LDP Evidence
Maldon District Council
Final Advice Note
## Contents

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Summary</td>
<td>3</td>
</tr>
<tr>
<td>1.0 Introduction</td>
<td>12</td>
</tr>
<tr>
<td>2.0 The Strategic Housing Land Availability Assessment</td>
<td>13</td>
</tr>
<tr>
<td>5.0 Gypsy and Travellers Evidence Base</td>
<td>16</td>
</tr>
<tr>
<td>10.0 Housing Needs Survey</td>
<td>20</td>
</tr>
<tr>
<td>13.0 Developing Local Housing Targets</td>
<td>21</td>
</tr>
<tr>
<td>16.0 The Use of Reserve Sites in the Plan</td>
<td>25</td>
</tr>
<tr>
<td>19.0 Strategic Flood Risk Assessment</td>
<td>26</td>
</tr>
<tr>
<td>22.0 The Settlement Hierarchy</td>
<td>26</td>
</tr>
<tr>
<td>25.0 Employment Targets</td>
<td>28</td>
</tr>
<tr>
<td>28.0 Evidence to Support an Energy Policy</td>
<td>29</td>
</tr>
<tr>
<td>31.0 Retail Evidence</td>
<td>31</td>
</tr>
<tr>
<td>34.0 Landscape Character Assessment</td>
<td>33</td>
</tr>
<tr>
<td>37.0 Green Infrastructure Study</td>
<td>33</td>
</tr>
<tr>
<td>40.0 Further Observations</td>
<td>35</td>
</tr>
<tr>
<td>Appendix 1: Options for Core Strategy Energy Policy</td>
<td>37</td>
</tr>
<tr>
<td>Appendix 2: References</td>
<td>39</td>
</tr>
</tbody>
</table>
Executive Summary and Recommendations

This note forms the final advice requested by officers at Maldon District Council following meetings between the team, Karen Moore and Alison Blom-Cooper of Addison & Associates (now Fortismere Associates) on behalf of the Planning Advisory Service. Initial and further advice was given in June and July 2011 in the form of two notes. Since the provision of these notes additional advice has been sought and this note updates and brings together the advice in its totality with respect to the evidence base. It also reflects the changing context since the outset of the support work most notably with the publication of the Draft National Planning Policy Framework in July 2011.

The advice is given in the context of the Council wishing to take forward the plan making process as expeditiously as possible and is based upon the material provided by the Council. Ultimately the Council will be in possession of a wider picture with regard to the local context than can be achieved in a short commission such as this. Whilst advice can be proffered the Council is responsible for ensuring that the manner in which the plan has been developed is fit for purpose and the Council should take any legal advice considered necessary. This particularly applies to the current situation where the planning system is changing.

As a general principle the length of time it takes to bring a development plan to publication naturally means that some aspects of the evidence is more out of date than others. It is the relevance of the date of a particular piece of evidence to the local circumstances that is of primary importance. The evidence collected for the plan should also be proportionate to the job in hand. Hence authorities should not expect to have to very frequently update expensive technical evidence studies, nor spend a great deal of money on initial evidence beyond the basic requirements, particularly if the level of development being proposed is modest and the restraint to development relatively easily justified.

In this context authorities need to undertake a risk assessment of the evidence base with respect to the date of evidence against both the continued relevance of the piece of evidence and the likelihood of the matters to which it relates being seriously challenged at examination.

The note works through each of the issues raised. The objective of the particular exploration is noted, followed by observations and recommendations. Set out below are the recommendations in list form for ease of reference.

The Strategic Housing Land Availability Assessment

1.0 Address the observations set out in the note

2.0 The important matters for consideration of any future changes to the existing SHLAA, in addition to those set out in 3.4 and 3.5, appear to be:

2.1 First, given the impact of the recession, the timescales for delivery and build rates are likely to need to be reviewed for all of the sites that are considered
appropriate to take forward. It is likely that lead times may be longer due to
the changes in the borrowing market. Sites requiring significant
infrastructure may be delayed further into the future given the current
difficulty in raising finance for infrastructure. Build rates on large sites need
to be carefully applied. It is not clear what assumptions have been made in
this respect. The lead times, (and in some cases build rates) are likely to
impact on the overall picture of availability and place many sites currently in
the 6–10 year slot later. It may also place sites in the 0-5 year period into
the 6-10 year period etc.

2.1.1 Second, the need to include the sites with planning permission in
the study which does not appear to have been done (refer
Practice Guidance CLG July 2007 Figure 4). This clearly impacts
upon the yield from the first five years of the SHLAA and this will
be important when the work is published. It can be overcome by
adding a line onto the tables in paragraph 2.35 of the main report
showing land with planning permission.

2.1.2 Third, and raised as a query by officers, the value of including the
sites that are beyond and not adjacent to the current settlement
boundaries in years 10 -15. In a sense this turns on whether the
sites are suitable to be included in the assessment or should be
removed – whether there is a reasonable prospect that they would
be developed if planning permission was forthcoming. It is not
readily clear which sites fall into this category and how many of
them remain as available. In considering these sites there is likely
to be a balance of judgement as to whether they are deliverable
within the 15 years or the timescale would be more unclear.
Officers should satisfy themselves that these sites have been
appropriately categorised and refer to the next point. The NPPF
when adopted may assist in this matter given its advice on the
location of housing in relation to services in rural areas (paragraph
112).

2.1.3 Fourth, the value of including sites that have an ‘unclear’
timescale for delivery. It may be more useful to factor these out of
the equation until or unless the delivery timescale becomes clear.
The guidance notes that ‘where it is unknown when a site could
be developed, then it should be regarded as not currently
developable’ (Para 33 p15). As such it does not contribute to the
available stock of land at this point in time.

2.1.4 Fifth, the drawing of boundaries on some sites appears to give a
false impression of the actual developability of the site e.g. site
4479b which shows an area of 1.12 ha of which only the south
western corner can be used. Some additional notation on the
map in these circumstances may assist an understanding of the
circumstances pertaining to the site.
2.1.5 Sixth, it is trusted that sites in multiple ownership coming forward and sites that are partly in flood zone 1 have been critically appraised for their genuine suitability, and likelihood of delivery.

2.1.6 Seventh, it is advisable, as has been suggested by members, to present the sites that are to be taken forward in separate sections from those that have been discarded from the study in the interests of clarity.

2.1.7 Finally, a housing trajectory produced from the SHLAA is a valuable tool to express and assess the supply and should be provided for at least the first five years accompanying the Councils five year supply figures.

3.0 Officers may find valuable sections 30–34 in the advice published by PAS “Strategic housing land availability assessment and development plan document preparation” July 2008 for discussion with elected members. In any case if this advice has not been used it is worth reading.

Gypsy and Travellers Evidence Base

Recommendations on the Local Gypsy and Traveller Accommodation Needs Survey (April 2011)

1.0 Address the observations set out in the note

2.0 Return to the primary data, (adding material to the key findings) and quantify as much of the data as possible to support the findings e.g. older people ‘do seem content to’ is this 8 out of the 10 that were interviewed or perhaps 3 out of the 4? If it is preferred not to state this in the text it would be helpful to have the raw data tabulated as an annex that shows how many people were interviewed and what preferences were expressed.

3.0 Explain the reason for using the assumption of four persons on pitch ratios. If a view is being taken that the current sites are overcrowded and need different pitch ratios that should be stated (as it is implied in the conclusions).

3.0 Explain how the need is identified beyond 2021, or what approach will be taken to this e.g. review after year x.

Recommendations on the Maldon District Gypsy and Traveller Site Assessment (April 2011)

1.0 Address the observations set out in the note

2.0 For the evidence to be more robust it would need an assessment of the deliverability of the five year supply and developability of the supply for years 6 -15. These sites should meet the tests in line with the Draft NPPF (assuming this goes forward) and the Draft Travellers PPS paragraph 8.
TheDraftNPPFnotes:

“To be considered deliverable, sites should at the point of adoption of the Local Plan be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable i.e. that it would provide acceptable returns to a willing landowner and a willing developer based on current values and taking account of all likely infrastructure, standards and other costs” footnote 5 p 30.

