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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

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.

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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.

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2.6 Do you consider it necessary to attend and give evidence at the hearing part of the examination? (✓ 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

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

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 A once. Please submit all of your response forms together.



Mr S Madam
Maldon District Council
Princes Road
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Essex
CM9 5DL

By email only
policy@maldon.gov.uk
let.012.BF.SM.19340001

12 March 2014

Dear Sir/Madam

**DRINKWATER FARM, MALDON ROAD, BRADWELL-ON-SEA, ESSEX
PRE-SUBMISSION LOCAL DEVELOPMENT PLAN 2014-2029**

We write on behalf of our client, Coldunell Limited, in respect of Maldon District Council's (MDC) Pre-Submission Local Development Plan 2014 – 2029 consultation.

We welcome the opportunity to comment upon the policies and allocations set out in the Draft Local Development Plan. In particular, Coldunell Limited are keen to ensure that the policies and allocations contained in the document are flexible and realistic to assist in meeting the needs of the district.

This letter should be read in conjunction with representations submitted in response to the Draft Local Development Plan 2014 – 2029 consultation published in August 2013 (enclosed).

Pre-Submission Local Development Plan 2014 – 2029 (January 2014)

Our response sets out a number of concerns relating to the spatial approach adopted by the Council, with specific reference to the quantum of housing proposed for the district which is significantly below what the requirement should be. The approach taken by the Council and the resultant Local Development Plan (LDP) does not satisfy the "soundness" tests as required by the National Planning Policy Framework (NPPF) (March 2012).

Policy S2 "Strategic Growth"

The Strategic Housing Market Assessment (SHMA) Update 2012 sets out the objectively assessed need for the district during the plan period up to 2029. The SHMA identifies a shortfall in market and affordable dwellings of 825 per annum (12,375 dwellings total over the 15 year plan period). Therefore the housing target of 294 dwellings per annum (4,410) proposed in Policy S2 fall significantly short of the objectively assessed need in the district (only 36% of

the total need).

The housing target of 294 dwellings per annum set out in Policy S2 has been derived from the Greater Essex Demographic Forecasts Study (January 2013) which provides an assessment of the 2010 based update to the Sub National Population Projections (SNPP). The population projections look at future projected housing need following natural population growth and migration trends. They do not take into account past and current housing need. Therefore by progressing with a housing target of 294 dwellings the Council proposes to focus on addressing future housing need only and does not propose to address any of its housing needs as set out in its latest SHMA. This approach is fundamentally flawed and is contrary to the requirements of the NPPF which, at paragraph 47 requires local authorities to:

“Boost significantly the supply of housing by using their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area..”

And at paragraph 156, the NPPF states that:

“Strategic priorities and policies within Local Plans should deliver the homes and jobs needed in an area.”

Policy S2 states that the Council will promote sustainable development to deliver economic and residential growth. In order to achieve this aim, the Council will need to plan for and strike an appropriate balance between new housing and economic growth as the two are intrinsically linked.

However, the Greater Essex Demographic Forecasts Study (January 2013) identifies that, based on the SNPP derived housing target of 294 dwellings per annum, only 54 new jobs per annum could be supported in the district. This equates to only 810 jobs over the 15 year plan period.

This contrasts significantly with the intentions of Policy E1 which states that a minimum of 2,000 net additional jobs will be created in the district by 2029. Without sufficient housing growth to support this target, the Council's ability to support such employment growth will be limited. In addition, without sufficient housing available in the district, new employees will be forced to commute further which goes against the sustainability objectives of the NPPF, most notably, paragraph 151 which states that Local Plans:

“Must be prepared with the objective of contributing to the achievement of sustainable development.”

The Greater Essex Demographic Forecasts Study (January 2013) sets out at Figure 26, an economic growth housing scenario which identifies that a housing target of 437 dwellings per annum would support an additional 187 jobs per annum (2,805 jobs up to 2029). This level of employment growth is more in keeping with the Council's target set out in Policy E1.



In light of the above, we remain of the view that the housing requirement proposed by the Council in Policy S2 is too low. It is clear that the Council has chosen to proceed with a housing target based solely on future population growth forecasts and has not taken into account its objectively assessed needs as set out in the SHMA (2012). This is a fundamental flaw and is contrary to the requirements of the NPPF. For this reason we consider the Plan to be unsound.

In order to rectify this position, the housing requirement set out in Policy S2 should be increased to take into account current unmet housing need as well as planning for future growth. On the basis that a housing target of 437 dwellings per annum would support the envisaged level of employment growth in the district, this figure should be included in Policy S2 as a minimum requirement.

