

**Maldon District Local Development Plan
Examination-in-Public**

**Hearing Statements in response to
Inspector's Matters, Issues and Questions
for legal compliance and housing policies**

Maldon District Council
January 2015



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Matter 1: Legal Compliance, including the Duty to Cooperate

Issue 1: Whether the Plan is legally compliant

Question 1 *The Council has provided information about these matters in the supporting documents, but for the sake of clarity and completeness please would it answer the following questions relating to legal compliance:*

Question 1a *Has the Plan been prepared in accordance with the Local Development Scheme (SD08)?*

MDC Response

- 1.1 The Local Development Plan (LDP) has been prepared in accordance with the latest Local Development Scheme (LDS) 2014 (SD08). As set out in section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), the LDS specifies the subject matter, geographical area and timetable for the preparation of the LDP and other planning policy documentation. During the production of the Core Strategy / LDP the Council has ensured that the LDS has been regularly updated to reflect changing circumstances and ensure that the LDS has been as up to date and realistic as possible. The LDS was most recently updated in August 2013 (please refer to DOC79) and the Council will produce a further update during the Spring of 2015 following the receipt of the interim conclusions from the Inspector on the soundness of the housing policies and legal compliance of the LDP.
- 1.2 The Council acknowledges that the adoption of the Plan will be delayed due to the recent suspension of the examination. This delay will be reflected in the next update of the LDS.

Question 1b *Is the Plan in general accordance with the Statement of Community Involvement (SD07) and public consultation requirements?*

MDC Response

- 1.3 The Council has carried out public consultation and community engagement for the Core Strategy and LDP (as detailed in SD05) in accordance with the published SCI (SD07) and the relevant regulatory requirements. The Consultation Statement (SD05) provides full details of how the Council has involved the local community, stakeholders and statutory bodies in the formulation of the Plan, including meeting the requirements of the SCI and national requirements.
- 1.4 In many cases the Council has far exceeded requirements set out within the SCI to ensure that public consultation has been as wide reaching and effective as possible. Appendix 4 of the LDP (SD01) provides an overview of the consultation undertaken as part of the Plan preparation. The Council has responded appropriately to changes which have occurred in the relevant planning regulations and guidance during the lifetime of the Plan's production to ensure compliance with relevant public consultation requirements.

Question 1c *Have any significant concerns been expressed at any stage by third parties about the Sustainability Appraisals carried out, particularly the final one (SD03)?*

MDC Response

- 1.5 The table below summarises the main concerns expressed at the Pre-Submission consultation by third parties in relation to the Sustainability Appraisals. The table also includes the Council's position in relation to these specific concerns.

Representor	Summary of comment	fit the del
Famco Ltd. (ref.0051)	The Council did not correctly appraise growth at North Fambridge, and North Fambridge should have an allocation of at least 125 dwellings. Allocation for 850-250 additional dwellings should also be considered.	The SA has included assessment of North Fambridge as a 'reasonable alternatives' as part of the Growth Capacity Testing exercise (GO5 in Appendix D of EB092c, also in relation to Appendix 3 of DOC78). The proposed growth assessed was for 700 dwellings in North Fambridge and a number of other locations. The SA concluded that without adequate infrastructure provision there could be negative effects against several of the SA objectives. The assessment was presented within the July 2013 SA and the 2014 pre-submission documents.
Aquila Maldon Ltd (ref. 0078)	There is an absence of meaningful Sustainability Appraisal of the policy I2.	Policy I2 has been subject to thorough SA and HRA (7.2.34, 8.4.2 and Table 7.1 of EB092b) throughout the development of the Local Plan. Whilst the policy does state that appropriate greenfield locations on the edge of Maldon may be considered, the scale of this potential loss is likely to be small. Although there would be some potential for negative effects on biodiversity as a result of this policy if implemented alone, this potential impact would be managed at the plan level by adherence to Policy N2 Natural Environment and Biodiversity.
Petticrows Ltd and Rice & Cole Ltd (ref.0153)	Land at Belvedere Road in Burnham-on-Crouch represents a 'Reasonable alternative' option that has not been assessed by the Council.	All reasonable alternatives identified have been identified and assessed through the LDP and SA process. Please refer to question 6 of Matter 1.
English Heritage (ref.0159)	There appears to be no sustainability appraisal of the reserve sites (policy S2) and questioning whether RE1 in particular is suitable and justified.	Whilst the reserve sites were not specifically assessed due to late inclusion in the Local Development Plan (DOC88), the sustainability of the relevant locations has been thoroughly tested through previous stages of the LDP (please refer to Appendix 6). The Council considers the approach of allocating the Reserve Sites is in line with the Council's overall spatial strategy of concentrated growth. The Reserve Sites are located at the main urban areas of Maldon, Heybridge and

Representor	Summary of comment	SA response
		Burnham-on-Crouch and represent locations which have been considered and assessed through the SA process alongside against reasonable alternatives options.
Gladman Developments (ref.0165)	The sustainability appraisal is flawed and Southminster should score better for protecting water resources	The SA has included a thorough assessment of Southminster as part of the Growth Capacity Testing exercise (GO7 in Appendix D of EB092c, also in relation to Appendix 3 of DOC78). It was concluded that there could be water resource pressures in Southminster due to the existing size of the development and the large scale housing proposed. The larger developments in the District have a larger capacity and potential to tolerate a population increase which is why Maldon and Heybridge scored more positively than Southminster.
Hughes and Sandy (ref.0166)	SA incorrectly attributes flood protection benefits to the South Maldon Garden Suburb	Policy S4 contains both the North Heybridge and South Maldon Garden Suburbs and therefore the SA addresses both of these proposed development sites. A minor positive effect was identified in relation to the specific proposed flood alleviation scheme which is part of the North Heybridge development as stated in the assessment tables (Table 7.1 of SD03b). In addition the policy states that flood risk management measures will be incorporated in both areas. Some flood protection benefits are also anticipated for the South Maldon Garden Suburb.
Pigeon (ref.0213)	The SA is flawed because changes in allocation in Burnham-on-Crouch i.e. from one site to three, did not follow correct assessment process. For the Draft Development plan to be legally compliant the Sustainability Appraisal should appraise the suitability of each individual site for an allocation and the conclusions of the sustainability appraisal should have been used to prepare policy S2	The SA considered the 3 allocations within the growth capacity testing assessment and if any specific location related issues were identified then these were reflected in the assessment as evidenced in the assessment table for Burnham-on-Crouch (GO3 in Appendix D of EB092c, also in relation to Appendix 3 of DOC78). However, against the confirmed SA framework no difference in significant effects between the three Burnham-on-Crouch locations was identified as

Representor	Summary of comment	SA response
		shown in the assessment tables in Appendix D of EB092c.

Question 1d *Has the Plan been subjected to an adequate Habitat Regulations Assessment? On the final HRA (SD03b) I find the conclusion at 8.6.1 confusing. It says that a number of policies were previously identified as potentially having a likely significant effect. Is this because they will be appropriately managed? If so, should it say so? Is there a need to refer to the 2012 SA report?*

MDC Response

- 1.6 The need for a Habitat Regulations Assessment (HRA) arises from the EC Habitats Directive (92/43/EEC) and its implementation in the UK under the Conservation of Habitat and Species Regulations 2010 (as amended). Under Regulation 61 (1), HRA is required for a plan or project which, either alone or in combination with other plans or projects, is likely to have a significant effect on the integrity of an internationally designated site and which is not directly connected with the management of the site.
- 1.7 The HRA for the LDP considered the potential for Likely Significant Effects at both the policy and Plan level. In relation to the conclusion at 8.6.1 of SD03b, 8.4.1 and 8.4.2 of SD03b summarised the HRA screening assessment undertaken in 2012. The assessment identified a number of LDP policies as potentially having a likely significant effect on international sites i.e. the Blackwater Estuary due to the projected population increase, development locations and their potential for disturbance and water quality impacts.
- 1.8 As a result, further HRA assessments were carried out (paragraph 8.4.3 to paragraph 8.4.16 of SD03b) and it was determined that these policies would not have a likely significant effect on the Blackwater Estuary. In addition, it was determined that at the Plan level (which would be applicable to all development) the policies in-combination will not impact on the achievement of the Blackwater Estuary's conservation objectives and consequently will not result in a significant adverse effect on the integrity of the international sites (section 8.5 of SD03b). This is due to the overall policy LDP framework and individual policies in the LDP which seek to protect these sites and ensure that they are not affected by development or other impacts which may arise from the implementation of the LDP. These higher level policies will ensure that development in the District will not lead to any significant effects on any internationally designated sites.

Question 1e *Has the Plan had regard to the Sustainable Community Strategy?*

MDC Response

- 1.9 In producing the LDP the Council has had regard to the Sustainable Community Strategy (SCS). Paragraph 2.2 of the LDP clearly indicates that the spatial vision of the LDP aligns with the District's SCS and the Council's Corporate Plan which set out the overall vision for the District. Many of the LDP policy objectives, including boosting affordable housing supply (H1), providing support to older people (H3), and supporting local community (E3) are directly related to the priorities identified in the SCS. The LDP will form part of the Council's overall strategy to deliver the vision and priorities set out in the SCS.
- 1.10 The Council's Sustainable Community Strategy can be found at: http://www.maldon.gov.uk/info/856/local_development_plan/83/maldon_district_local_development_plan_ldp/2 (under the Corporate Documents section towards the bottom of the page). The Council's latest Corporate Plan can be found at http://www.maldon.gov.uk/news/article/354/corporate_plan_2015-2019.

Question 1f *Has the Plan had regard to national policy?*

MDC Response

- 1.11 The Plan has been prepared in accordance with national policy. The preparation of the LDP has been a long and iterative process during which national planning policy has changed significantly, including the revocation of the Regional Spatial Strategy (RSS), the introduction of the National Planning Policy Framework (NPPF) and the Planning Policy Guidance (PPG), as well as various case law / High Court decisions which clarified how certain national policy should be interpreted.
- 1.12 A significant amount of work has been undertaken to ensure that the LDP policies are sound and in compliance with national policy. This includes updating relevant evidence base documents in particular EB043 (a-f), EB062 and EB098; engaging with stakeholders; working with neighbouring authorities through Duty to Cooperate (SD06); seeking advice from organisations such as the PAS (EB051), ATLAS (HCA's Advisory Team for Large Applications), PINS and the Planning Minister (DOC101, Appendix 1) to ensure compliance with national policy. The Council has also sought expert legal advice at all key stages to ensure the correct interpretation of NPPF requirements. A number of significant changes have been made to the LDP during its evolution to reflect changes in national policy over time. Most notably, the Council has significantly increased the Plan's housing target to respond to the requirement of the NPPF and the abolition of the RSS.

Question 1g *Has a suitable assessment been completed under s138 of the Local Government and Public Involvement in Health Act 2007?*

MDC Response

- 1.13 s138 of the Local Government and Public Involvement in Health Act 2007 requires an assessment to be made as to whether public consultation is necessary as to the exercise of any of the Council's functions. It is unnecessary to undertake such assessment separately because the relevant Planning Act and Regulations impose their own requirements on the need for public consultation.

Question 2 *Considering the above, is the Plan legally compliant?*

MDC Response

- 1.14 Considering the above, the Plan is legally compliant.

Question 3 *If the Plan is not considered to be legally compliant, please explain in what areas it does not comply and what needs to be done to make it compliant.*

MDC Response

- 1.15 Considering the above, no change to the Plan is needed to make the Plan legally compliant.

Question 4 *If it is considered that public consultation requirements were not properly carried out, please explain where the Council has not complied with either the 2012 Local Planning Regulations or its own Statement of Community Involvement (SD07).*

MDC Response

- 1.16 The Council considers that public consultation has been properly carried out in line with the 2012 Local Planning Regulations and the Council's own SCI (SD07). Details of the consultations are available in the Consultation Statement (SD05).

Question 5 *Does the final Sustainability Appraisal (SA) at SD03 deal adequately with all the reasonable alternatives? Paragraph 7.1.2 seems to imply that this is not done.*

MDC Response

- 1.17 Alternatives for, and iterations of, the LDP policies have been considered throughout the entire Sustainability Assessment (SA) process including the 2009 report undertaken by Atkins for the then Core Strategy document (EB082-EB085). Each alternative was assessed against an agreed SA Framework and each assessment informed the development of the finalised policy suite. The Council's site selection and decision making process has been informed by the latest available evidence (including Sustainability Appraisal) and consultation responses. While the reasons for not choosing certain alternative options are not currently included in the final SA, the decision making process is well documented in various published documentations including committee reports, Minutes and evidence base studies. Key documents include:
- For the Preferred Options LDP: EB061 and DOC53 (p28-30)
 - For the Draft LDP: DOC078 and associated Minutes
 - For the Pre-submission LDP: DOC088 and associated Minutes
- 1.18 The decision making process can easily be incorporated in a correcting addition to the final SA, as suggested by the Inspector.

Question 6 *Have all the reasonable alternatives been identified in the SA?*

MDC Response

- 1.19 All of the reasonable alternatives have been identified and assessed through the SA process. Please refer to Appendix 6 which summarises the various stages in the assessment of growth options at various key stages of the LDP. A number of alternative policy options were identified in the 2007 Core Strategy Issues and Options consultations (DOC50 and DOC51). Detailed SA of these options are included in EB084a and EB084b and the conclusion of the SA has influenced the Council's preferred policy approach in the 2009 Core Strategy Preferred Options consultation (DOC52).
- 1.20 The 2012 SA Report provides an assessment of all reasonable alternatives for each of the policies in the LDP Preferred Options consultation document (EB088a to EB088d). Further SA has been undertaken for the Draft LDP consultations - at this stage it was not necessary to re-assess all policy options and reasonable alternatives because most of them have already been assessed. Therefore the relevant SA (Appendix 2 of DOC78, and EB092a – EB092c) focused on emerging options for the spatial growth strategy and relevant amendments to other LDP policies. Following the Draft LDP Consultation, three further scenarios. These scenarios were subjected to SA (SD03c, p.232 Appendix F).and has informed the Council final spatial strategy as presented in the Pre-submission LDP consultation document (SD01).
- 1.21 Appendix 6 provides a more detailed summary of all the reasonable alternatives identified for the Plan's growth target and spatial strategy at different stages; it also makes reference to the relevant SA.

Question 7 *Have the significant environmental effects of the reasonable alternatives and the Plan's policies been correctly assessed?*

MDC Response

- 1.22 The significant environmental effects of the reasonable alternatives and the Plan's policies have been correctly assessed through the SA and HRA process. Through the public consultation process the SA and HRA findings, as they have been refined alongside the evolving plan and policies, have been made available for public and stakeholder comment.

Issue 2: Whether the Duty to Cooperate has been satisfied

Question 8 *Having regard to SD06, has the Duty to Cooperate been satisfied, particularly with regard to any strategic highway issues arising from the proposed housing allocations, before the submission of the Plan? Does DOC100 of August 2014 regarding Eves Corner at Danbury indicate that the Duty has been complied with in this respect? (NB: It is not legally possible to include work after the submission of the Plan as fulfilling the Duty).*

MDC Response

- 1.23 Paragraph 110 of the Localism Act 2011 requires local planning authorities to engage constructively, actively and on an ongoing basis with relevant authorities to consider strategic matters through the preparation of a development plan document. This includes considering whether to consult on, prepare, enter into, and publish agreements or joint approaches to the undertaking of joint activities.
- 1.24 The LDP Duty to Cooperate Statement of Compliance (SD06) outlines how MDC sought to meet the requirements of the Duty to Cooperate. SD06 outlines that through an extensive programme of meetings, workshops, and questionnaires, strategic highways concerns relating to the A414 in Danbury and the B1019 / B1137 junction in Hatfield Peverel were identified as the only strategic or cross boundary issues that required further consideration as part of the production of the LDP.
- 1.25 To seek to address these concerns prior to the submission of the LDP, the following work and meetings, outlined in detail in SD06, were undertaken with ECC, Chelmsford City Council (CCC), and Braintree District Council (BDC):
- Sub-regional meetings to identify and discuss strategic and cross boundary issues (March & April 2013)
 - Highways workshop to discuss strategic highways issues identified by ECC, BDC, and CCC (May 2013)
 - District-Wide Duty to Cooperate workshop meeting (October 2013)
 - LDP highways impacts Duty to Cooperate meeting with ECC, BDC and CCC (October 2013)
 - Further LDP highways impacts Duty to Cooperate meeting with ECC, BDC, and CCC (December 2013)
 - Production of a Duty to Cooperate Statement of Common Ground on strategic highways issues associated with the LDP with BDC, ECC, and CCC
- 1.26 Through the process set out above, and detailed in SD06, MDC has engaged constructively, actively, and on an ongoing basis with neighbouring authorities to seek to address strategic and cross boundary issues. Concerns raised by BDC, and an agreed approach to considering these issues in the future, were outlined in a Statement of Common Ground (DOC95) between BDC, ECC, and MDC. The LDP Pre-Submission consultation representation from BDC (ref 0043-5088-2.67-S) confirmed that the requirements of the Duty to Cooperate had been 'successfully discharged between the two authorities throughout the production of the LDP'.
- 1.27 Prior to the submission of the LDP, MDC sought to produce a Statement of Common Ground with CCC and ECC to support the submission of the LDP. However, as outlined in SD06, CCC required the following before a Statement of Common Ground could be agreed:
- Further modelling to be undertaken in relation to Eves Corner and Well Lane in Danbury, and further modelling to consider the implications on 'rat running' in the area;
 - More information on the impacts of pre-signals at Eves Corner in general, and more specifically on 'rat running' in the local area, pedestrian flows across the junction, how

bus prioritisation would work, and the overall potential traffic generation from future growth in Maldon allocated in the LDP;

- The publication of further modelling data to clearly show the impact of residents from Maldon District commuting to use the new North Chelmsford Rail Station; and
- The inclusion of any agreed works at Danbury to be included as a pooled Section 106 contribution from sites S2(a) and S2(d) rather than being funded through CIL.

- 1.28 Although a Statement of Common Ground was not agreed prior to the submission of the LDP, SD06 clearly outlines that CCC, MDC, and ECC engaged constructively, actively and on an ongoing basis to make every effort to secure the necessary cooperation on strategic cross boundary matters prior to the submission of the LDP. SD06 explains the process of cooperation undertaken by MDC and other relevant authorities, therefore outlining that MDC satisfied the requirements of the Duty to Cooperate prior to the submission of the LDP.
- 1.29 A Position Statement (DOC100) was submitted to the Inspector on 1 September 2014 to provide clarification and further information on highways works that will ultimately be necessary at Eves Corner / Well Lane in Danbury, to address comments within Paragraph 26 of the Inspector's Key Concerns (IED06). This document was therefore provided to assist the Inspector, rather than seeking to outline compliance with the requirements of the Duty to Cooperate.
- 1.30 To assist the Inspector further, an update to DOC100 has been produced by MDC, CCC, and ECC, and has been submitted as DOC119.

Question 9 *Council: has any authority asked the Council – or vice versa - to consider accommodating additional development and/or unmet needs and what has been the response to any such request?*

MDC Response

- 1.31 Through the Duty to Cooperate work which the Council has undertaken, as set out in the Duty to Cooperate Statement of Compliance (SD06), no authority has asked the Council to consider accommodating additional development and / or unmet needs.
- 1.32 In August 2012 the Council circulated a Duty to Cooperate questionnaire to all local authorities in Essex (see Appendix 2 and 3 of SD06). Question 5 of the questionnaire asked each authority if any needs for development cannot be accommodated within their local authority boundary. The questionnaire responses received identified that RDC may not be able to accommodate development demand in the District boundaries due to environmental constraints, and BBC do not have available land to accommodate the need for B8 uses within the District.
- 1.33 Meetings with RDC and BBC were held in in March / April 2013 (see Appendix 5 of SD06), where it was agreed that there were not appropriate links between the authorities for Maldon District to accommodate the identified needs from RDC and BBC.
- 1.34 At the sub-regional Duty to Cooperate meetings in March / April 2013, the Council asked local authority representatives from Chelmsford, Brentwood, Braintree, Colchester, Rochford and Castle Point, if there would be any opportunities for development needs from the Maldon District, particularly related to housing, to be accommodated within the authority areas. As outlined in the meeting notes in Appendix 5 of SD06, all authorities stated that due to concerns related to environmental constraints and infrastructure capacity, no growth from the Maldon District could be accommodated in neighbouring areas.

Question 10 *Do representors consider that the Duty to Cooperate has been complied with on an ongoing basis, actively and constructively on strategic policies/matters so far as the preparation of this Plan is concerned? If not, why not, bearing in mind the Council's statements made on the Duty?*

MDC Response

- 1.35 The Council considers that the Duty to Cooperate has been complied with on an ongoing basis, actively and constructively, on strategic policies / matters so far as the preparation of this Plan is concerned. The Duty to Cooperate Statement – Statement of Compliance (SD06) outlines how the Council has managed the requirements of the Duty to Cooperate throughout the production of the LDP. This statement outlines the cooperative work which has been undertaken, and identifies how the Council has responded to the key strategic and cross boundary issues identified.

Issue 3: Whether the Master Plan Supplementary Planning Documents (SPD) can be used for the purposes proposed by the Council, and whether their uses and purposes are clearly and effectively set out in the Plan

Question 11 *Regulations 5 and 6 of the Local Planning Regulations 2012 set out what should be in a local plan and therefore what should not be in a SPD. In the light of this [particularly Regulation 5(1)(a)(iv)], should the information proposed to be in the Master Plan SPDs be in the Plan, either in whole or in part? Please see my EM concerns and the RWE Npower Renewables case: <http://www.bailii.org/ew/cases/EWHC/Admin/2013/751.html>*

MDC Response

- 1.36 In preparing the Maldon District LDP, the Council has had full regard to the National Planning Policy Framework (NPPF) (March 2012). It is also satisfied that the LDP meets the requirements set out in National Planning Policy Guidance (March 2014) and that the approach it has adopted is in accordance with Regulations 5 and 6 of the Local Planning Regulations 2012.

- 1.37 Paragraph 153 of the National Planning Policy Framework states:

'Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.'

National Planning Policy Guidance (paragraph 028) states: *'Supplementary planning documents should be prepared only where necessary and in line with paragraph 153 of the National Planning Policy Framework. They should build upon and provide more detailed advice or guidance on the policies in the Local Plan. They should not add unnecessarily to the financial burdens on development'*

- 1.38 The NPPF and NPPG indicate, therefore, that the use of SPDs would be acceptable where it can be demonstrated that they can help applicants make successful applications and in circumstances where they build upon and provide more detailed advice or guidance on the policies contained in the Local Plan. This would in principle support the approach adopted by MDC in preparation of the LDP. Furthermore, it can be demonstrated that the Council has worked proactively with developers in bringing forward strategic sites and that the process adopted will assist the efficiency of the planning process rather than add to the financial burdens on development.

- 1.39 However, the question of whether the Masster Plan details should sit within an SPD or in the LDP is clearly a legal issue which relates back to the Town and Country Planning (Local Planning) (England) Regulations 2012 which defines the content and function of SPDs. Regulations 5 and 6 are relevant in this respect. Regulation 5 states:

(1)	For the purposes of section 17(7)(za)(1) of the Act the documents which are to be prepared as local development documents are:	
	a)	any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following:
	i.	the development and use of land which the local planning authority wish to encourage during any specified period;
	ii.	the allocation of sites for a particular type of development or use;
	iii.	any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and
	iv.	development management and site allocation policies, which are intended to guide the determination of applications for planning permission;
	b)	where a document mentioned in sub-paragraph (a) contains policies applying to sites or areas by reference to an Ordnance Survey map, any map which accompanies that document and which shows how the adopted policies map would be amended by the document, if it were adopted.
2)	For the purposes of section 17(7)(za) of the Act the documents which, if prepared, are to be prepared as local development documents are:	
	a)	any document which:
	i.	relates only to part of the area of the local planning authority;
	ii.	identifies that area as an area of significant change or special conservation; and
	iii.	contains the local planning authority's policies in relation to the area; and
	iv.	any other document which includes a site allocation policy.

- 1.40 Regulation 6 states:

Any document of the description referred to in regulation 5(1) (a) (i), (ii) or (iv) or 5(2) (a) or (b) is a Local Plan. In accordance with the Regulations, therefore, the following matters must be addressed in a Local Plan:

- i. the development and use of land which the local planning authority wish to encourage during any specified period;
- ii. the allocation of sites for a particular type of development or use; and
- iii. development management and site allocation policies, which are intended to guide the determination of applications for planning permission.

- 1.41 This implies that matters cannot be devolved to an SPD that the Act specifies should be contained in a Local Plan. For example, an SPD should not make statements on the development and use of land, allocate sites for a particular type of development or use, contain development management and site allocation policies for an area defined as being one of significant change or special conservation. Rather SPDs should only contain environmental, social, design and economic objectives which are relevant to the attainment of the development or use of land already specified in a Local Plan.

- 1.42 MDC accepts that whilst SPDs can amplify and give more detailed advice about existing policies in Development Plan Documents, they cannot be used to create new policies or to make site allocations. They can, however, be 'material considerations' when making decisions about new development. In order to comply with the Regulations, it will be necessary to demonstrate that the proposed content of any SPD does not go beyond the matters specified in the Act.
- 1.43 MDC is of the view that the policies in the LDP set out clear development principles for the Garden Suburbs and does not consider it appropriate to incorporate further detail as this would not provide the flexibility required in the NPPG. MDC would also refer to ID 12-010-20140306¹ which provides guidance on how detailed a Local Plan should be and states:
- 'While the content of Local Plans will vary depending on the nature of the area and issues to be addressed, all Local Plans should be as focused, concise and accessible as possible. They should concentrate on the critical issues facing the area – including its development needs – and the strategy and opportunities for addressing them, paying careful attention to both deliverability and viability.'*
- 1.44 MDC believes it has met this requirement. The LDP has been positively prepared and in line with the NPPF, it has adopted a proactive approach to development and is working with developers, stakeholders and communities to bring forward development in accordance with the policies set out in the LDP.
- 1.45 Under the Regulations, a Local Development Document (including Supplementary Planning Documents) can specify design, environmental, social and economic objectives for a particular site and how these might be applied to a particular strategic allocation. MDC believes the information contained in the Master Plans for the Garden Suburbs fall within this scope and do not go beyond the LDP by allocating sites for development or setting new policies.
- 1.46 Reference to the Judgement in respect of the RWE Npower Renewables case:
- <http://www.bailii.org/ew/cases/EWHC/Admin/2013/751.html> is relevant in this instance. Under the current legislative scheme, the 'local development documents' that a local planning authority may have are either 'development plan documents' or they are not. Those which are not comprise (i) a statement of community involvement; (ii) 'supplementary planning documents'; and (iii) any other 'local development documents' that a local planning authority may adopt. These other 'local development documents' that a local planning authority may adopt do not have to comply with the requirements under the 2012 Regulations, such as the requirement that any policy they contain must not be in conflict with the adopted local plan and for public participation in its preparation. But the existence of this category of 'local development documents' does not assist the Council in this case. It adopted the Wind SPD as a 'supplementary planning document', a document which does have to comply with those Regulations. In that case the claim for judicial review succeeded but only on the ground that, in breach of the requirement imposed by regulation 8(3) of the 2012 Regulations, the 'Emerging Policy' in the Wind SPD was in conflict with the adopted development plan. The Judge concluded, however, that the statements did fall within sub-paragraph (iii) of regulation 5(l)(a) regarding the environmental, social and design objectives that the Council considered relevant to the development of wind turbines.
- 1.47 The Master Plans are set within the policy context established by the LDP and sets out how the vision and principles set out in the LDP could be realised. They are not mandatory - the principles set out in the Master Plan are in total accordance with Policies S3 and S4 and other policies in the LDP and clearly cross referenced. The Master Plans are presented for

illustrative purposes and as a guide for developers. They do not preclude other design approaches if it can be demonstrated that this would deliver the vision and development principles set out in the LDP.

