

LDP EXAMINATION: MALDON DISTRICT COUNCIL



**Nathaniel Lichfield
& Partners**

Planning. Design. Economics.

**WRITTEN HEARING STATEMENT ON
MATTER 1 ISSUE 3**

Whether the masterplan Supplementary Planning Documents (SPD) can be used for the purposes proposed by the Council, and whether their uses and purposes are clearly and effectively set out in the Plan

On behalf of Dartmouth Park Estates

9 January 2015

Issue 3: Whether the masterplan Supplementary Planning Documents (SPD) can be used for the purposes proposed by the Council, and whether their uses and purposes are clearly and effectively set out in the Plan

Introduction

This Written Hearing Statement has been prepared by Nathaniel Lichfield and Partners (NLP), on behalf of Dartmouth Park Estates (DPE), to respond to the Inspector's Matters Issues Questions (MIQs), specifically those questions raised in relation to Matter 1, Issue 3 that are pertinent to site S2(b), Wycke Hill North and further to DPE's representation in relation to the wording of paragraph 2.45 ref 0152-5297-S3-14.

A Statement of Common Ground (SOCG) between MDC, ECC and promoters of sites S2 (b) and S2 (a) in the South Maldon Garden Suburb (SMGS) has been prepared in relation to Matter 4 Issue 1.

This Statement is provided in addition to that SOCG to confirm DPE's response, specifically in relation the legal compliance of the Plan in relation to the SMGS and comment on the modifications proposed by the Council in SD04b 52, 53 and 54.

Q11: Does the Plan comply with Local Planning Regulations (2012)

Regulations 5 and 6 of the Local Planning Regulations 2012 set out what should be in a local plan and therefore what should not be in a SPD. In the light of this [particularly Regulation 5(1)(a)(iv)], should the information proposed to be in the masterplan SPDs be in the Plan, either in whole or in part? Please see my EM concerns and the RWE Npower Renewables case: <http://www.bailii.org/ew/cases/EWHC/Admin/2013/751.html>

DPE notes that the 2012 Local Planning Regulations, Regulations 5 and 6 dictate that a Local Plan includes statements about the development and use of land (5(1)(a)(i)), allocates of sites for a particular type of development or use (5(1)(a)(ii) and 5 2 (b)), provides development management and site allocation policies to guide the determination of applications for planning permission (5(1)(a)(iv)), or identifies as area for significant change or special conservation (5(2)(a)).

DPE considers that the Local Plan does provide statements that promote sustainable development to deliver residential (and employment through policy E1) growth (S1), identify the specific locations adjoining main settlements that will be subject to significant change (including S2 and E1), allocate sites for this growth (Proposals Map and Key Diagram) and set out the key development principles applying to these areas (including S3 and S4). The Local Plan complies with the Regulations.

A Supplementary Planning Document cannot perform any of these functions, but instead sets out the environmental, social, design and economic objectives relating to the development and use of land as prescribed by Reg. 5 (1) (a) iii (CED 10 paras 63-64).

DPE considers that the Council has got this balance right. The draft SGMS Strategic Masterplan Framework (SMF) sets out in more detail the objectives that should be met in the proposals for the Garden Suburb. CED10 para 68 amplifies and gives advice on the policies in the Plan.

Moreover, the Council has confirmed (CED10 para 69) that the SMF would be amended to comply with the Regulations, if required prior to its adoption.

Q12: Relationship between Policy and SPD

Does the Plan set out the basic policy ‘hooks’ for what should be dealt with and contained in each SPD? Do the Council’s suggested modifications (Refs 052, 053 and 054 in SD04b) to make the masterplans illustrative as a guide for developers and to be in accordance with the Plan’s development principles resolve the concern?

Further to its representation (ref 0152-5297-S3-14), DPE welcomes and agrees with the Council’s proposed modification of paragraph 2.45 (CED10, Table 7, p19, ref 53). This change of the wording of Policy S3 (CED10, Table 7, p18, ref 52) and policy S4 (CED10, Table 8, p19, ref 54) clarifies the relationship between the Plan and the Strategic Masterplan Framework (SMF) such that this is considered to comply with the Local Plan Regulations 2012, NPPF and PPG.