

1st November 2021

Spatial Planning  
Essex County Council

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Maldon District Council  
Princes Road  
Maldon  
CM9 5DL

**By email:** [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk)

Dear Sir/Madam,

**RE: GREAT TOTHAM NEIGHBOURHOOD PLAN (REGULATION 16), NOVEMBER 2021**

Thank you for consulting Essex County Council (ECC) on the Great Totham Neighbourhood Plan (the Plan). ECC has reviewed our response to the Regulation 14 consultation to see if our comments have been incorporated into the Plan and welcomes the incorporation of many of our recommendations into this Plan. However, there remain a number of issues that ECC would still wish to clarify in this response to ensure ECC can deliver its statutory responsibilities and we recommend additional changes for consideration.

ECC is a key infrastructure provider and delivers and commissions a wide range of strategic and local infrastructure and public services, covering but not limited to highways and transportation, education, early years and childcare, minerals, waste, surface water management, passenger transport, adult social care, and Public Health. Whilst the Plan is making no specific site allocations, as identified in paragraph 4.11, any growth arising in the Plan area through windfall development will need to be assessed, including infrastructure requirements, any mitigation, and how they will be funded and delivered.

The Great Totham Village Design Statement 2020

The intention is for the Visual Design Statement (VDS) (presented as Appendix A of the Plan) to be endorsed by Maldon District Council (MDC) and used as a material consideration in determining planning applications for Great Totham. The document states that the VDS supports, and builds upon, the objectives of the building and environmental policies for the Maldon District, as expressed in the Maldon District Local Development Plan (2014-2029) and the Essex Design Guide (EDG). For completeness ECC recommend reference is made to the EDG first being published in 1973 with

subsequent revisions in 1997 and 2005 rather than as referenced. Reference needs to be inserted into the VDS that the [Essex Design Guide](#) has been revised in 2018, and although the 'Guide' retains its original core design principles, it also incorporates reference to revised planning guidance and frameworks, and introduces new themes around Ageing Population, Digital and Smart Technology, Health and Wellbeing, Active Design, Garden Communities, Highways Technical Manual and Sustainable Urban Drainage Systems (SuDS).

ECC acknowledges that MDC adopted its own 'Maldon District Design Guide' as a Supplementary Planning Document in December 2017 and this provides the detailed design guidance for the district.

## **Section 2 – Local Context**

### Main issues and challenges in Great Totham

Paragraph 2.18 refers to the practice of significant parking along Walden House Road at school times leading to congestion and the road becoming a single lane road preventing passing traffic. This also has an impact upon bus services needing to pass at peak school drop off and pick up times.

The parish council have requested traffic calming measures within the vicinity of the primary school via the Maldon Local Highways Panel, and the scheme is awaiting funding as of October 2021 (see comments under Policy GTO8 – Pedestrian and Cycle Access).

The ECC Developers' Guide to Infrastructure Contributions (2020), page 39 provides guidance with regards the environment around schools, and recommends a range of interventions that should be considered including the establishment and improvement of walking and cycling routes to schools (including off site provision) and reduction in school run traffic and dispersing it away from school entrances, establishment of 'school zones' and other technical matters.

The Plan makes reference to the preparation of a Travel Plan for Great Totham Primary school in Section 9 – Non – Policy Actions to identify solutions to parking and safety problems associated with school drop off and pick up. ECC welcome being identified as a Lead agency and partner. The parish council should liaise with the Sustainable Travel Team to progress the School Travel Plan [REDACTED]

## **Section 3 – Vision and Objectives**

### Vision

At Regulation 14 stage ECC recommended that consideration should be given to including a section and policy regarding the historic environment based on the requirements of NPPF, paragraph 190 a – d, using the Essex Historic Environment Record (HER) and any other local evidence base. Reference was made to the '*historic rural landscape, with its own clear identify, heritage and character*' in the Vision. ECC

notes that the explanation provided by the parish council in the Consultation Statement set out below:

*'We have not gathered any evidence on non-designated heritage assets. We believe there is adequate information regarding listed buildings and designated heritage assets in both the Village Design Statement (4.6) that were supplied by Maldon District Council. Also, the evidence base contains a detailed history of the settlement. For Great Totham, 'heritage' relates more to the landscape and this is well covered. to the vision will be amended to remove the reference to 'heritage' in the second part of para 1.'*

ECC is content that the Examiner will determine whether the Plan should include any specific policy regarding the historic environment based on the evidence supporting the Plan.

