

## Position Statement

### North Heybridge Garden Suburb and Strategic Flood Alleviation

30<sup>th</sup> January 2015

During the proceedings relating to Matter 3, Question 11, the Inspector sought from the District Council consideration of the relationship between Regulation 122 (Community Infrastructure Regulations, 2010) and the Policy S4 of the Pre-Submission Local Development Plan, in particular the matter of strategic flood alleviation measures (henceforth abbreviated to SFA). This statement draws upon the following:

- National policy
- The practical relationship between the SFA and the Garden Suburb
- The statutory tests set out in Regulation 122 and repeated in NPPF para 204

In addressing the matters raised by the Inspector it is recognised that there is the opportunity to secure the provision of the SFA as part of the North Heybridge Garden Suburb. However, the reference to 'a strategic flood alleviation scheme' being 'incorporated' as 'key' infrastructure ought to be deleted. This position, explained further below, ensures compliance with Regulation 122.

It is accepted, as set out in Para 2.57 of the Pre-Submission LDP that "*Part of Maldon and Heybridge are currently vulnerable to surface water flooding. Strategic developments in these areas provide opportunities to reduce flooding and divert surface water flooding away from the urban area.*" This approach accords with Paragraph 100 of the NPPF, which states:

*"...Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:*

- *applying the Sequential Test;*
- *if necessary, applying the Exception Test;*
- *safeguarding land from development that is required for current and future flood management;*
- *using opportunities offered by new development to reduce the causes and impacts of flooding; and*
- *where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations."*

[underlining our emphasis]

In Countryside's representations to Policy S4 of the Pre-Submission LDP it was outlined that:

*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.*

Further, the representation to Paragraph 2.57 suggested that the reference to a strategic flood alleviation scheme being required of strategic developments be deleted and replaced with "*provide an opportunity to deliver*". The Council accepts the logic of this position.

The starting point of the provision of a strategic flood alleviation scheme was to deal with existing flooding issues at Heybridge. The October 2013 Surface Water Management Plan (EB002) addresses this. However, it is considered to be integral to the masterplanning of the North Heybridge Garden Suburb.

The Council adopted its Strategic Masterplan Framework (DOC122) in October 2014 and section 3.3 (flood risk), section 5.1 (flood alleviation) and section 5.2 (On-site surface water management) are relevant. The engineering solutions of the strategic flood alleviation have informed and shaped the form and layout of the built development of site S4(d) of the North Heybridge Garden Suburb.

The particular form and function of the SFA will, and has, inevitably influenced the extent and precise location of the built development of S4(d); therefore they have necessarily been planned together as a composite and integrated development. Attention is drawn to para 5.1.8 of the Strategic Masterplan Framework (DOC122) which outlines the spatial relationship between land use and drainage infrastructure. This approach has been required to ensure that neither element of the development prejudices the implementation and delivery of the other. Given the influence of the SFA scheme on the form and layout of the housing development it would not be possible to design this without knowing the broad content of the SFA scheme.

The form of the SFA planned by Countryside has been designed so that the two elements are integrated and the drainage requirements of the housing development benefits from the Strategic Flood Alleviation scheme. Without the SFA scheme these drainage requirements would need to be located within the built development area of S4(d); which would affect its layout and could result in a reduction of overall housing numbers or the provision of housing at densities which are inappropriate to the principles of garden suburb developments.

Countryside are currently preparing a single planning application which incorporates both the SFA scheme and the built housing development as one *unified* development. This approach was the subject of a pre-application exhibition held by the developer on 15<sup>th</sup> January 2015. The Exhibition Boards which were presented form Appendix A to this statement.

As the SFA is incorporated as an integrated part of the forthcoming planning application for site S4(d) it is expected that the developer would deliver this infrastructure, subject to any additional contribution being secured by the planning authority from relevant parties, such as the Environment Agency. It is understood that this approach will have implications for Policy I1 and its supporting text and tables. Suggested changes are outlined below.

It is considered that the above position accords with the provisions of Regulation 122 of the Community Infrastructure Regulations 2010, in that (i) the SFA will not be required of a separate built development proposal by way of planning obligation but rather will form a component of a composite development; and (ii) it is expected that any financial contributions in respect of the SFA would only relate to the ongoing maintenance of the infrastructure and would, in accordance with Regulation 122, be:

- (a) *Necessary to make the development acceptable in planning terms;*
- (b) *Directly related to the development; and*
- (c) *Fairly and reasonably related in scale and kind to the development*

Such a contribution would satisfy these tests given that the application proposals themselves-and thus the development to which Regulation 122 would relate-would be composite, including the SFA..

The composite costs and benefits of the two components of the proposed application would need to be considered in their totality when considering other contributions in the context of the planning application process.

In the Court of Appeal judgement of Carnwath LJ (with whom Sullivan LJ and Tomlinson LJ agreed) in Derwent Holdings Ltd v Trafford Borough Council [2011] EWCA Civ 832, paragraphs 18 and 19 are particularly pertinent. Reference was made at paragraph 18 to the Court of Appeal judgement in R v Westminster City Council ex p Monahan [1990] 1 QB 87 "*where the two elements were directly linked as part of a single application. It was common ground that in such a case it was permissible to take account of the benefits of the one as offsetting the possible planning objections to the other*". At paragraph 19, Carnwath LJ considered the facts of the instant case where a joint planning application

of a superstore and a nearby improved cricket ground, linked by a pedestrian walkway, had been granted. He noted that “*in the joint application... there was a direct relationship. The two elements were in close proximity and physically linked, and they were reasonably included in a single application...It is not clear to me why [taking account of the overall benefits of the two elements] would have been legally objectionable*”.

This approach would accord with the provisions of Paragraph 177 of the NPPF which states:

*“It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan. Any affordable housing or local standards requirements that may be applied to development should be assessed at the plan-making stage, where possible, and kept under review.”*

In summary, the relationship between the SFA scheme and built development of site S4(d) is presented by the opportunity within policy and the specific local drainage geography ; it is not a necessity. However, it is not possible to adequately plan for one element without knowledge of the other and therefore this necessitates an integrated and composite approach to the design and development of these two elements.

The Council anticipates a composite planning application in due course and this will be determined in the context of a Planning Performance Agreement.

In order to ensure that the LDP remains sound it is suggested that the following amendments are made:

- Policy S4 - Deletion of Bullet 7 of the North Heybridge Garden Suburb section of Policy S4 on Page 26

~~“A strategic flood alleviation scheme”~~

- Paragraph 2.57 – Amend final sentence as follows:

~~“In particular, strategic developments to the north of Heybridge should not prejudice and should be integrated with will be required to deliver a strategic flood alleviation scheme which will address the existing surface water flooding in north Heybridge.”~~

- Table 1 – Developer contribution pooling arrangements for strategic infrastructure –

Heybridge Strategic Flood Alleviation – delete requirement for payments from sites S2 (d), (e) and S2(f).<sup>i</sup>

- Paragraph 8.10 – Subject to the amendment suggested to Table 1 this can remain, but it is suggested an additional sentence be added

“The development of the North Heybridge Garden Suburb brings the opportunity to deliver an integrated Strategic Flood Alleviation scheme and development.”

