



Maldon District Local Development Plan 2014 – 2029

Examination in Public January 2015 – Legal Compliance
and Housing Policies

Response to Matters, Issues and Questions raised by
Inspector David Vickery

Matter 3 : Strategic Housing Growth – North Heybridge
Garden Suburbs S2, S3 and S4 also H1, H2, I1 and I2 –
but only as they affect these sites

Andrew Martin – Planning
Intermodal Transportation Limited
WSP

on behalf of

landowners, Messrs. Hughes and Sandy

Land to the East of Broad Street, Green Road and North of Lofts
Farm Drive, Heybridge (known as ‘Lofts Farm’).

January 2015



Point 1 – Is the strategy for development for these strategic sites appropriate, justified, effective, sustainable, viable, soundly based and consistent with the Plan’s strategy?

It is not proven that this strategic site is viable or soundly based. A position statement (CED10, Appendix 11) is vague and lacking in evidence to substantiate any of the claims that agreement has been reached with statutory bodies regarding infrastructure or that solutions can be found and financed. A plan should not proceed on the basis that some 30% of its housing requirement is proposed on land where detail concerning **what** is to be delivered, **when** and crucially **how**, is not known. Nor should it proceed where there is no full SA to evaluate its likely significant effects on the environment or reasonable alternatives that are available.

Point 2 – Hatfield Peverel Junction - Transport Issues (ITL)

We are not aware of any published update to the documents referred to by the Inspector. We would reserve the right to reply if new information is made available before or during the hearing, after the 9th January 2015 submission deadline.

In broadly reviewing the congestion issues at this junction we would make the following pertinent comments:

The congestion that would ensue at the B1019/B1137 junction would not be out of context relative to many Town junctions in Essex that exist at present. Congestion is part of everyday travel and this of itself can help to influence people’s decisions about where they work to minimize the frustration of travel.

This is not to say that nothing should be done to ameliorate the impacts upon this junction but the additional queuing and delay should be placed in light of the more relaxed consideration of traffic impact as set out in current national guidance (NPPF) where cumulative impacts have to be considered ‘severe’ to warrant a valid reason for preventing delivery of development.

In terms of what is required to deem the LDP plan acceptable may not require the major consideration of a new link road and junction on the A12, to bypass the north east side of Hatfield Peverel. Also, we consider that a new A12 junction would have to replace both the existing Hatfield Peverel grade separated junction and also the Witham west grade separated junction because it would not be feasible to facilitate a new junction between these two and meet the Design Manual for Road and Bridges (DMRB) standards in relation to safe weaving length requirements.

The Council (Braintree) has the ability to use its CPO powers and there would not be a better justification for using these powers to acquire property, land or, even the Duke of Wellington public house situated around the B1019/B1137 junction. Given this prospect we consider that a suitable signalised junction could be facilitated to reduce the impact to an acceptable level to satisfy Braintree District Council’s concerns and accommodate the Maldon LDF allocations. Moreover, in the short term we believe there may be an opportunity to introduce a set of pre-signals on the B1019 approach to the junction to manage the imbalance of flows at this junction to reduce delays, with development. These have not been considered but from our perspective there are a number of options available to consider, more so if additional land adjacent to the junction is secured.

The cost of constructing a new junction onto the A12 would be substantial an in the tens of millions (At least £40m). The cost of acquiring property and putting in a high capacity signalized junction at



Hatfield Peverel would be less than £2m as an absolute maximum in our opinion. Any short term measures such as pre-signals would be less than £200k.

Point 3 – Transport Issues (ITL)

Costs in CED10 should be included for the Hatfield Peverel mitigation measures. The cost of the solution at Hatfield Peverel should be included for the ‘lesser’ option identified above (around £2m allowance suggested) but given the uncertainty about delivering a new A12 junction and link, the Inspector would have to satisfy himself that the LDP could proceed without this large scale scheme, otherwise development per se in Maldon District would have to be questioned, being such a fundamental issue.

We submit that a solution exists that would avoid the need for a new A12 junction for this plan period. Messrs. Hughes and Sandy would be prepared to contribute to the funding of the study of options for the existing junction, if the Inspector was prepared to consider their site as a viable allocation site that the Council should consider.

Costs for public transport enhancements have been included in Appendix 13, although the bus operators themselves may provide improved services as viable propositions given the increase ridership that would arise from the development of North Heybridge.

Point 4 – Transport Issues (ITL)

Yes, the North Heybridge Garden Suburbs sites would generate some traffic movement along the A414 corridor. Similarly the South Maldon Garden Suburbs area would generate new trips on the B1019 corridor. Further refinement of the traffic distribution model for the Town would ascertain a fair split of proportionate investment towards remote off site locations identified for improvement, such as Eves Corner and in Hatfield Peverel. This refinement, and apportionment of cost, should be undertaken when the LDP spatial strategy has been approved.