3.0 In addition the matter of viability would apply. The Draft NPPF notes: “to be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged. Footnote 6 p 30

4.0 The Council will have already assessed the suitability of sites but must ensure they meet with the latest national advice prior to submission. The crux with the gypsy and traveller sites would be whether they are ‘available’ and ‘achievable’. With respect to the tests of availability and achievability of sites it is difficult to see how these can be proven without an indication by a land owner that the site:

- would be used as a new site for Gypsy and Travellers, or
- extended to accommodate further families, or
- reconfigured to do so, or
- sold for these purposes.

5.0 Should the consultation Planning for Travellers PPS be taken forward into national policy this will mean the identification of sites for a supply for 15 years. This is clearly very sensitive work that will need to be done at some point. Should the Council leave this to the examination stage of the plan it is highly likely that the Inspector would require further work to be undertaken on deliverability at that stage which itself would delay the examination of the plan.

6.0 Demonstrate a five and fifteen year supply for Gypsy and Traveller site land.

7.0 Seek an opinion from PINS on the adequacy of the evidence in relation to the policy proposed when the future becomes clearer e.g. at present arguably the policy should contain a target in line with RSS. In future this may not be required and it may be more acceptable to take the kind of approach currently stated in the plan without targets but it may be necessary to commit to regular update of the needs assessment and supply.

9.0 Finally, turning to the question of following the approach in Maldons’ studies to that contained in the PPS consultation (see 5.3.1 above). The government intends to incorporate the final advice on this PPS within the
National Planning Policy Framework. The current PPS consultation in the section ‘Using Evidence’ page 34 sets out an approach that Maldon officers are, in broad terms, seeking to achieve in any case. Officers are advised to keep track of the final advice and then consider whether change is required. It is evidence that it is important to ensure that the policy approach applied, using the evidence available, is in line with national policy. Hence should this consultation PPS become national policy the plan would need to conform.

Housing Needs Survey

1.0 The SHMA update would best be undertaken with a view to the submission date of the Local Development Plan. When the submission date is clear it will be sensible to assess how close this is to a five year renewal date for the housing needs assessment and base the decision on that factor.

2.0 Post script
The Council has chosen to undertake an update of the SHMA in October/November 2011 without an update of the housing needs survey. The Council is advised to follow any current government guidance on the matter should it be in place.

Developing Local Housing Targets

1.0 The Council uses the results of the EPOA study scenario set against the known limitations in capacity of the area to come to a conclusion on a dwelling target. Since the study scenarios include migration led, zero net in migration, dwelling led and jobs led scenarios they should provide a sensible range to test against the environmental capacity of the district.

2.0 With regard to the known limitations in capacity of the area the Council has been advised that strategic allocations are a sensible tool to use to progress the plan. Against this backdrop the Council undertakes a more detailed planning exercise (bringing together existing information including consultation responses) to assess the available land in the areas already identified as most suitable for growth against the capacity of settlements and infrastructure to absorb levels of growth. In simple terms this identifies the sites that are not constrained by infrastructure or landscape characteristics, assessing their capacity and the quantum of development that can be delivered without expensive offsite infrastructure, together with their impact. When aggregated and assessed as a development strategy across the district the Council should be able to conclude on a suitable target for the area.

3.0 Should the Council consider it does not have the technical capacity to undertake this work then it is suggested that officers meet a number of suppliers to discuss what they can offer based on the outputs from the EPOA study before commissioning any further work.
4.0 The Council ensures it musters appropriate argument to support its strategic approach in response to the NPPF as adopted.

The Use of Reserve Sites in the Plan

1.0 Avoid the allocation of reserve sites in this plan.

Strategic Flood Risk Assessment

1.0 Seek advice from the Environment Agency with respect to the need to update the SFRA.

2.0 Ensure that in plan making the Council takes the sequential, risk based approach to locating development, and ensures that risks can be managed through suitable adaptation measures including the use of green infrastructure. This and other advice, in particular that relating to site specific flood risk assessments for development in Zones 2 and 3, is found in the Draft NPPF in particular pages 43 -45.

The Settlement Hierarchy

1.0 Write up an evidence paper that draws out the original arguments and criteria used to explain the relationships between the settlements and the three sub areas of the district. Add to this:
   - Any data provided through responses to the consultation on the Issues and Options part 2
   - An update of the Rural Facilities Study – this should be monitored annually or biennially along with the Retail Monitoring Survey to ensure that it remains up to date
   - Key existing data to reinforce the understanding of the functioning of the settlements e.g. Doctors and school catchments.

2.0 Integrate this information into the planned growth strategy and then reassess the hierarchy against the strategy to establish if there is any change needed.

Employment targets

1.0 Explore the implications of published up to date information on the conclusions reached in the Economic Futures Report and Employment Land Review.

2.0 Similar to the housing targets, undertake a local assessment of the impacts of the chosen growth scenario and land available to establish a future target for employment generation/ employment land supply. This can be undertaken set against the scenario in the EPOA Study and calibrated proportionately against any proportionate increase in housing as a simple solution.
3.0 Probably more importantly than any update of employment targets - ensure that the position with respect to the ELR is up to date so that suitable sites are made available for business. In addition, ensure that the issues surrounding employment in the district are being addressed by the policies drafted e.g. that policy across the district supports the multitude of small businesses, some reduction in out commuting and an improvement in the skills base.

4.0 Since the review was undertaken we understand that an update of the Economic Futures study is being commissioned with Heart of Essex partners, and this will be aligned with the housing growth scenarios project and the EPOA demographic projects to provide for up to date employment targets

Evidence to Support an Energy Policy

1.0 The Council clarifies further its policy objectives with respect to renewable energy e.g. in relation to energy security and local energy supply, fuel poverty, carbon reduction and other matters, in the context of current and emerging national planning policy

2.0 The Council then considers whether it should commission a piece of work to be undertaken that will support the policy approach. If the approach is aimed at restricting future wind farm development then in our opinion this is likely to be wasted and such an approach is not recommended. This would go against national policy and therefore funding of this aspect of the evidence base is unlikely to prove value for money.

3.0 However, if resources allow, a study could be a cost effective approach to dealing with other forms of renewable energy that may be viable in this rural setting, the environmental impact of these and targets for delivery. In particular to identify the most sensitive areas of landscape and environmental assets from which development should be diverted and suitable locations together with opportunities for multifunctional space within the green infrastructure network that may contribute to renewable energy generation. This may be a matter of drawing together existing information.

4.0 The Council should ensure that a contribution to renewable energy (and carbon reduction) of a suitable scale is sought via the development of strategic allocations and their associated green infrastructure.

Retail Evidence

1.0 Taking the North Essex Authorities Retail Study Update November 2010 the population projections and the growth rates applied to different types of goods can be measured against current published figures to establish whether there is really any need to update the material (paragraphs 1.5 and 1.9 of the study update).
2.0 Any differences between the projections in 2009 and the revised projections expected in October this year, or the growth rates used and current growth rates could be dealt with by applying assumptions with regard to their impact – assuming the differences are not great in magnitude. This would then inform the policy response. For example if the real current growth rates are lower than those assumed in the November 2009 study then the assumption can be made that the take up of new retail floorspace will be slower than that projected in the 2009 update. This is a straightforward approach that ought to be suitable if the policy response is, in any case, unlikely to change from that in the draft plan.

3.0 The Council may nonetheless wish to update the Retail Monitoring Report survey on vacancies and uses prior to plan publication to ensure that the degree of change in local centres has not been so acute as to require a different policy approach to that drafted. This should be undertaken simultaneously with the updates of the Rural Facilities Survey. It is noted that the Retail Monitoring Survey is updated annually and the 2011 update was recently published.

**Landscape Character Assessment**

1.0 If the current study is known to be lacking then undertake further work to bolster this aspect of the study.

**Green Infrastructure Study**

1.0 Update the study context when the NPPF has been approved (current references are found in both the 'Core planning principles', and the 'Natural Environment Sections of the Draft NPPF), and include other more recent advice such as the White Paper June 2011 “The Natural Choice :securing the value of nature”.

2.0 Edit the May 2011 study to ensure that the language is clear, tables and diagrams are accurately titled and it is clear where standards used have originated. Check that recommendations made in the October 2010 study have been taken through.

3.0 Ensure that the distinction is made in the text between sites that are currently GI assets and those that could form a GI network and be integrated into policy.

4.0 Integrate the work undertaken on childrens play strategy (noted on page 9 of the May 2011 document) into the green infrastructure workstream.

