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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 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.

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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.

If the box is not big enough for your comments, please attach another page marked appropriately.

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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.

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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.

Planning Policy
Maldon District Council
Council Offices
Princes Road
Maldon
Essex
CM9 5DL

12 March 2014

Dear Sirs,

BY POST & EMAIL

MALDON DISTRICT PRE-SUBMISSION DRAFT LOCAL DEVELOPMENT PLAN

We write on behalf of EA Strategic Land LLP (EA Strategic) in response to the consultation on the pre-submission draft Maldon Local Development Plan (LDP). EA Strategic submitted representations to the draft LDP in October 2013, and maintains an active interest in land at North Fambridge.

EA Strategic has sought to engage positively and constructively with the plan-making progress in Maldon. It will continue to work with the local Council and stakeholders to bring proposals for sustainable development forward.

The representations of EA Strategic submitted on 14 October 2013 confirmed:

- General support to the Council's intention to provide a district-wide local plan to address the requirements of the National Planning Policy Framework (NPPF). The implications of not having an up to date plan are significant.
- The sustainability of the settlement of North Fambridge means it is suitable for, and capable of, accommodating a larger proportion of growth to the 75 currently identified in the draft LDP. Appendix 6 of the Draft LDP specifically highlights the benefits of delivering further growth in North Fambridge.
- Policy S7 should confirm that the distribution of housing to the other villages should not preclude the identification of additional development within North Fambridge.

We can confirm that each of the above matters remain relevant in the context of the current consultation and we would respectfully request that these matters are taken into consideration in preparing the LDP. EA Strategic supports the Council's intention to identify a plan to deliver what it has assessed to be the objectively assessed needs. However, the assessment of objectively assessed needs requires further consideration to establish whether the 294 dwellings per annum is sufficient to accommodate the needs in accordance with the NPPF and National Planning Policy Guidance (NPPG).

a. North Fambridge

North Fambridge is a sustainable location to accommodate housing growth. It has a number of features that define it as a sustainable settlement, including:

- Appendix D of the LDP Sustainability Appraisal (January 2014) assesses a series of settlements in the District to determine where would be best suited to accommodate an additional growth of 700 dwellings over the Plan period, as outlined at paragraph 7.2.6 of the Main Report . Table 5 of Appendix D confirms that additional growth in North Fambridge would deliver overall positive benefits. Specifically, it states that:
 - *'The creation of a larger settlement will likely support the development of service provision in that area of the District over time.'*
 - *'The creation of a larger settlement close to an existing area of development and near a rail line is likely to reduce rural isolation and create a viable community.'*
 - *'The further provision of housing on the boundary of existing settlements is considered to be an effective use of land.'*
 - *'An increase in housing in North Fambridge may improve the local economy as it will increase the potential workforce for employers. In addition the creation of a larger settlement in the south [of the District] could in the long term also benefit the local economy.'*
- Appendix 6 of the Draft LDP, which considered development of between 75 – 700 dwellings at North Fambridge states that:
 - *'A higher level of growth in North Fambridge would provide greater potential for developer contributions to include appropriate SuDS measures, healthcare facilities, education facilities, a greater amount of affordable housing, a local centre, and open space.'*
 - *'The train station at North Fambridge provides the opportunity for sustainable methods of transport for local residents.'*
- In relation to the planning application for the development of 30 dwellings at Manor Farm [ref: OUT/MAL/13/00473], the Report of Head of Planning Services to North Western Area Planning Committee of 2 December 2013 confirms that:
 - *'[The Strathmore Road site] is also outside of the development boundary but lies closer to the station at North Fambridge than the Manor Farm site. The proposal was not considered to be unsustainable...' (Paragraph 7.3.1).*
 - *'Sites nearer to the railway station are likely to be considered more sustainable in relation to access to services.' (Paragraph 7.3.2).*
 - *'In view of the proposals in the LDP North Fambridge will become a sustainable location.' (Paragraph 7.3.4).*
 - *'This application pre-empts the LDP process to some extent but could in the longer term help the provision and viability of additional services for the village. On this basis, taking into account the proximity of the railway station, the development is considered sustainable.' (Paragraph 7.13.2).*