- 1.48 As set out in the LDP, the Master Plans will only be adopted as SPDs if they are appropriate. MDC will review the wording of these documents prior to adoption as SPDs and make any necessary amendments to ensure they are within the parameters permitted under the 2012 Regulations.
- 1.49 MDC believes the Master Plans provide a very useful guide to developers without being over-prescriptive or addressing issues which should be in the LDP. Without the Master Plans, it would be difficult to meet the vision and development principles set out in the LDP, but the inclusion of a Master Plan in the LDP would be over prescriptive. A Master Plan is required to ensure that development of any part of the site will not prejudice development of the remainder of the site and the policies set out in the LDP. It does not amount to an allocation, rather more detailed guidance on how the conditions set out in the LDP can be achieved.

Question 12 *Does the Plan set out the basic policy 'hooks' for what should be dealt with and contained in each SPD? Do the Council's suggested modifications (Refs 052, 053 and 054 in SD04b) to make the Master Plans illustrative as a guide for developers and to be in accordance with the Plan's development principles resolve the concern?*

MDC Response

- 1.50 MDC maintains that the LDP provides the necessary detail and clarity required by the NPPG and Regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council has worked positively with developers and stakeholders in the preparation of the Master Plans and the draft Master Plans have been endorsed by the Council for consultation (DOC 97 and DOC105). The requirement for Master Plans and possible adoption as SPDs will not, therefore, result in delays in bringing development forward; rather it will have benefits in terms of timescale and efficiency of the planning process.
- 1.51 The principles set out in the Master Plans are in accordance with Policies S3 and S4 and other policies in the LDP. The Master Plans are not mandatory and are presented for illustrative purposes and as a guide for developers. In order to clarify the concerns raised by the Inspector, it is proposed to modify Policy S3 (and explanatory paragraph 2.45) and Policy S4 as MDC considers that the suggested modifications (Refs 052, 053 and 054 in SD04b) to make the Master Plans illustrative as a guide for developers and to be in accordance with the Plan's development principles resolve the concern.

Issue 4: Whether there are any suggested Main Modifications

Question 13 *What is the latest position on any 'main modifications' that the Council wishes to suggest to the submitted Plan, particularly in the light of the Additional Evidence produced after the Exploratory Meeting? Will there be any and, if so, when?*

MDC Response

- 1.52 Two 'schedules of minor modifications' have already been submitted to the Inspector for consideration - one as part of the LDP submission documents (SD04) and one following the Exploratory Meeting (SD04b). In light of the Inspector's question 14 below, the Council has combined and re-categorised these proposed modifications into two tables. Appendix 1 provides a combined list of all additional modifications, and Appendix 2 provides a list of the proposed main modifications which the Inspector may wish to consider recommending at a later date.

Question 14 *The Council has issued which it describes as 'Minor Modifications' to the Plan (SD04, and CED10 Appendix 14/SD04b). Many of these, especially in SD04b, are not minor modifications in the sense of them being the Council's 'additional modifications' under s23(2A) of the 2004 Act (e.g. typos, and errors of grammar or fact), but are 'main modifications' to be recommended by the Inspector to make the Plan sound. Does the Council agree? If so, please would it separate them into two schedules: 'additional' minor modifications that the Council intends to make on adoption; and 'main' modifications that it suggests for the Inspector's consideration?*

MDC Response

- 1.53 Section 23(3) of the 2004 Act (as amended by section 112 of the 2011 Act) states that if the Inspector recommends that the plan should be adopted with main modifications, the Council may adopt the document either '(a) with the main modifications, or (b) with the main modifications and additional modifications if the additional modifications (taken together) do not materially affect the policies that would be set out in the document if it was adopted with the main modifications but no other modifications.' The Act is, however, unclear in relation to what constitutes a 'material' change and therefore there is a degree of subjectivity as to what actually constitutes an 'additional modification' or a 'main modification' to the Plan
- 1.54 The Council acknowledges that some of the modifications included in SD04 and SD04b are more than typos, errors, grammar or fact, but the Council does not consider that most of these modifications would necessarily materially change the LDP policies (with the exception of the proposed increase to OAN and housing target). However in order to assist the Inspector the Council has highlighted those which are merely typos or errors (Appendix 1). A number of further additional modifications are also presented separated in Appendix 2.

Matter 2: Strategic Housing Growth – overall numbers S1 and S2

Issue: Whether the Plan's policy S2, Housing Trajectory, and associated text concerning the District's objective housing needs and overall housing target are positively prepared, justified by the evidence, consistent with national policy, and effective.

Question 1 *The Plan proposes to provide a minimum of 4,410 dwellings (2014-2029). What is the basis, justification, assumptions and methodology for the proposed level of housing provision, having regard to the supporting evidence (including the SHMA & SHLAA), recent population/household projections, demographic change, migration, household formation rates, housing market area, key housing drivers, housing demand and market signals, the need for affordable housing and the relationship with the economic strategy, in line with the guidance in the NPPF (paragraphs 14, 17, 47-55; 159) and the PPG (ID: 2a and 3)?*

MDC Response

- 2.1 The submission LDP proposes to provide a minimum of 4,410 dwellings for the Plan period between 2014 and 2029. Section 2.16-2.24 of the submission LDP (SD01) outlines how the Council has arrived at its housing target with references to relevant evidence base documents.
- 2.2 In response to the Inspector's key concerns (IED05 and IED06) to the Council's submission Plan, the Council has provided additional OAN housing related evidence, most notably EB098a, which resulted in a proposed marginal increased housing target from 294 pa to 310 pa (Appendix 14 of CED10), which is 4,650 dwellings over the Plan period, and is proposed as a modification (Appendix 2).
- 2.3 The Council concludes that the full objectively assessed housing need of 310 pa (4,650 over the period of the Plan) should be the District's housing target. This is an adjustment made to the previous target of 294 following national guidance to use the most up-to-date data (2a-16) and local data (2a-15), with a positive approach towards growth.
- 2.4 The recently completed independent audit of the basis for the District's OAN (EB098a) by Neil McDonald Strategic Solutions (NMSS) contains the best available information on population projections, demographic change, migration, and household formation rates. A supplementary statement accompanied the independent audit which drew together evidence, in particular from the SHMA, to describe and further consider employment trends, housing demand and market signals (EB098c).
- 2.5 To accurately assess the scale and mix of housing required over the Plan period in particular the need for affordable housing, evidence has been taken from the Strategic Housing Market Assessment (SHMA) 2014 (EB010e) which incorporates a local housing need survey as well as secondary data where primary data research is disproportionate (NPPF 50 and 59, PPG 2a-14). The SHMA uses the CLG's Affordable Housing Needs Assessment Model which takes into account the current and future demand for affordable housing together with existing and future supply and use of the stock (PPG 2a 22-29).
- 2.6 **Methodology**
Maldon District's full objectively assessed need for housing is established through the documents EB098a/b/c. PPG 3-031 and PAS's Technical Advice Note for Objectively Assessed Need and Housing Targets (June 2014) which forms the basis of the methodology undertaken by MDC. A thorough outline of the Council's approach to

identifying the OAN is available in section 3 of the Council's Supplementary Statement submitted in August 2014 (EB098c)

- 2.7 It should be noted that the methodology begins at the definition of the Housing Market Area before an assessment of the housing need. An appropriate consideration of the Housing Market has been undertaken and integrated in the SHMA since 2008 (Section 3, EB010a) and kept under review over subsequent updates of the SHMA. The SHMA suggests that Maldon District should be considered to be a single market area.
- 2.8 **Basis, justification and assumptions for OAN.**
In accordance with PPG 3-031, the starting point for the Objectively Assessed Housing Need (OAN) is the CLG's latest projections - currently the interim 2011 based household projections. This scenario is considered in detail by NMSS (EB098a) and is shown for comparison in the Greater Essex Demographic Forecasts Phase 4-6 by Edge Analytics (EB043e/f/g).
- 2.9 This revised population projection provided by NMSS (EB098a) replaces the previous evidence provided by Edge Analytics (EB010d). Although both are informed by ONS evidence, the detailed report provided by NMSS also makes informed allowances to reflect more local demographic issues, the depressed housing market and how household formation may have been constrained by supply (NMSS 112 – 118).
- 2.10 The independent audit of OAN has recommended a hybrid approach based on the latest ONS-2012 projections and DCLG 2011 projections to conclude that the OAN lies between 280 - 310.
- 2.11 **Relationship with economic strategy**
National guidance indicates that the housing need suggested by demographically modelled household projections should be adjusted to recognise employment, affordable housing and appropriate market signals (NPPG 2a-19). The latest employment forecast uses the East of England Forecasting Model (EEFM 2013), an econometric model developed by Oxford Economics to provide consistent economic predictions for the region. The latest forecasts are very similar to information presented in the Council's evidence base (EB068b and EB060) and the information used to form the foundation the LDP.
- 2.12 The EEFM baseline forecasts indicates that total employment will increase by 2,100 by 2029 which is a modest increase of 9%. Within the Heart of Essex, Chelmsford is the main employment centre, not Maldon. Referring to NPPG 2a-018, the District's patterns of out-commuting are to be sustained (4.8, EB098c) and the OAN assessment shows that the Plan will address the decline of Working Age population and help maintain the number of locally employed people (Figure 1, EB098c). With these employment trends in mind, the Council considers that it is planning positively by aligning with the economic strategy and meeting employment needs within the District.
- 2.13 Section 4 of the Council's Supplementary Statement considered other scenarios in the EEFM and takes into account employment trends, other economic forecasts and local aspirations to conclude 'that the current housing target figure does not require any adjustment in light of the available economic and employment evidence.' (4.2, EB098c).
- 2.14 **Market Signals**
With regard to market signals, affordability of housing in Maldon District is broadly in line with sub-regional trends (5.11, EB098c). House prices and rents have remained relatively stable, market activity remains much lower than prior to the 2008 recession, indicating stable demand but a smaller consumer base. Given the local context of stable average house prices, modest improvements to local income levels and new, stricter regulations on

mortgage availability, affordability has remained relatively stable since an initial improvement following the 2008 recession (Figure 5, EB098c). Further information on market signals using a combination of evidence and recent monitoring of the local market is incorporated within the SHMA (EB10e). The Council concludes that 'levels of homelessness, overcrowding and concealed need in the District compare favourably with neighbouring areas and there are therefore no reasons to consider an uplift to the OAN' (5.18, EB098c) for these reasons (PPG 2a 19-20).

2.15 SHMA

The NMSS report on OAN examined the relationship between the demographically-based estimate of the OAN and the number suggested by the stock flow model of the SHMA, and concluded that 'although the SHMA is an important part of the evidence base in other respects, its stock-flow model is not an appropriate basis on which to quantify Maldon District's Objectively Assessed Needs...' This has been accepted by DCA who have indicated that it was not their intention that the stock flow model results should be used in this way - 'The stock flow analysis is not however intended as an alternative basis to the demographic projections as the base from which to determine the OAN figure' (Para 4.11.5 of revised SHMA report, EB010f).

2.16 It is anticipated that Policies S2 and H1 will provide at least 75% of the identified need for affordable homes through strategic sites and all of the open market homes required by the SHMA. A combination of improvements to the use of existing stock through Policies H2 and H3 and relevant Housing Strategies such as the Older Persons Housing Strategy and Empty Homes Strategy, together, with other sources such as rural exception schemes (Policy H5) will adequately meet the remaining need for affordable homes.

2.17 The Council has a good track record of bringing forward developments with partners, including rural schemes, and is currently exploring opportunities to invest in delivering housing within the District. It has also received national recognition for the positive work, and good outcomes it has achieved in tackling empty homes and bringing them back into use. For these reasons the Council is confident that its overall approach, supported by robust policies with the flexibility to respond to change and opportunity will deliver the District's affordable housing requirements (NPPF 47-55).

2.18 Conclusion

Taking into account NPPG paragraphs 14 - 29 and applying the suggested tests against the revised population projection, the Council is satisfied that an annual supply of 310 homes will meet the full objectively assessed housing need for the District. This target has been used to underpin the twelve core principles (NPPF 17) with a recognition that through continuous monitoring there may in the future be a need to respond to rapid change.

Question 2 *Does policy S2 establish an appropriate, clear, effective and soundly based distribution of development and growth to the towns and settlements in the District, which is fully justified with robust and up-to-date evidence and which will deliver development in sustainable locations? How else should it be done?*

MDC Response

2.19 Policy S2 establishes an appropriate, clear, effective and soundly based distribution of development and growth to the towns and settlements in the District; it represents the most appropriate spatial growth strategy for the purpose of the LDP having considered a number of options for spatial growth.

2.20 Furthermore the spatial strategy is soundly based on key evidence, has been through extensive public consultation and discussions with local members, sustainability and

viability appraisals and is supported by an Infrastructure delivery plan (EB0059a/b/c/d) and Housing Implementation Strategy (Appendix 3).

2.21 Policy S2 sets out a clear and effective strategy that distributes development to meet the District's full OAN through the table in Policy S2 of the LDP and includes the following components:

- 641 committed land supply (sites with planning permission) as detailed in Appendix 3

Allocations (Policy S2)

- 1,495 at Maldon
- 1,335 at Heybridge
- 450 at Burnham-on-Crouch

2.22 No further allocations are proposed in the LDP but a total of 420 dwellings have been identified for Rural Areas to be allocated in a later development plan document, including 75 at North Fambridge.

2.23 The remaining requirement is made up from:

- 100 on policy compliant SHLAA sites (EB056a)
- 300 for NPPF para 48 compliant windfall allowance (EB001a, b)

2.24 **Strategy and Principle of distribution**

The Spatial Strategy of the Local Development Plan is Concentrated Growth at the main urban areas of Maldon, Heybridge and Burnham-on-Crouch, along with a relatively small proportion of growth in rural areas. Through extensive public consultation, testing and the iterative Sustainability Appraisal process over a number of years the Council has determined that the LDP has a justified future growth strategy.

2.25 This Spatial Strategy enables the Council to promote sustainable development and has been considered against all reasonable alternatives. The Sustainability Appraisal (SD03b) assesses the impact of the Spatial Strategy and concludes that policies generally support the sustainability objectives identified in the SA Framework and 'policies presented within the LDP are considered to be more sustainable than the alternative considered' (12.1.1) – (Matter 1).

2.26 By concentrating growth around existing urban areas, more sustainable development patterns can be achieved through achieving a higher concentration of population that supports higher levels of public service provision, retail and service provision, including supporting Maldon High Street. This strategy then opens up opportunities to concentrate investment, finite public resources for infrastructure and increase economic activity (page13, DOC75 – Appendix 2).

2.27 One of the most important aspects of this Strategy is achieving a scale of development capable of generating significant contributions towards the provision of infrastructure, to mitigate the impact of the development and to address historic infrastructure deficiencies. Careful consideration has been taken by the Council between the Draft and Pre-Submission versions of the LDP to re-balance the allocations between the largest strategic sites to ensure the viability of strategic sites that can deliver new vital infrastructure such as the Strategic Flood Alleviation Scheme and the other necessary infrastructure improvements (DOC88).

2.28 Officers' full, reasoned consideration of the issues relating to the Strategy has been reported to Council at each stage of the LDP and an extensive audit trail of the Strategy was submitted as supplementary documents to the examination:

- Preferred Options (DOC50 and DOC51)
- Draft LDP (DOC75 – Appendix 2 and DOC71)
- Pre-Submission (DOC 88)

2.29 The Council therefore considers that the overall approach set out in the LDP will deliver development in the most sustainable locations within the District.

Question 3 *Is this the right strategy in policy S2 to meet the objective assessment of housing need (OAN)? Are there other housing growth options that have not been properly explored (not individual alternative sites – please see later question)? If so, what?*

MDC Response

2.30 The Spatial Strategy of the LDP is Concentrated Growth at the main urban areas of Maldon, Heybridge and Burnham-on-Crouch, along with a relatively small proportion of growth in rural areas. Through extensive public consultation, testing and Sustainability Appraisal over a number of years the Council has determined that this is the most effective future growth strategy which is the most sustainable way of delivering growth due largely to the existing facilities and infrastructure already in place in Maldon and Burnham-on-Crouch.

2.31 All of the reasonable alternatives options for housing growth have been identified and properly explored at various key stages during preparation of the LDP, please refer to the Site Selection table (Appendix 6).

2.32 Many alternatives options have been considered throughout the production of the Plan, but these have not been taken forward following consultation and assessment. This has included the consideration of a new settlement in the south of the District to accommodate future needs. However, planning for a new settlement is a complex and lengthy process that would not allow the short-term needs of the District to be met.

2.33 Please also refer to the Council's opening statement, Matter 1, question 1.6 and Matter 2, question 2.2 for further explanation.

Question 4 *Are the strategic allocations too large and complex to be delivered on time? If so, why?*

MDC Response

2.34 Policy S2 sets out a suitable mix of sites with different types and sizes to provide for the District's identified housing target. The smaller sites are capable of delivering in isolation and early in the Plan period. Some of the strategic allocations are relatively small in size and can also be delivered quickly in the plan period. The two Garden Suburbs are relatively large and more complex but their size will also enable better infrastructure planning and contributions towards the local community.

2.35 MDC has been very proactive and conscious of the need to ensure delivery of larger garden suburb sites. Therefore Master Plans have been agreed and MDC has worked extensively with ATLAS, ECC and developers through the LDP Developer Forum / Master Planning Working Groups to tackle more complex delivery issues and frontload planning process. PPAs are now being agreed and Master Plan Implementation Working Groups are being established (DOC111).

Question 5 *The Plan's OAN is primarily based on the 2010 Office of National Statistics update to the Sub National Population Projections, which indicates a housing need for the District of 294 dwellings per annum (paragraphs 4.6 and 5.1 in EB078). Is this methodology consistent with national policy? If not, why not?*

MDC Response

- 2.36 The latest OAN is consistent with the NPPF and is based on the most recent population and household projections available from ONS and DCLG. Please refer to the answer to Question 2.1 above.
- 2.37 Using population projections as a starting point and taking account of other relevant factors such as demographic changes, migration, household formation rates, housing market area, key housing drivers, housing demand and market signals, the need for affordable housing and the relationship with the economic strategy the OAN is consistent with national policy (PPG 2a-014 to 2a-29). The OAN has provided a revised figure of 310 per annum, taking into account local as well as national trends. This provides a new basis and the Council has followed national policy as demonstrated in the additional evidence provided in September 2014 (CED10), complying with national planning policy guidance.

Question 6 *Since the Plan was submitted the Council has presented additional OAN evidence - EB010f, EB010g, EB043e, EB043f, EB098a, EB098b, EB098c and the CED10 Report (Additional Housing Evidence). The Council concludes that it would be prudent to set the housing need at the top of the suggested range, i.e. 310 dwellings per annum. Does this new evidence make the Plan's OAN consistent with national policy if it was modified accordingly? If not, why not?*

MDC Response

- 2.38 The additional OAN evidence mentioned in the question and the resulting proposed amendment to the LDP make the Plan's OAN consistent with national policy. Please refer to the answer to Question 5 above.

Question 7 *The Government is due to shortly produce 2012-based household projections which will take account of 2011 Census data, covering the same period as the ONS 2012-based Sub-National Population Projections (i.e. 2012- 2037). These should be more reliable than the 2011-based interim projections as presently used. Council: please update your figures once these new projections are released, and publish them.*

MDC Response

- 2.39 The DCLG has not yet published its 2012-based household projections.

Question 8 *Council: On the SHMAs - EB010g says EB010e is superseded, but does the new SHMA (EB010f and EB010g) supersede the previous SHMAs (EB010a to EB010f)?*

MDC Response

- 2.40 EB010f supersedes all previous Strategic Housing Market Assessments produced by the Council.

Question 9 *Do I understand correctly that the Plan's housing target in S2 is to fully meet the OAN? Does this take account of the known constraints in the District, such as flooding and highway issues?*

MDC Response

- 2.41 The Council has extensively considered the OAN for the District over a substantial period of time and sought expert advice wherever possible in relation to the meaning and interpretation of national planning policy requirements. This has included advice from legal experts, advice from the Planning Advisory Service, advice from the Planning Minister and advice from the Planning Inspectorate (please refer to DOC101, Appendix 1). Following

consideration of expert advice and all available evidence the Council has concluded that the Plan's housing target in Policy S2 (once modified) fully meets OAN. Whilst the known constraints in the District are considered to be extensive, the Council accepts that these constraints do not provide sufficient justification when considered against national planning guidance to substantiate a housing target which is lower than OAN, see the opening statement. Through the Duty to Cooperate process the Council has considered whether any neighbouring local authorities may be able to accommodate any of the District's OAN, but none are willing or able to do so at this point in time (please refer to the Duty to Cooperate statement).

Question 10 *Council: is the revised OAN figure of 310 dwellings per annum a suggested main modification for my consideration? If not, why not? If it is, what other consequential modifications to the Plan are necessary?*

MDC Response

2.42 Yes, the 310 figure is a suggested modification to the Plan and all the associated modifications arising from this change are detailed in Appendix 1 and 2.

Question 11 *Following the Council's 'Assessment of Historic and Future Windfall Housing Delivery in the Maldon District' (EB001b) the Council is proposing a modification to policy S2 to reduce windfall allowance from 22dpa to 20dpa. Does this study satisfy NPPF paragraph 48? And is the Council's suggested modification acceptable?*

MDC Response

2.43 Yes, the approach is consistent with that set out in Para 48. The use of residential gardens has been removed from the methodology. Please see CED10 paras 29 -31 and additional evidence submitted in CED10 (Appendix 9).

Question 12 *EB096b Five-Year Housing Land Supply Statement May 2014 shows there is not a 5 year housing land supply – a 1.8 years of housing supply. Has this changed?*

MDC Response

2.44 The adoption of the LDP with its strategic sites will provide MDC with a five year housing land supply. Appendix 3 demonstrates that substantial progress is being made following recent steps to boost the housing land supply.

2.45 Significant progress with delivery has been made since April 2014 and the recent data for planning approvals has increased the housing supply markedly. With the adoption of the LDP, the Council will be able to demonstrate approximately 6 years (119%) worth of housing land supply. This is based on the latest data, including monitoring of major planning applications since April 2014, and is set out in the Housing Implementation Strategy (Section 5, Appendix 3).

2.46 In abeyance of the strategic allocations, the Council can report an improved land supply from 1.8 years to approximately 2.8 years (57%). Adoption of the LDP is therefore required because strategic allocations will provide MDC with 56% of its housing land supply. In an update to Table 2 and Table 3 of CED10 (now Housing Implementation strategy, Appendix C), the Council demonstrates that substantial progress is being made following recent steps to substantially boost the supply of housing land, in particular a resolution to invite planning applications (DOC).

2.47 To ensure that the LDP can be adopted with a robust supply of housing, the Council can demonstrate the following (as further detailed in Appendix 3):

- Since the end of the monitoring year, planning consents have been granted for at least 414 dwellings. This does not include permissions or appeals allowed for minor applications of 10 or less, which could be substantial.
- The Council is continuing to work proactively with developers of strategic in accordance with the LDP and/or planning applications that are sustainable in accordance with the LDP and NPPF (para14) (para10, CED10). An update on progress made on strategic allocations are detailed in Matter 3, 4 & 5.
- An update to table 3 of CED10 is attached to the back of the Housing Implementation Strategy (appendix C of Appendix 3 of this report) which updates the status of on applications which are pending decision or in appeal. The table shows that the Council has received a large number of planning applications for sites outside of the LDP.

2.48 It should be also be noted that strategic sites have so far delivered in excess of the allocation given in Policy S2. For example sites S2(c) and S2(g) and North Fambridge have permission in excess of allocations by 83 units. Please see Appendix B of the Housing Implementation Strategy (Appendix 3). Potential sources of additional housing supply have also been identified in paragraph 4.3–4.5 of the Housing Implementation Strategy.

Question 13 *Is the Council right in paragraph 2.37 of the Plan that a 5% NPPF paragraph 47 buffer applies? If not, please provide figures. Council: please provide figures for this.*

MDC Response

- 2.49 Paragraph 47 of the NPPF requires LPAs to identify a supply of deliverable sites able to provide five years of housing against their housing requirements, plus 5% moved forward from later in the plan period to ensure choice and competition. This 5% buffer should increase to 20% where there has been a record of persistent under-delivery.
- 2.50 Paragraph 47 exists to ensure that Local Planning Authorities plan positively and boost the supply of housing.
- 2.51 Through the production of the LDP the historic housing delivery record has been assessed in detail. Table 1 of the development strategy update in 2013 (page 10, DOC75) explains how Maldon District has consistently met its housing requirements since 1996. Table 1 of the 5-year housing land supply statement (EB096b) reproduces a year-by-year historic delivery record from 2001/2 until 2012/13 which shows overall surplus of 137 against RSS targets.
- 2.52 The Structure Plan (ECC) and then regional strategy (RSS) which applied before the Localism Act 2012 focused housing delivery at the key centres of Chelmsford, Colchester, Harlow and Ipswich. Maldon was considered to be an area of constraint and was allocated a target of 2,400 dwellings from 2001-2021. Under plan, monitor and manage, the RSS review in 2008 annualised the target for delivery to 110 dwellings per year because Maldon showed a record of over delivery from 2001-2008. Note that table 1 in EB096b uses 120dpa because the RSS plan period was cut short.
- 2.53 The NPPF at paragraph 47 requires a record of persistent under delivery before local planning authorities should increase the buffer to 20%. Given that the only blemish in the Council's housing delivery record coincided with the 'recession' from 2008, where demand and supply of housing was depressed due to poor economic outlook and a restraint on lending, an increase in the buffer is not required nor is it going to address the causes of recent deficiencies. In addition, despite reduced housing delivery since 2008 the Council can still demonstrate an overall surplus of housing delivery against targets.

- 2.54 In the past the Council has incrementally increased the supply of housing more gradually by setting a target of 99dpa until 2021 and 120dpa thereafter (3.2.2, DOC66 - Appendix1).
- 2.55 By adopting an OAN of 310dpa within the first five years, the Council has nearly tripled its housing target from RSS requirement of 120 (increase is +258%) and is seeking to 'boost significantly the supply of housing' (NPPF, para 47). That means the Council is meeting an increased housing land supply requirement of 1,826 including a 5% buffer (Table 5, Appendix 3), as discussed in detail under Matter 2, question 14 below.
- 2.56 In reference to paragraph 47, the Council is already seeking to ensure choice, competition and resilience through the LDP by planning for a pragmatic strategy which allocates a number of sites (see Matter 2, question 3).
- 2.57 It would be unreasonable to seek an additional 15% buffer under paragraph 47 given choices the Council has taken which results in a unprecedented boost in the housing land supply. The Council can show a good record of historic delivery, with overall surpluses from the last plan period. Through the housing implementation strategy (Appendix 3), the Council can show a deliverable and robust uplift in housing which is both deliverable and achievable.

Question 14 *How does the Plan address the need for a 5% buffer to the 5-year housing land supply?*

MDC Response

- 2.58 Table 1 and 2 of the 5 year housing land supply statement adds a 5% buffer (EB096b) and sets out the full calculation. This is 5% in addition to the total five-year requirement comprising of:
- Current monitoring year + five years of future requirements - historic delivery.
- 2.59 Section 5 of the Housing Implementation Strategy (Appendix 3) sets out and updates how the five year housing land requirement is calculated. For 310 dwellings per annum, the full, adjusted 5 year housing land requirement is 1826 dwellings.

