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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 plan is not sound as not all sites were assessed by MOC our application was lost, contrary to SHLAA guidance Para 7 PPS3 "it should aim to identify as many sites in and around the settlement" as possible MOC did not do this Para 9 shlaa guidance "it is not a one off study - MOC did not assess all sites and have consistently refused to re-assess them. Since 2009.

Para 17 " " "keeping the assessment up to date : MOC have not assessed all sites, are fully aware of this, but still refuse to assess them.

It is not positively prepared - See above.

It is not deliverable - See North fairbridge, allocated 75 houses, yet recent application received response from Anglian Water that £2-2.5 million is required for work to improve Sewer. This is not viable, not deliverable and makes the whole plan unsound.

It (the plan) is not consistent with national Policy Stage 4: Determining which sites and areas will be surveyed - as a minimum ALL SITES identified by the desktop review should be visited.

It is not achievable (see deliverable above)

our 400 acre site (22 acres for housing) is deliverable, no infrastructure issues, very sustainable and is a Pedestrian Catchment - commonly defined as the area within a 10 minute walk (up to 800m) of an established Centre.

~~We~~ We have multiple letters of evidence to support our claims + wish to open before the inspectors to raise our concerns.

see attached letter

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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.

- 1) re-assess all sites submitted as required under SHL99 Practice guidance (DCLG).
- 2) new call for sites, this time assess all sites submitted
- 3) thorough research of infrastructure, North-fairbridge is not deliverable or viable (75 houses allotted in LDP cannot cover the £-2.5 million as required for Anglia Water following response to application for 30 houses.
- 4) make the plan sound & Robust - Assess all sites submitted
- 5) actually follow guidance set out by the DCLG (SHL99 Practice guidance)
- 6) assess our alternative site <sup>instead of</sup> <sup>↑</sup> North fairbridge in Mayland. (Nipwells farm)  
See attached letter (2)

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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**

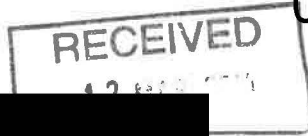
If the box is not big enough for your comments, please attach another page marked appropriately.

To submit evidence personally that the plan is not sound, not deliverable and has not followed the SHLAA guidance as set out by the DCWG. We have ~~the~~ letters and emails to back this up. We have consistently raised concerns/complaints but MDC has chosen to ignore them. After writing to Nick Bales he gave us details of the SHLAA guidance and that has made it possible to put in a clearer objection. However, we received his response on the 2-3-14, sent an email for guidance to MDC on the 3-3-14 but MDC only bothered to reply at 4 pm 11-3-14 (last night) when the deadline was 12 noon today for response. Typical behaviour of MDC - Customer charter, respond in 5 days. I also wish to submit an alternative site (which I have tried to get assessed since 2009, maybe the Inspectorate will take it). See letters 1 + 2 accompanying this ~~the~~ form.

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.

letter 1.

0135-5237-Misc



Maldon District Local Development Plan Pre Submission Public Consultation Response.

Dear Sirs,

I have raised my concerns regarding the MDC LDP, particularly in regard to the robustness of the plan.

Following on from the receipt of the letter from the DCLG, we asked for guidance on submitting a response (as suggested). Unfortunately Maldon District Council received our email on the 3/3/14, but did not manage to respond until 4pm on the 11/3/14, the response time finishing at 12 noon on the 12/3/14. This is quite a typical late response time from MDC and it is making our response very difficult to submit, but unfortunately this is very typical of Maldon District Council.

The DCLG in their letter dated 18/2/14 listed reasons for which I can object to the plan (including robustness) and also the methodology that Maldon District Council should have adopted, but outlining below where they have failed to follow the guidance as set out by the DCLG.

Brief outline

in 2009 Maldon District Council refused to assess a 400 acre site sent into them for assessment as part of the 5 year land supply (SHLAA), at Nipsells Farm in Mayland.

The site is very sustainable (bus stop in less than 400 metres, primary school, 2 doctors surgeries and pharmacy between 500-700 metres, all with extra capacity). all accessible via quiet residential roads, with wide footways and also via footpaths. No infrastructure or legal issues. (22 pedestrian catchments are commonly defined as the areas within a 10 minute walk (up to 800m) of an established centre.

The then head of planning Alan Storah (2009) agreed to assess the site, however a few days later (after receipt of maps and paperwork) another officer who went on to become the replacement head of planning then refused to assess it.

