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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	D5
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.

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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.

2.2a: Significant "eleventh hour" post consultation changes have been made to the LDP; these amendments have increased the amount of properties to the Heybridge Garden Suburb, coupled with the inclusion of major road infrastructure being supplied under a rumored section 106 agreement. Residents have not had the opportunity to quantify this change or been given the option to consult further on these new issues.

2.3b&c:

The evidence base that has been used to inform the flooding risk and surface water management plan (SWMP) is based on insufficient detail as the proposed flood alleviation measures for the Heybridge Garden Suburb redirect significant amounts of run off water into an area not covered by the SWMP - one of the main objectives of the LDP is not to increase the risk of flooding outside of the proposed development area, however, these "eleventh hour" changes appear to bypass this tenet.

The SWMP has been broad in its approach with distinguishing between flood zones to help inform the LDP but has done nothing to help identify or plan any retro fit solutions to help the existing residents of Heybridge who suffer from insufficient resource with resolving the ongoing problem of surface water flooding and the associated maintenance concerns and structural failures that exist in this over capacity Critical Drainage Area. (It appears that the 2008 Pitt Review recommendations are taking a while to filter through).

"From Pitt review 2007/8
ES .38
However, the last twenty or thirty years have seen the technical departments of local authorities significantly diminished and in some places closed or merged . The tension in the system between demand for housing and risk of flooding is not always properly addressed . Around a quarter of the homes flooded during the summer were built during the last twenty five years in areas of flood risk"

The rumored section 106 agreement which potentially produces the necessary funding for flood alleviation, could also be the root cause of further flooding in the area, as the delivery of such projects is often at the end of developments leaving new and existing residents at the risk of continued flooding until the 106 agreement has been honored. Past projects in the area have been let down by lack of monitoring or being undeliverable due to unforeseen constraints or circumstance.

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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.

2.2a: To postpone the final decision on the LDP so further consultation can be achieved.

2.3b&c:

"The SWMP Action Plan is a 'living' document, and as such, should be reviewed and updated regularly, particularly following the occurrence of a surface water flood event,"

The evidence base for D5 is extensive but I feel not complete or up to date. The SWMP document describes itself as a living document which requires periodic updating; this review of policy and updating of documents is urgently required so the data that has been captured in the past 3 months (the wettest winter on record) can be included so an accurate picture on climate change can be drawn. This updating is necessary as in 2012 we also saw the 2nd wettest summer on record - making this 2 year span significant for flooding and flood risks. It would also allow for data to be gathered from the tidal surge on 6th of December 2013, which saw Gold Command emergency planning measures instigated and parts of Heybridge & Maldon evacuated.

Whilst these incidents were not as terrible as some parts of the UK, the frequency and severity hints at future problems that may be exacerbated by poor planning, unsustainable design and lack of finance for continued maintenance.

With this in mind I also feel that it is timely to acknowledge the requests and concerns of not only the existing residents effected by this LDP, but also listen to the request of the experts published in the open letter in the Daily Telegraph dated 21.2.14 so that future residents of Heybridge, Maldon and beyond can thrive in a sustainable environment:

"SIR – As landscape architects, architects, engineers, hydrologists, ecologists and other specialists with the experience necessary to tackle flooding, we would like the Government to be aware that the expertise of our professions is available and, we believe, urgently required.
While we are pleased to hear that the Prime Minister will provide leadership and funding, it is essential that government actions are based on best practice developed over many years.
Water management techniques could have helped prevent the effect of flooding on villages, towns and over surrounding land seen recently. Emergency measures are in order for the immediate crisis. But in the long term, the management of water requires a clear strategy.
We need to look at how forestry, land management and soft-engineered flood alleviation schemes can hold back water in the upper reaches of rivers, and how dredging may assist in the lower reaches.
We need to fit sustainable drainage systems comprehensively for existing buildings and all new buildings. Buildings and land that cannot be properly protected should be made resilient to withstand flooding. All new housing on flood plains must be resilient when built.
Co-operation is needed between the professions, the water companies, internal drainage boards, local authorities, the Environment Agency, and Natural Resources Wales. They must all work with landowners and residents to be effective.
In the Environment Agency are people experienced in addressing these problems, as there are among the members of all our organisations. We need to mobilise that joint expertise.
We are asking David Cameron to convene without delay a cross-departmental conference, including the professions, with the Department of Energy and Climate Change, the Department for Environment, Food and Rural Affairs, the Department for Communities, the Environment Agency and National Resources Wales, similar to the one convened to address the problem of ash dieback.
S E Illman
President, Landscape Institute
George Adams
President, Chartered Institution of Building Services Engineers
Heather Barrett-Mold
Chair, Institution of Environmental Sciences
and 14 others; see telegraph.co.uk"

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.