The Council will submit these changes as proposed major modifications to the Plan in due course.

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<sup>i</sup> This amendment is consistent with Countryside’s original representations to the LDP, in which it was noted that the SFA should not form part of the pooled funding arrangements.

# Introduction - Thank you for visiting

## What we are exhibiting today:

Countryside is preparing a planning application for a new Garden Suburb, including 1,035 new homes together with the relief road, strategic flood alleviation and other uses comprising of landscaping, green spaces, sports pitches, a new primary school and day nursery provision and shops.



## Why new homes are needed:

Maldon District Council (MDC) is preparing a new Local Plan to address development requirements over the next 15 years. As part of this plan MDC has allocated 1,235 homes at North Heybridge. This scale of development enables the delivery of new homes, but also infrastructure including a relief road and strategic flood alleviation measures.

## What we are proposing:

- Up to 1,035 new homes
- Affordable housing
- Strategic Flood Alleviation Scheme
- A new relief road
- GP accommodation
- Significant landscaping and green infrastructure
- A new one-form entry primary school
- Day nursery accommodation
- Local shops and services
- Sports pitches

## The Garden Suburb policy:

Garden Suburbs have a long-standing history, and more recently have been developed elsewhere in the country. They provide new homes in a sustainable and pleasant landscaped environment.

# Who are we?

## Countryside

Countryside is the largest developer in the North Heybridge Garden Suburb. Countryside has worked extensively in the South East, Greater London and the North West where they specialise in the development of quality new housing developments in partnership and working closely with local authorities. Examples include:



Beaulieu, Chelmsford



Great Notley Garden Village, Braintree



Kingsmere, Bicester

## Previous Consultations

The Garden Suburb principle has been taken through several stages of detailed consultation by Maldon District Council. Countryside has participated in all of these. We have engaged with members of the local community and parish councils in the area. Major consultations include:

### March 2014:

#### STAKEHOLDER WORKSHOP

Local residents and other stakeholders were invited to participate in a workshop aimed at designing the principles of how a Garden Suburb could encourage 'place shaping'.

### Our previous exhibition June 2014:

Countryside, alongside Maldon District Council, hosted a public exhibition day at Heybridge Junior School. Over 200 members of the public attended with many feedback forms submitted.



### September - present:

#### STRATEGIC CONSULTATION

Strategic Masterplan Framework public consultation and exhibition. Continuing parish council's engagement.

# Heybridge's history - a growing community

Heybridge has evolved over the years to meet the needs of a growing population. There are two existing residential quarters in Heybridge.

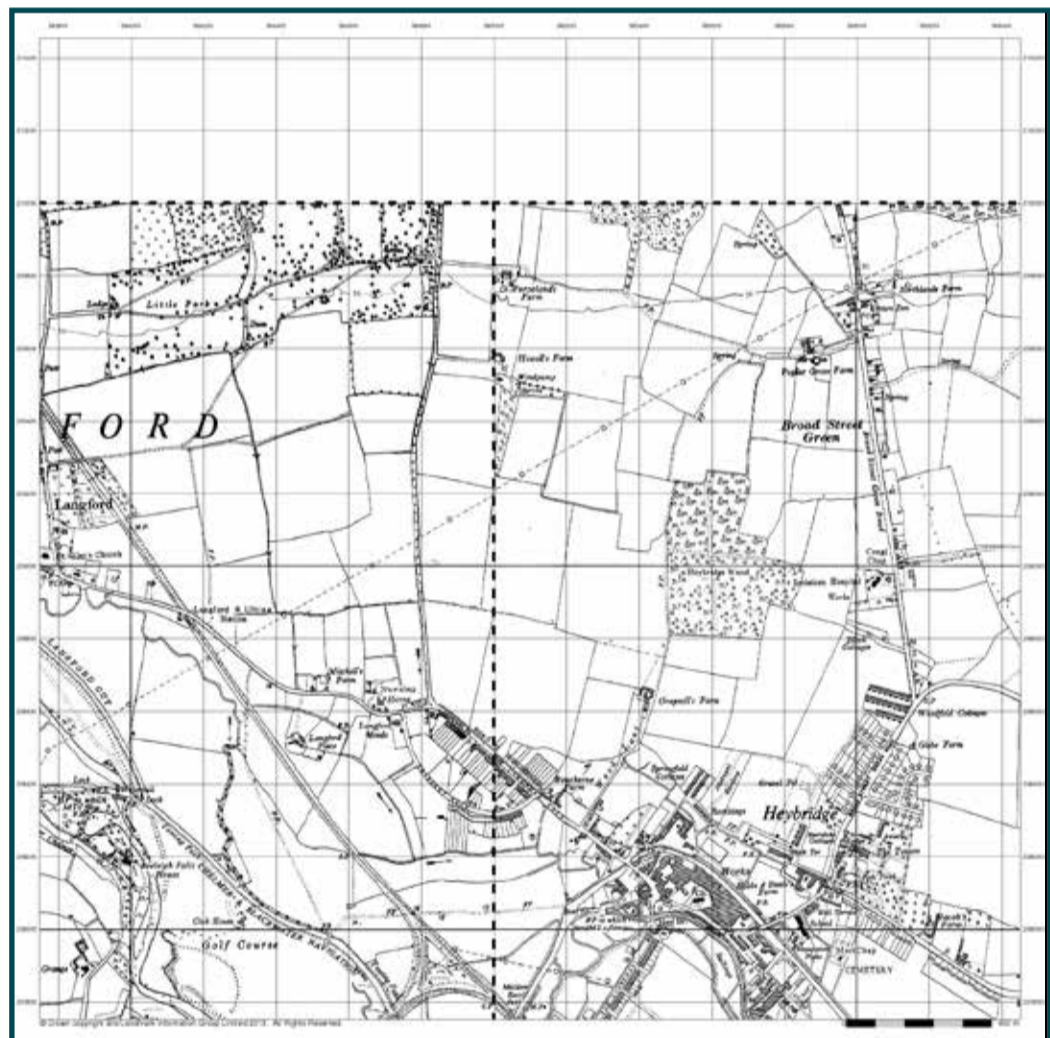
To the north east of the village, residential suburbs were developed either side of Colchester Road, predominantly in the 1950's, and more recent development has occurred along Hall Road.

A second residential quarter to the north west of the village between Holloway Road and Heybridge Approach was developed in the mid 1990's.