Question 15 *Council: What is the current and future 5, 10 & 15-year housing land supply position over the Plan period, including existing commitments, future proposed provision, allowance for windfalls, phasing, balance between brownfield and greenfield sites, and provision identified in the latest SHLAA? Normally this is dealt with in a Housing Implementation Strategy (NPPF 47). Has the Council produced such a Strategy, even if it is not called by that name? Is it found in the Updated Appendix F in EB096b and the CED10 Appendix 13: Update to Table 11 of the May 2013 IDP (EB059d)?*

MDC Response

- 2.60 The Housing Implementation Strategy addresses these issues. The Council is confident that the 5-year land supply position is now greatly improved since its previous date of May 2014.

Question 16 *The Housing Trajectory at the Plan's Figure 4 (and in SD04b) consists solely of a simple bar chart which does not provide the above implementation information. Most councils also provide a table setting out implementation information to accompany the bar chart as part of the Trajectory in the Plan (accepting, of course, that this is only a 'snapshot' that will alter over time in Monitoring Reports). This could be taken wholly or in part from the table in Appendix 1 of DOC103. Please would the Council prepare such a Housing Trajectory table modification showing the S2 implementation by sites, in numbers and over time?*

MDC Response

- 2.61 A modification to the housing trajectory is included in the Housing Implementation Strategy (Appendix 3).

Question 17 *Are the Council's suggested modifications to the supply table in policy S2 and the Housing Trajectory bar chart (Figure 4) at Refs 045 and 046 in SD04b acceptable? In particular, in showing that delivery from the Rural Allocations Plan and large site allocations are adjusted backwards to begin in 2016/17?*

MDC Response

- 2.62 In response to the Inspector's key concerns, the Council has proposed minor modifications to the housing trajectory (para 7, CED10). See Appendix 3 for further revision. This included:

- large site allocations require longer lead-in times, no sites will complete any units until reporting year 16/17;
- most other strategic allocations will not complete any units until reporting year 16/17, with two exceptions for S2(c) and S2(j) which are expected to begin completing units in 15/16; and
- delivery of rural allocations are not expected until reporting year 16/17 after the completion and adoption of the Rural Allocations DPD.

- 2.63 The Council is confident that the updated housing trajectory is deliverable and provides adequate headroom for a five year supply even though a high proportion of delivery will be in the latter years of the initial five year period (para 20, CED10).

Question 18 *How does the Plan address previous shortfalls in housing provision between the evidence base date and the adoption of the Plan? What is that shortfall?*

MDC Response

- 2.64 The Plan adopts a delivery target of 310pa from 2014, which is also the evidence base commencement date. The Plan dates from 2014 so there is no shortfall to account for prior to 2014. Any shortfall within the early years of the Plan period will be met through increased housing delivery in excess of 500dpa between 2016/17 and 2018/19. Please refer to the Housing Implementation Strategy for further details (Appendix 3).

Question 19 *Does policy S2 effectively address cross-boundary housing issues, particularly the highway issues arising from the proposed strategic allocations?*

MDC Response

- 2.65 Yes, Policy S2 does address cross boundary issues and in particular reference to the Duty to Cooperate Statement of Compliance (SD06) is appropriate in this regard. The scale of growth required to meet OAN in the District means that there will inevitably be some impact upon neighbouring areas and the highway network however the growth is distributed given the rural nature of the District and limited road connectivity. MDC has sought to work closely and extensively with the local highway authority to produce a strategy which will minimise and mitigate highway impacts from growth. See also the statement from the County Highways Authority (DOC119) and opening statement.
- 2.66 MDC are working collaboratively with other authorities in NE Essex on Local Plans, housing growth and the planning to deliver the necessary infrastructure to support this. Braintree District Council has taken the lead in pulling together a group of authorities

– Braintree, Chelmsford, Colchester, Maldon, Tendring and Essex to consider longer term planning and 'place shaping' and thinking about what north-east Essex could look like in the next 10 to 30 years. Officer and Members representatives from each of the authorities have met a number of times to help develop an improved understanding on each Authority's current local plan and housing growth situations and to consider the potential benefits of collaborative working on this shared agenda. It is proposed that a formal partnership will be formed to help develop a shared ambition and vision for this north-east area of the county (DOC113).

Question 20 *Are the principles for sustainable development outlined in policy S1 appropriate, justified, effective, soundly based and consistent with national policy?*

MDC Response

2.67 Yes, the Plan is consistent with the sustainable development objectives within the NPPF and the Plan has been assessed through Sustainability Appraisal for Policy S1 individually and against the policies within the LDP as a whole. Please also see the Council's response to Matter 1, question 2.

2.68 The LDP has been assessed by the Sustainability Appraisal (EB092b) which states:

'Policy S1 sets out the sustainable development goals for the District and contributes positively to each of the seventeen SA objectives.'

2.69 The Plan also includes the model policy included in the NPPF.

Question 21 *Are there any other alternative sites to those listed in the Plan's policy S2? If so, how would these fit into the Plan's overall growth strategy for housing?*

MDC Response

2.70 Through the 2012 SHLAA (EB056a), the assessments carried out in the Spatial Growth Strategy (EB61), the growth capacity testing (DOC78), the Draft LDP considerations of alternative growth scenarios (EB037), and the consideration of consultation responses submitted at each stage of the LDP, the Council has carried out a thorough review of all reasonable alternatives. A list of options considered by the Council has been provided in Appendix 6.

2.71 With the reasonable alternatives in mind, a spatial strategy of concentrated growth was taken forward.

2.72 The Council has included reserve sites in the Plan to provide flexibility and ensure that the Plan can meet the OAN in full should any problems with delivery of strategic sites occur. Given the availability of reserve sites, there is no further need to identify additional sites for the growth strategy to meet our OAN.

Question 22 *If so, are there any compelling reasons why any of alternative/additional 'omission' sites should be allocated for development in the Plan and, if so, are they fully justified, available, developable, sustainable, viable and deliverable within the Plan period?*

MDC Response

2.73 As explained above there is no need for further sites to be identified in addition to the reserve sites.

Matter 3: Strategic Housing Growth – North Heybridge Garden Suburbs S2, S3 and S4 (also H1)

Issue 1: Whether policies S2, S3 and S4 with their associated text dealing with North Heybridge Garden Suburbs is justified by the evidence, consistent with national policy, and effective

Question 1 *Is the strategy for development for these strategic sites appropriate, justified, effective, sustainable, viable, soundly based and consistent with the Plan's strategy.*

MDC Response

- 3.1 The Strategy for development of the North Heybridge Garden Suburb is consistent with the Plan's strategy to contain the majority of growth in the most sustainable, accessible and appropriate locations within and adjacent to the main settlements taking into account environmental and infrastructure constraints and the need to protect the rural character of the District. The concentration of development will enable the provision of the key infrastructure necessary to enable strategic growth to take place in a sustainable manner including increased local highway capacity, improved public transport provision and increased schools provision.
- 3.2 The LDP provides a clear strategy for the development of the North Heybridge Garden Suburb. It sets out the key infrastructure elements to be provided and the broad development principles to be incorporated in future Planning applications. The LDP has been positively prepared and in accordance with the NPPF. The development principles set out in Policies S3 and S4 will ensure a joined-up approach to the delivery of high quality sustainable development and infrastructure at the Garden Suburb locations as opposed to piecemeal development proposals being prepared in isolation.
- 3.3 MDC has adopted a proactive approach to development and is working with developers, stakeholders and local communities to bring forward development of the Garden Suburbs and Strategic Allocations in accordance with the policies set out in the LDP. At the meeting on 13 November 2014 (DOC10), the Planning & Licensing Committee approved the Governance Structure to take forward proposals and to ensure the effective implementation of the Garden Suburbs. This includes the creation of two new groups for the North Heybridge Garden Suburb- an Implementation Group with representatives of MDC, ECC, the Environment Agency, developers/ promoters and other key stakeholders to ensure the coordinated delivery of necessary infrastructure and a Community Liaison Group to ensure the engagement of Parish Councils and representatives of the local community at each stage of the development process. An Executive Partnership Group has also been established comprising MDC, ECC. The Environment Agency, Essex waterways and the site promoters to secure the design, implementation and management of an appropriate strategic flood alleviation scheme that achieves the requirements of Policy S4.
- 3.4 The strategy for development of the North Heybridge Garden Suburb as set out in Policies S2, S3 and S4 is:
- 3.4.1 **Positively prepared-** The allocation forms a key part of the overall strategy to meet objectively assessed needs and to provide for future infrastructure requirements in the most sustainable manner possible. The proposals have been positively prepared and MDC has worked closely with developers/ landowners and infrastructure providers to meet the objectives set out in the LDP.
- 3.4.2 **Justified** - The allocation is based on the consideration of development capacity, environmental and infrastructure constraints, land availability / ownership complexity and

advice received from both statutory and non-statutory bodies and organisations. The strategy has been informed by all relevant evidence, including the Sustainability Appraisal, SHLAA, Viability Studies, IDP (baseline), and highway assessment studies. It has taken into account consultation responses received at all stages of the process (refer to consultation statement). A range of options for growth at North Heybridge have been considered throughout the Plan making process in terms of both the overall quantum of development and site selection, and the final strategy for growth at this location is the most appropriate strategy. Please refer to Section 2.3 of DOC77, DOC78, DOC79 and Section 2.8 of DOC88.

- 3.4.3 **Effective** - The strategy is deliverable and is based on effective joint working between the local Planning authority, Essex County Council, statutory bodies and other key stakeholders and developers/ landowners at each stage of the Plan making process. Through the 'Duty to Cooperate' process the Council has also been formulated taking into account cross-boundary strategic priorities and joint working with the County Council and neighbouring authorities where necessary (refer to Duty to Cooperate statement). The sites within the North Heybridge Garden Suburb are available for development and can be brought forward within the timescale required by the LDP. The vast majority of the development and infrastructure requirements will be provided within one land ownership which will significantly reduce the complexity of the delivery and implementation of the North Heybridge Garden Suburb. It is recognised that a number of infrastructure constraints will need to be overcome and Policy S4 sets out the infrastructure elements which will be required. The North Heybridge Garden Suburb Strategic Masterplan Framework (DOC122) provides further supplementary guidance on the policies and development principles as set out in the LDP and was approved by the Council for development management purposes in October 2014 (DOC109). This will assist in the delivery of the Garden Suburb and necessary infrastructure.
- 3.4.4 **Sustainable** - development of the North Heybridge Garden Suburb will enable the delivery of sustainable development in line with policies set out in the NPPF and guidance in the PPG. Heybridge is the second largest settlement in the District and the development of the North Heybridge Garden Suburb reflects its role as an employment, retail and service centre. This will provide opportunities for sustainable transport, maximising the potential of walking, cycling and public transport. The North Heybridge Garden Suburb will also be closely located to the town of Maldon and the various employment opportunities, educational facilities, services and facilities that already exist.
- 3.4.5 **Viable** - It is recognised that pursuing sustainable development requires careful attention to viability and costs. The Maldon District Viability Study (EB040a,b,c,d) outlines that the sites allocated for growth in the North Heybridge Garden Suburb are viable, based on the delivery of the full LDP policy requirements and infrastructure delivery as set out in the IDP, Policy I1 of the LDP, and chapter 7 of EB040d. The costs identified for infrastructure provision have been informed by numerous extensive consultation exercises and engagement with infrastructure providers, landowners, stakeholders and site promoters.
- 3.4.6 **Soundly based**- the proposed development of the North Heybridge Garden Suburb is soundly based (positively prepared, justified, effective and consistent with national policy) and follows extensive Sustainability Appraisal and an assessment of reasonable alternatives undertaken as part of the LDP process.

Question 2 *Have the requirements for mitigating the Hatfield Peverel B1019/B1137 junction issues been resolved given the updated Statement at DOC95, the County's Briefing Note at DOC104, and the North Heybridge Garden Suburb Position Statement at DOC103? If not, when?*

MDC Response

- 3.5 This matter is addressed in the Statement of Common Ground in respect of Transport for Matter 3: North Heybridge Garden Suburb (DOC116- to follow)
- 3.6 As detailed in the previous North Heybridge Garden Suburb Position Statement at DOC103, MDC, Essex County Council and the promoters of the North Heybridge Garden Suburb have continued to work together to confirm the requirements for mitigating the Hatfield Peverel B1019/B1137 junction.
- 3.7 On the 2nd December 2014 the Government released its Road Building Strategy which includes as Commitments D12 and D13 upgrades to the A12 to be commenced by the end of Road Period 1 (2021), including widening to 3 Lanes from Chelmsford through to the junction with the A120 South of Colchester.
- 3.8 The issues expressed in respect of Hatfield Peverel primarily relate to long-term concerns about the impact of future growth across this part of the region, rather than being matters that would materially constrain the implementation of the Maldon District Local Development Plan. The parties agree that upgrades to the A12 will clearly improve its reliability and ensure that the limited level of queuing at Hatfield Peverel observed in the surveys undertaken by Meyer Brown on behalf of Countryside Properties (Appendix B to the SOCG DOC116- to follow) will form a more regular occurrence in the future (as opposed to the longer queuing that can on occasions occur currently in situations where the A12 is not operating smoothly and traffic diverts through Hatfield Peverel to other routes)
- 3.9 The parties consider that a combination of the public transport improvements proposed to support the plan, together with the small scale highways mitigation measures as illustrated in Appendix B to the SOCG (DOC116- to follow) would provide an appropriate level of mitigation in the short term. These measures comprise:
- i) Improvements to the Bus Services between Maldon and Chelmsford, in particular, links to the planned new station at North East Chelmsford due to be implemented in the Rail Investment Control Period 6 (2019 to 2024);
 - ii) Possible measures to improve the gaps for egressing traffic on Maldon Road. In particular, the video surveys indicate that the flow is quite light opposing the flow on Maldon Road, but its approach speed sometimes causes traffic to delay egressing Maldon Road, leading to a build-up in queues.
 - iii) Possibly changing the priority at the Bury Lane Junction with The Street, so that traffic is not encouraged to route through Boreham instead, which actually has the effect of causing delays on the A12.
- 3.10 Many of the Districts and Boroughs across Essex are faced with the need to accommodate significant housing growth over the medium term. This brings with it the challenge of securing the investment to fund the required infrastructure to support the development and the need to create an environment for economic growth. MDC are working collaboratively with other authorities in NE Essex on Local Plans, housing growth and the planning to deliver the necessary infrastructure to support this (DOC113).

Question 3 *I note that the costs of mitigating the highway issues at the Hatfield Peverel B1019/B1137 junction and their timing are not shown on CED10 Appendix 13. Can the Council now include them (bus and traffic management measures)?*

MDC Response

- 3.11 This matter is addressed in the Statement of Common Ground in respect of Transport for Matter 3: North Heybridge Garden Suburb (DOC116- to follow).

- 3.12 A public transport strategy is already identified as a cost item in CED10 Appendix 13, and the proposed public transport measures are part of that strategy. The small-scale works illustrated in Appendix B to the SOCG (DOC116- to follow) do not represent substantial capital works that the highways authority consider would warrant separate inclusion on CED10 Appendix 13. Due to their scale, (and the fact that these works will provide some assistance to reducing existing queuing in the short term) all parties consider they could be funded from a number of potential sources, including Local Highways Panel (LHP), CIL, and S106.

Question 4 *Are these sites also affected by the necessary highway improvements at Eves Corner at Danbury? (See also my similar question on Matter 4). Should policy S4 mention both this and any mitigation measures necessary at Hatfield Peverel?*

MDC Response

- 3.13 The IDP (EB059d) has included improvements to the Eves Corner junction in Danbury in the Regulation 123 list. Support text to LDP Policy S4 also states that funding towards works at Eves Corner is proposed to be identified through CIL. Supporting text to Policy S4 also states that ECC are committed to identifying and implementing appropriate improvements to relieve congestion at the B1019 / B1137 junction in Hatfield Peverel. DOC95 states that developer contributions will be sought to fund a study to consider options for a new junction on the A12, however this does not require contributions from specific LDP allocations, and does not specify if contributions will be provided through S106 or CIL. Recent announcements in the Autumn Statement, Road Building Strategy (December 2014) have provided an appropriate opportunity for seeking improvements on the A12, and the related local highway network, and ECC is already meeting with the Highway Agency to consider the scope of the statement, and possibilities for future schemes.

The announcement included commitments to upgrades to the A12 by 2021 by widening to 3 lanes from Chelmsford through to the junction with the A120 South of Colchester. Such upgrades will improve the reliability of the A12 and ensure that the local issues identified at the B1019/B1137 junction will be minimised. Maldon District Council will seek to work with Braintree District Council, Essex County Council, the Highways Authority, the South East Local Enterprise Partnership, and Central Government to raise awareness and seek funding towards possible long term solutions to this existing issue, taking into account future strategic growth in adjoining districts.

- 3.14 The Essex Highways Technical Note (December 2013, EB004b) identified that there are existing capacity problems at both the Eves Corner junction in Danbury and the B1019 / B1137 junction in Hatfield Peverel. Growth allocated in the LDP will exacerbate existing problems, however delays at the junctions is the result of combined growth in the local authority areas of Chelmsford and Braintree, as well as Maldon as detailed in MDC's response to Issue 1.4 above. Growth allocated in the LDP would be positively affected by improvements at these junctions, however due to the strategic nature of the problems, the requirement to contribute towards improvements cannot be directly related to any specific development allocated in the LDP. The requirement for any specific development to contribute towards junction improvements would therefore not be compliant with CIL Regulation 122. It would therefore be inappropriate to include improvements to specific strategic highways works as a requirement in Policy S4.
- 3.15 A commitment to fund improvements along A414 between Chelmsford and Maldon has been obtained for £4m (£2m of SELEP funding matched by £2m from Essex County Council) to commence schemes by 2016/17. The mitigation at Eves Corner (£0.28m) and Well Lane (£0.235m) has been prioritised for funding.

- 3.16 It is not considered necessary to refer specifically to the requirement for highways mitigation measures at Hatfield Peverel and Eves Corner in Policy S4. Appropriate references to these and other highways mitigation measures are already contained in the explanatory text to Policy S4 (paragraphs 2.63- 2.68) and in the IDP. Paragraph 2.67 is recommended for amendment (DOC116) to better reflect the findings of additional transportation work for the short and long term at Hatfield Peverel. Initial designs at Eves Corner have been identified, and are being refined as part of the SELEP Business Case. These will be finalised in early 2015. Specific mitigation at Hatfield Peverel will be considered as required, or through the planning application process
- 3.17 MDC is of the view that Policy S4 sets out clear development principles for the Garden Suburbs (including the requirement for appropriate mitigation measures and junction improvements) and that the level of detail contained in the LDP is consistent with the guidance contained in the NPPF and Planning Practice Guidance (PPG) (See NPPF (paras 156-157) and Planning Practice Guidance on Local Plans (ID 12-010-20140306 (paras 006 and 010))).

Question 5 *Bearing in mind my questions on Matter 1, Issue 3 on SPDs, should any of the information contained in the North Heybridge Garden Suburb Draft Strategic Masterplan Framework (DOC104) be placed in these policies or IDP, particularly policy S4?*

MDC Response

- 3.18 As detailed in CED10, MDC is of the view that the policies in the LDP set out clear development principles for the Garden Suburbs and that the level of detail is in accordance with Planning Policy Guidance on Local Plans (ID 12-010-20140306). It is not therefore considered necessary to incorporate further detail in the policies in the LDP or IDP. The Draft North Heybridge Garden Suburb Strategic Masterplan Framework (DOC104) has now been endorsed by MDC for development management purposes subject to modifications following public consultation. The approved North Heybridge Garden Suburb Strategic Masterplan Framework comprising the Draft Strategic Masterplan Framework and the Schedule of Modifications is contained in DOC122. The North Heybridge Garden Suburb Strategic Masterplan Framework expands on the key development principles set out in Policy S4 and provides further guidance on how the objectives set out in the LDP can be met in the preparation of planning applications. It does not propose additional policies or new allocations which are not included in the LDP.

Question 6 *How much development can take place on each allocated site before a specified piece of infrastructure in CED10 Appendix 13 has to be provided?*

MDC Response

- 3.19 The Infrastructure Delivery Plan (EB059c and d) recognise the importance of infrastructure 'tipping points', and where available information on available capacity of existing infrastructure has been provided. The Council has worked with relevant infrastructure providers to regularly update the IDP and refresh the infrastructure Phasing Plan.
- 3.20 The Updated Infrastructure Phasing Plan (Appendix 4) sets out how much development can take place within the North Heybridge Garden Suburb before a specified piece of infrastructure is provided. This reflects advice received from Essex CC and other infrastructure providers and has been prepared in consultation with promoters of the development sites.

Question 7 *Much of the infrastructure relies on pooled funds from various sites. Bearing in mind the answer to the above question, will this pooling arrangement prevent the delivery of individual sites if monies are not available for key infrastructure works because other sites have not progressed as fast?*

MDC Response

- 3.21 LDP Policy I1 and the IDP (EB059d) set out the principle for how individual developers would be expected to contribute towards infrastructure. The update to the Infrastructure Phasing Plan (Appendix 4) outlines when infrastructure would be required in relation to the proposed rates of housing delivery. Where contributions towards infrastructure are required from more than one developer, the Council has undertaken the following to ensure that the pooling arrangements will not detrimentally impact the delivery of key sites:
- i) Establishing and requiring joint working between developers, MDC and other key delivery agencies to promote the delivery of key sites through:
 - Working closely with ATLAS to put in place appropriate structures and mechanisms as early as possible to ensure that effective and on-going joint working to ensure joined up and timely delivery.
 - Establishing the LDP Developer Forum.
 - Production of the North Heybridge Garden Suburb Strategic Masterplan Framework (SMF) (DOC122).
 - Establishing working groups alongside the production of the North Heybridge Garden Suburb SMF, particularly in relation to infrastructure delivery (Implementation Steering Group) and the Executive Partnership Group which is dealing specifically with design and implementation of the Strategic Flood Alleviation Scheme (DOC111).
 - The preparation of Statements of Common Ground which highlight that developers are confident that growth will come forward, and key infrastructure will be delivered, in accordance with the requirements of the LDP (DOC116 and DOC117 (to follow)).
 - Utilising a 'Development Team' approach between MDC and ECC through regular Development Team meetings to jointly consider the emerging proposals and future implementation of the Garden Suburbs and Strategic Allocations.
 - ii) Further detailed consideration of the implementation of LDP Policy I1:
 - Through the joint working identified above, and as part of the progression of planning applications for relevant sites, developers, MDC, and other key delivery agencies (including ECC) have been actively considering how to implement the requirements of Policy I1 in practice. This has included the phased delivery of schools and highways infrastructure to correlate with proposed housing growth and the viable provision of contributions, without stalling the delivery of individual sites. The Updated Infrastructure Phasing Plan (Appendix 4) and Statements of Common Ground in respect of North Heybridge Garden Suburb (DOC116 and DOC117 (to follow)) set out further details in relation to the implementation arrangements which have been established.
 - Agreement of Planning Performance Agreements and establishing requirements for outline planning applications
 - Specific meetings with developers and infrastructure providers where required to ensure that the latest requirements are fully understood and establish specific arrangements in relation to equilisation, identifying lead developers etc.
 - iii) Additional infrastructure funding or alternative financing:
 - MDC has been actively working with developers, ECC, ATLAS, and the Environment Agency to identify additional infrastructure funding which could benefit the delivery of LDP Garden Suburbs and Strategic Allocations.

- A commitment to fund improvements along A414 between Chelmsford and Maldon has been obtained for £4m (£2m of SELEP funding matched by £2m from Essex County Council) to commence schemes by 2016/17. (refer to position statement with CCC and ECC). This will enable the early delivery of key highways infrastructure projects, and positively benefit the viability of development allocated in the LDP.
- Recent announcements in the Autumn Statement, Road Building Strategy (December 2014) included commitments to upgrades to the A12 by 2021 by widening to 3 lanes from Chelmsford through to the junction with the A120 South of Colchester. Such upgrades will improve the reliability of the A12 and ensure that the local issues identified at the B1019/B1137 junction will be minimised. Any strategic improvements will seek to improve the operation and effectiveness of the Maldon local highway network.
- MDC and developers continue to work with the Environment Agency, Essex CC and Essex Waterways to consider further funding options for flood alleviation works in North Heybridge. Whilst the scheme can be viably delivered by the developers (refer to Viability Study) any additional funds or alternative financing would further support the viability of the North Heybridge Garden Suburb and may help to secure the earlier delivery of the scheme during the plan period.
- MDC has actively lobbied Government to seek additional funding to support the delivery of growth allocated in the LDP. The Leader of the Council, Chief Executive, Chairman and Vice Chairman of the Council's Planning and Licensing Committee, and the Strategic Planning Policy Manager, together with the Members of Parliament for the District, met with Nick Boles MP, Parliamentary Under Secretary of State for Planning, on the 10 February 2014 (please refer to DOC101 for further details). In addition, a further meeting has taken place with Brendan Lewis MP, Parliamentary Under Secretary of State for Planning, together with the Members of Parliament for the District, on 5 January 2014 to highlight a range of issues of concern and lobby for greater support towards strategic infrastructure provision in the District which is required to support future growth
- MDC has been successful in its bid to DCLG for LSIP capacity funding for 2014/15

3.22 The proposed pooling arrangements will assist in the delivery of infrastructure and ensure a fully coordinated approach is adopted. It will also provide clarity and transparency to developers in the negotiation of Section 106 agreements.

3.23 Development within the Garden Suburbs will be expected to contribute collectively and proportionally to the infrastructure for the growth area in which it is located. The identification of trigger points will ensure that necessary infrastructure is brought forward at the appropriate time and the delivery of individual sites will not be prevented if other sites have not come forward. If necessary, infrastructure schemes will be prioritised to ensure delivery of housing in accordance with the LDP programme.

3.24 In this respect, reference is made to a recent appeal decision (Appeal Ref: APP/X1545/A/14/2213988 (dated 17 December 2014) Land adjacent to Spital Road, Wycke Hill, Maldon (Appendix 5). Whilst this site is located within the South Maldon Garden Suburb, the Inspector's conclusions regarding the provision of infrastructure and the pooling of contributions are relevant. At paragraph 27, the Inspector concluded that 'the infrastructure contributions sought by the Council are necessary to make the development acceptable in planning terms and that the scale of the contributions is directly, fairly and reasonably related to the development in scale and kind'.

- 3.25 MDC is working collaboratively with other authorities in NE Essex on Local Plans, housing growth and the planning to deliver the necessary infrastructure to support this (DOC113).

Question 8 *Are flooding and sewerage issues now resolved? Can any flooding problems be practically and viably resolved?*

MDC Response

- 3.26 Flooding and sewerage issues have been positively addressed.
- 3.27 In accordance with Policy S4, development of the North Heybridge Garden will be required to incorporate a flood alleviation scheme which will address the existing surface water flooding in north Heybridge. The IDP (EB059c and d) sets out costs for sewerage (EB059c, p79) and flood alleviation works (EB059d, p16). EB040a,b,c,d outlines that the sites allocated for growth in the North Heybridge Garden Suburb are viable, based on the delivery of full LDP policy requirements and infrastructure relating to sewerage and flood alleviation works as required.
- 3.28 An Executive Partnership Group has been established comprising MDC, Essex CC, The Environment Agency, Essex Waterways and developers/ landowners and is working together to secure the design, implementation and management of an appropriate scheme that achieves the requirements of Policy S4 (DOC110).
- 3.29 It should be recognised, however, that development of the North Heybridge Garden Suburb provides a unique opportunity to address the existing flooding issues in North Heybridge but would not itself contribute to this or increase the risk of flooding in the area as surface water run-off associated with the development will be dealt with by a system of on-site SuDs.

