

10th March 2021

Spatial Planning
County Hall
Essex County Council
Market Road
Chelmsford, CM1 1QH

Langford and Ulting Neighbourhood Plan consultation
Strategy, Policy and Communications
Maldon District Council
Princes Road
Maldon
CM9 5DL

By email: policy@maldon.gov.uk

Dear Sir/Madam,

**RE: LANGFORD AND ULTING NEIGHBOURHOOD PLAN (REGULATION 16) – 2014
– 2029**

Thank you for consulting Essex County Council (ECC) on the Langford and Ulting Neighbourhood Plan (the Plan) submission version.

ECC is a key infrastructure provider and delivers and commissions a wide range of important strategic and public services, covering but not limited to highways and transportation, education, early years and child care, minerals, waste, surface water management, passenger transport, adult social care, and Public Health. The impacts of growth from the allocation of development sites in neighbourhood plans (over and above those identified in a Local Plan) will need to be assessed, including infrastructure requirements, any mitigation, and how they will be funded and delivered.

ECC responded to the Regulation 14 consultation in November 2019. ECC acknowledges that the parish council has incorporated the majority of the suggested amendments into the Regulation 16 Plan. However, there remain a few issues that ECC would still wish to clarify in this response.

Comments on Land Use Planning Policies

ECC welcomes the incorporation of our suggested comments at Regulation 14, as the Minerals and Waste Planning Authority, with regards our statutory responsibilities and that the adopted Minerals and Waste Local Plans form part of the development plan for the plan area, along with the adopted Maldon Local Development Plan.

Policy 2 Protecting and Enhancing Biodiversity

National Planning Policy Framework (NPPF), paragraph 170d, requires developments to minimise impacts on and provide net gain for biodiversity, including the establishment of coherent ecological networks, and is consistent with the Government's 25-year Environment Plan (EP). As part of the EP, Natural England are seeking to establish a framework which embeds environmental net gains into developments, with new housing proposals set to become mandatory. All developments should be required to demonstrate the environmental net gains, and where there is a net loss from the development to provide provisions through offsetting.

The policy requires all development to protect and, where appropriate enhance biodiversity through providing a net gain in flora and fauna. Whilst this is supported it is recommended the criterion e is amended to better reflect policy in the NPPF, as indicated above:

- *providing a net biodiversity or environmental gain ~~flora and fauna~~; and*

Policy 4 Footpaths and Bridleways

ECC welcome the incorporation of our suggested changes into this policy. However, ECC recommends that given reference is made to 'cycle routes' within paragraph 1 such reference should also be made in the policy title. Amend the title to read:

Policy 4 Footpaths, Cycle Routes and Bridleways

Policy 6 Historic Environment

NPPF, paragraph 192 requires that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The following amendment is recommended to ensure the policy relates to how any development impacts on both designated and non-designated heritage assets.

ECC recommend paragraph 2 regarding non-designated heritage assets also makes reference to their setting, as referenced in paragraph 1 to designated assets. In addition, ECC recommend the following wording for the policy to be consistent with NPPF, paragraph 172 as outlined above.

'When assessing applications for development, the parish will place great weight on the preservation or enhancement of designated and non-designated heritage assets and their

setting. The Council will encourage applicants to put heritage assets to viable and appropriate use, to secure their future preservation and where appropriate enhancement, as appropriate to their significance.'

Section 6: Proposals Not Forming Part of the Plan

Section 6.1 identifies some non-planning matters that are aspirations of the Steering Group, and generally relate to speed limits within the plan area.

- *30mph speed limit on B1019/1018 through the whole of Langford including Maldon Road, Hatfield Road and Witham Road. With the additional 11 houses at the old waterworks site and two more large houses by the railway bridge this becomes more feasible.*
- *30mph speed limit on Maypole Road. This may well be achieved with the advent of the North Heybridge Garden Suburb development.*
- *Reduced speed limit on B1019 between the Langford and Ulting village gateways.*

At present, none of the above Parish Council aspirations are included in the Maldon Local Highways Panel (MLHP) schedule of schemes for consideration. ECC recommend the parish council propose them to the MLHP for consideration.

