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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?

- | | | |
|---------------------------------------------------------|------------------------------------------------------|-----------|
| a. Paragraph
(please specify paragraph number) _____ | b. Policy
(please specify policy reference) _____ | S2 and S7 |
| c. Proposals Map _____ | d. Other section
(please specify) _____ | |

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

- a. Legally compliant** Yes ☒
 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 No ☐
- b. Sound** Yes ☐
 To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance No ☒
 (if you **do not consider the LDP to be sound**, please complete section 2.3. below)

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

See attached comments

- 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.

See attached comments

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.

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INTRODUCTION

1. These comments are made on behalf of our client Mr Robert Roe in relation to the Maldon District Council pre-submission Local Development 2014-2029. These comments follow on from our previous consultation representations in respect of the preferred strategy version of the plan and will focus on the soundness of the plan having regard to the tests set out in Paragraph 182 of the National Planning Policy Framework (NPPF). In light of these comments, we consider the plan has not been fully justified nor is it effective or consistent with national policy and thus it is appropriate for amendments to be made to the strategy to achieve soundness and ensure that it maximises opportunities for social, economic and environment enhancements in line with the National Planning Policy Framework (NPPF). Suggestions are made as to how and where development that takes advantage of these opportunities could be accommodated which includes a greater emphasis on development within the rural area whereby development can sustain local communities and maximise opportunities for sustainable travel.

SPATIAL STRATEGY

2. The National Planning Policy Framework sets out the requirements for the assessing the soundness of a Local Plan, stating that it must be positively prepared, justified, effective and consistent with national policy in order to be found sound. These requirements set the standards that Local Plans must meet in order they are able to deliver sustainable development and maximise the opportunities for enhancing places and people's lives. The NPPF refers in paragraph 9 to the benefits of pursuing sustainable development, which should result in positive improvements in the quality of the built, natural and historic environment as well as in peoples live. These benefits include
 - Making it easier for jobs to be created in cities, towns and villages;
 - Moving from a net loss of biodiversity to achieving net gains for nature
 - Replacing poor design with better design
 - Improving the conditions in which people live, work, travel and take leisure

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- Widening the choice of high quality homes.

The principle of achieving net gains in biodiversity is clarified in the government white paper 'Natures Choice' which argued that enhancements to biodiversity and the requirements of growth are not mutually exclusive and that opportunities should be taken to ensure they can be delivered as an integral part of development.

3. It is our view that the Council's preferred strategy in its current form is not properly justified when it is considered against the reasonable alternatives nor is it consistent with national policy as required by paragraph 182 which seeks to maximise the opportunities for sustainable development. The overriding approach of the strategy in terms of growth focusses on large urban extensions to the main settlements within the District, which will provide the greatest proportion of development within the District. Whilst it is acknowledged this is the approach historically undertaken, when the scale of these extensions is considered, it is not the most appropriate approach in terms of properly taking account of sustainability credentials or considering the relationship between development and the natural environment. Although Burnham on Crouch (450 units) and parts of the later Rural Allocations DPD (420) can utilise some of the mainline railway stations within the District that are sustainable transport hubs, it is considered the opportunity to more fully take advantage of these relationships has not been fully grasped by the preferred strategy, and thus the distribution of development should be altered accordingly. Thus the strategy as submitted is not justified against the alternatives which exist which include greater distribution within the rural area and those which have mainline train stations.
4. The 'Garden Suburbs' proposed to the southern edge of Maldon will conflict with the planned approach to the earlier extension of Maldon in the 1990's and result in expansion into open countryside with little or no account of landscape defensibility and little proper consideration of the relationship between existing and proposed development.