5.0 Use the qualitative and quantitative detail in the October 2010 study to inform the development of the GI network and standards for some assets such as play space and sports facilities. The standards should be derived from the work undertaken unless there is good reason not to use this evidence.
6.0 Map the existing assets (if this has not already been done) and then identify the potential linkages and functions of land to take forward into allocations and policy – refer Paragraph 38.1 above. Such functions should include biodiversity, urban drainage, flood relief, heat sinks, cycle and footpath links and the host of uses noted in definitions of GI.

7.0 Include the relevant provisions in the infrastructure schedule to accompany the plan.
1.0 Introduction

1.1 This note forms the final advice that was requested by the officers at Maldon District Council following meetings between the team, Karen Moore and Alison Blom-Cooper of Addison & Associates (now Fortismere Associates) on behalf of the Planning Advisory Service. The meetings were held on 17 June and 27/28 July 2011 to undertake a detailed scoping of the needs in terms of evidence base support for the Maldon Local Development Plan and to explore some of these matters in more detail. It was agreed that a rapid response would be provided on a number of matters. This initial and further advice took the form of the following notes:

1.1.1 Initial Advice on Project Management and Evidence for the Maldon Core Strategy 23 June 2011

1.1.2 LDF Evidence Maldon District Council Draft Discussion Note July 2011.

1.2 Since the provision of these notes additional advice has been sought and this note updates and brings together the advice in its totality with respect to the evidence base taking into account comments on the draft advice received from the Council. It also reflects the changing context since the outset of the support work most notably with the publication of the Draft National Planning Policy Framework in July 2011.

1.3 The following advice is given in the context of the Council wishing to take forward the plan making process as expeditiously as possible and is based upon the material provided by the Council. Ultimately the Council will be in possession of a wider picture with regard to the local context than can be achieved in a short commission such as this. Whilst advice can be proffered the Council is responsible for ensuring that the manner in which the plan has been developed is fit for purpose and the Council should take any legal advice considered necessary. This particularly applies to the current situation where the planning system is changing.

1.4 As a general principle the length of time it takes to bring a development plan to publication naturally means that some aspects of the evidence is more out of date than others. It is the relevance of the date of a particular piece of evidence to the local circumstances that is of primary importance. The evidence collected for the plan should also be proportionate to the job in hand. Hence authorities should not expect to have to very frequently update expensive technical evidence studies, nor spend a great deal of money on initial evidence beyond the basic requirements, particularly if the level of development being proposed is modest and the restraint to development relatively easily justified.

1.5 In this context authorities need to undertake a risk assessment of the evidence base with respect to the date of evidence against both the...
continued relevance of the piece of evidence and the likelihood of the matters to which it relates being seriously challenged at examination.

1.6 It is worth noting that the evidence base includes the results of consultation and as the localism agenda comes to the fore in planning it is sensible to give fair weight to this aspect of the evidence. The Council reports on the issues and options consultations on the draft Maldon Core Strategy are important pieces of evidence.

1.7 This discussion note works through each of the issues raised by officers seeking advice. The objective of the particular exploration is noted, followed by observations and recommendations. It is suggested that the observations are addressed by the Council as appropriate, in addition to the recommendations. In one case the Council is referred to the Environment Agency. In the final section titled ‘Further Observations’ a small number of issues that have been noted during the compilation of this advice are included together with the requested comment on the format for the preferred options document. The first appendix of the report brings together all of the recommendations in list form for ease of reference.

2.0 The Strategic Housing Land Availability Assessment

2.1 Objectives

2.2 Officers sought initial advice on any significant deficiencies in the SHLAA. Officers are concerned that they both ensure that the SHLAA is a clear piece of research evidence without a policy bias as required by the guidance but also that the SHLAA does not represent an inaccurate representation of the potential housing supply position. Officers later provided the queries that elected members had raised (‘SHLAA Comments’ – undated) that gave rise to further advice.

3.0 Observations

3.1 It has not been possible to review all sites included in the SHLAA within the time available for this aspect of the support. However, the following observations are made:

3.2 The methodology appears to have broadly followed government guidance on the matter “Strategic Housing Land Availability Assessments Practice Guidance” July 2007 (CLG). In particular engagement with the development industry in the form of the Housing market Partnership Board – who should also agree any changes in approach prior to publication for consultation on the evidence.

3.3 The closer examination of the particular characteristics of sites has highlighted some important discrepancies in the work which should be resolved before publication. These turn on two main matters.
3.4 The first is in the omission of the assessment of sites in relation to settlements outside the boundary of the district. In some cases the existence of a settlement outside the boundary has been ignored in favour of assessment in relation to the nearest settlements inside the authority boundary. This clearly does not relate to the manner in which people and settlements function and must be corrected.

3.5 Second, in the majority of cases, inaccuracies turn upon the manner in which the criteria used to assess sites have been translated from the site assessment sheet to the description in the ‘SHLAA Detailed Site Assessment Reports’. Officers state that the individual detailed site sheets from which the ‘SHLAA Detailed Site Assessment Reports’ are produced includes a set of criteria that are broken down into categories e.g. various distances between the site and key facilities such as shops. In some cases it appears that the same category pertaining to the site has been described in varying ways in the SHLAA Detailed Site Assessment Reports. This discrepancy needs to be resolved.

3.6 The publication of the SHLAA could take place at the same time as the ‘preferred option style consultation’ when the locally derived targets for housing have been agreed. At this time a request for data to be updated can be made. The update can then inform the plan as it goes to pre submission publication and will of necessity require roll forward to account of information on e.g. completions and permissions.

4.0 Recommendations

4.1 Address the observations above.

4.2 The important matters for consideration of any future changes to the existing SHLAA, in addition to those set out in 3.4 & 3.5, appear to be:

4.2.1 First, given the impact of the recession, the timescales for delivery and build rates are likely to need to be reviewed for all of the sites that are considered appropriate to take forward. It is likely that lead times may be longer due to the changes in the borrowing market. Sites requiring significant infrastructure may be delayed further into the future given the current difficulty in raising finance for infrastructure. Build rates on large sites need to be carefully applied. It is not clear what assumptions have been made in this respect. The lead times, (and in some cases build rates) are likely to impact on the overall picture of availability and place many sites currently in the 6–10 year slot later. It may also place sites in the 0-5 year period into the 6-10 year period etc.

4.2.2 Second, the need to include the sites with planning permission in the study which does not appear to have been done (refer Practice Guidance CLG July 2007 Figure 4). This clearly impacts upon the yield from the first five years of the SHLAA and this will be important when the work is published. It can be overcome by adding a line onto
the tables in paragraph 2.35 of the main report showing land with planning permission.

4.2.3 Third, and raised as a query by officers, the value of including the sites that are beyond and not adjacent to the current settlement boundaries in years 10 -15. In a sense this turns on whether the sites are suitable to be included in the assessment or should be removed – whether there is a reasonable prospect that they would be developed if planning permission was forthcoming. It is not readily clear which sites fall into this category and how many of them remain as available. In considering these sites there is likely to be a balance of judgement as to whether they are deliverable within the 15 years or the timescale would be more unclear. Officers should satisfy themselves that these sites have been appropriately categorised and refer to the next point. The NPPF when adopted may assist in this matter given its advice on the location of housing in relation to services in rural areas (paragraph 112).

4.2.4 Fourth, the value of including sites that have an ‘unclear’ timescale for delivery. It may be more useful to factor these out of the equation until or unless the delivery timescale becomes clear. The guidance notes that ‘where it is unknown when a site could be developed, then it should be regarded as not currently developable’ (Para 33 p15). As such it does not contribute to the available stock of land at this point in time.

4.2.5 Fifth, the drawing of boundaries on some sites appears to give a false impression of the actual developability of the site e.g. site 4479b which shows an area of 1.12 ha of which only the south western corner can be used. Some additional notation on the map in these circumstances may assist an understanding of the circumstances pertaining to the site.

4.2.6 Sixth, it is trusted that sites in multiple ownership coming forward and sites that are partly in flood zone 1 have been critically appraised for their genuine suitability, and likelihood of delivery.

4.2.7 Seventh, it is advisable, as has been suggested by members, to present the sites that are to be taken forward in separate sections from those that have been discarded from the study in the interests of clarity. If necessary these could be split by parish so that each section is a parish showing the sites going forward followed by the rejected sites.

4.2.8 Finally, a housing trajectory for the plan period to accompany the Councils five year supply figures should be produced and the draft NPPF provisions on a six year supply be borne in mind.