In order for schemes to be considered by the LHP the Parish Council should complete an external LHP Scheme Request Form, identifying the problems being experienced rather than proposing a solution. ECC, and its Essex Highways design engineers, will investigate the identified issues and recommend appropriate feasible solutions, if there are any. Any request is required to have the support of the local County Councillor. Any resulting feasible engineering solutions will be presented to the LHP for their consideration, and potential implementation and funding. All schemes are required to be in line with ECC policies, strategies and guidelines.

The following link identifies the current schedule of schemes being considered by the LHP - <https://www.essexhighways.org/local-highway-panels/lhp-scheme-lists/maldon-lhp-schemes-list.aspx>

With regards bullet 2, the North Heybridge Garden Suburb was granted outline planning permission in September 2019 and part of the proposal is the potential for the southern section of Maypole Road to serve as a sustainable transport link via the Maypole Road Bus Improvement Scheme (MRBIS). The developer is required to monitor traffic conditions along Maypole Road following the completion of the relief road, and ECC, as highway authority, will review the traffic conditions to determine whether the MRBIS should be implemented. This would include the use of Traffic Regulation Orders, if required, and be subject to further design and implementation.

Suggested additional Policies

Flood Risk and Sustainable Drainage

ECC is the Lead Local Flood Authority (LLFA) for reducing the risk of flooding from surface water, groundwater and ordinary watercourses under the Flood and Water Management Act 2010. ECC notes that the 'Consultation Statement' considers that Policy D5 – Flood Risk and Coastal Management of the adopted Local Plan provides appropriate coverage in the Plan area. However, this policy provides no guidance with regards the acceptable water quality in line with CIRIA SuDS Manual C753 and the ECC SuDS Design Guide (2020). The policy does make reference to development having regard to “other national and local SuDS standards”, but these are not specifically defined. The Local Plan makes no reference to the Essex SuDS Design Guide 2020.

Consequently, ECC, as LLFA, recommend that a specific policy be inserted into the Plan given that a significant part of the Plan area acts as a functional flood plan and is covered by a Critical Drainage Area as identified in the Maldon Surface Water Management Plan (MSWMP). It is acknowledged that there is no development allocated in the Plan but a policy would provide additional reassurance that any future developments will be required to consider their proposals against this policy, and reference to actual design standards and criteria will clarify requirements to any potential development.

Policy 2 - Protecting and Enhancing Biodiversity, Criteria f) states that *all new development should adopt best practice in sustainable drainage*, but only in reference to enhancing biodiversity. Paragraph 4.5, and Map 2 (page 18) acknowledges that large areas surrounding the River Blackwater is designated as Flood Zone 3b “Functional Floodplain”, which is a constraint to any future development. The eastern end of the Plan area, which includes part of North Heybridge Garden Suburb, falls within a Critical Drainage Area (CDA). Consequently, on-site surface water management measures to mitigate the risks of surface water flooding have been incorporated into the approved development.

Part of the Plan area is located within the Maldon Surface Water Management Plan (MSWMP) study area and the Critical Drainage Area (CDA) reference 'NHEY_004 – Langford'. Within this CDA there are 36 residential properties that have been identified as being at risk of surface water flooding in the 1 in 100yr rainfall event. The CDA Map is provided in Appendix 1 for reference. The MSWMP Action Plan includes the following actions for the CDA and are listed in the table below.

| <i>Critical Drainage Area</i> | <i>Est residential properties at risk from 100 year rainfall</i> | <i>Description</i> | <i>Location</i> | <i>Benefit</i> | <i>Priority Ranking</i> | <i>Start Date</i> |
|-------------------------------|--|--|--|---|-------------------------|-------------------|
| <i>NHEY_004</i> | <i>36</i> | Utilise available space in the upper catchment (Land to north of Langford Road) of the CDA to manage overland flow and reduce surface water flood risk | Upper Catchment – Land to north of Langford Road | Reduction of properties flooded during high intensity rainfall events | <i>Medium</i> | <i>2020</i> |

