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## Part 2 - Regulation 19 and 20 of the 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 number

b. Policy reference

c. Proposals map

Ma63 LWS

d. Other section (please specify)

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

#### a. Legally compliant

YES ☐NO ☐

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.

#### b. Sound

YES ☐NO ☒

To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance.

If you do not consider the LDP to be sound, please complete section 2.3 below

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

#### a. Positively prepared



To be positively prepared the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements

#### b. Justified



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



To be effective the Plan must be:

- Deliverable;
- Flexible;
- Able to be monitored

#### d. Consistent with National Policy



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, 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.**

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**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.**

If the box is not big enough for your comments, please attach another page marked appropriately.

Persimmon Homes disputes the designated boundary of the proposed Chigborough Lakes Local Wildlife Site (LWS) allocation (ref: Ma63), which impedes on the allocated reserved site North of Scraley Road (ref: RE2). This matter was raised in the previous public consultation for the Draft Local Development Plan (August 2013) but has not been addressed in the latest version.

Maldon's Evidence Base does not provide sufficient or up to date information to suggest why the boundary has been defined as shown on the draft Proposals Map (2014). Maldon's Draft LDP on this matter is informed by the Maldon Nature Conservation Study (EECOS, August 2007) and the Maldon District Local Wildlife Sites Review (December 2007), which propose the Chigborough Lakes area as a LWS but fail to provide plans or site specific survey data that justifies its designation or the chosen draft boundary. However, this could be due to the EECOS document provided on Maldon's Evidence Base webpage still not including its appendices and therefore being incomplete, despite this being highlighted in our written representations for the previous consultation

The Maldon Nature Conservation Study based its findings on a district wide Phase 1 Habitat Survey, now 7 years out of date, which EECOS itself appreciated at the time is a "very "broad-brush" approach to collecting wildlife data...generally, it does not allow for any site to be visited more than once nor can it be guaranteed that it is visited at the optimum time..." (Section 1.3, page 6). Furthermore, the front page of the Study acknowledges that the site boundaries considered in the document are illustrative only.

Persimmon Homes takes the view that the same "broad-brush" approach has been taken in setting the designation boundaries for the Chigborough Lake area, whereas it should be based on more up to date, site specific ecological data. In particular, there is no evidence to suggest that Persimmon Homes land should be subject to a LWS designation, as any future development scheme will need to provide a sufficient buffer around the lake that is situated to the north of Scraley Road and south of Lofts Farm. Furthermore, Persimmon Homes has instructed ecological investigation to be undertaken, which to date have not raised any ecological, species or biodiversity evidence. Please see the enclosed Ecological Briefing Note by SES for more details.

If adopted, the Local Development Plan and Proposals Map will be based on evidence that is at least 8 years of out date, which is unsound and contrary to paragraphs 158 and 165 of the National Planning Policy Framework, the latter of which states that "planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area".

The boundary of the LWS allocation, which is not adequately justified, could unnecessarily hinder the potential development of site RE2 (Land North of Scraley Road), which undermines the point of designating it as a Reserved Site and its ability to assist the District in meeting its housing delivery targets. This too is contrary to the NPPF, which seeks for positive plan making.

