



**Date:** 14<sup>th</sup> October 2013  
**Your Ref:**  
**Our Ref:** 8199

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Planning Policy Team,  
 Maldon District Council,  
 Council Offices,  
 Princes Road,  
 Maldon,  
 Essex CM9 5DL

Dear Sirs

**RE: DRAFT LOCAL DEVELOPMENT PLAN 2014-2029 (AUGUST 2013)  
 CONSULTATION RESPONSES ON BEHALF OF PERSIMMON HOMES LTD**

Following notification of the above consultation, we have been instructed by Persimmon Homes to submit written representations on their behalf, with particular regard to Policies S2 and S4.

We have previously submitted written representations for the Preferred Options consultation document (July 2012), in which the Persimmon Homes Land East and West of Broad Street Green Road, which forms two distinct sites, was included within the North of Heybridge Strategic Growth Area (SGA) (please see redline plan of Persimmon Homes land enclosed in Appendix 2). Our main comments raised then related to:

- Increasing the annual housing target;
- Increasing the number of dwellings allocated to the north of Heybridge Strategic Growth Area;
- Reducing the level of infrastructure obligations imposed on the North of Heybridge Strategic Growth Area;
- Removing the need to produce Masterplans for each of the Strategic Growth Areas.

In this latest version of the Local Development Plan (LDP), Persimmon Homes land has, without explanation, been excluded from the LDP. This has been done despite the land being sustainable and deliverable within the next five years. It was discovered that the Land East and West of Broad Street Green Road had been unallocated on 2<sup>nd</sup> July upon the review of the published agenda for the Planning and Licensing Committee Meeting held on 9<sup>th</sup> July. Since then, Persimmon Homes has attempted to contact Maldon's Planning Policy Department to discuss the reasoning and assessment behind this decision on numerous occasions (emails to David Coleman dated 2<sup>nd</sup> July and 4<sup>th</sup> September) and is yet to receive a response. The ability to deliver the site was also confirmed by Persimmon and the land owners agent on 26<sup>th</sup> June and 5<sup>th</sup> July 2013.

Set out below is Persimmon Homes case for why the Land to the East and West of Broad Street Green Road should be re-included in the LDP as a Strategic Allocation. Its response to the relevant questions of the Public Consultation Questionnaire is attached (see Appendix 1). The key point is that, as the LDP currently stands, should it be adopted, it would immediately be non-compliant with the National Planning Policy Framework (NPPF) as it cannot demonstrate a robust and conclusive five year housing land supply. The key tenet of the current planning system is that it is plan-led. Without meeting the full objectively assessed housing needs, the housing growth policies will be considered out of date, the NPPF's overriding presumption in favour of sustainable development will take effect, and the Council will be susceptible to housing applications being successfully determined at appeal.

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## **Policy S2 – Strategic Growth**

### ***Q2) Do you support the proposed level of growth in the District?***

Having reviewed the LDP's evidence base and the Housing Trajectory (Figure 4) presented in the draft LDP, Persimmon Homes does not support the proposed level of growth as the method by which it has been calculated and presented is not consistent with the National Planning Policy Framework Practice Guidance (2013) and does not adequately meet the District's housing need.

#### *Housing Delivery Target*

Since Maldon's LDP Preferred Option document, the District's annual housing target has been increased from 200 to 294 dwellings. In our previous written representations, we took the view that the 200 dwellings per annum target was non-compliant with the NPPF as it failed to meet the objectively assessed housing need.

The National Planning Policy Framework Practice Guidance (2013) identifies the Sub National Population Projections (SNPPs) published by the DCLG, and informed by the Office for National Statistics, to be the "starting point estimate of overall housing need" (Persimmon Homes emphasis added). In April 2012, revised SNPPs were provided in light of 2010 based data. According to the Greater Essex Demographic Forecasts Phase 4 document (Edge Analytics, January 2013) the latest SNPP for Maldon is for 294 dwellings per year. This figure now forms Maldon's annual housing delivery target.

Although Persimmon Homes agrees the 294 annual housing target is a step in the right direction, it still falls considerably short of 437 dwellings per year, which the Greater Essex Demographic Forecasts Phase 4 document provides as the housing need controlled by an employment growth trajectory derived from the most recent forecasts from the East of England Forecast Model. Nor does it seek to address the 825 units a year requirement shown in the latest Strategic Housing Marketing Assessment Update (2012), which is identified as the total need and demand not met by stock flow.

Furthermore, the NPPF Practice Guidance (2013) clarifies that the SNPP figures may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends, e.g. formation rates may have been suppressed historically by under-supply and worsening affordability of housing. The Guidance goes on to state that "*the assessment will therefore need to reflect the consequences of past under delivery of housing...local planning authorities should take a view based on available evidence of the extent to which household formation rates are or have been constrained by supply*".

Persimmon Homes takes the view that Maldon's household formation rates have been impacted by the District's recent failure to meet its RSS annual housing target, which is a low and easily achievable target, and in particular its chronic inability to deliver affordable homes (average of 17% between 2006/7 – 2011/12). The level of projected need within the latest SNPP figures therefore should be adjusted to account for this.

Given that the NPPF seeks to "*boost significantly the supply of housing*" (paragraph 47), the SNPP figures should be taken as the minimum target, particularly in light of the low housing delivery the district has experienced in recent years. The current SHLAA (2012) indicates an abundance of landowners and developers who are keen to contribute to the housing land supply with sites that are considered to be suitable and deliverable, therefore Maldon should aspire to meet a higher level of housing growth, not just the prescriptive SNPP figure.

#### *Housing Trajectory (Figure 4)*

The Housing Trajectory (Figure 4) shown on page 22 of the draft LDP has the RSS Target (126pa) remaining until 2014/15, in line with the LDP target adoption timescale. Persimmon Homes disagrees with this approach. For one, the latest Annual Monitoring Report (2011/12) uses the 200 dwellings per annum target as put forward by the Preferred Option document and this should therefore be reflected in the 2012/13 column of the Housing Trajectory. Persimmon Homes also takes the view that for 2013/14 period onwards, the 294 dwellings per annum figure should be used as it is the most up to date, objectively tested

and Council agreed figure. This means a current five year housing land supply requirement of 1,376 units (200 units for 2012/13 + 294 per year onwards), not 1,134 as currently shown.

