

Response to Inspector's Matters, Issues and Questions

Matt Clarke on behalf of RHS/Tolhurst and Charles Church

9th January 2015

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)?

The approach of planning for 4,410 as a minimum on the basis of the recent audit of OAN is broadly supported, as is the increase that this minimum figure represents as recognition of the importance of delivering additional housing and effectively achieving a marked increase compared with the previously constrained growth based on the RSS requirements, albeit themselves latterly also set as minima.

The approach to identification of the OAN is set out in a number of evidence base documents, including *Assessing Maldon's Housing Requirement* (EB098a) and the subsequent Supplementary Statement (EB098c) in respect of additional factors (including those of employment trends and housing market signals) that have been taken into account in setting the housing requirement of the LDP.

It is however noted that due regard has not necessarily been given to the implications of meeting the identified net new affordable housing need (which in conjunction with the market need would suggest an overall requirement for 319 dwellings per annum as identified within the SHMA report – EB010f). Furthermore it is evident that the quantum of housing that is specifically planned for has not been increased, to either 310 or the higher 319 dwellings per annum, albeit accepted that the approach of applying a minimum requirement inherently builds in flexibility to seek to achieve the higher level required. It would however be preferable to identify appropriate and deliverable sources of supply (ideally specific sites) that would ensure delivery of 4,785 dwellings, or at the very least to increase figure to require at least 4,650 (adopting the 310 OAN sum as a minimum).

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?

We broadly support the growth strategy of Policy S2 in respect of its alignment with and focus on the most sustainable settlements of Maldon/Heybridge and Burnham on Crouch. Not only are these settlements the largest in the context of Maldon District, they contain the greatest levels of services and employment availability, in addition to being accessible by good public transport links, including regular train services. Burnham on Crouch plays a particularly important role as a service centre serving the Dengie Peninsula, covering a wide rural hinterland.

In respect of delivering sustainable development it is evident that the sites at Burnham on Crouch will deliver in a timely manner, as evidenced by the submission of either planning applications or a combination of Planning Performance Agreements and Statements of Common Ground. It is considered that the Policy S6 (subject to our comments under Matter 5) will ensure that sustainable development is achieved.

There are, however, some concerns that there are potential weaknesses with regard to reliance on a large number of small, medium and large sites with permission that may not ultimately deliver the 497 dwelling capacity required (in the absence of expiry dates for these consents within EB096b).

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?

As noted above, it is considered that the development strategy is the most appropriate one. In order to meet the OAN (or the higher figure of 319 concluded by the SHMA) it is suggested that additional capacity should be identified, and that this could most sustainably be achieved through increased development on existing proposed Strategic Allocation sites.

4. Are the strategic allocations too large and complex to be delivered on time? If so, why?

We do not comment in respect of the Maldon/Heybridge allocations. It is however evident that the scale of the proposed Strategic Allocation sites at Burnham on Crouch is manageable and deliverable in the timescales envisaged within the LDP, as reinforced by the progress that is already being made with the planning of these sites.

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?

National Policy is provided within the Planning Practice Guidance section Housing and economic development needs assessments, which confirms that Councils should, **“rely predominantly on secondary data (e.g. Census, national surveys) to inform their assessment.”** The methodology set out in the PPG confirms that household projections are the starting point for estimates of housing need, which should then be adjusted accordingly to reflect factors such as local demography, unmet housing needs, undersupply etc.

The Technical Paper: Identification of Maldon District’s Objectively Assessed Housing Needs (EB078) confirms that the projections were balanced alongside a range of growth options, employment provision, SHMA etc. suggesting that the Council’s approach was consistent with the PPG, which itself acknowledges that the process is, **“not an exact science.”**

It is however evident that these projections do not now represent the most up to date information available, and it is therefore welcomed both that regard has been had to the more recent 2011-based Sub-National Population Projections, and that appropriate corrections have been made to these figures to account for the recessionary trends that have otherwise suppressed household formation rates reflected in the 2011 Census data.

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?

The additional OAN evidence outlined is generally supported. As noted above, the *Assessing Maldon’s Housing Requirement* report (EB098a) confirms that the increase in the acknowledged appropriate OAN of 310 has been accepted by Maldon District Council includes an allowance to compensate for weaknesses within the latest 2011-based Sub-National Population Projections, namely the capturing of recessionary trends that would have otherwise suppressed growth requirements, at odds with longer-term trends. This general approach, to take the latest available household projections and then to apply appropriate adjustments, depending on the range and nature of circumstances in evidence, is considered to be consistent with guidance contained within the PPG.

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.

It is understood, from a DCLG Press Release in December 2014, that this information will be published in February 2015.

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)?

No comment.

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?