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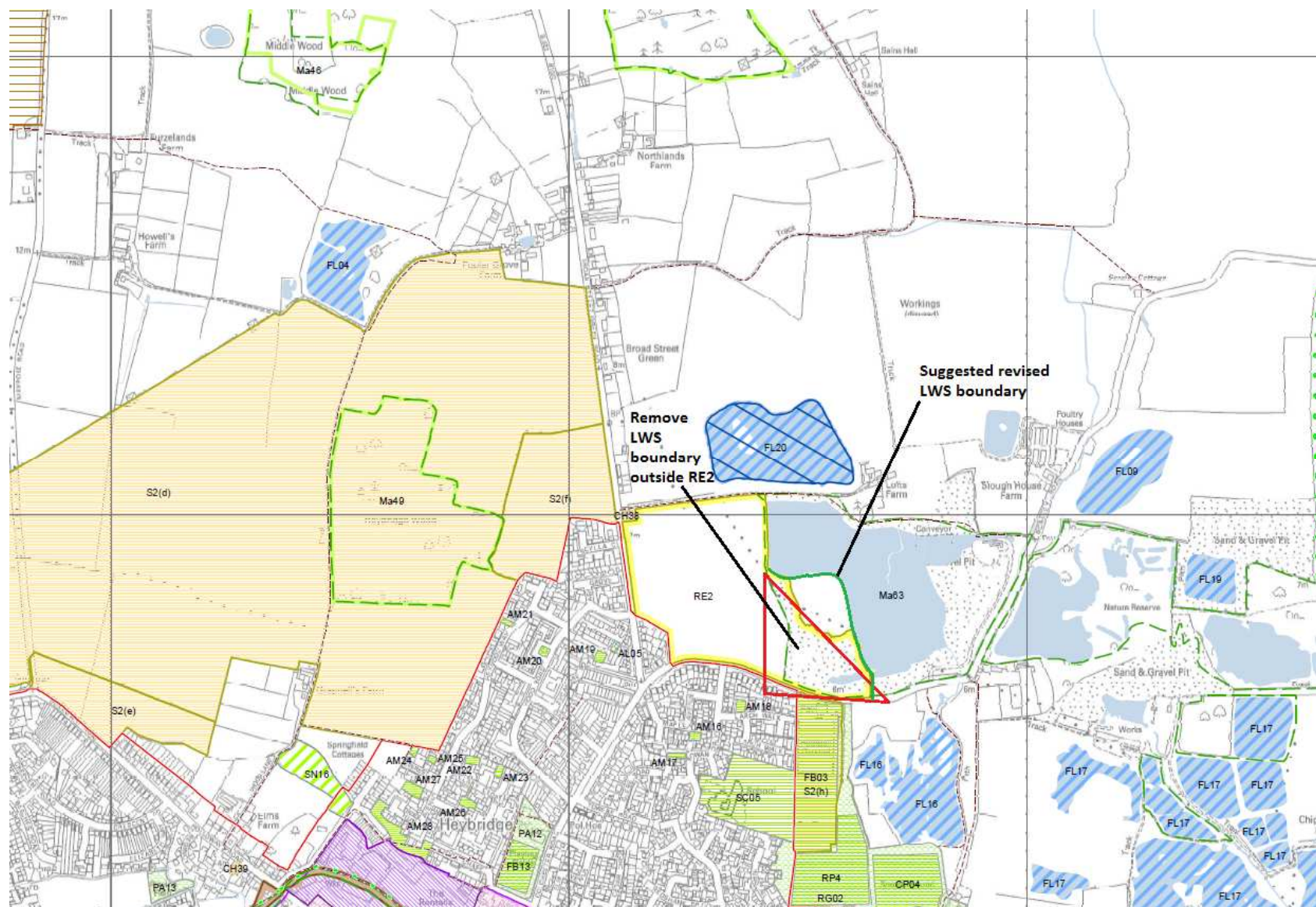
**2.5 Please explain in the box below what change(s) you consider necessary to make the Maldon District LDP legally compliant and sound.**  
**Please be as precise as possible. Please explain why this change will make the Maldon District LDP legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policies or supporting text.**

If the box is not big enough for your comments, please attach another page marked appropriately.

The boundary of the Chigborough Lakes LWS allocation (ref: Ma63) should be determined on evidence that is detailed, site specific and up to date. Current ongoing ecological studies being undertaken by SES on Persimmon Homes behalf, have not highlighted any evidence to suggest that the development of land west of Broad Street Green Road and north of Scraley Road will have any adverse impact upon protected species or habitats that could not be mitigated for. The Persimmon Homes land in question is dominated by arable land that is of generally low ecological value and its development could actually present the opportunity for biodiversity enhancement. Ongoing species specific surveys in 2014, to be undertaken by SES, will allow further assessment of the biodiversity value of this area.

It is recommended that the boundary of the Chigborough Lakes LWS is amended to not include the land north of Scraley Road (site ref. RE2). Please refer to Figure 1 attached below, although please note that the suggested LWS boundary is indicative. The ecological and biodiversity matters of the land should instead be assessed based on detailed and up to date survey data to be supplied as part of any full planning application that may come forward for the site.

