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Planning Policy and Local Plan Committee

16 September 2024

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON MONDAY, 16TH SEPTEMBER, 2024 AT 6.00 PM
IN THE COMMITTEE ROOM AT THE TOWN HALL, STATION ROAD, CLACTON-ON-
SEA, CO15 1SE**

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| Present: | Councillors Guglielmi (Chairman), Bray, Chapman BEM, M Cossens, Fairley, Newton and Scott |
| Also Present: | Councillors Baker (Portfolio Holder for Housing & Planning) and Everett |
| In Attendance: | Gary Guiver (Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Ian Ford (Committee Services Manager), Paul Woods (Planning Policy Team Leader) and Keith Durran (Committee Services Officer) |
| Also in Attendance: | Will Fuller (Senior Planning Policy Officer) and James Dwan (Communications Officer) |

55. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bush and Fowler (with no substitutions).

56. MINUTES OF THE LAST MEETING

It was moved by Councillor Bray, seconded by Councillor M Cossens and:-

RESOLVED that the Minutes of the last meeting of the Committee, held on Tuesday 23 July 2024, be approved as a correct record and be signed by the Chairman.

57. DECLARATIONS OF INTEREST

In relation to agenda item 6, report A.1 (Local Plan Review: Implications of the Government's proposed changes to the National Planning Policy Framework and introduction of Mandatory Housebuilding Targets, Councillor Fairley declared that she could be considered to have a Non-Registerable Interest insofar as family members owned land at Horsley Cross which was part of the A120 corridor. Having taken advice from the Monitoring Officer, Councillor Fairley stated that she would remain in the meeting and take part in the consideration of that item.

The Monitoring Officer confirmed to the meeting that she had given advice to Councillor Fairley and confirmed the substance of Councillor Fairley's declaration.

58. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No questions on notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

59. PUBLIC SPEAKING

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question or to make a statement on the two Officer reports.

60. REPORT OF THE DIRECTOR (PLANNING) - A.1 - LOCAL PLAN REVIEW: IMPLICATIONS OF THE GOVERNMENT'S PROPOSED CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK AND INTRODUCTION OF MANDATORY HOUSEBUILDING TARGETS

Earlier on in the meeting, as recorded under Minute 57 above, and in relation to this item, Councillor Fairley had declared that she could be considered to have a Non-Registerable Interest insofar as family members owned land at Horsley Cross which was part of the A120 corridor. Having taken advice from the Monitoring Officer, Councillor Fairley had stated that she would remain in the meeting and take part in the consideration of this item.

The Committee considered a report of the Director (Planning) (A.1), which set out the main implications of the new Government's proposed changes to the National Planning Policy Framework (NPPF), including the introduction of mandatory housebuilding targets, on the current review of the Tendring District Local Plan. The report also sought the Committee's agreement for the postponement of public consultation on the Issues & Options document pending the outcome of the Government's current NPPF consultation.

Members were aware that, up until now, the Council had been preparing to carry out the five-year review of its Local Plan following a work programme and a set of overarching guiding principles, vision, objectives and spatial strategy options that had been agreed by the Planning Policy and Local Plan Committee in its meetings from December 2023 through to July 2024 – with the intention of carrying out public consultation on the agreed Issues & Options document in September/October 2024.

However, the UK General Election on 4 July 2024 had resulted in a change of Government and on 30 July 2024 the new Deputy Prime Minister had launched an eight-week consultation on reforms to the National Planning Policy Framework (NPPF) – the policies within which Councils were expected to follow both for the purposes of Local Plan preparation and planning decisions – and other changes to the planning system. The detail of that NPPF consultation and the Council's possible response were the subject of a separate report on the Committee's agenda.

The Committee was informed that the most significant of the Government's proposed changes was the introduction of mandatory (as opposed to advisory) housebuilding targets generated using a revised version of the 'standard method' for calculating local housing need. If the new Government pushed ahead with its proposed changes, Tendring's housebuilding target would increase from 550 homes a year from the current Local Plan to 1,043 homes a year from 2026. This would have significant implications for this District, the review of the Tendring Local Plan, and all the work that had been carried out by the Planning Policy and Local Plan Committee and the Council's Officers to date.

The main implications were summarised as follows:-

Housebuilding requirements:

An increase in the annual housing requirement from 550 to 1,043 homes a year was substantially above the increase to 770 that had been anticipated and reported previously. This increase would require the Council to plan for 7,000-8,000 additional homes up to 2041 over and above the 9,600 already in the pipeline (expected on sites allocated in the current Local Plan, sites already under construction, and sites with planning permission). This was double the amount of housing the Council had, up until now, been preparing to plan for through the Local Plan review.

