

Our ref LDP Submission  
Your ref

24 April 2014

Enquiries to: David Coleman  
Email: [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk)

Dear Sir / Madam

### Appendices to DOC94

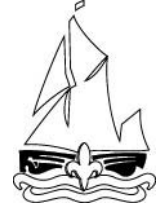
The Council has provided the following Committee Report to assist the Examination-in-Public process and provide a comprehensive and transparent audit trail of the decision making process. Please note that following the Planning and Licensing Committee meeting the appendices to the report have since been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

Appendix Number	Submission Reference
1	SD09
2	SD04
3	SD05
4	SD06
5	DOC95

Kind regards,



David Coleman  
Planning Policy Team Leader



**REPORT of  
HEAD OF PLANNING SERVICES**

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**to  
PLANNING AND LICENSING COMMITTEE  
16 APRIL 2014**

**MALDON DISTRICT LOCAL DEVELOPMENT PLAN SUBMISSION FOR  
EXAMINATION-IN-PUBLIC**

**1. PURPOSE OF THE REPORT**

- 1.1 To seek endorsement to submit the Local Development Plan (LDP) and relevant supporting documentation to the Secretary of State for Examination-in-Public (EiP), to seek endorsement of a Statement of Common Ground with Braintree District Council and Essex County Council, and to agree arrangements to enable the submission of minor modifications and supplementary information / documentation as part of the EiP process.

**2. AREA FOR DECISION/ ACTION**

**2.1 Background**

- 2.1.1 At the Special Council Meeting on Wednesday 11 December 2013, Council endorsed the Pre-Submission LDP and Proposals Map for public consultation. The LDP (and Proposals Map) was subsequently published for Pre-Submission consultation from 22 January until noon on 12 March 2014 in accordance with Regulation 19 of the Local Planning Regulations 2012. In total 225 respondents submitted representations during the consultation period which resulted in 510 comments on the Plan.
- 2.1.2 In accordance with the Town and Country Planning Local Plan Regulations (2012) (hereafter referred to as 'the Regulations'), the National Planning Policy Framework and relevant guidance produced by the Planning Inspectorate (Examining Local Plans Procedural Guide, 2013) the representations were invited by the Council in relation to the 'soundness' and / or 'legal compliance' of the Plan.
- 2.1.3 On 20 February 2014 the Council agreed delegated authority to the Planning and Licensing Committee to endorse the LDP and supporting documents for Submission to the Secretary of State for EiP. Council also agreed that, in accordance with Section 112 (2) (7C) of the Localism Act 2011, the Head of Planning Services be requested to formally write to the Planning Inspectorate and request that the appointed Inspector should (if required) make recommendations for the main modifications required in order to make the Plan 'sound'.

## **2.2 LDP representations**

- 2.2.1 The LDP representations have now been processed and are summarised in **APPENDIX 1**. Copies of all representations received are available for inspection and on the I drive. Representations are also available from the website.
- 2.2.2 Members are invited to review and consider the representations received prior to the submission of the Plan for EiP. All representations received will be submitted to the Secretary of State alongside the LDP and other relevant documentation in accordance with Regulation 22 of the Regulations.

## **2.3 Schedule of minor modifications**

- 2.3.1 A Schedule of proposed minor modifications has been prepared for Submission alongside the LDP. The Schedule is provided as **APPENDIX 2** and should be read in conjunction with the Pre-Submission LDP. The proposed minor modifications are non-material and reflect either minor errors included within the Pre-Submission version of the Plan, or reflect the need for minor non-material changes arising from the representations received. Should the Council make any material or significant changes to the Plan prior to Submission these would require additional Sustainability Appraisal and potentially additional public consultation, which would result in a delay to the progress of the Plan.

## **2.4 Consultation Statement**

- 2.4.1 A Consultation Statement has been prepared in accordance with Regulation 22 of the Regulations, and this is provided as **APPENDIX 3**. The Consultation Statement provides details of the consultation which the Council has undertaken throughout the preparation of the Core Strategy / Local Development Plan, and demonstrates how the consultation has been considered throughout the plan making process. It also includes a summary of the main issues raised through the representations received in relation to the publication of the Pre-Submission Plan (Regulation 20). The Consultation Statement includes a number of appendices providing details of consultation materials, sample letters issued and consultees, and also relevant press releases issued. A copy of Appendices 1a to 6c of Appendix 3 are background papers and are available to view in the Members' Room.

## **2.5 Duty to Cooperate Statement of Compliance**

- 2.5.1 A Duty to Cooperate Statement of Compliance has been prepared and this is provided as **APPENDIX 4**. The Statement provides details of how the Council has met the requirements of the Duty to Cooperate in producing the Local Development Plan in accordance with the Regulations, Localism Act (2011) and National Planning Policy Framework (2012).
- 2.5.2 On the 6 March, the Local Development Framework Sub-Committee at Braintree District Council (BDC) agreed Officer recommendations for amendments to the Duty to Cooperate Draft Statement of Common Ground with Maldon District Council and Essex County Council, which was presented to the Planning and Licensing Committee on 6 March (Minute No.850 refers). Following further consultation with Officers from BDC, the final version of the Statement of Common Ground has been

produced and is included in **APPENDIX 5**. Subject to the endorsement of this Committee, the Statement of Common Ground will be submitted to the Planning Inspectorate alongside the LDP.

