

Examination of the Maldon District Local Development Plan**Agenda for 13.00 hours Wednesday 4 February 2015****Please note the earlier than normal start time of 13.00 hours****DAY 8 (PM) – Overrun Session****Three Rivers Golf & Country Club, Stow Road, Cold Norton, Purleigh, Essex CM3 6RR**

Discussions will focus on whether the District Local Plan is legally compliant and sound (positively prepared, justified, effective, and consistent with national policy) and, if not, how it should be modified to make it so

Opening Announcements

- Health and safety, people present, and attendance list
- Purpose of the hearing sessions
- Conduct of the hearing session
- Inspector's report

Overrun from Matter 2 session, and following the later joint Statement on the A414 at Danbury:

1. How up-to-date are the traffic numbers in taking account of the recent traffic generating developments mentioned by other participants? Is this a problem?
2. I understand that Chelmsford City Council and Essex Highways now both consider that the adverse highways impact at Danbury arising from the Plan's strategic housing allocations can be adequately mitigated, and that the impact may not reach the severe levels that justify finding the Plan not to be sound. Do other participants have any comments on the situation in the light of the joint Statement?
3. Do the Council and other participants agree with Chelmsford's suggested highway requirements main modifications to policy S2 in its various Statements (e.g. paragraph 31 in Matter 2)?

Overrun from the Matter 3 session, and following the Council's later Position Statement on funding issues for the North Heybridge Garden Suburb:

Note: The PPG summarises (at ID: 23b-014) the statutory and policy tests for s106 planning obligations as follows: that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind [CIL Regulation 122 and NPPF 204]. The PPG says that policies for seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination (ID: 23b-003); that such requests should not threaten the viability of the sites and scale of development identified in the development plan (ID: 23b-002); and that requests must be fully justified and evidenced (ID: 23b-004).

4. I note the Council's legal position regarding the forthcoming planning application on site S2(d) following the court cases it has mentioned in its Position Statement. However, I am not dealing with a planning application where these two elements (housing and a

flood alleviation scheme) are included together as one proposal, where possibly a s106 obligation would not be necessary to offset some perceived planning objection because the proposed overall development would be judged to be acceptable in planning terms and so Regulation 122 would not be engaged. It seems to me that the planning circumstances in this Examination are different and that, importantly, my task is different – namely, I have to assess the requirements of policy S4 in this Local Plan for soundness and legal compliance. It may be that Regulation 122 does not apply to my assessment here (it applies only to “planning permissions”), but I still have to consider the similar policy in the NPPF and the similar advice in the PPG, and the impact of the requirements on viability and deliverability. Therefore, I am not convinced that the legal principles cited in the court cases are applicable to these circumstances. Perhaps the Council could assist me?

5. Does the flood alleviation scheme meet the above statutory and policy tests given that it is primarily to rectify an existing problem? The Council says in its Position Statement (page 3) that it is not a necessity – is that a response to my question here?
6. Similarly, does the Country Park meet the above statutory and policy tests if its requirement is not related to the development? Moreover, is this requirement in the right part of the District – Countryside Properties’ Matter 3 Statement Q13?
7. Do participants agree with the Council’s suggested main modifications in its Position Statements to delete the strategic flood alleviation scheme and Country Park from the requirements of policy S4? If so, why? If not, why?
8. Council – how do the above suggested main modifications affect the viability studies (EB040 series), the IDP (EB059 series) and the IPP (Hearing Appendix 4)?

Other overrun items from the Matter 2 session:

9. Please would the Council explain how its proposed 5% NPPF paragraph 47 buffer is applied in the Housing Trajectory (especially with regard to phasing)?
10. Are there any other alternative sites to those listed in policy S2? Participants should be brief in their advocacy of such sites and refer me primarily to their written evidence and the Council’s official assessments. Participants should tell me what they consider are the compelling reasons for an alternative site’s inclusion, bearing in mind the factors set out in my Question 22 of Matter 2 and evidence given at previous hearing sessions.

Any Other Matters

- Any other points representors wish to make