

Our ref    Pre-Submission LDP Representation  
Your ref

17 March 2014

# 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

**Lawson Planning Partnership LLP on behalf of NHS Property Service Ltd and NHS England  
Representation to the Pre-Submission Local Development Plan public consultation**

The information contained within the representations listed below were made by Mrs Aarti O'Leary, Lawson Planning Partnership LLP representing NHS Property Service Ltd and NHS England and should be read in conjunction with the supporting evidence contained within representation: **0156-5312-S6-234**.

- 0156-5313-2.82-234
- 0156-5314-8.50-2
- 0156-5315-8.12-2
- 0156-5316-E3-234
- 0156-5317-H6-234

Kind regards,

Emily Hall  
Planning Technician



# MALDON DISTRICT COUNCIL LOCAL DEVELOPMENT PLAN 2014 - 2029



This form has **two** parts; **Part 1** only needs to be **completed once** for each person / group making a representation. **Part 2** should be **completed for each area of concern individually**. Parts 1 and 2 should be submitted at the same time – if this is not possible Part 1 should be completed to accompany each Part 2 submission.

This is a Regulation **19 and 20** Town and Country Planning (Local Planning) (England) Regulations 2012 “**Pre-Submission LDP**” consultation.

The second Regulation 18 “Draft Local Development Plan (LDP)” consultation took place between August and October 2013, the responses received and further technical work have informed the development of the Pre-Submission LDP. The Pre-Submission LDP has been published prior to its submission to the Secretary of State to allow for representations to be made on its soundness and legal compliance. Any comments can be provided in Part 2 of this questionnaire.

Representations should be submitted **by 12 noon Friday 7<sup>th</sup> March 2014** to the following email address: [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk) or alternatively by post to: Maldon District Council, Council Offices, Princes Road, Maldon, Essex, CM9 5DL. Please note **this form is the only means by which representations will be accepted and late representations will not be accepted.**

**\*\*\*PLEASE NOTE THE PRE-SUBMISSION LDP CONSULTATION PERIOD HAS BEEN EXTENDED TO END AT 12 NOON ON WEDNESDAY 12TH MARCH\*\*\***

The Statement of Procedure, available from the Council Offices and website: [www.maldon.gov.uk](http://www.maldon.gov.uk) provides further guidance on how to complete Part 2 of this form.

Representations received will be publicly available in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council will place the names of respondents or organisation where appropriate, to this consultation on its website along with the representations they have made under Part 2 of this response form. Part 1 of this form will not be published. **By submitting responses on the Maldon District Pre-Submission LDP, you confirm that you agree to this. Please note that both Part 1 and Part 2 of this response form will be passed on to the Planning Inspectorate for the purpose of the LDP Examination-in-Public.**

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## Part 1 – personal details (please complete once for each person / group)

### 1.1. Personal Details

Title	Mrs
First name	Aarti
Last name	O'Leary
Organisation (where applicable)	Lawson Planning Partnership Ltd
Job title (where applicable)	Associate Director
Who are you representing (where applicable)	NHS Property Services Ltd (on behalf of NHS England)

### 1.2. Client Details

(if applicable)

Title	
First name	
Last name	
Organisation (where applicable)	NHS Property Services Ltd on behalf of NHS England
Job title (where applicable)	

### 1.3. Contact Address Details

(please provide details of the person who should be contacted regarding this response)

Address line 1	882 The Crescent		
Address line 2	Colchester Business Park		
Town / Village	Colchester		
County	Essex		
Postcode	CO4 9YQ	Telephone number	01206 835150
Email address	aartioleary@lppartnership.co.uk		

### 1.4. Are you responding as:

An individual	<input type="checkbox"/>	A town or parish council	<input type="checkbox"/>
A district / borough council	<input type="checkbox"/>	A district councillor / MP	<input type="checkbox"/>
On behalf of an organisation	<input checked="" type="checkbox"/>	On behalf of a community group	<input type="checkbox"/>
A landowner / developer / agent / architect	<input type="checkbox"/>	Other	<input type="checkbox"/>

### 1.5. Local Development Plan Future Updates

Please tick this box if you would like to be added to the Local Development Plan mailing list to receive updates on the progress of the Plan (*please ensure your details are entered correctly above*)

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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?

- |   |      |  |   |
|---|------|--|---|
| u. Paragraph<br>(please specify paragraph number) | 8.12 | v. Policy<br>(please specify policy reference) | <a href="#">Click here to enter text.</a> |
| w. Proposals Map                                  |      | x. Other section<br>(please specify)           |   |

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

#### k. 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

Yes ☒

No ☐

#### l. Sound

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)

Yes ☒

No ☐

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

#### u. Positively prepared

To be positively prepared the plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements

☐

#### v. 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.

☒

#### w. Effective

To be effective the plan must be:

- Deliverable;
- Flexible;
- Able to be monitored.

☐

#### x. 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.

NHS Property Services Ltd, on behalf of NHS England, welcomes the recognition that proposed developments would need to “*take account of relevant business plans and programs produced by infrastructure providers to ensure development does not prejudice the planned delivery of infrastructure improvements*”.

However, in order for the Plan to be fully justified, reference needs to be made to the appropriate infrastructure providers’ plans and programs.

As stated in the representations to paragraph 8.5, NHS England (NHSE) is responsible for commissioning all healthcare services, incorporating the provision of primary care facilities within its administrative area, including within Maldon District.

NHSE is in the process of preparing a Primary Care Strategy for Essex, which would set out the investment priorities for Maldon District in light of the location and baseline floorspace associated with the existing NHS Estate.

Therefore, it would be appropriate for the Plan to make reference to NHS England and the Primary Care Strategy as well as the Clinical Commissioning Group and its Commissioning Plan.

**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.

In order for the Plan to be fully ‘justified’ and ‘sound’, it is recommended that the third sentence of paragraph 8.12 is amended as follows:

*“Examples of business plans produced by infrastructure providers include the Anglian Water business plan produced every five years to outline proposed future investment, the Commissioning School Places in Essex document produced every five years by Essex County Council to outline future capacity of schools, the Primary Care Strategy currently being prepared by NHS England and the Commissioning Plan 2013/14 produced by the Mid Essex Clinical Commissioning Group to direct investment in the NHS.”*

**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.

NHS England is a key statutory service provider and Policy S6, as currently worded, is not considered to be justified, effective or consistent with national policy for achieving sustainable development. It is requested that the NHS is given the opportunity to attend the EiP in order to participate in the relevant inquiry sessions to contribute to making the Local Plan 'sound' in the interest of delivering sustainable development.