4.3 Officers may find valuable sections 30–34 in the advice published by PAS “Strategic housing land availability assessment and development plan
document preparation” July 2008 for discussion with elected members. In any case if this advice has not been used it is worth reading.

5.0 Gypsy and Travellers Evidence Base

5.1 Objectives

5.2 To give advice based on reading the Local Gypsy and Traveller Accommodation Needs Survey (April 2011) and the Maldon District Gypsy and Traveller Site Assessment (April 2011) with regard to whether the evidence appears to be adequate with particular regard to the methodology used. The Council made it clear that it intended that this piece of work is seen as purely an adjunct to the existing evidence in the Essex wide GTAA.

5.3 The Council has now established a ‘Gypsy and Traveller Working Group’ of officers and members in response to the current land supply and demand position, and the potential impact from the Dale Farm eviction in Basildon. The relationship between the work of this group and the plan making process should be made clear from the outset in the terms of reference of the group.

5.4 In addition, the Council later questioned:

5.4.1 Should the Gypsy and Travellers studies be produced in accordance with the proposed approach to planning for gypsy and travellers as stated in the Planning Policy Statement consultation ‘Planning for Travellers’ dated April 2011 prior to it being formally incorporated into the final version of the National Planning Policy Framework?

5.4.2 How best to measure site deliverability and viability given that a lot of sites will be coming from private sources.

5.5 It is suggested that the observations set out below are addressed and the recommendations considered.

6.0 Observations on the Local Gypsy and Traveller Accommodation Needs Survey (April 2011)

6.1 The Council noted, following initial discussions, that detailed primary data is not available from the study which was based on interviews with the heads of two large travelling families in the area. Therefore some of the questions retained below from the earlier discussion note cannot be answered. However, they are retained for the record, and to assist with future updates of this evidence.

6.2 For example, paragraph 3.1 states that ‘two interviews’ were undertaken in October 2010. This gives the impression that two people were interviewed, one young, and one old. How many people were interviewed and at what
locations? What age groups qualify as ‘older’ and ‘younger’? If the Council does not wish to include this detail in the text it would be helpful to have the raw data tabulated that shows how many people were interviewed and what preferences were expressed.

6.3 There appears to be a relatively short amount of commentary on findings compared to the wide range of questions that were asked at interview. Is there a particular reason for this? It is recognised that the report includes ‘Key Findings’ but nonetheless is there more that could be said that would support the arguments?

6.4 In paragraph 3.2.3 the report notes restrictions stopping people from returning. What site restrictions are these? Is it the capacity?

6.4 What was the basis of the choice of a resident to pitch ratio of four? i.e. two caravans per pitch and two people per caravan. It would be beneficial to explain this as its provenance is not clear. The commentary notes the movement patterns of people but not their views on what constitutes overcrowding which may support the choice of pitch ratio.

6.5 The study identified need as a minimum of 8 private pitches for existing residents and their caravans. Then 10 are added from the households already on the waiting list assuming therefore that each household requires a pitch for two caravans. This makes 18 pitches which is noted as ‘generally in accordance with that identified by the Essex GTAA’. However, this appears to be only for the period to 2021. Therefore what is the quantified need beyond that date since this is only 10 years away and does not cover the 15 year supply of the plan period? The study makes assumptions about trend ‘future demand for pitches is expected to be lower’ but it would seem sensible to suggest how much that demand may be and therefore demonstrate that the Council can meet this with land allocation.

7.0 Recommendations Local Gypsy and Traveller Accommodation Needs Survey April (2011)

7.1 Return to the primary data, (adding material to the key findings) and quantify as much of the data as possible to support the findings e.g. older people ‘do seem content to’ is this 8 out of the 10 that were interviewed or perhaps 3 out of the 4? If it is preferred not to state this in the text it would be helpful to have the raw data tabulated as an annex that shows how many people were interviewed and what preferences were expressed.

7.2 Explain the reason for using the assumption of four persons on pitch ratios. If a view is being taken that the current sites are overcrowded and need different pitch ratios that should be stated (as it is implied in the conclusions).

7.3 Explain how the need is identified beyond 2021, or what approach will be taken to this e.g. review after year x.
8.0 **Observations** on the Maldon District Gypsy and Traveller Site Assessment (April 2011)

8.1 The conclusions on capacity are heavily caveated as ‘theoretical’ and don’t account for the landowner wishes and other planning considerations. The wording suggests that the other appropriate planning considerations and factors stated in paragraph 2.8 have not been taken into consideration when assessing the sites. This calls into question the completeness of the assessment and the deliverability of the pitches and indeed it is noted that no consultation has been undertaken to further inform the findings including seeking the views of land owners of potential sites (paragraph 3.10).

8.2 The question of whether this evidence is appropriate, in our opinion, turns on whether the sites that have been identified represent genuine capacity i.e. that they are actually capable of being bought forward to house Gypsy and Traveller communities. This is dependent upon the tests of availability, suitability and achievability that apply to all housing land when assessing supply.

8.3 Furthermore, in delivering more pitches the reconfiguration of sites in the Council’s ownership is likely to be straightforward, but what of the private sites? The study lists that of the 33 new pitches, 22 would come from private sites, and all of the 23 new pitches from reconfiguration of sites would be from private sources. Is there landowner buy in to demonstrate that this would be possible?

8.4 The papers are not clear that the Site Assessment explicitly demonstrates a 5 year supply of land for Gypsy and Traveller accommodation or indeed a 15 year supply for the plan. They were published before the consultation paper ‘Planning for Travellers’ dated April 2011 was published by the government and will need to be updated to reflect new national policy when it is adopted.

8.5 The overall policy approach the Council is taking is different to that recommended by Essex CC in terms of site identification, in that the Essex GTAA considers it practical for the District to provide a large short stay site close to major transport routes with neighbouring authorities (refer para 3.4.3 of the Local Gypsy and Traveller Accommodation Needs Survey April 2011). It is important that the Council is clear about its reasons for this - for the record. i.e. that this has been thought through, and based on the local evidence the Council has chosen an alternative approach to that proposed by the County Council.

9.0 **Recommendations** Maldon District Gypsy and Traveller Site Assessment (April 2011)

9.1 Address the observations above.
9.2 For the evidence to be more robust it would need an assessment of the deliverability of the five year supply and developability of the supply for years 6-15. These sites should meet the tests in line with the Draft NPPF (assuming this goes forward) and the Draft Travellers PPS paragraph 8.

The Draft NPPF notes:

“To be considered deliverable, sites should at the point of adoption of the Local Plan be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable i.e. that it would provide acceptable returns to a willing landowner and a willing developer based on current values and taking account of all likely infrastructure, standards and other costs” footnote 5 p 30.

9.3 In addition the matter of viability would apply. The Draft NPPF notes: “to be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged. Footnote 6 p 30

9.4 The Council will have already assessed the suitability of sites but must ensure they meet with the latest national advice prior to submission. The crux with the gypsy and traveller sites would be whether they are ‘available’ and ‘achievable’. With respect to the tests of availability and achievability of sites it is difficult to see how these can be proven without an indication by a land owner that the site:

- would be used as a new site for Gypsy and Travellers, or
- extended to accommodate further families, or
- reconfigured to do so, or
- sold for these purposes.

9.5 Should the consultation Planning for Travellers PPS be taken forward into national policy this will mean the identification of sites for a supply for 15 years. This is clearly very sensitive work that will need to be done at some point. Should the Council leave this to the examination stage of the plan it is highly likely that the Inspector would require further work to be undertaken on deliverability at that stage which itself would delay the examination of the plan.

9.6 Demonstrate a five and fifteen year supply for Gypsy and Traveller site land.

9.7 Seek an opinion from PINS on the adequacy of the evidence in relation to the policy proposed when the future becomes clearer e.g. at present arguably the policy should contain a target in line with RSS. In future this may not be required and it may be more acceptable to take the kind of approach currently stated in the emerging draft Core Strategy (which is being reviewed to become the Local Development Plan). This is without
targets but it may be necessary to commit to regular update of the needs assessment and supply.

9.8 Finally, turning to the question of following the approach in Maldons’ studies to that contained in the PPS consultation (see 5.3.1 above). The government intends to incorporate the final advice on this PPS within the National Planning Policy Framework. The current PPS consultation in the section ‘Using Evidence’ page 34 sets out an approach that Maldon officers are, in broad terms, seeking to achieve in any case. Officers are advised to keep track of the final advice and then consider whether change is required. It is evidence that it is important to ensure that the policy approach applied, using the evidence available, is in line with national policy. Hence should this consultation PPS become national policy the plan would need to conform.