| <i>Critical Drainage Area</i> | <i>Est residential properties at risk from 100 year rainfall</i> | <i>Description</i> | <i>Location</i> | <i>Benefit</i> | <i>Priority Ranking</i> | <i>Start Date</i> |
|-------------------------------|--|--|-----------------|---|-------------------------|-------------------|
| | | through the construction of storage features such as basins and bunds and through implementation of NFM. | | | | |
| <i>NHEY_004</i> | | Ensure appropriate planning controls on drainage are applied to development within the CDA to ensure greenfield runoff rates are maintained or reduced, to prevent exacerbating flood risk downstream. | Wood Lane | Maintain or improve the low flood risk within the CDA | <i>Low</i> | <i>2020</i> |

As LLFA, ECC further recommends that a policy and objective be inserted into the Plan to consider the issue of surface water flooding and sustainable drainage systems (SuDS), including its role in helping to address climate change. ECC acknowledges that the Plan is proposing limited new housing development, but a policy framework is considered necessary in order that any new development is required to mitigate the risk of surface water flooding arising from its development.

Green Infrastructure and water management planning can help protect local communities from the effects of climate change, whether through river restoration, wetland creation and tree planting. Such improvements will reduce flood risk to homes, create high quality habitat for wildlife, improve air quality and provide an education and recreation resource. Other potential SuDS measures include the provision of water butts; permeable paving; green roofs; swales; detention basins; filter strips; and retention ponds.

ECC recommends the following objective be considered for inclusion within paragraph 3.2.

- *to meet the principles of Sustainable Drainage Systems (SuDS) and natural flood management techniques, including the multi-functional use of green space*

ECC recommend the following new policy and supporting text is included in the Plan given the minimal reference to surface water management and much of the area being designated as Flood Zone 3b – Functional Floodplain and a critical drainage area.

Policy Flood Risk and Sustainable Drainage

‘Any proposed development should include measures to mitigate against future risk to properties, residents and wildlife from flooding and be located away from areas prone to flooding.

All development shall minimise surface water runoff to prevent off-site flooding through the design of a suitable SuDS based drainage system, and where possible incorporate

mitigation and resilience measures for any increases in flood risk that may occur due to climate change. Opportunities should be taken to reduce flood risk to existing residential properties through new development, particularly if this is located within a Critical Drainage Area (CDA). All development should have regard to the water quality criteria in line with CIRIA SuDS Manual C753 and Essex SuDS Design Guide 2020.

Supporting Text

This policy aims to prevent the risk of flooding in the plan area. Surface water flooding is an important issue and this policy aims to prevent this through the use of SuDS in new developments. SuDS are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to reduce the causes and impacts of flooding, remove pollutants from urban run-off at source through natural filtration and combine water management with green space to provide benefits for amenity, recreation and wildlife.

There are large areas surrounding the River Blackwater which are designated as Flood Zone 3b “Functional Floodplain” and these are indicated in Map 2. Part of the Plan area is located within the Maldon Surface Water Management Plan (MSWMP) study area and the Critical Drainage Area (CDA) reference ‘NHEY_004 – Langford’ (Insert reference to the Map in Appendix 1 of this response). Within this CDA there are 36 residential properties that have been identified as being at risk of surface water flooding in the 1 in 100yr rainfall event. The MSWMP Action Plan includes the following actions for the CDA and are listed in the table below. The eastern end of the Plan area, which includes part of North Heybridge Garden Suburb, falls within a Critical Drainage Area (CDA) and on-site surface water management measures to mitigate the risks of surface water flooding have been incorporated into this approved development.

