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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 Pre-Submission Local Development Plan (LDP) does this representation relate?

a. Paragraph number

b. Policy reference

S7

c. Proposals map

d. Other section (please specify)

2.2 Do you consider the Maldon District Pre-Submission LDP to be ... (✓ as appropriate)

a. Legally compliant

YES NO

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.

b. Sound

YES NO

To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance.

If you do not consider the LDP to be sound, please complete section 2.3 below

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

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

b. Justified



To be justified the Plan must be:

- Founded on a robust and credible evidence base
- The most appropriate strategy when considered against the reasonable alternatives

c. Effective



To be effective the Plan must be:

- Deliverable;
- Flexible;
- Able to be monitored

d. Consistent with National Policy



The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework

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, 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.

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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.

1.0 Introduction

1.1 North Fambridge Parish Council supports the overall objective of the Local Development Plan to create, over time, sufficient housing for a diverse population within a sustainable and healthy urban and rural environment capable of creating economic growth and opportunities. Representing a village community we welcome the general tenor of the District Council's Policy Objective S7: "Prosperous Rural Communities" and would wish to take part in the careful consideration of North Fambridge's potential to contribute to achievement of the objective within the proposed Rural Allocations DPD. However, we believe that the allocation of 75 houses to the village as currently presented in the LDP is not sound for the following reasons.

2.0 Objectivity

2.1 The Parish Council's position is that the proposed allocation in North Fambridge has not been positively prepared with any objective assessment of infrastructure requirements necessary to sustain it. Lack of objectivity is illustrated in the decision of the Council to discount proposals for development in Southminster because of the lack of capacity at the Water Recycling works serving that village, while maintaining that the proposed development at North Fambridge is 'deliverable' despite similar, if not greater, constraints with respect to sewerage and surface water disposal, which the Council is fully aware of as the following evidence shows.

(a) Maldon District LDP Preferred Growth Strategy June 2012 states:

"New development would not be able to be accommodated within the existing Environment Agency flow consents, therefore a new flow consent would be required. Upgrades are required to increase capacity of the foul sewage network. Upgrading the network would be problematic due to the distance of Latchingdon treatment works."

Latchingdon treatment works serve North Fambridge.

(b) This view is repeated in the Maldon District Council Local Development Plan Infrastructure Delivery Plan 2012 which adds that the viability of the sewerage system needs testing. This testing did not take place until late 2013.

(c) A Joint Position Statement on Development in North Fambridge dated January 2014, prepared by Anglian Water Services, The Environment Agency and Essex County Council states:

"Latchingdon Water Recycling Centre (WRC) has been considered to be at flow capacity by both Anglia Water and the Environment Agency.....any further increases in the fouls treated at Latchingdon WRC is unlikely to be looked on favourably."

The costs of upgrading the system are set out below.

"The assessment has been based on:

- a) taking flows to Latchingdon WRC
- b) taking flows to South Woodham Ferrers WRC.

To enable option a, the network will need to be upgraded. This will require a new pumping station and a 4km of rising main. The anticipated capital cost is, £2,573,616.

To enable option b, the network will need to be upgraded. This will require a new pumping station and a 4km of rising main. It is also expected that a storage tank may be required. The capital cost predicted in the region of £2,088,647."

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Infrastructure sewerage cont.

See Appendix 1 for the Joint Position Statement

(d) Referring to the 75 units allocated in the LDP, an application for 30 dwellings has recently been refused (Planning Application OUT/MAL/13/00473 as well as another refused application for a further 37 units, which might go to appeal. In both cases, there is a direct statement that records::

"The current network does not have the capacity to accept the further growth indicated,"

2.2 Effective

2.2.The Parish Council does not believe that the LDP in respect of North Fambridge is effective. In a time of economic restraint it is unlikely that the major capital works required to upgrade to the foul network to meet the demand of an additional 75 dwellings could be undertaken in the near future. Delays to planning consents would be essential until the network was upgraded in accordance with options outlined in the Joint Position Statement of Essex County Council, Anglia Water and The Environment Agency referred to above. The costs of upgrading would not be covered by CIL alone, if that were an appropriate means of developer contributions. Indeed the recent refusal of 30 dwellings at Manor Farm (Planning Application OUT/MAL/13/00473) highlighted these exact issues, ultimately arriving at insurmountable obstacles to development at this time.

See Appendix 2 for the Planning Applications – Suggested Informative Statements and Conditions Report on Planning Application OUT/MAL/13/00473.