Although Policy S4 does mention a requirement of both the North and South Maldon Garden Suburbs being acceptable if improvements are carried to the local and wider networks, the cost of improving the junctions near to Danbury and at Hatfield Peverel could be notable and therefore given BDC’s and CCC’s concerns in relation to identified junctions in their administrative areas, we submit that Policy S4 should mention this mechanism and the IDP and CED10 Appendix 13 tables should make some sensible allowance for these works and the costs that may fall to the Developers through CIL payments or pooled S106 payments.

Point 5

As set out in our responses generally and specifically to Question 12, Issue 3, Matter 1, we consider the plan as currently drafted to be unsound and that the proposed SPDs are not an appropriate procedure to provide detailed masterplans to guide future planning applications. As MDC has opted to go for a suite of Development Plan Documents, contrary to NPPF preference to formulate a single, all embracing Local Plan, it is necessary for the Council to produce further policy guidance. This should either be through an AAP or a neighbourhood plan following the required statutory procedures including full and comprehensive public consultation at each stage. The SPD process does not allow for this more vigorous and robust process. As such it is difficult to see how information contained in the North Heybridge Draft Strategic Masterplan Framework can be placed in Policy S4.



Point 6 – Transport Issues (ITL)

CE10 Appendix 13 schedules a gradual build programme for the bypass to North Heybridge over a four year timescale. It is shown in Appendix 13 that in the North Heybridge Garden Suburbs some 350 houses would be in place and occupied before the new link road was fully open and operational. This is just under 30% of the provision as currently drafted in the plan for this area.

We consider this is a realistic proposition and a sensible way forward to allow revenue streams from the sale of properties to be invested into the building of this expensive piece of infrastructure. However, the cost of the bypass is considerable and a very high abnormal levy for the developments in North Heybridge. This allied to very expensive flood alleviation measures that are required for the Countryside site does place a question mark over the deliverability of the bypass to the scheduled programme timescales. We consider this optimistic, implying that a stalemate situation could be reached where development halts or is severely restricted until other external funding can be put into place.

Land at Lofts Farm would help to facilitate and guarantee the delivery of the bypass, given that similar proportions of trip ends would be made from both the Lofts Farm and Countryside sites along this new link road.

Pooling of funds for all the necessary infrastructure would be fraught by legal machinations and potential differences of opinion between developers to deliver the ‘total package’ of highway works. Currently, the plan has been engineered (with the blessing of the developers) that the North Heybridge sites would pay for the new northern link road and that the South Maldon sites would pay for the Wycke Hill bypass. This is sensible because the investment would be a prerequisite of the development local to each site where the impacts would be greatest and any delay in funding the works would frustrate development on those specific sites only. In terms of all the other off-site improvements required (to several junctions around Maldon Town’s network and the more remote improvements outwith the Maldon administrative area), we consider that each site should contribute a proportionate amount of the private sector investment, according to how much traffic is assigned through the various critical junctions by each development.

Each off-site junction can be ranked in terms of the priority for improvement. Hence, as development takes place over the plan period the junctions can be progressively improved to accord with developer contribution releases.

Drainage/Flood Risk Issues (WSP)

The strength of the economic benefit of the Heybridge Strategic Flood Alleviation scheme (full details of which are currently unknown) necessary to secure funding is poor. According to the Environment Agency’s Flood and coastal erosion risk management investment programme 2015 to 2021, it is estimated the Heybridge Strategic Flood Alleviation scheme will have an approximate capital cost of £7,700,000 with an earliest construction start of 2016-2018 subject to demonstration of a robust business case (based on it demonstrating it is economically viable) of which the Environment Agency anticipate £6,200,000 will be secured through public/private funding. This is required to provide flood risk reduction to an estimated 620 homes within the existing settlement of Heybridge. The cost of the scheme for the benefit derived is disproportionate, with the considerable S106 contributions required to off-set the limited contribution to the scheme from Government due to the poor economic performance of the scheme (benefit to cost ratio). This appears is also reflected in the Essex County



Council Flood Investigation Report for Holloway Road, Heybridge Maldon produced in May 2011 which concludes in the fourth paragraph of section five that '*Permanent solutions to flooding on Holloway Road are costly projects, such as funded by risk management authorities*'. Through the partnership funding mechanism for delivery of flood alleviation schemes advocated by Government, previously economically unviable schemes can be brought forward with sufficient private/public funding.

To improve the certainty of delivering the Heybridge Strategic Flood Alleviation scheme the economic performance of the scheme could be significantly improved through inclusion of the Lofts Farm site. The Lofts Farm site would provide an additional allocation against which the S106 contributions necessary could be distributed, reducing the financial burden per dwelling on sites S2d, S2e and S2f to be more in keeping with those elsewhere in Maldon. In addition, the introduction of an outlet from the Heybridge Strategic Flood Alleviation to the east through Lofts Farm, enables a greater volume of flood water to be passed around Heybridge, further reducing the risk to existing properties (increasing the standard of protection offered to existing properties), releasing more land within sites S2d, S2e and S2f and potentially improving the benefit to Heybridge of the scheme, whilst additionally reducing the cost (due to an alternative route for outfall). These two components serve to improve the economic case by increasing the benefit and reducing the cost. This would in turn increase the contribution available from Government, decreasing the contribution required from S106 contributions increasing confidence in delivery of the scheme.

