

<b>Report of</b>	<b>Assistant Director of Place and Client Services</b>	<b>Author</b>	<b>Bethany Jones</b>
<b>Title</b>	<b>Maldon District Council Issues and Options Consultation Response</b>		<b>☎ 282541</b>
<b>Wards affected</b>	All wards affected		

## 1. Executive Summary

- 1.1 On 17 January 2022, Maldon District Council published the Issues and Options Consultation Document as the first stage in the process of their Local Development Plan review. This report sets out the Councils response to the Maldon Issues and Options Consultation.

## 2. Recommended Decision

- 2.1 To submit the proposed response to Maldon District Council by the deadline of 14 March 2022.

## 3. Reason for Recommended Decision

- 3.1 The consultation provides an opportunity for the Council to influence the Maldon Local Development Plan Review.

## 4. Alternative Options

- 4.1 Not to respond to the consultation or to make amendments to the suggested response.

## 5. Background Information

5.1 The Maldon Issues and Options Consultation was launched on 17 January 2022 as the first stage of the Maldon Local Development Plan Review. The primary purpose of the consultation is to identify the key planning issues facing the district over the next Local Plan period (to at least 2038) and consider suitable options to address them. The main issues to be addressed are divided into 5 broad categories which are detailed below:

- Housing
- Economy
- The Natural and Built Heritage
- Accessibility
- People and Communities

5.2 As this is a new Local Plan, the housing need figure for Maldon is based on the Standard Methodology (as per the National Planning Policy Framework (NPPF) 2021 paragraphs 60-67). Maldon have set out the requirement in Table 1 - Proposed Housing Figure for the Period 2023 – 2043;

<b>2023 - 2043</b>	
308 homes per annum	6,160
Plus 20% buffer/contingency	1,232
<b>Subtotal</b>	<b>7,392</b>
Less existing commitments	-3,161
<b>Sub total</b>	<b>4,231</b>
Plus, shortfall on completions between 2014 - 21	+261
<b>Total</b>	<b>4,492</b>

5.3 The Council have proposed 7 spatial strategy options to ensure this housing need is met. Of most significance to Colchester, are Options 5 and 6 which are summarised below:

Option 5 – Create a new satellite settlement or large urban extension bolted onto one of the towns, large village and/or settlement adjacent to the District Boundary

- Satellite settlement to accommodate all allocated growth except 10% and 20% buffer
- 10% and 20% buffer to be directed to other towns and large villages
- Windfall policy for towns, large villages, medium and small villages
- Most affordable housing in satellite settlement with exception sites in other large, medium, and small villages
- Development in countryside restricted to support local economy

## Option 6 – Focus growth in the north of the District to link into the service and facilities available in Tiptree, Witham and Maldon/Heybridge

- Urban extensions on greenfield sites in and adjacent to the settlements in the North of the District and those that border the District in Braintree and Chelmsford
- 10% housing allocations directed to remaining large villages and towns
- Windfall policy for towns, remaining large villages, medium and small villages
- Most affordable housing in northern settlements of the district and exception sites in medium and small villages
- Development in countryside restricted to support local economy

- 5.4 Maldon are also seeking views to inform their policies regarding self and custom build housing, gypsy and travellers and travelling show people, design, climate change, economic development, tourism, natural environment, access and sustainable transport and securing infrastructure.
- 5.5 No draft policies are provided at this Issues and Options Consultation stage; therefore, the proposed consultation response is limited to a high level response in this regard.
- 5.6 There are a series of questions set out in the consultation and attached to this report in Appendix A. Not all the questions necessitate a response. The response will be completed using the online Consultation Portal.

## **6. Equality, Diversity and Human Rights implications**

- 6.1 The Equality Act 2010 requires public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It relates specifically to groups with protected characteristics including age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy, and maternity.
- 6.2 Accordingly Maldon DC will need to satisfy itself that there are no direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty.

## **7. Standard References**

- 7.1 There are no particular references to the Strategic Plan; consultation or publicity considerations or financial; community safety; health and safety or risk management implications.

## **8. Environmental and Sustainability Implications**

- 8.1 Sustainable development is at the heart of the planning system, in terms of environmental, social and economic elements.

## **Appendices**

Appendix A – CBC Consultation Response

## **Background Papers**

Maldon District Issues and Options Consultation – online resource  
<https://maldon.inconsult.uk/Issues/consultationHome>

## Appendix A

### Questions & Proposed Answers

**1. Do you agree with this spatial picture of the District?**

No comment.