Question 9 *CD10 Appendix 13 shows new healthcare provision, presumably for GP surgeries. Where will these be provided? Please will the Council suggest a suitable consequential modification to policy S4 and paragraph 2.53?*

MDC Response

- 3.30 It is proposed that a new shared health facility will be provided within the North Heybridge Garden Suburb for the Blackwater and Longfield Medical Centres to replace the existing branch surgeries in Heybridge. This will allow for new and expanded health facilities to meet the needs associated with the proposed development. MDC and the promoters of the North Heybridge Garden Suburb continue to work closely with NHS England and the medical centres to take forward proposals. Proposals are currently at an early stage of development but the Medical Practices are in the process of preparing a project Initiation Document (PID) for submission to the NHS England Project Appraisal Unit (PAU). It is currently proposed that the new medical centre will be located in the community hub and details will be further developed in the design and layout of proposals at the planning application stage.
- 3.31 Given that proposals are at an early stage of development, it is considered that paragraph 2.53 provides the necessary flexibility required by the NHS in the provision of new healthcare floorspace and no further modifications are proposed.

Question 10 *DOC103 at paragraphs 2.26 and 2.27 says that there will be a reduced rate of affordable housing for sites S2(e) and S2(f). Council; please produce the necessary suggested modification to the Plan.*

MDC Response

- 3.32 Within the Local Plan and CIL Viability Study May 2014 Update (EB040d), the Council was considering the impact of imposing a Community Infrastructure Levy (CIL) rate of £70 per sqm on sites allocated in the LDP. EB040d recommended that LDP Policy H1 should seek

reduced rates of affordable housing from sites S2(e) and S2(f) in the North Heybridge Garden Suburb to ensure the viability of these sites if a CIL rate of £70 per sqm were to be imposed. Based on the recommendations of EB040d, the Council acknowledged in DOC103 that a modification to Policy H1 should be considered to accommodate the proposed CIL rate of £70 per sqm.

- 3.33 Following the submission of the Maldon District CIL Charging Schedule to the Secretary of State in September 2014, the Planning Inspectorate informed the Council that the Examination of the CIL Charging Schedule will not take place until the completion of the LDP Examination. Given the delay to the examination of the CIL Charging Schedule, the uncertainty to the outcome of the CIL Examination, the likelihood that planning applications for LDP sites S2(e) and (f) will be well progressed prior to the adoption of CIL, and the need to maximise the delivery of affordable housing in the District, the Council will therefore no longer be considering modifications to Policy H1 to accommodate the imposition of CIL.
- 3.34 Therefore, no modifications are proposed to the LDP in relation to affordable housing levels for sites S2(e) and S2(f).

Question 11 *Council: what progress has been made on the Planning applications for these sites as mentioned in DOC103? (Table 2 CED10 Report)*

MDC Response

- 3.35 Significant progress has been made on the Planning applications for these sites as summarised in the following table:

Site	Proposal	Planning application progress	Planning performance agreement?
S2(d)	1,035 dwellings plus associated infrastructure (including primary school, relief road, public transport, community hub, flood alleviation scheme)	Environmental Statement Scoping Request completed December 2014. Planning application expected early 2015.	Currently being finalised.
S2(e)	100 dwellings plus contributions to associated infrastructure	Outline Planning application 14/00990 received October 2014. Being considered by Committee in February 2015.	Agreed.
S2(f)	100 dwellings plus contributions to associated infrastructure	Planning application expected early 2015.	Agreed.

- 3.36 The Maldon District Submission LDP and the North Heybridge Garden Suburb Strategic Masterplan Framework (DOC122) are material considerations in the determination of planning applications. The recent appeal decision in respect of land adjacent to Spital Road, Wycke Hill, Maldon (Appendix 5) is relevant in this context.

Question 12 *Is it intended to bring forward sites S2(e) and S2(f) first as per paragraph 2.8 of DOC103? If so, does this require any policy changes to the Plan?*

MDC Response

- 3.37 Development of the North Heybridge Garden Suburb is being treated comprehensively to ensure the principles set out in Policies S3 and S4 are satisfied. The housing trajectory set out in Policy S2 (as amended) clearly indicates that the development of both sites will take place in the first 5 years of the plan period and MDC does not consider any further policy changes are required.

Question 13 *What size country park is proposed in policy S4?*

MDC Response

- 3.38 This question is addressed in the Statement of Common Ground (DOC117).
- 3.39 The opportunity to create a Country Park focussed to the west of Maypole Road is presented by the extensive area identified for green infrastructure, flood alleviation and landscaping between the new relief road, Maypole Road and Langford Road under Policy S4. However, it is not intended that it will form an isolated District Park but will comprise an integral part of a wider network of green spaces within the Garden Suburb and provide linkages with the existing green infrastructure network, for example the Elms Farm Park and the Blackwater Rail Park.
- 3.40 The Country Park will serve a number of functions including:
- To provide a clear separation between the Villages of Langford and Heybridge;
 - To provide an attractive setting for approaching Heybridge and Maldon which complements that on the opposite side of Langford Road;
 - To protect and enhance the setting of Listed Buildings;
 - To provide an informal recreational space for the residents of the new development and existing residents of Heybridge;
 - To provide improved traffic free, attractive access routes into the wider Public Right of Way network and links to other areas of public open space;
 - To improve habitat connectivity to allow wildlife to disperse throughout the local landscape.
- 3.41 The size of the Country Park is not specified in the LDP as MDC is of the view that it cannot be viewed in isolation from the wider green infrastructure network and its form is a matter for determination in consultation with relevant landowners, delivery partners and other stakeholders. . MDC consider that the size of the Country Park is less important than its form and function and future management.
- 3.42 At the meeting on 18 December 2014, the Council resolved to adopt and manage new green space provision subject to securing adequate resources through the planning process (DOC112). Delivery of the Country Park as part of the wider Green infrastructure Network will be further addressed through the North Heybridge Garden Suburb Implementation Steering Group (see Council's response to Issue 1.1 above). Given the wider district function envisaged for the Country Park, it is proposed that funding will be secured through CIL payments.

Question 14 *In the policy S4 general development principles:*

Question 14a *What new or enhanced public transport provision?*

MDC Response

- 3.43 Policy S4 requires new and /or enhanced public transport provision to be incorporated within the Garden Suburb. The promoters of the Garden Suburb are working closely with MDC, Essex CC and bus operators and a detailed Public Transport Strategy is being developed. The key principles underpinning the public transport strategy are as follows:
- A 20 minute peak period service to the key destinations within Maldon and Heybridge
 - A 30 minute frequency service connecting to a key station on the Great Eastern Mainline.
 - Procurement of services to enable them to be extended to South Maldon Garden Suburb
- 3.44 The Public Transport Strategy provides options for supplementing existing services with new services or enhancing existing bus services to serve North Heybridge providing access to Maldon Town Centre and amenities, Colchester, Hatfield Peverel, the new station at Chelmsford and Chelmsford City Centre. Travel by non-car modes will be encouraged by the provision of travel packs and free travel by bus for an initial period of time for new residents. Contributions to new or enhanced bus services and travel plans will be secured under an appropriate legal agreement at the planning application stage.
- 3.45 Following the Council resolution at the meeting on 13 November (DOC110), a Joint Garden Suburb Transport Working Group is to be established covering both Garden Suburbs to progress proposals for public transport and the promotion of other sustainable transport modes, notably walking and cycling. This Working Group will comprise representatives of MDC and ECC, site promoters and public transport operators and will be supported by ATLAS.

Question 14b *Is the road network capacity capable of accommodating the developments?*

MDC Response

- 3.46 The road network capacity is capable of accommodating the proposed development subject to the implementation of highways and junction improvements as identified in the Infrastructure Delivery Plan (EB059a,b,c,d). Traffic assessments have been undertaken by ECC (EB004a,b,c,d and EB065) and these have informed preparation of the LDP and Infrastructure Delivery Plan. Essex Highways is working with MDC to finalise details of highways improvements in the wider Maldon area.
- 3.47 A comprehensive Transport Assessment would form part of any planning application and would set out how the development can be accommodated and the requirement for any necessary mitigation to the highway network. The final details of the mitigation package for Site 2b will be determined further to the detailed consideration of the Transport Assessment to support the forthcoming Planning application for the site, having regard to the relevant tests set out in NPPF Paragraph 32.
- 3.48 Further details are provided in the SOCG on Transport Matters (DOC116).

Question 14c *What highway mitigation measures and junction improvements?*

MDC Response

- 3.49 The package of highways and transport measures required to support the development of North Heybridge Garden Suburb is set out in the Updated Infrastructure Phasing Plan (January 2015) (Appendix 4) and the IDP (EB059d). Trigger points have been identified by Essex CC and are indicated in the updated Infrastructure Phasing Plan. However, the final details and prioritisation of when measures come forward will be determined at the planning application stage. SELEP funding will be taken into account in future updates of the

IDP/LDP and necessary developer contributions may need to be amended accordingly. This will enable earlier implementation of highways improvements and further assist viability and delivery of the plan.

3.50 The Mitigation Measures to support the development of the North Heybridge Garden Suburb comprise:

- a) The Delivery of the North Heybridge Relief Road- to be implemented by 2020/21
- b) Contributions towards Off-Site Highways Improvements, subject to consideration of the submitted Transport Assessment at the junctions of;
 - (i) B1018 Langford Approach/Heybridge Approach - to be implemented by 2024/25
 - (ii) B1018/Heybridge Approach/A414 Roundabout - to be implemented by 2024/25
 - (iii) A414/Spital Road Roundabout- funding under SELEP to be implemented by 2016/17
 - (iv) A414/B1018 Limebrook Way- funding under SELEP to be implemented by 2016/17
 - (v) A414 Oak Corner Junction- to be implemented by 2018/19
- c) The Delivery of Bus Services in accordance with the Public Transport Strategy
- d) The Delivery of a Travel Plan, including measures to encourage journeys on foot/by cycle and public transport.

3.51 Further details are provided in the SOCG on Transport Matters (DOC116).

Question 14d *What form and scale of community hubs and local centres are needed?*

MDC Response

3.52 Policy S4 requires community hubs and local centres of appropriate form and scale to be integrated into the design and layout of development proposals. These will provide community facilities to serve the new community and existing residents in North Heybridge as specified in Policy S4, including a new primary school and early years and childcare facilities. Further detailed layouts will be provided at the planning application stage.

3.53 The North Heybridge Garden Suburb Strategic Masterplan Framework provides some supplementary guidance to the principles set out in Policy S4. Para 5.8.1 states that the local centre will act as a focus for community activity and contain a range of non-residential uses which could include a local shop, health facility, community building or other small scale community uses. Feedback from stakeholder consultation during preparation of the Strategic Masterplan Framework supported the co-location of community and commercial uses to ensure the Garden Suburb has a vibrant heart which is accessible by pedestrian and cycle links to the new community and existing residents in North Heybridge. Essex CC has encouraged dual use of the new primary school by the local community.

Question 14e *What and where is the green infrastructure and youth and children's facilities?*

MDC Response

- 3.54 Garden Suburbs are characterised by a strong landscaped character that incorporates well managed open spaces, tree lined streets and natural areas for amenity and wildlife. This is reflected in the principles set out in Policies S3 and S4. A network of green infrastructure will be provided throughout the Garden Suburb including play spaces to meet the needs of each phase of development. Provision of green infrastructure and the enhancement of existing green infrastructure including Heybridge Wood will also be in accordance with Policy N1. Further detailed layouts will be provided at the planning application stage. Contributions towards youth and children's facilities will be secured through legal agreements at the planning application stage and the nature of provision will be determined through consultation with key stakeholders
- 3.55 At the meeting on 18 December, the Council resolved to adopt and manage suitable areas of open space and public realm in new developments provided that the costs and resources required to manage and maintain the facilities over an appropriate timescale are secured through the planning process. In the Garden Suburbs, the Council will work in partnership with stakeholders and the community to develop appropriate governance arrangements for the future management of green spaces and public realm (DOC112).
- 3.56 The North Heybridge Garden Suburb Strategic Masterplan Framework (DOC122) provides further supplementary guidance to the principles set out in Policies S3 and S4.

Question 14f *What is meant by adequate provision for affordable housing?*

MDC Response

- 3.57 Affordable housing provision will be in accordance with the requirements set out in Policy H1 and Policy H2, which in turn are based upon the identified need for affordable housing and the viability testing of these policies.
- 3.58 Further details are provided in the MDC response to Matter 8.

Question 14g *What proportion of housing for older people?*

MDC Response

- 3.59 The LDP does not define the proportion of housing for older people and housing mix should be in accordance with Policy H2. The Council will seek to ensure that new housing reflects the needs and demand of the District's existing and future communities as defined in the SHMA (EB010f) and the Older People's Housing Strategy (2013-2014).. As recommended by the SHMA, the Council will encourage development proposals which seek to meet the needs of older people including homes that are designed for this purpose to enable independent living or housing which provides support.
- 3.60 It would be inappropriate to specify an exact proportion in the LDP as needs may change over the timescale of the plan. However, MDC will work closely with developers and providers to ensure that new housing reflects the needs of the District.
- 3.61 Further details are provided in MDC's response to Matter 8.

Question 15 *Depending on the replies to the above, the Council may wish to consider making suggested modifications to the policies and text to provide the 'what, where, when and how' answers required of a local Plan policy in the PPG (ID 3.12-002).*

MDC Response

- 3.62 As detailed in CED10, MDC is of the view that the policies in the LDP contain sufficient detail to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the 'what, where, when and how' questions)

and clear policies relating to the development of the Garden Suburbs. In particular:

- **What** - The LDP sets out the number of dwellings and employment land to be provided in each of the Garden Suburbs over the Plan period and the projected phasing of development. Policies S3, S4 and S6 set out the development principles which will guide development of the Garden Suburbs and Strategic Allocations. Policies S4 and S6 specify the land uses and infrastructure which will be provided in each Garden Suburb;
- **Where** - The LDP allocates land for development of the Garden Suburbs and Strategic Allocations and sets a clear boundary to the proposed development on the Proposals Map. This meets the requirements set out in the Planning Policy Guidance (ID 12-010-20140306 paragraph 10) which states that 'the proposals map should illustrate geographically the policies in the Local Plan and be reproduced from or based on an Ordnance Survey Plan';
- **When** – Policy S2 sets out the projected phasing of the allocated housing development and the Infrastructure Delivery Plan (EB059) provides an indicative phasing plan for the delivery of infrastructure alongside the delivery of houses. Policies S4 and S6 specify the land uses and infrastructure which will be provided in each Garden Suburb / Strategic Allocations;
- **How** – LDP Policies S4, S6 and I1, and the IDP (EB059c and d) provide clarity about the delivery of development and infrastructure and how this will be secured through planning applications. Development will be required to be in accordance with the policies in the LDP.

3.63 MDC is of the view that the policies in the LDP set out clear development principles for the Garden Suburbs and does not consider it appropriate to incorporate further detail as this would not provide the flexibility required in the NPPG. MDC would also refer to the Planning Policy Guidance (ID 12-010-201403061) which provides guidance on how detailed a Local Plan should be and states:

'While the content of Local Plans will vary depending on the nature of the area and issues to be addressed, all Local Plans should be as focused, concise and accessible as possible. They should concentrate on the critical issues facing the area – including its development needs – and the strategy and opportunities for addressing them, paying careful attention to both deliverability and viability.'

3.64 MDC believes the LDP provides the necessary detail and clarity required by the NPPG and regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council has worked positively with developers and stakeholders in the preparation of the Strategic Masterplan Frameworks for the Garden Suburbs which have been approved by the Council for development management purposes. The requirement for masterplans and possible adoption as SPDs will not, therefore, result in delays in bringing development forward; rather it will have benefits in terms of timescale and efficiency of the planning process.

Question 16 *Will these development sites have any adverse impact on Heybridge Woods? Are these woods an 'ancient woodland'?*

MDC Response

3.65 Heybridge Wood is designated as 'Ancient Replanted Woodland' on the Register of Ancient Woodland (England). This means that part of the woodland has been cleared and replanted with non-native trees, principally conifers. Owners of the woodland will be required to enter into a management agreement for the maintenance and protection of the wood with the Forestry Commission.

- 3.66 MDC places significant weight on the importance of nature conservation and biodiversity and the need to ensure that development does not have a detrimental impact on site of local ecological importance in terms of quantity, quality and connectivity. This is reflected in Policy N2 of the LDP. Policy S3 sets out principles for the development of the Garden Suburbs including 'a strong landscaped character that incorporates well managed open space, tree lined streets and other landscaping and natural areas for amenity and wildlife habitat and to address the effects of climate change. Policy S4 states that development proposals must be accompanied by a comprehensive and detailed ecological survey.
- 3.67 Heybridge Wood provides an important amenity and ecological resource and is to be retained and protected in accordance with Policy N2 and the principles set out in Policy S3 and S4. MDC has been working with stakeholders including the Essex Wildlife Trust in the preparation of the North Heybridge Garden Suburb Strategic Masterplan Framework which provides further supplementary guidance on the treatment of Heybridge Wood. Para 5.12.2 states that applications for planning permission should set out a proposed Management Plan for Heybridge Wood to enhance and restore the woodland. In order to protect its ecological value, a buffer zone of a minimum of 15 m is proposed to be provided around the circumference of the wood in accordance with advice from Natural England (Standing Advice for Ancient Woodland and veteran Trees 2014). Natural England and the Essex Wildlife Trust and other relevant local organisations will be fully consulted at the planning application stage and in the preparation of the Management Plan.

Question 17 *Does the Housing Mix (policy H2) need altering to make the sites viable? If so, how?*

MDC Response

- 3.68 The Council is aware that some other authorities do include this detail in the policy. The mix that is currently required by Policy H2 is based upon the evidence in the SHMA (EB010f).
- 3.69 The Local Plan and CIL Viability Study (EB040a, p77, Table 8.2) sets out the housing mix tested within the LDP viability studies.
- 3.70 Based on the housing mix tested, the LDP viability studies (EB040a,b,c,d) identified that the sites allocated in the LDP would be viable based on the full policy and infrastructure requirements set out in the LDP. No changes to Policy H2 have been recommended within the LDP Viability Study (EB040a,b,c,d).
- 3.71 It is not, therefore, considered that the Housing Mix (policy H2) requires alteration to make the sites within the North Heybridge Garden Suburb viable.
- 3.72 See MDC statement in response to Matter 8 (Issue 2) for further details.

Matter 4: Strategic Housing Growth – South Maldon Garden Suburb + Park Drive + Heybridge Swifts

S2, S3 and S4 (also H1, H2, I1 and I2 – but only as they affect these sites)

Issue 1: Whether policies S2, S3 and S4 with their associated text dealing with South Maldon Garden Suburb + Park Drive + Heybridge Swifts is justified by the evidence, consistent with national policy, and effective

Question 1 *Is the strategy for development for these strategic sites appropriate, justified, effective, sustainable, viable, soundly based and consistent with the Plan's strategy?*

MDC Response

- 4.1 The Strategy for development of South Maldon Garden Suburb + Park Drive + Heybridge Swifts is consistent with the Plan's strategy to contain the majority of growth in the most sustainable, accessible and appropriate locations within and adjacent to the main settlements taking into account environmental and infrastructure constraints and the need to protect the rural character of the District. The concentration of development will enable the provision of the key infrastructure necessary to enable strategic growth to take place in a sustainable manner including increased local highway capacity, improved public transport provision and increased schools provision.
- 4.2 The LDP provides a clear strategy for the development of the South Maldon Garden Suburb. It sets out the key infrastructure elements to be provided and the broad development principles to be incorporated in future Planning applications. The LDP has been positively prepared and in accordance with the NPPF.
- 4.3 The development principles set out in Policies S3 and S4 will ensure a joined-up approach to the delivery of high quality sustainable development and infrastructure at the Garden Suburb and other strategic locations as opposed to piecemeal development proposals being prepared in isolation.
- 4.4 MDC has adopted a proactive approach to development and is working with developers, stakeholders and local communities to bring forward development of the Garden Suburbs and Strategic Allocations in accordance with the policies set out in the LDP. At the meeting on 13 November 2014 (DOC111), the Planning & Licensing Committee approved the Governance Structure to take forward proposals and to ensure the effective implementation of the Garden Suburbs. This includes the creation of two new groups for the South Maldon Garden Suburb- an Implementation Group with representatives of MDC, ECC, the Environment Agency, developers/ promoters and other key stakeholders to ensure the coordinated delivery of necessary infrastructure and a Community Liaison Group to ensure the engagement of Parish Councils and representatives of the local community at each stage of the development process.
- 4.5 The strategy for development of the South Maldon Garden Suburb + Park Drive + Heybridge Swifts as set out in Policies S2, S3 and S4 is:
 - 4.5.1 **Positively prepared** - The allocation forms a key part of the overall strategy to meet objectively assessed needs and to provide for future infrastructure requirements in the most sustainable manner possible. The proposals have been positively prepared and MDC has worked closely with developers/ landowners and infrastructure providers to meet the objectives set out in the LDP.

- 4.5.2 **Justified** - The allocation is based on the consideration of development capacity, environmental and infrastructure constraints, land availability / ownership complexity and advice received from both statutory and non-statutory bodies and organisations. The strategy has been informed by all relevant evidence, including the Sustainability Appraisal, SHLAA, Viability Studies, IDP (baseline), and highway assessment studies. It has taken into account consultation responses received at all stages of the process (refer to consultation statement). A range of options for growth at South Maldon have been considered throughout the Plan making process in terms of both the overall quantum of development and site selection, and the final strategy for growth at this location is the most appropriate strategy. Please refer to Section 2.3 of DOC77, DOC78, DOC79 and Section 2.8 of DOC88.
- 4.5.3 **Effective** - The strategy is deliverable and is based on effective joint working between the local Planning authority, Essex County Council, statutory bodies and other key stakeholders and developers/ landowners at each stage of the Plan making process. Through the 'Duty to Cooperate' process the Council has also been formulated taking into account cross-boundary strategic priorities and joint working with the County Council and neighbouring authorities where necessary (refer to Duty to Cooperate statement). The sites within the South Maldon Garden Suburb are available for development and can be brought forward within the timescale required by the LDP. The vast majority of the development and infrastructure requirements will be provided within one land ownership which will significantly reduce the complexity of the delivery and implementation of the South Maldon Garden Suburb. It is recognised that a number of infrastructure constraints will need to be overcome and Policy S4 sets out the infrastructure elements which will be required. The South Maldon Garden Suburb Strategic Masterplan Framework (DOC121) provides further supplementary guidance on the policies and development principles as set out in the LDP and was approved by the Council for development management purposes in September 2014 (DOC120). This will assist in the delivery of the Garden Suburb and necessary infrastructure.
- 4.5.4 **Sustainable** - development of the South Maldon Garden Suburb and the strategic allocations will enable the delivery of sustainable development in line with policies set out in the NPPF and guidance in the PPG. Maldon is the largest settlement in the District and the development of the South Maldon Garden Suburb reflects its role as the main employment, retail and service centre. This will provide opportunities for sustainable transport, maximising the potential of walking, cycling and public transport. The South Maldon Garden Suburb is located close to the various employment opportunities, educational facilities, services and facilities that already exist.
- 4.5.5 **Viable** - It is recognised that pursuing sustainable development requires careful attention to viability and costs. The Maldon District Viability Study (EB040a,b,c,d) outlines that the sites allocated for growth in the South Maldon Garden Suburb are viable, based on the delivery of the full LDP policy requirements and infrastructure delivery as set out in the IDP, Policy I1 of the LDP, and chapter 7 of EB040d. The costs identified for infrastructure provision have been informed by numerous extensive consultation exercises and engagement with infrastructure providers, landowners, stakeholders and site promoters. MDC has worked closely with ECC and the site promoters in respect of infrastructure phasing to assist viability. This is reflected in the Statement of Common Ground (DOC118).
- 4.5.6 **Soundly based**- The proposed development of the South Maldon Garden Suburb is soundly based and follows extensive Sustainability Appraisal and an assessment of reasonable alternatives undertaken as part of the LDP process.

Question 2 *Please would the Council produce the South Maldon Garden Suburb Position Statement (DOC102) mentioned in its CED10 Report as Appendix 10. Once received, I may have further questions.*

MDC Response

- 4.6 To support the report presented to the Inspector in August 2014 (CED10) the Council intended to submit a position statement for each of the Garden Suburbs allocated in the LDP. The North Heybridge Garden Suburb Position Statement was included in CED10 as Appendix 11. At that time and due to matters outside of the Council's control a South Maldon Garden Suburb Position Statement could not be agreed between all parties, and was therefore not submitted to the Inspector.
- 4.7 A Statement of Common Ground has been prepared by MDC and the promoters of the South Maldon Garden Suburb which provides an up to date position statement. There is, therefore, no requirement to provide a separate Position Statement as previously proposed.
- 4.8 MDC is working pro-actively with the developers / promoters, infrastructure providers, relevant stakeholders and the local community to bring forward proposals for the South Maldon Garden Suburb. This has included the preparation of the South Maldon Garden Suburb Strategic Masterplan Framework (DOC120) which was approved by MDC for development management purposes in September 2014. Outline planning consent was granted by the Council for the development of Site S2(c) Wycke Hill (South) in November 2014 and an outline Planning application was submitted for Site S2(a) South of Limebrook Way in November 2014.

Question 3 *Bearing in mind my questions on Matter 1, Issue 3 on SPDs, should any of the information contained in the South Maldon Garden Suburb Draft Strategic Masterplan Framework (DOC97) be placed in these policies or IDP, particularly policy S4?*

MDC Response

- 4.9 As detailed in CED10, MDC is of the view that the policies in the LDP contain sufficient detail to provide clarity to developers, local communities and other interests about the nature and scale of development and clear policies relating to the development of the Garden Suburbs and delivery of the necessary infrastructure. The level of detail provided is considered to be in accordance with Planning Policy Guidance on Local Plans (ID 12-010-20140306).
- 4.10 MDC believes the LDP provides the necessary detail and clarity required by the NPPG and regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. and does not consider it necessary to incorporate further detail in Policies S3 and S4.
- 4.11 The South Maldon Garden Suburb Strategic Masterplan Framework expands on the key development principles set out in Policy S4 and provides further guidance on how the objectives set out in the LDP can be met in the preparation of planning applications. It does not propose any additional policies or new allocations which are not included in the LDP. The Strategic Masterplan Framework has been approved by MDC following public consultation for development management purposes (DOC120).

Question 4 *How much development can take place on each allocated site before a specified piece of infrastructure in CED10 Appendix 13 has to be provided?*

MDC Response

- 4.12 CED10 Appendix 13 has been updated. The Updated Infrastructure Phasing Plan (Appendix 4) sets out how much development can take place within the South Maldon Garden Suburb (in terms of numbers of dwellings) before a specified piece of infrastructure is provided. This reflects advice received from ECC and other infrastructure providers and has been prepared in consultation with promoters of the Garden Suburbs.

4.13 The Updated Infrastructure Phasing Plan has been agreed by MDC, ECC and promoters of the South Maldon Garden Suburb (DOC118).

