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Part 2 - Regulation 19 and 20 of the 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 number	5.48	b. Policy reference	H6
c. Proposals map		d. Other section (please specify)	

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

a. Legally compliant YES ✔ NO

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.

b. Sound YES NO ✔

To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance.
If you do not consider the LDP to be sound, please complete section 2.3 below

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

a. Positively prepared

To be positively prepared the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements

b. Justified ✔

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 ✔

To be effective the Plan must be:
- Deliverable;
- Flexible;
- Able to be monitored

d. Consistent with National Policy

The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework

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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, 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.

If the box is not big enough for your comments, please attach another page marked appropriately.

Policy H6 Provision for Travellers

This policy governs the way in which future gypsy sites will be sought and the sequential approach listed on page 87 is given in descending order. The top priority is given to looking at existing identified sites which could provide additional provision through intensification and/or improved orientation. The identified sites are listed on the previous page – page 86 of the Plan. No reason is given for the order in which the sites are listed: they are not shown in order of size, nor in alphabetical order. It is therefore natural for any reader to assume that they are listed in order of importance for consideration of the Policy H6 sequential approach described in para 5.48.

Listed first as H6(a) is the site at Wood Corner, Woodham Walter.
I strongly object to the Plan's sequential approach being applied first to the Wood Corner site.
The planning consent for the site was given in 1994 by the Essex County Council. I was the Maldon District Councillor for 25 years, and was extremely active in promoting the idea of a site in Woodham Walter, and worked very hard indeed to persuade all concerned that it would be an acceptable development at Wood Corner. The parish council and the people of Woodham Walter finally agreed to a site, but wanted one of only 12 pitches. The County Council considered a site of 20 pitches was the smallest that could be economically viable. Whilst I fully realised that one cannot impose a planning condition forbidding any future site, I sought an assurance from the County Council that no further gypsy site would be permitted in Woodham Walter parish.
In recognition of the wonderful contribution to gypsy site provision that had been made by Woodham Walter, the County Council gave an undertaking not to allow any further gypsy site in the parish in future, and that was strongly supported by Maldon District Council at the time.

The undertaking by the County Council cannot be legally binding on Maldon District Council, but I consider it should be recognized, stated, and honoured by the District Council in this Plan.
I raised this matter with the District Council's Head of Planning Services, who explained the legal position (of which I was well aware) and added that the planners would have:

"regard to any additional sites being appropriate in scale to the nearest settlement in terms of not having an overwhelming impact on the residents. Whilst I cannot be definitive on this point, it is unlikely that any further intensification would be considered as acceptable"

This is a valuable comment, but I do not consider that a single professional opinion, given to one private individual, in any way deals with my objections

There is no reference in the Plan to the County Council undertaking, and no attempt has been made to include a précis of it. On the face of it, the Plan reads to me as justifying a belief that Wood Corner is the prime site for consideration for future enlargement or intensification. Policy H6 begins with the phrase "The Council will work closely with partners and adjacent authorities …" I believe that an important partner in considering the provision of gypsy sites has to be the local parish council; and the Essex County Council certainly recognised this to be the case in considering Wood Corner. Where Woodham Walter is concerned, that admirable precept reads like pure hypocrisy in this current Plan. I do not consider that a planning policy is sound or justified if an important background information is omitted from the text of the Plan and its effect upon a particular area is not explained. Nor do I consider it justifiable or effective planning to omit reference to a promise made to the people of a parish simply on the grounds that the promise was made by a higher authority. In light of the size of the gypsy site at Wood Corner, I think that the comment by the Head of Planning Services is correct and that it is unlikely that additional pitches there would ever be acceptable, so that lack of transparency over the ECC undertaking makes this small aspect of the Plan non-deliverable in practice and therefore not effective if left unexplained.

I therefore ask that this serious omission should be rectified in the H6 section of the Plan. Nothing in life is "for ever", so I certainly do not seek or expect that any alteration or addition to the Plan should apply in perpetuity.

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.

If the box is not big enough for your comments, please attach another page marked appropriately.

I consider that two changes are needed to make the Plan sound in respect of this objection:

(1) The 'demotion' of Wood Corner Caravan Site, Woodham Walter to the end of the list shown on page 86.and marked in some way (e.g.with an asterisk) to refer the reader to an explanation in the Policy Clarification section that follows the sequential approach.

(2) In the Plan's paragraphs on Policy Clarification the inclusion of that explanation, which should cover:
a reference to the Essex County Council's undertaking. that, in recognition of the contribution of a large gypsy site in Woodham Walter, no further gypsy sites would be allowed in the parish; and that, although not legally binding upon the District Council, it is the District Council's intention to honour that promise so far as it remains practicable to do so.

2.6 Do you consider it necessary to attend and give evidence at the hearing part of the examination? (✓ 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

If the box is not big enough for your comments, please attach another page marked appropriately.

I believe this written representation fully covers both my objection to Policy H6 of the Plan and the changes I consider necessary to overcome the objection. BUT I have no way of knowing what argument will be presented by the Council to reject both my objection and my proposed changes. So I feel it necessary to be present to hear and react to those.

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.