

REPORTS FOR NOTING

PLANNING AND LICENSING COMMITTEE – TUESDAY 5 JUNE 2018

In accordance with the recent Council decision (Minute No. 543 refers), the following reports are for noting and a copy has been placed in the Members' Room and on the I drive for Members' information only.

- Planning Policy Update
- Overview of the Government's 25 Year Environmental Plan

Members are advised that these reports are for information only and not for consideration as part of the agenda for the above meeting.

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REPORT FOR NOTING

from

DIRECTOR OF PLANNING AND REGULATORY SERVICES

Reported to

PLANNING AND LICENSING COMMITTEE

5 JUNE 2018

PLANNING POLICY UPDATE

1. PURPOSE OF THE REPORT

- 1.1 This report provides an update on local, sub-regional and national planning policy matters including an update on Essex Local Plans, and legislative changes as they affect planning policy.
- 1.2 A separate report has been prepared for this Committee on:
- Draft Vehicle Parking Standards (SPD)
 - RAMS
 - Draft Statement of Community Involvement
 - Self and Custom Build Register
- 1.3 The wide range of policy matters in this report may affect the policies of the Council, procedures and decision making. Therefore, further reports may need to be made to the Committee for decision.

2. RECOMMENDATION

That the Committee receives and notes the report.

3. SUMMARY OF KEY ISSUES

3.1 Duty to Cooperate and other Essex Plans and Strategies

- 3.1.1 The Essex Planning Officers Association Planning Policy Forum monitors the production of Local Plans. Below is a table of the stage each plan has reached, where known.

Council	Plan	Stage
Basildon	Basildon Local Plan 2014-2034	Draft Local Plan approved for publication in March 2018. No date of publication confirmed (Source: Council website).

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Council	Plan	Stage
Braintree	Braintree District Local Plan	Section 1(Joint Plan with Colchester and Tendring) – Examination closed. Waiting Inspector’s report. Section 2 – Examination in Autumn 2018 (Source: LDS May 2018)
Brentwood	Draft Local Plan Preferred Site Allocations	Consultation undertaken in March and April 2018. (Source: Council website)
Castle Point	Castle Point Local Plan	The Secretary has intervened in the production of the Local Plan. A public announcement on the timetable is awaited. Call for Sites launched in April. Ends on 31 st May 2018. (Source: Council website and MHCLG)
Chelmsford	Chelmsford Local Plan	Submission due on 29th June 2018 (Source: LDS)
Colchester	Local Plan 2017 – 2033	Section 1(Joint Plan with Braintree and Tendring) – Examination closed. Waiting Inspector’s report.
Epping Forest	Epping forest District Local Plan	Delayed pending outcome of a judicial review. (Source: Council press statement)
Harlow	Harlow Local Development Plan	Pre-Submission Publication of the Local Plan consultation closes on Friday 6 July 2018.
Rochford	Rochford Local Plan	Issues and Options consultation closed March 2018. Call for sites closes 31 st May 2018.
Southend	Southend Local Plan to 2034	Call for sites in May 2017. Issues and Options – Autumn / Winter 2018 Preferred Approach - Autumn / Winter 2019 Pre-submission – Autumn / Winter 2020 Submission – Spring 2020 (Source: LDS April 2018)

Council	Plan	Stage
Tendring		Section 1(Joint Plan with Braintree and Colchester) – Examination closed. Waiting Inspector’s report. Section 2 – Examination to be confirmed (Source: website)
Thurrock	Thurrock Local Plan	No information available.
Uttlesford	Uttlesford Local Plan	Council to consider Pre-submission plan on 25 th June (Source: Council press statement 22.5.18).

3.2 Supplementary Planning Documents and other policy documents

- 3.2.1 Report on the draft Vehicle Parking Standards and Statement of Community Involvement are presented in separate reports to this Committee.
- 3.2.2 The consultations on the draft Affordable Housing SPD and Specialist Housing SPD closes on 31 May. A report will be made to this Committee on the responses and any recommended changes to the SPD, subject to the new NPPF.

3.3 Community Infrastructure Levy (CIL)

- 3.3.1 Work is ongoing on the update of the evidence base and this should be completed in June. An all Members Workshop was held on 24 May 2018 to run through work to date; a discussion on the infrastructure delivery plan update; and a presentation on how CIL will be implemented. A report will be made to this Committee on the recommendations of the evidence base and the next steps in July.

