

Maldon District Council Local Plan Examination in Public

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Dear Mr Coleman,

NPPF objective assessment of Housing need

I note that the Council's latest 2012 Strategic Housing Market Assessment (SHMA) covers the District only (EB010c). The Council's submission letter of 25 April 2014 says that "*an up-to-date sub-regional SHMA ... is currently anticipated ... in June 2014.*" I assume the new SHMA will cover the wider functional housing market area, which I understand from Document EB062 will comprise (parts of) the 'Heart of Essex' authorities of Brentwood, Chelmsford and Maldon. The new SHMA should comply with Government policy requiring a SHMA to deal with the housing market area - see paragraph 47 of the *National Planning Policy Framework* and the *Planning Practice Guidance* (ID 2a-010-20140306 and ID 2a-011-20140306).

I understand that an up-to-date county-wide Gypsy and Traveller Accommodation Assessment is expected during summer 2014 (see paragraphs 8 and 9 of the Government's *Planning policy for traveller sites*). I note that a representation(s) has been made that the Plan as submitted does not adequately meet needs in its policy H6, and that a review is proposed (paragraph 5.48 of the Plan).

The Council will no doubt be aware of the recent Gallagher (Solihull) court case concerning housing need in Local Plans:
<http://www.bailii.org/ew/cases/EWHC/Admin/2014/1283.html>. The judge held in that case that the *National Planning Policy Framework* requires a Plan to be informed by, and to have evidence of, the full objectively assessed housing needs for market and affordable housing in the housing market area, preferably by way of a SHMA (for example, see paragraphs 80, 93 and 94 of the judgement). I recommend a careful reading of the judgement.

The Council's submission letter says that draft Strategic Masterplan Frameworks are being produced for the proposed Garden Suburbs which I see are expected in the late Spring/early Summer 2014 (DOC93), and that an Intermediate Study for the Maldon and Heybridge Central Area is expected by the end of June 2014. Any detail in these of the specific amounts and locations of the various uses within the allocated sites or

Area will need to be reflected in the policies in the Plan. Supplementary Planning Documents and Masterplans or Briefs are not legally permitted to allocate sites or to provide development management or site allocation policies which are intended to guide the determination of planning applications (see Regulations 5 and 6 of the 2012 Local Planning Regulations). Such detail will, therefore, need to be incorporated into the Local Plan (or into a future Local Plan).

The submission letter says that updates to the CIL Viability Study (EB040c) and the Infrastructure Delivery Plan (EB059c) are being produced, but DOC92 gives no indication of when these will be available. I do not know whether these updates might have implications for the deliverability of the Plan's proposals, but the Council has indicated that it is considering amendments to reduce the infrastructure contribution burden on the South Maldon Garden Suburb (paragraph 9.15 (2) of SD05), and that the development capacity in North Fambridge and Southminster may be altered (paragraph 9.15 (3) of SD05).

I also understand from the Council's submission letter that it is finalising its up-to-date Five Year Land Supply Statement for deliverable land and that it will be submitted shortly. This could have implications for the number, nature and location of the proposed housing allocations and the delivery timings in the Plan's Housing Trajectory.

Please would the Council inform me of the expected arrival dates of these new evidence documents; comment on the possibility that the Council may need to suggest consequential main modifications to the Plan (and to the Sustainability Appraisal?); and say (with reasons) whether it considers that a delay in the Examination might be necessary to enable all parties to consider the implications of the forthcoming documents. Please provide me with this information within the next two weeks (at the latest by Monday 2 June 2014).

Please would you ensure that a copy of this letter is placed on the Examination web page.

Yours sincerely,

David Vickery

Inspector