Point 7 – Pooling Arrangements for Key Infrastructure Works – Transport Issues (ITL)

Reference to Appendix 13, reveals that the costs associated with development north and south of Maldon Town are not balanced. This is readily discernable from the summary table in Appendix 13 where it shows the South Maldon sites would have to provide £29.2m for 1375 houses or, £21.2k per house built, whereas for the North Heybridge suburbs the three allocated sites would have to provide £36m for 1235 properties or, £29.2k per dwelling, as a contribution. These figures are likely to represent circa 9% and 11.7% of the sale price of a house assuming an average house is £250k. This is a substantial amount of money for a developer to find from the profit margin. This does question the viability of delivering the road improvements and highlights, in relative terms, that the North Heybridge developers have to find an additional £8k per dwelling, compared to the south Maldon developers.

Of interest in this debate is the contribution that the Burnham allocation sites have to collectively make. Appendix 13 suggests these Developers have to provide £2.1m for 450 dwellings or, £4.6k per dwelling. Whilst Burnham will have less impact on the Maldon road network, a notable proportion of Burnham's traffic will enter or pass through Maldon Town. The road infrastructure costs in Maldon amount to some £22.71m based on the Appendix 13 estimates. Of this, Burnham Developers are only contributing £58k, or 0.25% of the highway infrastructure budget. This is a huge under payment assuming a cautious 40% of the traffic generated by the Burnham residents would use the Maldon road systems. Hence, if £22.65m has to be funded from the Maldon south and north developers for a total of 2610 houses then each house has to contribute £8.6k towards road infrastructure (a broad average proxy to highlight our point, in context). Burnham properties are contributing £58k for 450 houses which is £128 per property. This is untenable and reinforces the reasons for shifting the Burnham allocation sites to Heybridge to make the delivery of the primary infrastructure more certain.

By way of an example, if 700 additional houses were to be provided at Lofts Farm, this could potentially bring down the unit cost contribution to an average of £18.6k per unit for the North Heybridge suburbs i.e. £36m/(1235 +700). This figure is then more equitable with the South Maldon contribution levels.



There would need to be negotiations with the key stakeholders regarding adjustments to these contributions to accord with the percentages of affordable housing etc. but, this simple demonstration model highlights areas of concern regarding the distribution of the private sector funding, as drafted.

We suggest this needs reviewing at a strategic level. It should also be noted that the ability to pool more than 5 contributors might be limited in due course.

Flood Risk/Drainage Issues (WSP)

If one or more party objects to a S106 contribution towards the implementation of the Heybridge Strategic Flood Alleviation scheme, the shortfall would have to be recovered elsewhere or the scheme could not be delivered. In such circumstances a flood alleviation scheme to benefit existing residents of Heybridge is highly unlikely to be realized.

Point 8 – Are Flooding and Sewerage Problems Now Resolved? Flooding and Sewerage Issues (WSP)

Subject to the uncertainty of securing funding for the Heybridge Strategic Flood Alleviation scheme through S106 contributions flooding issues to Heybridge could be reduced. However the currently tabled Heybridge Strategic Flood Alleviation scheme does not present the most sustainable or economically advantageous scheme available in light of the benefits offered when considered in tandem with proposed development at Lofts Farm.

Points 9 and 10

The provision of healthcare and affordable housing can be assured by the inclusion of Lofts Farm and increase in the critical mass of development to fund such social provision including services and facilities.

Point 14 – Transport Issues (ITL)

In relation to policy S4 the following comments are made in relation to transportation matters:

- a) We would envisage a regular local bus service (figure of 8 route) between the South and North Garden Suburbs passing through central Maldon visiting all key destinations en-route should be provided and also some increased frequency of services to Chelmsford and Witham via Hatfield Peverel.
- b) The road capacity is capable of accommodating the developments and in relation to the North Heybridge Garden Suburbs the separate 'Technical Highway Note' report prepared by Intermodal Transportation Ltd submitted as part of the 2013 consultation response, assesses capacity of the road system in Heybridge by reference to the work undertaken by ECC and within the context of NPPF guidance.
- c) All mitigation and junction improvement locations have been identified, although more assessment is required at some locations to decide upon the most cost effective solution to mitigate impacts sufficiently to make the developments acceptable.
- d) A large proportion of the essential community needs (educational, health, leisure and shopping) can be provided on the Lofts Farm site forming a strong hub and could be



delivered early in the plan. With additional housing on the Lofts Farm site the new communities in the North Heybridge Garden suburbs and, a considerable proportion of residents living in the existing housing stock in Heybridge, would have all their needs satisfied locally encouraging the use of non-car modes of travel, particularly walking and cycling or, very short bus journeys.