

**Maldon District Affordable Housing and Viability
Supplementary Planning Document
Amendment**

Statement of Consultation

December 2019



Introduction

Supplementary Planning Documents (SPD) elaborate on specific policies in statutory planning policy documents, in this case the Maldon District Local Development Plan (2014-2029) (LDP), and national planning policy documents. SPDs can provide further detail on a particular topic or theme, or for specific sites or areas. The National Planning Policy Framework, 2018 (NPPF) states that SPDs can be material considerations in planning decisions.

The Affordable Housing and Viability SPD provides additional detailed guidance to developers, providers and the community on the Council's approach to affordable housing provision, ensuring that approved LDP policies H1, H2 and H3 are as effective as possible. This includes:

- Providing greater clarity about what affordable housing mix and tenure the Council seeks as part of residential development;
- Providing more guidance about financial contributions;
- Explaining the approach to be taken to Exception Site applications;
- Providing more guidance about the supporting information that is likely to be sought for different affordable housing proposals.

The expectation is that all new housing development should comply with the level of affordable housing set out in LDP Policy H1. This is not always the case – negotiations to reduce affordable housing requirements and other obligations based on site-specific viability assessments are a common feature of the planning process. The SPD provides further guidance on:

- when a viability assessment may be required;
- how the Council will take viability into account when considering planning applications;
- what supporting information may be required
- the Council's approach to assessing financial viability through review mechanisms, if considered necessary by the Council and the applicant.

The Affordable Housing and Viability SPD was adopted by the Council on 8 November 2018.

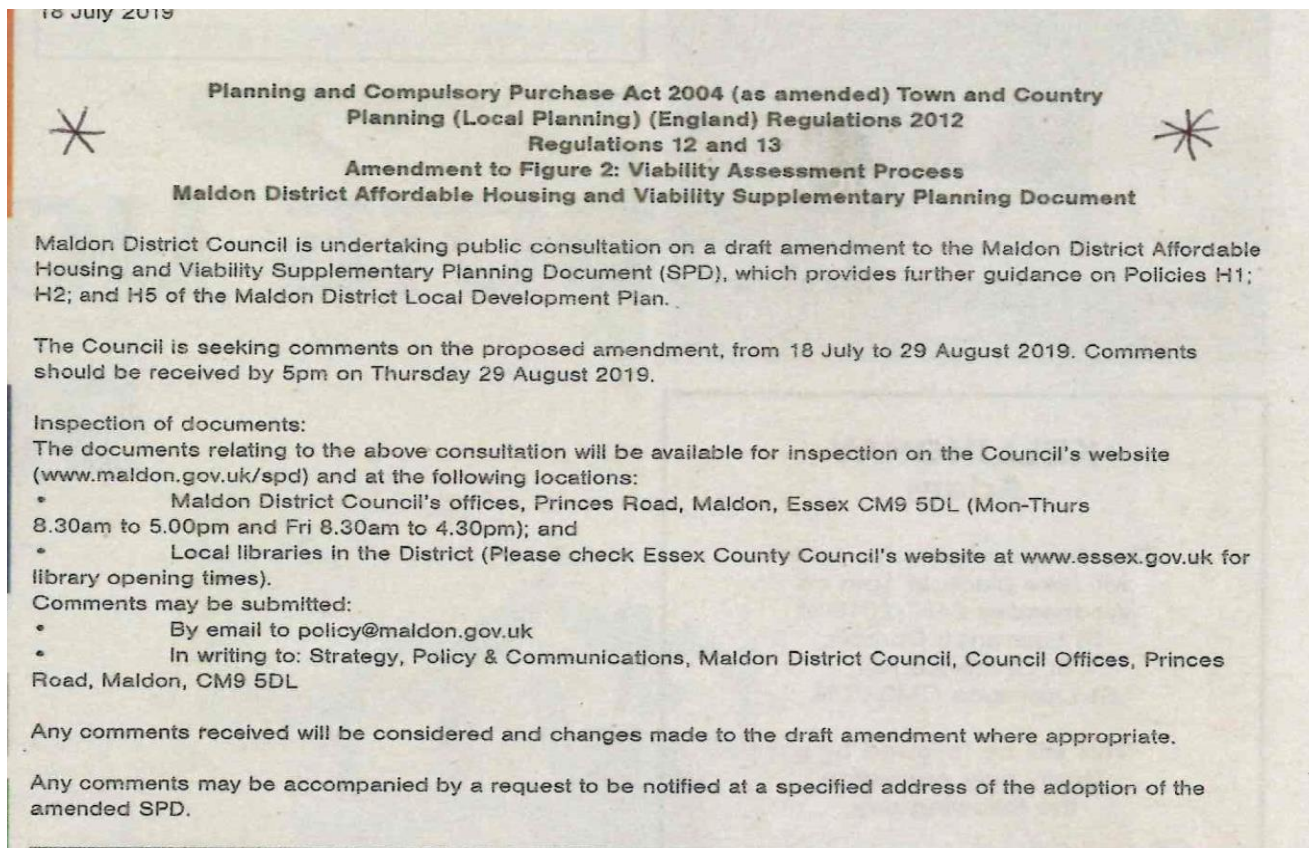
In applying the SPD, an issue has arisen about the interpretation of the 'additional evidence' step of the flow chart at Fig 2 on page 38 of the SPD. This step is not necessary for the operation of the process. To improve the SPD's clarity, it is proposed to delete this step from the flow chart, and to expand the 'Submit Accessible Viability' step in the flow chart. Furthermore, the 'independent assessment' stage is not considered necessary, bearing in mind that the Council will have had advice from an external consultant under the amended SPD process and the applicant will have had the benefit of their own consultant's advice. A third consultant to act as an independent assessor will only prolong and increase the expense to the applicant. The amendment to the SPD was consulted upon from 18 July to 29 August 2019 (in accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012).