2.5.3 The Development Policy Committee at Chelmsford City Council has also considered a Draft Statement of Common Ground with Maldon District Council and Essex County Council which was presented to the Planning and Licensing Committee on the 6 March (Minute No.850 refers). Through their Pre-Submission LDP consultation response, Chelmsford City Council has requested the following before a Statement of Common Ground can be agreed:

- Further modelling to be undertaken in relation to Eves Corner and Well Lane in Danbury, and further modelling to consider the implications on 'rat running' in the area;
- More information on the impacts of pre-signals at Eves Corner in general, and more specifically on 'rat running' in the local area, pedestrian flows across the junction, how bus prioritisation would work, and the overall potential traffic generation from future growth in Maldon allocated in the LDP;
- The publication of further modelling data to clearly show the impact of residents from Maldon District commuting to use the new North Chelmsford Rail Station; and
- The inclusion of any agreed works at Danbury to be included as a pooled Section 106 contribution from sites S2(a) and S2(d) rather than being funded through CIL.

2.5.4 A further Duty to Cooperate meeting with Chelmsford City Council and Essex County Council has been arranged to discuss these issues. Where further work may be required by Essex Highways, it is unlikely that a Statement of Common Ground can be agreed in advance of the submission of the LDP. The completion of a Statement of Common Ground with Chelmsford City Council and Essex County Council will therefore be sought following the submission of the LDP, with the intention of submitting an agreed Statement to the Planning Inspectorate in advance of the Examination Hearings.

## **2.6 Other documentation**

2.6.1 The full evidence base, the Sustainability Appraisal, Proposals Map and other relevant documentation was published for consultation alongside the Pre-Submission LDP. This documentation will be submitted to the Secretary of State alongside the LDP and other relevant documentation in accordance with Regulation 22 of the Regulations. Upon submission of the Plan the Council will notify the Planning Inspectorate of the Statements of Common Ground (see below) and any other updated evidence that may be submitted at a later date to assist the EiP process. In addition, details of any other relevant published background papers, such as earlier Committee papers will also be provided.

## **2.7 Examination-in-Public**

2.7.1 The Council has agreed a Service Level Agreement with the Planning Inspectorate in relation to the forthcoming Examination-in-Public. In addition, a Programme Officer has been appointed. Officers are preparing to submit the LDP and other relevant documentation (including representations) to the Secretary of State on 30 April 2014.

The Planning Inspectorate has indicated that a large number of Local Plans are expected to be submitted for EiP in the near future, and therefore it is imperative to avoid any unnecessary delay in relation to the Submission of the Plan in order to ensure that the Examination process is progressed as quickly as possible by the Planning Inspectorate.

- 2.7.2 Following the submission of the LDP to the Secretary of State (anticipated 30 April 2014) the Planning Inspectorate will appoint a Planning Inspector as soon as possible. Assuming that the Inspector is satisfied that no major issue will hinder the Examination process at the early stage (such as failing to meet the Duty to Cooperate or failing to abide by the relevant regulations), he / she is likely to arrange a Pre-hearing meeting with MDC around week 8 [after submission]. Hearing sessions could start as early as week 12. The length of the hearing sessions depends largely upon the amount of unresolved planning concerns raised from the consultation process, but given the scope of the Plan the hearing sessions could well last for several weeks.
- 2.7.3 During the Examination process it is likely that the Council will need to submit further supplementary information and documentation to the Planning Inspectorate. This is likely to take the form of 'topic papers' and 'statements of common ground' in order to support the agreed policy position established by the Council in the LDP. Explanatory topic papers of a technical nature in relation to specific policy areas or issues arising from the Planning Inspectors' initial review of the Plan may be requested by the Planning Inspectorate during the EiP. It is impossible to anticipate or foresee the requirements for these papers at this stage although once requested, these papers will need to be prepared and submitted promptly by Officers to avoid any potential delay to the EiP process.
- 2.7.4 In relation to 'statements of common ground' the Council has already undertaken a significant amount of work with relevant neighbouring local authorities in order to produce and ultimately agree a statement of common ground in relation to strategic highway impacts. In addition, Officers will continue to work with other relevant parties, including developers of sites within the proposed Garden Suburbs at North Heybridge and South Maldon, in order to agree other relevant statements of common ground where possible. These will be particularly beneficial in demonstrating the deliverability of the Plan.
- 2.7.5 In managing the EiP process the Head of Planning Services needs to be able to ensure that Officers' can submit further supplementary information and documentation (such as statements of common ground and topic papers) and respond in a timely fashion to requests for information and clarification from the Planning Inspectorate. In order to reduce the potential for delay to the EiP, the Committee is being recommended to authorise the Head of Planning Services to deal with such requests.
- 2.7.6 As noted in paragraph 2.1.3 above, the Inspector is to be asked to recommend any 'main modifications' to the LDP in order to make it 'sound' if required. If such modifications are recommended then it is anticipated that these would be accepted as a basis for a further six week public consultation and additional Sustainability Appraisal on the proposed changes. Following and in the light of that further public consultation the final Plan would then be presented to the Council for adoption.

