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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

Ma64

c. Proposals map

3 South West

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.

The proposal Ma64, as a Local Wildlife Area at Mundon Hall is unsound for the following reasons:-

The proposal is NOT positively prepared as it is not needed to meet any development or infrastructure requirement. It also fails on 'positively prepared' grounds as the area delineated is not accurate to any current field shape, usage or indeed the layout of trees within the field.

The proposed area is not justified, as it is part of a working field within an agricultural rotation. It is currently grazed and cut for hay and/or silage, but has in the recent past and will again in the very near future be used for cereal crops. Whilst no 'reasonable alternative' is even required for this wildlife area proposal, it is in fact highly questionable what legal right Essex Wildlife Trust have to propose any site, especially with NO LIASON or CONSULTATION with the landowner?

The proposed area designation is not effective as the remaining dead and rotting trees regularly fall at a rate that will leave none within just a few years. 3 of the 20 or so trees have fallen in the gales this winter alone. The plan would not be able to demonstrate 'delivery partners who are signed up for it' as landowners have not even been consulted, let alone agreed to designations.

The proposed wildlife area is NOT consistent with national policy, as the working arable field has no direct relevance to the national Planning Policy Framework.

The proposal does not meet legal compliance for the following reasons:-

The council has not met its own Statement of Community Involvement as there has been no attempt to contact or liaise with the landowner. The onus has been on the landowner noticing this proposal within a 189 page document. The landowner made a representation at Stage 1 of the consultation, but was still not contacted, and indeed has had the representation ignored.

No Sustainability Appraisal can have been properly made, as the very nature of the rotting trees at the site is indicative of a relatively temporary situation. Indeed, there are a variety of Health and Safety issues with the regular falling of large branches and toppling of entire trees.

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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.

The proposed 'local wildlife area' designated as Ma64 at Mundon Hall Oaks should be removed from the LDP. Once the proposal is removed, in its entirety, then the Maldon District LDP will have no legal or compliance issues in regard to that area.

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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.

I would only wish to participate at a hearing if MDC wished to pursue this specific proposed wildlife area. Under that scenario, I would wish to express the need of keeping the area as an undesignated working field within an arable rotation on a working farm.

From past experience of the promised innocuous designations of salt-marshes into SSSI status in the 1980's, we have had to deal with them developing over the years into a RAMSAR site, a National Nature Reserve, a Special Area of Conservation, a Special Protection Area and now the latest Marine Management Organisation. All these designations now come with a raft of rules and restrictions, which slowly over the years make long standing practices more and more difficult due to the ever-increasing onerous regulations.

The fact that within 2 separate parts of the LDP it makes statements such as:-

" Essex Wildlife Trust encourage landowners to produce a 'Positive Conservation Management Plan' to protect and enhance these important areas "

and

" The Council will seek to protect and enhance the biodiversity, geodiversity and recreational value of any identified sites of local importance such as Local Wildlife Sites "

already eludes that a similar scenario would evolve, creating potential for undue restrictions and regulations to what is a working arable field.

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.