



REPORT of DIRECTOR OF PLANNING AND REGULATORY SERVICES

**to
PLANNING AND LICENSING COMMITTEE
19 JULY 2018**

PLANNING POLICY UPDATE

1. PURPOSE OF THE REPORT

- 1.1 This report provides an update on local, sub-regional and national planning policy matters including Duty to Cooperate and Essex Local Plans, and legislative changes as they affect planning policy.
- 1.2 A separate report has been prepared for this Committee on:
- Specialist Housing (Supplementary Planning Document (SPD))
 - Recreational Avoidance and Mitigation Strategy (RAMS)
 - Great Crested Newts Licensing
- 1.3 The wide range of policy matters in this report may affect the policies of the Council, procedures and decision making. Therefore, further reports may need to be made to the Committee for decision. The Committee's attention is drawn to paragraph 3.1.7 and that a report will be made to the September meeting of this Committee on the various reports from the Essex Planning Officers Association.

2. RECOMMENDATION

That Members review and comment on the contents of this report.

3. SUMMARY OF KEY ISSUES

3.1 Duty to Cooperate and other Essex Plans and Strategies

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

Council	Plan	Stage
Basildon	Basildon Local Plan 2014-2034	Draft Local Plan approved for publication in March 2018. However, the Council subsequently resolved on 7 June 2018

Council	Plan	Stage
		that it ‘wishes to review the Publication Local Plan approved at its meeting held on March 22, 2018.’ The review will take in a number of site allocations and the gypsy and traveller policy.
Braintree	Braintree District Local Plan	See main report
Brentwood	Draft Local Plan Preferred Site Allocations	Consultation undertaken in March and April 2018. (Source: Council website)
Castle Point	Castle Point Local Plan	The Secretary has intervened in the production of the Local Plan. The Council launched a public consultation exercise on 4 July 2018 that seeks views on what should be included in the Local Plan. The consultation runs until 15 August 2018.
Chelmsford	Chelmsford Local Plan	On 7 June 2018 the City Council’s Development Policy Committee resolved to approve the Local Plan for Submission to the Secretary of State on 29 June 2018. No date has been given for the Examination.
Colchester	Local Plan 2017 – 2033	See main report
Epping Forest	Epping forest District Local Plan	The Council was successful in defending a Judicial Review against this plan.
Harlow	Harlow Local Development Plan	Pre-Submission Publication of the Local Plan consultation closes on Friday 6 July 2018.
Rochford	Rochford Local Plan	Issues and Options consultation closed March 2018. Call for sites closes 31 May 2018.

Council	Plan	Stage
Southend	Southend Local Plan to 2034	Call for sites in May 2017. Issues and Options – Autumn / Winter 2018 Preferred Approach - Autumn / Winter 2019 Pre-submission – Autumn / Winter 2020 Submission – Spring 2020 (Source: LDS April 2018)
Tendring		See main report
Thurrock	Thurrock Local Plan	No information available.
Uttlesford	Uttlesford Local Plan	On 19 June 2018 the Council approved the Local Plan for Regulation 19 Consultation and post that submission to the Secretary of State for Examination.

- 3.1.2 With regards to the **Part One (strategic) local plan for the North Essex Authorities – Braintree, Colchester and Tendring** – The Inspector has published a letter to the authorities dated 8 June 2018. This letter is not the Inspector’s final report. However, the Inspector has found that parts of the Plan need to be reviewed by the Council. This includes the delivery of the garden communities (of which there are three); transport investment associated with those, including the implications for the A12; employment; and the sustainability appraisal.
- 3.1.3 The authorities are preparing a joint Strategic Plan (Section1) and individual local plans (Section 2). The Section 1 has been subject to Examination, but not the Section 2 Plans, but both have been Submitted.
- 3.1.4 The Inspector has offered the authorities three courses of action: delete the garden communities and submit a revised plan within an agreed timeframe – he suggests ‘within two to three years;’ or the authorities to carry out the necessary work on the evidence base and sustainability appraisal which will require suspending the examination and reopen to consider the work at a later date; withdraw the plans from Examination.
- 3.1.5 The Council has made representations to these Plans in the past, and it is clear that the Inspector’s comments have significant implications. At this stage no announcements have been formally made by the Authorities into the option they will take.
- 3.1.6 The **Essex Planning Meeting** (previously the Essex Planning Portfolio Holder and Committee Chairman meeting) was held on 4 July 2018. The purpose of this meeting is to bring together the relevant Members to discuss cross boundary issues relating to

planning – strategic, policy or operation such as resources. The meeting is attended by the Chairman of this Committee, supported by the Planning Policy Manager. The meeting is chaired by Councillor Mohindra the Cabinet Member for Economic Development at Essex County Council. Items discussed at the meeting included:

- 3.1.7 EPOA (Essex Planning Officers Association) Planning Protocol – a protocol which sets out how developers and local planning authorities will work on development proposals, covering the role of members at the pre-application stage, planning performance agreements and negotiations. **A report will be made to the next meeting of this Committee on this protocol and other EPOA matters.**
- 3.1.8 EPOA Viability Protocol: This is in draft and sets out an approach to viability assessments associated with development proposals.
- 3.1.9 Broadband and 5G: A presentation on the roll out programme for superfast broadband across Essex. According to the data, Maldon is achieving 95% coverage of properties which could achieve 30mdps. There are a number of technical reasons why properties which are in areas with potential coverage cannot achieve such speeds. An overview was also provided on the roll out programme for 5G mobile coverage which is due to start in 2020. The two key areas are the need for enhanced or new antennae and the use of public land for new antennae.
- 3.1.10 NPPF (National Planning Policy Framework) - An overview of the NPPF changes was provided. The Secretary of State has indicated that the publication of the NPPF is due shortly.
- 3.1.11 Local Plan updates were provided – see above.
- 3.1.12 South Essex Strategic Plan: this is a joint plan between Basildon, Brentwood, Castle Point, Essex, Rochford, Southend and Thurrock that will set the long term development and strategic infrastructure requirements that will inform future local plans. The first draft is due to be published in early 2019. Duty to cooperate meetings will be arranged in the meantime.
- 3.1.13 Essex Housing provided an overview of their work and projects for information.
- 3.1.14 It was agreed that recruitment and retention issues will continue to be discussed at the EPOA but reported back to the Essex Planning Meeting.

