Dear Mr Wai,

Planning consultation: Maldon Local Plan: Pre – Submission Local Plan

Thank you for your consultation on the above dated 10 June 2014 which was received by Natural England on 10 June 2014.

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.

You will be aware that Natural England provided detailed comments on the Maldon Local Plan Preferred Options, in our letter dated 28th August 2012 and 14th October 2013. We are pleased to note that many of these comments have been addressed through this further iteration of the draft Local Plan; our comments below therefore focus on outstanding concerns or additional issues that we feel need to be addressed to ensure compliance with legal and policy requirements.

Chapter 1: Introduction
Natural England acknowledges that the Authority has identified the levels of designated areas within the Borough, such as Ramsar, Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

Chapter 2: Spatial Vision and Development Strategy
Paragraph 2.4 relating to the spatial vision refer to the need to take into account environmental and infrastructure constraints and is to be welcomed and encouraged, linking into the designated areas as per Chapter 1.

Objectives listed under paragraph 2.5 can be broadly supported, especially;

(6) “To protect and enhance the distinctive natural, built and historic environment of the district”

(11) “To ensure that people and communities enjoy quality sustainable lifestyles by enabling the provision of facilities and services, including essential green infrastructure, where they are needed in the Borough”

(13) “To facilitate the delivery of new infrastructure to meet the needs of the community” this tacitly links to the provision of green infrastructure as per objective (11) above.
**Policy S1: Sustainable Development**
This policy is broadly supported, especially in relation to clause (9); “conserve and enhance the natural Environment by providing protection and increasing local biodiversity and geodiversity and effective management of the district’s green infrastructure network”.

The identification of the need for effective management of the District’s Green Infrastructure is to be welcomed and encouraged.

**Policy S2: Strategic Growth**
We note that strategic growth will be focused at the District’s main settlements as they constitute the most suitable and accessible locations. We are pleased that the Council will promote sustainable development to deliver economic and residential growth whilst contributing to protecting and enhancing the natural environment.

The majority of dwellings will be delivered through sustainable extensions to existing urban/built areas within Maldon. The scale, type, uses and form of development will reflect their role as employment, retail and service centres, their level of accessibility, and environmental and infrastructure constraints.

**Policy S3: Place Shaping**
We support the development principles required to be incorporated in the proposals for the Garden Suburbs and Strategic Allocations, especially in relation to clause (3) referring to open space, natural areas and amenity and wildlife habitats.

**Policy S4: Maldon and Heybridge Strategic Growth**
This policy seeks to enhance walking and cycling provision within the Garden Suburbs and beyond and also seeks increased and enhanced green infrastructure provision, which we welcome.

We are pleased that consideration will be given to the district’s Green Infrastructure Study (or subsequent document), in the provision of GI and that these areas will include provision that enhances and creates green corridors and spaces that link with the existing urban area. These green corridors could, where appropriate be linked into the provision of walking and cycling routes. The Maldon and Heybridge Central Area including Maldon Town Centre, and the wider countryside. Strategic growth at Heybridge will also present an opportunity to provide a new Country Park for the District, and link to nearby existing open spaces and assets.

Paragraphs 2.58 to 2.61 refer to improving access and connectivity between green spaces and are to be encouraged. We also note and welcome the development of public open space, which can be used for flood alleviation and for landscaping measures, as part of a sustainable development approach.

Retention of areas as green open space will provide sufficient landscape buffering and prevent future coalescence between urban areas. By locating a new country park in this area, it will also provide opportunities for better linkages with the existing green infrastructure network, for example the Elms Farm Park and the Blackwater Rail Trail. The area is also required to support surface water flood mitigation measures, in accordance with the Maldon and Heybridge Surface Water Management Plan. It is recognised that a significant amount of landscape buffering will be required on the entire length of both sides of the proposed relief road to provide a clear, defensible boundary which will help to shape the extent of the Heybridge garden suburb.

Natural England is encouraged that key partners are expected to work with the Council to produce comprehensive master-plans for the Garden Suburbs at Maldon and Heybridge prior to any development taking place within these areas.
Outside of the Garden Suburbs, development proposals in the Strategic Allocations will still be expected to be in compliance with the principles and overall requirements set out in Policy S4. Natural England would welcome engagement in the master-planning process, particularly with regards to biodiversity and green infrastructure protection and enhancement.

The Council should ensure developers are aware of the need for detailed ecological assessment, to determine limitations and constraint.