Persimmon Homes approach is supported in the NPPF Practice Guidance (2013), where under the section titled 'What is the starting point for the five year housing supply?', it states that plan makers should use their housing provision figures in their adopted developments "*provided these plans are up to date and based on a current objective assessment of housing need*". The Practice Guidance goes on to specify that adopted plans based on revoked regional strategies may not adequately reflect current needs. With this in mind, Maldon should not still be using its RSS annual target figure, as indicated in the Housing Trajectory shown in Figure 4, page 22 of the draft LDP. Instead, it should show 200 for year 2012/13 and 294 for year 2013/14.

Using these figures and the information provided within the latest Annual Monitoring Report, it can be assumed that from 2012/13 to 2013/14 Maldon will have a housing shortfall of approximately 375 units (around 1.5 years) as illustrated in red below:

*Current Projected Housing Delivery for 2012/13 and 2013/14 = 75 + 44 = 119 units (sourced from latest AMR)*

*Housing Delivery Target for 2012/13 and 2013/14 = 200 + 294 = 494 units*

*Shortfall in Delivery for 2012/13 – 2013/14 = 494 – 119 = 375 units*

This shortfall in delivery should be addressed across the LDP's planning period, which in itself equates to 25 additional units per year. Further site allocations are required in order to achieve this.

**Q3) Do you support the proposed distribution of new housing? If you disagree, is there an alternative distribution of new housing which you would prefer?**

Persimmon Homes does not support the proposed distribution of new housing outlined in Policy S2. The land east and west of Broad Street Green Road should be re-allocated as a Strategic Allocation. As both areas of land are deliverable now and do not rely on strategic infrastructure to service the sites, the Council had previously appreciated the suitability and deliverability of the sites in previous versions of the LDP and has failed to offer any explanation as to why they have now been discarded. The re-allocation of Persimmon Homes land is necessary in order to address the level of housing delivery the LDP is currently anticipating, particularly in the first five years of the plan, which is undeliverable for the reasons given below.

*Garden Suburb Allocations*

Policy S2 expects that the New Garden Suburbs at Maldon and at Heybridge will deliver 420 and 250 dwellings respectively within the first five years of the development plan. This can be considered overly ambitious in the absence of any submitted planning applications or adopted Masterplans (which have to be in place prior to the grant of site specific planning as per Policy S3 and paragraph 2.42 of the draft LDP).

Maldon's experience with dealing with any significant sized housing scheme has been limited in recent years and as such the Council is failing to recognise that schemes as large as the proposed Garden Suburb allocations north of Heybridge and south of Maldon in practice take at least two years (more realistically 4 years) to reach a position to start on site. Such prolonged timescales need to take account of the time it takes to prepare, submit and determine a planning application, negotiate and agree a S106 Agreement, discharge all the necessary pre-commencement conditions and adequately prepare the site before construction. Considering that a Masterplan for each New Garden Suburb also needs to be prepared and agreed between the Council and the developer before a planning application can be determined, as per Policy S3, the process of getting a start on site is further delayed. To therefore assume that an average 50 units per annum can be delivered in Heybridge Garden Suburb and 84 units per annum can be delivered in the Maldon Garden Suburb from 2014/2015, is unrealistic and unachievable.

It is recognised within the NPPF Practice Guidance (August 2013) that the size of sites is an important factor in identifying whether a housing site is deliverable within the first five years and requires that plan makers consider the time it will take to commence development on site and achieve build out rates to

ensure a robust five-year housing supply. Looking at Policy S2 of the draft LDP, it is clear that such consideration has not been made in this regard and therefore Maldon's five year housing supply is not robust.

### *Burnham-on-Crouch Strategic Allocations*

The LDP includes three strategic allocations within Burnham-on-Crouch:

- S2(h) – West of Burnham-on-Crouch (360 units)
- S2(i) – North of Burnham-on-Crouch (West) (360 units)
- S2(j) – North of Burnham-on-Crouch (East) (180 units)

Policy S2 plans for 180, 180 and 90 units to be developed for each of the above sites respectively in the first five year plan period. However, the site that forms S2(j) is shown within the latest SHLAA (2012) as being deliverable in the 6-10 year period and is currently highlighted as being unviable. It is therefore not justifiable to state that 90 units will be deliverable within 0-5 years on this site.

The Viability Study (August 2013) continues to highlight viability issues surrounding housing development in Burnham-on-Crouch. As stated in paragraph 10.30, “to meet the infrastructure requirements on all of the strategic sites, either under CIL or the s106 regime, the affordable housing target would need to be reduced to around 20% on the sites at Burnham”. Considering the District's very poor delivery of affordable housing in recent years (average 17% between 2006/07 and 2011/12) and the clear policy priority illustrated in draft Policy H1 – Affordable Housing, the Council should be avoiding strategic allocations that cannot deliver adequate affordable housing due to known viability constraints. In comparison, the Viability Study illustrates that the land North of Heybridge (including Persimmon Homes land interests) can bear the costs of infrastructure and up to 40% affordable housing. Although, please note, this is not yet necessarily supported by financial viability assessment in delivering greenfield sites and the additional infrastructure costs burdens.

The next SHLAA review may shed new light on why the Burnham-on-Crouch sites are considered deliverable within 0-5 years of the planning period. However, based on the current evidence and considering the acknowledged viability issues surrounding the strategic allocations within Burnham-on-Crouch, it does not appear that there is a reasonable prospect that these sites will be ‘achievable’, as per the NPPF online Practice Guidance (August 2013). It is therefore not a robust approach to rely on 450 dwellings to be delivered in the area within the first five years of the LDP.