**2. Are these issues still relevant?**

Yes. The five theme issues (housing, economy, natural and built heritage, accessibility and people and communities) are considered still relevant.

Of particular importance is the need to consider cross boundary impacts in terms of road infrastructure such as the A12 widening scheme which will have particular impacts to settlements such as Tiptree, Kelvedon and Witham.

The vulnerability of the District to impacts of climate change and flooding could feature as a cross cutting issues throughout each theme.

**3. Do you consider these to be the extent of strategic and cross boundary issues applicable for the Maldon District?**

No. The Bradwell B Nuclear Power Station development and provision of broadband should be included as additional strategic and cross boundary issues.

**4. Are these key issues the right ones or are there any key issues that you think have been missed?**

Yes, the key issues (1. reducing emissions and adapting to climate change; 2. resident centered places to live; 3. a stronger, more resilient and inclusive local economy; 4. thriving, distractive rural communities for all ages; 5. Protecting and enhancing our diverse natural environment, 6. Making the built environment beautiful and 7. Ensuring that infrastructure meets residents, visitors and business needs) are considered to be the right ones.

**5. Do you agree with the amended Vision?**

No comment.

**6. Do you agree with the objectives for the review of the LDP?**

No comment.

**7. Are there other objectives that the LDP needs to aim to achieve?**

No comment.

**8. Do you agree with the Council using the standard methodology in the calculation of its housing target for the period 2023 – 2043?**

Yes, use of the Standard Methodology is now a requirement as per the National Planning Policy Framework (NPPF).

The 'Maldon District Local Housing Needs Assessment' has now identified that Maldon is within a Housing Market Area with Chelmsford and Braintree.

The current Housing Needs Assessment for Colchester which supported the adopted Section 1 Local Plan and is supporting the Emerging Section 2, which is in the final examination stages, identifies the Housing Market Area as Braintree, Chelmsford, Colchester and Tendring. Any impact to future plan making will need to be explored further through the Duty to Cooperate by all affected authorities.

**9. Should the Council have a contingency or buffer figure in its housing target to ensure that it always has a continuous supply of housing over the plan period and if so what should that buffer be?**

Yes. It is considered appropriate to include a contingency or buffer figure in housing targets, as this allows for flexibility in terms of any housing allocations not delivering their full anticipated quantum of units and for any unprecedented delays to deliverability. This will also help enable the Council to maintain a 5 year housing land supply.

A buffer or contingency of at least 10% would be considered appropriate, particularly given that Maldon has an existing shortfall from the period 2014 - 2021. A contingency may help prevent further shortfalls in the future. Regardless of the percentage buffer or contingency selected, the reason for this should be explained fully.

It is essential that the term 'contingency' is used to avoid any confusion with the term 'buffer' used in the NPPF and the Housing Delivery Test related to under delivery.

**10. Should the plan period be longer than 15 years, should the period be 20 years, so that infrastructure can be planned in over a longer period?**

It is common practise for Local Plans to have a 15 year plan period.

Given that it has already been identified in Maldon that infrastructure delivery including from the current Adopted Local Plan has not run parallel to the delivery of housing (see *Key Issue 7 – Ensuring that infrastructure meets residents, visitors and business* and Paragraphs 22.4 and 23.3 of the Issues and Options Consultation Document); it may not be advantageous to extend the plan period for infrastructure to be planned and delivered over a longer period.

**11. Do you agree with the updated Settlement Pattern and how the settlements in the District have been grouped together?**

No comment.

**12. If you do not agree, how should they be grouped on what basis?**

No comment.

**13. Referring to the table on the Council's website which sets out all the services and facilities for each settlement – are there any comments about this or matters which need to be altered or changed?**

No comment.

**14. Do you agree with the approach set out above for major infrastructure projects?**

Given the status of the Bradwell B Nuclear Power Station is currently unknown, it may be appropriate to include a mechanism to undertake a Plan Review in the event permission is granted; as this will likely have a significant impact across the District, beyond what can be addressed through one major infrastructure project policy.

**15. Which growth option do you consider to be the most appropriate for the District of Maldon? Please set out your reason for this view (please clearly set out which option (s) 1 to 7 you are discussing).**

*Option 1 – Retain the option in the LDP approved in 2017 – focus growth in the settlement of Maldon/Heybridge and Burnham on Crouch*

This option is essentially a business-as-usual approach as it does not change the spatial strategy from that in the current Adopted Local Plan. This is unlikely to address the issues identified in the District particularly delivery of housing and associated

infrastructure, as development and growth is continuing to be directed to large scale sites within the largest settlements in Maldon and limited growth elsewhere, which has been identified is no longer suitable. This is therefore not considered an appropriate strategy for the new Local Plan.