Spatial strategy options:

The six spatial strategy options agreed by the Committee for the purposes of public consultation had set out alternative ways of delivering 3,000-4,000 extra homes in Tendring up to 2041. With the requirement now potentially doubling to 7,000-8,000 homes, those spatial strategy options did not align with current Government thinking and there was consequently no benefit in proceeding to public consultation with those options. Initial analysis by Officers suggested that the sheer scale of the proposed increase in housebuilding targets would limit the number of practical alternatives that were realistically capable of delivering the numbers entailed – with all sensible permutations affecting most communities in some way. It was highly likely that options going forward would entail significant growth in, and around, the Harwich area, potentially two or more new Garden Villages in strategically important locations and proportionate levels of additional housing for other existing towns and villages.

Vision and objectives:

The updated vision and objectives for the future of Tendring, previously agreed by the Committee for the purposes of public consultation, had been based on an assumption that the general thrust of the approach taken in the current adopted Local Plan to 2033 would be broadly similar for an updated Local Plan covering the extended period to 2041 – save for focussed changes needed to reflect any change in the strategy for growth for the longer-term. The significant increase in housebuilding that might now be required under the Government's proposed changes would likely require a radically different approach to growth, so the vision and objectives for the Local Plan to 2041 would most likely need updating to reflect this.

Overarching guiding principles:

It was believed that most of the overarching guiding principles agreed by the Committee at the beginning of the Local Plan review process would be unaffected by the Government's proposed changes – including the intention to continue protecting Strategic Green Gaps and not expanding either Clacton or the Tendring Colchester Borders Garden Community beyond the significant levels of growth already planned through the current Local Plan. However, the principles relating to time frames and housebuilding targets would likely need revisiting once the Government had confirmed its approach following the close of the NPPF consultation.

Evidence base:

It was pointed out that a number of the evidence-base studies required to inform the review of the Local Plan were, at the time of the Government's announcements on 30

July 2024, already commissioned and under way. Those included a Strategic Housing Market Assessment (SHMA) and a Strategic Employment Land Study for which assumptions about the total amount of housing planned were critical to the likely outputs. Officers were engaging with the relevant consultants of all studies currently under preparation to determine the implications of the Government's proposed changes and to pause, as necessary, any work pending the outcome of the Government's consultation.

Timetable and work programme:

Because the Council was only in the early stages of the Local Plan review, it would be expected to apply the Government's new requirements as and when they were confirmed – including any increased mandatory housebuilding targets. The overall Local Plan timetable and work programme already agreed by the Committee as part of the Local Development Scheme (LDS) would therefore need to be revisited and adjusted. Consultation on Issues & Options could only sensibly take place once any Government changes to the NPPF had been finalised, the full implications had been taken on board and the documentation revised as necessary. Importantly, it was no longer considered likely that the Council would be in a position to fully adopt an updated Local Plan before January 2026 (five years from adoption of the current Section 1 Local Plan). However, it might be possible to reach the stage of submission to the Secretary of State by that time – enabling the Council to at least give some weight to the emerging Plan for the purposes of determining planning applications.

Five-year housing land supply:

The Government's proposed changes included the re-introduction of the requirement to identify, on an annual basis, a supply of deliverable housing sites sufficient to deliver five-years' worth of housing against the required target (incorporating a contingency buffer), or else run the risk of unplanned and unwanted speculative housing development proposals being granted, potentially on appeal, to address any shortfall. In recent years, the Council had been able to maintain and identify a supply in excess of six years against its current target of 550 homes a year – giving the District protection against speculative development. However, if the Government's proposed mandatory housebuilding targets were brought in, the Council would find itself in a position in January 2026 where, overnight, a comfortable five-year supply under the 550 homes target could become a significant shortfall against an increased target of 1,043 homes a year. The Council would therefore have to consider increasing the supply of smaller to medium sized developments that were capable of delivering homes to boost supply in the short-term, both through the Local Plan review and, potentially, through planning decisions on individual applications over the next couple of years.

With the above in mind, Officers were therefore seeking the agreement of the Planning Policy and Local Plan Committee to postpone the consultation on Issues & Options that had been planned for September/October 2024, pending the final outcome of the Government's consultation on the proposed NPPF changes.

Members would also need to be prepared that if the Government did push ahead with its proposals, particularly in relation to housebuilding targets, the content of any future Issues & Options document and subsequent drafts of the updated Local Plan would be considerably different to what had been discussed to date.

At the meeting, the Director (Planning) gave a MS Power Point presentation that drew out the salient points of his report in respect of the negative impacts on:-

- (1) Housebuilding requirements;
- (2) Spatial Strategy Options;
- (3) Review Local Plan Vision and Objectives;
- (4) Overarching principles for the Local Plan Review;
- (5) Evidence Base;
- (6) Timetable for the Local Plan Review;
- (7) Five Year Supply of Housing Land – ‘Cliff Edge’ on 27 January 2026; and the
- (8) Wider implications for the Council and the District.