Figure 1 – recommended change to LWS boundary (indicative)





Date	10/03/14
Client	Persimmon Homes Essex
Site	Land East of Broad Street Green Road, Heybridge, Essex
Author	Sean Crossland BSc BCA
Title	Ecological Briefing Note- Chigborough Lakes

Southern Ecological Solutions (SES) was commissioned by Persimmon Homes Essex to undertake a preliminary assessment of Chigborough Lakes Local Wildlife Site (LWS), in particular as to whether its current ecological interests (habitats/species) are consistent with respect to its designation as a LWS. This assessment focuses on the western extremities of Chigborough Lakes LWS with respect to the Land East of Broad Street Green Road (Appendix 2), is preliminary and desk based, drawing on previous site visits by SES and assessments made by Essex Ecology Services (EECOS) on behalf of Maldon District Council. Species specific works are ongoing through 2014 which will further inform this initial assessment.

EECOS was commissioned by Maldon District Council in autumn 2006 to review the LWS network for the District (EECOS, 2007a). Appendix 1 denotes the Chigborough Lakes LWS boundary, with the area to the west of Scraley Road added in 2007 (EECOS, 2007a). The Chigborough Lakes LWS citation from 2007 (Appendix 1) states "*Chigborough Lakes is a mosaic of numerous gravel pits, ponds, boggy areas, willow swamp and woodland, scrub and grassland...*" It continues to list notable plant species that are present within the grassland surrounding the lakes as well as notable aquatic/marginal plant species. The citation also notes the site is important for its bird life and names one nationally scarce invertebrate but concedes invertebrates are under recorded.

In 2008 the Essex Wildlife Sites Project (EWSP) through consultation with key stakeholders produced the first edition of the '*Local Wildlife Site Selection Criteria*' (EWSP, 2008). This revised set of guidelines was created to produce a more robust set of criteria that clearly illustrates the rationale behind each site's selection. Since 2008 there have been multiple revisions to this initial document. Consequently the criteria used in 2007 to select and define Chigborough Lakes LWS is now considered to be out of date and it is recommended that the citation is updated and amended as necessary to take account of this new set of criteria. Indeed Maldon District Council's own pre-submission local development plan evidence base states '*The LWS network should be considered to be a dynamic system, with sites added and removed as a continuous process, reacting to the latest information available and to changes in policy and selection criteria.*' (EECOS, 2007b).

Notwithstanding the above, as the assessment and citation for Chigborough Lakes LWS is 7 years old, it is recommended that this be updated and amended to reflect any potential

changes in habitats, habitat quality or management regimes that may have occurred during this period. Through on-going ecological survey SES has started this process with respect to the area of Chigborough Lakes LWS west of Scraley Road (Appendix 1) and the Land East of Broad Street Green Road (Appendix 2). The initial results suggest that the species poor semi-improved grassland that is managed for hay within the study area (Appendix 2) falling within the LWS boundaries is likely not significant with regards to the designation criteria for this LWS. This is thought to be due to the continued agricultural management of this area severely limiting species diversity as well as the ecological functionality of this habitat. The area concerned is almost exclusively grassland which consists of common grasses such as cocksfoot *Dactylus glomerata*, common couch *Elytrigia repens* and abundant false oat-grass *Arrhenatherum elatius*. Few forb species are present within the sward. Small earth bunds bound the grassland field boundaries with common forb species being relatively more frequent including bristly ox-tongue *Picris echinoides*, mugwort *Artemisia vulgaris*, common sorrel *Rumex acetosa* and broad-leaved dock *Rumex obtusifolius*. To the far east of the study area (immediately west of Scraley Road) the sward becomes relatively more sparse with species associated with disturbed ground (such as groundsel *Senecio vulgaris*) becoming more frequent. No plant species stated within the designation were observed during the extended phase one habitat survey and over multiple subsequent visits throughout the flowering season in 2013. On-going species specific surveys in 2014 will allow further assessment of the biodiversity value of this area and its potential role as a supporting habitat to the LWS qualifying features of Chigborough Lakes.

