



## **REPORT of CHIEF EXECUTIVE**

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**to  
PLANNING AND LICENSING COMMITTEE  
25 APRIL 2017**

### **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 Neighbourhood Plans and legislation. Separate reports have been prepared for this Committee on:

- The Housing White Paper (Agenda Item 8);
- The Burnham-on-Crouch Neighbourhood Plan (Agenda Item 9).

#### **2. RECOMMENDATION**

That the Committee notes the Planning Policy update outlined in this report and that at the appropriate time matters for decision will be brought to this Committee for consideration.

#### **3. SUMMARY OF KEY ISSUES**

3.1 This report is for Members' information only.

##### **3.2 Local Development Plan**

3.2.1 The Post-Examination Modifications were published for public consultation on Friday 17th March 2017. The Consultation event ends on 28 April 2017. The consultation is only focussed on the Post Examination modifications and the accompanying Sustainability Appraisal of the Plan, updated to include the modifications.

3.2.2 Officers have also published a set of documents requested by the Inspector during the hearings. This includes updates to previous evidence and Hearing Statements to clarify the Council's position.

3.2.3 Responses received during the consultation period will be sent to the Inspector, who will take them into account in drafting his Report to the Secretary of State.

##### **3.3 Community Infrastructure Levy**

3.3.1 At the Planning and Licensing Committee meeting on 2 March 2017, it was resolved that a review be undertaken to assess the evidence base for the Community

Infrastructure Levy (CIL) and the draft Charging schedule. Both were compiled in 2014. The contract for this review has been let and the review should be completed before the Committee meeting. A verbal update will be given to the Committee on the key points the review raises.

### 3.4 Neighbourhood Plans Update

3.4.1 Set out below are updates that the Council is aware of in neighbourhood plan preparations since the last Neighbourhood Plan Update Report to the Committee on 19 January 2017 (See Minute No. 891). A report is presented separately to this report on the Burnham-on-Crouch Neighbourhood Plan.

3.4.2 Stages the Neighbourhood Plans have reached:

Neighbourhood Plan	Neighbourhood Area designated	Evidence gathering & engagement	Drafting policies	Reg 14 consultation	Reg 16 consultation	Examination	Referendum	Made
Althorne	x	x						
Burnham-on-Crouch	x	x	x	x	x	x		
Great Totham	x							
Heybridge	x	x						
Langford and Ulting	x	x	x	x				
Mayland	x	x						
Tollesbury	x	x	x					
Wickham Bishops	x	x						

#### 3.4.3 Burnham-on-Crouch

3.4.3.1 See separate report

#### 3.4.4 Heybridge

3.4.4.1 An Officer attended a Neighbourhood Plan Working Group meeting in January. The plan is still at evidence gathering stage.

#### 3.4.5 Langford and Ulting

3.4.5.1 The legal advice on whether the Plan had been withdrawn has been received; the legal opinion is that it has not. The Parish Council has considered a number of options for taking the Plan forward. The Parish Council is revisiting the housing element of the Plan, and, therefore, the Plan has been rolled back to the Regulation 14 stage.

### 3.4.6 Mayland

3.4.6.1 Officers and a Member met with the Parish Council in March to discuss the scope of the Neighbourhood Plan and next steps.

### 3.4.7 Wickham Bishops

3.4.7.1 Officers have been invited to the next Neighbourhood Plan meeting on 9 May 2017.

## 3.5 **Essex Plans**

3.5.1 Below is an update on the progression of Local Plans, where known, which border or could affect Maldon District.

### 3.5.2 Chelmsford

3.5.2.1 Chelmsford City Council published its Preferred Options for the Chelmsford Local Plan on 30 March 2017 for six weeks public consultation. This comprehensive Plan and supporting evidence is being reviewed by Officers for the preparation of representations by the Council.

3.5.2.2 It is not possible to complete that review in time for this Committee and the Council's response. In order to approve a response, Section 13 of the Scheme of Delegation in Section 9 (Terms of Reference – General and Procedural) of the Council's Constitution applies in so far as:

*'Consultations – The Chief Executive or a Director, in liaison with the relevant Lead Member (Committee Chairman or Leader of the Council), is authorised to respond to consultation documents where the period during which a response is required does not allow the matter to be reported to the relevant committee or where the consultation is of a predominantly technical nature.'*

3.5.2.3 Notwithstanding the above the key strategic issues that affect Maldon District are the urban extension north of South Woodham Ferrers for 1,000 units plus a small element of commercial and retail; and 100 units in Danbury, the location of which is to be determined through the Neighbourhood Plan for that area. The Plan proposes a total of 22,162 new homes across the Borough by 2036. Of these approximately half are already committed with consent, existing allocation or built. The majority of new homes will be built in and around Chelmsford itself.

3.5.2.4 The Consultation runs until 11 May 2017. Chelmsford City Council has proposed to hold a Member / Officer Duty to Co-operate meeting.

### 3.5.3 Basildon

3.5.3.1 Basildon District Council has asked for a Duty to Co-operate meeting with Maldon Officers to consider planned growth along the A130 corridor from Canvey Island to the A12.

