

**MALDON DISTRICT COUNCIL (MDC) DRAFT COMMENTS ON THE HATFIELD
PEVEREL NEIGHBOURHOOD DEVELOPMENT PLAN (HPNHDP)**

HPNHDP reference	MDC comments	Reason for objection
General Comment	<p>Maldon District Council commends the community of Hatfield Peverel and Nounsley for preparing a thorough, Neighbourhood Development Plan that addresses locally identified issues.</p> <p>The Plan itself is well illustrated, logically laid out and easy to navigate.</p>	
Basic Conditions	Subject to the amendments suggested in Maldon District Council's comments, it is the view of this Council that the Hatfield Peverel Neighbourhood Development Plan (NDP) meets the basic conditions.	
Consultation Statement	<p>The NDP was clearly developed with community involvement throughout the preparation process.</p> <ul style="list-style-type: none"> • The different forms of engagement with the local community and specific sectors (such as landowners, local groups) have been comprehensively recorded. • The Table on page 14 onwards, is particularly helpful in showing how the plan was revised following the Regulation 14 consultation. 	
SA / Screening opinion	<p>The Screening opinion dated June 2016 ideally should be updated for the submitted version of the NDP. The June 2016 document states (page 9) that the NDP does not allocate land. The submitted plan does allocate land for development.</p> <p>That being said, the scale of the allocation in the NDP is unlikely to have significant impact on nationally or internationally designated sites.</p>	Update needed to reflect the submission version of the NDP.

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Policy ECN1 Support for Local Businesses	The first bullet point – ‘the business employs no more than 20 people on site’ - is un-necessarily restrictive, and could result in the village losing successful businesses. New employment uses and the expansion of existing employment uses should be judged on the actual impact of the development. The number of employees is not necessarily related to this. Therefore this criterion should be deleted.	Does not comply with NPPF paras 7 & 18-22.
Policy ECN4 Protection of Commercial Premises	This policy does not recognise the extensive range of changes of use now allowed under permitted development rights. It is suggested that the following sentence is added (from para 6.144 of the Braintree District Publication Draft Local Plan): ‘ <u>This policy will only come into effect in cases where permitted development rights do not apply.</u> ’	The policy does not recognise the current permitted development regime.
ECN5 Public Realm	<p>The support for the provision of a Maldon Link road bypassing the village is welcomed.</p> <p>However, the third bullet point is of concern.</p> <ul style="list-style-type: none"> • New development should only be required to provide public realm improvements that are directly related to that development and not to remedy deficiencies elsewhere. • People with visual impairments and learning disabilities, in particular, find shared space schemes for pedestrians/cars particularly difficult to use. Areas of shared space should be designed to ensure that people with disabilities are not disadvantaged. 	<p>This aspect of the policy does not comply with NPPF para 204.</p> <p>The NDP needs to ensure that it does not disadvantage people with disabilities.</p>
Page 21, para 3 protected lanes	The designation of a protected lane, in itself cannot increase that lane’s archaeological potential. It may however, indicate that there is potential for archaeological sites in the vicinity of the designated area. The paragraph needs to be revised.	To correct an error.

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HPE1 Prevention of Coalescence	<p>The listing of transport infrastructure as a permitted form of development within the green wedges is welcomed (map page 25), as any future Maldon link road from the A12 to the B1019 would be likely to cross the eastern green wedge.</p> <p>The policy's flexibility to allow development that supports the working countryside within the identified 'green wedges' is supported.</p>	
HPE3 Protection of Local Green Space	The approach to identifying protected local green space is supported as it follows the guidance in the NPPF	
HPE6 Protection of Landscape Setting	<p>The approach (page 33-37) used to identify important views that form the landscape setting of the village is supported.</p> <p>However, as these 'important views' completely encircle the village. The policy should not be used to prevent development in and around the village, including that allowed by other policies in this plan (e.g. HPE1)</p>	The policy may not conform to NPPF para 47 & 48, and may conflict with other policies in the NDP.
HPE7 Flooding and SuDS	<p>The intention of the policy is supported.</p> <p>However including 'betterment' in the policy is a concern. When applied to SuDS schemes for a new development, this 'betterment' requirement may not comply with NPPF paragraph 204. Planning conditions should only be necessary to make the development acceptable in planning terms, and be directly related to the development itself. Planning conditions cannot be used to remedy existing deficiencies in the wider area.</p>	Part of policy does not conform to NPPF para 204.

