Gladman Developments Ltd

Matters 2, 3, 4 and 5

Hearing Statement

Maldon District Local Development Plan (2014-2029)

Strategic Housing Growth

Questions 5 – 12 (Housing Delivery)

December 2016

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1 MATTERS 2, 3, 4 AND 5: STRATEGIC HOUSING GROWTH

Housing delivery and infrastructure

1.1 Question 5

1.1.1 It is noted that it is the Council's intention to restrict new housing development in Maldon, Heybridge and Burnham due to school and highway capacity concerns. Gladman do not consider this to be an appropriate strategy. Proposals need to be tested on their own merits at the point in time that they come forward, including assessing any impacts on infrastructure, for which appropriate planning obligations can be made to mitigate any impacts. Proposals that are sustainable should go ahead without delay. The introduction of a cap on development in Maldon, Heybridge and Burnham would result in an overly restrictive approach, leading to a Plan which is not positively prepared or effective.

1.1.2 The NPPF is clear that development which is sustainable should go ahead. The use of current capacity issues to restrict residential development coming forward would not accord with the positive approach required by the NPPF and would reduce the amount of housing which could come forward to meet the district's housing needs.

1.2 Question 7

1.2.1 Gladman note that within main modification 074 the Council makes a windfall allowance of 300 dwellings across the plan period, including 100 windfall dwellings in the five year period (based on an annual allowance of 20 dwellings, which is applied for the full 5 year period).

1.2.2 Gladman do not accept that it is appropriate to include the windfall allowance of 20 dwellings per annum from the start of the 5 year period. It is untenable that windfall sites (i.e. sites that have not yet been identified, let alone gone through the planning process) will deliver completions from the very start of the 5 year period. Windfall sites are those that have not yet been identified, where no specific interest or intent to bring forward housing is known. The Council's justification (§ 4.63 of the Five Year Housing Land Supply Advisory Note dated August 2016) refers to the potential for windfalls from change of use from office uses (brought about through changes in the GPDO). However, there is still a prior approval process to go through (where information must be submitted to the LPA in respect of transport and highway impacts; contamination risks; flood risk; and potential noise impacts).

1.2.3 It is Gladman's view that it is highly unlikely that any actual completions requiring planning permission will be achieved from currently unidentified sites for at least 2 years and that an adjustment should be made to the table contained within policy S2 to omit 2 years (i.e. years 1 and 2) of projected windfall completions from the supply position.

1.2.4 Gladman note that the Inspector for an appeal decision within Great Totham[1] stated that the windfall allowance for the Council should be suspended for the first two years of the five year period.

The five year supply of land for new housing

1.3 Question 11

1.3.1 As noted within Gladman's representations to the Main Modifications consultation on the LDP (October 2016), Gladman disagrees with the Council's assessment of delivery rates and lead in times for the Strategic Sites identified within the Plan (as identified within the Five Year Housing Land Supply Statement 2015/16 dated August 2016). Gladman consider that there is a lack of clear, empirical evidence to justify the Council's supply position on these sites.

1.3.2 There is currently a lack of transparency in how the Council have arrived at their assumptions which lead to the predicted delivery figures for the Strategic Sites (for example the number of sales outlets assumed to achieve annual yields and the time taken to complete key stages of the planning process, for which further consideration is given below). Whilst the Council draws support from Statements of Common Ground with developers on the garden suburb urban extensions, these provide no commitment to achieving the claimed delivery rates or provide an explanation as to how the claimed quantities of development have been calculated. Following the High Court Judgment on Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government, the burden of proof lies firmly with the Council to demonstrate, with reference to clear and compelling evidence, that there is a good prospect of these sites being delivered within the claimed timescales. Given the planning status of the majority of the Strategic Sites there has to be considerable uncertainty over whether housing will be delivered in accordance with the Council's trajectory.

1.3.3 It is noted in Table 1 below (which is informed by MDC's Five Year Housing Land Supply Statement 2015/16) that 58.6% (36.5% + 22.1%) of the Council's claimed supply does not benefit from a formal grant of planning permission. Furthermore, a considerable amount of time has lapsed since these resolutions were made in many cases on the Strategic Sites (as is set out in further detail below), which points to particular problems in converting resolutions to deliverable permissions within MDC.

