



Maldon District Local Development Plan 2014 – 2029

Examination in Public January 2015 – Legal Compliance
and Housing Policies

Response to Matters, Issues and Questions raised by
Inspector David Vickery

Matter 2 : Strategic Housing Growth – Overall Numbers S1 and S2

Andrew Martin – Planning
Intermodal Transportation Limited
WSP

on behalf of

landowners, Messrs. Hughes and Sandy

Land to the East of Broad Street, Green Road and North of Lofts
Farm Drive, Heybridge (known as 'Lofts Farm').

January 2015



1. ISSUE : WHETHER THE PLAN'S POLICY S2, HOUSING TRAJECTORY AND ASSOCIATED TEXT CONCERNING THE DISTRICT'S OBJECTIVE HOUSING NEEDS AND OVERALL HOUSING TARGETS ARE POSITIVELY PREPARED, JUSTIFIED BY THE EVIDENCE, CONSISTENT WITH NATIONAL POLICY AND EFFECTIVE.

Points 1, 5 and 6

Work undertaken by Neil McDonald, NMSS on behalf of Maldon DC to assess its housing requirements, concludes that 294 homes/year is too low but that the 381 homes/year suggested by the 2014 SHMA is too high. The latter is criticized for not being an appropriate basis on which to estimate housing requirements. This is said to be unreliable, based as it is on a survey that asks people whether they intend to move, when they are not necessarily likely to do what they say and could suffer from 'optimism bias'. NM recommends a housing requirement of around 310 homes/year based on government population and household projections, relying on past trends. We accept the basis of this methodology that generally accords with government guidance including PAS "Objectively Assessed Need and Housing Targets", Technical Advice Note June 2014. This technical note is clear to point out however that assessing housing needs is not an exact science and many of the questions we seek to address have no definitive answer or may change according to national guidance etc. Therefore, there needs to be flexibility in any local plan to allow for unforeseen circumstances.

We do query the adjustment to population and household figures that has been applied, in particular to allow for 'recessionary' trends. A figure somewhere between the sets of published figures is selected yet this still leaves question marks over whether the supply of new housing will be sufficient. There is a query over whether past trends will continue, as well the effects of a predicted 10,000 – 20,000 shortfall of homes in London and levels of migration to the SE. In addition PPG2a-020 suggests that a number of market signals should be taken into account in adjusting the figures, e.g. prices/rents. PAS advise that guidance on past-supply and market signals is sometimes misinterpreted, because 'under-supply' and 'under-delivery' are taken to mean that house building was below policy targets. In the present context this can mean that house building was less than demand or need. Delivery may be in line with targets, but the targets themselves may be far below need or demand, so that planning has constrained the amount of housing development. Appendix 2 to CED10 provides a housing trajectory. This shows that between 2006 and 2009 housing supply was just above the target but this fell dramatically from 2009 to 2014. It should be noted that the former RSS requirement of 120 homes per annum represents a very low target, i.e. just over 1/3 of the proposed new target.

PPG2a-029 indicates that an increase in the housing provision in the plan should be considered where it could help to deliver the required number of affordable homes. The 2014 SHMA identifies this as 41% of the total need. The SHMA has identified a need for 130 affordable housing units per annum over a fifteen year period. Taking into account an identified annual need for 189 market housing units, the SHMA finds that for a fifteen year period the District's overall housing need is 319 dwellings per annum. In the light of PPG2a-029 referred to above, we contend that this higher figure of 319 dwellings per annum should be proposed as a minimum. This would also take into consideration the boost to the supply of housing nationally, being promoted by the government, and allow some flexibility in the reading of the signals and adjustment of the projections accordingly.

It should be noted that paragraph 47 of the NPPF requires the Council to meet its objectively assessed need for both market and affordable housing. (our underlining)



Point 2 - Transport Issues (ITL)

Policy S2 does not establish an appropriate, clear, effective and soundly based distribution of development because it should place more emphasis on reducing transport carbon footprints as part of the overall considerations. Please refer to our Matter 1; Issue 1, point 7 for an explanation of what we consider needs to be done in terms of evidence based assessment.