*Option 2 – a strong focus on the towns and large sustainable villages and Option 3 – growth generally focused on the towns Maldon/Heybridge and Burnham on Crouch and all the large villages of the Settlement Hierarchy*

Given the similarity of these options, either could be considered an appropriate strategy as development is to be proportionate in accordance with a settlement hierarchy focusing growth in the most sustainable locations across the District.

*Option 4 – Pepper pot growth throughout the Settlement Hierarchy*

This option is not considered appropriate as by providing growth in all settlements based on a proportion of the number of homes in each settlement is 'planning by numbers' and does not take into consideration the constraints to development such as infrastructure capacity, natural and historic environment, etc

*Option 5 – Creating a new satellite settlement or large urban extension bolted onto one of the towns, large villages and/or settlement adjacent to the District Boundary*

Colchester Borough Council strongly objects to this option. If this option is pursued it could increase pressure on already stretched services and facilities over which Maldon District Council have no control because they are in another Local Authority.

This approach could lead to coalescence of settlements within Maldon as well as with neighbouring settlements outside of the District.

Focusing development in one broad direction could lead to a disproportionate level of affordable housing provision throughout the district.

If this option was pursued in relation to a settlement adjacent to the Colchester boundary, CBC would certainly require further engagement via the Duty to Cooperate to explore and identify any cross-boundary impacts and issues.

*Option 6 – Focus growth in the north of the District to link into the services and facilities available in Tiptree, Witham and Maldon/Heybridge*

This option is not supported by Colchester Borough Council. There are already a number of capacity issues within Tiptree, notably health care services, public transport and the road network. These issues are being explored through the Tiptree Neighbourhood Plan, which is currently preparing its Regulation 14 draft.

In addition, this option could also further add to the strategic capacity concerns associated with the A12 and the connecting network, including traffic increase to and from and through Tiptree and surrounding settlements. Views of the Highway Authorities- Essex County Council and National Highways will be important if this option is to be pursued any further.

This approach could lead to coalescence of settlements within Maldon as well as with neighbouring settlements outside of the District.

Focusing development in one broad direction could lead to a disproportionate level of affordable housing provision throughout the district.

If this option was pursued, CBC would certainly require further engagement via the Duty to Cooperate to explore and identify any cross-boundary impacts and issues.

*Option 7 – Focus growth along the rail line to Althorne, North Farnbridge and Southminster*  
No comment.

***16. Do you believe that there is another suitable growth option for the District, perhaps a combination of any of the above?***

No comment.

***17. Do you think it is appropriate to include in the LDP Review a policy dealing with major infrastructure projects such as the Bradwell B Nuclear Power Station, to be activated if this type of project comes forward?***

Yes, although as noted in response to Question 14, a mechanism for Plan Review in the event that the Bradwell B Nuclear Power Station is granted should also be included.

***18. Would you consider the delivery of housing appropriate on areas of land where there are disused agricultural buildings, or derelict land in or adjacent to large, medium and small villages?***

In principle small scale housing developments may be appropriate on areas of land where there are disused agricultural buildings or derelict land, however a blanket approach for villages of all sizes, may not be appropriate. Criteria based policies for the different village sizes and different levels of services and infrastructure available may be appropriate or an assessment on an individual village basis.

***19. Housing can be delivered in larger quantities, but using less greenfield land, by building at higher densities. Would you consider this appropriate if sites with higher densities were designed to ensure they achieved a high quality of design?***

No comment.

***20. Do you agree with building at higher densities in all settlements. What would you think was appropriate in terms of housing and higher densities?***

No comment.

***21. Would you support minimum density standards to uplift the delivery of housing and ensure land in Maldon District was used as efficiently as possible, or do you think design, or other factors should dictate density on housing sites?***

No comment.

***22. Would you consider higher density housing appropriate in large, medium and small villages, if the design was to a higher standard and the character of the settlement was still respected?***

No comment.

***23. Is it appropriate to develop land for housing that has been previously used for commercial uses such as employment and retail which is otherwise vacant, underused and derelict?***

In principle yes. However, it will need to be ensured that as a result of redevelopment of this land for housing, there is not an unmet need created for employment and/or retail land as a result.

