

**Maldon District Local Development Plan  
Inspector: Simon Berkeley BA MA MRTPI**

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Mr Nick Fenwick  
Director of Planning & Regulatory Services  
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Dear Mr Fenwick

**Examination of the Maldon District Local Development Plan and of the Maldon Community Infrastructure Levy**

I am writing to raise a few matters with you and to provide an indication of the way forward in relation to the two examinations.

The Council's statements

I note the content of your letter of 24 May 2016. I am of the view that it is better for the Council to provide now the most robust statements it can. Those submitted thus far appear to provide a satisfactory level of detail for my present purposes. Briefer summaries may not, and could lead to the process being prolonged further.

The modifications put forward by the Council

Numerous proposed modifications to the Local Development Plan (LDP) have been put forward by the Council. I note that these have been incorporated into a consolidated version of the LDP dated 15 December 2015. This document shows the modifications in two ways – in a schedule and as updated text embedded within the version of the LDP.

I appreciate the Council's undoubtedly positive intentions in publishing this version of the LDP – it clearly shows the LDP as the Council has proposed to modify it. However, there are problems and pitfalls here. Firstly, I am concerned that this document might give the impression that the Council has changed the LDP. That would be a mistaken impression. As you will appreciate, the Council is not able to make main modifications to the submitted plan unless I recommend in my report that they are necessary for soundness and/or legal compliance, and only then if accepted by the Secretary of State.

In addition, on a more practical point, the difficulty with consolidated versions such as this is that they must be entirely accurate in their reflection of the modifications schedule. I should stress that I will rely exclusively on the Council's schedule as being the definitive record of the main modifications proposed by the Council. The danger here is that if there are differences between the schedule and the consolidated LDP, then people could be unintentionally misled. I speak from personal experience in advising that this has happened elsewhere. I therefore ask that a wholly consolidated version of the LDP is not used. My Programme Officer, Mrs Copsey, is liaising with Mr Tofts on this. At my request, the consolidated document has been removed from the website.

More fundamentally, although published, I understand that the main modifications proposed by the Council have not been the subject of public consultation. They will need to be consulted on before further hearings take place – some of the hearing sessions will explore matters to which suggested modifications are pertinent. I will ask Mrs Copsey to discuss the detail of this, including the timing, with Mr Tofts.

#### Provisional LDP examination timetable

Along with consultation on the proposed modifications, the other key step is for me to issue a paper setting out the remaining matters and issues which will form the focus for the examination going forward. I will invite participants to respond to my matters and issues in the usual way, as did the previous Inspector. However, I am not able to complete my matters and issues paper until I have received all of the Council's statements responding to my initial letter of 7 April. You have indicated that the final statement relating to employment matters will be provided by 1 July.

On this basis, it is clear to me that it will not be possible to hold hearing sessions before August. For perhaps obvious reasons relating to availability, I strongly advise against holding hearings during the traditional summer holiday period. I would now be grateful to know the availability of your officers and an appropriate venue after then, so that firm dates can be set. To that end, I will again ask Mrs Copsey to liaise directly with Mr Tofts.

#### The examination webpage

Mrs Copsey is presently also liaising with Mr Tofts at my request about the examination webpage. In short, there is room for improvement here that will help me and others significantly throughout the remaining examination process. I understand that the Council is currently revising its website and I am hopeful that this will present an opportunity to make the examination webpage more readily navigable.

I should stress that whatever changes are made, the webpage will need to be fully and properly operative during the consultation on proposed main modifications and when I invite statements in relation to my matters and issues for the examination. I would be grateful if the Council can provide Mr Tofts with any support he needs to ensure this. It would be unfortunate, to say the least, if technical IT matters were to cause delay or difficulty.

#### The Maldon Community Infrastructure Levy (CIL)

I have now reviewed the draft charging schedule and the evidence supporting it. I note the letter from Mark Southgate, Director of Major Applications and Plans at The Planning Inspectorate, and the detailed assessment and advice of Simon Emerson included with the letter. Shortly put, for the reasons he gives, I concur with Mr Emerson's conclusions. Indeed, the options open to the Council remain those listed in Mr Southgate's letter.

As things presently stand, my focus is with the progress of the LDP. Once I have greater certainty in this respect I will then set a timetable for the CIL examination. Until then, unless the Council decides to pursue one of the other options, the CIL examination will remain in abeyance.

Notwithstanding the above, please rest assured that I will do all I can to ensure that the CIL examination is progressed as soon and as expediently as possible.

Finally, as you will gather from the above, many procedural and practical matters can be resolved through discussion with me via Mrs Copsey. My assumption is that Mr Tofts will ensure you are involved and kept up to date as appropriate. I will, therefore, entrust the general liaison between the Council and myself to them, and I will only write again when written correspondence is absolutely necessary.

I trust that you find this letter helpful. If I can be of any further assistance, please do not hesitate to contact me through Mrs Copsey.

Yours sincerely

*Simon Berkeley*

Inspector

Cc Mr Adrian Tofts, Strategic Planning Policy Manager, Maldon District Council  
(by email only)