In conclusion, ecological study to date by SES suggests that with respect to the area of Chigborough Lakes LWS west of Scraley Road (Appendix 1), the terrestrial habitats are likely of low biodiversity value and do not contribute to the LWS qualifying features of Chigborough Lakes. On-going species specific surveys in 2014 will allow further assessment of the biodiversity value of this area and its potential role as a supporting habitat to the LWS qualifying features of Chigborough Lakes. As such due to the age of the last citation (2007), it is recommended that the designation be updated and amended to reflect any changes in habitats, habitat quality/value or management regimes that may have occurred since this last assessment. In addition the criteria used in 2007 to select and define Chigborough Lakes LWS is considered to be out of date and it is recommended that the citation is updated and amended as necessary to take account of the latest set of selection criteria.

## **References**

EECOS (2007a). *Maldon District Local Wildlife Sites Review*. Essex Ecology Services. [Internet] [http://www.maldon.gov.uk/info/856/local\\_development\\_plan/422/pre-submission\\_local\\_development\\_plan\\_evidence\\_base](http://www.maldon.gov.uk/info/856/local_development_plan/422/pre-submission_local_development_plan_evidence_base) Accessed March 2014.

EECOS (2007b). *Maldon Nature Conservation Study*. Essex Ecology Services. [Internet] [http://www.maldon.gov.uk/info/856/local\\_development\\_plan/422/pre-submission\\_local\\_development\\_plan\\_evidence\\_base](http://www.maldon.gov.uk/info/856/local_development_plan/422/pre-submission_local_development_plan_evidence_base) Accessed March 2014.

EWSP (2008). *Local Wildlife Site Selection Criteria*. Essex Local Wildlife Sites Partnership. [internet][http://www.essexbiodiversity.org.uk/app/webroot/files/lws/LoWS\\_Criteria\\_FINALv7\\_Jan\\_2010.pdf](http://www.essexbiodiversity.org.uk/app/webroot/files/lws/LoWS_Criteria_FINALv7_Jan_2010.pdf) Accessed March 2014.

**Appendix 1: Chigborough Lakes LWS Citation**

**LOCAL WILDLIFE SITES  
MALDON DISTRICT  
Ma63 Chigborough Lakes**



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**Ma63 Chigborough Lakes (18.6 ha) TL 877086**

Chigborough Lakes is a mosaic of numerous gravel pits, ponds, boggy areas, willow swamp and woodland, scrub and grassland, part of which is an Essex Wildlife Trust nature reserve.

Plant species in the varied grassland surrounding the lakes include Common Spotted Orchid (*Dactylorhiza fuchsii*), Grass Vetchling (*Lathyrus nissolia*) and the Essex Red Data List species Small Cudweed (*Filago minima*), Blue Fleabane (*Erigeron acer*), Sneezewort (*Achillea ptarmica*) and Corky-fruited Water-dropwort (*Oenanthe pimpinelloides*).

Greater Pond-sedge (*Carex riparia*) and Common Reed (*Phragmites australis*) cover large areas of the margins of the ponds and lakes where the Essex Red List species Blue Water-speedwell (*Veronica Anagallis aquatica*), Marsh Horsetail (*Equisetum palustre*) and Cyperus Sedge (*Carex pseudocyperus*) are also present. The Nationally Scarce Round-leaved Wintergreen (*Pyrola rotundifolia*) has also been recorded.