3.4 National Planning Policy

- 3.4.1 There has been no confirmation on the date of the publication of the revised National Planning Policy Framework and ancillary documents. The consultation closed on 10 May 2018. It is hoped that the publication will be before the Government’s summer recess.

- 3.4.2 The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (2018 No. 343) came into effect on 6th April 2018 and changes the 2015 GPDO:

- *An extension to the existing temporary permitted development right to change the use of buildings in storage or distribution use to residential use;*
- *increase the size limits that apply to permitted development on agricultural land;*
- *amend the existing right to change use of agricultural buildings to residential use to allow up to a total of five dwelling houses, subject to limitations and conditions. In addition, to increase the floor space limits of agricultural buildings permitted to change use to residential use for larger dwelling houses;*

- *make permanent the existing temporary removal of requirements to submit prior approval applications for telecommunications development in protected areas in connection with fixed-line broadband installation;*
- and a number of technical changes to military installations and definitions

3.4.3 The Neighbourhood Planning Act 2017 (Commencement No. 5) Regulations 2018 brings force parts of section 100ZA of the Town and Country Planning Act 1990 (“the 1990 Act”) which provides ‘that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition.’ This proposed change to the regulations was set out in the April 2018 Planning Policy Update.

3.5 Neighbourhood Plans

3.5.1 The following Neighbourhood Plan Steering Groups have provided progress reports:

Langford & Ulting	The Parish Council has just received the final report on the Call for Sites exercise carried out in July 2017. The Parish Council now has to consider how to progress the neighbourhood plan.
Mayland	<ul style="list-style-type: none"> • The NP Committee has been expanded by two further residents to share the workload. • Mr Hull (Millwood Homes) informed the NP in a public session meeting that after planning refusals by MDC he had no further proposals at present and would not submit any further proposals without NP support. • The format of the NP draft provided by University of East London cannot be edited or updated without suitable software. MPC NP has ceased working with UEL. • Results of the Principles Consultation Survey October 2017 are now available. • Further information about a Community Land Trust was explained at a meeting with Mr Siggs and Mr Hill. MPC NP agreed that if such a scheme is included in the NP then it is most appropriate to work with a group that already has the relevant experience and expertise. • Work is continuing on the NP Vision statement and objectives. • After a meeting with the Council’s Neighbourhood Plan Liaison Officer the NP were provided with data including the SHLAA. Using Magic Map website the MPC NP has worked out that the average density for Mayland/Maylandsea village is 19 properties per hectare (not the 30 quoted for all sites). Individual SHLAA sites have all similarly been recalculated. The conclusion is that there is potentially 10 times the number of houses required for our 15 year plan so selection can conform closely to the village housing survey results. • A pro-forma land registration form used by MDC has been modified by MPC NP for issue to interested landowners at our 3rd and last call for sites in May. This will commence

	<p>with an open NP display day in Lawling Park Hall for interested Landowners.</p> <ul style="list-style-type: none"> • The results along with the previous two surveys will be placed on the Parish map for final selection by the NP guided by the villagers housing survey requirements. Since 1970 historically Mayland/Maylandsea has expanded at the rate of 20 houses per year. So this would be the very upper limit, survey results indicate half of this number.
Wickham Bishops	<ul style="list-style-type: none"> • The NHP steering group consists of three parish councillors and four residents, with input from other residents and the full support of, and engagement with, the Wickham Bishops Parish Council. The group has met monthly from October 2016 – April 2018. • The Housing Needs Survey gathered the first major set of evidence for the Plan and informed the draft vision and objectives statements. The other major input to this stage was the Village Design Statement (2010) and the Parish Plan (2011). • The pre-regulation 14 consultation draft is ready for review by a consultant – April 2018. • Consultation and input from residents to the draft Plan have included (completion dates): <ul style="list-style-type: none"> <input type="checkbox"/> Housing Needs Survey (February 2017) <input type="checkbox"/> Displays at village events – Church and Village fetes, Christmas Fayre <input type="checkbox"/> Library display with comments board <input type="checkbox"/> Drawings from Beavers and Guides of what children would like to see in their village <input type="checkbox"/> Residents Survey (February 2018) <input type="checkbox"/> Business Survey (March 2018) <input type="checkbox"/> Village Hall usage survey (September 2017) <input type="checkbox"/> Estate agent information (January 2018) <input type="checkbox"/> Housing Densities data (September 2017) <input type="checkbox"/> Pre-regulation 14 consultation draft review by Maldon and consultant (starts May 2018) <input type="checkbox"/> Share draft Plan with residents (starts June 2018)

4. CONCLUSION

- 4.1 This report provides an update to Members on a range of planning policy matters that will or may affect the policies of the Council, procedures and decision making. Planning policy is constantly being updated and this report provides an overview of the key issues nationally and within Essex which could affect future the District. Therefore, reports on matters for decision that arise from new planning policy will be made to this Committee as required.

