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Part 2 - Regulation 19 and 20 of the 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 number

b. Policy reference

S2 (Strategic Growth)

c. Proposals map

d. Other section (please specify)

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

a. Legally compliant

YES ☐NO ☐

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.

b. Sound

YES ☐NO ☒

To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance.

If you do not consider the LDP to be sound, please complete section 2.3 below

2.3 Do you consider the Maldon District to be unsound because it is not ... (✓ as appropriate)

a. Positively prepared



To be positively prepared the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements

b. Justified



To be justified the Plan must be:

- Founded on a robust and credible evidence base
- The most appropriate strategy when considered against the reasonable alternatives

c. Effective



To be effective the Plan must be:

- Deliverable;
- Flexible;
- Able to be monitored

d. Consistent with National Policy



The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework

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, 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.

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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.

If the box is not big enough for your comments, please attach another page marked appropriately.

Since the draft Local Development Plan (August 2013), the number of dwellings allocated for the North of Heybridge Garden Suburbs has been increased from 900 to 1,235 and now includes site S2(f) – West of Broad Street Green Road. Persimmon Homes considers this to be a step in the right direction to help ensure the District can meet its objectively assessed housing needs.

However, a number of the concerns that were raised on Persimmon Homes behalf in the consultation for the draft LDP (August 2013) have not been addressed in the current version. Persimmon Homes still does not support the proposed level of growth as the method by which it has been calculated and presented is not consistent with the National Planning Policy Framework Practice Guidance (2013) and does not adequately meet the District's housing need for the reasons detailed below.

Housing Delivery Target

Since Maldon's LDP Preferred Option document, the District's annual housing target has been increased from 200 to 294 dwellings. In our previous written representations for the draft LDP (August 2013), Persimmon Homes took the view that the 294 dwellings per annum target was still non-compliant with the NPPF as it failed to meet the Council's objectively assessed housing needs.

The National Planning Policy Framework Practice Guidance (NPPG) (2014) (hereafter referred to as the NPPG) identifies the Sub National Population Projections (SNPPs) published by the DCLG, and informed by the Office for National Statistics, to be the "starting point estimate of overall housing need" (Persimmon Homes emphasis added). In April 2012, revised SNPPs were provided in light of 2010 based data. According to the Greater Essex Demographic Forecasts Phase 4 document (Edge Analytics, January 2013) the latest SNPP for Maldon is for 294 dwellings per year. This figure now forms Maldon's annual housing delivery target.

Persimmon Homes still consider the annual target of 294 dwellings as falling considerably short of 437 dwellings per year, which the Greater Essex Demographic Forecasts Phase 4 document provides as the housing need controlled by an employment growth trajectory derived from the most recent forecasts from the East of England Forecast Model. Nor does it seek to address the 825 units a year requirement shown in the latest Strategic Housing Marketing Assessment Update (2012), which is identified as the total need and demand not met by stock flow.

Furthermore, the NPPG (2014) clarifies that the SNPP figures may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends, e.g. formation rates may have been suppressed historically by under-supply and worsening affordability of housing. The Guidance goes on to state that "the assessment will therefore need to reflect the consequences of past under delivery of housing...local planning authorities should take a view based on available evidence of the extent to which household formation rates are or have been constrained by supply".

Persimmon Homes takes the view that Maldon's household formation rates have been impacted by the District's recent failure to meet its RSS annual housing target, which is a low and easily achievable target, and in particular its chronic inability to deliver affordable homes (average of 17% between 2006/7 – 2011/12). The level of projected need within the latest SNPP figures therefore should be adjusted to account for this in order to accord with NPPG.

