



**REPORT of  
HEAD OF PLANNING SERVICES**

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**to  
PLANNING AND LICENSING COMMITTEE  
18 APRIL 2013**

**MALDON DISTRICT LOCAL DEVELOPMENT PLAN UPDATE**

**1. PURPOSE OF REPORT**

- 1.1 To update Members on the progression of the Local Development Plan for the District.

**2. AREA FOR DECISION / ACTION**

**2.1 Development Plan position**

- 2.1.1 In order to respond to the requirements of the National Planning Policy Framework (NPPF), the Council is seeking to produce an up-to-date Local Plan as quickly as possible. The Maldon District Local Development Plan (LDP) Preferred Options were published for public consultation by the Council on 10 July 2012 in accordance with the timetable within the agreed Local Development Scheme. Under paragraph 216 of the NPPF due weight can therefore be applied to the policies within the emerging LDP in the decision-taking process.
- 2.1.2 Until the LDP is formally adopted by the Council, the Maldon District Replacement Local Plan 'saved policies' continue to form the statutory development plan for the District. The East of England Plan has now been formally revoked by the Government and therefore no longer forms part of the statutory development plan for the District. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. However, the NPPF is a material consideration in planning decisions and states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given) (paragraph 215). Officers are undertaking assessments of existing Replacement Local Plan 'saved policies' as required to consider the degree of consistency with the NPPF, and therefore how much weight can be attributed to each policy in the decision making process. The outcome of these assessments will be provided to the Committee in due course.
- 2.1.3 In accordance with the NPPF the Council is seeking to boost significantly the supply of housing and identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against the housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land (NPPF, paragraph 47).

Since 1996 Maldon District Council has consistently met its housing requirements. Therefore, in accordance with the NPPF, an additional 5% buffer has been applied. The latest Annual Monitoring Report produced by the Council indicates the updated housing land supply position based upon a five year land supply requirement of 1,050 dwellings. Following the revocation of the East of England Plan and in the absence of an up-to-date adopted Local Plan the Council will apply the 200 dwellings per annum housing target as indicated in its LDP Preferred Options Consultation document for the purposes of calculating the five year land supply requirement. This target represents a significant uplift from the 115 dwellings per annum target previously provided by the East of England Plan.

- 2.1.4 Whilst it is acknowledged that the current housing land supply falls short of meeting the identified requirements, the Council is working to address the shortfall. Once adopted, the LDP will provide strategic site allocations. In the meantime, the Council has established the LDP Developer Forum which aims to explore how growth can be delivered in the Maldon District in a planned and coordinated way. Through the LDP Developer Forum the Council is seeking to progress strategic masterplans with delivery partners and infrastructure providers to promote the delivery of strategic growth areas. A number of workshops have already taken place to cover strategic issues such as highways, education and drainage.
- 2.1.5 ATLAS (the Advisory Team for Large Scale Applications) has been and continues to assist Maldon District Council in securing high quality development for the strategic growth areas at Maldon and Heybridge through the production of strategic masterplans alongside the progression of the LDP. As part of this process ATLAS will be facilitating “Visioning Workshops” for Maldon and Heybridge during late April / early May. It is anticipated that this will involve local ward members from and adjacent to those preferred strategic growth areas at Maldon and Heybridge, Planning Committee Chairman, Council Leader and Members of Planning Policy Panel to meet Essex County Council Education, Drainage and Highways Officers and Maldon District Council Officers. The first workshop will allow Members and Officers to look at possible growth options and sites. The focus of the event will be conceptual, very much place-making, rather than housing numbers led, and aim to establish a place-making vision to guide future growth options. The draft spatial vision for the District together with the draft LDP policy framework for the Maldon and Heybridge strategic growth areas will form the starting point for this workshop. Following the initial workshop, the masterplanning process can be widened to incorporate relevant developers, agents, partners and stakeholders. Public engagement and input into the masterplanning process will be crucial, and further details of proposed public engagement and consultation on the masterplanning process will be provided in due course.

## **2.2 Local Development Plan progress**

- 2.2.1 The Council is seeking to produce an up-to-date Local Plan as quickly as possible, and has been one of the first Councils in Essex and across the Country to seek to produce a ‘Local Plan’ which combines various Development Plan Documents elements (including Core Strategy polices, Development Management policies and site allocations) into one Plan and responds to the changing national planning procedures and requirements which the Coalition Government has introduced. This has included the requirements to set locally derived targets for a range of uses

including housing, based on comprehensive and robust evidence. In addition, the Council has been at the forefront of work across the sub-region and County to respond to the requirements of the 'Duty to Cooperate'.

