

Our ref LDP Submission
Your ref

24 April 2014

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

Dear Sir / Madam

Appendices to DOC72

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. This report from the Head of Planning Services to the Planning and Licensing Committee/Council was withheld from publication at the time due to certain elements of its content being regarded as necessary for consideration in private session at the relevant meeting.

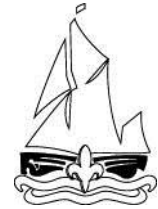
Please note that following the Planning and Licensing Committee meeting the appendix of the report has since been published as a submission document, evidence base document or supporting document as detailed below.

Appendix Number	Submission Reference
1	EB051

Kind regards,



David Coleman
Planning Policy Team Leader



**REPORT of
HEAD OF PLANNING SERVICES**

to
COUNCIL
21 JULY 2011

*NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART 1 OF SCHEDULE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

LOCAL DEVELOPMENT PLAN PROGRESSION

1. PURPOSE OF REPORT

- 1.1 To seek the Council's endorsement of the proposed approach for the progression of the Local Development Plan for the Maldon District.

2. AREA FOR DECISION / ACTION

2.1 Introduction

- 2.1.1 Following the update provided to the Council on 19 May 2011, (Minute No. 30 refers) two seminars have taken place with Members to inform, discuss and debate the future progression of the Local Development Plan for the Maldon District. Following these seminars, a proposed approach for progression and associated indicative timeline is presented to Members for endorsement. A brief overview of the seminars is included below.

2.2 Seminar 1 - Local Development Plan update

- 2.2.1 At the first seminar on Thursday 7 July Officers provided Members with an update on the current position of the Local Development Plan. This included an update on the current vision and objectives in the draft Plan (**APPENDIX 1**), changed circumstances arising from the localism agenda and planning reform, and the steer received from Members since progress on the draft Core Strategy was deferred by the Council at its meeting on 16 December 2010 (Minute No. 578 refers). Group discussions were then held based upon membership of area committees, and each group was invited to feedback on the draft spatial vision and objectives of the plan to ensure that local priorities and aspirations could be taken into account. A summary of the key comments and findings from the seminar is attached as **APPENDIX 2**. A total of 16 Members attended the seminar.

2.3 Seminar 2 - Options for progression

- 2.3.1 The second Member seminar was held on Monday 11 July, and attended by 16 Members. Officers presented to Members the proposed approach for the progression of the Local Development Plan, along with the indicative timeline and draft work programme. Officers also highlighted the alternative options for progression, and the range of implications for the District which Members needed to consider. Members were then invited to ask questions, and to engage in group discussion on the approach for progression. A draft summary of the key comments and findings from the seminar is attached as **APPENDIX 3**.

2.4 Proposed approach for progression

- 2.4.1 The proposed approach is to produce a Local Development Plan for the Maldon District. The Local Development Plan would be based largely upon the existing draft Core Strategy document, a copy of which has been placed in the Members' Room, but would include a review of the existing vision, objectives and certain policy areas, including retail policy and the future housing target and strategy.
- 2.4.2 As part of the review, additional policies will be incorporated into the Plan to cover energy provision and the Maldon central area. It will also be necessary to further consider the merit of incorporating similar policies to cover other settlements in the District.
- 2.4.3 The Plan will be made more locally distinctive, and will need to accurately reflect local aspirations across the District. This will be achieved by undertaking additional consultation with the town and parish councils, with the involvement of ward Members, and by promoting local produce and industries more clearly. The Plan will be integrated with the emerging Economic Strategy for the District, working closely with the Economic Development Officer, and where possible involving local businesses. The possibility of including background details for all settlements within the District will also be investigated.
- 2.4.4 In order to achieve the proposed approach for progression, additional information and data will also have to be collected to inform the production of a locally derived housing target for the District. The target will subsequently be agreed with Members, alongside the future strategic housing allocations for the District. It is anticipated that this could be agreed early in 2012.
- 2.4.5 Further evidence will need to be collected to ensure that up to date sound and robust justification exists for the policies within the Plan. This would include additional Sustainability Appraisal and Appropriate Assessment. The extent of additional work required on the evidence base will need to be determined once all of the changes to the existing document have been discussed and agreed with Members through Planning Policy Panel, Planning and Licensing Committee and ultimately the Council.
- 2.4.6 A 'Preferred Options' (Regulation 25) document will be produced for public consultation. This will set out the justification and reasoning for the policy choices which the Council decides to take, and will clearly explain why alternative options have been discounted. It is estimated that the consultation could be scheduled to take place early next summer (June / July 2012).

