

Planning Policy Advice Note

1. National Planning Policy Framework and the presumption in favour of sustainable development

The Council is required to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The National Planning Policy Framework (NPPF) is a material consideration in planning decisions (paragraph 196).

NPPF paragraph 14 sets out the presumption in favour of sustainable development. This is described as the golden thread running through both plan-making and decision taking. For decision taking, this means approving development proposals that accord with the Development Plan without delay. Where the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole' or 'specific policies in this Framework (such as designated heritage assets or Sites of Special Scientific Interest) indicate that development should be restricted'.

The Framework conveys a strong imperative in favour of housing delivery. To that end, in order 'to boost significantly the supply of housing' (paragraph 47), local planning authorities should identify a supply of 'specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from the later in the plan period).'

At the present time, and prior to the adoption of the Maldon District Local Development Plan (LDP), the Council has only a 1.8 years supply of housing ([Five Year Housing Land Supply Statement 2013/14, published May 2014](#)). The Council is therefore unable to demonstrate a five year supply of deliverable housing land and it follows that the relevant housing supply policies in the Development Plan are not considered to be up to date (paragraph 49). As a result, in considering planning applications for housing development, decision makers should be guided by the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF.

Whilst paragraph 14 provides that the Council must consider favourably applications for housing development, Members should equally have regard to the saved policies of the Development Plan not related to the housing supply (due weight should be given to those policies according to their degree of consistency with the Framework - paragraph 215); to the content of the Framework as a whole; and to other material considerations. Any assessment of the application needs to be made in relation to the economic, social and environmental dimensions of sustainable development, leading to a conclusion about the overall sustainability of the proposal.

2. Development Plan status and the Maldon District Local Development Plan (LDP)

The Maldon District Replacement Local Plan (RLP) was adopted in November 2005 and the 'saved policies' still form the statutory Development Plan for the District. However, the RLP was prepared in accordance with Part II of the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991. As the RLP was produced using national planning policy prior to the 2004 Act, in accordance with the requirements of the National Planning Policy Framework (NPPF), due weight should only be given to relevant saved policies according to their degree of consistency with the NPPF. The greater the consistency with the NPPF, the greater the weight that can be given to the existing saved policies in the RLP. The Council has undertaken an assessment of the consistency of key RLP policies with the NPPF, which was endorsed by Planning and Licencing Committee on the [3 October 2013](#).

The LDP is the emerging Plan for the District and will constitute the new up to date statutory Development Plan for the District once adopted. The [LDP](#) together with associated [evidence base](#) and [supporting documentation](#) was submitted to the Secretary of State for Examination-in-Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given. The evidence base and supporting documentation should also be considered as material considerations in the determination of planning applications.

Following the Submission of the Plan the appointed Planning Inspector identified a number of concerns in relation to the potential soundness of the Plan ([IED06](#)). In August and September 2014 the Council produced and published additional evidence in order to seek to address concerns raised by the Inspector ([CED10](#)). This includes further up to date and robust evidence in relation to the identification of objectively assessed needs for housing for the District. This evidence concludes that the objectively assessed needs for housing should be identified as 310 dwellings per annum, which is marginally higher than the 294 dwellings per annum included within the Submitted Plan. If ultimately adopted, the figure of 310 dwellings per annum would result in a slight increase in the housing requirements for the District.

It is anticipated that this additional evidence and potential modifications to the Plan will be considered through housing related hearings which will commence in January 2014, subject to the Inspector being satisfied with the additional evidence submitted.

As a submitted Plan which the Council considers to be consistent with the NPPF, policies within the submitted LDP should be given considerable weight in the decision making process. However, careful consideration should be given to issues of concern raised by the Inspector, and other unresolved objections to the Plan.