In Colchester, there is a need particularly to consider contamination of previously used land, particularly around the Hythe for example. It will be necessary to ensure reasons for the underuse of the land is fully understood before its reallocation.

**24. *It is difficult for Maldon District to have a policy that states that brownfield land should be developed first for housing because of the lack of brownfield land sites in the District. This could also inadvertently lead to the redevelopment of active employment land to residential the consequences of this could lead to job losses and a decline in employment sites. Therefore, instead of 'brownfield land first', should the Council instead place a greater emphasis on encouraging the development of brownfield land for housing? This may mean less affordable housing and other benefits comes forward, but it could redevelop sites which are an eyesore and blight on settlements and residents.***

The NPPF is clear that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land. The Local Plan should accord with this requirement.

**25. *Should the medium and small settlements retain some form of a settlement boundary, albeit more flexibly drawn?***

No comment.

**26. *Should the Council develop a windfall policy for all or specific settlements, potentially capping the number of units for each site coming forward and ensuring the protection for key views, green infrastructure gaps and the historic environment in each village?***

No comment.

**27. *In the event of an increase of need, should the Council look to establish both private and public sites for Gypsies and Travellers in the future, recognising that not all needs can be catered by one tenure of provision?***

The need for sites should be informed by the Essex wide evidence base and any Maldon specific evidence.

CBC would wish to engage on this matter in respect of any sites on the Borough boundary, under the duty to co-operate.

**28. *In the event of an increase of need, should the Council seek to intensify or expand existing Gypsy, Traveller and Travelling Showpeople sites as much as possible, where it is suitable to do so?***

The need for sites should be informed by Essex wide evidence base and any Maldon specific evidence.

CBC would wish to engage on this matter in respect of any sites on the Borough boundary, under the duty to co-operate.

**29. *In the event of an increase of need, should the Council consider how it could use its Settlement Pattern, Rural Exception Sites and/or Windfall Policy (if implemented) to support the increased provision of new sites in sustainable locations that can serve the community's needs better?***

No comment.

**30. *Is there anything else the Council should be considering for homes for Gypsies, Travellers and Travelling Showpeople?***



No comment, other than the need should reflect on the evidence update for Essex as a whole when it is available.

**31. Should the Council seek a proportion of self-build/custom build plots on larger housing sites?**

No comment.

**32. In addition to the above, should the Plan also allocate specific sites in the LDP Review exclusively for self-build/custom build, either put forward by people who want to self-build or caveated by policy that they can only be brought forward by self-builders?**

No comment.

**33. Should the Council in the development of a self-build/custom build policy consider ensuring that smaller low cost housing units are encouraged to come forward?**

No comment.

**34. Designing beautiful spaces and buildings, how important do you think it is that we should actively plan to create beautiful spaces and buildings?**

The design of new developments is critically important given how we use our local spaces particularly green spaces and local facilities, has changed as a result of the Covid-19 Pandemic as well as to mitigate the impacts of climate change.

**35. What do you think about the design policy in the LDP 2017 (Policy D1) and the Design Guide Supplementary Planning Document 2018? Do they need amending?**

No comment.

**36. Should the Council seek to endorse the Essex Design Guide with a Maldon District supplementary section? Would this be a more flexible approach to design?**

Design Guidance or Codes should be developed at the District/Borough level and through Neighbourhood Plans.

**37. Should the Council in its design policy encourage support for modern innovative design and design to counter the effects of climate change?**

Yes, given that Maldon District Council declared a climate emergency in February 2021.

**38. Please provide comments below on design matters you consider to be particularly important. We would be especially interested in your views on whether we should include general design guidance on relevant site allocations?**

Depending on the preferred spatial strategy, specific design guidance for large scale strategic allocations would be appropriate. Similarly, subject to the preferred spatial strategy, CBC would wish to engage on this matter in respect of any sites on the Borough boundary, under the duty to co-operate.

**39. Should the LDP Review make climate change one of its key priorities? Yes, No or Don't know.**

Yes.