### *Rural Allocations*

The LDP allocates 420 dwellings to be developed within the Borough's villages, with 75 specifically allocated to North Fambridge. In delivering these dwellings, the LDP, as shown in the Housing Trajectory on page 22, plans for 190 to be completed in years 0-5, starting from 2014/15, at a rate of 38 dwellings per annum. However, it is not clear where these housing figures have originated from as there are currently no specific rural housing sites allocated. Indeed, the LDP states that the district has an average annual windfall delivery of 22 dwellings per year, so anticipating rural sites to deliver 38 dwellings per annum is not justifiable.

The LDP refers to a Rural Allocations DPD, which will allocate land for the 420 dwellings in and around the District's villages, and each Parish will be invited to work with the Council to identify appropriate land to meet the needs for their areas. The Local Development Scheme (2013), however, states that this document will not commence until early 2014 with a target adoption date in late 2015. This suggests that discussions with Parishes to identify appropriate sites have not begun yet and that an adopted DPD cannot be expected until into the second year of the LDP at least. It is therefore questionable that the LDP can rely on 190 rural dwellings to be completed within 5 years, let alone 38 dwellings in the 2014/15 period before the DPD is adopted.

Furthermore, having reviewed the latest available SHLAA (2012), apart from one site with a capacity of 3 units, all sites within North Fambridge are given a timescale of 6-10 years or 15+ years. Therefore, the LDP's trajectory for North Fambridge to deliver 75 dwellings is not evidenced.

### *Windfall Allowance*

The draft LDP currently has an allowance for 220 windfall housing completion between years 6-15 of the plan. Whilst this allowance may be justified when looking at the District's history on delivering such sites, the NPPF Practice Guidance (August 2013) states under section titled "Stage 3: Determining the housing potential of windfall sites when justified" that plan makers should not need to rely on windfall allowance in years 6-15 because local planning authorities have the ability to identify broad locations for these years. Given the number of sites identified within the current SHLAA (2012), the 220 dwellings anticipated within Policy S2 to be delivered via windfall sites should be removed and replaced with acceptable broad locations.

### **Policy S2 (Q2 and Q3) Summary Points**

- The latest SNPP figure should be taken as a minimum housing need and the annual housing target should be increased above 294 pa. At the very least, the annual target should be increased by 25 dwellings per year to 316 to account for the anticipated under delivery in years 2012/13 and 2013/14. Although, Persimmon Homes takes the view that this will still fail to adequately meet the District's housing need.
- The Housing Trajectory presented in Figure 4 should be amended to have the annual target raised to 200 dwellings for 2012/13 and 294 for 2013/14. Using the RSS target until the LDP's adoption is not compliant with NPPF Practice Guidance (2013) as it is not the most up to date, objectively assessed data available.
- The five year housing supply provided is heavily reliant on the delivery of Garden Suburb Allocations, which by virtue of their scale are unlikely to be able to deliver 670 dwellings in the first five years of the plan. Relying on such an unsubstantiated rate of delivery for these large sites that are subject to considerable infrastructure obligations and policy requirements does not align with the NPPF online Practice Guidance (August 2013). A more realistic target would be for 250-350 units being delivered in the Garden Suburb Allocations in the first five years of the planning period.
- The LDP relies on the quick delivery of Burnham-on-Crouch strategic sites despite having long known viability issues. Viability issues could constrain and delay the development of these sites, making them unreliable in being able to contribute to the five year housing land supply. Alternatively, it could mean having to compromise the delivery of affordable housing, which is against the Council's policy priority under Policy H1 (Affordable Housing).
- The LDP anticipates the delivery of 190 residential units within Rural Allocations at a rate of 38 dwellings per year starting from 2014/15, despite the fact that the Rural Allocations DPD has not begun yet, will not be complete until late 2015 and that the majority of rural SHLAA sites, particularly in North Farnbridge, are shown as being deliverable in 6-15 years.
- The housing trajectory outlined within the draft LDP includes an allowance for 220 dwellings to be delivered on windfall sites between years 6-15 when NPPF Practice Guidance states that local planning authorities should not need to do so as they should be in a position to broadly allocate sites for these years.
- All of the above suggests the LDP's overall anticipated housing delivery is not robustly justified and there is not a conclusive five year housing land supply, which does not comply with the NPPF. Persimmon Homes' site should therefore be included as a Strategic Allocation.

### **Policy S4 – Maldon and Heybridge Strategic Growth**

#### ***Q4) Do you agree with the proposals for development in Maldon and Heybridge?***

Persimmon Homes do not agree with the proposals for development in Maldon and Heybridge as its land to the East and West of Broad Street Green Road has been unallocated. The Persimmon Homes land has been viewed favourably by the Council throughout the LDP drafting process and it has only been in recent months with the publication of the latest Draft LDP that it has suddenly and inexplicably been excluded. As

mentioned above, Persimmon Homes have been actively pursuing contacts within the Planning Policy Department in order to discuss the matter or to at least secure an explanation, but to date the Council has not responded.

The land is considered suitable by the criteria of the NPPF and within Maldon's latest SHLAA (site no. 8038). Maldon's Viability Study considers the land to be marginally viable and certainly more so in comparison to the Burnham-on-Crouch sites. However, the evidence base that suggests the Land East and West of Broad Street Green Road is only marginally viable does not provide robust evidence to support this conclusion. Please see Savills review of the Viability Study attached and discussed in more detail in the Additional Comments section below.

The land East and West of Broad Street Green Road are deliverable sites that can make significant contribution to Maldon's 5 year housing land supply. Persimmon Homes are keen to develop at the earliest opportunity. Originally, the approach was to progress the land through the LDP site allocation process, but in light of recent events Persimmon Homes have been forced to consider alternative options. However, the preferred option is still for the Land East and West of Broad Street Green Road to be allocated within the LDP as a Heybridge Strategic Allocation, similar to the Heybridge Swifts site.

