

Local Plan Tracker | Essex

May 2020

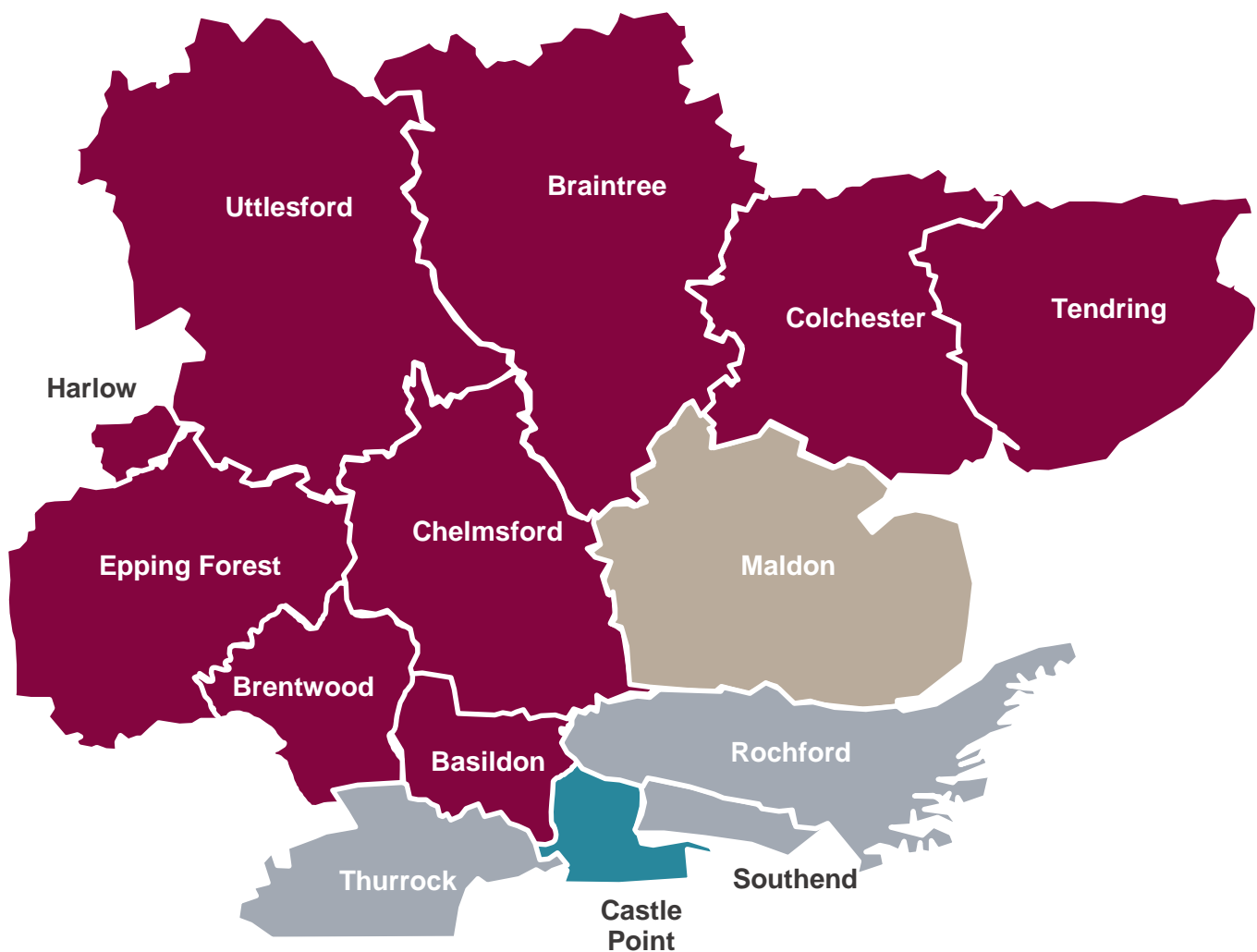
Regulation 18 – Public consultation

Regulation 19 – Publication of submission local plan

Regulation 22 – Submitted to Secretary of state

Regulation 24 – Examination

Approved / adopted



LOCAL AUTHORITY CURRENT POSITION

Basildon

- The new Local Plan was submitted for examination on 28 March 2019 – Inspector Paul Griffiths has been appointed by the Secretary of State to examine the plan.
- The submitted Local Plan acknowledges that it does not meet housing need in full.
- Examination hearing sessions have yet to be timetabled.
- DEFRA have written to Basildon Borough Council and Essex County Council regarding air quality concerns at A127 junctions within the Borough. Air quality and transport work is being undertaken, with Basildon Borough Council having written to the Planning Inspectorate Service to request a delay to the start of the examination on 28 June 2019.
- The Planning Inspectorate responded to Basildon Borough Council via email on 5 July 2019, indicating they are content with deferring the EiP to allow for additional works to be undertaken. The Council have since responded with a letter to the Inspectorate dated 24 July 2019, setting out the matters and additional works the Council is considering in relation to the implications of the Defra Direction.
- The Council sent the Inspector a follow up letter on the 8 November 2019, providing an update on the progress the Council has made in addressing the requirements of the Air Quality Direction issues by Defra. The letter sets out that the Council, in partnership with Essex County Council, have fully complied with the requirements of the Direction, having submitted additional modelling in reduction to Clean Air Zone scenario in July and a full business case for a speed limit reduction on the A127 in October 2019. The Council also confirmed they have made good progress on understanding the impact of these measures on and can be supported by policies and proposals in the new Local Plan.
- In the letter the Council sought the Inspector's view on continuing to pause the examination until after Defra have issued their decision in respect of the options for a Clean Air Zone and speed limit reduction (decisions which were originally anticipated for early to mid-November, but were subsequently delayed due to December's General Election).