Housing Trajectory (Figure 4)

The Housing Trajectory (Figure 4) shown on page 23 of the draft LDP has the RSS Target (126pa) remaining until 2014/15, in line with the LDP target adoption timescale. Persimmon Homes disagrees with this approach. For one, the latest Annual Monitoring Report (2011/12) uses the 200 dwellings per annum target as put forward by the Preferred Option document and this should therefore be reflected in the 2012/13 column of the Housing Trajectory. Persimmon Homes also takes the view that for 2013/14 period onwards, the 294 dwellings per annum figure should be used as it is the most up to date, objectively tested and Council agreed figure. This means a current five year housing land supply requirement of 1,376 units (200 units for 2012/13 + 294 per year onwards), not 1,134 as currently shown.

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Persimmon Homes approach is supported in the NPPG (2014), where under the section titled 'What is the starting point for the five year housing supply?', it states that plan makers should use their housing provision figures in their adopted developments "provided these plans are up to date and based on a current objective assessment of housing need". The NPPG goes on to specify that adopted plans based on revoked regional strategies may not adequately reflect current needs. Instead, "information in the latest full assessment of housing needs should be considered... where there is no robust recent assessment of full housing needs, the household projections published by the DCLG should be used as a starting point". With this in mind, Maldon should not still be using its RSS annual target figure, as indicated in the Housing Trajectory shown in Figure 4, page 22 of the draft LDP. Instead, it should show 200 or 294 for year 2012/13 and 294 for year 2013/14. Maintaining the RSS figure in the Housing Trajectory is not compliant with the NPPF or NPPG.

Using these figures and the information provided within the latest Annual Monitoring Report, it can be assumed that from 2012/13 to 2013/14 Maldon will have a housing shortfall of approximately 375 units (around 1.5 years) as illustrated below:

Current Projected Housing Delivery for 2012/13 and 2013/14 = $75 + 44 = 119$ units (sourced from latest AMR)
Housing Delivery Target for 2012/13 and 2013/14 = $200 + 294 = 494$ units
Shortfall in Delivery for 2012/13 – 2013/14 = $494 - 119 = 375$ units

This shortfall in delivery should be addressed across the LDP's planning period, which in itself equates to 25 additional units per year. Otherwise the LDP will not be seeking to meet its objectively assessed need, as required by the NPPF.

A minor point in regards to the Housing Trajectory (Figure 4, page 23) is that it appears to have been informed by a more up to date Annual Monitoring Report that has not been made publically available. Of further concern is that the text for Policy S2 has not be amended in kind to account for the AMR 2012/13 as it is still showing 300 existing committed units across the District in the next five years, whereas the Housing Trajectory only shows approximately 275 units. In order for the LDP to be considered sound, the evidence base should be used to inform policy consistently throughout the document and should reflect the most up to date publically available information.

Five Year Housing Deliverability

Persimmon Homes does not consider the District's anticipated five year housing land supply to be deliverable for the following reasons:

Garden Suburb Allocations

Policy S2 expects that the New Garden Suburbs at Maldon and at Heybridge will deliver 375 and 350 dwellings respectively within the first five years of the development plan. This can be considered overly ambitious in the absence of any submitted planning applications or adopted Masterplans (which have to be in place prior to the grant of site specific planning as per draft Policy S3 and S4 of the Pre-Submission LDP).

Maldon's experience with dealing with any significant sized housing scheme has been limited in recent years and as such the Council is failing to recognise that schemes as large as the proposed Garden Suburbs, particularly sites S2(a) (1,000 units) and S2(d) (1,035 units), in practice can take at least two years to reach a position to start on site, and more typically up to four years. Such prolonged timescales need to be taken account of as it takes time to prepare, submit and determine a planning application, negotiate and agree a S106 Agreement, discharge all the necessary pre-commencement conditions and adequately prepare the site before construction. Considering that a Masterplan for each Garden Suburb also needs to be prepared and agreed between the Council and the developer before a planning application can be determined, as per Policy S3 and S4, the process of getting a start on site is further delayed. To therefore assume that an average 70 units per annum can be delivered in North Heybridge Garden Suburb and 75 units per annum can be delivered in the South Maldon Garden Suburb from 2014/2015, is unrealistic and unachievable. This becomes particularly apparent when you consider that the Housing Trajectory anticipates approximately 150 units being completed on strategic sites in the year 2014/15 alone (i.e. within the next 12 months).