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5. The scale and location of the allocation, directly on the main commuting route to Chelmsford, will result in out-commuting by car and little functional connection with the town and existing community, and will exacerbate the existing issues of traffic congestion which the existing by-pass previously sought to resolve in earlier years. The proposed 'suburb', which will lie over 2km from the heart of the town and the main centre, will have the same characteristics as the detached communities at the edge of the town with easy access to Chelmsford and beyond created by the previous peripheral development approach.
6. The current proposed allocation will simply continue this reliance on the use of unsustainable modes of transport and will add to the existing congestion. These highways issues are highlighted in paragraph 2.63 of the submission document onwards. The Council's proposed solution to accommodating this significant urban extension and to mitigate the effects of the development is another 'relief road', further infrastructure that will encourage car journeys. This simple replication of the past approach that was adopted for the town is considered to be likely to be equally unsuccessful, particularly in relation to an overall planning policy regime that places significantly greater emphasis on the wider scope of sustainability, as the NPPF does. Although the Council refers to public transport improvements within the policy aims there is no adequate suggestion as to how those improvements would be satisfactory if the relationship of the new 'suburb' to the town is such that the private car will be the preferred means of travel. The Council should instead be seeking more innovative and sustainable alternatives.
7. It is therefore considered that the current proposed distribution of development in the Draft Local Plan Development Plan is inappropriate balanced and fails to grasp the opportunities offered by existing infrastructure and sustainable transport hubs which could form the basis for improving the sustainability credentials of existing settlements. The significant focus of development at Maldon and Heybridge is considered inappropriate and the spatial distribution should be altered to provide development where sustainable modes of transport can support the required levels of growth and which can deliver sustainable benefits to existing communities. Whilst a smaller scale of development would be appropriate at Maldon and Heybridge the proposed spatial set out in Policy S2 should be amended to

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reflect a much higher degree of development in settlements with railway stations and the rural area whereby appropriate and proportionate sustainable growth can be accommodated.

8. It is also for this reason that we consider the distribution of growth within the Local Plan will result in the plan failing the consistency with national policy test. These garden suburbs will result in a greater dependency on the motor car, increased congestion and an adverse impact on community interests and thus will not meet the social and environmental parts of sustainable development. Instead the redistribution of greater development within the rural areas can deliver community benefits, reduce pressure on the highway network currently under pressure and maximise opportunities for travel by sustainable means by development adjacent or near to the District's remaining mainline train stations.

RURAL STRATEGY

9. We note that the level of growth within the Rural Areas set out in Policy S2 of the preferred strategy will, in accordance with Policy S7, be delivered in accordance with a subsequent DPD named the rural allocations DPD.
10. We have set out above the reasons why we consider the levels of growth at Maldon and Heybridge should be reduced and why development levels should be higher in the Rural Areas in order to ensure that a larger proportion of the housing supply is delivered in those settlements where car journeys and congestion can be reduced because of the opportunity to create and maintain sustainable transport hubs. Whilst at present some of these settlements within the rural area may have under provision of community facilities a higher level of growth could help to enable the delivery of additional community benefits and social enhancements at the same time as creating additional benefits such as reductions in out-commuting. As an example, at North Fambridge, there is land to the SE of the village within walking distance of the mainline railway station that could deliver retail provision, community facilities and green infrastructure alongside market and affordable housing. There would thus be benefit to both existing and future residents.

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11. The Council has recognised the role railway stations can play in shaping the future of the District paragraph 2.91 of the plan recognises the sustainable benefits of North Fambridge, which include the railway station and proximity to South Woodham Ferrers and other local employment centres. However, whilst this supports growth within the village, the manner in which Policies S2 and S7 are currently drafted does not maximise the opportunities to develop these sustainable benefits.
12. From our discussions with the Council, it would appear the matters of foul water capacity, highways and flood risk have led to a ceiling of 75 units being applied to the village. This limit of development at North Fambridge restricts the opportunities we have identified to take advantage of the significant potential sustainability benefits resulting from the railway station, along with the other stations at Southminster and Burnham, to support sustainable growth within the District. Although it is acknowledged the village was tested for 775 units as part of the eight different scenarios in July 2013 and was originally designated 300 units in an earlier version of the plan (both of which were considered to exceed the capacity of the village), it is also clear a much higher number than 75 could be accommodated without exceeding the potential constraints on the village. For example, Anglian Water has confirmed there is sufficient accessible capacity within the foul sewage system and the junction to the north of the village can accommodate further growth above the 75 units. Furthermore, a development in excess of 75 dwellings could realistically deliver local retail provision and community facilities which would support existing and future residents and thus reduce out commuting.
13. It is thus our view that the rural area provides a viable alternative to the large scale urban extensions, particularly those villages such as North Fambridge which have regular mainline railway connections and thus should be higher than that set out in policies S2 and S7. At the very least the policy S7 should be amended to include sufficient flexibility that would enable additional growth to come forward at North Fambridge subject to the appropriate assessment. This could be simply achieved by altering Policy S7 to read as follows;

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*'A Rural Allocations DPD will be produced to allocate land for a minimum of 420 dwellings in and around the District's villages, comprising **at least** 75 units at North Fambridge and **up to** 345 dwellings in other villages...'*

The rural allocations set out within policy S2 should also reflect this amendment.