- 2.2.2 Several Development Plan Documents have been delayed as a result of Planning Inspectors, at Examination-in-Public, finding the respective approaches to meeting local housing need or the Duty to Co-operate as being unsound. As a result, there has been a degree of uncertainty in relation to the implications of these interpretations for the emerging LDP and other emerging Local Plans across the country. Many local planning authorities currently remain without an 'up-to-date' local plan, and progression is being delayed as a result of the uncertainty currently being experienced.
- 2.2.3 Following the last meeting of the Committee (Minute No. 906 refers) further clarification has been sought from the Government in relation to the NPPF requirements and particularly the implications emerging through other Local Plan Examinations-in-Public and case law.
- 2.2.4 Following recent correspondence between the Leader of the Council and Chairman of Planning and Licensing Committee with relevant Members of Parliament (John Whittingdale MP OBE and Priti Patel MP) and relevant Government Ministers (Eric Pickles MP (the Secretary of State for Communities and Local Government) and Nick Boles MP (Planning Minister)), a meeting was held on Tuesday 19 April 2013 at the Houses of Parliament. At the meeting clarification was sought on a range of issues relating to the timely progression of the LDP and also concerns raised in relation to the consistency of recent appeal decisions issued by the Planning Inspectorate. Notes of the meeting will be provided to the Committee once available.
- 2.2.5 In order to assist the Council with the progression of the LDP, the Government has made the offer of an additional meeting with the Planning Inspectorate to discuss the issues highlighted and obtain greater certainty on how the LDP can be progressed on a sound basis towards Submission Stage and ultimately adoption in a timely fashion. The meeting took place on Monday 8 April 2013.
- 2.2.6 The Local Development Scheme was published in 2012 and sets out the timetable and parameters for the production of the LDP. An amended timetable for the production of the LDP will be formally agreed by Members as soon as possible. In the meantime, the indicative updated timetable is available on the website.

### **2.3 Identification of the District's objectively assessed need**

- 2.3.1 The report to the previous Committee meeting (Minute No.906 refers) outlined legal advice received from Counsel. Following Counsel's advice, Officers having been seeking to identify the District's objectively assessed housing need.
- 2.3.2 Paragraphs 14, 17, 47, and 182 of the National Planning Policy Framework (NPPF) outlines that local authorities should plan to meet the areas full objectively assessed needs for housing, however Government has not provided an explanation of what objectively assessed need is considered to be or how it should be identified. It is therefore currently unclear exactly how local authorities should be identifying objectively assessed need.

2.3.3 Advice has been received from representatives of the Planning Officers Society, the Planning Inspectorate, neighbouring local authorities, and through further discussions with Counsel. It is generally agreed that objectively assessed need should be identified through a range of scenarios including, but not exclusive to, the Sub-National Population Projections (SNPP) and conclusions from the Strategic Housing Market Assessment (SHMA). Legal advice has indicated that the following scenarios included within the LDP evidence base should be considered as part of the identification of the District's objectively assessed housing need:

- Population Stable Scenario: 146 dwellings per annum;
- Workforce Stable Scenario: 263 dwellings per annum;
- Sub-National Population Projections (SNPP) 2010 based update: 294 dwellings per annum;
- Strategic Housing Market Assessment: To be confirmed (see paragraph no.2.4.3.1 below).

2.3.4 Further details in relation to the identification of objectively assessed needs for housing are to be reported to Planning Policy Panel on 12 April 2013. Based upon consideration of the identified evidence and scenarios, and taking into account advice received to date and emerging case studies nationally, the objectively assessed need for housing in the District is considered to be represented by the SNPP, which currently equates to 294 dwellings per annum as explained in paragraph 2.4.1.1. It should be noted that this constitutes the figure that the Council should seek to plan towards in accordance with the NPPF, but it does not constitute the LDP housing target. Members will determine the level of growth to be included within the Plan at a later date having regard to all relevant considerations, including the legal advice received, evidence base in relation to the constraints that exist in the District, and previous LDP consultation responses received by the Council.

## **2.4 Evidence base update**

### **2.4.1 Greater Essex Demographic Forecasting Study**

2.4.1.1 Essex Planning Officers Association has published phase 4 of the Greater Essex Demographic Forecasts. Phase 4 examines population adjustments from 2011 data in comparison to the mid-year estimates that have been rolled forward since the 2001 Census. It also scrutinises the methodology and outcomes of the 2011-based projections, which have been assigned an 'interim' status. This work has updated the 2008 based SNPP populations projections for Maldon District, which provided the basis for the 'Alternative Growth Option 3: Projected Need' of 397 dwellings per annum in the LDP Preferred Options consultation. The 2010 based SNPP update has now reduced this figure to 294 dwellings per annum.

### **2.4.2 Essex Highways Modelling**

2.4.2.1 Essex Highways have been commissioned by Essex County Council and Maldon District Council to model the impact of the preferred strategic growth locations on the highways network. The Planning Policy Team is currently reviewing the findings from the modelling. In addition, a joint working group is being established with Officers from Maldon District Council and Essex County Council to consider what

further work may be required to consider the constraints which exist across the network in the Maldon District and beyond in order to ensure that the LDP evidence base will be as robust as possible to inform the final LDP growth strategy.

