
Examination of the Maldon District Local Development Plan

Matters, Issues and Questions

Legal compliance and housing policies

The Inspector has prepared these Matters, Issues and Questions (MIQs) to focus the discussion at the legal compliance and housing hearing sessions of the Examination of the Maldon District Local Development Plan (the "Plan"). They are based on the Planning Inspectorate's Procedure Practice¹, and have regard to the representations made to the submission version of the Plan, the additional responses made under the auspices of the Save Maldon Action Group and the Heybridge Residents' Association, the supporting evidence, and the guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)². All participants should be aware of this published guidance, along with the Inspector's Guidance Notes³ (IED12, 7 October 2014), which is available on the Examination web site⁴.

The Inspector has asked the Save Maldon Action Group and the Heybridge Residents Association to represent at the hearings the many individuals who have made late responses after the Council's consultation period closed. Therefore, if you made a late response (i.e. after 12 March 2014) you will not be able to speak at the hearings (although you can attend them) as these two local groups will speak on your behalf.

After these first hearings, the Inspector will submit to the Council his interim conclusions on the Plan's housing soundness and legal compliance. Provided his interim conclusions on these issues are satisfactory and the Duty to Co-operate is satisfied, then the Examination would continue to its next two parts. These would be hearings on the remaining policies in the Plan (which include the employment and retail policies), followed by the Inspector's Report on the Plan under the 2004 Act

The Council is requested to respond to all the MIQs listed here, referring to information in the Submission Documents, Evidence Base, Supporting Documents and Additional Evidence submitted after the Exploratory Meeting in July 2014. This should be limited to 3000 words per Matter, although the Inspector is willing for this to be slightly exceeded given the number of points the Council has to cover.

If other participants wish to submit further statements (strictly limited to 3000 words), they should only respond on the specific MIQs relevant to points made in their original representation(s), rather than repeating points made in those representations or making new points, and should not introduce new evidence or material unless it is essential to understand the cases. Further statements are not needed unless they relate to the legal requirements or soundness of the Plan's housing policies, as set out here. If they wish, participants can rely solely on their original representation(s).

¹ http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf for the NPPF and PPG.

² <http://planningguidance.planningportal.gov.uk>

³ http://www.maldon.gov.uk/downloads/file/2078/ied12_maldon_guidance_notes_v1-1

⁴ http://www.maldon.gov.uk/info/856/local_development_plan/83/maldon_district_local_development_plan_ldp/10

All statements should be received electronically and in paper (see Appendix B of the Guidance Notes for further detail) by the Programme Officer by:

Friday 9 January 2015

All material that participants wish to put before the Inspector or refer to at the hearings should be submitted by this date. The Inspector is unlikely to accept further / new information or evidence once the hearing sessions commence since this could disrupt the progress of the hearings and disadvantage participants.

Hearing sessions start on Tuesday 20 January 2015 at the Three Rivers Golf & Country Club, Stow Road, Cold Norton, Purleigh, Essex CM3 6RR.

Detailed agendas for the hearing sessions will be issued shortly before they commence, based on the MIOs and the responses received. Although anyone can attend the public hearings, only those listed in the hearings programme can participate in the relevant hearing session.

The Examination will focus on legal compliance, and on the 'soundness' requirements set out in the NPPF at paragraph 182. The starting point is the assumption that the Council has submitted what it considers is a sound Plan. Other participants are expected to explain which aspect of the Plan is unsound, why it is unsound, and what changes are needed to the Plan to make it sound, with the necessary wording and supporting evidence. The Council has requested the Inspector (in CED11) to consider and recommend any changes (called "main modifications") to the Plan to make it sound and legally compliant. Any such proposed changes will normally be subject to the same process of publicity, sustainability appraisal and the opportunity to make representations as the original Plan.

The Council has defined (in CED10) the housing policies in the Plan as:

Policy S1 – Sustainable Development;
Policy S2 – Strategic Growth;
Policy S3 – Place Shaping;
Policy S4 – Maldon and Heybridge Strategic Growth;
Policy S6 – Burnham-on-Crouch Strategic Growth;
Policy S7 – Prosperous Rural Communities;
Policy S8 – Settlement Boundaries and the Countryside;
Policy H1 – Affordable Housing;
Policy H2 – Housing Mix;
Policy H3 – Accommodation for 'Specialist' Needs;
Policy H6 – Provision for Travellers;
Policy I1 – Infrastructure and Services; and
Policy I2 – Health and Wellbeing.

The Inspector has followed those suggested housing policies in these MIOs, and has also dealt with:

Policy H5 – Rural Exception Schemes.

