
**MALDON DISTRICT
PRE-SUBMISSION
LDP and CIL
PRELIMINARY
DRAFT CHARGING
SCHEDULE**

**FREQUENTLY ASKED
QUESTIONS (FAQs)**

Maldon District Council

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Abbreviations and Key Terms:

Local Development Plan (LDP)

Community Infrastructure Levy (CIL)

National Planning Policy Framework (NPPF)

Examination in Public (EiP)

1. What is a Local Development Plan (LDP)

The Local Development Plan identifies growth requirements for the District between 2014 and 2029, and set out a policy framework to ensure these requirements will be met. It will be one of the main tools of which the Council can plan for future developments within the District in a strategic manner and resist any unwanted or speculative developments.

2. Why is the Council consulting again?

‘Pre-Submission’ means that this is the version of the LDP that the Council will submit to the Secretary of State for Examination-in-Public. However, before it is submitted the Council is legally obliged to obtain views from the public in relation to the soundness and legal compliance of the LDP and that is the purpose of this consultation.

All responses will be forwarded directly to onto the Inspector appointed to undertake the public examination.

3. So, what has changed since the last version of the LDP?

Changes have been made to the LDP in light of the responses received during the Draft LDP Consultation 2013, as well as the latest updates to the evidence base, in particular to the Viability Study update, highway assessment update and the Infrastructure Delivery Plan update.

A number of alterations have been made to the LDP as a result of the responses and evidence base updates; the most significant changes relate to:

- A redistribution of 335 dwellings from the South Maldon Garden Suburb to the North Heybridge Garden Suburb;
- Adjustments to the strategic infrastructure requirements e.g. education and highway improvements, taking into account the redistribution of the housing allocations;
- Alterations to the masterplan boundary of the North Heybridge Garden Suburb and the inclusion of an additional site (S2(f) West of Broad Street Green Road) not previously included;
- The inclusion of three reserve sites in the Plan and general criteria for considering the release of these sites;

- Alterations to the infrastructure policy, including the introduction of arrangements as to how developer contributions will be pooled from individual strategic growth sites to deliver identified strategic infrastructure;
- Adjustments to the affordable housing requirements taking into account the latest viability evidence;
- Minor changes to the Proposals Map.

For further details regarding these changes please see the [reports to the Council on the 11th December](#) and the [Schedule of Changes](#).

4. What is the Community Infrastructure Levy (CIL)?

The Council is preparing a CIL covering the whole District which will raise funds from developers undertaking new building projects in their area. The schedule sets out a fixed rate that will be chargeable on new development including new dwellings and extensions to existing dwellings above 100 sqm.

The Council is proposing a charge of £70 per sqm for most new residential development in the District and £150 per sqm for various other types of development – details are enclosed within the [CIL consultation documentation](#).

5. What will the CIL money be used for?

The Council is in control of how and when the CIL money will be spent. A list of infrastructure items, called a [section 123 list](#), outlines the Council's priority. [A draft section 123 list is included in the latest IDP](#). The Council's intention is that this list will include items such as roads, schools, medical facilities, parks and community facilities, however the Council is able to choose what it spends money on as long as it complies with the law set out in the [Localism Act 2011](#) and the [CIL guidance 2013](#).

Parish/Town Councils will be entitled to up to 25% of the CIL income (uncapped) raised from new development in their areas, as long as they have an adopted neighbourhood plan. Councils that do not have a neighbourhood plan will receive 15% of CIL and capped at a maximum of £100 per new dwelling. The Parish/Town councils will be able to choose what to spend their CIL money on, so long as it complies with the law set out in the [Localism Act 2011](#) and the [CIL guidance 2013](#).

It is important to note that the CIL money along will not be sufficient to address all existing infrastructure deficits, however, it will be a useful source of income to help to facilitate appropriate infrastructure scheme or to attract funding from external sources.

