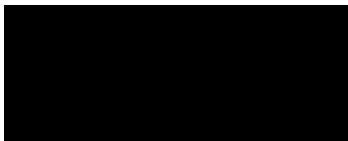


Adrian Tofts  
Strategic Planning Manager  
Maldon District Council  
Princes Road  
Maldon  
Essex  
CM9 5DL



Our ref: E242/C1/Let 05b  
25<sup>th</sup> October 2016

Dear Mr Tofts

**Local Development Plan Proposed Main Modifications Consultation September and October 2016**

We write to make comments on the Main Modifications in response to the Council's Consultation.

**Introduction**

We act for Pigeon Land Ltd. These representations are made on their behalf in respect of Pigeon Land's site at Burnham-On-Crouch, and other general matters.

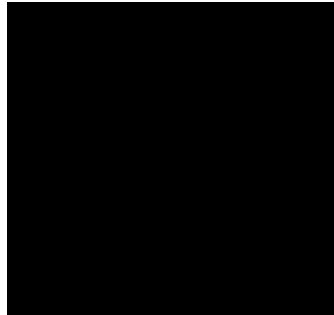
**Burnham-On Crouch Further Necessary Amendments to Policy S6 and Policy E1**

The Main Modifications should include reference to the resolution to grant of planning application FUL/MAL/14/00356. This planning application included the Burnham-on-Crouch Strategic Allocations; site S2 (i) known as West of Burnham-on-Crouch which is proposed for 180 homes and site E1 (q) which is proposed for 3.4 hectares of B1, B2 & B8; which are part of the Council's Pre-Submission Local Development Plan (LDP).

Planning application FUL/MAL/14/00356 is an application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments.

The resolution to grant subject to the completion of a S.106 agreement was made on the 11<sup>th</sup> August 2016 by Maldon District Council.

Planning application FUL/MAL/14/00356 differs in some respects from the allocations in the Pre-Submission Local Development Plan. A plan accompanies this letter showing the approved layout (edged red) and to ensure that the LDP is appropriately justified, by including the most applicable strategy, the extent of the allocated land in the Plan should reflect the site of this planning permission.





As part of planning application FUL/MAL/14/00356 consultation responses Maldon District Councils Planning Policy Team response stated:

*“The site is identified as delivering 150 dwellings in the first five years of the Plan. The site is therefore key to the delivery strategy of the submitted LDP and the Council’s ability to demonstrate a five year supply of housing.*

*The site area of the application is larger than the allocation within the LDP. The allocation in the LDP was based on a higher density development which did not include other features such as an early years and childcare facility and care home. The use of a larger site area allows the application to incorporate these additional features, while also incorporating lower density housing development close to Maldon Road, and areas of open space within central areas of site. The larger site area therefore seeks to provide design features within the development which were not included within the estimated site area incorporated into the LDP allocation for site S2(i). Where the design of the proposed development would benefit from the use of a larger site area, and where there would be no significant detrimental impacts arising from the increased site area, the Planning Policy Team would not raise any objections to the application.”*

The number of homes to be delivered on site S2 (i) by policy S2 Strategic Growth is the same as the number of homes allowed by planning application FUL/MAL/14/00356.

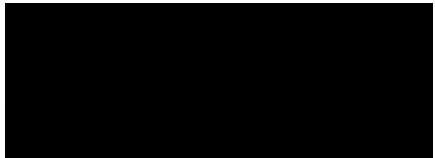
The amendments currently proposed to the plan do not go far enough to ensure soundness. In light of the above the amendments proposed in this letter are required to ensure that the Local Plan is sound by being justified as a result of being the most appropriate strategy when considered against reasonable alternatives. The strategy as proposed in this letter reflects the approval of planning application FUL/MAL/14/00356, and not the now out of date strategy for the allocations in the Pre-Submission LDP.

**Early Review of the Local Plan**

It is unclear from the Main Modifications reference 045 and 078 (a) what mechanisms that the Council is proposing to trigger an early review of the Local Plan. The timings and mechanisms that would trigger an early review differ in both sections.

The Planning Practice Guidance (PPG) acknowledges the challenge of planning for 15 years when there are uncertainties about the end of that time period. It sets out that Local Plans may be found sound conditional upon a review in whole or part within five years of the date of adoption (reference 12-008-20140306). The PPG also explains how authorities can consider following approaches established in Local Plan examinations in other areas provided they are both relevant and appropriate. Early reviews have been used in many cases where plans have been found sound. For example where an authority may need to plan for more housing depending on the outcome of wider SHMA’s.

The National Planning Policy Framework (The Framework) seeks to significantly boost the supply of housing (paragraph 47) and contains a mechanism for allowing housing applications if there is no five-year supply of deliverable housing sites (paragraph 49). The need to wait two or three years to decide of a review of the LDP is required as suggested in the Main Modifications could mean that a review of the Plan would not be triggered by a lack of a five year housing supply. The Monitor and Review paragraphs should make provision for a review of the Plan if there is evidence that there is no longer a five year supply of housing.



Document EB106, the Implications of the DCLG 2014-Based Household Projections for the Objectively Assessed Housing Needs of Maldon District, states that the Plan has not made “specific allowance for the likelihood of London’s inability to accommodate its fast growing population.” This raises concern that the implications of migration into the District have not properly been taken into account.

Concern was raised at the previous Examination Hearings that the Housing Market Area (HMA) used in the preparation of the Local Plan did not encompass a wider area and was only focused on Maldon District. The reasons for the concern was that the small size of the HMA did not take account of movements between neighbouring districts in the same way as the joint assessment undertaken by five neighbouring authorities did. The neighboring authorities own SHMA is based on a wider area that includes linkages between neighbouring local authority areas.

A firm commitment in the plan to an early review to be completed within five years would address these uncertainties around the HMA, and migration out of London, and would allow more certainty if the Council loses its five year housing supply. This change would ensure that the Plan was positively prepared based on a strategy which sought to meet the objectively assessed housing needs of the district. It would ensure that the plan was consistent with national planning policy which requires Councils to maintain a five year supply of housing. The change would ensure that the Plan was Justified by being based on the most appropriate strategy for the District.

If further information is required please do not hesitate to contact the writer.

