

## NORTH FAMBRIDGE PARISH COUNCIL

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Mr. D. Vickery Dip T&CP MRTPI  
c/o Andrea Copsey  
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Dear Mr. Vickery,

Responses to Examining Inspectors Matters and Questions Paper

North Fambridge Parish Council offers the following comments and observations in response to particular issues and questions raised by the examining inspector in preparation for hearings starting on 20 January 2015.

### **Matter 1: Legal Compliance:**

**Issue 1d)** We are concerned about the lack of importance that Maldon District Council attaches to Habitat Regulations Assessments. We have recent evidence of the willingness of the Council, contrary to regulations, to grant planning consents *before* the completion and publication of assessments relating to developments adjacent to or in close proximity to European SPAs and SSSIs (ref: OUT/MAL/14/01016; 1 Dec. 2014). Maldon District covers a predominantly rural landscape with important estuarine features. We believe that the Local Development Plan should leave no scope for doubt that areas and habitats of important scientific and natural importance will be rigorously protected. Maldon DC should be held to strict proof of compliance with regard to HRA requirements.

### **Issue 2: The Duty to Co-operate**

**No.10** We believe that the duty to co-operate has not been fully complied with in certain respects, particularly in respect of highway and transport issues arising from proposed development on the Dengie Peninsular. There is much emphasis in SD06 on highway issues at Heybridge, Maldon and the A414 at Danbury. There is also a repeated emphasis on the impact of development on the Chelmsford North East Railway Station. As a consequence there was inadequate consideration of the impact of development on the highway routes towards South Woodham Ferrers. No consideration was given to the limitations to growth of capacity on the Southminster Wickford Rail Line and the potential impact of commuter growth in the Dengie upon passenger access at South Woodham Ferrers.

An assessment of the impact at South Woodham Ferrers of traffic generated on the B1010/1012 from the proposed Burnham on Crouch and elsewhere on the south side of the Dengie is absent from EB004a, which includes an assessment of the impact of traffic generated by the proposed development in Burnham on Crouch. The assessment demonstrates that safety issues affect the B1010 at present levels of use:

*there has been a higher number of accidents recorded along this stretch of road than could be expected. A number of the incidents have been recorded at or near bends in the road – something that is a feature of this route (particularly at the eastern end near Burnham-on-Crouch). However, as Figure 11 shows, many of the accidents have also been recorded on the straighter sections and along much of the length of the route. This may be attributable to the route also being comparatively narrow for long stretches. This would seem to confirm that safety is a greater issue on this section of the highway network than could be expected for a road with relatively low traffic flows. (EB004a, page 39).*

SD06 demonstrates that insufficient consideration of the issue of safety and congestion on the B1010 and the impact of traffic growth at South Woodham Ferrers has failed to be taken into account. Recorded statements implying that it was not a subject of concern or that concerns expressed had been alleviated are not consistent with the conclusion in EB004a:

*This study has shown that, whilst it may be possible to accommodate the proposed developments with ‘nil detriment’ compared to the 2026 Background Traffic scenario if certain mitigation measures are in place and new junctions are built with sufficient capacity, there are a number of additional factors that need to be considered in the planning process. **Furthermore, these are not necessarily restricted just to the area in and around Heybridge, Maldon and Burnham-on-Crouch. The impact is likely to be felt further afield and issues such as safety should also be a consideration. (Our emphasis).***

**Matter 7: Rural Housing (Including North Fambridge) and Settlement Boundaries.**

We question that it is possible to answer the Inspector's question 1 in any detail because no detail exists. Therefore, it will be difficult for MDC to give an affirmative answer to question 1. All matters, including the evidence upon which allocations will be determined, have been deferred pending the Rural Allocations DPD. The implications for rural areas are as yet unknown. Nothing can be said regarding the soundness of Rural Allocations which are yet to be made. Does this mean that this element of the submitted LDP is by definition not sound?

The inclusion in the LDP of a notional Rural Allocations DPD to be determined at a later date also raises questions about deliverability. If the answers to questions 1 to 3 do not indicate completion within a reasonable timescale we would prefer the LDP to be modified to identify appropriate sites for proposed rural development.

