

Maldon Local Development Plan Examination

Chelmsford City Council Hearing Statement to Matter 10

Representation Reference: 0145-5276-I1-12

Matter 10: Infrastructure I1 and I2

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

Q1: Is the approach to delivering infrastructure appropriate, justified, effective, soundly based and consistent with the Infrastructure Delivery Plan and national policy?

Q2: 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?

Q3: 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?

Q5: 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?

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?

Q9: 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?

Q10: 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?

Q11: 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?

Response

This Hearing Statement primarily relates to Questions 10 and 11. It should also be read in conjunction with Chelmsford City Council's Hearing Statements in respect of Matters 1, 2, 3 and 4.

Pre-Submission Representation

1. Chelmsford City Council (CCC) submitted a representation to the Pre-Submission consultation with respect to Policy I1 (Infrastructure and Services), its supporting text and Table 1 Developer Contributions Pooling Arrangements for Strategic Infrastructure (Ref:

0145-5276-I1-12). The substance of the representation was that should CCC agree mitigation measures to overcome the highways impacts at Eves Corner junction and Well Lane mini-roundabout that these be included as a Section 106 requirement of the strategic sites rather than be left for potential Community Infrastructure Levy (CIL) funding. CCC sought appropriate amendments to Policy I1 and Table 1 (Developer Contribution Pooling Arrangements for Strategic Infrastructure) of the Local Development Plan (LDP).

Current Position

2. CCC is now satisfied that whilst not a perfect solution, the potential traffic impacts at Well Lane mini-roundabout in 2026 could be potentially mitigated by the implementation of a new priority junction. As such, CCC specifically requests that Policy I1 and Table 1 of the LDP and Infrastructure Phasing Plan (IDP) be modified to require this mitigation measure as part of strategic sites S2(a) and S2(d) and for construction in 2016/17. Please refer to CCC's Hearing Statement to Matter 2.
3. CCC disagrees with Maldon District Council (MDC) and Essex Highways that the installation of pre-signals at Eves Corner could provide adequate mitigation once the LDP developments are in place. Instead this Council considers that the residual impact (post pre-signals mitigation) as assessed in the LDP transport and access evidence base¹ is likely to be severe, contrary to paragraph 32 of the National Planning Policy Framework (NPPF). Please refer to the City Council's Hearing Statement on Matter 2.
4. However, if the Inspector disagrees and concludes that the LDP sound on this matter, CCC request that Policy I1, Table 1 and the IDP be modified to require pre-signals at Eves Corner to be a Section 106 requirement of at least strategic sites S2a (see also paragraph 5 of CCC's Hearing Statement to Matter 3).

MDC Pre-Submission Modifications

5. CCC notes that since submission of the LDP, MDC has published suggested modifications to Policy (Ref 055 in SD04b) and to paragraph 2.66 of Policy S2 (Ref 012 in SD04). The latter modification is to "require" specific strategic highways improvements at the Eves Corner junction as developer contributions or for inclusion within the Council's CIL Regulation 123 list. Paragraph 2c of the emerging update to DOC100 (January 2015) also identifies junction improvements at Eves Corner and Well Lane as being preferred projects for the Local Growth Fund.
6. Although these references are welcomed in principle, they do not overcome CCC's concerns. There is also no reference to the priority junction at Well Lane mini-roundabout within the Council's CIL Regulation 123 list or Infrastructure Phasing Plan Update (CED10 Appendix 13).
7. Overall CCC considers that as it stands Policy I1 and Table 1 fail the soundness criteria of being positively prepared and justified as they do not effectively address cross-boundary highways issues in Danbury. Specifically they do not recognise the need to improve highways infrastructure provision at Eves Corner and Well Lane mini-roundabout in Danbury in order to make the LDP strategic housing growth acceptable in planning terms.

¹ Including Refs: EB004a, EB004b, EB004c and EB004d.

These concerns relate to the content of the LDP and are not objections under the Duty to Co-operate.

8. Notwithstanding paragraph 3 above, in order to address these concerns, CCC suggests that the highway mitigation measures at Eves Corner junction and Well Lane mini-roundabout should be a pooled Section 106 requirement of at least the strategic sites S2 (a) and S2 (d). This would require appropriate modifications to Policy I1, Table 1 and the IDP.
9. In doing so, this would provide certainty that these highways mitigation measures would be delivered as they would be a requirement of the planning permission for these strategic sites. CCC considers it is unacceptable to rely on funding through CIL or the Local Growth Fund given that both are uncertain at this stage. Securing funding is particularly important given that the LDP transport and access evidence indicates that these junctions are currently operating over capacity at peak times (see CCC's Hearing Statement to Matter 2). These modifications would ensure that financial contributions are ringfenced for this specific use. This would also ensure delivery of the highway mitigation schemes in Danbury, whereas because CIL is not ringfenced for any particular project nor allows for trigger points for delivery related to occupations of new housing, there is no certainty of delivery and would be subject to a future decision by MDC.
10. CCC considers that securing funding for the mitigation measures through S106 agreements would accord with the relevant legal and policy tests as set out in the Community Infrastructure Levy Regulations 2010 as amended (Regulation 122 and 123) and the National Planning Policy Framework (paragraphs 203 and 204).
11. The LDP transport and access evidence indicates that Eves Corner junction and Well Lane mini-roundabout would be incapable of accommodating additional traffic flows from the planned LDP strategic housing developments in their current form. These junctions currently operate above capacity at peak periods and this is expected to worsen in 2026 with the addition of background traffic (Tables 4-1 and 5-1 of EB004d). They would deteriorate significantly post-LDF development.
12. Notwithstanding paragraph 3 above, CCC considers that specific mitigation is therefore required at Eves Corner and Well Lane mini-roundabout to make the LDP development acceptable in planning terms. The mitigation measures will be necessary because of the proposed LDP developments and would accordingly be directly related to Maldon's planned growth in scale and kind. On this basis, CCC considers that the mitigation measures should be identified in the LDP as a pooled Section 106 requirement of at least the strategic sites S2 (a) and S2 (d). This would be in accordance with the S106 agreement legal and policy tests.

Chelmsford City Council 9.1.15