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26th October 2016  
Adrian Tofts  
Strategic Planning Manager.  
Maldon District Council  
Princes Road,  
Maldon, Essex CM9 5FL

Dear Mr. Tofts,

### **LDP Current Consultation September 2016**

1. I have read the September 2016 Schedule of Main Modifications of the Maldon District Local Development Plan 2014 (EB107) and have some comments to offer and queries to raise. I should explain that I have never been a member either of North Heybridge Residents Association or the Save Maldon campaigns, or any other such group, but as a concerned Maldon District resident, acting in my own capacity, I sent a five-page letter (henceforth referred to as 'Letter') to Inspector David Vickery on **10th December 2014**, which he accepted as a late submission. In it, I complained that MDC, among other things, had failed to fulfil the requirements of the NPPF and the Localism Act because it had not explored '*reasonable alternatives*' to its proposals, even though it misleadingly asserted in Appendix 6 of the Draft LDP that it had considered '*a large number of options*' which were '*fully detailed*'. I also stated that it had not fulfilled its legally required 'Duty to Cooperate' with neighbouring Councils because it had presented to them for discussion only its favoured proposals, and not reasonable alternatives to them. It had also failed, I maintained, despite several explicit claims to the contrary, to conform to the TCPA Garden City principles in its plans for '*garden suburbs*'. I said that I would compose a Report substantiating my complaints more fully. I completed this on **6th January 2015**. Its Section 1 provides details of the failures to conform to the legal requirements of the NPPF and the Localism Act, including the failures in the Duty to Cooperate. Its Section 2 specifies failures to conform to the Garden City Principles in its Garden Suburb planning. Inspector Vickery stated through Anthea Copsey that he could not accept it, because of its length, but I circulated it in January 2015 to organisers of the two groups and others, and it had some detectable impact at the subsequent public hearings, which I attended on all but two afternoons. On **25th January 2015** the Rt. Hon. Priti Patel MP took the initiative of sending a copy of my **9th December** letter to the Director of Planning and Regulatory Services requesting an '*investigation and response*' from him. The newly arrived Director of Planning and Regulatory Services, Mr. Simon Meecham, replied to the contents of my **9th December** letter in a letter to Priti Patel dated **12th March**. I then replied directly to Mr Meecham on **29th April**. I attach a copy of it though you should have it in your files. I provided a copy of my Report with my letter to Mr. Meecham, but he never responded, and on **7th August** Fiona Marshall wrote to Ms. Patel informing her that he had left the Council earlier that week. In this letter to you I limit myself to making two observations which update points already addressed in my Letter and Report.

### **2. Key Road Infrastructure Prerequisite for the Current 'Garden Suburb' Plans: A New Blue Mills Bridge with Associated Flood-Proof Roadworks.**

2.1. The September 2016 Schedule of Main Modifications to the LDP (EB 107) states that '*the Council does recognize that that there are a number of infrastructure constraints that need to be overcome in these areas and the wider area*' which '*include increased local highway capacity*' (092 :2.27). Thus '*New relief road and improvements to existing roads and junctions are essential*' (089: new paragraph 2.30). Specifically, these include '*the development of new relief road and highway improvement measures at Maldon and Heybridge to accommodate the future projected increase in traffic generation*' (089: new paragraphs 2.29, and 2.31)

**2.2.** The essential problem concerning road infrastructure '*in the wider area*' (as distinct from measures such as the projected relief road, intended merely to keep traffic flowing around the edge of the area of the North Heybridge Garden Suburb), stems from the indisputable fact that the increased number of residents in the Maldon/Heybridge area is not going to be catered for by new employment opportunities within the District. On the contrary, there will be exacerbation of the current situation, in which, to quote from Economic Prosperity Strategy 2013-2029 (EB068a), '*out-commuters*' currently exceed '*in-commuters*' by 8,000 a day and 35% of higher earners commute out (my Report 4.14-4.16). In other words, residents of the new suburbs in work will inevitably need to travel out of the District by road (in contrast to what would be the case if the suburbs had been located in the South of the District where there is a railway). They will therefore have to travel mostly to the A 12 using it to travel to points north and south such as Chelmsford, or London, or Colchester. Or, they might have to drive through Witham to Braintree, Stansted, or elsewhere, or with many current commuters, they will park at Witham Railway Station, and take trains to London or indeed Chelmsford or Colchester or elsewhere. This entails that they will mostly use one road, i.e., Maypole Rd.-The Street- Witham Rd., with its bottleneck at Blue Mills bridge (Report 3.13). I believe it was at my instigation that it was referred to by members of the North Heybridge group at the last public hearings. I was then shocked to hear Essex Highways representatives respond that they had not investigated it in connection with the LDP, because no one from MDC had asked them to do so. Bare mentions of it are to be found in the Minutes of 'Duty to Co-operate Meetings' of **13th May 2013** and **14th October 2013** (Report 1.18), but there is no consideration of it in the LDP, despite my full discussion of it in Report 3.3., and I am astonished to find that this is apparently still the case, unless my reading of the Modifications is defective. The key problem is that all who use this road must cross an ancient one-track flimsy bridge. It is used by the No. 90 Witham-Maldon bus service. HGVs are prohibited, although this ban not infrequently seems ignored. In the almost two decades in which I have lived in the area, there has been a very considerable increase in traffic, and in the past couple of years it has grown especially markedly in my experience. Lengthy tailbacks currently develop at many times of day, not just peak commuter times as preciously, as west-bound traffic is held back because of the priority given to traffic moving across the bridge in the Maldon direction. And, apart from the narrowness and fragility of the bridge, it must be recognized that the area west of the bridge is a flood plain, and the road in very wet periods, can become impassable, even for several days.

