



Gladman Developments Ltd

Maldon District Local Development Plan Examination

Matter 1 – Legal Compliance, including the Duty to Cooperate

Issue 1: Whether the Plan is legally compliant

- 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.**
- 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?**

1.1.1 Gladman query whether the Council's SA has adequately and correctly assessed the reasonable alternatives to the submitted Plan strategy. In this regard we question whether the Local Development Plan (LDP) meets the requirements of 2004 Planning and Compulsory Purchase Act and the Environmental Assessment of Plans and Programmes Regulations 2004.

1.1.2 As submitted LDP Policy S2 set out a proposed housing requirement of 294 dwellings per annum. In light of the Inspector's Key Concerns it is now suggested that providing 310 dpa would be an appropriate basis on which to plan for the district's housing needs. Notwithstanding our submissions in relation to Matter 2 and the adequacy of this revised requirement, the Council must ensure that it has tested this requirement and its implications for the distribution of housing through the SA process if it wishes to pursue it as a modification to the Plan.

1.1.3 In determining the submitted spatial distribution of housing in the district the Council tested seven growth options, including one, G04, which proposed to allocate a greater level of development to the Council's rural areas. However, this option was subsequently dismissed, with the authority's Consideration of the Alternative Growth Scenario's paper (EB037) citing

that this proposal would be 'less sustainable'. Appendix 4 of the Council's Pre-Submission SA (SD03c) in particular states that

"In terms of sustainability, there would be no significant benefits in respect of the sustainability objectives. Specifically the spread of development across a wide number of rural settlements would not reduce rural isolation. By dispersing growth across the district it is likely that the maximum benefits will not be achieved. Dispersed growth makes it harder to develop a business case for infrastructure and service provision. Dependency on cars will remain unless there is an increase in public transport across the district. The use of cars will also have an associated effect on greenhouse gas emissions and natural resources"

1.1.4 Gladman question whether this assessment recognises the full sustainability benefits of providing further development in the district's rural area. It appears to overlook the wider role that a higher level of housing and development could play in maintaining and enhancing the vitality of the authority's rural settlements, supporting local services and improving the rural economy, all linked to Key Sustainability Issues for the rural area identified in Table 4.1 of the Council's SA report (SD03). The level of development currently directed to Maldon's rural area represents just 9.5% of the submitted housing target for the district. In order to address the above issues and meet Maldon's full, objectively assessed needs, we submit that a greater proportion of housing should now be directed to the authority's rural settlements, at least 20% of the total housing requirements for the district identified in Policy S2.

1.1.5 The potential to deliver a higher level of growth in Southminster was also put forward as part of the Council's Alternative Growth Scenario work, with Appendix 4 of the authority's Pre-Submission SA report (SD03c) summarising the outcome of appraising this option. Gladman disagree with some of the outcomes of this assessment. In particular we submit that:

- There is no recognition of the additional support for the Crouch Valley line that could come from providing further development in the village when tested against SA/SEA Objective 5
- In relation to SA/SEA Objective 7, further housing is likely to enhance biodiversity through the provision of landscape infrastructure that is more varied than intensely farmed agricultural land, whilst important ecological features could be protected

- When tested against SA/SEA Objective 8, the outcome of protecting water resources in Southminster is likely to be no different than in Maldon or Heybridge, which both score positively in this respect. The agreement of a strategy with Anglian Water in relation to Gladman's planning application for up to 240 homes on Land off North End, Southminster, and the revised January 2014 Joint Position Statement between Anglian Water and the Environment Agency, are now particularly significant in this respect.

Issue 2: Whether the Duty to Cooperate 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 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?**

2.1.1 It is the case that the delivery of further housing in Maldon and Heybridge will have significant implications for the wider strategic road network, particularly in relation to the B1019/B1137 junction at Hatfield Peverel and the A414 between Maldon and Chelmsford. Whilst noting the work undertaken between Maldon, Chelmsford, Braintree and Essex County Council in this respect, we query whether this has provided adequate solutions to the highway impacts that could arise and constrain the ability to provide further development in these two locations. Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the Duty to Cooperate PPG (ID: 9-011-20140306) it is clear that it is intended to produce effective policies on cross-boundary strategic matters.

- 2.1.2 Gladman note that the Duty to Cooperate Position Statement on Strategic Highways Issues (DOC100) was published after the submission of the Local Development Plan. Although this provides further clarity on an earlier Position Statement prepared in this respect (DOC95), we query whether this points to the Council's Duty to Cooperate obligations being satisfactorily addressed before the LDP was submitted for Examination.
- 2.1.3 As set out further in our Matter 2 Hearing Statement, it is the case that the Council's approach to determining its objectively assessed needs does not take account of the wider housing market area. Research undertaken by Barton Willmore on behalf of Gladman concludes that there is strong evidence to support the existence of a Colchester HMA (incorporating Maldon, Braintree, Chelmsford, Colchester and Tendring). Neither the Plan nor its supporting SHMA (EB10f) provide any HMA-wide demographic modelling, and it is not established whether any of these other authorities are likely to require assistance to meet their OAN. The Council must be able to demonstrate that effective, cross-boundary working has taken place to address any potential unmet housing needs.
- 2.1.4 It has become increasingly clear in recent months that local authorities in the area surrounding Greater London are likely to be called upon to help accommodate unmet needs from the capital. As set out in response to Matter 2, it is difficult to quantify exactly what Maldon's fair share of this unmet need should be, but given its status as an authority in Essex (a county immediately adjoining Greater London) which is relatively unconstrained by green belt, it is likely to be significant. Independent research commissioned by Gladman Developments indicates that Maldon could be expected to accommodate between 0.35% and 1.06% of London's unmet need (estimated at 6,600 dpa within FALP), dependent on the extent to which green belt-dominated authorities are able to contribute, equating to between 23 and 70 dpa over a 20 year period. The need to engage with this issue, and make suitable arrangements to address unmet housing from the capital, must be recognised by the Council and the Local Development Plan process.