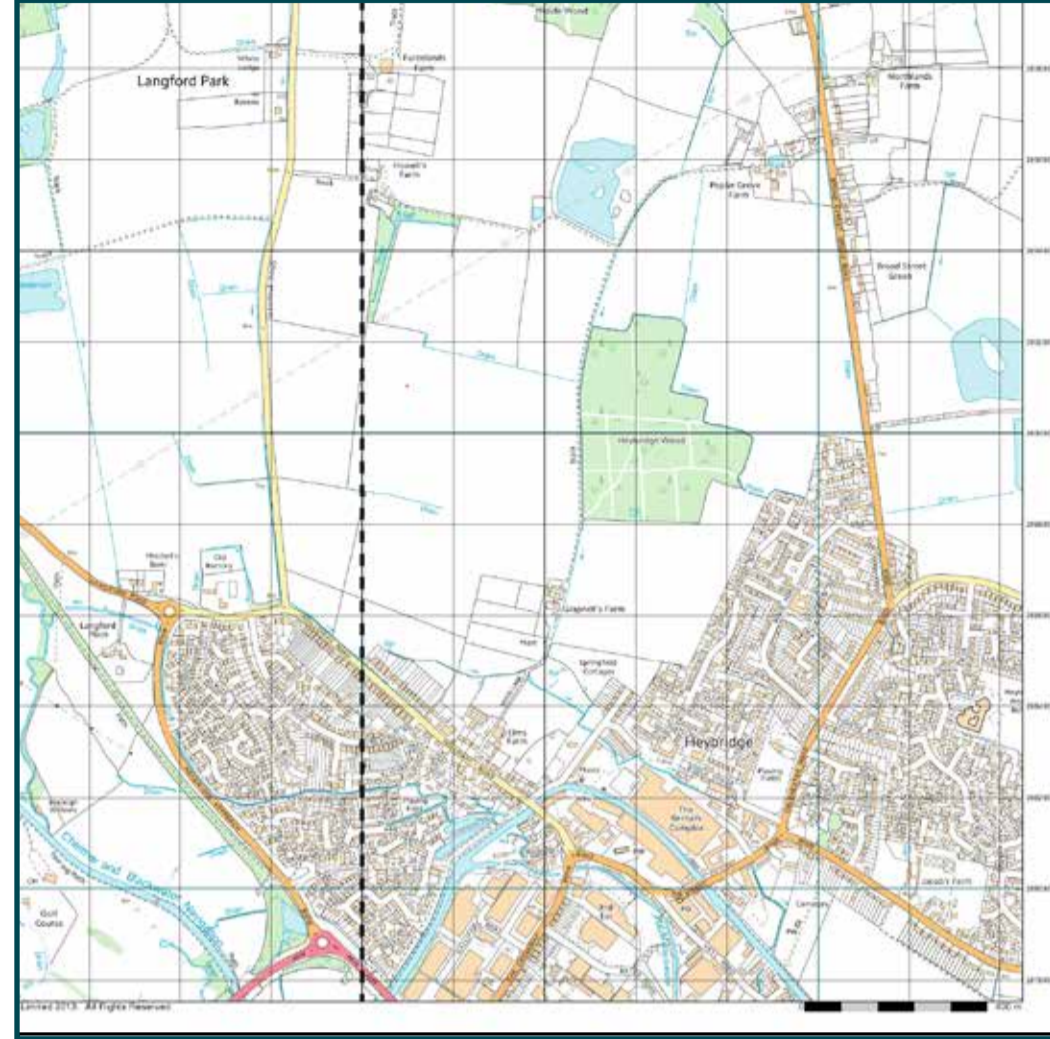
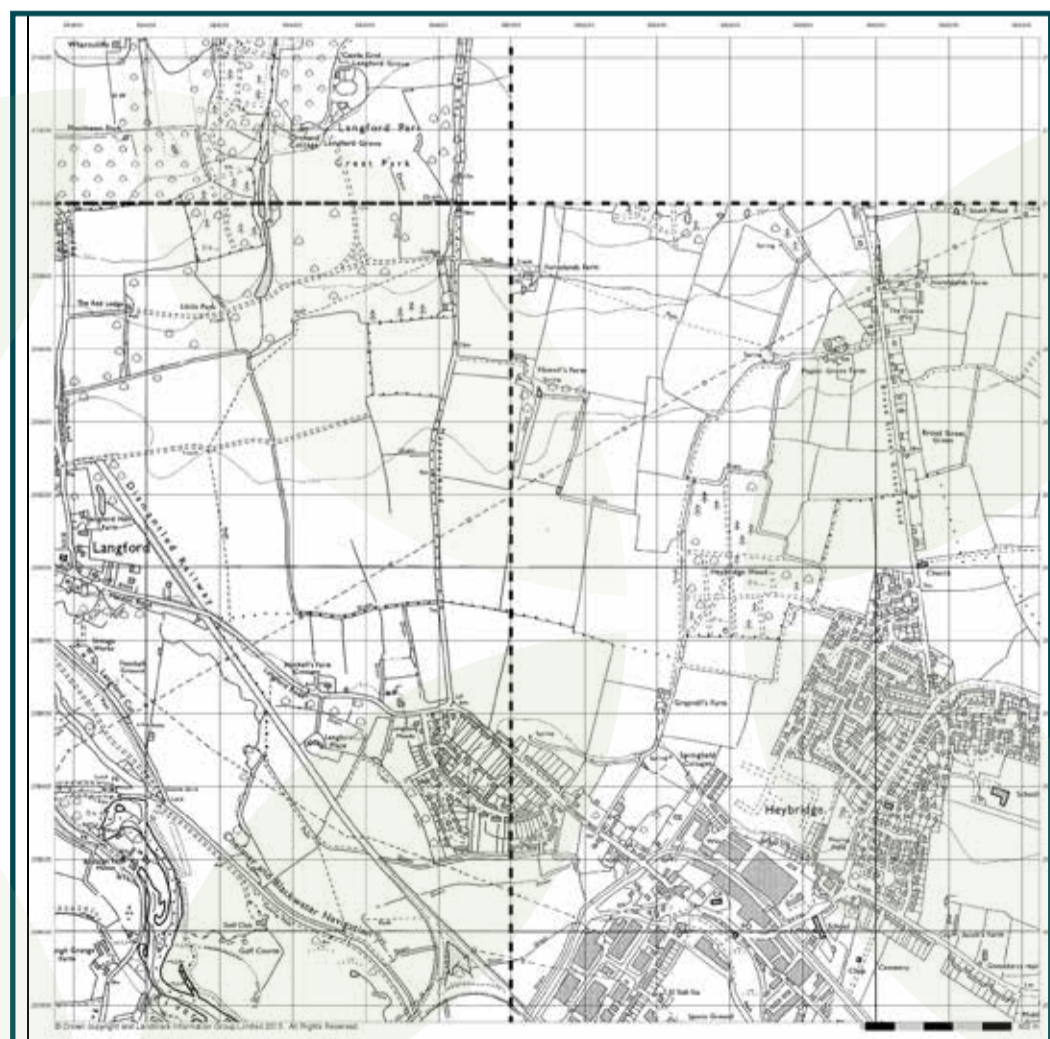
1880 - 1881



