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APOLOGIES Committee Services
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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

17 April 2017

Dear Councillor

You are summoned to attend the meeting of the;

PLANNING AND LICENSING COMMITTEE

on **TUESDAY 25 APRIL 2017 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, loopy circular flourish.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs P A Channer, CC

VICE-CHAIRMAN

Councillor A K M St. Joseph

COUNCILLORS

E L Bamford
H M Bass
B S Beale MBE
R G Boyce MBE, CC
P G L Elliott
M S Heard
S J Savage
Mrs M E Thompson

Ex-officio non-voting Members:

*Councillors M F L Durham and
Miss M R Lewis*

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AGENDA
PLANNING AND LICENSING COMMITTEE
TUESDAY 25 APRIL 2017

1. Chairman's notices (please see overleaf)
2. Apologies for Absence
3. **Minutes of the last meeting** (Pages 5 - 16)

To confirm the Minutes of the meeting of the Committee held on 2 March 2017, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **Public Participation**

To receive the views of members of the public on items of business to be considered by the Committee (please see below):

1. A period of ten minutes will be set aside.
2. An individual may speak for no more than two minutes and will not be allowed to distribute or display papers, plans, photographs or other materials.
3. Anyone wishing to speak must notify the Committee Clerk between 7.00pm and 7.20pm prior to the start of the meeting.

6. **Economic Development Update** (Pages 17 - 26)

To receive and note the report of the Chief Executive, (copy enclosed).

7. **Planning Policy Update** (Pages 27 - 32)

To receive and note the report of the Chief Executive (copy enclosed).

8. **Fixing our Broken Housing Market: The Housing White Paper (2017)** (Pages 33 - 74)

To consider the report of the Chief Executive (copy enclosed).

9. **Burnham-on-Crouch Neighbourhood Plan** (Pages 75 - 126)

To consider the report of the Chief Executive (copy enclosed).

10. **Update on Appeal Decisions (July - December 2017)** (Pages 127 - 132)

To receive and note the report of the Chief Executive, (copy enclosed).

11. **Any other items of business that the Chairman of the Committee decides are urgent**

12. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

13. **Waterfront Leases, Maldon** (Pages 133 - 138)

To consider the report of the Director of Customers and Community, (copy enclosed).

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

This meeting is being monitored and recorded by CCTV.



**MINUTES of
PLANNING AND LICENSING COMMITTEE
2 MARCH 2017**

PRESENT

Vice-Chairman (in the Chair)	Councillor A K M St. Joseph
Councillors	E L Bamford, H M Bass, B S Beale MBE, R G Boyce MBE, CC, P G L Elliott, M S Heard, S J Savage and Mrs M E Thompson
Ex-Officio Non- Voting Member	Councillor M F L Durham
Substitute Member	Councillor Miss M R Lewis

1043. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

The Chairman drew attention to the list of notices published on the back of the agenda.

1044. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs P A Channer, CC. In accordance with notice duly given Councillor Miss M R Lewis was attending as a substitute for Councillor Channer.

1045. MINUTES OF THE LAST MEETING

RESOLVED:

- (i) that the Minutes of the meeting of the Committee held on 19 January 2017 be received.

Minute No. 885 – Minutes of the Last Meeting

Councillor S J Savage asked when the information regarding the Dawn Sailing Barge referred to in Minute 705 of the Minutes of 17 November 2016 would be provided. The Chief Executive confirmed that the Director of Customers and Community had been asked to provide this and it would be circulated soon.

Minute 893 – Proposal to Establish a Strategic Housing Board

Councillor Miss M R Lewis confirmed that it had been agreed that the Leader and Deputy Leader of the Council would be appointed to the Board, together with two Members from each of the programme Committees.

Minute 897 – Update on the Operation of the Burnham-on-Crouch Tourist Information Centre

Councillor Savage requested that for the sake of clarity the abbreviation BTIC be used for Burnham-on-Crouch Tourist Information Centre, so that it was not confused with the Maldon Tourist Information Centre.

Minute 903 – Review of Slipway and Launching Facility

Councillor Lewis requested that the Minute be redrafted to include more information. Members debated this and Councillor R G Boyce MBE, CC then proposed that the Minute remain as drafted. This was due to this agenda item being a Private and Confidential matter and that it was not appropriate for further information to be in the public domain. The proposal was seconded and upon a vote it was carried.

Councillor Lewis requested that her objection to this Minute be recorded.

RESOLVED:

- (ii) that the Minutes of the meeting of the Committee held on 19 January 2017 be confirmed.

1046. DISCLOSURE OF INTEREST

Councillor S J Savage disclosed a non-pecuniary interest in Agenda Item 12 – Response to Natural England – England Coastal Path, Maldon to Salcott Section as he lived in the vicinity of one of the areas. As there was no map he did not know the accuracy of this declaration and it may be altered when that item was discussed.

Councillor R G Boyce MBE, CC disclosed a non-pecuniary interest in Agenda Item 9 – Community Led Housing Programme as he was the Chairman of an Almshouse Trust.

Councillor Savage then declared that he would do the same in relation to Agenda Item 9 – Community Led Housing Programme – as he was also a Member of an Almshouse Trust.

1047. PUBLIC PARTICIPATION

No requests had been received.

1048. FUL/MAL/16/01419 AND LBC/MAL/1420 VAULTY MANOR, GOLDHANGER ROAD, HEYBRIDGE

The Committee considered the report of the Interim Head of Planning Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/16/01419
Location	Vaulty Manor Goldhanger Road Heybridge Essex
Proposal	Wedding gazebo within the enclosed garden of Vaulty Manor
Applicant	Mr Colin Downie - Osea Leisure Park
Agent	Geoffrey Vale - Geoffrey Vale Chartered Architect
Date Valid	6 December 2016
Target Decision Date	7 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	The planning application and Listed Building Consent both fall under the parishes of Goldhanger and Heybridge and therefore would need to be considered by Members at the North Western Area Planning Committee and Central Area Planning Committee.

Application Number	LBC/MAL/16/01420
Location	Vaulty Manor Goldhanger Road Heybridge Essex
Proposal	Wedding gazebo within the enclosed garden of Vaulty Manor
Applicant	Mr Colin Downie - Osea Leisure Park
Agent	Geoffrey Vale - Geoffrey Vale Chartered Architect
Date Valid	6 December 2016
Target Decision Date	31 January 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	As above.

Following the presentation of the report, the Interim Head of Planning Services advised that this application had been recommended for approval by both the North Western Area Planning Committee and the Central Area Planning Committee and was being brought to the Planning and Licensing Committee for determination. The Interim Head of Planning Services recommended that Condition 4 of FUL/MAL/16/01419 be deleted.

RESOLVED that this application be **APPROVED** subject to the following conditions:

FUL/MAL/16/01419:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby

permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

LBC/MAL/16/01420:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

1049. DENGIE GATEWAY PROJECT UPDATE

The Public Relations and Dengie Gateway Project Officer gave a presentation to the Committee outlining the Dengie Gateway Project and the areas that this encompasses. He drew attention to the following:

- That improvements to the social media profile had already been made;
- There were new websites for both tourism and the Saltmarsh 75;
- There was a Sense of Place project toolkit and group pack and that work had been done with the Crouch Coastal Community Team;
- That improvements had been made to the reception area at the Council's offices;
- The Sense of Place website was currently under construction;
- The destination marketing strategy was in progress with the tourism marketing strategy for the next five years aiming to strengthen links with partners;
- Way-marking and branding including information hubs would be installed within the next few months around the District;
- The Coastal Path Initiative would be monitored and promoted;
- There was a forthcoming Tourism Summit in April 2017.

Councillor A K M St. Joseph declared an interest in this item as he owned part of the coast. He then advised that whilst MDC had claimed ownership of the coastal trail for MDC, as the land over which the trail ran was already owned, then MDC may consider working in partnership with those that did actually own the land. .

Members requested that Officers bear in mind the date of the Maldon Mud Race and that, if possible, the information hubs could be in place by then as there would be an influx of visitors to the District.

In response to a question the Public Relations and Dengie Gateway Project Officer confirmed that all of the websites had links from the Maldon District Council website.

The Chairman requested that the Public Relations and Dengie Gateway Project Officer pass on the thanks of the Committee to the team for their work.

The Public Relations and Dengie Gateway Project Officer was asked to investigate the possibility of promoting the district through links to novels etc. that were set in the District, in a similar way to how Whitby was promoted using links to Dracula.

1050. ECONOMIC DEVELOPMENT UPDATE

The Committee considered the report of the Chief Executive which updated Members on key issues in strengthening and encouraging development of the local economy. The Chief Executive drew attention to the proposal from the Heritage Marine Foundation to develop heritage marine apprenticeships. This linked to the District's maritime skills agenda and the Committee was being asked to provide endorsement in principle.

Coastal Community Teams (CCT)

Members were very much in support of developing apprenticeships in the District and in response to a question, the Chief Executive confirmed that support being asked for was not financial, but rather by way of a letter to say that the Council endorsed the project as it supported delivery of its Skills Strategy and helped to protect and promote the heritage assets.

Business Engagement

Councillor H M Bass drew Members' attention to the recent Chairman's Business Awards which was an excellent and well-organised event.

Bradwell Legacy Partnership (BLP)

Members raised questions regarding the Wine Region project and the Chief Executive advised that she had agreed to meet with wine producers to understand how this had been pitched to Magnox. Contact would be made with Magnox so that we can better understand their criteria for assessing eligibility for funding. However, there was the possibility of different routes for funding.

The Chief Executive advised Members that a number of projects were being worked on, including:

- Enterprise Centre Dengie Enterprise Support
- Secretariat for the Coastal Team and BLP
- Continuing to promote the Wine Region.

RESOLVED:

- (i) That the contents of the report be noted.

RECOMMENDED:

- (ii) That the Council provide, in principle, support to the Heritage Marine Foundation's maritime apprenticeship project, subject to all necessary planning and environmental requirements being met.

1051. COMMUNITY LED HOUSING PROGRAMME

The Committee considered the report of the Director of Customers and Community presenting proposals for a Community Led Housing Programme for the District.

The Strategic Housing Manager advised Members that this report had also been presented to the Community Services Committee on 28 February 2017. The recently established Strategic Housing Board would provide a framework for more detailed planning and monitoring of this programme by Members and Officers.

Members suggested that some of the Parish Councils be invited to the proposed seminar, particularly those that are preparing neighbourhood plans.

It was brought to the attention of the Committee that Chelmsford have an initiative for converting containers into housing and a request was made that a proposal for a similar initiative be put on to the Agenda for a consideration at a future meeting. The Chairman confirmed that this would be put forward for consideration by the Strategic Housing Board.

RESOLVED:

- (i) that the draft programme for the Council's Community led Housing (CLH) as detailed in APPENDIX 1 to the report, be approved;
- (ii) that a seminar be held for community groups to promote the concept of CLH and consult on the Council's draft programme.

1052. STRATEGIC DESIGN CODES - NORTH HEYBRIDGE GARDEN SUBURB

The Committee considered the report of the Interim Head of Planning Services which sought approval of the Strategic Design Codes as a basis for the determination of planning applications for development within the North Heybridge Garden Suburb. Reserved Matters applications were anticipated shortly following resolution to grant approval of outline applications subject to signed Section 106 (S106). The determination of Reserved Matters applications was conditional on the prior approval of the Strategic Design Codes.

The Urban Design Officer drew Members' attention to the table set out in section 3.2 of the report and advised that Site s2(f) was actually a detailed application. The Urban Design Officer outlined the Structure Plan in **APPENDIX 1** to the report together with the Strategic Design Codes and the Design Guidance.

The Chief Executive requested that delegated authority be given to the Chairman of the Planning and Licensing Committee together with Ward Members, in consultation with the Interim Head of Planning Services in order to address some outstanding issues with the developer.

RESOLVED:

- (i) That the North Heybridge Garden Suburb Strategic Design Codes (**APPENDIX 1** to the report) be approved for Development Management purposes in the determination of planning applications within the Garden Suburb;

- (ii) That the Interim Head of Planning Services be authorised in consultation with the Chairman of the Planning and Licensing Committee, together with the relevant Ward Members, to negotiate the outstanding issues with Countryside prior to finalising the Design Codes.

1053. DRAFT MALDON DISTRICT DESIGN GUIDE AND PROPOSED PUBLIC CONSULTATION

The Committee considered the report of the Interim Head of Planning Services which sought approval for the Draft Maldon District Design Guide as set out at **APPENDIX A** to the report, to go out to public consultation.

Members thanked the Urban Design Officer for her work on both this and the Strategic Design Codes.

There had been some amendments made following the Members' Seminar on 1 March 2017 and the Urban Design Officer confirmed that these would be circulated to Members.

RESOLVED:

- (i) That the Draft Maldon District Design Guide be approved for public consultation.

1054. RESPONSE TO NATURAL ENGLAND - ENGLAND COASTAL PATH, MALDON TO SALCOTT SECTION

The Committee considered the report of the Director of Customers and Community presenting recommendations to be incorporated into a formal letter of response to Natural England regarding the creation of the first of three sections of the England Coastal Path through the Maldon District.

Councillor Savage advised that his previously declared non-pecuniary interest in this Agenda item was valid as he lived on part of the proposed route.

The Countryside and Coast Manager advised Members that the maps shown at the meeting were in draft form and were not in the public domain and not finalised.

In response to a question, the Countryside and Coast Manager advised Members that Natural England were using a phased approach to the Coastal Path and that was the reason why Officers were dealing with it in sections. Further information would be circulated to Members of the Planning and Licensing Committee as and when received by the Countryside and Coast Manager.

Concerns were raised about the on-going maintenance of the Coastal Path and the Countryside and Coast Manager advised Members that he was of the understanding that there would be an impetus on users to be responsible.

It was suggested by Members that recommendation (v) be amended to say Burnham-on-Crouch to South Woodham Ferrers, rather than Burnham-on-Crouch to Wallasea, as this was considered to be potentially confusing.

Councillor E L Bamford proposed deferral of this item so that concerns could be discussed between the Chairman of the Planning and Licensing Committee and Officers. However, the deadline for this part of the proposal was before the next meeting of the Planning and Licensing Committee and a decision needed to be made. This proposal was not seconded.

The Chief Executive requested that the recommendations be delegated to the Interim Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Planning and Licensing Committee, together with the Ward Members and the Chief Executive. Councillor R G Boyce MBE, CC made a formal proposal in this regard which was duly seconded.

The Countryside and Coast Manager reiterated to Members that the maps were not currently in the public domain.

RESOLVED:

- (i) that the guiding principles set out in section 3.3 of this report be agreed and, where necessary, incorporated into a response to Natural England consultation on the proposed route (Maldon to Salcott) of the English Coastal Path (ECP);
- (ii) that for land owned by Maldon District Council (MDC), the route of the ECP follows the proposed / mapped Natural England route, with boundary restrictions and exclusions as specified in the body of this report;
- (iii) that a voluntary dedication agreement of ECP route through land 'excluded' from the Marine & Coastal Access Act 2009; specifically the proposed short section connecting Promenade Park to Hythe Quay on riverward side of Cooks Boatyard and a second section through the Downs, Downs Road, be agreed;
- (iv) that for land not owned by MDC but falling within the District Area, the proposed / mapped route be considered to be favourable;
- (v) that subject to (i) to (iv) above and in consultation with the Chairman of the Planning and Licensing Committee, the Director of Customers and Community be authorised to respond to Natural England's consultation on the ECP Maldon to Salcott proposed route and the subsequent two further sections of the ECP within the Maldon District (Maldon to Burnham-on-Crouch and Burnham-on-Crouch to South Woodham Ferrers), subject to the detail of the route proposals and in good time for the submission of their reports to the Secretary of State.

1055. COMMUNITY INFRASTRUCTURE LEVY

The Committee received the report of the Interim Head of Planning Services providing an update on the Community Infrastructure Levy (CIL).

RESOLVED that a review of the Community Infrastructure Levy Charging Schedule and Evidence Base be undertaken to test its suitability for Examination and, if required, Officers, in consultation with the Chairman of Planning and Licensing Committee, commission further work on the Charging Schedule and Evidence Base for consideration at Examination.

1056. APPROVAL OF WOODHAM WALTER CONSERVATION AREA DESIGNATION ARTICLE 4(1) DIRECTION AND CHARACTER STATEMENT

The Committee considered the report of the Interim Head of Planning Services which set out the results of an 8-week public consultation on the proposal to designate a conservation area in the village of Woodham Walter and sought approval of recommendations set out in the report.

Councillor Savage declared a non-pecuniary interest in this Agenda item as he lived in an Article 4 area.

Councillor M F L Durham congratulated the Conservation Officer on the work done.

RESOLVED:

- (i) that designation of the conservation area in Woodham Walter be approved;
- (ii) that an article 4(1) direction be introduced to withdraw certain permitted development rights from a selection of historic houses in the area;
- (iii) that the Woodham Walter conservation area character statement (**APPENDIX 1** to the report) be adopted as background evidence to inform future Development Control decisions affecting the conservation area.

1057. WOODHAM WALTER VILLAGE DESIGN STATEMENT

The Committee considered the report of the Interim head of Planning Services which sought approval to endorse a Village Design Statement (VDS) for Woodham Walter (**APPENDIX 1** to the report) to be used as a material consideration on planning decisions.

The Interim Head of Planning Services pointed out to Members that the document had been prepared by Woodham Walter Parish Council and that some matters were currently being discussed with Woodham Walter Parish Council. He requested that delegated authority be given to the Interim Head of Planning Services, together with the Chairman of the Planning and Licensing Committee, the Leader of the Council and Ward Members to agree modifications to the VDS.

Councillor M F L Durham, a Ward Member, raised concerns about the Committee endorsing the VDS and reiterated that there were some outstanding issues. There was an overarching Maldon District Design Guide and this should be checked to ensure there were no conflicting elements with the VDS. Councillor Durham requested that this document be brought back to this Committee for wider discussion, rather than being delegated.

The Interim Head of Planning Services suggested that the initial recommendation be kept, but that Ward Members be included and that a further recommendation be made that it be brought back to the Planning and Licensing Committee for endorsement once it had been modified.

RESOLVED:

- (i) that the Interim Head of Planning Services be authorised to agree modifications to the Woodham Walter Village Design Statement (VDS) (**APPENDIX 1** to the report); in consultation with the Chairman of the Planning and Licensing Committee, the Leader of the Council and the Ward Members;
- (ii) that subject to (i) above, the modified Woodham Walter Village Design Statement (VDS) be considered by the Planning and Licensing Committee and endorsed by it as a material consideration on planning decisions.

1058. A12 CHELMSFORD TO A120 WIDENING: HIGHWAYS ENGLAND CONSULTATION

The Committee considered the report of the Interim Head of Planning Services setting out the Council's draft response to the consultation on the A12 Chelmsford to A120 widening, which sought approval of the response.

The Interim Strategic Planning Policy Manager advised Members that the closing date for a response was 1 March 2017. He drew attention to the six benefits of the proposals as set out in section 3.3 of the report and that Option 2 of the four options identified by Highways England was the preferred option (section 3.4.2 of the report).

The Interim Strategic Planning Policy Manager advised Members that Officers had expected Option 2 to include a link road to the B1019 and recommended that the Council's response should include that the scheme should provide adequate access to the B1019 that bypasses Hatfield Peverel and provide a stronger link to Maldon to assist economic growth in the District.

In response to concerns raised by Members, the Interim Strategic Planning Policy Manager confirmed that Officers would make the point that Maldon District Council expected grade separated junctions to be included on the line of the new A12 route and servicing Maldon District.

Officers were requested to make amendments to the wording in the draft response to make our responses more robust.

Members thanked Officers for the work they have done, in particular in relation to traffic not going through Kelvedon.

RESOLVED that the response to the A12 Chelmsford to A120 widening consultation, as set out in **APPENDIX 1** to the report be approved, subject to the amendments to be made following the meeting of the Planning and Licensing Committee.

1059. PLANNING POLICY UPDATE

The Committee received the report of the Interim Head of Planning Services providing an update on the Local Development plan, progress of supplementary planning documents and the Housing White Paper.

The Interim Strategic Planning Policy Manager advised the Committee that the Secretary of State had issued the Housing White Paper and that, in due course, a report would be made to this Committee on the Council's response to it.

Councillor M F L Durham advised the Committee that at a Conference attended by the Leader and himself the Minister had advised that matters have moved on from the Housing White Paper and that a standard calculation was needed to fill the gap in the revised National Planning Policy Framework (NPPF). There would also be a need for all authorities to recalculate their Objectively Assessed Need (OAN). Furthermore, there were plans to introduce charges for appeals, which would hopefully cut down on the amount of appeals.

RESOLVED that the report be noted and that matters for decision will be brought to this Committee for consideration at the appropriate time.

1060. ANY OTHER ITEMS OF URGENT BUSINESS - PLANNING APPLICATION FEES - AN OFFER FROM GOVERNMENT

The Committee considered the report of the Interim Director of Resources which sought approval to accept an offer from Government to increase planning fees by 20% from July 2017, on the basis that the Council commits to invest this additional income directly into the planning service.

This item had been brought forward for consideration with the agreement of the Chairman as a response was required to a request from Simon Gallagher, Director of Planning at the Department for Communities and Local Government (DCLG) by Monday 13 March 2017.

The Interim Head of Planning Services outlined the offer to the Committee and advised that the Government recognised the difficulties that planning departments were currently experiencing meeting housing applications and welcomed the offer. The reason for the short timetable for response was that it was necessary to create a Statutory Instrument which would name all authorities that were party to it.

The Chief Executive advised the Committee that she had met with the Interim Head of Planning Services and the Group Manager for People, Policy and Performance to discuss the difficulties with recruitment and retention of staff in Planning Services and a number of options were being explored.

RECOMMENDED:

- (i) that the Finance and Corporate Services Committee support acceptance of the Government's offer to increase planning fees by 20% from July 2017, with a commitment to invest this additional fee income directly into the planning service;

- (ii) that the Finance and Corporate Services Committee recommends that the Council accept the Government's offer to increase planning fees by 20% from July 2017, with a commitment to invest this additional fee income directly into the planning service.

There being no further items of business the Chairman closed the meeting at 9.35 pm.

A K M ST. JOSEPH
CHAIRMAN

- (a)
- (b)



REPORT of CHIEF EXECUTIVE

**to
PLANNING AND LICENSING COMMITTEE
25 APRIL 2017**

ECONOMIC DEVELOPMENT UPDATE

1. PURPOSE OF THE REPORT

- 1.1 Economic Development works towards strengthening and encouraging development of the local economy. It was agreed that a regular report would be submitted to this Committee to update Members on key issues and provide an opportunity for feedback and input.

2. RECOMMENDATION

That Members note the contents of the report;

3. SUMMARY OF KEY ISSUES

- 3.1 **APPENDIX 1** to the report provides an update on activity on various economic development work streams as follows:

- Coastal Community Teams (CCT);
- Business Support;
- Business Engagement;
- Bradwell Legacy Partnership (BLP);
- Sense of Place (SOP);
- Skills;
- Funding;
- Growth Infrastructure Framework.

- 3.2 Members will recall at the last meeting offering in principle support for the Heritage Marine Foundation's maritime apprenticeship project. For the purpose of clarification, support is currently being offered through the Secretariat service already provided by Officers in the Economic Development Team for the work of the two Coastal Community Teams, and from the External Bid Development Officer from the Funding & Investment Team at Essex County Council who is providing assistance with the preparation of comprehensive funding application. A progress report will be provided to Members at the next meeting.

4. IMPACT ON CORPORATE GOALS

- 4.1 The work of the Economic Development Team in partnership with key stakeholders will help to create opportunities for economic growth and prosperity.

5. IMPLICATIONS

- (i) **Impact on Customers** – Engagement with businesses and organisations across the district as well as supporting the District at sub-region level.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – Work of the Economic Development Team helps to mitigate against Corporate Risk 11 – Failure of the Council to influence partners and support / encourage economic prosperity.
- (iv) **Impact on Resources (financial)** – The Team are being proactive in seeking funding to create opportunities for economic prosperity in our District.
- (v) **Impact on Resources (human)** – The proposed bid to source funding to help support Secretariat costs for the Bradwell Legacy Partnership will deliver a continuation of the resource to focus on delivery of the projects set out in the Bradwell Legacy Partnership and Coastal Communities Plan.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Heidi Turnbull, Economic Development Officer, (Tel: 01621 876215).

Economic Development Team Update

1. COASTAL COMMUNITY TEAMS (CCT)

1.1 Maldon and Blackwater Estuary CCT

- 1.1.1 The CCT Management Team met on the 7 March 2017 to discuss progress on a number of key projects, including bringing Bradwell Observation Tower back into use, the Heritage Marine Foundation project which is seeking to address local skills needs, and Heybridge Lakes where it was hoped to engage with the land owner to discuss a number of options. The meeting was also briefed on progress with reinstating the Heybridge Basin public convenience but it was understood that a number of funding issues would need to be resolved before any works could commence.
- 1.1.2 The Team was anxious to share details of the CCT's work via a printed newsletter to tourism-related businesses which could also be circulated electronically, and this was to be progressed by a sub-group.
- 1.1.3 The next meeting of the Team will be the Annual Meeting which is being held on Friday 5 May 2017 at the Heybridge Plantation Hall, commencing at 2.00 pm.

1.2 River Crouch CCT

- 1.2.1 The River Crouch CCT held its Annual General Meeting on Monday 27 March 2017 at Rayleigh Civic Suite. The meeting elected its Management Team and agreed a number of key projects, including a Lower Crouch Crossing which it will focus on during the next 12 months.

