



REPORT of CHIEF EXECUTIVE

**to
PLANNING AND LICENSING COMMITTEE
16 NOVEMBER 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 duty to cooperate, neighbourhood plans, A12 and A120, five year housing land supply, Gypsy and travellers, London Plan and Recreational Avoidance and Mitigation Strategies. Separate reports have been prepared for this Committee on:
- The Brownfield Land Register;
 - The consultation on the Government's policy paper; Planning for the Right Homes in the Right Places; and
 - The Renewable Energy and Low Carbon Supplementary Planning Guidance.
- 1.2 This report is for Members' information and to seek Members' comments.

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 Duty to Cooperate and other Essex Plans and Strategies

- 3.1.1 Councillor Sue Lissimore, the Portfolio Holder for Housing, Property and Planning at Essex County Council (ECC) has established a County wide **Planning in Essex Group** of portfolio holders and relevant Committee chairs to discuss strategic issues and seek common ground. This is aimed to ensure that there is improved communication and learning from Districts and ECC as well as discussion on strategic issues where a consensus approach may be required.
- 3.1.2 The first meeting of this group was held in September 2017, attended by the Chairman of the Planning and Licensing Committee and the Planning Policy Manager. Key issues discussed included sharing expertise between authorities; workforce challenges and the supply of planning experts; infrastructure and planning /

highway agreements, linked to viability; maintaining a supply of land; and the potential implications of the new London Plan.

- 3.1.3 It is intended that the meetings are held every 6 months, with follow up work undertaken in between through existing duty to cooperate arrangements and the Essex Planning Officers Association.
- 3.1.4 Officers and Members have had Duty to Cooperate meetings with **Braintree and Colchester** Councils following the consultations on their draft Local Plans. The focus of these meetings has been to discuss the Council's response to the Pre-submission versions of their local plans and clarify any matters.
- 3.1.5 The **Braintree, Colchester and Tendring Local Plans** were submitted on 9 October 2017. Inspector Roger Clews has been appointed to conduct the examination to determine whether the shared Section 1 of the three Local Plans is sound. The Planning Inspectorate (PINS) will appoint additional inspectors to conduct the examinations of Section 2 of the Local Plans at the appropriate time.
- 3.1.6 As the draft Plans have been submitted, the formal Duty to Cooperate (DtC) window has closed. However, Local Plan meetings will still be held, as and when required, for example, to agree Statements of Common Ground.
- 3.1.7 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.
- 3.1.8 Officers and Members have attended DtC meetings with **Chelmsford City Council**, in relation to their draft Local Plan. The final draft is timetabled for consultation in early 2018. These member and officer meetings have been held as Essex Wide meetings and a one to one meeting to discuss the particular concerns raised by the Council in the response to the Preferred Option Plan regarding the expansion of South Woodham Ferrers and other development which may impact on the District.
- 3.1.9 The Essex Planning Officers Association has recently published guidelines on how **unmet housing need** should be considered through Duty to Cooperate across Essex Districts. This guidance sets out in need to be calculated on a Strategic Housing Market Area basis (which recognises Maldon as its own Strategic Housing Market Assessment (SHMA)) and each authority within the SHMA area seeks to agree how the need will be distributed. If there are constraints which render that it is not possible to accommodate all need within the SHMA area, through duty to cooperate an approach is made to another SHMA area of Local Authority.
- 3.1.10 This is similar to the current approach, but the work by the Essex Planning Officers Association (EPOA) followed on from recognition at some duty to cooperate meetings that protocol had not been established and agreeing a protocol will provide clarity.
- 3.1.11 The EPOA are currently working on protocols for establishing methodology for measuring viability for development schemes; and meeting unmet traveller and gypsy need.

3.2 North Essex Garden Communities

3.2.1 Both the Braintree and Colchester Local Plans propose new Garden Communities, the nearest of which is at Marks Tey. These will have strategic impacts across north and mid-Essex and the impact and opportunity they present to Maldon District needs to be fully considered, The Issues and Options consultation for the Garden Communities Development Plan Documents, is expected to start in November 2017.

3.3 Neighbourhood Plans Update

3.3.1 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 April 2017 (See Minute No. 891).

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	x	x
Great Totham	x							
Heybridge	x							
Langford and Ulting	x	x	x					
Latchingdon	x							
Mayland	x	x						
Tollesbury	x	x	x					

3.3.2 Althorne

3.3.2.1 Work on the Neighbourhood Plan was deferred until the Local Development Plan (LDP) was approved. The Neighbourhood Plan was discussed at the Parish Council meeting in September, to see if there was sufficient community support for a Neighbourhood Plan, and it was agreed to proceed with the Plan. The Parish Council has appointed a neighbourhood plan secretary to help take the project forward.