As well as complying with the legal requirements, under the NPPF the Plan has to be positively prepared, justified, effective and consistent with national policy. "Positively prepared" means the Plan should be based on a strategy which meets the objectively assessed development and infrastructure requirements, including unmet requirements from surrounding areas where it is reasonable and consistent with achieving sustainable development; "justified" means the Plan should be the most

appropriate strategy when considered against reasonable alternatives, based on proportionate evidence; “effective” means the Plan should be deliverable and based on effective joint working on cross-boundary strategic priorities; and to be consistent with national policy, the Plan should enable the delivery of sustainable development in line with policies in the NPPF and PPG. The Examination will focus on these key requirements of soundness. The Plan should also set out what and how much development is proposed, and where, when and how it will be provided, along with the necessary justification.

Participants should note that any failure to fully discharge the legal requirements related to the Duty to Co-operate cannot be rectified as part of the Examination process. Furthermore, the scope for making substantial or fundamental changes to the Plan after it has been submitted to the Secretary of State is limited, particularly where they have implications for the sustainability appraisal, the consultation processes already undertaken, and the underlying strategy.

All evidence and material relevant to the representations should have been submitted at the consultation stage. Participants should note that the hearing sessions are intended to discuss issues related to the soundness and legal compliance of the Plan, rather than discussing individual representations or giving an opportunity for a full presentation of participants’ cases.

Participants who consider the Council has not fully discharged its legal requirements under the Duty to Co-operate should clearly indicate how the Council has failed this duty. Those challenging the development strategy and overall housing provision should clearly explain why the Council’s approach is unsound. Those challenging the allocation of specific sites should clearly explain why such sites are not appropriate, available, deliverable, developable, viable or soundly based.

Participants promoting additional/alternative sites should first demonstrate why such sites are needed in the context of the soundness of the strategy and the sites already proposed in the Plan. Alternative and/or additional “omission” sites will only be considered if it is found that there is a need for such sites on the basis that additional development is needed or the proposed allocations are unsound.

In carrying out this Examination, the Inspector will aim to work in a proactive, pragmatic and consensual manner with the Council and other participants, with the aim of delivering a positive outcome. He will expect all participants to act in a similarly co-operative manner, adopting a positive approach to the examination process.

Any queries that participants wish to raise should be addressed to the Programme Officer.

1 December 2014

Matter 1: Legal Compliance, including the Duty to Co-operate

Issue 1: Whether the Plan is legally compliant

1. The Council has provided information about these matters in the supporting documents, but for the sake of clarity and completeness please would it answer the following questions relating to legal compliance:
 - a) Has the Plan been prepared in accordance with the Local Development Scheme (SD08)?
 - b) Is the Plan in general accordance with the Statement of Community Involvement (SD07) and public consultation requirements?
 - c) Have any significant concerns been expressed at any stage by third parties about the Sustainability Appraisals carried out, particularly the final one (SD03)?
 - d) Has been the Plan been subjected to an adequate Habitat Regulations Assessment? On the final HRA (SD03b) I find the conclusion at 8.6.1 confusing. It says that a number of policies were previously identified as potentially having a likely significant effect. Is this because they will be appropriately managed? If so, should it say so? Is there a need to refer to the 2012 SA report?
 - e) Has the Plan had regard to the Sustainable Community Strategy?
 - f) Has the Plan had regard to national policy?
 - g) Has a suitable assessment been completed under s138 of the Local Government and Public Involvement in Health Act 2007?
2. Considering the above, is the Plan legally compliant?
3. If the Plan is not considered to be legally compliant, please explain in what areas it does not comply and what needs to be done to make it compliant.
4. If it is considered that public consultation requirements were not properly carried out, please explain where the Council has not complied with either the 2012 Local Planning Regulations or its own Statement of Community Involvement (SD07).
5. Does the final Sustainability Appraisal (SA) at SD03 deal adequately with all the reasonable alternatives? Paragraph 7.1.2 seems to imply that this is not done.

Note: Legally the final SA must clearly set out the reasons for the selection of the Plan's proposals and the outline reasons why the other reasonable alternatives were not chosen during preparation. These choices may not have been made within the SA process (e.g. at a committee or in EB037), but the final SA should set out those reasons. It should also state whether these reasons are still valid at submission. If this has not been done, I will consider asking the Council to prepare a correcting addition to the final SA. These legal principles have been set out in various court cases, e.g. see *Heard v Broadland District Council & Ors* [2012] EWHC 344 (Admin) (24 February 2012) at: <http://www.bailii.org/ew/cases/EWHC/Admin/2012/344.html>.