The Director (Planning) responded to Members’ questions thereon.

The Chairman (Councillor Guglielmi) requested that Mr. Guiver’s presentation be made available to all Parish/Town Councils within the District at such time as this Council was eventually able to go out to public consultation on a revised Issues and Options document. Councillor Fairley requested that the presentation be also made available to the general public if that was considered to be both advisable and practicable.

At the invitation of the Chairman, the Portfolio Holder for Housing and Planning (Councillor Baker) commented on the subject matter of this item.

Having duly taken all of the above information into account and having discussed the matter:-

It was moved by Councillor Scott, seconded by Councillor M Cossens and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee –

- a) notes the contents of this report which highlights the main implications of the new Government’s proposed changes to the National Planning Policy Framework (NPPF), including the introduction of mandatory housebuilding targets, on the review of the Tendring Local Plan;
- b) notes that the Council’s response to the Government’s eight-week consultation on changes to the NPPF is the subject of a separate report on the Committee’s agenda;
- c) agrees to postpone any public consultation on Issues & Options pending the outcome of the Government’s NPPF consultation, following which a consultation document including revised spatial strategy options may need to be presented to the Committee for its consideration and approval before public consultation is resumed; and
- d) notes that the Local Development Scheme (LDS) will also need to be revisited again in due course following the outcome of the NPPF consultation, in order to set out a revised programme of work for the Local Plan review going forward.

61. REPORT OF THE DIRECTOR (PLANNING) - A.2 - GOVERNMENT CONSULTATION: PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK.

AND OTHER CHANGES TO THE PLANNING SYSTEM - TENDRING DISTRICT COUNCIL'S RESPONSE

The Committee considered a report of the Director (Planning) (A.2) which invited discussion and its agreement to Tendring District Council's formal response to the Government's consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system.

Those changes were the subject of a public consultation, running for eight weeks from 30th July – 24th September 2024. The consultation material consisted of 15 chapters of explanatory text outlining the proposed changes, and 106 focussed questions about the proposals. The full consultation document was included at Appendix 1 to the report (A.2), with the Officers' suggested response to each question included in bold text for easy identification and for Members' consideration.

The key concerns and ideas that Officers had raised throughout the suggested response included:-

- *The imposition of top-down housebuilding targets on a mandatory basis with no scope for local circumstances, constraints or exceptional circumstances to be taken into account;*
- *The significant practical implications of reintroducing the requirement to demonstrate a five-year housing land supply at the same time as dramatically increasing housing targets, which created a 'cliff-edge' scenario for the Council come January 2026 and looked realistically unachievable;*
- *The need for Government to provide financial support to Local Authorities to deliver the required infrastructure to facilitate housing development of the scale proposed;*
- *The need for financial support to deliver a greater amount of affordable and social housing as part of such a step-change in overall housing delivery; and*
- *The importance of retaining local control of large-scale infrastructure projects, rather than expanding the NSIP regime.*

Members were informed that many of the questions in the consultation related to 'Green Belt' policy, which was of no direct relevance to the District of Tendring, and it was suggested that no comments be offered in response to those matters.

The Committee commented on the following aspects of the Government's consultation and the Council's proposed response thereto:-

- (1) Ensuring that retired residents could remain close to their friends if they chose to "downsize";
- (2) Acknowledge that TDC is in the hands of others when it comes to highways and other infrastructure and that TDC should stress that in its response;
- (3) Pressing the Government further to allow Councils to build their own homes in order to deliver more housing for social rent;
- (4) Request mandatory planning requirement for new housing to provide facilities for recycling water e.g. through rainwater collection;
- (5) Request higher statutory fees for retrospective planning applications; and
- (6) Press for a 'New House Levy' to provide funds for Councils to provide the recycling facilities for those households.

The Chairman requested that the District's two Members of Parliament be briefed on this important matter and that they be urged to 'lobby' the Government on behalf of the residents of the District.

At the invitation of the Chairman, the Portfolio Holder for Housing and Planning (Councillor Baker) commented on the subject matter of this item.

Having duly taken all of the above information into account and having discussed the matter:-

It was moved by Councillor Fairley, seconded by Councillor Chapman BEM and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee –

- (a) notes the content of this report;
- (b) endorses the draft response to the Government consultation, as attached at Appendix 1; and
- (c) recommends to the Portfolio Holder for Housing and Planning, that the draft response, subject to the Members' comments made at this meeting, be approved and be submitted to the Ministry of Housing, Communities and Local Government before the close of the consultation on 24th September 2024.

The meeting was declared closed at 7.39 pm

Chairman

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