2. BUSINESS SUPPORT

2.1 Dengie Enterprise Support (DES)

- 2.1.1 With the current contract for this service coming to an end at the end of March 2017 the Economic Development Team are currently seeking funding from the Magnox Socio Economic Grant Fund to continue the service for at least a further 2 years. Since its inception Dengie Enterprise Support has delivered 87 advice sessions, assisted in the start-up of 24 new businesses and is estimated to have created 45 jobs. The service also provides a regular monthly Forum for clients where they meet for a workshop on a business themed subject, and additionally compare experiences and problems on an informal networking basis. The Forum is gradually increasing in numbers, currently averaging 11 individual businesses per session.
- 2.1.2 Dengie Enterprise Support (DES) also participated at the re-launch of Burnham Chamber of Commerce held on 1 April 2017, and sit on the River Crouch Coastal Communities Team Management Group as well as the Bradwell Legacy Partnership. DES continues to provide assistance to a local group of wine growers who are considering the economic benefits of forming a Crouch Valley Wine Growers Association.

2.2 Bidding for Funding workshop

2.2.1 The Economic Development Team have organised a 1-Day Funding workshop which is taking place at the Blackwater Sailing Club on 24 April 2017 for the River Blackwater and River Crouch Coastal Community Team Members, to enhance their bidding for funding skills in relation to their proposed project lists. By the end of the workshop the delegates will:

- Understand the three-phased approach of future planning in bid proposals;
- Understand the skills needed to write better funding proposals;
- Have practical tools to build fundable projects;
- Be able to find information about funding;
- Have confidence in applying for funding;
- Have developed their capability to be ready to bid for funding.

2.2.2 Time has also been allocated for delegates to discuss their own projects with the County's Funding & Investment Team and for them to share best practice during the day. Members of the proposed wine grower association have also been given the opportunity to attend. At the time of writing, all 20 places had been allocated.

2.3 BEST Growth Hub**2.3.1 BEST Growth Hub Drop in Clinic**

2.3.1.1 The Economic Development Team have arranged for Best Growth Hub drop-in clinics to take place in the Maldon District every 6 weeks. The 2nd drop-in clinic took place on Monday 20 March 2017 at Maldon Library between 10 and 4pm, and 2 Maldon District businesses were given support.

2.3.1.2 Best Growth Hub also had a stand at the Burnham-on-Crouch Chamber of Commerce Re-Launch Event held on 1 April, 2017.

3. BUSINESS ENGAGEMENT**3.1 Burnham-on-Crouch Chamber of Commerce Re-launch Event**

3.1.1 The event took place on Saturday 1 April, 2017 between 10.00 and 13.00 at the Royal Burnham Yacht Club and attracted more than 60 people. The District Council is now represented on the Chamber's Executive Committee by the Economic Development Team and provided support for the event in the following ways:

- A press release in the Maldon & Burnham Standard
- Arranged the design of the event flyer incorporating the Sense of Place graphic language
- Dedicated considerable time to distributing e-shots and making phone calls to Maldon District businesses to encourage them to attend
- Invited Maldon District Council Members to attend
- Arranged promotion via Maldon District Council social media channels and intranet
- Arranged for BEST Growth Hub, Dengie Enterprise Support, and Leader and LoCase funding representatives to have stands

- Designed the Post-Event Evaluation Sheet
- And conducted other general administrative and logistical support for the day

3.1.2 The main objective of the event was to re-launch the Chamber and attract membership. The Chamber collected information on the day via a questionnaire to ensure future events are designed to meet the needs of local business. There was also a networking opportunity for local businesses.

3.2 Employers Apprenticeship Event

3.2.1 The Apprenticeship Event was organised by Maldon District Council in partnership with the 3 local schools and Directions IAG. The event took place on Tuesday 28th March 2017 at Plume Community Academy; with the evening session being specifically targeted at local businesses. The event was well attended by local employers and also supported by District Councillors.

3.2.2 20 training providers, who offer apprenticeships to businesses in the Maldon District across a diverse range of sectors, participated and there were 3 speakers. An Eventbrite link was set up for attendee registration.

3.2.3 The Economic Development Team was responsible for:

- A press release in the Maldon & Burnham Standard;
- Arranging the design of the event flyer incorporating the Sense of Place graphic language;
- Dedicating time to distributing e-shots and making phone calls to Maldon District businesses to encourage them to attend;
- Inviting Maldon District Council Members to attend;
- Arranging promotion via Maldon District Council social media channels and the intranet;
- Arranging all the speakers;
- Designing the Post-Event Evaluation Sheet;
- And conducting other general administrative and logistical support before and on the day.

3.3 Tall Ship Festival 2017

3.3.1 The District Council was offered a free 3mtr x 3mtr exhibition space at the Tall Ship Festival at Greenwich from 13 to 16 April 2017 inclusive by National Maritime of which we are a member.

3.3.2 The Economic Development Team will be staffing the stand on Thursday 13 April, promoting the Maldon as a tourist destination, and as a place to do business, live and enjoy. Maldon Tourist Information Centre will be staffing the stand for the remainder of the exhibition.

3.4 The Leader's 3rd Big Business Conversation

3.4.1 The Economic Development Team participated in the Leader's third Big Business Conversation on 20 March, 2017. Businesses from the Causeway were presented with an update on the Central Area Master Plan, which forms part of Maldon District Local Plan, to obtain their engagement and to encourage their input during the period

of public consultation, launched on 19 April and ending on 28 April 2017. There were 35 attendees and there was a positive response to the event with a number of expressions of interest from businesses regarding the idea of setting up a Business Forum and using this as a vehicle to create a Business Improvement District in the near future. Businesses were also informed of current funding opportunities and the next steps for the Sense of Place branding for the use of businesses.

4. BRADWELL LEGACY PARTNERSHIP (BLP)

- 4.1.1 Maldon District Council has been successful in its bid to the Magnox Socio-Economic Fund, to assist with the Council's costs in supplying secretariat services for the work of the Partnership. The total award of £33k will support Officer costs during the 2017/18 and 2018/19 financial years.
- 4.1.2 Two further bids to support development of the Maldon District Enterprise Centre project and to continue the work of the Dengie Enterprise Support service are also due to be submitted to Magnox. The Enterprise Centre project will focus on the strategic case as well as detailed economic, commercial, financial and management matters. This project will also seek to identify a location for the service. These two projects have an indicative cost of £100k.
- 4.1.3 The Economic Development Officer met with West Mersea Town Council Waterside Committee on the 8 March 2017. The Foot Ferry service project was warmly welcomed by the well-attended meeting held at West Mersea. There were a number of comments made regarding parking provision and pontoon capacity at West Mersea, and arrangements for returning travellers in the event of inclement weather which are now being discussed with the potential operator who is based at Bradwell Marina. The Officer was also advised to review the successful business model currently used by a ferry service operated out of Brightlingsea.
- 4.1.4 The most recent meeting of the Legacy Partnership was held on Wednesday 19 April 2017 at Tollesbury Marina. A verbal update of any key issues raised at that meeting will be provided by Officers at this Planning & Licensing Committee meeting.

5. SENSE OF PLACE (SOP)

- 5.1 Monthly meetings continue to take place between Maldon District Council Economic Development Team, the MDC Chief Executive, and the Chairman of the Sense of Place Board, to ensure they work in a coordinated way to deliver the desired outcomes for the District.
- 5.2 Some Sense of Place aids that are complementary to business brands, quick and easy to implement, and of little or no cost to the business have now been developed in-house. These include a logo with short and simple guidelines for use with available templates for letter headed paper, the reverse of business cards and adverts. These will shortly be accessible via a separate website linked from/to the corporate and tourism websites.
- 5.3 Fuff Design recently presented the newly proposed Maldon District Tourism Marketing Strategy incorporating Sense of Place to Officers. The Economic Development team will be able to adapt and disseminate some of these ideas for the benefit of Maldon District businesses and others to adopt.

- 5.4 The Economic Development Team is also continuing to pursue the viability of hoardings marketing Sense of Place on the development site adjacent to the Fullbridge Roundabout.
- 5.5 The Economic Development team continues to display Sense of Place bunting, banners and Sense of Place photography at local events and meetings in which they are involved as well as on all its stationery and promotional materials.

6. SKILLS

6.1 Essex Employment and Skills Board Education and Industry STEM Programme and CEC - Greater Essex Enterprise Adviser Network

- 6.1.1 The Economic Development Team is continuing to work with Essex County Council Employability & Skills Unit to facilitate Maldon District industry links with the 3 local schools through the STEM Project and the Enterprise Adviser Network (EAN).
- 6.1.2 Blackman & White have committed to work with Plume Community Academy. A meeting was set up between Senior Managers of Maldon District Council and Plume Community Academy, and Essex County Council, Employability & Skills Unit for 27 March 2017 to ensure that the school was maximising on all the opportunities that the current Essex County Council STEM project and Enterprise Adviser Network can offer .
- 6.1.3 Heybridge Alternative Provision School is also committed to the Enterprise Advisor Network and is interested in becoming engaged in the STEM programme. A meeting has now taken place between Essex County Council the Economic Development Team and Ormiston Rivers Academy to discuss further the STEM and Enterprise Adviser Network and plans are being put in place as to how these can be delivered.

6.2 Care

- 6.2.1 Centre for Excellence in Care – investigation is currently being carried out in relation to the development of a business case to deliver the vision for a Centre of Excellence in Care Training in the Maldon District, which could be submitted to Central Government.
- 6.2.2 A meeting is to be organised with Clare Morris, Managing Director, Anglia Ruskin Health Partnership, Julia Lawrence, Anglia Ruskin University Faculty of Health, Social Care and Education, Louise Hall, Head of Commissioning, Vulnerable People at Essex County Council, Cllr Miriam Lewis, Leader of Maldon District Council, Cllr Penny Channer, Chairman of Planning and Licensing, Fiona Marshall, Maldon District Council CEO, Heidi Turnbull, Economic Development Officer, and Sarah Sanctuary, Principal Economic Growth & Regeneration Officer to establish whether these organisations could partner with Maldon District Council on this proposal.
- 6.2.3 ESB Care Action Group Activities
 - 6.2.3.1 The Gift of Care Campaign Event took place in Maldon District Council Reception from 10am -1pm on Monday 6 March 2017. The event gave local residents the opportunity to meet care organisations who are actively recruiting in Maldon. Employers attending the recruitment events provided information on current and future job opportunities in the District and 1:1 information and advice on working within the care sector. The Economic Development Team assisted in spreading the word in conjunction with Maldon District Council Communications Team and the

Customer Services Team as well as providing other logistical/administrative support in the arrangement of the event.

- 6.2.3.2 There were 11 show stands and 42 attendees made up from a mixture of pre-booked and people arriving on the day. Although final data is still being collated, verbal feedback from the exhibitors has been positive and we have been advised by one of the stands, Action for Family Carers, that it has resulted in 6/7 applicants for posts already.

6.3 The Maritime Sector

- 6.3.1 The Economic Development Team is planning to progress a meeting of District businesses and stakeholders which are wholly or significantly reliant on our rivers and associated activities for income. The proposed 'Maldon District Maritime Breakfast Meeting' would seek to identify the skills and other business challenges being experienced by our employers, investors and stakeholders, and to identify possible solutions through partnership working.
- 6.3.2 The Economic Development Unit currently maintains a data base containing some 165 contact details of businesses and organisations which we believe have a keen interest in the economic vitality and sustainability of the maritime sector. The event, which will be held later during the year, would seek to engage attendees in open discussion and debate on their key challenges. It is hoped that the meeting outcome will be development of a strategy to tackle identified skills deficit issues in the maritime sector, and other perceived barriers impacting on business growth.
- 6.3.3 Officers would welcome Members' ideas on a potential location to hold the breakfast meeting, and thoughts on a keynote speaker and other potential attendees.

6.4 Building Better Opportunities

- 6.4.1 Maldon District Council Economic Development Team are a working delivery partner with Abberton Rural Training (ART) on this ESF funded initiative for 45 year+ unemployed in Maldon to get them into employment, training or working in the voluntary sector. After successfully getting through to Phase 2 of the bid and providing additional evidence and answers to further questions we are currently awaiting the final decision. It is understood that we are not however competing against any other bidder for this project.

7. FUNDING

7.1 Leader

- 7.1.1 Maldon District has been the top performer in terms of successful applications with 3 out of the 4 successful applications and by far expressing the most interest. There are currently a further 6 potential applications for the Maldon District in the pipeline.

8. GROWTH INFRASTRUCTURE FRAMEWORK

- 8.1 Commissioned by Pan- Essex Leader's and CEOs in Essex originally in relation to Devolution and delivered by Aecom, the purpose of the GIF is to project all the infrastructure requirements across Greater Essex for the next 20 years (2016-2036), to establish the capital requirement to fulfil these needs, to identify what capital

resources are already committed, and establish ways in which the funding gap can be met. This Framework is a live document and will be refreshed periodically.

- 8.2 Further details of its findings and how this document can be used to formulate future strategy can be found at the following link:



161207 GIF Leaders
Presentation.pdf

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REPORT of CHIEF EXECUTIVE

**to
PLANNING AND LICENSING COMMITTEE
25 APRIL 2017**

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 Neighbourhood Plans and legislation. Separate reports have been prepared for this Committee on:

- The Housing White Paper (Agenda Item 8);
- The Burnham-on-Crouch Neighbourhood Plan (Agenda Item 9).

2. RECOMMENDATION

That the Committee notes the Planning Policy update outlined in this report and that at the appropriate time matters for decision will be brought to this Committee for consideration.

3. SUMMARY OF KEY ISSUES

3.1 This report is for Members' information only.

3.2 Local Development Plan

3.2.1 The Post-Examination Modifications were published for public consultation on Friday 17th March 2017. The Consultation event ends on 28 April 2017. The consultation is only focussed on the Post Examination modifications and the accompanying Sustainability Appraisal of the Plan, updated to include the modifications.

3.2.2 Officers have also published a set of documents requested by the Inspector during the hearings. This includes updates to previous evidence and Hearing Statements to clarify the Council's position.

3.2.3 Responses received during the consultation period will be sent to the Inspector, who will take them into account in drafting his Report to the Secretary of State.

3.3 Community Infrastructure Levy

3.3.1 At the Planning and Licensing Committee meeting on 2 March 2017, it was resolved that a review be undertaken to assess the evidence base for the Community

Infrastructure Levy (CIL) and the draft Charging schedule. Both were compiled in 2014. The contract for this review has been let and the review should be completed before the Committee meeting. A verbal update will be given to the Committee on the key points the review raises.

3.4 Neighbourhood Plans Update

3.4.1 Set out below are updates that the Council is aware of in neighbourhood plan preparations since the last Neighbourhood Plan Update Report to the Committee on 19 January 2017 (See Minute No. 891). A report is presented separately to this report on the Burnham-on-Crouch Neighbourhood Plan.

3.4.2 Stages the Neighbourhood Plans have reached:

Neighbourhood Plan	Neighbourhood Area designated	Evidence gathering & engagement	Drafting policies	Reg 14 consultation	Reg 16 consultation	Examination	Referendum	Made
Althorne	x	x						
Burnham-on-Crouch	x	x	x	x	x	x		
Great Totham	x							
Heybridge	x	x						
Langford and Ulting	x	x	x	x				
Mayland	x	x						
Tollesbury	x	x	x					
Wickham Bishops	x	x						

3.4.3 Burnham-on-Crouch

3.4.3.1 See separate report

3.4.4 Heybridge

3.4.4.1 An Officer attended a Neighbourhood Plan Working Group meeting in January. The plan is still at evidence gathering stage.

3.4.5 Langford and Ulting

3.4.5.1 The legal advice on whether the Plan had been withdrawn has been received; the legal opinion is that it has not. The Parish Council has considered a number of options for taking the Plan forward. The Parish Council is revisiting the housing element of the Plan, and, therefore, the Plan has been rolled back to the Regulation 14 stage.

3.4.6 Mayland

3.4.6.1 Officers and a Member met with the Parish Council in March to discuss the scope of the Neighbourhood Plan and next steps.

3.4.7 Wickham Bishops

3.4.7.1 Officers have been invited to the next Neighbourhood Plan meeting on 9 May 2017.

3.5 **Essex Plans**

3.5.1 Below is an update on the progression of Local Plans, where known, which border or could affect Maldon District.

3.5.2 Chelmsford

3.5.2.1 Chelmsford City Council published its Preferred Options for the Chelmsford Local Plan on 30 March 2017 for six weeks public consultation. This comprehensive Plan and supporting evidence is being reviewed by Officers for the preparation of representations by the Council.

3.5.2.2 It is not possible to complete that review in time for this Committee and the Council's response. In order to approve a response, Section 13 of the Scheme of Delegation in Section 9 (Terms of Reference – General and Procedural) of the Council's Constitution applies in so far as:

'Consultations – The Chief Executive or a Director, in liaison with the relevant Lead Member (Committee Chairman or Leader of the Council), is authorised to respond to consultation documents where the period during which a response is required does not allow the matter to be reported to the relevant committee or where the consultation is of a predominantly technical nature.'

3.5.2.3 Notwithstanding the above the key strategic issues that affect Maldon District are the urban extension north of South Woodham Ferrers for 1,000 units plus a small element of commercial and retail; and 100 units in Danbury, the location of which is to be determined through the Neighbourhood Plan for that area. The Plan proposes a total of 22,162 new homes across the Borough by 2036. Of these approximately half are already committed with consent, existing allocation or built. The majority of new homes will be built in and around Chelmsford itself.

3.5.2.4 The Consultation runs until 11 May 2017. Chelmsford City Council has proposed to hold a Member / Officer Duty to Co-operate meeting.

3.5.3 Basildon

3.5.3.1 Basildon District Council has asked for a Duty to Co-operate meeting with Maldon Officers to consider planned growth along the A130 corridor from Canvey Island to the A12.

3.5.4 Braintree

3.5.4.1 The Pre-submission Local Plan will be considered by Members on 5 June 2017, ahead of public consultation in June and July 2017.

3.5.5 Colchester

3.5.5.1 The Pre-submission Local Plan is to be subject to public consultation starting in May 2017.

3.6 **Planning Legislation and National Policy Update**

3.6.1 See the separate report on the **Housing White Paper**.

3.6.2 From 16 April 2017, the **Town and Country Planning (Brownfield Land) Regulations 2017** come into effect. According to the Regulations' Explanatory Memorandum:

'The brownfield registers policy is intended to support a general increase in housing supply. It is envisaged that registers will:

- provide up to date publicly available common information on brownfield land that is suitable for housing;*
- improve the quality and consistency of data on suitable brownfield land which will provide certainty for developers and communities;*
- encourage investment in local areas; and*
- provide a means through which permission in principle may be granted for housing-led development on suitable brownfield sites.*

The data from registers will also be used to help assess the progress that local authorities are making in getting planning permissions in place for housing on suitable brownfield sites.'

3.6.3 The key issue for Maldon Council is the 'permission in principle' which is implied in the Regulations. **Permission in Principle** *'is a new consent that will sit alongside existing routes for outline planning permission'* (Department for Communities and Local Government (DCLG), Planning Update Newsletter March 2017). The Government intend to make it available for housing led sites identified in the brownfield register and allocated in Neighbourhood Plans. It may also be available for *'minor housing-led development'*.

3.6.4 The Government intends to issue Guidance on the content of the register in June 2017 including on 'the complementary role that registers are expected to play alongside local plans, optional and mandatory consultation requirements, information requirements and the our proposals for assessing progress in getting planning permission in place on suitable brownfield sites. With regard to permission in principle, the guidance will address our [the Government's] expectations about the detailed practical operation of the policy'.

3.6.5 This new guidance will impact on resources, and this impact is being considered by the Government. As set out in the DCLG Planning Update Newsletter (March 2017)

‘the Department will be making grant funding available to local planning authorities to cover these new responsibilities.’

- 3.6.6 It is recommended that a report is made to the Planning and Licensing Committee on the Brownfield Register after the guidance is released so the implications can be fully considered.
- 3.6.7 The Government has written to the Council in respect of non-ring fenced resources it is making available through the New Burdens funding for the **Self and Custom Build Register**. The Council established its register in 2016. Self and Custom Build is being promoted by the Government to help address local housing need.
- 3.6.8 The **Neighbourhood Planning Bill** is still working through the legislative process. The Bill, when enacted, seeks to strengthen neighbourhood planning; ensure every part of England has an up to date plan (the Housing White Paper suggests reviewing plans every five years); improving the use and discharge of planning conditions; and adding further reforms of compulsory purchase. A more detailed assessment will be set out for the Committee after enactment.
- 3.6.9 The new criteria for the **designation on poor performance** for determining planning applications came into force on 19 January 2017. By 2018 the thresholds for speed and timeliness of decision making is to increase to 60% for majors and 70% for non-majors and the quality threshold of no more than 10% of an authorities total decisions being overturned at appeal.
- 3.6.10 New legislation is due to come into force on 16 May 2017 on new regulations on the implementation of the **Environmental Impact Assessment (EIA) Directive** requirements in relation to the planning system and nationally significant infrastructure planning.
- 3.6.11 There are also changes coming into force on **nationally significant infrastructure planning regime**; the **compulsory purchase** provision in the Housing and Planning Act 2016; clarification for applicants of **hazardous substances consent**; and **permitted development rights for state-funded schools**.

4. CONCLUSION

- 4.1 This report provides an update to Members on a wide range of planning policy matters that will or may affect the policies of the Council, procedures and decision making.

5. IMPACT ON CORPORATE GOALS

- 5.1 The preparation and adoption of the Local Development Plan (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. The Local Development Plan will replace 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. New supplementary planning guidance will provide greater detail on the implementation of planning policies for developers and residents strengthening the planning process. The Council will need to assess how legislative changes to the planning system affect Maldon district.
- (ii) **Impact on Equalities** – The progression of the Local Development Plan and supplementary planning documents helps to provide sustainable and well planned communities which promote social cohesion and help to provide for the future needs of the local community. Planning policy documents, including new regulations and policy documents prepared by the government, are subject to equality analysis.
- (iii) **Impact on Risk** – An up to date Local Development Plan, supported by robust supplementary planning documents, 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, and provide an adequate five year supply of deliverable land for housing. 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)** –Without an up-to-date Local Plan, the Council is at increased risk of planning appeals, which could potentially have significant resource implications. 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** – An adopted 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.

Background Papers:

Planning Update Newsletter DCLG March 2017

House of Commons Library Planning Reform Proposals Briefing Paper March 2017

Enquiries to: Ian Butt, Interim Strategic Planning Policy Manager, (Tel: 01621 876203).



REPORT of CHIEF EXECUTIVE

**to
PLANNING AND LICENSING COMMITTEE
25 APRIL 2017**

FIXING OUR BROKEN HOUSING MARKET: THE HOUSING WHITE PAPER (2017)

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to consider the Council's response to the Government's Housing White Paper which was published in February 2017. The Government is inviting comments on the Paper, which includes proposals for changes to national planning policy and the way local councils approach planning for housing growth. The consultation period closes on 2 May 2017. A draft response is set out in **APPENDIX 1** to this report.
- 1.2 Alongside the Housing White Paper, and referred to in the White Paper, the Government is also consulting on the introduction of Affordable Private Rented accommodation as part of developing the Build to Rent sector. This document is the Planning and Affordable Housing for Build to Rent Consultation Paper and is included in this report.

2. RECOMMENDATION

That Committee's views are sought on the Housing White Paper and the draft response, together with the draft response to the Planning and Affordable Housing for Build to Rent Consultation Paper; and that the responses are finalised by Officers in consultation with the Chairman of the Committee.

3. SUMMARY OF KEY ISSUES

3.1 Housing White Paper

- 3.1.1 The Housing White Paper was published on 7 February 2017. It is the Government's response to addressing factors which influence the housing market, barriers to finding a home and the challenges in the planning system to deliver more homes. In her Foreword, the Prime Minister states that *'I want to fix this broken market so that housing is more affordable and people have the security they need to plan for the future'*.
- 3.1.2 Although a Housing White Paper, there is a strong emphasis on the planning system and the consultation questions are restricted to proposed changes to national planning policy.