1960



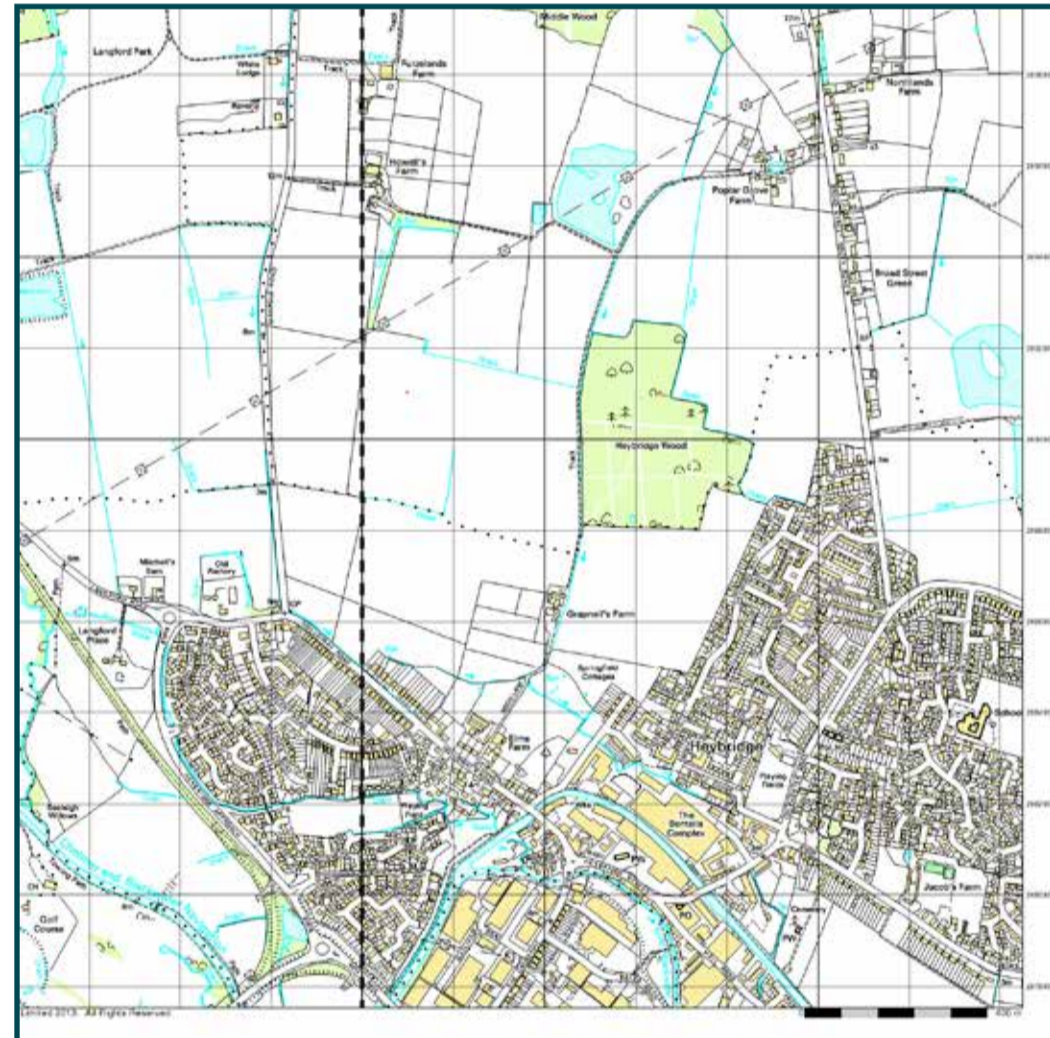
1971



2014

2006

1991



# Flood alleviation - capture, divert and discharge

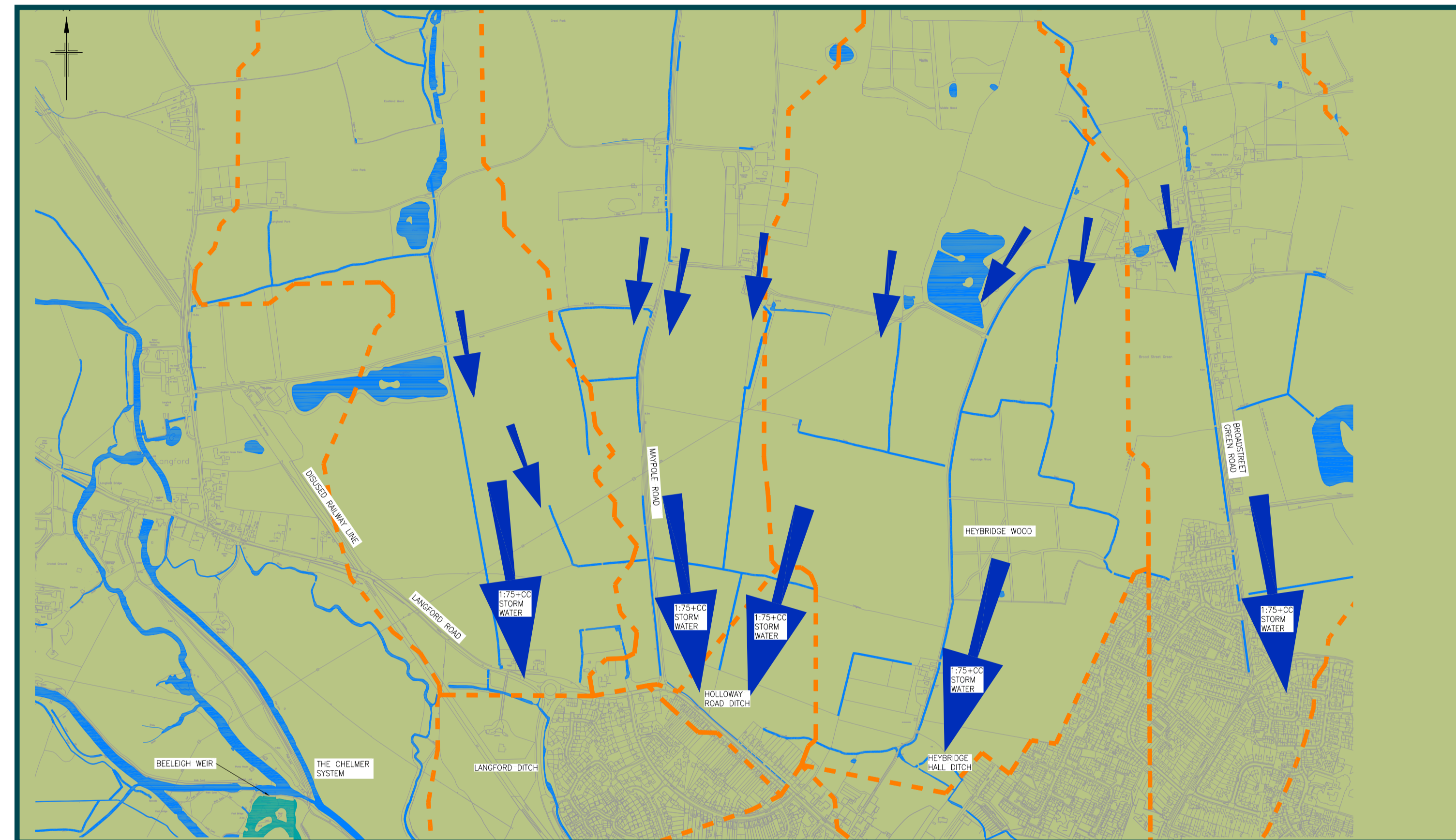
Countryside's proposals include a strategic flood alleviation scheme. This scheme is similar to one successfully delivered in Chelmsford and we are working closely with the Environment Agency, MDC and Essex County Council.

