

Our ref Pre-Submission LDP Representation  
Your ref

17 March 2014

0152-5301-11-24  
**MALDON DISTRICT  
COUNCIL**

Princes Road  
Maldon  
Essex CM9 5DL



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

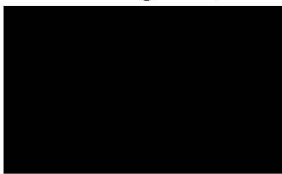
Dear Sir / Madam

**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
- 0152-5301-11-24

Kind regards,



Planning Technician



## 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?

- |   |             |  |         |
|---|-------------|--|---------|
| a. Paragraph<br>(please specify paragraph number) | 8.6 to 8.11 | b. Policy<br>(please specify policy reference) |         |
| c. Proposals Map                                  |             | d. Other section<br>(please specify)           | Table 1 |

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

- |  |   |
|--|---|
| a. <b>Legally compliant</b><br>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   | Yes <input checked="" type="checkbox"/>   |
| b. <b>Sound</b><br>To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance<br>(if you <b>do not consider the LDP to be sound</b> , please complete section 2.3. below) | No <input type="checkbox"/><br>Yes <input type="checkbox"/><br>No <input checked="" type="checkbox"/> |

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

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

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.

We consider that **Table 1**, setting out the Developer Contribution Pooling Arrangements for Strategic Infrastructure, is sound, save for the allocation of cost sharing for the **pooled S106** costs for the South Maldon Relief Road (SMRR).

The WTD Highways Strategy and Assessment (Appendix 5 to the NLP Representations report, at WTD section 7) demonstrates that, from the work undertaken by Essex Highways (WTD 7.2), the delivery of the A414 By-pass (SMRR) is to be just as beneficial to the developments in Heybridge as it is to those in South Maldon. In contrast, the North Heybridge Relief Road (NHRR) offers very little benefit to developments in South Maldon, whose development trips contribute just 8% to the overall traffic impact on the NHRR.

There is a case therefore to group the impacts on both the A414 / Limebrook Way Roundabout with the A414 by-pass in order to apportion costs. The result of combining the development impacts shows that the South Maldon developments contribute 56.4% of development traffic, with the remaining 43.6% being attributed to sites in Heybridge.

The three SMGS sites are expected between them to pay the whole cost of the A414 By-pass when it has been identified they only contribute around half of the impact. We consider the evidence indicates that the North Heybridge Garden Suburb (NHGS) sites also ought to contribute significantly to the SMRR cost in the light of the predicted impact of their development traffic, whereas the SMGS predicted traffic only justifies a very limited contribution in the reverse.

Consistent with the NPPF, LDP para 8.8 stipulates that *“Planning obligations are tailored to a specific development and must be directly related to its impact...An obligation should only relate to infrastructure requirements specifically related to the proposed development....”*. The LDP does not justify why it departs from this approach when pooling the costs of the SMRR, or the NHRR, but it is understandable why the IDP does not include the SMGS sites when sharing the NHRR costs given its very limited use by SMGS development traffic.

The infrastructure to be funded by pooled S106 is to be separately identified from the infrastructure to be paid for by the **CIL**. However, contrary to national CIL guidance, there is a lack of clarity on what infrastructure is covered in the IDP Regulation 123, as much of that list refers to what is excluded (rather than included). IDP Table 20 provides more detail, but it should be self-evident from ‘Regulation 123’ list itself precisely what infrastructure CIL will be paying for.

- 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.

Amend Table 1 so that it indicates 'y' or yes to Site 2d, the largest NHGS site allocation, contributing to the SMRR (A414/Wycke Hill).

Clarify the Regulation 123 list to expressly identify what infrastructure items are to be paid for by the CIL.

- 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.**