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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) _____ | D2 |
| 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 ☒
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** ☒
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.

Policy D2 sets out the requirements in relation to Climate Change and Environmental Impact of New Development. This states the following:

‘Subject to viability, all residential development will achieve a minimum Code for Sustainable Homes Level 4.’

This represents a change from the preferred option consultation in the summer of 2013, which set out that the Council would be seeking to aspire to Code Level 3. Within the NPPF and the recent technical guidance to the NPPF there is no reference to the code for Sustainable Homes being required for new developments. It is not clear why the Council has changed its stance on Code for Sustainable Homes from that of the preferred Options Consultation and for this reason the plan is not considered to be justified and therefore not sound in planning terms.

The Council also need to clarify whether the requirement for CFSH level 4 was used within the Viability Study. Within the original Viability Study it was stated that Viability had been worked out on the basis of achieving Cfsh 4. However, in the more recent Viability Study (update November 2013) the previous Policy D2, which required Cfsh level 3 is directly quoted. This is important given that the Viability Study has then been used to work out the viability of developments and the level of affordable housing.

This is particular relevant in relation to land to the north of Holloway Road, Heybridge S(e), which is already subject to a higher level of overall viability burden per dwelling (Section106 Contribution and affordable housing combined) than any other development allocated within the plan.

The requirement for Code Level 4, along with the other requirements places the viability and deliverability of the plan into doubt. The justification for Code Level 4 has not been set out by the Council and that in its present form the plan is not based on a credible evidence base. The Local Plan is also not in accordance with Paragraph 173 of the NPPF, which relates to viability and is especially important in relation to Land to the North of Holloway Road, Heybridge.

Full concerns regarding the viability of the development is set out as part of our response to policy H1, which should be read in conjunction with this. The landowner has also commissioned a viability appraisal for the site, which will be submitted as evidence ahead of the Examination in Public.

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.

Amend Point 2 of the Policy as follows:

‘Subject to Viability all residential development should achieve a minimum Code for Sustainable Homes Level 3’

It is recognised that when considering the above that viability needs to be considered overall. If the Council are not minded to change Policy D2, concerns in this regard could be addressed by reducing affordable housing.

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 to speak at the Examination in Public to put forward clear evidence relating to viability considerations at Land to the North of Holloway Road, Heybridge site s(e).

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.