

Representation Form

Consultation on additional evidence base documents, September 2023

Closing date for submitting representations: **11:59pm, Friday, 20th October 2023**

Part A

Section 1: Personal Details

Title:	Mr
First Name:	John
Last Name:	Maxey
Job Title (where relevant):	Consultant
Organisation (where relevant):	Maxey Grounds & Co
Address:	[REDACTED] [REDACTED]
Postcode:	[REDACTED]
Telephone:	[REDACTED]
Email:	[REDACTED]

Section 2: Agent Details (if applicable)

Please supply the details below of any agent you have working on your behalf.

Agent name:	N/A
Address:	
Postcode:	
Telephone number:	
Email:	

Part B

Please fill in a separate form for each document

Section 3: Representations

Which Document are you responding on?

Examination Library ref	Document name	Paragraph No(s)
F53	Response to critique of the viability Study	

Summary of Comments:

Please be as precise as possible as to why you support or object to the evidence and/or any suggested main modifications to the Plan contained in the document, providing the relevant paragraph and/or policy number for each point.

Our position remains that there has been no meaningful consultation on the Viability Study apart from an initial meeting to inform on the process. We have therefore at no time during the Plan Process had the opportunity to look in detail and response on the methods, assumptions and inputs utilised, detail of the modelling and the outcomes, nor to access the electronic models utilised and thus be aware of the background calculations behind the report issued. In our experience it is unprecedented not to have had the Report and all the background information as part of the formal Plan consultation process.

In respect of the specific responses from the Council now being consulted on

1. It is noted that an allowance for garages is claimed to have been used. Studying the Appendices of the Updated report (2021) and referring to Site 24 Wisbech Fringe as an example I can see no allowance for garages within either the site make up cost page , nor the cash flow summary page (Pages 427 and 438 on the pdf of that document). The cost for garages are not shown within the build cost make up nor as a separate item. As there has not been formal consultation we have been unable to engage with the consultant and verify this by examination of the electronic models, but on the information available to me I have to dispute this response. On this basis we maintain our objection.
2. We are aware that it is customary in high level studies such as for plan preparation to utilise a percentage of basic build cost to reflect external cost. . Using the same example of Site 24 the update report uses 16% or £171/ sq m on an average dwelling size of 91 sq m which equates to £15600 per unit. We thus dispute that the report uses £17650 per unit as claimed. When working on specific site appraisals in the area we find that a cost for external work of at least 20% is appropriate calculated on the basis of a quantities approach, where the specific requirements for roads, drainage other infrastructure, POS and play equipment is calculated. These levels have been accepted in relation (for example) to appraisals of Wisbech fringe sites by those reviewing such reports in

connection with the current applications. We thus remain of the view that an allowance of 15% of basic build cost is insufficient. We can supply costs of our recent accepted reports as evidence if required within our Hearing Statement and would ask that the Councils's Consultant's full electronic models are also made available before the resumed hearings.

3. We accept that a view on viability has to be taken at the Plan making stage, but that does not, in our view mean that, in the case of a delayed plan process such as this, that there should not be review of the viability position as the plan making stage concludes, to ensure that the ability to deliver on the allocation of the plan remains unchanged. The April 2021 Viability update based on costs as at January 2021 is now 2 ¾ years out of date, and by the time the plan is adopted will be over 4 years historic. This is during a period of rampant build cost price inflation of in excess of 20% (Median Build cost in the April 2021 report is £1167/ sq m and the equivalent today is £1433 – a 22.8% increase) Added to this the increasing affect of revisions to building regs to require improved insulation, alternative forms of heating , car charging points and Solar PV to meet regulations have all added to costs. We are experiencing such costs as around £5500 in terms of the sites we are appraising, and the allowance for FHS in the April 2021 update is 2.8% equating to around £2821 per dwelling. This allowance as also now out of date. We accept there has also been market value change since January 2021 – upwards until August 2022 and thereafter downwards. Nationwide regional house price index data shows a change from Q1 2021 to Q3 2023 of plus 12.47 % for East Anglia. There is thus a difference in percentage terms of 10% between the rate at which costs have risen and the rate at which prices have risen, narrowing the viability gap – significantly in the lower value areas of the Borough where land values are below 10% of GDV. It is submitted that given the time lag between the updated report and likely adoption of the plan during a period when viability is worsening, there is a significant risk of non delivery on the basis of the current Affordable Housing and s106 policies.

