

**MALDON DISTRICT COUNCIL  
LOCAL DEVELOPMENT SCHEME  
2021 –2024**

(Approved 23 February 2021)



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## **1.0 INTRODUCTION**

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- 1.1 The Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The purpose of the LDS is to set out the subject matter, area to be covered and timetable for the preparation and revision of local development documents, including Supplementary Planning Documents (SPDs) as well as other planning policy documents such as development briefs, Conservation Area character appraisals and LDP evidence base documents.
- 1.2 In essence, it is a project plan setting out the timetable for work to be undertaken from March 2021 until February 2024. It sets out details of the documents that will be given priority during this period.
- 1.3 This LDS has been prepared having regard to the Localism Act 2011, the Government's National Planning Policy Framework (NPPF) February 2019, and the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.
- 1.4 This LDS document will:
- Provide details on the review of the Local Development Plan (LDP)
  - Provide details on Supplementary Planning Documents, other planning policy documents and Evidence Base documents that the Council intends to produce and a timetable for their preparation up to February 2024;
  - Outline the 'Milestones' to be achieved as part of the process leading to the adoption of the various documents;
  - Provide information on the Authority Monitoring Report;
  - Set out the resources available and any constraints.
- 1.5 It is important that plans for the future development of the District are produced in a timely and efficient manner. If not, development which is crucial to the social, economic and environmental well-being of the District and its residents may be delayed, the co-ordination of development and infrastructure provision may be difficult to achieve and it puts at risk the Council's ability to defend planning decisions at appeals.

## **2.0 MALDON DISTRICT DEVELOPMENT PLAN**

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- 2.1 The Maldon District Local Development Plan (LDP) together with the Essex Minerals and Waste Local Plans and any made Neighbourhood plans are part of the statutory Development Plan for the District. All planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.2 On the 21 July 2017, the Secretary of State Approved the Maldon District Local Development Plan (LDP). The LDP includes the following components:

- The spatial strategy for future growth within the District for the period up to 2029;
  - Strategic development policies;
  - Development management policies; and
  - Land use allocations.
- 2.3 The diagram at Appendix 1 sets out how the LDP sits within the hierarchy of planning policy and supporting documents. The Policies Map illustrates the LDP, but does not form part of it.
- 2.4 On approval, the LDP replaced the ‘Saved Policies’ in the Replacement Local Plan (2005) and became the Development Plan for the District. The approved LDP policies are listed in Appendix 2.
- 2.5 Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.
- 2.6 Local planning authorities must publish information at least annually that shows progress with local plan preparation, report any activity relating to the duty to cooperate, any information collected which relates to indicators in the plan, and any policies which are not being implemented. Local planning authorities can also use the Authority Monitoring Report to provide up-to-date information on the implementation of any neighbourhood plans that have been brought into force and monitor the provision of housing for older and disabled people. It can help inform if there is a need to undertake a partial or full update of the local plan, when carrying out a review at least every 5 years from the adoption date.
- 2.7 The policies in the LDP which cover housing, including those covering the housing target are S2 and S3 and those covering the allocated strategic sites and garden suburbs S3, S4, S5, S6. The other housing policies within the plan are S7, S8, H1, H2, H3, H4, H5, H6, H7 and H8.
- 2.8 Policy S2 is the main housing policy in the LDP, this policy sets out what the housing target for the plan period is and the trajectory for housing in the District to 2029. In terms of delivery it is this policy and policy S3 which dictates a trigger for an early review of the LDP, in that para 2.16 of the LDP states
- “The Council will monitor housing delivery against the housing trajectory for the District using the indicators specified in the Monitoring Framework set out in the LDP. If the Authority Monitoring Report (AMR) demonstrates that the Garden Suburbs and Strategic Allocations deliver less than 75% of their projected housing completions in three consecutive years (based on the trajectories set out in Figure 4 of this Plan), the Council will undertake a partial review of this Plan. In undertaking this review, the Council will ensure that sufficient infrastructure capacity is available and that the potential allocation of additional housing sites will not prejudice delivery of the infrastructure required by the Plan.”
- 2.9 Monitoring for the period 2019/2020 has evidenced that the Councils housing delivery on the Garden Suburbs and Strategic Allocations has now failed to deliver

75% of their projected housing completions in three consecutive years and therefore a partial review of the LDP has been triggered.

