



---

# 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 10 : Infrastructure, I1 and I2

---

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 – Transport Issues (ITL)**

We consider the approach to delivering infrastructure in the draft plan is appropriate insofar as the funding phasing strategy is concerned. However there are four pertinent matters that should be considered regarding justification and soundness:

The IDP does not give any assurances that the developers can finance the abnormal infrastructure costs. Only a relatively modest quantum of the housing program can be delivered before the two bypass links to the north and south of Maldon would need to be delivered. Failure to secure these large injections of cash over a relatively short time period (4 years for the northern bypass and 7 years for the southern bypass) would frustrate the build program and may affect delivery of the housing allocation over the plan period. We consider the Inspector should be satisfied that these commitments can be met particularly to North Heybridge suburbs where the average contribution per household is almost 30% higher than for the South Maldon Garden suburb developments.

More certainty to the delivery of the North Heybridge infrastructure package would be assured if the Lofts Farm site were to be allocated as part of this plan to absorb redistribution from Burnham and the rural allocations as discussed under earlier ‘matter’ headings.

If the Inspector disagrees with our opinion that notable expansion of Burnham on Crouch is wrong in spatial sustainability terms, then Burnham’s S106 funding should be substantially increased to help meet the cost of highway infrastructure improvements in Maldon, as highlighted in our Matter 3; Issue 1; point 7 response; moreover the Burnham developers should contribute to public transport provision to be equitable with the Maldon developer contributions, particularly as the Burnham housing would be in a relatively inaccessible location.

Table 6 of the IDP (May 2014) should schedule funds for the improvement of the B1019/B1137 junction in Hatfield Peverel and that this should be part of the pooled S106 funds split between both the south and north garden suburbs. The South Gardens suburbs which would have a greater transport impact on the A414 when compared to the North Heybridge suburbs allocations are not paying anything to the A414 capacity improvement outwith Maldon’s administrative area, so it would not be fair for the North Heybridge sites to pick up any levy for improvement of the Hatfield Peverel junction in isolation. Indeed we would suggest the Inspector ask both Maldon District Council and Essex County Council if funding from the County’s capital highway programme could be set aside for works to the junction in Hatfield Peverel, in a similar view to be consistent with the way the Eves Corner improvement is being funded.

**Point 2 – Transport Issues (ITL)**

Policy I1 outlines the general requirements of the infrastructure delivery and, by reference to the supporting text, points to the IDP for the breakdown of, inter alia, highway schemes which, is considered adequate.

**Drainage/Flood Risk (WSP)**

Policy L1 outlines the general requirements of the infrastructure delivery and, by reference to the supporting text, points to the IDP for the breakdown of, inter alia, flood defence which, is considered to present a risk to the implementation of the Heybridge Strategic Flood Alleviation scheme.



Policy L1 states that *'An obligation should only relate to infrastructure requirements specifically related to the proposed development, and should be used to address matters that are necessary to make a development acceptable in planning terms. Planning obligations are legally enforceable under section 106 of the Town and Country Planning Act 1990'*.

It is likely that a quantum of development can be brought forward in the NHGs without the benefit offered by the Heybridge Strategic Flood Alleviation scheme. This places in jeopardy the security of delivering a scheme that is clearly beneficial to existing residents of Heybridge.

For the reasons stated under Matter 3 Point 6, inclusion of the Lofts Farm site can improve the economic performance on the Heybridge Strategic Flood Alleviation scheme and reduce the burden of cost on development.

### **Point 3 – Transport Issues (ITL)**

There is no evidence base behind Policy I1 to reconcile if the level of contribution per dwelling is viable and affordable by the respective developers. Comparisons with other historic local plans would help to give some assurances that the level of funding required can reasonably be expected to be met.

Key to the delivery of the plan are two critical elements of highway infrastructure, where, if not provided, would bring about a 'severe cumulative impact' under the NPPF definition; these are the North Heybridge bypass and the Wycke Hill bypass schemes. Hence, we consider that Policy I1 should perhaps have a schedule of allowable housing limits to the North Heybridge and South Maldon suburb sites, before each bypass is respectively opened.

### **Flood Risk/Drainage Issues (WSP)**

There is no evidence base behind Policy I1 to reconcile whether the level of contribution per dwelling is viable and affordable by the respective developers. As implementation of the Heybridge Strategic Flood Alleviation scheme would be prudently and most sustainably undertaken in tandem with the North Heybridge relief road the contribution required against these schemes from sites S2d, S2e and S2f is considerable. Including land at Lofts Farm would enable the cost of delivery of both of these necessary infrastructure improvements to be reapportioned, reducing burden across sites S2d, S2e and S2f to be more in keeping with the contribution per dwelling anticipated elsewhere in Maldon whilst also increasing the prospects for successful delivery for the benefit of existing Heybridge residents.

### **Point 5**

Table 11 of CED10 Appendix 13 is considered to clearly set out the program for the delivery of the various infrastructure with the exception of some consideration for the Hatfield Peverel B1019/B1137 junction improvement which may be deliverable within the plan period, if lesser alternatives are considered in lieu of the suggested connection of the B1019 to a new A12 junction.

### **Point 6 – Transport Issues (ITL)**

The 'Infrastructure Phasing Plan' at Appendix 13 of CED10 does show the development take up before certain infrastructure trigger points for construction. We have however, seen no evidence to establish how this highway construction 'pecking order' has been established.



**Floodrisk/Drainage Issues (WSP)**

Refer to response under Matter 10 Point 2.

**Point 7 – Transport Issues (ITL)**

The IDP (May 2014 document) indicates that a funding gap of £83.2m exists to be either paid through CIL charges or, the majority via pooled S106 funds. The payment of £63.2m as part of phased pooled funding plan would be secured by increments as part of a scheduled program from each developer, whilst the CIL would be an additional indirect payment into an infrastructure pot upon completion of each dwelling. The only external funding for infrastructure appears to be some ECC highway funding for the Eves Corner junction and other small local safety and capacity and public transport infrastructure schemes; some Anglian Water funding for a wastewater treatment upgrade (unspecified at this stage) and a small amount from the Lottery fund and Sports England/Parishes for sports facilities.

The main cost of the two critical bypass schemes fall to sites S2a and S2b for the Wycke Hill bypass and S2d for the North Heybridge bypass. Hence, there should be a high degree of confidence that the Northern bypass can be delivered under the control of one developer and a reasonable prospect that the Wycke Hill bypass could essentially be delivered by the two main developers in the south. We still, however, consider that guarantees are secured regarding these large cash injections, so that the delivery of the plan, from a highway infrastructure perspective, is demonstrably not delayed because of lack of highway funding.

**Flood Risk/Drainage Issues (WSP)**

Yes and for the reasons to those identified against point 6 above.

**Point 9 – Transport Issues (ITL)**

No, we do not believe that the deliverability and viability of the development has been properly considered. We consider further evidence of the delivery of other (historic) plans with similar levels of abnormal contributions needs to be evaluated to assess the risk of failure to fund delivery of the critical infrastructure that would otherwise deem the plan as being unacceptable in accordance with national planning guidance.

**Flood Risk/Drainage Issues (WSP)**

Refer to response provided against Matter 3, Point 6.

**Point 10**

The cost of any mitigation scheme for Eves Corner should be updated and put into the IDP tables, especially if this is to be funded through CIL rather than through ECC's highway schemes budget.



**Point 11**

The answer is No.