

Our ref Pre-Submission LDP Representation
Your ref

17 March 2014

0140-5244-S2-S MALDON DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL



Enquiries to: Planning Policy
Email: policy@maldon.gov.uk

Dear Sir / Madam

**Boyer Planning on behalf of the Royal Horticultural Society and the Tolhurst Family
Representations to the Pre-Submission Local Development Plan public consultation**

The information contained within the representations listed below were made by Boyer Planning on behalf of the Royal Horticultural Society and the Tolhurst Family and should be read in conjunction with the supporting evidence contained within representation: **0140-5244-S2-S**.

- 0140-5245-S6-23
- 0140-5246-E1-23
- 0140-5247-H1-2
- 0140-5248-PM-23

Kind regards,



Planning Technician



P	S	C					/		
---	---	---	--	--	--	--	---	--	--

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.

P	S	C					/		
---	---	---	--	--	--	--	---	--	--

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.

P	S	C					/		
---	---	---	--	--	--	--	---	--	--

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.

P	S	C					/		
---	---	---	--	--	--	--	---	--	--

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.

Maldon District

Pre-Submission Local Development Plan 2014-2029

Representations on behalf of the Royal Horticultural Society and the Tolhurst Family

The following representations have been prepared by Boyer Planning Ltd. on behalf of the Royal Horticultural Society and the Tolhurst Family in respect of the Maldon District Pre-Submission Local Development Plan 2014-2029.

Policy S2 Strategic Growth

Policy S2 sets a district housing figure of at least 4,410 over the plan period, with the table contained within this policy specifying a total of 4,430 dwellings (including allowance for windfall sites). The Burnham on Crouch figures remain at 450, and are spread across the same three strategic allocation sites as were proposed within the Draft Local Plan.

The inclusion of three reserve sites across the district, to provide further flexibility and contingency, is noted. It is understood that the expectation is for these sites to come forward beyond the Plan Period, unless monitoring indicated that there was a need for such sites to be delivered at an earlier stage. This includes 100 dwellings to the east of Burnham on Crouch. It is considered that this provides a good indication of future development strategy for the settlement.

The RHS and the Tolhurst Family support Policy S2 in terms of the growth strategy for the District that this outlines for the plan period. It is welcomed that the level of housing being planned has increased to a minimum of 4,410 (in comparison with the lower levels proposed at the earlier stages of the consultation process), representing an average of 294 dwellings per annum. As such it is felt that the Council are now better able to demonstrate that they are endeavouring to meet the District's objectively assessed housing need in respect of forecast projections.

The distribution of housing growth across the District presented within Policy S2 is considered to be appropriate. In particular the re-distribution of growth to three sites around Burnham on Crouch, that was proposed within the Draft Local Plan, and confirmed within this Pre-Submission document, represents a more appropriate and more sustainable response that continues to recognise and fulfil the important role of the settlement within the wider rural hinterland of the Dengie peninsula. The status of Burnham on Crouch as one of the principal receptors of growth, alongside Maldon and Heybridge, in view of the greater opportunities this offers for transport connectivity and achievement of more sustainable patterns of development than would otherwise result from dispersal across the rural areas, as noted in supporting text at paragraph 2.26, is also supported.

Within previous representations to the emerging LDP we raised concerns that the concentration of development solely to the west of Burnham on Crouch was seemingly at odds with the current designation as both part of the Coastal Protection Zone and Special Landscape Area. Notwithstanding the apparent proposed deletion of these designations it is considered that these clearly identified a degree of landscape sensitivity, which was confirmed within the Landscape Assessment submitted alongside our previous representations. Reduction in the scale of development at this general location

provides better scope for achievement of a scheme which results in less visual impact on this exposed area of the settlement edge.

