and agreed by Management Board, and submitted to the select committee along with the quarters' performance submission.
5. The Select Committee is requested to consider the proposed KPIs and targets for 2017/18 which fall within its areas of responsibility. These will also be considered by the Finance and Performance Management Cabinet Committee on 30 March 2017.

**Resource Implications:** none for this report

**Legal and Governance Implications:** none for this report; however performance management of key activities is important to the achievement of value for money.

**Safer, Cleaner, Greener Implications:** none for this report

**Consultation Undertaken:** Relevant Select Committees and the Finance and Performance Management Cabinet Committee.

**Background Papers:** KPI submissions held by the Performance Improvement Unit.

**Impact Assessments:**

**Risk Management:** none for this report

**Equality:** none for this report.

Key Performance indicators review and targets 2017-18

Appendix 1

KPI Ref	Description	Target 2016/17	Q3 2016/17 Performance	Proposed Target 2017/18	Target changed Yes/No	Comments/justification for proposed target for 2017/18 and reasons for targeted reductions in performance
GOV004	What percentage of major planning applications were processed within 13 weeks or extension of time date?	90.00%	93.33%	90.00%	no	Target is sufficiently testing and increased workload anticipated
				Amber tolerance = 2.00% below target		
GOV005	What percentage of minor planning applications were processed within 8 weeks or extension of time date?	90.00%	92.11%	90.00%	no	Target is sufficiently testing and increased workload anticipated
				Amber tolerance = 2.00% below target		
GOV006	What percentage of other planning applications were processed within 8 weeks or extension of time date?	94.00%	95.43%	94.00%	no	Target is sufficiently testing and increased workload anticipated
				Amber tolerance = 2% below target		
GOV007	What percentage of planning applications recommended for refusal were overturned and granted permission following an appeal?	20.0%	27.1%	20.0%	no	Although challenging it is appropriate for the professional team to be set high standards
				Amber tolerance = 2.0% above target		

GOV008	What percentage of planning applications, refused by members against a recommendation, were granted permission following an appeal?	50.0%	70.0%	50.0%	no	This is a reasonable target for Members applying the appropriate tests
				Amber tolerance = 5.0% above target		