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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 Local Development Plan (LDP) does this representation relate?

- | | | | |
|---|--|--|--|
| <p>a. Paragraph
(please specify paragraph number)</p> | <p>3.11 to 3.19</p> | <p>b. Policy
(please specify policy reference)</p> | <p>D2</p> |
| <p>c. Proposals Map</p> | <p>Click here to enter text.</p> | <p>d. Other section
(please specify)</p> | <p>Click here to enter text.</p> |

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

- | | |
|--|---|
| <p>a. 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</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> |
| <p>b. Sound
To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> |

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

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

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.

This representation has been prepared by Strutt and Parker LLP on behalf of Crest Nicholson Eastern relating to land south of Park Drive, east of Mundon Road, Maldon in response to the Pre-Submission Local Development Plan (LDP) Consultation.

Policy D2 sets out the requirements in relation to Climate Change and Environmental Impact of New Development. Bullet 2 states the following:

“Subject to viability all residential development should achieve minimum of Code 4 Sustainable Homes Level 4.”

The recently published Planning Practice Guidance confirms that the National Planning Policy Framework expects Local Planning Authorities, when setting any local requirement for a building sustainability, to do so in a way consistent with the Government's Zero Carbon Buildings Policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners and will need to be based on a robust and credible evidence and pay careful attention to viability. In this respect, planning authorities will need to take account of Government decisions on the Housing Standards Review. In this respect, the Government has signalled that it may abandon the Code in the Housing Standards Review Consultation (August 2013).

There is no real clear evidence that the Council has properly undertaken engagement on the application of the Code, or that there is robust and credible evidence. Furthermore, the viability issues associated with the Code whilst acknowledged in the HDH Viability Study does not appear to have been fully examined, again having regard to the Standards review. Against this background, it is entirely wrong to prescribe adherence to a potentially obsolete standard in the Local Plan.

Bullet 4 requires all development to be expected to implement Zero Carbon Build Standards in accordance with National Planning Policies and Guidance.

In 2006, the Government set a target for Zero Carbon to be achieved from 2016. In 2013, the Government announced that there would be an uplift to Part L of the Building Regulations to improve energy efficiency. There is uncertainty as to whether the issue of Zero Carbon and/or the Code for Sustainable Homes would be best dealt with under the Building Regulations.

In these circumstances, it is questionable whether these matters should be dealt with by planning policy in the DLP.

- 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.

Having regard to our representations set out at 2.4 above, and in order to ensure that Policy D2 is sound, and consistent with National Policy, it is recommended that bullet points 2 and 4 should be omitted from Policy D2.

It is further recommended that the Policy clarification set out in paragraphs 3.11 through to 3.19 make reference to the Government's emerging Policies on National Standards for Sustainability and Zero Carbon Building Standards.

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.