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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

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

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 E1 - Employment**

The Council will encourage employment generating developments and investments by creating 2,000 net additional jobs through regeneration of existing employment sites, new employment sites at strategic locations and garden suburbs and other high quality sustainable locations.

Policy E1 encourages employment generating development and the Leigh Industrial Estate is within Employment Area E1 (L) The Causeway for B1/B2/B8 where planning applications will only be permitted for employment purposes if they accord with the use class specified – in this case B1,B2,B8 totalling 46.6 ha.

In principle, designated employment areas will be retained and protected for Class B use unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes.

Proposals to develop vacant employment sites and to modernise or redevelop existing employment sites and building will be viewed favourably where this supports retention of existing businesses and /or provides employment that meets current needs of local business.

Proposals causing loss of existing employment uses will only be considered in 3 cases-

- 1) The present use significantly harms character and amenity of adjacent area or
- 2) The site would have greater benefit to local community if alternative use were permitted or
- 3) The site has been effectively marketed at local market value for existing use or other employment use and that it can be shown that continuous use for employment is no longer viable taking account of existing and long term demand

Mixed use proposals will only be considered on existing employment land where substantive Class B employment will support economic growth and Class B employment will be delivered alongside or in advance of proposed non-employment use.

Mixed use development will not be considered acceptable where it detrimentally impacts on quality of the site for employment uses.

**Comment**

**We object.**

**This too prescriptive and does not reflect economic reality.**

**The approach should be geared to analysing in more detail the potential to regenerate areas and retain employment through general development including residential and mixed use. This should not be achieved simply by zoning employment areas and adopting a protective policy.**

**The policy should be amended to distinguish the Leigh Industrial Estate as a town centre gateway site within the Causeway Regeneration area where long term retention of employment use is not required.**

**The overall aspiration behind E1 whilst well intentioned is a naïve hope that simply does not reflect the location of Maldon. Located on the coast without a rail link and with no really adequate strategic road network this policy aspiration is admirable but will achieve its stated aims.**

**There must be a far more flexible approach to development within employment areas with development assessed based on its sustainability and regeneration qualities rather than just a measure by job numbers.**

**There is a chance that some employment uses associated with the Garden Suburbs might be provided where access by car to the strategic road network is better but a more realistic approach might be to rely on the regenerative effects of increasing the population and therefore retaining spending power within the centre by selective and appropriate development of existing employment sites for other uses.**

**A distinction in this area should be made between new clean industrial uses and the older obsolete stock.**

**Where downsizing and relocation to another employment site can be achieved (eg Steltube are considering this at the Leigh Industrial Estate) the policy should be to allow a proportion of employment site to be allocated for other uses including housing.**

**This would be consistent with NPPF.**

**Reserving sites for employment use alone is not a credible regenerative approach as such sites simply tend to be left to rot until either policy changes, an appellant successfully argues at appeal as an exception or some other economic event intervenes.**

**That is not a proper way in which to plan a regeneration of this area.**

**Redevelopment of this site would lead to a loss of a currently allocated employment land which *inter alia* is currently occupied by an operational furniture-making works. The policy should be made more flexible to allow employment to be lost if it can in whole or part be relocated within the Maldon**

District as part of a negotiated application. There should be a special policy provision where existing buildings are no longer suitable but where an occupier is prepared to stay on another site and a marketing test should not always be required. Such tests are notoriously inaccurate and it is not the job of the planning system (nor is the intention of the NPPF) to prevent appropriate alternative development that is required and can be rendered sustainable.

In the case of the Leigh Industrial Estate the property marks the southwest bookend of the industrial area and its loss as industrial would not affect the viability of the retained area. Indeed there is no internal link with the industrial units to the north east. A separate policy distinction needs to be made to give effect to this town centre gateway site.

Other commercial uses other than B1 (eg A1, D1 and hotel) all offer significant employment levels

The Employment Land Review shows a need for available employment land but the area is in need of significant inward investment and this can only take place if phased redevelopment of gateway sites is permitted. Inward investment and therefore achieving the Regeneration Area aims can only viably be achieved with other uses that create jobs including appropriate retail uses that complement the employment uses in the area.

The general thrust of Government policy is of course a presumption in favour of sustainable development, particularly where as in this case there is economic benefit.

Policy E1 seeks to reserve land for employment development and includes a table defining appropriate land uses for sites across the District. For the Causeway area this is recognized as the largest allocated employment area comprising 43.6 hectares of land and identifies that B1, B2 and B8 are appropriate land uses. This is far too much employment land is this location for which there is neither demand now nor is there likely to be over the Plan period. At least 10 -20% should be removed from the employment allocation including the Leigh Industrial Estate. Whilst the Council has identified 14.3 ha of employment space previously designated for employment uses in the RLP 2005, it has identified a further 6 ha in the proposed new Strategic Allocations and Garden Suburbs.

It is likely therefore that there is still too much surplus employment capacity in the District and this will not assist regeneration aims if employment land continues to be underused or vacant.

The 2009 ELR shows that the Causeway area scores well in terms of local facilities and access to road network but less well on on-site environment, quality of buildings, potential contamination and flood risk issues.

The 2009 ELR recognizes that in the absence of a major regeneration initiative it will be difficult to encourage redevelopment.

Para 7.20 of the ELR states that in recognition of the fact that much of the growth in employment is likely to be in non B space premises, it should consider the merits of mixed use development on key sites that could bring forward employment in both B space and non B space activities such as hotels, restaurants, retail, leisure and other services.

This is an important consideration for this site which is a town centre gateway site. These gateway sites should be considered for a wider range of uses and the E1 protection policy should be excluded from the gateway sites.

In summary we consider this site zoning should be reviewed together and the site taken out of the employment area zoning.

We are very surprised that bearing in mind the requirements of NPPF not to sterilise sites no attempt was made during the Consultation to address this issue in the Consultation Period. MDC had had ample opportunity to properly consider viability. It has been demonstrated over the past 10 years that there is simply no demand for the levels of employment development that MDC insists on providing.