- 2.7.7 The EiP process will require a significant amount of Officer time and resources, particularly during the hearing sessions. Expert witnesses (including external consultants) will need to be requested to provide input and support the Council as required. In addition, the Council will be required to provide adequate rooms and facilities throughout the hearings. Therefore, there may be a degree of disruption to the Council, particularly during the period of the hearing sessions.
- 2.7.8 The length of time that is required for the entire EiP process depends very much on the complexity of the EiP itself, and could range from a minimum of five months to more than 12 months. The resource and cost implications for the Council arising from the hearing sessions and EiP will depend upon the length and level of detail of the processes.
- 2.7.9 Following the submission of the LDP, the Council will be required to make available copies of relevant documentation for public inspection in accordance with Regulation 22 of the Regulations. Notification of the submission will also be required to the public and relevant consultees.

### **3. IMPACT ON CORPORATE GOALS**

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

### **4. IMPLICATIONS**

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

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

- (ii) **Impact on Equalities** – The progression of the Local Development Plan 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 needs, growth and sustainable development, and provide an adequate five year supply of deliverable land for housing.

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

A delay in the Submission of the Plan will lead to a delay in the Examination-in-Public process and subsequent adoption date of the Plan. In addition, failure to put in place adequate and appropriate delegation arrangements for the submission of further materials to assist the Examination process would pose a significant risk to the timely adoption of the Plan.

- (iv) **Impact on Resources (financial and human)** – A delay in plan production or any change in policy direction would require additional work, alterations to the evidence base, and additional public consultation which may have significant financial and time resource implications for the Council. The Examination-in-Public will have significant resource implications for the Council, both in terms of Officer time from the Planning Policy Team and various Council Services, use of Council facilities (rooms etc) and also the need to procure external consultants.
- (v) **Impact on the Environment** – The Local Development Plan will enable the Council to promote sustainable development and safeguard the local environment in accordance with the local priorities for the District. The Local Development Plan has been subject to Sustainability Appraisal and Appropriate Assessment in accordance with the European Union (EU) directive on Strategic Environmental Assessment.

## 5. CONCLUSIONS

- 5.1 Subject to the endorsement of this Committee, the Local Development Plan and other relevant documentation will be submitted to the Secretary of State for Examination-in-Public. This report provides details of the Examination process, and sets out

proposed arrangements for the provision of supplementary information or documentation required as part of the EiP process.

## **6. RECOMMENDATIONS**

- (i) That together with the approved Pre-Submission version of the Local Development Plan, the other relevant documentation as required by the Local Plan Regulations 2012 (including **APPENDICES 1 – 4**) be endorsed for submission to the Secretary of State for Examination-in-Public;
- (ii) That the Duty to Cooperate Statement of Common Ground with Braintree District Council and Essex County Council (**APPENDIX 5**) be endorsed for submission to the Secretary of State for Examination-in-Public;
- (iii) That the Head of Planning Services, in consultation with the Chairman and Vice-Chairman of the Committee, is authorised to make any minor non material changes to the Submission documentation (as required by Regulation 22 of the Local Planning Regulations) arising from this meeting and in addition to those set out in **APPENDIX 2**;
- (iv) That the Head of Planning Services is authorised to produce and submit any supplementary information and documentation to the Planning Inspectorate to assist the EiP process as required; and
- (v) That the Head of Planning Services, in consultation with the Chairman and Vice-Chairman of the Committee and also the Leader (or Deputy), is authorised to undertake a main modifications consultation and other relevant technical work (if required) arising from any recommendations by the appointed Inspector in order to make the Plan ‘sound’.

### Background Papers:

Local Development Scheme (Maldon District Council, 2013)

Maldon District Pre-Submission Local Development Plan (Maldon District Council (MDC), 2014)

Maldon District Local Development Plan Sustainability Appraisal (Royal Haskoning, 2013)

Examining Local Plans Procedural Practice (The Planning Inspectorate, December 2013, 3<sup>rd</sup> Edition v.1)

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

National Planning Policy Framework (DCLG, March 2012)

Town and Country Planning Regulations 2012 (Department for Communities and Local Government (DCLG)), 2012)

Enquiries to: David Coleman, Strategic Planning Policy Manager, (Tel: 01621 854477).