- 3.1.3 The aim of the White Paper is to set out how the planning system delivered through national policy, local plans and applications can be strengthened to speed up delivery of homes, and the role of developers and how they can be held to account. It proposes a number of changes to the National Planning Policy Framework (NPPF), and the consultation focuses on those changes.
- 3.1.4 The attached draft response at **APPENDIX 1** seeks to set out the support and concerns that the Council would have.
- 3.1.5 The response follows the questions in the White Paper, and includes (summarised):
- Changes to policies and requirements to ‘getting [local authority] plans in place.’ (Q1& Q2)
 - Assessing housing need (Q3)
 - Making enough land available and presumption in favour of sustainable development (Q4)
 - Allowing Council’s greater powers to dispose of their land for which they have granted planning permission and use of land pooling (private and public) (Q5 and Q6)
 - Social and economic considerations in regeneration programmes (Q7)
 - Use of small sites, including rural expectation sites in providing homes and local plan allocations (Q8)
 - Garden villages and Green Belt reform (Q9, Q10 and Q11)
 - Strengthening the role of Neighbourhood Planning (Q12)
 - Setting density standards and making the most efficient use of land (Q13, Q14 and Q15)
 - 5-year supply of housing and greater certainty of delivery of homes, and the impact of delivery on Neighbourhood plans (Q16 and Q17)
 - Deterring unnecessary appeals by introducing charges (Q18)
 - Digital infrastructure and national infrastructure projects (Q19 and Q20)
 - Submitting housing trajectory details with a planning application (Q21)
 - Commencement timescales, non-delivery sanctions, strengthening the use of completion notices and developer track records (Q22, Q23, Q24, Q25, Q26 and Q27)
 - Housing delivery test (Q28, Q29 and Q30)
 - Amending (by widening) the definition of affordable housing (Q31)
 - Setting a minimum target for affordable home ownership products (Q32 and Q33)
 - Revising the definition of sustainable development in the NPPF (Q34)
 - Revising the climate change factors to be considered in plan making to include rising temperatures (Q35)
 - Clarification of flood risk policy and application of exception test (Q36)

- Consideration of noise of existing businesses and use when locating new development (Q37)
 - Transitional period for wind energy policy (Q38)
- 3.1.6 The responses have drawn together a wide range of Government reports, including the current NPPF; the 2015 proposed changes to the NPPF; the 2016 Report from the Local Plans Expert Groups into how local plan making can be made more efficient; House of Commons Briefing Paper (No.06418) on Planning Reform Proposals; and consultation reports on Neighbourhood Planning, starter homes, and rural planning.
- 3.2 Planning and Affordable Housing for Build for Rent**
- 3.2.1 The Government is also consulting on Planning and Affordable Housing for Build for Rent. The closing date for that consultation is 1 May 2017.
- 3.2.2 The Government is seeking to develop the Build to Rent market. This differs from buy-to-let insofar as the intention of the developer is to offer the dwellings for rent. Funding is either through the property company themselves, or via an institutional investor who will take a very long term interest in the property.
- 3.2.3 This form of tenure was popular in the UK in the inter war period, but declined post war as a result of rent controls and other regulations.
- 3.2.4 Whereas buy-to-let is as a result of private landlords purchasing for private sale properties either individually or off-plan bulk-buy, these properties are built specifically for the rented market and treated as such in planning terms with restrictions on their use. Build to Rent generally offer longer term leases, boosts supply, offers quality and choice, supports economic growth and provides a relatively low-risk and predictable income stream. However, the Government envisages that as this sector grows, it can also contribute an element of affordable housing.
- 3.2.5 The introduction of an affordable element within this sector will bring it into line with the social rented and private sale sectors, both of which have discount schemes. The Consultation paper focusses on how the Affordable Private rented sector within Build to Rent scheme should work.
- 3.2.6 The draft response is set out in **APPENDIX 2**. The consultation questions revolve around:
- Amendments to national planning policy;
 - The role of Affordable Private Rent;
 - Tenancy timeframes;
 - Definitions of Build to Rent and Affordable Private Rent;
 - Clawback for properties that leave the scheme.

4. CONCLUSION

- 4.1 The Housing White Paper, plus the consultation paper on the Build to Rent sector, offers a significant change in Government policy, which an emphasis on the role that the rented sector has to play in meeting housing demand and the regulation of that sector.
- 4.2 Generally there is much in both documents that are appropriate given the state of the housing market, and the need to deliver homes at a pace that meets demand, whilst also stabilising the market. There remains strong emphasis on holding local planning authorities to account for delivery, which should be shared with holding developers to account, but the government are offering greater support for Councils that can demonstrate a 50 year supply of housing land. The test, however, will be how an up to date local plan and 50 year supply of housing land is treated on appeal and the weight placed on them by the Planning Inspectorate.
- 4.3 It is not clear when the changes to national policy will be introduced for most of the changes, but they are likely to be during 2017, with transitional arrangements put in place where appropriate.

5. IMPACT ON CORPORATE GOALS

- 5.1 The provision of housing impacts on all of the Council's corporate goals. There are elements within the consultation papers which will impact on the delivery of Council surveys, and these will become clearer as the policies are refined and the National Planning Policy Framework is reviewed. In some instances, the emerging Local Plan has pre-empted some of the suggested national policy changes.

6. IMPLICATIONS

- (i) **Impact on Customers** – Housing is a key requirement of customers within the District. As a local housing authority the Council has a duty to provide housing for residents. The Housing White Paper is in response to the problems of people accessing the housing market across all sectors. The aim is to increase choice and speed up the delivery of new homes. The Council already has a land supply that meets its five year requirements and is working with developers to keep delivery on track. The response to the White Paper is aimed at maximising housing in the District within the constraints of the local plan.
- (ii) **Impact on Equalities** – The Housing white Paper has been subject to an equalities analysis undertaken by the Government. New local policy that emerges as a result of the changes to the NPPF will be subject to local equalities analysis.
- (iii) **Impact on Risk** – The Housing white Paper proposes changes to national planning policy that will introduce sanctions against the Council if delivery of homes does not match the housing trajectory or if the Council does not maintain a five year supply of housing land. The Council will mitigate this by

closely monitoring development, working with developers to ensure delivery and as set out in the response, it is keen to ensure that there is a mandatory requirement on developers to provide and update housing trajectory data for their developments.

- (iv) **Impact on Resources (financial)** – Most of the additional work from the Housing White Paper is already undertaken. The Council will need to review the impact on financial resources when the detailed policies are announced.
- (v) **Impact on Resources (human)** – Most of the additional work from the Housing White Paper is already undertaken. The Council will need to review the impact on human resources when the detailed policies are announced. Some training for Members and staff may be required.
- (vi) **Impact on the Environment** – The Housing White Paper includes provisions to further protect the environment. The impact on the environment from housing development is a consideration in local plan preparation and in determining planning applications.

Background Papers:

- Fixing our Broken Housing Market – The Housing White Paper (Department for Communities and Local Government (DCLG), February 2017).
- Planning and Affordable Housing for Build for Rent (DCLG, February 2017).
- Summary of responses to technical consultation on implementation of planning changes, consultation on upward extensions and Rural Planning Review Call for Evidence (DCLG, February 2017).
- Proposed Changes to the NPPF (December 2015) – Summary of Consultation Responses (DCLG, February 2017).
- Government response to the technical consultation on starter homes regulations (DCLG, February 2017).
- Government response to technical consultation on Neighbourhood Planning (DCLG, September 2016).
- Housing of Commons Library Briefing paper – Planning Reform Proposals (House of Commons, March 2017).
- Local Plans - Report to the Communities Secretary and the Minister of Housing and Planning (Local Plans Expert Group, March 2016).
- Maldon District Local Development Plan, including Main Modifications and Post Examination Modifications (Maldon District Council (MDC), 2014, September 2016 and March 2017).
- National Planning Policy Framework (DCLG, March 2012).
- Draft Housing Strategy (MDC, April 2017).

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Housing White Paper

Response from Maldon District Council (MDC)

Q No.	Question	Maldon District Council (MDC) Response
1	Do you agree with the proposals to:	
1a	Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?	<p>The strategic policies that local plans should include are (summarised):</p> <ul style="list-style-type: none"> • The homes and jobs needed in the area; • Retail, leisure and commercial development; • Provision of infrastructure – everything transport to energy, including digital; • Health, security, community and cultural facilities; and • Climate change, conservation and enhancement of historic environment and landscape. <p>These broadly cover the core policies of a local plan.</p> <p>With regard to the proposed additional requirement '<i>to plan for the allocations needed to deliver the area's housing requirements</i>,' this is something that Local Plans already do and implicit in para. 156 of the National Planning Policy Framework (NPPF). It is not clear what benefit the change will bring, but conversely there would be no harm restating the fact.</p>
1b	Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?	<p>As proposed this would not affect Maldon District Council as the Council is not a Combined Authority. However, Spatial Development Strategies may have a role to play where there is a sub-regional issue shared between authorities which require a level of strategic planning that is beyond that achievable through duty to cooperate. The Government's move away from just a single plan system could create circumstances where single issues can only be properly addressed or would be better addressed at a multi-Local Planning Authority (LPA) level. Therefore, Spatial Development Strategies should not be restricted to just Combined Authorities.</p>
1c	Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?	<p>The Council would welcome a revision of what constitutes evidence and the relationship between evidence and soundness. Evidence should be used to identify issues; act as a baseline for consideration of options; and support positive planning policies.</p>

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		<p>The emphasis on the soundness of the evidence base has led to intense scrutiny, with the result of disagreement at Examination on the inputs or source, rather than the issues that the evidence has raised and whether the Council's policy solution is robust. As a consequence LPAs can overstate the evidence requirement, which in turn leads to further scrutiny.</p> <p>Evidence should be provided for specific spatial policies – i.e. those that lead to allocations. In addition the Government needs to offer greater reassurance that some evidence which changes slower over time, does not need comprehensively reviewing, but rather a transparent and independent 'sanity' check at an appropriate to time to ensure that it remains fit for purpose.</p>
2	<p>What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?</p>	<p>Maldon has had the experience of a poor Local Development Plan (LDP) examination in 2015, which led the Council to request that the Secretary of State to call-in the Plan. The second examination in January 2017 was a radically different experience with a very proactive Inspector who made it clear that his role was to ensure the Plan is sound and worked with the Council and attendees to do just that. We are now at Post-Examination modifications stage as a result.</p> <p>The Government needs to consider a structured tiered approach to consultation for the various levels of plan making. Understandably the overarching local plan should be subject to considerable engagement and consultation. However, if the Government is going to introduce 5-yearly reviews, it should consider whether the Issues and Options stage for the complete plan is required at each review stage. If a plan is up to date, still within its initial 15 year period, the issues and options identified in the first round of the plan making process should generally be the same. Therefore, consultation at that stage should be focussed on new issues only. Otherwise the examination process could be drawn into considering issues that are well established in the existing plan – i.e. objectors seeking to de-allocate sites.</p> <p>With regards to neighbourhood plans, the process needs to be fully understood and simplified for all involved. The status the Government is giving to Neighbourhood Plans justifies the level of scrutiny, but the two stage consultation could be looked at. The first stage is undertaken by the Neighbourhood Planning body and the second stage by the LPA. This can be in quick succession, and causes confusion, consultation overload and suggests that the Plan is the LPAs</p>

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		plan rather than the local communities plan. It is suggested that Neighbourhood Plan consultation is undertaken by the plan makers, but submitted to examination after consultation with the Council when the responses to the consultation have been properly assessed and taken into account in proposed modifications to the draft plan.
3	Do you agree with the proposals to:	
3a	amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?	<p>Local Plans, such as Maldon's, do already contain policies that address the housing requirements of groups with particular needs. This is also set out in local Housing Strategies, and Strategic Housing Market Assessments. The government needs to be explicit that Plans should be careful not to compartmentalise particular groups and plan for integration across the wider community.</p> <p>We would welcome an approach that ensures the needs of these groups are met and to achieve this proposals for reviewing the assessment of housing need should take into account aspects that can provide information not just on the number of homes but type and tenure.</p>
3b	from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?	<p>The Local Plans Expert Group (LPEG) proposed changes to Housing and economic Development Needs Assessments National Planning Policy Guidance (NPPG) that:</p> <p>‘Many local planning authorities have now agreed defined HMAs with their neighbouring authorities, and have prepared SHMA evidence base work. In many cases the definition of these HMAs draws upon longstanding assumptions about the functional and planning relationships between local areas. Unless there is a compelling evidence why these HMAs no longer represent functional market areas, and are thus not fit for planning purposes, these HMAs should continue to be used, although it is open for local authorities to define potential HMA evidence base.’</p> <p>This is a sensible approach and allows local flexibility. Whilst Strategic Housing Market Assessments (SHMAs) boundaries may not always follow district boundaries, it must be acknowledged that they may be sub-areas within the wider SHMA in all local authority areas not just the larger authorities, as LPEG had suggested.</p>

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		<p>With regard to the methodology for assessing need, the LPEG recommended in their report significant changes to the NPPG, which provide greater clarity on the content of full objectively assessed housing needs assessments. Whilst greater consistency is welcomed, a too prescriptive approach and prescription on the data sources to be used, could lead to government imposed Objectively Assessed Needs (OANs), which may lack detail and relevance to local areas, undermining the aim of providing 'the right homes in the right places.'</p> <p>The lack of a standardised method is the basis of confusions and arguments at examinations.</p>
4	Do you agree with the proposals to amend the presumption in favour of sustainable development so that:	
4a	authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?	Yes, this is at the heart of the Plan making process, and provides very clear guidance to developers, residents and decision makers on where development can or cannot take place. Suitable land should be defined in this context as suitable land for development, specific preservation or enhancement or alternative uses.
4b	it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?	<p>Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. It applies to both the planning making and application decision making process.</p> <p>The changes proposed clarify the position with regards to plan making that plans should plan for sustainable development and meet need unless there are justified reasons for not doing so through policies in the NPPF.</p> <p>The proposed changes to Para. 14 are implied in the existing NPPF and offer clarification.</p>
4c	the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?	The inclusion of ancient woodlands is supported, although reference should be made to 'including an appropriate buffer or protection zone'. The list should include 'preserved aged or veteran trees or groups of trees (including orchards).'

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4d	its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?	This is supported.
5	Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?	This is welcomed and will provide greater certainty to Councils and developers. It would also provide greater opportunity to meet local housing requirements.
6	How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?	Land pooling already takes place, albeit through local development companies. Where a development can be enabled through the use of surplus public sector land, irrespective of the public sector body, the LPAs should be able to require that body to enter into a land pooling arrangement and share the land value upside. In principal this is to be welcomed, if it provides LPAs with greater intervention powers to drive development. The detail on this needs to be carefully considered to ensure that the tax burden and value sharing arrangements do not unduly erode into the uplift so as to act as a disincentive for land pooling and collaborative public/private development partnerships.
7	Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?	Yes. Estate regeneration is not merely the renewal of physical environment. Such single facet regeneration has proven to be unsuccessful and the inherent problems in estates that lead to the need for regeneration are more often social and economic. Therefore, regeneration plans should be holistic and multi-faceted. Rather than amending national policy to encourage the consideration of social and economic benefits the national policy should compel consideration. This should also be supported by increased funding opportunities for economic and social regeneration.
8	Do you agree with the proposals to amend the National Planning Policy Framework to:	
8a	highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?	Yes. In the Post Examination Modifications to the Maldon District Local Plan, the Council has 'delegated' the identification and allocation of 100 units to Neighbourhood Plans. This creates a positive framework for Neighbourhood Plans to work within, without imposing specific requirements on specific locations. The response from Neighbourhood Planning groups has been encouraging and positive.

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8b	encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?	Yes. This is incorporated into the Maldon District Local Development Framework. However, this the NPPF amendments should to encourage LPAs to create a framework for Neighbourhood Plans rather than just specific prescriptive proposals. The exception to this would be where a strategic project promoted in the Local Plan will affect individual or groups of villages. In such cases the impact and opportunities on and for those areas should be fully taken into account in local plans rather than left for neighbourhood plans.
8c	give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?	<p>Rural exception sites allow small sites to be used for affordable housing in perpetuity where sites would not normally be designated for housing. They seek to address the needs of local communities and brought forward through collaboration with the local community. Whilst, as is the case of the Maldon LDP, policies may allow some market housing where there is a demonstrable need to ensure viability, the default position should remain that such sites are 100% affordable.</p> <p>To amend national policy which promotes market housing as a default, renders the concept redundant and could lead to more planning by appeal speculative schemes. Although we understand the need for open market sales to cross subsidise the development of affordable homes without reliance on any other subsidy, there is a risk that assumptions are made that this is always acceptable and inevitable, schemes in the future reflect existing policy and delivery is through s106 and planning gain rather than through reduced land values..</p> <p>The Government should reinforce the important role that Rural exception sites play, that the default position remains that they are exceptions because they can provide a very high percentage of affordable housing. If a developer needs market housing to achieve a very high level of affordable housing, considerably above local policy levels, the onus should be on the developer to justify doing so through a viability assessment and that the market housing is essential to meet locally identified need.</p>
87d	make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?	Local plans cover large geographic areas and tend to allocate large sites for development. Windfall normally includes smaller sites, and an allowance is made for this in plans.

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		<p>The reality is that smaller sites do already play a crucial role in meeting housing need. Planning permission can be obtained where they meet a range of criteria based policies and as set out in Para 14 of the NPPF, planning permission should be granted where they comply with the development plan.</p> <p>To identify 10% of total housing allocation on smaller sites would place an undue burden on local planning authorities. They would have to identify the sites – whether this is through a call for sites or Strategic Housing Land Availability Assessment (SHLAA) – and undertake a full sustainability appraisal on them. It will leave examinations open to discussion on the suitability of a larger number of sites or the non-suitability of other sites. The LPA will have greater accountability over the deliverability of sites, dealing with a far larger number of developers in setting housing trajectories and monitoring including justification for delays.</p>
8e	expect local planning authorities to work with developers to encourage the sub-division of large sites?	This is supported. The sub-division of larger sites into either multiple outlets or disposal to different house builders is common and the explicit support to this in the NPPF would be welcomed.
8f	encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?	<p>Local Development Orders are not suitable for every locality and the Government should only go as far as encouraging their use rather than enforcing their use.</p> <p>Area wide design codes are difficult to draft in locations that have a diverse built form – such as mixed use estates - and they are difficult to enforce by LPAs. District wide design guidance plays a similar role.</p>
9	How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?	<p>There are no new garden towns or villages in Maldon.</p> <p>In Maldon, two garden suburbs have recently secured planning permission having both been promoted through the emerging local plan, subject to collaborative master planning and the delivery of which controlled through design guides prepared with the developer. This has been achieved in little over two years.</p> <p>Strategic developments require a realistic lead in time which reflects their importance and complexity. Time spent on sound policy, master planning and pre-application, will help speed up the process once a planning application has</p>

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		<p>been submitted and provide a framework for Section 106 (S106) agreements.</p> <p>As strategic developments it is also important that the development takes place in accordance with the local plan and original consent. The scale of development is such that too much flexibility can undermine the LPAs ability to deliver the right housing mix as outlined in the SHMA.</p>
10	Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:	
10a	authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?	<p>Maldon is not a Green Belt district.</p> <p>Reasonable options should be defined in this instance. It would not be reasonable, for example, for a LPA to consider an option to force further development on non-Green Belt areas in their own or adjoining districts, simply because they do not wish to amend the green Belt.</p>
10b	where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?	<p>Maldon is not a Green Belt district.</p> <p>The compensatory improvements may involve third party land and developers of sites should be expected to enter into agreement s with land owners and the improvements should be considered as a development cost including long term management strategies.</p>
10c	appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?	Maldon is not a Green Belt district. No comment.
10d	development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?	Maldon is not a Green Belt district. Neighbourhood Development Orders (NDOs) should be in general conformity with the Local Plan and a national planning policy. If the development is inappropriate development within the Green Belt, then an NDO should not be used as it will undermine the principles of the Green Belt. If however, a development in the Green Belt is promoted through a neighbourhood plan and complies with local and national policy, or has sufficient justification, then an NDO could be used within undermining the principles of Green Belt.

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10e	where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?	Maldon is not a Green Belt district. Determination of Green Belt boundaries in neighbourhood plans should only take place if the Local Plan has provided for a neighbourhood plan to make such amendments and the parameters for amendments (i.e. the number of units).
10f	when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?	Maldon is not a Green Belt district. Consideration of previously used land or sites close to transport hubs should form part of any Green Belt boundary review. In the instance of previously developed sites, the consideration for the LPA is whether the site continues to fulfil one of the purposes of the Green Belt. The proximity to transport hubs should not be an overriding factor in assessing a sites suitability to remain in the Green Belt or not, but a factor which will determine its suitability possibly as one of many different options.
11	Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?	Whilst LPAs should be expected to have entered into thorough dialogue through the duty to cooperate seeking to accommodate objectively assessed need in an adjoining Green Belt district should not be an option to have explored before Green Belt boundaries are amended.
12	Do you agree with the proposals to amend the National Planning Policy Framework to:	
12a	indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?	<p>Yes. In the Post Examination Modifications to the Maldon District Local Plan, the Council has 'delegated' the identification and allocation of 100 units to Neighbourhood Plans. This creates a positive framework for Neighbourhood Plans to work within, without imposing specific requirements on specific locations. The response from Neighbourhood Planning groups has been encouraging and positive.</p> <p>However, LPAs should not seek to impose specific requirements on neighbourhood planning areas, unless these are agreed in advance and set out in the development plan.</p>
12b	make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design	This is to be supported, but the guidelines should be a material consideration in determining planning applications and given appropriate weight by Inspectors at appeal and not to be restrictive.

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	expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?	
12c	emphasise the importance of early pre-application (<i>sic</i>) discussions between applicants, authorities and the local community about design and the types of homes to be provided?	<p>Pre-application discussions should take place on larger schemes and are critical to the success of a scheme. For larger schemes they should be compulsory, but the Government should encourage the use of planning performance agreements to assist in providing standards of service to the developer and essential funding for LPAs for the increase in work required. The Government should consider best practice guidance on pre-application setting minimum standards.</p> <p>Local community involvement should be encouraged, but there needs to be realism on what is expected to avoid engagement overload.</p>
12d	makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?	<p>The 'design expectations' are too vague and apply across a wide and diverse area. What may adequately apply in one location, may not apply elsewhere and therefore they cannot be relied on. The use of more detailed design guidelines which establish a baseline of design principles should be encouraged, as is the case with the Maldon District Design Guide.</p> <p>On strategic sites, design codes can supplement master plans and outline planning consents to control development, but they will need to secure the support of development partners.</p>
12e	recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?	Building for Life or sub-regional space standards should be used as a benchmark where they are not adopted as policy, but also take into account the extent to which this is needed in all development.
13	Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:	
13a	make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?	It is agreed that proposals should make the best use of land. However, the best use of land can also be achieved through balancing the need for development in absolute numbers terms, and the integration of new development into the wider

Q No.	Question	Maldon District Council (MDC) Response
		<p>character of an area.</p> <p>The Government needs to be careful not to force local planning authorities and local communities to accept high density development out of keeping with the surrounding area, simply to make the 'best use' of development land. Any guidance/policy approach should not be at the expense of sustainable development.</p>
13b	address the particular scope for higher density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?	As set out above the character of an area should be the main determining factor in establishing densities.
13c	ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?	This is critical and should act as a check to a desire for higher density development. The NPPF should be explicit on this.
13d	take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?	There are safeguards in place in the Maldon Local Development Plan to protect open space but also to consider the proximity, accessibility, quality and type of alternative open space. It should be for the LPA to apply how open space is protected. Encouragement in the NPPF to apply open space protections in a flexible manner, could lead to a proliferation of development on open space, the cumulative impact of which would be significant.
14	In what types of location would indicative minimum density standards be helpful, and what should those standards be?	It should be for local planning authorities to determine appropriate density standards dependent on the character and capacity of their area.
15	What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?	<p>The use of public sector owned sites for housing development is now established. Council's should be given more powers to acquire other public sector land for planning purposes, where this will facilitate housing development.</p> <p>With regards to the intensive use of land in public ownership, the same planning policies should apply as non-public land and it should remain for the LPA to determine the range of densities that apply to areas within their boundaries.</p>

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		<p>The tools available to a Council to bring forward public land should be the same as any other developer.</p>
16	Do you agree that:	
16a	<p>where local planning authorities wish to agree their housing land supply for a one year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?</p>	<p>Yes. A 10% buffer is reasonable.</p> <p>Paragraph A.77 of the White Paper suggests that acting on a recommendation for the Local Plan experts Group <i>‘whether a five year housing land supply exists or not should be capable of agreement on an annual basis, through discussion between authorities and development interests in each area, and subject to consultation and examination’</i>. Para. A.78 then goes on to state the intention to give <i>‘local authorities the opportunity to have their housing land supply agreed on an annual basis, and fixed for a one year period.’</i></p> <p>The White Paper then states in Para. A.78 that <i>‘to take advantage of this, the policy will make clear that the authority’s assessment of its housing land supply should be prepared in consultation with developers as well as other interests who will have an impact on the delivery of sites (such as infrastructure providers).’</i></p> <p>Whilst certification of the five-yearly housing land supply is welcomed, providing it is upheld on appeal, the Government needs to be careful not to turn an annual process into a burdensome process on local planning authorities. A need to consult with the development interests should be clarified. Likewise, what is meant by <i>‘and subject to....examination’</i>. To arrange consultation, engagement and examination on an annual basis is likely to divert resources, open to abuse by aggrieved developers who believe they can thwart certification each year and it would delay the adoption of a robust five-year housing land supply.</p> <p>What must be avoided is delay in the decision making process so that the evidence is out of date before the five-year land supply is certified. If it is to be certified annually, the process must not place an excessive burden on the LPA.</p> <p>For greater certainty, fixing the five-year housing land supply for two years should be considered.</p>

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		In either case, once fixed, the 5-year housing land supply should be considered as not out of date and be accorded the highest level of weight by the planning Inspectorate at appeals.
16b	the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?	Yes, providing that they uphold it at appeals. Arguments on 5-year housing land supply at appeals should be dismissed by the Inspector if a valid certification is in place from the Planning Inspectorate.
16c	if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?	<p>It would be difficult and time consuming for the Inspectorate to review the robustness of the supply figure. These are derived from a detailed assessment of all outstanding planning consents at the beginning of the fiscal year, an assessment of completions from a number of sources, including on-site, and an assessment of a trajectory for outstanding sites at the end of the fiscal year. It would place an undue burden on the Inspectorate to have to effectively double check all of that data and do so without local knowledge.</p> <p>The Inspectorate's role should therefore be restricted to assessing the methodology and identifying any inconsistencies in the data.</p>
17	In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:	
17a	a requirement for the neighbourhood plan to meet its share of local housing need?	Yes, where there is an identified local need not allocated in the local plan.
17b	that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?	For those districts, such as Maldon, which heavily rely on a small number of strategic housing development sites to meet objectively assessed need, this seems to 'punish' Neighbourhood Plans for the delivery of developments outside of their control.
17c	should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet	If a Neighbourhood Plan is up to date, complies with the local plan and demonstrates how local housing needs are met, it should not be deemed out of state. Demonstrating how local needs are met includes the Neighbourhood Plan acknowledging any local plan allocations, planning permissions and by allocating

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	their share of local housing need?	its own sites if the Plan identifies additional need,
18	What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:	
18a	how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;	<p>Yes Maldon District Council agrees that there should be a fee. However, this would not by itself deter appeals. Consistency in appeal decision making, and the setting and enforcing the status of a five year supply of housing land, will be more effective methods to deter appeals, particularly for larger schemes.</p> <p>Appeals should be last resort and an applicant should be encouraged to discuss how their refused scheme can be amended to overcome objection rather than to appeal.</p> <p>Care needs to be taken where an applicant's proposal is border line or at the pre-application stage no major concerns were raised.</p>
18b	the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and	<p>The fee should be set in such a way so to discourage planning by appeal. This should particularly be the case where an appellant is contesting an appeal on 5-year Housing land Supply that is up to date and valid or there is an up to date local plan in place.</p> <p>Therefore, it is suggested that where at the Pre-application stage an prospective applicant is advised that the development proposals are contrary to policy, and there is little or no justification to depart from the local plan, but nonetheless submits with the tacit intention of appealing, a fee should apply, together with the prospect of the award of costs.</p> <p>In such instances the fee should be high enough to cover the Council's full costs or match the application fee. This will require research by the Government to set such fee.</p> <p>For domestic appeals the appeal fee should be the same as the application fee.</p>
18c	whether there could be lower fees for less complex cases.	

