

**Part 2 - Regulation 19 and 20 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<br>(please specify paragraph number) _____ | b. Policy<br>(please specify policy reference) <b>S7</b> _____ |
| c. Proposals Map _____                                  | d. Other section<br>(please specify) _____                     |

**2.2.** Do you consider the Maldon District Pre-Submission LDP to be (tick as appropriate):

- a. Legally compliant** Yes ☒  
 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 No ☐
- b. Sound** Yes ☐  
 To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance No ☒  
 (if you **do not consider the LDP to be sound**, please complete section 2.3. below)

**2.3.** Do you consider the Maldon District LDP to be unsound because it is not (tick 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 based on your representation at this stage, 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.

**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.

Policy S7 as proposed in the submission draft of the Local Plan does not adequately support or promote housing within rural areas.

The wording of criteria (a) of Policy S7 fails to recognise the positive wording within paragraph 55 of the National Planning Policy Framework (NPPF) which states that in order to promote sustainable development in rural areas “housing should be located where it will enhance or maintain the vitality of rural communities”. We consider that in order to be considered sound, amendments to the policy are required to recognise the support in national planning policy for development that enhances or maintains the vitality of rural communities and the important contribution that relatively small levels of additional rural housing can make to meeting local housing needs and allowing local people to find housing within their local village. Changes to the first section of the policy and to criterion (a) are required to make clear that allocations for housing will be considered on this basis.

Criterion b) currently fails to reflect the correct tests in national planning policy and ensure that development can proceed if any impacts can be acceptably mitigated. As set out by NPPF paragraph 204 planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. If a smaller development can be acceptably mitigated through the use of appropriate planning obligations or through smaller scale localised improvements funded by the development, there is no reason why such a sustainable development should not proceed. The current policy requirement that such sites must be of sufficient scale to enable to delivery of strategic infrastructure projects is therefore not a justified approach.

Criterion (e) of the policy fails to accord with the provisions of NPPF paragraph 173 which makes clear that plans and decisions must consider viability. Any requirement for affordable housing must therefore also be subject to viability. This is currently not recognised within Policy S7 and the policy is therefore not consistent with national planning policy.

The final paragraph of Policy S7 also fails to adequately reflect that Neighbourhood Plans are able to bring forward additional development in accordance with the NPPF, but cannot restrict development and must accord with the strategic policies of the Local Plan. NPPF paragraph 184 states that “Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.” The primary responsibility for planning and delivering growth within the rural area of Maldon district remains with the District Council. The current policy wording is neither justified nor consistent with national policy.

We consider that a comprehensive settlement boundary review should be undertaken at the earliest opportunity to identify suitable rural sustainable sites. Whilst we recognise that detailed site allocations will be considered as part of the future Rural Allocations DPD we would highlight our client’s land interests at Althorne as a particular example of the type of sustainable site that we consider can be brought forward for development in the District (site 4444a). Full details of this site have previously been submitted to the Council which is suitable, available and deliverable for development early in the plan period.

**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.

We also consider that amendments are needed to Policy S7 as follows:

“Each Parish will be invited to work with the Council to ***promote sustainable development in rural areas***, identify appropriate land to meet the needs for their area, ***boost the supply of housing in the district and locate housing where it will enhance or maintain the vitality of rural communities***.

Land will be allocated in the Rural Allocations DPD in accordance with the principles of sustainable development set out within the LDP and the following principles:

- a) Allocations will be of a scale that reflects the size and character of the village concerned, its position within the settlement hierarchy, its level of ***local employment and*** service provision, and availability of, or potential for, sustainable transport choices. ***The scale of allocations will also seek to enhance and/or maintain the vitality of rural communities***.
- b) Allocations must be acceptable within the infrastructure capacity of the settlement concerned, or should be ***able to satisfactorily address any infrastructure constraints through the use of planning conditions and/or planning obligations either individually or in combination with other sites***. ~~of a sufficient scale to enable the delivery of strategic infrastructure projects required to support future growth of the District,~~
- c) Allocations will ***seek to*** protect and, where possible, enhance ~~the~~ character and settlement distinctiveness,
- d) ***Where appropriate*** Allocations will contribute towards meeting the District’s housing need for the older population
- e) Allocations will contribute towards meeting the District’s affordable housing need ***whilst giving consideration to the need for development to remain viable and deliverable***.

Existing community led plans including Neighbourhood Plans, Village Design Statements (VDS) and where appropriate Parish Plans, will inform the production of the Rural Allocations DPD ***where these are in general conformity with the strategic policies of the Local Plan***.

***Neighbourhood Plans and the Community Right to Build also provide an opportunity for local communities to bring forward additional development on sites not allocated within the Rural Allocations DPD.”***

**2.6.** Do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick 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.

**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.**