**40. What do you consider to be important in terms of development and climate change? Are on-site renewables such as photovoltaics, ground source heat pumps, etc as important/more important as off-site renewable energy projects such as on-land wind farms, solar farms, district heating networks, etc?**

No comment

**41. Should we plan for net-zero carbon from plan adoption in 2023? This would require all new development to be net-zero carbon upon adoption of the plan. If yes, would the Council need to bring forward any additional guidance to support this? Yes, No or Don't Know.**

No comment (see response below)

**42. Should we plan for net-zero carbon from a specific future date? This would require all new development to achieve net zero carbon from a future date in the plan process, set out in policy. It could allow time for the development industry to adjust to the higher standards and may mean we can secure more affordable housing and community benefits from development, earlier on in the plan process.**

The planning system has a crucial role to play in delivering effective action on climate change. Net-zero carbon will be achieved only if it is planned for. The Maldon District Council Climate Emergency aims to be a carbon neutral District Council by 2030 and ensure approaches to planning decisions are in line with a shift to net-zero carbon with a shift to net-zero carbon by 2030. Planning policy for net-zero carbon from plan adoption in 2023 would allow additional guidance to be developed to support policy and enable planning decisions to be made in line with a shift to net-zero carbon by 2030.

**43. Should the local plan policies strongly support the economy in terms of a transition to a low carbon economy, ensuring development and growth opportunities are supported through this process? Yes, No or Don't Know.**

Yes.

**44. Should the local plan allocate employment land so that it extends existing employment premises / areas in the District by working with existing businesses to ascertain their future need? Yes, No or Don't Know.**

Yes.

**45. Should the Council contain a policy preventing the redevelopment of employment premises to residential units? If so, should the scope of such a policy be limited in any way? Yes, No or Don't Know. Please explain the rationale for your answer.**

Yes. A criteria based policy should set out in what circumstances, if any, redevelopment of employment land to residential would be supported, beyond that which is permitted through Permitted Development Rights and Use Classes.

**46. How important is the rural economy? How do you believe the rural economy can be supported through policy? Very Important, Important, Don't Know or Not Important.**

Important.

**47. Should the Council support the development of live/work housing units? Yes, No, Don't Know.**

Yes, a policy could be included to support development of live/work housing units. Specific allocations could be made if there is an identified need for this specialist type of housing.

**48. Should the nature, size and type of policy support for Maldon and Burnham-on-Crouch's High Streets' change? How would you like the high street to change? Yes, No or Don't Know.**

No comment.

**49. Do you believe this policy (E5 in LDP 2017) requires modification? If so how would you like to see it changed? Yes, No or Don't Know.**

No comment.

**50. Do you believe this policy (E5 LDP 2017) encourages tourism or is it too restrictive?**

No comment.

**51. How could planning policy encourage more visitors to the District other than day visitors?**

No comment.

**52. Should the Council consider having protected landscape views in the District, even though this may place development pressure elsewhere? Yes, No or Don't Know.**

No comment.

**53. In terms of access and sustainable transport in the District, what is most important to you?**

The provision of sustainable transport, particularly bus services which link the Maldon district with Tiptree and Colchester will be supported by the Council.

**54. Should the Council focus future growth on those areas with higher levels of commuter access either by bus or train? Yes, No or Don't Know.**

Yes, to an extent. This should not be at the expense of future infrastructure provision elsewhere in the District away from areas that already have access to other settlements by bus or train.

**55. Should all new development be linked to its settlement by a footpath wide enough to accommodate a wheelchair or double buggy/pram? Yes, No or Don't Know.**

No – such urbanising features may not be appropriate in all rural areas. Each site should be assessed on its own merits.

**56. Should development have to demonstrate that it can provide safe footpath/cycle links/connections, which incorporate green infrastructure and support active travel choices? Yes, No or Don't Know.**

Yes.

**57. Should the council continue to explore and support complementary projects delivered outside the planning system that can support travel choice and a shift away from the use of the car in the District? Yes, No or Don't Know.**

Yes.

**58. Should the Council take into account the advantages of locations which stand to offer the better chance of securing new infrastructure due to critical massing of development? Yes, No or Don't Know.**

No, each site should be assessed on its own merits

**59. Affordable housing is often the biggest influence on viability, so should the Council continue to prioritise this policy requirement over other infrastructure contributions or design quality across the District? Yes, No or Don't Know.**

Through the Local Plan Review, the Council should continue to prioritise and require all necessary infrastructure contributions and design quality. The Local Plan as a whole will be subject to viability testing and there will be a need to demonstrate deliverability as part of the Examination. If viability is questioned a site should not be allocated in the Local

Plan. Where viability becomes an issue, this should be considered on a case-by-case basis through the planning application process.

**60. *Should we consider spare capacity within our existing infrastructure when we determine where new development should go? Yes, No or Don't Know.***

Yes.