### 2.4.3 Strategic Housing Market Assessment (SHMA) Update

2.4.3.1 The Maldon Strategic Housing Market Assessment (SHMA) is being updated to provide a comprehensive and up to date evidence base to inform the LDP in accordance with the NPPF, and to assist in the identification of the District's objectively assessed need. The emerging draft SHMA update indicates a level of housing need and demand which is in excess of the SNPP 2010 based update. However, the SHMA figures should not be considered as a housing requirement, but rather an indication of need which should be managed through a range of planning and housing based strategies. The housing need figures are based on a range of variables which are highly susceptible to change depending on the amount and type of dwellings built in the District, as well as the future make up and management of the District's housing stock. The SHMA update is due to be finalised and published shortly and will be made available on the Council's website.

2.4.3.2 To ensure that the LDP is produced using an up to date and NPPF compliant evidence base, the Council urgently required an update to the SHMA. The SHMA update was therefore commissioned in October 2012 to provide crucial evidence to inform the emerging LDP. Since the commissioning of the Maldon SHMA, it has been agreed through the Heart of Essex local authorities in conjunction with Colchester Borough Council (BC) and Braintree District Council (DC) that a sub-regional SHMA will be produced in 2013. The production of a sub-regional SHMA will ultimately provide the sub-region with a more comprehensive and robust housing market assessment, and assist with complying with the Duty to Cooperate. Should any significant delay occur to the LDP timetable the Council will need to be mindful of the need to consider emerging evidence (in the form of the sub-regional SHMA) through the LDP process which could potentially have implications for emerging LDP policies. However, it is not anticipated that the emerging sub-regional SHMA findings will significantly differ from or contradict the findings of the Maldon SHMA update. Therefore, depending on timings and progress of the LDP, further work may be required following the completion of the sub-regional SHMA to assess the implications of any additional or alternative housing market conclusions for the LDP.

### 2.4.5 Further evidence base work

2.4.5.1 In order to provide an up to date evidence base to support the emerging LDP policies, an update to the existing Viability Study is likely to be required. It is intended that the scope of the existing Viability Study will be widened in order to also provide evidence required to support the future implementation of the Community Infrastructure Levy Charging Schedule alongside the progression of the LDP. This follows a two day course of Viability Training which was provided free of charge to Officers through the Planning Advisory Service on 25 and 26 March 2013. In addition, advice is being sought from the Planning Advisory Service in relation to whether any further updates to the LDP evidence base may be required prior to the Submission of the Plan to the Secretary of State for Examination-in-Public.

## **2.5 Duty to Cooperate**

- 2.5.1 Under the provisions of the Localism Act 2011, the Council has a duty to cooperate with other local planning authorities, county councils, and relevant bodies on strategic matters during the preparation of the Local Development Plan. Two sub-regional duty to cooperate meetings have been undertaken through a Heart of Essex meeting with Chelmsford County Council (CC) and Brentwood Borough Council (BC), and a Thames Gateway meeting with Rochford District Council (DC) and Castle Point BC. The meetings discussed relevant strategic and cross boundary issues and considered future approaches to managing and planning these issues through the LDP. The notes of these meetings are provided as **APPENDIX 1**.
- 2.5.2 A sub-regional duty to cooperate meeting with the Haven Gateway authorities of Colchester BC and Braintree DC will be undertaken in April. The outcomes of the meetings are currently being considered by the Planning Policy Team, and will be used to direct future engagement with neighbouring authorities as required.

## **2.6 Planning Policy Panel Meetings**

- 2.6.1 Meetings of the Planning Policy Panel (PPP) took place on 4 February and 4 March 2013. The Panel operates to assist Officers in progressing the necessary work on the LDP. Proposed changes to the LDP policies are currently being drafted by the Planning Policy Team in response to consultation responses, updated evidence base work, legal advice, and emerging case law. An update on the progression of the LDP was provided at both meetings, and emerging proposed amendments to policies within the LDP were presented. The emerging conclusions of on-going legal advice from Counsel in relation to the production of the LDP were also presented at both meetings, and the outcomes of all these deliberations will be fed back to the Committee in due course.
- 2.6.2 The meeting of 4 February 2013 also included updates on future plans for the LDP Developer Forum and Member engagement in it, infrastructure planning work undertaken towards highways modelling and meetings being held with local schools, and neighbourhood planning proposals from Langford and Ulting Parish Council and Burnham-on-Crouch Town Council.
- 2.6.3 The meeting of 4 March 2013 also included updates on on-going work with Essex Highways to provide highways modelling for the LDP evidence base, consideration of the outcomes of the LDP Members Seminar held on 29 January, and a presentation of the draft Economic Prosperity Strategy. A further meeting will be taking place on 12 April 2013, and a summary of the meeting will be provided to the Committee in due course.