- On 7 February 2020, the Council wrote to the Inspector in respect of the progress made in addressing the requirements of the Air Quality Direction issued by Defra, advising how the transport evidence for the Local Plan has been updated. The Council in their letter requested that the Planning Inspectorate be minded to move towards establishing a programme for examination of the Submission Plan based on the progress of works to date and the evidence due to be provided. The Council stated that agreement from Essex County Council and Essex Highways working on the Air Quality Direction is required before such a programme can be agreed.
- In addition to the Council's own Local Plan, Basildon Borough Council is working with other authorities within South Essex to produce a Joint Strategic Plan. This is addressed further within this update under separate heading.

Braintree

- The new Local Plan will comprise two parts: Section 1 being prepared jointly with Colchester and Tendring (the North Essex Authorities) and addressing strategic issues such as total housing requirements and garden communities; and Section 2 being prepared by the individual authority and including site-specific allocations.
- The North Essex Authorities' Section 1 Local Plan is addressed further within this update under separate heading.
- The delays and uncertainty surrounding the Section 1 Local Plan have resulted in substantial delays to the examination of Section 2. The Council anticipates its Section 2 examination hearings taking place in spring / summer 2020, with adoption late 2020 / early 2021. This will be dependent on the outcome of the Section 1 examination.

Brentwood

- Consultation on the Pre-Submission (Regulation 19) Local Plan concluded on 19 March 2019, but the Local Plan has yet to be submitted for examination.
- The Council is currently consulting on an Addendum of Focussed Changes to the Pre-Submission Local Plan, which entails reduction to the number of dwellings to be provided at four proposed allocations, with an increase in the number of dwellings proposed at Dunton Hills Garden Village before the end of the plan period in order to compensate. This consultation ran until 26 November 2019.
- The Brentwood Local Plan was submitted to the Secretary of State for independent examination on 14 February 2020. Yvonne Wright BSc(Hons) DIPT&CP MSc MRTPI and Mike Worden BA (Hons) Dip TP MRTPI have been appointed to conduct the examination to determine whether the Local Plan is sound.
- In addition to the Council's own Local Plan, Brentwood Borough Council is working with other authorities within South Essex to produce a Joint Strategic Plan. This is addressed further within this update under separate heading.