**2.3.** The provision of a new bridge is therefore essential, and if concrete plans are not far advanced in connection with the LDP, the planners have been grossly negligent. The bridge would have to be built south of the current bridge because otherwise it would have to occupy the entire frontage of Blue Mills, the Georgian Grade II listed house and water mill. The new bridge and the new associated roadway would be costly because of the tendency for the river to flood.

**2.4.** So it must be asked: has the need for building an entirely new bridge with associated flood-resistant roadworks at Blue Mills been raised in Maldon District Council, and discussed with Braintree Council? Have Parish Councils such as those of Wickham Bishops, Great Totham, or Heybridge Parish Councils been asked for views? Has Essex Highways now made an assessment? Have specific plans been developed, and costings ascertained?

### **3. Use of the term 'Garden Suburb' in the LDP.**

**3.1.** I explored the term '*Garden Suburb*' very fully in my Report, which was written after I had spent a considerable amount of time studying Town and Country Planning Association reports, and the standard literature on the topic in the past century, and visiting several of the classic examples of Garden Cities and Suburbs. As a result, I was ready to make some contribution to the local deliberations, but I consider myself '*conned*' because, as I showed in my Report, the use of the term in the LDP proved to be almost completely spurious, measured by the standards of the TCPA Garden City Principles, which the LDP explicitly claimed to be following.

**3.2.** It is moreover, now clear that in the past year the falling away from any usage of the term in its TCPA sense has simply accelerated. The most obvious indicator of this is that, since the last Hearings, the claim that ONE Garden Suburb planned for South Maldon and ONE for North Heybridge has been altered in

several documents to the claim that THREE separate ones are being planned for both south and for north, EXCEPT that for South Maldon this appears to have been again retracted, but NOT for North Heybridge. And yet in much of the LDP the singular usage of the term is retained. It seems clear that this only partly carried through terminological change is a tacit admission that seriously '*comprehensive*' planning of the so-called Garden Suburbs has been abandoned.

**3.3.** I focus on the recent approval of Persimmon Home's bid to develop an estate of 144 houses, which described by the Director of Planning and Regulatory Services in his Report to the Extraordinary Council meeting of **19th April 2016** as a '*Strategic Site within the Submitted Local Development Plan*', and as '*one of the three strategical allocations that make up the Garden Suburb*'. He further explained that '*a resolution to grant outline planning permission ... for one of the other sites that make up the Garden suburb*' had been passed at the Extraordinary meeting of the Council of **31st March**, and that a similar application is '*currently under consideration for the remaining site*'. All that he said in terms of compatibility with the rest of the Garden Suburb was that '*the proposed layout had been created to reflect the design principles of the suburb*', and that '*a hierarchy of road networks ... safe pedestrian /cycle routes*' etc. would link it with '*the wider garden suburb*', and that '*a number of varying house designs are proposed ... All house types proposed are of high quality design*'. Is there an overall garden suburb authority which will approve or reject these designs. or will such judgements be left to Persimmon Homes? Well, at the meeting of the Council of **Thursday 19th May** which approved the development, the Major Operations Officer declared that '*there was no overarching management company currently being proposed for maintenance and management of the whole of the North Heybridge Garden Suburb*'. This is baffling, to say the least, to me, since I recall a quite lengthy discussion between myself and the Countryside Properties representative on **Tuesday 16th September 2014** in Plantation Hall Heybridge at a Consultation event, which it seems to contradict. As indeed does what Countryside Properties stated in what David Coleman, then Strategic Planning Policy Manager, in a letter of **30th June 2014** to Inspector David Vickery, described as '*a supporting statement from Countryside in relation to the delivery of the North Heybridge Garden Suburb*'. This letter from Countryside Properties, dated **27th June 2015** claimed that they '*control the vast majority of the North Heybridge Garden Suburb and will deliver 84 % of the new homes forming the Garden Suburb ... and in particular control the entirety of the land required for the relief road and strategic flood alleviation*'. And what is one now to make of the 116-page North Heybridge Garden Suburb Design & Access Statement of **April 2015** by Countryside Properties, which is still available on the internet? Why is there no mention of it in what Persimmon Homes has to say? What has happened? What I would say is that I recall that Persimmon Home's representative at Mr. Vickery's hearings revealed that they also had plans for a housing development just across the road, i.e., to the EAST of Broad St. Green Rd. So much for any notion of a relief road keeping through traffic out of new housing in the area! I have not investigated the matter further with either Persimmon Homes or Countryside Properties, and do not intend to do so. What I would say is that all of this leaves me in no doubt that there is a glaring inconsistency between the definition in the Glossary attached to the Draft LDP of the term '*Garden Suburb*' as '*large scale developments planned in a holistic and comprehensive way*', with the further explanation that '*developments of this nature are based on the 'Garden City Principles'*' (see 2.4 of my Report). All seems to be in complete confusion, and if MDC is still trying to cling to an opposed view, I would ask that it be explained to me and the public in general without delay. I would finally point out, as an indication of the confusion, that that on the second page of the Minutes of the **19th May** meeting Councillor I. E. Dobson, Ward Member, is reported as stating that the application '*raised a number of concerns*' including '*the site not being in a garden suburb*'. The Minutes do not suggest that anyone thought it appropriate to challenge this statement.

Yours sincerely,

*Robert M Burns*

Dr. R.M. Burns

Enc. Copy of letter to Mr. S. Meecham of 29th April 2015.