



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

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**to  
STRATEGY AND RESOURCES COMMITTEE  
16 SEPTEMBER 2021**

**RESPONSE TO ROCHFORD DISTRICT COUNCIL – DEVELOPMENT CAPACITY  
LETTER – AUGUST 2021**

**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is for the Committee to consider the request made under the Duty to Co-Operate from the neighbouring Rochford District Council concerning their development capacity and Maldon District's ability to help.

**2. RECOMMENDATION**

That the response to Rochford District Council's letter be approved as set out in **APPENDIX 1**.

**3. BACKGROUND**

- 3.1 On 9 August 2021, Maldon District Council (MDC) received a letter from Rochford District Council (RDC) entitled "Capacity for Accommodating Development Needs – Rochford New Local Plan" as set out in **APPENDIX 2**.
- 3.2 Like MDC, RDC has begun to review its Local Plan. It explains that RDC has recently published a Spatial Options Document for consultation, which it intends to use to inform its new Local Plan, which is tasked with considering how its identified development needs could be accommodated over the next 20 years.
- 3.3 RDC has identified four broad spatial strategy options for growth which are:
- Option 1 – Urban Intensification;
  - Option 2 – Urban Extensions;
  - Option 3 – Concentrating Growth; and
  - Option 4 – Balanced Combination.
- 3.4 The Local Housing Need methodology calculates a need of 360 homes per annum for the Rochford District; equating to a total need to plan for around 7,200 homes. This would accommodate RDC's housing need over a 20-year period.
- 3.5 RDC have reviewed its land supply and estimates that at least 4,000 homes can be accommodated on existing sites, including current allocations, land with planning permission, other opportunity sites and expected windfall sites.
- 3.6 Through further work looking at Rochford District's urban capacity and some wider work, RDC believe they may be able to find land for a further 1,500 homes through

increasing densities or repurposing existing land allocations; notwithstanding there is some uncertainty over how sustainable and deliverable this approach is.

- 3.7 Furthermore, RDC suggest its evidence indicates that its employment needs may continue to be met by existing allocations, however, it will keep this under review.
- 3.8 This means that accounting for the land sources set out above, RDC have predicted that they could have a shortfall of between 1,700 and 3,200 homes. Of the four Spatial Options it is consulting on, only those which would involve Metropolitan Green Belt release (Options 2, 3 and 4) would be able to accommodate all of Rochford District's growth needs within its own area; thus, addressing this shortfall.
- 3.9 However, the National Planning Policy Framework (NPPF) strictly controls the review of Green Belts. It specifies that once established, Green Belt boundaries should only be altered where 'exceptional circumstances' are fully evidenced and justified. At this early stage of plan-making, RDC cannot conclude whether 'exceptional circumstances' exist to justify Green Belt release. Before it can do this, it must, amongst other things, explore whether neighbouring authorities could accommodate some of the identified need for development within their areas and therefore reduce the pressure on the Metropolitan Green Belt.
- 3.10 Maldon District shares a marine boundary via the River Crouch with the Rochford District. In order to inform RDC's assessment of whether such 'exceptional circumstances' do exist to comply with the requirements of the NPPF, MDC is being asked whether it could advise whether any of RDC's identified development needs could be accommodated in the Maldon District, either now, or in the future.

## **4. MATTERS FOR CONSIDERATION**

### **4.1 The Duty to Co-operate**

- 4.1.1 S33A of the Planning and Compulsory Purchase Act 2004 (as amended) makes it a legal requirement for MDC and RDC to cooperate with each other (and other prescribed bodies) on strategic and cross-boundary matters. As the Council's Duty to Co-operate Strategy sets out, housing is a strategic cross boundary issue identified by the NPPF and therefore it is a reasonable request for RDC to make in this regard.

### **4.2 Stage of Plan-Making in RDC and MDC**

- 4.2.1 MDC is at a similar stage of plan-making as RDC; work remains underway to fulfil the Council's adopted Local Development Scheme and publish an Issues and Options Report for consultation in Autumn 2021. The council will not determine until Autumn 2022 how much growth it prefers to accommodate and whether it may want to consider more housing growth than is required by the standard method for calculating housing needs, if it could otherwise improve development sustainability and deliverability.
- 4.2.2 MDC cannot therefore credibly advise RDC that this request has come in too late or too early. Were the Council minded to positively respond to this letter now to any degree, additional work would need to be carried out as part of the LDP Review to determine the degree to which any additional growth could be accommodated from Rochford District.

### 4.3 **Green Belt**

- 4.3.1 Unlike RDC, MDC is not a Green Belt authority and therefore is not subject to the NPPF's stricter Green Belt policy considerations; although there are other environmental constraints. It is therefore reasonable in plan-making terms and through the DTC for RDC to approach MDC as a neighbouring, non-Green Belt authority to determine whether it is able to help meet needs in Rochford District.