## The principle:

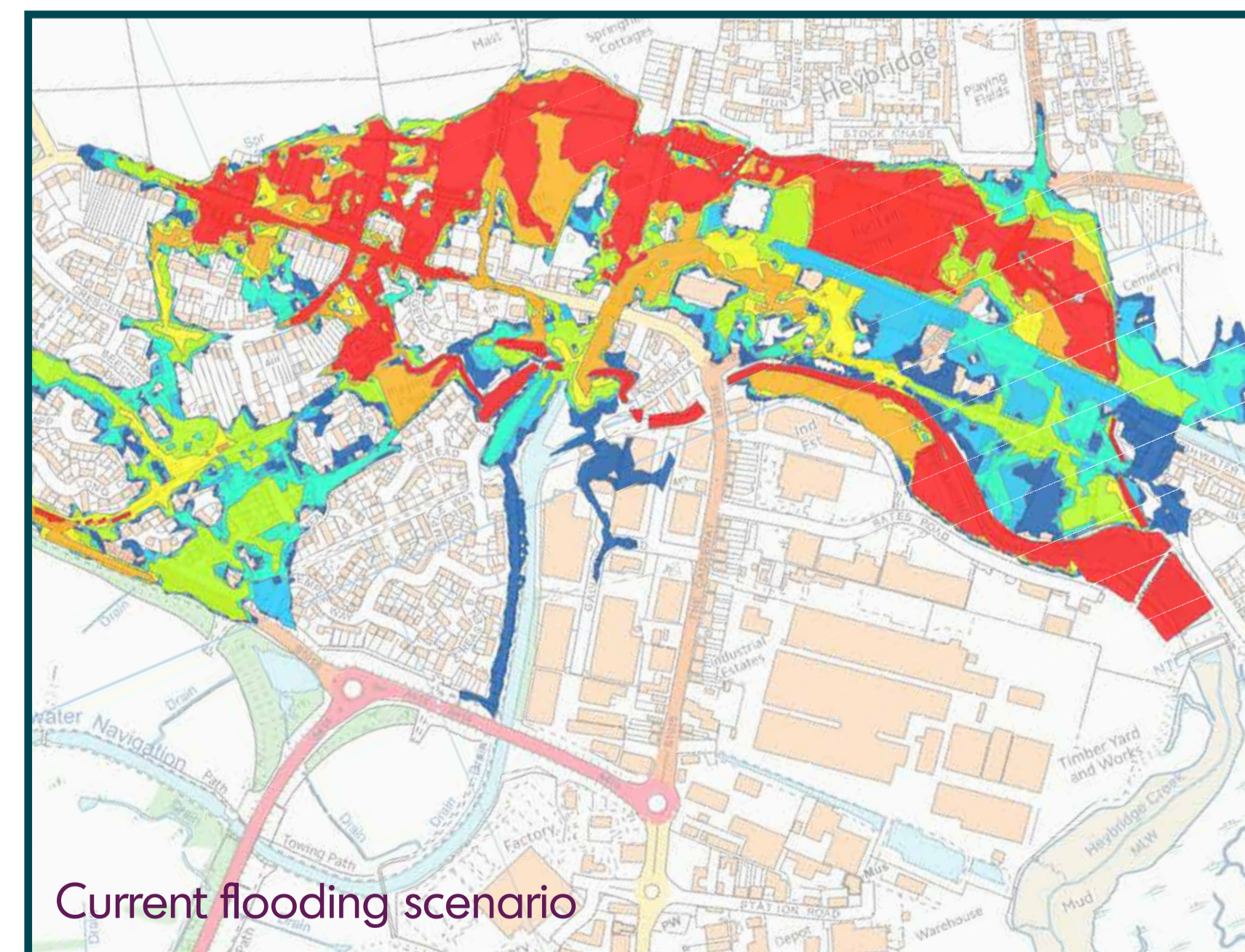
We want to prepare a system of capture, divert and discharge rainwater to the north of Heybridge. This scheme provides a protective shield against surface water runoff up to the 1:75 year plus climate change scenario.

Flooding events occur because rainfall - over a wide area - flows across the lower-lying land in Heybridge. This rainfall cannot completely disperse through existing watercourses and channels, and so flooding occurs.

The problem and its solution is not new. In 2001 the Environment Agency and its consultants outlined an approach to flood alleviation. A scheme emerged in 2005 involving a new ditch and diversion of



Existing watercourses and rainwater catchments



water to the River Blackwater.

The Environment Agency is unable to implement the scheme because public sector funding is not available. Implementation of the scheme is dependent on private sector funding.

