

Response to Inspector's Matters, Issues and Questions

Matt Clarke on behalf of RHS/Tolhurst and Charles Church

9th January 2015

Matter 5: Strategic Housing Growth – Burnham-on-Crouch Strategic Allocations S2, S3 and S6 (also H1, H2, I1 and I2 – but only as they affect these sites)

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

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 considered that the proposed strategic allocation sites meet the relevant tests as set out above.

The strategy of selecting three sites, each of which is well-related to the existing urban area of Burnham on Crouch, assists in the avoidance of significant landscape impacts and other constraints in the area, such as flood risk issues towards the southern part of the settlement. The focussing of development on Burnham on Crouch, which is a significant size in the context of Maldon District (as the second largest town), possesses a good range of facilities and services, and plays an important function supporting a wide rural hinterland, is considered to represent sustainable development, consistent with the requirements of the NPPF.

This is in turn consistent with the LDP's Spatial Vision, within which the pursuit of sustainable development features prominently, and particularly the assertion that ***"Growth will be concentrated in the most sustainable, accessible and appropriate locations."***

It is considered that the proposed Strategic Allocation sites at Burnham on Crouch represent the most appropriate strategy for the settlement and are therefore justified, in accordance with Para. 182 of the NPPF. This includes consideration against reasonable alternatives, both in respect of the initial proposal within the Preferred Options for concentration of 450 dwellings on a single site to the west of the settlement, and alternative strategies of growth at less sustainable settlements.

Notwithstanding this it is considered that there is scope for accommodation of additional dwelling capacity at site S2(j), whilst still retaining significant areas of public open space, and potential allotment provision. This would be consistent with a requirement to identify additional dwelling capacity within the district, to plan positively to meet the objectively assessed need and the setting of minima provision requirements at the major settlements, as well as the

sustainability advantages of such capacity being proportionately applied to appropriate sites where the principle of development has already been established.

The sites are also effective (again in accordance with Para. 182 of the NPPF) having regard to their deliverability, with progress being made on proposals for all three sites, and therefore good prospects of delivery in accordance with the phasing of the LDP.

Sites S2(j) and S2(k) are considered viable. This is consistent with the findings of the Local Plan and CIL Viability Studies that were used as justification for increased affordable housing requirement on the Strategic Allocation sites at Burnham on Crouch within the Pre-Submission LDP.

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?

The Infrastructure Phasing Plan Update (CED10 Appendix 13) does not specify limits to development on each site relative to delivery of any specific item of infrastructure as such, but rather sets out intended timescales for construction of each item which can be viewed alongside the dwelling trajectory.

The currently available version of CED10 Appendix 13 implies that a number of infrastructure items are needed prior to development taking place, however they are reliant on contributions for the funding of the works. Not only does this suggest that in some instances the infrastructure being funded by the developments is meeting existing deficiencies, but it does also raise some practical delivery issues.

It is understood that the Council are proposing to submit an updated version of this delivery programme which clarifies the latest information regarding timescales for implementation, and which proposes to push back delivery timing of some of the items (such as the B1010/B1021 junction improvements, in relation to which it appears to be acknowledged that the need for delivery is not clear-cut). It is noted that for some items there are no specific trigger points, and that contributions and delivery timescales will be determined through the planning application process.

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?

With the Strategic Allocation developments at Burnham on Crouch all phased for delivery relatively early in plan period it is likely that the contributions will be secured, subject to appropriate negotiations on an individual application basis, such that justified infrastructure that is required to make the developments acceptable in planning terms will be delivered in a timely manner. It is evident that planning applications have already been submitted for two of the three sites, whilst timescales for the third are the subject of an emerging Planning Performance Agreement, suggesting submission later in 2015. In the context of Burnham on Crouch it is not

therefore considered that the proposed pooling approach would represent any difficulties for delivery of the infrastructure items, and should not prevent the delivery of sites in any event.

4. Are flooding and sewerage issues now resolved?

It is not apparent that development of any of the sites would be directly affected by flood risk issues, such that delivery of the envisaged capacities would be put at risk. The planning application for site S2(j) is supported by a flood risk assessment, prepared in consultation with the Environment Agency, which demonstrates that the site can be delivered without significantly increasing the risk of flooding to the site and surrounding area, subject to some basic mitigation measures (minor ground raising at the site access, with associated re-profiling, and the incorporation of SUDs).

Whilst the northern part of site S2(k) is known to lie partially within flood zone 3 on the Agency's mapping, in respect of the area closest to Pannel's Brook, it is not envisaged that development would extend into this area of the site, which would therefore remain undeveloped, with the southern part of the site, most closely related to the existing urban form of the settlement, forming the focus of development.

Pre-development consultation with Anglia Water in relation to proposals for the sites at Burnham on Crouch, relating to varying scales of development (from 180, 250 and up to 450 dwellings), has indicated that flows could be accommodated from all scenarios within the foul network, subject to upgrading works required as part of the connection process. This is consistent with the advice that has been provided by AW in respect of the LDP strategy for Burnham as a whole, namely that upgrades to the system would be capable of supporting the scale of development proposed. It is understood that this advice has remained consistent for the settlement, and is reflected within the latest IDP Update (May 2014; EB059d).

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.

It is unclear whether a new surgery would be required or if the additional capacity would or could be met through extension or alteration of existing premises. This position is reflected within the latest IDP Update (May 2014; EB059d), which outlines overall developer contribution requirements and states that the Council is in discussion with NHS England and local GPs regarding ultimate implementation of measures to address increased demand. It is therefore understood that this is ultimately a decision for the NHS England in terms of the exact form that such provision would take, and that identification of a specific site may not ultimately be delivered if such an approach were not supported by the commissioning body. As such it is considered that the text in Para. 2.82 reflects this position, suggesting that enhancements to existing provision would be the favoured approach.