Unlike before, the Persimmon Homes land should not be re-allocated as part of the North of Heybridge New Garden Suburb as this would exacerbate the delivery issues related to developing such large sites. In order for the Land East and West of Broad Street Green Road to make a meaningful contribution to the District's five year housing land supply it should be allocated as a strategic site separate to the New Garden Suburb.

### **Additional Comments**

***Q15) If you wish to make any other comments on the Draft LDP, enter your comments in the box below***

#### *Evidence – Viability Study*

Persimmon Homes instructed Savills to undertake a review of the Maldon District Council's Local Plan & Community Infrastructure Levy Viability Study (HDH Planning, August 2013). Savills concluded that while the overall approach taken by HDH Planning is appropriate, there are some points for concern. In particular, Savills recommend that further viability work should be completed on the basis of accurately costed infrastructure, rather than being an '*overstatement of actual requirement*'. Savills is particularly critical of the viability approach for North Heybridge (see paragraph 3.8 of the Representations on behalf of Persimmon Homes). The Savills document has been attached for your consideration.

#### *Duty to Cooperate*

It has become clear in a number of Examination in Public cases that local authorities need to clearly demonstrate within the development plans that they have engaged "*constructively, actively and on an ongoing basis to maximise effectiveness...relating to strategic cross boundary matters*" (NPPF Practice Guidance, 2013). Maldon's strategic planning concerns relating to housing delivery, road infrastructure and education provision are certainly cross boundary matters and at present it is not considered that Maldon Council can demonstrate effective cooperation with the neighbouring districts of Braintree, Chelmsford, Colchester and Rochford. This will need to be addressed prior to the submission of the LDP for Examination.

### **Conclusion**

Within the above written representations, we have sought to demonstrate, on behalf of Persimmon Homes, that Maldon's draft LDP comprises a weak housing growth strategy that does not adequately address in full the objectively assessed housing need of the District. Nor is it based on a five year housing supply that is realistic or conclusively deliverable, leaving Maldon's housing land being determined at appeal. The document is therefore not compliant with the NPPF (2012) and its accompanying Practice Guidance (2013), meaning that, in its current form, the LDP will be found unsound at Examination. In order to address

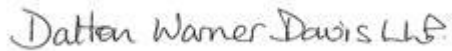
this issue, it is concluded that more sites need to be allocated within the LDP, including the formerly allocated Persimmon Homes land to the East and West of Broad Street Green Road.

What is clear in reviewing the latest LDP is that it has not been drafted in association with the NPPF Practice Guidance, which was published in August 2013. The LDP should therefore not progress further until it has been assessed under this Guidance and complies with the recommended approach to the appropriate evidence base and LDP formulation.

We will continue to monitor the emerging Local Development DPD for the District of Maldon with interest and would welcome the opportunity to comment on future versions of the document and to be kept informed of its progress.

Should you have any queries regarding any of the above representations, please feel free to contact Mary Power or Freya Turtle at this office.

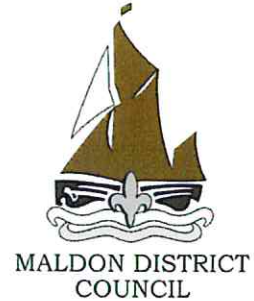
Yours faithfully



**Dalton Warner Davis LLP**

## **APPENDIX 1 – COMPLETED PUBLIC CONSULTATION QUESTIONNAIRE**

# Draft Local Development Plan



## Public Consultation Questionnaire

Following consultation on the preferred options last summer, Maldon District Council has prepared a Draft Local Development Plan (LDP) which will help shape the future of the District over the next 15 years. The Council now wants to hear what *YOU* think about the main proposals in the Draft LDP. Information is provided in the leaflet and copies of the Draft LDP, Proposals Map and Sustainability Appraisal, are all available online at [www.maldon.gov.uk](http://www.maldon.gov.uk) and at the Council Offices. A series of exhibitions will be held throughout the District in September.

Comments should be made by completing this questionnaire and returning it to the Council in the attached stamped addressed envelope.

If you prefer, you can complete the questionnaire online on the Maldon District Council website at [www.maldon.gov.uk](http://www.maldon.gov.uk)

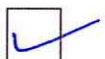
**All responses must be received by 5pm on Monday 14th October 2013**  
[late responses will not be considered]

### **PART A** - Your details (*anonymous responses cannot be considered*)

[Please print clearly in all written responses using **BLOCK CAPITALS** and **BLACK INK** else your data may be lost]

|   |   |          |  |
|---|---|----------|--|
| Name                                      | <input type="text" value="FREYA TURTLE"/>   | Address  | <input type="text" value="21 GARLICK HILL"/> |
|   |   | Line 2   | <input type="text" value="LONDON"/>          |
| Company<br><small>(if applicable)</small> | <input type="text" value="DALTON WARNER DAVIS&lt;br/&gt;(ON BEHALF OF&lt;br/&gt;PERSIMMON HOMES)"/> | Line 3   | <input type="text"/>                         |
|   |   | Line 4   | <input type="text"/>                         |
| Email<br>address:                         | <input type="text" value="FT@DWDLLP.COM"/>  | Postcode | <input type="text" value="E4 4V 2AU"/>       |

If you would like to be added to the Local Development Plan mailing list to receive updates on the progress of the Plan, please tick here (*please ensure your details are written clearly above*)



**PART B -**

Reference is made to the appropriate Policy/Appendix numbers in the Draft LDP.

**Q1 The overall vision is to improve the quality of life for people living and working in the District and to provide the new homes, jobs and infrastructure required to meet identified needs and support the local economy, whilst protecting the District's heritage and environment.**

Do you support the overall vision for the District set out in the Draft LDP? (please tick one box)

|  |                          |                                     |                          |                          |                          |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|  | Strongly<br>Agree        | Agree                               | No Opinion               | Disagree                 | Strongly<br>Disagree     |
|  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q2 In order to ensure the LDP will meet the requirements set by Government, the Council has reviewed the amount of development required to meet identified housing and employment needs over the next 15 years. As a result, it has been necessary to increase the proposed number of new homes from 3,000 to 4,410 and to allocate 8.4 hectares of additional employment land.**

Do you support the proposed level of growth in the District (Policy S2)? (please tick one box)

|  |                          |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
|  | Strongly<br>Agree        | Agree                    | No Opinion               | Disagree                 | Strongly<br>Disagree                |
|  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Q3 The main urban areas of Maldon, Heybridge and Burnham-on-Crouch are considered to be the most appropriate locations for new housing. Following consideration of alternative options which are detailed in the Draft LDP (Appendix 6), the following distribution is now proposed.**

Do you support the proposed distribution of new housing (Policy S2)?