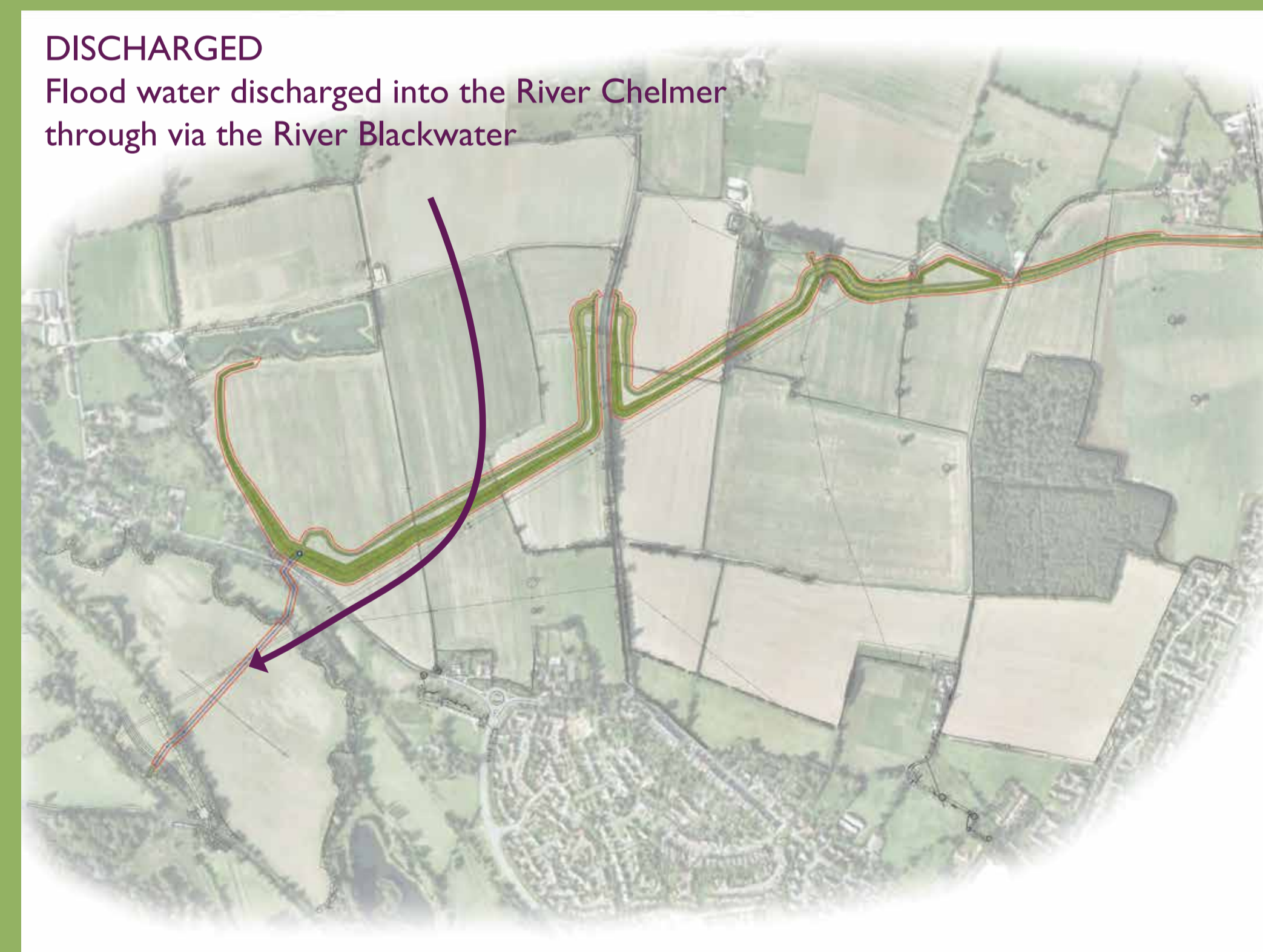
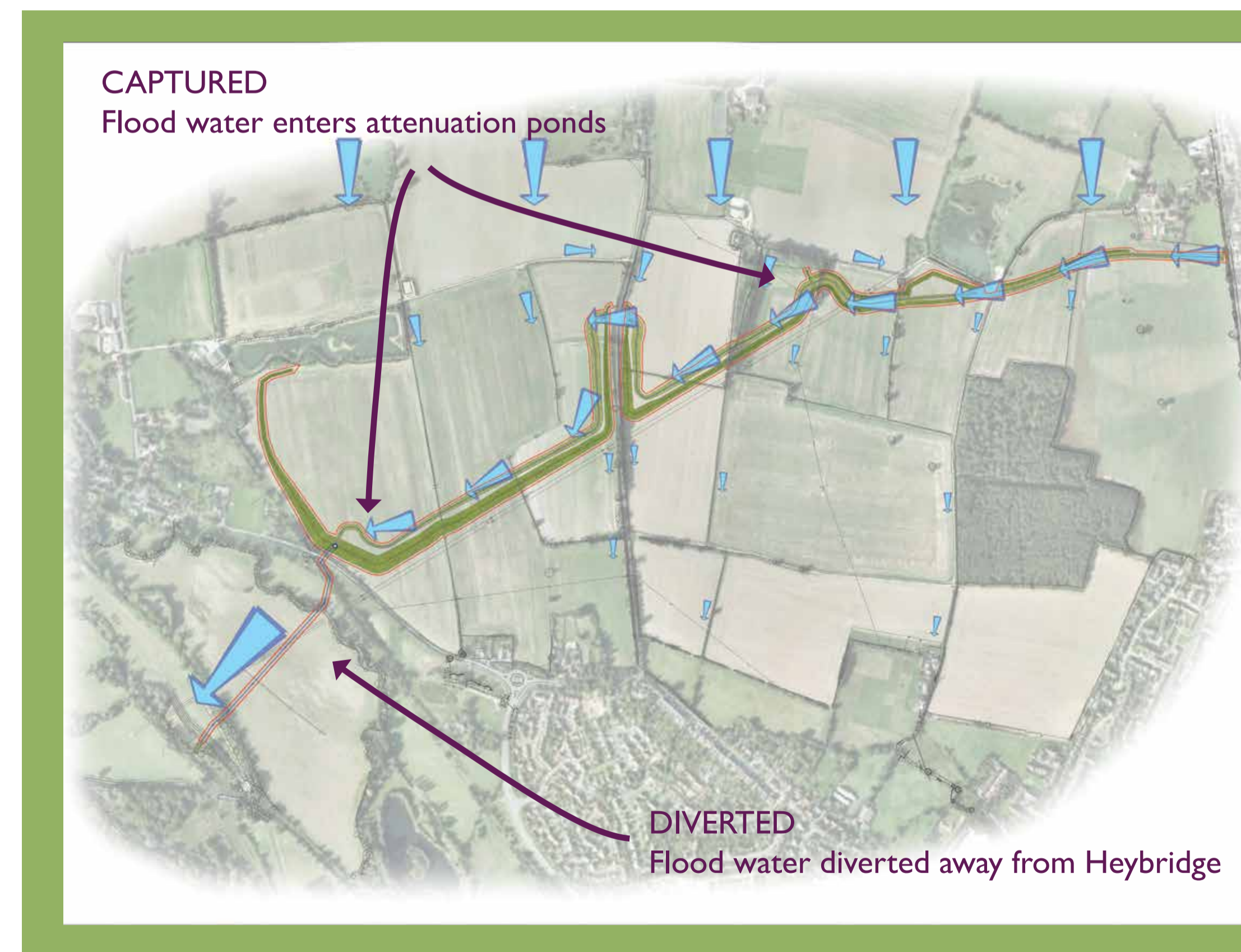
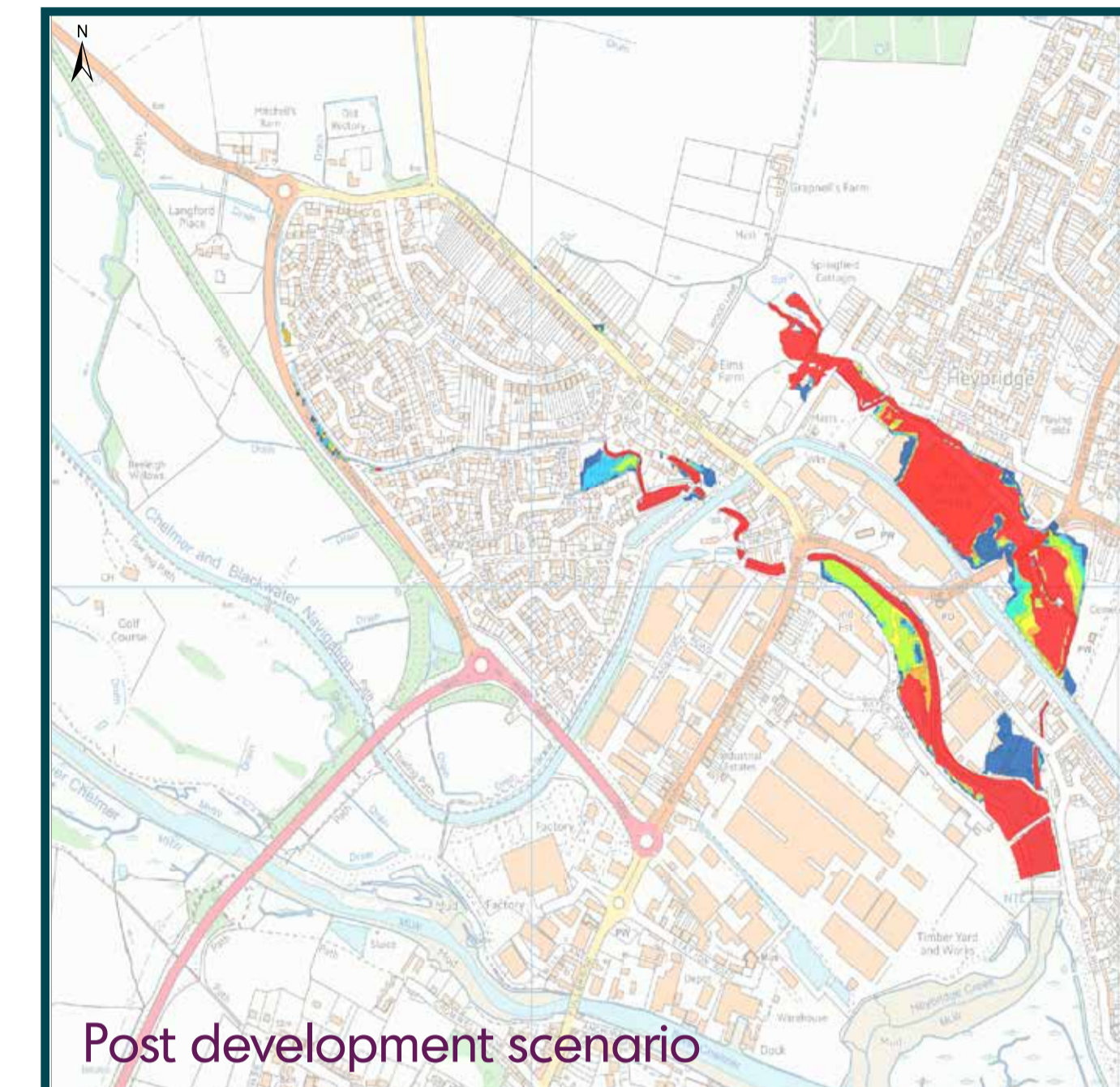
# The strategic flood alleviation scheme

