
Maldon District Local Plan

Proposed Main Modifications

Document ref: 1520/ARCIW



October 2016

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1. Introduction

- 1.1 This representation is prepared on behalf of Famco Estates Ltd in response to the 'Maldon District Local Development Plan – Schedule of Main Modifications' document.
- 1.2 Famco Estates is a privately funded land company that is promoting land at North Fambridge as a sustainable new development that could accommodate between 850 and 1,250 dwellings, a new village centre, a new primary school, increased employment provision and significant green infrastructure enhancements.
- 1.3 Not only will this land contribute to the District's housing supply over the plan period, but it will also provide an additional source of housing supply beyond the 15 year plan period and represents an excellent opportunity to establish a long-term housing strategy for the District. This is particularly pertinent given the infrastructure constraints during the plan period associated with the submission spatial strategy.
- 1.4 Despite being promoted as a 'reasonable alternative' option since 2012, this land at North Fambridge was never fully explored by the Council.
- 1.5 This representation is structured under the following headings:
- Maldon District Council Five Year Housing Land Supply Statement 2015/16 August 2016
 - Maldon District Council Local Development Plan Sustainability Appraisal Report Update following Inspector's Report
 - Maldon District Local Development Plan 2014 – Schedule of Main Modifications
- 1.6 We would like to appear at the Examination-in-Public if the hearings reopen.



2. Maldon District Council Five Year Housing Land Supply Statement 2015/16 August 2016

- 2.1 For the purposes of this consultation we have not undertaken an in depth analysis of the 5-year land position, but rather an overview of the key issues. Our review has uncovered a number of glaring issues with the data presented that has led us to the opinion that the Council's five year land supply is not robust and that they cannot demonstrate a 5-year land supply.
- 2.2 We shall explain our views below under the sub-headings 'housing requirement' and 'housing supply'.

Housing Requirement

- 2.3 In the 'Five Year Housing Land Supply Statement 2015/16', the Council has assumed an annual housing requirement of 120 dwellings between 2001 and 2014. This figure is based on the now revoked East of England Plan target and the start of the East of England Plan time period. Based on this assumption the Council has reported a completion surplus of 93 dwellings. This assumption has flaws.
- 2.4 The East of England Plan Regional Spatial Strategy (RSS) target was based on a constrained figure for Maldon, with an objective to distribute housing to other centres beyond the district boundary. This RSS principle is not reflective of the principles of the NPPF. As such it is inappropriate for the annual requirement to be relied upon following the publication of the NPPF.
- 2.5 The NPPG states (Paragraph: 030 Reference ID: 3-030-20140306) that:

What is the starting point for the five-year housing supply?

Therefore local planning authorities should have an identified five-year housing supply at all points during the plan period. Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures



in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.

2.6 In any event the East of England Plan was revoked in January 2013 and as such its target should not have been carried forward indefinitely until such time as a new plan had progressed to submission stage.

2.7 This principle was established in the Court of Appeal Decision *St Albans City and District Council v The Queen (on the application of) Hunston Properties Limited, Secretary of State for Communities and Local Government and Another*. The Judges stated that the Inspector was mistaken in the use of a constrained RSS figure that is below the full objectively assessed need figure until such time as the Local Plan process came up with a local figure.

2.8 It is relevant that the Council themselves had previously updated their annual housing requirement for 5-year land supply purposes to reflect changes in their evidence base. In paragraph 2.2 of their 'Five Year Housing Land Supply Statement 2013/14 (May 2014)', the Council states:

2.2 The latest housing requirement evidence for the District indicates the Council will need to deliver 294 dwellings per annum (See evidence base document EB078). This target is therefore used as the housing requirement for the current monitoring year (2013/14).

2.9 The evidence document cited was the 'Draft Local Development Plan Technical Paper: April 2013'. The conclusion in paragraph 5.1 stated that:

Based upon consideration of the identified evidence and scenarios, and taking into account advice received to date and emerging case studies nationally, the objectively assessed need for housing in the District is considered to be represented by the SNPP population projections, which currently equates to 294 dwellings per annum.



- 2.10 The 'Greater Essex Demographic Forecasts Phase 3: Further Scenario Development', published June 2012, and based on 2010 SNPP data, highlighted that there is a need for 294 dwellings per annum from 2010. This represents a material shift in the housing need compared with the RSS figure and it is from 2010 that the annual requirement should be revised from.
- 2.11 The issue of the housing requirement and up to date evidence was examined in depth at a recent planning appeal, whereby the Planning Inspector placed great weight on the scenario set out in the 2014 SHMA which indicated a need for 381 dwellings per annum (Appendix A).
- 2.12 In light of these points, it is our view that the East of England Plan requirement ceased in 2010, and at that point the requirement of 381 dwellings should be used until the point at which the LDP was submitted for examination.
- 2.13 This would increase the annual requirement between 2001 and 2014 to 2,343 from the stated 1,560 dwellings. In light of this revision it is now clear that there has been a under delivery of 690 dwellings that now needs to be taken forward in the LDP and rolling 5-year land supply.
- 2.14 Under the Sedgefield method, this would result in the 5-year land supply increasing from 1,946 to 2,636 dwellings. It would also impact upon the overall housing requirement for the District which would have to increase to take account of the shortfall.

Housing Supply

- 2.15 The Council state that the 5-year housing land supply currently stands at 2,353 dwellings, which is below the revised 5-year requirement of 2,636 dwellings, as cited above. This would represent a 4.46 housing supply against this housing requirement. However, it our view that there are fundamental errors in the predicted delivery rates, which would lower this housing land supply figure further.
- 2.16 The Council claim that they sought the opinions of the developers, agents and landowners on expected delivery rates. We doubt that this was a comprehensive exercise primarily because we are representing the landowners at North Fambridge



who have two sites with planning permission for in excess of 100 dwellings and yet we were not contacted and asked these questions. If they did not contact us then it is highly likely that the Council did not contact other relevant agents and landowners. As is evident from the reporting of land at North Fambridge, the outcome is that the Council has produced inaccurate assessments and presented misinformation.

- 2.17 The 5-year housing land supply position of 2,353 dwellings is very optimistic and fails to take account of a number of pertinent issues and constraints to housing delivery. Several of the sites listed within the supply either do not have planning permission or have a resolution to grant subject to a Section 106 agreement. The timescales given by Council for these sites are very optimistic and as a result the overall 5-year supply is in fact more like 1,435 dwellings.
- 2.18 With specific regard to Section 106 agreements, we have very recent experience of the Council's timescales and working capacity for signing such agreements. We recently secured planning permission for 75 dwellings on land at Fambridge Road, North Fambridge (Ref: 14/01016/OUT). The planning obligations were relatively straightforward, with just a few matters required, and as such we sought a Unilateral Undertaking to speed up the process. But despite this, it still took 13 months for the Council to agree the terms and have the agreement signed.
- 2.19 This experience exposed clear issues in respect to the Council's capacity to manage planning applications and legal agreements. Many of the applications cited in the Council's supply are far more complex than the site at North Fambridge.
- 2.20 We have discussed below those sites with an unrealistic delivery timescale.
- 2.21 **S2(a) South of Limebrook Way** – The Council state that the first homes will be delivered 12 to 18 months from now. This is not possible and it is highly unlikely that the first dwelling will be built until 2019/20 at the earliest as:
- There is no phasing plan as this is subject to a planning condition and S106 agreement, which has not yet been agreed.
 - The S106 has not been signed. From our experience the simplest of unilateral undertakings take over a year to complete. This scheme has



contributions set out in the heads of terms that amount to circa £21m. This will be an incredibly complicated Section 106 agreement that could take a number of years to resolve.

- The application was submitted in outline. Before Phase 1 can be begin, a reserved matters application would need to be submitted and agreed by the Council. Given the scale of the development it is unlikely that the reserved matters application will be approved within the 12 week timeframe.
- The proposed conditions in the committee report included a number of pre-commencement conditions that will require a significant amount of additional work and a number of further discharge applications.
- A significant amount of infrastructure will need to be delivered before commencement and occupation of the first house.

2.22 The stated supply that contributes to the 5-year land supply is 235 dwellings, however realistically this is more like 125 dwellings.

2.23 **S2(d) Land north of Heybridge** – The Council has stated that the first homes will be delivered by 2018/2019. It is highly unlikely that this scheme would complete its first house before 2020/21 as:

- The application is still pending and is subject to a complicated S106 agreement that ties in with the extensive infrastructure that needs to be delivered alongside the housing.
- There will be a number of complicated pre-commencement conditions, including those relating to sewerage upgrades, and significant ground works.

2.24 We would expect this site contribute no than about 100 dwellings to the Council's 5-year land supply.

2.25 **S2(e) Land off Holloway Road, Heybridge** – The Council state that the first house will be delivered in 2018/19. This must assume that the development will commence in the mid part of 2017, less than a year from now. This seems highly improbable as:



- The S106 has not been signed, which requires in excess of £2m in planning obligations, including extensive highways works and expansion works to Plume School.
- The applicant and the Council are in dispute over the level of affordable housing contribution that does not appear to have been resolved.
- The committee report includes a number of restrictive pre-commencement conditions including Condition 11 that states that no development shall commence until a scheme for the upgrading of the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the phasing of the development and shall directly relate the construction of dwellings to the upgrading of the sewerage system. This does appear to have been agreed.
- A reserved matters application will have to be submitted and agreed by the Council. Given the scale and sensitivities of the site, it is unlikely that it would be decided within the 12 week deadline.

2.26 Given these issues that still need to be resolved, it is highly unlikely that the first homes will be completed before 2019/20. The 5-year land supply contribution would be a maximum of 66 dwellings from this site.

2.27 **S2(f) West of Broad Street Green** – The Council state that the first homes will be delivered in year 2017/18, but to achieve this timescale, the ground works would have to be completed and all permissions, legal agreements and conditions discharged. However, this application is still subject to a Section 106 agreement that requires contributions towards highways, education and health amongst other issues. It will also require a number of complicated pre-commencement conditions to be signed off. At the very earliest it is unlikely that a house would be completed for occupation before 2018/19.

2.28 We would expect this site to contribute about 100 dwellings to the Council's 5-year land supply.

2.29 **S2(i) Land West of Burnham-on-Crouch** – Whilst this application has been approved and is made in full, it is still subject to agreeing a Section 106 agreement and discharge



of conditions. As such it is highly improbable that the first dwelling would be completed in 2017/18.

- 2.30 We would expect this site to contribute about 110 dwellings to the Council's 5-year land supply, based on a 2018/19 date for the first dwelling completion.
- 2.31 **S2(j) Land north of Burnham-on-Crouch** – In 2016 a planning application was granted subject to a Section 106 agreement. The Section 106 negotiations are at an early stage and from our experience take over a year to complete. There would still be a number of pre-commencement conditions to discharge before works could begin. It is highly unlikely that any building will begin in the next 12 months let alone any houses being completed. We would expect this site contribute about 130 dwellings to the Council's 5-year land supply.
- 2.32 Given all the issues still outstanding on these sites, it our view that the strategic sites can only account for a maximum of 630 dwellings within the 5-year land supply. Even then we feel that this is optimistic.
- 2.33 The 1,548 dwellings that are cited in the Council's supply as coming from strategic allocations, should therefore be reduced to 630 dwellings which would have the effect of reducing the overall 5-year supply to 1,435 dwellings.
- 2.34 Based on the Council's claimed 5-year requirement, that would leave supply of 3.6 years or based on our amended version of the housing requirement cited above, that would leave a supply of 2.72 years.
- 2.35 Given the 5-year supply position, there is a need for the Council to review its spatial strategy and explore those locations outside of the constrained Maldon, Heybridge and Burnham-on-Crouch growth areas e.g. North Fambridge which have the potential to deliver housing within the first five years of the plan period.



3. Maldon District Council Local Development Plan Sustainability Appraisal Report Update following Inspector's Report

3.1 The sustainability appraisal update includes an assessment of the alternative sites that were not previously considered under the previous version that was submitted to the Planning Inspectorate alongside the Local Development Framework. This new assessment of alternative sites appears to be an arbitrary assessment that has been retrospectively done to justify the preferred spatial approach. There is only a brief assessment of each site with no clear evidence and no cross reference to the indicators cited in the methodology. There is also inconsistency with the assessment of the spatial options. Consequently, it is not clear how the results achieved were arrived at.

3.2 The PPG is clear (Paragraph: 001 Reference ID: 11-001-20140306) that:

A sustainability appraisal is a systematic process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

3.3 The intention of the sustainability appraisal is therefore to help make sure that the proposals in the plan are the most appropriate given the reasonable alternatives.

3.4 It is clear from this latest sustainability appraisal update that the Council had not considered all the spatial alternatives during the plan preparation. They have only retrospectively sought to amend the sustainability appraisal on the advice of the previous examining Inspector.

3.5 The sustainability appraisal update lacks any credible assessment of the alternative sites, and indeed contains many puzzling, misleading and contradictory results that does not reflect the actual position. We will explain this below with regard to the



assessment of the extension of North Fambridge, using the sustainability appraisal objectives as sub headings where we disagree with the findings.

