



**REPORT of
HEAD OF PLANNING SERVICES**

**to
COUNCIL
10 JULY 2014**

PETITION - SUBMITTED BY THE SAVE MALDON ACTION GROUP

1. PURPOSE OF THE REPORT

1.1 To consider a petition submitted by the Save Maldon Action Group (SMAG).

2. AREA FOR DECISION / ACTION

2.1 Background

2.1.1 The Council submitted its Local Development Plan (LDP) to the Secretary of State for Examination-in-Public (EiP) on 25 April 2014. On 20 June 2014, a petition was submitted to the Council by the SMAG which calls for the Council to “retract the current version of the Local Development Plan (LDP) and submit a revised LDP based on consolidating growth in a new settlement near the existing railway line”.

2.1.2 This petition contains over 3,200 signatures. Therefore, in accordance with the Council’s Petitions Scheme, ‘the Council will endeavour to consider the petition at its next scheduled ordinary meeting of the Council’. The Scheme also indicates that at the meeting the Council will decide how to respond to the petition. It may decide to take the action the petition requests; not to take the action requested for reasons put forward in the debate; or to commission further investigation into the matter, for example by a relevant committee.

2.1.3 It should be noted that the petition organiser will be given five minutes to present the petition at the meeting.

2.2 Implications of the petition

2.2.1 The petition requests the Council to withdraw the LDP from the EiP process. It also asks the Council to prepare and submit a revised LDP which consolidates growth in a new settlement near existing railway line (Crouch Valley Line). It should be noted that the petition has not specified the exact location or the scale of the new settlement in question. It is therefore unclear to what extent any of the growth currently planned in the LDP would be retained, or whether it is proposed that all growth planned through the LDP should be accommodated at a new settlement.

2.2.2 Through the production of the LDP options for accommodating strategic growth near the existing railway line have been tested and consulted upon alongside a number of other alternative growth options. In particular, the Council considered, and

subsequently discounted the option for a new settlement in the south-western part of the District as part of the LDP Preferred Options stage. Details of the relevant options, assessments and decision making process can be referred to in the following documentation (this list of documentation is not exhaustive):

- LDP Preferred Options consultation document (pages 16 - 30);
- Appendix 6 of the Draft Local Development Plan consultation document (pages 146 - 150);
- the technical paper produced by the Council in relation to LDP Preferred Growth Strategy (EB061) (various pages including page 15);
- the Consultation Statement (SD05) (sections 7 and 8).

- 2.2.3 The reason for discounting the option of a new settlement was primarily due to the need for the Council to demonstrate short term housing delivery through the LDP. The National Planning Policy Framework (NPPF) requires local authorities to significantly boost the supply of housing by demonstrating a five year supply of housing land (NPPF, paragraph 47). At the current time the Council cannot demonstrate an adequate supply of housing land for the next five years, meaning that the District is subject to the ‘presumption in favour of sustainable development’ (NPPF, paragraph 14). This means that existing local plan housing policies are deemed to be out of date and permission for housing applications must be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 2.2.4 As a result, the LDP is required to rectify the shortfall in housing land supply by ‘frontloading’ the delivery of almost 2,000 new dwellings across a number of smaller allocations within the first five years of the plan period. Years of research, technical studies, Sustainability Appraisal, infrastructure planning, ongoing discussions with site promoters and developers, and extensive public consultation have taken place in order to inform the site allocations proposed through the LDP.
- 2.2.5 While developing a new settlement could potentially fulfil the Council’s longer term housing requirement, the ‘lead in’ time required for such a complex development would mean that the Council would be reliant on a plan which would not be capable of delivering a significant amount of housing development in the short term. This would mean that the Plan would not be ‘sound’ as it would not meet the requirements of the NPPF, and the Council would be unable to adopt the Plan. Moreover, to allocate a new settlement near the existing railway line would require a significant amount of additional investigation, technical research, and public consultation which would lead to significant delay to the LDP process. Such delay would in turn further exacerbate the ongoing issue over short term housing delivery, and leave the District vulnerable to speculative and uncoordinated planning proposals for a longer period. A new settlement would require considerable planning and investment in new utilities, infrastructure provision, services and facilities on a larger scale to ensure that the settlement would be sustainable and viable.
- 2.2.6 Concerns over the short term delivery of housing in the District have recently been emphasised in a letter issued by the Planning Inspector appointed to undertake the LDP examination (reference IED06). In his letter the Inspector indicated that even with the current phasing of housing delivery planned in the LDP through a range of

smaller and larger sites he still has significant concerns over the Council's ability to demonstrate short term housing delivery through the LDP to meet the requirements of the NPPF. This is despite the fact that these sites will be capable of largely linking in with and improving existing utilities, services, facilities and infrastructure provision (as well as providing new infrastructure to meet the requirements set out within the LDP policies).