## How the water is captured

Rainfall covers a large area and flows southwards to the Chelmer and Blackwater. The creation of a bund will enable this rainwater to be captured. This is then diverted west into the River Blackwater using a ditch and culvert system before discharge into the tidal part of the River Chelmer.

## How the water is diverted

It will be held in the storage areas and discharged west through a series of pipes towards the Blackwater system. Gradually, over a period of time (to ensure too much water is not discharged at once) these areas will drain and the water fed into the Chelmer.



# Sustainable urban Drainage System (SuDS)

Sustainable drainage systems are now the preferred method for managing surface water run-off from a development area.

In order to imitate the natural drainage of a site, a series of drainage techniques (the “management train”) should be employed to reduce flow rates and volumes, minimise pollution and so reduce the impact of the quantity and quality of water emanating from a development.

These techniques need to be applied progressively from prevention, source control, site control through to regional control.

An appropriate ‘train’ of SuDS components must be installed to reduce the risk of pollutants entering watercourses via runoff from developed sites.

Following the SuDS management train hierarchy, a series of drainage techniques should be designed into the development layout. The design should achieve a system where pollution is incrementally reduced at each stage.

## Treatment options to address pollution issues include:

- Infiltration
- Filtration
- Detention basins/ponds
- Permanent ponds



# The illustrative masterplan



1. The crescent is a new central green offering a high-quality open space with attractive landscape and children's play area

2. Heybridge North Centre delivers an attractive hub for the new and existing residents providing land to accommodate a few shops, local services, a doctors' surgery and a one-form entry primary school

3. Heybridge Wood. Managing, protecting and preserving the character of the wood

4. Playing fields and allotments are provided within a short walking distance from the majority of the new and existing residents

6.

Maypole Road

7.

5. Walking and cycling access is provided where it is possible to enable the new community facilities and open spaces to be easy to reach from surrounding neighbourhoods

6. Strategic flood alleviation will manage water flows from surrounding areas

7. Potential country park area

# The illustrative masterplan



- 1. Proposed relief road
- 2. Maypole Road
- 3. The Avenue
- 4. Heybridge North Centre
- 5. Playing fields
- 6. Heybridge Wood

# Transport strategy

The planning application is supported by a package of measures to encourage trips by means other than the private car where practical and to provide appropriate highways improvements to the network.

## Relief Road

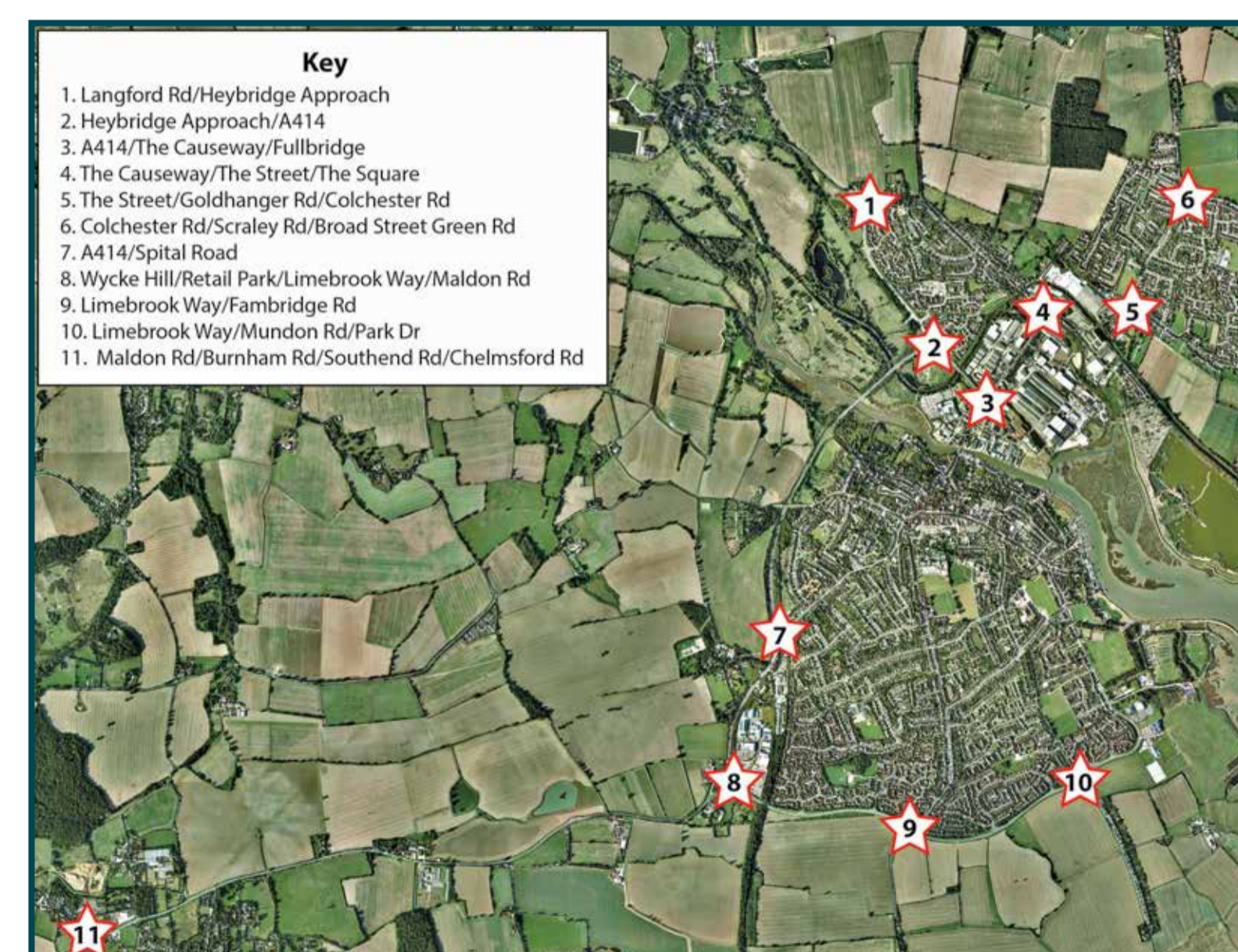
The Relief Road will be delivered in the early stages of the development programme and will provide a route from Broad Street Green Road, to Langford Road taking traffic from the centre of Heybridge.