[1] APP/X1545/W/15/3032632 (Decision date: 25/01/2016)

Table 1 – Proportion of MDC Sites with Planning Permission

Components of Supply	No. of Dwellings	Dwellings with planning permission	Dwellings with resolution to grant subj. to s106	Dwellings with no planning status
Sites with Extant Planning Permission	1,929	1,025 (53.1%)	904 (46.9%)	0
Other Strategic Allocations	448	0	0	448 (100%)
Windfall Allowance	100	0	0	100 (100%)
Total Supply	2,477	1,025	904	548
Proportion of Total Supply	-	41.4%	36.5%	22.1%

1.3.4 The following paragraphs set out Gladman's concerns with the Council's anticipated delivery rates and lead in times, before assessing each of the Strategic Sites in turn.

Delivery Rates

1.3.5 The Council's position on the deliverability of the Strategic Sites draws support from the Homes & Communities Agency 'Notes on Build Out Rates from Strategic Sites' document dated July 2013 (which is contained at appendix 29 to the Five Year Housing Land Supply Advisory Note August 2016), in which it is stated that forecast trajectories for 'smaller strategic sites' (i.e. less than 4,000 units) could deliver 150-300 dwellings per annum. The Advisory Note states that the rates of delivery proposed by the Council do not exceed 88 dwellings per annum on any strategic or large scale site and are therefore considered to be highly conservative by MDC (§4.76).

1.3.6 Gladman considers this assertion to be disingenuous, particularly in respect of the North Heybridge and South Maldon Garden Suburbs. Whilst these Garden Suburbs are split into three separate sites within the trajectory, they essentially represent single urban extensions, subject to the same masterplans and infrastructure requirements.

1.3.7 As demonstrated within Table 2 overleaf, the trajectory shows that the individual sites for the South of Maldon Garden Suburb urban extension are forecast to deliver up to 174 dwellings per annum and the North of Heybridge Garden Suburb sites are to deliver up to 166 dwellings per annum, which substantially exceeds 88 dwellings per annum as referred to within the Advisory Note. Gladman consider these delivery rates to be highly ambitious.

Table 2 – Delivery of South of Maldon and North of Heybridge Garden Suburbs

Site	2016/17	2017/18	2018/19	2019/20	2020/21
S2(a) – South of Maldon (South of Limebrook Way)	0	25	40	85	85
S2(b) – South of Maldon (Wycke Hill North)	0	0	50	50	50
S2(c) – South of Maldon (Wycke Hill South)	0	0	39	39	39
South of Maldon Total	**0**	**25**	**129**	**174**	**174**
S2(d) – North of Heybridge	0	0	62	88	88
S2(e) – Land to the North of Holloway Road, Heybridge	0	0	34	33	33
S2(f) – West of Broad Street Green Road, Heybrdige	0	50	50	45	0
North of Heybridge Total	**0**	**50**	**146**	**166**	**121**

1.3.8 It is clear from the Homes & Communities Agency Notes on Build out rates from Strategic Sites that the delivery rates for greenfield urban extensions are dependent upon the number of sales outlets on each site, with 30 units per annum per sales outlet being the average based on recent activity. However, it is caveated within this note that doubling the number of sales outlets will not result in a direct multiplication to build out rates. The note also comments that the build out rate may have been higher when the market was stronger. However, Gladman do not consider that this is the case at present with current market uncertainty.

1.3.9 In order to meet the 174 dpa delivery rates on the South of Maldon Garden Suburb, or 166 dpa delivery rates on the North of Heybridge Garden Suburb, 6 developers would have to be working at full capacity, all in direct competition with each other to meet these build out rates (based on the 30dpa assumption set out in the HCA note). There has been no explanation from the Council as to how this is likely to happen or empirical evidence provided to demonstrate that the market has been able to support this level of growth from a single site in the past (or that it is likely to happen in the near future).

1.3.10 In light of the above, Gladman consider that it is extremely plausible that the delivery rates of these sites will be significantly lower than that assumed by the Council.

Lead-in Times

1.3.11 Gladman consider that the lead-in times assumed by MDC under estimate the inherent delays in the planning process (e.g. the approval of reserved matters, discharge of planning conditions and

the time taken to complete legal agreements) as well as the time taken to implement development (e.g. marketing land and completing land purchase, preparing detailed design for infrastructure, mobilising statutory utilities and commencing development).