- 2.2.7 Planning for a new settlement in the longer term beyond the current plan period may prove to be a sensible and a viable option for accommodating future development and infrastructure needs. Indeed, planning for a new settlement to meet future housing and development needs across administrative boundaries may be considered a sensible longer term solution given the need for all local authorities to plan to significantly boost the housing supply through the Duty to Cooperate. However, identifying a suitable site(s) for a new settlement with willing landowners, preparing necessary technical studies, identifying infrastructure and utilities requirements and undertaking extensive public consultation would take a considerable amount of time and work, and in the meantime the District would remain subject to the presumption in favour of sustainable development. Retracting the LDP would have considerable cost implications for the Council.
- 2.2.8 There is an urgent need for the Council to adopt a sound local plan as soon as possible. Given the national requirements to significantly boost short term housing delivery, the option of retracting the current version of the LDP and changing the strategic approach towards a new settlement is therefore deemed to be neither feasible nor deliverable at the current time.

3. IMPACT ON CORPORATE GOALS

- 3.1 The progression of the Local Development Plan will help to support and deliver the following Corporate Goals for the District:
- Meeting the housing needs of the District;
 - Protecting and shaping the District and balancing the future needs of the community; and
 - Enabling, supporting and empowering communities to be safe, active and healthy.

4. IMPLICATIONS

- (i) **Impact on Customers** – The submission of the Local Development Plan to the Secretary of State for Examination-in-Public has provided greater certainty to the local community, stakeholders and service providers on the future planning strategy for the Maldon District. The Submission of the Local Development Plan has enabled the document to become a greater material consideration in the determination of planning applications, superseding the Pre-Submission Local Development Plan which was published in January 2014.

In the longer-term the adoption of the Local Development Plan will supersede the Maldon District Replacement Local Plan ‘saved policies’ as the Development Plan for the District. This will provide a clear and up to date spatial vision and policy framework for the District.

- (ii) **Impact on Equalities** – The progression of the Local Development Plan helps to provide sustainable and well planned communities which promote social cohesion and help to provide for the future needs of the local community.
- (iii) **Impact on Risk** – An up to date Local Development Plan is required in the District in accordance with the National Planning Policy Framework in order to enable the Council strategically to plan for future needs, growth and sustainable development, and provide an adequate five year supply of deliverable land for housing.

The National Planning Policy Framework states that due weight will need to be given to adopted local policies contained within existing plans, including the ‘saved policies’ of the Maldon District Replacement Local Plan, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the National Planning Policy Framework, the greater the weight that may be given). From the day of publication decision makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. Therefore, the submission of the Local Development Plan provides a more up to date local planning framework in order to safeguard the District against speculative development.

The progression of the Local Development Plan will enable the Council to take forward a plan-led approach in relation to the future provision for gypsies and travellers in the District in accordance with national policy.

Withdrawing the Plan would lead to a considerable delay in the process and subsequent adoption date of the Plan. This would leave the District subject to the presumption in favour of sustainable development and could lead to uncoordinated speculative development without adequate associated infrastructure provision as required by the LDP.

- (iv) **Impact on Resources (financial and human)** – Withdrawing the Plan to change the policy direction would require additional work, alterations to the evidence base, and additional public consultation which would have significant financial and time resource implications for the Council.
- (v) **Impact on the Environment** – The Local Development Plan will enable the Council to promote sustainable development and safeguard the local environment in accordance with the local priorities for the District. The Local Development Plan has been subject to Sustainability Appraisal and Appropriate Assessment in accordance with the European Union (EU) directive on Strategic Environmental Assessment.

5. CONCLUSIONS

- 5.1 This report provides an overview of Officers' assessment of the implications of the action requested in the petition submitted by SMAG and the Council is asked to consider and endorse this by way of a response to the petition.

6. RECOMMENDATION

That the Council responds to the petition on the basis that it cannot take the action requested for the reasons outlined in this report.

Background Papers:

IED06 Inspector's letter dated 25 June 2014

Maldon District Council Petitions Scheme

Maldon District Draft Local Development Plan Preferred Options Consultation (Maldon District Council, 2013)

Maldon District Local Development Plan Consultation Statement (Maldon District Council, 2014)

Maldon District Local Development Plan Preferred Growth Strategy Statement (Maldon District Council, 2012)

Maldon District Local Development Plan Preferred Options Consultation (Maldon District Council, 2012)

National Planning Policy Framework (Department for Communities and Local Government, 2012)

Enquiries to: Tai Tsui, Senior Planning Policy Officer (Tel: 01621 876202).