- 2.10 Additionally, regarding the 5 year-supply of housing, as at December 2020 the Council cannot evidence a 5-year supply. Therefore, the policies most important for determining housing applications must now be considered out of date (NPPF paragraph 11d and footnote 7). This means that applications will be assessed against the NPPF rather than the LDP.
- 2.11 Considering housing further in terms of delivery, there is now a cumulative shortfall of 384 homes, with 9 years left on the life of the LDP to 2029. This would mean that to accommodate this shortfall the District will have to deliver 353 homes per year. This is higher than the LDP target of 310 homes per annum and the average build rate of 246 homes per annum achieved since 2014. As at 31<sup>st</sup> March 2020 there were 3,165 extant homes with planning permission, which seems sufficient housing to cover the required need, but because homes get permission it does not necessarily mean all of them will come forward. Whilst, the District does have a lapse rate of approximately 1.2%, which is relatively low, taking that into account the District is likely to have a shortfall of housing over the remaining plan period with little or no headroom compounds the case for an early review.
- 2.12 Given the above the Council has determined to carry out a review of its LDP.

**Table 1: Timetable for a Review of the Local Development Plan**

<b>DOCUMENT TITLE</b>	<b>REVIEW OF THE LOCAL DEVELOPMENT PLAN</b>
<b>Role and Content</b>	To provide an update to the Adopted Local Development Plan 2014 – 2029 this will provide a planning policy framework and development strategy for Maldon District up to 2038
<b>Coverage</b>	Maldon District
<b>Timetable</b>	Consult on Issues and Options –Autumn 2021 Consult on the Preferred Strategy LDP (Reg 18) – Summer 2022 Publish Draft LDP (Reg 19) – Early Spring 2023 Submit to the Secretary of State for Examination – Late Spring 2023 Adoption – Late Autumn 2023
<b>Chain of Conformity</b>	Relevant Planning Acts and Regulations National Planning Policy Framework and Planning Practice Guidance Maldon District Corporate Plan Local Development Plan Evidence base
<b>Resource</b>	Local Plans team; Other Council Officers; Co-operation with neighbouring local planning authorities; Co-operation with relevant stakeholders including infrastructure providers; Use of technology and web-based communication to assist with consultation; and Consultancy support to develop, review and update the evidence base and aid with the examination.

### **3.0 COMMUNITY INFRASTRUCTURE LEVY**

- 3.1 The Community Infrastructure Levy (CIL) was introduced by the Planning Act 2008 and defined in the CIL Regulations 2010 (as amended). CIL is a locally set charge on new development that the Council will implement across the District. It is based on the size and type of development and once set in an area is mandatory to be paid and non-negotiable. The funds raised must be used to provide infrastructure which is required to support new development across the area.
- 3.2 CIL must be informed by an Infrastructure Delivery Plan and a CIL Viability Assessment. Both were previously published in 2014 and have been undated in December 2020.
- 3.3 Proposed CIL rates are published within a Draft Charging Schedule. The CIL Regulations 2010 (as amended) currently require consultation to be undertaken before the Draft Charging Schedule can be submitted to government.
- 3.4 Initial consultations were undertaken in 2014 on a Preliminary Draft Charging Schedule and the Draft Charging Schedule, which presented proposed CIL rates.

With updated evidence it is proposed to recommence the work to bring forward CIL in Maldon District.

