

1. Do you feel that the proposed rates are suitably informed by the viability evidence provided in the Local Plan and Community Infrastructure Levy Viability Study (August 2013) and Viability Study Post Consultation Update (November 2013) produced by HDH Planning & Development?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

This representation is made specifically on behalf of Mr P. Dalby in relation to Heybridge North growth area. The representation is made specifically in relation to Strategic site S2e (Land to the North of Holloway Road).

The provision for nil charge for CIL within Heybridge North growth area is supported; however the evidence within the Viability Study CIL and Viability Study Post Consultation Update is not supported and is not considered to be sound as required by the NPPF. The proposed Section 106 contributions, 40% affordable housing requirement and energy/code level requirements for land to the North of Holloway Road; Heybridge (site S2e) is not supported and has not been provided on a robust evidence base.

We will be commissioning an independent viability report to support this case to be submitted ahead of the examination in public. Further detail on our position is explained under our response to question 2 below.

2. Do you believe the evidence on viability is correct? If not, please set out alternative evidence to support your view.	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

[Click here to enter text.](#)

No, we do not support the evidence within the viability assessment.

The Viability Study and Viability Study Post Consultation Update is not considered to be sound and does not provide a sound basis for informing policies H1 and D2 of the Local Plan. Objection is raised to this on the grounds that the viability study is not justified, effective or consistent with national policy. We have instructed a Viability Appraisal for land to the North of Holloway Road, Heybridge, which will be submitted to the Council as evidence ahead of the Examination in Public.

Paragraph 173 of the NPPF relates to ensuring viability and deliverability. This sets out that Plans should be deliverable and therefore the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The proposed 40% affordable housing and infrastructure requirements for Policy S2(e) do not accord with paragraph 173 of the NPPF and for this reason the plan and the Viability Study is not sound. This is explained in further detail below.

The proposed 40% affordable housing for site S2 (e) has been informed by the evidence base documents of the Infrastructure Delivery Plan and the Local Plan, the Community Infrastructure Levy Viability Study and Local Plan, and the Community Infrastructure Levy Viability Study Post Consultation Update (November 2013).

For Heybridge North growth area, under Scenario 2 (which is 1,235 units as per the current growth area), the pooled Section 106 contributions on Dalby land work out as £2,576,438 based on 100 units. To also account for likely sewage connection charge the cost works out to be £26,556 per unit based on 100 units. £26,556 per dwelling represents a very high cost per dwelling Section 106 contribution, although it is recognised that this is required in order to deliver the important infrastructure requirements associated with Heybridge North (including the new link road, flood alleviation and primary school). No objection is raised with regard to the proposed Section 106 costs, provided that a proportionate approach is taken to affordable housing and sustainability matters.

The justification for the residual value of our site (site S2e) has been based on a number of assumptions, many of which are flawed and not justified in planning terms. Areas where the viability appraisal is flawed is set out below:

Site Area and Density

The Viability Appraisal references Dalby land covering an area of 3.8 hectares, with a likely density of 40 dwellings per hectare. This is not correct in that the site area is actually just over 3.5 hectares in size. The study does also not take into account that a small part of the site is within a flood zone 2 and 3. This includes an area to the south- east corner of the site and a 9 metre easement along the south site frontage with Holloway Road. The areas of the site within flood zones equate to an area of approximately 0.5 hectares and are not likely to be developable. As a result the developable area is just over 3 hectares in size.

The viability study makes reference to 40 dwellings per hectare. Based on the presumption that the proposals are going to be garden suburbs, it is considered unlikely that a density of 40 dwellings per hectare will be achieved or is realistic having regard to land to the north of Holloway Road. It is considered that there is a lack of conformity between the Local Plan and Viability Study on this approach to density.

We consider that, based on the garden suburbs principles, the site has a capacity of 95 dwellings and not 100 as set out within Maldon's report. This has an impact in terms of viability and the Viability Study needs to be re- calculated to account for this.

The viability study has also not taken into account the abnormal costs associated with the delivery of development on land to the north of Holloway Road, Heybridge (S2e) or any of the other development sites. For example the viability report does not account for site specific ground conditions or level changes. There is a level change within the site north to south, which is likely to add some additional costs in terms of building out the development.

In addition Policy D2 of the Local Plan sets out that

'subject to viability, all residential development should achieve a minimum Code for Sustainable Homes Level 4.'

This is at odds with the viability study update, which states that costing has been worked out on the basis of residential development achieving code level 3. This clear discrepancy between the viability report and the Local Plan needs to be addressed prior to the Examination in Public. The conflict between the two documents demonstrates a lack of consistency in the approach taken. As a result the document is not considered to be justified or effective and it is clearly not based on a credible evidence base. As a result the Viability Study as an evidence based document is not sound.

The above matters need to be addressed prior to the Examination in Public. Further detail regarding viability and the approach to affordable housing is set out in our response to the Local Plan Policy H1.

3. Do you think the rates proposed strike an appropriate balance between helping to fund infrastructure through CIL and the potential effects of imposing CIL on the viability of development needed to deliver the aspirations of the Local Development Plan?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

Click here to enter text.

The proposed CIL charging of nil for Heybridge North is supported. It is also helpful that the costs related to Section106 contributions have been clearly outlined by the Council. The proposed level of affordable housing and Code Level/Sustainability Requirements is not supported for reasons set out in answer to question 2 of this consultation and within our response to policy H1 and D2 of the Local Plan Consultation.

4. Do you think the Council should introduce an instalments policy?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

Click here to enter text.

5. Do you think the Council should include discretionary relief from CIL for charitable investment or ‘exceptional circumstances’ as outlined in section 2.5 of the CIL Preliminary Draft Charging Schedule consultation document?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

Click here to enter text.

6. Do you have any other comments on the Preliminary Draft Charging Schedule or supporting evidence?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

Click here to enter text.

Further comments on the Viability Study and Viability Study Update will be provided in our response to policies H1 and D2 of the Local Plan consultation, which should be crossed referenced with this document.

The Viability Assessment that we have commissioned will be shared with the Council ahead of the Examination in Public.