

Date: 26 October 2016  
Our ref: 196361  
Your ref: Maldon District Local Development Plan Consultation



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**BY EMAIL ONLY**

Dear Mr A Tofts

**Planning consultation: Maldon District Local Development Plan Consultation**

Thank you for your consultation on the above dated and received by Natural England on 16 September 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have assessed the consultation documents relating to the Maldon District Local Development Plan and our responses to each, are set out below:

**Implications of the DCLG 2014-Based Household Projections for the Objectively Assessed Housing Needs of Maldon District**

Natural England has no comments to make on the projections for the objectively assessed housing needs of Maldon district.

**Proposed Main Modifications to the Maldon District Local Development Plan  
Policy S4 Maldon and Heybridge Strategic Growth**

- **Major Modification 009 and 062 Waste Water Treatment:** Natural England advises that Policy S4 needs to be amended to ensure it is compliant with the Habitats Regulations. The proposed policy amendments to paragraphs 2.58 will not in our view be sufficient to meet this requirement and will not address the concerns we have raised regarding this matter in previous consultation responses. We therefore advise that Policy S4 includes wording along the following lines "*new development or any associated sewage infrastructure does not have an adverse effect on any European protected sites. New development will only be permitted once a deliverable solution has been identified to address sewage constraints on land south of Maldon*".

Without a policy commitment to ensure there is a deliverable solution to address sewage capacity constraints before development takes place, we would not be able to conclude that the plan was compliant with the Habitats Regulations. This is considered to be necessary as there is uncertainty as to which solution is going to be taken forward and when.

- **Major Modification 108, 110 and 111:** Natural England is disappointed to see that the Country Park has been removed from policy S4 Maldon and Heybridge Strategic Growth and paragraphs 2.60 and 2.61. Destination green space is important in reducing increased

recreational disturbance from development at sensitive sites, by providing an alternative natural, high quality green space for local residents to visit. This has been replaced by “Strategic growth at Heybridge will provide opportunities for enhanced access to the countryside and a well-connected network of green spaces”. Whilst we welcome access to the countryside and networks of green spaces and green infrastructure, which is beneficial to both people and wildlife, it is important to ensure this is deliverable. Significant growth will require additional significant areas of green space, to mitigate impacts to protected sites and species, and having a specific policy will help to bring this forward. A project level assessment of the garden suburbs will be required to assess the impact and implement proportionate green space mitigation to each of the allocations.

- **Major Modification 060:** Following on from the above point, we therefore welcome the additions to paragraph 2.60 for ecology. However please note that Habitats Regulations Assessments do not apply to nationally protected sites (SSSI's) only to European protected sites (Special Protection Areas, Special Areas of Conservation, and as a matter of Policy Ramsar sites). We therefore advise that the final sentence of this paragraph removes the reference to nationally designated sites.

### **Policy S7 Prosperous and Rural Communities**

- Major Modification 064: Natural England is pleased to see the addition of the following point: “Allocations should aim to protect and enhance the natural environment, biodiversity and green infrastructure network” to Policy S7: Prosperous Rural Communities, following our previous advice. However, we advise that it should be reworded to strengthen the protection element of the policy, to ensure compliance with para 109 of the NPPF as follows: “Allocations should **protect and where possible enhance** the natural environment...”

### **Policy D2 Climate Change and Environmental Impact of New Development**

- Major Modification 065 and 066: We welcome the additions to Policy D2: Climate Change and Environmental Impact of New Development for minimising impacts to ecology, landscape and GI, and preserving BMV land, as we previously advised.

### **Policy E5 Tourism**

- Major Modification 067: This comment relates to the wording in Policy E5, as currently worded point 4 of the policy is factually incorrect as it infers that a HRA is required for internationally and nationally protected sites, however a HRA only applies to European protected sites. We therefore recommend the policy deletes reference to nationally designated sites. Natural England is generally supportive of the proposed additional wording for paragraph 4.40.

### **Sustainability Appraisal Report Update**

Natural England has no comments to make on the update of the SA.

### **Habitats Regulations Assessment**

Natural England concurs with the findings of the updated HRA screening report.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Kayleigh Cheese on 02080 260981. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a

feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Miss Kayleigh Cheese  
Northamptonshire Local Delivery Team