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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

b. Policy reference

SN36

c. Proposals map

South East section

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

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.

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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.

The Maldon District Pre-submission Local Development Plan introduced a new designation for Land in Mangapp Chase, Burnham on Crouch as SN36 Mangapp Rough Grassland.

This designation is not based on physical survey of the site from the Officer's of the Council. No request was made by the Officer's to inspect the land. An Ecology Report has been submitted by the owner of the site for the development of the site with two detached dwellings. that report does not demonstrate that the land has any outstanding features worthy of permanent protection.

The Head of Planning Services recently recommended at the South East Area Planning Committee that the site in question was suitable for 5 new dwellings, there has been no material change of circumstances to the character of the site. Indeed the site has been used as a paddock for horses.

Further it is interesting to note that the Council within the consultation period of this Draft Plan granted planning permission for a new dwelling on land between Corner Cottage and The Chase, Mangapps Chase which is designated in the Draft Plan as SN37 Mangapps Woodland.

The Spatial Vision and Development Strategy allows for 330 houses as windfall allocations within the plan and 345 houses as rural allocations this latter figure has not been identified in the Plan and therefore 675 of the proposed dwellings to be built within the Plan period remain un-allocated. This represents 15% of the total allocation which does not demonstrate that the plan is either effective or provide flexibility. Having regard to the decision to allow a new house in Mangapp Chase, it is considered that the Development Boundary of Burnham - on - Crouch could be re-drawn to the west of those properties fronting the west side of Mangapp Chase.

The conclusion is therefore drawn that this allocation relating to SN36 in the Pre-Submission Draft is not based on any clear and precise evidence. It seems to be based on a reaction from a Planning Inspector relating to an applicaiton for 5 dwellings on this site, however it can be seen from an appeal decision relating to Land in Stoney Hills, Burnham on Crouch, a Planning Inspector was not convinced that the Mangapp Chase appeal decision should set a firm precedent for future applications. (appeal reference APP/X1545/A/13/2205803).

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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.

The Western side of the properties fronting Mangapp Chase to be included in the defined development boundary of Burnham on Crouch.

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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.

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.