The policy cites that development plan *'will not result in unsustainable spatial patterns to the detriment of the wider area'*.

We consider that the plan in part does result in an unsustainable spatial pattern and thus we recommend that policy S2 should be amended to adjust the balance of distribution to accord with the above stated objective.

Point 2 - Flood Risk/Drainage Issues (WSP)

Policy S2 does not establish an appropriate, clear, effective and soundly based distribution of development because it identifies sites for development (S2a) in areas of high flood risk as defined by the Environment Agency, over available sites at lower flood risk (Lofts Farm), which appears to be contrary to Policy S1.

The policy cites that the development plan will focus significant development in locations which are, or can be made to be sustainable ...

We consider that the plan in part doesn't reflect this intention due to the allocation of sites in area of high flood risk and thus we recommend that Policy S2 should be amended to adjust the distribution of dwellings to accord with the above stated objective.

Point 4 - Transport Issues (ITL)

The large strategic allocations do bring certain infrastructure issues of note, that are complex and in our opinion would place a question mark over deliverability of the current plan. However, transport related matters are often better resolved from larger scale developments because a smaller number of developers can take direct responsibility for the majority of the infrastructure funding. Without question, whether development is spread around the District or, is concentrated to one area, the impacts on the main road networks in and around Maldon and Heybridge would be similar in the very location where the lion's share of highway improvement funding is needed. It is notoriously more difficult to apportion costs between developers from many disparate allocation sites than it is from a few larger concentrated sites. As an example, the Burnham allocation sites are not contributing any funding to the infrastructure requirements in and around Maldon and North Heybridge although a substantial proportion of trips from these allocation sites would pass through the Maldon and Heybridge road systems.

Relocating the majority of the Burnham on Crouch and rural allocations to the Heybridge North area would help to deliver the more costly strategic improvements required to facilitate the demands from the new housing stock. Apportionment of costs would be easier to calculate and be more transparent to ensure the earliest possible delivery of the housing and commercial development programmes.



Point 7

The government has announced that the 2012-based household projections identified by the Inspector as a more reliable set of figures, will not be published until February 2015. This will presumably be after the close of the Examination into housing matters and the Inspector may well need to consider reopening this matter if the later figures show significant differences with the current projections. Otherwise the Local Plan could be adopted, assuming that it is found sound, based on an out of date evidence base.

Point 9 - Flood Risk/Drainage Issues (WSP)

It is unclear how much regard has been given to information contained within Maldon & Heybridge Surface Water Management Plan on the allocation of sites around Maldon and Heybridge. The Maldon & Heybridge Surface Water Management Plan identifies significant areas of the SMGS sites to be at high to medium risk of surface water flooding, compared to sites associated with the NHGS and Lofts Farm.

The risk of flooding from Lime Brook and an un-named watercourse to the south of it, within Site S2a, in tandem with the area of high tidal flood risk in the south east corner of the site will present constraints on the developable area available at site S2a.

Sites to the north of Heybridge are not similarly constrained and have the advantage of an ear-marked flood alleviation scheme that could release additional land within these sites for development and in tandem with the North Heybridge Relief Road, provide opportunity to release further land for development in Lofts Farm.

Point 11 - Windfall delivery

The Council has documented the source of ‘windfall’ sites that have come forward since 2001. (CED10-Appendix 9). It has removed residential garden development, which was by far the largest category in past years. A figure of 691 homes on windfall sites over the period 2001 to 2014 has previously been referred to in order to justify a provision of 330 units in this category over the new Plan period, or 22 dwellings per annum. The historic figure of 691 is adjusted to 262 when actual losses are accounted for and residential gardens are excluded. This is not reliable however, as the figures relate to planning consents which may not have been developed. The proposed windfall allowance for the new plan remains however at 20 dwellings per annum or 300 over the plan period. We submit that this is too high when based on historic figures and that there is no compelling reason why the plan going forward could be expected to deliver at this rate and as in many areas where there has been an under-supply of housing followed by major new allocations, there is less pressure to develop windfalls and it can represent a diminishing future supply as referred to below. . In addition a high dependency is placed on SHLAA sites and it is not clear whether there has been some double counting with ‘committed development’ that “includes suitable sites identified in the SHLAA.”

