



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

to
**COUNCIL (EXTRAORDINARY)
23 FEBRUARY 2021**

**BRADWELL B PROGRAMME CLOSEDOWN AND LOCAL DEVELOPMENT
PLAN REVIEW**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to consider the implications of the Bradwell B Programme closedown and the opportunity to bring forward the review of the Local Development Plan, utilising work that has already commenced as much as possible and redeploying the fixed term staffing resources from the Bradwell B project.

2. RECOMMENDATIONS

- (i) that the impacts of the Bradwell B project closedown and funding withdrawal be noted;
- (ii) that Members agree there is an opportunity to bring forward the review of the Maldon District Local Development Plan, including utilising staff from the Bradwell Team where possible to accelerate delivery;
- (iii) that Members consider and approve the Maldon District Local Development Scheme 2021 - 2024 as set out in **APPENDIX 1**.

3. SUMMARY OF KEY ISSUES

3.1 Impacts of Bradwell B Project Closedown and BRB Funding Withdrawal

- 3.1.1 On 29 January 2021, BRB wrote to the Council advising that due to the impacts of the Covid-19 pandemic, engagement with local authorities is to pause and the current funding agreement will be withdrawn for at least 12 months.
- 3.1.2 The funding had enabled the Council to put in place a multi-disciplinary project team to manage the additional burdens created by the Bradwell B project, including resourcing the engagement in the Development Consent Order process. This project is now in the process of being closed down but remains sensitive as it has implications for contractors and staff on fixed-term contracts.
- 3.1.3 BRB has made it clear that despite the closedown, it remains committed to bringing forward more detailed proposals for a new nuclear power station at Bradwell-on-Sea in due course. In light of this, it would be of a longer-term advantage to the Council if

it were to be in a position where it can quickly re-assemble a Bradwell B project team, with previous expertise and specific knowledge of the project, in order to ensure continuity when the project is restarted.

3.2 Local Development Plan Review

- 3.2.1 The instruction to close down the project team and the withdrawal of funding also has an implication on the Bradwell B Development Plan Document (DPD) which the Council agreed to prepare in February 2020 (Minute No. 770 refers); preparation for which had already commenced in accordance with the statutory Local Development Scheme 2020 - 2022 (LDS).
- 3.2.2 The responsibility for progressing the Bradwell B DPD as set out in the LDS remains, but the delivery will need to transfer to the Local Plans Team following the funding for the Bradwell Project Team being withdrawn by BRB.
- 3.2.3 The Council has already considered the recommendations from the Strategy and Resources Committee held on 28 January 2021 in respect of budget setting and the Medium-Term Financial Strategy (MTFS) 2021 / 22 – 2023 / 24. This included a £1m investment between 2021 and 2024 for reviewing the Local Development Plan (LDP) and a £0.594m investment to deliver a suite of planning policy products including the Bradwell B DPD, Planning Obligations Supplementary Planning Document, North Quay Development Brief and a Community Infrastructure Levy as set out in the LDS 2020 - 2022.
- 3.2.4 In setting the 2021 / 22 budget, consideration was given to the need to review the LDP. Specifically, this relates to Policy S2 and S3 which relate to the District's housing target until 2029 and the trajectory for its development per annum. The Council's statutory Authority Monitoring Report 2019 / 20 reported that the District's performance on housing delivery in its Garden Suburbs and Strategic Allocations had unfortunately missed a target set within the policies for completions over three consecutive years, meaning the Council had hit its own trigger for a partial review of the LDP being needed.
- 3.2.5 This position is compounded by the inability of the District to maintain a five-year housing land supply; which is contrary to the National Planning Policy Framework (NPPF).
- 3.2.6 Combined, these have the potential to undermine the operation of the planning system in the District and could give rise to more development occurring in undesirable and unplanned locations and a reduced effectiveness of Neighbourhood Plans that have been prepared by Parish Councils.
- 3.2.7 Paragraph 33 of the NPPF states "*Policies in Local Plans...should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan and should take into account the changing circumstances affecting the area, or any relevant changes to national policies*".
- 3.2.8 The Maldon District Local Development Plan 2014 - 2029 was adopted in July 2017 and therefore in accordance with Paragraph 33 of the NPPF above, the LDP would

need to be assessed for review by July 2022 at the latest. Since the LDP's adoption, the District's environmental, economic and social circumstances have been changing; not least of all the recent decision to declare a Climate Emergency on 4 February 2021, the impacts of the Covid-19 pandemic, the UK's departure from the European Union, as well as the reduction in the supply of land for housing.

- 3.2.9 In addition, the Government has proposed changes to the planning system in England to make it more responsive to national socio-economic needs, infrastructure delivery and environmental issues.
- 3.2.10 It is therefore considered an opportune time to bring forward a review of the LDP to ensure that Maldon District's planning policy framework remains fit for purpose and responsive to the District's changing needs.
- 3.2.11 To this end, Officers have updated the LDS to prioritise delivering an LDP Review, utilising the budget investment from the MTFS, which is being recommended to Council for approval at this meeting (**APPENDIX 1**).

