

*Examination of the
Maldon District Local Plan*

**Matter 2: Strategic Housing
Growth – Overall Numbers
(Policy S1 and S2)**

January 2014

Matter 2: Strategic Housing Growth – overall numbers (Policy 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

Housing Targets and Objectively Assessed Need

- 1.1 The Council's proposed housing target, a minimum of 4,410 dwellings between 2014 and 2029, does not reflect the Council's latest up to date evidence on this matter and therefore is not in policy accordance with paragraphs 14, 17, 47-55, or 159 of the NPPF and PPG 2a and 3.
- 1.2 Paragraph 159 of the NPPF is clear that local planning authorities should prepare a Strategic Housing Market Assessment (SHMA) to assess their housing needs. The Council published its first SHMA in 2008, with revisions in 2009, 2012, and more recently in September 2014.
- 1.3 The earlier SHMAs indicated an affordable housing need of between 245 and 301 dwellings. The September 2014 SHMA indicates that the affordable housing need is now between 130 and 201 dwellings. The September 2014 SHMA states that between 319 and 390 dwellings are required per annum to enable the delivery of affordable housing, based on a 40% affordable housing target.
- 1.4 The Council has a long-standing affordable housing need that has not been met by previous development plans and planning applications. The NPPG in Paragraph 29(2a) states:



The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes.

- 1.5 Taking into account the updated evidence in the SHMA, it is clear that the Council needs to increase its housing provision targets to between 4,785 and 5,850 dwellings over the plan period. Given the historic need, it would be more prudent to plan for the higher range.
- 1.6 The Council has indicated that it would be willing to increase its housing allocation to 310 dwellings per annum or 4,650 dwellings over the plan period. But this revision is still up to 1,200 dwellings short of the housing need identified in the 2014 SHMA.
- 1.7 The importance of the SHMA in establishing the OAN was most recently highlighted in the Horsham Local Plan examination, where it was found that the Council's strategy was unsound on the basis that the SHMA did not use the most up to date evidence and the OAN was not effectively assessed. In Maldon's case the OAN is known but the Council has chosen to ignore it.
- 1.8 To be compliant with the NPPF the Maldon District housing supply should be increased further.

Housing Market Area

- 1.9 The Council's housing target also assumes that Maldon District constitutes a single housing market. This is contradictory to the available evidence base.
- 1.10 The 2008 SHMA clearly states that:



2.2.7 Although the evidence suggests that the District can be considered to be a single market, the District appears to have some overlap with other local housing markets. In terms of the linkage to other market areas, the evidence shows clearly that household movement to and from the District is also concentrated to Chelmsford and to a much lesser degree Colchester and Braintree.

- 1.11 The housing market area clearly extends beyond the District's boundaries into neighbouring local authority areas. This is not surprising as there are a number of large settlements located outside but very close to the District's boundaries, notably, Tiptree, Witham, Hatfield Peverel, Danbury, Bicknacre and South Woodham Ferrers. The principle that the housing market area extends beyond into the neighbouring local authority areas was never questioned in the 2009 or 2012 SHMA.
- 1.12 Using the same data in 2008 SHMA, the 2014 SHMA conveniently reaches a different conclusion and now states that Maldon District constitutes a single market area, ignoring linkages with the neighbouring local authority areas.
- 1.13 Consequently, we consider that the housing needs in the neighbouring local authority areas need to be considered under the Duty to Cooperate.
- 1.14 Braintree has a pre-NPPF adopted Core Strategy (2011). Policy CS1 of its core strategy states that the Council will plan for a minimum of 4,637 dwellings between 2009 and 2026. However, the authority has since published the '*Braintree District Council SHMA*' (2014) that states that the objective housing need for the District is between 761 to 883 new homes per year. This represents a housing need shortfall of at least 488 dwellings per annum.
- 1.15 As Braintree faces a constrained housing supply over the next 5-years whilst their new local plan is being prepared, and their annual housing need is not being met, it is reasonable to assume that Maldon District should consider addressing some of this unmet need under the Duty to Co-operate, on the basis that the spill-over effects are likely to result in adverse housing market implications within Maldon



District. Braintree will therefore require some short-term assistance from Maldon District to meet its OAN.

