

Our ref LDP Submission
Your ref

24 April 2014

Enquiries to: David Coleman
Email: policy@maldon.gov.uk

Dear Sir / Madam

Appendices to DOC69

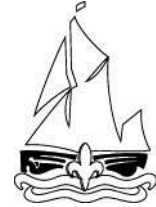
The Council has provided the following Committee Report to assist the Examination-in-Public process and provide a comprehensive and transparent audit trail of the decision making process. Please note that following the Planning and Licensing Committee meeting the appendices to the report have since been published as either submission documents, evidence base documents or supporting documents as detailed below.

Appendix Number	Submission Reference
1	DOC66 Appendix 1
2	DOC66 Appendix 2
4	DOC68 Appendix 7

Kind regards,



David Coleman
Planning Policy Team Leader



**REPORT of
HEAD OF PLANNING SERVICES**

**to
COUNCIL
16 DECEMBER 2010**

*NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART 1 OF SCHEDULE
12A TO THE LOCAL GOVERNMENT ACT 1972*

**MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK (LDF) -
PROPOSED PRE-SUBMISSION (REGULATION 27) CORE STRATEGY
CONSULTATION**

1. PURPOSE OF REPORT

- 1.1 On 11 November 2010 the Planning and Licensing Committee endorsed the Core Strategy Submission Draft document and recommended that the Council adopts it to enable the commencement of the Pre-Submission (Regulation 27) consultation.
- 1.1 The purpose of this report is to update Members on the Core Strategy component of the Local Development Framework, and to recommend that the Core Strategy Submission Draft document is approved (subject to further minor typographical alterations if required) to enable the commencement of the consultation.

2. AREA FOR DECISION / ACTION

2.1 Core Strategy Status

- 2.1.1 The Core Strategy will be a key Development Plan Document (DPD) within the Maldon District Local Development Framework (LDF). The LDF will comprise of a number of DPD's that set out policies and proposals for the use of land in the District over the next 15 years. Once adopted, the Core Strategy will supersede the relevant parts of the Local Plan, and form part of the Development Plan for the District.
- 2.1.2 Following the formation of the Coalition Government in May, a number of changes have been announced which impact upon the planning system (Report of the Chief Planning and Development Services Officer to the Planning and Licensing Committee, 10 June 2010). Most notably, the Government has signalled its intention to revoke the Regional Spatial Strategy (East of England Plan), meaning that it will no longer form part of the Development Plan for the District (Communities and Local Government (CLG) 2010). However, the Government has issued guidance which states that local planning authorities should continue to develop LDF core strategies and other DPDs. Further details are included in paragraphs 2.4.5.1 - 2.4.5.3 below.

2.2 Core Strategy Process

- 2.2.1 Before the Core Strategy can be adopted, it must be submitted to the Secretary of State, who will appoint a Planning Inspector to undertake an independent examination. The Inspector must be satisfied that the Core Strategy is sound, and has been produced in accordance with national planning guidance (Planning Policy Statement 12: Local Spatial Planning), and the legal requirements included within the 2004 Planning and Compulsory Purchase Act.

2.3 Pre-Submission Consultation

- 2.3.1 Before the Core Strategy can be adopted it must be subjected to a minimum of two periods of public consultation (Regulation 25 Preferred Options consultation (see paragraph 2.4.3.1 below) and Regulation 27 Pre-Submission consultation) for at least six weeks. The purpose of the Pre-Submission (Regulation 27) stage of consultation is to provide an opportunity for the public and stakeholders to comment on the legal compliance and ‘soundness’ of the Core Strategy Submission Draft document (**APPENDIX 1**) together with supporting documentation, prior to the submission of the Core Strategy to the Secretary of State for independent examination. It will be possible to make representations using a variety of methods. The draft consultation representation form and accompanying guidance notes are provided at **APPENDIX 2**. These provide further details on the process and grounds for making a representation on the Core Strategy Submission Draft document.
- 2.3.2 To be legally compliant, the document must meet the legal requirements set out under Section 20(5)(a) of the 2004 Planning and Compulsory Purchase Act. These requirements include:
- The Core Strategy should be set within the current Local Development Scheme;
 - The process of community involvement should be in general accordance with the Statement of Community Involvement;
 - The Core Strategy should comply with the Town and Country Planning (Local Development) (England Regulations) 2004 (as amended);
 - A Sustainability Appraisal Report should be provided;
 - The document should have regard to national policy and conform generally with the Regional Spatial Strategy; and
 - The document must have regard to the Sustainable Community Strategy.
- 2.3.3 To be sound, the document must be justified, effective and consistent with national policy:
- Justified – means that the document should be founded on a robust and credible evidence base;
 - Effective – means that the document should be deliverable; and
 - Consistent with national policy – where there is a departure from national policy, there must be clear and convincing reasoning to justify the approach.