6. Have all the reasonable alternatives been identified in the SA?
7. Have the significant environmental effects of the reasonable alternatives and the Plan's policies been correctly assessed?

Issue 2: Whether the Duty to Co-operate has been satisfied

8. Having regard to SD06, has the Duty to Co-operate been satisfied, particularly with regard to any strategic highway issues arising from the proposed housing

allocations, before the submission of the Plan? Does DOC100 of August 2014 regarding Eves Corner at Danbury indicate that the Duty has been complied with in this respect? (NB: It is not legally possible to include work after the submission of the Plan as fulfilling the Duty).

9. Council: has any authority asked the Council – or vice versa - to consider accommodating additional development and/or unmet needs and what has been the response to any such request?
10. Do representors consider that the Duty to Co-operate has been complied with on an ongoing basis, actively and constructively on strategic policies/matters so far as the preparation of this Plan is concerned? If not, why not, bearing in mind the Council's statements made on the Duty?

Issue 3: Whether the masterplan Supplementary Planning Documents (SPD) can be used for the purposes proposed by the Council, and whether their uses and purposes are clearly and effectively set out in the Plan

11. Regulations 5 and 6 of the Local Planning Regulations 2012 set out what should be in a local plan and therefore what should not be in a SPD. In the light of this [particularly Regulation 5(1)(a)(iv)], should the information proposed to be in the masterplan SPDs be in the Plan, either in whole or in part? Please see my EM concerns and the RWE Npower Renewables case: <http://www.bailii.org/ew/cases/EWHC/Admin/2013/751.html>
12. Does the Plan set out the basic policy 'hooks' for what should be dealt with and contained in each SPD? Do the Council's suggested modifications (Refs 052, 053 and 054 in SD04b) to make the masterplans illustrative as a guide for developers and to be in accordance with the Plan's development principles resolve the concern?

Issue 4: Whether there are any suggested Main Modifications

13. What is the latest position on any "main modifications" that the Council wishes to suggest to the submitted Plan, particularly in the light of the Additional Evidence produced after the Exploratory Meeting? Will there be any and, if so, when?
14. The Council has issued which it describes as "Minor Modifications" to the Plan (SD04, and CED10 Appendix 14/SD04b). Many of these, especially in SD04b, are not minor modifications in the sense of them being the Council's "additional modifications" under s23(2A) of the 2004 Act (e.g. typos, and errors of grammar or fact), but are "main modifications" to be recommended by the Inspector to make the Plan sound. Does the Council agree? If so, please would it separate them into two schedules: 'additional' minor modifications that the Council intends to make on adoption; and 'main' modifications that it suggests for the Inspector's consideration.

**Matter 2: Strategic Housing Growth – overall numbers
S1 and S2**

Issue: Whether Plan's policy S2, Housing Trajectory, and associated text concerning the District's objective housing needs and overall housing target are positively prepared, justified by the evidence, consistent with national policy, and effective

1. The Plan proposes to provide a minimum of 4,410 dwellings (2014-2029). What is the basis, justification, assumptions and methodology for the proposed level of housing provision, having regard to the supporting evidence (including the SHMA & SHLAA), recent population/household projections, demographic change, migration, household formation rates, housing market area, key housing drivers, housing demand and market signals, the need for affordable housing and the relationship with the economic strategy, in line with the guidance in the NPPF (paragraphs 14, 17, 47-55; 159) and the PPG (ID: 2a and 3)?

