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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

General comments and NPPF

These representations and objections relate principally to the housing and employment policies of the Pre Submission Local Development Plan 2014-2029 (LDP) of Maldon District Council (MDC) on which the consultation period expires on 12 March 2014.

In summary it is considered that aspects of these policies in the LDP fail to comply with the NPPF, with the Evidence Base and with other material considerations and amendments are requested.

In particular they fail to recognize that sustainable development requires a flexible approach to be taken to ensure the efficient use of brownfield land for future use including employment, residential and other urban uses.

The changes made to the draft LDP as a result of Draft LDP Consultation commencing in August 2013 and culminating in an officer report to Committee on 11 December 2013 do not address our concerns. It is noted that MDC proposes no change or no major change to any of the employment policies E1 – E3 and with no justification given or any indication that MDC has even considered the representations made and proposed justifiable changes despite robust arguments by a number of objectors including Lodestar that at least a more flexible approach should be taken to proposed employment allocations.

For a long time MDC has sought to regenerate the Causeway area and this is recognized in a number of documents in the Evidence Base.

The Leigh Industrial Estate in the Causeway area is owned by Lodestar Properties Limited and contains a mixture of B1c, B1a and A1 uses with the A1 use being at the front of the site in the 2 units occupied by Retail Pine Warehouse and Travis Perkins and the remainder of the site being occupied by Steltube for the assembly of steel furniture.

The site has an area of about 1.40 ha and is occupied by about 6,335 sq m of built space of which about 2,096 sq m is A1 retail and 4,239 sq m is B1c/B1a business and ancillary use.

Each of the principal policies is considered and objections/representations noted where appropriate in bold indented.

In March 2012, the National Planning Policy Framework (NPPF) was published by the Department for Communities and Local Government. The NPPF sets out the Government's economic, environmental, and social planning policies for England; it sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.

In terms of development management, the NPPF advises that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development. The NPPF encourages engagement in pre-application discussions, consultation and generally front-loading the planning application process. It also sets out that in determining planning applications, local planning authorities should apply the presumption in favour of sustainable development.

Annex 3 of the NPPF identified the former policy documents that are replaced by the Framework, including PPS1, PPS3, PPS4, PPS5, PPG13, PPS22, PPS23, PPG24, and PPS25. The NPPF does not change the statutory status of the development plan as the starting point for decision making; however, it constitutes guidance for local planning authorities and decision-takers both in drawing up plans as a material consideration in determining planning applications.

Paragraph 17 of the NPPF identifies the core planning principles which should underpin both plan-making and decision-taking; these include:

- Empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area;
- Finding ways to enhance and improve the places in which people live their lives;
- Proactively driving and supporting sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places;
- Seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Taking account of the different roles and character of different areas, promoting the vitality of urban areas;
- Supporting the transition to a low carbon future, taking full account of flood risk, and encouraging the reuse of existing resources;
- Contributing to conserving and enhancing the natural environment and reducing pollution;
- Encouraging the effective use of land by reusing land that has been previously developed (brownfield land);
- Promoting mixed use developments;
- Conserving heritage assets in a manner appropriate to their significance;
- Actively managing pattern of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be sustainable; and

- Taking account of and supporting local strategies to improve health, social and cultural wellbeing for all, and delivering sufficient community and cultural facilities and services to meet local needs.

The overarching national planning policy theme evident from the publication of the National Planning Policy Framework is a presumption in favour of sustainable development, which the Government have advised should be at the heart of the planning system and, which should be seen as a 'golden thread' running through both plan making and decision taking.

Comment

We object.

Whilst frequent reference is made to the NPPF in the LDP it is felt that it does not comply with the NPPF and fails to meet the aims behind sustainable development.

In particular para 22 of the NPPF is ignored –

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be revised regularly. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'.

In particular in the context of this town centre gateway site in the Causeway Regeneration area para 23 is ignored –

'In drawing up Local Plans, local planning authorities should ... allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available'

No reference is made to para 26 which sets a default threshold of 2,300 sq m for impact assessment for retail, leisure and office development outside the town centre.

There is no reference to para 51 –

'They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate'.

Whilst para 52 makes reference to larger scale development such as extensions to existing settlements this is not the only way to provide new housing.

MDC do not appear to have assessed whether in fact Strategic Allocations and Garden Cities are in fact the best way of achieving sustainable development. We think they are not the only way, even where land is constrained by matters such as flood risk areas as is the case in the District.

Maldon and Heybridge are 2 large settlements and account for over a third of the District's population.

There are also pockets of deprivation within this area especially in this part of the centre despite the relative affluence of the surrounding area which will be exacerbated if growth is encouraged outside the urban envelope by just relying mainly on Strategic Allocations and Garden Suburbs.

The relative isolation of Maldon is a major cause of this deprivation with poor public transport links and high reliance on the car – this contributes to leakage of retail spending - investment in edge of centre sites for residential use with some retail development is required in order to reinforce the town centre.

This concern does not feature in the LDS. Indeed the current statutory plan is ironically more sustainable - for example Policy Development Boundaries and New Development - Strategic policy which requires new development to be directed to those sites within the designated development boundaries.

The changes made by MDC to draft policy after the Draft LDP Consultation do not address our concerns.