3.3.3 Burnham-on-Crouch

3.3.3.1 Following the referendum, where voters overwhelmingly supported the Neighbourhood Development Plan, the Plan was ‘made’ by the Council on 7 September 2017. It now forms part of the Development Plan, alongside the Local Development Plan, for Burnham-on-Crouch.

3.3.4 Great Totham

3.3.4.1 Since April work on the neighbourhood plan has continued. The steering group has been set up; objectives have been developed for the steering group; the Parish Council has engaged further with the Rural Community Council of Essex (RCCE); consulted with the public at the Church Fete; is developing a project plan and budget, and is setting up a discrete neighbourhood plan website.

3.3.5 Heybridge

3.3.5.1 Due to a lack of support within the Council and the wider community, Heybridge Parish Council decided to stop work on the Neighbourhood Plan in June 2017. If circumstances change, the Parish Council has the option of re-starting the Plan process in the future.

3.3.6 Langford and Ulting

3.3.6.1 At the end of March the Parish Council agreed to progress the plan. The Plan has been taken back to an earlier stage of preparation to allow for a review of how best to meet the village's housing needs. The Neighbourhood Plan Committee is now looking at site allocations and the possibility of including a housing criteria policy and a rural exceptions policy. The aim is to provide housing of the right type and in the right location based on local housing needs. A Call for Sites was announced with a closing date of 28 July. Six sites were put forward and subsequently Northumbrian Water Plc may add another. An application for technical support has been submitted to AECOM (appointed by the Department for Communities and Local Government (DCLG) to provide technical support for Neighbourhood Plans nationally) and the Parish Council is expecting to hear shortly whether their application has been successful.

3.3.7 Mayland

3.3.7.1 Since April the Neighbourhood Plan (NP) Committee has, due to unforeseen circumstances, had to cancel a couple of meetings and this has had an impact on progress. Since June the Committee has resumed its work on finalising the Draft Plan vision statement and its supporting objectives. Some progress has been made on the vision statement and it is hoped that the objectives can be finalised after some more research. These objectives will be centred on evidence collected from the surveys carried out previously.

3.3.7.2 Further meetings with landowners have been held and the amount of time this activity is taking is of concern to the NP Committee and it is looking at ways to accelerate this process. One problem to be addressed is the number of active members on the Committee and an appeal has gone out for more volunteers to assist with the Plan.

3.3.8 Tollesbury

3.3.8.1 Policy development is progressing: policies on the Marine Interface, School and Doctors Surgery have been drafted. A Housing Needs and Employment Survey has been carried out and the Neighbourhood Plan Committee are in the process of

discussing the housing needs of the village. Two recent Committee meetings focused on housing were well attended by villagers, with around 35 residents at each meeting.

3.3.8.2 It is hoped to have all the draft policies complete by the end of this year when they will be discussed with and assessed by Maldon District Council. The final stages are expected to be completed during 2018, with a Plan in place by the beginning of 2019.

3.4 **A12 Widening Scheme**

3.4.1 During the A12 Widening Scheme public consultation this spring, Highways England received over 900 responses, and the public exhibitions were attended by over 1,800 people. The purpose of this consultation was to understand the concerns of the local community and road users, to understand which option gained the most support, and to listen to suggestions before any detailed design or preferred route is selected. Feedback covered:

- the route options presented;
- suggestions about the junctions;
- other key developments proposed for the area;
- environmental impacts;
- existing rat runs in the area;
- non-motorised user services such as cycle paths;
- improving safety.

3.4.2 It was the opinion of a number of those who contributed to the consultation (including Maldon District Council (MDC)) that emerging and proposed major developments should be carefully considered before decisions are made. Highways England agrees it is important to get this scheme right, not just in the short term but for the long term. With this in mind, the Project team are continuing with further investigations to ensure that the scheme and the way it is delivered will serve the needs of the region, whilst maximising value within the funding available. Therefore, in September, Highways England announced that the options selection assessment process is being extended, with the preferred route announcement being postponed to this coming winter. However, this is not expected to delay the works starting in 2020.

3.4.3 Project Timeline

Winter 2017 / 18.....Preferred route announcement
Spring 2018Public consultation expected to take place on developed route option
Autumn 2018.....Submit application for a Development Consent Order
2020.....Start of works

3.5 **A120 Route Options**

3.5.1 ECC launched an eight-week consultation in January on five potential route options for an upgrade to the current single carriageway A120 between Braintree and the A12.