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It is recognised within the NPPG that the size of sites is an important factor in identifying whether a housing site is deliverable within the first five years and requires that plan makers consider the time it will take to commence development on site and achieve build out rates to ensure a robust five-year housing supply. The Council's evidence base does not take this into account.

Burnham-on-Crouch Strategic Allocations:

The LDP includes three strategic allocations within Burnham-on-Crouch:

- S2(i) – West of Burnham-on-Crouch (180 units)
- S2(j) – North of Burnham-on-Crouch (West) (180 units)
- S2(k) – North of Burnham-on-Crouch (East) (90 units)

Policy S2 plans for 150, 150 and 90 units to be developed for each of the above sites respectively in the first five year plan period. However, the site that forms S2(k) is shown within the latest SHLAA (2012) as being deliverable in the 6-10 year period and is currently highlighted as being unviable. It is therefore not justifiable to state that 90 units will be deliverable within 0-5 years on this site.

The Viability Study (August 2013) continues to highlight viability issues surrounding housing development in Burnham-on-Crouch. As stated in paragraph 10.30, "to meet the infrastructure requirements on all of the strategic sites, either under CIL or the s106 regime, the affordable housing target would need to be reduced to around 20% on the sites at Burnham". The Viability Study Post Consultation Update (November 2013) reassessed the Burnham-on-Crouch sites against 30% affordable housing, which was found to be viable. However, draft Policy H1 has strategic sites in Burnham-on-Crouch as having to deliver 40% affordable housing, whilst the draft CIL Schedule will have the sites subject to £70 per sqm. This will bring into question as to how deliverable the Burnham-on-Crouch sites are.

The next SHLAA review may shed new light on why the Burnham-on-Crouch sites are considered deliverable within 0-5 years of the planning period. However, based on the current evidence and considering the acknowledged viability issues surrounding the strategic allocations within Burnham-on-Crouch, it does not appear that there is a reasonable prospect that these sites will be 'achievable', as per the NPPG (March 2014). It is therefore not a robust approach to rely on 390 dwellings to be delivered in the area within the first five years of the LDP.

Rural Allocations:

The LDP allocates 420 dwellings to be developed within the Borough's villages, with 75 specifically allocated to North Fambridge. In delivering these dwellings, the LDP, as shown in the Housing Trajectory on page 23, plans for 190 to be completed in years 0-5, starting from 2014/15, at a rate of 38 dwellings per annum. However, it is not clear where these housing figures have originated from as there are currently no specific rural housing sites allocated.

The LDP refers to a Rural Allocations DPD, which will allocate land for the 420 dwellings in and around the District's villages, and each Parish will be invited to work with the Council to identify appropriate land to meet the needs for their areas. The Local Development Scheme (2014), however, states that this document will not commence until early 2014 with a target adoption date in early to late 2016. This suggests that discussions with Parishes to identify appropriate sites are at early stages at best and that an adopted Rural Allocation DPD cannot be expected until realistically the third year of the LDP. It is therefore questionable that the LDP can rely on 190 rural dwellings to be completed within 5 years, let alone 38 dwellings in the 2014/15 and 2015/16 period before the Rural Allocations DPD is adopted as currently anticipated.

Furthermore, having reviewed the latest available SHLAA (2012), apart from one site with a capacity of 3 units, all sites within North Fambridge are given a timescale of 6-10 years or 15+ years. Therefore, the LDP's trajectory for North Fambridge to deliver 75 dwellings is not evidenced.