2.4 Core Strategy Background

2.4.1 Sustainability Appraisal

2.4.1.1 The consultants, Atkins, were appointed to undertake the Sustainability Appraisal on the Core Strategy in 2006 (Report of the Chief Planning and Development Services Officer to the Planning and Licensing Committee, 8 June 2006).

2.4.1.2 Atkins has undertaken a Sustainability Appraisal of the Core Strategy during its formulation and development, and is in the process of finalising the Sustainability Appraisal Report. This will be one of the supporting documents which will be published for consultation along with the Core Strategy.

2.4.2 Issues and Options

2.4.2.1 Work on the Core Strategy commenced in 2006. Following an initial restructuring of the Issues and Options document in January 2007, the first Issues and Options consultation (CSIO1) took place between March and April 2007. This was followed by a second Issues and Options consultation (CSIO2) in September 2007.

2.4.2.2 A third Issues and Options Paper (CSIO3) was approved by Planning and Licensing Committee for consultation in June 2008 (Report of the Head of Planning Services to the Planning and Licensing Committee, 12 June 2008). However, following the publication of the new Planning Policy Statement (PPS) 12: Local Spatial Planning in 2008, and the recommendations of the Planning Advisory Service (PAS) ‘critical friend’ service, it was necessary to review the structure and approach of the Core Strategy (Report of the Head of Planning Services to the Planning and Licensing Committee, 13 November 2008).

2.4.2.3 Work then progressed on the production of the Preferred Options (Regulation 25) consultation report, building on the work that had already been undertaken through the first two Issues and Options consultations, and in accordance with the revised scope and content of the Core Strategy outlined in the Report of the Head of Planning Services to the Planning and Licensing Committee, 13 November 2008.

2.4.3 Preferred Options (Regulation 25)

2.4.3.1 The Core Strategy Regulation 25 consultation document was approved by the Planning and Licensing Committee on 16 April 2009 (Minute No. 844 refers), and the public consultation took place between April and June 2009. Once published, the Core Strategy Regulation 25 consultation document became a material consideration for development control purposes (albeit of lesser weight than the adopted Replacement Local Plan).

2.4.4 Pre-Submission Draft (Regulation 27)

2.4.4.1 Following the Preferred Options (Regulation 25) consultation, work commenced on analysing the comments received, developing and agreeing the Council's response to the comments through discussion at the Planning Policy Panel, and updating the Core Strategy accordingly. Recommendations were also made by Atkins through the Sustainability Appraisal process. These have been subject to discussion at the Planning Policy Panel, and subsequently used to inform the updates made to the Core Strategy (Report of the Head of Planning Services to the Planning and Licensing Committee, 15 April 2010).

2.4.4.2 The following key issues have been deliberated by the Planning Policy Panel during the preparation of the Core Strategy Submission Draft document:

- Housing policy, particularly in relation to the viability of the policy requirements and the proposed breakdown of housing distribution and composition;
- The retail policy stance and the impact of the new Planning Policy Statement 4: Planning for Sustainable Economic Growth;
- The protection and enhancement of the historic and built environment, specifically in relation to the inclusion of a design policy, the implementation of the concept statement policy and the need to take into account the impact of Planning Policy Statement 5: Planning for the Historic Environment. A separate paper will be produced for the Planning and Licensing Committee in relation to the implementation of the design policy at a later date;
- The requirements for development in relation to minimising environmental impact; and
- The potential need for an Infrastructure Delivery Plan.

