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Your ref

Dear Mr Tofts

Maldon District Local Development Plan (LDP) Consultation on Proposed Main Modifications: Representations on behalf of Linden Homes in respect of the land at Wycke Hill, Spital Road Site S2(C).

Our client, Linden Homes (Eastern) is pleased to have the opportunity to respond to the Proposed Main Modifications to the Maldon District Local Development Plan (September 2016) in relation to their proposed residential development at Wycke Hill (Site S2(c) within emerging policy S2. hereafter referred to as "*the site*").

Background

As summarised subsequently, Linden Homes has actively promoted this site for residential development for some time and have submitted representations to previous iterations of the emerging Local Development Plan (LDP). The site also benefits from Outline Planning Permission (OPP) for up to 120 residential units (PINS Ref. APP/X1545/A/14/2213988) (granted at appeal on 17 December 2014).¹ This permission remains extant and reserved matters proposals are being pursued..

For completeness the representations previously submitted on behalf of Linden Homes to the emerging MDC Local Development Plan are identified below:

- LDP Preferred Options Consultation (July 2012) – NLP submitted representations on 28th August 2012
- LDP Public Consultation draft (August 2013) – NLP submitted representations on 14th October 2013

¹ MDC also resolved to permit a "duplicate" outline planning application for up to 120 dwellings (November 2014) subject to the completion of a legal agreement which was not completed as the appeal OPP for the same scheme was permitted shortly afterwards.



- Pre-Submission LDP (January 2014) – NLP submitted representations on 13th March 2014
- NLP submitted a Hearing Statement (January 2015) on behalf Linden Homes in relation to the earlier iteration of their representations and subsequently appeared at the earlier Hearing.

We refer to, but do not repeat, our earlier representations below.

January 2015 Representations

Within the most recent representations submitted (January 2015) Linden Homes considered that the following modifications were required to the emerging LDP to make it “sound”.

Policy/Para of LDP	Summary of revision sought	Revision sought to ensure that the LDP is
Allocation S2(c)	Allocation for 120 residential units	Positively prepared
Policy S4 and paras 2.45 and 2.50	Removal of text referring to the endorsement of the SMGSSMF being a pre-requisite for the grant of planning permission	Positively prepared
Policies S3 and S4	Clarification that the SMGSSMF is <i>“for illustrative purposes and as a guide for developers”</i>	Consistent with national policy
Policy S4	Clarification that addressing archaeological issues are capable of being addressed by way of planning permission	Justified

Table 1: Changes sought by Linden Homes in relation to the SMGS / site S2(c) (January 2015)

Response to Proposed Main Modifications to Maldon District Local Development Plan

They therefore welcome the following proposed modifications outlined within the Schedule of Main Modifications document (September 2016) which address the latter 3 concerns:

- Proposed Modification Ref. 051 in respect of Paragraph 2.45;
- Proposed Modification Ref. 050 in respect of Policy S3; and
- Proposed Modification Ref. 005 in respect of Policy S4.

Outstanding Concerns

Proposed Modification 074 – Strategic Growth

Linden Homes however maintain their objection to the allocation of site S2(c) for 75 dwellings and consider there is no basis for not altering the allocation to refer to “up to 120 dwellings” consistent with the extant OPP.

Not only is this revision necessary to bring the allocation in line with an extant planning permission the site has been recognised as a sustainable location which is capable of accommodating a



higher level of residential development than the 75 units identified in the allocation by both the OPP Appeal Inspector and MDC themselves in resolving to grant a duplicate OPP on the site.

Furthermore MDC are inconsistent in identifying an allocation of 75 dwellings at site S2(c) in the emerging LDP while relying in the MDC Five Year Housing Land Supply Statement (August 2016) (which forms part of the MLDP evidence base) on the contention that the site will result in a residential yield of 117 units (Appendix G). This element of the LDP cannot be regarded as "positively prepared".

Proposed Modifications 071 - Developer Contributions

In addition to this, Proposed Modification Ref.071 identifies "*additional items to be added to relevant parts of Table 1: Developer Contribution Pooling Arrangements for Strategic Infrastructure.*" This includes contributions from Site S2(c) towards passenger transport improvements, allotments and sports facilities to serve South Maldon. Whilst not identified within the proposed modifications it is important to note that emerging policy I1 refers to Table 1 as setting out "*the broad approach to the pooling of strategic infrastructure costs associated with the LDP*". The submitted plan continues (para 8.12) that "*in addition to contributions sought by developers, infrastructure requirements may also be funded by service providers as identified in their business plans and programs.*"

Whilst Linden Homes recognise that these two new items may form additional elements where funding may be sought by MDC they would emphasise that it is important that regard is had to the flexibility inherent within the original policy. Specifically the Appeal OPP is subject to a unilateral undertaking which was entered into on 20th October 2014. This requires financial contributions for Education Provision, Health Care, Highways Maintenance, Travel Plan, Youth and Children's Facilities and Highways Infrastructure (the latter as a financial contribution **or** "*in kind*" works). The Appeal UU is an example of the flexibility that it is necessary to adopt in applying the requirements of emerging policy I1 towards the contributions (including the additional contributions) sought by table 1.

We trust that the above will be addressed as the emerging MLDP progresses. If you have any queries please do not hesitate to contact me or my colleague Layla Vidal-Martin.

Yours sincerely

PP. 

Daniel Lampard
Senior Director

Cc John Baines, Linden Homes