(please tick one box per line)

| Settlement        | Total number of dwellings | Strongly<br>Agree        | Agree                    | No Opinion                          | Disagree                 | Strongly<br>Disagree                |
|-------------------|---------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Maldon            | 1,830                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Heybridge         | 1,000                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Burnham-On-Crouch | 450                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**If you disagree, is there an alternative distribution of new housing which you would prefer? [Please use **BLOCK CAPITALS**]**

PLEASE SEE ENCLOSED LETTER. (PAGES 2-6)

Q4 It is proposed to develop two Garden Suburbs in Maldon and Heybridge which will be comprehensively planned to ensure the provision of a mix of housing, community and educational facilities, open space and new transport provision.

|   |                          |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
|   | <i>Strongly Agree</i>    | <i>Agree</i>             | <i>No Opinion</i>        | <i>Disagree</i>          | <i>Strongly Disagree</i>            |
| Do you agree with the proposals for development in Maldon and Heybridge (Policy S4)? <i>(please tick one box)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Q5 The distribution of new housing in Burnham-on-Crouch has been reviewed in response to comments received during the last consultation. It is now proposed to distribute the new housing between three smaller sites instead of one large site.

|  |                          |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
|  | <i>Strongly Agree</i>    | <i>Agree</i>             | <i>No Opinion</i>        | <i>Disagree</i>          | <i>Strongly Disagree</i>            |
| Do you support the strategy for housing development in Burnham-on-Crouch (Policy S6)? <i>(please tick one box)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Q6 In response to comments made during the last consultation, the number of new dwellings to be accommodated in North Fambridge has been reduced from 300 to 75.

|  |                          |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
|  | <i>Strongly Agree</i>    | <i>Agree</i>             | <i>No Opinion</i>        | <i>Disagree</i>                     | <i>Strongly Disagree</i> |
| Do you support the strategy for housing development in North Fambridge (Policy S7)? <i>(please tick one box)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Q7 In order to provide for local housing needs and support local services, it is proposed to make provision for a total of 345 new dwellings in other rural villages in the District. A Rural Allocations Development Plan Document will be produced after completion of the LDP in consultation with local communities to identify appropriate sites for development.

|   |                          |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
|   | <i>Strongly Agree</i>    | <i>Agree</i>             | <i>No Opinion</i>        | <i>Disagree</i>                     | <i>Strongly Disagree</i> |
| Do you support the strategy for housing development in other rural villages (Policy S7)? <i>(please tick one box)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Q8 A policy has been included in the Draft LDP to ensure that the use or display of advertisements do not have an adverse impact on amenity and public safety.

|   |                          |                          |                                     |                          |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
|   | <i>Strongly Agree</i>    | <i>Agree</i>             | <i>No Opinion</i>                   | <i>Disagree</i>          | <i>Strongly Disagree</i> |
| Do you agree with this approach (Policy D6)? <i>(please tick one box)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q9 The Draft LDP seeks to provide adequate land to promote employment development, job creation and to allow for the expansion of existing businesses.

|  | Strongly Agree           | Agree                    | No Opinion                          | Disagree                 | Strongly Disagree        |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| Do you support the proposals for new employment development in Maldon and the extension to the Burnham Business Park (Policy E1)? <i>(please tick one box)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q10 Increasing the supply of affordable housing is one of the Council's key priorities.

|   | Strongly Agree           | Agree                    | No Opinion                          | Disagree                 | Strongly Disagree        |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| Do you agree with the local requirements for affordable housing provision (Policy H1)? <i>(please tick one box)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q11 The Council is committed to working with our partners to improve healthcare facilities within the District

|  | Strongly Agree           | Agree                    | No Opinion                          | Disagree                 | Strongly Disagree        |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| Do you support development on an appropriate greenfield location at the edge of Maldon if it were to deliver a new Community Hospital or similar healthcare facilities (Policy I2)? <i>(please tick one box)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q12 Primrose Meadow is an area of green space situated off Mundon Road, Maldon

|  | Strongly Agree           | Agree                    | No Opinion                          | Disagree                 | Strongly Disagree        |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| Do you support the production of a Primrose Meadow Planning Brief to manage the future use of the site (Policy I3)? <i>(please tick one box)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q13 The Council has produced an updated Sustainability Appraisal to support the Draft LDP which is available on the Council's website. Do you have any comments on this? [Please use **BLOCK CAPITALS**]

N/A

Q14 Do you wish to comment on the Proposals Map or any other Policies in the Draft LDP?

Please enter here which Policy Number / Paragraph number you refer to

Please enter your comments in the box below [Please use **BLOCK CAPITALS**]

N/A.

Q15 If you wish to make any other comments on the Draft LDP, enter your comments in the box below [Please use **BLOCK CAPITALS**]

PLEASE SEE ENCLOSED LETTER (page 6)

Thank you for taking the time to complete this questionnaire. Your comments are important and will be fully considered. Please see Maldon District Council's website for future information about the progress of the LDP.

If you need further assistance please contact the Planning Policy Team by email at [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk) or by telephone on 01621 876202

This document can be made available on request in larger print, braille and audio and in languages other than English. To obtain a copy in an alternative format please contact the Planning Policy Team on 01621 876202.

# Equality Monitoring

Maldon District Council is committed to providing services that meet the needs of its residents and to providing equal opportunity to all. In order to do this it is important that the Council understands who its customers are and who is using its services. The Council therefore asks for the following monitoring information.