- 3.6 The sustainability appraisal is not robust or sound and as such the local development plan process must be considered unsound.

SA Objective 1. To maintain and improve accessibility to services and facilities for all sectors of the community

- 3.7 The indicators cited as being important to SA Objective 1 are as follows:

- % of rural residential population within 10km of key services (e.g. bank/post office)
- Hectares of accessible green space per 1,000 people
- Number or length of newly created or improved Public Rights of Way per year
- % of new residential / commercial development within 1km of good public transport links
- % of buildings accessible for disabled people
- % of residents within walking distance of public transport interchange
- % crossings for disabled people

- 3.8 In the assessment, the extension of North Fambridge is given a neutral score. It is stated that:

Uncertainty over transport infrastructure and whether works would be required due to remote nature and small size of the existing settlement. There is nearby national rail access providing sustainable transport to other services at other locations.

- 3.9 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:



- All residents are well within 10km of key services (e.g. bank/post office). Plus 1,000sqm of commercial floorspace approved under planning application 14/01016/OUT.
- 0.9ha hectares of accessible local park provision per 1,000 people, which represents a minor deficit but an additional 1.8ha of open space, and additional amenity space have been approved within North Fambridge under planning application 14/01016/OUT. A strategic development at this location has the opportunity to significantly increase publically accessible green space to the benefit of the existing population.
- North Fambridge has its own train service with an hourly service to London and the nearby settlements. All dwellings are accessible to this station. The number of people in North Fambridge that travel to work by public transport is 16% (Census 2011) which is double the proportion for the District as a whole (8.3%). As a new development would be centred around the train station, it would be expected that the high levels of public transport use would continue and increase.
- There is an opportunity to create a new primary school at the heart of the community that is accessible through walking routes.
- Essex Highways has never objected to this route or indeed indicated that significant transport infrastructure is required.

3.10 The assessors appear to have disregarded the indicators set out in their sustainability appraisal and applied a different methodology that is not set out within the SA document. They have also ignored what is being proposed and made assertions contrary to what the statutory consultees have indicated. Their conclusion consequently differs from that shown in the available evidence.

3.11 Consequently, we consider that this site should have a positive score.

SA Objective 2. To provide and maintain an adequate level of good quality affordable housing of appropriate size, tenure, mix and location to meet local needs.

3.12 The indicators cited as being important to SA Objective 2 are as follows:



- A suitable balance between supply and demand for housing
- % of affordable homes as proportion of total new dwelling completions
- Affordability of housing: average house price against income

3.13 In the assessment, the extension of North Fambridge is given a neutral score. It is stated that:

A large number of affordable units would support achievement of this objective, though it would exceed the local community need.

3.14 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- North Fambridge is located in an area with a low level of deprivation (Indices of Deprivation), however under the Index of Barriers to Housing and Services Deprivation 2015, it is one of the more deprived locations. This highlights a need for increased affordable housing in the area.
- The proposed scheme could deliver an appropriate level of affordable housing in line with policy requirements. By contrast, it is clear from the recent planning applications that several of the strategic locations are unable to meet this affordable housing requirement.
- The sustainability appraisal in assessing Policy S2 stated that the increase in good quality affordable housing would be a positive benefit. Yet, the same is proposed at North Fambridge and the same score is not applied.
- The assessment states that the community need would be exceeded. There is no evidence to suggest this as the Council has not undertaken a needs assessment at a Parish level, but it is clear from the 2014 SHMA that there is a critical need for affordable housing across the District as a whole that is not being met by the spatial strategy.

3.15 Consequently, we consider that this site should have a positive score.

SA Objective 3. To promote healthier lifestyles, improve levels of health and well-being



3.16 The indicators cited as being important to SA Objective 3 are as follows:

- Life expectancy
- Provision of infrastructure to improve health care
- Crime levels Fear of crime
- % of people who describe their health as good
- % of people who describe their health as poor
- Participation in sport and active recreation

3.17 In the assessment, the extension of North Fambridge is given a neutral score. It is stated that:

Given the remoteness there is likely to be a greater requirement for private vehicle use. However, there is adjacent PRow network and therefore predicted to be neutral.

3.18 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- 87% of the people of North Fambridge have good health or better compared with 81% across district and a lower proportion of people on poor health (Census 2011).
- Purleigh ward in which North Fambridge is related has the life expectancy of 85 for males, whilst the District level is 81 years (Census 2011).
- North Fambridge has low crime levels

3.19 In line with the indicators the location of North Fambridge scores very highly, yet this the sustainability assessors have it scored as neutral. This appears contrived given the positive evidence and undermines the robustness of the assessment.

3.20 Furthermore, the SA assessment was based on car use, yet this is not an indicator for this objective and is not actually a reflection of healthy lifestyles.

3.21 Consequently, we consider that this site should have a positive score.



SA Objective 4. To reduce rural isolation and social exclusion geographically and demographically through encouraging viable and vibrant communities.

3.22 The indicators cited as being important to SA Objective 4 are as follows:

- IMD rankings
- Number of active residents' groups/neighbourhood watch groups etc.
- Range of leisure and recreation opportunities within walking distance
- Retention of rural facilities including village shops

3.23 In the assessment, the extension of North Fambridge is given a neutral score. It is stated that:

Sufficient mix of affordable will contribute to the achievement of this objective. However, it would result in a significant increase in the population and potentially impact on the existing settlement and community structure.

3.24 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- North Fambridge has very low levels of deprivation compared with the District as a whole.
- There are various clubs in and around North Fambridge including a yacht club, table tennis club, junior football club, an active Parish Council and plenty of attractive walking routes. There are many clubs within a short distance to this site.
- An extant planning permission includes planning permission for a 1,000 sq m village centre incorporating a variety of uses. A strategic extension of North Fambridge would ensure that this centre would become very well used and there would be opportunities to increase commercial floorspace across the wider area.

3.25 The conclusion for North Fambridge does not reflect the objective that is being assessed. Indeed the comments made in conclusion could equally be applied to the



Maldon, Heybridge and Burnham-on-Crouch allocations, which have been shown to be under greater infrastructure and social stress.

3.26 The development at North Fambridge provides an opportunity to create a new exciting community with sustainability at its heart that is centred around a train station. With careful planning this could be a very vibrant new community.

3.27 Consequently, we consider that this site should have a positive score.

SA Objective 5. To maintain and improve public transport provision, promote sustainable modes of transport and reduce journey miles undertaken by car.

3.28 The indicators cited as being important to SA Objective 5 are as follows:

- % of planning applications which contribute to sustainable transport initiative through planning contributions
- Walking and cycling routes
- Integration of National Cycle Network
- Modal Split (% of workforce travelling to work by mode)
- Public transport patronage volumes
- Public transport provision, frequency and reliability
- Traffic volumes
- Number of car trips (census)

3.29 In the assessment, the extension of North Fambridge is given a negative score. It is stated that:

Uncertainty over transport infrastructure and whether works would be required due to remote nature and small size of the existing settlement. There is likely to be a greater requirement for private vehicle use without extensive public transport support. However, this is tempered by the nearby national rail access providing sustainable transport to other services at other locations.



3.30 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- North Fambridge has its own train service with an hourly service to London and the nearby settlements. All dwellings are accessible to this station. The number of people in North Fambridge that travel to work by public transport is 16% which is double the proportion for the District as a whole which has a proportion of 8.3%. As a new development would be centred around the train station, it would be expected that the high levels of public transport use would continue and increase.
- There is not another location in Maldon that uses public transport at the levels experienced in North Fambridge.
- The Infrastructure Plan does not indicate any transport constraints that would limit development at North Fambridge. This has also never been raised as an issue during various successful planning applications in the area.

3.31 It is highly likely that a strategic development centred on a train station that already has high patronage from local residents, particularly from those travelling to work that the new residents would also use the train services in high numbers. The sustainability assessor has appeared to make an arbitrary assessment without considering the sustainability objective indicators. It is also telling that this was a retrospective assessment after the Council had decided upon its strategic direction.

3.32 The assessors have also ignored what is being proposed and made assertions contrary to what the statutory consultees have indicated. As indicated in the Infrastructure Plan, there was no objections from Essex Highways on transport grounds nor any suggestions of a need for transport infrastructure. Their conclusion consequently differs from that shown in the available evidence.

3.33 Consequently, we consider that this site should have a positive score.

SA Objective 7. To protect and enhance biodiversity and important wildlife habitats

3.34 The indicators cited as being important to SA Objective 7 are as follows:



- Number, area and condition of international, national, regional and locally designated sites
- BAP species and habitats
- % of new developments incorporating ecological enhancement measures per year (including green and blue infrastructure)
- Area of 'ancient woodland'
- Area of created intertidal habitat

3.35 In the assessment, the extension of North Fambridge is given a negative score. It is stated that:

Area is agricultural land. No key habitats or sites in the area. International sites are less than 160m away though no direct impacts would occur. Potential for significant indirect (disturbance) impacts could arise as a result of recreational disturbance. A potential likely significant effect could arise therefore a detailed HRA would be required.

3.36 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- The site is close to international sites, but as has demonstrated through the recent planning permission for 75 dwellings and a new village centre, any impacts can be sufficiently mitigated. There is a substantial amount of available land away from these site to enable this mitigation to take place.
- The Burnham-on-Crouch Strategic Growth Area is in a comparable location and proximity to the same international sites and yet it was given a positive score. This shows a considerable inconsistency in the sustainability appraisal assessment.

3.37 In light of the positive score given to Burnham-on-Crouch, we consider that this site should have a positive score.

SA Objective 8. To protect quality and levels of local water resources.



3.38 The indicators cited as being important to SA Objective 8 are as follows:

- % of watercourse with good or fair biological and chemical quality
- Average domestic water consumption (l/head/day)
- The number of sustained objections from the EA to planning applications based on water quality concerns

3.39 In the assessment, the extension of North Fambridge is given a negative score. It is stated that:

Will require improvement to WWTW to ensure no deterioration in water quality.

3.40 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- The Maldon and Heybridge growth areas were given a positive score, yet the Infrastructure Plan highlights that development in these locations will require a significant improvements to the WWTW to achieve development at these locations. Recent planning permissions for schemes in Heybridge have included pre-commencement conditions require significant sewerage and water infrastructure upgrades.
- WWTW improvements at North Fambridge would greatly improve capacity within the local area.
- The Environment Agency has not objected to any major schemes in North Fambridge, but rather suggested mitigation measures in line with recommendations from Anglian Water.

3.41 Consequently, we consider that this site should have a positive score to the comparable position at Maldon and Heybridge.

SA Objective 10. To ensure efficient use of land and protect geodiversity, soil quality and mineral resources.

3.42 The indicators cited as being important to SA Objective 10 are as follows:



- % of dwellings built on previously developed land not of high environmental value
- % contaminated land remediated or contained during plan period
- Number of developments meeting densities between 30-50dph
- Number and condition of geological designations (SSSI and RIGS)
- New planning permissions granted on known Mineral Safeguarding Areas

3.43 In the assessment, the extension of North Fambridge is given a negative score. It is stated that:

No geological or mineral sites identified, but would result in loss of agricultural land.

3.44 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- The site is not contaminated or a mineral safeguarding zone. In terms of agricultural quality it is not highest quality.
- The Maldon, Heybridge and Burnham-on-Crouch strategic growth areas are all on agricultural land of a similar quality, but these sites have been given a neutral score. This shows clear inconsistency in the assessment of sites and calls in to question the robustness of the report.

3.45 Consequently, we consider that this site should have at least a neutral score to reflect the assessment of comparable sites in Maldon, Heyrbidge and Burnham-on-Crouch.

SA Objective 12. To maintain air quality levels in line with national and/or WHO targets.

3.46 The indicators cited as being important to SA Objective 12 are as follows:

- No. of days when air pollution is moderate or high for NO₂, SO₂, O₃, CO or PM₁₀
- Levels of main pollutants



- Number and area of Air Quality Management Areas

3.47 In the assessment, the extension of North Fambridge is given a negative score. It is stated that:

Possible increase due to the likely need for commuting to employment locations and other access requirements to services, retail, etc., minimised by the rail provision.

3.48 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- North Fambridge is not located in an area quality management area, and there is no available evidence to suggest that North Fambridge has experienced any of high levels of the pollutants cited in the indicators.
- North Fambridge has the highest levels of commuting undertaken by public transport in District. Growth at this location would utilise the train station, a benefit not enjoyed by most in the District, and as such it is anticipated that the high public transport use would continue.
- The Maldon, Heybridge and Burnham-on-Crouch growth areas were given neutral scores despite poor public transport connectivity to key workplace destinations. This shows clear inconsistency in the assessment of sites and calls in to question the robustness of the report.
- There are high levels of out-commuting from Maldon, Heybridge and Burnham-on-Crouch to other centres such as Chelmsford and Colchester. Given the lack of public transport this will have been primarily undertaken by car. The spatial approach would not reverse this characteristic.

3.49 Consequently, we consider that this site should have at the very least a neutral score in line with the spatial options.

SA Objective 13. To reduce natural resource consumption.

