



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
PLANNING AND LICENSING COMMITTEE
25 JANUARY 2018**

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 and Essex Local Plans, Strategic Transport update, London Plan and legislative changes as they affect planning policy.
- 1.2 A separate report has been prepared for this Committee on the Local Development Scheme.
- 1.3 The wide range of policy matters in this report may affect the policies of the Council, its procedures and decision making. Therefore, further reports will need to be made to the Committee for decision.

2. RECOMMENDATION

That the Committee receives the Planning Policy update outlined in this report and comments from the Committee are sought as there are matters in the report which may affect future planning policies and procedures and matters for decision will come back to the Committee as required.

3. SUMMARY OF KEY ISSUES

3.1 Duty to Cooperate and other Essex Plans and Strategies

- 3.1.1 The Examination in Public into Part One of the Joint Local Plan for Braintree, Colchester and Tendring (the Plan) is scheduled to open on Tuesday 16 January 2018. Officers have not registered to attend the meeting, although the Inspector may request the Council attends for any session, including the Duty to Cooperate session on day one.
- 3.1.2 The Council has agreed a Statement of Common Ground with Braintree Council, acting on behalf of all three Councils, which is in response to the representations made by this Council to the Plan. The Statement sets out issues which subsequent to the Council's representations have been clarified and agreed, and issues where there has been discussion through the duty to cooperate process, but agreement has not been reached. The latter includes the continued disagreement on the employment allocations within the proposed Garden Villages. On all other matters either the other authorities have

provided clarification which has justified their proposals, or they have agreed to further clarifications in the Plan.

3.2 **A120 Route Options**

3.2.1 Essex County council have announced that four route options remain viable for the improvements to the A120 between Braintree and the A12. There are two route options from Braintree to Bradwell Quarry to the north of Silver End. At that point the two options meet before diverging again along a southern corridor to join the A12 south of Kelvedon; and a 'central corridor' which joins the A12 between Kelvedon and Marks Tey. The old 'northern corridor' route which connected to the A12 at Marks Tey has been dropped.

3.2.2 As reported in a press statement on the project website, 'technical studies will now continue throughout the winter and spring to help inform a favoured route option for the A120. Essex County Council aims to get the A120 Braintree to A12 upgrade into the Government's Road Investment Strategy 2 (RIS2), a pot of Government money specifically set aside for investing in strategic roads across the country, between 2020 and 2025. This is expected to be announced in 2019.'

3.2.3 More details, including a route map, can be found at www.A120essex.co.uk.

3.3 **The London Plan**

3.3.1 The new London Plan was published in December for public consultation. The Consultation period closes on 2 March 2018. As the Plan is very large with a considerable amount of supporting matter, it has not been possible to provide the Committee with a draft response. However, it is possible to provide a report on the Council's response, at the 1 March 2018 meeting.

3.3.2 The Plan will cover the period 2019 to 2041 a 25 year period. As with the existing London Plan, the new Plan is a combination of strategic policies, which form a framework for Borough local plans and development control policies.

3.3.3 The key elements that could affect Essex and possibly have implications for future planning policy in Maldon are set out below.

3.3.4 Although the Plan is for a 25 year period, the housing targets are set for only the first 10 years. The Plan proposes for the period 2019 to 2029 a total of 649,350 new dwellings, an annualised rate of 64,935. These include sites with planning permission or currently proposed in existing London local plans. Of these approximately 245,000 are proposed on smaller sites. Policy H5 proposes that 50% of the total should be affordable. That policy and H6 propose that the level of affordable housing is varied depending on whether the land is within public (higher level) or private (lower level) ownership.

3.3.5 The annualised target of 64,935 is below the requirement set out in the London-wide Strategic Housing Market Assessment (SHMA) of 66,000. The implication of this is that London will be seeking to 'export' 1,000 units per annum to districts outside of London. Paragraph 2.3.4 of the Plan states that despite the '*Plan seeking to accommodate the vast majority of London's future growth, some migration will continue,*' and there is a need to plan for '*longer term contingencies.*' This includes that '*the Mayor is interested in*

working with willing partners beyond London to explore if there is potential to accommodate more growth in sustainable locations outside of the capital.’

