



## Department for Communities and Local Government

### **MALDON DISTRICT LOCAL DEVELOPMENT PLAN**

On the 25 April 2014 Maldon District Council submitted the Maldon District Local Development Plan to the Secretary of State for Communities and Local Government for independent examination. Planning Inspector, Mr David Vickery was appointed to examine the plan. On the 12 May 2015 the inspector provided his Interim Findings in a letter to Maldon District Council. Full details of the examination process, up to and including the inspector's letter containing his interim findings, can be found on Maldon District Council's website at: <http://tinyurl.com/nrq4efh>.

#### **Q: What is the position of the Maldon District Local Development Plan?**

A: In May this year Mr Vickery, the inspector appointed to examine the Maldon District Local Development Plan, wrote to the Council with his interim findings. He found that Policy H6, which concerns provision for Gypsies and Travellers, was not sound. He also found that Policy H6 could not be considered separately from the rest of the plan, such that the whole plan should be regarded as unsound.

On the 8 June the Secretary of State for Communities and Local Government directed that the Maldon District Council Local Development Plan is submitted to him for approval.

#### **Q: Why did the Secretary of State intervene?**

A: The Secretary of State intervened to test whether the planning inspector has taken a proportionate and balanced view on the Local Plan as a whole in the light of national planning policy.

**Q: What does the Secretary of State's intervention mean for the Local Plan?**

A: The Secretary of State's intervention in the Maldon District Local Development Plan on the 8 June means that he must decide whether to approve or reject the plan (or to approve it subject to modifications).

**Q: Why has an independent review of the plan been commissioned?**

A: The examination of the Maldon District Local Development Plan had not concluded at the point that the Secretary of State intervened. Mr Vickery has since retired and, in order to assist the Secretary of State in reaching his conclusions, he has asked another experienced inspector to undertake an independent review of the Maldon District Local Development Plan. This review is only considering material from the earlier examination.

**Q: Can I submit evidence or make a representation to the Secretary of State to inform the independent review?**

A: As the review is only considering material from the earlier examination, we are not inviting new or additional information or further comments from interested parties. If the plan were to undergo further examination, however, then there might be the opportunity for interested parties to make further contributions. This would be for any new person appointed to examine the plan to decide.

**Q: Is the independent review the same as the examination of the Local Plan?**

A: No. The examination of the Maldon District Local Development Plan had not concluded at the point that the Secretary of State intervened. As the person appointed to examine the plan has since retired, an independent review has been commissioned to assist the Secretary of State in deciding the next steps for the Local Plan, which may include further examination.

**Q: Will the public be able to participate in the examination of the plan?**

A: We are not inviting new or additional information or further comments from interested parties at this stage. If the plan were to undergo further examination there might be the opportunity for interested parties to make further contributions. This would be for any new person appointed to examine the plan to decide.

**Q: How can I get answers to particular concerns I have about the proposals in the plan or matters raised at the earlier examination hearings?**

A: For reasons of propriety the Department cannot comment on the merits and detail of the plan or Mr Vickery's findings as to do so may be viewed as pre-judging the outcome of intervention.

If the plan were to undergo further examination there might be the opportunity for interested parties to make further contributions. This would be for any new person appointed to examine the plan to decide.

**Q: When can we expect a decision on the plan?**

A: The Government accords great importance to getting Local Plans in place in all areas. In this context the Department is putting every effort into considering the Maldon District Local Development Plan as a priority. The Department is considering the plan thoroughly and will issue its decision in due course.

**Q: What does the Secretary of State's intervention mean for planning applications that may come forward?**

A: Local councils must continue to make decisions on planning application alongside preparing plans to guide future development. Until a new Local Plan is adopted by a local council, the policies in previously development plan documents (and policies in planning documents that were not adopted under the Planning and Compulsory Purchase Act 2004 but were 'saved' by the Secretary of State) remain in force as the basis for planning decisions within an area. Planning applications are decided in

accordance with the development plan, unless material considerations indicate otherwise. It is for the decision-taker to decide what weight to give to different material considerations when making a decision.

**Q: What does the Secretary of State's intervention mean for planning appeals that may come forward?**

A: The appointed Inspector will be fully aware of the situation regarding the Local Plan and will take into account all parties' views in that respect in reaching a decision on any appeal.