1.3.12 Strategic Allocation S2(g) has been used as an example by the Council within the 5 Year Housing Land Supply Advisory Note (August 2016) in an attempt to demonstrate that large scale strategic sites could see a turnaround from the submission of a reserved matters or full planning application to the delivery of dwellings on site of approximately 15 months. Gladman do not consider this to be the appropriate position to take for all sites as site S2(g) is not typical of all allocated sites in terms of scale and infrastructure requirements. It is also noted that this timescale does not take the preparation of an application into consideration.

1.3.13 Site S2(g) has delivered at such a rate due to the lack of any infrastructure constraints and that fact that it is substantially smaller in scale than other allocations such as S2(a) (1,000 units), S2(b) (350 units) and S2(d) (1,035 units) for which more conservative lead in times would be appropriate. It must also be considered that site S2(g) is the only major site with full planning permission and a signed legal agreement around Maldon or Heybridge, therefore dwellings will have delivered rapidly on this scheme due to an increased market demand for housing around central Maldon. It is also unclear within the Advisory Note if this 15 month figure is to development starting on site rather than the actual first completions of dwellings. If this does refer to development starting on site (as noted in the bullet points under paragraph 4.77 of the Advisory Note) then this again underestimates the full timescales required as the important benchmark to measure is when homes are actually delivered and are available for occupation.

1.3.14 As noted within the representations made by Gladman to the Main Modifications consultation on the LDP (October 2016), Gladman considers that the minimum timescale assumption to be used as an average standard from the preparation of an outline planning application to the completion of first dwellings to be approximately 28 months and the delivery of dwellings from a full application being approximately 25 months from its submission. Gladman's lead-in time assumptions are considered to be highly conservative and represent a 'very best case' scenario. Gladman's assumptions involve a number of key stages which need to be met within the appropriate timescales as set out below.

1.3.15 It must be noted that the lead in time assumptions that Gladman consider to be more appropriate do not take account of any issues associated with the marketing of the site when an application is made by a landowner. If marketing and formal transfer of a site from a landowner to a housebuilder (or housebuilders) is taken into account, these lead in times could be extended by a further 6 to 12 months, depending on the circumstances.

1.3.16 For larger sites where infrastructure development is more extensive and the delivery of dwellings are much more likely to have to deal with greater complexities, the site preparation periods could also be significantly longer than set out below. Gladman's lead in times are considered to be the

minimum *potentially* achievable, without any delays arising during the planning process. Based on recent experiences in Maldon, this is a highly optimistic position.

1.3.17 The following paragraphs consider each key stage of the lead in times identified above, and provides justification as to why Gladman consider that these timescales are more appropriate, yet still highly optimistic in the context of Maldon District Council. Given the clear potential for delays in the planning process, even these lead in times should be used with caution.

Consideration of Application

1.3.18 Gladman considers that 4 months for the consideration of an outline or full application is an appropriate, yet highly conservative timescale for this stage as there are very few previous examples of sites within MDC which have achieved this. Strategic Allocation S2(a) took 7.5 months from validation to receiving a resolution to grant planning permission and Strategic Allocation S2(b) was validated on 14th January 2016 and has still not been considered by the planning committee and there is no indication of when this application may be considered.

Section 106 Agreements

1.3.19 Gladman considers that 3 months to resolve s106 agreements from the point of receiving a resolution to grant planning permission is highly conservative. Particular problems have been experienced in Maldon with completing s106 agreements and converting resolutions to grant permission to planning permissions. Some examples (for a range of site sizes) are:

1. A resolution to grant planning permission, subject to a s106 agreement, was made on strategic allocation site S2(a) South of Limebrook Way in June 2015. The s106 agreement was signed in December 2017, 18 months on from the resolution, which has caused a substantial delay to the delivery of dwellings on this site.

2. Strategic Allocation site S2(e) North of Holloway Road received a resolution to grant planning permission subject to s106 in March 2016 and no further information is publically available to demonstrate significant progress with this 9 months on from the resolution.

