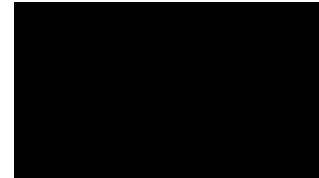


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Dear Sir/Madam,

Maldon District Local Plan: Proposed Main Modifications

We submit this representation on behalf of Lodestar Properties Ltd who own the land at Leigh Industrial, The Causeway.

Five-Year Housing Land Supply Statement 2015/16

The 5-year housing land supply position of 2,353 dwellings is very optimistic and fails to take account of a number of pertinent issues and constraints to housing delivery. Several of the sites listed within the supply either do not have planning permission or have a resolution to grant subject to a Section 106 agreement. The timescales given by Council for these sites are very optimistic and as a result the overall the total 5-year supply is likely to be significantly reduced.

We have discussed below those sites with an unrealistic delivery timescale.

- **S2(a) South of Limebrook Way** – The Council state that the first homes will be delivered 12 to 18 months from now. This is not possible as these timescales do not reflect planning and build processes. Critically there is still no phasing plan in place as this is subject to a planning condition and S106 agreement, which has not yet been agreed. The S106 agreement which includes approximately £21m of contributions has not been signed and is still subject to negotiation. The reserved matters

applications cannot be submitted until the S106 agreement has been signed. The committee report that gave the resolution to grant planning permission also sets out a number of highly restrictive pre-commencement planning conditions that will impact upon delivery timescales. These have not been considered in the 5-year land supply.

- **S2(d) Land north of Heybridge** – The Council has stated that the first homes will be delivered by 2018/2019. This is highly unlikely as the application is still pending and is subject to a complicated S106 agreement that ties in with the extensive infrastructure that needs to be delivered alongside the housing. There will also be a number of complicated pre-commencement conditions, including those relating to sewerage upgrades, and significant ground works. These pre-commencement works have not been considered in the 5-year land supply.
- **S2(e) Land off Holloway Road, Heybridge** – The Council state that the first house will be delivered in 2018/19. This must assume that the development will commence in the mid part of 2017, less than a year from now. This seems highly improbable as the S106 has not been signed, which requires in excess of £2m in planning obligations, including extensive highways works and expansion works to Plume School. The reserved matters application will also take a considerable amount of time. We also understand that the applicant and the Council are in not in agreement over the level of affordable housing contribution. The committee report includes a number of restrictive pre-commencement conditions including Condition 11 that states that no development shall commence until a scheme for the upgrading of the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. The delivery of the sewerage system upgrades has not been factored into the 5-year land supply position.
- **S2(f) West of Broad Street Green** – The Council state that the first homes will be delivered in year 2017/18, but to achieve this timescale, the ground works would have to be completed and all permissions, legal agreements and conditions discharged. However, this application is still

subject a Section 106 agreement that requires contributions towards highways, education and health amongst other issues. It will also require a number of complicated pre-commencement conditions to be signed off.

- **S2(i) Land West of Burnham-on-Crouch** – Whilst this application has been approved and is made in full, it is still subject to agreeing a Section 106 agreement and discharge of conditions. As such it is highly improbable that the first dwelling would be completed in 2017/18.
- **S2(j) Land north of Burnham-on-Crouch** – In 2016 a planning application was granted subject to a Section 106 agreement. There would still be a number of pre-commencement conditions to discharge before works could begin. It is highly unlikely that any building will begin in the next 12 months let alone any houses being completed.

Given all the issues still outstanding on these sites, it our view that the housing supply is incredibly optimistic and fails to take account of planning and build processes. The 5-year land supply as presented is an unrealistic assessment of the actual housing supply position.

