

### **Matter 3: North Heybridge Garden Suburb**

#### **Q1: Is the strategy for development for these strategic sites appropriate, justified, effective, sustainable, viable, soundly based and consistent with the Plan's strategy?**

This question covers a number of issues, and the parts of the question relating to viability and effectiveness are picked up in part in our answers to other specific questions below, and in part in our Matter 10 statement on Infrastructure.

We set out in our Matter 2 statement why the selection of the North Heybridge Garden Suburb is **appropriate** and **sustainable**, and note that it is **consistent with the Plan's strategy** which correctly provides for the majority of new growth at the principal settlements of Maldon and Heybridge. Having regard also to the unique potential of the North Heybridge Garden Suburb to deliver enhancements to local infrastructure that no other location for development can (again, noted in our Matter 2 statement), the selection of this site is specifically is also **justified** and **soundly based**.

#### **Q2: Have the requirements for mitigating the Hatfield Peverel B1019/B1137 junction issues been resolved ...**

A Highways Statement of Common Ground has been prepared and the Inspector's attention is drawn to this in responding to this question.

In the Position Statement at DOC103, it was noted that further work on potential interim measures for the junction would be undertaken for the end of October. That work was undertaken by Mayer Brown on behalf of Countryside, and submitted to the Highway Authority for consideration (see Appendix 1 for a copy of that report).

The additional work undertaken in our view confirms the approach expressed in our original representations to paragraph 2.67, which was that in essence, the issues expressed in respect of Hatfield Peverel primarily relate to long-term concerns about the impact of growth across this part of the region, rather than being matters that would materially constrain the implementation of the Maldon LDP. Nevertheless, the public transport strategy proposed in respect of North Heybridge will provide an appropriate level of mitigation in the short term, together with some possible small-scale improvements to assist traffic flow which are also identified in that report.

We do not support Minor Modification 013 in respect of paragraph 2.67. A revised form of wording is included in the separate North Heybridge Garden Suburb SoCG.

#### **Q3: ... the costs of mitigating the highway issues at the Hatfield Peverel B1019/B1137 junction and their timing are not shown on CED10 Appendix 13 ....**

The small-scale works identified in Appendix 1 do not represent substantial capital works that in our view warrant separate inclusion on CED10 Appendix 13. A public transport strategy is already identified as a cost item in CED10 Appendix 13, and the proposed public transport measures would form part of that strategy.

**Q4: Are these sites also affected by the necessary highway improvements at Eves Corner at Danbury?**

This is addressed in the aforementioned Highways Statement of Common Ground.

Traffic from the various development sites is not constrained to specific parts of the network, hence there will be an element of trip generation from North Heybridge that passes through Danbury, in the same way that some trips from South Maldon will pass through Hatfield Peverel. Equally, eastbound trips from Burnham-on-Crouch and other villages will be likely to pass through Danbury. Improvements to the highway network at Danbury (and Hatfield Peverel) therefore arise not because of the Garden Suburbs *per se*, or strategic growth in Heybridge and Maldon as such, but primarily from existing network trips from the whole of Maldon, coupled with an element of District-wide growth.

**Q5: ...should any of the information contained in the North Heybridge Garden Suburb Strategic Masterplan Framework be placed in these policies or IDP, particularly S4?**

In our view, no.

In terms of any transfer of content to S4, this is both unnecessary and in our view unsound, for the reasons set out in our Matter 1 statement.

In terms of any transfer of content to the IDP, in respect of Section 7 on Infrastructure, the SMF repeats the content of Policy I1 and S4, with the exception of the provision of Table 7.1 which is extracted from the May 2014 IDP. The SMF does not add anything more of substance in respect of infrastructure, that is not already covered by the IDP.

**Q6: How much development can take place on each allocated site before a specified piece of infrastructure in CED10 Appendix 13 has to be provided?**

Consideration has been given (in discussion with MDC and ECC) to infrastructure delivery and a revised Infrastructure Phasing Plan has been prepared (see separate NHGS Statement of Common Ground). This explores the timely delivery of infrastructure through the life of the project, seeking to deliver at appropriate points the physical, social and community infrastructure associated with the NHGS. Further reference can also be found in our Matter 10 statement.

Countryside Properties will continue to refine proposals for infrastructure phasing in the context of the preparation of their planning application. Through the PPA and planning application process generally, the specific obligations dealing with delivery will be addressed and agreed.

**Q7: Much of the infrastructure relies on pooled funds from various sites ... will this pooling arrangement prevent the delivery of individual sites if monies are not available for key infrastructure because other sites have not progressed as fast?**

In respect of the North Heybridge Garden Suburb site specific infrastructure, we would comment as follows:

- (1) The two smaller allocations are assumed in the IDP (EB059d) to deliver 8% of the funding each, and 84% is assumed to be provided from the principal allocation. Although the

contribution from these sites is important and necessary, a delay in one or other would not materially prejudice commencement of development on the others;

- (2) Work is already advancing on all three of the strategic allocations within the NHGS - there is no reason to suppose that any of these sites will not come forward in a timely manner; and
- (3) Notwithstanding the above, in our representations to Policy I1/Table 1, we have suggested that it may be more appropriate to pursue a refinement to the current approach, which removes the need for pooled contributions for single items of infrastructure (in particular, the strategic flood alleviation and link road items), which can still be done whilst maintaining a fair and equitable distribution of costs - see our Matter 10 statement for further comments on this issue.