2.4.4.3 Following the initial development of the Core Strategy Submission Draft document, the emerging draft chapters were supplied to the Government Office for the East of England (GO-East) for their review and comment. A number of useful comments were received back, which have been subsequently incorporated into the draft consultation document. These updates have also been subject to review and discussion at the Planning Policy Panel.

2.4.4.4 To summarise, the following key changes have been made to the Core Strategy Submission Draft since the Core Strategy Regulation 25 consultation document was published:

Introduction and Context

- The chapter has been restructured to give a clearer overview of the development of the Core Strategy, and text has been rationalised where appropriate.

Spatial Vision and Development Strategy

- Relevant background to the key issues and themes of the Core Strategy has now been removed from the subsequent chapters and rationalised into the Spatial Vision and Development Strategy chapter.

- The Spatial Vision and objectives have been further developed to make them more spatially specific.
- Reference has been added to the need to prioritise development on previously developed land.
- Further reference has been made to nuclear power generation and the National Policy Statement for Nuclear Power Generation in relation to the future of Bradwell.
- The key diagram has been updated to illustrate the strategic housing and employment locations, key development constraints and opportunities.

Balancing Housing

- Further details have been added to the Strategic Housing Location Strategy, including a breakdown of housing provision in relation to the strategic housing locations.
- Where appropriate, detailed requirements have been removed and the need to conform with other more specialised studies, such as the Strategic Housing Market Assessment, has been included. This allows for flexibility within the policy.
- All the elements of affordable housing contribution have been merged into one policy (CS8).
- In response to the revised Regional Spatial Strategy requirements, both gypsy and travellers and travelling showpeople are now covered within policy CS11.

Prosperity

- An employment growth target has been included setting out broad locations for anticipated growth (CS12). Reference to specific employment allocation locations has been removed.
- A combined policy has been included in relation to retail provision (CS13) which responds to the publication of Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009) and seeks to protect and enhance existing retail centres through the retail hierarchy.
- The Rural Diversification policy (CS18) has been made more specific to support the re-use of existing rural buildings.
- Policy CS16 has been added to support skills, training and educational development.

Natural and Built Environment

- The requirement for the identification, management and enhancement of a strategic network of green infrastructure throughout the District is now included (CS17).
- Following the publication of Planning Policy Statement 5: Planning for the Historic Environment in March 2010, policy requirements in relation to the protection and enhancement of the historic and built environment have now been rationalised into one policy (CS18), incorporating design requirements.
- Policy relating to flood risk (CS20) has been strengthened to take into account the publication of Planning Policy Statement 25: Development and Flood Risk

(March 2010), the publication of the draft Essex and South Suffolk Shoreline Management Plan (March 2010), and advice from the Environment Agency.

Accessibility

- Further accessibility requirements for new development have been integrated into the policy (CS21) including encouraging a people-oriented space within the design process, and providing access for specialist service vehicles.
- Policy CS22 highlights the intention to improve public transport services and increase accessibility through promoting demand responsive services.

2.4.5 The Coalition Government and changes to the planning system

2.4.5.1 Following the formation of the Coalition Government in May 2010, a number of changes have been announced to the planning system. Planning Policy Statements remain in place (with the exception of the Planning Policy Statement on Regional Strategies, which has now been cancelled), until they are replaced by the National Planning Framework. Planning Policy Statement 3 has been revised and was re-published on 9 June 2010. The revised Planning Policy Statement 3 has removed gardens from the definition of previously developed land and deleted the reference to a minimum density of 30 dwellings per hectare. There is no change to the overall objectives.

2.4.5.2 In July 2010 the Government signalled its intention to revoke the Regional Spatial Strategy (RSS). Following a recent High Court ruling, the revocation is to be formalised through the forthcoming Decentralisation and Localism Bill. Further details are included at **APPENDIX 3**.

2.4.5.3 In response to the intention to abolish the RSS, further discussions have been held with Members to re-consider the emerging Core Strategy policies. This has included:

- The Planning for Future Housing Provision in the District Workshop on 5 August 2010;
- Planning Policy Panel on 7 September 2010;
- Planning for Retail Requirements in the District and the Maldon Central Area Action Plan Discussion Forum on 14 October 2010; and
- Planning Policy Panel on 4 November 2010.