### 4.4 **Housing Market Area Geographies**

- 4.4.1 MDC needs to also consider whether any additional housing growth from RDC would functionally help the wider housing market. The Maldon District Local Housing Needs Assessment Part 1 2021, published in July 2021, replaces the Mid Essex Strategic Housing Market Assessment for MDC. This independent assessment has reviewed the appropriateness of the Housing Market Area and has not drawn any strong linkage to the Rochford District; rather there are greater similarities with parts of Chelmsford City and Braintree District instead. Rochford District on the hand, falls into the sub-regional South Essex Housing Market Area, which is shares with Basildon Borough, Castle Point District, Southend on Sea Borough and Thurrock Boroughs. The South Essex Strategic Housing Market Assessment 2018 reviewed the appropriateness of the functional housing market and did not conclude any particularly strong relationship to Maldon District either. It is therefore doubtful, if the Council were minded to support accepting growth from the Rochford District that the additional allocations arising from it, would support housing need in RDC's area where it is was needed and residents arising from this growth in MDCs area would all look to the Maldon District and its identified area to accommodate their infrastructure needs, jobs, services and facilities.

### 4.5 **Existing Agreements or Protocols**

- 4.5.1 The matter of the possibility of unmet housing need has already been considered by the Greater Essex authorities via their collective membership of the Essex Planning Officers' Association (EPOA). In 2017, the EPOA developed and approved a "*Guidance Note: Mechanism for the Consideration of Unmet Housing Need*". This established how local planning authorities would work together in the event that a local planning authority could not meet all of its housing need through its local plan.
- 4.5.2 This agreed a logical sequence for each LPA when dealing with housing need as being:
- (i) Agree the current extent of the Housing Market Area (HMA);
  - (ii) Agree their full objectively assess housing needs of the HMA over a plan period;
  - (iii) Irrespective of policy constraints, assess whether there are sufficient available and achievable housing sites to deliver the identified housing need in the HMA;
  - (iv) Agree a consistent approach and methodology across the HMA to examine how far any constraints stops the delivery of the Objectively Assessed Housing Need (OAHN);
  - (v) If there remains an unmet housing requirement – reassess the Housing and Economic Land Availability Assessment (HELAA) to bring forward more land for development, undertake a further call for sites; and
  - (vi) Through the Duty to Cooperate determine the extent to which unmet need could be accommodated within the HMA or adjoining HMAs.

- 4.6 This Guidance Note was subsequently endorsed by the Maldon District Planning and Licensing Committee on 6 September 2018 (Minute No. 404 refers).
- 4.7 What cannot be determined from the Rochford Spatial Options document is whether, in line with the Guidance Note, whether it has already been concluded that the South Essex Housing Market Area cannot accommodate any of RDC's unmet needs. The Association of South Essex Authorities (ASELA) which includes the South Essex Housing Market Area (as well as Brentwood Borough) continue to work on developing a Joint Strategic Plan to consider how unmet needs could be distributed across the housing market area.

## 5. CONCLUSION

- 5.1 MDC must legally consider and respond to RDC's letter, taking into account the matters raised in Section 4.
- 5.2 Drawing from this section, it is recommended that a response be sent to RDC, set out in **Appendix 1**, that confirms:
- a) That MDC cannot categorically confirm due to its early stage of the LDP Review whether it is able, or not, to assist RDC with accommodating its housing needs;
  - b) Given the boundary between the two District's is a body of water, with no shared crossing points between the two and as the housing market relationship is also not strong as indicated by each Council's respective evidence base, it is recommended that RDC exhaust, or evidence to MDC, that the EPOA Unmet Housing Needs Protocol has been fully complied with prior to MDC being able to make any further comment or agreement with RDC regarding this matter under the DTC.

## 6. IMPACT ON STRATEGIC THEMES

- 6.1 The Strategic Themes of Place, Prosperity and Community seek to manage the council's response to strategic issues facing the District and by responding to RDC's letter having considered the matter as fully as possible, this ensures that Council can demonstrate that it has engaged constructively and on an on-going basis with other public bodies also subject to the Duty.

## 7. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None. The LDP Review of both Councils must be subject to an Equalities Impact Assessment (EQIA) as part of its evidence base to inform preparation of policies that meet the requirements of the Equality Act 2010.
- (iii) **Impact on Risk** – Not considering the matter raised and responding to the letter will mean MDC cannot demonstrate compliance with the Duty to Cooperate. By responding in a considered fashion, the Council will reduce the risk that it has failed in the Duty with RDC and also reduce the risk that its own LDP Review fails its legal duties that are not resolvable at Examination in Public and would result in the LDP Review being withdrawn.

- (iv) **Impact on Resources (financial)** – Should the Council opt to respond positively to the request, further evidence work may be required to determine the extent to which any growth from RDC could be accommodated within the Maldon District. This has not been budgeted and may represent a budget pressure.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – Accommodating more homes than the District needs by itself could have greater environmental consequences for the District, although it may also offer better solutions to growth given greater economies of scale that may not be possible with the District's growth on its own.
- (vii) **Impact on Strengthening Communities** – Accommodating more homes than the District needs by itself could have greater community impacts on the District, although it may also offer better solutions to how they could be strengthened and supported by infrastructure given greater economies of scale that may not be possible with the District's growth on its own.

**Background Papers:** None.

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