



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

to
COUNCIL
4 NOVEMBER 2021

**APPROVAL TO CONSULT ON THE MALDON DISTRICT LOCAL DEVELOPMENT PLAN
REVIEW - ISSUES AND OPTIONS DOCUMENT 2021**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek approval to be able to consult on the Maldon District Local Development Plan Review's Issues and Options Document, in accordance with the approved Maldon District Local Development Scheme 2021-2024 and Regulation 18 of the Town and Country Planning (Local Development) (England) Regulations 2012.

2. RECOMMENDATIONS

That the Council:

- (i) notes the progress that has been made in developing the Local Development Plan Review to date;
- (ii) notes the input, discussion and scrutiny provided by the Planning Policy Working Group as set out in **APPENDIX 1**;
- (iii) notes the Strategy and Resources Committee's '*Further Member Comments on the Local Development Plan Issues & Options Document*' as set out in **APPENDIX 2**;
- (iv) in line with the Strategy and Resources Committee resolution to the Council, approves to conduct public consultation and stakeholder engagement on the Maldon District Local Development Plan Review's Issues and Options Document (**APPENDIX 3**) in accordance with the Regulation 18 of the Town and Country Planning (Local Development) (England) Regulation 2021 and the adopted Maldon District Statement of Community Involvement 2021.

3. BACKGROUND

- 3.1 On 23 February 2021, the Council approved a review of the Maldon District Local Development Plan (LDP) (as Minute No. 282 refers). The timetable to be followed was, in turn, established by the Council in the update to its statutory Local Development Scheme 2021-2024. This was set to be completed within 30 months and is currently due to be completed by Winter 2023.
- 3.2 Regulations allow for considerable flexibility to Local Planning Authorities (LPAs) in how they carry out the initial stages of LDP production, provided they comply with the specific requirements set out in Regulation 18 of the Town and Country Planning

(Local Planning) (England) Regulations 2012. This Regulation stipulates that the LPA must notify specific organisations and persons that they propose to prepare a Local Plan (known as the LDP in the Maldon District) and invite them to make representations about what it ought to contain. A standard vehicle in the quest to comply with Regulation 18 is for the LPA to prepare and approve for public consultation and stakeholder engagement, an Issues and Options Document.

3.3 Member Engagement

3.3.1 The Council will recall that it set up a cross-party Planning Policy Working Group (the Group) on 18 March 2021 to support the development of the LDP Review (Minute No. 342 refers). The Group has met for 9.5 hours over five occasions between May and September 2021.

3.3.2 The Working Group has discussed and debated a number of issues affecting the Maldon District that need to be considered for the LDP Review. These are captured in the minutes in **APPENDIX 1**, but by way of a summary, include:

- a) An appreciation of the LDP Review timetable, the roles and responsibilities of the Duty to Cooperate, the role of the council's Statement of Community Involvement, the purpose of the Equality Impact Assessment; project risks and their management, the scope of studies and evidence reviews, specific policy workstreams and possible impact on parish Neighbourhood Plans;
- b) Concerns about existing issues faced by communities in the District with respects to accessing primary and secondary education, healthcare and transport facilities;
- c) Concerns that roads and pathways are not being improved, whilst housing is being planned for, or already delivered;
- d) How well the housing policies in the LDP approved in 2017 have worked over the last four years;
- e) Contributions into the update of the Maldon District Settlement Hierarchy / Pattern, including sense-checking the review of facilities and access to services available in each settlement;
- f) Appreciating the relationship between policy requirements, planning obligations (S106), Community Infrastructure Levy (CIL) and viability;
- g) Understanding the principle of the role of tenure mix and First Homes, a new type of discounted affordable housing for sale that national policy has already introduced to the District;
- h) A high-level appreciation of the land parcels submitted into the Call for Sites 2021;
- i) Discussion and debate about the development of new Spatial Options to inform how future growth could be accommodated and directed in the District during the plan period, including creating an option for the north of the District that could take advantage of the A12 and railway lines outside the District;
- j) Discussion and debate about the development of the LDP Review's draft Vision and Objectives; and
- i) Development of the Issues and Options Document and discussion about its thematic sections.