**Table 2: Timetable for a Community Infrastructure Levy**

<b>DOCUMENT TITLE</b>	<b>COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE</b>
<b>Role and Content</b>	To establish a charging schedule for the application of a community infrastructure levy on new development
<b>Coverage</b>	Maldon District
<b>Timetable</b>	Consult on Preliminary Draft Charging Schedule – Summer 2021. Publication of Draft Charging Schedule – Autumn 2021 Submit to the Secretary of State for Examination – Winter 2021 Adoption – Late Spring 2022
<b>Chain of Conformity</b>	Relevant Planning Acts and Regulations National Planning Policy Framework and Planning Practice Guidance Maldon District Corporate Plan Local Development Plan Infrastructure Delivery Plan Viability assessment
<b>Resource</b>	Local Plans team; Other Council Officers; Co-operation with neighbouring local planning authorities; Co-operation with relevant stakeholders including infrastructure providers; Use of technology and web-based communication to assist with consultation; and Consultancy support to develop, review and update the evidence base and aid with the examination.

## **4.0 SUPPLEMENTARY PLANNING DOCUMENTS**

- 4.1. Supplementary Planning Documents (SPDs) can be produced to build upon and provide more detailed guidance on the policies in the Local Development Plan. SPDs are not subject to independent examination, but are subject to public consultation lasting 6 weeks. On adoption, SPDs will have material weight in decision-making on planning applications.
- 4.2 The Council has adopted the following SPDs;

**Table 3: Adopted Supplementary Planning Documents**

<b>TITLE</b>	<b>YEAR OF ADOPTION</b>
Maldon and Heybridge Central Area Masterplan	2017
Maldon District Design Guide	2017
South Maldon Garden Suburb Masterplan	2018
Renewable and Low Carbon Technologies	2018
Specialist Needs Housing	2018
Vehicle Parking Standards	2018
Affordable Housing and Viability	2018
Green Infrastructure Strategy	2019
North Quay Development Brief	2020
Essex Coast Recreational disturbance Avoidance Mitigation Strategy	2020

4.3 The Council is considering the adoption of the following SPDs during the period of this LDS.

<b>DOCUMENT TITLE</b>	<b>PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT</b>
<b>Role and Content</b>	To set out Maldon District Council's approach to seeking Section 106 planning obligations.
<b>Coverage</b>	Maldon District
<b>Timetable</b>	Publish and consult - 6 weeks – Late Autumn 2021 Adoption – Late Spring 2022
<b>Chain of Conformity</b>	Relevant Planning Acts and Regulations National Planning Policy Framework and Planning Practice Guidance Maldon District Council Corporate Plan Local Development Plan Any SPDs Evidence Base
<b>Resource</b>	Local Plans team; Other Council Officers; Co-operation with neighbouring local planning authorities; Co-operation with relevant stakeholders including infrastructure providers; Use of technology and web-based communication to assist with consultation; and Consultancy support to develop, review and update the evidence base and aid with the examination.

4.4 The Council will consider whether it is relevant to further update current adopted SPDs as it progresses through the review of the LDP.

## **5.0 MASTERPLANS, DEVELOPMENT BRIEFS AND DESIGN CODES**

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5.1 Set out below are the masterplans and design codes that have been endorsed by the Council for use in the consideration of planning applications.

**Table 4: Masterplans, Development Briefs and Design Codes**

<b>TITLE</b>	<b>YEAR OF ADOPTION</b>
North Heybridge Garden Suburb Strategic Masterplan Framework	Endorsed by the Council – October 2014
North Heybridge Suburb Strategic Design Code	Endorsed by the Council – February 2017
South Maldon Garden Suburb Strategic Design Code	Endorsed by the Council – March 2016

## **6.0 CONSERVATION AREA CHARACTER APPRAISALS**

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6.1 There are 14 Conservation Areas in the District. Twelve have a character appraisal or statement, which summarises the area's special character and appearance and makes recommendations for its appropriate preservation and enhancement.

## **7.0 ESSEX MINERALS AND WASTE LOCAL PLANS**

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7.1 It should be noted that Essex County Council is the Minerals and Waste Planning Authority for Essex. The Essex Replacement Minerals Local Plan was adopted on the 8<sup>th</sup> July 2014 and the Replacement Waste Local Plan was adopted on the 11<sup>th</sup> July 2017.