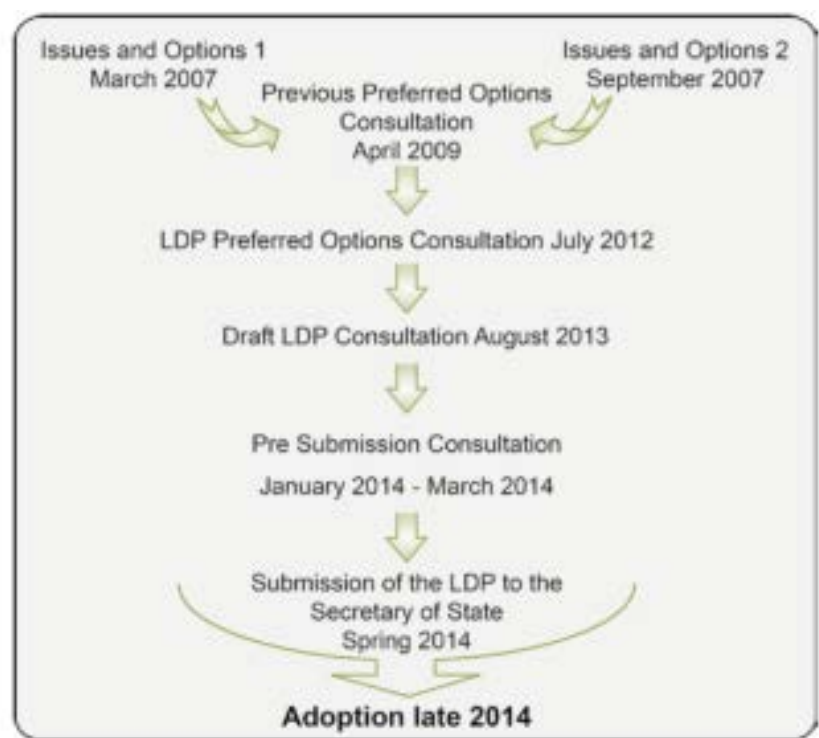
6. When did the Council start work on the LDP and what stage has been reached?

- **2006** The Council began work to develop and produce a Local Development Framework (LDF) Core Strategy that would set out the spatial strategy for the district.
- **2007** Two 'Issues and Options' consultation rounds were undertaken for the LDF Core Strategy in March 2007 and September 2007.
- **2009** The LDF Core Strategy 'Preferred Options' document was published for public consultation.

However, between 2010 and 2013 the Government made a number of reforms to the planning system, including introducing the National Planning Policy Framework (NPPF).

- **2011** In response to changes in the planning system, the Council took the decision to develop a LDP that would not only set the spatial strategy but would also include strategic allocation and development management policies. The LDP has been informed by the consultation undertaken as part of the LDF Core Strategy and builds upon the priorities expressed as part of this process.
- **2012** The Council published the Local development Plan Preferred Options consultation document in July 2012.
- **2013** To comply with the NPPF, the proposed housing increased from

The key stages of plan preparation are set out in the following diagram.





Making a Response

7. What can I do to make an objection to the Pre-submission LDP?

There is a formal consultation response form which you can fill in and return to us. This form is available for download from the Council's website. Hard copies of the form are available from the Council Offices, local libraries and Parish/Town councils.

Please do read the [Statement of procedure and guidance notes](#) before filling out a [response form](#). Consultation responses at this stage will be forwarded to the Inspector and is thus highly regulated.

8. I thought I've done this before: what about my previous consultation response?

All responses received during the previous consultation have been analysed and used to inform the preparation of the Pre-Submission LDP. They will be made available to the Inspector who may refer to them at Examination-in-Public. If you feel that the Council has not properly taken your consultation response into account, [you should fill in a representation form and appeal to the Inspector](#).

9. Why is this stage of the consultation so complicated?

Some people may find it difficult to understand the current consultation process. However, during this stage of plan making the Council must fulfil the requirements set out in the relevant legislation and regulations.

Responses received at this stage will be forwarded directly to the Inspector for his/her consideration as part of the plan's [Examination in Public](#) (EIP). It is therefore important for local authorities to structure consultation responses in a way that's standardised and clear for the Inspector. For this reason, we have produced a "[Statement of Procedure and representation guidance notes](#)" which provide clear guidance of how you should fill in the [response form](#). All relevant documents are all available on the [Council's website](#).



10. Why has it been necessary to plan for the level of growth in the LDP?

Until recently, local housing and employment targets were set by the East of England Plan which requires Maldon District to deliver a relatively lower level of housing growth (approximately 120 per annum). This is partly because some of the housing need for the District was directed to the main growth areas within the region e.g. Chelmsford, Colchester and Cambridge.