Q No.	Question	Maldon District Council (MDC) Response
19	Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?	<p>As stated in the White Paper, the Building Regulations have been amended to include for infrastructure in buildings for superfast broadband.</p> <p>Maldon is an area with inconsistent coverage in both rural and urban settlements. Policies in Local Plans will need to cover ensuring developers include external infrastructure within new developments that ensure the in-building infrastructure is functional. This should include fibre optic cabling.</p>
20	Do you agree with the proposals to amend national policy so that:	
20a	the status of endorsed recommendations of the National Infrastructure Commission is made clear?	Maldon includes the location of the proposed Bradwell B nuclear power station. The Council would welcome clarification in the NPPF of the role of the National Infrastructure Commission (NIC).
20b	authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?	<p>The way this is written suggests that all major infrastructure investment leads to more housing. This is not necessarily the case and housing should always be based on objectively assessed need.</p> <p>What the Government should seek local authorities to do is to objectively assess the impact of the infrastructure on need for housing bearing in mind local job creation and maintaining the economic benefits locally.</p>
21	Do you agree that:	
21a	the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?	Yes, but it should be a requirement for developers to complete on the application form, not a request. This would help in establishing a housing trajectory and monitoring the development against the data supplied. A request suggests that offering the information is voluntary.
21b	that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?	Yes. Developers on major sites should provide the LPA with an annual statement setting out completions within the previous year and an update on their trajectory. This will help with the compilation of Authority Monitoring Reports (AMR's) and the robustness of 5-Year Housing Land Statements.

Q No.	Question	Maldon District Council (MDC) Response
21c	the basic information (above) should be published as part of Authority Monitoring Reports?	Yes, and used in the preparation of 5-year housing land supply assessments.
21d	that large housebuilders should be required to provide aggregate information on build out rates?	Yes. This should be a requirement of all major developments. In the case of multi-phase or multiple outlet developments, developers should provide the overall delivery and trajectory and the same details per phase. Providing aggregate information would help highlight those that may have underperformed but higher levels of delivery have to be considered alongside capacity to invest and other more detailed information that may affect developers' ability and capacity to build in the future.
22	Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?	Yes, but the Governments needs to consider whether a LPA can refuse planning permission on the grounds on non-delivery. Stalled sites are a major source of housing land, whether stalled for reasons of viability, environmental issues, land ownership of land banking. In any subsequent planning application, the applicant should set out the reason why a site has not been developed under a previous consent, and what measures they have taken to overcome the reasons. If the LPA is not satisfied that a new proposal will be built within the time limit of the consent, or that there are no conditions or S106 measures which could ensure delivery, the LPA will need to be able to refuse planning permission for this sanction to work, otherwise taking into account whether a site will realistically be developed has no or little weight.
23	We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.	<p>Developers should provide trajectory details to the LPA with their planning application and monitored against those trajectories. If development does not start within the time limit, the right to 'automatic' renewal would be subject to scrutiny through a subsequent planning application – see response to question 22 above. If the site has been land banked, the Council should take this into account as a material consideration.</p> <p>Some applicants are land and site promoters, who seek to secure planning permission and dispose of the sites on behalf of the owner to housebuilders. They tend not to develop the sites themselves. The sites they identify are often contrary to development plans, and they apply with the intention of an appeal. They should be included in any assessments of track record to dispose of land to a housebuilder for development.</p>

Q No.	Question	Maldon District Council (MDC) Response
24	If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?	Yes. The process must allow for new entrants into the housing market. Allowing new entrants to submit details of development where they have been sub-contracted would also be helpful.
25	What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.	A shorter timescale should only be part of a wider package of measures outlined in the White Paper. However, the caveat suggested in Question 25 would provide a strong case for developers to argue for an extended time period. Three years is adequate at present, takes into account any short term fluctuations in the market and with the appropriate monitoring measures, the Council can identify any possible delays and work with the developer to see they can speed up delivery and meet the time limit. Just as importantly, once a scheme has started as defined under planning law, the developer should be held to account for the delivery in accordance with their trajectory.
26	Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?	Yes. Although rarely used, completion notices do enable an LPA to seek the Secretary of States approval to nullify a planning permission where insufficient progress has been made on site. Empowering this process to enable LPAs to approve and issue a completion notice is supported. The process would be better controlled by the LPA who have direct discussions with the developer, used as a last report and to act as a deterrent to land banking. The Government should issue guidelines on its use, however. As the notice effectively revokes an existing consent, the decision should be referred back to Committee.
27	What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?	<p>Local planning authorities should be able to serve completion notices at any time when it is established that the development is not going to proceed. However, if the commencement period is reduced to two years, there may not be sufficient time to establish a position whether the developer is likely to proceed or not, even if the works have begun.</p> <p>With regards to the impact on the willingness to lend, this could work both ways. Lenders of higher risk schemes may be reluctant to lend or would lend at rates that render a scheme unviable, whilst those who do lend, would be more incentivised to pressure the developer to complete the scheme.</p>

Q No.	Question	Maldon District Council (MDC) Response
28	Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:	
28a	The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?	Yes. This will incentivise LPAs to maintain an up to date Local Plan and realistic annual housing targets and a realistic housing trajectory, against which they can close monitor and work with developers to achieve.
28b	The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?	Yes, but Council's should be consulted on these figures and provided an opportunity to respond on whether they are at all realistic, so that a moderation can be put in place (and published). Household projections do not take into account local circumstances or the performance of developers that impact on delivery of new homes. In that regard the projections are arbitrary.
28c	Net annual housing additions should be used to measure housing delivery?	Yes.
28d	Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?	The Council agrees that a rolling three year period is sensible. Care should be taken to apply it retrospectively however. The 2014 to 2017 period has been one of intense activity of LPAs in putting Local Plans in place. Particularly where an LPA is accommodated an increase in growth – such as Maldon (120 dppa to 335 dppa) – there is a time lag between the plan start period and the achievement of the any target. Whilst every effort has been made to deliver the LDP (despite the first Inspectors report and now called in by the Secretary of State) and to approve most of the strategic sites, the lead in times for developments is such that MDC could be 'punished' if the housing delivery rate over the last three years is measured against unmoderated household projections.
29	Do you agree that the consequences for under delivery should be:	
29a	From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?	MDC does not object to monitoring, subject to the caveats above. However, the government should not be relying on sanctions after the event to require actions from LPAs. Two reasons: firstly developers themselves need to honour their commitments. Housing trajectories, on which five-year supply of housing targets and annual targets are based, are developed in conjunction with local

Q No.	Question	Maldon District Council (MDC) Response
29b	From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?	developers. Unless there are mitigating factors which delay delivery – i.e. macro-economic impacts – housebuilders should be obligated to deliver in accordance with their trajectory once planning permission has been granted.
29c	From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?	Secondly, the local planning authority through their local plan should already have in place an action plan to support the delivery of homes. This should include the timescales, resources and agreements with developers through, for example, planning performance agreements post permission, to ensure, as far as the LPA can, delivery.
29d	From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?	
29e	From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?	
30	What support would be most helpful to local planning authorities in increasing housing delivery in their areas?	<p>Clear guidance from the Government into the obligations on the development industry to deliver consented scheme.</p> <p>Full backing by the Planning Inspectorate (PINS) to Council's who have an up to date plan and a five-year supply of housing on speculative appeals to act as a deterrent to unreasonable speculators, with rejection of calls for Inquiries to deal with such matters, so that Council resources can be better spent on support schemes the Council has granted planning permission for.</p> <p>The implementation of sanctions outlined in the white Paper to revoke planning consents for schemes that are not delivered to avoid land banking.</p> <p>Support for the use of planning performance agreements throughout all stages of the development planning process, including the discharge of conditions on major schemes, S73 or S69 applications, and drop-in applications to previously consented schemes, which take as much LPA resources as the original planning application.</p> <p>Greater resources for LPAs to accommodate the additional burdens placed on them as a result of the White Paper.</p>

Q No.	Question	Maldon District Council (MDC) Response
		Consistency and pro-development review of how financial viability is to be assessed when in dispute; the concept of benchmark land values can undermine policy and thereby delay agreement, or place pressure on local authorities to agree.
31	Do you agree with our proposals to:	
31a	amend national policy to revise the definition of affordable housing as set out in Box 4?	<p>The definition of affordable housing needs to retain a clear link with local wage levels, with the ability of local housing authorities to exercise control or at least give preference to local households in need if it is to be strategically relevant and justified in terms of securing sites based upon locally assessed need / OAN. Without these basic elements, affordable housing can too easily become less expensive housing option to those already able to meet their housing need through the open market</p> <p>Market Sales and Affordable Private Rent Housing should be defined by the price or rental value per sqm rather than the overall price or rental value. This is to avoid developers reducing the size of units by 20% or more to meet the 80% of market value test.</p>
31b	introduce an income cap for starter homes?	It would make more sense if a cap for starter homes was to be based upon local income or wage levels rather than just a discount on open market values for reasons explained above.
31c	incorporate a definition of affordable private rent housing?	Yes, ideally this should be consistent with the definition of Affordable Rent used by Registered Providers.
31d	allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?	Yes.
32	Do you agree that:	
32a	national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?	It should be for the LPA to set targets for tenure and housing type mix based on their Housing Strategy and SHMA rather than the Government. For this to be relevant to local need, there should be some flexibility as to how local authorities chose to promote home-ownership through new development, for example shared-ownership or some rent to buy options may be more affordable and suitable to local need than Starter Homes.
32b	that this policy should only apply to developments of over 10 units or 0.5ha?	

Q No.	Question	Maldon District Council (MDC) Response
33	Should any particular types of residential development be excluded from this policy?	It should be for the LPA to set targets for tenure and housing type mix based on their Housing Strategy and SHMA rather than the Government.
34	Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?	Yes, but the same considerations than an LPA is expected to apply, whether through Local Plan policy or through the implementation of the NPPF, MUST also be applied by the Planning Inspectorate. The default position must be that the decision maker must always demonstrate that development meets the tests in the NPPF. Therefore, the developer will also have to demonstrate that the proposal meets the tests of sustainable development. Failure to do so should lead to the position of an application being refused, and dismissed on appeal.
35	Do you agree with the proposals to amend national policy to:	
35a	Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?	Yes, with caution. Global temperature rise is a product of the causes of global climate change. Policies should be sound and justifiable, even when they are promoted in the NPPF. Consideration needs to be given to how sustainable development directly contributes to rising temperatures.
35b	Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?	Yes. Local Plan policies should require the implementation of measures that are long term and in perpetuity where possible. If this leads to greater powers to monitor and enforce conditions post implementation, then MDC would consider this to be an additional burden and seek additional resources.
36	Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?	<p>Yes.</p> <p>The Housing White Paper refers to three changes to the NPPF relating to flooding:</p> <p>Amendments to the application of the Exception Test in Para. 102 of the NPPF, so when preparing local plans the LPA should not allocate land for development if it is clear that the Exception Test is not capable of being met; an where applicable the test still applies to other development, except minor development, changes f use and sites allocated that have been subject to the sequential test.</p>

Q No.	Question	Maldon District Council (MDC) Response
		<p>To clarify that para 103 of the NPPF applies to all development – relating to the location of development and resilience of mitigation measures to flooding.</p> <p>That planning policies also address the cumulative flood risks which could result from the combined flooding impacts of new and separate developments.</p> <p>The risk of flooding is high in parts of Maldon, both tidal and fluvial. Measures are in place to mitigate that risk, but all developments should recognise the contribution they can make to increased risk of flooding and reducing that risk to their own developments and adjoining properties.</p> <p>The Council will support measures which increase its ability to secure and enforce flood mitigation and attenuation measures.</p> <p>The Council also supports measures that mean that the cumulative impacts of new development are taken into consideration in assessing the risk of flooding and mitigation measures.</p>
37	<p>Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?</p>	<p>The proposal to take into consideration existing businesses and causes of noise and the impact they could have on new developments nearby is a positive step. New development can lead to complaints of noise where there were none previously, and undermine, in particular, business activity. Business retention and fostering local business growth is a key priority for Maldon Council.</p>
38	<p>Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?</p>	<p>Yes, but with clarification on what constitutes wind energy. It is wholly unreasonable for a LPA to identify parts of a district suitable or not for all types of wind energy ranging from commercial wind farms to small wind turbines for domestic, farm or business renewable wind generation. The latter should be subject to normal planning considerations.</p>

Annex

BOX 4 referred to in Question 31a

Box 4: Proposed definition of affordable housing

Affordable housing: housing that is provided for sale or rent to those whose needs are not met by the market (this can include housing that provides a subsidised route to home ownership), and which meets the criteria for one of the models set out below.

Social rented and affordable rented housing: eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the Government's rent policy. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Starter homes is housing as defined in Sections 2 and 3 of the Housing and Planning Act 2016 and any subsequent secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute at the time of plan-preparation or decision-taking. Local planning authorities should also include income restrictions which limit a person's eligibility to purchase a starter home to those who have maximum household incomes of £80,000 a year or less (or £90,000 a year or less in Greater London).

Discounted market sales housing is housing that is sold at a discount of at least 20 per cent below local market value. Eligibility is determined with regard to local incomes and local house prices. It should include provisions to remain at a discount for future eligible households.

Affordable private rent housing is housing that is made available for rent at a level which is at least 20 per cent below local market rent. Eligibility is determined with regard to local incomes and local house prices. Provision should be made to ensure that affordable private rent housing remains available for rent at a discount for future eligible households or for alternative affordable housing provision to be made if the discount is withdrawn. Affordable private rented housing is particularly suited to the provision of affordable housing as part of Build to Rent Schemes.

Intermediate housing is discount market sales and affordable private rent housing and other housing that meets the following criteria: housing that is provided for sale and rent at a cost above social rent, but below market levels. Eligibility is determined with regard to local incomes and local house prices. It should also include provisions to remain at an affordable price for future eligible households or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement. These can include Shared Ownership, equity loans, other low cost homes for sale and intermediate rent (including Rent to Buy housing).

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Planning and Affordable Housing for Build to Rent

Response from Maldon District Council (MDC)

Q No.	Question	MDC Response
1	<p>Please provide your name and contact details in the box provided, and identify whether you are responding as (please tick one):</p> <ul style="list-style-type: none"> • A private individual? • On behalf of an organisation? 	On behalf of an organisation
2	<p>If you are responding as a private individual, please identify in what capacity you are replying and whether your main interest is as:</p> <ul style="list-style-type: none"> • A person living in private rented accommodation? • A person living in affordable housing? • A private landlord? • Other? (Please specify) 	Not applicable
3	<p>If you are responding on behalf of an organisation, please identify in what capacity you are replying and the main interest of your organisation (tick all that apply):</p> <ul style="list-style-type: none"> • An investor in Build to Rent schemes • A developer of Build to Rent homes • A lender to Build to Rent schemes • A supplier of management and/or other services to Build to Rent homes • Other private landlord • Social landlord (either Registered Provider or local authority) • A developer of other housing tenures besides Build to Rent 	Local authority

Q No.	Question	MDC Response
	<ul style="list-style-type: none"> • A trade or other representative body • Local authority • Other (please specify) 	
4	<p>Please specify the part(s) of England in which you live, or your organisation's activities (or members) are principally located (you may tick more than one):</p> <ul style="list-style-type: none"> • London • South East • East of England • South West • East Midlands • West Midlands • Yorkshire & Humber • North East • North West • Other (please specify) 	East of England
5	<p>Do you consider there are market and regulatory failures impeding the rapid development of the Build to Rent market that merit national policy intervention? Please add comments.</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>Market</p> <p>Benchmark land values are based upon more conventional forms of tenure and it is this rather than uncertainty of policy and lack of understanding that must be the main barrier. This is further frustrated by the proposal that the rents would be set at sub-market values which whilst welcome as a way of helping address rising housing costs, would also mean that as proposed the Rent to Build model would be financially less attractive than other property investments which are less restrictive and allow investors to realise their capital investment at any time.</p> <p>The restricted revenue compared with other options for investment, including conversion of commercial properties into residential apartments, combined with the longer-term rising costs of maintenance and risk of changing trends in the housing market, suggest that this may be suitable in some locations and at some periods but is unlikely to be accepted as a mainstream option for</p>

Q No.	Question	MDC Response
		<p>investment nationally.</p> <p>To be viable, the scale of development may be inappropriate to many existing local housing market areas and agree that this may be a product that is only feasible in areas where it would meet local housing need, and this coincides with sites becoming available, for example large scale regeneration in urban areas.</p> <p>Regulatory</p> <p>The concept of the private rented sector is well understood by most local authorities, with many seeing the growth in this sector more than offset the number of new homes developed for sale. The calculation of values is different but no more complex than values for other forms of affordable housing but as mentioned above, this may mean that some schemes would not be viable when compared against existing land values.</p> <p>A reasonable concern for local authorities is the difficulty assessing the need for this form of tenure; although it is very similar to existing affordable rent, it there would also need to be some ability to nominate or give priority to local people in housing need for this to have any strategic relevance.</p> <p>These fundamental issues are more likely to create barriers to the viability and understanding of Build to Rent than the perceived lack of familiarity.</p>
6	<p>Do you agree with the proposal to refer explicitly to Build to Rent in the National Planning Policy Framework?</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>If Build to Rent is to be attractive to investors, then it needs to be financially as attractive and provide investors secure returns that would match or better other sectors</p> <p>Build to Rent developers are at a disadvantage not because of a lack of understanding of the model but because it does not provide such a competitive return. The lack of build to rent homes to date has not affected or restricted the growth in the supply of Private Rented Sector (PRS)</p>

Q No.	Question	MDC Response
		<p>accommodation and inevitably the existing supply of homes will continue to be the main source of this tenure on the future and this should be recognised by the National Planning Policy Framework (NPPF), making clear that Build to Rent may be considered within the context of the local housing market and local need as identified in a Strategic Housing Market Assessment (SHMA) rather than something that has to be provided.</p> <p>The Government should look to the existing housing association model as the basis for this sector. If included within NPPF, it would be helpful if there could also be consideration given to how Build to Rent affordable rent compares to existing affordable rent provided by housing associations, with more consistency between rent control, right to buy, length of tenancy, regulation and governance of landlords, etc.</p>
7	<p>Do you think that Government should set a policy expectation on Affordable Private Rent in the National Planning Policy Framework, or not? (Please state your reasons).</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>No It is agreed that Affordable Private Rent would be a reasonable option in some Build to Rent developments, however, if by 'expectation' the Government are saying that Affordable Private Rent is an expectation in development, this may not always be feasible or viable for other types of development. There may be cases where a development is built to provide full market rent and as a consequence the local authority may need alternative forms of contributions towards meeting the need for affordable housing in that area. Ultimately it should remain a decision for the local authority based upon the evidence of local housing requirements in the area.</p>
8	<p>Will a policy expectation in the National Planning Policy Framework send a sufficiently strong signal to support Affordable Private Rent as the main vehicle for affordable housing in Build to Rent? (Please state your reasons)</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>Within the context of Build to Rent, but not necessarily as a replacement for other forms of affordable housing. As with some other aspects of the NPPF, there needs to be some flexibility where reasonable and the NPPF should not become national housing policy by default.</p>

Q No.	Question	MDC Response
9	<p>Do you consider that Affordable Private Rent could play a useful role in the delivery of affordable housing in the area(s) where you live or operate?</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>No</p> <p>As a small coastal / market town District it is unlikely that there would be the opportunity for the scale of development required to make this either feasible or desirable in Maldon. Although variety and choice in type and tenure is welcomed, the recent growth of PRS locally does not indicate that there are problems of supply that would justify either additional subsidy to make such developments viable nor the need to enable additional supply through new development.</p>
10	<p>Do you consider that the efficiencies arising through on-site provision of Affordable Private Rent can materially improve the viability of Build to Rent, compared to other affordable housing tenures?</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>Providing the build to rent across the development is retained by the same investor. But other affordable housing tenures such as Starter Homes, Homebuy and Rent to Buy could also improve the viability of Build to Rent.</p>
11	<p>Do you consider that there could be unintended consequences of Affordable Private Rent if it is accepted as a form of affordable housing?</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>Developers using offers from speculative investors to justify higher land values that then preclude other, more relevant types of tenure. Ultimately it may be in their longer term interest to the claim that development (and sites) are at a risk of being stalled to then lift the requirement to provide any meaningful contribution towards meeting local housing need. Affordable Rent mechanisms already exist for none build to rent schemes, and Affordable Private Rent should be restricted to Build to Rent schemes.</p>
12	<p>If your answer to Q11 is yes, would these consequences be mitigated by limiting Affordable Private Rent only to Build to Rent schemes?</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>There may be other opportunities for Affordable Private Rent but NPPF should make clear that this should be as identified and agreed by the local authority, not at the wish of the developer.</p>

Q No.	Question	MDC Response
13	<p>Do you think it is reasonable for Planning Authorities to specify minimum tenancy lengths in Build to Rent schemes? Please add your reasons, and give examples of such agreements where appropriate.</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>Not necessarily in every case but to enable this to be strategically relevant, a minimum of 3 years may be necessary in some cases, to prevent or relieve homelessness.</p> <p>It seems sensible to make these consistent with existing terms of affordable rent tenancies and offer tenants opportunities to renew. However, the local housing authority needs to ensure that it can manage the supply of housing and that a households have security of tenure to establish a home and ties to the locality.</p> <p>Other comments in the consultation about possibility of Build to Rent units being released if it becomes unviable to retain rented units in management, if for example a number are sold, may incline local authorities to seek longer tenancies or allow fixed term tenancies to convert to periodic tenancies to give residents more certainty.</p>
14	<p>Do you agree that Build to Rent tenancies should be for at least three years (with a one month break option for the tenant after the first six months), for all customers in the development who want one?</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>Subject to local authorities agreeing to a lesser period as an exception to national guidance and being able to agree a longer minimum period.</p> <p>If Build to rent is to offer a true alternative for buy-to-let, that results in less concealed households and greater certainty in the market, the Government should set the conditions and regulations in place that enable long term leases of a length similar to commercial leases – i.e. 25 years.</p> <p>This will also enable the local planning and housing authority to manage its supply of housing knowing, as it does with private sales, that a household has long term security – subject to lease obligations being met – and reducing the likelihood of homelessness and fluctuations in the property market due to short term leases.</p>

Q No.	Question	MDC Response
15	<p>Does the definition of Build to Rent set out on page 20 capture all of the appropriate elements? (If not, please state why, and what criteria should apply).</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>There should be a minimum size for Build to Rent schemes and agree that the proposed 50 units may be appropriate. This would reduce risks and delays that may arise from developers of smaller schemes seeking to use amendments to NPPF to impose private build to rent on local authorities as an alternative form of affordable housing when it may not be suitable, making clear that this is only intended to be for larger developments where there is economy of scale in providing management of the units. The percentage level of Affordable Private Rent should be the same as normal affordable housing policies.</p>
16	<p>Do you agree that the National Planning Policy Framework should put beyond doubt that Affordable Private Rent qualifies as affordable housing in Build to Rent schemes? (If not, please state why).</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>Subject to making clear that this only applies to schemes of a certain scale and that NPPF is not extending this to any other type of development, and the caveats in this response.</p>
17	<p>Do you agree with the proposed definition of Affordable Private Rent set out on page 21? (If not, please state why, and what criteria should apply).</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>No</p> <p>As with existing Affordable Rent definition, the cost should also include service charges and clearly state that the rent should be no more than 80% of local market rent. The rental value should be based on £ per sqm. Rent by unit value could lead to landlords reducing the size of units to 80% of market rented units, offering no real terms discount, and therefore, not falling within the Governments intended policy.</p> <p>Criteria for eligibility should reference local connection to the area.</p>
18	<p>The Government intends to set the parameters of Affordable Private Rent as:</p> <ul style="list-style-type: none"> • a minimum of 20 per cent of the homes to be 	<p>Insufficient.</p> <ul style="list-style-type: none"> • First bullet point: The proportion of discounted homes should in

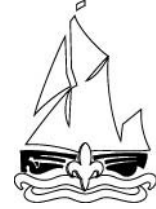
Q No.	Question	MDC Response
	<p>discounted;</p> <ul style="list-style-type: none"> the discount to be set at minimum of 20 per cent relative to the local market; an offer of longer tenancies of three years or more; the discount to apply indefinitely (subject to a “claw-back” arrangement if Affordable Private Rent homes are withdrawn). <p>Taken as a whole, are these parameters: (i) reasonable; (ii) too onerous; (iii) insufficient? Which, if any of them, would you change and why?</p> <ul style="list-style-type: none"> Reasonable Too onerous Insufficient Don't know 	<p>principle be the same as the local authority's policy requirement, if this is not viable then it can be negotiated as at present with other affordable tenure. This would give more assurance that financial viability will be considered and understood at a local level and enable consideration of the ability to flex, agree nominations, management requirements and so forth.</p> <ul style="list-style-type: none"> Second bullet point: It is unclear whether or not this is the average local rent level or 80% of a like-for-like comparison? If the latter then this will be a disincentive to potential tenants and falsely inflate the value of the units. The cost should also include service charges, making it consistent with existing Affordable Rent. The rental value should be based on £ per sqm. Rent by unit value could lead to landlords reducing the size of units to 80% of market rented units, offering no real terms discount, and therefore, not falling within the Government's intended policy. Third bullet point: This should be a common expectation but as with the proportion, it may be subject to local agreement. Agree that there should be a claw-back (see Q22 below). <p>It is suggested that the parameters are redefined as:</p> <ul style="list-style-type: none"> the minimum number of homes to be Affordable Private Rented is aligned with local affordable housing planning policies in adopted Local Plans; the discount to be set at minimum of 20 per cent relative to the local market based on £ per sqm; tenancies of a minimum of three years, subject to agreement with the local authority; the discount to apply indefinitely (but any cessation being subject to a “claw-back” arrangement if Affordable Private Rent homes are withdrawn).