## **8.0 NEIGHBOURHOOD PLANS**

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8.1 The following neighbourhood areas have been designated:

- Althorne Parish Council - designated 3 December 2014
- Burnham-on-Crouch Town Council - designated 24 April 2013
- Great Totham Parish Council - designated 07 November 2016
- Heybridge Parish Council - designated 14 January 2016
- Langford and Ulting Parish Council - designated 24 April 2013
- Latchingdon Parish Council - designated 25 April 2014
- Mayland Parish Council - designated 30 June 2014
- Tollesbury Parish Council - designated 27 February 2014
- Wickham Bishops Parish Council - designated 07 November 2016

8.2 The Burnham on Crouch Neighbourhood Plan was made by the Council on the 7<sup>th</sup> September 2017. Several other Neighbourhood Plans are in the pipeline. Further information on their progress can be found on the Council's website at [www.maldon.gov.uk](http://www.maldon.gov.uk)

## 9.0 STATEMENT OF COMMUNITY INVOLVEMENT

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- 9.1 The Statement of Community Involvement sets out how the community will be engaged in the preparation of planning policy documents and in determining planning applications in the District. The Council adopted the Statement of Community Involvement (SCI) in 2018 and will be reviewing it in 2021.

## 10.0 AUTHORITY MONITORING REPORT

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- 10.1 The Authority Monitoring Report (AMR) monitors the implementation and performance of policies and proposals in the LDP and help to inform whether an LDP review is necessary. The AMR provides further details on the delivery of key LDP targets, including an Annual Position Statement relating to the Council's annual Five Year Housing Land Supply.
- 10.2 The AMR is produced as a series of factsheets. The Council will update and publish the following aspects of the AMR annually:
- A statement on the progress of each document in the LDS project plan;
  - An analysis of how or whether the policies of the LDP are delivering their objectives, including key targets, such as the number of net additional dwellings and the Five Year Housing Land Supply figure;
  - Details of statutory returns such as the number of applicants on the self-build register;
  - Details relating to any neighbourhood plans that have been made in the last monitoring year;
  - Progress on the **Community Infrastructure Levy**;

## 11.0 LDP EVIDENCE BASE

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- 11.1 **The LDP and other policy documents will be supported by evidence-based documents. These documents do not form part of the Development Plan but provide robust and reliable evidence to inform production of new documents. These documents will also provide the evidence for supporting the Council's position through the planning application process. The current evidence base is available to view and download from the Council's website [www.maldon.gov.uk/LDP](http://www.maldon.gov.uk/LDP)**
- 11.2 **Given that the Council has determined to review its LDP, the evidence base that accompanies it will also be reviewed and updated as necessary.**

## 12.0 RESOURCES

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- 12.1 **The Local Plans Team will be responsible for the delivery of the LDP, the production of any Supplementary Planning Documents, CIL, the SCI and the AMR. In addition to these resources, there will also be contributions from other officers within the Council. Several evidence base documents will be produced by consultants within allocated budgets.**

- 12.2 As far as possible, projects will be jointly undertaken by officers to ensure smooth work flow in case of any staff absence. The Council will consider employing consultants if the need arises within allocated budgets to ensure that the timetables for work set out in this LDS are adhered to.
- 12.3 The Council will seek opportunities to work closely with neighbouring authorities in joint working arrangements for evidence base documents and research.