Question 5 *Much of the infrastructure relies on pooled funds from various sites. Bearing in mind the answer to the above question, will this pooling arrangement prevent the delivery of individual sites if monies are not available for key infrastructure works because other sites have not progressed as fast?*

MDC Response

4.14 LDP Policy I1 and the IDP (EB059d) establish the principles and requirements for how individual developers will be expected to contribute towards infrastructure. The update to the Infrastructure Phasing Plan (Appendix 6) outlines when infrastructure would be required in relation to the planned rates of housing delivery. Where contributions towards infrastructure are required from more than one developer, the Council has undertaken the following to ensure that the pooling arrangements will not detrimentally impact the delivery of key sites:

- i) Establishing and requiring joint working between developers, MDC, ECC and other key delivery agencies to consider the delivery of key sites through:
 - Working closely with ATLAS to put in place appropriate structures and mechanisms as early as possible to ensure that effective and ongoing joint working to ensure joined up and timely delivery
 - Establishing the LDP Developer Forum (provide ref to relevant supporting doc).
 - The production of the South Maldon Garden Suburb Strategic Masterplan Frameworks (SMF) (DOC120 and DOC121).
 - Establishing working groups alongside the production of the South Maldon Garden Suburb SMF, particularly in relation to infrastructure delivery (Implementation Steering Group) (DOC111).
 - The preparation of a Statement of Common Ground which highlights that developers are confident that growth will come forward, and key infrastructure will be delivered, in accordance with the requirements of the LDP (DOC11).
 - Utilising a 'Development Team' approach between MDC and ECC through regular Development Team meetings to jointly consider the emerging proposals and future implementation of Garden Suburbs and Strategic Allocations;
- ii) Further detailed consideration of the implementation of LDP Policy I1:
 - Through the joint working identified above, and as part of the progression of Planning proposals for relevant sites, developers, MDC, and other key delivery agencies have been considering how to implement the requirements of Policy I1 in practice. This has included the phased delivery of schools and highways infrastructure to correlate with proposed housing growth and the viable provision of contributions, without stalling the delivery of individual sites. The SoCGs for the LDP Garden Suburbs sets out further details in relation to implementation arrangements established (DOC117 and DOC118).
 - Agreement of Planning Performance Agreements and establishing requirements for outline Planning applications.
 - Specific meetings with developers and infrastructure providers where required to ensure that the latest requirements are fully understood and establish specific arrangements in relation to equilisation, identifying lead developers, etc.
- iii) Additional infrastructure funding or alternative financing:

- MDC has been actively working with developers, ECC, ATLAS, and the Environment Agency to identify additional infrastructure funding which could benefit the delivery of LDP Garden Suburbs and Strategic Allocations.
- £4 million of highways funding is in the process of being secured towards the provision of highways works on the A414 to support growth allocated in the LDP (DOC119). This will enable the early delivery of key highways infrastructure projects, and positively benefit the viability of development allocated in the LDP.
- MDC has actively lobbied Government to seek additional funding to support the delivery of growth allocated in the LDP. The Leader of the Council, Chief Executive, Chairman and Vice Chairman of the Council's Planning and Licensing Committee, and the Strategic Planning Policy Manager, together with the Members of Parliament for the District, met with Nick Boles MP, Parliamentary Under Secretary of State for Planning, on the 10 February 2014 (please refer to DOC101 for further details). In addition, a further meeting has taken place with the Brendan Lewis MP, Parliamentary Under Secretary of State for Planning, together with the Members of Parliament for the District, on 5 January 2014 to highlight a range of issues of concern and lobby for greater support towards strategic infrastructure provision in the District which is required to support future growth.
- MDC has been successful in its bid to DCLG for LSIP capacity funding for 2014/15.

4.15 The proposed pooling arrangement will assist in the delivery of infrastructure and ensure a fully coordinated approach is adopted. It will also provide clarity and transparency to developers in the negotiation of Section 106 agreements.

4.16 Development within the Garden Suburbs will be expected to contribute collectively and proportionally to the infrastructure for the growth area in which it is located. The identification of trigger points will ensure that necessary infrastructure is brought forward at the appropriate time and the delivery of individual sites will not be prevented if other sites have not come forward. If necessary, infrastructure schemes will be prioritised to ensure delivery of housing in accordance with the LDP programme.

4.17 In this respect, reference is made to a recent appeal decision (Appeal Ref: APP/X1545/A/14/2213988 (dated 17 December 2014) in respect of Site S2(c) attached to this Statement (Appendix 5). The Inspector's conclusions regarding the provision of infrastructure and the pooling of contributions are relevant. At paragraph 27, the Inspector concluded that 'the infrastructure contributions sought by the Council are necessary to make the development acceptable in planning terms and that the scale of the contributions is directly, fairly and reasonably related to the development in scale and kind'.

4.18 MDC has worked closely with Essex CC and the site promoters in respect of infrastructure phasing and the changes to CED Appendix 10 will assist viability. These are summarised in the Updated Infrastructure Phasing Plan (Appendix 4) and are reflected in the Statement of Common Ground (DOC118).

4.19 MDC is working collaboratively with other authorities in NE Essex on Local Plans, housing growth and the planning to deliver the necessary infrastructure to support this (DOC113).

Question 6 *I see at paragraph 2.17 of the North Heybridge Garden Suburb Position Statement (DOC103) that the Hatfield Peverel B1019/B1137 junction concerns affect all the principle developers in Maldon and North Heybridge. Is this correct? If so, should the costs etc. be included for the sites included under this Matter as well as North Heybridge? How does this affect the policies and the IDP?*

MDC Response

- 4.20 This matter is dealt with in the SOCG on Transport Matters North Heybridge Garden Suburb (DOC116).
- 4.21 The issues expressed in respect of Hatfield Peverel primarily relate to long-term concerns about the impact of future growth across this part of the region, rather than being matters that would materially constrain the implementation of the Maldon District Local Plan. The Essex Highways Technical Note (December 2013, EB004b) identified that there are existing capacity problems at the B1019 / B1137 junction in Hatfield Peverel. Growth allocated in the LDP will exacerbate existing problems, however congestion at the junction is the result of combined growth in the local authority areas of Maldon and Braintree.
- 4.22 On the 2nd December 2014 the Government released its Road Building Strategy which includes as Commitments D12 and D13 upgrades to the A12 to be commenced by the end of Road Period 1 (2021), including widening to 3 Lanes from Chelmsford through to the junction with the A120 South of Colchester. Upgrades to the A12 will clearly improve its reliability and ensure that the limited level of queuing at Hatfield Peverel observed in the surveys undertaken by Meyer Brown on behalf of Countryside Properties (Appendix B to the SOCG) will form a more regular occurrence in the future (as opposed to the longer queuing that can on occasions occur currently in situations where the A12 is not operating smoothly and traffic diverts through Hatfield Peverel to other routes).
- 4.23 A combination of the public transport improvements proposed to support the Plan, together with the small scale mitigation measures (as illustrated in Appendix B to the SOCG on Transport Matters) (DOC116) would provide an appropriate level of mitigation in the short term.
- 4.24 The development of the South Maldon Garden Suburb will deliver new or enhanced public transport services and this is already referred to in Policy S4 and the IDP. There is no requirement for contributions to be secured from the development of South Maldon Garden Suburb to fund mitigation measures at Hatfield Peverel.
- 4.25 Many of the Districts and Boroughs across Essex are faced with the need to accommodate significant housing growth over the medium term. This brings with it the challenge of securing the investment to fund the required infrastructure to support the development and the need to create an environment for economic growth. MDC are working collaboratively with other authorities in NE Essex on Local Plans, housing growth and the planning to deliver the necessary infrastructure to support this (DOC113).

Question 7 *What further work has been carried out since DOC100 regarding highway improvements at Eves Corner at Danbury, and what does it indicate needs to be provided? Does this alter the IDP and CED10 Appendix 13?*

MDC Response

- 4.26 As detailed in the Updated Duty to Cooperate Position Statement on strategic highways issues (DOC119), further highways assessment and modelling has been undertaken by Essex County Council in relation to Eves Corner / Well Lane
- 4.27 A highways report has been produced by ECC (EB004e) and outlines findings of the further highways modelling undertaken in relation to Eves Corner and Well Lane. Its initial conclusions are:
- ECC do not consider that background growth in the December 2013 Highways Technical Note (EB004b) is underestimated. There has been negligible growth in traffic over the last 10 years on the A414 (ECC Annual Average Daily Traffic monitoring sites – 2000 – 2013 and manual classified turn counts at Eves Corner). ECC modelling

has therefore continued to use the same traffic flows as the December 2013 study (EB004b).

- Modelling of the proposed pre-signals arrangement at Eves Corner has indicated that, in capacity terms, they should provide a minor, short term improvement in queuing over the existing double mini-roundabout layout. However, the proposals tested are in concept only and have not been reviewed in detail for engineering feasibility or road safety.
- Video observation of the A414 / Well Lane mini-roundabout shows that, although traffic flows are reasonably heavy, the junction generally operates well with minimal delay for straight-on movements on the A414. Eastbound delays in the PM peak are, instead, probably attributable to a rippling effect of slow-moving traffic through Danbury caused by the uphill section, sharp bends and Eves Corner.
- The modelling assessment of the A414 / Well Lane intersection has indicated that a priority junction could be beneficial in terms of capacity on the A414 in place of the existing mini-roundabout arrangement. This will assist in prioritising A414 movements over the minor road.
- The advantage of both the pre-signals layout at Eves Corner and the priority junction at the A414 / Well Lane is that the proposals favour through movements on the main A414. This ensures that the minor roads in and around Danbury will become less attractive to drivers.

4.28 ECC Linsig modelling of full signalisation at Eves Corner. The results of this modelling will be incorporated into the final highways report (EB004e).

4.29 The South East Local Economic Partnership (SELEP) has prioritised £2m from the Local Growth Fund, matched by a contribution of £2m from ECC, for a package of measures to reduce congestion and improve journey times along the A414 Maldon to Chelmsford route corridor, and assist in the delivery of new homes and economic growth in Maldon and Heybridge. ECC Cabinet Lead for Highways and Transportation has agreed to prioritise four junction improvement schemes at A414/B1018 Limebrook Way, A414/Spital Road, and Eves Corner and Well Lane in Danbury. Improvements at Eves Corner/Well Lane have been identified as preferred projects to receive part of this funding. Project proposals, including specific scheme design, have been prepared and costed and will be submitted to SELEP in early 2015. In order to secure LGF monies these schemes are required to have commenced by 2016/17, and will ensure early delivery of key infrastructure identified in the LDP.

4.30 CED10 Appendix 13 has been updated to reflect changes in timescale for delivery of these highway improvements. The Updated Infrastructure Phasing Plan is attached (Appendix 4). This has been agreed by MDC, ECC and promoters of the South Maldon Garden Suburb (DOC118).

Question 8 *Should policy S4 refer to the above highway works?*

MDC Response

4.31 The IDP (EB059d) has included improvements to the Eves Corner junction in Danbury in the Regulation 123 list. Support text to LDP Policy S4 also states that funding towards works at Eves Corner is proposed to be identified through CIL. Supporting text to Policy S4 also states that ECC are committed to identifying and implementing appropriate improvements to relieve congestion at the B1019 / B1137 junction in Hatfield Peverel. DOC95 states that developer contributions will be sought to fund a study to consider options for a new junction on the A12, however this does not require contributions from specific LDP allocations, and does not specify if contributions will be provided through S106 or CIL.

- 4.32 The Essex Highways Technical Note (December 2013, EB004b) identified that there are existing capacity problems at both the Eves Corner junction in Danbury and the B1019 / B1137 junction in Hatfield Peverel. Growth allocated in the LDP will exacerbate existing problems, however congestion at the junctions is the result of combined growth in the local authority areas of Chelmsford and Braintree, as well as Maldon as detailed in MDC's response to Issue 1.4 above. Growth allocated in the LDP would be positively affected by improvements at these junctions, however due to the strategic nature of the congestion problems, the requirement to contribute towards improvements cannot be directly related to any specific development allocated in the LDP. The requirement for any specific development to contribute towards junction improvements would therefore not be compliant with CIL Regulation 122. It would therefore be inappropriate to include improvements to specific strategic highways works as a requirement in Policy S4.
- 4.33 It is not considered necessary to refer specifically to the requirement for highways mitigation measures at Hatfield Peverel and Eves Corner in Policy S4. Appropriate references to these and other highways mitigation measures are already contained in the explanatory text to Policy S4 (paragraphs 2.63- 2.68) and in the IDP. A route based strategy for the A414 between Chelmsford and Maldon has subsequently been allocated £4m (£2m of SELEP funding matched by £2m from Essex County Council) and this will bring forward improvements to the strategic highway network including junctions at Eves Corner and Well Lane, Danbury. Final details of the improvement schemes are to be determined.
- 4.34 MDC is of the view that Policy S4 sets out clear development principles for the Garden Suburbs (including the requirement for appropriate mitigation measures and junction improvements) and that the level of detail contained in the LDP is consistent with the guidance contained in the NPPF and PPG (See NPPF (paras 156-157) and PPG on Local Plans (ID 12-010-20140306 (paras 006 and 010))).
- 4.35 It is considered that the Policy S4 provides sufficient detail regarding the requirement for necessary highways improvements to accommodate development of South Maldon Garden Suburb and other strategic allocations. Further amplification is provided in paragraphs 2.53-2.68 and supplementary guidance is provided in the South Maldon Garden Suburb Strategic Masterplan Framework.
- 4.36 The infrastructure phasing Plan (Appendix 6) has been updated to reflect changes in timescale for junction improvements to be funded under the Local Growth Fund.
- 4.37 A comprehensive Transport Assessment would form part of any Planning application and would set out how the development can be accommodated and the requirement for any necessary mitigation to the highway network.

Question 9 *Are flooding and sewerage issues now resolved?*

MDC Response

- 4.38 MDC is satisfied that flooding and sewerage issues have been addressed and provision can be made at the detailed design stage to ensure that the development will not lead to increased flood risk or water pollution. The EA and Anglian Water have been fully engaged in the preparation of the LDP and subsequently in the South Maldon Garden Suburb Strategic Masterplan Framework. The developer(s) have liaised with Anglian Water and a drainage solution has been identified and are continuing to work closely with the EA through the Planning application process.
- 4.39 In accordance with Policy S4, the new development will be required to minimise the risk of flooding on site and elsewhere. The key objective is that the development must wholly

contain its own surface water drainage and must not lead to increased flood risk or water pollution in adjoining areas.

4.40 Flood zone mapping provided by the Environment Agency shows that the large majority of the site lies within Flood Zone 1; being an area of Low Probability of flooding, outside both the 1 in 100 (1% AEP) and 1 in 1,000 (0.1% AEP) year flood events and as such, is a preferable location for development when appraised against the NPPF Sequential Test guidance. However, the EA have advised that Lime Brook has a catchment area less than 3km² upstream of the site and therefore may not have been assessed for the purpose of the flood map. Therefore, there may be areas near to the site where fluvial flood risk is equivalent to Flood Zone 3 or Flood Zone 2. Further modelling has therefore been undertaken on behalf of the promoters of the development to ensure that 'the most vulnerable development is located in areas of lowest flood risk. A Flood Study Report and Flood Risk Assessment have been submitted with the Planning application for site S2(a) which was received by MDC in November 2015.

4.41 The use of Sustainable Urban Drainage Systems techniques has been considered from the early Masterplanning stages in accordance with Policy S4 to maximise their benefits in terms of groundwater recharge, improved water quality and enhance biodiversity and this will help in adaptation to climate change.

Question 10 *CD10 Appendix 13 shows new healthcare provision, presumably for GP surgeries. Where will these be provided? Please will the Council suggest a suitable consequential modification to policy S4 and paragraph 2.53?*

MDC Response

4.42 MDC has engaged with the NHS and local GPs to identify the requirements for additional health provision arising from growth in the District. This is reflected in the IDP and developers will be required to make contributions to enhanced medical provision in the area.

4.43 On-going discussions are taking place with the NHS and GPs and at the present time, it is proposed that contributions will be used to enhance existing health facilities in Maldon to serve the needs arising from the development of the South Maldon Garden Suburb, with the provision of a new health facility in the North Heybridge Garden Suburb. However, given that proposals are at an early stage of development, it is considered that paragraph 2.53 provides the necessary flexibility required by the NHS and no further modifications are proposed.

Question 11 A *In the policy S4 general development principles:*

Question 11a *What new or enhanced public transport provision?*

MDC Response

4.44 Policy S4 requires new and /or enhanced public transport provision to be incorporated within the Garden Suburb. The promoters of the Garden Suburb are working closely with MDC, ECC and bus operators to develop a public transport strategy. The strategy will focus on improvements to existing routes to Maldon town centre, Chelmsford and Witham for access to the train station for commuting purposes. Stephenson's Coaches have confirmed that the 90 and the 288 can be diverted into the site. Improvements will be coordinated with the procurement of services at North Heybridge. The potential specification is indicated below:

Phase One

- Route 90 extended to serve the western land parcel – extended parcel will require one additional bus to maintain timetable

- Route 288 extended to serve eastern parcel with increased coverage in the morning – extended parcel will require one additional bus to maintain timetable

Phase Two

- Route 90 timetable extended into the evening
- Route 288 timetable extended into the evening

Phase Three

- New Sunday – hourly shuttle service

- 4.45 The delivery of the services will be tied to the build out of the development to ensure viability is not prejudiced. These routes will ensure that routes to Maldon town centre and the train station at Witham providing regular services to London will be served.
- 4.46 Travel by non-car modes will be encouraged by the provision of travel packs and free travel by bus for an initial period of time for new residents. Contributions to new or enhanced bus services and travel Plans will be secured under an appropriate legal agreement at the Planning application stage.
- 4.47 Following the Council resolution at the meeting on 13 November (DOC111), a Joint Garden Suburb Transport Working Group is to be established covering both Garden Suburbs to progress proposals for public transport and the promotion of other sustainable transport modes, notably walking and cycling. This Working Group will comprise representatives of MDC and ECC, site promoters and public transport operators and will be supported by ATLAS.

Question 11b *Is the road network capacity capable of accommodating the developments?*

MDC Response

- 4.48 The road network capacity is capable of accommodating the proposed development subject to the implementation of highways and junction improvements as identified in the Infrastructure Delivery Plan (Appendix 4). Traffic assessments and further technical studies have been undertaken by ECC and these have informed preparation of the LDP and Infrastructure Delivery Plan (EB8004d and EB04e). Essex Highways is working with MDC to finalise details of highways improvements in the wider Maldon area.
- 4.49 A comprehensive Transport Assessment form part of the Planning applications submitted in respect of Sites S2(a) and S2(c) and set out how the development can be accommodated and the requirement for any necessary mitigation to the highway network.
- 4.50 Further details are provided in the SOCG on Transport Matters (DOC118).

Question 11c *What mitigation measures and junction improvements?*

MDC Response

- 4.51 The package of highways and transport measures required to support the development of the South Maldon Garden Suburb is set out in the Infrastructure Phasing Plan (Appendix 6) and the IDP (EB059a,b,c,d). However, the final details and prioritisation of when measures come forward will be determined at the Planning application stage. ECC and Essex Highways are seeking to be as pro-active as possible to assist the viability of the development as well as ensure that impacts on the strategic highway network are minimised. SELEP funding will be taken into account in future updates of the IDP/LDP and necessary developer contributions may need to be amended accordingly. This will enable earlier implementation of highways improvements and further assist viability and delivery of the Plan.

4.52 The Mitigation Measures to support the development of the South Maldon Garden Suburb comprise:

- a) The Delivery of the South Maldon Relief Road in three phases (2019/20, 2021/2022 and 2023/24) to be completed by 2023/24
- b) Off-Site Highways Improvements, subject to consideration of the submitted Transport Assessment at the junctions of;
 - (i) A414 / Spital Road Roundabout – funding under SELEP to be implemented by 2016/17
 - (ii) A414 / B1018 Limebrook Way – funding under SELEP to be implemented by 2016/17
 - (iii) Eves Corner / Well Lane, Danbury – funding under SELEP to be implemented by 2016/17
 - (iv) A414 Oak Corner Junction – to be implemented by 2018/19
- c) The Delivery of Bus Services in accordance with the Public Transport Strategy
- d) The Delivery of a Travel Plan, including measures to encourage journeys on foot/by cycle and public transport.

4.53 Further details are provided in the SOCG (DOC118).

Question 11d *What form and scale of community hubs and local centres are needed?*

MDC Response

- 4.54 Policy S4 requires community hubs and local centres of appropriate form and scale to be integrated into the design and layout of development proposals. These will provide community facilities to serve the new community and existing residents in South Maldon as specified in Policy S4, including a new primary school and early year and childcare facilities. Further detailed layouts will be provided at the Planning application stage.
- 4.55 The South Maldon Garden Suburb Strategic Masterplan Framework provides some supplementary guidance to the principles set out in Policy S4. Feedback from stakeholder consultation during preparation of the Strategic Masterplan Framework supported the co-location of community and commercial uses to ensure the Garden Suburb has a vibrant heart which is accessible by pedestrian and cycle links to the new community and existing residents in South Maldon. ECC has encouraged dual use of the new primary school by the local community.
- 4.56 The location of the community hub/local centre is indicated in the parameter Plan accompanying the outline Planning application for Site S2(a). It is proposed that the local centre will include the primary school and early years and childcare facility, employment, retail and community uses.

Question 11e *What and where is the green infrastructure and youth and children's facilities?*

MDC Response

- 4.57 Garden Suburbs are characterised by a strong landscaped character that incorporates well managed open spaces, tree lined streets and natural areas for amenity and wildlife. This is reflected in the principles set out in Policies S3 and S4. A network of green infrastructure will be provided throughout the Garden Suburb including play spaces to meet the needs of each phase of development. Provision of green infrastructure and the enhancement of existing green infrastructure including Maldon Wick Local Nature Reserve will also be in

accordance with Policy N1. Contributions towards youth and children's facilities will be secured through legal agreements at the Planning application stage and the nature of provision will be determined through consultation with key stakeholders.

- 4.58 The South Maldon Garden Suburb Strategic Masterplan Framework provides further supplementary guidance to the principles set out in Policies S3 and S4. Further detailed layouts have been provided in the Planning application for Sites S2(a) and S2(c).
- 4.59 At the meeting on 18 December, the Council resolved to adopt and manage suitable areas of open space and public realm in new developments provided that the costs and resources required to manage and maintain the facilities over an appropriate timescale are secured through the Planning process. In the Garden Suburbs, the Council will work in partnership with stakeholders and the community to develop appropriate governance arrangements for the future management of green spaces and public realm (DOC112).

Question 11f *What is meant by adequate provision for affordable housing?*

MDC Response

- 4.60 Affordable housing provision will be in accordance with the requirements set out in Policy H1 and Policy H2, which in turn are based upon the identified need for affordable housing and the viability testing of these policies.
- 4.61 Further details are provided in the MDC response to Matter 8.

Question 11g *What proportion of housing for older people?*

MDC Response

- 4.62 The LDP does not define the proportion of housing for older people and housing mix should be in accordance with Policy H2. The Council will seek to ensure that new housing reflects the needs and demand of the District's existing and future communities as defined in the SHMA and the Council's Older People's Housing Strategy. As recommended by the SHMA, MDC will encourage development proposals which seek to meet the needs of older people including homes that are designed for this purpose to enable independent living or housing which provides support.
- 4.63 It would be inappropriate to specify an exact proportion in the LDP as needs may change over the timescale of the Plan. However, MDC will work closely with developers and providers to ensure that new housing reflects the needs of the District.

Question 12 *Depending on the replies to the above, the Council may wish to consider making suggested modifications to the policies and text to provide the 'what, where, when and how' answers required of a local Plan policy in the PPG (ID 12-002).*

MDC Response

- 4.64 MDC is of the view that the policies in the LDP contain sufficient detail to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the 'what, where, when and how' questions) and clear policies relating to the development of the Garden Suburbs. In particular:
- **What** - The LDP sets out the number of dwellings and employment land to be provided in each of the Garden Suburbs over the Plan period and the projected phasing of development. Policies S3, S4 and S6 set out the development principles which will guide development of the Garden Suburbs and Strategic Allocations. Policy S4 and S6 specifies the land uses and infrastructure which will be provided in each Garden Suburb;

- **Where** - The LDP allocates land for development of the Garden Suburbs and Strategic Allocations and sets a clear boundary to the proposed development on the Proposals Map. This meets the requirements set out in the NPPG which states that 'the proposals map should illustrate geographically the policies in the Local Plan and be reproduced from or based on an Ordnance Survey Plan';
- **When** – Policy S2 sets out the projected phasing of the allocated housing development and the Infrastructure Delivery Plan (EB059) provides an indicative phasing Plan for the delivery of infrastructure alongside the delivery of houses. Policy S4 and S6 specifies the land uses and infrastructure which will be provided in each Garden Suburb / Strategic Allocations;
- **How** - LDP Policies S4, S6 and I1 and the IDP (EB059c and d) provide clarity about the delivery of development and infrastructure and how this will be secured through Planning applications. Development will be required to be in accordance with the policies in the LDP

4.65 MDC is of the view that the policies in the LDP set out clear development principles for the south Maldon Garden Suburbs and does not consider it appropriate to incorporate further detail as this would be too prescriptive taking into account guidance on Local Plans in the Planning Policy Guidance. MDC would refer to ID 12-010-201403061 which provides guidance on how detailed a Local Plan should be and states:

'While the content of Local Plans will vary depending on the nature of the area and issues to be addressed, all Local Plans should be as focused, concise and accessible as possible. They should concentrate on the critical issues facing the area – including its development needs – and the strategy and opportunities for addressing them, paying careful attention to both deliverability and viability.'

4.66 MDC believes the LDP provides the necessary detail and clarity required by the NPPG and regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.

4.67 The Council has worked positively with developers and stakeholders in the preparation of the South Maldon Strategic Masterplan Framework for the Garden Suburbs which has been approved by the Council for development management purposes following public consultation (DOC120).. The requirement for Masterplans and possible adoption as SPDs will not, therefore, result in delays in bringing development forward; rather, MDC considers that it will have benefits in terms of timescale and efficiency of the Planning process.

Question 13 *Does the Housing Mix (policy H2) need altering to make the sites viable? If so, how?*

MDC Response

4.68 The Local Plan and CIL Viability Study (EB040a, p77, Table 8.2) sets out the housing mix tested within the LDP viability studies.

4.69 Based on the housing mix tested, the LDP viability studies (EB040a,b,c,d) identified that the sites allocated in the LDP would be viable based on the full policy and infrastructure requirements set out in the LDP. No changes to Policy H2 have been recommended within the LDP Viability Study (EB040a,b,c,d).

4.70 It is not considered that the Housing Mix (policy H2) requires alteration to make the sites within the South Maldon Garden Suburb viable. See MDC statement in response to Matter 8 (Issue 2) for further details.

Question 14 *Council: what progress has been made on the Planning applications for these sites, particularly those for sites S2(c) Wycke Hill South and S2(g) Park Drive? (Table 2 CED10 Report)?*

MDC Response

4.71 Significant progress has been made on the Planning applications for these sites. This is summarised in the following table.