10.0 Housing Needs Survey

10.1 Objective

10.2 The Council would prefer not to undertake the commissioning of another Strategic Housing Market Assessment in the near future but rather to update the information on house prices, HSSA etc and run this through the CLG model to come up with more up to date identification of need. Principally the Council does not want to run another new Housing Needs Survey prior to submission of the Local Development Plan. A view is sought on whether this would be necessary.

11.0 Observations

11.1 Evidence needs to be proportional and relevant to the plan, and as up to date as practical having given regard to what may have changed since the evidence was collected. (PPS12 2008)

11.2 Council officers note the main recent changes affecting the ability of people to access market housing as: rising cost of living; rising repossessions by building societies; and changes in affordable housing provision through the promotion of affordable rents.

11.3 The housing needs survey was undertaken in 2008, and updated in 2009. The degree to which another update is required given the need to ensure data which is defensible and justifies need when negotiating with developers hinges upon:

- the age of the data by the time the plan is submitted,
- the degree to which factors affecting the ability of people to access market housing have changed since 2008/2009,
- the degree to which assumptions about these factors can be made in modelling and reasonably accurately affect the outcome,
- the degree to which these would, in any case, alter significantly the targets set for affordable housing in the district, and
• the resources available to the Council.

11.4 The base data from the Housing Needs Survey is now three years old, having been undertaken in 2008 and updated in 2009 and effectively rolled forward. Depending upon the programme for the plan it is likely that submission will occur sometime in 2012 when the base data will then be four years old. A reasonable survey period given the recent and continuing changes in the economy would be a minimum of five years.

11.5 The factors most likely to be sensitive in the affordability and housing needs equation would be demographics, incomes and house prices all of which would be updated in the planned update of the SHMA in any case.

11.6 The critical issues would seem to be the degree of change in the published incomes data for the district and the degree to which the recession has reduced incomes leading to repossessions and consequent housing need. It is possible that assumptions could be made with respect to these matters without recourse to a new survey. The Council’s consultants for the SHMA would be able to assist with this query.

12.0 Recommendation

12.1 The SHMA update would best be undertaken with a view to the submission date of the Local Development Plan. When the submission date is clear it will be sensible to assess how close this is to a five year renewal date for the housing needs assessment and base the decision on that factor.

12.2 Post script

The Council has chosen to undertake an update of the SHMA in October/November 2011 without an update of the housing needs survey. The Council is advised to follow any current government guidance on the matter should it be in place.

13.0 Developing Local Housing Targets

13.1 Objective

Within the context of the assumption that the East of England RSS will be abolished by the time the Council submits its Local Development Plan officers sought advice on a suitable approach to setting local housing targets. Officers have developed a draft methodology with Essex County Council for a model to develop local housing targets across Essex but the County is unable to provide a service to the districts to undertake the assessment. Officers are concerned that they do not have the skills in house to undertake such an assessment and seek advice on its application and alternative approaches.
14.0 Observations

14.1 The plan to date has been produced on the basis that the RSS figures are accepted. Whilst at the options stage it was considered by the Council that the development levels could be higher than RSS levels, no modelling of the impact of this appears to have been undertaken. The consultation responses at Issues and Options stages (1 & 2) found favour with a low growth scenario.

14.2 There is no government guidance regarding suitable approaches for developing local housing targets. A suitable approach for any authority will therefore be reliant upon a number of factors including three primary factors. First, what was the nature of the evidence submitted to the EIP on the East of England Plan to produce the RSS figure? i.e. was this suitable? Second, a consideration of the outcome – what is the likely scale of change between the RSS figures and the local targets? If the difference in targets is likely to be relatively small then it follows that less evidence would be required than if the Council was seeking to, for arguments sake, quadruple the proposed provision of housing. Third, how might the forthcoming National Planning Policy Framework impact on the Council’s position?

14.3 Issue One – What is the suitability of the evidence used to determine the RSS figure? It is understood that the RSS figures were agreed between the constituent authorities and the agreement was presumably undertaken on the basis of parameters set by the evidence available at that time together with the policy sought by the authorities in the sub region not least to ensure the regeneration and growth of the Thames and Haven Gateways and indeed Chelmsford. The first question then is: “Does this policy context continue to apply to the Thames and Haven Gateways and Chelmsford?” Presumably the answer is ‘yes’. Therefore the context within which the Maldon Plan is being produced is no different to that when the RSS was produced with the exception that a recession has occurred since and as a consequence the imperative to complete the regeneration of these neighbouring areas continues to be strong.

14.4 However, the more detailed examination and discussion of the evidence used for the RSS strongly suggests that the evidence used for the RSS would be inadequate to support a Local Development Plan in the current plan making climate.

14.5 The Council is co procuring demographic forecasts of the population with Essex Planning Officers Association (EPOA). This includes a suite of forecast scenarios and forecasts for households and dwellings on a local authority area as well as other aggregations. This should provide a robust basis of evidence for the identification of locally derived housing targets in the Local Development Plan.
14.6 **Issue Two - What is the likely difference in the scale of change arising from a new target that the Council may prefer?** It seems unlikely that the levels of development that would be suitable in this area are going to be significantly higher than those in the RSS. This is argued based on the indications from the approach taken throughout the production of the plan for this tranquil rural area, the infrastructure constraints and the fact that the consultation results have supported this approach. If this assumption about the new targets proves to be true then a proportionate amount of evidence to a small increase in targets is required. The caveat attached to this advice is that Maldon DC would be best placed to undertake this exercise with its neighbours as it is doing across the Heart of Essex sub-region.

14.7 Therefore, in this instance the ‘usual’ equation relating to the proposals for housing targets will naturally apply i.e. How does housing need and demand match capacity and how does this sit with the overall vision for the future of the area sought by the Council? The future role of the area that is planned for is key to answering this question and to a degree has already been rehearsed in paragraph 11.4.

14.8 Under the RSS Maldon District is an area of constraint surrounded by areas about to experience significant growth. However, the Council recognises the need to cater more appropriately for affordable housing in the area. Described in crude terms this can be achieved by releasing land for high levels of market housing so as to achieve significant numbers of affordable units as a proportion of market housing (provided the viability of market housing is such that it supports significant proportions of affordable housing) or using rural exceptions policy given the rural nature of the district and allowing for a range of mechanisms for delivery on such sites.

14.9 The Council also recognises that unless a large scale development programme (that is unlikely to be suited to the ability of the area to attract the necessary infrastructure development during the plan period) is proposed it cannot meet its housing need as identified in its SHMA and Housing Needs Surveys. The SHMA identifies a gross need for 346 households a year (45 of which are in need) and a total 399 units per year over 5 years or 340 units per year over 10 years affordable housing to account for current need and that arising in the next ten years.

14.10 In our opinion, should the Council decide that it will continue with a growth scenario that is commensurate with its rural nature and continues to be relatively low compared to its neighbours then a capacity led approach could potentially be justified. This would need to be based upon the position of Maldon District in relation to its neighbours in the sub region, the capacity of the infrastructure to accommodate higher levels of growth, and a judgement about the amount and scale of development sites that could readily be accommodated by existing settlements. The difficulty arises that there is no current clear guidance about the amount and level of detail required in evidence to support locally derived housing targets and defend them robustly at examination.
14.11 To date the Council does not have a published case in this respect although it is touched upon in previous publications. The criteria set at paragraph 3.4.6 of the Regulation 25 Consultation April – June 2009 explain the factors used to select the directions of growth. These note the issue of infrastructure constraints, in particular the sewage system and the impact of flooding. The argument being that major housing developments should be concentrated within and around the key settlements in the hierarchy. The choice of these locations depends upon the criteria selected and early work on the SHLAA – this may need to be refined, or at least recorded as justification for the choices. It is understood that this work is currently being undertaken.

14.12 **Issue Three - how might the forthcoming National Planning Policy Framework impact on the council’s position?** It is this matter that may outweigh the arguments set out above. However, until the adoption of the NPPF it remains a speculative judgement regarding its impact in Maldon.

14.13 The Draft NPPF is clear that objectively assessed development need should be met unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The scenario of Maldon DC meeting the assessed development needs, in particular that of affordable housing (within the current delivery mechanisms for affordable housing) could represent a significant difference in future to a low growth scenario.

