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## Part 2 - Regulation 19 and 20 Town and Country Planning (Local Planning) (England) Regulations 2012 "Pre-Submission LDP" consultation

Please note that all comments on the Pre-Submission LDP consultation should be provided by completing Part 2 of this form. A separate completed Part 2 should be provided for each comment made within a representation.

### 2.1. To which part of the Maldon District Pre-Submission Local Development Plan (LDP) does this representation relate?

- |   |                            |  |    |
|---|----------------------------|--|----|
| a. Paragraph<br>(please specify paragraph number) | South Maldon Garden Suburb | b. Policy<br>(please specify policy reference) | S4 |
| c. Proposals Map                                  |                            | d. Other section<br>(please specify)           |    |

### 2.2. Do you consider the Maldon District Pre-Submission LDP to be (tick as appropriate):

- a. Legally compliant** Yes ☐  
To be 'legally compliant' the LDP has to be prepared in accordance with the Duty to Co-operate and legal and procedural requirements. This is required by Government guidance No ☐
- b. Sound** Yes ☐  
To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance No ☒  
(if you **do not consider the LDP to be sound**, please complete section 2.3. below)

### 2.3. Do you consider the Maldon District LDP to be unsound because it is not (tick as appropriate):

- a. Positively prepared** X  
To be positively prepared the plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements
- b. Justified** X  
To be justified the plan must be:  
  - Founded on a robust and credible evidence base;
  - The most appropriate strategy when considered against the reasonable alternatives.
- c. Effective** X  
To be effective the plan must be:  
  - Deliverable;
  - Flexible;
  - Able to be monitored.
- d. Consistent with National Policy** X  
The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework

On the following pages, please explain why you think the Plan is unsound or not legally compliant, and set out any changes you feel should be made to the Plan to make the Plan sound or legally compliant.

**Please note:** As there will not normally be a subsequent opportunity to make further representations based on your representation at this stage, please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the Plan. After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues the Inspector identifies for examination.

**2.4.** If you consider the Maldon District LDP to be unsound or not legally compliant please explain why in the box below.

Please be as precise as possible. Please also use this space for any comments in support of the LDP.

Policy S4 South Maldon Garden Suburb is located on an ecologically sensitive site, which includes the Maldon Wick Nature Reserve, protected species including water voles, bats, badgers and dormice, and BAP priority species including turtle dove and song thrush. Without substantial on-site green infrastructure and additional wildlife habitat creation, the development will cause irreparable harm to biodiversity and degradation of wildlife habitat. The biodiversity and wildlife interest of the site is largely focussed around the nature reserve and Lime Brook. Without substantial green infrastructure around these habitats to buffer them from the effects of development, they will be seriously degraded due to isolation from the wider landscape, increased noise and other disturbance, increased predation by cats, dog-fouling and fly-tipping.

Policy S4 South Maldon Garden Suburb is not positively prepared: it does not include any mention of the green infrastructure which would be essential to provide some protection for the fragile habitats and biodiversity of the site. In addition, it does not include any statement of commitment to protecting and enhancing biodiversity, which is a requirement of national policy.

Policy S4 South Maldon Garden Suburb is not justified: key evidence base documents have not been included.

Policy S4 South Maldon Garden Suburb is not effective: it cannot deliver “no net loss in biodiversity” and therefore cannot deliver sustainable development. The NPPF states that:

*“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to)...**moving from a net loss of bio-diversity to achieving net gains for nature**”*

Policy S4 South Maldon Garden Suburb is therefore not consistent with National Policy: development which causes significant harm to biodiversity does not fulfil the criteria for sustainability and is in direct conflict with NPPF guidelines:

Section 109 of the NPPF includes the following:

*“The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- ***minimising impacts on biodiversity and providing net gains in biodiversity where possible**, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*

Section 114 continues:

*“Local planning authorities should...set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity...”*

and Section 117 states:

*“To minimise impacts on biodiversity and geodiversity, planning policies should:*

- *plan for biodiversity at a landscape-scale across local authority boundaries;*
- *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan...”*

**2.5.** Please explain in the box below what change(s) you consider necessary to make the Maldon District LDP legally compliant and sound.

Please be as precise as possible. Please explain why this change will make the Maldon District LDP legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policies or supporting text.

Policy S4 South Maldon Garden Suburb should include a statement outlining the requirement for substantial green buffers to protect the biodiversity and integrity of Maldon Wick Nature Reserve and Lime Brook. A minimum requirement on either side of the nature reserve would be 50m, while Lime Brook and the ditch network should have minimum buffers of 5m.

Policy S4 South Maldon Garden Suburb key evidence base documents which should have been included to inform this policy are the Maldon Green Infrastructure Study and the EECOS Local Wildlife Sites Review.

In order to comply with NPPF guidelines on the protection of biodiversity, the policy must incorporate the minimum green infrastructure requirements as outlined above.

In order to fulfil the criterion of “soundness”, Policy S4 South Maldon Garden Suburb should therefore be modified to include a statement specifying that the green infrastructure must incorporate a minimum 50m buffer based around the nature reserve and 5m buffers along Lime Brook and the ditch network. There should also be an acknowledgement that, due to the narrow, linear shape of the reserve, detrimental impacts and biodiversity loss resulting from the development are inevitable due to increased human pressure and therefore additional compensatory habitat creation will be required to ensure no net loss of biodiversity.

This strategy will reflect Maldon DC’s commitment to protect and ensure no net loss of biodiversity. It will also ensure consistency with other policies in the Plan:

Policy N1 Green Infrastructure Network –

*“There will be a presumption against any development which may lead to the loss, degradation, fragmentation and / or isolation of existing or proposed green infrastructure.”*

Policy N2 Natural Environment, Geodiversity and Biodiversity [Context para 6.14 To protect the District’s natural environment and biodiversity, developments should not have a detrimental impact on sites of local ecological significance both in terms of quantity, quality and connectivity.]

*“Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.”*

**Mitigation Measures**

*In exceptional circumstances where the loss of designated sites is demonstrated to be unavoidable, developers will be required to provide ‘like for like’ replacement, relocation and / or compensation towards the loss of habitats and be able to demonstrate that such measures are at least of an equal value to the loss on a site by site basis. Any compensatory habitat created should be ecologically functional in advance of the loss.*

*If any protected species and / or significant local wildlife are found on site, or their habitat may be affected by the proposed development, the proposal must make provision to mitigate any negative biodiversity impacts it may create.*

*Where the creation or relocation of habitat is required as part of the mitigation measures, the Council will have to be satisfied that:*

- 1) There is no net loss of habitats in terms of quantity, quality and connectivity; and*
- 2) Any new or replacement habitat is delivered as close as possible to the development site in order to maintain a viable population locally and to avoid incremental and accumulative impact on local ecology.”*

**2.6.** Do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

**No**, I wish to communicate through written representations ☒

**Yes**, I wish to speak to the Inspector at the hearing sessions ☐

**Please note:** The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination

**2.7.** If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

[Click here to enter text.](#)

**This is the end of Part 2 (Regulation 19 and 20) of the response form. Please complete this form for each representation you wish to make. You only need to complete Part A once. Please submit all of your response forms together.**