Site	Proposal	Planning application progress	Planning performance agreement?
S2(a)	1,000 dwellings plus associated infrastructure (including primary school, roads, public transport, community hub, 4.5ha employment space)	Environment Statement Scoping Request completed February 2014. Outline Planning application 14/01103 received November 2014.	Agreed.
S2(b)	300 dwellings plus associated infrastructure (including relief road and employment space)	EIA Screening Opinion Request submitted December 2014. Application expected following the adoption of the LDP.	No.
S2(c)	LDP allocation: 75 dwellings Planning approval: Up to 120 dwellings plus contributions to associated infrastructure	1 st application: <ul style="list-style-type: none"> • Appeal inquiry undertaken September / October 2014. • Appeal allowed December 2014. 2 nd application: <ul style="list-style-type: none"> • Approved November 2014. Reserved Matters application expected January 2015.	No.
S2(g)	131 dwellings plus contributions to associated infrastructure	Planning application 14/00581 approved in October 2014.	No.
S2(h)	100 dwellings plus contributions to associated infrastructure	Planning application expected January 2015.	Drafted, agreement pending.

4.72 Pre-application discussions have taken place in respect of Site S2(h) Heybridge Swifts and a planning application is to be submitted early in 2015.

4.73 The Maldon District Submission LDP and the South Maldon Garden Suburb Strategic Masterplan Framework are material considerations in the determination of planning applications. The recent appeal decision in respect of Site S2(c) (Appendix 5) is relevant in this context.

Matter 5: Strategic Housing Growth – Burnham-on-Crouch Strategic Allocations

Issue 1: Whether policies S2, S3 and S6 with their associated text dealing with the Burnham-on-Crouch Strategic Allocations is justified by the evidence, consistent with national policy, and effective.

Question 1 *Is the strategy for development for these strategic sites appropriate, justified, effective, sustainable, viable, soundly based and consistent with the Plan's strategy?*

MDC Response

- 5.1 The allocation of sites in Burnham-on-Crouch is based on a sound and effective strategy particularly in terms of sustainability. Sites are deliverable, available now and viable. See the Council's statement at Matter 2, Question 2 and DOC88 (2.8.5 – 2.8.7).
- 5.2 The Strategy for development at Burnham-on-Crouch is consistent with the Plan's strategy to contain the majority of growth in the most sustainable, accessible and appropriate locations within and adjacent to the main settlements taking into account environmental and infrastructure constraints and the need to protect the rural character of the District. The concentration of development will enable the provision of the key infrastructure necessary to enable strategic growth to take place in a sustainable manner including increased local highway capacity, improved public transport provision and increased schools provision.
- 5.3 The LDP provides a clear strategy for the development of Burnham-on-Crouch. It sets out the key infrastructure elements to be provided and the broad development principles to be incorporated in future Planning applications. The LDP has been positively prepared and in accordance with the NPPF. The development principles set out in Policies S6 will ensure a joined-up approach to the delivery of high quality sustainable development and infrastructure at the Garden Suburb locations as opposed to piecemeal development proposals being prepared in isolation.
- 5.4 MDC has adopted a proactive approach to development and is working with developers, stakeholders and local communities to bring forward development in accordance with the policies set out in the LDP. Applications at S2(k) and S2(j) have planning performance agreements in place or agreed in principle. An application for S2(i) has already been submitted. Statements of Common Ground have been agreed, please see DOC114 and DOC115 (to follow).
- 5.5 The strategy for development of the North Heybridge Garden Suburb as set out in Policies S6 is:
 - 5.5.1 **Positively prepared** - The allocation forms a key part of the overall strategy to meet objectively assessed needs and to provide for future infrastructure requirements in the most sustainable manner possible. The proposals have been positively prepared and MDC has worked with developers/ landowners and infrastructure providers to meet the objectives set out in the LDP
 - 5.5.2 **Justified** - The allocation is based on the consideration of development capacity, environmental and infrastructure constraints, land availability / ownership complexity and advice received from both statutory and non-statutory bodies and organisations. The strategy has been informed by all relevant evidence, including the Sustainability Appraisal, SHLAA, Viability Studies, IDP (baseline), and highway assessment studies. It has taken into account consultation responses received at all stages of the process (SD05). A range of options for growth at Burnham-on-Crouch have been considered throughout the Plan

making process in terms of both the overall quantum of development and site selection, and the final strategy for growth at this location is the most appropriate strategy. Please refer to Section 2.3 of DOC77, DOC78, DOC79 and Section 2.8 of DOC88.

- 5.5.3 **Effective** - The strategy is deliverable and the sites are available for development and can be brought forward within the timescale required by the LDP and IDP. Policy S6 sets out the infrastructure elements which will be required.
- 5.5.4 **Sustainable** - Development at Burnham-on-Crouch will enable the delivery of sustainable development in line with policies set out in the NPPF and guidance in the PPG. Burnham-on-Crouch is the District's second Town and the allocation reflects its role as an employment, retail and service centre. This will provide opportunities for sustainable transport, maximising the potential of walking, cycling and public transport.
- 5.5.5 **Viable** - It is recognised that pursuing sustainable development requires careful attention to viability and costs. The Maldon District Viability Study (EB040a,b,c,d) outlines that developments at Burnham-on-Crouch Strategic Allocations are viable, based on the delivery of the full LDP policy requirements and infrastructure delivery as set out in the IDP, Policy I1 of the LDP, and chapter 7 of EB040d. The costs identified for infrastructure provision have been informed by numerous extensive consultation exercises and engagement with infrastructure providers, landowners, stakeholders and site promoters.
- 5.5.6 **Soundly based**- The proposed developments are soundly based and follows an assessment of reasonable alternatives undertaken as part of the LDP process. (positively prepared, justified, effective and consistent with national policy) and follows extensive Sustainability Appraisal and an assessment of reasonable alternatives undertaken as part of the LDP process.

Question 2 *How much development can take place on each allocated site before a specified piece of infrastructure in CED10 Appendix 13 has to be provided?*

MDC Response

- 5.6 This matter is addressed in the Statement of Common Ground in respect to sites S2(j) and S2(k) (DOC114 or DOC115).
- 5.7 MDC submitted an Infrastructure Phasing Plan in CED10 Appendix 13, which outlines when infrastructure will be required alongside growth allocated in the LDP. CED10 Appendix 13 has been updated and is provided in Appendix 4. In Burnham-on-Crouch the following infrastructure is required to support growth:

Funded through pooled section 106 contributions:

- Highways improvements to the B1010 / B1021
- One early years and childcare facility
- Replacement of a temporary class base at St Mary's School, Burnham-on-Crouch
- Youth and Children's Facilities to serve growth in Burnham-on-Crouch

Funded through CIL:

- Contributions towards public transport improvements
- Contributions towards green infrastructure (sport facilities and allotments) in Burnham-on-Crouch
- Contributions towards health facilities

Site specific costs:

- Contributions towards utilities (sewerage, gas, electricity, communications)

- 5.8 There is currently limited early years and childcare provision in Burnham-on-Crouch. The IDP EB059c has identified some available capacity, however an additional facility will be required to accommodate all proposed growth allocated in the LDP for Strategic Allocations in Burnham-on-Crouch. With the exception of early years and childcare, the IDP outlines that there are no specific trigger points for infrastructure provision in Burnham-on-Crouch. All improvements are required to support growth, however the need is not so urgent that development could not come forward until the infrastructure is in place.
- 5.9 The Infrastructure Phasing Plan CED10 Appendix 13 (Appendix 4) identified estimated phasing of infrastructure based on the proposed delivery of housing rather than need. The need for early years and childcare would require a new facility to be provided within the first five years of the LDP. All other required infrastructure in Burnham-on-Crouch relate to improvements with no specific trigger points. Therefore, with the exception of early years and childcare, all allocated development in Burnham-on-Crouch could come forward before the remaining infrastructure items proposed to be funded through pooled S106 contributions and CIL are provided. The infrastructure phasing plan has been updated (Appendix 4).
- 5.10 The delivery of site specific infrastructure is dependent on the phasing on each particularly scheme, and would therefore be expected to be provided as part of the development of each sites.

Question 3 *Much of the infrastructure relies on pooled funds from various sites. Bearing in mind the answer to the above question, will this pooling arrangement prevent the delivery of individual sites if monies are not available for key infrastructure works because other sites have not progressed as fast?*

MDC Response

- 5.11 Policy I1 of the LDP identifies the following infrastructure where contributions will be pooled from three sites:
- Funded through pooled section 106 contributions:
- Highways improvements to the B1012 / B1021
 - One early years and childcare facility
 - Replacement of a temporary class base at St Mary's School, Burnham-on-Crouch
 - Youth and Children's Facilities to serve growth in Burnham-on-Crouch
- 5.12 As outlined in question 2 above, the only pooled infrastructure item which will be required within the first 5 years of the LDP prior to the completion of all allocated sites in Burnham-on-Crouch is the early years and childcare facility. The trigger point for the requirement of a new early years and childcare facility is based on the all sites coming forward, and all required contributions will be provided prior to the completion of the third allocation. The proposed pooling arrangements will therefore not affect the ability of any sites allocated in Burnham-on-Crouch to be developed.
- 5.13 The Updated Infrastructure Phasing Plan (Appendix 4) sets out how much development can take place within the South Maldon Garden Suburb before a specified piece of infrastructure is provided. This reflects advice received from ECC and other infrastructure providers and has been prepared in consultation with promoters of the development sites.

Question 4 *Are flooding and sewerage issues now resolved?*

MDC Response

- 5.14 Flooding issues have been positively addressed in accordance with Policy S4 of the LDP. Development at Burnham-on-Crouch will be required to address surface water flooding by limiting discharge to current agricultural use rate to minimise the risk of flooding on site and elsewhere. The key objective is that the development must wholly contain its own surface water drainage and must not lead to increased flood risk or water pollution in adjoining areas.
- 5.15 MDC is satisfied that sewerage issues have been addressed and Anglian Water have been fully engaged in the preparation of the LDP. The developer(s) have liaised with Anglian Water, a drainage solution has been identified and developers are continuing to work closely in the Planning application process.
- 5.16 Further details on these matters will be provided in the application. The SOCG confirms that all parties agree that flooding and sewerage issues in the area can be practically and viably resolved.

Question 5 *CD10 Appendix 13 shows new healthcare provision, presumably for a GP surgery. Where will this be provided? Please will the Council suggest a suitable consequential modification to policy S6 and paragraph 2.82?*

MDC Response

- 5.17 MDC has engaged with the NHS and local GPs to identify the requirements for additional health provision arising from growth in the District. This is reflected in the IDP and developers will be required to make contributions to enhanced medical provision in the area.
- 5.18 Policy 6, number 8 and paragraph 2.82 identifies a need for enhanced medical provision but not an additional GP surgery. Delivery timescale will be in accordance to the IDP. Given that proposals are at an early stage of development, it is considered that paragraph 2.82 provides the necessary flexibility required by the NHS in the provision of new healthcare and no further modifications are proposed.

Question 6 *In the policy S6 development provisions:*

Question 6a *Is the road network capacity capable of accommodating the developments?*

MDC Response

- 5.19 The road network capacity is capable of accommodating the proposed development subject to the implementation of highways and junction improvements as identified in the Infrastructure Delivery Plan (EB059a,b,c,d). Traffic assessments have been undertaken by ECC (EB004a,b,c,d and EB065) and these have informed preparation of the LDP and Infrastructure Delivery Plan (EB059a,b,c,d).
- 5.20 A comprehensive Transport Assessment would form part of any planning application submitted in respect of sites S2(i), S2(j) and S2(k) and would set out how the development can be accommodated and the requirement for any necessary mitigation to the highway network.

Question 6b *What mitigation measures and junction improvements?*

MDC Response

- 5.21 Junction improvements have been identified at the B1021 Church Road / B1010 Maldon Road junction at paragraph 2.87. Timescale for delivery is outlined in the Infrastructure Delivery Plan (EB059a,b,c,d), however, the final details and prioritisation of when measures come forward will be determined at the Planning application stage.

- 5.22 All parties agree that this infrastructure is not required before development may commence in the SOCG (DOC114 and/or DOC115).

Question 6c *What new or enhanced public transport provision?*

MDC Response

- 5.23 A comprehensive Transport Assessment would form part of any Planning application submitted in respect of sites S2(i), S2(j) and S2(k) and would set out how public transport provision would be enhanced.

Question 6d *What and where is the green infrastructure and youth and children's facilities?*

MDC Response

- 5.24 Provision of green infrastructure and the enhancement of existing green infrastructure will be in accordance with Policy N1. Further detailed layouts will be provided at the Planning application stage.
- 5.25 Contributions towards youth and children's facilities will be secured through legal agreements at the Planning application stage and the nature of provision will be determined through consultation with key stakeholders.

Question 6e *What form and scale of community hubs and local centres are needed?*

MDC Response

- 5.26 Community hub will be secured if appropriate and of an appropriate scale through legal agreements at the Planning application scale and will be involve consultation with key stakeholders.
- 5.27 All parties agree that a local centre is not required before development may commence in the SOCG (DOC114 or DOC115).

Question 6f *What is meant by adequate provision for affordable housing?*

MDC Response

- 5.28 Affordable housing provision will be in accordance with the requirements set out in Policy H1 and H2, which in turn are based upon the identified need for affordable housing and the viability testing of these policies.
- 5.29 Further details are provided in the MDC response to Matter 8.

Question 6g *What proportion of housing for older people?*

MDC Response

- 5.30 The LDP does not define the proportion of housing for older people and housing mix should be in accordance with Policy H2. The Council will seek to ensure that new housing reflects the needs and demand of the District's existing and future communities as defined in the SHMA and the Council's Older People's Housing Strategy. As recommended by the SHMA, the Council will encourage development proposals which seek to meet the needs of older people including homes that are designed for this purpose to enable independent living or housing which provides support.
- 5.31 It would be inappropriate to specify an exact proportion in the LDP as needs may change over the timescale of the plan. However, MDC will work closely with developers to ensure that new housing reflects the needs of the District. Further details are provided in MDC's response to Matter 8.

Question 6h *What (how much), when and how will the extension to the Burnham-on-Crouch Business Park be implemented?*

MDC Response

5.32 Policy E1 sets out additional employment land required at E1(q) is 3.4ha and states that appropriate uses are B1,B2 or B8. The Council will continue to work proactively with developers/landowners to bring forward an application in accordance to Policy S6 and E1 of the LDP.

Question 7 *Depending on the replies to the above, the Council may wish to consider making suggested modifications to the policies and text to provide the 'what, where, when and how' answers required of a local Plan policy in the PPG (ID 12-002).*

MDC Response

- 5.33 Maldon Council is of the view that the policies in the LDP contain sufficient detail to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the 'what, where, when and how' questions) and clear policies relating to the developments. In particular:
- **What** - The LDP sets out the number of dwellings and employment land to be provided in each of the allocations over the Plan period and the projected phasing of development. Policies S2 and S6 sets out the development principles which will guide development of the Strategic Allocations. Policy S6 specifies the land uses and infrastructure which will be provided in each allocation;
 - **Where** - The LDP allocates land for development of the Strategic Allocations and sets a clear boundary to the proposed development on the Proposals Map. This meets the requirements set out in the NPPG which states that 'the proposals map should illustrate geographically the policies in the Local Plan and be reproduced from or based on an Ordnance Survey Plan';
 - **When** – Policy S2 sets out the projected phasing of the allocated housing development and the Infrastructure Delivery Plan (EB059) provides an indicative phasing Plan for the delivery of infrastructure alongside the delivery of houses. Policy S6 specifies the land uses and infrastructure which will be provided in each Strategic Allocation;
 - **How** - Policies S6 and I1 provide clarity about the delivery of development and infrastructure and how this will be secured through Planning applications. Development will be required to be in accordance with the policies in the LDP
- 5.34 MDC is of the view that the policies in the LDP set out clear development principles for the Garden Suburbs and does not consider it appropriate to incorporate further detail as this would not provide the flexibility required in the NPPG. MDC would also refer to ID 12-010-201403061 which provides guidance on how detailed a Local Plan should be and states:
- 5.35 While the content of Local Plans will vary depending on the nature of the area and issues to be addressed, all Local Plans should be as focused, concise and accessible as possible. They should concentrate on the critical issues facing the area – including its development needs – and the strategy and opportunities for addressing them, paying careful attention to both deliverability and viability'.
- 5.36 MDC believes the LDP provides the necessary detail and clarity required by the NPPG and regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council has worked positively with developers and stakeholders in the preparation of the Local Plan.

Question 8 *Does the Housing Mix (policy H2) need altering to make the sites viable? If so, how?*

MDC Response

- 5.37 The Local Plan and CIL Viability Study (EB040a, p77, Table 8.2) sets out the housing mix tested within the LDP viability studies.
- 5.38 Based on the housing mix tested, the LDP viability studies (EB040a,b,c,d) identified that the sites allocated in the LDP would be viable based on the full policy and infrastructure requirements set out in the LDP. No changes to Policy H2 have been recommended within the LDP Viability Study (EB040a,b,c,d).
- 5.39 It is not, therefore, considered that the Housing Mix (policy H2) requires alteration to make the sites within the North Heybridge Garden Suburb viable. See MDC statement in response to Matter 8 (Issue 2) for further details.

Question 9 Council: *what progress has been made on the Planning applications for these sites, particularly for site S2(j)? (Table 2 CED10 Report)?*

MDC Response

5.40

Site	Proposal	Planning application progress	Planning performance agreement?
S2(i)	LDP allocation: 180 dwellings Planning application: 300 dwellings and associated infrastructure	Hybrid Planning application 14/00356 received 14/04/14. Application delayed awaiting further information.	No.
S2(j)	180 dwellings and contributions to associated infrastructure	Planning application received December 2014.	Agreed.
S2(k)	90 dwellings and contributions to associated infrastructure	Planning application expected early 2015.	Ownership is same as for Site S2(j) and a draft PPA is in production.

Matter 6: Strategic Housing Growth – Reserve Sites

Issue: Whether policy S2 and its associated text dealing with reserve sites is justified by the evidence, consistent with national policy, and effective.

Question 6 *Have enough Reserve Sites been allocated in order to deal with any potential housing shortfall problem?*

MDC Response

- 6.1 A total of three Reserve Sites have been identified in the submission LDP – one in each of the three main strategic growth areas i.e. Maldon, Heybridge and Burnham-on-Crouch (para. 2.7.10 – 2.7.12 of DOC088). The three sites together can, in theory, provide a minimum of 900 homes which represent around 15-20% of the overall housing target. Together with the Monitor and Review measures that have been proposed to Policy S2 (SD04b, ref.047), the Council is confident that the LDP includes sufficient flexibility to adapt to rapid change and address any potential housing shortfall over the Plan period.

Question 2 *Does the Plan have realistic contingency arrangements to handle the likely uncertainties, such as the late provision of critical infrastructure or the late delivery of required development (PPG ID 12-018)? Does the Plan have sufficient flexibility to adapt to rapid change (NPPF, paragraph 14)? If not, why not, and what other reserve sites or flexibilities might be considered?*

MDC Response

- 6.2 The Council considers that the LDP has included realistic contingency arrangements to handle potential uncertainties. The Monitor and Review section proposed for Policy S2 (SD04b, ref.047) outlines the Council's intention to monitor closely housing delivery on an annual basis and indicates clearly when contingency measures will be triggered. A range of contingency measures have been identified including reviewing the current phasing arrangements, potential release of Reserve Sites, and/or allocating additional sites that are not currently identified in the LDP. In reality housing delivery will be heavily dependent on market conditions. Therefore the Council believes the Monitor and Review approach, as proposed, is the most practical and realistic way to provide the Plan with the necessary flexibility as required by NPPF and the PPG.
- 6.3 The Council has adopted a proactive approach to avoid triggering contingency measures in the first place. Substantial progress has already been made to minimise potential uncertainties of late infrastructure delivery through active cooperation between key stakeholders e.g. the LDP Developer Forum, and the Implementation Steering Group (for Garden Suburbs) and Joint Garden Suburb Transport Working Group. This is evidenced in the various Memorandum of Understanding, Position Statements and Statements of Common Ground that have either already been agreed or in an advanced stage of preparation. The Council is also seeking additional funding opportunities to further boost the deliverability and viability of various infrastructure projects e.g. SELEP growth fund.
- 6.4 Measures have also been put in place to reduce potential risks of delayed housing delivery. For instance, the Council has already adopted a Strategic Masterplan Framework for each Garden Suburb which will help to ensure the timely and integrated delivery of development and infrastructure through providing clear guidance for strategic developments in the two Garden Suburbs. The Council has also resolved to actively invite strategic Planning applications prior to the adoption of the LDP. The Council is in the process of establishing Implementation groups for the Garden Suburbs (please refer to DOC111 – P&L report to be submitted from 13 Nov 2014) and will continue to work proactively with other relevant organisations to oversee and ensure the delivery of critical infrastructure and development.

Question 3 *Will one or more of the Reserve Sites be needed sooner than stated in the Plan? If so when? And will the Plan's provisions act quickly enough to implement them?*

MDC Response

- 6.5 Taking into account current phasing arrangements in the LDP and the number of strategic Planning applications that the Council has already received, determined, or will be received imminently, the Council does not envisage a need to trigger any contingency measures in the short term, including the release of any Reserve Sites sooner than stated in the Plan. Relevant parties are committed to the delivery of development and infrastructure in accordance with the Plan's phasing requirements as reflected by the SoCG supplied (add ref).

Question 4 *The Council says that all of the allocated Reserve Sites are identified in the SHLAA as being suitable for housing delivery (RE1 – SHLAA ref: 9004, RE2: 8038 and RE3: 3533h). Can they be delivered quickly?*

MDC Response

- 6.6 The SHLAA was completed in 2012. As indicated in paragraph 29 of CED10, all three Reserve Sites have been identified in the SHLAA as suitable, available and deliverable for housing developments (8038, 9004 and 3533h). The deliverability of these sites is also supported by the respective developers through their representations to previous rounds of LDP consultation and all of them indicate that their site would be ready to be brought forward immediately for housing development. It is therefore reasonable for the Council to believe that the Reserved Sites can be delivered quickly if need be.
- 6.7 The Council would like to stress that while all three Reserve Sites are potentially capable of being released for short term housing delivery they are not allocated sites in the Plan. Should the need arise to release a reserve site for development then the Council would need to consider which site(s) would need to be released in accordance with the specified trigger mechanisms and review process. Reserve sites have been identified within each of the three largest urban areas of the District in order to cover a range of eventualities.

Question 5 *What circumstance would trigger the Plan's proposed review of the Reserve Sites, apart from the passing of time (5 years)? What other triggers might be appropriate?*

MDC Response

- 6.8 The Council has proposed a new Monitor and Review section for Policy S2 (SD04b, ref.047) which supersedes the 'passing of time (5 years)' trigger. The proposed new triggers are linked to an ongoing development monitoring process. As suggested in paragraph 30 of CED10, this proposed amendment strengthens the monitor and review mechanism for the release of the Reserve Sites. It also provides further flexibility to the Policy S2 by introducing other contingency measures (referred to as management actions in the proposed amendments). Please refer to the management actions as proposed in REF.047 of Appendix 1).

Question 6 *Do the Council's suggested modifications to policy S2 at Ref 047 in SD04b resolve any concerns about the trigger mechanisms for the release of the Reserve Sites?*

MDC Response

- 6.9 The Council is confident that the suggested modifications to Policy S2 at Ref 047 in SD04b resolve any concerns about the trigger mechanisms for the release of the Reserve Sites.

Question 7 *Do any of the infrastructure requirements, including affordable housing in H1, or H2, I1 and I2, or elsewhere, need to be altered or varied to make the Reserve Sites viable and thus deliverable?*

MDC Response

- 6.10 The SHLAA provides high level assessments on the Reserve Sites and all three Reserve Sites are deemed to be deliverable in principle. One of the earlier iterations of the Viability Study has assessed the theoretical viability for potential large scale housing schemes across the District including areas covering the two larger Reserve Sites (9004 and 8038). The findings suggest that the sites are viable with 40% affordable housing and S106 contribution towards generic infrastructure provision such as education and sewerage (EB040a pg. 8, 61 and 104). The indicative capacity for the smaller Reserve Site in Burnham-on-Crouch (3533h) is only 100 dwellings and the Viability Study (EB040a Table 9.3. and section 10.21) demonstrates that development of this nature is likely to be viable.
- 6.11 It is therefore neither proportionate nor necessary to undertake further detailed viability assessment for the Reserve Sites at this stage. It is in fact impossible to determine what would be the most appropriate contingency measure before the scale and location of any potential future shortfall occurs.

Matter 7: Rural Housing (including North Fambridge) and Settlement Boundaries

Issue 1: Whether policies S2 and S7 with their associated text dealing with housing in rural areas is justified by the evidence, consistent with national policy, and effective.

Question 7 *Is the overall scale, distribution and nature of proposed development in the District's settlements in policies S2 and S7 appropriate, , effective, justified with robust and credible evidence, proportionate, positively prepared, soundly based and consistent with the overall development strategy and proposals of the Plan?*

MDC Response

7.1 Appropriate Strategy

In Matter 2, question 2, the Council's statement demonstrates how the spatial strategy as set out in Policy S2 is sound and based on a robust and credible evidence base involving extensive consultation with stakeholders.

7.2 In terms of Rural Allocations which forms part of the LDP's overall spatial strategy, provision for housing allocations outside of the main urban areas was first introduced as part of the LDP Preferred Options consultation where 300 dwellings were proposed for North Fambridge. The justification for this policy approach was detailed in Section 5 and 6 of EB061.

7.3 In light of the consultation responses received, additional evidence on infrastructure capacity (Appendix 5 of DOC77), and the need to meet an increased housing requirement, the Council considered that small-scale growth in the rural villages would be acceptable in the rural areas but only where it supports local services and contributes to local need (Appendix 1 of DOC77). As a result the Council amended Policy S2 to reduce significantly the allocation at North Fambridge and introduced additional housing provision in other rural villages (DOC077 and Minutes).

7.4 It is recognised that these allocations are a minimum (Policy S7, para 2.90) and that the District is likely to deliver in excess of the allocation.

Question 2 *Council: what is the up-to-date timeline for when the Rural Allocations Plan will be submitted and adopted?*

MDC Response

7.5 The Council's latest timetable for preparing the Rural Allocations DPD is set out in Section 2.1 of DOC91. The Council will produce a further update during the Spring of 2015 following the receipt of the interim conclusions from the Inspector on the soundness of the housing policies and legal compliance of the LDP.

Question 3 *Are the Rural Allocations Plan's potential allocations correctly timed so far as this Plan's Housing Trajectory is concerned? Is the suggested updated Housing Trajectory in SD04b correct in showing the delivery of allocations from the Rural Allocations Plan will start to take place in 2016/17?*

MDC Response

7.6 The latest amendment to the housing trajectory (Appendix 2 of CED10) indicates allocations from the Rural Allocation Plan will start to take place in 2016/17. Taking into account the current timetable for the production of the Rural Allocations DPD (Section 2.1 of DCO091), it is reasonable to expect that rural allocations will start to take place in 2016/17. Furthermore, DOC091 outlines how the Council may consider appropriate

Planning consents for inclusion within the emerging Rural Allocations Development Plan Document from 1 April 2014 onward (2.16 – 2.19 of DOC091). In any case timescales for phasing are likely to be conservative and actual delivery is likely to be exceeded in light of evidence (appendix of Planning application progress).

Question 4 *North Fambridge is set to take an allocation of 75 dwellings. Is this acceptable given that it is classed as a 'smaller village' in policy S8? The definition of 'smaller villages' in the table after paragraph 2.100 would indicate that North Fambridge is not suitable for this scale of development.*

MDC Response

- 7.7 The table after 2.100 of the LDP provides a generic description of the smaller villages but circumstances vary between different villages and paragraph 2.98 indicates that the hierarchy does not in itself dictate the level of growth in individual settlements.
- 7.8 Given the size (835 residents according to the 2011 census), the character (section 7 of EB053) and the level of services (EB038) the Council has taken a balanced view that North Fambridge should be categorised as a smaller village as presented in Policy S8. However, the village does enjoy access to the London rail link as well as relatively good access to services in the neighbouring town of South Woodham Ferrers, and therefore the Council is allocating 75 dwellings at North Fambridge.
- 7.9 The Council do not consider an additional 75 dwellings will fundamentally change the character of the village and the settlement hierarchy as presented in Policy S8 is still relevant.
- 7.10 It should be noted that two Planning permissions have been granted in recent weeks which allowed a total of 105 additional dwellings (75 and 30 dwellings) at this location. The Council considers that these permissions fulfil and exceed the allocation planned.