2.4.5.4 The notes of these discussions, along with the 'question and answer' guidance published by the Government in relation to the revocation of the Regional Strategy were supplied to the Planning and Licensing Committee on 11 November 2010 as background information. These notes are available for reference in the Members' Room and on the shared access drive ('I drive').

2.4.5.5 These discussions have provided a steer to progress with the emerging Core Strategy policies supplied at **APPENDIX 1**. Minor textual changes have also been made to the Core Strategy Submission Draft document to ensure accuracy, including the deletion of references to the RSS.

2.5 Legal Compliance and Soundness

2.5.1 The Core Strategy has been prepared in accordance with the legal requirements and ‘soundness’ criteria set out in paragraphs 2.3.2 and 2.3.3.

2.5.2 To be legally compliant, the Core Strategy Submission Draft document has been:

- prepared in accordance with an up to date Local Development Scheme (the timetable will require updating following confirmation of the intention to progress to Core Strategy Pre Submission consultation), the Statement of Community Involvement, and the Town and Country Planning (Local Development) (England) Regulations 2004;
- subject to Sustainability Appraisal; and
- prepared with regard to national policy and the Sustainable Community Strategy, and conforms with the Regional Spatial Strategy;

2.5.3 In accordance with the tests of soundness (as set out in paragraph 2.3.2) the Core Strategy Submission Draft document is:

- Justified – founded on an extensive, robust and credible evidence base, which has included participation of the local community and other stakeholders, and research and fact finding. The Core Strategy has been subject to several rounds of consultation and sustainability appraisal as indicated above, meaning that it provides the most appropriate strategy when considered against reasonable alternatives, and will help to ensure that the objectives of sustainability will be achieved;
- Effective – the document is deliverable, and has been developed in close collaboration with partners and neighbouring authorities. The viability of policies is subject to assessment and flexibility has also been incorporated where possible; and
- Consistent with national policy – there are no known conflicts with national planning policy within the Core Strategy.

3. CORPORATE OBJECTIVES

3.1 The Core Strategy and the Local Development Framework support the implementation of all the Corporate Objectives, namely:

- protecting our rural heritage;
- supporting an active local economy;
- increasing the affordable housing supply;
- promoting civic pride; and
- creating an organisation which takes pride in itself.

4. IMPLICATIONS

- (i) **Impact on Customers** - The endorsement of the Core Strategy Submission Draft document will have several impacts on customers. In the short-term, the progression to public consultation will enable the engagement of the public and other stakeholders, allowing them to review the draft document, and comment on its legal compliance and soundness. Additionally, the endorsement and publication of the Core Strategy Submission Draft document will enable the consultation document to become a material consideration in the determination of planning applications for development control purposes, superseding the Core Strategy Regulation 25 consultation document which was published in April 2009.

In the longer-term, the adoption of the Maldon District Core Strategy will supersede the Maldon District Replacement Local Plan (adopted 2005). This will produce a clear and up to date policy framework for the District, thus giving greater certainty and clarity to residents, stakeholders and developers, and also enabling Maldon District Council to implement the vision and objectives and policy framework included within the Core Strategy.

Residents and stakeholders of the District have been given numerous opportunities to contribute towards the development of the Core Strategy since the inception of the document in 2006. The Core Strategy Submission Draft document takes into account the comments and suggestions received where appropriate, and draws upon the extensive evidence base which has been developed to support the Local Development Framework.

- (ii) **Impact on Risk** - Once adopted, the Core Strategy will supersede the Maldon District Replacement Local Plan to form part of the Development Plan for the Maldon District. National planning legislation dictates that the determination of a planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise (Planning and Compulsory Purchase Act, 2004). It is anticipated that the Core Strategy will form part of the Development Plan for the District until at least 2026.

The Core Strategy Submission Draft document has been developed in close collaboration with the Maldon District Local Strategic Partnership. The Core Strategy vision is closely aligned with that of the Sustainable Community Strategy.

As summarised above, the Core Strategy Submission Draft document has been subject to considerable review and scrutiny by Members of the Planning Policy Panel, Officers, and other organisations, including Essex County Council, the Environment Agency and the Government Office for the East of England.

