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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>Click here to enter text.</p> |
| <p>c. Proposals Map</p> <p>Click here to enter text.</p> | <p>d. Other section
(please specify)</p> <p>Table 1</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.

In principle, we support the approach of using pooled s106 contributions to deliver the infrastructure required for the new Garden Suburbs, and we see this as a practical response to the fact that both Garden Suburbs have more than one developer/landowner involved, and there is a need to ensure that all parties pay their 'fair share' towards the cost of delivering the infrastructure which they both need and benefit from. Where the emerging Local Plan is looking to delivery on a comprehensive basis then it follows that a proportionate and equitable approach is adopted.

Countryside have reviewed the Local Plan and the IDP and understand that contributions towards infrastructure will be sought from 3 sources;

- CIL
- Pooled S106 Contributions
- Development Specific S106 Contributions.

The Garden Suburbs are to be masterplanned as a single comprehensively considered community, where infrastructure items are provided to the benefit of the entire new community, as well as being accessible to existing residents.

Therefore, contributions towards required infrastructure should be made on a proportionate and equitable basis between the sites comprising the Heybridge North Garden Suburb. It is not clear from the documents the Council have published that this is the case at present. Our analysis of the extent of contributions per dwelling across the three sites appears to reveal a disparity between each site. We therefore question whether contributions have been spread on a proportionate and equitable basis.

Our comments in respect of Table 1 are considered below under the following headings:

- Consistency between the IDP, Table 1 and S4;
- North Heybridge Link Road and Strategic Flood Alleviation works;
- Approach to sites S2(e) and S2(f);
- Correlation between Table 1 and the draft Regulation 123 list.

Consistency between the IDP, Table 1 and S4

In our representations to Policy S4, we have highlighted that there is a need to ensure that there is consistency between the list of infrastructure in the Policy (upon which the grant of planning permission is conditional) and the list of infrastructure in Table 1, for which the different land owners/developers are responsible for providing. As drafted, there are elements of inconsistency, as set out in our representations to Policy S4.

There are a number of infrastructure items required at Heybridge North Garden Suburb within the IDP which are not included within Table 1. These are:

- Health;
- Sports pitches/changing facilities;
- District Park;
- Allotments;
- Bus service;
- Wastewater/sewerage;
- Sewerage connections.

It appears from the IDP that each development within Heybridge North Garden Suburb will be paying contributions towards wastewater and sewerage on an individual basis.

Health facilities are to be funded through CIL, although as stated in our representations to paragraph 2.53 we question whether this is the right mechanism, particularly given that it is likely that the preferred location of any new premises would be within the Garden Suburb.

The IDP indicates that contributions towards the remaining infrastructure items will be through development specific S106 contributions. Countryside consider that each of these items are of strategic importance to the Garden Suburb, helping creating a sense of place and community. Therefore we query why pooled contributions are not sought for these items. Table 1 should be amended accordingly.

By virtue of the size of the sites comprising the Heybridge North Garden Suburb it would seem likely that Countryside would need to deliver these infrastructure items within site S2(d). At present there is no clear mechanism for contributions towards these items from the other developments.

North Heybridge Link Road and Strategic Flood Alleviation works

Table 1 includes two significant items of infrastructure – the new North Heybridge Link Road and the Heybridge Strategic Flood Alleviation works – and shows these being funded by pooled contributions. The use of pooled contributions may be difficult for these items of infrastructure, since, although they may be capable of being delivered in a *phased* manner, they are not capable of being delivered in *part*. So if, for example, one or other of the contributing parties were unable to undertake development of their land and therefore make the appropriate contribution (either at all, or in a timely manner), there would be a shortfall in the required funding. It would be good practice for the implementation of such infrastructure to be managed by a lead developer in the context of a Section 106 obligation.

It may be appropriate for the entirety of the Link Road and the Flood Alleviation works to be managed by Countryside Properties, as the single largest party, subject obviously to the principles of equitable and proportionate funding.

In respect of the funding of the Heybridge Strategic Flood Alleviation works, as we have pointed out elsewhere in our representations, this scheme has the wider purpose of alleviating existing problems of flooding in the Heybridge area and represents an opportunity presented by the North Heybridge Garden Suburb. Implementation should be a shared responsibility amongst the key stakeholders, and funding should be considered from other sources as well as potentially from s106 monies (we note for example that the IDP shows a £1m contribution that has already been secured from the EA).

Variance in approach to sites S2 (d) S2(e) and S2(f)

We find the approach taken between the sites comprising the Heybridge North Garden Suburb inconsistent and difficult to reconcile.

In the interests of both transparency and effective delivery, we consider that it would be most appropriate for Table 1 to be revised so that sites S2(e) and S2(f) have an equal role to play in delivering pooled contributions.

Our understanding from reviewing the IDP and Viability Study, is that when calculating contributions from each of the sites the total contribution per dwelling varies between each of the sites. For example, the quantum of CIL likely to be collected from site S2(f) does not equate to the costs of pooled contributions paid by the other sites.

Further, it is queried whether the contributions from sites S2(e) and S2(f) are equitable to those from site S2(d). Site S2(d) is to provide a lower provision of affordable housing than the other two sites, 25% compared to 40% at sites S2(e) and S2(f). However, it is not clear from the information provided within the IDP and the Viability Study that this equates financially to the discrepancy of contribution per dwelling. It is

requested that a further step is provided within the documents to clarify that the level of affordable housing provides for equity of financial burden on each of the sites.

Correlation between Table 1 and the draft Regulation 123 list

Table 1 needs to correlate with the draft Regulation 123 list in order to ensure both that all of the required pooled infrastructure is accounted for in one list or the other, and that no item of infrastructure appears in both lists. As the IDP also requires further contributions it should be clearly set out that Table 1 is not an exhaustive list and that other, development specific, S106 contributions are likely to be sought, and these need to be factored in to the viability calculations.

In terms of infrastructure potentially appearing in both lists, we note:

- Table 1 includes a s106 item for “other highway improvements”, and the footnote states that these would “include” the list of named junctions. The list of named junctions is then excluded from the draft Regulation 123 list. However, because the footnote to Table 1 uses the word “include”, by implication s106 monies may be used on junctions other than those listed, which in turn creates duplication with CIL.
- Table 1 includes a s106 item for secondary/sixth form education contributions, as does the draft Regulation 123 list (by virtue of the fact that only primary school and early years provision associated with Maldon and Heybridge is excluded).

In terms of items apparently missing from both lists, please refer to our representations above and to those on Policy S4.

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.

Table 1 requires amendment to ensure consistency with Policy S4 in terms of the list of infrastructure to be delivered directly by the strategic developments by s106 pooled contributions, as opposed to being funded through CIL. It should also contain a footnote to explain that Table 1 refers only to pooled contributions and other development specific S106 contributions may be sought.

We suggest that consideration be given to reducing the number of pooled s106 contributions from Countryside's site S2(d), where an equitable arrangement of pooled funding can be achieved and in the interests of more effective delivery of the Link Road and Strategic Flood Alleviation works by Countryside (and partners in respect of the latter).

The opportunity should be taken by the above to ensure a consistent approach between sites S2(e) and S2(f).

The draft Regulation 123 list and Table 1 need checking to ensure consistency between them.

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.