## **2.7 LDP Next Steps**

- 2.7.1 Potential options for the LDP spatial growth strategy will be identified for further consideration by Members shortly. At that stage, it will be necessary for Members to consider the updated LDP evidence base, LDP consultation responses and advice received before determining to what extent objectively assessed needs for housing in the District can (or cannot) be met, and whether any revisions should be made to the preferred spatial growth strategy identified within the LDP. All Members of the

Council will be engaged through the decision making process, and special meetings of the Committee will be scheduled as required.

- 2.7.2 Further public consultation will be required on any significant material changes made to the LDP Preferred Options prior to the Submission of the Plan to the Secretary of State for Examination-in-Public.

### 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:

- Enabling, supporting and empowering communities to be safe, active and healthy;
- Protecting and shaping the District and balancing the future needs of the community; and
- Meeting the housing needs of the District.

### 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 publication of the Local Development Plan Preferred Options has given greater certainty to the local community, stakeholders and service providers on the future planning strategy for the Maldon District. The endorsement of the Local Development Plan Preferred Options has enabled the document to become a material consideration in the determination of planning applications, superseding the Core Strategy Regulation 25 consultation document which was published in April 2009.

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 will help 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 to strategically plan for future 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 progression of the Local Development Plan and the publication of the Preferred Options document has started to provide 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.

- (iv) **Impact on Resources (financial)** – A delay in plan production or any significant change in emerging policy direction would be likely to require additional work or alterations to the evidence base which may have significant financial resource implications for the Council.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **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 Preferred Options have been subject to Sustainability Appraisal and Appropriate Assessment in accordance with the EU directive on Strategic Environmental Assessment. An additional Sustainability Appraisal and Appropriate Assessment will be required on revisions and additions made to the Plan in the future.

## 5. CONCLUSIONS

- 5.1 In order to respond to the requirements of the National Planning Policy Framework (NPPF), the Council is seeking to produce an up-to-date Local Plan as quickly as possible.
- 5.2 Paragraphs 14, 17, 47, and 182 of the National Planning Policy Framework (NPPF) outlines that local authorities should plan to meet the areas full objectively assessed needs for housing. Based upon consideration of the evidence available, advice received to date and emerging case studies nationally, the SNPP figure (currently 294 dwellings per annum) is considered to represent objectively assessed need for housing within the LDP in accordance with the NPPF. Members will determine the level of growth to be included within the Plan at a later date having regard to all relevant considerations, including the legal advice received, evidence base in relation to the constraints that exist in the District, and consultation responses received.
- 5.3 Under the provisions of the Localism Act 2011, the Council has a duty to cooperate with other local planning authorities, county councils, and relevant bodies on strategic matters during the preparation of the Local Development Plan. Two sub-regional duty to cooperate meetings have been undertaken through a Heart of Essex meeting



with Chelmsford CC and Brentwood BC, and a Thames Gateway meeting with Rochford DC and Castle Point BC. A sub-regional duty to cooperate meeting with the Haven Gateway authorities of Colchester BC and Braintree DC will be undertaken in April.

- 5.4 Potential options for the LDP spatial growth strategy will shortly be identified for further consideration by Members. At this stage, it will be necessary for Members to consider the updated LDP evidence base, LDP consultation responses and advice received before determining to what extent objectively assessed needs for housing in the District can (or cannot) be met, and whether any revisions should be made to the preferred spatial growth strategy identified within the LDP.

## **6. RECOMMENDATIONS**

- (i) that the update received in relation to work being undertaken to progress the Local Development Plan and associated evidence base, be noted;
- (ii) that the Duty to Cooperate discussions held to date with the Heart of Essex and Thames Gateway local authorities are noted and endorsed.

### Background Papers:

Annual Monitoring Report (Maldon District Council, April 2013)

Greater Essex Demographic Forecasts: Phase 4 (Edge Analytics, 2013)

LDP Preferred Growth Strategy (Maldon District Council, 2012)

Localism Act 2011

Local Development Scheme (Maldon District Council, 2012)

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

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

Maldon District Strategic Housing Land Availability Assessment (Maldon District Council, 2012)

Maldon Strategic Housing Market Assessment (DCA, 2013) (Draft)

National Planning Policy Framework (CLG, March 2012)

Viability Study (Three Dragons, 2010)

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

**Maldon District Local Development Plan (LDP)  
Duty to Co-operate Meeting – Heart of Essex  
9.30am – 11.00am, Monday 18 March 2013  
Training Room, Council Offices, Maldon**