In past years the Council has struggled to meet its housing targets and maintain a five-year land supply. This could be identified as a period in which there was a loosening of planning constraints that allowed substantial development on windfall sites as a result. With increased provision allowed in the forthcoming plan some of those windfall sites in the past would not come forward in a period of tightened control. A longer period than that of 10 years viewed by the Council would be necessary to assess how the District has responded to different phases of planning policy.



Point 12 – Five Year Housing Land Supply

An update to the Housing trajectory shows that there is still not a 5-year housing land supply. This has changed little from the 1.8 figure calculated in May 2014.

Points 13-19

These are considered to be points for the Council to address, which we will comment upon as necessary in the Hearing Sessions following consideration of the Council's responses.

Point 20 -Transport Comments (ITL)

The principles of Policy S1 are acceptable and chime with National Policy except there should be more emphasis in relation to transport related greenhouse gas emissions. Item 7) of policy S1 reproduced below states:

7) *Enable and adapt to the effects of climate change by limiting greenhouse gas emissions through the efficient use of energy and use of renewable alternatives, coastal management, and mitigating against flooding;*

The above declaration appears to be biased towards the goal of achieving savings in greenhouse gas emissions from the built environment, with no reference to the potential transport implications. Again, as discussed in Matter 1; Issue 1, point 7 of our representation, NPPF places great emphasis on reducing car borne travel and the distance travelled, and the ability to reduce travel at source is a fundamental part of that equation.

Points 21 and 22 - Alternative sites to those listed in Policy S2

The merits of land at Lofts Farm are set out in the representations of AM-P in October 2013 and March 2014, which are before the Inspector. We find the spatial strategy for growth to be broadly correct in concentrating new development in the Maldon and Heybridge suburbs. Some adjustment is required to meet increased housing needs (identified during the emergence of the plan and potentially as a result of the Examination findings). In addition there is justification for a redistribution of growth from that proposed in remote rural areas. There is also a justification in transport terms to increase the size of an allocation at North Heybridge. However precise detail on the split of development and which sites are best suited to deliver the homes and infrastructure, has been the result of political influence and not a process informed by SA. Representations of AM-P in October 2013 document the series of Council meetings and evidence the way in which the final sites were chosen. This has no bearing on the environmental effects of implementing the proposals.

Land at Lofts Farm has been promoted for development since 2007 when it was put forward in a response for a 'call for sites' by the Council in the context of its SHLAA. Following that Lofts Farm was recognized by the Council, alongside land at North Heybridge that it adjoins and which has since come forward as an allocation for growth. Lofts Farm continues to represent a sustainable development opportunity which has many advantages over adjoining land and can help to deliver infrastructure that existing allocations alone cannot feasibly provide. The rejection of Lofts Farm without the benefit of evaluation represents a breach in the requirement of the SA Regulations and hence a legal/procedural requirement that the Plan is required to meet. The Council is not therefore able robustly to justify its site selection methodology.



Representations to date have demonstrated that Lofts Farm represents a sustainable development site that is available and deliverable, commencing in the first five years of the Plan period. It has many advantages over the current strategic allocations proposed in the Pre-Submission plan. Discussions with officers of the Council in the last two months have identified that this site can specifically meet affordable and specialist housing needs that the North Heybridge Garden Suburb as proposed, cannot deliver. For example, Lofts Farm could potentially provide a sixth form college to address shortfalls in secondary educational requirements. Initial discussions are under way regarding a Medical Hub and Stroke Rehabilitation Centre (see our response to Matter 8).