*ECC, as LLFA, should be consulted early in the design process. ECC has produced the **Sustainable Drainage Systems Design Guide (2020)** providing guidance on surface water drainage scheme needs. The Guide also gives advice on how to design high quality SuDS that will offer benefits to the community and the environment. Industry guidance and best practice is also contained in the SuDS Manual C753 which covers the planning, design, implementation and maintenance of SuDS.*

Green Infrastructure

The following Plan policies directly or indirectly contribute to the Green Infrastructure (GI) network of the plan area, including:

- Policy 1 Landscape Features;
- Policy 2 Protecting and Enhancing Biodiversity;
- Policy 3 Recreational disturbance Avoidance and Mitigation;
- Policy 4 Footpaths and Bridleways;
- Policy 11 New Housing; and
- Policy 12 New Infrastructure

ECC welcomes the inclusion of these policies and the positive use of objectives which seek to protect and enhance the heritage and natural assets in the plan area. However,

the plan is deficient with regards reference to the use of GI and recommend a specific green infrastructure/natural environment policy is included in the Plan. ECC acknowledges the points in the 'Consultation Statement' regarding the inclusion of ANGst standards not being required and that no Local Green Space is being designated. ECC acknowledges that policies N1, N2, N3, D5 and T1 of the adopted Local Plan cover various aspects of green infrastructure, including the multi-functionality of green infrastructure. However, ECC would recommend a specific green infrastructure policy be included within the Plan.

A specific GI policy is considered necessary given the importance placed on GI in Maldon District with the recently published Essex Green Infrastructure Strategy (2020) of which Maldon District Council was part of the Strategy Partnership and the Maldon Green Infrastructure Strategy (March 2019).

To support the new policy ECC recommend that reference is made to the Essex Green Infrastructure Strategy (2020) (EGIS) and the Green Infrastructure Strategy for Maldon District (March 2019)¹. The EGIS aims to enhance the urban and rural environment through creating connected multi-functional GI that delivers multiple benefits to people and wildlife. The strategy has achieved Building with Nature Accreditation as a national exemplar. The Maldon Green Infrastructure Strategy (March 2019) sets out the districts key green infrastructure themes with an associated Action Plan, GI Principles and Projects. There are a number of projects that should be referenced in the Plan. For example, the strategy makes reference to improving cycle and pedestrian routes that link with the Chelmer and Blackwater Navigation (Chelmer and Blackwater Access Project). This is relevant to Policy 3: Footpaths and Bridleways and could be referenced under the new GI policy proposed in the comments above.

ECC recommend the following GI policy is incorporated into the Plan within the 'A High Quality Natural and Built Environment' section to recognise the importance and value of GI given the benefits it provides to both people and wildlife:

Policy XX: Green infrastructure and development

Proposals that will be encouraged are those that seek to enhance the green infrastructure of the parish, demonstrating how they:

- *Protect and enhance existing green spaces and/or create new green/open spaces where appropriate.*
- *Improve the connectivity between wildlife areas and green spaces through green corridors and/or improvements to the Public, Rights of Way, and cycle and footpath networks.*
- *Enhance the landscape and visual characteristics of green spaces in close proximity to development through biodiversity/environment net gain.*
- *Ensure development landscape schemes, layouts, access and public open space provision and other amenity requirements contribute to the connectivity, maintenance and improvement of the GI Network.*
- *Meet the ANGSt standards² and what they can do to address any local deficiency in provision of green space.*

¹ Green Infrastructure Strategy for Maldon District:

https://www.maldon.gov.uk/downloads/download/9284/green_infrastructure_strategy

² Natural England's ANGSt Standard guide:

http://webarchive.nationalarchives.gov.uk/20140605111422/http://www.naturalengland.org.uk/regions/east_of_england/ourwork/gi/accessiblenaturalgreenspacestandardangst.aspx. Or

- *Take into consideration the principles of Sustainable Urban Drainage (SuDS) and natural flood management techniques, which will enhance biodiversity and ecosystems.*
- *Consider the multi-functional use and benefits of local green spaces as part of the GI network.*
- *Development proposals located outside of settlement boundaries, or adjacent to settlement boundaries, will be required to demonstrate through the use of green infrastructure where possible how they will maintain clear separation and avoid any potential coalescence between settlements within the Parish and adjoining Parishes.*

ECC recommend the Plan should also consider the importance of the long-term management and maintenance of GI provided through new development. This is further emphasised in Planning Practice Guidance (Paragraph: 031 Reference ID: 8-031-20160211). ECC considers this is important given the importance placed on some of the local existing open spaces in the plan, such as *“The village has important open spaces within it, notably the grounds of the Museum of Power” (Langford Conservation Area Appraisal 2006, p13).* A good example of the arrangements for managing and the maintenance of GI is contained within the West Bergholt Neighbourhood Plan.