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Windfall Allowance:

The draft LDP currently has an allowance for 220 windfall housing completion between years 6-15 of the plan. Whilst this allowance may be justified when looking at the District's history on delivering such sites, the NPPG (March 2014) states under section titled "Stage 3: Determining the housing potential of windfall sites when justified" that plan makers should have the ability to identify broad locations in years 6-15 "which could include a windfall allowance based on geographical areas". Maldon's LDP does not apply geographical areas to windfall allowance.. Given the availability of Reserved Sites, the 220 dwellings anticipated within Policy S2 to be delivered via windfall sites should be removed and instead the Reserved Site should be upgraded to Strategic Sites.

All of the above suggests the LDP's overall anticipated housing delivery is not robustly justified and there is not a conclusive five year housing land supply, which does not comply with the NPPF.

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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.

If the box is not big enough for your comments, please attach another page marked appropriately.

Given that the NPPF seeks to “boost significantly the supply of housing” (paragraph 47), the SNPP figures should be taken as the minimum target, particularly in light of the low housing delivery the district has experienced in recent years. Maldon’s SHLAA (2012) highlights an abundance of sites that are considered suitable and deliverable, with three particular sites classified as appropriate for development in the LDP (2014) in the form of ‘Reserved Sites’. Maldon Council should therefore aspire to meet a higher level of housing growth, not just the prescriptive SNPP figure. At the very least, the annual target should be increased by 25 dwellings per year to 375 to account for the anticipated under delivery in years 2012/13 and 2013/14. Although, Persimmon Homes takes the view that this will still fail to adequately meet the District’s housing need. In this regard, the Housing Trajectory presented in Figure 4 should be amended to have the annual target raised to 200 or 294 dwellings for 2012/13 and 294 for 2013/14. Using the RSS target until the LDP’s adoption is not compliant with NPPG (2014) as it is not the most up to date, objectively assessed data available.

The key reasons why the Council’s anticipated 5 year housing land supply is not considered deliverable is as follows:

- The LDP relies on the quick delivery of Burnham-on-Crouch strategic sites despite having long known viability issues. Viability issues could constrain and delay the development of these sites, making them unreliable in being able to contribute to the five year housing land supply.
- The LDP anticipates the delivery of 190 residential units within Rural Allocations at a rate of 38 dwellings per year starting from 2014/15, despite the fact that the Rural Allocations DPD will not be complete until early to mid 2016 and that the majority of rural SHLAA sites, particularly in North Fambroge, are shown as being deliverable in 6-15 years.
- The housing trajectory outlined within the draft LDP includes an allowance for 220 dwellings to be delivered on windfall sites between years 6-15 when NPPG states that local planning authorities should only do this based on a geographical area as they should be in a position to broadly allocate sites for these years.

All of the above suggests the LDP’s overall anticipated housing delivery is not robustly justified and there is not a conclusive five year housing land supply, which does not comply with the NPPF. Appropriate solutions that should be adopted in the LDP to address these issues are as follows:

- Have the Land North of Scraley Road upgraded from a ‘reserved site’ (ref. RE2) to a ‘strategic site’. This will allow this area of land to be brought forward earlier for development in order to make a valuable contribution to the district’s five year land supply. This will also allow the site to be developed in a more holistic way alongside the neighbouring North Heybridge Garden Suburb. Details regarding highways, ecology and social infrastructure capacity will have to be submitted and considered as part of a full planning application and will ensure that an appropriate scheme is developed.
- Increase the capacity of the Site S2(f) (Land West of Broad Street Green Road) from 100 to 150. Detailed site masterplanning undertaken by Persimmon Homes has found this to be an appropriate number of units for the site. With the 40% affordable housing requirement and CIL charge, it will be difficult to achieve a viable scheme at only 100 units. Therefore, in order to ensure the deliverability of the site and enhance housing delivery, the capacity of the site should be increased.
- Reduce the review period for when the reserved sites can be released for development from 5 years to 2 years. This will allow for a faster response in the event of the District failing to meet the first five year housing delivery target.