Paragraph 2.24 (supporting text to Policy S2) states that the Council will meet the OAN and deliver a minimum of 294 dwellings per year. Whilst this was the case at the point of submission of the LDP it has subsequently been acknowledged by Maldon District Council that a figure of 310 dwellings per annum should be adopted as the appropriate OAN, at the top end of the range identified by independent consultants. Arguably, therefore, the Council are no longer planning to meet the full OAN, albeit acknowledged that the stating of the figure of 4,410 as a minimum requirement would potentially facilitate achievement of this higher figure.

As noted in response statements to Matter 5 it is not considered that the Strategic Allocation sites at Burnham on Crouch suffer from flooding or highway constraints, and as such would provide scope for achievement of additional capacity.

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?

As noted in the above response it is considered that the figure of 310 per annum as the OAN should be presented as a modification to the LDP, although it is understood the Council have suggested assessment of this through the examination process and effectively invited the Inspector to make proposed Modifications as he considers appropriate.

As referred to elsewhere within this statement, it is however important to consider the implications of acceptance that the dwelling requirement should be increased. The most obvious consequential modification will relate to the need for identification of additional capacity to meet the increased requirement, the most logical and sustainable options being represented by proportionate increases at the proposed strategic allocations where it can be demonstrated that this can be achieved without detriment to the quality of development having regard to other objectives and policies of the LDP and scope for clarification of the approach to release of capacity at reserve sites.

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?

No comment.

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?

We have no particular comments to make on this issue, although await with interest any additional updated information from the Council in this regard.

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.

The most recent 5 year supply statement (EB096b) was published in May 2014 and confirms that within the past 12 years (from 2001), Maldon District Council has failed to meet its average housing requirement of 120 dwellings per annum 4 times, of which 3 of those instances occurred in the last 4 years. The report confirms the overall target during this period was exceeded by 137 dwellings, although it is noted that this retains the previous RSS figure of 120 dwellings per annum, rather than adopting the increased OAN figure that would arguably be more appropriate, particularly following abolition of the RSS.

Guidance within the PPG at Paragraph ID: 3-035 notes that the decision as to what constitutes a persistent under-delivery of housing, and therefore whether a 5 or 20% buffer should be applied to the 5 year housing land supply, involves a degree of judgement. It is stated that there are no universally applicable tests or definitions and that the significance of the extent of under-delivery will depend on the local circumstances in evidence.

On one hand it should be recognised that these instances of under-delivery occurred within a period of recession. However it is also relevant that the dwelling target in place was particularly low, at just 120 dwellings per annum (in fact the lowest in the East of England region) and therefore this must be regarded as persistent under-delivery given the particularly low number of dwellings required.

14. How does the Plan address the need for a 5% buffer to the 5-year housing land supply?

It is not readily apparent within the LDP as to how a 5% buffer has been incorporated into the housing supply. The Five Year Housing Land Supply Statement (May 2014; EB096b) sets out that application of a 5% buffer to a requirement of 294 per year (and allowing for historic delivery rates and the requirement for the current monitoring year) represents an increase from a 1,627 five year supply requirement to 1,708 (81 in total, an average of 16.2 dwellings per annum) within Table 1.

Application of a 20% buffer in this context would represent a rolling Five Year supply requirement of 1,952 dwellings, applying the same methodology. The figures would clearly be greater-still if the revised OAN figure of 310 were adopted (2,068 based on 20% buffer).

Even assuming the 5% buffer and the lower requirement, it is not then clear how this has been applied to the phasing of sites. Although the updated Housing Trajectory under Minor Modification 046 does illustrate an over-supply within the first five years of the LDP, this would only marginally cover the requirement. Reference to the total phased development table in Policy S2 (taken from Minor Modification 045) shows the proposed delivery of 2,086 dwellings in the initial five year period, allowing for no particular contingency in the event that existing commitments (totalling 497 dwellings were to fail to deliver as envisaged).

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)?

No comments.

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.

No comments.

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?

No comments.

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?

No comments.

19. Does policy S2 effectively address cross-boundary housing issues, particularly the highway issues arising from the proposed strategic allocations?

We have no specific comment to make on this subject as it is not considered that any cross-boundary highway issues arise in relation to the proposed Burnham on Crouch Strategic Allocations.

20. Are the principles for sustainable development outlined in policy S1 appropriate, justified, effective, soundly based and consistent with national policy?

The principles outlined in Policy S1 are felt to represent a valid interpretation of sustainable development in accordance with the NPPF's definition of this concept as the Golden Thread

running through the planning system. The NPPF outlines the three dimensions of sustainable development: economic, social and environmental at Paragraph 7.

It is considered useful that the LDP not only highlights the importance of this concept, and that the Council will adopt a positive approach to development proposals in the context of the presumption in favour of sustainable development, but that it also provides a set of tangible locally relevant principles that reflect the economic, social and environmental circumstances of the district.

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?

No comments.

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?

No comments.

9th January 2015