3.3.3 In addition, all Members were invited to attend one of two 'All Member Workshops' in June 2021 which examined a variety of themes and issues spanning different areas of policy, which were distilled into a 'Strengths, Weaknesses, Opportunities and Threats' (SWOT) assessment that has informed the development of the LDP Review's draft Vision and Objectives. This informed further discussion by the Planning Policy Working Group as set out in paragraph 3.3.2.

3.3.4 The feedback from the Planning Policy Working Group and the All Member Workshop also assisted in the gradual development and sense-checking of the local data in the Settlement Hierarchy/Pattern Update 2021; a key element of the LDP Review's evidence base.

3.4 **The Maldon District Issues & Options Document**

3.4.1 The Issues and Options Document is not a policy document. It is a discussion paper setting out the issues, challenges and constraints faced in the Maldon District across a number of environmental, economic and social themes.

3.4.2 It is arranged in the following order:

- A spatial picture of the District;
- The issues purporting to affect the District;
- A long-term strategic vision for the District;
- Objectives to deliver the Vision;
- The Plan Period of the Local Development Plan. The consultation document sets out a plan period of 20 years, 2023 – 2043, which would extend the life of the current LDP by fourteen years;
- The Housing Delivery Target for the plan period utilising the Government's standard method for calculation and tested through the Maldon District Local Housing Needs Assessment 2020;
- Revised Draft Settlement Hierarchy;
- Seven Spatial Options for the delivery of both housing and economic growth until 2043; and
- A series of consultation questions associated with the key policy subjects and their issues.

3.5 The Strategy and Resources Committee considered a report on the Issues and Options Document at its meeting on 16 September 2021 (Minute No. 281 refers).

3.6 The Committee debated the document, and some concerns were raised that there were aspects of it which needed further amendment, in order to more accurately reflect the nature of the District, its issues and specific discussions that had taken place at the Planning Policy Working Group.

3.7 Whilst the Committee resolved to recommend the Issues and Options Document to Council for approval to consult on it, it also resolved to grant its Members a further commenting period, which closed on 26 September 2021. During which time, Committee Members could make specific suggestions for further changes which they felt should be made and the reasons why.

- 3.8 The Committee delegated the function of making further changes to officers, in consultation with the Chairman of the Strategy and Resources Committee, prior to its consideration by the Council at this meeting.
- 3.9 Four Members of the Committee made specific comments. These have all resulted in changes being agreed between officers and the Chairman of Strategy and Resources Committee, as detailed in a schedule set out in **APPENDIX 2**. These amendments have subsequently been made to the Issues and Options Document set out in **APPENDIX 3**.
- 3.10 These changes have been further considered for an iterative update of the LDP Review's emerging Equalities Impact Assessment (EQIA) given the Council's obligations to the Equality Act 2010 and Human Rights Act 1998. No changes were necessary, but the EQIA is set out in **APPENDIX 4** for completeness.
- 3.11 In the event, public consultation and stakeholder engagement is approved by the Council for the Issues and Options Document, this will be organised as soon as practically possible. It will be held for a minimum of 6-weeks in accordance with legislation and the Council's adopted Statement of Community Involvement 2021. As confirmed at the Strategy and Resources Committee, a reasonable adjustment on this timescale will be made to ensure public and stakeholder participation is not affected by public and seasonal holidays between 2021 and 2022.
- 3.12 For clarity purposes, Members of the Council are advised that they are able to respond in an individual capacity to the public consultation and will be invited to do so.