- 1.16 Colchester has not produced an up to date SHMA and has a pre-NPPF Core Strategy (2008), however based on the evidence used in the Greater Essex Demographic Forecasts Phase 4 document (January 2013), Colchester appears to have a constrained housing supply that is not meeting its OAN. There appears to be an OAN shortfall of 380 dwellings per annum. Given the linkages, it is reasonable to assume that Colchester will require some short-term assistance from Maldon District to meet its OAN.
- 1.17 In light of the housing need issues in the neighbouring Districts, Maldon District should be exploring the possibility of increasing its housing supply beyond the OAN as set out in the SHMA.

Distribution of Development

- 1.18 The LDP is not based on a clear, effective and soundly based distribution of development and growth. The strategy seeks to concentrate development on the Maldon and Heybridge urban area, however this area has significant infrastructure constraints that have not been sufficiently explored under Policy S2.
- 1.19 The Council's evidence suggests that the proposed development could be accommodated with a significant investment in infrastructure. The various iterations of the Infrastructure Delivery Plan indicate that this extensive infrastructure programme is what is required to enable development only and suggesting that there will be no further capacity to increase development beyond the plan period. There are insurmountable highway and school capacity issues that would restrict development beyond what is already planned.
- 1.20 Given these infrastructure constraints, a more reasonable approach would be to plan development in Maldon and Heybridge over a longer timeframe to ensure that the infrastructure is delivered in a realistic but timely manner e.g. extending the development delivery period in Maldon and Heybridge to 20 or 25 years.



South of Maldon

- 1.21 The document titled *'Response to Inspector's Key Concerns (IED05 and IED06) August 2014'* states that 495 dwellings would be built in South Maldon across four sites in first 5-years of the plan period. However, the Council's infrastructure evidence indicates that in the first 5-year timeframe 3x highways projects (£1.6m), a standalone EY&C facility (£1.1m), a new primary school (£7m), extensions to exiting schools (£280k) and extensions to the Plume School (£5.36m) will need to be delivered.
- 1.22 For the first 5-years only, a total of £15.3m (£31,000 per dwelling) of school and highways infrastructure works would need to be carried out to enable development. This does not include other requirements, for example, health and green infrastructure. Failure to deliver this infrastructure within this tight timeline will result in a delay to the delivery of homes, thereby undermining the 5-year supply and having a knock-on impact on the 6-10 and 10-15 year housing supply.
- 1.23 The Council has failed to set out clearly how and when these infrastructure projects will be delivered.
- 1.24 For example, the June 2012 IDP states that *'by 2016/17 pressure at the Plume is forecast to be increased to a point where children will not be able to be accommodated'*. Yet they have not explained how and when the expansion works to Plume School will be carried out and how this relates to housing completions. It would appear that there will be significant short-term constraints on this school. The Plume School is already one of the largest in Essex and operates over two constrained sites. Even with the proposed works, the pupil capacity constraints of this school will severely limit any long-term development in Maldon and Heybridge beyond the plan period.
- 1.25 With regard to primary school provision, the IDP also states that *'The Maldon Schools catchment area currently has limited school capacity and a new school would be required prior to the completion of the first 270 dwellings'*. The Council



has not produced any evidence to demonstrate that the delivery of a primary school by the 270 dwelling is achievable, let alone within a 5-year timeframe.