3.50 The indicators cited as being important to SA Objective 13 are as follows:



- % of premises meeting BREEAM “Very Good” standard or higher and % of dwellings meeting Code for Sustainable Homes levels 4-6
- % of energy generated from renewable sources (by type of scheme)
- Energy consumption per capita
- Household, construction and industrial waste produced (tonnage)
- % of household waste recycled and/or composted
- % of household waste landfilled
- % of construction, demolition and industrial waste landfilled
- % use of recycled aggregates in construction
- % of household waste used to recover heat or power

3.51 In the assessment, the extension of North Fambridge is given a negative score. It is stated that:

Loss of agricultural land.

3.52 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- There is no reference to the loss of agricultural land as being relevant to this objective as it is covered under other objectives. This indicates that the assessment has not been robustly undertaken in accordance with the stated methodology.
- The strategic growth locations at Maldon, Heybridge and Burnham-on-Crouch were given a positive score, yet they would also result in the loss of agricultural land. This shows clear inconsistency in the LDP assessment and calls in question the robustness of the assessment. There is no evidence to suggest that the land at North Fambridge should be scored differently from these sites.

3.53 Consequently, we consider that this site should have a positive score in line with the spatial options.



SA Objective 14. To maintain and enhance the quality of the countryside and local landscape character.

3.54 The indicators cited as being important to SA Objective 14 are as follows:

- Number and area of designated landscape
- Proportion of developments which demonstrate that they maintain or enhance the quality of the countryside, coasts, or estuaries, and local landscape character
- % and qualitative change in countryside character areas by character type (Countryside Character Counts)

3.55 In the assessment, the extension of North Fambridge is given a negative score. It is stated that:

Local character affected.

3.56 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- It is only stated that local character would be effected with no further analysis to substantiate this claim. This is a very subjective stance taken when an objective assessment id required.
- The strategic growth locations at Maldon, Heybridge and Burnham-on-Crouch were given a positive score, yet they would also result in development over a wide area and would equally impact upon local character. The impact at North Fambridge would be comparable to those locations. This shows clear inconsistency in the LDP assessment and calls in question the robustness of the assessment. There is no evidence to suggest that the land at North Fambridge should be scored differently from these sites.

3.57 Consequently, we consider that this site should have a positive score in line with comparable locations.



SA Objective 15. To strengthen the local economy through supporting the growth and diversification of business sectors and improving the attractiveness of the District to investment in both urban and rural areas.

3.58 The indicators cited as being important to SA Objective 15 are as follows:

- VAT registrations per 10,000 resident population
- Breakdown of businesses by sector (number and %)
- % change in unemployment rate
- Gross value added per worker (productivity)
- Rural diversification or other diversification initiatives
- % of people employed by employment type

3.59 In the assessment, the extension of North Fambridge is given a negative score. It is stated that:

Residential provision therefore does not contribute to achieving this objective at development level.

3.60 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- The proposed scheme seeks to develop a mixed use new community that incorporates a variety uses including residential, social and commercial. The assessor has ignored this aspect of this alternative option.
- North Fambridge already has permission for 1,000 sq m of commercial floorspace. This area has significant scope to increase employment opportunities further.

3.61 Consequently, we consider that this site should have a positive score.

SA Objective 17. To support employment diversity to create jobs that matches the skills profile for the local population.

3.62 The indicators cited as being important to SA Objective 15 are as follows:



- Educational attainment
- IMD (Education Skills and Training domain)
- Retention rates of young people in District

3.63 In the assessment, the extension of North Fambridge is given a negative score. It is stated that:

Residential provision therefore does not contribute to achieving this objective at development level.

3.64 The assessment and the score does not reflect the position when compared against the indicators for this objective, as:

- The proposed scheme seeks to develop a mixed use new community that incorporates a variety uses including residential, social and commercial. The assessor has ignored this aspect of this alternative option.
- The Maldon and Heybridge allocations have been given a positive score, yet they will result in the only secondary school exceeding capacity and requiring substantial expansion, making the largest school of its type within Essex. This can surely not be a positive outcome particularly given the inevitable disturbances to learning during the school expansion.
- There are no secondary school capacity constraints that would affect North Fambridge residents. The secondary schools are also all directly accessible via the train line.
- There is an opportunity to develop a new primary school that would not only serve the new residents but serve a wider rural catchment area.
- North Fambridge has the lowest levels of education, skills and raining deprivation in the District.

3.65 There has been considerable inconsistency in the assessment of sites within the SA with a clear bias towards the preferred spatial options and an unjustified downgrading of the reasonable alternatives.



- 3.66 If the Maldon and Heybridge sites received a positive score under this assessment, then it stands to reason that North Fambridge should also receive a similar score.

4. Maldon District Local Development Plan 2014 – Schedule of Main Modifications

- 4.1 The following paragraphs set out our comments in respect to the proposed main modifications:

098 - Policy S2: Strategic Growth

- 4.2 We agree that the annual housing supply should be increased, however for the reasons cited in our original hearing paper we do not agree that the 310 dwellings is the correct target that meets the objectively assessed housing need as the Council has not based this figure on the needs of the housing market area as a whole.

- 4.3 The Council has failed to consider the unmet housing need within its housing market area and of that of the adjoining local authority areas. The PPG (paragraph 011) is clear that housing market areas can be broadly defined by house prices and rate of change, household migration (70% containment) and travel to work areas and retail catchments. Using these sources the evidence indicates that Maldon falls within the same housing market area as Chelmsford and to some extent Braintree. This was accepted in previous iterations of the SHMA, until it was conveniently omitted in the most recent 2014 version.

088 Policy S2: Strategic Growth

- 4.4 The additional paragraph highlights that the extreme infrastructure constraints that exist in Maldon, Heybridge and Burnham-on-Crouch. This statement is negative and places a restriction on further development, including windfall development within the identified growth locations. This effectively puts a development freeze on all other developments in Maldon, Heybridge and Burnham-on-Crouch. By contrast the NPPF seeks positive growth.



- 4.5 The Council should include a paragraph that states:

The Council will actively support proposals outside of Maldon, Heybridge and Burnham-on-Crouch if the planned phasing of the garden suburbs and strategic allocations has slowed beyond expectation.

043 Policy S2: Strategic Growth

- 4.6 As set out in Section 2 of this representation, there are fundamental errors with the 5-year land supply. This table should be amended to reflect realistic delivery rates and the annual requirement taking into account shortfalls from previous years.
- 4.7 Given the lack of a 5-year land supply and reliance upon the strategic sites within the heavily constrained locations of Maldon, Heybridge and Burnham-on-Crouch, the Council should include site allocations within other areas that do not have the same levels of infrastructure constraints e.g. North Fambridge.
- 4.8 The Council has appeared to include windfall sites for each of the first five years. This is unreasonable and routinely considered bad practice as rarely are windfall sites accepted in the first two years of the supply. This is because windfall developments in the first two years are covered under the committed supply. It is highly improbable that the Council will give planning permission to 20 dwellings in the first year or 40 over the first two years and for these then to be built in the same year.

074 Policy S2: Strategic Growth

- 4.9 As set out in Section 2 of this representation, there are fundamental errors with the 5-year land supply. This table should be amended to reflect realistic delivery rates and the annual requirement taking into account shortfalls from previous years.

089 Insert new paragraphs after 2.29

- 4.10 There are other locations within the District that do not have the same level of infrastructure constraints highlighted in Maldon, Heybridge and Burnham-on-Crouch. As such it should be acknowledged that in the event that the preferred locations cannot be delivered, housing should be redirected to other locations. Consequently, the Council should include an additional paragraph that states:



The Council will actively support proposals outside of Maldon, Heybridge and Burnham-on-Crouch if the planned phasing of the garden suburbs and strategic allocations has slowed beyond expectation.

077 Figure 4: Housing Trajectory To replace Figure 4

- 4.11 As set out in Section 2 of this representation, there are fundamental errors with the 5-year land supply. This table should be amended to reflect realistic delivery rates and the annual requirement taking into account shortfalls from previous years.

090 Policy S4: Maldon and Heybridge Strategic Growth

- 4.12 It should be noted in this paragraph that when the inevitable planned delivery of the strategic sites stalls, residential development will be actively supported in other locations outside of these areas.

091 Policy S6: Burnham-on-Crouch Strategic Growth

- 4.13 It should be noted in this paragraph that when the planned delivery of the strategic sites stalls, residential will be actively supported in other locations outside of these areas. Reference should be given to other locations within the Dengie that do not have the same level of constraints but can accommodate significant housing growth such as land at North Fambridge.

095 Policy S7: Prosperous Rural Communities

- 4.14 There is no justification for the removal of the reference of North Fambridge within this paragraph.
- 4.15 The removal of the reference to North Fambridge was only taken out as a result of concerns at the time of the hearing in respect to sewerage provision. This position has since been updated by Anglian Water, see Appendix B, which indicates that the level of sewerage mitigation required is not significant.



- 4.16 This paragraph should also state that a proportionate approach would be taken to housing growth with a focus on settlements with existing and extant services/facilities and good public transport accessibility, particularly access to the train network.

094 2.91

- 4.17 There is no justification for the removal of the reference of North Fambridge within this paragraph.

071 Table 1: Developer Contribution Pooling Arrangements for Strategic Infrastructure

- 4.18 The difficulty that the Council has in implementing the requirements of this table is that several of the strategic already have planning permission or are currently subject to a S106 agreement. The function of this table is likely to become obsolete by the time the LDP is adopted.

- 4.19 This table also highlights the complicated infrastructure packages required to deliver the planned infrastructure and the resulting uncertainty.

084 Monitoring Framework

- 4.20 Given that several of the strategic sites already have planning permission or are currently subject to a S106 agreement, it is highly unlikely that this monitoring framework would be effective.

- 4.21 This framework refers to CIL, but it is unlikely that CIL will be in place to enable the delivery of the planned sites.

113 Proposals Map

- 4.22 We support the changes to the settlement boundary to include the two recent planning permissions at Manor Farm and Fambridge Road, North Fambridge. Collectively these sites will deliver 105 dwellings and a new village centre comprising 1,000 sq m of commercial floorspace. For avoidance of doubt these are windfall sites and now form part of the Council's committed housing land supply.



- 4.23 It should be made clear that the proposed changes to the boundary do not represent site allocations and do not in any way prejudice other sites in North Fambridge that may come forward through the Rural Site Allocations DPD.



Appendix A: Planning Appeal

Appendix A



Appeal Decision

Hearing held on 18 August 2015

Site visit made on 19 August 2015

by Peter Rose BA MRTPI DMS MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 January 2016

Appeal Ref: APP/X1545/W/15/3032632

Land off Maldon Road, Great Totham, Essex CM9 8NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Maldon District Council.
 - The application Ref OUT/MAL/14/00936, dated 30 September 2014, was refused by notice dated 13 March 2015.
 - The development proposed is erection of up to 115 dwelling houses with associated infrastructure.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission with all matters reserved for subsequent approval, except for access.
3. A completed Unilateral Undertaking dated 18 August 2015 was submitted to the hearing and is considered as part of the proposal.
4. The Maldon District Replacement Local Plan (the RP) was formally adopted in November 2005. Its proposed replacement, the Maldon District Pre-Submission Local Development Plan 2014-2029 Consultation (the LDP), is the subject of an Examination in Public (the EIP) and review by the Secretary of State for Communities and Local Government. I afford weight to relevant policies of both documents as indicated in the main issues below in accordance with the advice of paragraphs 49, 215 and 216 of the National Planning Policy Framework (the Framework).

Main Issues

5. The main issues are:
 - (a) the effect of the proposed scheme upon the special architectural and historic interest of The Bull public house and adjacent stables, both grade II listed buildings, and upon the locally listed Great Totham village hall;
 - (b) the effect of the proposed development upon the character and appearance of the appeal site and surrounding area;
-

- (c) whether the Council is able to demonstrate a five-year supply of housing land;
- (d) the effect of the proposed development upon the supply of housing required to meet local housing needs with particular regard to affordable housing;
- (e) whether the proposed scheme would constitute sustainable development.