3. Application reference 14/01016/OUT for 75 residential units was considered by Committee on 1st March 2014 and received a resolution to grant planning permission subject to s106 obligations. The legal agreement was signed on 18th March 2016, 24 months after a resolution was granted on this scheme.

4. An application for 30 dwellings (under reference 14/01018/OUT) received a resolution to grant subject to s106 on 1st December 2014. The s106 agreement was signed on 11th January 2016, indicating a period of over 12 months for the legal agreement to be completed.

5. Application reference 13/01151/FUL for 27 dwellings received a resolution to grant planning permission subject to a signed s106 agreement on 5th August 2014. The legal agreement was signed on 26th March 2015 over 6 months on from the resolution.

1.3.20 Therefore, Gladman's assumption that s106 agreements would be resolved within 3 months from receiving a resolution to grant is to be considered a highly conservative approach when considered against previous examples within Maldon.

Discharge of pre-commencement Conditions and Consideration of Reserved Matters

1.3.21 Gladman consider that 7 months is a suitable timescale for the preparation and determination of Reserved Matters applications and the discharge of all pre-commencement conditions. Although, once again, this is considered to be a highly conservative timescale when compared against previous examples within MDC. Gladman are unable to source any examples within Maldon District where this process has taken less than 7 months.

1.3.22 It is stated at §4.68 - 4.69 of the Five Year Housing Land Supply Advisory Note (August 2016) that Strategic Masterplan Frameworks and Statements of Common Ground in relation to the South of Maldon and North of Heybridge Garden Suburbs help speed up the production and determination of planning applications within the Garden Suburbs. However, these documents do not provide any evidence that these sites will deliver quickly. On the contrary, the applicant for Strategic Allocation site S2(c) (part of the South of Maldon Garden Suburb) has been attempting to gain Reserved Matters approval since the end of 2014, with 2 applications refused by MDC and 1 dismissed at appeal, clearly pointing towards issues with achieving planning permission on this site.

Preparation of Site and First Completions

1.3.23 Gladman consider that 11 months is a reasonable assumption for the preparation of a site and first completions. It is noted that at §4.77 of the Five Year Housing Land Supply Advisory Note that site S2(g) took 11 months between the completion of the s106 agreement and development starting on site. However, this does not provide any details on timescales for the actual first completions of dwellings.

1.3.24 It is accepted that there may potentially be some cases where the timescales set out in Gladman's lead-in time assumptions could be marginally reduced. However, when assessing the deliverability of strategic sites it is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community's need for housing. If those needs are to be met a cautious approach must be taken.

1.3.25 Gladman draws support on its lead-in time assumptions from a report produced by Savills[2] into the assessment of delivery rates from urban extensions, which found on average that delivery took over four years from submission of an initial application, with signing of s106 agreements taking anywhere between 6 to 15 months. The experience in Maldon is that agreements are taking longer than this to complete, as highlighted above.

Assessment of LDP Strategic Sites

1.3.26 The following paragraphs reviews each of the Strategic Sites and provides Gladman's view on the expected lead in times for each Strategic Site.

S2(a) South of Maldon – South of Limebrook Way

1.3.27 An outline planning application for a mixed use development, including up to 1,000 dwellings was taken to Committee in June 2015 and a resolution to grant planning permission made, subject to signing a s106 agreement. This application forms part of the South Maldon Garden Suburb (SMGS). The legal agreement requires contributions towards the South Maldon Relief Road and education provision. The s106 agreement was signed in December 2017, 18 months on from when the resolution was made.

1.3.28 The developer (CEG) will need to discharge conditions which will require the preparation, submission and approval of further information. There are 85 conditions attached to the outline approval. Following this, a reserved matters application for phase 1 of the development will need to be prepared, submitted and approved by the Council. Once the reserved matters application has been determined and the conditions have been discharged initial works will be able to commence on site. The delivery of initial on-site infrastructure including potential gas and electricity reinforcements along with access will further delay the delivery of the units on site.

1.3.29 It is noted within the Planning Statement submitted alongside the application that the submitted Viability Assessment concludes that with the levels of infrastructure costs outlined in the Infrastructure Delivery Plan (IDP) the proposed development would only be viable with a reduced commitment to affordable housing.

