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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 Local Development Plan (LDP) does this representation relate?

- | | |
|--|---|
| <p>a. Paragraph
(please specify paragraph number)</p> <p>Click here to enter text.</p> | <p>b. Policy
(please specify policy reference)</p> <p>Policy H6</p> |
| <p>c. Proposals Map</p> <p>Click here to enter text.</p> | <p>d. Other section
(please specify)</p> <p>Click here to enter text.</p> |

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

- | | |
|--|---|
| <p>a. Legally compliant
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</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> |
| <p>b. Sound
To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> |

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

- | | |
|--|--|
| <p>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</p> | <p><input type="checkbox"/></p> |
| <p>b. Justified
To be justified the plan must be:</p> <ul style="list-style-type: none"> • Founded on a robust and credible evidence base; • The most appropriate strategy when considered against the reasonable alternatives. | <p><input type="checkbox"/></p> |
| <p>c. Effective
To be effective the plan must be:</p> <ul style="list-style-type: none"> • Deliverable; • Flexible; • Able to be monitored. | <p><input checked="" type="checkbox"/></p> |
| <p>d. Consistent with National Policy
The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework</p> | <p><input type="checkbox"/></p> |

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 representation has been prepared by Strutt & Parker LLP on behalf of Strutt and Parker Farms Ltd relating to the land to the east of Pippins Road (East of Burnham) in response to the Pre-Submission Local Development Plan (LDP) Consultation.

Policy S6 of the Pre-Submissions Local Plan relates to Strategic Growth in Burnham-on-Crouch, and sets out in detail the considerations to be applied to development proposals for the strategic allocations. The range of measures are considered to be broadly appropriate, although it is considered that the wording of the requirements in relation to 2), 6) and 13) should be re-worded to allow for greater flexibility in the context of the size of the site and the scale of development proposed.

Furthermore, the ability of the proposed strategic allocations for Burnham (S2 i, j and k) to meet all of these criteria is queried, in particular in relation to criterion 5), the need protect and enhance the landscape, and criterion 14), the need to preserve and enhance the rural location.

The land to the west of Burnham S2(i) was identified in 2012 as having only limited or minor constraints for the development of 200-300 homes. However, in response to a screening opinion submitted in 2013 for the mixed use development of the site including up to 450 residential units, the District Council identified that the proposed site was within the appropriate distance to be considered a sensitive area location in relation to the following:

- SSSI
- Special Protection Area (SPA)
- RAMSAR site
- Local Nature Reserve
- Ancient Landscape

All of these environmental designations should be taken into account when considering the ability of this proposed strategic site to comply with the detailed requirements of Policy S6.

Furthermore, the two northern allocations S2 (j) (west) and S2 (k) (east) would, if developed as proposed, have a detrimental landscape impact on many important aspects of local character. During 2012 when the Council considered the a number of growth options for the District, the land to the east of north Burnham S2(k) was identified as having a major constraint to development in the form of landscape and visual impact. It was further identified by the Council that any landscape or visual impact resulting from the development of this site could not be mitigated through planting.

In 2012, growth to the north of Burnham was rejected on the grounds that it would reduce the visual gap between the existing built up areas of Burnham and Stoneyhills. The landscape assessment of the proposed northern allocations prepared by Liz Lake Associates on behalf of Pigeon Land Ltd and submitted to the District Council in October 2013, identifies that a number of visual and landscape constraints will result in a reduction of the developable areas of these sites, and in turn a reduction in housing numbers, which may compromise the overall deliverability of these sites.

Conversely, it is considered that our client's land to the east of Burnham (currently identified as RE3) is capable of meeting all of the detailed requirements of Policy S6 (subject to greater flexibility as referred to above). Detailed supporting documents have already been submitted to the District Council, including a Landscape Impact Assessment, which demonstrate that the site can be developed within the broad terms of the criteria of Policy S6.

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 District Council should consider re-wording the detailed requirements of Policy S6 particularly in relation to 2), 6) and 13) to allow for greater flexibility in the context of the size of the site and the scale of development proposed.

In addition to this, in relation to other policies in the Plan, and in particular Policy S2, due regard should be given to the impact of the requirements of Policy S6, and the need to seek to maximise housing that can be delivered during the Plan period whilst recognising the environmental constraints of the sites. It is considered that the proposed strategic sites for Burnham-on-Crouch will not be able to be developed at the level proposed by the Council without compromising the landscape character and setting of the sites. In order to be effective a Plan must be deliverable. Therefore it is considered that the land to the east of Burnham (east of Pippins Road) should also be included as a strategic site rather than a reserve site to ensure that housing continues to be provided across the Plan period, without compromising the landscape setting of Burnham.

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.

N/A

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.