6. In the policy S6 development provisions:

a. Is the road network capacity capable of accommodating the developments?

An Essex Highways report, *Assessment of Impact of Proposed Development Sites in Heybridge, South Maldon and Burnham-on-Crouch on Highway Network* (May 2013; EB004a), assesses the impacts of a higher number of dwellings (900) on the network, concluding that at this level of development there would be sufficient capacity subject to works at the B1021 Church Road / B1010 Maldon Road Junction.

The Transport Assessment prepared in support of the application on site S2(j) has assessed performance of the local highway network. The capability of the network to accommodate present day traffic flows (as established through traffic surveys undertaken in July 2014) and predicted traffic flows for 2019 has been assessed. It is concluded that the assessed junctions all have capacity to accommodate predicted 2019 traffic flows (which includes development generated traffic). As such, no highways improvement measures are felt to be required to accommodate the impact of the proposed development.

This appears to have been reflected within the Council's proposed revision to The Infrastructure Phasing Plan Update (CED10 Appendix 13) in relation to which it is acknowledged that the need for delivery of junction improvements is not clear-cut. Overall this suggests that improvements may only be required to accommodate higher levels of growth.

b. What mitigation measures and junction improvements?

The only potential enhancement identified is for relatively minor works to the triangular junction between Maldon Road and Church Road, although it is considered that the need for this is not firmly established, as noted above.

c. What new or enhanced public transport provision?

It is unclear what new or enhanced public transport provision is required. Certainly we have previously objected to the wording of criterion 2) of Policy S6 specifically in terms of the reference made to such enhancements being required "within" the Strategic Allocation sites. It is not considered to be practical to expect diversion of existing (or indeed the creation of new) services to run through any of the sites, and it is unrealistic that service operators would be persuaded to do so, given their relatively small scale.

At the same time it is considered that Burnham on Crouch currently has decent bus service frequency in addition to benefitting from good accessibility to frequent rail services, such that the need for enhancement has not necessarily been justified in any event.

d. What and where is the green infrastructure and youth and children's facilities?

It is unclear whether any specific facilities or additional provision has been proposed in the context of these items for Burnham on Crouch. The south-western corner of site S2(j) has been

identified as an area of Semi-natural Greenspace (SN41), but it is understood that this is intended as a reflection of its perceived value (something that we have consistently objected to on the basis that this is entirely unjustified), as opposed to a proposal to create a new resource. Ecological assessment of the entire site, including this south-western parcel, has indicated that it is generally of low ecological value due to an intense arable regime, whilst it is evident that the parcel is not publicly accessible, and therefore current amenity or recreational value would be highly limited or non-existent.

Development of this site provides considerable opportunity, reflected within proposals within the current planning application, for the creation of alternative and significant areas of new public open space towards the northern part of the site, consistent with the objective (stated within the Preferred Options LDP) to avoid visual coalescence between the northern and southern parts of the settlement in this area, as demonstrated within the Landscape and Visual Assessment (in the context of both previous representations and the current planning application).

As noted above it is also envisaged that site S2(k) would be capable of delivering the stated capacity whilst creating a significant area of public open space adjacent to Pannel's Brook which would add to the network of green infrastructure at the settlement.

Similarly it is considered that the sites will all deliver appropriate local areas for play, yet it is less clear as to what is envisaged in relation to youth and other children's facilities.

e. What form and scale of community hubs and local centres are needed?

We have consistently queried the need for specific provision in this regard, and certainly the requirement stated at criterion 6) (Policy S6) for all of the sites to make provision, which would be inappropriate given the scale of sites proposed.

It is felt that retail provision should be focussed on the existing town centre, or is otherwise met by existing local independent retail outlets and that any additional retail development intended to meet more than immediate neighbourhood top-up needs would be in danger of harming the vitality and viability of the town centre, and these other existing outlets. The wording of the Submission LDP, referring to any such provision needing to be of an appropriate form and scale has however been welcomed.

f. What is meant by adequate provision for affordable housing?

It is assumed that this term relates back to the affordable housing percentage set out in policy H1 and that this wording perhaps hints at the flexibility inherent in that policy in respect of demonstration of viability limitations.

g. What proportion of housing for older people?

Whilst the wording of this element of Policy S6 is non-specific in terms of proportions (other than "significant") it is felt that the inclusion of a relatively lengthy and open-ended list of types of provision that would meet this requirement provides flexibility to discuss the exact form that this would take with Housing officers during pre-application dialogue for individual site proposals.

h. What (how much), when and how will the extension to the Burnham Business Park be implemented?

No comment.

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).

We have no comment to make on this, except to emphasise the points previously made in relation to public transport, community hubs/retail and potential scope for clarification in other areas noted above.

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

No comment.

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

A full planning application (ref: FUL/MAL/14/01234) was submitted to Maldon District Council for a scheme comprising 180 dwellings, public open space and other associated infrastructure on 18th December 2014, in accordance with an updated Planning Performance Agreement between the applicants (Charles Church) and Maldon District Council on site S2(j). This sets out the intention to determine the application, which was worked up through a positive process of pre-application engagement involving various functions of the District Council, by May 2015 at the latest.

As noted above a Planning Performance Agreement relating to submission and progression of an application for site S2(k) is also in the process of being agreed between the landowners and Maldon District Council. This proposes submission in August 2015, and determination by the end of the year.

Whilst there has therefore been some slippage from the dates specified in Table 2 of the CED10 Report, dating from August 2014, good progress is being made, with firm commitment and every prospect of achieving delivery of the required capacity in line with the phasing of the LDP.

9th January 2015