1.3.30 The applicant in this case is a land promoter and therefore the marketing and disposal of the site will have an effect on the timescales for the delivery of the first completions.

1.3.31 Based on the foregoing, and when taking into account Gladman's views on lead-in times and delivery rates, it is considered that the Council's forecast delivery of 235 dwellings coming forward within the first five years, with first completions within 2017/18 to be overly ambitious. There are still several key stages which must be completed prior to the delivery of first dwellings on this site including the submission of Reserved Matters application(s), the discharge of all pre-

[2] Urban Extensions – Assessment of Delivery Rates (31st October 2014)

commencement conditions, the disposal of the site, site preparation and commencement of development.

S2(b) Wycke Hill North

1.3.32 An outline planning application has been validated in January 2016 on this site for a mixed use development including up to 370 new homes. Since the application was validated, it has been amended to provide up to 320 dwellings following the realignment of the South Maldon Relief Road which has reduced the developable area of the site. The determination deadline for this application has passed and there is no indication of when this application will go to committee.

1.3.33 Following receipt of a resolution to grant planning permission, the Council will need to negotiate the s106 agreement, which has held up other approved schemes forming park of the SMGS (i.e. S2(a) discussed above).

1.3.34 Similar to S2(a) referred to above, the Planning Statement submitted alongside this application confirms that the IDP derived s106 package could only be achieved if the scheme delivers less than 30% affordable housing. This again, causes further uncertainty with regard to the speed at which the s106 agreement will progress.

1.3.35 The applicant in this case is a land promoter (Dartmouth Park Estates Ltd) and therefore the marketing and disposal of the site will have to be taken into consideration when assessing the timescales for when dwellings will be delivered.

1.3.36 Gladman note that the applicant (Dartmouth Park Estates Ltd) submitted a letter to the Council, dated 14th September 2016 (found at Appendix 1 to this Hearing Statement), which highlights the applicant's dismay with how the application has been handled by MDC and Essex County Council. This correspondence shows how the applicant has had to re-draft the scheme on numerous occasions due to uncertainty revolving around the layout and standards to be used within the South Maldon Relief Road. This clearly suggests that not everything is running smoothly 'behind the scenes' and that there is a lack of urgency from MDC and the County Council with regard to dealing with this application.

1.3.37 Gladman consider that the Council's forecast delivery of 150 dwellings within the five year period, with first completions within 2018/19 to be overly ambitious. Following on from receiving a resolution to grant planning permission (for which there is no indication of when this may occur) the finalisation of the s106 agreement (for which there is no evidence of when this may occur), the submission of Reserved Matters application(s), the discharge of all pre-commencement conditions, the disposal of the site, site preparation and commencement of development all must take place before the first completion of dwellings on this site.

S2(c) Wycke Hill South

1.3.38 Outline planning permission for up to 120 residential dwellings with associated vehicular access was approved at appeal (ref: APP/X1545/A/14/2213988) in December 2014. A subsequent reserved matters application was refused by the Council in September 2015 on design grounds and an appeal following this refusal was dismissed in May 2016. The applicant also twin-tracked the appeal with a new reserved matters application (15/01055/RES) for up to 108 dwellings, which was refused by the Council in February 2016.

1.3.39 The latest reserved matters application for up to 108 dwellings has now been appealed and is to be dealt with by written representations. There are clear issues with the delivery of this site and it is presently unclear when units could be delivered from this site. This support Gladman's view that delays in the planning process are not unusual within Maldon.

S2(d) North of Heybridge

1.3.40 A hybrid planning application was submitted on the above site in May 2015 for a mixed use development including 1,000 new dwellings. The proposals give rise to significant infrastructure requirements and costs, which could give rise to viability issues and protracted negotiations on the s106 obligations. Obligations sought by the Council include strategic flood alleviation works (totalling around £8m), off site highway works, financial contributions towards primary and secondary education, provision of allotments and a financial contribution towards GP capacity.

1.3.41 Due to the abnormal development costs (including the flood alleviation scheme) the applicant has submitted viability evidence which has concluded that the development cannot deliver a policy compliant level of affordable housing. It has been agreed that the applicant will provide 15.5% affordable housing, with a mechanism to review this provision with a minimum of 15.5% and a maximum of 20% over the whole of the development subject to viability following the detailed design and costing of the flood alleviation scheme.

