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Part 2 - Regulation 19 and 20 Town and Country Planning (Local Planning) (England) Regulations 2012 "Pre-Submission LDP" consultation

Please note that all comments on the Pre-Submission LDP consultation should be provided by completing Part 2 of this form. A separate completed Part 2 should be provided for each comment made within a representation.

2.1. To which part of the Maldon District Pre-Submission Local Development Plan (LDP) does this representation relate?

- | | | | |
|---|------|--|----|
| a. Paragraph
(please specify paragraph number) | 5.48 | b. Policy
(please specify policy reference) | H6 |
| c. Proposals Map | | d. Other section
(please specify) | |

2.2. Do you consider the Maldon District Pre-Submission LDP to be (tick as appropriate):

- a. Legally compliant** Yes ☒ X
To be 'legally compliant' the LDP has to be prepared in accordance with the Duty to Co-operate and legal and procedural requirements. This is required by Government guidance No ☐
- b. Sound** Yes ☐
To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance No ☒
(if you **do not consider the LDP to be sound**, please complete section 2.3. below)

2.3. Do you consider the Maldon District LDP to be unsound because it is not (tick as appropriate):

- a. Positively prepared** X
To be positively prepared the plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements
- b. Justified** X
To be justified the plan must be:
 - Founded on a robust and credible evidence base;
 - The most appropriate strategy when considered against the reasonable alternatives.
- c. Effective** X
To be effective the plan must be:
 - Deliverable;
 - Flexible;
 - Able to be monitored.
- d. Consistent with National Policy** X
The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework

On the following pages, please explain why you think the Plan is unsound or not legally compliant, and set out any changes you feel should be made to the Plan to make the Plan sound or legally compliant.

Please note: As there will not normally be a subsequent opportunity to make further representations based on your representation at this stage, please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the Plan. After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues the Inspector identifies for examination.

2.4. If you consider the Maldon District LDP to be unsound or not legally compliant please explain why in the box below.

Please be as precise as possible. Please also use this space for any comments in support of the LDP.

The Plan should be “consistent with achieving sustainable development”. Whilst appropriate to include reference to The Oaks and The Orchards, Lea Lane, Great Braxted in Policy H6 the constraints on further development of these sites imposed following recent planning appeals mean that their opportunity for future expansion is extremely limited (one site for example has restrictions on occupancy that relate to named individuals) and thus the ability for achieving sustainable development here must be questioned.

The National Planning Policy for Travellers (March 2012) states:-

Local planning authorities should, in producing their Local Plan:

a) identify and update annually, a supply of specific deliverable sites⁷ sufficient to provide five years’ worth of sites against their locally set targets

b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15

It further defines “deliverable” as “*To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that development will be delivered on the site within five years and in particular that development of the site is viable.*”

Clearly this is not the case with either of these sites, as evidenced by recent refusals for expansion.

It defines “developable” as “*To be considered developable, sites should be in a suitable location for traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.*”

Again given the planning history of these sites, and the rigid conditions imposed following appeals, there is no “Reasonable” prospect that the site will be available.

Furthermore the National Planning Policy for Travellers states “*Local planning authorities should relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population’s size and density*”

The ratio of traveller sites to settled community sites in Great Braxted is already 1:9, and for Little Braxted (the adjoining Parish) 1:4. Further intensification of traveller sites in Great Braxted would result in the settled community being outnumbered. Clearly the inclusion of these sites as being capable of expansion is contrary to National Policy.

2.5. Please explain in the box below what change(s) you consider necessary to make the Maldon District LDP legally compliant and sound.

Please be as precise as possible. Please explain why this change will make the Maldon District LDP legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policies or supporting text.

The two sites should be identified so that, whilst in the list of existing sites, there is clarity that they are not being considered (indeed not capable) of expansion, or intensification during the life of the plan.

2.6. Do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations ☐

Yes, I wish to speak to the Inspector at the hearing sessions ☒

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination

2.7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

It is important that the voice of the settled community is heard on this matter. These matters were raised during the previous consultations and ignored, yet the amendment is quite minor and provides clarity.

This is the end of Part 2 (Regulation 19 and 20) of the response form. Please complete this form for each representation you wish to make. You only need to complete Part A once. Please submit all of your response forms together.