Proposed Main Modifications to the LDP

088 Policy S2: Strategic Growth

The additional paragraph highlights the extreme infrastructure constraints that exist in Maldon, Heybridge and Burnham-on-Crouch. This statement is negative and places a restriction on further development, including windfall development within the identified growth locations. Furthermore, the evidence indicates that even once the infrastructure has been delivered, the proposed development represents the maximum amount of dwellings that can be delivered in these locations. This suggests that there will be no scope for additional development following the plan period. This effectively puts a development freeze on all other developments in Maldon, Heybridge and Burnham-on-Crouch during and following the plan period.

This approach is also not consistent with the 5-year land supply that includes a significant amount of windfall development. Given that this paragraph prevents new windfall housing from coming forward in the Maldon, Heybridge and Burnham-on-Crouch areas and that the windfall evidence is based on

historic windfall developments in Maldon, Heybridge and Burnham-on-Crouch, there is a clear discrepancy in the policy.

This spatial approach, which relies entirely upon greenfield sites, goes against the principles of the NPPF. Paragraph 17 seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land). The spatial approach has the effect of preventing the reuse of previously developed land in sustainable locations, such as the Leigh Industrial Estate in the Causeway, from ever coming forward again for redevelopment.

Consequently the Council's approach runs contrary to national planning policy and they should instead opt to pursue a more balanced spatial strategy that also promotes the development of previously developed sites.

045 Policy S2: Strategic Growth

The Council state that they will set out management actions to address housing delivery shortfall, however none of the suggestions will overcome the inevitable delays that will occur as a result of the ambitious infrastructure delivery programme.

There are a number of previously developed sites in sustainable locations, such as Leigh Industrial Estate, that are no longer viable for continued employment use but could deliver a mixed-use development. The Council should be putting in place a management programme to bring these sites forward, as such sites will not only deliver new housing but will also modernise the Council's aging employment stock. This should take place irrespective of whether the LDP allocations are delayed or not.

078(a) Policy S2: Strategic Growth

Our client supports the inevitable review of the Local Plan once it has been demonstrated that there will be a housing delivery shortfall after 5 years. However, this should not be a partial review but a full review. When these allocations fail to deliver the housing, it is because of a fundamental issue with the spatial strategy and a new strategy will be required in its place.

**089 Insert new paragraphs after 2.29 New paragraph 2.30 New paragraph 2.31 New paragraph 2.32
New paragraph 2.33**

The additional paragraphs highlights the extreme infrastructure constraints that exist in Maldon, Heybridge and Burnham-on-Crouch. This statement is negative and places a restriction on further development, including windfall development within the identified growth locations.

This spatial approach, which relies entirely upon greenfield sites, goes against the principles of the NPPF, which in Paragraph 17 seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land). The spatial approach has the effect of preventing the reuse previously developed land from being developed.

120 4.9

The recognition of the need for flexible employment space is welcomed, however there is no reference given to the delivery mechanisms required in which to deliver flexible employment floorspace.

It is relevant that if the investment that the Council refers to is to be private investment, then there is a need to include a high land value within the development mix to enable this modern employment floorspace to be brought forward. The Council should therefore be actively supporting mixed-use residential and employment developments.

121 4.19

The need for new retail floorspace is welcomed.

121 New Paragraph 4.20

Given the constraints of the town centre and the existing and extant retail permissions, The Causeway should be specifically identified for retail growth.

090 Policy S4: Maldon and Heybridge Strategic Growth

The additional paragraphs highlights that the extreme infrastructure constraints that exist in Maldon, Heybridge and Burnham-on-Crouch. This statement is negative and places a restriction on further development, including windfall development within the identified growth locations.

This spatial approach, which relies entirely upon greenfield sites, goes against the principles of the NPPF, which in Paragraph 17 seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land). The spatial approach has the effect of preventing the reuse previously developed land from being developed.

The Sustainability Appraisal Report Update 2016

The Sustainability Appraisal does make an assessment of our clients land at Leigh Industrial Estate, however this appears to be an arbitrary assessment that has been undertaken to justify the Council's preferred spatial approach. There appears to be significant inconsistency in how the results of each site are assessed.