Reasons

Listed buildings

6. The appeal site is an open field which lies adjacent to The Bull public house, a grade II listed building. The statutory List Entry identifies the public house as dating from the seventeenth century or earlier. It is largely two-storeys in form with a single-storey extension behind, and is of timber-framed construction. It has a hipped, red plain tiled roof with two red brick chimney stacks, and comprises a distinct and impressive building displaying a range of architectural and historic features. The main elevation fronts Maldon Road to the south.
7. Some 10 metres south-west of the public house is a former stable building which is also grade II listed and which the List Entry dates from the nineteenth century. It is of painted brick with a red plain tiled roof and contains two red brick chimney stacks.
8. To the south-east of the appeal site on the opposite side of Maldon Road is Great Totham village hall. This is a locally listed, twentieth century building and comprises a large rendered, barn-like hall with arcading along its side walls.
9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the decision-maker, in considering applications for planning permission, to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess. The Council's particular concerns relate to the effect of the development upon the settings of the listed buildings.
10. The Framework makes clear that the setting of a heritage asset is the surroundings in which it is experienced and that the setting of a designated asset can contribute to its significance.
11. Historic England's Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets advises that the contribution of setting to the significance of a heritage asset is often expressed with reference to views, a purely visual impression of an asset, and including views of the surroundings from or through the asset. It states that views which contribute more to understanding the significance of a heritage asset include those where relationships between the asset and places or natural features are particularly relevant. It further advises that setting is not in itself a heritage asset, nor a heritage designation, and its importance lies in what it contributes to the significance of the heritage asset.
12. Of relevance to the significance of listed buildings, English Heritage's Conservation Principles Policies and Guidance for the Sustainable Management

- of the Historic Environment, 2008, identifies four types of heritage value that an asset may hold: aesthetic, communal, historic and evidential.
13. The significance of the public house as a building of special architectural and historic interest relates, amongst other matters, to its quality as a traditional historic public house and to the evidential, historic and aesthetic value arising.
 14. The historic parts of the stables are enclosed by subsequent extensions to its north and south sides but the public house and stables effectively form part of the same site and, by reason of their proximity and associated historic use, together offer significant group value in terms of their evidential, historic and aesthetic contributions.
 15. Whilst a visually interesting and attractive building, the main significance of the village hall relates to its background communal value. The building was designed by a local arts and crafts architect, A H Mackmurdo, who lived and worked in Great Totham. He had a particular interest in social reform and designed a number of village halls in Maldon under the auspices of the Rural Community Council for Essex. Notwithstanding its undoubted local interest, I do not find the setting of the village hall to be a particular contributory factor to its significance.
 16. The public house includes an extensive car park to the front and side and the building is set back from Maldon Road, and incorporates an attractive, extensive public garden to the north. To the west, the site is adjacent to a public footpath which marks the boundary to an area of extensive twentieth century residential development. To the north and east, however, the setting is significantly defined by the original open character of the appeal site. To the south, the site overlooks the village cricket pitch beyond Maldon Road, and the adjacent village hall.
 17. The undisputed evidence is that, historically, the public house and stables formed a prominent coaching inn/hostelry on a significant road and set within open countryside. That open setting has been lost to the residential development to the west and, to a lesser degree, by built development to the south-west. To the east, however, the open setting of the appeal site is retained in views to and from the appeal site and I consider that remains part of the building's historic significance.
 18. Whilst much of the historic parts of the stables is not readily evident in views around the site, the setting of the stables remains significant in relation to its physical and historic association to the public house.
 19. The proposal would incur the loss of the appeal site to built development and, notwithstanding proposals for landscaping and re-siting of boundary hedges along Maldon Road, significant historic views of the appeal site within open countryside would be lost. I recognise that views from the east towards the public house along Maldon Road are already limited by the hedges to the front of the appeal site and by other vegetation along the shared boundary between the two sites. Even so, the public house is not physically enclosed, and the appeal site provides a significant backdrop to the listed building in views towards the east/north-east and significant views from within the curtilage of the public house. There would be an erosion of the established rural setting of the buildings which would result in some harm to the significance of the statutorily designated heritage assets.

20. Nevertheless, I consider the contribution that the appeal site makes to the overall significance of the adjacent listed buildings to be relatively limited. That said, I find that the development, by reason of its scale and location, would still fail to preserve the settings of the statutorily listed buildings and would thereby diminish the significance of those assets.
21. I note that English Heritage similarly considers that the existing open, rural outlook to the front, rear and east side makes a contribution to the significance of both buildings and that the introduction of up to 115 dwellings would effectively suburbanise their setting, resulting in harm to their significance. English Heritage does not accept that the appeal site makes a 'neutral' contribution to the significance of these assets, and I agree.
22. Hence I find that the proposed development would be harmful to the architectural and historic integrity of the listed buildings but, given its relationship to those buildings as described, that the harm would be less than substantial. The Framework makes a distinction between development causing substantial harm to the significance of a designated heritage asset, such as a listed building, and development that would lead to less than substantial harm. The Framework requires less than substantial harm to be weighed against the possible public benefits of the scheme and this is addressed as part of my overall planning balance to follow.
23. I therefore conclude that the scale and location of the proposed development, by reason of its impact upon the setting of The Bull public house and adjacent stables, would be harmful to the significance of those listed buildings. Accordingly, the proposed development would be contrary to Policy D3 of the LDP which seeks to ensure that all development affecting a heritage asset or its setting should preserve or enhance its special character, setting and townscape/landscape value in a manner appropriate to its significance.
24. Given the formally unadopted status of Policy D3, I attach only limited weight accordingly. The Council has also confirmed that Policy BE16 of the RP is not directly relevant to the development as it relates to development within the curtilage of a listed building and not to its wider implications. Nonetheless, the scheme would still be contrary to the Framework insofar as it recognises that heritage assets such as listed buildings are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance. The Framework further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Character and appearance

25. The appeal site comprises a large area of open land outside, but adjacent to, the defined development boundaries of Great Totham accompanying Policies H1, S1 and S2 of the adopted RP and Policy S8 of the emerging LDP.
26. The site comprises some 5.85 hectares of land in agricultural use with no buildings or other structures present. It effectively forms part of the open countryside and Policy S2 of the RP (Development outside development boundaries) seeks to protect the countryside for its own sake, particularly with regard to various matters, including landscape, historical, ecological and recreational value.

27. The site lies within an area defined by the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (September 2006) as wooded farmland. The key characteristics of this area are indicated to include predominantly agricultural fields enclosed by woodland patches or hedgerows with mature trees, and with colour-washed buildings both in villages and scattered in the landscape.
28. The site also forms part of the Chelmer-Blackwater Ridges Special Landscape Area (SLA) as referred to in Policy CC7 of the RP. I note that paragraph 3.44 of the RP states that Landscape Character Assessments (LCA's) would supersede SLA designations and the Council accepted at the hearing that the site's SLA designation now technically no longer applies.
29. Nevertheless, these references all contribute to a recognition of the significance of the appeal site as a valued landscape for the purposes of the Framework, and this value is also reflected in the various representations made by the local community as part of the appeal.
30. Great Totham is further defined in the Maldon District Characterisation Assessment published July 2012 as an Arcadian settlement displaying a dispersed settlement pattern which it defines to be not consistent with a scale or sense of enclosure approaching an almost urban configuration.
31. The built environment to the west terminates at the public house and at the village hall on opposite sides of Maldon Road, and this is broadly where the local built environment meets open countryside from the north, east and south. The public house, village hall and village cricket pitch to the south all contribute to a distinct sense of place, and all benefit from an essentially open, rural aspect.
32. The appeal site itself makes an important and integral contribution to this local distinctiveness in terms of its scale and openness in-keeping with its predominantly rural surroundings. Whilst set behind a large hedgerow and therefore relatively limited in views from Maldon Road, the relatively unkempt hedgerow is itself significant in its contribution to this distinctive local rural character, set in a forward position adjacent to the highway and without footpaths.
33. The appellant's indicative Development Plan Framework seeks to recognise the existing qualities of the site and its visual attributes and includes significant boundary treatment and open space within the site, and the scheme includes proposals to increase biodiversity. The submitted Landscape and Visual Impact Appraisal (LVIA) also suggests the appeal site is well contained visually, and identifies its main exposure to the south and from footpaths and gaps to the north. The LVIA has also been subject to a formal independent evaluation which agreed that the landscape impacts would be localised to the site itself and to the close vicinity.
34. Notwithstanding the findings of the LVIA, and its subsequent independent endorsement, I find that a distinction is still to be made between the impact of the development within the site itself, and implications relating to the broader character and role of the site in its wider context.
35. The scheme would introduce a substantial built form across a large area of open countryside and development of this open field on the scale proposed

- would undoubtedly change its distinctive character and appearance. That, in turn, would also undermine the existing broader pattern of surrounding open countryside and other open space to which it significantly contributes, and would not be in-keeping with the established dispersed Arcadian townscape of the wider settlement.
36. The scheme would be visible from the south, from the west, and from various viewpoints along the higher ground to the north, including nearby footpaths. Views of unspoilt open countryside across the appeal site from in and around the public house, and notably from its public garden, are particularly attractive features of the local setting and would be lost.
37. The Framework advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. More generally, the Framework also places importance upon local distinctiveness. A core principle also seeks for planning to take account of the different roles and character of different areas, which includes recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
38. I therefore conclude that the loss of open land arising from the scale and location of built development proposed would be seriously harmful to the distinctive character and appearance of the appeal site and of its surrounding area. The development would suburbanise an important part of Great Totham to the detriment of its wider distinctive rural character and appearance.
39. Accordingly, the proposed development would be contrary to Policy CC6 of the RP which seeks to protect the natural beauty and traditional quality of the District's landscape. The scheme would also be contrary to Policy H1 of the RP, which makes a presumption against housing development outside development boundaries, and to Policy BE1 which seeks to ensure that development outside defined development boundaries makes a positive contribution to the landscape and open countryside. Policy S2 also states that outside development boundaries, the countryside will be protected for its own sake. Similar aims are expressed by Policy S8 of the LDP. Policy D1 of the LDP also seeks to ensure that all development should respect and enhance the character and local context.
40. The status of Policies H1, S2, BE1 and S8 for the purposes of this appeal, and the weight to be attached, will also depend upon my assessment of the Council's ability to demonstrate a five-year supply of housing land in accordance with the expectations of the Framework, and this is considered further below.

Housing land supply

41. The Framework requires the local planning authority to prepare a five-year supply of deliverable housing sites in response to its full objectively assessed needs for market and affordable housing (OAN).
42. The housing requirement of the adopted local plan has not been saved, and the target figure of the Regional Spatial Strategy (the RSS) has been revoked.
43. Notwithstanding the Council's previous progress towards adoption of its LDP, no up-to-date housing requirement has yet been tested and agreed as part of

- the formal statutory development plan process and, accordingly, no statutory five-year housing land supply is available.
44. In this local policy vacuum, I have been presented with two contrasting sets of evidence.
 45. From the Council, I have received a revised Planning Policy Advice Note published in July 2015 accompanied by a Five-Year Housing Land Supply Statement 2014/15 (the Statement). The Statement identifies the District's housing requirement to be 310 new homes per annum and considers it can now demonstrate 6.95 years' worth of housing land supply relative to a five-year housing target of 1776 dwellings.
 46. In response, I have received from the appellant three alternative calculations of five year supply. The first is based upon the Council's own housing need figure of 310 dwellings per annum and concludes there to be a supply of 4.98 years. The second is based upon the appellant's own assessment of the District's housing requirement which it assesses to be 444 dwellings per annum and finds a land supply of 3.4 years. A third scenario is based upon a housing requirement of 381 dwellings per annum contained within a previous Strategic Housing Market Assessment dating from 2014 (the SHMA) and concludes a supply of 4.05 years. This third scenario is significant as, in the EIP Inspector's statement of Key Concerns dated 24 June 2014, he expresses an initial view that the full objective housing need assessment is more likely to be that set out in the SHMA rather than a lower figure put forward by the Council, and that it may be higher if further work is required to take account of recessionary under-estimation.
 47. In terms of housing need, it was agreed at the hearing that a significant explanation of the differences in OAN between the Council's Statement and the alternatives put forward by the appellant relate to underlying assumptions of economic growth and of household formation. The appellant's submission is based upon the latest 2012 ONS Sub-National Population Projections and the CLG's household projections. Whilst the Council confirmed its Statement to be based upon 2011 data, the hearing was advised that the 2012 data had been considered and that the Council's assessment of its requirement remained at 310 dwellings per annum. The Council has adopted more conservative figures of household formation and lower rates of economic growth than those applied by the appellant. This also includes differences identified with regards to the wider housing market areas. These differences of approach are also subject to on-going examination as part of the EIP.
 48. In terms of housing land supply, there are also significant differences in the respective submissions.
 49. The Statement includes a significant contribution of eleven LDP Strategic Allocations which the Council estimates would contribute 1729 dwellings over five years of its total deliverable housing land supply of 2468 units, and this appears to be based upon statements made by developers prior to discussions at the EIP. Two sites are each allocated for over a thousand dwellings, and all but one are allocated for over a hundred dwellings.
 50. To be considered developable, Footnote 11 to the Framework requires each site to be available now, to offer a suitable location for development now, to have a

realistic prospect that housing will be delivered on the site within five years and, in particular, that development of the site is viable.