Question 5 *Is the infrastructure in North Fambridge capable of accommodating 75 dwellings? In particular, are the foul drainage and highway capacities acceptable and viable?*

MDC Response

- 7.11 The IDP base line report (EB059a) sets out infrastructure provision in North Fambridge which informed the Council's decision on its policy approach. Anglian Water and Environment Agency produced a Joint Position Statement on Development in North Fambridge (EB063) which outlines existing issues and potential future management measures.
- 7.12 Both Anglian Water and Essex Highways raised no objection to the LDP's spatial strategy, and neither organisation has raised objections to the recent planning applications in North Fambridge.

Question 6 *Do the concerns about development capacity in Southminster on page 38 of SD05 need to be resolved in this Plan or in the Rural Allocations Plan? Please explain why and how.*

MDC Response

- 7.13 The LDP does not Plan for growth in Southminster due to the infrastructure constraints that exist (DOC87). Limited foul sewerage capacity has recently been made available (EB064) but this is likely to be taken up in the near future given recent Planning approvals and on-going Planning applications (Appendix 4). The Rural Allocations Plan will need to further consider potential capacity at this location through further consultation with AW and other infrastructure providers.

Issue 2: Whether policy S8 and its associated text dealing with settlement boundaries and the countryside is justified by the evidence, consistent with national policy, and effective.

Question 7 *Are the role and status of the settlements, villages and countryside appropriate, sustainable, effective, justified with robust and up-to-date evidence, soundly based and consistent with the overall development strategy of the Plan?*

MDC Response

7.14 As indicated in Paragraph 2.97 of the LDP, it is useful for planning purposes to group the settlements into a hierarchy based on their current size, level of service provision, local character as well as identified opportunities and constraints. This categorisation of the settlement is therefore based on evidence from many sources including the IDP baseline report (EB059a) and the Rural Facility Survey (EB038).

Question 8 *Should the hierarchy be amended to alter the status of particular settlements, or to specifically designate sustainable settlements/villages?*

MDC Response

7.15 As indicated in Question 7.4 and 7.7, the hierarchy is based on the current status of the settlements and does not in itself dictate the level of growth in individual settlements. The hierarchy is a true reflection of the current status of the District's settlements. Therefore the Council does not consider there is a need to amend the settlement hierarchy as presented in Policy S8. The sustainability of the District's rural villages will be further assessed in the forthcoming Rural Allocations DPD and in line with the requirements set out in Policy S7.

Question 9 *Have the boundaries of the various settlements been properly defined, based on sound evidence and criteria? The Council says it has made minor amendments to reflect changes that have occurred since the 2005 Local Plan boundaries were produced, or to improve accuracy, or to reflect the most up-to-date information and data available. Is that the case? If the boundaries are not correct, why not? And what should be done instead, bearing in mind the Council's further evidence on settlement boundaries at CED10 Appendices 6a to 6c?*

MDC Response

7.16 The Council has clearly established revised settlement boundaries using a consistent methodology detailed in Appendix 6a to 6c of CED10. These amendments have indeed been made to reflect changes that have occurred since the 2005 Local Plan, or to improve accuracy, or to reflect the most up-to-date information and data available.

Question 10 *Is the policy in S8 for the countryside, including the range of appropriate uses and exceptions, justified, effective, soundly based and consistent with national policy (NPPF paragraph 28)?*

MDC Response

7.17 The policy in S8 for the countryside reflects the Council's priority in protecting the countryside for its intrinsic value. The Council acknowledges that there is a need to maintain a sustainable rural community and therefore accepts the need to consider appropriate developments in the countryside. Policy S8 provides an overall framework for these appropriate uses and exceptions. Justifications for these appropriate uses and exceptions are detailed in the respective policies in the LDP.

Matter 8: Affordable Housing, Housing Mix and Specialist Needs

Issue 1: Whether the Plan is legally compliant

Question 1 *Is the number of homes or size (area) levels at which affordable housing provision would be required been set too low or too high? What figures would be justified and why?*

MDC Response

- 8.1 The Council is satisfied that the number of homes, or size levels at which affordable housing provision would be required has been set at the appropriate level to meet the annual affordable Housing requirement set out in the SHMA (EB010f)
- 8.2 Policy S2 will provide a significant proportion of the annual affordable housing requirement, through new delivery on sites with five or more units. Viability testing on the Strategic sites (EB040a,b,c,d) has shown that this approach is sound, and would support the levels of affordable housing being proposed. Viability assessment has been subject to stakeholder consultation in accordance with NPPF 173.
- 8.3 The Council is aware of the recent update to the NPPG, advising that contributions should not be sought from developments of ten or less with combined maximum floor-space of no more than 1000sqm.
- 8.4 An assessment of the impact of this change has been undertaken, and no changes to Policy are being proposed.
- 8.5 The impact of the new guidance could potentially reduce the number of affordable units being delivered. However, the fact that a significant number of affordable homes are being delivered on larger strategic sites, or in DPA areas where commuted sums would still be payable means that the impact is not significant given the Councils past performance in enabling strategic developments (CED10).

Question 2 *Have the various sub-area requirements in H1 been set too low or high? What figures would be justified and why?*

MDC Response

- 8.6 The various iterations of the Local Plan and CIL Viability Study (EB040a,b,c,d) were produced to assess the deliverability of the LDP, and ensure that policy requirements set out in the LDP do not detrimentally affect the viability of development to the extent that new development would be inhibited from coming forward. To assess appropriate levels of affordable housing in the District, the Viability Study (EB040a and c) modelled 14 residential development sites across the District which were representative of the type of development that is likely to come forward during the Plan period. The Study also modelled the individual sites allocated within the LDP Garden Suburbs and Strategic Allocations. The development assumptions and details of the modelled sites are set out in Chapter 9 of EB040a and EB040c, and the results of the modelling are set out in Chapter 10 of EB040a and EB040c.
- 8.7 Based on an assessment of the affordable housing levels in Policy H1 for 'all other development' (not including sites in the LDP Garden Suburbs or Strategic Allocations), paragraph 10.28 of EB040a notes that 'the targets as currently drafted are deliverable in the absence of higher levels of developer contributions – however if the Council wishes to proceed with CIL then it will be necessary to review these affordable housing requirements'.

- 8.8 As an update to the original assessment, EB040c reassessed the affordable housing levels in Policy H1 for 'all other development', and confirmed that only 2 of the 14 modelled sites would be unviable based on the policy requirements of the LDP, and these were sites with abnormal costs. Paragraph 10.13 of EB040c therefore confirmed that 'the cumulative impact of policies will not put the residential development in the District at serious risk'.
- 8.9 In relation to strategic sites in the LDP Garden Suburbs and Strategic Allocations, Viability Study EB040d provides the most recent assessment. This Study assessed the strategic sites against all policy and infrastructure requirements in the LDP alongside varying levels of affordable housing and CIL. Paragraphs 8.8 and 8.9 of EB040d concluded that without CIL in place, the affordable housing levels set out in LDP Policy H1 are deliverable, and will not inhibit the ability of new development to come forward. However if a CIL level of £70 per sqm were to be sought, this would require a reduction of affordable housing requirements on some strategic sites allocated in the LDP.
- 8.10 Where the Examination of the LDP is being considered separately and prior to the Examination of the MDC CIL Charging Schedule, the Council is proposing to adopt affordable housing requirements which are deliverable without an adopted CIL charge in place. EB040a, c, and d therefore clearly demonstrate that the affordable housing requirements set out in LDP Policy H1 are deliverable, and will not inhibit the ability of new development to come forward.
- 8.11 Whilst the SHMA identifies an overall requirement of 40% affordable housing for the District, which has been the starting point for the Policy Requirements in S1, the sub area requirements in H1 reflect the outcome of detailed viability studies, which have been tested and consulted on with stakeholders in accordance with NPPF 173.
- 8.12 The lower sub-area requirement for affordable housing contained in Policy H1 recognise the lower land values (Maldon North, Rural South East Higher, and Rural South East Lower) and additional infrastructure costs (North of Heybridge), and are not indicative of a lower affordable housing need.

Question 3 *The latest Strategic Housing Market Assessment (EB010f) indicates an annual requirement of 130 affordable homes. Council: how will this amount of affordable housing be delivered, including the size, type and tenure of affordable housing and the means of meeting the objectively assessed need for affordable housing?*

MDC Response.

- 8.13 The annual requirement of 130 affordable homes identified as being required by the SHMA is broken down into size, type and tenure (Tables 12-8 to 12-10 pp137 and 138). This information has been a basis for explaining what is a suitable mix to be provided by Policy H2. The majority of the supply of new affordable homes will be delivered through the key strategic sites (S2). These sites have all been tested and shown to be viable (EB040a,b,c,d). These sites can deliver approximately 1200 affordable homes in the lifetime of the Plan.
- 8.14 The Council recognises that its affordable housing requirement will not be wholly met by a new supply of homes. Instead it will ensure that it makes maximum use of its existing housing stock to help meet its need (NPPF 51). This approach is also recommended in the SHMA (EB010g) para 1.1 and 15.4.6.
- 8.15 A Strategic approach to tackling empty homes, and addressing the under occupation of 390 affordable homes through the provision of smaller accommodation for older people (policy H2 and H5), will increase the overall affordable supply and help to meet the annual affordable housing requirement.

- 8.16 Additionally the Council has a good track record of facilitating strategic housing developments, such as rural exception schemes, and has a range of Housing Policies to support deliver of affordable homes.

Question 4 *Given the scale of affordable housing need, does policy H1 set a sufficiently robust response in its affordable housing requirement for developments?*

MDC Response

- 8.17 The Council recognises that it faces a challenge in meeting its target for affordable housing but does believe that it is achievable. LDP sites in Policy S2 have been tested for viability (EB040a,b,c,d). The Council is seeking the highest possible contribution towards affordable housing provision through Policy H1 taking into account viability evidence.
- 8.18 The Council will also continue to monitor the current and projected future need for affordable housing using the SHMA as a basis and CLG's Affordable Housing Assessment Model which takes into account both changes to demand and also all aspects of supply including the level of re-lets (improvements in the use of the existing stock).
- 8.19 The Council believes that H1, closely linked to H2 and H5, will enable the Council to meet the affordable homes requirements over the lifetime of the Plan. Also please see response at 2.16. If delivery can be brought forward, this target may reduce but the Council is also mindful that changes to the local economy and other factors could also increase demand. Continuous monitoring and flexibility are also a vital aspect to understanding and meeting OAN (NPPF 50).

Question 5 *The Council has further explained in its CED10 Report what is meant in the policy and at paragraph 5.6 by 'free serviced land', and suggested some modifications accordingly. Is this explanation clear and acceptable? Are the Council's modifications acceptable?*

MDC Response

- 8.20 The Council believes that the explanation is clear and what would generally be understood as the principles for assessing the viability of a development and its ability to comply with H1; it does not preclude developers from building and transferring buildings to Registered Providers, it serves to clarify what costs, i.e. building and margins, are reasonable to be recovered within the price of affordable homes.

Question 6 *The Council says in its CED10 Report that it 'acknowledges that affordable housing rates in Policy H1 may need to be reduced to ensure the viability of strategic sites allocated in the LDP Garden Suburbs and Strategic Allocations'. Council: what exactly does this mean in practice (be specific)? Do representors have any suggested modifications on this point? In any event, please would the Council produce suggested modifications, such as that mentioned at paragraphs 2.26 and 2.27 of DOC103?*

MDC Response

- 8.21 Within the Local Plan and CIL Viability Study May 2014 Update (EB040d), the Council was considering the impact of imposing a Community Infrastructure Levy (CIL) rate of £70 per sqm on sites allocated in the LDP. Paragraphs 8.8 and 8.9 of EB040d recommended that LDP Policy H1 should seek reduced rates of affordable housing from some sites in the LDP Garden Suburbs and Strategic Allocations to ensure the viability of these sites if a CIL rate of £70 per sqm were to be imposed. Based on the recommendations of EB040d, the Council acknowledged in DOC103 and CED10 that a modification to Policy H1 should be considered to accommodate a proposed CIL rate of £70 per sqm.
- 8.22 Following the submission of the Maldon District CIL Charging Schedule to the Secretary of State in September 2014, the Planning Inspectorate informed the Council that the Examination of the CIL Charging Schedule will not take place until the completion of the

LDP Examination. Given the delay to the examination of the CIL Charging Schedule, the uncertainty to the outcome of the CIL Examination, the likelihood that Planning applications for a number of LDP allocated sites will be well progressed prior to the adoption of CIL, and the need to maximise the delivery of affordable housing in the District, the Council will therefore no longer be considering modifications to Policy H1 to accommodate the imposition of CIL.

8.23 Therefore, no modifications are proposed to the LDP in relation to affordable housing requirements set out in LDP Policy H1.

Question 7 *Is the approach in policy H5 to rural exceptions housing for local needs appropriate, justified, effective, soundly based and consistent with national policy?*

MDC Response

- 8.24 NPPF 54 encourages local authorities to enable the provision of rural exception schemes to meet local needs, in this context 'local' it is suggested refers to the immediate community and not the wider Housing Market Area whose needs are met through the broader policies of the Council (H1 and H2).
- 8.25 Amendments to national policy may now preclude the provision of affordable housing on smaller developments even in designated rural areas, Policy H5 applies specifically to these areas and enables a supply of new affordable homes where possible to be delivered through Planning gain. Policy H5 only becomes effective and justified in cases where a local need is identified through a local needs survey. Justification for a rural exception scheme will not exist if there is an adequate supply of affordable housing in that area, either existing or Planned. This enables the Plan to reflect the variation between rural and more urban areas 'recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it' (NPPF 17 and 28).
- 8.26 The requirement to engage with a Registered Provider (RP) ensures that the costs, design and future management are considered at a stage before a site is secured, ensuring delivery, feasibility and viability. This also ensures that affordable rented homes comply with the definition of 'affordable housing' (Annex 2: Glossary – NPPF pg50), making it effective in enabling development in response to local need.
- 8.27 The policy allows a small number of market homes at the discretion of the Council where this can be shown to be essential to meet the delivery of the affordable homes (NPPF 54).
- 8.28 The Council has therefore not set a pre-determined proportion of open market homes for this purpose as each site is unique (the number and type of homes being determined by local requirements rather than the need of the wider Housing Market Area) and the site will not usually have any alternate use value other than its existing use. This approach helps ensure the aims of the policy are met for local rural communities as well as meeting the reasonable expectations of a willing landowner (NPPF 173).
- 8.29 Recently announced changes to Planning contributions (s.106 Planning obligations) announced in November 2014 by the Government will not affect rural exception schemes (Para 23) provided by Policy H5 but they will reduce the opportunity to meet the need for affordable homes through Planning gain in designated rural areas, strengthening the justification for this policy.

Issue 2: Whether policy H2 and its associated text dealing with housing mix is justified by the evidence, consistent with national policy, and effective

Question 8 *Does the latest SHMA (EB010f) alter the policy's housing mix?*

MDC Response

- 8.30 The policy requirements in H2 are justified by the evidence of the current SHMA (EB010g) and have not changed from the previous draft versions of the SHMA, which had already highlighted the need for smaller homes, mainly rented. It also highlighted the particular need to consider both the impact of an ageing population and the potential to increase supply through making better use of the existing stock.
- 8.31 The housing mix has not therefore changed as this was already anticipated and being Planned for. The approach in H2 is already supported through the Councils various Housing Strategies, in particular the Older Persons Housing Strategy (MDC, 2010a).

Question 9 *Does the policy need to be altered to make development sites viable? If so, how?*

MDC Response

- 8.32 EB040d indicates that policies H1 and H2 will be financially viable and able to deliver the number and type of homes required. The Council recognises that it is not possible to anticipate more detailed aspects of individual sites and these may change over time, as may the housing requirements.
- 8.33 Whilst recent and more detailed independent viability studies have shown that the testing for these policies has been accurate to date, the policy retains a degree of flexibility, ensuring that it remains responsive to current requirements and the individual aspects of each site. The Council actively encourages applicants to engage with its pre-application process as a way of providing certainty as to the requirements and eventual provision of affordable housing. The starting point for the requirements for policy H2 will always be based upon the SHMA evidence and subsequent monitoring.

Question 10 *Should the policy clearly state the housing mix now required based on the present evidence, whilst acknowledging it will change over time (5.17)?*

MDC Response

- 8.34 The Council is aware that some other authorities do include this detail in the policy. The mix that is currently required by Policy H2 is based upon the evidence in the SHMA for affordable housing (EB010f).
- 8.35 The Council will continue to review and update its SHMA, will monitor both the type and number of affordable homes being provided. Any adjustments to this mix in the future would be based upon these two pieces of evidence. This is why it was considered to be more appropriate to retain a degree of flexibility within the Policy rather than including a requirement which would become outdated over the lifetime of the Plan.

Question 11 *Paragraphs 5.14 and 5.16 appear to be policy conclusions and not reasoned justifications in encouraging a greater proportion of one and two bedroom properties. Council: should this be in policy H2? If not, why not?*

MDC Response

- 8.36 Paragraphs 5.14 and 5.16 are evidence conclusions from the current SHMA (EB010f).
- 8.37 Policy H2 requires schemes to reflect local Housing need and demand as set out in the SHMA (Policy H1). As in 8.10 above this ensures that the policy remains flexible and responsive to housing need, both in the number and type of properties.
- 8.38 Consequently for the reasons at 8.10 it is not considered necessary to include the level of detail in Policy H2, as the current wording ensures that it would remain fit for purpose over the lifetime of the Plan.

Question 12 *What amount or proportion of housing should there be for the 'aging population'?*

MDC Response

- 8.39 The amount of housing required for an aging population is based upon the evidence from the most recent SHMA (EB010f).
- 8.40 The current SHMA identifies a current need for affordable housing for older people as follows:
- older people wishing to move , based upon existing demand and inward migration, 13.6.1, fig 13.5,
 - older people with support needs (13.8 and 13.9)
- 8.41 This evidence has been used to inform the Councils Older Persons Housing Strategy which confirms a total requirement of 200 affordable homes for older people with no support, 200 homes with support, and a total of 150 extra care units.
- 8.42 The accommodation for older people with no support needs can be met through the generic affordable housing stock. The balance of the requirement (approximately 18%) will be delivered through the Strategic Sites (Policy H2), and provision has been made in S2, S3 and S4.

Question 13 *Is the policy too prescriptive in requiring affordable housing to be 'in clusters of no more than 15 to 25 homes in one part of a development'?*

MDC Response

- 8.43 The Council does not believe that Policy H2 is too prescriptive, as it states that 'wherever possible' these provisions should be met, and there is some flexibility within the policy.
- 8.44 The Council is seeking to avoid significant segregation between affordable and market homes, creating 'inclusive and mixed communities' NPPF 50.
- 8.45 Complete segregation between tenure is not acceptable, especially on larger developments and this has been recognised by government on a number of occasions, (e.g. Select Committee of ODPM: Housing, Planning, Local Government and the Regions (Third Report) Feb 2003, Government Response to CLG's Committee Report: the Supply of Rented Housing – September 2008.), whilst literal pepper-potting is often impractical in terms of both development and management.

Issue 3: Whether policy H3 and its associated text dealing with accommodation for specialist needs is justified by the evidence, consistent with national policy and effective

Question 14 *This policy does not answer the 'what, where, when and how' questions that are required to be answered in local Plan policies (PPG ID 12-002). Please would the Council specify exactly what is required, where and when as a suggested modification to this policy. If it cannot, please say why.*

MDC Response

- 8.46 No modifications are required. The current identified need for specialist housing from the SHMA relates only to Older People (Extra Care) provision of Para 13.10.2.
- 8.47 The SHMA does not identify any other specific specialist housing need in detail, but does recognise the increased demand on sheltered, extra care and supported accommodation created by the aging population, key recommendation 1.1, and para 13.5 to 13.11. These

requirements for sheltered, supported and extra care are set out in the Council's Older Persons Strategy (MDC, 2010a).

- 8.48 Policies S2, S3, S4 and S6 require a range of housing on the key strategic sites including 'bungalows, sheltered housing, extra care housing, private retirement homes and lifetime homes' meeting the needs of an ageing population on the key strategic sites.
- 8.49 The Council's approach to meeting these requirements is detailed in its Older Persons Housing Strategy (EB071) and a significant proportion would be affordable and therefore delivered through H1 and H2.
- 8.50 The Council is aware that during the lifetime of the Plan there may be small numbers of specialist housing requirements identified, which are more likely to be recognised by partner organisations, rather than through the SHMA. Policy H3 is flexible enough to enable the Council to respond to any other identified specialist housing need in the future.

Question 15 *What is the evidence base for this policy? Does this policy reflect that?*

MDC Response

- 8.51 The evidence base is as follows, and has been used to inform Policy H3:

SHMA (EB010f)
Older Persons Housing Strategy(EB071)

Question 16 *Council: paragraph 5.23 says that more detailed information about the provision of specialist housing will be provided in a Strategic Housing SPD. What does this mean? I am concerned because the 2012 Local Planning Regulations strictly define in Regulation 5 what can and cannot be included in a SPD, and because the policy must be clear in order to be effective. Given this, should not this detail be in the Plan?*

MDC Response

- 8.52 The intention is that the SPD will provide supplementary technical guidance on the design, clarifying terms and definitions such as 'extra-care' and 'retirement' housing to assist those involved with the development of schemes in accordance with the policy.
- 8.53 The Council suggest that the term 'provision' be changed to 'type and design' to avoid confusion (please refer to Appendix 1). Details of the numbers required will be contained in the SHMA and Older Persons Housing Strategy (see 8.48). The Council acknowledges this will need to be a modification, and has included a minor modification to this effect.

Question 17 *In the light of advice in the PPG at ID 3-37, is the statement in paragraph 5.23 correct that C2 development does not count as part of the Council's overall housing supply?*

MDC Response

- 8.54 The Council recognises the updated advice, and considers that it may be clearer to remove reference to this distinction, and has included a minor modification to this effect (please refer to Appendix 1).

Matter 9: Provision for Travellers

Issue: Whether policy H6 and its associated text on the provision for travellers is justified by the evidence, consistent with national policy, and effective

Question 1 *Does policy H6 set out a clear strategy for the allocation of traveller and gypsy sites?*

MDC Response

- 9.1 Policy H6, with the proposed changes (SD04b, Appendix 14, Ref. 58-60), does set out a clear strategy for the allocation of traveller and gypsy sites.
- 9.2 Policy H6 has been informed by the best available evidence (EB073) and the evidence identifies only a relatively small need for additional gypsy sites for the District. This is reflected in the submission LDP Policy H6. Paragraph 5.48 of the LDP indicates that, while the Council's strategy is to not allocate any new gypsy sites, it will meet the identified need by considering future proposals through the development management process using a clearly defined sequential and criteria based approach as stated in Policy H6.
- 9.3 The Council is fully aware of the recently published new GTAA and accepted that there is likely to be a higher gypsy need in the District than previously identified, hence a need to allocate new gypsy sites. Instead of postponing the LDP Examination at this stage to review Policy H6 which will cause further delay to the adoption of other important strategic policies, the Council has taken a more pragmatic view and proposed a focussed review to Policy H6 soon after the adoption of the LDP. The focused review will be fully in compliance with national policy. It will identify future gypsy pitch targets for the District and will address under provision, and maintain an appropriate level of supply through site allocations.

Question 2 *Is Policy H6 consistent with national policy having regard to the aim in the Planning Policy for Traveller Sites (PPTS) of increasing the number of traveller sites, addressing under provision, and maintaining an appropriate level of supply?*

MDC Response

- 9.4 Policy H6 is generally consistent with national policy and has regard to the aim of the PPTS. Based on the latest evidence available at the time, Policy H6 identifies additional future need for gypsy sites and, taking into account local circumstance, seeks to address the identified need through a sequential and criteria based policy approach.
- 9.5 Since the LDP was submitted for examination in April 2014 a new GTAA has been published (EB007b). The new GTAA was commissioned by the Essex Planning Officers Association and currently represents the latest evidence for future traveller and gypsy site requirements for the District. In comparison with the initial evidence EB073, this new assessment suggests a significantly higher need for new traveller and gypsy sites in the future.
- 9.6 The Council acknowledges that, given this latest evidence, Policy H6 is likely to require a review. However, such a review will likely require a considerable length of time for the Council to undertake a robust and thorough review of the latest evidence and consideration of the implications. Should new allocations be deemed to be required in light of the latest evidence this would require further site assessment work and local consultation. The Council does not wish such a review to delay further the adoption of other important strategic policies such as strategy housing growth and infrastructure delivery. Therefore, the Council has proposed, through its earlier submission to the Inspector (CED10, section F), that much of Policy H6 (including the sequential and criteria based approach) should be implemented with a clear commitment to undertake a formal/focussed review of the policy

in 2016. This approach will minimise disruption to the LDP process while still setting out a realistic timescale for the Council to identify robustly future gypsy and traveller pitch targets and to allocate sufficiently new sites if required to address future needs.

Question 3 *Are policy H6's criteria for determining locations for Gypsy and Traveller provision consistent with national Planning guidance, including the advice in Designing Gypsy and Traveller Sites: Good Practice Guide?*

MDC Response

9.7 While the 'Designing Gypsy and Traveller Sites: Good Practice Guide' (the Guide) is not specifically referred to in the LDP, the criteria set out in Policy H6 (a-d) reflects the general principles set out in the Guide. However, to provide further clarity, the Council wishes to make the following minor amendments to Policy H6:

- Policy H6(d): Consistency with relevant national policy and guidance as well as other relevant policies in the LDP
- 5.53 Key Evidence Base Documents: Designing Gypsy and Traveller Sites: Good Practice Guide (DCLG, 2008)
- 5.53 Key Evidence Base Documents: Gypsy and Traveller Accommodation Assessment (ORS, 2014)

Question 4 *In terms of future pitch provision, do I understand correctly that the EB007b Gypsy and Traveller Accommodation Assessment (GTAA) represents the latest evidence in terms of future pitch requirements for Travellers within the District, and that the requirements are summarised in Table 83 on page 136 of the report? Does Table 83 identify a need for 32 additional Travellers pitches by 2028 as opposed to the submission Plan which identifies a need for 12 additional pitches by 2027?*

MDC Response

9.8 This is correct. However, as pointed out in CED paragraph 87, the Council will require more time to consider the conclusions and implications of the GTAA. The need for evidence review is more apparent given the recent DCLG consultation on potential changes to gypsy and traveller policies at national level as some of the proposed changes could have implications on how local gypsy needs are calculated. To allow a thorough review of Policy H6 including future pitch requirements, the Council has proposed a formal/focussed review of the H6 in 2016 (CED10, section F).