This statement of consultation analyses the consultation that was undertaken by the Council, provides a summary of representations received and the Council's responses to these representations.

Consultation Exercise

The formal 6 week consultation for stakeholders and the community took place between 18 July to 29 August 2019. Letters/emails were sent to over 1100 consultees, including statutory consultees, Members and those with an interest in affordable housing, and provided further information about the draft amendment and how to make representations. Neighbouring authorities were also consulted as part of the Council's Duty to Cooperate requirements.

The draft SPD and supporting information were available to view and/or download on the Council's website www.maldon.gov.uk/SPD . A public notice was published in local newspapers inviting representations and where more information could be found (see below). Copies of key documents were made available at local deposit points. This information was included on the public notice which was sent to each consultee.



Summary of Responses

In total, 7 responses were received. A summary of the consultation responses for the SPD, with the Council's response, can be found on page 4.

Adoption of SPD

The comments received did not result in a change to the amendment. The amendment was approved by the Council on the 19 December 2019. This means that the SPD is a material consideration in the determination of planning applications.

Summary of comments received

Respondent Organisation	Summary of Comments	Officer Response
Port of London	No comments.	
Natural England	No comments.	
Historic England	No comments.	
Danbury Parish Council	Maldon District Council should facilitate via Section 106 funding, contributions to the Highway Authority for the construction of a by-pass from the Heybridge Approaches to a dedicated junction with the A12, from development companies,'	The Affordable Housing and Viability SPD provides guidance on the Council's approach to affordable housing provision and supplements the adopted policies H1, H2 and H5 in the Local Development Plan. The Council's wider approach to seeking developer contributions, including towards transport and other infrastructure provision, when considering planning applications is set out in the Policy II of the Local Development Plan.
Maldon District Council (internal)	Suggest the Independent Viability Assessment section be retained.	This section is not considered necessary, bearing in mind that the Council will have had advice from an external consultant under the amended SPD and the applicant will have had the benefit of their own consultant's advice. A third consultant to act as an independent assessor will prolong and increase the process and cost.
CPRE Essex	The proposed amendments are supported.	Noted.
Persimmon Homes	It would be useful if there was an explanation of the change proposed. We raise no objection to the requirement to provide a written undertaking in relation to meeting the costs for an external assessment. Amended text does not appear to provide an opportunity for the applicant to engage in the process once the Viability Assessment is submitted. It is often necessary and helpful for the Council's appointed viability consultant to issue an interim report outlining their	Viability assessments prepared by the Council's viability consultants are published on the Council's website alongside other material relevant to the planning application, as set out in paragraph 8.9 of the SPD. No further amendment to the SPD is considered necessary.

	<p>initial findings. We suggest the text is amended to include ‘developers will be provided with an interim report outlining the findings of the external consultant and afforded the opportunity to respond to any queries arising ahead of the publication of a final report by the external consultant.’</p>	
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