51. Some 391 dwellings are forecast to be delivered from the eleven Strategic Allocation sites by 2016/17 i.e. over the next eighteen months. Of the eleven sites, however, unchallenged evidence was submitted that only two currently have planning permission (accounting for 82 dwellings), four have applications pending, and the remaining five (accounting for 210 dwellings of the identified delivery) have no permission and outstanding delivery issues. Contrary to the tests of Footnote 11, I also note that at least one of the sites (Heybridge Swifts) appears not to be currently available.
52. Evidence was also submitted regarding the significant lead-in times generally required for development of large-scale sites, including in relation to matters of infrastructure and of detailed viability. The appellant's estimates, supported by other empirical evidence, suggest a realistic lead-in time from submission of application to starting on site to be some 23-35 months. The EIP Inspector similarly identified possible concerns in relation to multiple ownerships, and unresolved key infrastructure matters.
53. In light of these doubts, the appellant's assessment of the eleven Strategic Allocations is that the Council's overall five-year supply of 1481 dwellings not yet subject to planning permission should be reduced by some 525. Notwithstanding the Council's commitment to an Infrastructure Delivery Plan, for the reasons indicated, I share the appellant's concerns regarding the general robustness of the Council's stated delivery in relation to these sites.
54. In support of the Council's position, the authority is now pursuing a proactive approach to bring forward for development its LDP allocations and other housing sites, and the Council's progress was noted by the Inspector in the Interim Findings of the EIP. By March 2015, there was a total of 944 dwellings with extant planning permission in the District compared to 497 in March 2014.
55. Nonetheless, I also have other concerns relating to the robustness of the forecast delivery. Whilst the Council states that it has historically met its housing targets, I note that, in the five years from 2010/11 to 2014/15, housing completions in Maldon only once exceeded the RSS target of 120, by 4 dwellings in 2012/13. The Statement proposes in excess of a two and half-fold increase in annual provision relative to need and, notwithstanding its recent concerted efforts to bring forward sites for development, I have insufficient evidence to satisfy me that the proposed step change in provision will materialise. More generally, the Planning Advisory Service's Objectively Assessed Need and Housing Targets Technical advice note dated June 2014 also indicates that the level of completions is a good indicator of the severity of local planning constraints.
56. I also have other doubts regarding a number of detailed aspects of the Council's Statement.
57. The Council employs a lapse rate of some 5% based on local empirical data, whilst other evidence, including Appeal Ref: APP/H1840/A/12/2171339 dated 24 August 2012 and relating to land at Honeybourne, Worcestershire, suggests a figure of 10% to be more appropriate. I consider a higher lapse rate would also be reasonable where the robustness of data may be in question. The

- appellant suggests this would reduce the Council's five-year supply by 94 dwellings.
58. I am unclear why 69 completions from 2014/15 should be included in a future delivery plan given that this figure is already set against the Council's unmet target of 310 dwellings for 2015/16.
59. I am unconvinced, given the necessary lead-in period and the trawl of sites already identified, that windfall allowances should apply to the first two years. The appellant suggests this should reduce the Council's figure by a further 40 dwellings.
60. The Council's Statement does not apply the buffer to the annual housing requirement and backlog but adds it as a separate element. This is contrary to the practice of a number of recent appeal decisions quoted, and means the Council's estimated need is lower than if calculated by the alternative method, although relevant numbers would be relatively small.
61. In the absence of a statutorily defined housing requirement reflecting Maldon's OAN, I place particular weight upon the EIP Inspector's initial view that the full objective housing need assessment is more likely to be that set out in the 2014 SHMA, and that it may be higher. Importantly, the Inspector also describes that SHMA as a sophisticated and robust assessment. Whilst the SHMA figure of 381 is less than that identified by the appellant's assessment, I also find it significant that the appellant's submission is consistent with the Inspector's finding of a possibly higher figure.
62. Applying the minimum 2014 SHMA figure of 381, which is still significantly below that advocated by the appellant, to the appellant's suggested supply figure of 1871, would give a supply of 4.05 years.
63. Applying the 381 figure to the Council's total supply figure of 2468 (unadjusted for lapse rates, windfalls, and completions) would involve an initial requirement of 1905 dwellings (5 x 381 dwellings per annum). Adding a backlog of 312 and a 5% buffer would require 2328 dwellings over five years at 466 dwellings per annum. This would yield a supply of 5.3 years (2468 dwellings/466).
64. Setting aside wider and potentially more far-reaching issues around differences in delivery rates, and other uncertainties relating to the Strategic Allocations, just removing the identified 69 completions, 40 windfalls (two years' allocation), and 47 lapses (5% of 944 dwellings identified with planning permission) from the same Council total would reduce this figure of 2468 to 2312 and would yield a deficient supply of some 4.96 years (2312/466).
65. In summary, I recognise that the Council's Statement may have significant benefit as a list of potential future housing sites, but I cannot be satisfied that the Statement is sufficiently robust as to constitute a five-year supply of sites each meeting the detailed terms of Footnote 11. This is particularly so as the Statement has not been endorsed following the rigours of an EIP, its overall robustness as a strategic planning tool is untested, and significant questions remain.
66. The Planning Practice Guidance (the Guidance) advises that planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up-to-date evidence to support the deliverability of

sites, ensuring that their judgements on deliverability are clearly and transparently set out. Full such details are not before me as part of this appeal.

67. I am therefore not satisfied from the information before me that the Council is able to demonstrate a five-year housing land supply as required by paragraph 47 of the Framework, and nor has any other evidence or decisions been presented to me to suggest otherwise. It follows that policies within the development plan relating to the supply of housing are considered out-of-date in accordance with paragraph 49, and the presumption in favour of sustainable development would thereby otherwise be engaged.
68. The implication is that Policies H1, S2 and BE1 of the RP and Policy S8 of the LDP, which act as constraints to future housing supply by presuming against housing development outside development boundaries, are considered out-of-date, and little or no weight is attached as part of my overall planning balance.

Affordable housing

69. The proposal makes provision through the submitted Unilateral Undertaking for 30% of the housing to be affordable, of which 80% is intended to be social rented housing and 20% intermediate. This level of provision accords with the requirements of Policy H9 of the adopted RP.
70. Policy H1 of the LDP requires a higher provision of 40%. The Council indicated at the hearing its pressing needs for affordable housing and the importance of securing a higher figure where the viability of sites is not in question. The Council considers Policy H1 to be a more up-to-date reflection of its needs, and explained that, whilst objections have been raised to the policy as part of the EIP, these relate to site-specific matters and not to the principle of the policy itself.
71. Policy H1 is not a formally adopted policy of the development plan and, accordingly, can only be afforded limited weight. Further, I note the proposal was the subject of pre-application discussions, that a figure of 40% was not raised at that time, and that the application proceeded in accordance with that advice reflecting the requirements of the adopted Policy H9.
72. In these circumstances, I find a requirement of 40% to be unreasonable given the history of the scheme and, more particularly, its compliance with the extant, adopted development plan and the limited, emerging status of Policy H1.
73. I therefore conclude that the proposed development would not be harmful with regard to the supply of housing required to meet local housing needs and, in particular, affordable housing. Accordingly, the proposed development would be consistent with a core principle of the Framework which looks for planning to proactively drive and support sustainable economic development to deliver required homes.

Sustainable development

74. The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development.

75. The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in paragraphs 18 to 219 taken as a whole. At the heart of the Framework in paragraph 14 is a presumption in favour of sustainable development. The Framework further identifies economic, social and environmental dimensions to sustainable development.
76. I have noted the various appeal decisions referred to by the appellant, and the recognition given to the role of housing in supporting the broader sustainability of villages and of smaller settlements as set out in the government's Guidance.
77. I have had particular regard to the appellant's Socio-Economic Sustainability Statement. The scheme would undoubtedly provide considerable housing benefits, and not just in terms of affordable housing but also in terms of market provision, and such benefits would be consistent with the social dimension of sustainable development. The investment represented by the development would also be consistent with the economic dimension, and there is no dispute between the main parties that the location is, in principle, a sustainable one.
78. In environmental terms, however, I find the impact of the scheme upon the character and appearance of the appeal site and surrounding area, and with particular regard to its location and scale, and its relationship to the settings of the adjacent listed buildings, to be unsustainable for the reasons described.
79. I therefore conclude that, although the development would yield significant benefits in terms of the economic and social dimensions of sustainable development, other aspects of the scheme, particularly with regard to the site's environmental impact, would not be sustainable. In overall terms, given the extent of the environmental harm reflecting the scale and location of the proposed development, I find the scheme would not be sustainable development in accordance with the expectations of Policies S1 and S8 of the LDP. Policy S1 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development, including supporting growth within the environmental limits of the District, conserving and enhancing the historic environment, and in maintaining the rural character of the District without compromising the identity of individual settlements. Policy S8 states the Council will support sustainable developments within the defined settlement boundaries. Whilst I consider Policy S8 to be technically out-of-date for the purposes of the Framework, I still find the underlying aims of these policies to be broadly consistent with national policy.

Unilateral Undertaking

80. The Unilateral Undertaking makes commitments to various matters, including affordable housing, early years and childcare facilities, health, secondary school transport, a travel plan, and in relation to open space.
81. Although the Undertaking provides for considerable benefits, it is still incumbent upon me to assess the proposed contributions with regard to the tests identified in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (the Regulations), and with reference to the advice of the Framework, of the Guidance, and in relation to the general expectations of the Planning Inspectorate's Procedural Guide Planning Appeals - England, published July 2015.

82. Regulation 122 makes clear that it is unlawful for a planning obligation to be taken into account in a planning decision unless it meets three tests. These are that the obligation is necessary to make the proposal acceptable in planning terms, that it is directly related to the scheme, and that it is fairly and reasonably related in scale and kind to the development, and these tests are more generally expressed in the Framework and Guidance. Further, Regulation 123 also places limitations upon the number of pooled contributions for particular projects.
83. I note the Council's case for the contributions and the justification provided, including the Council's Developer Contributions Guide Adopted December 2005, and in Essex County Council's Developers' Guide to Infrastructure Contributions 2010 Edition, and in the County's Education Contribution Guidelines, and by Policy H9 of the RP. On this basis, I find the contributions would each satisfy the appropriate tests.
84. The Council raises no issues regarding the form and drafting of the Undertaking which I find is fit-for-purpose, and is content with the contributions as they relate to Regulation 123.
85. I therefore have regard in my decision to the Undertaking, and consider these matters further as part of the overall planning balance.

Other Matters

86. I have considered all other matters raised, including concerns relating to the impact upon the village's limited transport and social services. The Council explained these matters had been carefully considered as part of its decision in consultation with relevant authorities, and that it is satisfied with the terms of the Undertaking in those regards. I have little reason from the evidence before me to conclude otherwise.
87. I note that no objection is raised by the highway authority on the grounds of highway safety, and I have little basis to disagree.
88. The Council also raises no objection with regard to impacts in relation sewage/drainage, wildlife/ecology, and to matters of access for disabled people. Given the outline status of the application with all matters reserved except access, I have little basis to conclude otherwise.
89. I have noted references made to pre-application discussions, and to the appellant's Statement of Community Involvement. I also note the scheme has been assessed as not to involve Environmental Impact Assessment (EIA) development.
90. I have had regard to all other planning decisions and appeals as referred to in the submitted evidence, to all correspondence and other documents submitted in relation to the EIP, and to all other considerations raised at both the hearing and in written evidence.

Overall Planning Balance

91. I consider Policies H1, S2 and BE1 of the RP and Policy S8 of the LDP to be policies for the supply of housing. As I am not satisfied that the authority has a five-year supply of deliverable housing sites, I find those policies to be out-of-date and attach little or no weight accordingly.

92. Policy CC6 of the RP is a formally adopted development plan policy which broadly accords with the Framework. Given the emerging status of the LDP, I only attach limited weight to Policies S1, H1, D1 and D3. Notwithstanding on-going issues around the EIP, it was also agreed at the hearing by the main parties that comments made by the Inspector to date were neither criticising nor endorsing these particular policies but related to other detailed aspects of housing policy, particularly in relation to accommodation for gypsies and travellers.
93. I have concluded that there would be some harm to the significance of the public house and stables as designated heritage assets but that this would be limited, and thereby less than substantial. I consider that the public benefits of the development in terms of its economic and social implications described would be sufficient to outweigh that harm to the significance of the heritage assets. I therefore find that the appeal scheme would not conflict with policies of the Framework relating to the historic environment.
94. Notwithstanding the undoubted economic and social benefits of the development, and the commitments arising from the Unilateral Undertaking, substantial harm would still be incurred by the scheme. In particular, substantial harm would arise to the character and appearance of the appeal site and surrounding area. The scheme would involve the loss of a considerable area of countryside with wider implications for the character and appearance of Great Totham contrary to expectations of both the development plan and of the Framework. The appeal site is integral to the character and appearance of Great Totham and development would harmfully suburbanise an important part of the village and its surrounding countryside.
95. In this regard, I place particular weight upon the aims of the Framework. The Framework advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, places importance upon local distinctiveness, and seeks for planning to take account of the different roles and characters of different areas. This includes recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. All these expectations would be harmed by the scheme.
96. Taken together, I therefore find that the adverse impacts of the scheme, by reason of its location and scale, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and with regard to the development plan as a whole. Further, there are specific policies in the Framework which indicate that development should be restricted.