2. Does policy S2 establish an appropriate, clear, effective and soundly based distribution of development and growth to the towns and settlements in the District, which is fully justified with robust and up-to-date evidence and which will deliver development in sustainable locations? How else should it be done?
3. Is this the right strategy in policy S2 to meet the objective assessment of housing need (OAN)? Are there other housing growth options that have not been properly explored (not individual alternative sites – please see later question)? If so, what?
4. Are the strategic allocations too large and complex to be delivered on time? If so, why?
5. The Plan's OAN is primarily based on the 2010 Office of National Statistics update to the Sub National Population Projections, which indicates a housing need for the District of 294 dwellings per annum (paragraphs 4.6 and 5.1 in EB078). Is this methodology consistent with national policy? If not, why not?
6. Since the Plan was submitted the Council has presented additional OAN evidence - EB010f, EB010g, EB043e, EB043f, EB098a, EB098b, EB098c and the CED10 Report (Additional Housing Evidence). The Council concludes that it would be prudent to set the housing need at the top of the suggested range, i.e. 310 dwellings per annum. Does this new evidence make the Plan's OAN consistent with national policy if it was modified accordingly? If not, why not?
7. The Government is due to shortly produce 2012-based household projections which will take account of 2011 Census data, covering the same period as the ONS 2012-based Sub-National Population Projections (i.e. 2012- 2037). These should be more reliable than the 2011-based interim projections as presently used. Council: please update your figures once these new projections are released, and publish them.
8. Council: On the SHMAs - EB010g says EB010e is superseded, but does the new SHMA (EB010f and EB010g) supersede the previous SHMAs (EB010a to EB010f)?
9. Do I understand correctly that the Plan's housing target in S2 is to fully meet the OAN? Does this take account of the known constraints in the District, such as flooding and highway issues?
10. Council: is the revised OAN figure of 310 dwellings per annum a suggested main modification for my consideration? If not, why not? If it is, what other consequential modifications to the Plan are necessary?
11. Following the Council's 'Assessment of Historic and Future Windfall Housing Delivery in the Maldon District' (EB001b) the Council is proposing a modification to policy S2 to reduce windfall allowance from 22dpa to 20dpa. Does this study satisfy NPPF paragraph 48? And is the Council's suggested modification acceptable?
12. EB096b Five-Year Housing Land Supply Statement May 2014 shows there is not a 5 year housing land supply – a 1.8 years of housing supply. Has this changed?
13. Is the Council right in paragraph 2.37 of the Plan that a 5% NPPF paragraph 47 buffer applies? If not, please provide figures. Council: please provide figures for this.
14. How does the Plan address the need for a 5% buffer to the 5-year housing land supply?
15. Council: What is the current and future 5, 10 & 15-year housing land supply position over the Plan period, including existing commitments, future proposed provision, allowance for windfalls, phasing, balance between brownfield and greenfield sites, and provision identified in the latest SHLAA? Normally this is dealt with in a Housing Implementation Strategy (NPPF 47). Has the Council produced such a Strategy, even if it is not called by that name? Is it found in the Updated Appendix F in EB096b and the CED10 Appendix 13: Update to Table 11 of the May 2013 IDP (EB059d)?

16. The Housing Trajectory at the Plan's Figure 4 (and in SD04b) consists solely of a simple bar chart which does not provide the above implementation information. Most councils also provide a table setting out implementation information to accompany the bar chart as part of the Trajectory in the Plan (accepting, of course, that this is only a 'snapshot' that will alter over time in Monitoring Reports). This could be taken wholly or in part from the table in Appendix 1 of DOC103. Please would the Council prepare such a Housing Trajectory table modification showing the S2 implementation by sites, in numbers and over time.
17. Are the Council's suggested modifications to the supply table in policy S2 and the Housing Trajectory bar chart (Figure 4) at Refs 045 and 046 in SD04b acceptable? In particular, in showing that delivery from the Rural Allocations Plan and large site allocations are adjusted backwards to begin in 2016/17?
18. How does the Plan address previous shortfalls in housing provision between the evidence base date and the adoption of the Plan? What is that shortfall?
19. Does policy S2 effectively address cross-boundary housing issues, particularly the highway issues arising from the proposed strategic allocations?
20. Are the principles for sustainable development outlined in policy S1 appropriate, justified, effective, soundly based and consistent with national policy?
21. Are there any other alternative sites to those listed in the Plan's policy S2? If so, how would these fit into the Plan's overall growth strategy for housing?
22. If so, are there any compelling reasons why any of alternative/additional "omission" sites should be allocated for development in the Plan and, if so, are they fully justified, available, developable, sustainable, viable and deliverable within the Plan period?

Matter 3: Strategic Housing Growth – North Heybridge Garden Suburbs S2, S3 and S4 (also H1, H2, I1 and I2 – but only as they affect these sites)

Issue 1: Whether policies S2, S3 and S4 with their associated text dealing with North Heybridge Garden Suburbs is justified by the evidence, consistent with national policy, and effective

1. Is the strategy for development for these strategic sites appropriate, justified, effective, sustainable, viable, soundly based and consistent with the Plan's strategy?
2. Have the requirements for mitigating the Hatfield Peverel B1019/B1137 junction issues been resolved given the updated Statement at DOC95, the County's Briefing Note at DOC104, and the North Heybridge Garden Suburb Position Statement at DOC103? If not, when?
3. I note that the costs of mitigating the highway issues at the Hatfield Peverel B1019/B1137 junction and their timing are not shown on CED10 Appendix 13. Can the Council now include them (bus and traffic management measures)?
4. Are these sites also affected by the necessary highway improvements at Eves Corner at Danbury? (See also my similar question on Matter 4). Should policy S4 mention both this and any mitigation measures necessary at Hatfield Peverel?
5. Bearing in mind my questions on Matter 1, Issue 3 on SPDs, should any of the information contained in the North Heybridge Garden Suburb Draft Strategic Masterplan Framework (DOC104) be placed in these policies or IDP, particularly policy S4?