- 1.26 These assessments and conclusions have not been updated by any subsequent versions of the IDP.
- 1.27 The above paragraphs highlight the uncertainty surrounding primary and secondary school provision, however this uncertainty can also be applied to all the highways infrastructure projects, and all other identified projects. There is no indication on: how the projects will be delivered; who will deliver them; when they need to be delivered i.e. the critical housing numbers; how long it will take to implement these projects; when the S106 monies need to be received to enable commencement of these projects etc.
- 1.28 The Council's infrastructure calculations have assumed that all the identified sites in South Maldon will come forward at the same time, enabling the delivery of the required infrastructure. There are four different sites with at least four different landowners, with different development priorities. It is unlikely that these sites will come forward together as a single development.
- 1.29 The Council needs to set a detailed programme for delivery, rather than just an indicative 'wish' list as set out in the document titled *'Response to Inspector's Key Concerns (IED05 and IED06) August 2014'*.
- 1.30 The Council's proposed infrastructure projects are complex and given the lack of certainty on the delivery of these projects there is serious doubts on the ability to deliver significant growth in South Maldon during the plan period.
- 1.31 These significant infrastructure requirements would result in an average cost of £19k to £20k per dwelling in Maldon. This is a significant cost and there are other development options that would have a much lower infrastructure requirement but could deliver comparable levels of housing, notably strategic development at North Fambridge.



Heybridge

- 1.32 The document titled *'Response to Inspector's Key Concerns (IED05 and IED06) August 2014'* states that 375 dwellings would be built in Heybridge across four sites in the first 5-years of the plan period. However, the Council's infrastructure evidence indicates that a flood alleviation programme (£7.7m), 3 x highways projects (12.8m) need to be completed in the first 5-year timeframe.
- 1.33 The infrastructure cost per dwelling at Heybridge would be between £22k and £28.5k over the plan period, but for the first five years would amount to £66k per dwelling.
- 1.34 The infrastructure works required to deliver the development at Heybridge are complicated and very costly. Given the number of landowners/developers involved with varying priorities, and the commercial need to avoid market saturation at any given point, there is a need to extend the plan period to ensure delivery of these projects alongside the required housing.
- 1.35 To date the Council has only stated what needs to be delivered and suggested that these projects could be subject to pooled S106 contributions. It has not set out how these infrastructure projects will be delivered nor has it set out a staged process i.e. many dwellings are required before an infrastructure project must be completed. This leaves uncertainty on whether these projects can in fact be delivered within the prescribed timescales without detrimentally impacting upon the surrounding area.

Alternative Housing Sites

- 1.36 Since 2012, our client has been promoting land at North Fambridge for a strategic mixed-use development, comprising:
- Between 850 and 1,250 dwellings;
 - Approximately 2,000 sq m of commercial floorspace;



- A new village centre with local convenience retail shops;
- A new primary school;
- An Early years centre;
- Significant enhancements to the green infrastructure network such as: a new village green, sports pitches, public open space, biodiversity corridors, allotments, child play space, and informal landscaped corridors;
- Significant sewerage upgrades; and
- Improvements to the Lower Burnham Road that would increase highway safety and capacity for all the users of this road.

1.37 Our pre-submission representation clearly sets out our attempts to engage with the Council regarding this proposal and how despite this, the Council has failed to consider the potential for strategic development at this location.

1.38 The Council has been aware of the potential for strategic development at North Fambridge since 2012, but despite this they have failed to consider this location as a reasonable alternative. There is no reference to this site in the draft Maldon District Local Development Plan that was published in August 2013. Consequently, the public have never been given the opportunity to comment on the potential of North Fambridge as a strategic development site and reasonable alternative. Paragraph 182 of the NPPF makes it very clear that explicit consideration of alternatives is a key part of the plan making process, yet the Council has chosen to ignore the consideration of this site. As such their spatial strategy cannot be justified.

1.39 There are only two evidence base¹ documents that cite a strategic development at North Fambridge. These documents only refer to a scheme of 700 dwellings. The findings of these documents concluded that:

- North Fambridge is a suitable location for strategic growth; and

¹ Maldon District Draft Local Development Plan Considerations of the Alternative Growth Scenarios' (2013) and Maldon District Council – Local Plan and CIL Viability Study August 2013



- The strategic infrastructure requirements at North Fambridge (£7,900 per dwelling) would be significantly less per head than any of the proposed strategic allocations at Maldon (£19k to £20k per dwelling)² and Heybridge (£22k to £28.5k per dwelling) nb, the Council's viability assessment did not include the £35m to £39m of highway mitigation measures required to deliver development at Maldon and Heybridge.

