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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

Ma60

c. Proposals map

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 Ma60 Limbourne Creek where it is part of Bramble Hall Farm (South of Limbourne Creek) and it's inclusion as a Local Wildlife Area is unsound for the following reasons:

1. Positively Prepared

This proposal is not positively prepared as it is not required in order to meet any development or infrastructure requirement. It also fails on the grounds of positive preparation as the area described on the map is not accurate nor does it reflect the features on the ground.

2. Justified

The area south of Limbourne Creek which is part of Bramble Hall Farm is not justified as it is an arable field. At present it is being used for the production of hay but in the future it could be used for grazing or possibly for arable crops. I can see no need for a reasonable alternative to this wildlife site proposal and would go so far as to question the legality of the Essex Wildlife Trust in proposing to have it added to the plan in the first place especially as there has been no liaison or consultation with the landowner. In fact I only had this matter brought to my attention by a neighbouring farmer.

3. Effective

The proposal is not effective as it refers to an arable field that is currently planted with grass but in the future may well be planted with cereal crops. The plan can also not be effective as there has been no attempt to contact the landowner regarding this area in order to ascertain the historic and future use of the site. The plan could in no way claim to have 'delivery partners who are signed up for it' as the landowners have not been informed or consulted and have certainly not agreed to the designations or future management of the site.

4. Consistent with National Policy

The proposed wildlife area is a working arable field and as such has no direct relevance to the national Planning Policy Framework.

5. Soundness and Legal Compliance

The councils own Statement of Community Involvement has not been met as there has been no attempt to contact or liaise with the landowner with regards to this designation in spite of the landowner having been involved with the consultation since the early stages. There has been no attempt to draw the landowners attention to a proposal that is within a 156 page consultation document or as an un-highlighted area on a pdf map.

There can have been no attempt to carry out a Sustainability Appraisal of the site as again the landowner has not been contacted with regards to the current nature or future use of the site.

In order to rectify the unsound and not legally compliant nature of the proposal the proposed local wildlife area designated Ma60 should be changed so as not to cover the Bramble Hall Farm land that is south of Limbourne Creek. Once this is done then the Maldon District Local Development plan will have no legal or compliance issues with regards to this area.

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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 Ma60 should be changed so as not to cover the Bramble Hall Farm land that is south of Limbourne Creek. Once this is done then the Maldon District Local Development plan will have no legal or compliance issues with regards to this 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.

If Maldon District Council decide to proceed with this specific proposed wildlife area then I would like to participate. In that case I would want to express the need to keep the area as it is with no wildlife area, that is as an arable field on a working arable farm. I would wish to express my fears that this designation would hamper my ability to use this field in the future for my business as I saw fit.

Over the years it has been my experience that innocuous designations have a habit of attracting further and considerably more onerous restrictions as to their use and management. The accompanying regulations, which gradually become more onerous and restrictive, increasingly make long standing practices and uses difficult and unviable.

The salt marshes that were designated as SSSI sites in the 1980s have since attracted designations as RAMSAR sites, National Nature Reserve, Special Area of Conservation, a Special Protection area and have recently been placed under the auspices of the Marine Management Organisation. Each stage has attracted another increase in rules and regulations along with compliance to deal with.

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.