3.3 Delivering the LDP Review - Staffing Implications

- 3.3.1 The LDP Review will be led by the Local Plans Team. In the establishment, this team consists of five officers of different experience levels reporting to the Strategy, Policy and Communications Manager. Functionally, policy activities are supported by the Lead Specialist – Place who also has oversight of related disciplines including Development Management, Building Control, Street Naming and Numbering and Land Charges.
- 3.3.2 At present, three of the Local Plan posts are vacant; two of them long-term, despite multiple attempts to recruit to them since they were created.
- 3.3.3 With the pausing of the Bradwell B project reported to the Council on 4 February 2021, the Council is now in a unique position to be able to repurpose its additional town planning and project administration expertise to new project priorities if they are needed. These skills neatly match those needed in the Local Plans Team to support the delivery of the LDP Review.
- 3.3.4 Whilst policy production is adequately covered by the Local Plan Team's structure (assuming no posts are vacant), in practice it is not considered that this works as effectively as it could for policy implementation. This includes engagement with neighbouring authorities and statutory bodies on strategic and cross-boundary matters, Section 106 / Community Infrastructure Levy (CIL) policy, as well as development and policy monitoring.
- 3.3.5 It is therefore proposed that the Local Plans Team be redesigned into a "Planning Policy and Implementation Project Team" to accommodate the redeployed officers in an effective way to address functional gaps in the existing service.
- 3.3.6 Allowances were already made in the LDP budget assumptions reported to the Strategy and Resources Committee on 28 January 2021 that part of the budget would be required to bring in additional staffing resources, on a temporary basis, to resource

busier times in the LDP's production, including the evidence base updates, site assessments and public consultation periods.

- 3.3.7 By re-deploying the planning and project administration expertise the Council already has in its employment from the Bradwell B Project Team, it is considered that the Council should be able reduce its reliance on consultants for some of the evidence base work and produce the LDP Review up to six months faster (assuming a reasonable response to a future Call for Sites and any connected evaluation work); thereby bringing forward the submission and Examination in Public before a Planning Inspector to early 2023 and securing adoption by the end of 2023.

3.4 **Next Steps**

- 3.4.1 Work had already commenced as part of the Bradwell B DPD on updating the evidence for local housing needs and updating our understanding of the local economy. This work has been conducted in a way in which it can also be utilised for the LDP Review. In Spring 2021, work for the DPD was due to commence with a Call for Sites and an updated Housing and Economic Land Availability Assessment (HELAA), which with the additional staffing resources mentioned above can now be accelerated. With the additional resources, work can continue with preparing a Planning Obligations SPD and CIL, which should ensure the District is in a better place to secure contributions from development to invest in District infrastructure.
- 3.4.2 Consideration will need to be given to the establishment of a Planning Policy Working Group to ensure there is adequate, cross party Member engagement in the development of policy and guidance documents set out in the LDS. This will be addressed in a future report to the Council.

4. **CONCLUSION**

- 4.1 Following the close down on the Bradwell B project, it is recommended that the redeployment of fixed term contracted staff to the current Local Plans team should be permitted to enable the Council to deliver the LDP Review faster, whilst also preserving as much of the expertise built-up in the Bradwell B project team that could be re-deployed once BRB restart the Development Consent Order process.

5. **IMPACT ON STRATEGIC THEMES**

- 5.1 The LDP Review would deliver benefits across all three strategic themes, allowing them to respond better to the challenges facing the District.

6. **IMPLICATIONS**

- (i) **Impact on Customers** - By redeploying staff and redesigning the Local Plans team into a Planning Policy and Implementation team, our customers will be supported better by an accelerated LDP Review preparation.

- (ii) **Impact on Equalities** – By reviewing the LDP, the development needs of all communities and for all protected characteristics can be considered.
- (iii) **Impact on Risk** – By redeploying staff and redesigning the Local Plans team into a Planning Policy and Implementation Team, the Council should be in a better position to restart the Bradwell B project team at a point in the future when the Development Consent Order process is relaunched, assuming those staff remain in the council’s employment.
- (iv) **Impact on Resources (financial)** – By redeploying staff and redesigning the Local Plans team into a Planning Policy and Implementation team, fixed-term contract costs from the Bradwell B team will have to be absorbed by the LDP budget. Assumptions had already been made that some of the investment will be needed for additional staffing costs to assist preparation. Shortening the LDP Review production timetable by up to six months and spending funds on salaries will mean the budget will need to be reprofiled from the assumptions set out in the MTFS and Budget.
- (v) **Impact on Resources (human)** – The staff on fixed-term contracts will be redeployed to the new Planning Policy and Implementation Team (currently the Local Plans team). This may require individual contractual changes but will reduce the need to recruit agency staff to cover vacant roles and avoid the need for early termination of fixed-term contracts.
- (vi) **Impact on the Environment** – Investing in the LDP Review will mean that the planning policy framework for the District can be updated to ensure it is able to better respond to the District’s environmental challenges and secure environmental improvements through development.
- (vii) **Impact on Strengthening Communities** - Investing in the LDP will mean that the planning policy framework for the District can be updated to ensure it is able to better respond to the District’s socio-economic challenges and secure improvements through development.

Background Papers: None.

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