1.3.42 The application was considered by the Planning Committee on 7th December 2016 and received a resolution to grant planning permission subject to a signed s106 agreement. Lengthy negotiations on s106 contributions are now expected (as was the case for site S2(a) which shares similarities with this site). The developer will also need to discharge a number of conditions which will require the submission of additional information prior to development commencing.

1.3.43 Gladman consider that the Council's latest position with regard to the delivery of this site is ambitious. In order to achieve the lead in times suggested by MDC for this site, progress must be made in line with the conservative timescales identified above. This would require that there are no delays with the progression of the s106 agreement, discharging pre-commencement conditions, the consideration of the Reserved Matters application and the site preparation and commencement of development before the first completion of dwellings take place.

S2(e) Land North of Holloway Road

1.3.44 An outline planning application for a residential development of up to 100 dwellings was given a resolution to grant planning permission subject to s106 at planning committee in March 2016. Once the legal agreement has been signed and permission granted, the developer will need to discharge a number of conditions which will require the submission of further information and assessments. Following this, a reserved matters application will need to be prepared, submitted and approved by the Council. Once the reserved matters application has been determined and the conditions have been discharged initial works will be able to commence on site.

1.3.45 There has been no progression towards securing the legal agreement since the resolution was made in March 2016 and it is unknown when negotiations will be finalised. Gladman raise doubts that the full 100 dwellings as claimed by the Council could be delivered within the 5 year period.

S2(f) West of Broad Street

1.3.46 A resolution to grant full planning permission for 145 dwellings was made, subject to s106 agreement at planning committee in May 2016. However, the s106 agreement remains outstanding over 6 months later.

1.3.47 A significant level of infrastructure needs to be delivered in order for the site to come forward. The draft heads of terms prepared by the applicant suggests a s106 infrastructure contribution of around £1.6 million (including £900,000 towards the North Heybridge relief road) alongside a payment of up to £770,000 to Essex County Council (subject to agreement) and 40% affordable housing provision.

1.3.48 Following finalisation of the legal agreement (for which there is no evidence with regard to its progression), conditions will need to be discharged and initial site works will need to be completed for the delivery of first dwellings.

1.3.49 Gladman consider that the projected delivery of 145 dwellings on this site could potentially be delayed if the s106 negotiations become protracted (as is not uncommon within Maldon) and if the highly conservative lead in time assumptions as set out above are not met.

S2(g) Park Drive

1.3.50 Construction works at this site are underway and construction should be completed in 2018/19. Gladman take no issue with MDC's projected delivery from this site.

S2(h) Heybirdge Swifts

1.3.51 An application was validated on this site in March 2016 for development of the existing Heybridge Swifts Football ground for 104 dwellings and ancillary works. The site is currently used by Heybridge Swifts FC and an alternative location has yet to be secured.

1.3.52 In accordance with footnote 11 of the Framework the site cannot be considered available or achievable until the football club have relocated to a new stadium and therefore the site should not contribute towards the five year housing land supply. This position is agreed by MDC.

S2(i) West of Burnham on Crouch

1.3.53 A full application for 180 homes was minded to be approved subject to a signed s106 agreement in August 2016. Following finalisation of the legal agreement (for which there is no evidence with regard to its progression), conditions will need to be discharged and initial site works will need to be completed for the delivery of first dwellings.

1.3.54 Gladman consider that it is optimistic of the Council to forecast the delivery of 150 dwellings from this site within the 5 year period. This is dependent upon the s106 agreement being signed within 3 months of the resolution (for which there is no evidence to suggest this is the case), and the conservative timescales identified above being adhered to.

S2(j) North of Burnham on Crouch (West)

1.3.55 A full planning application for 173 dwellings and associated infrastructure was refused by MDC on design grounds in July 2015. A subsequent appeal was lodged alongside a 'second go' full planning application for 180 dwellings (ref 16/00093/FUL). The second go application was approved at planning committee subject to s106 agreement in May 2016.

1.3.56 Following on from this resolution to grant permission, there are a number of conditions which require discharge. Furthermore, the s106 agreement will need to be agreed and signed.