This would still only equate to 53% of the total need of 825 dwellings for the district as identified in the SHMA (2012).

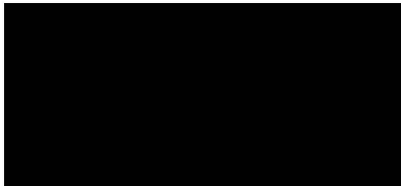
Drinkwater Farm, Maldon Road, Bradwell-on-sea, Essex

As noted in our representations in October 2013, the adopted Proposals Map allocates part of the site at Drinkwater Farm for mixed housing and employment (B1) use under policy E1. However, Policy E1 of the Pre-Submission LDP allocates a number of sites for employment use but does not refer to our client's site.

The site is suitable for housing. The principle of residential development has been accepted on the site, by virtue of planning permission (ref. 07/00842) for 12 houses which has been implemented. The Council has acknowledged that housing on this site will contribute to the five year supply as identified in the appendices to the AMR. In light of our concerns over the housing requirement we consider that this site represents an opportunity to provide additional market and affordable housing to assist the Council in meeting its targets.

We trust that the representations outlined above will be taken into consideration. If you wish to discuss any of the comments made in further detail please do not hesitate to contact my colleague Mathew Mainwaring, or me.

Yours faithfully



Enc: Completed Representation Forms Part 1 and 2
Indigo Planning Representations Dated 14 October 2014



Sir/Madam
Maldon District Council
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Essex
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By email and post
Policy@maldon.gov.uk

14 October 2013

let.008.CW.19340001

Dear Sir/Madam

**DRINKWATER FARM, MALDON ROAD, BRADWELL-ON-SEA
DRAFT LOCAL DEVELOPMENT PLAN 2014 -2029 PUBLIC
CONSULTATION**

We write on behalf of our client, Coldunell Limited, in respect of Maldon District Council's (MDC) Draft Local Development Plan 2014 – 2029 consultation.

We welcome the opportunity to comment upon the policies and allocations set out in the Draft Local Development Plan. In particular, Coldunell Limited are keen to ensure that the policies and allocations contained in the document are flexible and realistic to assist in meeting the needs of the district.

This letter should be read in conjunction with the completed Draft Local Development Plan Response Form which is also enclosed.

We have previously submitted our client's site for inclusion in the SHLAA Call for Sites 2013. We enclose the SHLAA submission for ease of reference.

Draft Local Development Plan 2014 - 2029 Consultation (August 2013)

The Draft Local Development Plan (LDP) sets out MDC's proposed development strategy and site allocations. The document sets out MDC's housing requirements for the district and identifies the sites that it proposes to allocate to meet the identified housing targets.

The Requirements of the National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out clear advice on how Local Plans should be prepared. The following key statements from the NPPF provide the framework for how Council's should approach the preparation of Local Plans, particularly with reference to housing targets:

- Paragraph 47 confirms the need for local planning authorities to boost significantly the supply of housing by using their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market

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and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

- Paragraph 151 states that Local Plans: “must be prepared with the objective of contributing to the achievement of sustainable development”. This includes ensuring that the Local Plan has a presumption in favour of sustainable development.
- Paragraph 154 identifies that Local Plans should be aspirational but realistic, and should set out opportunities for development.
- Paragraph 156 states that strategic priorities and policies within Local Plans should deliver the homes and jobs needed in an area.
- Paragraph 157 states that Local Plans should plan positively for the development and infrastructure required in an area.
- Paragraph 159 states that LPAs should ‘prepare a Strategic Housing Market Assessment (SHMA) and a Strategic Housing Land Availability Assessment (SHLAA) to identify and meet the housing need over the plan period’.

It is clear that the NPPF promotes the preparation of flexible and positive Local Plans, which respond to the needs of the particular area and which are based on a robust evidence bases.

In this regard, we have a number of concerns with the policies included within the current draft Local Development Plan (LDP). The fundamental issue relates to the ability of the LDP to meet the full, objectively assessed needs for market and affordable housing in Maldon District. Further, the allocation of the sites identified is insufficient to provide the flexibility required in the Local Plan to adapt to rapid change throughout its lifetime.

Our key concerns with the LDP, and our suggested amendments, are outlined below.