The Plan identifies that there are capacity constraints associated with the sewerage network in the Maldon and Heybridge area. Strategic growth in the south of Maldon will require sewerage strategy to identify the appropriate mitigation and infrastructure measures that will be necessary to support new development. Anglian Water has indicated that there are a variety of possible solutions that will need to be explored to establish the most cost-effective and appropriate measures for addressing sewerage constraints on land to the south of Maldon. As we have advised previously, the Plan needs to include confirmation that a deliverable solution is available which will enable growth south of Maldon to be delivered without having an adverse effect on the environment, including European sites; this is required to enable the Habitats Regulation Assessment (HRA) to conclude that Policy S2 is unlikely to have a significant effect on European sites. Reference should be made to the conclusions of the Water Cycle Study or other relevant study. Currently the HRA simply defers the potential for significant effect associated with additional sewage discharge to the EA consents stage; this is not acceptable and does not provide the level of certainty required to demonstrate no likely significant effect on European sites.

Policy S5: The Maldon and Heybridge Central Area
Natural England welcomes the protection of sensitive environment as per clause (9) see also our comments above regarding green infrastructure provision.

Policy S6: Burnham-on-Crouch Strategic Growth
This policy is broadly supported, especially clause (40 in relation to protecting and enhancing GI and clause (5) in respect of enhancing landscape.

Natural England believes that prior to development all proposals should also be subject to detailed ecological assessment.

Policy S7: Prosperous Rural Communities
We note that a Rural Allocations DPD will be produced to allocate land for housing in rural villages. The Rural Allocations DPD will also include provision for village scale employment, retail, and community uses to serve an identified settlement and its rural catchment area where necessary and appropriate.

We would advise that proposals should be required to protect and enhance the natural environment including biodiversity and GI.

Policy S8: Settlement boundaries and the Countryside
Natural England is pleased to see the wording of this Policy has changed to include; The countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.

This strengthens the policy and provides stronger links to the rest of the document.

Chapter 3: Design and Climate Change
Policy D1 Design Quality and Built Environment
This policy is broadly supported, especially in relation to (1) (f)), in its requirement for development
to protect and enhance the natural environment, including designated and non-designated areas of biodiversity and geodiversity, landscape and green infrastructure. Requirements to minimise the effects of noise and light pollution are also welcomed.

Policy D2: Climate Change and Environmental Impact of New Development
Natural England supports this policy however; we would wish to see stronger reference to minimising impacts on ecology, landscape and GI. In our previous response we also recommended reference to the requirement for protection and enhancement of soils and agriculture, particularly BMV land in accordance with NPPF paragraph 112. We note reference to this within Policy D4 which relates specifically to development of renewable and low carbon energy generation; however, to ensure compliance with NPPF requirements this should apply to all development.

Policy D4: Renewables and Low Carbon Energy Generation
Broadly supported, especially in relation to clause (3) which refers to consideration of the individual and cumulative impacts on landscape and assets, which are to be factored into applications at the outset.

See also our comments above.

Paragraph 3.42 refers to Bradwell on Sea as a potential site for accommodating additional nuclear provision. Natural England expects to be consulted on any such application, and consulted at an early stage.

Policy D5: Flood Risk
We welcome that development must be compliant with, and contribute positively towards delivering the aims and objectives of other relevant strategies including the Maldon and Heybridge Surface Water Management Plan, the Shoreline Management Plan, the Catchment Flood Management Plans and any strategies adopted by the Marine Management Organisation.

Chapter 4: Economic Prosperity
We would recommend that policies identify the need for development to protect and enhance the natural environment, including biodiversity, where possible, contributing to sustainable development opportunities and communities.

Policy E4: Agricultural and Rural Diversification
This policy is broadly supported and the commentary that “Any development will not negatively impact upon wildlife and the natural environment”, is welcomed.

This comment could be transposed to other development proposals, complying with the National Planning Policy Framework and strengthening the document further.

Policy E5 Tourism
We assume that this policy would apply to the development of new and/or extensions (temporally and/or spatially) to static caravan parks as this does not seem to be mentioned elsewhere in the Plan.

Given the propensity for such development to be located along the coast Natural England has concerns regarding the potential for proposals to have an adverse effect on sensitive wildlife sites through increased recreational disturbance; though there is reference to the need for HRA requirements to be considered.