14. The above amendment would allow sufficient flexibility at the Rural Allocations DPD stage to take account of evidence demonstrating the ability to deliver further development at North Fambridge in a similar way to the flexibility to consider different levels of growth within the other villages within the District.

NORTH FAMBRIDGE

15. It is considered the village of North Fambridge is a viable alternative to contribute to further future growth within the District and thus fails to embrace the opportunity to support the sustainable transport credentials of the village and the other benefits such development can bring. We consider there to be a significant opportunity for development at North Fambridge to deliver significant environment and social benefits to the village and create a sustainable settlement in line with the principles of the NPPF.
16. The village has regular train connections to South Woodham Ferrers and London Liverpool Street as well as local connections to Burnham and Southminster which created a sustainable transport within and adjoining the District. This provides the opportunity to reduce the number of car journeys, congestion and ensure any development within the village is commensurate with local employment opportunities. This is on the basis North Fambridge would be able to easily access local employment centres by a sustainable mode of transports via the aforementioned local sustainable transport network. The allocation of development within the village can also deliver associated community infrastructure such as small retail provision, community and sports facilities which are commensurate with the scale of the development proposed.

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17. There is land available to the SE of the village which could deliver the potential growth in a balanced and sustainable manner over the plan period. This land is well located in relation to the existing built form of the village and would be enclosed by Strathmore Road to the north and Fambridge Road to the west. There is sufficient land available to provide significant structural landscaping, which could provide a logical south eastern extent to the village. This location would thus maintain the openness of the surrounding landscape and would not damage the landscape character of the area, while also taking account of the flood risk impact of the river and delivering a safe environment that will not increase flood risk elsewhere.
18. The nature and location of this land provides the opportunity for development to embrace the principles of the NPPF by seeking positive improvements in the built and natural environments and in people's lives. The land lies adjacent to the village recreational ground and provides the link between the northern and southern parts of the village. The concept of development would seek to maintain the open character of the land and to take advantage of the opportunity to deliver enhancements to the existing recreational ground, community facilities and areas for education/nursery provision. As well as serving the needs of the future development, these facilities will contribute towards a reduction in the need for out-commuting and create the basis for a sustainable community.

GENERAL SUMMARY

19. The pre-submission plan has not been fully justified in accordance with the NPPF when the strategy is considered against reasonable alternatives. This is particularly evident when the plan highlights existing highway capacity and congestion problems at Maldon and Heybridge and significant development will only exacerbate this issue. The reasonable alternative whereby additional development is redistributed within the rural area and adjacent to rail connections highlights an approach that can deliver additional growth in a sustainable manner. Thus the plan should be amended to reduce the level of growth at Maldon on the basis the significant growth will contribute to the existing sprawl of the town and will exacerbate use of unsustainable means of transport and

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existing congestion. North Fambridge represents an example of this and there is potential to increase the sustainability of the settlement. The level of growth of the rural allocations should be increased accordingly with growth focused on those villages with a mainline railway station and which provide access to local and regional employment centres.

20. It is this failure to recognise the existing highway issues and inappropriate scale of growth at Maldon and Heybridge that also causes the plan to fail to accord with national policy, one of the other tests for assessing the soundness of a plan. The plan as it stands will result in growth over the plan period that will fail to accord with the three pillars of sustainability as set out in Paragraph 7 of the NPPF.
21. The Council has restricted the allocation at North Fambridge to 75 units on the basis of highways, viability and foul sewage capacity. Whilst the village was tested for higher numbers of dwellings (775 and 300) previously, there is no evidence to suggest there are constraints necessitating a ceiling of 75 units and it is our view not only that a higher quantum of development can be delivered within the village but that to do so would bring very significant benefits over and above those that would result from the council's more restrictive approach. The policy should be amended as per our comments above.
22. We understand these comments will be taken into account as part of the examination of the plan which will be undertaken in due course.