

**Maldon District Council
Local Development Plan**

Statement of Common Ground: North Heybridge Garden Suburb

January 2015

Between:

- 1) Countryside Properties (CP) the promoters of the North Heybridge Garden Suburb
 - 2) Maldon District Council (MDC) – the Local Planning Authority
 - 3) Essex County Council (ECC) – the Highway and Education Authority
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- 1.1 MDC, ECC, CP and other partners are adopting a proactive approach to bringing forward development at the North Heybridge Garden Suburb (NHGS). This has included joint working on the North Heybridge Garden Suburb SMF, joint consultation, and joint working on relevant technical evidence. MDC has resolved to create two new groups to help oversee effective implementation – an Implementation Group with representatives of MDC, ECC, the EA, developers/promoters and key stakeholders to ensure co-ordinated delivery, and a Community Liaison Group to ensure the engagement of Parish Councils and representatives of the local community.
- 1.2 This statement has been prepared to assist the Inspector by setting out the areas of common ground between CP, MDC and ECC in respect of Policies S3 and S4, in relation to the North Heybridge Garden Suburb.
- 1.3 CP submitted 21 representations to the Plan, as summarised at Appendix A. Five of these relate to Development Management Policies which are not due to be considered as part of the current Hearing sessions. Since the submission of the original representations, MDC has published suggested Modifications, which address some of Countryside's original concerns, either in whole or part (as shown at Appendix A). In some further cases (again as shown at Appendix A), this Statement of Common Ground identifies further areas of agreement that would enable CP's concerns to be met.
- 1.4 Of the remaining representations, although CP considers the Plan as submitted unsound for the reasons stated in the original representations, CP have suggested Minor Modifications themselves which would overcome their concerns, and

therefore considers that the submitted Plan can be made sound, with those further changes.

Areas of agreement (Common Ground)

1.5 Areas of agreement between the parties include, but are not necessarily limited to, the following:

- **Hatfield Peverel** – in accordance with the contents of the separate Statement of Common Ground between MDC, ECC and CP in respect of highway matters, the parties agree that the wording of paragraph 2.67 as submitted is not appropriate, and that the proposed Modification 013 also does not appropriately reflect the current situation or the findings of the additional transportation work referred to in that SoCG. The parties agree that the following alternative wording should be:

Following investigation by Essex Highways the physical space surrounding the B1019 / B1137 junction at Hatfield Peverel has restricted the identification of a solution to relieve short term local traffic conditions at this junction. However, a combination of public transport improvements proposed to support the Garden Suburbs, together with small scale mitigation measures could assist in mitigating development impact in the short term. Recent announcements in the Autumn Statement, Road Building Strategy (December 2014) included commitments to upgrades to the A12 by 2021 by widening to 3 lanes from Chelmsford through to the junction with the A120 South of Colchester. Such upgrades will improve the reliability of the A12 and ensure that the local issues identified at the B1019/B1137 junction will be minimised. Maldon District Council will seek to work with Braintree District Council, Essex County Council, the Highways Authority, the South East Local Enterprise Partnership, and Central Government to raise awareness and seek funding towards possible long term solutions to this existing issue, taking into account future strategic growth in adjoining districts.

- **North Heybridge Garden Suburb Strategic Masterplan Framework** – the parties have worked in collaboration to produce the NHGS SMF, and agree that the document is a material consideration for planning applications and provides a useful guide for developers which should help to ensure that development of any part of the site will not prejudice development of the remainder of the site and the policies set out in the LDP. The process of consultation and production of the document has proved valuable in terms of stimulating feedback from stakeholders and the public, and facilitating discussion between all parties on the key issues and potential options that exist for delivering a successful development. Both parties agree that the

SMF is in accordance with the LDP (as currently drafted), and that the document does not contain material that would prevent its adoption as SPD rather than as an LDP (subject to those limited matters raised by Countryside in its response to the SMF, as set out at Appendix 1 to Countryside's Matter 1 Statement).

- **Infrastructure Phasing Plan** –CP, MDC and ECC have discussed and agreed the indicative phasing in respect of the NHGS, and an updated table is included as Appendix B to this SoCG which reflects the latest plans for infrastructure delivery, phasing and trigger points at this point in time. This supersedes CED 10 Appendix 13 and is also attached as Appendix 4 to MDC's Statement in response to the Matters, Issues and Questions raised by the Inspector. MDC and ECC continue to seek other sources of funding in order to enable the earliest possible delivery of infrastructure associated with the NHGS, and as noted in Appendix B, SELEP funding will be committed to help deliver highway improvements earlier than previously envisaged. All parties agree that this document is still 'live' and further amendments may be agreed in due course, in the light of any further information received and in the light of any site specific phasing details to be provided in due course.
- **NHGS Housing Trajectory** – All parties agree that a realistic start date for site S2(d) is 2017/2018 (as shown at Appendix B), and that a build rate in the region of 90 dwellings per annum (all tenures) is achievable.
- **Country Park/District Park** – The positions of MDC and CP in respect of this matter are set out in their respective Matter 3 Statements.

