



REPORT of CHIEF EXECUTIVE

**to
PLANNING AND LICENSING COMMITTEE
20 JULY 2017**

MALDON DISTRICT LOCAL DEVELOPMENT PLAN 2014 TO 2029

1. PURPOSE OF THE REPORT

- 1.1 The Council has received the Inspector's Report into the Maldon District Local Development Plan (LDP). The Inspector has found the LDP to be Sound with Modifications. This report summarises the key components of the Report and the next steps. Please note that the Report is being considered by the Secretary of State and a verbal update will be given at the Committee if the Secretary of State has issued his Decision Statement.

2. RECOMMENDATION

That the Committee notes and welcomes the Inspector's Report.

3. SUMMARY OF KEY ISSUES

- 3.1 At the request of the Department for Communities and Local Government (DCLG), the LDP Inspector's Report was published by the Council on 30 June 2017.
- 3.2 The Report, by Mr Simon Berkeley, is for the Secretary of State, and follows the Examination Hearings held in January 2017 and the subsequent Post Examination Modifications which were subject to public consultation in March and April 2017. Some 43 responses were received to that consultation and these were sent to the Inspector when the consultation closed, for the Inspector to take into account in the preparation of his Report. In Paragraph 11 of his Report, the Inspector states *'I have taken account of all of the consultation responses in coming to my conclusion in this report'*.
- 3.3 As required in Regulation 25 (2) (b) of the Town and Country Planning (Development Plan) Regulations 2012 (the Regulations), all those who are registered to receive notifications, including respondents to consultations, parish and town councils, and other Essex Councils have been notified of the publication of the Inspector's Report.
- 3.4 The Inspector is required to assess whether the Pre-Submission Plan is sound (as set out in the National Planning Policy Framework) and is legally compliant as set out in planning Acts. If the Inspector finds the Pre-Submission Plan to be unsound he would also consider whether modifications recommended by the Council will render the Plan sound and legally compliant.

- 3.5 With regards to the Pre-Submission LDP, the Inspector concluded in paragraph 335 of his Report that (*officers parenthesis*):
- ‘The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above [in his Report], which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 [Planning and Compulsory Purchase] Act. These deficiencies have been explored above [in the Report].’*
- 3.6 However, with the Modifications published in September 2016 and March 2017, the Inspector concluded in paragraph 336 (*officers parenthesis*):
- ‘The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix [to his Report] the Maldon District Local Development Plan 2014-2029 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.’*
- 3.7 Therefore, the Inspector has concluded that with the modifications the LDP is sound. However, the Inspector has made some minor changes to the Council’s published Modifications to improve soundness. These do not affect the principles of the policy or the LDP, and the Council has not been asked to undertake any further public consultation.
- 3.8 The Inspector has summarised the Modifications in the Non-Technical Summary to his report, which is attached in **APPENDIX 1** to this Report.
- 3.9 In addition to the modifications the Inspector has found the Council’s approach to the Strategic Housing Market Area, the Objectively Assessed Needs and 5-Year Land Supply to be sound. He has also concluded that the revised Policy H6 – Travellers – to also be sound, thus overcoming the principle reason for the conclusions of the previous Inspector, Mr David Vickery, in his Interim Findings in May 2015.
- 3.10 The Inspector’s Report will now be considered by the Secretary of State and it will be his decision whether to approve the LDP (in its original Pre-submission form or with Modifications) or not.
- 3.11 Given the Inspector’s conclusion, as set out in para 335 of his Report, that the pre-submission was recommended for non-Adoption, it is unlikely that the Secretary of State will approve the Pre-submission Plan without Modifications.
- 3.12 Officers are liaising with counterparts in the DCLG Local Plans Team on the next steps. It is currently anticipated that if the Secretary of State approves the LDP, there will be no need for the Council to Adopt it. If that is the case, and legal checks are being undertaken, the LDP will be as Approved by the Secretary of State, but will be subject to a 6-week legal challenge period.
- 3.13 Officers have incorporated the Inspector’s Modifications into a draft of LDP, both in tracked change and clean formats, and this has been sent to the DCLG. In addition, the Policies Map, which was update at the Post-Examination Modifications has been

issued to the DCLG. Therefore, the DCLG has an up to date Plan with the modifications for the Secretary of State to consider.

- 3.14 Officers are discussing with the DCLG Graphical changes and information changes in some of the appendices that are not relevant to the Plan's soundness will also need to be made. These were included in the Post Examination Modifications, but the Inspector concluded on them in paragraph 12 of his Report:

'A significant number of other changes have also been put forward by the Council. These generally comprise minor or consequential revisions and factual updates – such as that concerning the Secretary of State's intervention – which are not necessary. Whilst largely helpful and to be welcomed, their inclusion in the Plan is not essential for soundness. I have generally therefore not referred to them in this report or the Appendix, although for reasons of clarity I have made some exceptions to this approach.'

These changes ensure that sections such as the Glossary and Abbreviations are the same as the remainder of the Plan.

- 3.15 As the Inspector's Report has been published and the LDP with Modifications has been found to be sound, the Council needs to reflect this status in (*inter alia*) Committee, decisions, delegated reports, and appeal statements. Whilst the maximum weight afforded a Local Plan is on adoption or approval in this case, a positive Inspector's Report holds considerable weight and this will be pressed upon Inspectors at appeals.

4. CONCLUSION

- 4.1 The Inspector's Report is a major step towards the approval of the Maldon District Local Development Plan. The Report reflects the January 2017 Examination Hearings and the Councils approach of working with the Inspector and responders to find the Plan sound.
- 4.2 No firm date has been provided as to when the Secretary of State will issue his decision. If approved, then the Council will have an up to date local plan in place which will afford maximum weight.

5. IMPACT ON CORPORATE GOALS

- 5.1 The LDP, including supporting evidence and other supplementary planning documents, supports 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** –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 and should create greater certainty on planning decisions on appeal.

- (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.
- (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.
- (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. The costs of the preparation of the LDP including finalising the final version for publication have been and will be met from the Local Plan Reserve budget.
- (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:

Maldon District Local Development Plan Pre-submission

https://www.maldon.gov.uk/publications/LDP/submission_documents/documents/SD01%20Maldon%20District%20Local%20Development%20Plan.pdf

Planning Inspector's Final Report 30 June 2017

https://www.maldon.gov.uk/homepage/7031/emerging_local_plan

Planning Inspector's Final Report Appendix 30 June 2017

https://www.maldon.gov.uk/homepage/7031/emerging_local_plan

Updated Policies Maps

https://www.maldon.gov.uk/info/20048/planning_policy/8107/emerging_local_plan/5

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