In the context of a significant shortfall in housing land supply, it is imperative that the Council does not restrict the potential housing delivery from sustainable sites whilst awaiting the production of subsequent phases / stages of the LDP. The land under the control of EA Strategic is capable of accommodating a minimum of 75 dwellings in accordance with draft Policy S7. However, there is potential further capacity within the settlement area that is capable of delivery which would provide further flexibility and contingency to accommodate sustainable growth in the event that delivery from the strategic locations does not come forward at the sites anticipated.

b. Windfall Development

The officer report to Full Council on 10 December 2013, which sought approval for the publication of the pre-submission draft LDP for public consultation, confirmed proposals to identify and allocate sites to accommodate non-strategic sites through the Rural Allocations Development Plan Document (DPD). We note that there are two planning applications for housing development at North Fambridge which have been refused by the Council. The two applications would, had they been approved, have resulted in the development of 63 additional dwellings in North Fambridge. As both were brought forward in advance of the LDP they are considered to constitute 'windfall development' for the purposes of the LDP.

It is significant that, in the context of North Fambridge, the Council has established that:

- *The draft LDP proposes 75 new dwellings in North Fambridge, which would be in addition to the 30 proposed with this development. There are key infrastructure requirements that are necessary to enable this growth, without which it would be unsustainable.* [Paragraph 7.13.2 of Report of Head of Planning Services to North Western Area Planning Committee of 2 December 2013 ref: OUT/MAL/13/00473].
- *Any housing development permitted prior to the adoption of the Rural Allocations DPD will be treated as windfall development and not contribute towards the overall allocation. The draft LDP makes an allowance of 330 dwellings as windfall development throughout the district to make up the overall target. However, any housing permitted prior to the adoption of the LDP will not be treated as part of this allowance* [Paragraph 10.4.4 of Report of Head of Planning Services to North Western Area Planning Committee of 3 February 2014 ref: OUT/MAL/13/00473].
- The application for the development of land at Strathmore Road for 33 dwellings [ref: FUL/MAL/13/00552] was refused on the following grounds:
 - The site is located outside but adjacent to the existing settlement boundary of North Fambridge which is protected by Policy S2 of the adopted Maldon District Replacement Local Plan. The proposed development would have an unacceptable visual impact upon the appearance of the rural landscape and setting of North Fambridge. Furthermore, the density of the proposed development does not allow for sufficient amenity space for a number of dwellings, and there is not sufficient parking provided.
 - The location of the development would result in a significant increase in noise and disturbance as a result of the narrow access and its proximity to the rear gardens and would be detrimental to the residential amenities of occupiers of neighbouring properties.
 - The proposed development of 33 dwellings with associated roads and car parking areas is likely to lead to a significant increase in surface water run-off which would have the potential to increase flood risk elsewhere.

In this context it is clear that neither Manor Farm nor Strathmore Road, should either be granted planning permission through a revised planning application or appeal, would qualify for inclusion within the forthcoming Rural Allocations DPD. In accordance with paragraph 2.1.9 of the Report of Head of Planning Services to the Planning and Licensing Committee of 6 March 2013, both should be treated as windfall under emerging policy S2 of the LDP. Specifically, part b) of Policy S7 of the LDP, to which developments with planning permission must accord in order to be contribute to the Rural Allocations DPD requires developments to be acceptable within the infrastructure capacity of the settlement or should be of a sufficient scale to enable the delivery of strategic infrastructure projects required to support future growth of the District. Moreover, part c) states that allocations will protect and, where possible, enhance the historic environment, character and settlement distinctiveness.

EA Strategic respectfully requests that the Council notifies Icení, on its behalf, of the future arrangements for the Examination of the Core Strategy. Furthermore, EA Strategic wishes to take this opportunity to formally register a request to appear at all stages of the Examination in Public,

including the pre-hearing meeting and any planned hearing sessions whereby issues raised in the context of this letter are to be discussed. Please confirm this request, and that the representations made by EA Strategic to the Draft LDP (October 2013) will be taken into account alongside the current representations, by way of return to this letter.

Yours sincerely



DIRECTOR