Areas of disagreement

- 1.6 The table at Appendix A shows the original representations by CP that CP do not consider have been resolved by the further modifications proposed by MDC, and which therefore remain matters of disagreement. Additional areas of disagreement arising from subsequent matters are:

Modification 55 – This is not covered in CP's original representations because it relates to a proposed modification. CP agree with the cross-reference to infrastructure being delivered in accordance with Policy I1, but do not support the additional reference to the IDP – as discussed above, the IDP is a 'live' document that provides background information and an evidence base that can be used to assist the Council in considering individual planning applications, but it is not policy itself, and it is inappropriate to 'bind' the IDP in to Policy S4 in this way. In response to CPs concerns, the following amendment to Modifications 55 and 56 is proposed:

“Identified infrastructure ~~requirements~~ will be delivered in line with the requirements set out in Policy I1, having regard to the most recent evidence provided in the Infrastructure Delivery Plan”

(amended wording underlined).

Signed

- 1/ On behalf of Countryside Properties
Gary Duncan, Director

- 2/ On behalf of Maldon District Council
David Coleman, Strategic Planning Policy Manager

- 3/ On behalf of Essex County Council
Andrew Cook, Director for Environment and Economy

Appendix A

Schedule of Representations submitted by Countryside Properties (CP) in respect of Submission LDP (February 2014) and Further Modifications to LDP proposed by MDC

Policy/Para No.	Summary of CP Representations	Further Modification Proposed by MDC to Submission LDP	CP agree Modification– Common Ground between CP and MDC	CP do not agree Modification- Uncommon Ground between CP and MDC	If Not Agreed, is this a considered to be a ‘soundness’ issue by CP?
Figure 4	Discrepancies on housing trajectory to be rectified	003 - Updated with latest monitoring information	√		
Figure 5B	Support		√		
2.4	Wording regarding environmental and infrastructure constraints on achieving OAN.	None		√	Yes
2.53	Need for clarity regarding funding of healthcare provision.	None, but now clarified in IDP to be s106 not CIL	√		
2.55	School site to be 1.1ha	009 – Amended to delete site area	√		
2.5 Objective 2	“Improving quality of life for all” not an appropriate objective.	None		√	No
2.56	“upgrade to existing” foul main rather than “new”	010 – Amended to state upgrade	√		
2.57	Acknowledge that NHGS provides the opportunity to deliver a strategic flood alleviation scheme, rather than being required as it is primarily to relieve an existing deficiency.	None		√	Yes
2.58	Need for flexibility regarding the location of a proposed country park.	None		√	Yes
2.59	Greater flexibility needed to determine the best form of open space, paragraph to be deleted.	None		√	Yes

2.67	Hatfield Peverel – not appropriate to refer to potential highway solutions that are not required by the development and cannot be delivered.	013 – Amended to state further work ongoing	√ (subject to further change to para 2.67 in NHGS SoCG)		
S1	Should be amended to avoid ambiguity on achievement of OAN.	None		√	Yes
S2	Support principle of strategy Should state that housing numbers are not maximums. Proposed phasing should not be seen as prescriptive.	002 – state minimums 046 - update to housing trajectory.	√ √		
S3 (and para 2.45)	Criterion 2 – unclear what “active citizenship” means and requires. Criterion 3 – Should not be prescriptive regarding “tree lined” routes Criterion 4 – Clause give primacy to historic environment over other relevant considerations. Criterion 5 – Requirement for “clear and harmonious” relationship between town and country ambiguous. Criterion 7 – too prescriptive regarding local centres Criterion 11 - housing mix will require negotiation, too prescriptive.	004 – small wording amendment on built character. 052 – Clarifying SMF for illustrative purposes 053 – Removal of reference to applications only being permitted when in accordance with SMF.	√ √ √	√	Yes (in respect of criteria 3, 7 and 11) No (in respect of criteria 2, 4 and 5)
S4	Repetition with Policy S3 – unnecessary duplication within policies. Housing Mix – concern that unduly high requirement or elderly accommodation.			√ √	No Yes