There will be no provision for 'through access' from Holloway Road to the relief road. Consideration is being given to making the southern end of Maypole Road, a bus only route, which will prevent its use as a "rat run".

## Other Highways Improvements

As part of the implementation of the Local Plan, Essex County Council are seeking improvements from all allocations within the Local Plan, to the key junctions which require improvement.

We have considered the key junctions illustrated below:

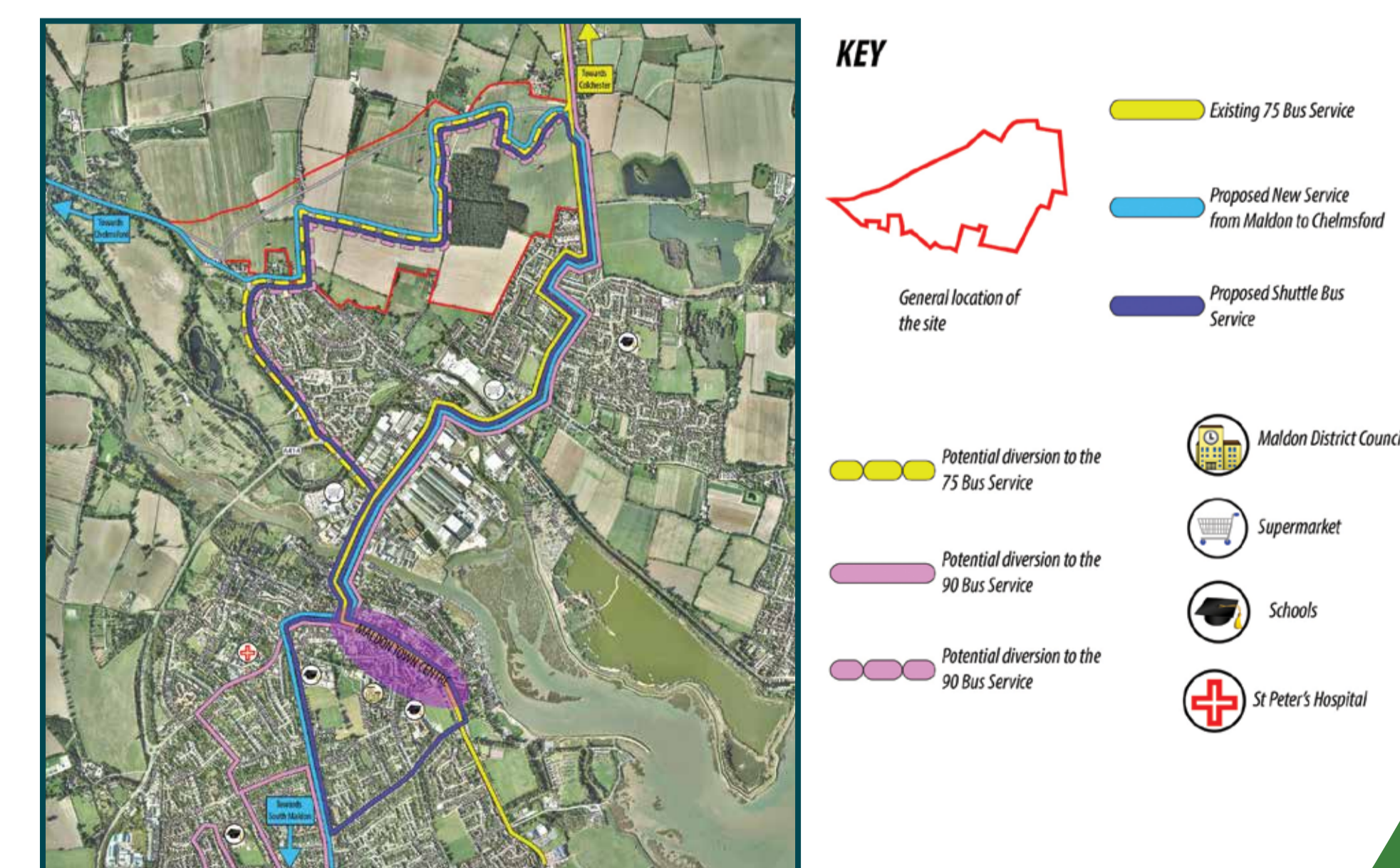


## Public Transport

The objective of the Public Transport Strategy is to;

- a) Provide a bus service linking to key destinations within Maldon and Heybridge to encourage shorter journeys to be made by bus
- b) Provide an improved service to Chelmsford and stations on the Great Eastern main line

The development will support the services in their early stages before they become commercially viable. The services are shown indicatively below:



# Other infrastructure

We are very excited about bringing new opportunities for local residents through the development in North Heybridge. Through working closely with local residents, businesses, parish councils, sports clubs and associations, we have prepared a comprehensive plan to deliver new education, sports and leisure provision, new medical facilities, public open space and a country park.

## Open spaces

Open spaces and landscaping will be important parts of the quality and character of this new Garden Suburb. The proposed framework is designed around key existing features including Heybridge Wood, and existing hedgerows and ditches.

An extensive network of well-connected green spaces is proposed to provide an attractive setting to the Garden Suburb while protecting and enhancing wildlife and biodiversity.



# The next steps

Thank you for attending today's exhibition.

We take the feedback we receive away and incorporate it in to the design process prior to a planning application submission, which we hope to make in the next few months.

Feedback forms have been provided here today for you to leave comments. If you have any questions or queries please ask one of the team members here today.

You can also find details of today's exhibition at:

[www.heybridgenorth.co.uk](http://www.heybridgenorth.co.uk)

Or you can call us on the community hotline 0845 460 6011 or via email at [info@heybridgenorth.co.uk](mailto:info@heybridgenorth.co.uk)



## Delivery of the scheme

- The delivery of infrastructure will be through obligations on the development set out in a S106 Agreement
- Maldon District Council are setting up an Implementation Steering Group and Community Liaison Panel
- Discussions will continue with Maldon District Council and other relevant stakeholders through the application process