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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 Local Development Plan (LDP) does this representation relate?

- | | |
|---|--|
| <p>a. Paragraph
(please specify paragraph number)</p> <p>2.33 – 2.34</p> | <p>b. Policy
(please specify policy reference)</p> <p>S7 (with references to S2 and S8)</p> |
| <p>c. Proposals Map</p> | <p>d. Other section
(please specify)</p> |

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

- | | |
|--|---|
| <p>a. Legally compliant
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</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> |
| <p>b. Sound
To be ‘sound’ a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> |

2.3. Do you consider the Maldon District LDP to be unsound because it is not (tick as appropriate):

- | | |
|--|--|
| <p>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</p> | <p><input type="checkbox"/></p> |
| <p>b. Justified
To be justified the plan must be:</p> <ul style="list-style-type: none"> • Founded on a robust and credible evidence base; • The most appropriate strategy when considered against the reasonable alternatives. | <p><input checked="" type="checkbox"/></p> |
| <p>c. Effective
To be effective the plan must be:</p> <ul style="list-style-type: none"> • Deliverable; • Flexible; • Able to be monitored. | <p><input checked="" type="checkbox"/></p> |
| <p>d. Consistent with National Policy
The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework</p> | <p><input type="checkbox"/></p> |

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.

Delivery

The Council's principal strategy is to address the current chronic deficiency of housing land and the housing needs of the whole Plan period by placing heavy reliance on a limited number of mainly large urban sites and, at a later date, to supplement provision in the rural areas through a *Rural Allocations DPD* (RADPD (see *Policy S7: Prosperous Rural Communities*). Having regard to the current dearth of housing land, which amounts to little more than one year's supply, there is an urgent need to augment current housing allocations across the District. However, the lead-in time before large urban sites come on stream often tends to be considerable – whilst as noted, supplementing rural provision must await the RADPD. The Plan therefore will not be able to turn on the land supply tap for some time in order to address either the need that already exists or the future projected need. With regard to the former, that need cannot be fully satisfied at present because, as noted, there is only about a year's supply of land available amounting to little more than 300 plots compared to the *National Planning Policy Framework* (NPPF) requirement of five years.

The process being followed by the Council will therefore not resolve the current deficiency of housing supply in the District for some time, especially if there are any delays in bringing key sites forward. The deliverability of the large urban sites is therefore critical to the ability of the Plan to deliver housing at a rate which will meet housing needs in full - irrespective of whatever that level is determined to be in order to comply with the NPPF. The very need to identify 'Reserve Sites' in *Policy S2: Strategic Growth* is testament to the fact that there is a risk in relying on only a limited number of large sites and, however justified 'Reserve Sites' may be as a precautionary measure, they can only represent a response to delay that has already occurred and not a seamless way of delivering housing needs in the short term. (See *Policy S2* and paragraphs 2.33-2.34).

As for the whole of the rural areas, arising from the almost total lack of available housing land, the current practice is that of determining 'departure' or 'out of envelope' Planning Applications on a case by case basis, with what we regard as a superficial evaluation of each site's sustainability credentials. This practice will presumably continue until the RADPD is sufficiently advanced to be formally relied on. It is, however, an arbitrary practice as it is not based on the consistent application of pre-agreed tests for sustainability. Instead, it has involved some villages being declared 'unsustainable' and others 'sustainable' - even though most of the sites that are coming forward in the form of Planning Applications largely lie within villages

listed in *Policy S8: Settlement boundaries and the Countryside*. Such decisions therefore do not have any policy basis currently rooted in a Development Plan, and this is profoundly unsatisfactory in itself.

At present, therefore, there is no clear guidance as to how the 345 dwellings earmarked for ‘Other Villages’ in *Policy S2* will be distributed and this will not be rectified until the RADPD is prepared and adopted unless this is confronted in the current Local Plan.

In summary, and looking at the first five years of the Plan, the reliance on key urban sites on the one hand, and deferring detailed policy and locational guidance for new housing in the villages on the other, is unlikely to enable the Council to deliver housing in sufficient numbers to immediately offset the current backlog of need or on a scale to meet future needs. The current chronic shortage of housing land will therefore take some time to be resolved such that serious consideration should now be given to identifying contingency sites able to come on stream rapidly. We envisage that this can only be achieved if the DPD makes stop-gap provision to facilitate immediately available smaller and medium-sized sites coming forward as soon as possible.

In making the above remarks, we acknowledge the guidance contained in paragraph 52 of the NPPF relating to large sites and the principles of Garden Cities, but even if such initiatives represent the most sustainable forms of development, they must still be deliverable in a time frame that addresses the full housing needs of the District. We have strong misgivings in any event that this ‘urban’ element of the Plan should take place in advance of and separate to addressing the needs of the rural areas and the action required in paragraph 55 of the NPPF.

- 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.

Increase the number and capacity of allocated sites to meet the needs of the District in full, and identify and facilitate the delivery of all such sites through the Local Development Plan.

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.

We believe a key issue at the Examination will be the need address housing land availability in the short term, particularly in the rural areas where available sites are few and far between. We would therefore welcome any opportunity to contribute to the discussion of allocating and delivering housing on sites in the District's rural areas which we consider is crucial to ensure choice and flexibility in the market for housing land, and to safeguard against any delays associated with the delivery of larger strategic allocations in Maldon and Heybridge.

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.