



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
COUNCIL
19 DECEMBER 2019**

BRADWELL B PLANNING POLICY POSITION STATEMENT

1. PURPOSE OF THE REPORT

- 1.1 To provide a Planning position statement on behalf of the Council in relation to any new development relating to the Bradwell B (BrB) project.

2. RECOMMENDATION

That a workshop to be provided for all Members which will include an update on the BrB project and to seek some direction in the production of any new planning policies relating to BrB.

3. SUMMARY OF KEY ISSUES

3.1 Bradwell B (BrB)

- 3.1.1 In 2010 the Government announced that Bradwell was one of eight sites it considered suitable for the siting of a new nuclear power station. Currently CGN and EDF are partnering in the development of the station.
- 3.1.2 The development of a new nuclear power station falls within the scope of the '*Nationally Significant Infrastructure Projects*' (NSIPs). In these instances, the developer applies directly to the Secretary of State for a Development Consent Order (DCO) rather than to the Local Planning Authority for planning permission. Maldon District Council will be a consultee as part of the DCO process. BrB have indicated that the application for the DCO will be submitted in 2022. However, there is a significant consultation and engagement process leading up to the submission of the application.
- 3.1.3 It should be noted that the DCO process will allow for ancillary works to be submitted alongside the new power station. This is likely to include road improvements and accommodation on site during the construction process.
- 3.1.4 Whilst Maldon District Council will not be the determining authority for the actual power station it is envisaged that a number of planning applications will be forthcoming over the next few years. These applications will be split into two categories, either in associated with the power station (e.g. investigatory ground works, temporary siting of plant equipment and housing workers during the

contraction process) or linked to the proposal by third parties (e.g. new permanent housing and new employment land opportunities).

3.2 Maldon District Council Planning Policy Position

3.2.1 Both planning law and Government guidance is clear that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2.2 Maldon District Council's Local Development Plan (LDP) was adopted in July 2017 and is considered to be up to date and should be the first consideration when determining any planning applications at the time. The Local Plan is supported by a number of Supplementary Planning Documents on matters such as Parking Standards, Affordable Housing and Viability, Specialist Needs Housing and Design Guide.

3.2.3 Maldon District Council's Local Plan only makes reference to BrB in Policy D4; where it states:

"The Council will strongly support the principle of the development of a new nuclear power station at Bradwell-on-Sea."

3.2.4 The Plan DID NOT take into consideration the wider impact of BrB but paragraph 3.43 states:

"Given the uncertainty of the project, the possibility and impacts of a new nuclear power station in the District will not be considered further at this stage. The situation will be monitored by the Council, and if required local planning policy may be reviewed to consider any future power station proposals."

3.3 Future Planning Applications

3.3.1 As stated above it is considered that the planning applications received in the near future will fall in to two categories; either they will directly relate to the provision of the new nuclear power station, or they will be applications that are trying to facilitate some form of development on the back of the new station. All planning applications received will be determined against the adopted Local Plan and take in to account any relevant material considerations.

3.3.2 It is considered that the Council LDP, Policy D4, supports the principle of granting planning permission for developments that facilitate the delivery of the new station. However, particularly as at this time the development will most likely be temporary in nature, it is essential to ensure that any long-term harm, impacts on ecology or the wider community are mitigated and kept to a minimum.

3.3.3 As explained earlier the process of delivering a new nuclear power station is very much in its infancy. Alongside the DCO process the developer will also be a need to obtain a number of other consents and permissions including a Nuclear Site license and various environment permits. It is important to note that, due to the process being at its infancy and a large number of reports still needing to be generated, at this time there is no definitive position that a new power station will be delivered in Bradwell.

- 3.3.4 The LDP currently does not take in to account any growth, e.g. housing, employment or leisure demand, from the delivery of BrB; this includes both during construction and also once the station is active.
- 3.3.5 Policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 3.3.6 Policy S8 makes exceptions for developments that are to be located outside the settlement boundaries, including those relating to employment generating proposal in accordance with policy E1. This is only allowed though, when it can be demonstrated that the development would not adversely impact upon the countryside. However, it does not support the provision of market housing.
- 3.3.7 Support of sustainable economic growth to create jobs and prosperity is one of the core principles of the National Planning Policy Framework (NPPF). One of the requirements of the NPPF is to ensure that local policies set criteria or identify strategic sites, for local and inward investment to match the development strategy and to meet anticipated needs over the plan period. It is noted that the approved LDP has set the need of the District and strategic sites for Employment Uses have been identified.
- 3.3.8 Policy E1 of the approved LDP states that *“The Council will encourage employment generating developments and investment in the District to support the long-term growth vision outlined in the Council’s Economic Prosperity Strategy (EPS)”*. It further continues stating that *“This will be achieved through the regeneration, modernisation and expansion of existing employment sites, and through the provision for new employment sites at the strategic allocations and South Maldon Garden Suburbs and other high quality and sustainable locations, including town centres, education and health facilities and with regard to other policies in this Plan”*.
- 3.3.9 Policy E1 also states that *‘new proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District’*. The LDP identifies a need for 11.4ha of employment land over the plan period; however, this need is addressed in full within the allocated sites. In that respect it is noted that a total of 7.9ha benefit from planning permission and are still undeveloped and also another 2.3ha remain without consent. As a result, there is a total of 10.2ha of designated employment land that remains undeveloped.
- 3.3.10 It is likely that any opportunistic application sites, for substantial levels of housing or new employment generating opportunities, would be outside the boundaries of the existing or allocated employment land areas and therefore, would be contrary to the Council’s adopted policies.
- 3.3.11 The delivery of a new power station, within the existing policy framework, would be a material consideration of great weight. However, taking in to account how early the

process is, it is considered that any proposals in relation to the power station would be premature in nature and therefore would be unlikely to be supported by the Council.

3.4 **Going Forward**

- 3.4.1 It is considered likely, if the Council does not want to be planning by appeal, that there will need to be a review of the Council's policy position. This could either be in the form of a new Development Plan Document that will be aimed at solely dealing with any additional development / planning applications caused by the new power station or undertaking a full review of the Local Plan.
- 3.5 It is considered appropriate for a workshop to be facilitated for all Members which will feed in to the Council direction of travel in relation to the production of any new policies relating to BrB. The workshop should also include an update on the BrB project to provide some context for the future direction.

4. **CONCLUSION**

- 4.1 At this time, it is considered that the Council is in a strong position to resist adversarial planning applications which, are not in accordance with the Development Plan and, aim to take advantage of the future power station due to these would be considered premature. However, there will be a need in the future to provide a more robust, evidence based, policy position in relation to BrB associated planning applications. To facilitate this it is considered appropriate to have a workshop for Members to gain some guidance in relation to the Council direction of travel for the production of new planning policies to deal with planning applications in the future.

5. **IMPACT ON STRATEGIC THEMES**

- 5.1 The determination of planning applications appropriately will have a positive impact on the corporate goals of which underpin the Council's vision for the District, in particular Sustainable growth and new infrastructure and Protected and improved environment for residents and visitors.

6. **IMPLICATIONS**

- (i) **Impact on Customers** – There is a need to ensure the effective delivery of the service to customers in the immediate and longer term.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – Potential cost of defending planning appeals for adversarial developments and the production of new planning policies.
- (v) **Impact on Resources (human)** – To continue to be identified through the management of the service.

- (vi) **Impact on the Environment** – Failure to have an effective planning policy position could result in an adverse impact on the environment resulting in long term harm which might be difficult to mitigate.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

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