At the same time we welcome the proposed inclusion of land owned variously by the RHS and the Tolhurst Family to the north of Burnham on Crouch, either side of Southminster Road, as strategic allocations. Our previous representations in August 2012, highlighted the manner in which development could be accommodated within these sites without significant adverse landscape or visual impact, including the ability to retain the visual separation between the main part of Burnham on Crouch and the Stoney Hills area of the settlement, that had been raised as a concern in the earlier consultation document. The sustainability of these sites, in respect of accessibility to a range of facilities and services was also underlined within the Development Framework Document submitted at that stage.

We would like to confirm that the scale of development envisaged within Policy S2 (sites S2 (j) and (k)) would be capable of being delivered within the timescales identified, with the intention being to progress towards submission of an outline application for the North of Burnham on Crouch (West) site in the near future.

We would also like to support the inclusion of RHS land to the east of Burnham on Crouch as part of the reserve site (RE3) for development beyond the plan period. The site is accessible to local services and facilities within Burnham on Crouch and makes a logical extension to the settlement following the strategic allocations already proposed.

Policy S6 Burnham on Crouch Strategic Growth

The RHS and the Tolhurst Family broadly support Policy S6, which sets out in greater detail the considerations to be applied to development proposals at the Strategic Allocations at Burnham on Crouch, although would also like to make a number of qualifying comments, seeking clarification in a number of instances. As expressed within our response to Policy S2, we fully support the distribution of growth around Burnham on Crouch and the identification of land north of the settlement, either side of Southminster Road (S2 (j) and S2 (k)) as Strategic Allocations.

The range of measures needing to be addressed within development proposals is considered to be broadly appropriate, although we would like to reiterate a number of concerns and matters, which we had raised previously, where it is felt that clarification would strengthen the Plan. Further comments are also made in relation to elements of the policy that have altered since the previous consultation draft.

2) Whilst the objective of delivering enhanced public transport in association with the Strategic Allocation sites is clearly a positive aspiration, it is considered that the wording of this requirement is too rigid. The exact routing of bus services will remain a commercial decision for the bus operators and therefore there can be no guarantee that diversion of routes into the sites would be achieved. The relatively modest scale of each of the three sites is also such that influence over these matters will be more limited. It is therefore felt that a more flexibly worded requirement to seek to secure enhanced public transport provision, or to ensure accessibility to such provision, would be more appropriate in this context.

6) The inclusion of a general requirement for community hubs and local centres for the Strategic Allocation sites at Burnham on Crouch remains unclear in terms of the intended approach. Given the split site nature of development at the settlement it is considered that it would be undesirable to insist upon all three sites providing both of these elements, and furthermore would potentially undermine the vitality and viability of the town centre, which should remain the key focus of retail provision in the town, if this

requirement were to be taken literally. It is however noted that the wording of this criterion has been subtly refined to clarify that provision is to be of an appropriate form and scale, which is welcomed.

11) It would be beneficial to either cross refer to Policy H1 as well as adding reference to the need for regard to be had to viability considerations, as noted in that policy, unless this was the intention of the wording 'adequate' which it is accepted allows scope for a degree of subjectivity in assessing levels of provision ultimately proposed.

13) It is agreed that the focus of additional employment development should be the proposed extension to the existing Burnham Business Park and the extra clarification provided within this criterion is supported. Given the change to this policy, however, it is apparent that this should no longer be included as a criterion against which development proposals for all of the strategic allocations should be assessed. The provision of the land is effectively achieved through its proposed allocation in the LDP under Policy E1, whilst delivery of this would be outside the control of those promoting development of the strategic sites in any event. Moving reference to this element of provision to supporting text would therefore seem more appropriate, and would ensure the policy was effective. Consequently reference to Policy S6 within proposed Policy E1 should also be removed, as it is understood that the extension to Burnham Business Park is an employment allocation rather than a Strategic Allocation.

Policy E1 Employment

Consistent with comments made in relation to Policy S6 it is considered that the reference to employment uses in the context of the Strategic Allocation sites at Burnham on Crouch should be removed.

Specifically it is felt that deletion of "and S6" from the following passage would ensure that both policies were effective, given that confusion could otherwise arise: ***"Additional employment land will be designated within the Strategic Allocations and Garden Suburbs as set out in Policies S4 and S6."***

It is our understanding that the extension to the Burnham Business Park is an employment allocation made within Policy E1, as opposed to being a Strategic site as such.