1.3.57 Again, it is Gladman's view that the Council's projected delivery rates for this site are somewhat optimistic and are dependent upon the expedient finalisation of the s106 agreement (for which there is no evidence to suggest that this will be completed imminently.) Following on from this, conditions will need to be discharged and initial site works will need to be completed for the delivery of the first dwellings.

1.3.58 Gladman consider that it is optimistic of the Council to forecast the delivery of 180 dwellings from this site within the 5 year period.

S2(k) North of Burnham on Crouch (East)

1.3.59 To date there has been no planning application submitted on this strategic allocation site and Gladman is unaware if there is any immediate intention for the landowner to do so. The Council consider that housing could be delivered on this site in the year 2019/20. However, it must be noted that an outline planning application will need to be prepared, submitted and approved; a s106 agreement signed; reserved matters prepared and approved and conditions discharged within this time before the first dwellings would be delivered on site.

1.3.60 It is Gladman's view that 60 dwellings from this site could potentially be achieved within the 5 year period, aligning with the Council's projections, subject to the various steps that must be taken in order to achieve permission on this site as identified above.

Summary

1.3.61 Gladman disagree with the Council's assessment of delivery rates and lead-in times for the Strategic Sites contained within the LDP and consider that there is a clear lack of empirical evidence to justify MDC's position on the supply of these sites. Gladman would expect some further detail on the following matters in order to substantiate these figures:

a. Further justification regarding the delivery rates of the Strategic Sites;

b. Evidence of the number of sales outlets assumed on Strategic Sites to provide further justification to the delivery rates;

c. A clear update on the progression of s106 agreements for the Strategic Sites; and,

d. Reassurance from the developers or land promoters involved with each Strategic Site that the trajectories are on track.

1.3.62 Gladman submits that the burden of proof lies firmly with the Council with regard to providing further detail or evidence to support the Council's anticipated delivery rates from these Strategic Sites.

1.3.63 Based on the experiences of Strategic Sites within Maldon, there have been substantial delays to the progression of applications, especially with regard to their consideration by the Council and in the finalisation of s106 agreements.

1.3.64 Based on the foregoing, Gladman dispute the contribution of the Strategic Sites to the five year land supply claimed by the Council as there is a clear lack of empirical evidence to suggest that sites will deliver at the identified rates. It is therefore considered that based on the information and evidence supplied by the Council, upon adoption, the Council will not be able to demonstrate the presence of a 5 year housing land supply. The Maldon District Local Development Plan is therefore considered to be unsound on this basis.

Appendix 1

Letter relating to Strategic Site S2(d)

Dartmouth Park Estates Ltd

27, Chester Road, London N19 5DF
Tel: 07958-539078
Email: n.mann@dpemaldon.com

Mr N. Fenwick,
Director of Planning and Regulatory Services,
Maldon District Council,
Princes Road,
Maldon, Essex.
CM9 5DL

By email and Post

14th September 2016

Dear Mr Fenwick,

Re: Wycke Hill North - OUT/15/01327

We are in receipt of ECC Highways (EH) email to MDC of 6th September 2016. As with their previous agreement to the alignment within the Masterplan for SMGS, Highways have drafted this in such a way that it is, in effect, conditional. This does not constitute a formal acceptance of the alignment of this road.

At the outset we understood the Masterplan layout to be agreed, only to find EH subsequently demanding revision because their acceptance of the alignment was subject to "detailed design". Having been put to additional expense and significant delay as a result of a major re-drafting of the scheme, and despite having explained that we need the assurance that EH accept our current proposal before we amend the application, we still do not have this assurance from either EH or MDC that this alignment is fixed. DPE cannot progress the detailed design for the Southernmost roundabout until we have this assurance.

The SMRR is a key item of infrastructure for the expansion of Maldon and Heybridge, and it is simply unacceptable that we still have no firm commitment from MDC or EH on this matter.

To re-cap, DPE originally presented a road based on Garden Suburb (GS) principles, which EH repudiated, as they were not interested in Maldon's objectives in this respect. As a result of this, DPE reluctantly agreed with the LPA to compromise the alignment of the SMRR in an effort to reach agreement with EH, by relocating the road to EH's preferred alignment at the outer boundary of the site. Although this presented as a typical 1970's non GS solution we were able to fix an alignment that reflected the most appropriate road design standards (MfS2), and enabled a maximisation of development land that could be achieved whilst otherwise conforming to GS principles.