5. IMPACT ON CORPORATE GOALS

- 5.1 The preparation and adoption of the LDP, including supporting evidence and other supplementary planning documents, support corporate goals which underpin the Council's vision for the District and in particular protecting and shaping the District and balancing the future needs of the community and meeting the housing needs of the District.

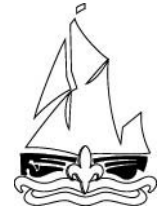
6. IMPLICATIONS

- (i) **Impact on Customers** – This report provides customers with the most up-to-date progress on a planning policy matters. Clear policy and strategy working with other authorities in Essex provides certainty to residents and businesses in the District.
- (ii) **Impact on Equalities** – Planning policy documents, including new regulations and policy documents prepared by the government, are subject to equality analysis.
- (iii) **Impact on Risk** – Up to date planning policy and a five year supply of housing land is required in accordance with the National Planning Policy Framework in order to enable the Council to strategically plan for future needs, growth and sustainable development. The implementation of new legislation will need to be taken after consideration of the risks for the Council and stakeholders.
- (iv) **Impact on Resources (financial and human)** – Any significant change in policy direction would be likely to require additional work or alterations to the evidence base which may have significant financial and human resource implications for the Council. The government have indicated that additional funding may be available to local authorities to implement some of the regulatory and legislative changes.
- (v) **Impact on the Environment** – Up to date planning policy and a five year supply of housing land will enable the Council to promote sustainable development and safeguard the local environment in accordance with the local priorities for the District.

Background Papers:

- The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (2018 No. 343)
<http://www.legislation.gov.uk/uksi/2018/343/contents/made>
- The Neighbourhood Planning Act 2017 (Commencement No. 5) Regulations 2018
<http://www.legislation.gov.uk/uksi/2018/567/made/data.pdf>

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REPORT FOR NOTING

from

DIRECTOR OF PLANNING AND REGULATORY SERVICES

reported to

PLANNING AND LICENSING COMMITTEE

5 JUNE 2018

OVERVIEW OF THE GOVERNMENT'S 25 YEAR ENVIRONMENT PLAN

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with an overview of the Government's new 25 year Environment Plan and outline the potential implications to the Council going forward

2. SUMMARY OF KEY ISSUES

- 2.1 On 11 January 2018 the Government launched its 25-year Environment Plan (the Plan) The Plan aims to deliver actions to protect the natural environment and enhance it for the next generation. It is part of the UK Government's goal to be the first generation to "leave our environment in a better state than we found it".

- 2.2 The Plan identifies 6 specific areas the government aims to achieve:

- Clean Air;
- Clean and plentiful water;
- Thriving plants and wildlife;
- A reduced risk of harm from environmental hazards such as flooding and drought;
- Using resources from nature more sustainably and efficiently;
- Enhance beauty, heritage and engagement with the natural environment.

- 2.3 In addition the government want to reduce pressures on the environment by:

- Mitigating and adapting to climate change;
- Minimising waste;
- Managing exposure to chemicals;
- Enhancing biosecurity.

- 2.4 There are already a number of central government strategies in place to address many of the goals which are attached as **APPENDIX 1**, Annex 2 of the Plan and **APPENDIX 2**, International Agreements, Annex 3 of the Plan. However, there are several elements due to be implemented at a local level. These elements contain

measures which will affect local authorities, in particular around minimising waste, air quality and flooding.

2.5 **Minimising waste** - recycling food waste is a key priority. The Government's target is that no food waste is entering landfill by 2030. Along with other Council's, Maldon District Council has already introduced separate collections of food waste, and have expanded these services to recycling and bi weekly collection of other waste streams. The government aims to:

- Work towards an ambition of zero avoidable waste by 2050;
- Work to a target of eliminating avoidable plastic waste by 2040;
- Meet all existing waste targets – including those to landfill, reuse and recycling and developing ambitious new future targets and milestones;
- Seek to eliminate waste crime and illegal waste sites over the lifetime of the Plan, prioritising those of highest risk. Delivering a substantial reduction in litter and littering behaviour;
- Significantly reduce and where possible prevent all kinds of marine plastic pollution in particular material originally from land.