14.13 However, it should be possible for the Council to work with neighbours in a strategic manner that would reinforce the low growth position of Maldon DC set in the RSS for the reasons rehearsed above. It should be possible to argue that the infrastructure for greater levels of growth could not be forthcoming within the sub regional context of Maldon (again as rehearsed above), and that high levels of growth would create impacts that would outweigh the benefit. In addition the cues around planning for housing in rural areas in the draft NPPF do suggest an ability to focus development on areas providing services.

15.0 **Recommendations**

15.1 The Council uses the results of the EPOA study scenario set against the known limitations in capacity of the area to come to a conclusion on a dwelling target. Since the study scenarios include migration led, zero net in migration, dwelling led and jobs led scenarios they should provide a sensible range to test against the environmental capacity of the district.

15.2 With regard to the known limitations in capacity of the area the Council has been advised that strategic allocations are a sensible tool to use to progress the plan. Against this backdrop the Council undertakes a more detailed planning exercise (bringing together existing information including consultation responses) to assess the available land in the areas already identified as most suitable for growth against the capacity of settlements.
and infrastructure to absorb levels of growth. In simple terms this identifies the sites that are not constrained by infrastructure or landscape characteristics, assessing their capacity and the quantum of development that can be delivered without expensive offsite infrastructure, together with their impact. When aggregated and assessed as a development strategy across the district the Council should be able to conclude on a suitable target for the area.

15.3 Should the Council consider it does not have the technical capacity to undertake this work then it is suggested that officers meet a number of suppliers to discuss what they can offer based on the outputs from the EPOA study before commissioning any further work.

15.4 The Council ensures it musters appropriate argument to support its strategic approach in response to the NPPF as adopted.

16.0 The Use of Reserve Housing Sites in the Plan

16.1 Objective

16.2 The Council seeks advice on the suitability of using reserve housing sites in the plan to ensure a long term future supply of land.

17.0 Observations

17.1 The Council is not seeking to include windfall sites in its five year housing supply calculation and intends to meet the housing supply requirement through the identification of sites in the Local Development Plan. It is a matter of judgement for the authority as to whether the use of reserve housing sites would be a suitable tool in their circumstances. It seems unlikely that there will be a need to do so since the Council is seeking to ensure an adequate supply of deliverable sites. However, it is important to acknowledge that should the Council prefer to set out sites for a period beyond the plan period as a back stop to supply difficulties later in the plan period then there is a risk attached. This risk is one of these sites being fought on appeal prior to the period that the Council considers them suitable for development within the planning framework and the proper planning of the area.

18.0 Recommendation

18.1 Avoid the allocation of reserve housing sites in this plan.
19.0 Strategic Flood Risk Assessment

19.1 Objectives

19.2 Officers seek the following advice: The SFRA was published in 2008. Given that there has been a lot of housing completions in flood zones 2 and 3 within the last few years and submission for the Local Development Plan is likely to be 2013 should we update the SFRA? What would be the implications if we cannot afford to do so? Would an update provide the Council with a stronger justification to resist proposed development in flood zones 2 and 3 before adoption of a new plan?

20.0 Observations

20.1 This query requires specialist advice of a nature that it is not possible for PAS to provide a definitive answer. However, the need for an update of an SFRA would arise if there has been a change in flood risk in the area since 2008, hence a change in the flood risk maps.

20.2 The strength of justification used to approve or refuse development will rest upon the reality of the flood risk irrespective of the status of the development plan. The Draft NPPF (paras 154-158) advises on the approach that should be taken to flood risk and this, together with PPS25 until it is revoked, should be used as the current indicators of the policy approach.

21.0 Recommendations

21.1 Seek advice from the Environment Agency with respect to the need to update the SFRA.

21.2 Ensure that in plan making the Council takes the sequential, risk based approach to locating development, and ensures that risks can be managed through suitable adaptation measures including the use of green infrastructure. This and other advice, in particular that relating to site specific flood risk assessments for development in Zones 2 and 3, is found in the Draft NPPF in particular pages 43-45.

22.0 The Settlement Hierarchy

22.1 Objective

22.2 The Council seeks a view as to whether the manner in which the settlement hierarchy has been set is appropriate. Guidance is sought on the best way to demonstrate the relationship between settlements.
23.0 **Observations**

23.1 The Councils current settlement hierarchy is taken forward from the Revised Local Plan and officers informed the consultants that the findings of the Rural Facilities Survey (2010) have not yet been incorporated into the hierarchy. Some lower tier villages offer more facilities and services than a key service centre.

23.2 The evidence for this aspect of the plan has not been reviewed. It is understood that the study findings have been based upon input and feedback from the Parish and Town Councils in the District, and from District Councillors. Given resource constraints, Officers have not undertaken a thorough detailed audit of the facilities themselves, or verified the data which has been supplied to them. As a result, there may be some inaccuracies within the study for certain areas.

23.3 However, it should be made clear that the settlement hierarchy set for the plan is that which is **planned for the future** as opposed to the current functioning hierarchy. Therefore a settlement that may currently be low in the hierarchy can be planned to accommodate growth and move to a position higher in that hierarchy. Thus it is not an issue in itself that some lower tier villages currently offer more facilities and services than a key centre in a planned hierarchy.

23.4 Secondly, the criteria that the Council has used to establish the settlement hierarchy and arguments used to support them is explained well in the Issues and Options part 2 report Paragraph 6.10 onward. This document also highlights the need for further work to understand the relationships between settlements at paragraph 6.18. This further work has not yet been undertaken and the recommendations below suggest one suitable way forward.

24.0 **Recommendation**

24.1 Write up an evidence paper that draws out the original arguments and criteria used to explain the relationships between the settlements and the geographical three sub areas of the district. Add to this:

- Any data provided through responses to the consultation on the Issues and Options part 2;
- A review of the existing Rural Facilities Survey - undertaken to ensure that it is useful and robust, together with;
- An update of the Rural Facilities Survey – this should be monitored annually or biennially along with the Retail Monitoring Survey to ensure that it remains up to date; and
- Key existing data to reinforce the understanding of the functioning of the settlements e.g. Doctors and school catchments.
24.2 Integrate this information into the planned growth strategy and then reassess the hierarchy against the strategy to establish if there is any change needed.

25.0 Employment targets

25.1 Objective

25.2 The Council seeks a view as to whether updates are required to the evidence used to set employment targets.

26.0 Observations

26.1 The degree to which updated evidence is required depends upon the amount of change that has occurred since the original evidence was produced. The unpublished draft core strategy (3 June 2011) notes that the current target is based on the Employment Land Review and relevant forecasts for the district. The Economic Futures Report in 2005 also informs the policy approach.

26.2 The Employment Land Review has not been studied in detail but appears comprehensive and base dated at 2009. As such it is unlikely to require any kind of full review. However, the Council will in any case, have monitored any changes in supply of employment land as identified – these may have been low given the recent economic recession.

26.3 The scenario work from the EPOA study will need to be compared to the population and jobs projections used in the Employment Land Review to establish the relevant degree of change in future scenarios. In addition, any other relevant studies that have been published recently should be accounted for in ensuring the evidence is up to date.

26.4 However, similar to the position with regard to housing targets the degree of update of evidence required in terms of commissioning anything new depends upon the level of change in the employment target likely to arise from any additional housing target, or policy approach to secure jobs. Since this is unlikely to be significant, as long as the authority has taken an approach that identifies a wide range of types of site and location for future employment it would be disproportionate to commission a full update of the study. It is considered that if an oversupply of land for employment appears to be the risk then the monitoring of the plan will enable the Council to adjust the policy approach.

27.0 Recommendations

27.1 Explore the implications of published up to date information on the conclusions reached in the Economic Futures Report and Employment Land Review.
27.2 Similar to the housing targets, undertake a local assessment of the impacts of the chosen growth scenario and land available to establish a future target for employment generation/ employment land supply. This can be calibrated proportionately against any proportionate increase in housing as a simple solution.

27.3 Probably more importantly than any update of employment targets - ensure that the position with respect to the ELR is up to date so that suitable sites are made available for business. In addition, ensure that the issues surrounding employment in the district are being addressed by the policies drafted e.g. that policy across the district supports the multitude of small businesses, some reduction in out commuting and an improvement in the skills base.