Question 5 *I have been told by the Council that its reference to 'more time' in paragraph 87 of its CED10 letter is explained in its suggested modification at Ref 060 in SD04b – namely, that the Council will undertake a single issue review of H6 in 2016. The Council intends that this review will be undertaken in parallel with the Rural Allocations Plan and that it will make provision for any additional pitch requirements (if required). What do representors think about this approach? Can the issue be left to a later Plan review as the Council and paragraph 5.48 of the Plan proposes? Should the sites be allocated in this Plan? If so, why?*

MDC Response

9.9 As indicated in the Council's answer to question 9.1 above, the proposed approach of a focussed review is pragmatic; it will minimise disruptions to the LDP process while still setting out a realistic timescale for the Council to identify future gypsy pitch targets and if necessary to sufficiently allocate new gypsy sites to address future needs. In practice, the Council intends to start working on the focussed review as soon as possible following the conclusion of the LDP Examination.

Question 6 *In the event that the Council is right to undertake a later review of H6, where does that leave policy H6 and its text now in the light of this and the new GTAA? Is this the purpose of the Council's suggested modifications at Refs 058 to 060 in SD04b? Are these suggested modifications acceptable?*

MDC Response

- 9.10 On balance, the Council believes a focussed review of Policy H6 is the most appropriate and pragmatic approach.
- 9.11 In light of the new GTAA, the Council accepts that it is highly unlikely that the current targets set in Policy H6 will still be appropriate, hence the Council has proposed for this part of the policy, together with any associated supporting text, be removed (Refs 058 to 060 in SD04b).
- 9.12 The Council believes that the sequential and criteria based approach set out in Policy H6 is consistent with national policy and guidance. Once adopted Policy H6 (as amended) will be able to provide additional policy guidance to relevant development proposals in the interim period until a focussed review has been completed which takes into account the latest evidence and any changes to national policy or guidance.

Question 7 *Will the Government's recently published consultation document on potential changes to travellers' policies and guidance affect policy H6? If so, how?*

MDC Response

- 9.13 If implemented, proposed changes to relevant legislation, policies and guidance could have significant impacts for Policy H6. In particular, proposed changes to the Planning definition of travellers (DCLG Consultation: Planning and travellers, para. 2.1 – 2.8) could change the way in which future needs are calculated i.e. some pitches may no longer be counted as travellers' site (in Planning terms).
- 9.14 At this stage it is unclear as to how or when the Government will implement these proposed changes. Therefore, it is difficult to assess how this consultation may affect the proposed focussed review of Policy H6. The Council believes that the proposed timescale for reviewing Policy H6 allows sufficient flexibility for it to respond and react to any potential changes in national policy as a result of this recent DCLG consultation.

Matter 10: Infrastructure

Issue: Whether policy I1 and I2 with their associated text dealing with infrastructure are justified by the evidence, consistent with national policy, and effective

Question 1 *Is the approach to delivering infrastructure appropriate, justified, effective, soundly based and consistent with the Infrastructure Delivery Plan and national policy?*

MDC Response

- 10.1 The NPPF states that Planning policies should recognise and seek to address potential barriers to investment, including any lack of infrastructure. Through the economic role of sustainable development, paragraph 7 of the NPPF requires the Planning system to identify and coordinate infrastructure provision to support development requirements. Paragraph 21 of the NPPF states that local Planning authorities should recognise and seek to address any lack of infrastructure which could act as a potential barrier to investment, and through the production of the Local Plan local authorities should identify priority areas for infrastructure provision. In addition, to ensure Planned infrastructure is deliverable in a timely fashion, paragraph 177 of the NPPF requires local Planning authorities to understand district-wide development costs at the time Local Plans are drawn up.
- 10.2 Through the production of a Local Plan, paragraph 162 of the NPPF states that local Planning authorities are required to work with other authorities and infrastructure providers to:
- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and
 - take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.
- 10.3 The Baseline IDP (EB059a) was produced to assess all infrastructure across the District and was based upon extensive consultation with relevant organisations and infrastructure providers. The following iterations of the IDP (EB059b,c,d) have updated the assessment of infrastructure provision in the District, and identified what additional infrastructure will be required to accommodate additional development proposed through the LDP. Through the production of the IDP, MDC has clearly identified any lack of infrastructure in the District which could inhibit the ability of new development to come forward. The list of infrastructure required to deliver growth is set out in section 4 of EB059d.
- 10.4 Based on the CIL Regulations, particularly in relation to CIL Regulation 122, section 15 of EB059c considered possible mechanisms to delivering infrastructure required to support growth allocated in the LDP. Based on the recommendations of EB059c, LDP Policy I1 identifies key infrastructure required to deliver growth in the District, and coordinates the delivery of infrastructure through an approach assessed with the LDP Viability Study (EB040a,b,c,d) to ensure a deliverable and viable strategy. By setting out an approach to pool S106 contributions, Policy I1 is seeking to prioritise the delivery of key infrastructure required to support the delivery of growth in the District.
- 10.5 Section 4 of the IDP (EB059d) sets out the District-wide development costs associated with the LDP, and section 7 of the IDP (EB059d) outlines the development costs for infrastructure associated with all strategic sites allocated in the LDP. Section 9 of the IDP EB059d outlines how Planned infrastructure is proposed to be delivered in a timely fashion

to support growth, and this Infrastructure Phasing Plan has since been updated (CED10 Appendix 13, and Appendix 6). In addition, EB059c and d have assessed quality and capacity of a range of infrastructure in the District, including the requirement of paragraph 162 of the NPPF.

- 10.6 The IDP (EB059c and d) was produced in conjunction with updates to the Local Plan and CIL Viability Study (EB040c and d). By combining the production of these documents, the Council has ensured that the proposed approach to delivering infrastructure set out in the IDP (EB059C and d) is viable and deliverable. Therefore ensuring that the approach set out in LDP Policy I1 is sound and effective.
- 10.7 The information above set out how the Council's approach to delivering infrastructure, and the information and details contained within LDP Policy I1 and the IDP, are consistent with national policy. The Council's approach to infrastructure delivery is therefore considered to be appropriate, justified, effective, and soundly based and consistent and national policy.

Question 2 Do policies I1 and I2 identify sufficiently the nature and type of infrastructure required, including highway improvements, provision of services and social, educational and leisure facilities given the various updates produced by the Council?

MDC Response

- 10.8 The May 2014 IDP (EB059d) reconsidered the approach to delivering infrastructure related to health, sports provision, allotments, and public transport within the LDP Garden Suburbs. Section 3 of EB059d concluded that where infrastructure would be located within a Garden Suburb, it would be appropriate for the infrastructure to be delivered through pooled S106 from sites where the infrastructure would be located and from sites directly benefiting from the infrastructure, contributions rather than through CIL as suggested in EB059c. To ensure that Policy I1 is consistent with the updates to the IDP, the following additional entries to Table 1 in LDP Policy I1 set out in the table below are therefore required as minor modifications (see Appendix 1).
- 10.9 Section 3 of EB059c outlined that an additional early years and childcare facility is needed to accommodate growth allocated in the LDP in Burnham-on-Crouch. This facility has been omitted from Table 1 in LDP Policy I1. To ensure that Policy I1 is consistent with the IDP, the following additions set out in the table below are therefore required.

	Site	S2d	S2e	S2f	S2a	S2b	S2c	S2i	S2j	S2k
Passenger Transport										
Passenger transport improvements to serve South Maldon		N	N	N	<u>Y</u>	<u>Y</u>	<u>Y</u>	N	N	N
Passenger transport improvements to serve North Heybridge		<u>Y</u>	<u>Y</u>	<u>Y</u>	N	N	N	N	N	N
Education										
One new early years and childcare facility to serve Burnham-on-Crouch		N	N	N	N	N	N	<u>Y</u>	<u>Y</u>	<u>Y</u>
Health										
Improved health facilities to serve South Maldon		N	N	N	<u>Y</u>	<u>Y</u>	<u>Y</u>	N	N	N
Improved health facilities to serve North Heybridge		<u>Y</u>	<u>Y</u>	<u>Y</u>	N	N	N	N	N	N
Green Infrastructure										
Sports facilities to serve South Maldon		N	N	N	<u>Y</u>	<u>Y</u>	<u>Y</u>	N	N	N
Sports facilities to serve North Heybridge		<u>Y</u>	<u>Y</u>	<u>Y</u>	N	N	N	N	N	N
Allotments to serve South Maldon		N	N	N	<u>Y</u>	<u>Y</u>	<u>Y</u>	N	N	N

Allotments to serve North Heybridge	<u>Y</u>	<u>Y</u>	<u>Y</u>	N	N	N	N	N	N
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10.10 The modifications to Table 1 in LDP Policy I1 set out above also ensure that the policy is consistent with updates to the Infrastructure Phasing Plan submitted to the Inspector in August 2014 (CED10 Appendix 13) and January 2015 (Appendix 6).

10.11 The IDP (EB059a,b,c,d) provides comprehensive information on the District's infrastructure provision, requirements, and methods of delivery. It is not appropriate to reproduce this information within Policy I1 and I2. The LDP policies instead refer to relevant information contained within the IDP. Therefore, alongside the IDP, and with the inclusion of the proposed modifications set out above, Policy I1 and I2 sufficiently identify the nature and type of infrastructure required to deliver growth allocated in the LDP.

Question 3 *Do the Plan and Infrastructure Delivery Plan (IDP) [and its updates] give sufficient information and evidence about the delivery, funding and viability of the specific infrastructure (including highway improvements or mitigations) required to deliver the Plan and each strategic site?*

MDC Response

10.12 The IDP (EB059a,b,c,d) provides a detailed assessment of infrastructure required to deliver the growth allocated in the LDP. This has been produced following extensive consultation and joint working with infrastructure providers, developers and other stakeholders. Section 15 of EB059d sets out how the key infrastructure required to support growth should be delivered and funded.

10.13 The Maldon District Viability Study (EB040a,b,c,d) identifies that based on LDP policy requirements and infrastructure requirements as set out in the IDP (EB059a,b,c,d), the strategic sites in the LDP Garden Suburbs and Strategic Allocations are viable and deliverable.

10.14 Table 1 of LDP Policy I1 lists the key infrastructure required to support growth allocated in the LDP, and outlines an approach to deliver the infrastructure through pooled S106 contributions.

10.15 The Council is confident that the information contained with the LDP and IDP in relation to infrastructure requirements and delivery is the best available information which can be provided at this stage, prior to the more detailed progression of sites undertaken through the submission of Planning applications.

Question 4 *Council: is there any further information about required mitigation measures and infrastructure in the time since the May 2014 Viability Study Update (EB040d)?*

MDC Response

10.16 Further information regarding the Eves Corner and Well Lane junctions in Danbury is provided within a updated Position Statement produced between MDC, Chelmsford City Council, and ECC (DOC119). Further information regarding highway mitigation required at Hatfield Peverel is provided through the Statement of Common Ground (DOC116). The Infrastructure Phasing Plan (Appendix 6) provides the latest updated information in relation to infrastructure phasing, delivery and implementation.

10.17 Since May 2014, outline Planning consent has been granted for site S2c. Through the appeal decision (appeal decision reference APP/X1545/A/14/2213988), it was agreed that site S2c would provide the following contributions towards infrastructure supporting the South Maldon Garden Suburb:

- Affordable Housing for at least 30% of the total number of dwellings to be split between affordable rented and shared ownership units for 1 and 2 bedroom flats, and 2 and 3 bedroom houses.
- Education provision based on the formula as advised by Essex County Council, which incorporates the education requirements of the South Maldon Garden Suburb set out in the LDP and IDP.
- A highway infrastructure contribution of at least £637,817 (as required in the LDP and IDP for site S2c). However, the developer will deliver the 'Wycke Hill Roundabout' to a standard acceptable for access to be provided to all sites in the South Maldon Garden Suburb. Where the costs of the roundabout are less than £637,817, the remaining funds will be provided to the Highways Authority to contribute towards highways infrastructure as set out in the LDP and IDP. Where the roundabout costs exceed £637,817, no further contributions will be provided toward highways improvements?
- A highway maintenance contribution of £20,000 for the Toucan signal pedestrian crossing and a contribution of £3,000 to travel Plan monitoring.
- A health care provision for a financial contribution of £22,500 to the NHS for additional healthcare services to Longfield Medical Centre and Blackwater Medical Practice.
- A contribution of £40,625 towards youth and children's facilities. This contribution is a percentage of the overall costs which is split between the strategic sites identified in the IDP.

10.18 In addition to the above, the duplicate Planning application approved in November 2014 included the following infrastructure contributions:

- A contribution of £5,000 for air quality monitoring purposes as set out in the IDP.
- A contribution of £3,300 towards allotment provision. This contribution is a percentage of the overall costs which is split between the strategic sites identified in the IDP.

10.19 10.19 Planning permission has been granted for land at Park Drive (14/00581) – Site S2(g) for 131 dwellings. A contribution has been secured for £325,000 to fund the replacement of temporary classrooms at Maldon Primary, which was previously to be funded by S2(a),- (c). Agreed S106 contributions also related to:

- £168,525 towards early years and childcare facilities
- £43,080 towards healthcare
- £52,000 towards public open space

A commitment to fund improvements along A414 between Chelmsford and Maldon has been obtained for £4m (£2m of SELEP funding matched by £2m from Essex County Council) to commence schemes by 2016/17. ECC has prioritised the following schemes to be funded by these monies, which were previously to be funded by developers by pooled contributions or CIL.

- (i) A414 / B1018 Limebrook Way (est. £1.47m)
- (ii) A414 / Little Baddow Road / Mayes Lane (Eves Corner) (est £0.28m)
- (iii) A414 / Well Lane (est £0.235m)
- (iv) A414 / Spital Road (est £0.94m)

These improvements were to be funded through pooled contributions (i and iv) from Sites 2a – e and CIL (ii). The commitment to fund these schemes securing of this funding will ease the viability on these developments, and ensure early delivery of key highway infrastructure to deliver the LDP (ie by 2016/17).

Question 5 Does the Council's update to Table 11 of the May 2013 IDP (EB059d) in CED10 Appendix 13 provide the necessary clarifications of when infrastructure would be required for the

Plan's housing delivery, the costs of the infrastructure, and the contributions required from strategic sites? If not, why not?

MDC Response

- 10.20 Document CED10 Appendix 13 has been updated and superseded and is provided as Appendix 6. This document clearly outlines when infrastructure would be required to support growth allocated in the LDP, and the total cost of the required infrastructure. The contributions required from each strategic site are set out at the bottom of CED10 Appendix 13.
- 10.21 Further information on the contributions required from each strategic site is also available in Table 8 of the IDP (EB059d).

Question 6 *How much development can take place on each allocated site before a specified piece of infrastructure in CED10 Appendix 13 has to be provided?*

MDC Response

- 10.22 Please refer to Appendix 6, which supersedes CED10 Appendix 13 to more clearly set out how much development can take place on each allocated site before a specified piece of infrastructure is required.

Question 7 *Much of the infrastructure relies on pooled funds from various sites. Bearing in mind the answer to the above question, will this pooling arrangement prevent the delivery of individual sites if monies are not available for key infrastructure works because other sites have not progressed as fast?*

MDC Response

- 10.23 LDP Policy I1 and the IDP (EB059d) establish the principles and requirements for how individual developers will be expected to contribute towards infrastructure. The update to the Infrastructure Phasing Plan (reference) outlines when infrastructure would be required in relation to the planned rates of housing delivery. Where contributions towards infrastructure are required from more than one developer, the Council has undertaken the following to ensure that the pooling arrangements will not detrimentally impact the delivery of key sites:
- i) Establishing and requiring joint working between developers, MDC, ECC and other key delivery agencies to consider the delivery of key sites through:
- Working closely with ATLAS to put in place appropriate structures and mechanisms as early as possible to ensure that effective and ongoing joint working to ensure joined up and timely delivery
 - Establishing the LDP Developer Forum (provide ref to relevant supporting doc).
 - The production of the Garden Suburb Strategic Masterplan Frameworks (SMF) (refer to SMF's).
 - Establishing working groups created alongside the production of the SMF, particularly in relation to infrastructure delivery (such as the South Maldon and the North Heybridge Executive Flood Alleviation Partnership. (refer to latest P&L committee report that summarises and sets out future working arrangements – this has not yet been submitted)
 - The agreed Statements of Common Ground with developers included within Policy I1 and the IDP highlights that developers are confident that growth will come forward, and key infrastructure will be delivered, in accordance with the requirements of the LDP (DOC117 and DOC118).

- Utilising a 'Development Team' approach between MDC and ECC through regular Development Team meetings to jointly consider the emerging proposals and future implementation of Garden Suburbs and Strategic Allocations;

ii) Further detailed consideration of the implementation of LDP Policy I1:

- Through the joint working identified above, and as part of the progression of Planning proposals for relevant sites, developers, MDC, and other key delivery agencies have been considering how to implement the requirements of Policy I1 in practice. This has included the phased delivery of schools and highways infrastructure to correlate with proposed housing growth and the viable provision of contributions, without stalling the delivery of individual sites. The agreed SoCGs for the LDP Garden Suburbs sets out further details in relation to implementation arrangements established (DOC117 and DOC118).
- Agreement of Planning Performance Agreements and establishing requirements for outline Planning applications (refer to recent P&L meeting which set out requirements – also refer to LDP Developer Forum meeting where this was discussed a while back in the Council Chamber – I recall that the presentation was submitted to the Inspector as part of the Examination)
- Specific meetings with developers and infrastructure providers where required to ensure that the latest requirements are fully understood and establish specific arrangements in relation to equilisation, identifying lead developers, etc

iii) Additional infrastructure funding or alternative financing:

- MDC has been actively working with developers, ECC, ATLAS, and the Environment Agency to identify additional infrastructure funding which could benefit the delivery of LDP Garden Suburbs and Strategic Allocations.
- A commitment to fund improvements along A414 between Chelmsford and Maldon has been obtained for £4m (£2m of SELEP funding matched by £2m from Essex County Council) to commence schemes by 2016/17. This will enable the early delivery of key highways infrastructure projects, and positively benefit the viability of development allocated in the LDP.
- Recent announcements in the Autumn Statement, Road Building Strategy (December 2014) included commitments to upgrades to the A12 by 2021 by widening to 3 lanes from Chelmsford through to the junction with the A120 South of Colchester. Such upgrades will improve the reliability of the A12 and ensure that the local issues identified at the B1019/B1137 junction will be minimised. Any strategic improvements will seek to improve the operation and effectiveness of the Maldon local highway network.
- MDC and developers continue to work with the Environment Agency and ECC to consider further funding options for strategic flood alleviation works in North Heybridge. Whilst the scheme can be viably delivered by the developers (refer to Viability Study and SoCG) any additional funds or alternative financing would further support the viability of the North Heybridge Garden Suburb and may help to secure the earlier delivery of the scheme during the plan period.
- MDC has actively lobbied Government to seek additional funding to support the delivery of growth allocated in the LDP. The Leader of the Council, Chief Executive, Chairman and Vice Chairman of the Council's Planning and Licensing Committee, and the Strategic Planning Policy Manager, together with the Members of Parliament for the District, met with Nick Boles MP, Parliamentary Under Secretary of State for Planning, on the 10 February 2014 (please refer to DOC101 for further details). In addition, a further meeting has taken place with the Brendan Lewis MP, Parliamentary Under Secretary of State for Planning, together with the Members of Parliament for the District, on 5 January 2014 to highlight a range of issues of

concern and lobby for greater support towards strategic infrastructure provision in the District which is required to support future growth.

Question 8 *Some of the works in CED10 Appendix 13 are scheduled for 2014/15. Council: what progress has been made on those?*

MDC Response

- 10.24 CED10 Appendix 13 was produced in August 2013 as part of additional information provided to the Inspector to address key concerns outlined in IED06 and further discussed at the exploratory meeting on the 3 July 2014. An update to CED10 Appendix 13 has been produced to support LDP Examination Hearing Statements, and is provided as Appendix 6.
- 10.25 A commitment to fund improvements along A414 between Chelmsford and Maldon has been obtained for £4m (£2m of SELEP funding matched by £2m from Essex County Council) to commence schemes by 2016/17. The mitigation at the A414/Limebrook Way (£1.47m) has been prioritised for funding.
- 10.26 Burnham-on-Crouch highway improvements ((B1010/B1021 junction)- ECC modeling/planning applications identify capacity issues at Maldon Road in PM peak, however these dissipate quickly, and proposed development does not significantly impact the junction. Improvements to be implemented in line with developer viability

Question 9 *Is the approach to seeking developer contributions, including the type and scale of contributions listed, appropriate, justified, effective, soundly based and consistent with national policy, and have the implications for the deliverability and viability of development been properly considered?*

MDC Response

- 10.27 The IDP (EB59a,b,c,d) has identified a range of infrastructure which is required to support the delivery of growth allocated in the LDP. Section 15 of EB059c considered a range of options for delivering infrastructure based on the requirements of national policy, and in particular CIL Regulations 122 and 123.
- 10.28 Section 15(i) of the EB059c outlined that where infrastructure requirements are directly related to more than one development site, either through the geographic location or benefit gained from the infrastructure item, the infrastructure can be funded through pooled Planning obligations from a number of relevant developers. As outlined in paragraph 15.14 of the EB059c, pooled Planning obligations are the preferred mechanism for obtaining contributions towards infrastructure, as this approach provides greater certainty that infrastructure will be delivered, and delivered at an appropriate time, as required to support new development.
- 10.29 The majority of growth allocated in the LDP is located within three geographic areas, South Maldon, North Heybridge and Burnham-on-Crouch, where infrastructure requirements within the three areas are closely connected. Table 21 of EB059c (updated in Table 7 of EB059d) therefore sets out required infrastructure which is directly related to one or more of the three geographic areas, and lists the development sites that should contribute towards required infrastructure based on the restrictions within CIL Regulation 122. As outlined in paragraph 15.7 of EB059c, the proposed pooling arrangements are also drafted to comply with CIL Regulation 123(3b), therefore no more than five sites are included within the pooling arrangements for each infrastructure item.
- 10.30 Having identified which sites and infrastructure items would be appropriate to be included within proposed pooling arrangements, paragraph 15.25 of EB059c considered the scale of contributions payable by each developer. EB059c concluded that it would be appropriate to apply the principle of 'impact' that growth of the strategic sites places upon an individual

infrastructure item. Therefore, Table 23 of EB059c (updated in Table 8 of EB059d) outlines an appropriate apportionment of infrastructure contributions across the strategic sites based on the level of growth allocated to each site (no. of dwellings).

- 10.31 Section 15 of EB059c considered the Council's approach to pooling arrangements in relation to exactly which sites and infrastructure items should be included, and concluded that selection of sites should be based on the geographic location of sites, and the level of information available on the required infrastructure item to allow pooling arrangements to be deliverable. Through the IDP (EB059c and d), the production of the pooling arrangements set out in LDP Policy I1 has therefore considered the appropriateness of sites to contribute towards infrastructure, the effective deliverability of infrastructure items, and compliance of the approach with national policy.
- 10.32 The proposed approach to delivering infrastructure set out EB059c and d, and LDP Policy I1, has been tested in the Local Plan and CIL Viability Study (EB040c and d). These documents identify that based on LDP policy requirements and infrastructure requirements as set out in the IDP (EB059a,b,c,d), the strategic sites in the LDP Garden Suburbs and Strategic Allocations are viable and deliverable.

Question 10 *Does the further work carried out since DOC100 regarding highway concerns at Eves Corner at Danbury indicate that this also needs to be added to the IDP?*

MDC Response

- 10.33 To support the submission of further information to the Inspector in August 2014, MDC, CCC, and ECC jointly produced a Duty to Cooperate Position Statement on strategic highways issues associated with the LDP (DOC100). To further assist the Inspector, an update to DOC100 has been jointly produced by MDC, CCC, and ECC, and is included as DOC117.
- 10.34 A commitment to fund improvements along A414 between Chelmsford and Maldon has been obtained for £4m (£2m of SELEP funding matched by £2m from Essex County Council) to commence schemes by 2016/17. The mitigation at Eves Corner (£0.28m) and Well Lane (£0.235m) has been prioritised for funding.
- 10.35 Based on the work undertaken since the production of DOC100, MDC is not proposing any amendments to the LDP or IDP.

Question 11 *Do the Council's suggested modifications at Refs 055 and 056 in SD04b resolve how and when infrastructure will be delivered? Council: will the IDP be consolidated?*

MDC Response

- 10.36 Suggested modifications referenced 055 and 056 in SD04b refer to additional text to be included within LDP Policies S4 and S6, which states; 'Identified infrastructure requirements will be delivered in line with the requirements set out in Policy I1 and the Infrastructure Delivery Plan'. The purpose of these proposed modifications was to provide further clarification on how the Garden Suburbs and Strategic Allocations in the LDP will be developed.
- 10.37 The IDP (EB059c and d) provides information on how and when infrastructure will be delivered. Through modifications 055 and 056, information contained within the IDP is linked to the delivery of the LDP Garden Suburbs and Strategic Allocations, and the information within the IDP should therefore be considered alongside the requirements of Policies S4 and S6. The suggested modifications to 055 and 056 therefore outline how and when infrastructure will be delivered.

- 10.38 As development proposals relating to strategic sites become more advanced and progress to the submission of Planning applications, more detailed and accurate information on infrastructure requirements relating to growth allocated in the LDP is produced by relevant infrastructure providers. The IDP is therefore a fluid document which has been updated three times to take account of new and updated information since EB059a was produced in June 2012.
- 10.39 The Infrastructure Phasing Plan included within Table 11 of EB059d has also been updated on two occasions to support additional information submitted to the Inspector in August 2014 (refer to CED10 Appendix 13) and January 2015 (Appendix 6). The updates were based on further refinements of details within the Phasing Plan by developers and relevant infrastructure providers.
- 10.40 Resource limitations have restricted the Council's ability to fully update the IDP on an ongoing basis. Therefore, IDP versions EB059b and d are focused updates which are required to be considered alongside EB059a and c, rather than forming a new IDP which replaces the previous version. However, following the completion of the LDP Examination, the Council will produce a new IDP which will consolidate all previous updates to the IDP (EB059a,b,c,d) and the Infrastructure Phasing Plan (CED10 Appendix 13 and Appendix 6) into one document. The IDP will be subject to ongoing review and updating to reflect changing circumstances over time.

Question 12 *On I2, the Council accepts that the delivery of a new Community Hospital cannot be committed to within the Plan period (CED10 Report). Is the Council's consequential suggested modification to policy I2 at Ref 057 in SD04b acceptable?*

MDC Response

- 10.41 Following concerns raised by the Inspector in paragraph 43 of IED06 regarding the delivery of a new Community Hospital, the Council accepted within CED10 that the delivery of a new Community Hospital cannot be committed to within the Plan period and, while desirable, would not pass the tests of availability, achievability and deliverability. Without an identified allocation, the Council is unable to set out 'what, where, when and how' with regards to the future of the St Peter's Hospital site.
- 10.42 The development of a new Community Hospital remains a priority for the Council. However, where there is uncertainty as to how a new facility would be delivered, the Council will instead seek to work with the NHS and other delivery bodies to consider how future health needs for the District should be addressed, and where required, how a new Community Hospital facility can be delivered. CED10 therefore proposed the removal of text relating to the delivery of a new Community Hospital within LDP Policy I1, and through suggested modification ref 057, proposed the following alternative text:

The Council will work with the NHS and other delivery bodies to ensure that the future health needs of the District are comprehensively addressed. New developments will be required to support the provision of new or improved facilities for health and social care and the Council will resist the loss of existing health facilities unless appropriate new provision has been secured. If it is considered necessary as a result of future strategy development by the NHS and other delivery bodies, a focussed review of the Local Development Plan will be undertaken to ensure the health needs of the District are met.

- 10.43 The Council maintains that the modification set out above appropriately addresses concerns raised by the Inspector in IED06, and is acceptable.