With the recent planning reform and the adoption of the NPPF, changes were made to the planning system that has impacted on how housing and employment targets are derived. The East of England Plan, which used set growth targets, has been revoked and instead Councils are required to set their own housing targets based on local need which is expressed as [objectively assessed housing need](#).

11. What are objectively assessed housing needs?

The number of new dwellings has been increased to reflect population projections based on trends in demographic changes. These trends include an increasing number of older people, the trend of household breakdown into smaller households. More homes are required to meet the needs of the District's population and to avoid a decline in the working age population which would impact on the local economy, services and quality of life in the District.

Based on the identified evidence and case studies nationally, the objectively assessed housing needs are considered to be best represented by the latest Sub-national population projections (2010) produced by the Office of National Statistics. These figures are used to estimate the number of new households likely to form in the future and equate to 294 dwellings per annum.

In order to meet the objectively assessed housing needs a minimum of 4,410 dwellings (294 per annum) will need to be delivered through the LDP between 2014 - 2029.

12. How about the infrastructure to support development?

The Council has looked very closely with regard to infrastructure requirements that are required to deliver the proposed level of growth. Targets have been derived from

a comprehensive [evidence base](#) following the assessment of a range of scenarios. Some of the main evidence base documents include:

- Highways Assessments for the local roads and the [wider highway network](#)
- A [SHMA to gauge the level of general housing need in particular need for affordable housing](#).
- [Viability Study](#) which shows how much new infrastructure or other community gains can be afforded by the new developments.
- An [Infrastructure Delivery Plan](#) which identifies existing infrastructure provision and infrastructure funding gaps

New development will be required to contribute to the provision of necessary infrastructure to ensure that it does not place unacceptable pressure on existing communities and services.

Much of the [strategic infrastructure](#) is expected to be delivered by the developers through legal agreements (section 106 agreements) to ensure delivery at the appropriate time.

The Council is also in continuous dialogue with infrastructure providers including sewerage (Anglian Water), health (NHS and CCG), Highway (ECC), and flooding mitigations (ECC and Environment Agency).

13. Will all the proposed housing be delivered in one go?

Developments will not all happen at the same time and will be phased over the next 15 years, the council will aim to build 294 new homes per annum in order to demonstrate a rolling [five year supply of sufficient land for housing development](#). According to the NPPF, local authorities must demonstrate that there is a rolling five year housing land supply or the Council will be much more susceptible to unwanted development across the District.

14. Has the Council considered different locations for a new town?

Alternative areas within the District have been carefully considered including potential expansions to larger villages such as Latchingdon and Southminster, a more dispersed approach for housing development across the villages, as well as the possibility of a new town/village to be created. These options were discounted through LDP process due to various reasons, and the Council has maintained that concentrated growth is the most preferable approach in terms of the sustainability. Details of the decision making process are recorded in the various committee reports which are [downloadable from the Council's website](#).

15. What happens if an allocated site does not come forward for development?

Land identified for development is in private ownership and the Council has limited powers, however, by allocating the sites in the LDP the Council is satisfied that they are available for development and can realistically be delivered within the plan period.

The Council will work closely with developers to bring forward the Garden Suburbs and strategic allocations briskly to build up a 5-year housing land supply, thus building up a defence against unwanted proposals. However, the NPPF stresses the government's aim is to boost housing supply, thus reserve sites have also been identified in the LDF should an allocated site not come forward.

16. What are reserve sites?

Reserve sites are not allocated sites and will only be released for development under particular circumstances following a review by the Council.

In reviewing the need to release any reserve sites, the Council will look at a range of factors including the strength of the housing market, a comparison of the national policy requirements, likely future housing supply, the availability and deliverability of allocated sites, infrastructure capacity and the balance between housing supply and local need.

In the event of a review, the Council would ensure that the release of any reserve sites would not prejudice the delivery of the Plan as a whole. The Council may also wish to review the development quantum and scale required on each of the reserve sites taking into account the above factors.



17. Won't the character of Maldon and Heybridge be affected by the new Garden Suburbs?

The Garden Suburbs will be comprehensively planned and masterplans will be agreed prior to the commencement of development. This will ensure a high quality of development with a mix of housing, employment and community facilities and extensive landscaping with open spaces and tree lined streets.

The Garden Suburbs will be fully integrated with Maldon and Heybridge through shared community facilities and public transport, walking and cycling links. Care will be taken to ensure that green wedges are considered in the design of [masterplans](#).

