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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) _____ | b. Policy
(please specify policy reference) _____ | D5 |
| 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 ☒ 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 LDP to be unsound because it is not (tick 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

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.

This Section D5-Flood Risk and Coastal Management recognises that for the majority of district areas, the largest risk of flooding is from surface water, groundwater and ordinary watercourses and further that such flood risk may be increased by Climate Change with attendant rainfall. However the concluding list of relevant strategies requiring development compliance fails to address a common cause of localised flooding in rural areas resulting from unregulated in-filling of historic open ditches and ponds to facilitate development. Ancient land drainage features with Riparian ownership are thus currently removed by landowners and developers with subsequent and consequent misery and hardship to residents of both new and adjacent already established properties with no hope of redress.

In present form, the new LDP Section D5 will allow this current malpractice with flood consequence to continue unchecked for another 15-years and therefore the LDP is unsound.

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.

Following the 2010 Floodwater Management Act, Essex County Council produced a Flood Risk Management Strategy for surface water, groundwater and ordinary watercourses which hopefully includes Riparian land drainage features.

Therefore this ECC Flood Risk Management Strategy must be added to the list of relevant strategies requiring development compliance.

In addition, the wording of the compliance paragraph needs to be changed from: "Development should be in compliance.....etc! to "Development must be in compliance.....!.

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.

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.