### 13.0 RISK ASSESSMENT

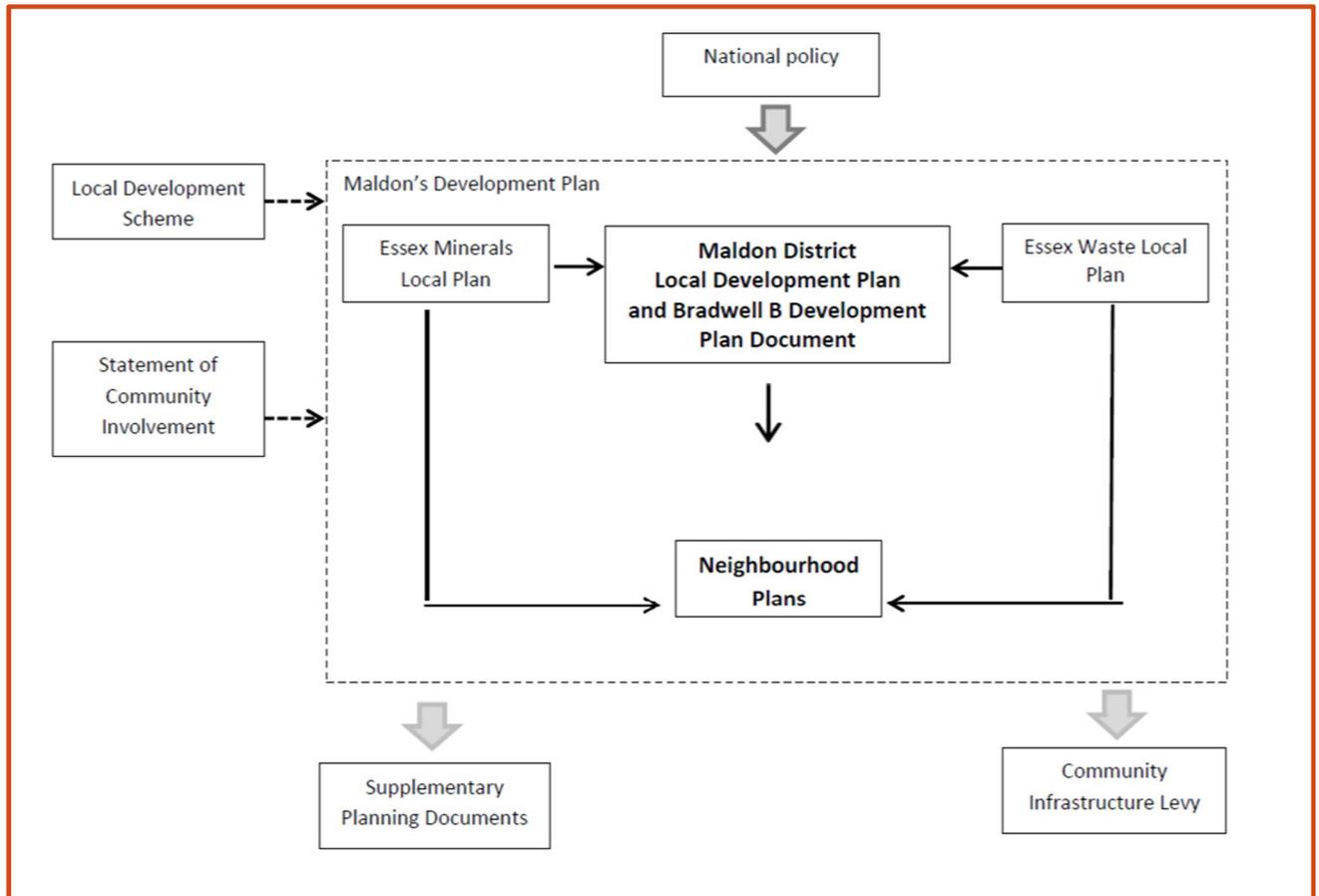
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- 13.1 In preparing the LDS, the following risks have been identified that may affect or delay the process of delivering the Local Development Plan and the production of other planning policy documents. Contingency measures are suggested accordingly. The list is not exhaustive and does not include unlikely events which are difficult to foresee that temporarily cause a halt to normal Local Government operations.

<b>RISK</b>	<b>IMPACT</b>	<b>MITIGATION</b>	<b>RESPONSIBILITY</b>
Revisions to national legislation and planning policy guidance	The LDP becomes out of date and/or evidence base, lack of clear guidance available.	Monitoring of national policy revisions.	Local Plans Team
Delays in political agreement	Timetable would be impacted as set out in the LDS. The District may not have a clear adopted planning framework to make decisions against.	Ensure Members are fully engaged in the formation of any policy documents and regularly briefed.	Director of Strategy, Policy and Governance, Strategy, Policy and Communications Manager, Lead Specialist – Local Plans
Lack of community engagement	The documents set out in the LDS do not respond to community concerns, vital issues are not addressed.	Minimise by arranging a coordinated programme and if possible integrating individual engagement activities with other agencies	Local Plans Team
Staff changes or staff loss (staff leaving post/time delays in recruitment)	Loss of capacity leading to delays in work production, Inconsistency in work flow, Knowledge gaps	Use of specialist consultants to cover particular gaps in expertise.	Strategy, Policy and Communications Manager, Senior Specialist Local Plans
Budget constraints	Insufficient budget to cover the costs of the work set out in the LDS	Agree a budget for the work set out in the LDS and review it at a	Director of Resources,