Suggested Additional Policy and Objectives

ECC provides the following comments in an advisory capacity for consideration by the Inspector.

Climate Change and Renewable Energy

The Plan makes minimal reference to climate change other than its potential impacts on biodiversity in paragraph 4.29. A Climate Emergency Statement was adopted by MDC on 4th February 2021 with a commitment to reduce carbon emissions across the district by developing strong partnership links to improve transport initiatives, encourage greener developments and supporting green infrastructure. MDC will be seeking to reduce carbon emissions and become a net zero carbon organisation by 2030.

ECC acknowledges that the ‘Consultation Statement’ considers that a specific policy is not necessary in the Plan with regards Climate Change or Renewable Energy, as detailed policy guidance is provided within the Chapter 3 – Design and Climate Change in Policies D2 – Climate Change and Environmental Impact of New Development and D4 – Renewable and Low Carbon Energy Generation. These policies will be subject to review as part of the Local Development Plan Review and will be updated alongside the Council’s green policies.

ECC recommend further reference is made to climate change and renewable energy in the Plan given the recent Climate Emergency Statement by MDC and the importance placed on these matters, as referenced in NPPF paragraphs 148 and 149, and the Essex Design Guide. In addition, Government has set the UK a 2050 net zero target and the

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/357411/Review8_Green_spaces_health_inequalities.pdf

Analysis of Accessible Natural Greenspace Provision for Essex, including Southend-on-Sea and Thurrock Unitary Authorities" -

http://www.essexbiodiversity.org.uk/app/webroot/files/PDF_files/EWT_ANGSt_document.pdf

Climate Change Act highlights the importance of climate action in the built environment now, recognising that homes and buildings that are not built to this standard now will further add to the challenge of being net zero in the future.

Paragraph 148 requires the planning system to support the transition to a low carbon future in a changing climate helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraph 149 requires plans to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. NPPF requires Plans to promote sustainable development, and highlights their role in addressing local sustainability, including mitigating and adapting to severe weather from a changing climate.

ECC considers it is important that local communities can realise the benefits associated with a renewable energy development throughout its lifetime, and even have the opportunity for part community ownership or the establishment of an ongoing community benefit fund that allows residents to actively engage with the development. From 2021, as a result of the recommendations made from The Essex Climate Action Commission Draft Report (pending adoption by ECC), has recommended that from 2021 all large-scale renewable energy developments in Essex should include an element of community ownership. Renewable energy sites should also contribute to an improvement in land value through biodiversity net gain and managed through sustainable land use practices e.g. bio-solar farms.

The Centre for Sustainable Energy (CSE) has produced a guidebook aimed to help support neighbourhood planning groups, (which includes case studies of different communities' plans), to mitigate and adapt to climate change, tackle fuel poverty and promote environmental sustainability - <https://www.cse.org.uk/news/view/2079>.

Given the above, ECC recommend consideration is given to including the following policy regarding renewable energy in the Plan.

Policy XX: Renewable Energy

Proposals for community owned or led renewable energy schemes (including micro-hydro, photovoltaic or bio-mass projects) will be supported subject to the following criteria for the proposed development:

- The siting and scale are appropriate to its setting and position in the wider landscape;
- It does not give rise to unacceptable landscape or visual impact, either in isolation or cumulatively with other development;
- It does not create an unacceptable impact on the amenities of local residents;
- It does not have an unacceptable impact on a feature of natural or biodiversity importance.

The installation of electric vehicle charging point infrastructure should be provided within all developments providing parking.

Conclusion

Please contact me if you require further information or would like to discuss this response in more detail.

Yours sincerely,

Principal Planning Officer (Spatial Planning)

Appendix 1 – Heybridge Surface Water Management Plan – NHEY_004

