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Part 2 - Regulation 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 “Pre-Submission LDP” consultation

Please note that all comments on the Pre-Submission LDP consultation should be provided by completing Part 2 of this form. A separate completed Part 2 should be provided for each comment made within a representation.

2.1. To which part of the Maldon District Local Development Plan (LDP) does this representation relate?

- | | |
|--|---|
| <p>a. Paragraph (please specify paragraph number)</p> <p>Click here to enter text.</p> | <p>b. Policy (please specify policy reference)</p> <p>S4</p> |
| <p>c. Proposals Map</p> <p>Click here to enter text.</p> | <p>d. Other section (please specify)</p> <p>Click here to enter text.</p> |

2.2. Do you consider the Maldon District LDP to be... (tick as appropriate):

- | | |
|--|---|
| <p>a. Legally compliant To be 'legally compliant' the LDP has to be prepared in accordance with the Duty to Co-operate and legal and procedural requirements. This is required by Government guidance</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> |
| <p>b. Sound To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> |

2.3. Do you consider the Maldon District LDP to be unsound because it is not (tick as appropriate):

- | | |
|--|--|
| <p>a. Positively prepared To be positively prepared the plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements</p> | <p><input type="checkbox"/></p> |
| <p>b. Justified To be justified the plan must be:</p> <ul style="list-style-type: none"> • Founded on a robust and credible evidence base; • The most appropriate strategy when considered against the reasonable alternatives. | <p><input checked="" type="checkbox"/></p> |
| <p>c. Effective To be effective the plan must be:</p> <ul style="list-style-type: none"> • Deliverable; • Flexible; • Able to be monitored. | <p><input checked="" type="checkbox"/></p> |
| <p>d. Consistent with National Policy The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework</p> | <p><input type="checkbox"/></p> |

On the following pages, please explain why you think the Plan is unsound or not legally compliant, and set out any changes you feel should be made to the Plan to make the Plan sound or legally compliant.

Please note: As there will not normally be a subsequent opportunity to make further representations based on your representation at this stage, please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the Plan. After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues the Inspector identifies for examination.

- 2.4.** If you consider the Maldon District LDP to be unsound or not legally compliant please explain why in the box below. Please be as precise as possible. Please also use this space for any comments in support of the LDP.

If the box is not big enough for your comments, please attach another page marked appropriately.

We support the general thrust of Policy S4 and the need for the new Garden Suburbs to be of a high standard of design, and for the developments to be supported by appropriate infrastructure.

We do have some concerns regarding the precise wording of the Policy in places, however, and our concerns can be summarised under the following headings:

- (1) Repetition with Policy S3;
- (2) Mix of housing;
- (3) Uses west Maypole Road/Country Park;
- (4) Strategic Flood Alleviation;
- (5) Responsibility for Infrastructure Provision.

We explain our concerns in respect of each of the above in turn below.

Repetition with S3

We note that there is a degree of repetition between Policies S3 and S4. In particular, we note that the last two bullet points at the bottom of Page 26 (which relate to walking/cycling and public transport) are effectively repeats of Criteria 8 and 9 of Policy S3, and to avoid repetition (and possible confusion), we suggest that these two bullet points are deleted, either from S3 or S4.

Housing Mix

In terms of the mix of housing (9th bullet point on page 27), we have raised concerns in respect of Policy S3 as to implications for an unduly high proportion of homes for the elderly in the Garden Suburbs. We recognise that there is a need for providing accommodation for the elderly, but the mix of new homes in the Garden Suburbs ultimately has to be viable in development terms, if the associated infrastructure is to be delivered. It would be inappropriate to have an over-concentration of homes for the elderly in the Garden Suburbs in any event. It does not follow that homes for the elderly equates with the term 'bungalow'. To the extent that some elderly may wish smaller accommodation or a home on a single level, then this can be addressed in different ways. Additionally, it is vitally important to consider the form and function of elderly accommodation, for example in terms of responsibility for management and levels of care involved. Overall, we agree that the Garden Suburbs will need to provide a wide mix of housing, and that this will include housing for the elderly, but we are concerned specifically about the use of the word "significant", and the implication that the mix will include bungalows. We suggest below an alternative form of wording.

Uses west of Maypole Road/Country Park

With reference to the use of the land between Maypole Road and Langford Road (last bullet point on page 27), we agree that uses in this area could include green infrastructure, flood alleviation measures or landscaping measures. In addition, however, we see no reason why land in this location couldn't also be used for agricultural purposes, since not all of the land may be required for other 'soft' infrastructure. It would also be helpful if the list of possible uses were all expressed as 'or's rather than 'and/or', in the interests of clarity. Our revised wording would therefore be as follows:

"The area between the new relief road, Maypole Road and Langford Road will be used for either green infrastructure or flood alleviation or landscaping or continued agricultural use, or a combination of these uses."

