

## Part 2 - Regulation 19 and 20 Town and Country Planning (Local Planning) (England) Regulations 2012 "Pre-Submission LDP" consultation

Please note that all comments on the Pre-Submission LDP consultation should be provided by completing Part 2 of this form. A separate completed Part 2 should be provided for each comment made within a representation.

**2.1.** To which part of the Maldon District Pre-Submission Local Development Plan (LDP) does this representation relate?

- |                                                   |                    |                                                |           |
|---------------------------------------------------|--------------------|------------------------------------------------|-----------|
| a. Paragraph<br>(please specify paragraph number) | <b>2.16 – 2.24</b> | b. Policy<br>(please specify policy reference) | <b>S2</b> |
| c. Proposals Map                                  |                    | d. Other section<br>(please specify)           |           |

**2.2.** Do you consider the Maldon District Pre-Submission LDP to be (tick as appropriate):

- |                                                                                                                                                                                                                                                                            |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>a. Legally compliant</b><br>To be 'legally compliant' the LDP has to be prepared in accordance with the Duty to Co-operate and legal and procedural requirements. This is required by Government guidance                                                               | Yes <input type="checkbox"/>           |
|                                                                                                                                                                                                                                                                            | No <input checked="" type="checkbox"/> |
| <b>b. Sound</b><br>To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance<br>(if you <b>do not consider the LDP to be sound</b> , please complete section 2.3. below) | Yes <input type="checkbox"/>           |
|                                                                                                                                                                                                                                                                            | No <input checked="" type="checkbox"/> |

**2.3.** Do you consider the Maldon District LDP to be unsound because it is not (tick as appropriate):

- |                                                                                                                                                                                                                                                            |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>a. Positively prepared</b><br>To be positively prepared the plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements                                                                  | <input checked="" type="checkbox"/> |
| <b>b. Justified</b><br>To be justified the plan must be: <ul style="list-style-type: none"> <li>• Founded on a robust and credible evidence base;</li> <li>• The most appropriate strategy when considered against the reasonable alternatives.</li> </ul> | <input checked="" type="checkbox"/> |
| <b>c. Effective</b><br>To be effective the plan must be: <ul style="list-style-type: none"> <li>• Deliverable;</li> <li>• Flexible;</li> <li>• Able to be monitored.</li> </ul>                                                                            | <input checked="" type="checkbox"/> |
| <b>d. Consistent with National Policy</b><br>The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework                                                                                                 | <input checked="" type="checkbox"/> |

On the following pages, please explain why you think the Plan is unsound or not legally compliant, and set out any changes you feel should be made to the Plan to make the Plan sound or legally compliant.

**Please note:** As there will not normally be a subsequent opportunity to make further representations based on your representation at this stage, please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the Plan. After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues the Inspector identifies for examination.

**2.4.** If you consider the Maldon District LDP to be unsound or not legally compliant please explain why in the box below.

Please be as precise as possible. Please also use this space for any comments in support of the LDP.

**Housing Growth**

The provision of just 294 dwellings per annum (a total of 4,410 dwellings) represents a gross under-provision of housing relative to the objectively assessed need as set out in the latest Strategic Housing Market Assessment (SHMA) update.

Recently published Planning Practice Guidance states that the starting point for estimating future housing needs should be DCLG household projections – the latest of which were published in 2010. No reference is made to these projections in paragraphs 2.16-2.24 of the Pre-Submission Document (PSD) which instead focus on Sub-National Population Projections (SNPP) as adjusted to reflect a number of different scenarios in the Greater Essex Demographic Forecasts study (as completed by Edge Analytics in 2013). The DCLG projections suggest that Maldon will have grown by 10,000 households by 2033 which equates to over 400 households per year on average, or 6,000 over the Plan period. No explanation is provided as to why Policy S2 is based on SNPP rather than the DCLG projections.

In any case, both the DCLG and SNPP forecasts are trend-based i.e. they are calculated on assumptions which do not accurately reflect factors affecting local demography and household formation rates such as the historic suppression of supply as acknowledged at paragraph 2.17 of the PSD. Indeed, household projections do not reflect unmet housing need and should therefore be adjusted in the light of strong evidence which suggests that there is a current affordable housing need of 660 dwellings per annum and that formation rates may have therefore been constrained by supply.

