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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 | <input type="text"/> | b. Policy reference | <input type="text" value="POLICY D5"/> |
| c. Proposals map | <input type="text"/> | d. Other section (please specify) | <input type="text"/> |

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.

SEE ATTACHED COMMENTS

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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.

SEE ATTACHED SUGGESTED AMENDMENTS

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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.

ALAN COOK CONSULTANCY

REPRESENTATIONS ON BEHALF OF LODESTAR PROPERTIES LTD

LEIGH INDUSTRIAL ESTATE THE CAUSEWAY MALDON ESSEX

PRE SUBMISSION DRAFT LOCAL DEVELOPMENT PLAN

11 March 2014

Policy D5 Flood risk and coastal management

The Council's policy is to direct strategic growth towards lower flood risk areas such as Flood Zone 1 and not to increase the flood risk on site, locate development where the use is compatible with national planning policy and demonstrate that the Sequential Test and where necessary the Exception Test is undertaken.

Comment

The SFRA shows that the main risk of flooding derives from river and sea (tidal) flooding and will note that the whole area is protected by sea/river defences managed by the EA.

Provided that sea/river defences are properly maintained there is no reason not to allow residential development here subject to compliance with the NPPF and flood risk should not be used as justification for only allowing most housing in the Strategic Allocations and edge of settlement locations away from the coast.

The policy should be amended to allow properly designed residential within selected parts of the Central Area including town centre gateway sites at the Causeway such as Leigh Industrial Estate.

The recent heavy rain has not affected Leigh Industrial Estate and MDC cannot sterilise for housing development urban sites such as this site where flood risk can be carefully managed. MDC has simply failed to properly assess this site in objective flood risk terms.