In addition, we note that in the 6th bullet point relating to the North Heybridge Garden Suburb (on page 26) there is reference to the provision of a country park west of Maypole Road. It is not clear why the Council seeks a country park in this location; nor is it clear if it will be successful or well-used. 'Country Parks' can be large and are 'destinations' requiring facilities such as car parking. The question must be asked: what additional function does a 'country park' provide that 'green infrastructure or flood alleviation or landscaping

or continued agricultural use' does not?

To the extent that a form of 'country park' is desirable, then this could be formed as an extension of the existing Blackwater Country Park south of Langford Road.

In order not to fetter the Strategic Masterplan Framework process, we suggest that this bullet point be amended as follows:

"A country park linked to the development, or extension of the existing Blackwater Country Park".

Strategic Flood Alleviation

It is common ground that parts of the existing urban area of Heybridge and Maldon experience existing problems of flooding caused by surface water run-off from the hills to the north of Heybridge feeding into a drainage network that cannot take peak flows.

The development of the North Heybridge Garden Suburb provides an opportunity to address this existing situation by the implementation of a strategic flood alleviation scheme that would see existing surface water run-off captured and diverted away from north Heybridge, towards the Chelmer and Blackwater.

Countryside has liaised with relevant agencies (Essex County Council, Environment Agency and Essex Waterways) in conceiving of an engineering solution based on the aforementioned principles of 'capture and divert'. Whilst detailed design and proving will continue, leading to an agreed scheme, it is vitally important: (i) to understand that multi-agency and partnership working is essential; and (ii) to establish a clear framework for funding and delivery. As set out in our separate representations to Table 1 in respect of development contributions, Countryside consider that it could benefit delivery if the strategic flood alleviation works were coordinated and delivered as part of the Garden Suburb's implementation, with 'pooled' contributions being accessible for its construction.

Two practical issues arising from the above discussion are:

- (1) Delivery and future maintenance of the strategic flood alleviation scheme requires the involvement of various stakeholders, who have an interest in the successful delivery of the scheme, bearing in mind that its main function is to relieve existing problems; and
- (2) In recognition of the fact that the strategic flood alleviation scheme helps to address an existing deficiency, it is also appropriate that funding for the scheme be sourced not just through the development process, but also through funding from those other stakeholders. We note that Table 20 of the IDP (page 99 of that document) refers to existing funding of £1m already being secured towards the overall estimated cost of £8.7m, and Countryside will look to work with the stakeholders above to secure funding to help in the delivery of the scheme.

Turning to the implications for the Local Development Plan and Policy S4, we have two specific concerns, arising from the above, and from the specific wording of the 5th bullet point on page 27.

Firstly, the wording of the 5th bullet point refers to surface water management works being "integrated as an integral part" of the growth areas. This is somewhat tautologous, but it could be interpreted in different ways: integrated within the development; integrated spatially; facilitated by. Perhaps what is really meant is a strategic flood alleviation scheme forming part of the Garden Suburb. Physically, at North Heybridge, the strategic flood alleviation works (as opposed to the on-site mitigation works) are located primarily to the north of the new development, and indeed in part are likely to fall outside of the area hatched in Figure 5C (a possibility recognised and accepted in the second to last bullet on page 27). We would not want the wording of this bullet to imply that all flood alleviation measures need to be "integral" with the development in any physical sense.

Secondly, it is, we consider, important that the delivery of the strategic flood alleviation works for North Heybridge are not seen solely in the context of the responsibility of the developer, since as described

above, other parties have interests in its function and management, and therefore delivery. We consider it is important that the Plan reflects that multi-agency involvement role.

Accordingly, we propose that the 5th bullet point on page 5 should be amended as follows:

“Flood Risk management and surface water mitigation measures are provided alongside the growth areas, in conjunction with relevant stakeholders including the Environment Agency and Essex County Council.”

Responsibility for Infrastructure Provision

Policy S4 lists a number of items of infrastructure which are to be delivered in conjunction with the development of the two Garden Suburbs. We do not disagree with the various items of infrastructure listed, but we are concerned that as drafted, the Policy does not distinguish between those items of infrastructure that are to be delivered in conjunction with the Garden Suburb developments through pooled contributions, and those items of infrastructure that will be provided within the Maldon and Heybridge areas (including at the Garden Suburbs potentially), but delivered through CIL and development specific S106 contributions. We are also concerned that not all of the infrastructure listed in Policy S4 is identified in Table 1 or the draft Regulation 123 list for CIL (on page 122 of the IDP), suggesting the funding for some items has not been accounted for in either mechanism. The IDP suggests these items will be delivered as development specific S106 contributions but this is not clarified within Policy S4 or its supporting text.

