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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.

**The soundness of this part of the LDP is wholly undermined by the fundamental contradictions within its policies as stated.**

The Council's conservation and heritage policy is grounded in the context given in paragraph 3.22 as follows:

*"Heritage assets are a finite resource which requires careful management and protection to ensure that they are **preserved** for the interest and enjoyment of current and future generations. Heritage assets are the cherished and precious reminders of the past, and provide a sense of place, pride, and identity in their locality. The Council places great value on the significance and quality of the historic environment and its ability to promote tourism, commerce, business, and a desirable environment to live, work, visit and enjoy. To preserve the history and character of the district, the council will seek to **ensure that heritage assets continue** to contribute to our cultural, social and economic life as a beneficial and sustainable resource."*

This is then wholly contradicted and undermined by Para 3.26 on p 53, as whilst it is couched in language that states it would be exceptional to remove a heritage asset, nevertheless confirms that total loss or substantial harm could indeed be allowed to happen and can be justified!

We maintain that nationally conservation skills and imagination have now developed sufficiently for it to be **never justified** for any one MDC to determine that "the asset is demonstrably unviable and its removal could enable development which provides significant public benefit that cannot be provided elsewhere or by other means."

Similarly 3.28 permits 'loss of a building or other element that makes a positive contribution to a conservation area'. This too is wholly unjustifiable as a policy and contradicts the overarching policy of 3.22.

**So the Plan as written states one policy but permits the opposite!**

It is especially vital to revise these two sections of Policy D3 as heritage assets can never be reinstated once lost. We all know communities where heritage assets were removed with the relevant Council's best of intentions for then perceived "public benefit", only to find their irreversible removal turned out to be mere fashion or convenience. 'Public benefit' in this context is merely subjective, and has no part in an objective LDP.

Para 3.27 instead permits enabling development to improve and secure the long term future of a heritage asset in beneficial use, which is preferable.