1.40 A development of between 850 and 1,250 dwellings at North Fambridge would require mitigation measures that would actually benefit the wider area. Such measures include:

- A new village access that would improve the safety of the Lower Burnham Road (B1012) for all users of this road.
- A new primary school that would represent an excellent opportunity to improve the sustainability of the village and develop a strong community focus.
- Improvements to the sewerage network that would benefit the entire village.

1.41 These infrastructure works would release potential housing capacity and enable significantly more growth. This location could represent a significant housing land supply in the long-term and well beyond the plan period. This approach differs to the allocations at Maldon and Heybridge where the infrastructure proposed is only to enable the housing numbers proposed. The Council's evidence demonstrates that there would be no further scope beyond the plan period to deliver more housing or any other infrastructure works in Maldon and Heybridge.

1.42 The Sustainability Appraisal does not consider a strategic development of between 850 and 1,250 at North Fambridge. It only considers a scheme of 700 dwellings, which on the whole was deemed to be positive, except for a few minor negative issues that also applied to the strategic allocations. These issues were not sufficient to justify this site's exclusion from the spatial strategy.

² Maldon District Council – Local Plan and CIL Viability Study August 2013



- 1.43 The June 2012 Sustainability Report briefly considered enhanced growth in the south west of the District. It did not specify any locations or development amounts, but it did state that *'This alternative option would meet several of the social objectives and could have a positive impact on the local economy'*. The only concerns were over deliverability as no sites had been put forward at that stage.
- 1.44 North Fambridge was identified for enhanced growth as part of the LDP Preferred Options 2012 document. Preferred Policy S2 sought a development of 300 dwellings at North Fambridge, whilst Preferred Policy S5 included North Fambridge as a large village. The Council has not produced any evidence that explains why this preferred policy was amended and the strategic allocation reduced to 75 dwellings. We have always argued that a larger development would be more sustainable at North Fambridge as it would deliver the key facilities that this village needs e.g. a new primary school, secure a safe access on to the Lower Burnham Road and would utilise existing public transport nodes. Whereas the Council's approach has always been to increase housing in the village without any enhancements.
- 1.45 It is also relevant that a windfall development (Ref: 14/01016/OUT) was approved by the Council (subject to S106) on 1st December 2014. This windfall development comprised 75 dwellings and a new village centre comprising 1,000 sq m of flexible commercial and community space. This windfall development will also deliver the necessary sewerage works that once complete, could support well in excess of 1,000 additional dwellings. The windfall development could in effect act as Phase 1 to a much larger strategic development.
- 1.46 The development of between 850 and 1,250 dwellings at North Fambridge can easily be accommodated and any infrastructure constraints can easily be overcome. This alternative option would include a significant enhancement of social and employment infrastructure that would greatly improve the sustainability of not only North Fambridge but also this part of the Dengie.
- 1.47 This development option also represents an excellent long-term option that would enable the Council to have a long-term residential land supply. There are also



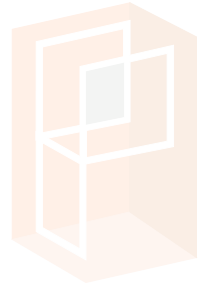
significantly fewer constraints at North Fambridge compared with the Council's preferred strategy.

- 1.48 Development at North Fambridge also represents a 'reasonable alternative' option that has not been assessed by the Council.



www.plainview.co.uk

contact@plainview.co.uk



- **Cheltenham:** 5 Strand Court, Bath Road, Cheltenham, GL53 7LW
T: 01242 501003 / E: cheltenham@plainview.co.uk
- **Chelmsford:** Oliver House, Hall Street, Chelmsford, CM2 0HG
T: 01245 201226 / E: chelmsford@plainview.co.uk
- **Horsham:** The Courtyard, 30 Worthing Road, Horsham, RH12 1SL
T: 01403 330737 / E: horsham@plainview.co.uk
- **London:** 1 Warwick Row, London SW1E 5ER
T: 0203 3769547 / E: london@plainview.co.uk

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