2.6 **Air Quality** - providing clean air is the responsibility of central government. Councils have a role to play in helping the Government to deliver this responsibility.

2.6.1 The Government's air quality plans are looking for local leadership, sufficient funding to be accompanied by robust national action. The government proposes to develop a new Clean Air Act in 2018. The implications of this for the Council remain unknown at present however, the Plan identifies how the government is likely to want to achieve this including:

- Meeting legally binding targets to reduce emissions of five damaging pollutants and therefore potentially halving the effects of air pollution on health by 2030;
- Ending the sale of conventional petrol and diesel cars and vans by 2040;
- Maintaining the continuous improvement in industrial emissions by building on existing practice and the successful regulatory framework already in place.

2.7 **Flood risk** - with increasing flood risk, local authorities have a significant role to play in preventing damage before it happens. The Flood & Water Management Act 2010 sets out local responsibilities bringing together different agencies at a local level to manage flood risk. Success of this process relies on the availability of funding obtained through the gatekeepers Essex County Council and the Environment Agency. The Plan aims to:

- Make sure everyone is able to access the information they need to assess any risk to their lives and livelihoods, health and prosperity posed by flooding and coastal erosion;
- Bring the public, private and third sectors together to work with communities and individuals to reduce the risk of harm;
- Make sure that decisions on land use, including development, reflect the level of current and future flood risk;

- Ensuring interruptions to water supplies are minimised during prolonged dry weather and drought;
- Boosting the long term resilience of our homes, businesses and infrastructure.

2.7.1 There is also a section on reducing risk from coastal flooding including Sustainable Drainage Systems (SuDs) and the actions associated to this are likely to include:

- Amending Planning Policy Guidance to clarify construction and ongoing maintenance arrangements for SuDs in new developments, tightening links with planning guidance for water quality and biodiversity;
- Considering changes to the NPPF and Building regulations in the longer term to encourage SuDs;
- Improving existing arrangements for managing surface water flooding, and the outcomes delivered by Lead Local Flood Authority and other risk management authorities;
- Supporting an industry owned voluntary code of practice to promote consumer and business confidence in measures to reduce the impact of flooding on buildings, and those who live and work in them.

3. CONCLUSION

3.1 The Plan sets out a path of environmental preservation and enhancement with an ambitious agenda for the next 25 years. Delivery of the Plan relies to some degree on existing central government strategies and international agreements, a number of which are already well established. There is a commitment on local government to meet some of the goals in particular around minimising waste, improving air quality and reducing the risk of flooding although to what extent remains unknown at present. The Council are already taking steps to implement changes however, there are likely to be pressures going forward especially without the certainty of appropriate funding and resources becoming available. Officers will be considering how to implement the necessary measures and report to Members with proposals as and when necessary.

4. IMPACT ON CORPORATE GOALS

4.1 The Plan will have a positive impact on the corporate goals in particular “Strengthening Communities to be Safe, Active and Healthy” and “Protecting and Shaping the District” A number of the elements within the Plan mirror some of the key areas of work the Council are already focussing its resources on to achieve the goals sent out in its own Corporate Plan.

5. IMPLICATIONS

- (i) **Impact on Customers** – If the aims set out in the Plan are met it will have a positive impact on customers. New legislation is suggested for delivery in late 2018 which may influence how the current service is delivered to customers.
- (ii) **Impact on Equalities** – The Council is committed to providing equal opportunities with no discrimination. There are no identifiable impacts currently although this should be monitored over the length of the Plan
- (iii) **Impact on Risk** – Failure to meet the commitments outlined in the Plan at local level could impact upon the Council’s ability to deliver corporate priorities i.e effective management of flood risk within the district. There is also a risk that national targets would be missed and the financial penalties that could be applied as a result.
- (iv) **Impact on Resources (financial and human)** – Unless adequate funding and resource is made available, effective delivery of local elements of the Plan could fail. As the awaited legislation is released, where there are impacts to the Council these will be identified as soon as possible and reported to the relevant Committees.
- (v) **Impact on the Environment** – The Plan sets out government action to help the natural environment regain and retain good health and enhance it for the next generation. The Council’s own corporate plan sets out how it will protect and shape the district and has focused its work streams on delivering outcomes to do this. This work can only result in a positive impact on the environment.

Enquiries to: Shirley Hall on 01621 875817