- 3.3.6 The Plan identifies growth corridors. Those affecting Essex include the Lee Valley, Thames Gateway and Crossrail. In addition the Plan acknowledges 13 Strategic Infrastructure Priorities in the wider South East. These include the Great Eastern Mainline and the A12; and the Essex Thameside (A127/A13).
- 3.3.7 Although the Plan requires in Policy H16 that Boroughs should plan to meet their own needs for Gypsy and Travellers, the Mayor proposes a definition which is different to the national definition of gypsy and travellers set out in Planning Policy for Traveller Sites 2015.
- 3.3.8 Other aspects that will require greater consideration in any response from the Council to the Plan include waste and whether London will export waste arisings; the environmental impact of development of habitats of strategic importance and a recreation avoidance and mitigation strategy; and how the delivery of the plan will be funded with a total infrastructure funding requirement of £1.3 trillion.
- 3.3.9 The Examination in Public for the London Plan is expected in the Summer of 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.

3.4 **National Planning Policy**

- 3.4.1 There is no confirmed date for the publication of the consultation draft of the revised National Planning Policy Framework (NPPF).
- 3.4.2 **The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017** were made on 20 December 2017. These introduce a 20% increase in all Planning application fees. The Regulations come into effect 28 days after the Regulations were made – therefore, from 17 January 2018.
- 3.4.3 **The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017** were laid before Parliament on 13 December 2017 and come into force on 15 January 2018 and 6 April 2018 (Regulation 4 only). These are an amendment to the 2012 Regulations and introduce three significant changes to the preparation of strategic planning policy documents.
- 3.4.4 Firstly, Regulation 4 requires the insertion of a new Regulation 10a to the 2012 Regulations is so far as:

‘Review of local development documents

10A. – (1) A local planning authority must review a local development document within the following time periods –

(a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption or the local plan, in accordance with section 23 of the [Planning and Compulsory Purchase Act 2004] Act (adoption of local development documents):

(b) in respect of a statement of community involvement, the review must be completed every five years, starting from the date of adoption of the statement of community involvement, in accordance with section 23 of the Act.'

- 3.4.5 This means that the Council must have completed a review of the Maldon District Local Development Document by 20 July 2022 and every 5 years thereafter. However, the Explanatory Memorandum to the Regulations states that if after assessing the need to review the local plan a local planning authority concludes that an update is not necessary, then it must publish its reasons.
- 3.4.6 With regards to the statement of community involvement, a review is currently underway – see the Report on the Local Development Scheme – and the five years will apply from the Adoption of the new Statement. The last statement was adopted in 2007.
- 3.4.7 The Housing White Paper set out the Government’s intention to set time limits within which local development documents must be reviewed. There is already a requirement in the NPPF to keep local plans up to date and this change to the Regulations provides a legislative framework for doing so.
- 3.4.8 Secondly, the Amendment Regulations also provide the Secretary of State with powers to direct local planning authorities to prepare joint local plans where agreement has not been reached on the distribution of dwellings between authorities who share a common Strategic Housing Marking Area (SHMA). At present this does not apply to Maldon, which has its own SHMA area, but may have future implications if its SHMA area was to change.
- 3.4.9 The third major change is the introduction of powers for the Secretary of State to invite a County Council to prepare a strategic plan for their area, where doing so would provide a local alternative to the Secretary of State’s intervention. The example given is where ‘districts are failing to cooperate effectively and where the County Council’s involvement would help.’ The Secretary of State would consider the geographic scope (it may not be an entire county, for instance), the subject matter and timescales. The County Council would be able to recover its costs from the relevant district authorities.
- 3.4.10 The Government published its long term environment strategy on 11 January 2018. Titled ‘**A Green Future: Our 25 Year Plan to Improve the Environment**’ the plan sets out how the Government with stakeholders intend to respond to environmental challenges and the interventions to be made. The Plan is set out in 6 chapters on:
1. Using and managing land sustainably
 2. Recovering nature and enhancing the beauty of landscapes
 3. Connecting people with the environment to improve health and wellbeing
 4. Increasing resource efficiency, and reducing pollution and waste
 5. Securing clean, productive and biologically diverse seas and oceans
 6. Protecting and improving the global environment
- 3.4.11 The full impact of the Plan will need to be considered and, where appropriate, incorporated into future planning policy and guidance.

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, its procedures and decision making. Reports on matters for decision that arise from planning policy matters will be made to this Committee as required.

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. 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:

A120 routes options - www.A120essex.co.uk

The London Plan - <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan>

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 -
<https://www.legislation.gov.uk/ukdsi/2017/9780111160749>

The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 -
<https://www.legislation.gov.uk/uksi/2017/1244/introduction/made>

A Green Future: Our 25 year Plan to Improve the Environment -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/673203/25-year-environment-plan.pdf

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