This could be addressed in three ways.

Firstly by an updated report being prepared prior to the reconvened Hearings to further inform the Council, The Inspectors, Participants and the plan policies.

Secondly it could be addressed by a regular review process for both Affordable Housing Policy levels and CIL charging rates being introduced to the plan and adhered to in accordance with PPG para 9. It should be noted that the levels within the 2011 Core Strategy which provided for such review have never been the subject of review.

Thirdly by accepting that even with up to date figures at the adoption of the Plan viability will change, and being willing to assess on a site by site basis, in accordance with Policy LP28 points 11 and 12, that transparent Viability Assessment should be acceptable in situations where the high level Local Plan study report does not reflect the reality of Viability at the time a site is brought forward.

4. Whilst I accept that the overall methodology of PPG has been followed the 4 price levels the Councils document refer to in Table 4.10 ranged from £1807-£1920 per sq m in central Kings Lynn to £3226 - £4505 in the Northern costal area of the Borough. I agree that the Affordable Housing requirements for Kings Lynn Town should be the lowest but I do not accept one can apply the same requirements for affordable housing and other contributions in the south of the Borough as the North. On the above figures there is a

£1500 - £2600 per sq m value difference whereas the CIL level difference is currently around £25 per sq m difference between North and South with zero in Kings Lynn (£45 below the south). I disagree that this balances the viability across the district to any significant degree. I remain of the view that a greater differential on affordable housing across the Borough is appropriate. A higher proportion could probably be afforded in the Northern Coastal area where pressure on housing supply, because of holiday home use, is greatest.

5. The response to Point 5 from the Council is evidence why a review of CIL charging rates is required, but also misses the point that levels of value are similar in the southern portion of the Borough to those across the border in Fenland where, with the advice of the same Consultant, and where the Council undertook a comprehensive consultation on their Viability Report, the Council have adopted a 10% First Homes and no S106 cash contributions requirement, and also have no CIL adopted by that authority. West Norfolk with the same economic conditions values and costs in the south of the Borough have reached a conclusion that 20% Affordable Housing, average of £2000 S106 cash payments, and in most cases (Wisbech Fringe excepted) around £4500 CIL payment is viable. This creates an approximate £12500 viability difference stepping across the boundary. Affordable Housing Policies and CIL need to be considered jointly because the funding of both come from the same financial pot. If CIL is to remain unreviewed that this reduces the ability to fund Affordable Housing which needs to be reflected in Policy terms or risk a barrier to delivery in the lower value areas.

We thus maintain our objection to the affordable housing policy provisions as currently set out in the draft Plan on the basis of Viability

(Continue on a separate sheet if necessary.)

Please note you should cover succinctly all the information, evidence and supporting information necessary to support/justify your comments.

Section 4: Examination Hearings

This consultation may be followed by further Examination Hearing sessions, at the discretion of the Planning Inspectors. Do you consider it necessary to participate in Examination Hearing sessions? *(Please select one answer)*

No, I do not wish to participate at the Examination Hearing

Yes, I wish to participate at the examination hearing

Section 5: Data Protection

Do you wish to be notified further about the Local Plan Examination process, at any of the following stages?

Schedule of Main Modifications stage (following hearings)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Publication of Inspector's Report	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Adoption of Local Plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

In complying with the General Data Protection Regulation (UK GDPR) and Data Protection Act 2018, King's Lynn and West Norfolk Borough Council confirms that it will process personal data gathered from this form only for the purposes relating to the consultation. It is intended to publish responses to this consultation on the Borough Council's website. However, it should be noted that all personal information (except for names and organisation name, where appropriate) will not be published.

When you give consent for us to process data, you have the right to withdraw that consent at any time. If you wish to withdraw your consent, you must notify us at lpr@west-norfolk.gov.uk or 01553 616200.

Section 6: Signature and Date of Representation

Please sign and date below:	
Signature: (electronic signatures are acceptable)	<i>J R Maxey</i>
Date:	18/10/2023

Please note that, to be considered, your representation will need to be received by **11:59pm on Friday, 20th October 2023**.