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HPE8 Heritage	The first paragraph does not make sense. It implies that <u>all</u> development is enabling development and this is not the case. Suggest the first paragraph is revised.	To correct an error
Map of Historic Features page 40	Does the map include all the TPOs in the parish? If so, the title of the map may need to be amended. Although historic trees may protected by TPOs, not all trees covered by TPOs are of historic value.	To correct an error
FI1 Transport and Access 4 th para.	<p>People with visual impairments and learning disabilities, in particular, find shared space schemes for pedestrians/cars particularly difficult to use. Areas of shared space should be designed to ensure that people with disabilities are not disadvantaged. Although this issue referred to in the supporting text, it is not carried through into the policy.</p> <p>Speed limits are not a planning function and therefore cannot be implemented through a planning policy. This element of the policy should be placed in Appendix 2 - non-statutory planning community action plan.</p>	<p>The NDP needs to ensure that its policies do not disadvantage vulnerable residents.</p> <p>Speed limits are not a planning function.</p>
HO1 Design of New Developments bullet points 8 and 9.	<p>The Ministerial Statement of March 2015 identified that planning policies should not identify local technical standards for new dwellings. https://www.gov.uk/government/speeches/planning-update-march-2015</p> <p>Therefore the references to Lifetime Homes, BREEAM and Building for Life should be moved into the supporting text, to provide guidance on the level of quality new development would be expected to achieve.</p>	To comply with Ministerial Statement as it applies to NPPF paras 95, 174 and 177.

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HO2 Retirement Housing	<p>The Ministerial Statement of March 2015 identified that planning policies should not identify local technical standards for new dwellings. https://www.gov.uk/government/speeches/planning-update-march-2015</p> <p>Therefore the references to Lifetime Homes standards should be moved into the supporting text, to provide guidance on the level of quality new development would be expected to achieve.</p>	To comply with Ministerial Statement as it applies to NPPF paras 95, 174 and 177.
HO3 Affordable Housing – 5 th & 6 th bullet points	<p>Local connections restrictions, as proposed in this policy should only be used for rural exception schemes. The developments proposed in Hatfield Peverel would not fall into the rural exceptions sites category. Therefore, any local connection element to the lettings policy can only be by voluntary agreement with the social housing provider.</p> <p>It is understandable that the local community wishes to have a ‘locals first’ housing policy, however, this should not be at the expense of other households in priority need.</p> <p>The local connection criteria as proposed, exceeds that currently used by BDC/Greenfields Housing in their agreement on village housing. https://www.braintree.gov.uk/downloads/file/2581/local_lettings_to_new_greenfields_properties_in_villages_siblehedraynehatfieldpev</p> <p>Observation of the definition of local connection:</p> <p>There is no cascade should properties become available and no one meets the criteria within the area. There is no clear priority given to any of the suggested criteria.</p>	Policy is too prescriptive. The granting of tenancies is not a planning issue, it is a matter for the Local Housing Authority.

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	<p>Definition of employment – it is assumed that this means mainly or fully employed at a place of work within the area, not working in this and other areas, e.g. milkman, delivery driver, care provider? If so, this would further restrict the eligibility for housing.</p> <p>It is a matter for BDC as the Local Housing Authority how they may wish to support any proposed variation to their existing policy. However, ‘housing need’ is not defined. Would this for example include those who are homeless and may be under a duty to be accommodated by the local housing authority? If it is based upon inability to afford a home on the open market, will preference be given to those most disadvantaged? Would any preference be given to those already in social housing who may need to downsize and make better use of existing stock?</p> <p>If the Plan is to retain this local connection requirement, it is suggested that it be included in Appendix 2 - non-statutory planning community action plan.</p>	
General comment	<p>The copyright holders for the photographs and aerial photographs should be appropriately acknowledged in the NDP and its accompanying documents.</p> <p>The HPPC should ensure that photographs of people and children have the appropriate consents to be used.</p>	To ensure that copyright, privacy and safeguarding laws are complied with.