Answering the questions below is entirely voluntary so please leave blank any questions that you are not comfortable answering. Any information you do give will be used to help us provide better services and to promote equality.

Information will only be used by Maldon District Council and its employees in accordance with the Data Protection Act 1998. Maldon District Council will not supply information to any other organisation or individual except to the extent permitted by the Data Protection Act and which is required or permitted by law in carrying out any of its proper functions.

Information given will be kept separately so that individuals cannot be identified and will be treated as confidential and only used for the purposes described. Any personal details given will not be used for any other purpose.

Please tick appropriate box(es).

### Q16 Are you

Male .....  Transgender / Transsexual .....   
 Female .....  Prefer not to say.

### Q17 Are you

Heterosexual .....  Lesbian or gay ...   
 Bisexual .....  Prefer not to say.

### Q18 Age Group

Under 16 .....  45-64 .....   
 17-24 .....  65 and over .....   
 25-44 .....  Prefer not to say.

### Q19 Which of the following best describes your marital status?

Single .....  Divorced .....   
 Married .....  Partner or co-habiting .....   
 Civil Partnership .....  Prefer not to say.   
 Widowed .....

### Q20 What is your religion?

Buddhist .....  Muslim .....   
 Christian (all denominations) .....  Sikh .....   
 Hindu .....  No religion or belief .....   
 Humanist .....  Other .....   
 Jewish .....  Prefer not to say.

### Q21 Do you consider yourself to have a disability?

The Disability Discrimination Act 2005 defines a person as disabled if he or she has a physical or mental impairment which has a substantial long-term adverse effect on his or her ability to carry out normal day-to-day activities. This would include progressive illnesses such as cancer.

Yes   
 No   
 Prefer not to say

### Q22 What do you consider to be your ethnic origin?

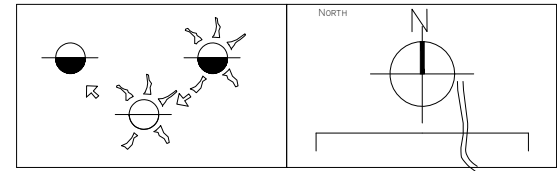
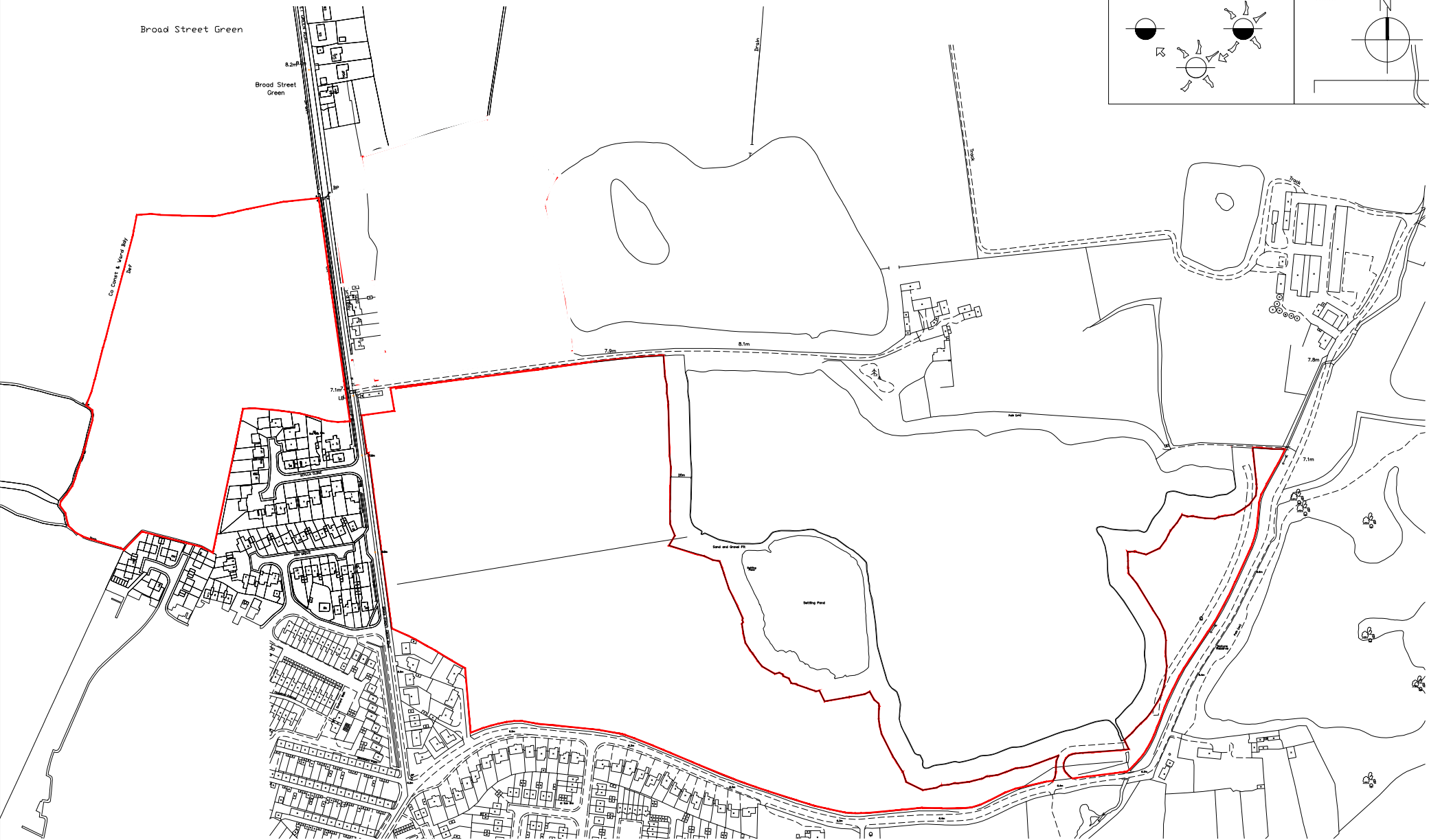
White - British .....  Asian or Asian British - Bangladeshi .....   
 White - Irish .....  Asian or Asian British - Other .....   
 Mixed - White & Black Caribbean .....  Black or Black British - Caribbean .....   
 Mixed - White & Black African .....  Black or Black British - African .....   
 Mixed - White & Asian .....  Black or Black British - Other .....   
 Mixed - Other .....  Chinese .....   
 Asian or Asian British - Indian .....  Other (please specify in box below \*\*) .....   
 Asian or Asian British - Pakistani .....  Prefer not to say .....