EH accepted this alignment in the SMF, with a similar "get out clause" to that of their 6th September 2016 email.

Accordingly, DPE progressed a scheme based on the agreed Masterplan alignment. EH, who had previously accepted this layout in principle, then rejected it as soon as the application was lodged. This was despite an acceptable safety audit and nearly 3 years prior engagement and discussions between MDC, DPE and EH on the matter. EH then claimed their policy was to use DMRB road design standards from the 1970's, (which they would have known all along, but did not inform MDC or DPE). It transpires that this is not even official EH policy in any event.

Despite this, and in the spirit of compromise, DPE re-modelled the road again to DMRB standards, albeit at four steps below, to conform to the agreed alignment and comply with EH position. Again EH rejected this design, and insisted upon a higher standard. As part of the exchange of communications EH have now confirmed that in their opinion, the SMRR is not part of the Garden suburb at all, and sits outside it. The road has therefore evolved into a by-pass, and not a relief road as originally envisaged and agreed. As a developer, I have little enthusiasm for this scheme.

DPE has once again had to re-model its scheme to adjust to EH's latest position, and is now about to submit plans for a scheme which causes further reductions to the housing numbers, to accommodate a road design at two steps below full DMRB standards which was never envisaged at the outset. We remain concerned that the EH email does not unequivocally accept this alignment and has left itself scope for further change, precisely as they did with the SMF layout. The safety audit on three steps below full DMRB has passed the safety audit, so there can be little doubt that two steps below will similarly be approved.

EH have never been open with DPE, and we are concerned that the real agenda behind this is to get a full 'trunk road by-pass' with further reductions to house numbers at the Reserved Matters stage in the planning process. To say there is an absence of trust on our part is an understatement. The LPA seems to have little appetite for our scheme and EH agenda seems to be contrary to the aspirations of the emerging Local Plan.

DPE is also dismayed that it has taken EH two weeks following our most recent S.106 meeting on 22nd August, to only come back with this hedged response addressing such a critical issue. Clearly there is no sense of urgency to move matters forward. We have been reluctant to progress the re-draft of the Parameter Plans without this assurance that the alignment is now agreed. Despite this, DPE has once again prepared revised Parameter Plans based on this new alignment, without any assurance from either the LPA or EH that the alignment is unequivocally agreed.

DPE's application requires only detailed designs of the junctions at either end of the SMRR at this outline stage, but at the LPA's insistence upon fixing the alignment, we have co-operated beyond what is required. For our part, we are confident that any of the alignments we have put forward can designed to a high standard as part of the scheme, and more detailed design is unnecessary for this outline application.

DPE had taken at face value the comments by MDC that it would act positively to progress this scheme, which is critically important for all other parties to the LP schemes (although not directly

for DPE's). We remind the Council that it has been granting planning approvals to other schemes in the district that rely upon this road, without the certainty that this road can be delivered. This is a dangerous situation which should make the approval of the DPE scheme including this road an absolute priority for your Council. Can you provide us with your Council's assurance that this alignment is now agreed?

I understand that as a result of this slow response from EH, and the continuing uncertainty, our scheme can no longer meet the October committee target date. This is extremely disappointing, as the scheme was originally targeted for June 2016. The date was then extended to July, then September, then October, and now it may struggle to meet November committee. DPE has been willing in the past to grant more time for this, but this cannot go on indefinitely.

As far as we are aware, we are substantively in agreement with MDC on the other matters associated with this application, and any differences are largely presentational. However, as matters currently stand I am at a loss how to progress this application. I would therefore ask that you make this scheme a priority, that you recognise that this is an outline application with an indicative layout and to leave detail applicable to the final design until reserved matters approval, and above all to progress the application as speedily as possible.

We need formal agreement from MDC that you accept the road alignment as now submitted. Any more changes could necessitate a withdrawal and major re-drafting of this scheme, which has the potential to create difficulties for the Local Plan which we have worked so hard with your officers to achieve.

Please call me if there is any part of this you wish to discuss.

Yours sincerely,

N.W.I. Mann

N. Mann (Director)