Any risk perceived in the question is therefore already small, and can be reduced still further with a revised approach to infrastructure pooling and the appropriate drafting of planning obligations.

**Q8: Are flooding and sewerage issues now resolved? Can any flooding problems be practically and viably resolved?**

In respect of **flooding**, it is important at the outset to make clear that no part of site S2(d) falls within either a tidal or fluvial flood risk area.

Joint working between Countryside, the Council, the Environment Agency, the County Council, and Essex Waterways has resulted in agreement on the best means of capturing, holding, and diverting existing surface water run-off. Technical design and proving work has progressed to the point that the detail of an application is at an advanced stage pending submission. A summary of the current position and the scheme is set out in the note provided by Richard Jackson Engineers at Appendix 3.

Through that joint working, there is a practical scheme that can be delivered as part of the NHGS and as envisaged by Policy S4.

It is Countryside's intention to build the strategic flood alleviation (alongside the construction of the new link road), with work starting upon the commencement of the development, and taking around 4 years in total to complete in their entirety. As soon as the first attenuation areas are created, the scheme will start to have effect, since any water held and discharged more slowly from a holding area is water that would otherwise have flowed straight in to Heybridge.

Countryside's intention to programme these works as part of the initial phases of development (starting with the new outfall to the Blackwater and then creating the additional storage areas as the development progresses) arises because of the practical expediency of doing the work alongside the construction of the link road, rather than because the works are technically necessary at this stage of the development; the strategic flood alleviation works provide a long-term solution, facilitated by the development of the NHGS, and alleviates existing flooding problems in Heybridge.

In respect of **sewerage**, Anglian Water have previously advised that the WwTW has capacity to accept flows arising from the development, and has identified the upgrades required to the network in respect of conveyance of sewerage to the WwTW.

**Q9: CED10 Appendix 13 shows new healthcare provision ... where will these be provided? Please will the Council suggest a suitable consequential modification to Policy S4 and paragraph 2.53.**

Policy S4 already notes in the 3<sup>rd</sup> bullet on page 27 that development at the Garden Suburbs will need to make adequate provision for healthcare. In practice, this usually takes one of two forms, being either direct provision on site, or through contributions to expansion of existing facilities. Pre-application discussions have been held with the NHS and the local practices, who are still considering the different options. In our emerging application, and in our Masterplan, we are making provision for an on-site facility, but it remains a possibility that the NHS may in due course seek provision by alternative means.

In our view, Policy S4 makes the necessary policy reference for healthcare, and paragraph 2.53 correctly sets out the considerations. Flexibility is needed at the application stage to be able to respond to the requirements of the NHS at the time of any decision, and the eventual s106 agreement will set out the means of procurement or the quantum of any off-site contribution.

**Q11: What progress has been made on planning applications for these sites ...?**

Please see our Matter 2 statement, in respect of question 4, for an update for site s2d.

**Q12: Is it intended to bring forward sites S2e and S2f first as per Paragraph 2.8 of DOC103? If so, does this require any policy change to the Plan?**

Paragraph 2.8 does not go as far as to say it is intended to bring these sites forward first, only that their early delivery is not precluded in advance of site S2d. All three sites can be delivered independently (provided sites S2e and S2f make appropriate contributions to wider infrastructure).

No change to the Plan is therefore required, in our view.

**Q13: What size country park is proposed in policy S4?**

Table 3.1 on page 18 of the Green Infrastructure Study (EB041a) defines a “District Park” as being between 10 and 30ha. Figure 3.1 (page 21) shows that there is sufficient provision of parks in the Maldon and Heybridge area, but a shortfall in the rural parishes on the north-western side of the district (Langford, Ulting, Wickham Bishops and Little Braxted). The conclusions on page 30 are that a new District Park will be required in the district by 2028 to take account of population growth, and that the best location would be either the north-eastern part of the District or the Dengie, given that these are the locations of greatest shortfall.

Table 6 (page 15) of the IDP (EB059d) assumes the District Park is 20 ha in area. The need for a District Park is not a need arising from the North Heybridge Garden Suburb, per se, but a district-wide requirement. Being a district-wide requirement, the IDP identifies that the £200,000 assumed to be required for implementation will be generated through CIL (although according to EB059c at para 8.10 on page 60, this cost assumed no land purchase required, and therefore any land purchase cost would need to be accounted for, as well as future maintenance).