6. How much development can take place on each allocated site before a specified piece of infrastructure in CED10 Appendix 13 has to be provided?
7. Much of the infrastructure relies on pooled funds from various sites. Bearing in mind the answer to the above question, will this pooling arrangement prevent the delivery of individual sites if monies are not available for key infrastructure works because other sites have not progressed as fast?
8. Are flooding and sewerage issues now resolved? Can any flooding problems be practically and viably resolved?
9. CD10 Appendix 13 shows new healthcare provision, presumably for GP surgeries. Where will these be provided? Please will the Council suggest a suitable consequential modification to policy S4 and paragraph 2.53.
10. DOC103 at paragraphs 2.26 and 2.27 says that there will be a reduced rate of affordable housing for sites S2(e) and S2(f). Council; please produce the necessary suggested modification to the Plan.
11. Council: what progress has been made on the planning applications for these sites as mentioned in DOC103? (Table 2 CED10 Report)
12. Is it intended to bring forward sites S2(e) and S2(f) first as per paragraph 2.8 of DOC103? If so, does this require any policy changes to the Plan?
13. What size country park is proposed in policy S4?
14. In the policy S4 general development principles:
 - a. What new or enhanced public transport provision?
 - b. Is the road network capacity capable of accommodating the developments?
 - c. What highway mitigation measures and junction improvements?
 - d. What form and scale of community hubs and local centres are needed?
 - e. What and where is the green infrastructure and youth and children's facilities?
 - f. What is meant by adequate provision for affordable housing?
 - g. What proportion of housing for older people?
15. Depending on the replies to the above, the Council may wish to consider making suggested modifications to the policies and text to provide the "what, where, when and how" answers required of a local plan policy in the PPG (ID 12-002).
16. Will these development sites have any adverse impact on Heybridge Woods? Are these woods an 'ancient woodland'?
17. Does the Housing Mix (policy H2) need altering to make the sites viable? If so, how?

**Matter 4: Strategic Housing Growth – South Maldon Garden Suburb + Park Drive + Heybridge Swifts
S2, S3 and S4 (also H1, H2, I1 and I2 – but only as they affect these sites)**

Issue 1: Whether policies S2, S3 and S4 with their associated text dealing with South Maldon Garden Suburb + Park Drive + Heybridge Swifts is justified by the evidence, consistent with national policy, and effective

1. Is the strategy for development for these strategic sites appropriate, justified, effective, sustainable, viable, soundly based and consistent with the Plan's strategy?
2. Please would the Council produce the South Maldon Garden Suburb Position Statement (DOC102) mentioned in its CED10 Report as Appendix 10. Once received, I may have further questions.

3. Bearing in mind my questions on Matter 1, Issue 3 on SPDs, should any of the information contained in the South Maldon Garden Suburb Draft Strategic Masterplan Framework (DOC97) be placed in these policies or IDP, particularly policy S4?
4. How much development can take place on each allocated site before a specified piece of infrastructure in CED10 Appendix 13 has to be provided?
5. Much of the infrastructure relies on pooled funds from various sites. Bearing in mind the answer to the above question, will this pooling arrangement prevent the delivery of individual sites if monies are not available for key infrastructure works because other sites have not progressed as fast?
6. I see at paragraph 2.17 of the North Heybridge Garden Suburb Position Statement (DOC103) that the Hatfield Peverel B1019/B1137 junction concerns affect all the principle developers in Maldon and North Heybridge. Is this correct? If so, should the costs etc. be included for the sites included under this Matter as well as North Heybridge? How does this affect the policies and the IDP?
7. What further work has been carried out since DOC100 regarding highway improvements at Eves Corner at Danbury, and what does it indicate needs to be provided? Does this alter the IDP and CED10 Appendix 13?
8. Should policy S4 refer to the above highway works?
9. Are flooding and sewerage issues now resolved?
10. CD10 Appendix 13 shows new healthcare provision, presumably for GP surgeries. Where will these be provided? Please will the Council suggest a suitable consequential modification to policy S4 and paragraph 2.53.
11. A In the policy S4 general development principles:
 - a. What new or enhanced public transport provision?
 - b. Is the road network capacity capable of accommodating the developments?
 - c. What mitigation measures and junction improvements?
 - d. What form and scale of community hubs and local centres are needed?
 - e. What and where is the green infrastructure and youth and children's facilities?
 - f. What is meant by adequate provision for affordable housing?
 - g. What proportion of housing for older people?
12. Depending on the replies to the above, the Council may wish to consider making suggested modifications to the policies and text to provide the "what, where, when and how" answers required of a local plan policy in the PPG (ID 12-002).
13. Does the Housing Mix (policy H2) need altering to make the sites viable? If so, how?
14. Council: what progress has been made on the planning applications for these sites, particularly those for sites S2(c) Wycke Hill South and S2(g) Park Drive? (Table 2 CED10 Report)?