## List of Attendees

<b>Name</b>	<b>Organisation</b>
Fiona Marshall	Maldon DC, Chief Executive
Cllr. Penny Channer	Maldon DC
Cllr Bob Boyce	Maldon DC
Derek Lawrence	Maldon DC, Head of Planning
David Coleman	Maldon DC, Planning Policy Team Leader
Tai Tsui	Maldon DC, Planning Policy Officer
Tim Parton	Maldon DC, Planning Policy Officer
Jenny Lewsey	Maldon DC, Economic Development Officer
Paul Gayler	Maldon DC, Housing Manager
Richard Holmes	Maldon DC, Head of Community and Leisure
Bill Newman	Brentwood BC, Planning Policy Manager
Cllr Linda Golding	Brentwood DC
David Green	Chelmsford CC, Director of Planning and Regeneration
Derek Stebbing	Brentwood BC, Planning Policy Manager
Kevin Fraser	Essex CC, Principal Planner
Korah Galloway	Essex CC, Solicitor

## Apologies

<b>Name</b>	<b>Organisation</b>
Cllr. Miriam Lewis	Maldon DC
Chris Roberts	Maldon DC, Economic Development Officer

Note of Meeting:

Officers from Maldon District Council provided an introduction which included the requirements of the Duty to Co-operate, work that has already been undertaken in relation to the Duty, an update of the emerging Maldon District Local Development Plan, and previous/on-going works undertaken jointly by the Heart of Essex authorities including the Housing Growth Scenarios, Economic Future Study, EPOA Demographic Projections, and the forthcoming sub-regional SHMA.

## **Housing Growth**

Chelmsford CC enquired whether Maldon has identified a locally derived objectively assessed housing need. Mr Coleman explained that the Council is looking at a range of figures including the CLG household projection (380 dpa originally but lowered to 294 dpa in light of latest demographics data) and the outcome of a SHMA update. Legal advice is being sought in terms of the approach towards identifying the objectively assessed housing need.

It was agreed that the starting point to meeting objectively assessed need should be figures from the Sub National Population Projections (SNPP), considered against the results of the SHMA and any other appropriate scenarios. Mr Green indicated that Chelmsford CC would like to see all Local Planning Authorities meeting their Objectively Assessed Housing Need unless there are exceptional reasons why this cannot be achieved.

It was also pointed out that Chelmsford has committed to start reviewing its Core Strategy by autumn 2015 followed by adoption in 2018. With regard to housing delivery, Mr Green advised that it is likely that Chelmsford will not be able to meet its housing target before reviewing the Core Strategy. Any shortfall in meeting the Core Strategy housing target will be rolled forward into the next plan, therefore increasing Chelmsford's future housing target. It is likely that future housing growth in Chelmsford will be located in green belt areas. Based on the existing and projected growth demands in the Council area, Chelmsford stated that the Council would struggle to accommodate additional growth from neighbouring local authority areas.

## **Healthcare**

Some discussion took place with regard to feedbacks and comments received from strategic health authorities (PCT, NHS, CCG etc.). There is a general acknowledgement that the strategic health authorities seems to be giving out mixed messages in relation to strategic planning issues. It is also of concern that individual GPs are having a different view from the strategic health authorities. It is therefore proposed that a joint letter from the Heart of Essex Group should be sent to the strategic health authorities to ensure consistent planning advice is given to Local Planning Authorities both in terms of plan making and individual planning applications.

In relation to the LDP, Chelmsford CC have requested that a clear statement of the strategic impact on healthcare in Maldon and Chelmsford is provided. In particular, Chelmsford CC have concerns about the impact of services at Danbury and South Woodham Ferrers.

Mr Green has also raised the possibility of a joint health assessment. This issue will be raised during a separate Heart of Essex group meeting.

## **Education**

The Chelmsford CC LDP representation raised concerns about the impact of housing growth in Maldon District on education facilities in surrounding areas. Mr Stebbing stated that Chelmsford's main concern is the potential increase in the out flow of secondary pupils from Maldon to South Woodham Ferrers and Great Baddow.

Concerns were raised by MDC officers that recent case in North Fambridge seems to suggest that there are inconsistency between the advices given by ECC Educations over strategic planning issues, and advices given to individual planning applications.

Further information has been received from Essex County Council (ECC) in relation to the LDP Preferred Options consultation. However, this does not provide detail on the impact of growth outside the administrative boundary of the District. It is still therefore unclear how housing growth in Maldon District will impact neighbouring area in Chelmsford's administrative area. Mr Fraser acknowledged that ECC's approach to considering the impact of housing growth on education may need to be adjusted to provide the more strategic approach required by the NPPF. These comments will be fed back to ECC Education Services.

Maldon DC will request that ECC consider the impact of proposed housing growth on education facilities outside the District to inform the LDP and allow Chelmsford CC to manage the impacts accordingly.

### **Transport**

Officers from Maldon DC indicated that while further highway modelling is being undertaken, further assessment on junctions outside of the District is not practical at this stage due to resources constraints. Officers from Chelmsford were concerned about this and stated that not having a full understanding of the wider picture is not acceptable. Chelmsford will need to understand the potential impact on the wider highway network as a result of growth in Maldon.