Lofts Farm proposals for development in terms of market housing would fit into the Plan's overall growth strategy by accommodating some of the provision directed towards the garden suburbs, particularly North Heybridge. In addition it could absorb a shift of the Burnham and rural allocations and also accommodate the increase in the identified housing need as referred to above.

Transport Comments (ITL)

There are, inter alia, a number of transport reasons for preferring Lofts Farm to the more rural allocation sites generally to the south-east and east of Maldon and Heybridge. These are summarized below:

- The site would be a mixed use site with a high level of affordable housing (higher than any other allocation site in the District), community facilities, including a health centre, a potential 6th form extension to Plume School, day-to-day facilities and a small convenience foodstore; also there would be employment land set aside.
- The site can thus offer 'self-containment' for many day-to-day and important community needs but also be a natural extension to the built up area of Heybridge. Hence, this would maximize the potential to reduce car borne trips or, at least, minimise trips by car to local short trips for all day-to-day and some employment needs.
- The site offers a number of convenient alternative routes to the A12 which can avoid the A414 and even the B1019 through Hatfield Peverel.
- The site would increase the critical mass of residents to the north of Heybridge (allied to the existing Countryside allocation Site S2d) to give the greatest opportunity for viable non-subsidised bus service enhancements to be put in place serving not only the Town but improving the frequency of services to the stations and other larger conurbations.
- The site offers the shortest and quickest routes to the mainline railway stations that would not involve changing train services (unlike the Southminster provincial line)
- The site would help to fund part of the North Heybridge relief road - an essential part of the future infrastructure improvement required for the District.
- The site would be constructed adjacent to a vast new open space area to allow new residents and existing Heybridge residents to enjoy recreational pursuits without needing to access a car.

These distinct benefits, allied to the reduction in greenhouse gas emissions of re allocating housing to this site, are compelling reasons to challenge the current spatial strategy, given the thrust of NPPF is predicated on sustainability.

Point 22 – Drainage/Flood Risk Comments (WSP)

There are, inter alia, a number of flood risk and drainage reasons for supporting the development of land at Lofts Farm: It would enable the implementation of a flood alleviation scheme for the benefit of allocated sites S2d, S2e and S2f and wider areas of Heybridge.



- The site would facilitate an outfall from a Flood Alleviation scheme to the east of Heybridge, completely avoiding the need to divert flood flows through Heybridge, providing greater flood risk reduction benefit and thereby improving the economic case for the scheme. This in turn would reduce the value of contributions from public/private funding, increasing the potential for successful implementation.
- Lofts Farm offers a convenient route for foul sewerage from sites S2d, S2e and S2f and North Heybridge to be drained, in addition to being the closest to the sewage treatment works. It thereby carries a proportionately lower cost to service than sites to the south of Maldon.
- It is sited on more favourable geology (Alluvium, Sands and Gravels) and at a greater elevation to enable the site to be sustainably drained without significantly impacting on the quantum of development compared to sites to the south of Maldon. Additionally the geology of the site enables infiltration Sustainable Drainage Systems to be employed facilitating groundwater recharge and maintaining base flow to local watercourses and the quality of the receiving watercourses to be maintained more reliably compared to the greater volumes of attenuation needs on those sites placed on less permeable strata (London Clay) such as those of the SMGS.
- The inclusion of Lofts Farm would enable the considerable costs associated with the implementation of the Heybridge Strategic Flood Alleviation (Full details of which remain known) or similar more beneficial variant to be apportioned across a greater number of dwellings to keep the S106 contributions per dwelling for northern development sites more in keeping with those expected from developments to the south of Maldon, increasing the prospects of delivery of a flood alleviation scheme and balanced development throughout Maldon and Heybridge.
- The site would help to fund part of the North Heybridge relief road and as a North Heybridge Flood Alleviation scheme (both of which should be brought forward concurrently to maximise the sustainability benefits of the schemes) – which are essential parts of the future infrastructure improvement required for the District.

These distinct benefits of re allocating housing to this site, are compelling reasons to challenge the current spatial strategy, given that the thrust of NPPF is predicted on sustainability.