	<p>Country Park - land west of Maypole Road could also continue to be used for agriculture. Could be here or extension to Blackwater Country Park.</p> <p>Strategic Flood Alleviation – will be located outside of allocation area, therefore cannot be “integral”. Should be recognised that solution cannot be delivered solely by Countryside without help/aid of other stakeholders.</p> <p>Infrastructure Provision – Policy does not distinguish how infrastructure to be provided - CIL or S106? Lack of consistency between policy S4 and Table 1. Policy states “permission only granted” but needs to avoid use of that phrase in connection with infrastructure to be provided from 3rd parties (e.g. Country Park).</p>	<p>005 – deleted reference to flood alleviation being integral.</p> <p>007 – Clarifying further details on infrastructure included in IDP.</p> <p>006 – clarifying archaeological requirements</p> <p>054 – Removal of reference to applications being in accordance with SMF. Clarifying Masterplans must be in broad accordance with development principles.</p> <p>055 – New bullet – infrastructure to be delivered in line with I1 and IDP.</p>	<p>√</p> <p>√</p> <p>√</p> <p>√</p>	<p>√</p> <p>√</p> <p>√ (see NHGS SoCG)</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Table 1	<p>Consistency between IDP/Table 1/S4 – number of infrastructure items not included on table 1.</p> <p>Link Road/Strategic Flood Alleviation – pooled contributions may be difficult for these items which cannot be delivered in part.</p>	None		√	Yes

	<p>Variance in approaches between sites S2(d), S2(e), S2(f) – difficult to reconcile and understand whether each site is contributing equitably.</p> <p>Correlation between Table 1/Reg 123 List – Confusion over infrastructure being included in both lists.</p>	<p>Latest IDP appears to resolve this issue.</p>	√		
D1	Should not be required to “maximise”	None		√	
D2	Separate items which are always required and those subject to viability.	017 – Amendment to bullet 2, does not address our objections		√	
E2	Garden Suburbs town centre uses shouldn’t be subject to sequential test.	027 – Apply flexibility to sequential test in Garden Suburbs	√ (partially addresses concerns)	√	
E6	Clarify whether contribution to education and training through S106 or CIL.	048 – Removed reference to strategic developments	√		
N1	Should not be required to “maximise”	None		√	

Appendix B Updated Maldon District LDP Infrastructure Phasing Plan January 2015

Financial Year	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	Total
LDP Strategic Housing Growth																
S2(a) South of Limbrook Way			25	40	85	85	85	85	85	85	85	85	85	85	85	1000
S2(b) Wycke Hill (North)			50	50	50	50	50	50								300
S2(c) Wycke Hill (South)		25	25	25												75
South Maldon GS	0	25	100	115	135	135	135	135	85	85	85	85	85	85	85	1375
South Maldon GS (Cumulative)	0	25	125	240	365	510	645	780	865	950	1035	1120	1205	1290	1375	
S2(d) North of Heybridge			0	62	88	88	88	88	88	88	89	89	89	89	89	1035
S2(e) Land to the North of Holloway Road			34	33	33											100
S2(f) West of Broad Street Green Road			34	33	33											100
North Heybridge GS	0	0	68	128	154	88	88	88	88	88	89	89	89	89	89	1235
North Heybridge GS (Cumulative)	0	0	68	196	350	438	526	614	702	790	879	968	1057	1146	1235	
Total Garden Suburbs (Cumulative)		25	193	436	725	948	1171	1394	1567	1740	1914	2088	2262	2525	2610	
S2(g) Park Drive			40	40	40											120
S2(h) Heybridge Swifts			34	33	33											100
Maldon and Heybridge SA	0	0	74	73	73											220
S2(i) West of Burnham on Crouch		30	40	40	40	30										180
S2(j) North of Burnham on Crouch (West)			50	50	50	30										180
S2(k) North of Burnham on Crouch (East)			30	30	30											90
Burnham on Crouch SA	0	30	120	120	120	60										450
																3280