Endorsing the Core Strategy Submission Draft document for consultation will enable the document to progress towards submission to the Secretary of State for independent examination, and subsequent adoption. A delay to the Core Strategy Pre-Submission (Regulation 27) consultation would result in a further

delay to the production and adoption of the Local Development Framework, therefore extending the time period in which the Council remains dependent on the use of increasingly out-dated Development Plan policies for decision making. This would also result in a delay in the progression and development of strategic housing locations within the District identified within the Core Strategy. Following the recent Heybridge Hall appeal decision, the formal identification of these strategic locations through the Core Strategy is likely to be required in order to demonstrate that an adequate five year supply of housing land exists. Otherwise the Authority is unable to refuse planning applications on the grounds of the sequential test. Essentially this means that the Council would be particularly susceptible to applications for development located within areas of potential flood risk.

A delay to the Core Strategy Pre-Submission (Regulation 27) consultation would also have significant time and resource implications for Maldon District Council, and other partner organisations and stakeholders who are involved in the implementation of Core Strategy projects and policies.

Any significant revisions to the emerging Core Strategy policies would require additional public consultation and Sustainability Appraisal.

- (iii) **Impact on Resources (financial)** - Since 2006, substantial costs amounting to in excess of £440,000 have been incurred in producing the Core Strategy and Local Development Framework (a detailed breakdown of the costs is set out in **APPENDIX 4**).

The potential resource implications of a change in policy direction could therefore be significant, both in terms of the need to undertake further studies and commission further Sustainability Appraisal work. In addition, there would also be additional Officer and Member time required to undertake the additional work.

The District's policy position on housing and in particular the five year land supply has been successfully challenged at the Public Inquiry for Heybridge Hall. As a result, the Council is now liable for costs on this inquiry and will be potentially liable on future inquiries if decisions to refuse applications on the grounds of the sequential test cannot be defended

- (iv) **Impact on the Environment** – Environmental sustainability is fundamental to the Core Strategy vision and objectives. The Core Strategy will provide a policy framework for protecting and enhancing the natural and built environment. Endorsing the Core Strategy Submission Draft document for consultation will ensure that the document is further progressed towards adoption.

5. CONCLUSIONS

- 5.1 Following the Core Strategy Regulation 25 consultation during 2009, the draft Core Strategy has been updated to reflect comments received in accordance with the deliberations of Planning Policy Panel. Following endorsement from the Planning

and Licensing Committee on 11 November 2010, the Core Strategy Submission Draft document now requires approval by the Council so that the Pre-Submission (Regulation 27) Core Strategy Consultation can take place early in 2011.

6. RECOMMENDATION

That the Council approves the Core Strategy Submission Draft at **APPENDIX 1** (subject to further minor typographical alterations if required) to enable the commencement of the Pre-Submission (Regulation 27) consultation early in 2011.

Background papers:

Atkins, 2010. Draft Sustainability Appraisal

Atkins, 2010. Draft Appropriate Assessment

Communities and Local Government (CLG), 2009. Planning Policy Statement 4: Planning for Sustainable Economic Growth

CLG, 2010. Planning Policy Statement 5: Planning for the Historic Environment

CLG, 2010. Planning Policy Statement 25: Development and Floodrisk

CLG, 2010. Chief Planning Officer Letter: Revocation of Regional Strategies (6 July 2010)

Department for Communities and Local Government (DCLG), 2008. Planning Policy Statement 12: Local Spatial Planning

Environment Agency, 2010. The Draft Essex and South Suffolk Shoreline Management Plan

GO-East, 2008. East of England Plan: The Revision to the Regional Spatial Strategy for the East of England

GO-East, 2009. Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England Plan

Maldon District Council, 2009. Maldon District Local Development Framework Core Strategy Regulation 25 Consultation.

DCA, 2009. Strategic Housing Market Assessment Update

Maldon District Council, 2005. Maldon District Replacement Local Plan

Maldon District Council, 2010. Local Development Scheme (Draft)

Maldon District Local Strategic Partnership, 2008. Facing the Future: Maldon District Sustainable Community Strategy

The Town and Country Planning (Local Development) (England Regulations) 2004

Enquiries to: David Coleman, Planning Policy Officer, Tel: 01621 876202.