27.4 Since the review was undertaken we understand that an update of the Economic Futures study is being commissioned with Heart of Essex partners, and this will be aligned with the housing growth scenarios project and the EPOA demographic projects to provide for up to date employment targets.

28.0 Evidence to Support an Energy Policy

28.1 Objective

28.2 Officers seek a view on their perspective of the evidence required for each of the policies that have been drafted for the plan and to advise on the evidence necessary to support the proposed policy. Two different wordings of policy have been provided shown at appendix 1.

29.0 Observations

29.1 Both of these policies cover the matters that one would consider in determining any application of this nature, or indeed other types of application. In this sense, the degree to which they add to the Council’s ability to determine applications presently is potentially in question. This position will require review in light of the final NPPF however.

29.2 The exception to this comment is clause a) on the criteria based policy which includes ‘the use of the most appropriate technology in the most appropriate location’. The determination of appropriate technologies for locations has tended to be a matter left to the industry and this could be read as being reinforced in current national policy and the Draft National Planning Policy Framework (p43). Indeed current policy suggests that the ability of Councils to resist renewable energy development is significantly hampered by the national imperative with respect to energy security.

29.3 Nonetheless, in order for the Council to propose robust policy to attempt to direct developments of this type then evidence based on the most appropriate technologies for the area and the impact of renewable energy
technologies in the locality would be a pre requisite – as already identified by officers.

29.4 It is not clear what the root purpose of the proposed policy approach is. If it is, to limit the future development of certain types of renewable energy sources in the area, as well as ensure that the area makes its rightful contribution to the supply of renewable energy then a target based approach based on the capacity of the area to support renewable energy would be sensible.

29.5 In order to try to support this approach the Council would need to make a case based on the premise that the future contribution made by nuclear power to decarbonising the energy system is significant (assuming Bradwell is a site for a new nuclear power station), and/or the capacity of the area to deliver on shore wind has reached its limit based on landscape sensitivity. However, it should be noted that the Draft NPPF states: “152. To help increase the use and supply of renewable and low-carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low-carbon sources. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources, including deep geothermal energy
- Design their policies to maximise renewable and low-carbon energy development while ensuring that adverse impacts are addressed satisfactorily
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources (a footnote points to national policy statements for energy infrastructure and renewable energy infrastructure)
- support community led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co locating potential heat customers and suppliers….. “

29.6 The evidence that the Council would need to gather to support this argument would be with respect to:

29.6.1 The potential of the area to generate renewable energy, and in particular the viability of renewable energies that are alternatives to large scale on-shore wind power - this overlaps with point 29.6.2.

29.6.2 The capacity of the area to accommodate renewable energy – this could range from the roof area able to support photovoltaic cells to the ability of the landscape to absorb large scale installations, or indeed the amount of agricultural land that could be turned over to ‘sun farming’. It clearly raises issues of the impact of development and being able to measure that impact.
29.6.3 In order to balance the potential with an evaluation of the capacity to accommodate renewable technologies some assessment of the economic value of the landscape set against the economic value of the renewable energy installations could be used. This approach is currently being developed and is promoted in the recent White Paper June 2011 “The Natural Choice: securing the value of nature”. The realism of being able to undertake such an assessment currently could be explored with a specialist consultancy working in the field of valuing ecosystems services.

30.0 Recommendation

30.1 The Council clarifies further its policy objectives with respect to renewable energy e.g. in relation to energy security and local energy supply, fuel poverty, carbon reduction and other matters, in the context of current and emerging national planning policy.

30.2 The Council then considers whether it should commission a piece of work to be undertaken that will support the policy approach. If the approach is aimed at restricting future wind farm development then in our opinion this is likely to be wasted and such an approach is not recommended. This would go against national policy and therefore funding of this aspect of the evidence base is unlikely to prove value for money.

30.3 However, if resources allow, a study could be a cost effective approach to dealing with other forms of renewable energy that may be viable in this rural setting, the environmental impact of these and targets for delivery. In particular to identify the most sensitive areas of landscape and environmental assets from which development should be diverted and suitable locations together with opportunities for multifunctional space within the green infrastructure network that may contribute to renewable energy generation. This may be a matter of drawing together existing information.

30.4 The Council should consider a policy approach to ensure that a contribution to renewable energy (and carbon reduction) of a suitable scale is sought via the development of strategic allocations and their associated green infrastructure.

31.0 Retail Evidence

31.1 Objective

31.2 The Council seeks an opinion with regard to whether updates are required on the retail evidence.
32.0 Observations

32.1 The retail evidence consists of the North Essex Authorities Retail Study for Maldon District Council 2006 and Update for Maldon District 2009 together with the Causeway Retail Impact Assessment 2010 and the Council’s Retail Monitoring Report 2010.

32.2 As a general guide it is likely that evidence updated in late 2009 will be adequate for a plan likely to be submitted in 2012 and that five years is a reasonable time period in which to update the evidence base. But once more, the need for updated evidence turns on the degree of change in circumstances since the update in November 2009. Most pertinently in this case any further approvals on sites that may impact on the policy stance taken and the impact of their development.

32.3 Should there be a change in policy approach on the retail aspects of the plan due to a different perspective from councillors in moving forward, then this advice will need to be reconsidered.

33.0 Recommendations

33.1 Taking the North Essex Authorities Retail Study Update November 2010 the population projections and the growth rates applied to different types of goods can be measured against current published figures to establish whether there is really any need to update the material (paragraphs 1.5 and 1.9 of the study update).

33.2 Any differences between the projections in 2009 and the revised projections expected in October this year, or the growth rates used and current growth rates could be dealt with by applying assumptions with regard to their impact – assuming the differences are not great in magnitude. This would then inform the policy response. For example if the real current growth rates are lower than those assumed in the November 2009 study then the assumption can be made that the take up of new retail floorspace will be slower than that projected in the 2009 update. This is a straightforward approach that ought to be suitable if the policy response is, in any case, unlikely to change from that in the draft plan.

33.3 The Council may nonetheless wish to update the Retail Monitoring Report survey on vacancies and uses prior to plan publication to ensure that the degree of change in local centres has not been so acute as to require a different policy approach to that drafted. This should be undertaken simultaneously with the updates of the Rural Facilities Survey. It is noted that the Retail Monitoring Survey is updated annually and the 2011 update was recently published.
34.0 Landscape Character Assessment

34.1 Objective

34.2 The Council seeks to understand whether an update of the Maldon District Landscape Character Assessment 2006 is required. This document is accompanied by the Landscape and Visual Impact Assessment 2010.

35.0 Observations

35.1 The studies have not been reviewed rather this advice is based upon discussions with officers. The date of the study is relatively recent when considering any likely change in the character of the landscape. If the Council is confident that the study supports its policy then there is no need for additional work.

35.2 However, if there are matters pertaining to the study that the Council now considers to be weak, and upon which challenge is likely, then an opportunity to update and improve upon it should be taken.

36.0 Recommendations

36.1 If the current study is known to be lacking then undertake further work to bolster this aspect of the study.

37.0 Green Infrastructure Study

37.1 Objectives

37.2 The Council seeks to understand how much further work is required on the synthesis of the green infrastructure study (GI study) to conclude the workstream. The documents used for this aspect of advice are: ‘Maldon District Green Infrastructure Study’ May 2011 by Maldon DC and ‘A Draft Final Report for Maldon Green Infrastructure Study’ October 2010 by Landscape Partnership from which much of the content of the former document has been drawn.

38.0 Observations

38.1 The purpose of undertaking a GI study is to assess the potential of and need for assets that can contribute to a multifunctional network of green space (and indeed bodies of water). This information is then used to inform policy making that identifies the land and its function(s), including safeguarding land, implementing improvements to land and further provision in the network to incorporate into the Local Development Plan as allocations or policy areas. This policy can include additions to the green network, the protection of land for flood and drainage purposes, provision of woodland for heat sinks and numerous other purposes including introducing policy standards for the delivery of play space for children and outdoor sports.
provision for adults. It applies both to open countryside and to sites for
development where opportunities to incorporate aspects of green
infrastructure in new sites should be taken to pursue a range of objectives
including economic and transport objectives, climate change adaptation and
leisure provision. It is from this perspective that the work of Maldon DC to
date has been considered.

38.2 A significant amount of valuable data has been compiled with respect to
sport and local parks and amenity space for this study together with existing
data on biodiversity value. It should be noted that the interpretation of data
between the two reports has not been checked for accuracy.