Mr Fraser noted that future proposed growth in Maldon District will potentially have an impact on Basildon BC and Chelmsford City in relation to increased transport flows on the highway and rail network towards Wickford and South Woodham Ferrers.

Mr Fraser stated that the current working practice and budgeting arrangements of ECC highways is based on the pre-NPPF planning system, and may not be able to provide the level of highway assessments required by the NPPF. Currently, ECC are not comfortable with undertaking more strategic highways modelling before a finalised growth strategy has been produced by Maldon DC. Maldon DC noted that further transport modelling was required to enable the agreement of a finalised growth strategy. . Chelmsford CC and Brentwood BC will be invited to attend a transport based workshop with ECC to discuss the outcome of highways modelling and consider further the strategic impacts of growth on the highways network.

Mr Green suggested that it may be possible to work with potential developers and seek financial contributions from them to carry out transport assessment as required.

Issues around public transport have been discussed and question was raised in relation to the planned new train station at Beaulieu Park and whether it could potentially impact upon the commuting pattern of residents from Maldon District. No issues were identified for further consideration.

## **Leisure and Tourism**

Mr Holmes pointed out that the only major leisure / tourism development that can be identified are the new visitor centre in the Promenade Park, and potentially a new indoor public swimming pool in the Burnham-on-Crouch area. It was agreed that this would be unlikely to have a significant impact on transport. No issues were identified for further consideration.

## **Gypsy and Traveller Accommodation**

Chelmsford indicated that they will not be objecting to Maldon's current approach (in the Preferred Options Consultation) towards provision for G&T. Chelmsford CC acknowledged that there is a deficit in Traveller accommodation in their administrative area, however this will be managed accordingly following the production of the forthcoming county wide Gypsy and Traveller Accommodation Assessment. It is likely that Chelmsford will undertake a similar sequential approach to Maldon DC. Mr Newman indicated that Brentwood BC will not allocate specific sites but instead identify broad areas for new G&T provision.

No issues were identified for further consideration.

## **Provision of B8 warehousing**

Mr Newman advised that Brentwood is looking to fulfil its identified need for B8 warehousing in the Employment Land Review, therefore there will not be a cross boundary issue on this aspect. It was agreed the need for additional B8 warehousing growth was identified through the Economic Futures Study undertaken last year. Due to the geographic location of Brentwood near key transport routes, there will always be a high level of demand for warehousing in Brentwood. It was agreed that any additional warehousing needs would not be satisfied in Maldon District, where there is not a similar level of a demand.

No issues were identified for further consideration.

## **Maldon Sustainability Appraisal conclusions**

Officers from Chelmsford indicated that there are some concerns over the potential increase in trespass and impact on natural environment in the South Woodham Ferrers area as a result of proposed growth in the south of Maldon District including North Fambridge. These issues will be assessed through further Sustainability Appraisal (SA) work undertaken in the next stage of production of the LDP. Maldon DC Officers will monitor conclusions of these issues in future SA work.

## **Next steps and future mechanisms for agreement**

There is a general agreement that Member engagement is necessary to endorse the outcomes of any duty to cooperate based discussions. The group agreed to investigate further how this can be carried forward through their respective committee / cabinet systems, to ensure that Members are aware of the duty to cooperate discussions being undertaken and have the opportunity to comment and provide their views

It was agreed that there are no strategic issues that are appropriate to require the production of a memorandum of understanding at this time. Brentwood BC noted the importance of producing statements of common ground where appropriate to inform local plan examinations.

### **Key Actions / Recommendations**

- Chelmsford CC outlined that it is unlikely the Council could accommodate additional growth from surrounding local authorities.
- It was agreed that mixed messages are being received from CCG / PCT in relation to the future provision of healthcare facilities. Maldon DC will draft and circulate for comment a letter on behalf of the Heart of Essex to raise concerns identified.
- Mr Fraser will feedback concerns raised that ECC education based advice does not consider the impact of housing growth across administrative boundaries.
- Maldon DC will request that ECC consider the impact of proposed housing growth on education facilities outside the District.
- Chelmsford CC and Brentwood BC will be invited to attend a transport based workshop with ECC to discuss the outcome of highways modelling and consider further the strategic impacts of growth on the highways network.
- Maldon DC Officers will monitor conclusions of future SA work in relation to the potential increase in trespass and impact on natural environment in the South Woodham Ferrers area.
- Agreed notes of the meeting will be circulated to appropriate Council Members to ensure that they are aware of the duty to cooperate discussions being undertaken and have the opportunity to comment and provide their views.
- It was agreed that there are no strategic issues that are appropriate to require the production of a memorandum of understanding at this time. The production of statements of common ground on appropriate strategic issues will be considered as required.