The Evidence Base

As noted above, Paragraph 47 of the NPPF confirms that LPAs must base their Local Plan requirements on their evidence base. MDC’s evidence base, in respect of housing requirements, is set out in the Strategic Housing Market Assessment Update 2012 and the Annual Monitoring Report 2012 published in March 2013. Also of relevance is the LDP Sustainability Appraisal, Strategic Environmental Assessment and HRA Report 2013 which provides an assessment of the LDP policies against sustainability and environmental considerations.

Strategic Housing Market Assessment (SHMA) Update 2012

The Strategic Housing Market Assessment (SHMA) Update 2012 sets out the



objectively assessed need for the district for the plan period up to 2029. The SHMA identifies that after re-let and re-sale supply, there is a net need, prior to new delivery, for 245 new affordable dwellings per annum based on dealing with a backlog in supply over 17 years (2012 – 2029). This requirement equates to 83% of the 294 dwellings a year proposed under Policy S2 'Strategic Growth' of the Draft LDP.

In terms of market housing, the SHMA identifies that the market sector shortfall is assessed at 580 units per year. Therefore the total need and demand for the district (affordable and market housing) which is not being met by stock flow equates to 825 units per annum, a total of 12,375 units over the 15 year life of the plan period.

The SHMA states that the majority of both need and demand should be met by the turnover of the existing housing stock, through under occupied properties becoming available and accommodating larger families or the elderly moving into sheltered accommodation and freeing up dwellings for newly forming households. However, the SHMA recognises that in Maldon District, this is clearly not being achieved.

The SHMA, and by consequence the LDP housing targets reliance on the high level of need being addressed by the turnover of existing housing stock is unreliable and does not constitute a sound approach to meeting the housing requirements of the district. This approach essentially relies upon factors that are, to a certain extent, out of the Council's control and does not provide the flexibility required by the NPPF to respond to change and to plan positively to meet the needs of the district's population.

Whilst it is accepted that the Council is not expected to translate housing need and demand into actual housing targets in its LDP (as these form only part of the evidence base and need to be balanced against other factors such as environmental constraints), the housing target proposed in the LDP of 294 dwellings per annum (4,410 in the plan period) equates to only 36% of the objectively assessed need for the district and should therefore be significantly increased.

Sustainability Appraisal, Strategic Environmental Assessment and HRA Report (2013)

The LDP Sustainability Appraisal, Strategic Environmental Assessment and HRA Report (2013) provides no detailed assessment of a range of housing targets (i.e. 200dpa – 900dpa) in order to demonstrate that the proposed target of 294 per annum is the maximum target that can be applied without resulting in unacceptable environmental impacts.

Annual Monitoring Report 2012 (March 2013)

The Annual Monitoring Report (AMR) 2012 (March 2013) sets out the Council's five year housing land supply for the period 2014 – 2019 along with the identification of sites that it considers will address the housing requirement for



the entire plan period (2014 – 2029).

In the absence of an up-to-date housing target, the AMR sets out an assessment of its housing supply against the 200dpa target as identified in the LDP Preferred Options (2012) for the purposes of calculating its five year supply. The Council has applied a 5% buffer, as required by the NPPF, resulting in an annual target of 210 dwellings and a five year target of 1,050. The AMR identifies that the Council has a supply of 340 dwellings made up of sites with planning permission. Six dwellings have been identified as being undeliverable and the Council has applied a non-implementation rate of 10% which reduces the supply to 300 dwellings. Based on this figure, the Council acknowledges that it currently has a 1.43 years supply of housing (300/210).

The Draft LDP sets out a housing requirement of 294 dwellings per annum which equates to a five year requirement of 1,470. The LDP identifies that its five year housing supply (2014 – 2019) will be made up of 300 existing commitments, 1,770 from strategic allocations and 110 units from windfalls. This equates to a total of 1,880 dwellings. Against the proposed target of 294 per annum this results in a 6.39 years supply. Allowing for a 5% buffer this reduces the supply to 6.08 years.

However, out of the 300 commitments, a total of 154 units are expected to be delivered between March 2011 and March 2014. Since the five year supply period for the plan will commence in April 2014 until March 2019, these 154 units cannot be relied upon and included within the five year supply calculations. Allowing for the six units that have been discounted minus the 10% non-implementation rate this reduces the existing supply that can be delivered in the five year period to 162 which reduces the five year supply to 5.9 years (5.64 years when a 5% buffer is applied).

Further, the Council has persistently under delivered against both the old East of England RSS and the extant Local Plan targets. In the event of persistent under delivery, the NPPF is clear that a 20% (rather than a 5% buffer) should be applied. If a 20% buffer is applied than the Council's five year supply position falls to 4.89 years.