Matter 5: Strategic Housing Growth – Burnham-on-Crouch Strategic Allocations

S2, S3 and S6 (also H1, H2, I1 and I2 – but only as they affect these sites)

Issue 1: Whether policies S2, S3 and S6 with their associated text dealing with the Burnham-on-Crouch Strategic Allocations is justified by the evidence, consistent with national policy, and effective

1. Is the strategy for development for these strategic sites appropriate, justified, effective, sustainable, viable, soundly based and consistent with the Plan's strategy?

2. How much development can take place on each allocated site before a specified piece of infrastructure in CED10 Appendix 13 has to be provided?
3. Much of the infrastructure relies on pooled funds from various sites. Bearing in mind the answer to the above question, will this pooling arrangement prevent the delivery of individual sites if monies are not available for key infrastructure works because other sites have not progressed as fast?
4. Are flooding and sewerage issues now resolved?
5. CD10 Appendix 13 shows new healthcare provision, presumably for a GP surgery. Where will this be provided? Please will the Council suggest a suitable consequential modification to policy S6 and paragraph 2.82.
6. In the policy S6 development provisions:
 - a. Is the road network capacity capable of accommodating the developments?
 - b. What mitigation measures and junction improvements?
 - c. What new or enhanced public transport provision?
 - d. What and where is the green infrastructure and youth and children's facilities?
 - e. What form and scale of community hubs and local centres are needed?
 - f. What is meant by adequate provision for affordable housing?
 - g. What proportion of housing for older people?
 - h. What (how much), when and how will the extension to the Burnham Business Park be implemented?
7. Depending on the replies to the above, the Council may wish to consider making suggested modifications to the policies and text to provide the "what, where, when and how" answers required of a local plan policy in the PPG (ID 12-002).
8. Does the Housing Mix (policy H2) need altering to make the sites viable? If so, how?
9. Council: what progress has been made on the planning applications for these sites, particularly for site S2(j)? (Table 2 CED10 Report).

**Matter 6: Strategic Housing Growth – Reserve Sites
S2 (also H1, H2, I1 and I2 – but only as they affect these sites)**

Issue: Whether policy S2 and its associated text dealing with reserve sites is justified by the evidence, consistent with national policy, and effective

1. Have enough Reserve Sites been allocated in order to deal with any potential housing shortfall problem?
2. Does the Plan have realistic contingency arrangements to handle the likely uncertainties, such as the late provision of critical infrastructure or the late delivery of required development (PPG ID 12-018)? Does the Plan have sufficient flexibility to adapt to rapid change (NPPF, paragraph 14)? If not, why not, and what other reserve sites or flexibilities might be considered?
3. Will one or more of the Reserve Sites be needed sooner than stated in the Plan? If so when? And will the Plan's provisions act quickly enough to implement them?
4. The Council says that all of the allocated Reserve Sites are identified in the SHLAA as being suitable for housing delivery (RE1 – SHLAA ref: 9004, RE2: 8038 and RE3: 3533h). Can they be delivered quickly?
5. What circumstance would trigger the Plan's proposed review of the Reserve Sites, apart from the passing of time (5 years)? What other triggers might be appropriate?

6. Do the Council's suggested modifications to policy S2 at Ref 047 in SD04b resolve any concerns about the trigger mechanisms for the release of the Reserve Sites?
7. Do any of the infrastructure requirements, including affordable housing in H1, or H2, I1 and I2, or elsewhere, need to be altered or varied to make the Reserve Sites viable and thus deliverable?