**Maldon District Local Development Plan (LDP)  
Duty to Co-operate Meeting – Thames Gateway  
9.30am – 11.00am, Monday 19 March 2013  
Council Chamber, Council Offices, Maldon**

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Tim Parton	Maldon DC, Planning Policy Officer
Richard Holmes	Maldon DC, Head of Community and Leisure
Amanda Raffaelli	Castle Point BC, Senior Policy Planner
Sam Hollingworth	Rochford BC, Planning Policy Team Leader
Cllr Keith Hudson	Rochford BC, portfolio Holder for Planning and Transportation
Kevin Fraser	Essex CC, Principal Planner
Jacqueline Millward	Essex CC, Solicitor

## Apologies

Name	Organisation
Cllr. Miriam Lewis	Maldon DC
Gerry Levelle	Basildon BC, Head of Executive Support

Note of Meeting:

Officers from Maldon District Council provided an introduction which included the requirement of the Duty to Co-operate, work that has already been undertaken in relation to the Duty, an update of the emerging Maldon District Local Development Plan, and previous/on-going works undertaken jointly by all Essex authorities including the Essex Planning Officers Association (EPOA) Greater Essex Demographic Forecasts and the Essex Gypsy and Traveller Accommodation Assessment (GTAA).

**Housing Growth**

Cllr Hudson enquired on the status of the Maldon District Strategic Housing Market Assessment (SHMA) and in particular whether the SHMA takes into account the wider housing market area. Mr Coleman explained that the Council is currently updating its SHMA. However, the current update will not take full account for the sub-regional housing market area. A separate sub-regional SHMA is

being commissioned jointly by the Heart of Essex authorities (Brentwood, Chelmsford and Maldon). Cllr Hudson warned that not having a SHMA for the wider housing market area could open the authorities to challenge at a later stage.

A number of people attended an EPOA presentation on the Greater Essex Demographic Forecasts on Monday evening. Mr Coleman noted that through the latest demographic projections, the Maldon District household projection figure has been amended from 380 (SNPP 2008 based) down to 294 (revised SNPP 2010 based). Mr Fraser advised that due to data quality issues local authorities should not use the emerging 2011 SNPP until the data has been finalised.

Ms Raffaelli reported to the group that it is likely that Castle Point's emerging Core Strategy will seek to achieve a housing target of around 200-225 dpa instead of the meeting the 2010 SNPP based household projection (350 dpa) due to green belt and identified strong environmental constraints including flood risk (40% of the District is a high flood risk area) and ancient woodlands. Based on major constraints and clear showstoppers, the SHLAA has been used to identify a sensible housing figure for the District. Ms Raffaelli also stated that Castle Point BC will undertake a sustainability appraisal (SA) in house.

Mr Hollingworth stated that Rochford has recently adopted its Core Strategy with a housing target of 250 dpa. Rochford District has major constraints to development in the District, including green belt, flood risk areas and nationally and internationally important environmental areas. The Council is currently working towards identifying an NPPF compliant objectively assessed housing need, however the SA of the adopted Core Strategy identified significant potential impacts to the environment should a higher housing level be adopted, it is therefore highly unlikely that the Core Strategy housing target can be increased. The Districts objectively assessed need will be identified through demographic tools and the SHMA.

Mr Hollingworth advised that the accumulative impact of housing growth on environmentally designated sites in Rochford District is an important consideration in the Core Strategy. Maldon should also be considering the cumulative impact of development on local environmental designations.

Cllr Channer noted that Maldon District also has significant environmental and infrastructure constraints, which was identified in the Regional Spatial Strategy (RSS). Mr Fraser pointed out that while the RSS has identified Maldon District as a constraint area, all new Local Plans should be in compliance with the requirements set out in the NPPF, which provides high importance on housing and economic growth and less focus on the protection of the countryside. Cllr Channer referred to a number of recent appeals won by MDC on landscape grounds. Ms Raffaelli suggested that ministers [and planning inspectors] may have a different view on proposals for strategic housing growth. They may refuse smaller applications on landscape ground but due to the significant need for housing, they may have a different view on strategic sites which will provide a significant amount of growth. The group acknowledged that there seems to be a significant level of inconsistent advice given to local authorities from PINS and the government.

Both Maldon DC and Rochford DC agrees that while the two District share the European site (of the Crouch Estuary), the two Districts are fundamentally separate. Mr Parton asked whether there is any justification over the existing SHMA housing market areas which identify the Districts of Maldon and



Rochford being functionally separate. Mr Hollingworth explained that the justification has been incorporated into the Rochford / Thames Gateway SHMA. Key features which separate Maldon District from the Thames Gateway housing market area includes historical migration flows, employment and commuting flows, the location of key transport routes in particular train lines, and geographic feature of the area including the River Crouch.

Mr Parton raised the question about Rochford's current approach to the Duty to Co-operate. Mr Hollingworth indicated that while there is no formally agreed approach, the Thames Gateway authorities have jointly commissioned a sub-regional SHMA, and the five authorities will discuss the future growth approach. It was acknowledged that where necessary and appropriate, some authorities within the Thames Gateway housing market area will need to plan for unmet housing need within other neighbouring authorities. However, there is no need for this to be considered by other authorities outside the Thames Gateway housing market area.