Our understanding is that the Country Park referred to in Policy S4 is the same as the District Park referred to in the Green Infrastructure Study and IDP. This assumption is based on our discussions

with Council Officers, and also the fact that the IDP Tables 8 and 10 do not identify any cost element against the North Heybridge Garden Suburb for providing a Country Park (because it is to be funded through CIL).

As per our representations to Policy S4 and paragraph 2.58, we consider that the LDP should provide greater flexibility as to the location of such a use, since there does not appear to be any specific evidence base to say that it has to be within the NHGS, let alone specifically west of Maypole Road.

In our original representations, we noted an inconsistency between the contents of Policy S4 and Policy I1/Table 1, with the District Park/Country Park identified in the former, but not the latter. It will be apparent from the above explanation that the resolution of that discrepancy could be the removal of reference to the Country Park from Policy S4 in favour of its inclusion in a separate, stand-alone site allocation policy, since its delivery is not justified by the North Heybridge Garden Suburb.

Notwithstanding and without prejudice to the above, Countryside Properties are not opposed to facilitating the provision of land for a country park west of Maypole Road and potentially south of Langford Road, subject to further design, purchase, delivery and management discussions with the District Council (and subject obviously to compliance with the CIL Regulations in terms of lawful use of obligations).

**Q14. In Policy S4 general development principles:**

- (a) What new or enhanced public transport provision?**
- (b) Is the road network capacity capable of accommodating the developments?**
- (c) What highway mitigation measures and junction improvements?**

In respect of these questions, please see the statement of common ground between Countryside and the Highway Authority.

**(d) What form and scale of community hubs and local centres are needed?**

There is no commonly applied policy standard by which an appropriate scale of community hub could be calculated. As part of preparing its planning application, Countryside are seeking market advice as to an appropriate scale for any local shopping offer that could be viably sustained, since ultimately any facility provided will need to be capable of being run on a commercial basis in the future. The intention would be to provide flexible commercial/retail space of a suitable size to accommodate such a facility, and a limited number of additional small scale commercial units, alongside space for other community uses, principally a medical facility (understood at this stage to be likely to comprise a 4 GP 'hub', subject to further discussion with the NHS). Countryside's forthcoming planning application will consider the scale and form of these elements, and explain the rationale behind the proposals.

**(e) What and where is the green infrastructure and youth and children's facilities?**

There are numerous potential locations within the overall development area where green infrastructure could be provided, and different Masterplan solutions would point to different locations. It would be inappropriate for the LDP to be prescriptive in terms of locations for such

facilities, which are matters better dealt with through the Masterplanning and detailed design processes associated with subsequent applications. The Council's Green Infrastructure Study (EB041a) sets out guidance on the type and quantum of green infrastructure required alongside development proposals, and this evidence will no doubt be used to inform the Council's determination of any planning application.

**(f) What is meant by adequate provision of affordable housing?**

We assume this means provision of affordable housing in accordance with Policy H1.

**(g) What proportion of housing for older people?**

Please see our Matter 8 statement.

**Q15. 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.**

The PPG does not specify the level of detail required to answer these questions. The issue of 'where', for example, could be nothing more than an indication of a "broad location" for development, and the policies in Local Plan should be tailored to the needs of the area, such that they should "... focus on the key issues that need to be addressed ...".

In our view, the LDP does provide the answer to the four questions, at a level of detail that is appropriate to the document and the form of development proposed for the North Heybridge Garden Suburb, and commensurate with the needs of the area. Specifically:

What – what is proposed is a development providing 1,235 new homes (Policy S2), of mixed tenures that would meet the requirements of Policies H1 and H2 (see Matter 8 for more comments on Policy H2), along with the social and physical infrastructure identified in Policies S4 and I1/Table 1 (recognising that Table 1 itself needs updating – see our representations to Matter 10);

Where – the development will be at the location shown on the Key Diagram and at Figure 5A, in the form described in the text to Policy S4;

When – in line with the phasing in Policy S2;

How – through the private sector, and through development contributions for the relevant infrastructure (Policy I1/Table 1).

The danger of trying to introduce additional prescription in to the LDP is that the additional material itself is unjustified – see our Matter 1 statement in respect of Issue 3 and the content of the SMFs.

**Q16. Will these development sites have any adverse impact on Heybridge Wood? Is this an 'ancient woodland'?**

Any potential adverse impact on the woodland can be mitigated through appropriate Masterplanning (e.g. ensuring that new development maintains a suitable buffer) and through appropriate management - please see Appendix 4.

**Q17. Does the Housing Mix (policy H2) need altering to make the sites viable? If so, how?**

Policy H2 does not set a specific mix for housing, or require a specific percentage of homes for the elderly (whatever that may mean in practice). It is our understanding that reference to the SHMA in the supporting text does not mean that the Policy requires all development to comply with the SHMA. If the Policy is interpreted as requiring that all new market housing should be 60% 1 and 2 bed units, then that would create a significant discrepancy with the Council's Viability Study, which makes no such assumption.

Please see our Matter 8 statement for further comment.