Matter 7: Rural Housing (including North Fambridge) and Settlement Boundaries S2, S7 and S8

Issue 1: Whether policies S2 and S7 with their associated text dealing with housing in rural areas is justified by the evidence, consistent with national policy, and effective

1. Is the overall scale, distribution and nature of proposed development in the District's settlements in policies S2 and S7 appropriate, effective, justified with robust and credible evidence, proportionate, positively prepared, soundly based and consistent with the overall development strategy and proposals of the Plan?
2. Council: what is the up-to-date timeline for when the Rural Allocations Plan will be submitted and adopted?
3. Are the Rural Allocations Plan's potential allocations correctly timed so far as this Plan's Housing Trajectory is concerned? Is the suggested updated Housing Trajectory in SD04b correct in showing the delivery of allocations from the Rural Allocations Plan will start to take place in 2016/17?
4. North Fambridge is set to take an allocation of 75 dwellings. Is this acceptable given that it is classed as a "smaller village" in policy S8? The definition of "smaller villages" in the table after paragraph 2.100 would indicate that North Fambridge is not suitable for this scale of development.
5. Is the infrastructure in North Fambridge capable of accommodating 75 dwellings? In particular, are the foul drainage and highway capacities acceptable and viable?
6. Do the concerns about development capacity in Southminster on page 38 of SD05 need to be resolved in this Plan or in the Rural Allocations Plan? Please explain why and how.

Issue 2: Whether policies S8 and its associated text dealing with settlement boundaries and the countryside is justified by the evidence, consistent with national policy, and effective

7. Are the role and status of the settlements, villages and countryside appropriate, sustainable, effective, justified with robust and up-to-date evidence, soundly based and consistent with the overall development strategy of the Plan?
8. Should the hierarchy be amended to alter the status of particular settlements, or to specifically designate sustainable settlements/villages?
9. Have the boundaries of the various settlements been properly defined, based on sound evidence and criteria? The Council says it has made minor amendments to reflect changes that have occurred since the 2005 Local Plan boundaries were produced, or to improve accuracy, or to reflect the most up-to-date information and data available. Is that the case? If the boundaries are not correct, why not? And what should be done instead, bearing in mind the Council's further evidence on settlement boundaries at CED10 Appendices 6a to 6c?

10. Is the policy in S8 for the countryside, including the range of appropriate uses and exceptions, justified, effective, soundly based and consistent with national policy (NPPF paragraph 28)?

Matter 8: Affordable Housing, Housing Mix and Specialist Needs H1, H2, H3 and H5

Issue 1: Whether policy H1 and H5 with their associated text dealing with affordable housing are justified by the evidence, consistent with national policy, and effective

1. Is the number of homes or size (area) levels at which affordable housing provision would be required been set too low or too high? What figures would be justified and why?
2. Have the various sub-area requirements in H1 been set too low or high? What figures would be justified and why?
3. The latest Strategic Housing Market Assessment (EB010f) indicates an annual requirement of 130 affordable homes. Council: how will this amount of affordable housing be delivered, including the size, type and tenure of affordable housing and the means of meeting the objectively assessed need for affordable housing?
4. Given the scale of affordable housing need, does policy H1 set a sufficiently robust response in its affordable housing requirement for developments?
5. The Council has further explained in its CED10 Report what is meant in the policy and at paragraph 5.6 by "*free serviced land*", and suggested some modifications accordingly. Is this explanation clear and acceptable? Are the Council's modifications acceptable?
6. The Council says in its CED10 Report that it "*acknowledges that affordable housing rates in Policy H1 may need to be reduced to ensure the viability of strategic sites allocated in the LDP Garden Suburbs and Strategic Allocations*". Council: what exactly does this mean in practice (be specific)? Do representors have any suggested modifications on this point? In any event, please would the Council produce suggested modifications, such as that mentioned at paragraphs 2.26 and 2.27 of DOC103.
7. Is the approach in policy H5 to rural exceptions housing for local needs appropriate, justified, effective, soundly based and consistent with national policy?

Issue 2: Whether policy H2 and its associated text dealing with housing mix is justified by the evidence, consistent with national policy, and effective

8. Does the latest SHMA (EB010f) alter the policy's housing mix?
9. Does the policy need to be altered to make development sites viable? If so, how?
10. Should the policy clearly state the housing mix now required based on the present evidence, whilst acknowledging it will change over time (5.17)?
11. Paragraphs 5.14 and 5.16 appear to be policy conclusions and not reasoned justifications in encouraging a greater proportion of one and two bedroom properties. Council: should this be in policy H2? If not, why not?
12. What amount or proportion of housing should there be for the "*aging population*"?
13. Is the policy too prescriptive in requiring affordable housing to be "*in clusters of no more than 15 to 25 homes in one part of a development*"?

Issue 3: Whether policy H3 and its associated text dealing with accommodation for specialist needs is justified by the evidence, consistent with national policy, and effective

14. This policy does not answer the “what, where, when and how” questions that are required to be answered in local plan policies (PPG ID 12-002). Please would the Council specify exactly what is required, where and when as a suggested modification to this policy. If it cannot, please say why.
15. What is the evidence base for this policy? Does this policy reflect that?
16. Council: paragraph 5.23 says that more detailed information about the provision of specialist housing will be provided in a Strategic Housing SPD. What does this mean? I am concerned because the 2012 Local Planning Regulations strictly define in Regulation 5 what can and cannot be included in a SPD, and because the policy must be clear in order to be effective. Given this, should not this detail be in the Plan?
17. In the light of advice in the PPG at ID 3-37, is the statement in paragraph 5.23 correct that C2 development does not count as part of the Council’s overall housing supply?