Castle Point

- The current adopted Local Plan is considerably out-of-date, having been adopted back in 1998.
- The Council is in the process of preparing a new Local Plan.
- Following concerns of direct Government intervention, on 22 October 2019, the Council agreed a Pre-Submission version of its new Local Plan for public consultation.
- The New Castle Point (Pre-Submission) Local Plan was out for public consultation until Friday 14 February 2020.
- The Council is currently being in the process of producing a Consultation Statement, and have confirmed that as of 22 April 2020, it remains the Council's intention to submit the Local Plan for Examination in Public in summer 2020.
- In addition to the Council's own Local Plan, Castle Point Borough Council is working with other authorities within South Essex to produce a Joint Strategic Plan. This is discussed further within this update under separate heading.

Chelmsford

- The Draft Local Plan was submitted to the Secretary of State for Examination on the 29 June 2018.
- Examination hearing sessions ran from 20 November until 13 December 2018.
- The Inspector's Post Hearing Advice Note dated 8 February 2019 indicated the Local Plan will be found sound subject to modifications.
- Public consultation on Main Modifications ran until 19 September 2019.
- The Inspector's report on the Chelmsford Local Plan (dated 25 February 2020) found the Local Plan sound and legally compliant, subject to the identified main modifications.
- The Local Plan was due to be adopted at an Extraordinary Meeting of the Council scheduled for 31 March 2020 however, in light of the current circumstances, the Council have postponed all scheduled meetings and are continuing to monitor the situation.
- The Council are however updating their Strategic Housing Employment Land Availability Assessment (SHELAA) evidence base, with landowners, developers and promoters requested to provide up to date site details and information where circumstances have changed since submitted through the last Call for Sites / SHELAA process.

Colchester

- The new Local Plan will comprise two parts: Section 1 being prepared jointly with Braintree and Tendring (the North Essex Authorities) and addressing strategic issues such as total housing requirements and garden communities; and Section 2 being prepared by the individual authority and including site-specific allocations.
- The North Essex Authorities' Section 1 Local Plan is addressed further within this update under separate heading.
- The Council anticipated examination of its Section 2 Local Plan taking place spring / summer 2020, though this was dependent on receipt of the Inspector's report on Section 1 by late 2019 / early 2020. Given the delays to the Section 1 Local Plan, and likely timescales for its examination, the Section 2 Local Plan is now likely to be further delayed.

Epping Forest

- The Examination hearing sessions ran until 12 June 2019. A host of issues relating to soundness and legal compliance were raised as part of the Examination.
- The Inspector issued her post-hearing advice note to the Council on 2 August 2019. This set out a number of actions for the Council if the Local Plan can be made to be sound, including a number of modifications. Such actions included to seek alternative sites to meet the housing requirements, firstly within the Council's preferred strategic growth options. If no such sites can be found, the Inspector has requested the Council explore amendments to the spatial strategy. Actions and modifications requested by the Inspector are likely to entail significant additional work for the Council.
- The Council has issued a response (dated 11 October 2019) to the Inspector's post-hearing advice note. This set out a proposed timetable to seek to address concerns with the Local Plan, which culminated in the SA / HRA of the main modifications in May 2020. However, the suggested timetable is considered optimistic and in any case does not account for the further consultation that would be required on main modifications before the Inspector issues her final report.
- The Council's response of 11 October 2019 also appeared silent on a number of the actions the Inspector considered necessary to ensure the Local Plan can be made capable of being found sound.
- The Inspector issued her response to the Council's letter (dated 25 November 2019) which addresses the request for clarification re Nationally Described Space Standards (NDSS) and the next steps in relation to HRA matters. With regards to the former, the Inspector considers that the requested evidence and / or justification for imposing NDSS set out in the Council's letter is inadequate to comply with the requirements set out in the PPG. The Inspector invited the Council to represent or explain their evidence to the effect that the Inspector's judgement is that there is a clear understanding of the issues that would arise in the absence of a NDSS.
- The Inspector appears satisfied with the works proposed by the Council, and comments on the Council's proposed work programme as being challenging but realistic.
- The Council wrote to the Inspector on 21 January 2020 providing an update on the programme of works, as well as provide the Inspector with a high level schedule of completing works responding to the Inspector's comments and suggested main modifications.
- Due to COVID-19, the Council wrote to the Inspector on 24 April 2020 outlining their revised estimated work programme in light of the current challenges faced to carry out workloads and meeting milestones agreed prior to issuing Main Modifications for consultation. They note that the Council are still finalising capacities on some sites to finalise the housing trajectory which is to feed into the Infrastructure Delivery Plan (IDP), directly affecting the timeframes for undertaking the Sustainability Appraisal (SA). The HRA and SA are now due for completion in August 2020. Despite missing the June deadline for the final submission, the Council propose a fourth and final deadline for all works completed, leading to a public consultation on the Main Modifications in October 2020. However, there have been separate indications that the consultation may not take place until December 2020, or potentially later still.
- The Inspector responded on 27 April acknowledging the Council's response.