Policy H1 Affordable Housing

The RHS and Tolhurst Family object to the increase in affordable housing requirements from 30% to 40%. There is no adequate justification included as to why this increase has been made specifically for Burnham on Crouch strategic allocation when the Rural South East Higher area requirement remains at 30%. This appears to be illogical and a consistent affordable housing requirement across the whole of the Rural South East Higher area including Burnham on Crouch is felt to be more appropriate.

Reference within the policy to the fact that consideration will be given to relaxation of the specified requirements, where that requirement renders the development unviable, should include reference to a viability assessment being the means of demonstrating this situation. This would be entirely appropriate in the context of the NPPF. In particular this is consistent with paragraph 173 of the national framework, which urges careful attention to viability and costs in plan-making and decision-taking, and ensuring that sites are not subject to such a scale of obligations that their ability to be developed viably is threatened.

Proposals Map

The RHS and the Tolhurst Family support the identification of land north of Burnham on Crouch, either side of Southminster Road, as Strategic Growth Allocations and land east of Burnham on Crouch as a Reserve Site within the LDP, for the reasons set out in representations to Policies S2 and S6.

They are however concerned at the proposed designation of part of the land north of Maldon Road as Natural and Semi-Natural Green Space, and therefore object to this aspect of the Proposals Map. It is considered that this designation is not fully justified within the Green Infrastructure Study evidence base document, which is understood to be the document that is intended to underpin its identification in this regard. This study explains that sites of this type have been identified regardless of their accessibility on one hand, yet on the other it is then suggested that all such are assumed to be accessible to the general public for the purpose of the accessibility assessment that has then been undertaken. Furthermore it is presented, within Figure 5.1 of that study, as providing accessible provision to a 2km catchment area surrounding the site, which is clearly and fundamentally flawed given the lack of public access available.

For the avoidance of doubt we would confirm that the site identified as SN41 is not publicly accessible to any degree, representing privately owned land that does not have any public right of way crossing it. It is not considered that the site is of any particular special ecological value, and hitherto has not been afforded any statutory or local designation in this regard. Ecological assessment has been, and continues to be, carried out in relation to the site as a whole, with the conclusions of Southern Ecological Solutions as follows:

“The survey work has revealed that the vast majority of the site is of low ecological value and although protected species have been identified, these are considered restricted to site boundaries and off site habitats due to the intensive arable regime on site. The site as a whole is currently considered of low ecological value, likely to be of importance on a local geographic scale only.

There is an opportunity to provide major ecological enhancements on the land. By adopting an ecosystem services approach and with careful design of open spaces there is also significant scope for the provision of accessible open space for new and existing residents.”

As referred to above it is evident that considerable scope exists for both ecological enhancement and the delivery of significant areas of well landscaped and managed open space, that would have the added benefit of being accessible to the public in conjunction with proposals for development of the Strategic Allocation S2 (j), and in turn S2 (k) (and no doubt also S2 (i)). As such it is felt that designation of site SN41 is neither justified in terms of the nature of the resources itself, nor useful in the context of delivering sustainable growth for Burnham on Crouch, given the commitment to ensure enhanced provision in any event.

Retention of this designation, and application of any rigid protection of this, which is not considered to be the intention of associated draft policies of the LDP, would also potentially have an undesirable impact on the form of development on the site. In particular this would potentially result in the focus of development being towards the north and east of the western site, which may be at odds with the principle of achieving separation and avoiding coalescence between the northern and southern parts of Burnham on Crouch that was highlighted in the previous Preferred Options consultation document. This is not to say that a satisfactory form of development could not be achieved, if this were insisted upon, but simply to highlight that this would not represent the most desirable approach when the designation itself is not considered to be warranted, and where such clear scope exists for creation of ecological enhancement and increased open space accessibility in the context of the Strategic Allocation site as a whole.

Boyer Planning
March 2014