Ms Raffaelli stated that Thames Gateway is receiving a huge outflow of housing need from London, and Mr Hollingworth added that local authorities cannot ignore in-migration as a factor in planning local growth level. It was acknowledged that a major factor of population growth in the Thames Gateway area is out migration from London. This pattern is not replicated to the same level in Maldon District.

Ms Marshall indicated that through the Essex Chief Executive Meeting it has been agreed that Essex authorities should share their evidence base studies with each other. The Chief Executive Meeting is also considering the potential for political sign-up over any join-working arrangements.

Mr Fraser noted that proposed growth in Maldon District could potentially have an impact on Basildon BC in relation to increased transport flows on the highways network in South Essex towards Burnham on Crouch and North Fambridge and the use of the railway line from Southminster going through Wickford.

### **Environmental Management**

The Castle Point Habitat Regulations Assessment (HRA) is currently being produced in house. This will be looking to assess the impact on surrounding areas. Maldon DC has completed a HRA as part of the LDP evidence base, no significant impacts were identified. It was noted that the production and updating of HRAs in each area requires up to date information of proposed housing targets for each local authority. To assist in the production of the Castle Point HRA, Maldon DC will provide further information as required on the future agreed housing target of the LDP when this is available.

It was acknowledge that both Maldon DC and Rochford DC could do more to engage on the management of the Crouch and Roach Rivers. Richard Holmes will endeavour to take this forward through the work of his team. No further significant issues were identified for consideration in the LDP.

## **Coastal Issues**

Common issues on the management of coastal areas were discussed in relation to the management of Wallasey Island, caravans on the coastline, and houseboats. Mr Hollingworth agreed to share an emerging houseboat policy with Maldon DC.

Ms Raffaelli suggested that Castle Point BC is dividing the coastal area in to three parts within the Borough and will set out different policies for each of the three areas. A large amount of caravans in Castle Point BC have been changed to residential use, it was acknowledged that this is a shared issue in the area. Ms Raffaelli will share a recent report produced on this. Maldon DC will share related emerging draft policies in the LDP.

Mr Fraser states that the Coastal Protection belt policy, being one of the few saved Structure Plan policies, has been revoked together with the RSS and local authorities should consider policies in their Local Plan to address coastal issues. It was advised that should Maldon District require a specific policy on the protection of coastal areas in addition to existing flood zone and important environmental designations policies, this should be included through an additional policy in the LDP.

Rochford DC have a coastal protection belt policy in the Core Strategy. The production of this policy was supported by the SA due to the approach of directing development away from the river and towards urban areas. The Thames Gateway 2100 study was used to inform this policy. There could be potential for this approach to be used in Maldon District using the Essex and Suffolk Shoreline Management Plan (SMP).

Mr Fraser noted that Bradwell is a preferred site for a new power station in the Governments National Policy Statement. There is the potential of new power cables coming from an offshore windfarm near Bradwell to make use of the existing pylon network. If this comes forward potentially there could be a need for a convertor station near the landing area. It is suggested that Maldon DC may want to consider the inclusion of a policy in the LDP which would influence policy accordingly in relation to the Council's views. In relation to tourism, in particular the opportunity presented by Wallasey Island, the group decided it would be helpful for the economic development teams from both Maldon and Rochford to discuss this further and share experiences.

## **Next steps and future mechanisms for agreement**

There is a general agreement that Member engagement is necessary to endorse the outcomes of any duty to cooperate based discussions. The group agreed to investigate further how this can be carried forward through their respective committee / cabinet systems, to ensure that Members are aware of the duty to cooperate discussions being undertaken and have the opportunity to comment and provide their views.

It was agreed that there are no strategic issues that are appropriate to require the production of a memorandum of understanding at this time. Ms Millward advised that as the circumstances of different authorities may progress differently, a joint position statement may be more appropriate than a statement of common ground.

Ms Raffaelli suggested that it may be appropriate to report the outcome of this meeting to the Thames Gateway Planning and Transport Board.

### **Key Actions / Recommendations**

- Due to identified significant constraints, Castle Point BC and Rochford DC are unlikely to be able to accommodate the level of housing growth suggested by SNPP population projections within their administrative boundaries.
- Maldon DC to further consider the cumulative impact of proposed growth on the European sites such as the Blackwater Estuary and Crouch Estuary in the LDP. To assist in the production of the Castle Point HRA, Maldon DC will provide further information as required on the future agreed housing target of the LDP when this is available.
- It was acknowledge that both Maldon DC and Rochford DC could do more to engage on the management of the Rivers Crouch and Roach. Richard Holmes to take this forward through the work of his team.
- Mr Hollingworth to share with Maldon DC Rochford's emerging development management policy on houseboats.