For example, the 7 bullet points listed on Page 26 that are specifically linked to be included with the North Heybridge Garden Suburb refer to a primary school, early years facility, expansion of Plume school, youth and children’s facilities, the outer relief road, country park, and floor alleviation scheme. In Table 1, there are eight items of infrastructure to be paid for through pooled contributions, which match the 7 bullets except that funding for the country park is not listed in Table 1, whilst Table 1 does include NEAPS and LEAPS alongside other teen facilities, and also includes certain off-site highway improvements.

Given that sites S2(d) and S2(e) are “zero rated” for the purposes of CIL, and, as such, will not contribute funding to infrastructure through this source, there needs to be greater clarity on how the infrastructure items not listed in Table 1 are to be funded.

On pages 26 and 27, there are a further 13 bullet points, some of which require additional items of infrastructure, namely enhanced public transport infrastructure (1st bullet on bottom of page 26), enhanced walking and cycling routes (2nd bullet), off-site highway works (3rd bullet), adult community learning (4th bullet), enhanced medical provision (5th bullet), community hubs (6th bullet), and enhanced sewerage infrastructure (8th bullet).

Of these additional items, only the off-site highway infrastructure is covered by Table 1 in terms of being funded by pooled s106 contributions. This would therefore suggest that the remainder would be provided through CIL or development specific S106 contributions, but only Health Infrastructure is overtly covered in the draft Regulation 123 list. Clarity is required on this matter.

Prior to this additional list of infrastructure, Policy S4 states that permission will be granted for the Garden Suburbs provided that they accord with Policy S3 before qualifying the grant of permission with the words “and that” followed by the list of infrastructure.

Our concerns in the light of the above points are as follows:

- (1) It is unclear where the cost of providing a number of infrastructure items falls; and
- (2) If permission for the Garden Suburbs is only to be granted subject to the delivery of the additional items of infrastructure listed in the bullets on pages 26 and 27, then it needs to be clear who is responsible for funding/delivering those additional infrastructure items; and
- (3) If not all of the additional infrastructure items listed on pages 26 and 27 are to be delivered directly through the development, but are instead to be delivered by another mechanism such as CIL, then they should be removed from the list of infrastructure to which the Policy makes the grant of consent for the Garden Suburbs conditional upon, and listed separately.

In short, the list of infrastructure upon which the grant of permission is conditional for the Garden Suburbs (as per Policy S4) should be the same as the list of infrastructure for which the Garden Suburbs are directly charged with funding through s106 monies (as per Table 1). At the moment, the two are not consistent. Underlying all of our comments above is the need for clarity in respect of the delivery of the new Garden Suburbs, if the Plan is to be Effective.

2.5. Please explain in the box below what change(s) you consider necessary to make the Maldon District LDP legally compliant and sound.

Please be as precise as possible. Please explain why this change will make the Maldon District LDP legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policies or supporting text.

If the box is not big enough for your comments, please attach another page marked appropriately.

- Housing mix – amend 9th bullet on page 27 to state:

“A ~~significant~~ proportion of the proposed dwellings for Maldon and Heybridge are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population, potentially including the provision of ~~bungalows~~ sheltered housing, extra care housing, private retirement homes and lifetime homes.

- West Maypole Road – amend 6th bullet point on page 26 relating to North Heybridge to state:

“A country park linked to the development, or extension of the existing Blackwater Country Park”.

- Strategic Flood Alleviation – amend the 5th bullet point on page 27 to state:

“Flood Risk management and surface water mitigation measures are provided alongside the growth areas, in conjunction with relevant stakeholders including the Environment Agency and Essex County Council.”

- Responsibility for infrastructure provision – amend S4 such that the infrastructure upon which planning permission is conditional accords with Table 1, and that other relevant infrastructure to be delivered from CIL or development specific S106 contributions is listed separately.

2.6. Do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations ☐

Yes, I wish to speak to the Inspector at the hearing sessions ☒

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination

2.7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

If the box is not big enough for your comments, please attach another page marked appropriately.

This representation forms part of a suite of inter-related objections by Countryside Properties that relate to the implementation of the North Heybridge Garden Suburb. Countryside Properties are the principal developer for that proposed development.

This is the end of Part 2 (Regulation 19 and 20) of the response form. Please complete this form for each representation you wish to make. You only need to complete Part A once. Please submit all of your response forms together.