Conclusion

97. For the above reasons, the appeal is dismissed.

Peter Rose
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Steve Latham	Gladman Developments Ltd
Nicky Parsons	Pegasus Group
Lydia Voyias	Pegasus Group
Katie Machin	Pegasus Group
Jason Clemons	CgMs Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Clive Tokley	Planning consultant
Jacqueline Longman	Senior Conservation and Urban Design Officer
Tai Tsui	Senior Planning Policy Officer
Gary Sung	Planning Policy Officer

INTERESTED PERSONS:

Councillor Jim Gregan	Parish Council
Kevin Bennett	Local resident
Paul Mutton	Local resident
Graham Thorne	Local resident
Wendy Stamp	Local resident
Christine Adams	Local resident
Rupert Marks	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Signed Statement of Common Ground dated August 2015
2. Completed Unilateral Undertaking dated 18 August 2015
3. Update to appellant's Core Document List dated 11 May 2015
4. Maldon District Council List of Assets of Local Heritage Value (undated)
5. Extract from 'Essex', Nikolaus Pevsner, 1954

6. Council's 'Matter 2: Strategic Housing Growth: Implications of DCLG's 2012-based Household Projections (published 27 February 2015)',
Ref: EWT - M02b - 01 dated 31 March 2015
7. Council's 'Identification of Objectively Assessed Needs for Housing (OAN)'
Ref: EBO98c dated September 2014
8. Appendix G of Council's Five-Year Housing Land Supply Statement July 2015
9. Council comments re. Unilateral Undertaking financial contributions
10. Council's annotated aerial views of the appeal site and surroundings

Appendix B: Anglian Water Development Impact Assessment

Appendix B





Development Impact Assessment to further enquiry to Pre-planning Report dated 15 January 2015

Project Title:

Manor Farm, The Avenue, North Fambridge

Anglian Water Services contact:

Rob Morris
Senior Growth Planning Engineer
Thorpe Wood House
Thorpe Wood
Peterborough
PE3 6WT
Mobile Number: 07702341018
Our reference number: 5038/S-2977
16 December 2015

1. Summary

This report has been undertaken in response to an enquiry from Utility Law Solutions to determine the impact of flows from two development sites within North Fambridge on the performance of the existing foul sewer network. The two developments have been modelled as connecting at the same time. It should be read in conjunction with the pre-planning report dated 15 January 2015, which indicated that a direct connection to the public foul sewer system is likely to have a detrimental effect on the existing sewerage network. Further hydraulic modelling is required to enable Anglian Water to provide a solution for draining the foul flows from the proposed development.

The analysis has been performed on the foul system only. Initial modelling to consider removing surface water flows to provide the required capacity to enable direct connection to the foul sewer system showed that this would not resolve the issue and therefore this report addresses the foul flows only.

This assessment considers flows from two sites, one to the south of The Avenue comprising 30 residential dwellings and one to the north of The Avenue comprising 75 residential dwellings.

The additional foul flows from the southern development site comprising 30 dwellings were modelled connecting to manhole 4201 (grid ref: TQ8543897250) located in The Avenue.

The additional foul flows from the northern development site comprising 75 dwellings were modelled connecting to manhole 5301 (grid ref: TQ8554597318) located in Fambridge Road.

The study concludes that overall the combined developments will cause detriment to the capacity of the sewer system and will result in increased flood risk downstream of the proposed connection points.

In order to mitigate the impact of the proposed developments upon the network the following option is proposed:

Allow the 30 property development to connect by gravity to manhole 4201 located in The Avenue and pump the flows from the 75 property development into the network with an Real Time Control (RTC) to hold back the flows and to increase the size of The Avenue Pumping Station (PS) wet well to mitigate against the impact.

- Provide 68m³ of off-line on-site storage with gravity return to a new on-site pumping station with RTC linked to the existing The Avenue PS.
- Provide 33m³ of storage The Avenue PS.

The above can be delivered in three forms:

1. Anglian Water to undertake both the on-site and off-site storage together with the pumped conveyance including the RTC.

The predicted total capital scheme cost for this option is £576,441 with an indicative developer contribution of £369,243. The predicted total embodied carbon (tCO₂e) is 97.41. The predicted water footprint (m³H₂Oe) is 92.62.

2. Anglian Water to undertake the pumped conveyance with RTC and the off-site storage.

The predicted total capital scheme cost for this option is £389,444 with an indicative developer contribution of £182,246. The predicted total embodied carbon (tCO₂e) is 71.34. The predicted water footprint (m³H₂Oe) is 64.05.

3. Anglian Water to provide the RTC and the off-site storage.

The predicted total capital scheme cost for this option is £174,451 with an indicative developer contribution of £22,088. The predicted total embodied carbon (tCO₂e) is 14.15. The predicted water footprint (m³H₂Oe) is 10.03.

The topography of the site indicates that a gravity connection can be made for both sites, however due to the off-site mitigation options the northern site will be connected via a pumped conveyance to the connecting manhole due to RTC implementation to minimise mitigation requirements. So due to the proximity of the southern site to the connection point it is assumed that the developer will provide the necessary infrastructure to convey flows from the site to the network and the costs provided do not include for this.

The contents of this report and costs supplied are an estimate based on a solution generated by a desktop hydraulic model. These are estimated figures which are not to be relied upon without further detailed investigations.

2. Hydraulic Modelling and Solutions

The proposed development sites are located off The Avenue and Fambridge Road in North Fambridge (see Figure 1). Foul flows from the sites drain to Latchingdon Water Recycling Centre located approximately 5.25km to the north of the village. The proposed developments comprise collectively of 105 dwellings, 30 dwellings and 75 dwellings respectively.

To enable the analysis to be performed a hydraulic model for Latchingdon was used.

The modelling assumptions are presented in Appendix 1.

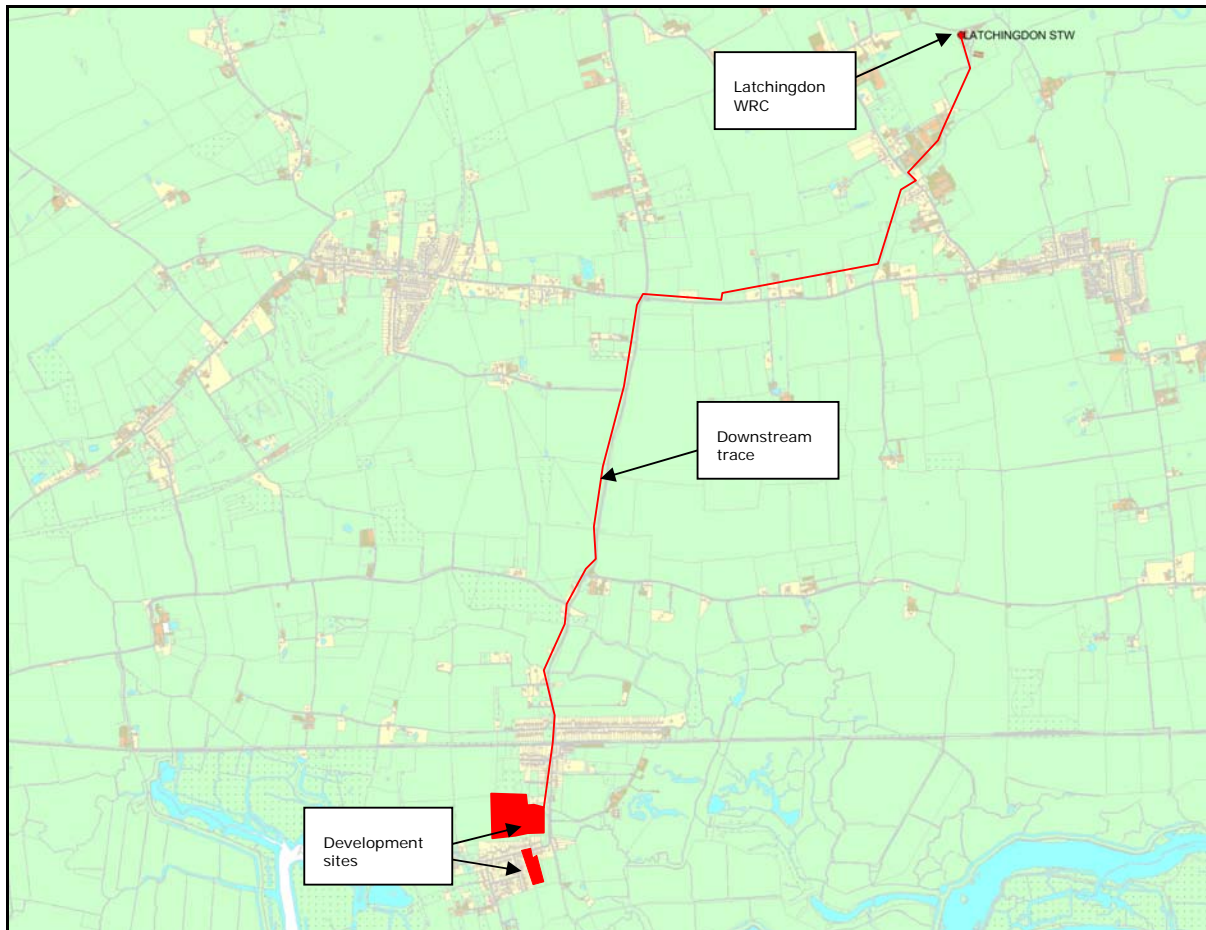


Figure 1. Showing the development location and proximity to the WRC showing downstream trace

Proposed connection points

The proposed connection point for the southern development is manhole 4201 (NGR TQ8543897250) just outside the site entrance located in The Avenue (see Figure 2). The diameter of the sewer to which the proposed development will connect is 150mm. A review of the site topography indicates that a gravity connection is feasible.

The proposed connection point for the northern development is manhole 5301 (NGR TQ8545497318) the manhole immediately upstream of The Avenue PS (see Figure 2). The diameter of the sewer to which the proposed development will connect is 150mm. A review of the site topography indicates that a gravity connection is feasible.

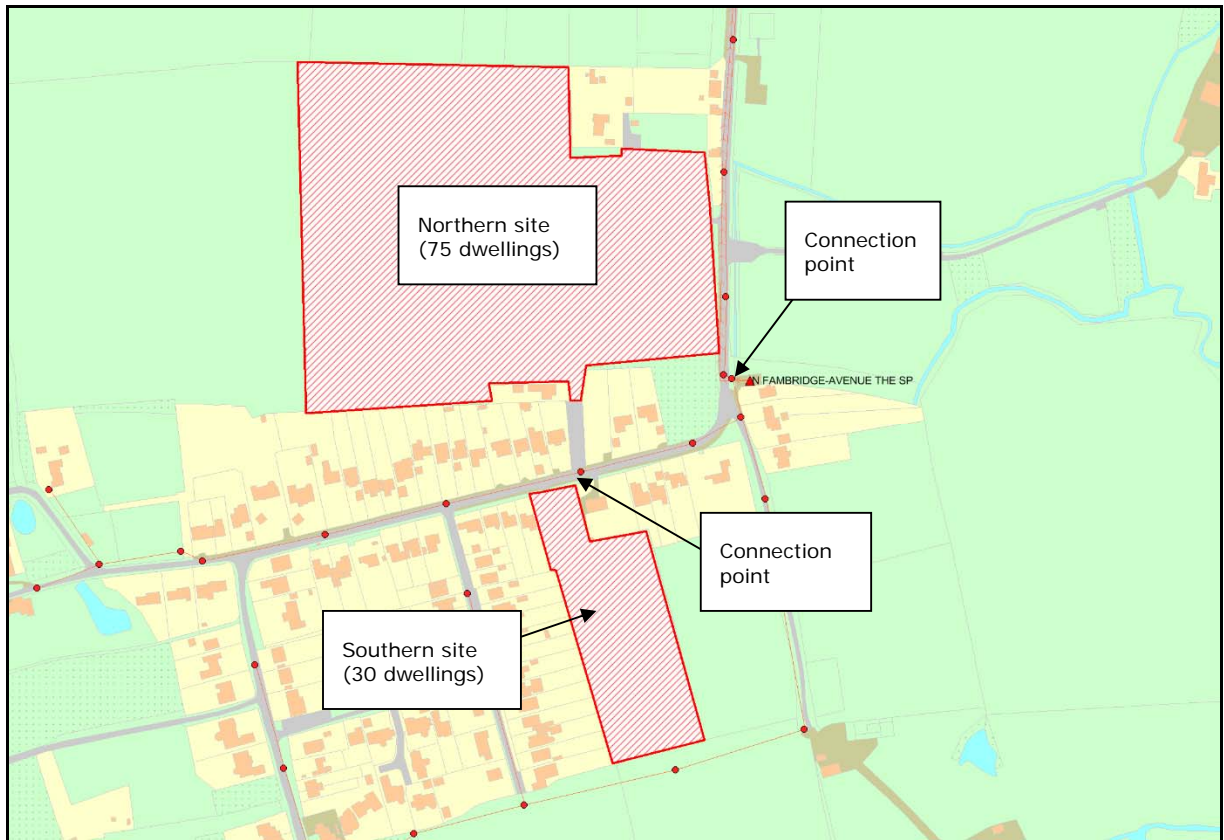


Figure 2. Showing the proposed development sites and the modelled connection points

Hydraulic modelling

The Avenue PS discharges into the part of the catchment which drains to Franklin Road PS (situated to the north of the proposed development sites into which The Avenue PS drains to before it pumps further north towards Latchngdon. There is historical flooding along Franklin Road so as part of the modelling which has been carried out work has been undertaken to investigate if by removing the impermeable area which is connected to the foul system it would be possible to allow the developments to connect without causing a detriment, also whether enough area could be removed to solve the existing flooding issues as well.