These points will be discussed below under the relevant 'Objective' headings.

Objective 5: To maintain and improve public transport provision, promote sustainable modes of transport and reduce journey miles undertaken by car.

The Council considered the impact of development at Leigh Industrial Estate to be neutral. This is despite the sites central location and ability to access the town centre, services, supermarkets and employment sites by walking. Development at this site would clearly reduce car based travel potential.

By contrast the strategic growth locations at Maldon and Heybridge, which are located on the edge of the urban area, away from the key centres, are scored with a very positive assessment.

Clearly this assessment has been skewed in favour of the preferred allocation.

Objective 6: To protect and enhance the local townscape, heritage assets and their settings.

There are listed buildings close by but a heritage assessment was undertaken for a recent planning application and it was accepted by the heritage officer that a development could take place at this site without impacting upon the heritage assets. Indeed with the right design, the heritage value of the area could be enhanced.

As such the Leigh Industrial Estate should have been given a positive score to reflect the heritage enhancement opportunities that exist at this site.

Objective 7: To protect and enhance biodiversity and important wildlife habitats.

The Leigh Industrial Estate was given a negative score. However the ecology report submitted with a recent application found that there would no significant impact.

Despite comments in the Sustainability Appraisal, an HRA was not deemed to be necessary during the application process. As such the Sustainability Appraisal has provided misleading information.

At the very least this site should have been awarded a neutral score.

Objective 10: To ensure efficient use of land and protect geodiversity, soil quality and mineral resources.

A neutral score was awarded to Leigh Industrial Estate yet it was stated that there are no geological or mineral sites identified and it was noted that the site is previously developed. Given these characteristics, this site should have been given a positive score.

Objective 14: To maintain and enhance the quality of the countryside and local landscape character.

A neutral score was awarded to Leigh Industrial Estate yet it was stated that the site could potentially enhance local landscape. This site contains a number of aging and deteriorating industrial buildings that prevent access to the canal. A redevelopment of this site could open up the area for increased recreation and improve the townscape. As such this site should be given a positive score.

By contrast, the Maldon and Heybridge allocations, which would result in in excess of 2,000 dwellings being built on greenfield sites in the open countryside, were given a positive score.

Objective 15: To strengthen the local economy through supporting the growth and diversification of business sectors and improving the attractiveness of the District to investment in both urban and rural areas.

A negative score has been awarded to the Leigh Industrial Estate as it was stated that the proposal would remove employment land from a location readily accessible to local residents. Again this appears to be a very basic assessment that does not understand what is being proposed.

A recent planning application sought a mixed use development that actually increased Class B employment site, whilst also delivering housing in a sustainable location.

It is perverse that a redevelopment that can increase employment and modernise employment stock as part of a mixed use development is considered so negative, when leaving the site in its current form would maintain the existing position of: poor quality employment units; low demand; low employment density; and low skilled employment.

Given the existing conditions, if left as it is, there is every chance that the existing businesses will fail which would have the effect of sterilising the land and preventing any kind of employment use from taking place at this site.

A mixed-use development at this site would have tremendous economic and social benefits that should be supported. As such this site should receive a positive score under this objective.

Objective 17: To support employment diversity to create jobs that matches the skills profile for the local population.

The assessment stated that the removal of the site from employment land reduces the potential diversity of commercial activities and employment available in the urban settlement. As pointed out above this a very basic assessment that fails to understand what is being proposed.

A site that contains poor quality employment units that are unviable in their current form and not viable for redevelopment for a purely employment scheme has no real economic benefit. The type of employment at the existing is low skilled and at a low employment density.

By contrast a mixed use scheme could enhance employment by increasing employment densities and encouraging enterprise, which in term encourages high skills.

This site and its redevelopment should instead be given a positive score to reflect the positive economic benefits that a redevelopment would bring.

Should you require any clarification of any of the matters raised in this representation, please do not hesitate to contact me.

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[Redacted]