2.3 The Parish Council and their agent, Smart Planning (Smart Planning 28 August 2012 and 11 October 2013), have consistently raised the issue of sewerage and surface water disposal during the consultation process and have provided objective evidence of the lack of capacity to sustain large scale new development in the village without extensive improvement to the existing infrastructure. We suggest that this evidence has not been sufficiently taken into account by Maldon District Council with respect to proposals for North Fambridge, or that sufficient research was taken to test or verify our evidence. In the sustainability update, (Royal Haskoning 2013), Anglian Water again identified the need for further assessment of the infrastructure. At this point the allocation of 75 houses to North Fambridge should have been removed until it was clear the infrastructure could support the development. From an independent objective point of view, it should be abundantly clear that the infrastructure constraints of this importance prohibit development of such magnitude in this area. However, such striking evidence has been overlooked.

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Appendix1



Environment
Agency



Essex County Council

Joint Position Statement on Development in North Fambridge

**Prepared by Anglian Water Services, the Environment Agency
and Essex County Council (Lead Local Flood Authority)**

January 2014.

This statement has been prepared to support Maldon District Council in their decision making on development in North Fambridge

Background

Water Recycling

North Fambridge is in the catchment of the Latchingdon Water Recycling Centre (formally referred to as Wastewater Treatment Works). Latchingdon is located approximately 6km north east of North Fambridge. This Water Recycling Centre (WRC) contributes loads to the small downstream watercourse and then the Blackwater Estuary, which is part of the Essex Estuaries Special Area of Conservation and shellfishery.

A high quality water environment is an integral part of the natural environment, providing a good habitat for plants, animals and quality of life benefits for local people. Water resources and a high quality water environment underpin economic development, by providing water for households, industries, agriculture, recreation and tourism. As a minimum, our objectives are to ensure that there is no deterioration in water quality in the water environment and that the water quality thresholds set out in the Conservation Objectives for the European protected site in the estuary and those of the shellfish water continue to be met.

Latchingdon Water Recycling Centre (WRC) has been considered to be at flow capacity by both Anglian Water (AW) and the Environment Agency (EA), as presented in Maldon District Council's Scoping Water Cycle Study (Entec, March 2010). Latchingdon WRC had been identified as needing an increased dry weather flow (DWF) consent following a flow compliance review. The proposed increase was to reflect the existing flow conditions, with any subsequent 'headroom' provided solely for seasonal variations in the flow. Any further increase in the fouls treated at Latchingdon WRC is unlikely to be looked upon favourably in order to minimise nutrient loads to the Blackwater Estuary.

There is an alternative Water Recycling Centre at South Woodham Ferrers, which is located approximately 4km west of North Fambridge. The WRC lies within Chelmsford Borough Council and serves East Hanningfield, Rettendon and South Woodham Ferrers. The Chelmsford Water Cycle Study, Phase 2

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Appendix1 (Ctd)

Technical Report (May 2011) indicated there was sufficient capacity to serve the proposed modest growth in the Chelmsford Borough without the need for revised consent or upgrades.

Foul Network

North Fambridge is served by a foul only sewerage network including two pumping stations located at The Avenue and Franklin Road.

Surface Water

There are no public surface water sewers in the vicinity. There is on going issues relating to surface water disposal. Investigations have found that there are a significant number of surface water connections into the sewer designated for foul only flows (26 properties in Franklin Road) that on occasions of heavy rainfall are having an adverse affect on the system. Ditches that historically provided for natural run off have become blocked, inaccessible or filled in.

Current Situation

Latchingdon Water Recycling Centre

The most recent data shows that a revision to the consented DWF is necessary to accommodate further growth. Consequently, substantial process enhancements at the WRC would be needed to create capacity and to achieve the anticipated requirements of a revised consent.

South Woodham Ferrers Water Recycling Centre

The recent data indicates that South Woodham Ferrers WRC has sufficient capacity to accommodate both the growth in North Fambridge and in the Chelmsford Borough. There would be no need for a revised permit or upgrades to the works. This would therefore be the preferred and most sustainable treatment option.

Foul Network

The current network does not have the capacity to accept the further growth indicated. Options for taking additional flows from North Fambridge have been considered based on the total growth proposed, which includes the allocation in the Local Development plan of 75 units, a recent application awaiting decision of 30 units and a recently refused application for 37 houses where an appeal may be submitted.