In order to improve the model, property surveys were undertaken along Franklin Road and The Avenue PS was surveyed. A previous survey of Franklin Road PS was also looked at to ensure that this pumping station was being modelled correctly.

The modelling identified that with the developments connected there is a large amount of flood detriment upstream of The Avenue PS. Downstream in Franklin Road there is no impact on the flooding.

Options were tested to see if by increasing the pump rate at The Avenue it would be possible to remove the detriment and then by removing the impermeable area if the flooding could be removed. The shows that is it not possible to remove the detriment downstream in Franklin Road as the model has a large amount of slow response which still causes a large amount of flooding even if all of the impermeable area has been removed.

Following a meeting with the developers consultant a test was carried out to determine the impact of connecting each of the developments on their own and also

two additional options were tested which looked at the use of Real Time Control (RTC) to minimise the impact on the network. The two options were:

- Allow the 30 property development (southern site) to connect by gravity; pump the 75 development (northern site) into the network with an RTC control to hold back the flows and to increase the size of The Avenue PS wet well to mitigate against the impact.
- Pump the 30 property development into the 75 property development; pump the 75 property development into the network with an RTC to hold the flows back.

Upon completing these tests it was apparent that the preferred option is the first of these as it allows one of the developments to connect by gravity without carrying out mitigation until the northern site is started, although it will cause a predicted detriment of approximately 23m³. There is a risk that if the 75 property development does not occur then the detriment at the pumping station will not be mitigated against. Also, it means that there is not a requirement to construct a rising main across private land in order to connect the two developments together.

The hydraulic model was run to determine the existing sewer performance during a 1 in 20 year critical duration storm. The model was then re-run with the estimated flows from the site connecting to manholes 4201 and 5301 for the sites via gravity and a pumped connection respectively.

The model predicts a significant increase in flooding at two manholes of which both are located directly downstream of the proposed development. Surcharging is also predicted in the network due to the additional flows from the development. There are no hydraulically connected CSOs modelled, and therefore no increase in spill volume.

The level of detriment predicted due to the additional flows from the development means that a mitigation solution will be required to allow the site to connect to the existing sewerage system (see figure 3).

Mitigation Solution

Mitigation solutions are designed to prevent detriment to the existing sewerage network performance during a 1 in 30 year critical duration storm event.

The 30 property development is allowed to connect via gravity and the 75 property development is then connected by a pump rather than gravity with an RTC. This will switch off the pumps when the level at The Avenue PS exceeds 0.75 mAOD, this is equal to the incoming pipe soffit level which is above the duty on level. Within the development site there is a requirement for 68m³ of storage. The storage on the site will need to have dosing in order to prevent issues with odour. This is because from the model, the time that the pumps will be inhibited could be longer than a day. In order to remove the detriment at The Avenue PS from the impact of the combined sites the wet well will need to be extended to incorporate an additional 33m³.

Therefore the proposed mitigation solution comprises:

1. Provide on-site storage of 68m³ with an on-site pumping station rated at 5l/s with a 40m long, 100mm diameter rising man incorporating RTC.
2. Provide 33m³ of storage at The Avenue PS.

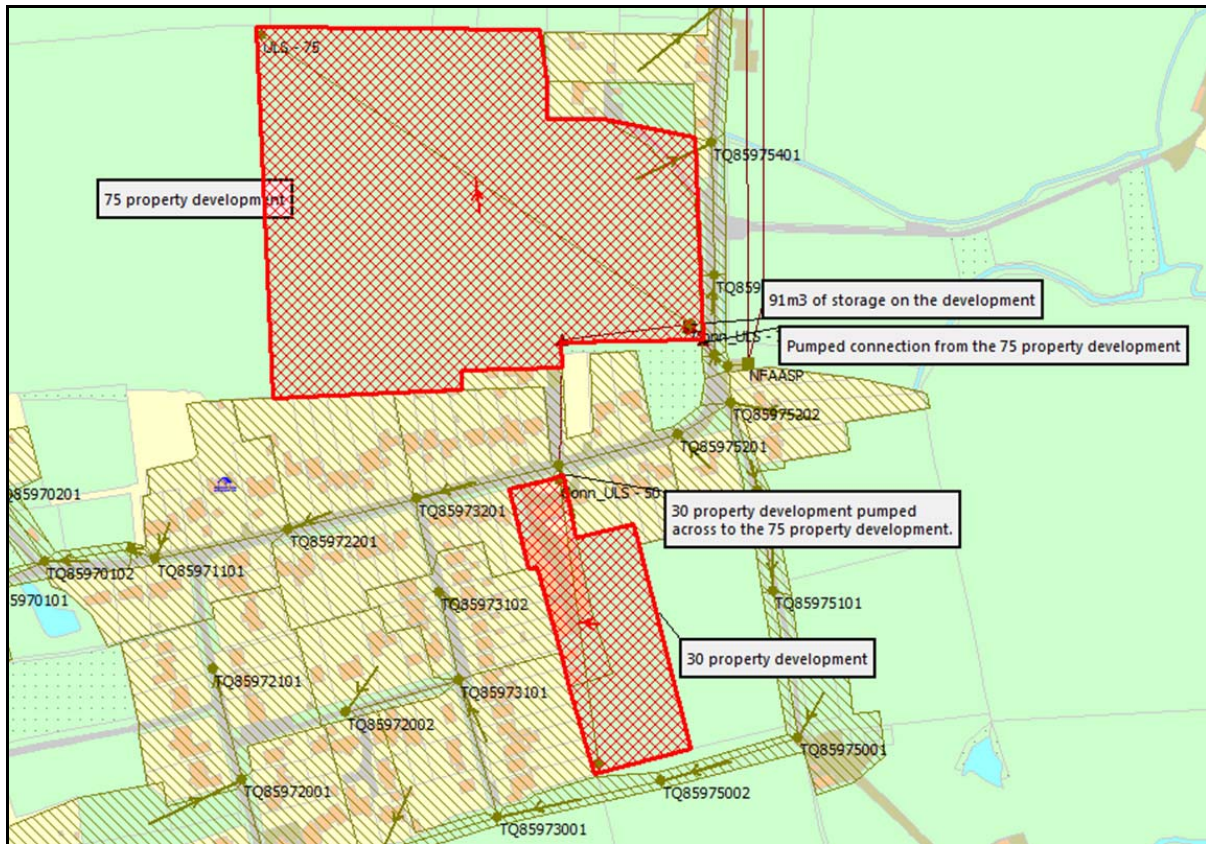


Figure 3. Showing the location of infrastructure requirements for the proposed solution

This is considered to be a feasible solution for planning application purposes. A detailed design would be required to investigate the solution further.

Alternative Solutions

Although a number of alternative solutions have already been assessed at detailed design stage further solutions may be considered.

Existing Sewer Capacity

If the southern site starts first then the full 30 dwellings may be connected prior to mitigation, on the proviso that the northern site will still be going ahead at the same time. However the full mitigation will need to be in place prior to any connections from the northern site being made.

3. Summary of Cost Estimates

The estimated capital scheme cost for the proposed solution in full is £576441.

The Water Industry Act enables the developer to benefit from any wastewater revenue generated from the houses they have built. In simplified terms, future revenue from the new dwellings is offset from the developer's contribution. Instead of paying the full contribution the developer pays the difference between their capital contribution and the future revenue. This is calculated on an annual basis for 12 years (see Appendix 2). The developer has the option of paying this annually (relevant deficit) or upfront as a commuted sum (discounted aggregate deficit).

The proposed solution can be delivered in three forms:

1. Anglian Water to undertake both the on-site and off-site storage together with the pumped conveyance including the RTC.

The predicted total capital scheme cost for this option is £576,441. The indicative cost chargeable to the developer for the required mitigation following the offsetting of expected future revenue is predicted to be £369,243.

2. Anglian Water to undertake the pumped conveyance with RTC and the off-site storage.

The predicted total capital scheme cost for this option is £389,444. The indicative cost chargeable to the developer for the required mitigation following the offsetting of expected future revenue is predicted to be £182,246.

3. Anglian Water to provide the RTC and the off-site storage.

The predicted total capital scheme cost for this option is £174,451. The indicative cost chargeable to the developer for the required mitigation following the offsetting of expected future revenue is predicted to be £22,088.

This future revenue has been calculated based on completing 30 dwellings in year 1, 30 in year 2 and 45 in year 3 (see Tables 1, 2 and 3).

Table 1: Showing the predicted developer contribution based on an estimated capital cost of £576,441 – option 1

HOUSEHOLD							
Cumulative Property Build Rate	Cumulative Revenue impact	Revenue Now	Projected Future Revenue	Total Projected Future Revenue	Annual Repayments of the Loan	Projected Relevant Deficit	Commuted Sum
30	15	£3,187.50	£3,187.50	£3,187.50	£59,652.36	£56,464.86	£54,555.42
60	45	£9,562.50	£9,777.25	£9,777.25	£59,652.36	£49,875.11	£46,558.95
105	83	£17,531.25	£18,328.51	£18,328.51	£59,652.36	£41,323.85	£37,271.74
105	105	£22,312.50	£23,853.65	£23,853.65	£59,652.36	£35,798.71	£31,196.51
105	105	£22,312.50	£24,393.27	£24,393.27	£59,652.36	£35,259.09	£29,687.21
105	105	£22,312.50	£24,946.37	£24,946.37	£59,652.36	£34,705.99	£28,233.34
105	105	£22,312.50	£25,513.31	£25,513.31	£59,652.36	£34,139.05	£26,832.99
105	105	£22,312.50	£26,094.41	£26,094.41	£59,652.36	£33,557.95	£25,484.29
105	105	£22,312.50	£26,690.05	£26,690.05	£59,652.36	£32,962.31	£24,185.47
105	105	£22,312.50	£27,300.57	£27,300.57	£59,652.36	£32,351.79	£22,934.79
105	105	£22,312.50	£27,926.36	£27,926.36	£59,652.36	£31,726.00	£21,730.59
105	105	£22,312.50	£28,567.79	£28,567.79	£59,652.36	£31,084.57	£20,571.25
		£231,093.75	£266,579.06	£266,579.06	£715,828.33	£449,249.28	£369,242.55

The indicative cost to the developer, as a commuted sum, for option 1 is therefore £369,243.

Table 2: Showing the predicted developer contribution based on an estimated capital cost of £389,444 – option 2

HOUSEHOLD							
Cumulative Property Build Rate	Cumulative Revenue impact	Revenue Now	Projected Future Revenue	Total Projected Future Revenue	Annual Repayments of the Loan	Projected Relevant Deficit	Commuted Sum
30	15	£3,187.50	£3,187.50	£3,187.50	£40,301.19	£37,113.69	£35,858.64
60	45	£9,562.50	£9,777.25	£9,777.25	£40,301.19	£30,523.94	£28,494.43
105	83	£17,531.25	£18,328.51	£18,328.51	£40,301.19	£21,972.68	£19,818.10
105	105	£22,312.50	£23,853.65	£23,853.65	£40,301.19	£16,447.54	£14,333.08
105	105	£22,312.50	£24,393.27	£24,393.27	£40,301.19	£15,907.93	£13,394.05
105	105	£22,312.50	£24,946.37	£24,946.37	£40,301.19	£15,354.82	£12,491.16
105	105	£22,312.50	£25,513.31	£25,513.31	£40,301.19	£14,787.89	£11,623.15
105	105	£22,312.50	£26,094.41	£26,094.41	£40,301.19	£14,206.78	£10,788.79
105	105	£22,312.50	£26,690.05	£26,690.05	£40,301.19	£13,611.15	£9,986.92
105	105	£22,312.50	£27,300.57	£27,300.57	£40,301.19	£13,000.62	£9,216.39
105	105	£22,312.50	£27,926.36	£27,926.36	£40,301.19	£12,374.83	£8,476.09
105	105	£22,312.50	£28,567.79	£28,567.79	£40,301.19	£11,733.40	£7,764.97
		£231,093.75	£266,579.06	£266,579.06	£483,614.33	£217,035.27	£182,245.75

The indicative cost to the developer, as a commuted sum, for option 1 is therefore £182,246.

Table 3: Showing the predicted developer contribution based on an estimated capital cost of £174,451 – option 3

HOUSEHOLD							
Cumulative Property Build Rate	Cumulative Revenue impact	Revenue Now	Projected Future Revenue	Total Projected Future Revenue	Annual Repayments of the Loan	Projected Relevant Deficit	Commuted Sum
30	15	£3,187.50	£3,187.50	£3,187.50	£18,052.93	£14,865.43	£14,362.73
60	45	£9,562.50	£9,777.25	£9,777.25	£18,052.93	£8,275.67	£7,725.43
105	83	£17,531.25	£18,328.51	£18,328.51	£18,052.93	£0.00	£0.00
105	105	£22,312.50	£23,853.65	£23,853.65	£18,052.93	£0.00	£0.00
105	105	£22,312.50	£24,393.27	£24,393.27	£18,052.93	£0.00	£0.00
105	105	£22,312.50	£24,946.37	£24,946.37	£18,052.93	£0.00	£0.00
105	105	£22,312.50	£25,513.31	£25,513.31	£18,052.93	£0.00	£0.00
105	105	£22,312.50	£26,094.41	£26,094.41	£18,052.93	£0.00	£0.00
105	105	£22,312.50	£26,690.05	£26,690.05	£18,052.93	£0.00	£0.00
105	105	£22,312.50	£27,300.57	£27,300.57	£18,052.93	£0.00	£0.00
105	105	£22,312.50	£27,926.36	£27,926.36	£18,052.93	£0.00	£0.00
105	105	£22,312.50	£28,567.79	£28,567.79	£18,052.93	£0.00	£0.00
		£231,093.75	£266,579.06	£266,579.06	£216,635.11	£23,141.10	£22,088.16

The indicative cost to the developer, as a commuted sum, for option 1 is therefore £22,088.