ECC welcomes reference in paragraph 6 of the vision to having 'good public transport infrastructure' connecting communities to key services. At Regulation 14, ECC highlighted that it was unclear what the parish council would wish to see regarding any improvements in public transport, be it increased frequency and destinations or provision of new bus infrastructure (bus stops etc). ECC recommended the parish council undertake a detailed Travel Survey to ascertain where and how people within the plan area are travelling, and for what purpose. Whilst paragraphs 7.14 – 7.17 identify some projects it is unclear if these have been identified through a Travel Survey with residents as recommended, and the needs of the community are still unclear.

## Objectives for the Plan

### Housing and Design

- *Ensure high quality design of development incorporating multifunctional green infrastructure which is in keeping with local, Arcadian character*

ECC consider reference could also be made to the importance of creating developments with high quality green infrastructure that provide good accessibility to multi-functional open space contributing to health and wellbeing.

The assessment of the sustainability performance of buildings through an accreditation scheme known as 'Building with Nature' could assist with the proposed amendment to the objective. This seeks to incorporate green infrastructure into development enabling developers to create places that really deliver for people and wildlife at the planning and design stage of development and within and beyond the scheme boundary.

More information can be obtained by the following link - <https://www.buildingwithnature.org.uk/about>.

### Environment

As suggested at Regulation 14 stage, ECC recommend Objective 3 regarding Environment is amended to refer to multi-functional green infrastructure (GI), as referenced in the Essex Green Infrastructure Strategy (2020) and NPPF, Glossary. This

would further emphasis Local Plan Policy S7 – Prosperous Rural Villages, criterion 4 which seeks to facilitate sustainable economic development through supporting and enhancing green infrastructure.

Section 5.1 of the Essex Green Infrastructure Strategy provides examples of this multi-functionality, including recreational and active-living supporting healthy lifestyles (both physical and mental well-being); green travel routes; habitat provision involving the conservation and enhancement of biodiversity; heritage and cultural assets providing landscape, place quality and amenity; food production and productive landscapes; pollution absorption and removal; flood attenuation and water resource management; and access to nature. It is also important to consider the adoption and maintenance of GI features, including the funding for GI management and maintenance.

Whilst there are no statutory requirements for GI, the Government's 25 Year Environment Plan and emerging Environment Bill will place significant importance on protecting and enhancing GI, its accessibility and biodiversity net gain.

ECC recommend the objective is further amended to cover the need for new development to having to minimise impacts on and providing net gains in biodiversity, as required by NPPF, paragraph 174d, and as referenced in Policy GTO4, criterion A and C.

Objective 3 should be amended to read:

*Protect multi-functional green infrastructure, including important green spaces, woodlands and valued open views and to minimise the impact on and providing net gains in biodiversity.*

### Transport and Movement

ECC recommend an amendment to the following objective to encourage the use of GI as part of pedestrian and cycle routes connecting with the surrounding countryside and promoting health and wellbeing.

*Improve pedestrian and cycle access between North and South Totham and improve access via multi-functional green infrastructure into the surrounding countryside, including for equestrian users.*

### **Policy GTO1: Spatial Strategy**

ECC supports the reference in paragraph 4.6 to the [ECC Developers' Guide to Infrastructure Contributions \(2020\)](#).

Criterion A refers to the settlement boundaries being defined in Figure 4.1 and 4.2 of the Plan. The Maldon Local Development Plan (LDP) was adopted in 2017 and sets the spatial strategy for the district up to 2029. Paragraph 2.102 of the LDP states that settlement boundaries are set out in the Policies Map. The relevant Map for Great Totham is the North West map.

Whilst the parish council has made reference to the Policies Map in paragraph 4.3, ECC recommend this should be referenced within Policy GTO1 to carry more weight.

ECC recommend criterion A is amended to refer to the adopted Local Development Plan Policies Map rather than `Figures 4.1 and 4.2 in the Plan`.