- 2.4.7 The final Local Development Plan document would then be produced for Pre-Submission Consultation (Regulation 27) taking into account the representations received at consultation. It is anticipated that this consultation could be scheduled to take place in approximately December 2012. The Local Development Plan would then be submitted to the Secretary of State for independent examination (estimated May 2013), before being adopted by the Council in approximately Spring 2014.
- 2.4.8 Further details of the proposed approach, the indicative timeline and draft work programme are attached as **APPENDIX 4**. It should be noted that the timescales provided are approximate at this stage, and could be subject to change depending on a range of factors, including:
- Future Council committee schedules;
 - Planning reform;
 - The final extent of changes to the vision, objectives and policies within the Plan;
 - Representations received during consultation;
 - The future of Bradwell Nuclear Power station; and
 - The availability of resources.

2.5 Implications of the proposed approach

- 2.5.1 At the current time the Council has no significant outstanding supply of housing allocations and is unable to demonstrate an adequate five year supply of deliverable housing land to meet the target set out in the East of England Plan. As a result, applications for housing development have to be considered 'favourably' and in accordance with national planning policy (PPS3). It should also be noted that in the future the District housing target will be subject to change following the outcome of evidence gathering work and further discussions with Members.
- 2.5.2 The 'saved policies' of the Maldon District Replacement Local Plan (**APPENDIX 5**) continue to be 'saved' at the current time and for the foreseeable future. However, the Government has indicated that it is intending to introduce a 'presumption in favour of sustainable development' within the emerging National Planning Policy Framework (NPPF). This would mean that once the final NPPF is published by the Government (expected April 2012) planning decisions will revert to national policy where a local planning authority is deemed to not have an up to date local development plan in place. According to the draft Presumption in Favour of Sustainable Development statement published recently by Communities and Local Government (CLG), this would mean that *'local planning authorities will be required to grant permission where the plan is absent, silent, indeterminate or where policies are out of date, unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policy objectives in the National Planning Policy Framework taken as a whole.'*

- 2.5.3 Therefore, an up to date Local Development Plan will provide a future 15 year housing land supply to ensure that the District is able to demonstrate an adequate supply of deliverable housing land to meet its targets. Additionally, an up to date Local Development Plan is required as soon as possible to ensure that the Council and the local community retains and regains control over the future planning and growth strategy for the District.
- 2.5.4 In the interim period until an up to date Local Development Plan is put in place, there is a risk of planning applications being submitted for major sites in the District. Without an up to date Plan in place, the Council could potentially miss out on potential community and infrastructure contributions, including the provision of affordable housing, as an up to date policy basis to require these contributions does not exist.
- 2.5.5 Additionally, as an incentive for introducing the Community Infrastructure Levy (CIL), the Government is introducing greater restrictions on the pooling of Section 106 agreements to fund infrastructure. This means that from April 2014, the Council could potentially miss out on developer contributions towards strategic infrastructure if a CIL charging schedule has not been adopted. It would not be possible to produce a CIL charging schedule until after the Local Development Plan has been adopted by the Council.

2.6 Alternative options for progression

- 2.6.1 The proposed approach for progression is likely to provide the most efficient and effective route to progressing the Local Development Plan in accordance with the steer received from Members to date. However, alternative options could potentially be considered.
- 2.6.2 The Council could decide to abandon the current draft Core Strategy document, and start fresh work on producing a new Local Development Plan for the District. Given the extent of work required to produce a Local Development Plan, this would have significant resource implications for the Council, and would also leave the District without an up to date Development Plan for a longer period of time.
- 2.6.3 Potentially it would be possible to include 'Site Allocations' and 'Development Management' policies within the Plan at this stage, rather than producing them separately after the Local Development Plan has been adopted. This approach would require additional work to be undertaken and would have timescale and cost implications for the production and delivery of the Plan. The proposed approach outlined above would enable strategic allocations to be included for future housing growth in the District which would assist in providing a 15 year housing land supply.
- 2.6.4 Progressing with the current draft Core Strategy would potentially be the fastest route to providing an up to date Local Development Plan for the District, and to provide the future housing land supply and developer certainty that is required. However, the steer from the recent Member seminars has generally indicated that this would not be supported. Additionally, given the legislative changes being established by the Localism Bill Officers would not recommend to Members that this route should be pursued. This is because the abolition of the East of England Plan will mean that housing targets will need to be supported and justified locally, and the indications

received to date are that the evidence to support the current housing target for the Maldon District is unlikely to be considered to be sound at examination following the abolition of the East of England Plan.