In a subsequent meeting with the Chief Executive and strategic director (with written responses) it was decided that they could not assess our site as the LDP and SHLAA were nearing completion (which incidentally still has not been completed)

We have written evidence to support these facts.

Maldon District Council have refused to assess this site on another more recent occasion (again we have written evidence)

However, Maldon District Council have assessed many other sites (see David Coleman) since 2009, but have consistently refused to even assess our site time and again.

They have conveniently '

Maldon District Council obviously only appear to assess sites which suit them, not as required under the SHLAA guidance from the DCLG.

SHLAA.

(strategic housing land availability assessment, practice guidance, DCLG)

Introduction

1. Strategic Housing Land Availability Assessments are a key component of the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes. These assessments are required by national planning policy, set out in Planning Policy Statement 3: Housing (PPS3). This document gives practical guidance on how to carry out an assessment to identify land for housing and assess the deliverability and developability of sites.

MDC did not follow this guidance

## Section One: Context and key principles

National planning policy context 4. A top priority for Government is to ensure that land availability is not a constraint on the delivery of more homes.

5. Planning policy, as set out in Planning Policy Statement 3: Housing (PPS3)<sup>1</sup>, underpins the Government's response to the Barker Review of Housing Supply<sup>2</sup> and the necessary step-change in housing delivery, through a new, more responsive approach to land supply at the local level. It requires local planning authorities to: • identify specific, deliverable sites for the first five years of a plan that are ready for development<sup>3,4</sup> and to keep this topped up over-time in response to market information; • identify specific, developable sites for years 6–10, and ideally years 11–15, in plans to enable the five year supply to be topped up; • where it is not possible to identify specific sites for years 11–15 of the plan, indicate broad locations for future growth; and • not include an allowance for windfalls in the first 10 years of the plan unless there are justifiable local circumstances that prevent specific sites being identified.

Purpose of the Assessment 6. The primary role of the Strategic Housing Land Availability Assessment (hereafter referred to as the Assessment) is to: • identify sites with potential for housing; • assess their housing potential; and • assess when they are likely to be developed.

7. It should aim to identify as many sites with housing potential in and around as many settlements as possible in the study area. The study area should preferably be a sub- regional housing market area, but may be a local planning authority area, where necessary. As a minimum, it should aim to identify sufficient specific sites for at least the first 10 years of a plan, from the anticipated date of its adoption, and ideally for longer than the whole 15 year plan period<sup>5</sup>. Where it is not possible to identify .....(para 7 PPS3)

MDC did not follow this guidance

8. The Assessment is an important evidence source to inform plan making

9. The assessment is not a one-off study and updating it should be an integral part of the monitoring report process.

10. ....individual assessments may need to be carried out whenever necessary to ensure planning is sufficiently responsive to market information.

MDC did not follow this guidance

It has consistently refused to even assess or record our site, which makes the evidence basis of the plan unsound. MDC have decided to only assess sites they choose to and ignore any they so not want to assess. We have significant evidence of this (emails from heads of planning, chief executive, strategic director etc. which I would like to submit at the planning inspectorate.

We could not get answers to either how many sites were ignored and how many were assessed after 2009 (David Coleman has said it was OK for developers to submit them at any time and he keeps developers land in a box, but ours was thrown away, in spite of us writing to have the site assessed. The site is very sustainable (bus stop under 400m, 2 docs, school and nursery with extra capacity, between 5-700 metres walk away on wide footways and footpaths, and many thriving shops and businesses between 5-700 metres away. No infrastructure, legal or deliverability issues.

## Core requirements of the assessment:

SHLAA. This has not been followed by MDC< see above., ref 9 This means the assessment as a minimum should be robust and credible in order to meet the tests of soundness in PPS12: Local Development frameworks (ODPM< 2004), para 4.24 vii 10 see para 54 PPS3

MDC did not follow this guidance

North Farnbridge is allocated 75 houses. However in a recent planning application at the request of elected members. Anglian Water responded that before any more housing was built in North Farnbridge that between £2-2.5 million in investment was required. Some of this would require to be located with the adjoining authority. It is not deliverable or possible and makes the plan unsound. Duty to cooperate?

Keeping the assessment up to date-

See above.

Stage 2: Determining which sources of sites will be included in the assessment.

Our site fitted squarely into sites not currently in the planning process. See para 30 PPS3.

Our site was not assessed at any time since 2009 (how many others were also ignored?)