**Matter 9: Provision for Travellers
H6**

Issue: Whether policy H6 and its associated text on the provision for travellers is justified by the evidence, consistent with national policy, and effective

1. Does policy H6 set out a clear strategy for the allocation of traveller and gypsy sites?
2. Is policy H6 consistent with national policy having regard to the aim in the *Planning Policy for Traveller Sites* (PPTS) of increasing the number of traveller sites, addressing under provision, and maintaining an appropriate level of supply?
3. Are policy H6’s criteria for determining locations for Gypsy and Traveller provision consistent with national planning guidance, including the advice in *Designing Gypsy and Traveller Sites: Good Practice Guide*?
4. In terms of future pitch provision, do I understand correctly that the EB007b Gypsy and Traveller Accommodation Assessment (GTAA) represents the latest evidence in terms of future pitch requirements for Travellers within the District, and that the requirements are summarised in Table 83 on page 136 of the report? Does Table 83 identify a need for 32 additional Travellers pitches by 2028 as opposed to the submission Plan which identifies a need for 12 additional pitches by 2027?
5. I have been told by the Council that its reference to “*more time*” in paragraph 87 of its CED10 letter is explained in its suggested modification at Ref 060 in SD04b – namely, that the Council will undertake a single issue review of H6 in 2016. The Council intends that this review will be undertaken in parallel with the Rural Allocations Plan and that it will make provision for any additional pitch requirements (if required). What do representors think about this approach? Can the issue be left to a later plan review as the Council and paragraph 5.48 of the Plan proposes? Should the sites be allocated in this Plan? If so, why?
6. In the event that the Council is right to undertake a later review of H6, where does that leave policy H6 and its text now in the light of this and the new GTAA? Is this the purpose of the Council’s suggested modifications at Refs 058 to 060 in SD04b? Are these suggested modifications acceptable?
7. Will the Government’s recently published consultation document on potential changes to travellers’ policies and guidance affect policy H6? If so, how?

Matter 10: Infrastructure I1 and I2

Issue: Whether policy I1 and I2 with their associated text dealing with infrastructure are justified by the evidence, consistent with national policy, and effective

1. Is the approach to delivering infrastructure appropriate, justified, effective, soundly based and consistent with the Infrastructure Delivery Plan and national policy?
2. Do policies I1 and I2 identify sufficiently the nature and type of infrastructure required, including highway improvements, provision of services and social, educational and leisure facilities given the various updates produced by the Council?
3. Do the Plan and Infrastructure Delivery Plan (IDP) [and its updates] give sufficient information and evidence about the delivery, funding and viability of the specific infrastructure (including highway improvements or mitigations) required to deliver the Plan and each strategic site?
4. Council: is there any further information about required mitigation measures and infrastructure in the time since the May 2014 Viability Study Update (EB040d)?
5. Does the Council's update to Table 11 of the May 2013 IDP (EB059d) in CED10 Appendix 13 provide the necessary clarifications of when infrastructure would be required for the Plan's housing delivery, the costs of the infrastructure, and the contributions required from strategic sites? If not, why not?
6. How much development can take place on each allocated site before a specified piece of infrastructure in CED10 Appendix 13 has to be provided?
7. Much of the infrastructure relies on pooled funds from various sites. Bearing in mind the answer to the above question, will this pooling arrangement prevent the delivery of individual sites if monies are not available for key infrastructure works because other sites have not progressed as fast?
8. Some of the works in CED10 Appendix 13 are scheduled for 2014/15. Council: what progress has been made on those?
9. Is the approach to seeking developer contributions, including the type and scale of contributions listed, appropriate, justified, effective, soundly based and consistent with national policy, and have the implications for the deliverability and viability of development been properly considered?
10. Does the further work carried out since DOC100 regarding highway concerns at Eves Corner at Danbury indicate that this also needs to be added to the IDP?
11. Do the Council's suggested modifications at Refs 055 and 056 in SD04b resolve how and when infrastructure will be delivered? Council: will the IDP be consolidated?
12. On I2, the Council accepts that the delivery of a new Community Hospital cannot be committed to within the plan period (CED10 Report). Is the Council's consequential suggested modification to policy I2 at Ref 057 in SD04b acceptable?