- A. New development in Great Totham Parish will be focussed within the settlement boundaries of North Totham and South Totham, as defined in the adopted Local Plan Policies Map.*

In the Consultation Statement, the parish council states that it considers that Policy GTO1 Cii is sufficient reference to dealing with developer contributions and a separate policy is not required. However, ECC recommend that an overarching developer contributions policy is inserted into the Plan.

ECC supports the ambition in criterion Cii to ensure that any new development, where necessary, will be required to contribute to the delivery of necessary infrastructure through s106 obligations, and CIL once implemented. It should also be acknowledged that the preferred means of delivering highway improvements is through s278 agreements.

ECC acknowledge that the Plan is not allocating any specific sites but consider a new `Developer Contributions` policy is inserted into the plan to cover any development that arises particularly given that MDC is not presently able to demonstrate a 5 year supply of deliverable housing sites and has commenced a review of the Local Plan. The Plan should also include the following definition of infrastructure within the supporting justification and/or the Glossary of Terms.

*Infrastructure means any structure, building, system facility and/or provision required by an area for its social and/or economic function and/or well-being including (but not exclusively): footways, cycleways and highways; public transport; drainage and flood protection; waste recycling facilities; education and childcare; healthcare; sports, leisure and recreation facilities; community and social facilities; cultural facilities, including public art; emergency services; green infrastructure; open space; affordable housing; live/work units and lifetime homes; ultrafast high-speed broadband; and facilities for specific sections of the community such as youth or the elderly.*

ECC includes links to other NP policies, which have been `made; with regards Developer Contribution policies, which could be considered.

Cressing Parish Neighbourhood Plan, 2017 – 2033, Policy 11 – Developer Contributions, page 74 - [Cressing-adopted-version-february-2020](#)

Hatfield Peverel Neighbourhood Plan Document, 2015 – 2033, Policy F15 – Developer Contributions, page 50 - [Hatfield Peverel Neighbourhood Plan](#)

Bradwell with Pattiswick Parish Neighbourhood Plan, 2017 – 2033, Policy 11 – Developer Contributions, page 51 - Bradwell with Pattiswick Neighbourhood Plan

## **Section 6 - Environment**

### **Policy GTO4: Green/Blue Wildlife Corridors and Wildlife Friendly Development**

ECC supports the Criterion A to D but consider further consideration should be given to the following criteria given the importance placed on trees in the revised NPPF (2021). In particular paragraph 131, the provision of multifunctional GI (see revised Objective 3), environmental net gain and street furniture being dual purpose (i.e. bench and planter, Bike parking with planters, bus shelter with green roof etc.)

- *Green Infrastructure needs to be provided as part of any new development that provides access to multifunctional open and green space that improves accessibility for the community and subsequently promotes health and wellbeing, improving social equity.*
- *Street trees and other greening is integrated into street design and public spaces using appropriate measures to minimise damage to tree or to surfaces through use of root barriers and tree pits where appropriate.*
- *Installation of street furniture to be dual purpose.*
- *Where vegetation loss such as trees is unavoidable, replacement planting (proportion or higher value to the loss) shall be incorporated within the development (or off site) to ensure over time the development shall result in an overall environmental net gain.*

Great Totham is located within the Maldon Surface Water Management Plan (MSWMP) Study Area and the Critical Drainage Area for Great Totham (NHEY\_007 Great Totham). The CDA Map is provided in Appendix 1 for reference. The MSWMP Action Plan includes the following for the area covered by the Great Totham CDA.

<i>Critical Drainage Area</i>	<i>Est residential properties at risk from 100 year rainfall</i>	<i>Description</i>	<i>Location</i>	<i>Benefit</i>	<i>Priority Ranking</i>	<i>Start Date</i>
NHEY_002	8	Ensure appropriate planning controls on drainage are applied to development within the CDA to ensure greenfield runoff rates are maintained or reduced, to prevent exacerbating flood risk downstream	Wood Lane	Maintain or improve the low flood risk within the CDA	Low	2020  <i>ongoing</i>

The Consultation Statement states that it is inappropriate to require development to be ‘in accordance’ with a design manual in policy, as this guidance does not form part of the Plan. This is accepted, but ECC in its role as the Lead Local Flood Authority for Essex

recommend reference is made to development being required to 'have regard to' the principles contained in the ECC [SuDS Design Guide \(2020\)](#). This approach has been accepted by planning inspectors at local plan examinations with regards this guide and the Essex Design Guide.

