

Our ref Pre-Submission LDP Representation
Your ref

17 March 2014

0152-5297-S3-14
**MALDON DISTRICT
COUNCIL**

Princes Road
Maldon
Essex CM9 5DL



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

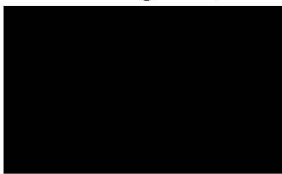
Dear Sir / Madam

Nathaniel Lichfield & Partners on behalf of Dartmouth Park Estates representation to the Pre-Submission Local Development Plan public consultation

The information contained within the representations listed below were made by Mr Steven Butterworth, Director at Nathaniel Lichfield & Partners representing Dartmouth Park Estates and should be read in conjunction with the supporting evidence contained within representation: **0152-5295-S1-24**.

- 0152-5296-S2-1234
- 0152-5297-S3-14
- 0152-5298-S4-23
- 0152-5299-H1-234
- 0152-5300-H4-S
- 0152-5301-I1-24

Kind regards,



Planning Technician



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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?

- | | |
|---|--|
| <p>a. Paragraph
(please specify paragraph number) <u>2.45</u></p> | <p>b. Policy
(please specify policy reference) <u>S3</u></p> |
| <p>c. Proposals Map _____</p> | <p>d. Other section
(please specify) _____</p> |

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.

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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.

DPE finds Policy S3 to be sound and complementary to S4 which indicates that planning permission will be granted for development which "...are in compliance with the broad development principles set out in Policy S3." However, but paragraph 2.45 is inconsistent with this approach. It inappropriately seeks to restrict planning permission to only those applications that the Council considers to accord with the relevant (as yet, unapproved) Garden Suburb Masterplan.

We concur that the strategic masterplanning framework is a tool for achieving the Place Shaping principles in Maldon, as directed by Policy S3. Once approved, the Masterplan of each Garden Suburb will become a material planning consideration in decision taking. Neither the NPPF nor NPPG prescribe that applications must accord with masterplans. To do so would risk undermining the delivery of much needed housing contrary to the presumptions in 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.

We would recommend that paragraph 2.45, as worded, be deleted, and replaced by "Where appropriate the Council will adopt Masterplans for the Garden Suburbs as SPDs. Where endorsed in this way, those Masterplans will become material planning considerations in the determination of planning applications for development in the relevant Garden Suburb".

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.