Harlow

- The Harlow Local Development Plan (2018) was submitted to the Secretary of State for Independent Examination on 19 October 2018.
- Examination hearing sessions took place between 28 March – 4 April 2019.
- The examination has yet to conclude. On 9 April 2019, the Inspector wrote to the Council to confirm that it was necessary to await the conclusions of Natural England in respect of the Habitats Regulation Assessment, with concerns relating to ensuring the Local Plan will not have an adverse impact on the integrity of the Epping Forest Special Area of Conservation.
- On 17 December 2019, the Council received a letter from the Inspector confirming that he is satisfied that the plan can now progress to the next stage of the Local Plan process, providing an outline of the main modifications to the plan in response to the Council's suggested Schedule of Modifications (SOM). A large number of main modifications are consistent with changes as per the Council's SOM, whilst a number of the Council's suggested main modifications were considered by the Inspector to be unnecessary for the purposes of soundness.
- The Council sent a letter to the Inspector dated 18 December 2019 confirming the Council are reviewing the main modifications in detail in preparation of a SOM for consultation. The Council also requested the inspector's views on a number of minor points raised. On 20 December 2019, the Inspector responded to the Council's letter, replying to the queries raised previously.
- Harlow Council is currently consulting on the Main Modifications to the Local Plan due to run until 27 April 2020, however in light of the current circumstances has been extended to 31 May 2020. Harlow Council has issued advice relating to the closure of libraries and other public buildings in Harlow and the challenges of viewing hard copies of documents available to the public. Harlow are now sending hard copies to those who request them.

Maldon

- Local Development Plan approved on 25 July 2017.
- No indications as of yet as to timescales for its review.

Rochford

- Local Plan Preferred Options Consultation is anticipated to take place in spring 2020.
- Green Belt assessment work, which will consider the contribution potential development sites make to the Green Belt, was due to be published in December 2019 but has been delayed and now anticipated for mid- 2020.
- Both Rochford District Council and Southend-on-Sea Borough Council are considering an option of preparing a joint Section 1 Local Plan to cover both Local Planning Authorities, addressing cross-boundary strategic issues; with Section 2 Local Plan to cover individual authorities' allocations and policies.
- The Council are considering an additional Regulation 18 stage, given the time since the Issues and Options iteration of the plan Plan was consulted upon. However a new Local Development Scheme is yet to be agreed.
- In addition to the Council's own Local Plan, Rochford District Council is working with other authorities within South Essex to produce a Joint Strategic Plan. This is addressed further within this update under separate heading.