Infrastructure Phasing		Key															Updated funding arrangements (Jan 2015)	
Project	Funding required	LDP / IDP funding arrangement (as submitted)	Construction of infrastructure															
			X Completion of infrastructure															
Highways																		
North Heybridge relief road	£11,122,000	Pooled S106 between sites S2d, S2e, & S2f														X	To be delivered early in the plan period to alleviate any impact on two Heybridge junctions already operating at capacity. The Relief Road to be completed by 2020/21, and approx 526 dwellings at NHGS.	
South Maldon relief road (A414/Wycke Hill)	£6,101,000	Pooled between sites S2a, S2b, & S2c							X Phase 1		X Phase 2				X Phase 3		Agreed by ECC. Development in line with the phasing of sites S2(a) and S2(b)	
B1018 Langford Rd / Heybridge Approach	£123,000	Pooled S106 between sites S2a, S2b, S2c, S2d, S2e														X	With the North Heybridge Relief Road in place identified improvements will be required by 2024/25, and approx 1914 dwellings at the Garden Suburbs.	
B1018 / Heybridge Approach / A414 roundabout	£2,278,000	Pooled S106 between sites S2a, S2b, S2c, S2d, S2e														X	With the North Heybridge Relief Road in place identified improvements will be required by 2024/25, and approx 1914 dwellings at the Garden Suburbs.	
A414 / Spital Rd roundabout	£1,538,000	Pooled S106 between sites S2a, S2b, S2c, S2d, S2e			X												SELEP - Local Growth Fund/ECC commitment for £0.94m to be implemented by 2016/17 - approx 193 dwellings at Garden Suburbs.	
A414 / B1018 Limebrook Way	£689,000	Pooled S106 between sites S2a, S2b, S2c, S2d, S2e			X												SELEP - Local Growth Fund/ECC commitment for £1.47m to be implemented by 2016/17 - approx 193 dwellings at Garden Suburbs.	
A414 Oak Corner Junction	£686,000	Pooled S106 between sites S2a, S2b, S2c, S2d, S2e					X										Mitigation required after approx 725 dwellings at Garden Suburbs	
Eves Corner Junction, Danbury	£120,000	CIL			X												SELEP - Local Growth Fund/ECC commitment for works at Eves Corner (£0.28m) and Well Lane, Danbury (£0.235m) to be implemented by 2016/17 - approximately 193 dwellings.	
Burnham-on-Crouch highway improvements (B1010/B1021 junction)	£58,000	Pooled S106 between sites S2h, S2i, and S2j															ECC modelling/planning applications identify capacity issues at Maldon Road in PM peak, however these dissipate quickly, and proposed development does not significantly impact junction. Improvements to be implemented in line with developer viability	
Passenger Transport																		
Passenger Transport improvements for South Maldon	£2,193,750	Pooled between sites S2a, S2b, & S2c															Project completion dates are MDC estimates. Improvements will be provided alongside new development. MDC to provide in relation to application	
Passenger Transport improvements for North Heybridge	£2,193,750	Pooled S106 between sites S2d, S2e, & S2f															Between 526 - 790 dwellings - expect they refer to enhanced and new service, as indicated in bus strategy	
Passenger Transport improvements for Burnham on Crouch	n/a	ECC / CIL															Project completion dates are MDC estimates. Improvements will be provided alongside new development.	

Education - Early Years and Childcare																		
Stand alone 56-place EY&C facility in South Maldon	£1,100,000	Pooled between sites S2a, S2b, & S2c														X	To be delivered by approx 800 dwellings at South Maldon GS	
56-place EY&C facility in South Maldon within new primary school	See primary school cost	Pooled between sites S2a, S2b, & S2c					X										To be delivered alongside Phase 1 of the new primary school (1fe), as indicated in Education - Primary below (approx 510 dwellings). The Early Years and Childcare facility will be required in advance of the school after approx 300 dwellings	
Stand alone 56-place EY&C facility in North Heybridge	£1,100,000	Pooled S106 between sites S2d, S2e, & S2f				X											To be delivered by approx 196 dwellings	
56-place EY&C facility in North Heybridge within new primary school	See primary school cost	Pooled S106 between sites S2d, S2e, & S2f													X		To be provided shortly after the primary school, as indicated in Education - Primary below, and after approx 702 dwellings	
One 56-place EY&C facility in Burnham on Crouch	£1,100,000	Pooled S106 between sites S2h, S2i, and S2j					X										There are minimal places available at existing providers, and any new facility will be required to be provided in the early phases of development in line with the implementation of the allocated strategic sites - after approx 220 dwellings	
Education - Primary																		
1.5 form entry primary school in South Maldon	£5,900,000	Pooled between sites S2a, S2b, & S2c						X Phase 1									X Phase 2	To be delivered in two phases, which will increase the cost of the project to £6.4m. Phase 1 - to provide the school including common areas to 1.5fe capacity to be required by September 2019 after approximately 510 dwellings in SMGS. Funding Required: financial years - 2017/18 (15%); 2018/19 (40%); 2019/20 (40%); 2020/21 (5%). Phase 2 - to provide four additional class-bases and associated infrastructure by September 2027 after approx 1290 dwellings at SMGS. Funding required: financial years 2025/26 (50%) and 2026/27 (50%).
One class base expansion of existing primary school in Maldon	£280,000	Pooled between sites S2a, S2b, & S2c					X											The strategic allocation at Park Drive S2(g) has been granted permission, and the s106 identifies a contribution to fund removing and replacing the re-locatable with a permanent class-base at Maldon Primary School. Contributions phased prior to commencement, first occupation, and specified completions
1 form entry primary school and combined 56 place EY&C facility in North Heybridge	£4,600,000	Pooled S106 between sites S2d, S2e, & S2f														X		Required after approx 614 dwellings at NHGS. Funding Required: financial years - 2018/19 (15%); 2019/20 (40%); 2020/21 (40%); 2021/22 (5%).
Replacement of temporary class base at St Mary's School in Burnham on Crouch	£280,000	Pooled S106 between sites S2h, S2i, and S2j						X										Given the level of development in Burnham on Crouch and emerging applications in Southminster developer contributions are required to expand one of the existing primary schools, as development progresses