Questions 4 and 5 under this heading relate to North Fambridge. We have argued that North Fambridge should have been considered within the Rural Allocations DPD allowing proper consultation regarding what contribution the village can make to the overall plan without detriment to the village's character. We do not consider North Fambridge to be suitable for this scale of development and therefore consider the plan in this respect not to be proportionate.

The record will show that The Parish Council has for many years drawn attention to issues of sewerage and surface water flooding to Maldon District Council and relevant agencies, including Anglian Water. It has now been accepted that major infrastructure works are required for foul water drainage before any new development in the village can be accommodated. There are no proposals for these works to be undertaken in Anglian Water's capital programme for the 5-year cycle beginning 2015. The plan for 75 dwellings in North Fambridge to contribute to the council's 5 year housing supply from 2016 is therefore undeliverable.

We have referred to highway infrastructure issues above. North Fambridge has only one road in and out of the village, emerging on a double bend on the B1010. Figure 11 in EB004a illustrates the distribution of accidents from Burnham on Crouch to South Woodham Ferrers between 2005 and 2012. As previously noted, the assessment report states that a number of the 115 reported accidents have occurred at or near bends. The entrance to the village is on a bend. Any increase in traffic emerging from or entering the village at peak times represents increased risk.

Despite such concerns expressed at the consultation stage, and the reality of deliverability due to sewage infrastructure constraints, Maldon Council has been exceptionally proactive in fast-tracking the re-submission of two outline applications for development totalling an additional 105 new dwellings (ref. OUT/MAL/14/01018 and OUT/MAL/0106). Other consents for new development bring the current total of new dwellings to be constructed to 119 an increase of more than 33% to the size of the village. The inspector's question regarding whether the proposed scale of development of 75 dwellings is suitable has been pre-empted, in our view raising questions of the Council's objectivity in its original proposal for 75 dwellings. Even

prior to the recent approvals Policy s.7 has been completely ignored, there has been no consultation on appropriate land for development, no specific allocation of sites and a complete disregard of para 7 (a). The inspector's question regarding infrastructure has similarly been pre-empted by the council's precipitate management of the two re-submissions; in particular are the foul drainage and highways capacities acceptable and viable? We say that they are not, but we are now presented with a "fait accompli" before we have had a further opportunity to draw attention to these issues and to other issues of lack of school places, GP services and limitations to the capacity of the rail branch line.

We therefore ask that the LDP be modified to reflect that the outline permission that exists for the 105 dwellings now approved more than meets the objective of Maldon District Council's submitted Local Development Plan for North Fambridge and that reference to further development in North Fambridge should be removed from the final plan.

## **Issue 2**

Development has already been approved in North Fambridge outside the defined settlement boundary changing the open nature of the village and impacting on the 'intrinsic character and beauty of the countryside' contrary to Policy s.8. There is currently no coherent plan as to the future nature of the village as this is subject to the DPD. By stating in the proposed LDP that North Fambridge should accommodate 75 dwellings in the first five years of the plan has opened up the floodgates to speculative development. Removal of the allocation of 75 houses would assist in the prevention of further speculative applications.

**Matter 10 Infrastructure.**

Question 2: Plans for the growth in rural areas of the Dengie require evidence of the deliverability of social, health and educational services. Records of meetings in the Duty to Cooperate file (SD06) contain inaccuracies regarding primary school capacity in some parts of the Dengie. While some capacity is available in secondary schools serving the area, some primary schools are oversubscribed and have no room for extension. The outcome of consultation with the Essex County Council with regard to the supply of primary school places is unclear. Similarly, the recorded responses of health providers are non-committal as far as guaranteeing growth in service provision in line with growth proposed in the LDP. New residents to North Fambridge are finding it difficult to register with GP services at the present time. New development in the LDP should be of a scale that matches availability of services if the objective of developing sustainable communities is to be achieved. There is no evidence that numbers proposed in the Rural Allocations are realistically matched to planned education and health services for rural villages.

Yours sincerely,

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Clerk to North Fambridge Parish Council