Conveyancing costs

The modelling has identified that a gravity connection can be achieved for both sites, however for the option presented in this report to work the southern site will connect via gravity but the northern site will connect via a pumped regime.

The contents of this report and costs supplied are an estimate based on a solution generated by a desktop hydraulic model. These are estimated figures which are not to be relied upon without further detailed investigations.

4. Summary and recommendation

Flows from the sites The Avenue and Fambridge Road, North Fambridge have been modelled connecting via gravity and pumped regimes to the existing foul drainage system to manholes 4201 and 5301 respectively and detriment to the existing performance has been predicted. To mitigate against this a feasible foul drainage solution is proposed comprising:

- Provide on-site storage of 68m³ with an on-site pumping station rated at 5l/s with a 40m long, 100mm diameter rising man incorporating RTC.
- Provide 33m³ of storage at The Avenue PS.

Embodied carbon

The embodied carbon predicted for the full solution is 97.41 TCO₂e (see Table 4).

Water footprinting

The predicted water footprint for the full solution is 92.62 m³H₂O (see Appendix 3).

Conveyance of flows

Conveyance of flows from the southern site will be via gravity and it is considered that the developer will provide this and as such this has not been included in the costs provided. The conveyance of flows from the northern site will require a pumped connection, rated at 5l/s with a 40m long, 100mm diameter rising main.

Table 4. Summary of cost proposals

Description	Predicted Capital Cost	Indicative Developer Contribution	Predicted Total Embodied Carbon (tCO₂e)	Predicted Total Water footprint (m³H₂Oe)
Proposed solution – option 1	£576,441	£369,243	97.41	92.62
Proposed solution – option 2	£389,444	£182,246	71.34	64.05
Proposed solution – option 3	£174,451	£22,088	14.15	10.03

This strategy is considered to be a feasible proposal for planning application purposes.

5. Next steps

To proceed with this option, it is recommended that an application is made under Section 98 of the Water Industry Act. This will enable a detailed design and robust cost to be generated and the scheme to be delivered. An application form is available on our web site at www.anglianwater.co.uk/developers/sewer-connection/new-sewer.aspx.

Underwriting detailed design

Detailed design commences on receipt of an underwriting agreement. Payment is only sought from the developer if it chooses to abort the work. Otherwise, it is incorporated into the total scheme cost. For the proposed solution – option 1, an underwriting of £30,000 will provide detailed options from which a preferred option may be chosen. A cumulative underwriting of £63,000 will take the preferred option to a level of design where it is ready for construction. For the proposed solution – option 2, an underwriting of £22,000 will provide detailed options from which a preferred option may be chosen. A cumulative underwriting of £47,000 will take the preferred option to a level of design where it is ready for construction. For the proposed solution – option 3, an underwriting of £10,000 will provide detailed options from which a preferred option may be chosen. A cumulative underwriting of £21,000 will take the preferred option to a level of design where it is ready for construction. Typically the design will take an estimated 44-52 weeks but may increase depending on the complexity of the scheme. At this stage a robust cost for the scheme can be provided. You will also need to include the timescale for construction which is scheme dependent but please allow for at least 6 months.

During the detailed design stage we will consider both temporary solutions and a phased approach to delivering your development site.

Further work required for a section 104 or section 106 applications

Please note, it would be deemed premature by Anglian Water to submit a Section 106 or Section 104 application under the Water Industry Act 1991 to Developer Services prior to a Legal Agreement being signed under Section 98 of the same act ensuring the provision of the necessary upgrade works as identified within this report. The costs provided within this report are an estimate and these estimated figures are not to be relied upon without further detailed investigations.

Anglian Water supports sustainable development as set out in the NPPF

The responses made in this report are based on the presumption that your proposed development obtains planning permission. Whilst this report has been prepared to help assess the viability of your proposal, it must not be considered in isolation. Anglian Water supports the plan led approach to sustainable development that is set out in the National Planning Policy Framework (NPPF). As a spatial planning statutory consultee, we assist planning authorities in the preparation of a sustainable local plan on the basis of capacity within our water and water recycling (formerly referred to as wastewater) infrastructure. Consequently, any infrastructure needs identified in this report must only be considered in the context of up to date, adopted or emerging local plans. Where local plans are absent, silent or out of date these needs should be considered against the definition of sustainability set out in the NPPF as a whole.

APPENDIX 1. - Development details

Proposed Connection				
Proposed connection locations	Southern site - manhole 4201 in The Avenue Northern site - manhole 5301 in Farnbridge Road			
Connection sewer or node NGR	Southern site - TQ8543897250 Northern site - TQ8554597318			
Connection sewer diameter	150mm for both connection points			
Connection relative to the development	North and East respectively			
Discharge regime	Gravity and Pumped respectively			
Pump discharge rate	5 l/s			
DWF Calculations				
	Attribute	Value	Totals	Unit / Calculation
Residential				
A	Residential dwellings	105		No.
B	Residential occupancy	2.3		No.
C	Residential population (P)	241.5		No. (A x B)
D	Residential PCC (G)	131		l/h/d
$E_{(avg)}$	<i>Residential demand - Average</i>		0.366	l/s (C x D)/86400
$E_{(peak)}$	<i>Residential demand - Peak</i>		0.806	l/s ($E_{(avg)}$ x 2.12)
F	Infiltration		0.092	l/s (0.25 x $E_{(avg)}$)
Industrial/Trade				
G	Industrial/trade area	0		Ha
H	Industrial/trade discharge per ha	0		l/s
I	Industrial/trade domestic element per ha	0		l/s
$J_{(avg)}$	<i>Commercial/trade - Average</i>		0	l/s (GxH+GxI)
$J_{(peak)}$	<i>Commercial/trade - Peak</i>		0	l/s($J_{(avg)}$ x 3)
Schools				
K	School PCC	0		l/h/d
L	School occupancy	0		No.
$M_{(avg)}$	<i>School demand - Average</i>		0	l/s (K x L)/86400
$M_{(peak)}$	<i>School demand - Peak</i>		0	l/s ($M_{(avg)}$ x 3)
Other				
$N_{(avg)}$	<i>Other demand - Average</i>		0	l/s
$N_{(peak)}$	<i>Other demand - Peak</i>		0	l/s
$O_{(avg)}$	Total Discharge - Average		0.366	l/s ($E_{(avg)}$ + $J_{(avg)}$ + $M_{(avg)}$ + $N_{(avg)}$)
$O_{(peak)}$	Total Discharge - Peak		0.806	l/s ($E_{(peak)}$ + $J_{(peak)}$ + $M_{(peak)}$ + $N_{(peak)}$)
	DWF Total - Average		0.458	l/s($O_{(avg)}$ + F)
	DWF Total - Peak		0.897	l/s($O_{(peak)}$ + F)

APPENDIX 2.- Calculation of relevant deficit and discounted aggregate deficit.

The financial propositions that are available in the Water Industry Act (WIA) are:

- Relevant Deficit (WIA section 100)
- Discounted Aggregate Deficit (WIA section 100A)

Under each option, the cost of installing the required infrastructure is calculated. This cost is then translated into a notional 'loan' to fund the installation. The revenue is then offset over a period of 12 years, taking into account inflation. If the cost of financing the loan exceeds the revenue in any year, then this deficit is charged to the developer.

A2.1 Relevant Deficit

This option takes the actual cost of providing the infrastructure as the basis for a notional loan. On an annual basis (for 12 years) the actual revenue we receive in respect of the infrastructure is then offset against the cost of the annual repayments of the notional loan. The deficit is paid annually by the developer for a period of up to 12 years. This is shown in Figure A2.1 below.

The developer will need to provide an undertaking to pay the deficit each year and also provide security for the estimated annual deficits either in the form of a cash deposit or a bond.

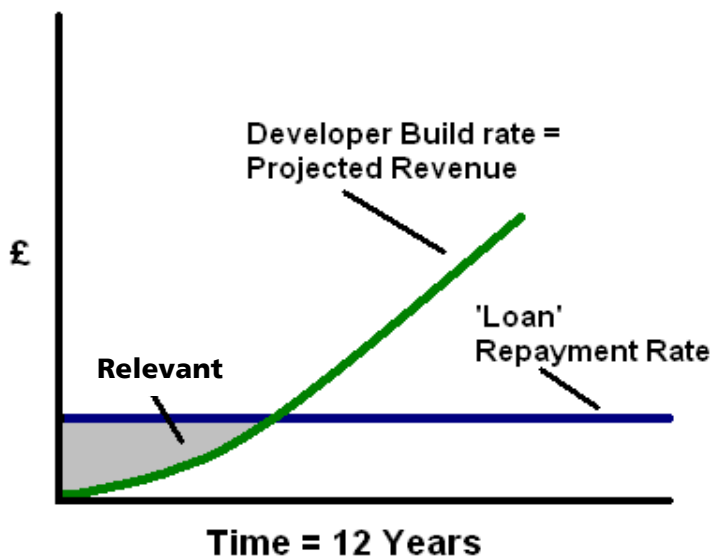


Figure A2.1 – Graphical imagery of a typical Relevant Deficit over 12 years

A2.2 Discounted Aggregate Deficit

This follows the same principles as the Relevant Deficit payment method, except that the deficit will be paid as a single payment and the revenue is estimated from the build rate rather than from the actual revenue.

The yearly relevant deficit is calculated across the 12 years and a discount factor is applied to bring the deficit to its net present value. The deficit is normally reconciled against the security (see below) within 12 months of completing the infrastructure and is payable as a single commuted sum. This can be seen in Figure A2.2.

The developer will need to provide an undertaking to pay the full deficit after reconciliation and a security amount for the estimated deficit either in the form of a cash deposit or a bond. The deficit itself is payable on completion of the water mains following the reconciliation.

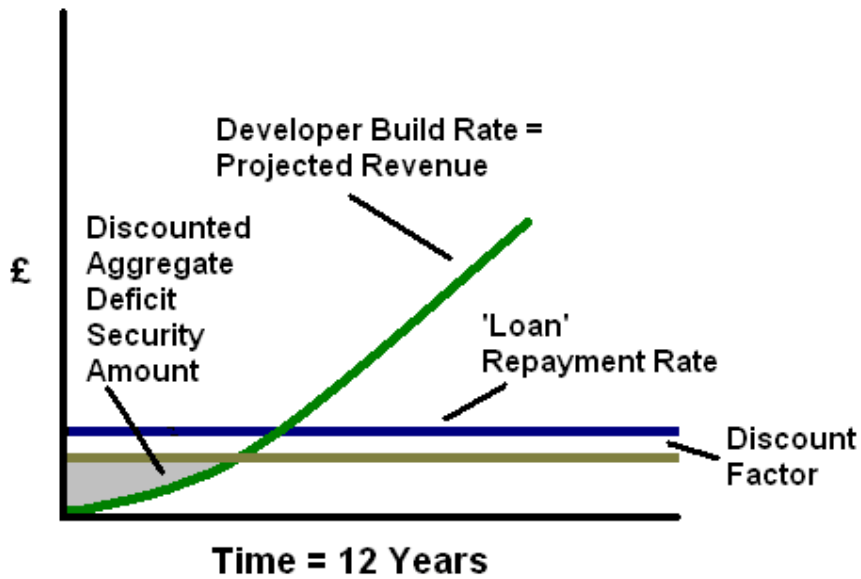


Figure A2.2 – Graphical imagery of a typical Discounted Aggregate Deficit over 12 years

APPENDIX 3.– Embodied carbon and water footprinting

Carbon footprint

In 2006 Anglian Water recognised the impacts of changing climate as one of the most significant challenges facing the organisation. In response we have developed and implemented a strategy of measure, manage and reduce our carbon emissions. We have set ourselves goals to halve our overall greenhouse emissions by 2035 (from 2010 levels) and to halve the embodied carbon in all new assets we build in 2015, compared to those that were built in 2010.

Water footprinting

Water is our most precious resource and at present we do not fully understand how sustainable each litre of water we supply to our customers is over our full supply chain. In response, we are implementing a strategy of 'water footprinting'.

Primarily water footprinting assesses the impact of human activity on the water environment. The process measures the volumes and scarcity of freshwater consumption including geographical and temporal components in producing a product or service. This is followed by an assessment defining actions required to achieve sustainable and equitable water use especially in water scarcity 'hot spots'.



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