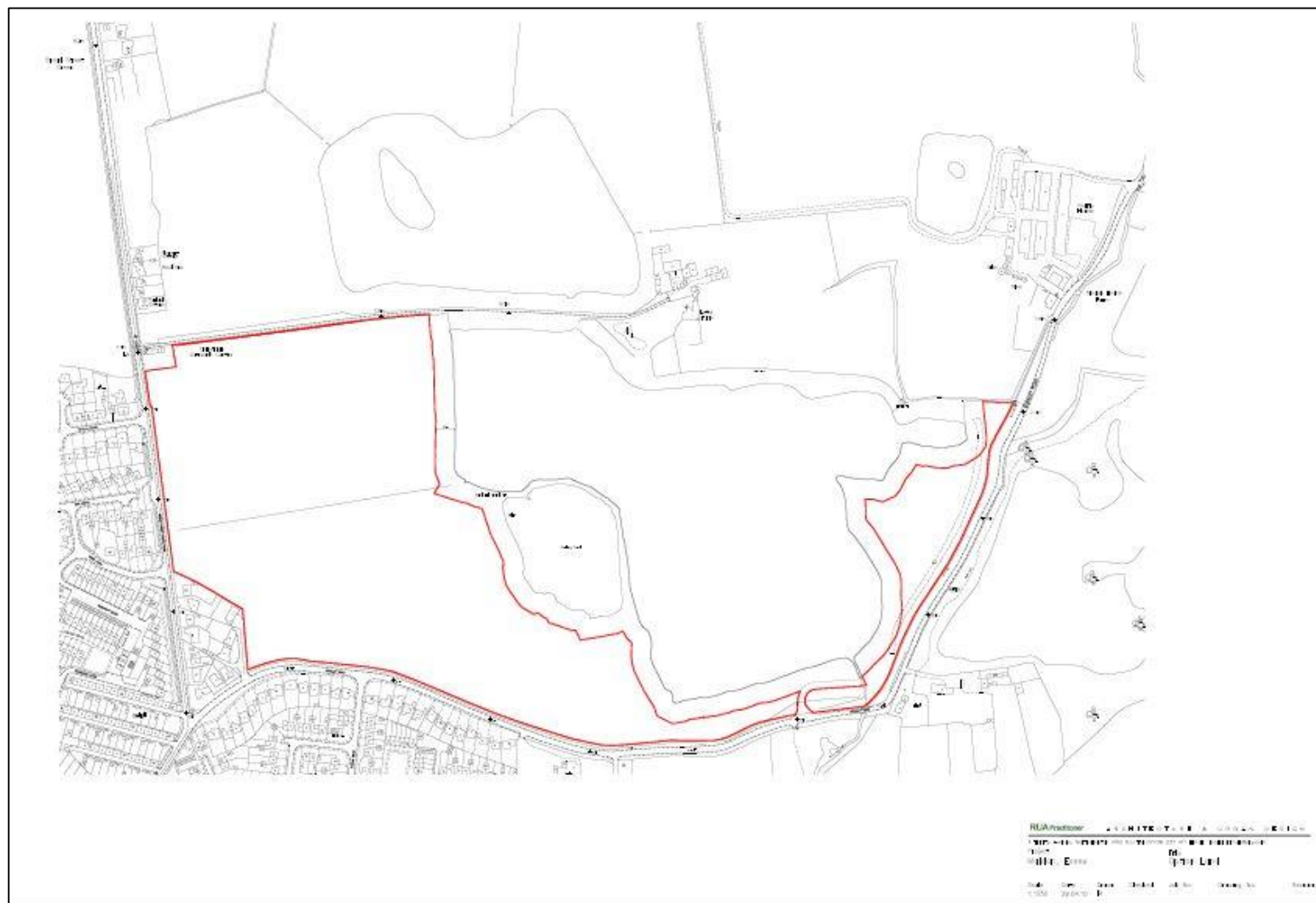
The site is also important for its birdlife with a wide diversity of breeding, passage and wintering species. Little Egrets have become established as a breeding species within the small Grey Heron colony and Kingfishers breed in most years. Cetti's Warblers breed in the willow swamp and reed bed margins.

Invertebrates are under recorded, but the Nationally Scarce solitary wasp *Nomada fucata* is known to be present.

**Selection Criteria:** HCr5, HCr6(b), HCr13, HCr20, HCr22, HCr23, HCr26, SCr11, SCr15

**UK BAP Priority Habitats:** Reedbeds, Wet Woodlands,

**Conditions and Threats:** The majority of the site is under conservation management, but the security of the other areas is unknown.

**Appendix 2: Land East of Broad Street Green Road, Heybridge, Essex**

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2.6 Do you consider it necessary to attend and give evidence at the hearing part of the examination? (✓ 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

If the box is not big enough for your comments, please attach another page marked appropriately.

We represent Persimmon Homes, who's site has strategic significance in the LDP. Persimmon Homes therefore has a key interest in the LDP and, as shown by the extent of written representations provided, has a number of concerns that are considered necessary to address in order for the LDP to be found sound.

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.