Q No.	Question	MDC Response
19	<p>Should the parameters for Affordable Private Rent appear on the face of the National Planning Policy Framework or within Planning Practice Guidance?</p> <ul style="list-style-type: none"> • National Planning Policy Framework • Guidance • Not helpful to specify parameters • Don't know 	<p>National Planning Policy Framework</p> <p>The parameters should be added to the definition of Affordable Housing in the NPPF to ensure that it has the same status as other forms of affordable housing. Making clear that this tenure would only apply in particular circumstances, i.e. larger developments of similar homes provided within apartment type developments. There is no reason why existing affordable tenure should not still be used for developments of mixed type especially houses.</p>
20	<p>The Government is minded to leave determination of eligibility and nomination criteria for Affordable Private Rent to negotiation between the developer and the local authority. Do you support this position? Will it affect take-up of the policy? Please give your reasons.</p> <ul style="list-style-type: none"> • Support position • Do not support position • Will affect policy take-up • Will not affect policy take-up • Don't know 	<p>Support Position</p> <p>The government should make it clear in national policy that eligibility and nomination rights are based upon the expectation that homes will be provided to meet local demand (rather than add to future need). This may help local authorities make best use of Build to Rent but may also create delays to negotiations.</p> <p>It is therefore likely to improve the adoption of this policy initially but at a cost of possible delays throughout the lifetime of the development unless local authorities make clear their expectations at an early stage.</p>
21	<p>The Government considers there is no need for a fixed minimum covenant period, so long as appropriate claw-back arrangements are provided for. Do you agree?</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>No</p> <p>The impact of terminating a large number of tenancies will have an impact in areas of high housing need, bearing in mind the main cause of homelessness is Section 21 notices.</p> <p>Although the lack of a fixed term covenant would give more flexibility to investors, it would also make it much harder to objectively assess and agree values when considering financial viability.</p>

Q No.	Question	MDC Response
22	<p>Do you think Government should (a) prescribe the basis for calculating the amount of claw-back, (b) set a possible basis for calculating the amount of claw-back in guidance, or (c) leave the amount of claw-back to be agreed between the local authority and the applicant?</p> <ul style="list-style-type: none"> • (a) • (b) • (c) • Don't know 	<p>(c)</p> <p>The cost of a claw-back is a fundamental aspect of assessing the financial viability and therefore linked to site specific and other local issues. Local authorities should be able to seek a more flexible approach, allowing for example an opportunity to purchase or seek interest from other possible owners as is often the case with mortgagee in possession clauses in s106 agreements or disposal of other types of affordable housing.</p>
23	<p>Should the Government's Build to Rent and Affordable Private Rent policy be identical across the whole of England or does it need to be set differently between London and the rest of England? If it should be set differently, please use the comments box to tell us how and why the policy should vary in London from the rest of England.</p> <ul style="list-style-type: none"> • Identical across the whole of England • Different for London • Don't know 	<p>Identical across the whole of England</p> <p>The housing market in London has a different dynamic to rural areas, such as Maldon. It must be recognised that land prices and demand for housing in London is different and this impacts on the housing market and viability. However, as outlined in this response, the Government needs to provide a national framework, which the NPPF does, that local authorities can work within but with sufficient flexibility to on certain matters to take account of local and unique circumstances.</p>
24	<p>Would it be helpful for Government to produce model clauses (which would not be mandatory) that could be used in Section 106 agreements to give effect to Affordable Private Rent?</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>Yes</p> <p>But make clear that this is only for information and not to be taken as official guidance.</p>
25	<p>Is a transitional period of six months appropriate for the introduction of the policy? (If not, why not?)</p> <ul style="list-style-type: none"> • Yes • No • Don't know 	<p>No</p> <p>Larger schemes and regeneration usually take several years, suggest 12 months would be more reasonable, allowing all parties to clarify details of Build to Rent in practice and ensure that all parties have an understanding of relevant issues, especially relevant where sites are being promoted by agents.</p>

Q No.	Question	MDC Response
26	<p>Does the summary Equalities Statement in Annex A represent a fair assessment of the equalities impacts of the policy proposals in this consultation? Please provide any further evidence on this issue, including how any negative impacts might be minimised and positive impacts enhanced.</p> <ul style="list-style-type: none"> • Yes, a fair assessment • No, not a fair assessment • Don't know 	<p>Yes</p> <p>Given the stage that this policy has reached. Further detailed assessments should be undertaken as the detail emerges. Without doing so, there is a risk that the detail could negatively impact on particular groups.</p>

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REPORT of CHIEF EXECUTIVE

**to
PLANNING AND LICENSING COMMITTEE
25 APRIL 2017**

BURNHAM-ON-CROUCH NEIGHBOURHOOD PLAN

1. PURPOSE OF THE REPORT

- 1.1 This report presents the findings of the Examiner's Report on the Burnham-on-Crouch Neighbourhood Plan, which have been received. The Examiner recommends proceeding to Referendum within the Neighbourhood Area if recommended modifications are made to the Plan. This requires approval by the Council.

2. RECOMMENDATIONS

To the Council

- (i) That the proposed changes to the Burnham-on-Crouch Neighbourhood Plan as set out in the Examiner's Report and **APPENDIX A** to this report are endorsed for approval by the Council;
- (ii) That the Burnham-on-Crouch Neighbourhood Plan as modified goes forward to Referendum within the Neighbourhood Area.

3. SUMMARY OF KEY ISSUES

3.1 Consultation on the submitted Plan

- 3.1.1 The Burnham-on-Crouch Neighbourhood Plan was submitted for examination on 18 October 2016, following which Maldon District Council held a six week public consultation on the Plan. (the original submitted Neighbourhood Plan is available at: https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/5)

- 3.1.2 The Plan and its supporting documents were made available to the public and consultation bodies via:

- Maldon District Council website;
- Maldon District Council offices;
- Burnham-on-Crouch Town Council offices and website;
- Burnham-on-Crouch Library.

3.1.3 All of those consultation bodies listed within Burnham-on-Crouch Town Council's Consultation Statement (a supporting document to the Neighbourhood Plan) were notified of the publication, as were residents who had responded to the consultation on the draft Plan. In addition, a public notice was placed in the Maldon and Burnham Standard and posted on local notice boards and on the Burnham-on-Crouch Town Council website.

3.1.4 During the six week consultation period, 21 individuals and organisations made representations on the Plan. These representations were collated for submission, along with the Neighbourhood Plan and supporting information, to an Independent Examiner for the purposes of an Examination to consider the suitability of the Plan.

3.2 The Examination

3.2.1 In choosing an Independent Examiner, a local planning authority must appoint someone who:

- is independent of the parish / town council;
- has no interest in any land that may be affected by the draft plan; and
- has appropriate qualifications and experience.

3.2.2 The Examiner, Mr Andrew Ashcroft, appointed by Maldon District Council, in liaison with Burnham-on-Crouch Town Council, was sent a copy of the published Neighbourhood Plan and supporting documents, as well as copies of each of the representations received.

3.2.3 Legislation directs that an Examiner must only consider:

- (a) whether the draft plan meets the 'basic conditions' of a Neighbourhood Development Plan;
- (b) whether the draft plan complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by such a plan;
- (c) whether the area for referendum should extend beyond the neighbourhood area; and
- (d) whether the draft plan is compatible with the Convention rights.

3.2.4 The Examination was conducted via written representations. The Examiner decides whether a public hearing is held for a Neighbourhood Plan Examinations. In this case, the Examiner decided that a public hearing would not be required, in part due to the detailed representations made during the consultation.

3.2.5 Throughout the Examination, the Examiner kept both Councils informed of his approach to Examining the Plan. For example, he provided draft copies of a small number of policies that he was proposing to amend significantly, to enable both Councils to review and comment on the proposed changes. The Examiner's Report, detailing recommendations was received on 22 March 2017.

3.3 The Examiner's recommendations

- 3.3.1 The Examiner has recommended that, subject to modifications, the Neighbourhood Plan meets the basic conditions and other statutory requirements, and that it can proceed to a Referendum within the Neighbourhood Area.
- 3.3.2 The Examiner has made changes to ensure that the Plan meets the basic conditions, which are:
- The Plan has regard to national planning policies and guidance,
 - The Plan contributes to sustainable development,
 - The Plan is in general conformity with the development plan, and
 - The Plan is compatible with European Convention on Human Rights (ECHR) obligations.
- 3.3.3 The Examiner's Report is written very positively, even though it recommends a large number of changes to the Plan. Some of these recommendations involve simple additions or minor amendments to the general wording within the Neighbourhood Plan document. However, there are a number of recommended modifications to policies that are quite extensive, including the amalgamation and deletion of some policies. In most cases, where a policy has been deleted or substantially amended, the original wording has been incorporated into the supporting text. Where policies were not land-use policies, these have been retained in the Plan but will be presented in a different colour to differentiate them from the main policies in the Referendum version of the Plan.
- 3.3.4 The recommended modifications and Maldon District Council's Officers' responses are set out in **APPENDIX A** 'Summary of Recommendations'.

3.4 Basic Conditions

- 3.4.1 In considering the Examiner's recommendations, the Council needs to decide whether or not the Plan, as modified, meets the Basic Conditions (listed in paragraph 3.3.2 above) and ensure it is compatible with Convention Rights. Officers are satisfied that the Neighbourhood Plan, as modified, does comply with the legal requirements and can, therefore, proceed to Referendum.

3.5 Burnham-on-Crouch Town Council's comments on the Examiner's Recommendations

- 3.5.1 A meeting to discuss the Examiner's recommendations was arranged for 6 April, between Ward Members, Officers and the Town Council.
- 3.5.2 Burnham-on-Crouch Town Council will formally consider the Examiner's recommendations on 12 April 2017. As the agenda for the Planning and Licensing Committee is being published before Easter, the views of the Town Council will not be known until after the agenda is published. The Town Council's views will be circulated as a supplementary document to this report and will be reported orally to the Planning and Licensing Committee.

3.6 Proposed Action

- 3.6.1 Planning legislation states that once a local planning authority has been issued with an Examiner's report, then it must consider the recommendations. If the authority is satisfied with the Examiner's recommendations then the specified modifications should be made before the Plan proceeds to Referendum. The Council may also decide to extend the area in which the Referendum is to take place, should it wish.
- 3.6.2 The Council could decide that it is not satisfied with the Plan proposal, with respect to meeting the basic conditions, compatibility with Convention Rights and the definition and provisions of the Neighbourhood Plan, even if modified. If so, then it must refuse the Plan proposal and publicise its decision and reasons. If the Council does not support the Plan to Referendum then the Council must have sound reasons for doing so.
- 3.6.3 If the Council is satisfied that the Plan meets the basic conditions, then it will need to publicise its decision (a Decision Statement) and move to a Referendum as soon as possible.
- 3.6.4 It is not within the remit of the Planning and Licensing Committee to approve the Neighbourhood Plan, but to recommend to full Council that the Examiner's report is accepted, subject to the minor amendments set out in **APPENDIX A** of this report. This will allow the Burnham-on-Crouch Neighbourhood Plan to proceed to Referendum within the defined Neighbourhood Area.
- 3.6.5 At this stage, the modifications the Council can make are limited to:
- Ensuring the Plan meets the basic conditions;
 - To make the Plan compatible with Convention Rights;
 - To correct errors.
- 3.6.6 In the Summary of Recommendations (at **APPENDIX A**) Officers propose a small number of minor modifications to correct errors.
- 3.6.7 However, should the Council propose to make a decision that differs from the Examiner's recommendations (if the reason for the difference is wholly or partly as a result of new evidence, or a new fact, or a different view taken by the authority about a particular fact) then the Council:
- is required to notify all those identified in the consultation statement about this position and invite representations (a 6 week consultation period);
 - may refer the issue to an Independent Examination if they think it appropriate.
- 3.6.8 In this instance, and after consideration of the Examiner's conclusions and a review of the options, it is recommended that subject to the minor modifications to correct errors, all the Examiner's recommended modifications are accepted.
- 3.6.9 Should the Examiner's recommendations be met with approval by Council, a Decision Statement will be published on the Council's website. The Decision Statement details:

- what action the Council will take in response to the Examiner's recommendations;
 - what modifications, if any, the Council will make to the draft plan;
 - Whether to extend the area to which the Referendum is to take place;
 - The reasons for these decisions.
- 3.7 The Council will then prepare and publish the statutory Information Statement and the Referendum version of the Neighbourhood Plan, giving at least 28 working days' notice of the Referendum. Following which the statutory processes for the Referendum will be actioned.
- 3.8 It is anticipated that a Referendum could be held on 13 July 2017.
- 3.9 If more than half of the people who vote in the Referendum vote in favour of the Neighbourhood Plan then the Neighbourhood Plan must be 'made' by Maldon District Council within eight weeks of the Referendum. The Neighbourhood Plan then becomes part of the Council's development plan. This could occur at the Council meeting on 7 August 2017.

4. CONCLUSION

- 4.1 The Burnham-on-Crouch Neighbourhood Plan has been in gestation for four years. Its preparation has taken considerable dedication and perseverance from the local community. This was recognised by the Examiner, who commented that the Plan *'is thorough and distinctive to the Plan area. The wider community and the Town Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan'*.
- 4.2 The Plan has now been successfully Examined. The Examiner's report is both thorough and comprehensive. Although he recommends a number of changes, his aim has been to retain *'its focus is on promoting sustainable growth, safeguarding its distinctiveness and extending its promotion of the town as a visitor and tourist centre based on its position on the River Crouch'*. He concludes that the Plan meets the Basic Conditions, subject to the recommended modifications being made.
- 4.3 If the Council agrees with the Examiner's recommendations, the Plan can proceed to Referendum.

5. IMPACT ON CORPORATE GOALS

- 5.1 Neighbourhood planning has the potential to support the following corporate goals which underpin the Council's vision for the District:
- Strengthening communities to be safe, active and healthy;
 - Protecting and shaping the District;
 - Creating opportunities for economic growth and prosperity

6. IMPLICATIONS

- (i) **Impact on Customers** – Neighbourhood Planning gives communities the opportunity to directly plan the future of their area.
- (ii) **Impact on Equalities** – Neighbourhood Planning has the potential to identify and manage local equalities issues and must be prepared taking into account relevant equalities legislation.
- (iii) **Impact on Risk** – Neighbourhood Plans can reduce risk in the development management process by providing support for the Council in determining planning applications and defending planning appeals.
- (iv) **Impact on Resources (financial)** – Actions required to ensure that the timescales prescribed by Regulation are met could impact on existing Council resources, and could potentially divert resources away from other tasks and responsibilities. Once the date of the referendum is set, the Council can apply for a grant from the Department for Communities and Local Government (DCLG) which will help to defray the costs of the Examination and Referendum.
- (v) **Impact on Resources (human)** – Neighbourhood Plans provide opportunities for greater local involvement of residents in the planning of their area. They provide development opportunities for staff to foster partnerships between the Council and those local communities.
- (vi) **Impact on the Environment** – Neighbourhood Plans have the potential to improve the local environment where plans are being produced.

Background Papers:

1. Burnham-on-Crouch Neighbourhood Plan Examiners Report
2. Burnham-on-Crouch Neighbourhood Plan Equality Analysis

Both are available at:

https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans

Enquiries to: Leonie Alpin, Planning Policy Officer, (Tel: 01621 875278).

APPENDIX 1: SUMMARY OF RECOMMENDATIONS

Burnham-on-Crouch Neighbourhood Plan Examiner's Recommendations

Key:

Text in bold indicates new text: **new**Text struck through indicates deleted text: ~~deleted~~

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	Rename Statement of Community Involvement to Consultation Statement	To correct an error	Agree – to correct an error
	Land use and non-land use policies to be clearly distinguished	To provide clarity	Agree - to provide clarity the non-land use planning policies will be shown in a different colour to the land use planning policies
1.5	<p>Insert the following supporting text at the end of 1.5:</p> <p>National planning policy indicates that policies in neighbourhood plans should be land use based. It is on this basis that these policies will sit with the Maldon Local Development Plan as part of the development plan for planning purposes. National policy anticipates that neighbourhood planning groups will generate a series of non-land use policies and proposals. This is the case in this Plan. Whilst they sit within the main body of the Plan they are shown in (insert colour) shading. This distinguishes them from the main land use policies (shown in blue).</p>	<p>Whilst their contents will be important to the future of the town, these policies are non-land use proposals and projects. In accordance with government policy they need to be distinguished from the land use policies elsewhere in the Plan.</p> <p>Given both the significance and the number of these proposals I am satisfied that they remain within the order in which they sit in the submitted Plan. Nevertheless, I recommend that they are shown in a different colour to that used for the land use policies.</p> <p>In addition, I recommend that a further paragraph is added to the introduction of the Plan to highlight this matter.</p>	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
S1	<p>Reposition the policy into the supporting text at the end of Section 3 and with the following modifications:</p> <p>The Maldon District Council Emerging Local Development Plan (2014-2029) provides the evidence base to support an objectively assessed housing need to deliver a target minimum of 4,650 dwellings within the District over the plan period of 2014-2029 at a rate of 310 dwellings per annum.</p> <p>As one of the three main settlements of the District, Burnham-on-Crouch is a sustainable settlement which has a specific role in delivering strategic growth in order to meet the needs of the local population. However, strategic growth in Burnham-on-Crouch has a target will deliver a minimum of 450 dwellings, with any development above this figure needing to resolve infrastructure capacity issues, particularly with regard to education, health, sewerage and SuDS.</p> <p>Further detail as to the development of the strategic sites in Burnham-on-Crouch is given in Policy S6 of the Maldon District Council Emerging Local Development Plan (2014-2029).</p> <p>Replace policy S1</p> <p>Policy S1 – Strategic housing growth</p> <p>The Maldon District Council Emerging Local Development Plan (2014-2029) provides the evidence base to support an objectively assessed housing need to deliver a target of 4,650 dwellings within the District over the plan period of 2014-2029 at a rate of 310 dwellings per annum.</p> <p>As one of the three main settlements of the District, Burnham-on-Crouch is a sustainable settlement which has a specific role in delivering strategic growth in order to meet the needs of the local population. However, strategic growth in Burnham-on-Crouch has a target of 450 dwellings, with any development above this figure needing to resolve infrastructure capacity issues, particularly with regard to education, health, sewerage and SuDS.</p>	<p>I recommend a series of detailed modifications that take account of factual matters that were published in the Main Modifications to the Local Development Plan during this examination. They refer specifically to housing site's anticipated build trajectories</p> <p>I also recommend a modification so that the policy requires the delivery of a minimum level of housing. This matter has been properly raised by several developers. The modification will ensure that the Plan meets the basic condition of having regard to national planning policy on boosting the supply of housing (National Planning Policy Framework (NPPF) paragraphs 47-50).</p> <p>In terms of the details of the policy its wording in the submitted Plan is narrative largely setting out the relationship between the two plans. I recommend modifications both to the policy and to the text to address this matter and to provide clarity and certainty to the decision-maker.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Further detail as to the development of the strategic sites in Burnham-on-Crouch is given in Policy S6 of the Maldon District Council Emerging Local Development Plan (2014-2029).</p> <p>Within the Plan period a minimum of 450 dwellings will be provided.</p> <p>These dwellings will be provided through both the development of the strategic housing sites shown in table 1 and figure 4 and on other windfall sites.</p> <p>Proposals for the residential development of the following three strategic sites will be supported within the context of site specific policies set out in policies H.7, H.8 and H.9 of this Plan:</p> <ul style="list-style-type: none"> • Land west of Burnham on Crouch (Policy HO.7) • Land north of Burnham-on-Crouch (West) (Policy HO.8) • Land north of Burnham-on-Crouch (East) (Policy H).9) 		

Modify the left-hand reference number and the year 0-5, 6-10 and 11-15 trajectories in the table at the top of page 20 to reflect the figures indicated in the Main Modifications to the Local Plan and give it a table number (to cross refer to the modified policy).

