

0152-5299-H1-234  
**MALDON DISTRICT  
COUNCIL**

Our ref Pre-Submission LDP Representation  
Your ref

17 March 2014

Princes Road  
Maldon  
Essex CM9 5DL



Enquiries to: Planning Policy  
Email: [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk)

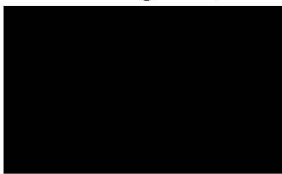
Dear Sir / Madam

**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



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

**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<br/>(please specify paragraph number) _____</p> | <p>b. Policy<br/>(please specify policy reference) _____</p> |
| <p>c. Proposals Map<br/>_____</p>                               | <p>d. Other section<br/>(please specify) _____</p>           |

H1 Affordable Housing

**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.

For Official Use Only

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

**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.

**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 considers Policy H1 to be unsound because the 40% affordable housing promoted across the SMGS is too high to render the development of allocated sites viable, in the context of the pooled S106 and CIL costs identified in the Council's draft CIL Charging Schedule and the Viability and IDP evidence base. As a consequence, this level of affordable housing cannot be justified, nor is it effective (in that it cannot be delivered). It is therefore contrary to the NPPF (para 173) which seeks to ensure obligation burdens to not undermine viability.

DPE, in conjunction with CEG, commissioned Pioneer Property Services to review the Council's infrastructure and viability evidence base, to inform its advice on the appropriateness of the draft CIL charge for residential development. That Pioneer report (forming Appendix 3 to the NLP Representations report) suggests that 20% is likely to be the maximum appropriate level of affordable housing in respect of the SMGS (Pioneer 4.10).

**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.

The Council should revisit the level of affordable housing identified in Policy H1, once it has undertaken the additional work necessary to review and address the concerns raised (in the Pioneer report) regarding the infrastructure requirements and the viability assessment (NLP Appendix 3, Pioneer paras 4.17/18)

For Official Use Only

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

**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.

DPE is the promoter of Wycke Hill North site and this policy affects the viability of the sites development.

**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.**