2,795 people responded to the consultation and ECC is still analysing in-depth feedback before it gives a recommendation to Government for a preferred route option this autumn.

3.5.2 Some of the key consultation results are:

- More than four out of five people believe an upgrade is needed to the A120, although there's no clear standout route everyone agrees on as a first choice.
- 82% of people agreed that the A120 between Braintree and the A12 needed to be completely upgraded to a dual carriageway.
- Option C and Option E are the most popular first choices for 29% and 27% of respondents respectively.
- These were followed by Option A (17%), Option D (14%) and Option B (13%).

3.6 Vehicle Parking Standards (VPS) Supplementary Planning Document (SPD)

3.6.1 As part of the review of the VPS, the Council is working with Anglia Ruskin University (ARU) post-graduate students. Focusing on The Causeway and the 'hinterland' around Maldon town centre, the students will be assessing the impact of parking on the urban environment and the role parking plays in the sense of place. The output of their research will help inform the review of the SPD.

3.7 Five Year Land Supply 2016 / 17

3.7.1 The 2016 / 17 Five Year Housing Land Supply (5YHLS) report demonstrates that the Council has 6.28 years' worth of housing land available. This report has been published on the Council's website.

3.7.2 The Council's latest housing requirements are set out in the Local Development Plan (approved by the Secretary of State in July 2017) and associated evidence base including an up-to-date assessment of the District's Objectively Assessed Need (OAN). The OAN identifies the District's housing requirement for the next 15 years as 280 new homes per annum, which has been uplifted to 310 in the LDP, or 4,650 over the plan period (2014 - 2029). The base-line housing requirement for housing over the five year period of the 5YHLS is the LDP target (310) x 5. To this is added the shortfall in completions since the beginning of the Local Development Plan period, plus an additional 5% for choice and competition.

3.7.3 The District's requirement:

Item	Equation	Total
Annual target x years	310 x 5	1,550
Shortfall from previous years		370
Choice and competition allowance	5% x (1,550+370)	96
TOTAL REQUIREMENT	1,550 + 370 + 96	2,016

3.7.4 The District's housing supply consists of sites with planning permission, Local Development Plan Strategic Allocations and a windfall allowance for years 3 - 5 of

the 5YHLS period. A 5% allowance for slippage and non-implementation is deducted from the total five year supply.

Item	Equation	Total
LDP Strategic Allocations and other sites with planning permission		1,707
LDP Strategic Allocations without planning permission or with a resolution to grant planning permission subject to completion of a Section 106 (S106) agreement		890
Windfall allowance with a two year lead in period	3 years x 23	69
Slippage and non-implementation	5% x (1,707 + 890 + 69)	-133
TOTAL SUPPLY	(1,707 + 890 + 69) - 133	2,533

3.7.5 5YHLS calculation:

Total supply ÷ Total Requirement x 5 years

$$(2,533 \div 2,016) \times 5 = \mathbf{6.28}$$

3.7.6 The Council can therefore demonstrate 6.28 years' worth of housing land supply against its identified housing target.

3.8 **Essex Gypsy and Traveller Accommodation Assessment (GTAA)**

3.8.1 EPOA commissioned Opinion Research Services (ORS) in December 2015 to update the Essex GTAA in light of the change in the DCLG planning definition for Travellers in August 2015. The Essex GTAA deals with the future accommodation needs for the Gypsy and Traveller community. The Maldon District GTAA was produced by ORS in December 2016, to support the LDP Examination. The work on the other Districts has been ongoing throughout 2017, and individual district reports have been produced as the survey work for each district has been completed.

3.8.2 The Essex GTAA will be in three sections: the methodology; Essex summary; individual District appendices. During the year, the style of the District reports has been refined. All the district reports/appendices will be reformatted to ensure consistency across the main report. As a result, the Maldon District appendix will look different to the report received last December, but the conclusions remain the same.

3.8.3 By the end of October, the Essex GTAA was substantially completed. However, the provision of Transit sites, which is a countywide, strategic issue, will need further consideration, beyond this current study.

3.9 The London Plan

3.9.1 The London Plan provides the 33 London boroughs with an overarching framework for their local plans by bringing together the Mayor's strategies for housing, transport, economic development, health and environment. All London local plans have to be in 'general conformity' with the London Plan.