18. Why is it necessary to build on greenfield land?

Our priority is to build on previously developed (or brownfield land) within existing settlements but there is not enough available brownfield land to accommodate the required level of growth and it will be necessary to identify new locations for development. Much of the brownfield land in sustainable locations such as the Causeway is also at [high risk of flooding](#).

The lack of available brownfield land and the need to deliver the necessary housing means that the LDP will need to allocate greenfield sites for development. The proposed allocations in the Pre-Submission LDP have followed a detailed assessment of [landscape character, environmental and infrastructure constraints](#).

The Pre-Submission LDP sets clear policies to ensure that new development protects and enhances the landscape, including the need to retain and integrate natural features such as woodland and hedgerows and to establish a strong landscape character and sense of place.

The allocation of suitable sites for development will help the Council to resist unplanned development on inappropriate sites which would have adverse effects on our landscape and heritage.

19. Why is the Masterplanning happening now – what stage are we at?

The LDP states that development proposals in both Garden Suburbs must be in accordance with a masterplan which has been endorsed by the Council for the

respective areas. Planning permission for development will only be granted by the Council if the proposals are in accordance with the respective masterplans.

The Council is keen to make sure that development of the Garden Suburbs takes place in a coordinated way to ensure the timely delivery of necessary infrastructure such as roads, drainage, schools and necessary flood risk mitigation measures. This means that it will be necessary for the masterplans to be in place before any individual planning application within the designated Garden Suburbs come forward. The Council has therefore taken the decision to commence work on the masterplans in parallel with the LDP. This will enable key strategic issues such as infrastructure provision, flood risk mitigation and environmental protection and management to be addressed in a coordinated manner.

The [masterplans are being developed in partnership between the Council, developers/landowners](#) and there will be full engagement with stakeholders, especially the local community. Working groups are now established for each of the Garden Suburbs and regular briefings are being held with Councillors.

20. When and how I can get involved with the Masterplanning process?

The Council wishes to ensure wider participation in the masterplan therefore consultation events are currently being planned. This will comprise a series of workshops which representatives of the Parish/Town councils, local groups and other organisations will be invited to attend. Later, a series of public consultation events will be held which will be advertised in the local areas.

The first South Maldon Garden Suburb stakeholder workshop took place on 24 January and community event is planned for 1 March at the West Maldon Community Centre. Similar events are currently being planned in connection with the North Heybridge Garden Suburb. Further details of the consultation events will be circulated in due course and provided on the [Council's web site](#).



21. Why can't we have the infrastructure built before any houses get built?

Infrastructure delivery will be phased in the most appropriate manner taking into account local need as well as financial deliverability. While some infrastructure will be essential before housing development e.g. sewerage connections, others may be more appropriate to be delivered at a later stage e.g. schools. The Council is working very closely with all relevant developers and infrastructure providers to establish the best phasing mechanism for the delivery of necessary infrastructures.

22. Why are you building on the flood plain?

In short, we are not. It is the Council's objective to [avoid Flood Zone 2 and 3](#) (areas which are more likely to be affected by flooding from main rivers or the sea) subject to as identified by Environment Agency). The identified masterplan areas contain only very small areas of land in flood zone 2 and these areas within the masterplan are unlikely to be built on; instead the emerging masterplan is likely to allocate suitable alternative uses in these areas.

23. But didn't it flood in Maldon and Heybridge quite recently?

Yes, it did. It is important to understand that the recent flood event in the District was largely due to surface water flooding from ditches, sewers, drains, groundwater, and runoff from heavy rainfall. This is a different type of flooding to river or coastal flooding which requires different solutions.

The [Surface Water Management Plan](#) describes the causes of flooding in these areas in great detail. Through the LDP, the Council is seeking to address local surface water flooding issues in partnership with Essex County Council, the Environment Agency, Anglian Water and other key agencies

24. So what are you doing about the surface water flooding in Heybridge?

The LDP requires a surface water flood solution to be produced to address existing issues and the Council is working in partnership with the Environment Agency, Essex County Council, Anglian Water, relevant developers and expert stakeholders to produce a long term solution to surface water flooding issues.

The emerging solution involves creating a number of wetland areas, which will collect the surface water coming from the higher land to the north, but will add to the local biodiversity. These holding areas may not necessarily be permanently wet and are anticipated to have the appearance of watermeadows.