Setting aside the additional demand for market housing (687 units per annum), the SHMA provides all the information necessary to make robust conclusions about the existing and future predicted levels of affordable housing need which equates to approximately 245 dwellings per annum. This represents 82.0% of the total level of housing growth to be allocated in Policy S2 which simply cannot be achieved under the terms of Policy H1 which specifies affordable housing targets ranging between 25% and 40%. The PSD is therefore inconsistent with national policy insofar as it will fail to meet the full objectively assessed need for affordable housing with an estimated shortfall of at least 1,800 units. Indeed, paragraph 9.1.14 of the SHMA suggests that if an average target of 40% could be achieved, meeting affordable housing needs would require an annual delivery of 612 dwellings or a total of 9,180 dwellings over the Plan period.

Finally, in seeking to justify the proposed under-provision, it would appear that the Council has misunderstood and/or misrepresented the conclusions of the SHMA. Contrary to what is stated at paragraph 2.22 of the PSD, the SHMA does not suggest that the majority of housing needs will be met by turnover of the existing stock. Whilst this should normally be the case, paragraph 9.1.16 of the SHMA states explicitly that it “...*is clearly not being achieved*” in Maldon. In any case, the ability to meet the majority of needs through turnover of existing stock does not equate to meeting full objectively assessed needs as required by paragraph 55 of the National Planning Policy Framework.

### **Duty to Cooperate**

Relative to established needs at the time, paragraph 2.17 of the PSD acknowledges that the low level of growth allocated to Maldon by the former East of England Plan was partially offset by higher levels of growth in surrounding authorities. In keeping with this approach, and having regard to the requirements of paragraphs 178-181 of the NPPF and s110 of the Localism Act (2011), any decision to continue with the current strategy will only be deemed ‘positively prepared’ if it can be demonstrated that there is/has been an effective cross-boundary dialogue between the LPA and neighbouring authorities to explore the possibility of offsetting the proposed under-supply.

Whilst this ‘Duty to Cooperate’ is not a duty to agree, it is nevertheless incumbent on the Council to make every effort to secure necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination. In the absence of credible evidence to demonstrate meaningful discussions with Braintree, Chelmsford, Colchester or Rochford regarding housing and employment matters, the PSD is therefore not legally compliant.

**2.5.** Please explain in the box below what change(s) you consider necessary to make the Maldon District LDP legally compliant and sound.

Please be as precise as possible. Please explain why this change will make the Maldon District LDP legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policies or supporting text.

In order to make the LDP 'sound' and 'legally compliant' we suggest the following broad changes:

1. Significantly increase the level of housing growth proposed in Policy S2 to more accurately reflect the objectively assessed needs for market and affordable housing as calculated in the SHMA. The level of housing growth should be equivalent to at least 612 dwellings per annum to ensure that full affordable housing needs can be met on the basis of 40.0% of total provision as required by Policy H1.
2. In the event of any decision to persist with the current proposals, establish an effective cross-boundary dialogue with the neighbouring authorities of Braintree, Chelmsford, Colchester and Rochford to explore the possibility of a joint strategy for offsetting the under-supply of growth.

**2.6.** Do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

**No**, I wish to communicate through written representations ☐

**Yes**, I wish to speak to the Inspector at the hearing sessions ☒

**Please note:** The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination

**2.7.** If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

In order to make the LDP 'sound' and 'legally compliant' we suggest the following broad changes:

1. To discuss and debate the proposed under-provision of housing across the District in the context of the objectively assessed need as calculated in the Strategic Housing Market Assessment (2012) and the requirements of paragraph 55 of the National Planning Policy Framework.
2. To explore our suggested changes to the Pre-Submission Document.

**This is the end of Part 2 (Regulation 19 and 20) of the response form. Please complete this form for each representation you wish to make. You only need to complete Part 1 once. Please submit all of your response forms together.**