		<b>minimum quarterly.</b>	<b>Director of Strategy, Policy and Governance, Strategy, Policy and Communications Manager, Lead Specialist Local Plans.</b>
<b>Lack of IT capacity for systems that are required to bring forward the LDS</b>	<b>This could lead to delays in work production, have implications in the production of digital solutions to the production of documents</b>	<b>The budget for the LDS should incorporate funds to enable sufficient capacity in IT to support the programme set out.</b>	<b>Director of Resources, Director of Strategy, Policy and Governance, Strategy, Policy and Communications Manager, Lead Specialist Local Plans.</b>

## Appendix 1: Local Development Plan Diagram



## Appendix 2: Maldon District - LDP Policy List

<b>Policy</b>	<b>Policy Title</b>
S1	Sustainable Development
S2	Strategic Growth
S3	Place Shaping
S4	Maldon and Heybridge Strategic Growth
S5	Maldon and Heybridge Central Area
S6	Burnham-on-Crouch Strategic Growth
S7	Prosperous Rural Communities
S8	Settlement Boundaries and the Countryside
D1	Design Quality and the Built Environment
D2	Climate Change & Environmental Impact of New Development
D3	Conservation and Heritage Assets
D4	Renewable and Low Carbon Energy Generation
D5	Flood Risk and Coastal Management
D6	Advertisements
E1	Employment
E2	Retail Provision
E3	Community Services and Facilities
E4	Agricultural and Rural Diversification
E5	Tourism
E6	Skills, Training and Education
H1	Affordable Housing
H2	Housing Mix
H3	Accommodation for 'Specialist' Needs
H4	Effective Use of Land
H5	Rural Exception Schemes
H6	Provision for Travellers
H7	Agricultural and Essential Workers Accommodation
H8	Provision for Houseboats
N1	Green Infrastructure Network
N2	Natural Environment and Biodiversity
N3	Open Space, Sport and Leisure
T1	Sustainable Transport
T2	Accessibility
I1	Infrastructure and Services
I2	Health and Wellbeing

## Appendix 3 - Glossary

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**Authority Monitoring Report - Assesses the implementation of the Local Development Scheme and the extent to which policies in the Local Development Plan are being successfully implemented.**

**Development Plan Documents (DPDs) - The plan which identifies the future development of the District, drawn up by the Council in consultation with the community.**

**Development Management Policies - A suite of policies in the LDP that provide detailed technical guidance relating to the delivery of specific types of new development or address specific detailed planning issues.**

**Evidence Base - The evidence that any development plan document is based on. Includes documents relating to housing, the economy, the environment, infrastructure and transport.**

**Local Development Plan (LDP) - Sets out the planning strategy for future growth of the District over the next 15 years. It provides a spatial strategy for the delivery of the required future employment, homes, retail, community facilities and infrastructure. It identifies sites for new development and protects land for a variety of uses such as open space.**

**Local Development Scheme - A project plan which sets out the timetable for delivery of planning policy documents, the resources and risk involved.**

**National Planning Policy Framework (NPPF) - Sets out the government's planning policies for England and how these are expected to be applied.**

**National Planning Practice Guidance (PPG) - A web based resource which provides more detailed guidance on the planning policies set out in the NPPF.**

**Policies Map - A visual representation of the policies in the LDP.**

**Statement of Community Involvement (SCI) - Sets out how the community will be engaged in the preparation of planning policy documents and in determining planning applications in the District.**

**Supplementary Planning Documents (SPD) - Adds further detail to the policies in the LDP. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Can be a material consideration in planning decisions but are not part of the development plan.**