The preliminary design incorporates these largely to the north of a proposed relief road. Water that is 'captured' would be redirected to the Chelmer/Blackwater river system through a system of ditches and culverts. In essence, water would be captured and diverted around Heybridge, before being discharged slowly into the river system.

Further details of this strategy will need to be incorporated into the masterplans.

25. How do you propose people will travel into and out of the District to get to work?

Maldon District is relatively isolated and transport links to adjoining areas can be problematic. ECC have undertaken three traffic studies which model the impact on [key junctions within Maldon and Heybridge](#) and on [the A414 \(Danbury\) and B1019 \(Hatfield Peverel\)](#).

The studies demonstrates that, in the immediate Maldon and Heybridge area, it is possible to mitigate against the impact of the proposed developments provided that funding and land is made available.

At Danbury, Essex Highways have recommended that traffic lights giving priority to the A414 would reduce rat-runs and improve traffic flows. Developers in the Maldon and Heybridge area will contribute to the cost of this scheme. However at Hatfield Peverel, modelling results show that this junction's performance is already a concern during peak periods and the addition of Heybridge and Maldon development will exacerbate the situation. Furthermore Essex Highways cannot identify suitable mitigation measures, so Essex County Council, Maldon and Braintree Council will work in partnership to lobby relevant authorities for a multi-million pound strategic solution.

These traffic studies measuring the impact of the development and proposed solutions can be found in Essex Highways reports on the Council's website.

26. What is going to be done about the lack of sewerage capacity?

Anglian Water has been consulted at every stage of the LDP process and will be consulted at planning application stage to agree the development proposals.

[They have indicated that there is sufficient capacity at both Heybridge Basin sewerage treatment works and Burnham-on-Crouch works.](#) Where there are capacity constraints with the sewerage networks, developers must pay to upgrade the network where necessary.

27. How will the Council ensure that development is of high quality?

The Council will seek to ensure that all development is of a high design quality which respects and enhances the character of the District and heritage assets. Permission will only be given where new development will protect and enhance the character of existing settlements and heritage assets.

The Garden Suburbs and strategic allocations will be comprehensively planned to ensure attractive developments with extensive green infrastructure which are well integrated. A Maldon District Design Guide will be prepared setting out clear guidelines and guidance for new development.

28. Why is there development in Burnham on Crouch, where there are some infrastructure concerns?

The LDP has taken into account the infrastructure capacity when determining the level of growth proposed for Burnham-on-Crouch. This follows the Council's strategy of concentrated growth at major settlements. Consideration for the limited capacity in sewerage treatment, highways, primary education and Burnham's rural character, have been taken into account when determining the appropriate level of development.

29. Why isn't CIL applied in the North Heybridge Garden Suburbs?

Due to the significant infrastructure requirements that are required in this area, in particular the strategic flood alleviation measures and the relief road, it is deemed that applying CIL in the North Heybridge Garden Suburbs will render the whole scheme financially unviable. For more details please refer to the [viability study on the Council's website](#).



Planning process and Procedure

30. What is the Rural Allocations DPD?

If applications for development are made in the rural villages, they will be considered against existing old local plan policies and relevant policies in the LDP. They may be considered premature pending preparation of the Rural Allocations DPD which will allocate land for development, in general the LDP protects the open countryside from developments that negatively impact upon its beauty and character.

In the LDP the Council identifies 330 dwellings to be split between 32 villages for Rural Allocations and the Council will produce a separate Rural Allocations DPD to provide further details in relation to rural housing, employment and other developments following the submission of the LDP.

Dates for key stages / milestones (as shown in the [Local Development Scheme](#)):

- Work to commence – early 2014
- Public consultations – late 2014 / early 2015
- Pre-Submission consultation – mid 2015
- Submission to Secretary of State – late 2015
- Adoption – early / mid 2016

The Rural Allocations DPD will be prepared in consultation with parish councils and local communities and work on the document will commence after completion of the LDP. It is essential that development can be managed and controlled to protect rural areas and the character of the District.

31. What happens next in taking the LDP forward?

It is the Council's intention to submit the LDP to the Secretary of State for Examination-in-Public in April/May 2014 following the Pre-submission consultation. It is envisaged that the LDP will be formally adopted in late 2014.

For further details please contact the Planning Policy Team by email at policy@maldon.gov.uk or by phone on 01621 876202.