3. IMPACT ON CORPORATE GOALS

3.1 The recommendations of this report would support corporate goals by:

- Protecting and shaping the District and balancing the future needs of the community;
- Meeting the housing needs of the District;
- Delivering good quality, cost effective and valued services in a transparent way.

4. IMPLICATIONS

- (i) **Impact on Customers** - The production of a Local Development Plan will give additional opportunities for the local community to contribute to planning for the future of the District through public consultation and engagement. The progression of the Local Development Plan will also ultimately give greater certainty to the local community, stakeholders and service providers on the future planning strategy for the Maldon District.
- (ii) **Impact on Risk** - The production of a revised Local Development Plan will take time, and will result in the Council relying on an increasingly out of date Plan. However, it is likely to present the most efficient and effective route to progressing the Local Development Plan at the current time.

The emerging Community Infrastructure Levy Regulations mean that the local use of planning obligations for pooled contributions towards infrastructure will be significantly restricted beyond April 2014. Therefore, it is imperative that the Council has adopted a charging schedule by this date to ensure that the community can benefit appropriately and adequately from local development towards its infrastructure requirements.

Until the housing land shortfall is addressed, the Council will need to consider applications for housing development favourably, against the relevant criteria included within Planning Policy Statement (PPS) 3. Should the future locally derived housing target vary from the existing housing target included within the East of England Plan, there will be implications for the District's five year land supply requirement.

The emerging presumption in favour of sustainable development is likely to mean that planning decisions will need to be taken on the basis of national planning policy once the National Planning Policy Framework is published in April 2012.

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 which accords with the emerging Localism agenda.

- (iii) **Impact on Resources (financial)** - There will be financial implications associated with amending and updating the Local Development Plan, particularly in terms of producing the additional evidence based studies required to support new and revised policies, and also with updating the existing evidence base where required to reflect changing circumstances. It will not be possible to define the actual resource implications (both in terms of Officer time or financial cost) until the amendments and additions to the Plan have been agreed.
- (iv) **Impact on the Environment** – Producing a Local Development Plan will enable the Council to produce a plan which further reflects the local priorities for the District. An additional Sustainability Appraisal will be required on revisions and additions made to the Plan in the future.

The current need to consider applications for housing development favourably may lead to an increase in housing development proposals in the District which are not located within existing development boundaries, and are not planned for within the existing development plan for the District.

5. CONCLUSION

- 5.1 The proposed approach for the progression of the Maldon District Local Development Plan is provided for Council endorsement. The approach follows the steer received from Members through the recent member seminars (7 July and 11 July 2011), Member-Officer Liaison meetings, Planning Policy Panel meetings, and meetings of Planning and Licensing Committee since the progression of the Core Strategy was deferred in December 2010.

6. RECOMMENDATIONS

- (i) That the proposed approach and timetable for the progression of the Maldon District Local Development Plan for the Maldon District, based largely upon the existing draft Core Strategy document, to include a review of the existing vision, objectives, energy and retail policies and the future housing target and strategy, be endorsed;
- (ii) that the proposed indicative timeline as set out in **APPENDIX 4**, be agreed; and
- (iii) that Officers be asked to identify the additional resources required to ensure that the proposed approach is deliverable and request any additional funding requirements through the Finance and Corporate Services Committee in due course.

Background Papers:

East of England Plan (Government Office-East, 2008)

Maldon District Replacement Local Plan (Maldon District Council (MDC), 2005)

Presumption in favour of sustainable development - statement (CLG, 2011)

Planning Policy Statement 3: Housing (CLG, 2010)

The Localism Bill (CLG, 2010)

Enquiries to: David Coleman, Planning Policy Team Leader, (Tel: 01621 876283).