Table 1: Housing trajectory for the strategic sites allocated in policy S1

Ref.	Source of supply (1)	Total	Year 1-5	Year 6-10	Year 11-15
			2014/15 – 2018/19	2019/20 – 2023/24	2024/25- 2028/29
	Burnham-on-Crouch Strategic Sites				0
S2(i)	West of Burnham-on-Crouch	180	138	42	0
S2(j)	North of Burnham-on-Crouch (West)	180	123	57	0
S2(k)	North of Burnham-on-Crouch (East)	90	0	90	0
	Total	450	261	189	0

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
S2	<p>Reposition the policy into the supporting text at the end of Section 3 and with the following modifications: Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) and the Employment Land Study 2015 state that there is a need to supply a total of 2,200 jobs within a minimum of 2000 new jobs will be created in the District, amounting to a total District provision of 11.4 ha of B1, and B2 and B8 employment space during 2014-2029. As one of the main settlements, Burnham-on-Crouch plays a role in the provision of strategic employment sites. Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) states the following existing designated employment sites in Burnham-on-Crouch which are reserved for employment development:</p> <ul style="list-style-type: none"> • E1 (b) Burnham Business Park; • E1 (j) Springfield Industrial Estate <p>Replace Policy</p> <p>Policy S2 – Strategic Employment Growth Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) and the Employment Land Study 2015 state that there is a need to supply a total of 2,200 jobs within the District, amounting to a total District provision of 11ha of B1 and B2 employment space during 2014-2029. As one of the main settlements, Burnham-on-Crouch plays a role in the provision of strategic employment sites. Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) states the following existing designated employment sites in Burnham-on-Crouch which are reserved for employment development:</p> <ul style="list-style-type: none"> • E1 (b) Burnham Business Park; • E1 (j) Springfield Industrial Estate <p>Proposals for the development of the extension to Burnham Business Park (E2(p)) for employment uses (Class B1, B2 and B8) as shown on figure 4 will be supported.</p>	<p>I recommend a series of detailed modifications that take account of factual matters that were published in the Main Modifications to the Local Development Plan during this examination. They refer specifically to overall amount of employment land required in the wider District, to a change in policy numbering to an extended range of uses and to a revised site area to the extension to Burnham Business Park. The first three of these three points are as follows:</p> <ul style="list-style-type: none"> • Overall District requirement 11.4 ha rather than 11.0 ha • Policy number E1p rather than E1q • Site E1p B1, B2 and B8 <p>I recommend modifications accordingly.</p> <p>As I have already commented in relation to Policy S1 this policy in the submitted Plan its narrative largely setting out the relationship between the two plans. I recommend modifications to address this matter and to provide clarity and certainty to the decision maker.</p>	<p>Agree – in general.</p> <p>Proposed amendment to Examiner's recommendation to correct an error, as the current wording could be misleading. The changes make it clear that the new jobs will be created throughout the District, not just on the new 11.4ha employment allocations. (proposed changes shown in italics):</p> <p>...a minimum of 2000 new jobs will be created in the District, amounting to a total District provision including allocations of 11.4 ha new employment land for of B1, and B2 and B8 employment space uses during 2014-2029...</p> <p>To correct an error - in policy S2 – replace E2(p) with E1(p)</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason								
	<p>Table 2: Extension to Burnham Business Park as allocated in policy S2</p> <table border="1"> <tr> <th>Ref</th><th>Site</th><th>Appropriate uses</th><th>Size</th></tr> <tr> <td>E1(p)</td><td>Extension to Burnham Business Park</td><td>B1, B2, B8</td><td>3.4ha</td></tr> </table>	Ref	Site	Appropriate uses	Size	E1(p)	Extension to Burnham Business Park	B1, B2, B8	3.4ha		
Ref	Site	Appropriate uses	Size								
E1(p)	Extension to Burnham Business Park	B1, B2, B8	3.4ha								
CS1	<p>Replace part of policy</p> <p>CS1a Community Assets and Services Support community groups in the Town such as the sea scouts, youth groups, and elderly organisations with access to facilities. (non-land use policy formatting)</p> <p>CS1b Protect existing community assets such as the cinema, the clock tower, halls, the weekly Tuesday High Street Market, the monthly Sunday Farmers Market and the Annual Art Trail and many more (as shown in the Town Guide).</p> <p>The following community uses and buildings will be safeguarded for community use:</p> <ul style="list-style-type: none"> • The clock tower; • The cinema • The market <p>Proposals for the change of use to non-community uses will not be supported unless:</p> <ul style="list-style-type: none"> • Alternative community facilities are provided within the locality as part of the planning application concerned; or • It can be clearly demonstrated that the community building concerned is no longer financially viable 	<p>This policy has two separate parts. The first sets out to support community groups such as the sea scouts and the youth club. It is not a land use matter that can be controlled through the planning system. I recommend a modification so that this element of this policy is identified as an aspirational non-land use proposal.</p> <p>I recommend that the second part of the policy is modified to ensure that it safeguards community buildings and community land uses. This approach would reflect the control that the planning system can exert over such buildings and uses. As part of the modification I recommend that a degree of flexibility is introduced into the approach, especially when improved or relocated facilities may arise as a direct outcome of any such planning applications. It also reflects that some community buildings or uses may become economically unviable during the Plan period.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>								

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Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
CS2	<p>Policy CS.2 – Community Facilities</p> <p>Community facilities should only be provided where a need is identified in relation to proposals for new housing development in accordance with Maldon District Council standards at the time. Community facilities should be provided or improved either within the town in general or on the site concerned, including the three strategic sites identifies in policy S1. The improvement of existing facilities in the Town would be preferred to new facilities in peripheral locations.</p>	<p>I recommend a modification to this policy to ensure that it meets the basic conditions with regards to national and local planning policy. I also recommend that the policy establishes the scale of the contribution by reference to the most up to date Maldon District Council (MDC) standards.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS3	<p>Replace policy</p> <p>Policy CS.3 – New Sports and Amenity Space</p> <p>Burnham-on-Crouch Town Council will support investment in new and existing sports and leisure facilities within the Town</p> <p>Proposals for investment and improvements in new and existing sports and leisure facilities in the town will be supported.</p>	<p>I recommend a modification to ensure that the policy is more inclusive. As drafted the support is from the Town Council rather than as part of the development plan as a whole</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS4	<p>Insert the following text immediately before the policy:</p> <p>This should be of an appropriate size to meet the needs of the existing residents and the needs of any planned new homes. Facilities could include play equipment, designated dog exercising areas, quiet areas and a nature trail.</p> <p>Replace policy</p> <p>Policy CS.4 – Amenity Space Provision in the North of the Town</p> <p>A new amenity space should be provided adjacent to the Parish Church of St. Mary the Virgin, designed to enhance the setting of the listed building. This should be of an appropriate size to meet the needs of the existing residents and the needs of any planned new homes. Facilities could include play equipment, designated dog exercising areas, quiet areas and a nature trail. The design and layout of the new amenity space should respect the setting of both the Parish Church of St. Mary the Virgin (Grade II*) and Burnham</p>	<p>The policy addresses a variety of factors. They would be clearer to the decision maker if they were set out as criteria in the policy.</p> <p>Some elements of the policy are supporting text rather than policy. I recommend the second sentence is placed in the supporting text.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Hall (Grade II)</p> <p>Proposals for amenity space adjacent to St Mary's Church will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • The amenity space should respect the setting of the listed church building; • The amenity space should respect the setting of Burnham Hall; and • The facilities included in the amenity space should address the recreational needs of households in the immediate vicinity of the site. 		
CS5	<p>Insert the following supporting text before the policy: Allotments in the Town are a valued and well-used resource. Policy CS5 safeguards existing allotments. This will be a key component of delivering the community infrastructure key principle as set out in Section 2 of the Plan</p> <p>Replace policy</p> <p>Policy CS.5 – Allotments The allotments in the Town are a valued and well-used resource. The area to the south, SN38, has been allocated as an area of semi-natural open space in the Maldon District Council Emerging Local Development Plan (2014-2029). Burnham Town Council supports that all viable allotment land be safeguarded for that use in perpetuity.</p> <p>Existing areas of allotments in the Town will be safeguarded. Proposals for built development on allotments will not be supported.</p>	<p>The reference to site SN38 has now been removed in line with the LDP Post-Examination Modifications.</p> <p>The policy as drafted is part policy and part supporting text. I recommend that the policy is replaced with a modified policy and that the elements of the supporting text sit before the policy</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS6	<p>Replace policy</p> <p>Policy CS.6 – St. Mary's Primary School St Mary's Primary School could increase its permanent capacity by replacing a temporary classroom if required and developer</p>	<p>The reference to the option of taking children to Southminster by a school bus service is not directly a land use issue. On this basis, I recommend that it is removed from the policy.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

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Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>contributions will be expected to meet this, in preference to bussing 'excess' pupils to Southminster</p> <p>Proposals to extend St Mary's Primary School to replace temporary classrooms will be supported.</p>		
CS7	<p>Policy CS.7 – Early Years Facilities New early years care facilities should be provided in accessible locations, within the town centre, adjacent to existing schools, or, where appropriate, located adjacent to new housing or employment development.</p>	<p>Representations highlight that there is a positive recognition amongst the development community on this matter. It has been suggested that there would be merit in locating such facilities close to employment as well as housing development. This approach reflects the requirement to drive sustainable development through its three separate dimensions and I recommend accordingly.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS8, CS8.1, CS8.2	<p>Insert the following supporting text before the policy: The area around the Station and Foundry Lane is an important gateway into the town centre in general terms and for rail users in particular. Whilst the station itself is well-maintained its extensive car park is underused and it is dominated by the industrial premises off Foundry Lane to the south. In addition its relationship with the adjacent Co-op store is poor. There are significant opportunities to improve the public realm in this part of the town and to secure improved circulation between the station and the supermarket. This will involve negotiation with various stakeholders and will be subject to the legal provisions surrounding the rail franchise; ideally, Burnham Town Council may be able to secure operational control of the station car park</p> <p>Policy CS.8 also supports the development of new retail, residential and office accommodation adjacent to the railway station. There is a significant opportunity to bring forward brownfield development in a highly sustainable location. Burnham Town Council would support the enhancement of this location to provide sheltered accommodation for the elderly, close to shops, the doctors' surgery and the railway</p>	<p>I recommend a series of policy and supporting text modifications to these policies (CS8, CS8.1, CS8.2). In particular, I recommend that the policies are combined into a single policy. This will bring clarity to land owners, investors and decision-makers alike. The modifications also take account of the inherent limitations of the planning system. Issues around the under use of the station car park, its charging regime and the potential for the Town Council to secure operational control over the car park are not land use matters</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendment to correct an error – in policy CS.8, first bullet point, replace Foundry Road with Foundry Lane</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>station (see Figure 7, illustrating the policy area labelled 'secondary area').</p> <p>Replace policies</p> <p>Policy CS.8 - Station and Foundry Lane Areas The size and setting of the station car park should be re-assessed with a view to:</p> <ul style="list-style-type: none"> (a) ensuring that there is more intensive use of the area provided for car parking, (b) releasing land for use in accordance with policy CS.8.2 below, and (c) facilitating appropriate landscaping and public realm improvements to secure better and safer circulation between the station and the supermarket. This will involve negotiation with various stakeholders and will be subject to the legal provisions surrounding the rail franchise; ideally, Burnham Town Council may be able to secure operational control of the station car park. <p>Policy CS.8.1 Support planning permission for improvements to the frontage and smaller shop units for Station Road and Foundry Lane and throughout the High Street.</p> <p>Policy CS.8.2 New retail, residential and office units should be provided by the station as and when the opportunity arises. Burnham Town Council would support the enhancement of this location to provide sheltered accommodation for the elderly, close to shops, the doctors' surgery and the railway station (see Figure 7, illustrating the policy area labelled 'secondary area').</p> <p>Proposals to rationalise the area around the railway station and Foundry Lane to create a more attractive gateway to the town will be supported.</p> <p>Particular support will be given to proposals that deliver some</p>		

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>or all of the following:</p> <ul style="list-style-type: none"> • Physical improvements to the frontages of buildings in Foundry Road; • The development of retail, residential and office units adjacent to the railway station; and • The implementation of landscaping and public realm improvements that would deliver better and safer circulation¹⁶⁵ between the railway station and the supermarket. 		
Physical Infrastructure policies	<p>Insert the following supporting text at the end of 1.5: National planning policy indicates that policies in neighbourhood plans should be land use based. It is on this basis that these policies will sit with the Maldon Local Development Plan as part of the development plan for planning purposes. National policy anticipates that neighbourhood planning groups will generate a series of non-land use policies and proposals. This is the case in this Plan. Whilst they sit within the main body of the Plan they are shown in (insert colour) shading. This distinguishes them from the main land use policies (shown in blue).</p> <p>Insert an additional paragraph before section 5.1 to read: The highways proposals listed in Policies PI. 1-12 are currently unfunded. They may be suitable for consideration for funding under the Maldon Local Highways Funding Panel process.</p> <p>Highway Proposals Policies PI 1-5 Road Access Proposals Policies PI 6-9 Pedestrian/Cycle Friendly Proposals Policies PI 10 -12 Improved Bus and Rail Services Policies 13 and 15 Railway Station Key Zone Policy 16 (non-land use policy formatting)</p>	<p>Whilst their contents will be important to the future of the town, these policies are non-land use proposals and projects. In accordance with government policy they need to be distinguished from the land use policies elsewhere in the Plan.</p> <p>Given both the significance and the number of these proposals I am satisfied that they remain within the order in which they sit in the submitted Plan. Nevertheless, I recommend that they are shown in a different colour to that used for the land use policies.</p> <p>In addition, I recommend that a further paragraph is added to the introduction of the Plan to highlight this matter.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

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Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
PI 10	<p>Replace part of policy</p> <p>Policy PI.10a Safe Cycle & Pedestrian Routes Plan, build and highlight clearly signposted, direct and safe cycle and pedestrian routes into the Town from new and existing neighbourhoods, between all schools and the town centre. The existing network of footpaths should be better maintained and new routes should connect to an agreed network. (non-land use policy formatting)</p> <p>PI. 10b Safe Cycle & Pedestrian Routes Also, a proposed combined clearly marked pedestrian walkway/cycle path should be created e.g. along the existing walkway adjacent to Riverside Car Park down to Priors boatyard Proposals to create a combined pedestrian walkway/cycle path along the existing walkway adjacent to Riverside Car Park will be supported.</p>	<p>This policy has two separate parts. The first part is aspirational in design and context. This part of the policy should sit separately as a non-land use proposal with the batch set out above.</p> <p>The second part refers to a more specific proposal for a pedestrian and cycle path adjacent to the Riverside Car Park. This is a land use policy that should be retained as such and separated from the non-land use component set out in the previous paragraph. I recommend a modification to this part of the policy so that it has the clarity required by the NPPF</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendment to correct an error (Amendment in italics): Riverside <i>Park</i> Car Park</p>
PI 14	<p>Insert the following additional text after the second paragraph of section 5.4 of the Plan: Policy PI. 14 sets out a positive context for the delivery of improvements to the railway station and its immediate surroundings. The delivery of this policy will require the involvement of a variety of stakeholders. The policy acknowledges that some of the investment sought may not need planning permission. The Plan also supports the introduction of bus stops and visitor information in this locality. This matter overlaps with the approach adopted in Policy PI. 15</p> <p>Replace policy</p> <p>PI 14 Railway station Burnham Town Council will seek to improve, through the appropriate stakeholders, the appearance of the railway station with new public realm and improvements to the station building. Provide additional and enhance existing facilities including café, business</p>	<p>I recommend modifications to the policy so that it sits as a supportive policy for the variety of improvement envisaged in the policy. This will provide the clarity required by the NPPF and provide a clear context for the various organisations to assess and organise their investment programmes throughout the lifetime of the Plan. The modifications also make the appropriate distinction between policy and supporting text and acknowledge that some of the potential investment projects may not need planning permission.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>and commercial space, ticket office, customer lounge, retail units, including public toilets, bus stop and visitor information of the Town's layout and facilities</p> <p>Proposals for the improvement of the railway station and for the implementation of public realm works in its immediate surroundings will be supported.</p> <p>Insofar as planning permission is required particular support will be given to any or all of the following proposals:</p> <ul style="list-style-type: none"> • Improvements to existing facilities (including café, business and commercial space); and • Improvements to the ticket office and customer lounge; and • The introduction of new retail units; and • The introduction of new public toilets 		
PI 17	<p>Include new supporting text at the end of paragraph 5.6: The existing Riverside Car Park would benefit from being resurfaced and marked out to an appropriate standard. This process would assist in making the most effective use of the space and presenting a positive image to visitors and local residents alike.</p> <p>Replace policy</p> <p>Policy PI 17 Car Park Provision Burnham Town Council will support Planning applications which assist car parking provision within the town centre, particularly in the following locations: (i) the Marina Car Park incorporating spaces for visiting coaches (3rd party ownership) (ii) the Maldon District Council Millfields car park should be extended to the west to provide additional spaces (iii) Riverside Car Park to be surfaced to an approved condition and appropriately marked</p>	<p>The third component of the policy refers to the surfacing and marking out of the Riverside car park. Whilst I can see that this would be a very worthwhile venture it would not require planning permission. On this basis, I recommend that it is addressed in the supporting text. I also recommend a modification to the policy so that it makes absolutely clear that the Plan (as well as the Town Council) supports the development of further car parking facilities</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendments to correct errors in supporting text and policy: Riverside Park Car Park; Marina Burnham Yacht Harbour Car Park</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Proposals that would deliver new or improved car parking provision within the town centre will be supported. Particular support will be given to the following proposals:</p> <ul style="list-style-type: none"> • The incorporation of parking spaces for coaches into the Marina Car Park; and • The extension of the Millfields car park to the west 		
PI 18	<p>Policy PI 18 Improve connectivity to include ultra fast broadband as soon as possible and 4G in the area. Location of 4G masts should be sited appropriately to strike a balance between technical requirements and conservation of heritage and character.</p> <p>Replace part of policy</p> <p>PI 18a Telecommunications and Broadband Service Improve connectivity to include ultra fast broadband as soon as possible and 4G in the area. (non-land-use policy formatting)</p> <p>PI18b Proposals for the siting of new 4G phone masts in the Plan area will be supported where they respect the character of the area in which they are located and where they safeguard the built heritage of the town.</p>	<p>The policy has two separate parts. The first sets out an expectation that Broadband and mobile phone signals should be improved in the Plan area. Whilst this is appropriate it depends on commercial judgements that are beyond the planning system. I recommend a modification to the policy so that its first sentence is identified separately as a non-land use policy and in a separate colour.</p> <p>The second part sets out the Plan's general support for new installations subject to environmental considerations. I recommend a modification to this land use part of the policy so that its purpose and role is clear.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
PI19	<p>Amend the heading at 5.8 to read: 5.8 Recycling works Water recycling centres and underground sewage/surface water infrastructure</p> <p>Current drainage capacity fails to cope with heavy rain in several places in Burnham-on-Crouch with combined sewage and surface water drainage, leading to localised flooding, with raw sewage entering some houses. Current statutory requirements are that as part of the planning process only developments of ten houses or</p>	<p>On the basis of this technical response [from Anglian Water] I recommend modifications to the policy and supporting text so that it reflects national planning policy and provides the necessary clarity for developers throughout the Plan period</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>more need to be notified to the relevant authority for them to assess the impact on sewage and drainage.</p> <p>Burnham Town Council The Plan will seek to ensure that all planning applications, irrespective of size of development, that impact on the sewer system shall, at the time of application, provide written confirmation that contact has been made with, and acknowledgement obtained from, the relevant service provider that the application will not adversely affect the operational effectiveness of the existing underground sewer collection system. The service provider should also provide confirmation that the Town's existing water recycling works has adequate capacity to process the projected additional load imposed by the application.</p> <p>Replace policy</p> <p>Policy PI 19 – Water Infrastructure Ensure the water recycling works and underground sewage/surface water infrastructure in the Town meets all current and projected future requirements.</p> <p>Proposals for new development should demonstrate that there is or will be sufficient infrastructure capacity at Burnham-on-Crouch water recycling works and underground sewage/surface water infrastructure in the Town to meet all current and projected future necessary requirements.</p> <p>IMPLEMENTATION Priority Short term Lead Responsibility MDC/BTC/Anglian Water/D of E, SuDS, Funding Source ECC/MDC CIL budget, Utility Operator</p>		

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Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
PI 20	<p>Delete policy</p> <p>Policy PI 20 – Drainage BTC will not support planning applications for any extra buildings that do not include these drainage assessments together with a commitment to fund front loaded mitigation works irrespective of the size of development. IMPLEMENTATION Priority short term Lead Responsibility MDC/BTC/Anglian Water/D of E SuDS, Funding Source: Developers incl. S106, ECC/MDC New Homes Bonus and CIL,</p>	<p>The policy is considered too onerous and well beyond national and local legislation and policy. On the basis of my comments in relation to Policy PI.19 I share this approach. The policy does not have regards to national policy and other associated legislation. On this basis I recommend that the policy is deleted.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
EC1	<p>Show the Springfield Business Park on one of the maps in the Plan</p> <p>Insert new supporting text at the end of 6.1 to read: As part of a package of measures to stimulate the economy in the town Policy EC.1 sets out to safeguard the Springfield Business Park for employment uses. A range of new buildings will be supported. Clustering types of businesses and industries could help different industrial parks to develop a unique selling point (USP). The USP could also be supported in an additional location within Burnham-on-Crouch in an incubator space to enable small and micro businesses to start and establish themselves.</p> <p>Replace policy</p> <p>Policy EC1 – Springfield Business Park Ensure that the site which has been allocated for employment at the Springfield Business Park is protected to meet an identified strategic local need, in terms of type of building, size of units and type of industry. Large, medium and small office units should be built for long term lease and short term rent particularly for the knowledge based sector and possibly tourism. Clustering types of businesses and industries could help different industrial parks to develop a unique selling point (USP). The USP could also be supported in an additional location within Burnham-on-Crouch in an incubator space to enable small and micro businesses to start and</p>	<p>I recommend a series of modifications so that the policy and the supporting text elements are separated and so that the policy itself has long term clarity for both the investor and the decision-maker. In doing so I recommend the deletion of any direct reference to the tenure of the buildings concerned. This is a matter of commercial judgement rather than one of planning control. I also recommend that the Park is shown on one of the Maps. This will provide clarity not currently provided in the submitted Plan.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Both Burnham and Springfield Business Parks will be shown on Fig 4.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>establish themselves.</p> <p>Land at Springfield Business Park (as shown on Map Insert number xxx) will be safeguarded for employment purposes.</p> <p>Proposals for new employment buildings will be supported, particularly for the knowledge based sector.</p>		
EC2	<p>Policy EC2 – River related uses Encourage The provision of river-related trades will be supported. in locations as identified in Policy RI.3.</p>	<p>This policy encourages the development of river-related trades. In the submitted Plan the policy offers such support in locations where existing uses are proposed to be safeguarded by Policy RI. 3. Plainly the majority of any new such businesses will either be close to the river or in the safeguarded locations. Nevertheless there is no reason why this policy cannot apply throughout the town. This would accord with the positive approach to job creation in the NPPF. In any event as figure 8 demonstrates there are several river related uses already operating successfully throughout the built-up area.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
EC3	<p>Include additional supporting text at the end of paragraph 6.2: Policy EC.3 recognises that there is a particular concentration of retail units in High Street itself. These sit at the heart of the town and its impressive conservation area. The retention of a strong core of retail units is vital to the economic and social well-being of the Town and its inherent sustainability.</p> <p>Replace policy</p> <p>Policy EC3 – Retention of Retail Uses Resist the loss of retail between the cinema and “One-Stop” as the primary retail frontage in Burnham-on-Crouch. There should be no loss of retail uses to be replaced by residential or office use in this area. In addition, support should be given to maintain and develop new retail business in this area.</p> <p>A Primary retail area is defined between the Cinema to No.40</p>	<p>The policy seeks to define the spatial extent of the primary retail area by reference to the names of the properties at either end of its northern side. I recommend that the extent of the policy area is defined by the addresses of the buildings concerned.</p> <p>I propose a modification to the policy itself so that it has the necessary clarity on what proposals will and will not be supported. The policy will need to have regard to national planning policy. The General Permitted Development Order 2015 has introduced significantly different permitted development rights than those that were in place at the time was being developed. In particular Classes C, D and M respectively of that Order provide a degree of flexibility (subject to conditions) for</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>High Street (northern side) and No.51 to 151 High Street (southern side).</p> <p>Insofar as planning permission is required within the primary retail area proposals for the change of use from retail to other uses will not be supported.</p> <p>Within the Primary retail area proposals for the expansion of existing retail uses will be supported where they preserve or enhance the character or appearance of the Burnham Conservation Area.</p>	<p>changes of use from retail use to a restaurant/café, to a financial and professional service use and for use as a dwelling house without the need for planning permission. In the case of Classes C and M such proposals would need prior approval from MDC. As part of the process MDC would need to take a view about the likely effects of such proposals on the sustainability of this shopping area.</p> <p>The second part of the policy offers support for the retention and development of new retail businesses in this primary shopping area. I recommend a modification to this part of the policy to address two issues. The first is that most changes of use from commercial buildings to retail use would not need planning permission. Nevertheless, it would be appropriate to modify the policy to support the expansion of existing retail units. I recommend that appropriate safeguards are put in place given that this part of the High Street is at the heart of the Town and its impressive and distinctive conservation area. The second is that the planning system cannot directly 'maintain' existing retail units.</p>	
EC4	<p>Replace policy</p> <p>Policy EC4 – Co-op / Mildmay Foundry Encourage the enhancement of the Co-op/Former Mildmay Foundry site and its environs. Proposals for the enhancement or the extension of the Co-op supermarket and its immediate environment will be supported.</p>	<p>The policy reflects the community's support for the potential extension of the supermarket. It is sustainably located in its own right and is accessible on foot or by car into the town centre itself. I recommend a modification to the policy so that its planning purpose is absolutely clear.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
EC5	<p>Include the following additional supporting text at the end of paragraph 6.4: All such proposals should be designed to have regard to the</p>	<p>I recommend two modifications. The first clarifies the purpose of the policy and ensures that it will be effective as a development management tool</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>character and appearance of the designated conservation area. High quality materials and designs should be used. Wherever possible designs should reflect the rich and varied maritime heritage of the town.</p> <p>Replace policy</p> <p>Policy EC5 – High Street Character Encourage planning applications in the High Street which use high quality materials and preserve local character Proposals for public realm improvements in High Street will be supported where the works concerned:</p> <ul style="list-style-type: none"> • Respect the character and appearance of the Burnham Conservation Area: • Use high quality materials; and • Use designs that respect the local vernacular and the Town's maritime heritage 	<p>throughout the Plan period. The second clarifies the importance of the conservation area in this part of the town centre and the obligations that this designation places on land owners and investors.</p>	<p>the Examiner.</p>
EC6 EC6.1	<p>Insert the following supporting text at the end of paragraph 6.5 of the Plan:</p> <p>The promotion of tourism in the Plan area will do much to secure the economic dimension of sustainable development. It will also make the most effective use of the existing tourism related infrastructure in the town such as car parking. Policy EC.6 sets out a positive context in which new tourism will be encouraged. It acknowledges that in certain circumstances planning permission will not be required for the implementation of such proposals.</p> <p>As a key part of this approach the policy sets out a context to safeguard the existing petrol filling station (in Maldon Road) and the tourist information centre (in High Street). The former provides a key element of the sustainability and self-sufficiency of the town. The latter provides a well-located facility for both visitors and local residents.</p>	<p>The policy offers support for a range of facilities including bed and breakfast accommodation, restaurants, cafes and other such outlets. The associated policy EC 6.1 addresses the retention of the petrol station (off Maldon Road) and the establishment of a tourist information and booking office in the town.</p> <p>I recommend that these two policies are combined into a single policy. This will bring clarity to land owners, investors and decision-makers alike. I also recommend the inclusion of additional supporting text at the end of paragraph 6.5 of the Plan to provide context and explanation for the modified policy.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Replace policies EC6 and EC6.1</p> <p>Policy EC.6 Encourage Planning applications which improve the tourism offer of the Town, such as;</p> <ul style="list-style-type: none"> • Bed and Breakfast accommodation, • Sailing schools including other water sports, • Walking and cycling, • Restaurants, cafes and associated tourist outlets, • Tourist Information Centre. <p>Policy EC.6.1 To support tourism and the local population Burnham Town Council would vigorously support the retention of a fuel station within the Town, and also the establishment and protection of a tourist information/accommodation booking office in a prime location near The Quay.</p> <p>Policy EC6 – Tourism Proposals that would improve and extend the tourism offer in the Town will be supported.</p> <p>Particular support will be given to the following activities insofar as planning permission would be required:</p> <ul style="list-style-type: none"> • The development of bed and breakfast accommodation or the change of use of existing properties to this use; • The development of sailing schools and other water-related sports; • The development of walking and cycling facilities; and • The change of use of buildings to create restaurants and cafes <p>The petrol filling station in Maldon Road and the Tourist Information Centre in High Street will be safeguarded to reflect their importance to the tourism economy of the Town. Their use or redevelopment for other purposes will only be</p>		