\*\* Other (please specify)

## **APPENDIX 2 – PERSIMMON HOMES LAND EAST AND WEST OF BROAD STREET GREEN ROAD**

Broad Street Green

Broad Street Green



RUA

ARCHITECTURE & URBAN DESIGN

|                                       |                    |                    |                 |
|---------------------------------------|--------------------|--------------------|-----------------|
| 4 Trinity Avenue, Northampton NN2 6JJ | Tel: 01604 712 770 | Fax: 01604 712 770 | www.rua-a.co.uk |
|---------------------------------------|--------------------|--------------------|-----------------|

Project

Title

Broad Street Green Road  
Maldon

Site Location Plan

| Scale     | Date     | Drawn | Checked | Job No. | Drawing No. | Revision |
|-----------|----------|-------|---------|---------|-------------|----------|
| 1:2500@A2 | 03.02.12 |       |         |         |             |          |

ANSARC Limited trading as RUA Architecture + Urban Design, Thistle Down Barn, Holcot Road, Sywell, Northants NN6 0BG

## **APPENDIX 3 – SAVILLS WRITTEN REPRESENTATIONS ON MALDON'S VIABILITY STUDY**



**MALDON DISTRICT COUNCIL**

**DRAFT LOCAL DEVELOPMENT PLAN 2014 – 2029 CONSULTATION**

**Representations on behalf of Persimmon Homes (Essex)**

**October 2013**

**Savills Cambridge**

**Unex House**

**132 – 134 Hills Road**

**Cambridge**

**CB2 8PA**

**Tel – 01223 347038**

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## 1.0 Introduction

- 1.1 This Representation has been prepared by Savills, as advisers, on behalf of Persimmon Homes (Essex). It has been submitted to influence Maldon District Council's emerging Draft Local Development Plan published for public consultation in the period 28<sup>th</sup> August to 14<sup>th</sup> October 2013. Our clients' particular comments relate to the Local Plan & Community Infrastructure Levy (CIL) Viability Study which was prepared by HDH Planning & Development which forms part of the evidence base.
- 1.2 Our representations relate specifically to growth identified as "North Heybridge H1, BS1, BS2, H4"
- 1.3 We understand Maldon District Council (MDC) is working towards finalising the Maldon District Local Development Plan (LDP) for the period to 2031, and we understand the Examination in Public (EIP) is expected during 2014.
- 1.4 Turning to the viability study, we understand HDH Planning & Development have been appointed to advise the Council on the following:
- 1) Ensure that the level of affordable housing and other policy requirements do not render development unviable to the extent that the delivery of the Plan is put at risk, as required by Paragraph 173 of the National Planning Policy Framework (NPPF).
  - 2) Secondly, to consider the viability of a selection of strategic development sites that are representative of the sites likely to be allocated within the draft LDP consultation document.
  - 3) Thirdly, to assess the effect which the introduction of CIL may have on development viability in the context of CIL Regulation 14.

## 2.0 National Planning Policy

2.1 Since the economic downturn in 2008, viability testing – both area wide and site specific – has become an increasingly important part of the planning process.

2.2 The National Planning Policy Framework (NPPF) clearly recognises the importance of viability, particularly in relation to plan making and conducting a Strategic Housing Land Availability Assessment (SHLAA). Paragraph 173 states;

*“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. 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. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”*

2.3 Furthermore, Paragraph 174 states;

*“Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.”*

2.4 The NPPF has placed a much stronger emphasis on viability and in particular viability in terms of plan making. With a focus on total plan viability, the NPPF calls for balance between sustainable development which benefits the local community and realistic returns for land owners and developers, so that development is commercially viable.

2.5 The Sir John Harman Report “*Viability Testing Local Plans*” also outlines the importance of having a deliverable local plan which is viable. Paragraph 8 of Page 14 states;

*“The primary role of a Local Plan viability assessment is to provide evidence to show that the requirements set out within the NPPF are met. That is, that the policy requirements for development set out within the plan do not threaten the ability of the sites and scale of that development to be developed viably. Demonstrably failing to consider this issue will place the Local Plan at risk of not being found sound.”*

### 3.0 Residual Appraisals

- 3.1 We understand that HDH have modelled a range of local and strategic residential development sites that – in their view – are broadly representative of the type of development likely to come forward in the Maldon District. Table 9.1 below shows the strategic sites;

| Table 9.1 Potential Strategic Sites  |               |
|--|---------------|
| Site location / code   | No. dwellings |
| North Heybridge proposed masterplan area   | 900           |
| H1 (North Heybridge)<br>BS1 (North Heybridge)<br>BS2 (North Heybridge)<br>H4 (North Heybridge) | 700           |
| South of Maldon proposed masterplan area   | 1,250         |
| M2 (West Maldon)   | 700           |
| Burnham on Crouch proposed masterplan area   | 450           |
| B1 (Burnham)<br>B2 (Burnham)<br>B4 (Burnham)   | 700           |
| F3 (North Fambridge)<br>F4 (North Fambridge)   | 700           |
| L1 (Latchingdon)   | 700           |
| S3 (Southminster)  | 700           |