3.2 Supplementary Planning Documents and other policy documents

- 3.2.1 A report on the consultation on the draft Specialist Housing SPD is presented in a separate report to this Committee.
- 3.2.2 The consultations on the draft Affordable Housing SPD closed at the end of May 2018. A number of comments have been raised by developer respondents recommending that the Council delays on the final SPD until the National Planning Policy Framework (NPPF) and associated changes have been finalised given the range of proposed changes to affordable housing. Whilst these changes were highlighted in the draft SPD, as with Community Infrastructure Levy (CIL), it is prudent for the Council to wait until the NPPF has been confirmed.

- 3.2.3 Consultation started 14 June 2018 on the draft Vehicle Parking Standards SPD and Draft Statement of Community Involvement. Both close on 26 July 2018 and reports will be made to this Committee on the representations received, and any amendments to the documents.

3.3 **Community Infrastructure Levy (CIL)**

- 3.3.1 The Community Infrastructure Levy work on updating the evidence base is nearing completion. This includes an update of the Infrastructure Delivery Plan (2104) in particular, revised costs and an update to the viability appraisal.
- 3.3.2 The Government consulted on changes to CIL alongside the recent NPPF consultation. The outcome of that is not known, so further progression on CIL should be held back until the Government have announced the final structure, policies and regulations.

3.4 **National Planning Policy**

- 3.4.1 Following the Town and Country Planning (Permission in Principle) Regulations 2017 coming into effect, the Government has revised guidance on the implementation as set out in the Permission in Principle PPG.
- 3.4.2 The Government has extended the circumstances of when Permission in Principle can be applied for. Previously it was restricted to sites identified only for sites on Part Two of a Brownfield Register. The new Regulations take account of the wider opportunity – for example, self and custom build (see Planning and licensing Committee report June 2017 (Draft Minute No. 2018/129). They also clarify the two stage process – granting of Permission in Principle and then granting of details in a Technical Application.
- 3.4.3 The principle changes include:
- Permission in principle can be applied to non-residential development albeit as part of a wider residential scheme – i.e. employment within a mixed use residential led development.
 - Permission in Principle is followed by a technical permission stage, similar to a Full Application.
 - Promotion of discussion with the Local Planning Authority (LPA) before a submission of an application and the need for the LPA to refer to the NPPF at pre-app stage.
 - There are changes to consultation procedures for local planning authorities.
 - Changes to time limits for dealing with applications and the time limits for which a Permission in Principle is valid for.
 - Clarification on how the LPA should stipulate on the Permission in Principle decision notice to be submitted in the follow up Technical Application.
 - A fee of £402.00 per 0.1 hectare of a site has been introduced for Permission in Principle applications.

- 3.4.4 The Council will need to reflect these changes in its planning application guidance and in the final draft of the Statement of Community Involvement.
- 3.4.5 On 24 May 2018, the Government Published the latest dwellings stock data (including vacant units) for each local authority for 2017. For Maldon District this showed:

	Local Authority (incl. owned by other LAs)	Private Registered Provider	Other public sector	Private sector	Total
Maldon	0	3,020	0	25,050	28,070

- 3.4.6 On 28 May the Government published the latest Land Value Data (albeit for 2017). The Government only have residential land values for Maldon District, which in 2017 averaged £3.61m per hectare. This compared with an Essex average of £4.29m.

4. CONCLUSION

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

5. IMPACT ON CORPORATE GOALS

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

6. IMPLICATIONS

- (i) **Impact on Customers** – This report provides customers with the most up-to-date progress on planning policy matters. Clear policy and strategy working with other authorities in Essex provides certainty to residents and businesses in the District.
- (ii) **Impact on Equalities** – Planning policy documents, including new regulations and policy documents prepared by the government, are subject to equality analysis.
- (iii) **Impact on Risk** – Up to date planning policy and a five year supply of housing land is required in accordance with the National Planning Policy Framework in order to enable the Council to strategically plan for future

needs, growth and sustainable development. The implementation of new legislation will need to be taken after consideration of the risks for the Council and stakeholders.

- (iv) **Impact on Resources (financial and human)** –Any significant change in policy direction would be likely to require additional work or alterations to the evidence base which may have significant financial and human resource implications for the Council. The government have indicated that additional funding may be available to local authorities to implement some of the regulatory and legislative changes.
- (v) **Impact on the Environment** – Up to date planning policy and a five year supply of housing land will enable the Council to promote sustainable development and safeguard the local environment in accordance with the local priorities for the District.

Background Papers:

Permission in Principle Planning Practice Guidance (PPG)

<https://www.gov.uk/guidance/permission-in-principle>

Chief Planners letter dated 30 May 2018 on Update on financial support for neighbourhood planning in 2018/19

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/717060/180605_Chief_Planner_Letter_NPG_18-19_-_revised.pdf

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