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	supported where it can be demonstrated that their continued uses are no longer economically viable or where satisfactory alternative provision has been provided.		
EN2	<p>Insert the following supporting text at the end of paragraph 7.1: Policy EN.2 sets out a policy approach towards the location and design of new development in the town. It takes account of the NPPF in general, and the precautionary principles in particular. In particular, new development will not be supported in areas at risk from surface water flooding</p> <p>Policy EN2 – New development and flood risk In accordance with National Planning Policy, inappropriate development should be avoided in areas at risk of flooding including areas at risk of surface water flooding. New development will not be supported in areas at risk from surface water flooding. All development proposals should be built using sustainable drainage principles to ensure that flood risk will not be increased either on or off site. Where All new development does occur it must be safe and flood resilient for its lifetime. Surface water run off from new developments should pass through the relevant number of treatment stages to ensure that international water quality targets are being met and must not be allowed to affect water levels in other areas be discharged in a self-contained fashion and to appropriate standards in place at the time of the determination of the planning application concerned'</p>	I recommend a series of modifications to the policy and its supporting text. The first repositions elements of the submitted policy that are more supporting text than planning policy. The second element makes an appropriate distinction between where development will and will not be supported.	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Propose amendment to correct error – delete 'does occur it' (amendment in italics) ... Where All new development does occur it must be safe and flood resilient for its lifetime. Surface water run off from new developments should...</p>
EN4	<p>Replace policy</p> <p>Policy EN4 – Renewable Energy Burnham Town Council will support appropriate renewable energy projects in the Dengie Peninsula.</p> <p>Proposals for the development of renewable energy proposals will be supported in the Plan area subject to the following criteria:</p>	I recommend a modification to the policy so that it makes absolutely clear that the Plan (as well as the Town Council) supports the development of renewable energy projects. The recommended modification is arranged in criteria based fashion to address the very helpful and important factors set out in the supporting text in section 7.3.2	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<ul style="list-style-type: none"> • They preserve or enhance the character and appearance of the conservation area; • They take account of the setting of the Town within the Dengie Peninsular • They do not have an unacceptable detrimental effect on the integrity of a listed building or its setting; and • They do not have an unacceptable detrimental effect on the amenities of residential or other properties in the site's locality 		
EN5	<p>Policy EN5 – Access to renewable energy sites from the River Crouch</p> <p>Encourage any future construction and maintenance of wind turbines to be accessed from the river to reduce the impact on the road network where possible. (non-land use policy formatting)</p>	Whilst the maintenance regime of existing and future wind turbines is not directly a planning and land use matter a degree of control is traditionally exercised over their construction. Otherwise the policy is not land use based and I recommend accordingly.	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
EN6	<p>Policy EN6 – Domestic Recycling and Amenity Site Burnham Town Council to champion with Essex County Council and Maldon District Council the maximisation of recycling at dwellings and to protect the recycling amenity centre in Burnham-on-Crouch. (non-land use policy formatting)</p>	This is a non-land use project. In accordance with other such policies it should be highlighted by a different colour in the Plan	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
RI 1	<p>Insert new supporting text at the end of section 8.1 of the Plan: Some of the projects identified in Policy RI.1 may not need planning permission. At the same time, some or all of the works may need a Flood Risk Activity Permit under the provisions of the Environmental Permitting Regulations 2010. In addition, there would be benefit in the agencies promoting these works in having early discussions with the Environment Agency on the implementation of any emerging projects. This will particularly apply to the more remote sections of the seawall at Holliwell Point and also to the area to the west of the town to avoid impacts on the unique flora in the SSSI.</p> <p>Policy RI 1- Protection and Improvement of the Riverside</p>	<p>The Environment Agency has made two very helpful representations on this policy. I reflect these important matters of national policy in my recommended modifications.</p> <p>I also recommend a modification so that the policy is more directed towards its delivery through the planning system. This will bring the clarity as required by the NPPF. It also reflects that some elements of these proposals will not need planning permission.</p>	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Burnham Town Council will work with the public and a range of partners to better maintain a more attractive riverside for Burnham-on-Crouch. The riverside will be protected and improved throughout the Plan period. Proposals that deliver any or all of the following measures will be supported:</p> <ul style="list-style-type: none"> • Formalise the walking routes further along the River Crouch and linking with other established walking routes around the town centre. Burnham Town Council will support and work with Natural England to implement the England Coast Path; • Improve the quality of the public realm along the sea wall. Any works will employ a limited, high quality material palette. There will be a high standard of design for all new seating, lighting, raised walkways and viewing platforms to protect the character and appearance of the conservation area; and • Maintain the Town Steps to become a leisure facility to reinforce the sense that the Quay and Town Pound area as the hub of the Town. 		
RI2	<p>Due to the relatively flat and long riverside, new development must be designed in a particularly sensitive way to take account of the prominence and visibility of any proposed sites. Key factors to consider along the riverside include the following:</p> <p>New development adjacent to the riverside should be designed to reflect its relationship to the river and to respect its prominence and visibility from the river. Proposals will be supported that bring forward good design appropriate to its location and which satisfactorily address the following matters:</p> <ul style="list-style-type: none"> • The roofscape of the building, contributing contributes to the attractive, varied roofscape that currently exists. Flat roofs are generally inappropriate. A range of slate and tile will be encouraged. • New buildings should be sensitive to the height and character of existing buildings along the riverside which are generally no 	<p>The various criteria in the policy are entirely appropriate to this very special part of the town. I recommend a modification to the introduction to the policy so that its applicability through the planning process is clear. I also recommend some consequential changes to the criteria.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>taller than 2.5 storeys and fine in grain.</p> <ul style="list-style-type: none"> New window openings should contribute to the attractive mix of styles that characterise the riverside. Sites should be considered on a site by site basis in terms of access arrangements to the Quay, and also its impact/appearance when viewed from the River. Any access arrangements to the Quay are sensitive both to the development concerned and the wider Quay side. The appearance of any access arrangements should be sensitive when viewed from the River. Any development must retain and improve the set back distance from the water's edge to improve the promenade and walkway adjacent to the riverside. 		
RI3	<p>Insert additional text at the end of Section 8.2: Policy RI.3 establishes key criteria to safeguard the variety of uses in the town that are directly related to the river. It takes account of the flexibility that exists in relation to permitted development rights to convert offices and storage and distribution facilities to residential use. It also offers flexibility in the event that river related uses cease to trade for retail, leisure or tourism uses to take their places. These will help to safeguard and consolidate the economic base and vibrancy of these parts of the town</p> <p>Replace policy</p> <p>Policy RI 3 – Retention of Primary River related employment uses Safeguard land which is used for primary/direct river related employment uses from development for housing. This includes the boatyards and sailing clubs. If these uses cease then other employment uses could replace them which could also include space for retail, leisure and tourism. Residential development will only be considered for support if all other options have been exhausted, based on proven independent viability evidence.</p>	<p>Whilst the land uses as shown in figure 8 were readily apparent when I visited the town neither the policy nor the map provides the degree of clarity needed by landowners, developers and decision-makers throughout the Plan period. I recommend that an appendix is produced identifying the buildings to which the policy would apply.</p> <p>I also propose a modification to the policy itself so that it has the necessary clarity on what proposals will and will not be supported. The policy will need to have regard to national planning policy. The General Permitted Development Order 2015 has introduced significantly different permitted development rights than those that were in place at the time was being developed. In particular Classes O and P respectively of that Order provide a degree of flexibility (subject to conditions) for changes of use from offices (B1a) and storage/distribution (B8) to residential use without the need for planning permission.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>An Appendix will be added to the Plan detailing the land and buildings this policy applies to. The site will also be shown on an amended Figure 8. Both of these can be found at the end of this schedule.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Land and buildings in primary or directly related river employment uses (and as shown in figure 8 and Appendix X) will be safeguarded.</p> <p>Insofar as planning permission is required their conversion to residential use will not be supported.</p> <p>Proposals for the retail, leisure or tourism uses of the buildings concerned will be supported where they would comply with other policies in the development plan and where they would not change the overall character of the riverside.</p> <p>Appendix listing the land and buildings identified in figure 8 to be produced (can be found at the end of this schedule)</p>		
RI4	<p>Include additional supporting text at the end of Section 8.2 of the Plan:</p> <p>Within the context set by both policies RI.3 and RI.4 there is the potential for additional public slipways to give access to the River for the launching of smaller craft. Such proposals should be considered on their merits taking account of these and other policies in the Plan.</p> <p>Replace policy</p> <p>Policy RI 4 – Secondary River related employment uses Encourage/support a variety of secondary /indirect maritime related uses along the River Crouch in the town centre such as chandlery, cafes, restaurants and sailing schools. There may be the potential for additional public slipways giving access to the River for the launching of smaller craft.</p> <p>Proposals for the development of maritime related employment uses alongside the River Crouch in the town centre will be supported. Particular support will be offered to proposals for the development of chandleries, cafes restaurants and sailing schools.</p>	<p>I recommend a modification to the format of the policy so that it has the clarity required by both the decision-maker and the developer.</p> <p>I also recommend that the second sentence of the policy is captured in supporting text rather than the policy itself. As drafted it highlights the potential for additional slipways rather than providing a policy commitment to their development.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

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Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
RI5	Policy RI 5 – Gateway to RSPB Wallasea Display the policy in a different colour to that used for the land use policies (non-land use policy formatting)	This policy proposes joint work between the Town Council/MDC and the RSPB for Burnham to be identified as a gateway to the RSPB Wallasea facility. I can see that this is an entirely appropriate proposal in its own right and one that will assist tourism in the Plan area. Nevertheless, it is a non-land use proposal.	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
RI6	Policy RI 6 – East Coast Sailing Activities Display the policy in a different colour to that used for the land use policies (non-land use policy formatting)	This policy proposes that the Town Council and MDC support the relaunch of the Town as the premier centre for East coast sailing and associated activities. I can see that this is an entirely appropriate proposal in its own right and one that will assist tourism in the Plan area. Nevertheless, it is a non-land use proposal.	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
RI 7	Replace part of policy Policy RI 7a – Swimming facility Burnham Town Council will support financially viable projects to promote swimming facilities in the Town subject to a full risk assessment and environmental impact assessment. Proposals for a new swimming pool or other swimming facilities will be supported where they safeguard the amenities of any adjacent residential properties and take account of the local environment in which they are located. Policy RI7b In addition the Burnham Town Council will support and promote other uses on the River itself for purposes such as rowing, windsurfing, canoeing and crabbing Display RI7b in a different colour to that used for the land use policies (non-land use policy formatting)	This policy has two separate parts. The first offers support for new swimming facilities in the town. This is a land use policy. I recommend a modification to ensure that the purpose of the policy is clear. The second part of the policy offers support to recreational uses of the river. The uses identified are beyond planning control and are, in effect, of a promotional nature. In this regard, they fall into the same category of other non-land use proposals identified elsewhere in the Plan. I recommend accordingly.	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
HC1	<p>Insert the deleted text above immediately after the second paragraph of section 9.2 of the Plan</p> <p>Burnham Town Council/Maldon District Council to develop a detailed policy and most importantly an effective implementation and enforcement process for current and future generations on all retail and commercial frontages.</p> <p>Policy HC 1 – Shop Front Design New and existing shop fronts should be designed to be sensitive to the historic character of the town centre. They should generally follow a traditional format of sign board, stall-riser and pilasters and use appropriate colours. The use of internally illuminated signs and external shutters should be avoided. Burnham Town Council/Maldon District Council to develop a detailed policy and most importantly an effective implementation and enforcement process for current and future generations on all retail and commercial frontages.</p>	<p>The first part of the policy is very well-designed and meets the basic conditions. In particular, it provides clear guidance on how developers should propose any new shop fronts to respect the traditional character of the town centre.</p> <p>The second part of the policy is more aspirational. It indicates that the Town Council and MDC will develop a more detailed implementation policy to assist in this process. I have no doubt that this will be both a useful and a helpful process. Nevertheless, it will be subject to its own consultation and adoption process at that time. It does not meet the basic conditions given that there is no clarity at this stage on the more detailed approach. On this basis, I recommend that the second part of the policy is deleted and incorporated into the supporting text at section 9.2 of the Plan.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
HC2	<p>Replace policy</p> <p>Policy HC2 – New Development features New development should have the following features where appropriate;</p> <ul style="list-style-type: none"> Local materials such as weatherboarding and brick. Features such as vertically proportioned windows should feature in new homes <p>Proposals for new housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.</p> <p>Where appropriate new residential developments should incorporate the following features:</p> <ul style="list-style-type: none"> The use of traditional local materials such as brick and weatherboarding; and The use of vertically-proportioned windows. 	<p>Nevertheless, in order to ensure that developers have the necessary clarity I recommend that the policy is modified so that the two features concerned sit within the wider context of good design. Otherwise the two features could be seen outside a wider context. This recommended modification would also overlap with my recommended modifications to Policy HO.10. That is the principal policy that establishes the design expectations of the Plan and provides a context for the introduction of the design principles in Appendix 1</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
HC3	<p>In the third paragraph of section 9.3 replace the third sentence with the following: Areas of development should connect with one another. Simple permeable street patterns with a block structure and perimeter block layout are recommended. Cul-de-sacs are to be avoided where this does not reflect the character of the surrounding area. Opportunities should be sought to improve linkages between existing areas with any new development Within this context cul-de-sacs should only be proposed where they reflect the character of the surrounding area and would produce good design and a high-quality living environment.</p> <p>Policy HC3 Street Layout Principles The street layout of new development is also important and should incorporate the following principles: Proposals for new residential development will be supported where they incorporate the following principles:</p> <ul style="list-style-type: none"> • A well connected network of streets rather than cul-de-sacs. • A street pattern that connects well with existing streets and allows for connections with future development. • Street widths that allow for a variety of car parking e.g. within the curtilage of plots but also within the street, without impeding access for emergency vehicles and local authority services e.g. refuse collection, and • Perimeter block layouts with clear front and back accesses 	<p>The restrictive approach on this point as set out in the Plan does not have regards to national policy as set out in paragraphs 59 and 60 of the NPPF. It is too prescriptive. I recommend modifications to the policy and the supporting text accordingly.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
HO1	<p>Add the following supporting text to the end of Section 10.1: Policies HO.1 and HO.2 set out key policy approaches towards new residential development in the Plan area. Policy HO.1 supports new residential development where it complies with other policies in this Plan and the wider development plan. Once the Maldon Local Development Plan is adopted it and the neighbourhood plan will constitute the development plan for Burnham. Planning applications should set out how they comply with development plan policies. This could be done either generally or through the preparation of a Planning</p>	<p>I recommend two modifications to this policy. The first would replace reference to the emerging local plan with the concept of the development plan. This will ensure that the Plan sits within its wider planning context and is future-proof. The second deletes reference to the role of a design and access statement in the policy. Such statements have a very specific role in the planning process and which are not best suited to the requirements of the policy. I recommend that the process for compliance is set</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Statement</p> <p>Policy HO.1 – New Residential Development Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Maldon District Council Emerging Local Development Plan (2014-2029). Such compliance should be demonstrated by a design and access statement to be submitted with each application.</p>	out in modified supporting text.	
HO2	<p>Policy HO.2 – Range and Type of new residential development New housing development should demonstrate that the homes developed properly meet the needs of local families. This should include homes for first time buyers, single people, affordable homes, family homes at a range of sizes and styles including bungalows, semi-detached, detached and terraced houses.</p>	The need for new housing to meet the 'needs of local families' is far less closely aligned to meeting the basic conditions. Plainly in many instances the second component of the policy will be informed to a greater or lesser extent by the needs of these families. Nevertheless, the definition of local families is not made clear in the Plan, nor is there any direct evidence on this matter. The Plan will be contributing to meeting the wider objectively-assessed housing needs of the wider Maldon area. This need takes account of a variety of factors including the demographic needs of the local population and in migration. On this basis, I recommended that the first component of the policy is deleted so that the policy has the clarity required by the NPPF.	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
HO3	<p><i>Insert as additional supporting text at 10.1:</i> The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and "Lifetime Homes" standard in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable.</p>	The second component of the policy is both unclear in its definition and purpose. In the first instance, there is no definition of 'close' in the policy. This will therefore present practical issues for its consistent application through the development management process. In the second instance the policy takes no account of the strategic policies in the Plan that would result in the majority of new dwellings being located on the three strategic sites to the west and north of the town. A strict interpretation of the submitted policy may prevent housing for the	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Additional text at 10.1: To correct an error, quote marks and italics will be added to show which part of the sentence is quoted from policy S6. A new sentence</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Policy HO.3 requires the development of houses to meet the need of retired and elderly persons as part of new housing developments. Proposals that position either general housing or bespoke housing for the elderly close to shops and services will be particularly supported subject to such proposals conforming with other policies in the Plan.</p> <p>Replace policy</p> <p>Policy HO.3 – Housing for retired and elderly persons Housing for retired and local elderly people, and people with mobility and sensory impairment, should be provided close to shops and services. The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and "Lifetime Homes" standard in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable. Housing developments of five or more dwellings should achieve 12 "greens" against the requirements of 'Built for Life' and be eligible for "Built for Life Outstanding" status.</p> <p>Housing for retired and elderly persons and people with mobility and sensory impairment will be supported. They should be provided on the strategic housing sites and elsewhere as appropriate.</p>	<p>elderly being developed on this sites.</p> <p>I recommend that this component of the policy is deleted so that there is clarity on the content and application of the policy. Nevertheless, I also recommend that the issues about the desirability of such housing being located close to shops and services is set out separately in the supporting text.</p> <p>I also recommend the deletion of the word 'local' to ensure consistency with my recommended modification to Policy HO.2</p> <p>I also recommend that other elements of the policy explaining the relationship between this policy and policy S6 in the emerging local plan are transferred into the supporting text. They are not in themselves of a policy nature.</p> <p>Finally I also recommend that the references in the policy to Lifetime Homes and Built for Life assessment homes are deleted. The Ministerial Statement of March 2015 identified that planning policies should not identify local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.</p>	<p>will be created for the wording that is not from policy S6:</p> <p>The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) <i>'a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and Lifetime Homes'. standard</i> <i>This should be</i> in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable.</p>
HO4	<p>Insert the following additional supporting text at the end of section 10.2 of the Plan:</p> <p>Given the concerns set out in this section of the Plan the Town Council will work closely with the District Council to ensure that all the relevant cumulative effects of windfall and other developments in the Plan period are addressed and mitigated where appropriate.</p>	<p>As submitted the policy does not identify any specific policy requirements or expectations. On this basis, it would be impractical for MDC to apply consistently throughout the Plan period. In addition, it provides no clarity to developers. I recommend the deletion of the policy. In any event the issue will be overtaken by any future introduction of a</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

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Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	Delete policy Policy HO.4 – New Residential Development and Infrastructure requirements	Community Infrastructure Levy regime in the District. The approach set out in the submitted policy does however represent a genuine concern within the town generally. As such I recommend that a revised form of words sits at the end of Section 10.2 that addresses the wider issue	
HO5	Policy HO.5 – Affordable Market Housing Initiatives Proposals which deliver affordable market housing will be supported. The Maldon District Council Emerging Local Development Plan (2014-2029) has set the affordable housing requirements for Burnham at 40% of market rate on strategically allocated developments and 30% on all others.	Whilst the supporting text in section 10.3 clarifies that the policy takes this approach rather than the more traditional affordable housing route, this matter becomes far less clear in the policy itself. I recommend a modification to bring the clarity required by the NPPF	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
HO6	Delete policy Policy HO.6 – Sustainable Building Standards	This policy sets out to ensure that new residential development meets national technical standards in terms of sustainability and efficiency. This process will be supported by all concerned. However, it is now controlled by the Building Regulations. I recommend that the policy is deleted for identical reasons to those set out in relation to that part of policy HO. 3 on this matter as set out in paragraph 7.122 of this report	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
HO7	Include additional supporting text at the end of Section 10.5 of the Plan: In May 2016, the District Council resolved to grant planning permission for a planning application on the allocated site, on land to its south and on the allocated employment site (Policy E1p). This addresses many of the important components set out in Policy HO.7. The policy takes account of this development proposal. Plainly that proposal is now well-advanced in the planning process. The policy will apply to any revised or new planning applications that may be submitted on the site.	A neighbourhood plan needs to be both practical and to meet the basic conditions. Within this context, I recommend modifications to the policy and its supporting text to reflect this updated set of circumstances. Nevertheless, there is merit in retaining the policy to provide a policy framework against which any new or revised planning applications can be assessed. This approach will provide the clarity required by the NPPF at the same time as meeting the	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner. Minor amendments are proposed to bullet point 3: The delivery of pedestrian and cycle routes throughout the site and which are well-integrated into the both new

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Modify Figure 11 by adding 'that reflects the character of the immediate locality' after 'Low-rise residential development'</p> <p>Replace part of policy</p> <p>Policy HO.7 – Land at Burnham West Development on the Maldon Road/Chandlers/Creeksea Lane frontages should respect the scale and character of the existing development.</p> <p>Connections should be made to the surrounding context, particularly to establish links with existing footpath routes and ensure these are wide enough with the appropriate surface to accommodate mobility scooters, pushchairs, wheelchairs and parents walking with children. Carefully planned cycle routes should be implemented, minimising crossing of roads, connecting all existing areas, new developments and the town centre and schools. Any green space provision should be to the south west side of the development to create open views to the estuary and the setting of Creeksea Place, a Grade II* Listed Building should also be protected. Housing should be orientated to face into open countryside supported by access roads, improving the appearance of the Town from the countryside.</p> <p>Development proposals should bring forward high quality designs that take account of the following factors:</p> <ul style="list-style-type: none"> • The delivery of low density development along the Maldon Road frontage; • The delivery of higher density development within the middle part of the site; • The delivery of pedestrian and cycle route throughout the site and which are well-integrated into the existing network; • The preservation and enhancement of existing rights of way; • The provision of facilities for persons of all ages; 	<p>requirements of paragraph 59 of the NPPF on design matters and their level of detail</p>	<p>and existing networks;</p> <p>Wording changes are made for the following reason:</p> <ul style="list-style-type: none"> • 'through' the site is more practical and achievable than 'throughout' the site. • It is necessary to ensure that any proposed networks in / from new developments are planned to ensure that they integrate with each other, not just with the existing network.