The assessment has been based on:
a)taking flows to Latchingdon WRC
b)taking flows to South Woodham Ferrers WRC.

To enable option a, the network will need to be upgraded. This will require a new pumping station and approximately 6km of rising main. The anticipated capital cost is £2,573,616.

To enable option b, the network will need to be upgraded. This will require a new pumping station and a 4km of rising main. It is also expected that a storage tank maybe required. The capital cost predicted in the region of £2,088,647.

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Appendix1 (Ctd)

Any cost calculations provided within the report are estimated only and may be subject to change.

Surface Water

Maldon District Council, Anglian Water, North Fambridge Parish Council and Essex County Council continue to work together to resolve the existing issues. Anglian Water in partnership with Essex County Council will endeavour to carry out further work to be completed by the end of this financial year to:

- establish the effect of surface water removal from the foul system
- endeavour to establish the natural surface water flow routes in North Fambridge

A factual report will be presented to provide recommendations and guidance.

A sustainable drainage system to resolve the current issues of surface water drainage is the preferred option, however if this is found not to be feasible, the installation of a surface water sewer may be an option to consider if funding could be found. Anglian Water will advise and vet any surface water sewer design submitted to serve the existing properties in North Fambridge with a view to adoption of the sewer once it is installed.

New growth- recommendations to manage flood risk:

1. No new surface water connections to combined and foul sewers.
2. Removal of existing surface water connections from combined and foul systems. Evidence that the developments had followed the surface water management hierarchy will help to ensure infiltration is considered ahead of maintaining connection to sewers.
3. Understand exceedance of existing and proposed surface water management measures and safeguard/design flow routes reinstating natural pathways, where possible. Should the rainfall extent exceed the capabilities of the surface water systems, this will help to ensure properties are protected and urban design of public open space considers the potential flows of surface water.
4. Development should seek to reduce flood risk to the site and third parties.
5. Early engagement is key to ensuring adequate surface water management measures are included.
6. Particular consideration must be given to development in areas where there is high water table.
7. Maintaining existing surface water drainage features, such as ditches, to ensure there are opportunities for surface water to be attenuated and disposed of away from sewers.

All parties are keen to ensure the water infrastructure and flood risk is adequately considered upfront without unduly blocking development, whilst continuing to safeguard Habitats Directive sites, and meet the objectives of

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Appendix1 (Ctd)

the Water Framework Directive.

Developers will need to engage with relevant parties in order to identify and progress solutions, indeed Anglian Water and the Environment Agency actively encourage pre-application discussions. We are committed to work with all parties to progress solutions to enable development in North Fambridge.



Susan Bull
Planning Liaison Manager
Anglian Water



Jo Firth
Sustainable Places Team Leader
Environment Agency



Lucy Shepard
Lead Local Flood Authority
Essex County Council

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Appendix 2



Planning Applications – Suggested Informative Statements and Conditions Report

AW Reference: 0408/SP132(001)
Local Planning Authority: Maldon District Council
Site: Manor Farm, The Avenue, NORTH FAMBRIDGE
Proposal: 30 dwellings
Planning Application: OUT/MAL/13/00473

Prepared by Sue Bull

Date 07 Jan 2014

If you would like to discuss any of the points in this document please contact me on 01733 414200 or email planningliaison@anglianwater.co.uk

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Appendix 2 (Ctd)

ASSETS

Section 1 – Assets Affected

- 1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

- 2.1 The foul drainage from this development is in the catchment of Latchingdon Water Recycling Centre (WRC) that does not currently have capacity to accept these flows. However, an alternative WRC at South Woodham Ferrers does have capacity to accept these flows and therefore this would be the recommended WRC to be used.

Section 3 – Foul Sewerage Network

- 3.1 Development will lead to an unacceptable risk of flooding downstream and mitigation in the form of upgrades to the network will be required. The drainage strategy for the site should cover the procurement of the improvement works.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

- 4.1 The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to consider which is the appropriate body to comment.

We request that the agreed strategy is conditioned in the planning approval.

Section 5 – Trade Effluent

- 5.1 Not applicable

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

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Appendix 2 (Ctd)

Foul Treatment & Sewerage Network (Sections 2 & 3)

CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

Surface Water Disposal (Section 4)

CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

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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.

Sewerage

There was insufficient investigation of the infrastructure relating to the provision of foul water sewerage and surface water disposal. A full objective investigation should be conducted and a detailed assessment of the viability of providing the appropriate systems.