Southend

- Consultation on Local Plan Issues and Options ran from 5 February until 2 April 2019.
- Three options for meeting the Borough's development needs were presented, including the option of a cross-boundary new settlement prepared in conjunction with a neighbouring authority.
- Both Southend-on-Sea Borough Council and Rochford District Council are considering an option of preparing a joint Section 1 Local Plan to cover both Local Planning Authorities, addressing cross-boundary strategic issues; with Section 2 Local Plan to cover individual authorities' allocations and policies.
- Southend has published an updated Local Development Scheme which anticipates an Issues and Options (Stage 2) consultation in Q3 2020; Preferred Options in Q3 2021; Publication Submission Document in Q2 2022 and Submission of the Plan in Q4 2022.
- In addition to the Council's own Local Plan, Southend-on-Sea Borough Council is working with other authorities within South Essex to produce a Joint Strategic Plan. This is addressed further within this update under separate heading.

Tendring

- The new Local Plan will comprise two parts: Section 1 being prepared jointly with Braintree and Colchester (the North Essex Authorities) and addressing strategic issues such as total housing requirements and garden communities; and Section 2 being prepared by the individual authority and including site-specific allocations.
- The delays and uncertainty surrounding the Section 1 Local Plan have resulted in substantial delays to the examination of Section 2. It is currently anticipated that the Section 2 Local Plan for Tendring District will be examined summer / autumn 2020, though this is dependent on the outcome of Section 1.

Thurrock

- Public Consultation on the Issues and Options 2 took place between 12 December 2018 and Friday 8 March 2019.
- The next iteration of the Local Plan, anticipated to set out the Council's preferred strategy, is now scheduled for 2021, as confirmed at Planning Committee dated 6 June 2019. This represents a significant delay in the Local Plan Review process, given the previous date for this stage was June 2020.
- The Council has recently written to all promoters of the emerging Local Plan asking whether they would be willing to enter into a Planning Performance Agreement, in accordance with a newly published Planning Performance Guidance Note and Performance Template, and have asked promoters to respond by Friday 3 April 2020.
- In addition to the Council's own Local Plan, Thurrock Council is working with other authorities within South Essex to produce a Joint Strategic Plan. This is addressed further within this update under separate heading.

Uttlesford

- The new Local Plan was submitted for examination on 18 January 2019.
- Subsequently, and prior to the start of examination hearing sessions, the Council changed administration and is now controlled by Residents for Uttlesford.
- Residents for Uttlesford had registered objections to the submitted Local Plan and were listed to appear at examination hearing sessions on legal compliance and soundness.
- The Local Plan Inspectors wrote to the Council on 11 June 2019, requesting confirmation of the Council's position on the submitted Local Plan in light of the change in administration.
- The Council responded to the Inspector on 27 June 2019, stating that it had agreed to submit the Local Plan for examination, that only a decision by Full Council could change this, that the Council has not changed its position, and that the Council will consider the Local Plan once the examination has concluded on receipt of the Inspector's report.
- The hearing sessions are taking place in two stages: Stage 1 covers legal and procedural matters as well as issues such as the overall spatial strategy and development requirements; and Stage 2 considers specific allocations and development management policies.
- Stage 1 hearing sessions took place between 2 and 18 July 2019.
- Following Stage 1 hearing sessions, a number of actions for the Council have been identified, including those relating to the need to make main modifications to the submitted Local Plan.
- Following the hearing sessions between 2 and 18 July 2019, the Inspector issued a post hearing note to the Council dated 10 January 2020. The Inspector found there to be significant concerns in relation to the soundness of the plan. In particular, it was felt that there was insufficient evidence provided to demonstrate that the Garden communities, and therefore the overall spatial strategy was justified and concluded these fundamental aspects of the plan were unsound.
- The Inspector suggested that, given the amount of work required to undertake the changes to make the local plan sound, it would constitute the virtual rewriting of the plan and therefore suggests the Council withdraw the Local Plan.
- On 17 February 2020 the Council responded to the Inspector's letter dated 10 January, explaining the Council has not yet come to a decision on whether to withdraw the plan or continue with the current Plan.
- On 20 April 2020 the Council resolved to withdraw its Local Plan, in light of the Inspectors' advice and recommendations.