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<ul style="list-style-type: none"> • The provision of green and open space to District Council standards; and • The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned 		
HO8	<p>Include additional supporting text at the end of Section 10.5 of the Plan:</p> <p>In May 2016, the District Council resolved to grant planning permission for a planning application on the allocated site. This addresses many of the important components set out in Policy HO.8. The policy takes account of this development proposal. Plainly that proposal is now well-advanced in the planning process. The policy will apply to any revised or new planning applications that may be submitted on the site.</p> <p>Modify Figure 12 to indicate the potential for an alternative 'new vehicular route' into the site from Southminster Road and for an alternative 'indicative vehicular access' at this same point</p> <p>Replace policy</p> <p>Policy HO.8 – Land at Burnham North (West) Development should be focussed to the south of the site to protect the character of Green Lane and maintain the green gap with Burnham-on-Crouch. Existing mature trees should be maintained and the setting of the locally listed Grade II "High House", an eighteenth century dwelling on Green Lane should be protected as appropriate.</p> <p>Development proposals should bring forward high quality designs that take account of the following factors:</p> <ul style="list-style-type: none"> • The delivery of a layout that respects and is set back from the Green Lane frontage to the site; • The delivery of a layout that respects the existing green gap that exists between the two principal built-up elements 	<p>This policy addresses the strategic housing site at Burnham North (West) (S2j). In May 2016 MDC resolved to approve a full planning application on this site (MAL16/00093). The same principles apply to this site as I have set out in relation to Policy HO.7 (paragraphs 7. 129 to 7.132). I recommend a similar set of modifications in general, and which reflect the site details in particular.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Fig 12 will be amended.</p>

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Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>of the town along the section of Southminster Road in the eastern part of the site;</p> <ul style="list-style-type: none"> • The delivery of satisfactory access into the site; • The protection of existing mature trees and their incorporation into the layout of the proposal; and • The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned. 		
HO9	<p>Replace policy</p> <p>Policy HO.9 – Land at Burnham North (East) Development should:</p> <ul style="list-style-type: none"> • respect the setting of the Grade II* Listed Church of St. Mary the Virgin • be orientated towards Marsh Road, reducing in scale and density to the north of the site and around the Church; • deliver an improved north-south cycle connection from Stoney Hills to Burnham-on-Crouch and public open space to meet the need of the local area, and • contribute to the improvement of Marsh Road. <p>Further to Policy CS.4 proposals for amenity space and public facilities on site should be designed to protect the setting of the Grade II* Listed Church of St. Mary the Virgin and the adjacent Grade II listed Burnham Hall.</p> <p>Development proposals should bring forward high quality designs that take account of the following factors:</p> <ul style="list-style-type: none"> • The delivery of a layout that respects and takes advantage of the topography of the site as it falls to Pannel's Brook to the north; • The delivery of a layout that respects the setting of St Mary the Virgin Church and which provides appropriate vistas towards its tower; • The delivery of a layout that respects the Marsh Road frontage and provides a strong design solution towards 	<p>Whilst this site is less advanced than the other two strategic sites I recommend similar modifications to the policy by way of setting out key development principles. Several of these principles are helpfully set out in the representation from agents acting for the site owners.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>that frontage</p> <ul style="list-style-type: none"> • The delivery of a layout that reduces in both scale and density from south to north • The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned; and • The delivery of a layout that takes account of Pannel's Brook both in terms of urban design and the protection of properties from potential flooding 		
HO10	<p>Add the following to the end of the existing supporting text at 10.8: Within this context all new housing development proposals should be designed, planned and delivered in a fashion to bring about high quality design in terms of layout, materials and vernacular finishes. Policy HO.10 sets out the policy basis that underpins this approach. Specific Housing Design Principles are set out in Appendix 1.</p> <p>Replace policy</p> <p>Policy HO.10 – Housing Design Principles Having regard to the above, Burnham Town Council, in reviewing planning applications, will only support applications that comply with the standards listed in Appendix 1 below. Proposals for new housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.</p> <p>Proposals should take account of the Housing Design Principles set out in Appendix 1 insofar as those principles apply to any particular site.</p>	<p>This policy sets out a series of design principles to which it requires housing developments to comply. The principles are set out separately in Appendix 1</p> <p>There is a disjoint between the supporting text and the policy itself. The Principles set out in Appendix 1 are primarily design-led. The supporting text refers primarily to viability and development costs. Plainly these two important factors both overlap and interplay one with the other. I recommend modifications so that these matters are addressed. This will provide the decision maker with longer term clarity on the purpose of the policy</p> <p>In addition I also recommend a modification to the structure of the policy itself. Whilst it refers the reader to the Principles in Appendix 1 it fails to set out its clear purpose of wanting to secure high quality design in accordance with the NPPF.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
App 1	<p>NHD 3 Delete the final sentence in brackets (P)</p> <p>NHD 6 Delete the first element (P)</p>	<ul style="list-style-type: none"> • D - Too detailed matters - more properly addressed at planning application stage 	<p>Agree – the modifications meet the basic conditions for the reasons expressed by</p>

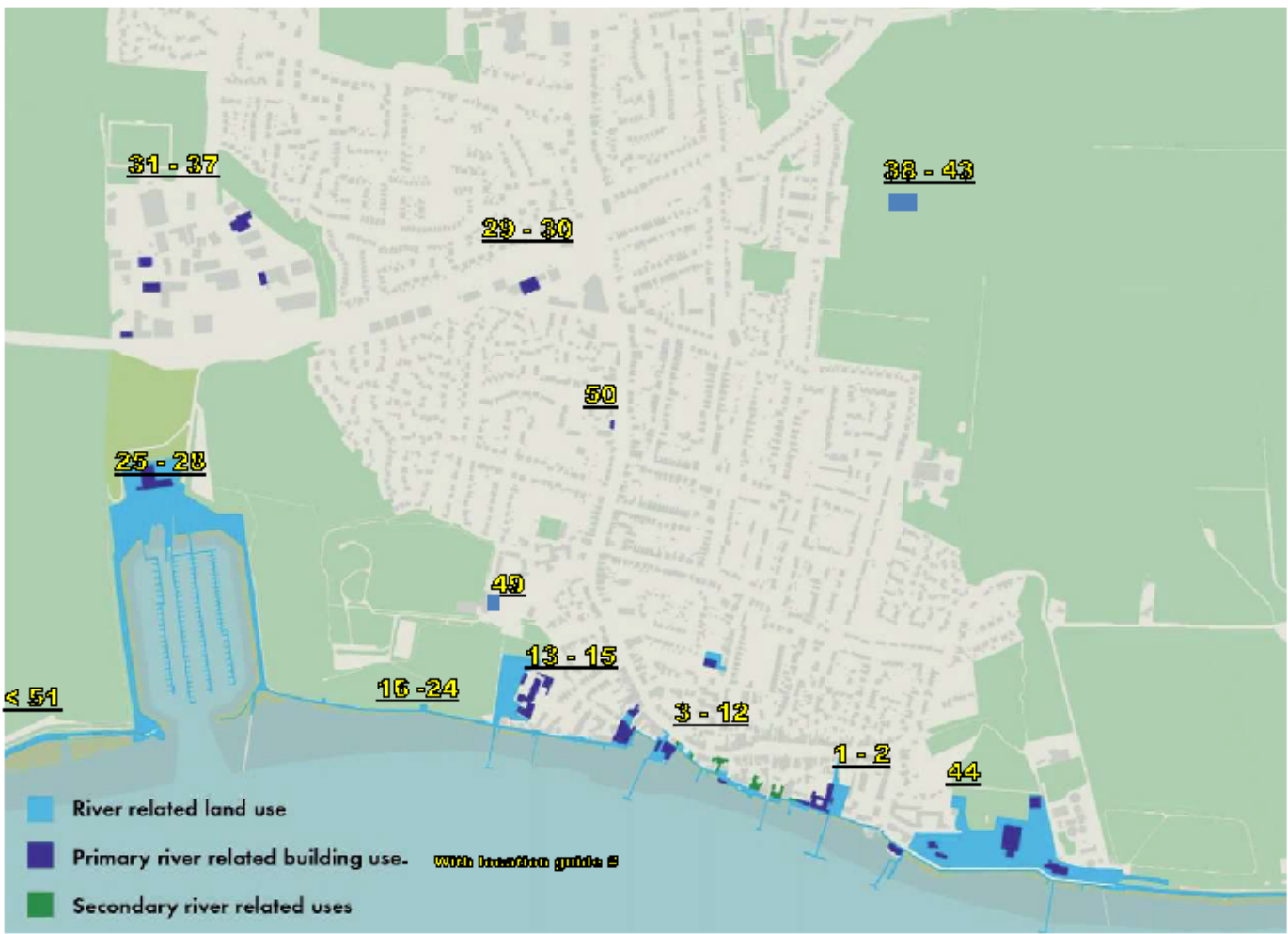
APPENDIX A

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>NHD 7 Modify second component to read: All dwellings should be provided with safe and convenient car parking spaces. Proposals for communal garage courts will be supported where they have a clear functional and visual relationship with the dwellings concerned. (C)</p> <p>NHD 8 There is already sufficient detail in the site-specific housing policies Delete (P)</p> <p>NHD 9 The Principle is unclear on what is 'a sufficiently generous standard'. In any event the imposition of standards would be too prescriptive and may in itself prevent the delivery of good design. Delete (D/P/C)</p> <p>NHD 10 Insert 'wherever possible' at the end of the first element (P)</p> <p>NHD 17 Replace 'village' with 'Town' (C)</p> <p>NHD 19 This principle is very general and is repetitive of other principles Delete (C)</p> <p>NHD 20 Insert 'wherever possible' after 'management' (P)</p> <p>NHD 21 This Principle is very prescriptive. It may hinder good design and may not result in the best use of development land Delete (D/P/C)</p> <p>NHD 22 This Principle is far too vague for inclusion in a development plan Delete (D/P/C)</p> <p>NHD 23 This Principle requires community involvement for all applications. The approach is both unreasonable and prescriptive. Delete (P)</p> <p>NHD 27 This is more of a process issue than a design principle</p>	<ul style="list-style-type: none"> • P - Too prescriptive and contrary to the NPPF • C - To provide clarity 	the Examiner

APPENDIX A

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Delete (P)</p> <p>NHD 28/29 There is already sufficient detail in the site-specific housing policies. In any event the requirements lack clarity. Delete (C/P)</p> <p>NHD 30 Replace 'will require' with 'should be accompanied' (C)</p> <p>NHD 32/33 These Principles do not add local value either to national or local standards on traffic generation and highways matters. In any event, they are both lacking in detail and clarity. Delete (C)</p> <p>NHD 34 The final sentence refers to traffic speed. This is not a land use matter. Delete final sentence (C).</p>		
	Modification of general text (where necessary) to achieve consistency with the modified policies	Where consequential changes to the text are required directly as a result of my recommended modifications to the policy concerned I have identified them in this report. However, there may be other required factual changes to the general text elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for the District Council and the Town Council to have the flexibility to make the necessary changes. I recommend accordingly.	Modifications to be agreed between the District and Town Councils

Figure 8: Marine and River Related land Use. Figure 8



Appendix 2 Marine and River Related land Use. Figure 8 Location Guide

Location Guide #	Location	Business - Company	Activity
1	Sea End Boat House, The Quay.	Rice & Coles	River Moorings, cranage, boat storage.
2	Sea End Boat House, The Quay.	Yachting Solutions	Chandlery, ropes, fittings, clothing etc.
3	The Quay	Royal Corinthian Yacht Club	Sailing club covering children through to off-shore sailing.
4	The Quay	The Otter Hut	Catering for young children starting sailing.
5	The Quay	Royal Burnham Yacht Club	Sailing club covering children through to off-shore sailing.
6	The Quay	Fairways Chandlery	Rope, clothing, foot ware, fittings etc.
8	The Quay	Quayside	Café/Restaurant
9	The Quay	The Anchor Hotel	Accommodation, food and drink
10	The Quay	Ferry	Dial-up ferry to Wallasea Island
11	The Quay.	White Harte Hotel	Accommodation, food, drink.
12	The Quay.	The Crouch Harbour Authority	Controls river usage.
13	The Sail Loft, Buckingham Square, The Quay.	Wet Works	Chandlery and Marine Lifestyle
14	Ground Floor, Buckingham Square, The Quay.	Wet Works	Chandlery and Marine Lifestyle
15	First Floor, Buckingham Square, The Quay.	Yachtline	Yacht Insurance
16	The Quay.	R.J Prior & Son	River Moorings.
17	The Quay	R.J Prior & Son	Work Shops for building & Repairing boats.
18	The Quay	R.J Prior & Son	Sunken Store.
19	The Quay	R.J Prior & Son	Boat Shed, storage of boats removed from moorings out of season.
20	The Quay	R.J Prior & Son	Dock for house boats etc.
21	The Quay	Maldon District Council	Foreshore, House boats.
22	The Quay	Crouch Yacht Club	Sailing club covering children through to off-shore sailing.
23	The Quay	Burnham Museum	Location of Burnham History Society depicting all aspects of the towns history & heritage
24	The Quay	Burnham Sailing Club	Sailing club more for dinghy sailing.
25	Foundry Lane	RNLI Lifeboat Station	Saving lives at sea.

APPENDIX A

Location Guide #	Location	Business - Company	Activity
26	Foundry Lane	Burnham Yacht Harbour	Marina with permanent floating moorings, workshop, outfitting, hoist crane, dry boat storage.
26	Foundry Lane	Clarke & Carter Interyacht	Yacht Brokers
27	Foundry Lane	Marinestore Ltd	Chandlers, rope, paint, clothing etc.
28	Foundry Lane	The Lighthouse Bar & Restaurant	Food & Drink
29	Mildmay Industrial Estate, Foundry Lane	APB Engineering	Manufactures of launching trolleys, boat cradles & trailers
30	Mildmay Industrial Estate, Foundry Lane	Hardy Engineering	Manufactures of marine hydraulic winches, electrical gear
31	Unit 2A Springfield Industrial Park	Lonton & Gray	Sailmakers
32	1-2 Hobbs House Burnham Business Park	Proboat	Wholesale marine hardware suppliers
33	10 Burnham Business Park	Holt Marine	Manufacturer/supplier marine hardware
34	The Sail Loft Burnham Business Park	Tri-Ark Ltd	Suppliers of diaphragm pumps
35	Liferaft House Burnham Business Park	Premium Liferafts	Lifeboat & safety equipment hire
36	Unit 8 Springfield Business Park	Flag Paints	Manufacturer marine paints and finishes
37	Unit 9 Springfield Industrial Park	Marine Windows	Manufacturer of windows for boats and yachts.
38	Unit 13 Dammerwick Farm	Petticrows	Builders of International Dragon and Finn Class yachts
39	Unit 9 Dammerwick Farm	Rannoch Adventure	Design and build of trans-ocean rowing boats
40	Unit 4 Dammerwick Farm	The Old Salt Loft	Manufacturer clothing, bags, merchandising for marine industry, upcycling old sails into products in sustainable manner.
41	Unit 3 Dammerwick Farm	Essex Embroidery-Black Jack Design	Embroidery and print for marine use.
42	Unit 8 Dammerwick Farm	Mike Wood Marine	Builds and prepares dinghies for international competition.
43	Unit 2 Dammerwick Farm	Demi Foils	Specialist manufacturer of fibre glass foils for dinghies.
44	Unit 18 Wick Road Industrial Site	Robert Underhill Multi Hulls Ltd	Brokerage, surveys etc. for supply of multi hull yachts
45	Belvedere Road	The Victoria Inn	Public house for food and drink
46	52 High Street	The Ship Inn	Accommodation, food and drink
47	29 High Street	The Star Hotel	Accommodation, food and drink
48	Rear of 4 Chapel Road	R J Prior & Son	Dry Boat Store
49	Station Road, Nr. Millfields car park	1 st Burnham-on-Crouch Sea Scouts	Scout Hut

Location Guide #	Location	Business - Company	Activity
50	49/51 Station Road	Essex Police	Marine Unit
51	Ferry Road	Creeksea Sailing Club	Dinghy Park

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Councillor Ron Pratt, Town Mayor

Sarah Grimes, Town Clerk

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**Council Offices
Chapel Road
BURNHAM-ON-CROUCH
Essex
CM0 8JA**

Ms Fiona Marshall
Chief Executive
Maldon District Council
Princes Road
Maldon
Essex
CM9 5DL

21 April 2017

Dear Ms Marshall,

BURNHAM-ON-CROUCH NEIGHBOURHOOD PLAN

Further to David McNeill's email to Leonie Alpin last Thursday 13 April 2017 I now confirm that the recommendations, contained in the report attached to that email, to the Town Council on Wednesday 12 April 2017 were all approved and agreed.

Please report this letter and Mr McNeill's email to the P & L Committee at its meeting on Tuesday 25 April 2017.

Yours sincerely,

A handwritten signature in black ink, appearing to be "S.G.". The signature is written in a cursive style.

TOWN CLERK

**MEETING OF THE BURNHAM-ON-CROUCH TOWN COUNCIL (BTC)
WEDNESDAY 12 APRIL 2017**

**AGENDA ITEM 16 B) - PROGRESS OF THE BURNHAM-ON-CROUCH
NEIGHBOURHOOD PLAN (NP).**

REPORT OF THE FORMER TOWN CLERK & RFO.

Introduction

Pursuant to the previous reports submitted to the Town Council, and in particular the report to the March 2017 meeting, **I, and the Neighbourhood Plan Review Group (NPRG), are delighted to report that the Independent Examiner (IE) has found the NP to be SOUND and subject to a number of amendments and modifications it can now proceed to Referendum.**

Schedule of the IE's Amendments and Modifications

Leonie Alpin and Ian Butt of Maldon District Council (MDC) had prepared a schedule of the above and met with the NPRG on Thursday 6 April to review/consider and agree the IE's recommendations. Following a detailed, and lengthy but productive meeting, a consensus view was reached and it was agreed to refer a number of the IE's recommendations back to him for reconsideration/clarification. **Most important is the fact that these referrals, supported by MDC, are in respect of greater localisation/relevance of certain policies – on balance there are no 'deal breakers' and therefore we are confident that the IE's responses will be acceptable in terms of moving the NP forward.**

The IE has agreed to consider the referrals above on Monday/Tuesday 10/11 April 2017 and an oral report, and hard copies of the relevant documentation, will be given to the meeting on Wednesday evening.

Progress to Referendum

MDC's Planning & Licensing Committee agenda for the meeting on Tuesday 25 April 2017, at which it will consider the IE's report and recommendations on the NP, had to be published, because of the Easter break, today Wednesday 12 April 2017. However MDC has agreed that the Town Council's resolution tonight can be received on Thursday 13 April 2017 and will therefore be considered at the Planning & Licensing Committee on Tuesday 25 April 2017.

As a result of the above the significant dates are now as follows: -

BTC's resolution to MDC – Thursday 13 April 2017

MDC Planning & licensing Committee – Tuesday 25 April 2017

MDC Full Council – Thursday 11 May 2017

Referendum – Thursday 13 July 2017

MDC Full Council 'Make' the NP – Monday 7 August 2017 (subject to a positive referendum result!)

Conclusion

Members, this is it!

Subject to MDC's consideration this is the final hurdle in bringing the Town's Neighbourhood Plan to fruition after a very lengthy procedure involving very many local residents and businesses. The NP is a credit to everyone that has been involved and is a testament to the dedication and persistence of all concerned that has propelled, sometimes not on the most direct course, the Plan to its penultimate stage in becoming a legal reference document for the development of the Town in the future.

Recommendations

The Town Council are requested to resolve as follows: -

- a) To note and accept this report, the attachments and the recommendations contained therein,**
- b) To authorise the Town Clerk to convey the Town Council's acceptance to MDC on Thursday 13 April 2017,**
- c) To authorise the NPRG to consolidate all the agreed amendments to the NP, in consultation with MDC, in preparation for publication and the Referendum on Thursday 13 July 2017, and**
- d) To approve the renaming of the NP to Neighbourhood Development Plan to accord with the National Standard/General Practice for such Plans.**

**David J McNeill,
Former Town Clerk & RFO, on Behalf of the NPRG.
12 April 2017.**

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REPORT of CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
25 APRIL 2017

UPDATE ON APPEAL DECISIONS (JULY – DECEMBER 2017)

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to inform the Committee of planning appeal performance on appeal decisions from July 2016 to December 2016.

2. RECOMMENDATION

That the contents of this report be noted particularly in respect of the changes to Governments' threshold on performance from major planning appeals being lowered from 20% to 10% and the introduction a threshold on performance for other planning application appeals.

3. SUMMARY OF KEY ISSUES

- 3.1 This report is for Members' information only but particular attention is drawn to the Council's current performance of all appeals.
- 3.2 This report provides information by the relevant committee or officer delegated decision, overall performance and performance measured against the Department of Communities and Local Government (DCLG) performance figure for major application appeals.
- 3.3 Appeal results by application decision type: Quarter 2 2016 /17 and Quarter 3 2016 / 17 are as follows:

Application decision type	Allowed by the Planning Inspectorate (PINS) (i.e. the applicant was successful)	Dismissed by PINS (i.e. the Council was successful)
1. Appeals against Officer Delegated decisions	14	22
2a. Appeals against Central Area Planning Committee decisions as per report recommendation	1	0

Application decision type	Allowed by the Planning Inspectorate (PINS) (i.e. the applicant was successful)	Dismissed by PINS (i.e. the Council was successful)
2b. Appeals against Central Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
3a. Appeals against South Eastern Area Planning Committee decisions as per report recommendation	3	4
3b. Appeals against South Eastern Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	4	0
4a. Appeals against North Western Area Planning Committee decisions as per report recommendation	0	7
4b. Appeals against North Western Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	4	1
5. Appeals against non-determination i.e. where the Council did not make a decision within the statutory time period and the applicant exercised the right of appeal	2	0
6. Appeals against Full Council decisions as per report recommendation	1	1
7. Appeals against Full Council decisions where decision made contrary to the report recommendation i.e. member overturn	1	0
Numbers Total	30	35
Decisions as a %	46.15	53.85

3.4 Appeal by type of appeal

1. Appeal type (Planning applications)	
Householder appeals	3
Written Representation	50
Hearing	10
Public Inquiry	2
Total appeals	65

2. Appeal type (Appeals against Enforcement Notices)	
Written Representation	1
Hearing	1
Public Inquiry	0
Appeals withdrawn	1
Total enforcement appeals	3

3.5 Costs awarded against the Council in July – December 2016

Site address	Partial or full award allowed of costs	Delegated/Committee decision in accordance with recommendation / Committee decision overturn
Land north of Cobbins Chase	Partial award of costs	Delegated
Land Opposite Linden Lea, Stoney Hills	Partial award of costs	Committee decision overturn
Land Opposite Monksfield, Stoney Hills	Partial award of costs	Committee decision overturn
Land Opposite Linden Lea, Stoney Hills	Partial award of costs	Committee decision overturn
Barn Hayes, 29 Beacon Hill, Wickham Bishops	Partial award of costs	Committee decision overturn
Fields at Theedhams Farm, Southminster	Partial award of costs	Committee decision overturn
Land north of 29 Green Trees Avenue/Victoria Rd, Cold Norton	Partial award of costs	Committee decision in accordance with recommendation
Land South of Allotments, Maldon Road, Goldhanger	Partial award of costs	Delegated
Grove Farm, Stoney Hills,	Partial award of costs	Non-determination
Gardeners Farm, Maldon Road, Goldhanger	Partial award of costs	Enforcement Notice
Land north of Beckingham Road, Tolleshunt D'Arcy	Partial award of costs	Delegated
The Memorial Hall, High Street, Southminster	Full award of costs	Committee decision overturn
Rose Stables Land South Of Captains Wood Road, Great Totham	Full award of costs	Committee decision overturn
Land North West of Stitches Farm, Lower Chase, Althorne	Full award of costs	Committee decision overturn

3.6 Costs paid out by the Council in July – December 2016

Site address	Date of award of cost	Figure paid out	Delegated / Committee decision in accordance with recommendation/ Committee decision overturn recommendation
Land at Junction of Captains Wood Road and Maypole Road Great Totham	28/5/2015	£600	Administrative error
Site East of Red Lyons Lodge Burnham Road, Latchingdon	27/05/2016	£600	Committee decision in accordance with recommendation

- 3.7 There are 39 appeals decisions outstanding for the Council where a decision is awaited by the Planning Inspectorate and the number of appeals remains an all-time high, having doubled since 2013. We are still experiencing, a number of appeals being upgraded from a written representation to informal hearings and from informal hearings to public inquiries, mainly due to the Planning Inspectors examining the Council's five year land supply position.
- 3.8 The Council's performance for the success rate (appeals dismissed i.e. the Council was successful in defending the appeal) is now 53%. This has reduced from 60% for the previous six month period.
- 3.9 Members will also be aware that since 2012 Councils that do not reach specific performance targets on major applications and major appeals may be considered as a 'designated authority' by the Secretary of State. In terms of major planning appeals this is measured over a two year period and the target threshold was 20%. However, in the Spending Review and Autumn Statement 2015 Government announced the strengthening of the performance regime for major appeals, by lowering the threshold for the quality of decisions to 10% of all major decisions overturned on appeal.
- 3.10 The new criteria for designating local planning authorities for poor performance in determining planning applications came into force on the 19 January 2017.
- 3.11 The Council's performance against the government target is 6.56%. However, there are five major appeals still in progress so worst case scenario performance would be 10.66% if all these were allowed by the Planning Inspectorate.
- 3.12 There are currently 37 outstanding appeals where decisions are yet to be made by the Planning Inspectorate. These are as follows:

Appeal Type	Number
Public Inquiry	3 (2 for Enforcement)
Hearing	3
Written Representation	28 (6 for Enforcement)
Householder Appeal Process	2
Tree Preservation Order Appeal	1
TOTAL	37 (8 for Enforcement)

- 3.13 In 2013 the Council received 75 appeals and this rose slightly in 2014 to 80 appeals. Whilst in 2015 the number of appeals received increased dramatically to 133 appeals. For the first six month of 2016 the Council has received 69 appeals. The volume of appeals, alongside the high number of hearing and public inquiries, is putting additional strain on the limited resources within the Planning Service
- 3.14 It should also be noted that the Council is experiencing a high number of appeals against enforcement notices. A number of the appeals are being dealt with through the public inquiry process which is putting an additional strain on existing resources.

4. CONCLUSION

- 4.1 Whilst performance in appeals between July 2016 and December 2016 fell, it is still significantly superior than the historical performance of the Council although there are still a number of outstanding appeals.
- 4.2 The change in the DCLG threshold for major appeal performance from 20% to 10% of appeals allowed has significant implications for the Council.
- 4.3 Resourcing appeals will continue to be an issue if the level of the appeals received remain high and/or and nature of appeal type changes, including an expected increase in enforcement appeals and public inquiries.

5. IMPACT ON CORPORATE GOALS

- 5.1 Having an effective and planning service contributes to two Corporate Goals i.e. 'Protecting and shaping the district' and, 'Delivering good quality, cost effective and valued services'.

6. IMPLICATIONS

- (i) **Impacts on Customers** – The Councils' resources are being used effectively within the democratic process.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – In the context of the increasing tendency to challenge Council decisions, it is necessary to maintain flexibility in how the authority responds to planning appeals. The Council is committed to embedding sound operational, financial and legislative internal controls and to ensuring that good corporate governance arrangements are in place to assist the Council with meeting its aims and objectives. In the light of the change in government's threshold on performance for major planning appeals from 20% allowed to 10% this presents an increased risk to the Council and will be reflected as part corporate risk management particularly as the likelihood of exceeding the 10% is high.
- (iv) **Impact on Resources (financial)** – Decisions with regard to potential awards of costs can incur the Council in extra expenditure and need to be considered

carefully. This has been covered in previous reports to Members. The resourcing levels required to manage appeals requires further review.

- (v) **Impact on Resources (human)** – The number of appeals have doubled in the past two years and the resourcing appeals at this level will need reviewing. Temporary arrangements have been made to deal with the increase in appeals but very recently the number of hearings and public inquiries has increased which has required additional external support being provided. Public Inquiries also require the assistance of barristers which add to the cost of defending appeals. This matter will need monitoring and reviewing. Much will also depend on a final decision from the DCLG on the Councils Local Development Plan.

- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Matt Leigh, Group Manager - Planning Services, (Tel: 01621 875870).

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