The Council's supply is heavily reliant on the delivery of the strategic allocations including the new garden suburbs and other allocations at Maldon and Heybridge and allocations at Burnham-on-Crouch. To date, these proposed allocations do not benefit from planning permission and there is no certainty over their deliverability within the five year period at the rates of delivery that are set out in Policy S2 of the Draft LDP.

We therefore consider that the Council's five year supply is therefore likely to be significantly below the five years required by the NPPF and as such greater provision should be accounted for in the Draft LDP.

Against this evidence base we provide the following comments and recommendations on the Draft LDP Policies.

**Draft Local Development Plan 2014 – 2029 (August 2013)**

Our response sets out a number of concerns with the spatial approach adopted by the Council, with specific reference to the quantum of housing proposed for the district which is below what the requirement should be, and the prescriptive nature of the key housing policies. We do not accept that the approach taken by the Council and the resultant LDP satisfies the “soundness” tests as required by the National Planning Policy Framework (NPPF) (March 2012).

Policy S2 ‘Strategic Growth’

Policy S2 sets out a target of 294 dwellings per annum (total of 4,410) for the plan period. As identified above, this is significantly below the 825 dwellings per annum identified in the SHMA that is required to meet the needs of the district.

In the absence of any clear evidence to demonstrate that a higher target cannot be accommodated in the district, we consider that the housing requirement should be significantly increased to meet the objectively assessed needs for the district.

The policy identifies that the majority of new strategic growth will be delivered through sustainable extensions to Maldon, Heybridge and Burnham-on-Crouch. In addition, a proportion of new development will be directed to the rural villages to support rural housing needs, local services and facilities and the rural economy. The policy is currently too prescriptive in that it identifies all the housing sites that are to come forward to meet the housing requirement for the entire plan period. It is heavily reliant on strategic allocations coming forward within the early part of the plan period which have no certainty or guarantee over their deliverability.

Although we accept the Council’s approach to focus development on sustainable urban extensions, other sites will also be needed to meet the identified housing need. The overall strategy embedded in Policy S2 (that the Council will prioritise the allocation of land to meet housing needs) fails to provide for a “deliverable” approach to housing land supply, relying upon theoretical urban potential from sites put forward in the SHLAA (which do not have any certainty over their deliverability).

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five year supply of deliverable housing sites.

As noted above, we consider that the supply of housing sites included within the five year supply presented by the Council in the AMR is not as robust as the policy suggests. Therefore, greater flexibility should be incorporated into the wording of the policy to support the delivery of housing to meet population growth.



We therefore recommend that the following paragraph is included in the wording of the policy to ensure that the council can plan for and maintain a deliverable supply of housing.

In addition to the allocations identified, additional permissions for new housing may be granted where it is demonstrated to the Council's satisfaction that a development proposal will be of benefit in addressing a shortfall in the district's five-year housing supply or delivering the Council's strategy for a specific settlement (particularly where allocated or permitted sites are failing to come forward as anticipated).

Qu. 14: LDP Proposals Map

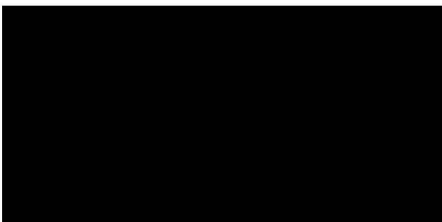
The adopted Proposals Map allocates part of our client's site for mixed housing and employment (B1) use under policy E1. The LDP Proposals Map and draft LDP Policy E1, allocate a number of sites for employment use, however this designation has been removed from our client's site.

We consider that the site is suitable for both housing, and an element of employment (B1) use. We therefore recommend that the LDP Proposals Map and draft LDP Policy E1 are revised to include the allocation of housing, and employment use, across the whole of the site.

The principle of residential development has been accepted on the site, by virtue of planning permission (ref. 07/00842) for 12 houses. The Council has acknowledged that housing on this site will contribute to the five year supply as identified in the appendices to the AMR. In light of our concerns over the housing requirement and the ability of the Council to maintain a five year supply, we consider that this site represents an opportunity to provide additional market and affordable housing to assist the Council in meeting its targets.

We trust that the representations outlined above will be taken into consideration by the Council. If you wish to discuss any of the comments made in further detail please do not hesitate to contact my colleague Mathew Mainwaring, or me.

Yours faithfully



Enc: LDP Response Form; and
SHLAA Site Form