38.3 The study appears to be skewed more toward the leisure and sport value of
land than consideration of the wider environmental benefits and ecological
services provided by green infrastructure and its multifunctional purposes
not least its role in mitigation and adaptation to climate change. These
matters are mentioned in the study e.g. in the ‘Environmental Context’
section but not taken through to the conclusions. This approach runs
through the work and is mirrored in the distinction made between the
recreational GI and the biodiversity network but not the multifunctional
nature of a single network.

38.4 The study identifies some Green Infrastructure assets and some deficits but
falls short of demonstrating a GI network. For example Figure 7.1 says it
illustrates the green infrastructure network. This is not the case, it does
however map the location of a number of sports assets and semi natural
green spaces but not the extent or linkages that would demonstrate a
network.

38.5 It is therefore suggested that the next stage of the work is to map these
assets, overlay and integrate this with the development strategy and identify
the potential linkages to complete the green infrastructure network including
land for flood drainage, heat sinks etc. This proposed network can then be
incorporated into appropriate policy within the plan.

38.6 It is recognised that the Council is unlikely to be able to fund significant
additional work but some of the principles of work of other authorities could
readily be taken forward if these are considered in the Maldon context.
These examples include mapped networks. For this purpose suggested
references include: North Northamptonshire Green Infrastructure
Investment Plan (2009) and Cambridgeshire GI Strategy (various dates) in
addition to various policy approaches such as Huntingdonshire’s Core
Strategy – ‘Areas of Strategic Green Infrastructure Enhancement’.
39.0 **Recommendations**

39.1 Update the study context when the NPPF has been approved (current references are found in both the ‘Core planning principles’, and the ‘Natural Environment Sections of the Draft NPPF), and include other more recent advice such as the White Paper June 2011 “The Natural Choice :securing the value of nature”.

39.2 Edit the May 2011 study to ensure that the language is clear, tables and diagrams are accurately titled and it is clear where standards used have originated. Check that recommendations made in the October 2010 study have been taken through.

39.3 Ensure that the distinction is made in the text between sites that are currently GI assets and those that could form a GI network and be integrated into policy.

39.4 Integrate the work undertaken on children’s play strategy (noted on page 9 of the May 2011 document) into the green infrastructure workstream.

39.5 Use the qualitative and quantitative detail in the October 2010 study to inform the development of the GI network and standards for some assets such as play space and sports facilities. The standards should be derived from the work undertaken unless there is good reason not to use this evidence.

39.6 Map the existing assets (if this has not already been done) and then identify the potential linkages and functions of land to take forward into allocations and policy – refer Paragraph 38.1 above. Such functions should include biodiversity, urban drainage, flood relief, heat sinks, cycle and footpath links and the host of uses noted in definitions of GI.

39.7 Include the relevant provisions in the infrastructure schedule to accompany the plan.

40.0 **Further observations**

40.1 The Council seeks advice on the future format for the preferred options document, particularly in relation to the existing draft core strategy document and the potential need for further background papers.

40.2 First, there is no universal format for preferred options documentation but those that appear to be most successful in communicating the ‘story’ of the plan and the choices before the Council are similar to the approach taken by Maldon DC with respect to the alternative settlement hierarchies in the ‘Core Strategy Regulation 25 consultation’ April to June 2009 page 9. It is advisable to briefly set out the issue, make clear the alternatives open to the
Council, explain the chosen alternative and the reasons for this choice. This can usefully include the reasons for discarding the other options.

40.3 Second, if the Council is producing background papers it must be clear of their purpose. The use of background papers is advised if these bring together the key evidence that has been brought to bear on a policy decision and help to demonstrate the decisions taken. Indeed, they can be used to draw evidence on a sub area basis, set out the implications of the evidence for the area and provide the context for any variations in policy across the district. However, if they simply repeat existing evidence then they are not advisable. This note has suggested an instance where the use of a background paper would be advisable to explain the settlement hierarchy, given the concerns expressed by Officers (24.1). Inspectors often, though not always, seek information in a condensed form that can mean such background papers are required for examination.

40.4 The brief for this work included only those areas of concern to officers. It should be noted that viability evidence will be required for the plan to support the chances of the development proposed being delivered and not only for affordable housing policy.
Appendix 1

Options for Core Strategy Energy Policy

These policies are based on precedents which were identified in the Energy Policy Options Paper which went to Planning Policy Panel on the 21st April 2011.

1. Criteria Based Policy in the Core Strategy

Proposed policy text

The Council will support development involving low carbon/ renewable / decentralised energy generation including micro-generation technology and nuclear power if development proposals have satisfactorily addressed the following on a case by case basis during the construction, operational lifespan, decommissioning and / or site restoration of the development:

   a.) The use of the most appropriate technology in the most appropriate location;
   b.) provide for the enhancement, preservation, protection and/or mitigation for any features of strategic, cultural, agricultural, ecological, historic and /or archaeological importance, including landscape character;
   c.) reflect and enhance existing landscape character. A landscape/ visual character assessment may be required where appropriate to consider cumulative effects;
   d.) demonstrate an appropriate layout and design;
   e.) transport issues such as the routing of vehicles during construction and when in operation is considered;
   f.) economic impacts upon the area (including tourism and associated industries) are considered;
   g.) The impact of noise will be limited and will not interfere on existing habitations.

Source of evidence

1. Renewable Energy Potential Study
   - total annual energy consumption level
   - legislation/ policy context
   - potential for various technologies (wind, micro-hydro, bio-mass/ woodfuel, Biofuel, Anaerobic digestion)
   - justify that there are appropriate technologies to be applied within the District
2. National Policy Statement EN1 (Overarching Energy), EN3 (renewable energy) and EN6 (nuclear power)
3. PPS 1 Sustainable Development
4. PPS 22 Renewable Energy

Further work required:
SA and AA – policy implications

Indicator – Total amount of renewable energy generation (commercial)
2. Overarching Policy in the Core Strategy

Proposed policy text
The Council will support development involving low carbon/ renewable / decentralised energy generation including micro-generation technology and nuclear power except where it will result in unacceptable adverse impacts which cannot be outweighed by wider environmental, economic, social and other considerations.

Source of evidence
National Policy Statement EN1 (Overarching Energy), EN3 (renewable energy) and EN6 (nuclear power)
PPS 1 Sustainable Development
PPS 22 Renewable Energy

Further work required:
SA and AA – policy implications

Indicator – Total amount of renewable energy generation (commercial)
Appendix 3 – References

Maldon Documentation
Core Strategy Submission Draft (unpublished) 3 June 2011
Core Strategy Regulation 25 Consultation 27 April – 8 June 2009
Core Strategy Sustainability Appraisal Report June 2010
Core Strategy Issues and Options March 2007
Core Strategy Issues and Options part two
LDF consultation research Final Report July 2007
LDF Core Strategy second issues and options consultation report November 2007
Green Infrastructure Study May 2011
Final report for Maldon District Green Infrastructure Study Draft October 2010
North Essex Retail Study Maldon District Council Retail Capacity Update (November 2009)
District Profile: A summary Profile of Maldon, Local Futures February 2010
Maldon District Gypsy and Traveller Site Assessment April 2011
Local Gypsy and Traveller Accommodation Needs Survey April 2011
Energy Background Paper Planning Policy Panel April 2011
Energy Policy Options paper Planning Policy Panel April 2011
Strategic Housing Market Assessment Final Report September 2008
Strategic Housing Market Assessment Update Final Report November 2009
Strategic Housing Land Availability Assessment unpublished, November 2010
Essex Economic Assessment: Local Assessments: Maldon
Heart of Essex Sub area Profile Scenarios for housing and economic growth – East of England Plan >2031
Draft Paper Strategic Site Allocations and justifications
Draft Paper B – Assessment of alternative SHL
Housing Workshop Notes 5 August 2010
Member Seminar Key Comments 7 July 2011
Landscape Character Assessment 2006
Landscape and Visual Impact Assessment 2010
Strategic Flood Risk Assessment 2008
Rural Facilities Survey 2010
Employment Land Review 2009
Economic Futures Study 2005
North Essex Authorities Retail Study 2006
Causeway Retail Impact Assessment 2010
Retail Monitoring Survey 2010

Government Guidance

PPS3 June 2011

The Natural Choice: securing the value of nature DEFRA June 11

Draft National Planning Policy Framework July 2011

Planning for Travellers Sites Consultation DCLG Draft Planning Policy Statement April 2011