4. CONCLUSION

- 4.1 In light of the report above and the matters before it, Council therefore has the following options.
- 4.1.1 **Option 1** – It can agree with the recommendations set out in Section 2 of this report and approve the public consultation and stakeholder engagement on the Issues and Options Document in accordance with Regulation 18 of the Regulations and the Maldon District Statement of Community Involvement 2021. This would give the public and stakeholders the first opportunity to get involved in the Maldon District Local Development Plan Review, commencing formal conversations with its residents, businesses, parishes, landowners, the development industry, neighbouring authorities and other statutory partners about how it should be planning for future growth and change in the District over the next 15-20 years.
- 4.1.2 Notwithstanding the implications set out in Section 6 below, this option would align most closely with the Council's statutory timetable agreed in its Local Development Scheme in February 2021 and can be delivered in accordance with approved budgets and staffing resources.
- 4.1.3 **Option 2** - Determine that it is dissatisfied with the LDP Review Issues and Options Document recommended by the Strategy and Resources Committee to the extent that it should not be consulted on.
- 4.1.4 In choosing this option, it would determine that the only reasonable course of action would be to refer the Document back to the Strategy and Resources Committee for further consideration and amendment. This would also mean the Planning Policy Working Group would need to be reconvened to support the process.

- 4.1.5 In the interests of effectiveness, the Council should provide the Committee and Working Group with a task-based terms of reference that defines the scope of its concern/s. This would focus the Committee and Working Group's work, which could be brought back to Council at a later date.
- 4.1.6 Notwithstanding the implications set out in Section 6 below, this option would mean the Council will not be able to meet its statutory timetable agreed in February 2021 and therefore Council would also have to concede that it will require the Local Development Scheme's timetable to be updated. Such a timetable slippage may also lead to future, as yet unquantifiable, budget pressures.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The Strategic Themes of Place, Prosperity and Community seek to manage the Council's response to strategic issues facing the District. The Issues and Options Document consultation will assist the Council to prepare an LDP Review which reflects the aspirations and responds to the concerns of those that engage with it.

6. IMPLICATIONS

- (i) **Impact on Customers** – The Issues and Options Document's consultation will enable those that wish to engage in the preparation of the Local Development Plan Review process the change to do so effectively and help influence the creation of an updated and robust planning policy for the District.
- (ii) **Impact on Equalities** – The LDP Review will include an iteratively prepared Equalities Impact Assessment as part of its evidence base to inform the preparation of policies that meet the requirements of the Equality Act 2010 and Human Rights Act 1998. **Appendix 4** sets out the initial assessment for the Issues and Options Document.
- (iii) **Impact on Risk** – The Issues and Options Document consultation will help the Council reduce the risk that the LDP Review will fail its legal duties with regards to the engagement process, that could not be resolved after Submission to the Secretary of State and could otherwise result in the LDP Review's preparation being found procedurally flawed. It also ensures that the project maximises the consideration of any opportunities presented to the District by growth and the planning system in general. It also reduces the risk that the Council will miss its own timetable targets set in its statutory Local Development Scheme 2021-2024, which would have to be reviewed in the event consultation was delayed.
- (iv) **Impact on Resources (financial)** – The LDP Review and Local Development Scheme had a programme budget agreed at Council on 23 February 2021 to complete the project by 2024. The preparation of the Issues and Options Document to date has utilised some of that budget and the public consultation will continue to draw from these allocated resources. Any delays to the programme could lead to future unidentified and unquantified budget pressures.

- (v) **Impact on Resources (human)** – The Issues and Options Document consultation will not cause a negative impact on human resources, but it will be supported and delivered by existing officers, Members and suppliers.
- (vi) **Impact on the Environment** – The Issues and Options Document consultation will help to ensure that any environment issues and questions concerning the LDP Review are raised at an early stage in the process and can be considered carefully in the formulation of the final plan.
- (vii) **Impact on Strengthening Communities** – The Issues and Options Document consultation will provide the first opportunity for communities to engage in the LDP Review. It should help to maximise engagement with communities and ensure that their concerns and ideas can be considered in the formulation of the final plan.

Background Papers: None.

Enquiries to: Paul Dodson, Director of Strategy, Performance and Governance.