This question has repeatedly been asked of MDC, with no clear answer. It should have at least been ascribed as nil housing potential if MDC thought it was unviable, but it is very viable, sustainable and adjacent to an existing settlement.

Stage 3 Desktop review of existing information:

Fig 5: Sources of information. NOT ALL SITES WERE EVEN LISTED LOGGED OR ASSESSED. MDC DID NOT FOLLOW THIS GUIDANCE AND CONTINUES TO CHOOSE NOT TO. We have significant emails and letters to back this up.

MDC has only chosen to assess the sites they wanted to and conveniently lost all of the rest.

Stage 4 Determining which sites and areas will be surveyed.

Para 24 as a minimum all sites identified by the desk-top review should be visited.

Para 25 the site survey should be used to identify further sites with potential for housing.

MDC did not follow this guidance. MDC wilfully ignored sites it did not want to assess.

Stage 7: Assessing when and whether sites are likely to be developed:

54 and 56 PPS3

North Farnbridge is not deliverable or developable due to sewage issues (Anglian Water) see earlier paragraph.

Stage 9: Identifying and assessing housing potential.

MDC did not follow this guidance. MDC wilfully ignored sites it did not want to assess.

In summing up:

North Farnbridge (75 houses) is not viable or deliverable (financial sewage infrastructure constraints, see recent planning application Mr Raven).

The entire plan is neither robust nor sound, due to the fact that MDC have consistently ignored sites they chose not to assess (we have strong evidence to support this which can be supplied).

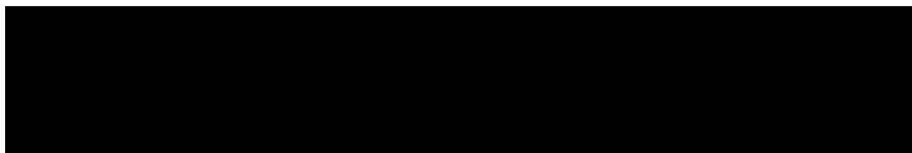
Not all sites submitted were assessed.

Not all sites were listed or recorded.

Not all sites chosen are either financially viable or deliverable.

The guidance as set out by the DCLG has not been followed by MDC and needs to be re-considered.

The plan cannot be considered sound due to the issues listed above.





Maldon District Local Development Plan Pre Submission Public Consultation Response.

Letter 2, Alternative site.

Dear Sirs,

I would like to submit an alternative site at Nipsells Farm, Mayland.

The site has no legal or financial constraints, no mortgages or loans secured against the entire holding. Owned by one family.

It is not in a flood zone (flood zone 1).

It is adjacent to an existing settlement in excess of 1500 dwellings.

The site as a whole is 400 acres, the area suitable for development is approx. 20 acres.

The site has no infrastructure issues (Anglian Water will put in new gravity fed pipe to sewage works, over land within the 400 acre holding). To be decided under CIL or section 106 (10% of costs)

Submitted to the SHLAA in 2009 but MDC refused to even assess and has consistently refused to assess. (see below).

I have raised my concerns regarding the MDC LDP, particularly in regard to the robustness of the plan.

Following on from the receipt of the letter from the DCLG, we asked for guidance on submitting a response (as suggested). Unfortunately Maldon District Council received our email on the 3/3/14, but did not manage to respond until 4pm on the 11/3/14, the response time finishing at 12 noon on the 12/3/14. This is quite a typical late response time from MDC and it is making our response very difficult to submit, but unfortunately this is very typical of Maldon District Council.

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The then head of planning Alan Storah (2009) agreed to assess the site, however a few days later (after receipt of maps and paperwork) another officer who went on to become the replacement head of planning then refused to assess it.

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We have written evidence to support these facts.

Maldon District Council have refused to assess this site on another more recent occasion (again we have written evidence)

However, Maldon District Council have assessed many other sites (see David Coleman) since 2009, but have consistently refused to even assess our site time and again.

They have conveniently '

Maldon District Council obviously only appear to assess sites which suit them, not as required under the SHLAA guidance from the DCLG.

Unfortunately my responses (letters one and two) are very rushed, as the DCLG advised us to seek guidance on our response to the LDP from MDC.

We received the letter from Nick Boles on the 2/3/14, sent an email to MDC on the 3/3/14 at mid-day, but MDC only bothered to respond on the 11/3/14 at 4pm, when the closing date of the LDP ends at mid-day on the 12/3/14.

Regards,