**Essex Coast Rams
SPD**

- Essex County Council, Natural England are in partnership with all 12 Essex Local Planning Authorities consulted on a draft Essex Coast Recreational disturbance Avoidance & Mitigation Strategy Supplementary Planning Document (RAMS SPD) between 10 January and 21 February 2020.
- The RAMS SPD proposes a per-dwelling charge for developments within the Zone of Influence of European sites on the Essex coast. The Zone of Influence extends to include at least a proportion of every authority within Essex, with the exception of Harlow and Epping Forest District.
- The RAMS SPD proposes a contribution of £122.30 per dwelling be demanded from developments within the Zone of Influence.

North Essex

- Braintree, Colchester and Tendring Councils (the North Essex Authorities)) are preparing new Local Plans which comprise two parts. The first part (Section 1) is a joint Local Plan which addresses strategic issues across the three Boroughs / Districts, and is being prepared jointly by the three authorities.
- The Section 1 Local Plan examination was suspended following the Inspector's comments on soundness of evidence regarding the North Essex Garden Communities, set out within his post-hearing letter of 8 June 2018.
- The examination has been paused while the NEAs undertake additional work to support the Local Plan.
- Additional work prepared by the NEAs, including additional Sustainability Appraisal, evidence base documents, and the suggested amendments to the Section 1 Local Plan, between 16 August and 30 September 2019.
- Following consultation, the NEAs wrote to the Inspector on 8 October 2019 suggesting a structure for the additional hearing sessions and hearing sessions topics. These suggested topics were focussed on garden communities and the evidence base to support them.
- On 21 October 2019, the Inspector responded to the Council's letter of 8 October and suggested that, in addition to topics proposed by the Council for the additional hearing sessions, he also anticipated discussion on whether or not there has been a meaningful change in the housing situation since June 2018, with regard to the implications of Unattributable Population Change for housing need in Tendring.
- Additional hearing sessions ran from between 14 January and 30 January 2020.
- The timetable for the preparation of the Section 1 Local Plan following hearing sessions is currently unclear. The Inspector's post-hearing views are anticipated imminently.

South Essex

- In 2018 the Association of South Essex Local Authorities (ASELA) was established, comprising Basildon Borough Council, Brentwood Borough Council, Castle Point Borough Council, Rochford District Council, Southend-on-Sea Borough Council, and Thurrock Borough Council.
- A Statement of Common Ground (SoCG) has been signed by the authorities, committing them to the preparation of a Joint Strategic Plan (JSP) for South Essex.
- The SoCG also states that the authorities are exploring whether the development of new garden communities could offer a strategic solution to growth.
- The SoCG states that Local Plans for authorities will still be prepared, but will need to be reviewed at key stages to ensure alignment. As such, it is expected that the JSP will significantly influence preparation of individual South Essex authorities' Local Plans.
- Work on the JSP has identified several 'Strategic Areas of Opportunity', which are considered to have potential to accommodate growth.
- As part of work on potential strategic growth options, the South East Essex Strategic Growth Locations Assessment has been prepared, which explores opportunity in Southend, Rochford and Castle Point Borough. This study does not set or suggest policy, but did identify an area to the north of Southend within Rochford District as having potential to accommodate a major strategic development of 6,000 – 8,000 dwellings.
- Initial consultation on the JSP was expected in Spring 2019, but now anticipated in the first half of 2020. It is understood that this consultation will set out issues and options, including broad spatial options.
- The Councils consulted on a Statement of Community Involvement which will set out how the authorities will engage with stakeholders in the preparation of the JSP. Consultation ran until 27 January 2020.
- It is now anticipated that an Issues Document will be published for consultation in Q3 of 2020.
- The JSP was scheduled for adoption in autumn 2020, but this is considered to be unfeasible now, given delays. Indeed, even adoption before the end of 2021 now appears challenging.

NATIONAL PLANNING ENQUIRIES

John McLarty
Head of Planning
020 7318 4775
john.mclarty@struttandparker.com

PLANNING ENQUIRIES

James Firth
Head of Chelmsford Planning
01245 254610
james.firth@struttandparker.com

DEVELOPMENT ENQUIRIES

James Marner
Director, Chelmsford Development
01245 254649
james.marner@struttandparker.com

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