### 3.5.4 Braintree

3.5.4.1 The Pre-submission Local Plan will be considered by Members on 5 June 2017, ahead of public consultation in June and July 2017.

### 3.5.5 Colchester

3.5.5.1 The Pre-submission Local Plan is to be subject to public consultation starting in May 2017.

## 3.6 **Planning Legislation and National Policy Update**

3.6.1 See the separate report on the **Housing White Paper**.

3.6.2 From 16 April 2017, the **Town and Country Planning (Brownfield Land) Regulations 2017** come into effect. According to the Regulations' Explanatory Memorandum:

*'The brownfield registers policy is intended to support a general increase in housing supply. It is envisaged that registers will:*

- provide up to date publicly available common information on brownfield land that is suitable for housing;*
- improve the quality and consistency of data on suitable brownfield land which will provide certainty for developers and communities;*
- encourage investment in local areas; and*
- provide a means through which permission in principle may be granted for housing-led development on suitable brownfield sites.*

*The data from registers will also be used to help assess the progress that local authorities are making in getting planning permissions in place for housing on suitable brownfield sites.'*

3.6.3 The key issue for Maldon Council is the 'permission in principle' which is implied in the Regulations. **Permission in Principle** *'is a new consent that will sit alongside existing routes for outline planning permission'* (Department for Communities and Local Government (DCLG), Planning Update Newsletter March 2017). The Government intend to make it available for housing led sites identified in the brownfield register and allocated in Neighbourhood Plans. It may also be available for *'minor housing-led development'*.

3.6.4 The Government intends to issue Guidance on the content of the register in June 2017 including on 'the complementary role that registers are expected to play alongside local plans, optional and mandatory consultation requirements, information requirements and the our proposals for assessing progress in getting planning permission in place on suitable brownfield sites. With regard to permission in principle, the guidance will address our [the Government's] expectations about the detailed practical operation of the policy'.

3.6.5 This new guidance will impact on resources, and this impact is being considered by the Government. As set out in the DCLG Planning Update Newsletter (March 2017)

*‘the Department will be making grant funding available to local planning authorities to cover these new responsibilities.’*

- 3.6.6 It is recommended that a report is made to the Planning and Licensing Committee on the Brownfield Register after the guidance is released so the implications can be fully considered.
- 3.6.7 The Government has written to the Council in respect of non-ring fenced resources it is making available through the New Burdens funding for the **Self and Custom Build Register**. The Council established its register in 2016. Self and Custom Build is being promoted by the Government to help address local housing need.
- 3.6.8 The **Neighbourhood Planning Bill** is still working through the legislative process. The Bill, when enacted, seeks to strengthen neighbourhood planning; ensure every part of England has an up to date plan (the Housing White Paper suggests reviewing plans every five years); improving the use and discharge of planning conditions; and adding further reforms of compulsory purchase. A more detailed assessment will be set out for the Committee after enactment.
- 3.6.9 The new criteria for the **designation on poor performance** for determining planning applications came into force on 19 January 2017. By 2018 the thresholds for speed and timeliness of decision making is to increase to 60% for majors and 70% for non-majors and the quality threshold of no more than 10% of an authorities total decisions being overturned at appeal.
- 3.6.10 New legislation is due to come into force on 16 May 2017 on new regulations on the implementation of the **Environmental Impact Assessment (EIA) Directive** requirements in relation to the planning system and nationally significant infrastructure planning.
- 3.6.11 There are also changes coming into force on **nationally significant infrastructure planning regime**; the **compulsory purchase** provision in the Housing and Planning Act 2016; clarification for applicants of **hazardous substances consent**; and **permitted development rights for state-funded schools**.

#### **4. CONCLUSION**

- 4.1 This report provides an update to Members on a wide range of planning policy matters that will or may affect the policies of the Council, procedures and decision making.

#### **5. IMPACT ON CORPORATE GOALS**

- 5.1 The preparation and adoption of the Local Development Plan (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 a planning policy matters. The Local Development Plan will replace the Maldon District Replacement Local Plan ‘saved policies’ as the Development Plan for the District. This will provide a clear and up-to-date spatial vision and policy framework for the District. New supplementary planning guidance will provide greater detail on the implementation of planning policies for developers and residents strengthening the planning process. The Council will need to assess how legislative changes to the planning system affect Maldon district.
- (ii) **Impact on Equalities** – The progression of the Local Development Plan and supplementary planning documents helps to provide sustainable and well planned communities which promote social cohesion and help to provide for the future needs of the local community. Planning policy documents, including new regulations and policy documents prepared by the government, are subject to equality analysis.
- (iii) **Impact on Risk** – An up to date Local Development Plan, supported by robust supplementary planning documents, 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, and provide an adequate five year supply of deliverable land for housing. 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)** –Without an up-to-date Local Plan, the Council is at increased risk of planning appeals, which could potentially have significant resource implications. 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** – An adopted Local Development Plan will enable the Council to promote sustainable development and safeguard the local environment in accordance with the local priorities for the District.

### Background Papers:

Planning Update Newsletter DCLG March 2017

House of Commons Library Planning Reform Proposals Briefing Paper March 2017

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