3.9.2 Consultation for the draft housing strategy ends on the 7 December 2017, which will influence the future revision of the London Plan. This in turn will impact on planning in Essex and the relationship between Essex and London in housing terms. Key planning-related proposals include:

- a need for land for more than 50,000 new homes per year for 25 years (at least 1,250,000 new homes);
- using land more intensively: building schemes to higher densities, developing brownfield land, better use of publicly owned land, diversifying the size and location of sites and promoting the co-location of different uses. This will be essential so that Green Belt and open space can be protected;
- a presumption in favour of appropriate residential development on small sites. To incentivise this type of development, the Community Infrastructure Levy (CIL) instalment policy will be amended so small and medium sized builders pay less upfront;
- reducing car dependency through design-led neighbourhoods with shops and services close to homes: this should reduce the amount of car parking, intended to provide more space for housing. This is heavily reliant on improved public transport and sustainable travel initiatives being delivered;
- a long term aspiration for 50% of all housing built to be affordable. A new Fast Track Route through the planning system will be established for developers that provide at least 35% affordable homes without public subsidy. Financial and other support from the Mayor, Councils, and housing associations can then be used to increase the proportion of affordable homes towards 50% and above. Schemes that do not provide 35% will be subject to rigorous viability testing with review mechanisms;
- promoting new purpose-built private rented dwellings (Build to Rent) so that more people can afford to live in London in quality accommodation;
- a requirement for 10% of all new build housing to be wheelchair accessible or adaptable for such use, with 90% being accessible and adaptable. This will help reduce the cost to Councils of adapting properties in the long term.

3.9.3 The Examination in Public for the London Plan is expected in Summer 2018, with the final plan expected to be published in Autumn 2019. A more detailed assessment of the draft London Plan will be set out for the Committee, including any proposed formal response, following receipt of the consultation draft.

3.10 Recreational Avoidance Mitigations Strategy (RAMS)

3.10.1 There are ten European sites on the Essex coast protected by the Conservation of Habitats and Species Regulations 2010. All Local Plans must be accompanied by a Habitats Regulations Assessment to ensure that no harm happens to a Natura 2000

site from a plan's adoption. Natura 2000 sites are nature conservation sites of European importance and include Special Protection Areas, Special Areas of Conservation and RAMSAR sites.

- 3.10.2 Natural England have identified that the additional 80,000 homes identified in the Basildon Draft Local Plan, Chelmsford Draft Local Plan and the North Essex Plans would increase recreational activity in or nearby European sites, impacting on their integrity. This is contrary to the Habitats Regulations.
- 3.10.3 Natural England adds that whilst the provision of green spaces within or nearby development can alleviate some of this harm, it is not possible to re-create the coastal environment in most cases. Consequently, there will be a residual impact on the coast as a consequence of population growth, and more people choosing to visit the coast.
- 3.10.4 A Recreation Avoidance and Mitigation Strategy (RAMS) is required to accompany these local plans: it will provide an evidenced-based, co-ordinated and consistent approach to delivering strategic mitigation measures. Without a RAMS, Basildon, Chelmsford and North Essex will not be able to adopt their local plans: to do so would be illegal in the context of the Habitat Regulations.
- 3.10.5 Given the importance of this work and level of risk to a number of Local Plans, this project must be undertaken on an Essex-wide scale. As the District contains European sites and coastline the impacts of this growth are likely to be experienced in Maldon, so it is important that the Council is one of the partners in the RAMS process, to ensure that appropriate mitigation is identified to protect the integrity of our coastline and natural resources.
- 3.10.6 Officers are attending an EPOA workshop (with Natural England) on 9 November 2017 to discuss the issue and start the process to engage consultants to prepare a RAMS. As the zones of influence for each of the European sites overlap, it is proposed that the RAMS cover 11 of the 14 Greater Essex authorities (Maldon, Basildon, Braintree, Brentwood, Castle Point, Chelmsford, Colchester, Rochford, Southend, Tendring and Thurrock). The aim is to deliver the strategy by Autumn 2018.
- 3.10.7 The cost is estimated to be around £65 - £70,000 (for the technical evidence report and the Strategy). A New Burden Grants may be available to each authority to undertake this work, which if pooled would provide sufficient funding to meet the cost. This is being investigated further by Officers. However, if the authorities work together, the strategy can be delivered at a reduced cost.

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 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. Clear policy and strategy working with other authorities in Essex provides certainty to residents and businesses in the District.
- (ii) **Impact on Equalities** –Planning policy documents, including new regulations and policy documents prepared by the government, are subject to equality analysis.
- (iii) **Impact on Risk** – Up to date planning policy and a five year supply of housing land 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. 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)** –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** – Up to date planning policy and a five year supply of housing land will enable the Council to promote sustainable development and safeguard the local environment in accordance with the local priorities for the District.

Background Papers: None.

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