In order to support this amendment, the supporting text and criterion D should be amended to read:

*D. Development is required to have regard to ~~take into consideration~~ the principles of Sustainable Urban Drainage (SuDs) and natural flood management techniques in the ECC SuDS Design Guide, which will enhance biodiversity and ecosystems.*

*New development will be required to have regard to the industry guidance and best practice by CIRIA at <https://www.ciria.org/>, notably the SuDS Manual C753 which covers the planning, design, implementation and maintenance of SuDS. ECC, as Lead Local Flood Authority (LLFA), is the statutory body for surface water and should be consulted early in the design process. ECC has produced the SuDS design guide providing guidance on surface water drainage scheme needs. The Guide also gives advice on how to design high quality SuDS that will offer benefits to the community and the environment.*

#### Policy GTO6: Energy Efficiency of Buildings and Renewables

Paragraph 6.25 of the Plan refers to the announcement in June 2019 by Government to reduce CO2 emissions to 100% by 2050. ECC established the Essex Climate Action Commission (the Commission) in October 2019. Since the Regulation 14 consultation the Commission has published its report [Net Zero: Making Essex Carbon Neutral](#), which outlined its 130 recommendations on the key actions required to meet net zero by 2050. The report was supported by the following technical annexes; [Built Environment Technical Annex](#); [Land Use and Green Infrastructure](#); [Transport and Waste-Management](#). ECC is still formulating its response to these recommendations, but reference should be made to this area of work in the supporting text for information.

The recommendations include for all new homes and commercial buildings granted planning permission to be carbon zero by 2025 and carbon positive by 2030. All new build houses, industrial and commercial units should all have solar panels fitted immediately.

ECC considers that Policy GTO6 does not satisfactorily reflect these ambitions and the recommended amendment proposed by ECC at the Regulation 14 Plan (as shown below) has not been revised accordingly.

- *Encourage site design and individual building design that minimises energy consumption and provides resilience to a changing climate*

ECC notes that criterion B, paragraph 1 does incorporate reference to adapting to climate change but has not incorporated any reference to '*building design that minimises energy*

consumption'. Paragraph 6.27 makes reference to new homes being built to the highest standards to minimise their carbon footprint and maximise renewable energy resources in the provision of their energy. The Consultation Statement considers that the ECC comments are reflected in the policy wording of GTO6. However, ECC considers this is not fully the case and that further amendment is required to satisfy our comments and to reflect in policy terms the aims for new development outlined in paragraph 6.27 of the Plan. Reference to development having to consider renewable energy generation will also align with the new Future Homes Standard, which is planned to be mandatory by 2025 whereby all new homes will be required to be zero carbon ready being highly energy efficient.

This should further be reflected in the policy in order to carry weight in determining planning applications. ECC recommends the following amendment to criterion B, paragraph 1.

*All developments will demonstrate how they have been designed to minimise energy consumption through maximising renewable energy resources thereby incorporating measures to adapt to climate change.*

The Essex Design Guide (Renewable Energy for developments) provides guidance for larger developments on how smart infrastructure can be integrated into the communal areas, including waste disposal points, shared batteries for renewable energy sources etc. These should be incorporated at the design stage and accommodate the related infrastructure not only inside and outside individual buildings, but within the wider community layout.

