



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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**to  
STRATEGY AND RESOURCES COMMITTEE  
5 DECEMBER 2019**

**MALDON DISTRICT COUNCIL AFFORDABLE HOUSING AND VIABILITY  
SUPPLEMENTARY PLANNING DOCUMENT – CONSULTATION ON DRAFT  
AMENDMENT**

**1. PURPOSE OF THE REPORT**

- 1.1 To provide Members with an update on the recent consultation on the proposed amendment to the Affordable Housing and Viability Supplementary Planning Document (SPD).

**2. RECOMMENDATIONS**

- (i) That the consultation and Officer responses as set out in this report be noted;

To the Council:

- (ii) That the Council be recommended to approve the proposed amendments to the Affordable Housing and Viability SPD (attached as **APPENDIX 1**) as consulted upon.

**3. SUMMARY OF KEY ISSUES**

**3.1 Background**

- 3.1.1 The Affordable Housing and Viability SPD was adopted by the Council on 8 November 2018. In applying the SPD, an issue has arisen about the interpretation of the ‘additional evidence’ step of the flow chart at Fig 2 on page 38 of the SPD. This step is not necessary for the operation of the process. To improve the SPD’s clarity, it is proposed to delete this step from the flow chart, and to expand the ‘Submit Accessible Viability’ step in the flow chart. Furthermore, the ‘independent assessment’ stage is not considered necessary, bearing in mind that the Council will have had advice from an external consultant under the amended SPD process and the applicant will have had the benefit of their own consultant’s advice. A third consultant to act as an independent assessor will only prolong and increase the expense to the applicant.

- 3.1.2 The draft amendment to the SPD to clarify these aspects was approved for consultation by the Planning and Licensing Committee on 6 June 2019. Consultation

on the proposed amendment took place for six weeks between 18 July and 29 August 2019.

3.1.3 Responses were received from seven respondents. The comments received are summarised in the table below.

3.1.4 Once adopted, the amended SPD will be a material consideration when making decisions on planning applications.

3.1.5 Table 1: Summary of Consultation Comments Received

<b>Respondent Organisation</b>	<b>Summary of Comments</b>	<b>Officer Response</b>
Port of London	No comments.	
Natural England	No comments.	
Historic England	No comments.	
Danbury Parish Council	Maldon District Council should facilitate via Section 106 funding, contributions to the Highway Authority for the construction of a by-pass from the Heybridge Approaches to a dedicated junction with the A12, from development companies’.	The Affordable Housing and Viability SPD provides guidance on the Council’s approach to affordable housing provision and supplements the adopted policies H1, H2 and H5 in the Local Development Plan. The Council’s wider approach to seeking developer contributions, including towards transport and other infrastructure provision, when considering planning applications is set out in the Policy I1 of the Local Development Plan.
Maldon District Council (internal)	Suggest the Independent Viability Assessment section be retained.	This section is not considered necessary, bearing in mind that the Council will have had advice from an external consultant under the amended SPD and the applicant will have had the benefit of their own consultant’s advice. A third consultant to act as an independent assessor will prolong and increase the process and cost.

<b>Respondent Organisation</b>	<b>Summary of Comments</b>	<b>Officer Response</b>
Campaign to Protect Rural England (CPRE) Essex	The proposed amendments are supported.	Noted.
Persimmon Homes	It would be useful if there was an explanation of the change proposed. We raise no objection to the requirement to provide a written undertaking in relation to meeting the costs for an external assessment. Amended text does not appear to provide an opportunity for the applicant to engage in the process once the Viability Assessment is submitted. It is often necessary and helpful for the Council's appointed viability consultant to issue an interim report outlining their initial findings. We suggest the text is amended to include 'developers will be provided with an interim report outlining the findings of the external consultant and afforded the opportunity to respond to any queries arising ahead of the publication of a final report by the external consultant.'	Viability assessments prepared by the Council's viability consultants are published on the Council's website alongside other material relevant to the planning application, as set out in paragraph 8.9 of the SPD. No further amendment to the SPD is considered necessary.

#### **4. CONCLUSION**

- 4.1 The amendments to Figure 2: Viability Assessment Process have been proposed to remove any uncertainty around how the SPD operates. Having considered the consultation responses it is recommended that the proposed amendments as consulted upon be adopted.

#### **5. IMPACT ON STRATEGIC THEMES**

- 5.1 The SPD supports the Growth and Infrastructure theme and the outcomes within it, these include: maintaining a five-year housing land supply, achieving affordable housing targets, and effectively discharging Section 106 agreements.

## 6. IMPLICATIONS

- (i) **Impact on Customers** –The proposed amendment should reduce risk by reducing uncertainty.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – The proposed amendment should reduce risk by reducing uncertainty.
- (iv) **Impact on Resources (financial and human)** –The proposed amendment should reduce impact on resources by reducing uncertainty.
- (v) **Impact on the Environment** – None.
- (vi) **Impact on Strengthening Communities** –The Affordable Housing and Viability SPD supports strengthening communities by ensuring that the affordable housing that supports the needs of the community is provided.

### Background Papers:

Affordable Housing and Viability SPD

[https://www.maldon.gov.uk/info/20048/planning\\_policy/8114/other\\_local\\_plan\\_documents/3](https://www.maldon.gov.uk/info/20048/planning_policy/8114/other_local_plan_documents/3)

Report to Maldon District Council Planning and Licensing Committee 6 June 2019  
(Amendment to Affordable Housing and Viability Supplementary Planning Document)

Enquiries to: Leonie Alpin, Specialist-Local Plan, (Tel: 01621-876278).