The Council must deliver a significant increase in the housing supply in accordance with Policy S2 of the LDP in order to address concerns raised by the appointed Planning Inspector and demonstrate the deliverability of the Plan. **The LDP plans for the delivery of a minimum of 1,935 dwellings between 2014 and 2019 in order to meet the requirements of the NPPF. The LDP period has already commenced. The Inspector must be satisfied that the Council will deliver the housing planned over the plan period if he is to find the Plan ‘sound’.**

In addition, the Council must deliver a considerable increase in the housing supply in order to ensure that a five year supply of deliverable housing land can be demonstrated in the future. The adoption of the LDP does not automatically provide for a five year land supply if the houses that are planned for are not being delivered. Please refer to the [Report of the Head of Planning Services](#) to Council on 10 July 2014 (‘Maldon District Local Development Plan Examination Update’) for further details, and the [legal advice note](#) ‘Five year supply of housing land, the NPPF and the emerging Maldon Local Plan’ issued to the Council as Appendix 1 to the Addendum.

On 10 July 2014 the Council resolved that:

the submission of planning applications be invited and proactively encourage applications which are in accordance with the Submitted Local Development Plan [for sites allocated within the LDP] in order to boost the five year supply of deliverable housing land and demonstrate the deliverability of the LDP. Officers will work towards achieving compliance with the Infrastructure Delivery Plan through the planning application process.

In addition, the Council also resolved that:

planning applications which are considered to be sustainable in accordance with the Local Development Plan and National Planning Policy Framework (paragraph 14) where proposals will contribute positively to the five year supply of deliverable housing land and will assist in demonstrating the deliverability of the LDP be proactively encouraged.

3. Prematurity

The National Planning Policy Guidance (NPPG) states that although emerging plans gain weight during the plan-making process in the context of the NPPF, arguments that an application is premature are unlikely to justify a refusal of planning permission in the context of the presumption in favour of sustainable development other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account). Such circumstances are likely to be limited to situations where both:

- I. The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and
- II. The emerging plan is at an advanced stage but has not yet been adopted.

Where planning permission is refused on grounds of prematurity, the Council will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

4. Garden Suburb Masterplans, Strategic Allocations and future infrastructure provision

Policy S2 of the LDP relates to Strategic Growth in the District and sets out details of the residential supply to meet minimum requirements between 2014 and 2029. Policies S3, S4 and S6 set out important development principles and requirements for the development of the Garden Suburbs and Strategic Allocations, including key infrastructure requirements.

Policy S3 states that a masterplan for each of the Garden Suburbs at Maldon and Heybridge will be prepared and developed, in partnership between the Council, relevant stakeholders, infrastructure providers and developer / landowners for illustrative purposes and as a guide for developers. The masterplans will be endorsed by the Council and where appropriate, the Council may adopt the masterplans as SPDs. Policy S4 states that the Masterplans for the South Maldon Garden Suburb and the North Heybridge Garden Suburb must be in accordance with these broad development principles and other policies in the LDP. The South Maldon Garden Suburb Strategic Masterplan Framework was [endorsed by the Council](#) as a material consideration in the determination of relevant planning applications by the Council on 11 September 2014. The Draft North Heybridge Strategic Masterplan Framework was [endorsed by the Planning and Licensing Committee](#) for public consultation on 24 July 2014. Public consultation ends on 30 September 2014, and it is anticipated that the final amended document will be considered by the Council for endorsement on 30 October 2014.

Policy I1 of the LDP sets out how the Council will seek to ensure the provision of required infrastructure, services and community facilities alongside new development. The [Infrastructure Delivery Plan](#) is a material consideration in the determination of planning applications and identifies strategic infrastructure projects which are directly related to individual sites and which are essential to make the development sites acceptable in planning terms. Key infrastructure requirements will be funded through pooled planning obligations and the pooling arrangements are set out in Policy I1.

5. Rural Allocations

Policy S2 of the submitted LDP allocates a minimum of 420 new dwellings in the District's rural villages (including 75 dwellings in North Fambridge) between 2014 and 2029, together with other relevant uses. A separate Rural Allocations Development Plan Document (DPD) will be produced following the adoption of the LDP to allocate land in the rural villages in accordance with Policy S7.

Where appropriate, the Council may consider the inclusion of existing committed sites within the Rural Allocations DPD when it is produced. However, prior to the production of the Rural Allocations DPD, decisions on planning proposals should not be based on their conformity with the principles for inclusion in the Rural Allocations DPD, but rather the appropriateness of the development proposal as a whole, considered in relation to the presumption in favour of sustainable development. Please refer to the [Report of the Head of Planning Services](#) to Planning and Licensing Committee on 6 March 2014.