## **Section 7 – Transport and Movement**

### **Policy GTO8: Pedestrian and Cycle Access**

ECC advise that the requirements to improve and enhance pedestrian and cycle access to the Pedestrian Walkway Routes in Figures 7.2 and 7.3 can only be implemented where the statutory tests in Regulation 122 are met, namely they must make the development acceptable in planning terms; directly related to the development; and are fair and reasonable in scale and kind to the development. ECC also note that these requirements are relevant to the GTNP Investment Priority; Community Transport (page 46) and it may not be possible to prioritise developer contributions for that purpose as indicated. Consequently, it may be more appropriate to reword as follows:

*GTNP INVESTMENT PRIORITY: COMMUNITY TRANSPORT – ~~As a priority for the spending of developer contributions,~~ the Great Totham Neighbourhood Plan identifies the need to invest in a local community bus service and will seek to secure funding as appropriate.*

The Local Highways Panel (LHP) covers potential schemes regarding traffic management improvements; tackling congestion; Public Rights of Way improvements; cycling

schemes; passenger transport improvements; minor improvement schemes and aesthetic improvements to the Local Community. In order to progress potential schemes, the parish council will need to make a case for funding via the LHP. The LHP is able to consider locally requested measures that are not able to be prioritised for funding through other dedicated highways budgets, but meet the desires of the local community. The LHP Members meet on a quarterly basis to discuss and consider Highways concerns within their local boundaries. The Panels prioritise the local concerns and make recommendations to the Cabinet Member for the implementation of highway schemes that meet the concerns of local people. Potential schemes can be requested via the link below.

<https://www.essexhighways.org/transport-and-roads/highway-schemes-and-developments/local-highway-panels/maldon-lhp.aspx>

ECC recommend an additional criterion is added to the policy to provide consistency with the objective of improving pedestrian and cycling links utilising GI between North and South Totham.

- *Where appropriate, improve pedestrian and cycle access between North and South Totham and improve access via multi-functional green infrastructure into the surrounding countryside, including for equestrian users.*

#### Public and community transport

Paragraph 7.15 makes reference to a key community action to engage with the bus provider to re-route the number 90 to serve Totham North as well as Totham South. This service is operated commercially and it would be for the local bus operator to consider any re-routing of the service. ECC considers that it is unlikely that it would be possible to secure sufficient additional passengers to justify any diversion and make the service commercially viable. Any re-routing will lengthen the journey times (which may not be able to be accommodated within the schedule anyway). If it were to be accommodated then it would impact negatively on the journey times of any passengers passing through, rather than boarding at Great Totham, and therefore runs the risk of negatively impacting passenger numbers. Such a large diversion would also result in much of the existing route within Great Totham not being served by the service resulting in some gain for some Great Totham North residents but at the expense of existing passengers both inside and outside the parish.

ECC acknowledges the 'GTNP Community Action: Public Transport Services' to engage with the bus operator of number 90 bus to get North Totham included on the route. Given the above comments ECC considers the potential to re-route is likely to be unviable and not enhance the overall service.

Paragraph 7.16 refers to a 'taxi-bus' service operating from Maldon town centre to Broomfield service. Whilst the aspiration to secure community transport is noted, ECC is unlikely to be able to support any such service financially.

## **Section 9 -Non-Policy Actions**

Table 9.1 identifies actions identified through community engagement which do not require planning permission, and are not subject to planning policies in the Plan.

### **Transport**

ECC recommend the projects regarding highway safety, access and leisure, cycling and walking and circular walks/rides should be put forward by the parish council for consideration by the Maldon LHP. The process and role of the Panel is outlined in the response to Policy GTO8.

The Plan makes reference to the preparation of a Travel Plan for Great Totham Primary school to identify solutions to parking and safety problems associated with school drop off and pick up. ECC recommend the parish council liaise with the Sustainable Travel Team for more information ( ), and this is acknowledged as an action in the Consultation Statement.

The Plan makes reference to ECC as a Lead Agency/Partner regarding the rerouting of the No. 90 bus service away from Walden House Road and the possibility of a stop in Great Totham North. This service is operated commercially by Stephensons, the local bus operator, and it would be for their consideration.

### **Other Comments**

Reference to Appendix 1 in paragraph 1.13 should be deleted as this is an editing error from the ECC Regulation 14 response showing mineral safeguarding areas in the Plan area.

### **Conclusion**

Please contact me if you require further information or would like to discuss this response in more detail.

Yours sincerely,

( )  
Principal Planning Officer (Spatial Planning)

Email: ( )

Ph: ( )

# Appendix 1 – Heybridge Surface Water Management Plan, Critical Drainage Area: Great Totham (NHEY\_007)