Source: MBC

- 3.2 The report then goes on to consider the costs and other assumptions required to produce financial appraisals for the modelled sites. For the strategic sites' infrastructure requirements, HDH have relied on information provided by MDC and Essex County Council. We understand that North Heybridge (H1, BS1, BS2 & H4) is estimated to have the following infrastructure burden;

|                         |                    |
|-------------------------|--------------------|
| Education (Early Years) | £1,250,000         |
| Education (Primary)     | £3,700,000         |
| Education (Secondary)   | £2,300,000         |
| Libraries               | £197,036           |
| Highways                | £4,525,000         |
| Waste Management        | £213,500           |
| Health                  | £215,000           |
| Sewage                  | £250,000           |
| <b>Total</b>            | <b>£12,651,136</b> |
| <b>Per Unit</b>         | <b>£18,073</b>     |

- 3.3 The cost per unit for North Heybridge (H1, BS1, BS2 & H4) is considerably higher than the other strategic typologies. This concern is deepened further by the comment made at Paragraph 7.31;

*"It is important to note that the above costs are derived by MDC working with Essex County Council (ECC) and using standard costs calculators based on unit numbers. Each site is considered on a standalone basis to inform the site selection process. In due course, when the actual site details are known it will be necessary to revisit these and ensure that there is no double provision. By way of example it may be possible for some sites to share provision. The above allows for 4 or 5 new primary schools to be constructed. Further, the full £4,525,000*

*highways costs is applied to both the North Heybridge proposed masterplan area and the North Heybridge H1, BS1, BS2, H4 areas. If both these areas were to come forward, this cost would be shared over both sites.”*

3.4 Furthermore Paragraph 7.33 states;

*“In relation to health costs, the standard calculator rate of £308/dwelling has been used – rather than a specific assessment being made of the local capacity and needs that would be required to make a site specific assessment in this regard.”*

3.5 This approach is seriously concerning because it suggests that rather than complete a detailed infrastructure review, the preferred way forward is to consider each site on a standalone basis and potentially overestimate. For example, a highways contribution figure of £4,525,000 has been used for both (i) North Heybridge proposed masterplan area and (ii) North Heybridge (H1, BS1, BS2 & H4). Our initial analysis of *Maldon District Infrastructure Delivery Plan: Schedule Update June 2013* suggest that the infrastructure costs are indeed duplicated.

3.6 We believe that the approach used by HDH Planning is incorrect and does not fairly reflect the development process. We believe MDC need to commission further infrastructure analysis in order run more accurate viability models, rather than potentially overestimating costs.

3.7 Turning now to the results and Table 10.10 Strategic Sites – Cumulative impact of Policies (below).

|   |                         |                   | Alternative Use Value | Viability Threshold | No Requirements | Policy and Dev Cont | Affordable Only | Affordable & Policy, No Dev Cont | Full Policy |
|---|-------------------------|-------------------|-----------------------|---------------------|-----------------|---------------------|-----------------|----------------------------------|-------------|
| 1 | North Heybridge MP      | Heybridge         | 25,000                | 330,000             | 989,018         | 716,338             | 616,455         | 588,007                          | 336,660     |
| 2 | H1 BS1 BS2 H4 Heybridge | Heybridge         | 25,000                | 330,000             | 1,060,309       | 725,078             | 661,335         | 630,471                          | 317,407     |
| 3 | South Maldon MP         | Maldon            | 25,000                | 330,000             | 1,050,687       | 793,467             | 660,405         | 631,892                          | 397,219     |
| 4 | M2 West Maldon          | Maldon            | 25,000                | 330,000             | 1,151,139       | 916,652             | 728,561         | 697,948                          | 489,562     |
| 5 | Burnham on C            | Burnham on Crouch | 25,000                | 330,000             | 786,034         | 610,019             | 458,733         | 427,708                          | 277,370     |
| 6 | B1 B2 B4 Burnham        | Burnham           | 25,000                | 330,000             | 742,401         | 586,273             | 424,825         | 393,282                          | 263,901     |
| 7 | F3 F4 Fambridge         | Fambridge         | 25,000                | 330,000             | 878,647         | 698,759             | 526,380         | 495,516                          | 341,763     |
| 8 | Latchingdon             | Latchingdon       | 25,000                | 330,000             | 787,816         | 606,812             | 458,903         | 427,589                          | 272,289     |
| 9 | Southminster            | Southminster      | 25,000                | 330,000             | 787,816         | 551,132             | 458,903         | 427,589                          | 213,912     |

Source: HDH 2013

3.8 Of particular note, Typology North Heybridge (H1, BS1, BS2 & H4) is clearly very close to achieving the viability threshold and being deemed “viable”, it is only around £12,500 per ha below. Furthermore, out of the 5 typologies that have been labeled as “Marginal” it is important to recognise that Typology North Heybridge (H1, BS1, BS2 & H4) is the most viable, and has the highest infrastructure burden out of all the strategic typologies, at £18,703 per unit.

## 4.0 Conclusion

- 4.1 In summary, we would recommend that further viability work should be completed on the basis of accurately costed infrastructure, rather than being an '*overstatement of actual requirement*' (HDH 2013). The use of a proportionate evidence base is essential to ensure viability is not unnecessarily put at risk. This is stated within paragraph 158 of the NPPF; "*each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area*". It is essential that more detailed analysis is conducted in order to determine and justify the anticipated infrastructure cost within Maldon District.

## Important Note

In accordance with our normal practice, we would state that this report is for general informative purposes only and does not constitute a formal valuation, appraisal or recommendation. It is only for the use of the persons to whom it is addressed and no responsibility can be accepted to any third party for the whole or any part of its contents. It may not be published, reproduced or quoted in part or in whole, nor may it be used as a basis for any contract, prospectus, agreement or other document without prior consent, which will not be unreasonably withheld. It is given in good faith and without liability.

Our findings are based on the assumptions given. As is customary with market studies, our findings should be regarded as valid for a limited period of time and should be subject to examination at regular intervals. Whilst every effort has been made to ensure that the data contained in it is correct, no responsibility can be taken for omissions or erroneous data provided by a third party or due to information being unavailable or inaccessible during the research period. The estimates and conclusions contained in this report have been conscientiously prepared in the light of our experience in the property market and information that we were able to collect, but their accuracy is in no way guaranteed.