We are aware of a number of recent planning applications for caravan park development, where the applicant has had difficulty in demonstrating that that the proposal, through increased recreational disturbance of the wintering bird qualifying features, would not have an adverse effect on the integrity of a European site. We therefore believe the issue of caravan park development and
potential increased recreational disturbance needs to be fully addressed through the Maldon Local Plan HRA; where uncertainties remain the HRA should, as a minimum, identify the requirement for proposals to be subject to project level HRA, to ensure no significant effect on European sites are likely.

Whilst we support the current policy requirement under point 4) for development to demonstrate that adverse impacts on the natural environment will be mitigated, it should be borne in mind that the approach is avoid, mitigate, compensate in that order.

Therefore any adverse impact on the natural and historic environment should be avoided wherever possible. Where an adverse impact is unavoidable, the proposal should clearly indicate how the adverse impacts will be effectively mitigated to the satisfaction of the Council and relevant statutory agencies. Where a development is deemed relevant to internationally and nationally designated sites, the Council will need to be satisfied that a project level HRA has been undertaken and that no potential significant adverse impact has been identified.

Chapter 5: Housing
We note that the requirement to prevent the loss of ecological interest only applies to proposals for extensions to the existing curtilage into the countryside; we would advise that the need to protect and enhance ecological interest and provide net biodiversity gain should apply to all residential development, in line with NPPF requirements and to reflect the SA finding that the policy will provide minor positive impacts for environmental objectives including biodiversity.

Natural England believes that local authorities should consider the provision of natural areas as part of a balanced policy to ensure that local communities have access to an appropriate mix of green-spaces providing for a range of recreational needs, of at least 2 hectares of accessible natural green-space per 1,000 population. This can be broken down by the following system:

- No person should live more than 300 metres from their nearest area of natural green-space;
- There should be at least one accessible 20 hectare site within 2 kilometres;
- There should be one accessible 100 hectares site within 5 kilometres;
- There should be one accessible 500 hectares site within 10 kilometres.

Chapter 6: Natural Environment and Green Infrastructure
Policy N1: Green Infrastructure Network
Natural England supports this policy to identify, enhance and manage a strategic multi-functional network of green infrastructure. Development which results in the creation, restoration, enhancement, expansion and interconnection of these sites will be encouraged whilst 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 and Biodiversity
We welcome the reference to protect the District’s natural environment and biodiversity, developments and avoidance of potential for detrimental impact on sites of local ecological significance both in terms of quantity, quality and connectivity. The Council may require the developer to submit an ecological survey where there is a reason to suspect the presence of important wildlife or habitats.

We would recommend geodiversity is also referenced here, together with a requirement for developers to seek to deliver net biodiversity and geodiversity gain where possible, in line with NPPF requirements.

We also welcome reference to the mitigation hierarchy to ensure developers first seek to avoid adverse effects, providing mitigation only where avoidance is not possible and considering compensation as a last resort.
Natural England also welcomes and supports the reference to compensatory Habitat being ecologically functional in advance of any potential loss.

**Policy N3: Open Space, Sport and Leisure**
We broadly support this policy which stipulates that, in principle, all development must contribute towards improving the provision of local and strategic open space, sports, community and leisure facilities. The policy also requires that appropriate contribution or direct provision should be provided at the most accessible location, taking into account the Council's Green Infrastructure Study or other relevant strategies adopted by the Council.

Natural England welcomes that development that would result in the loss of, or negatively impact upon, any public rights of way or any space/facility contributing towards the integrity of the green infrastructure network, will not normally be supported.

**Chapter 7: Transport**
*Policy T1: Sustainable Transport*
Natural England has no substantive comments to make in respect of this policy, but would encourage the Council to consider the provision of walking and cycling routes as part of the GI proviso as well as contributing to sustainable transport. These routes can also be used to provide connectivity to and between green/open/natural spaces.

*Policy T2: Accessibility*
We welcome requirements for the protection and enhancement of Public Rights of Way.

We would recommend that the policy should identify that only schemes which can demonstrate no adverse impacts on the natural environment will be taken forward. The policy should also specifically encourage access to the natural environment, see our comments above.

**Chapter 8: Implementation and Monitoring**
*Policy I1: Infrastructure and Services*
Natural England is pleased to note that where appropriate, necessary infrastructure will be required to be delivered in advance of development taking place to ensure that community and environmental benefits are realised from the start of development. Developers will be required to contribute towards local and strategic infrastructure, including GI, through Section 106 contribution or CIL.

*Policy I3 Primrose Meadow Planning Brief*
We understand that this site is well used by local residents as a local amenity green-space hence we welcome that a minimum of 1.3 hectares of the site will have to be retained as amenity green-space.

**Sustainability Appraisal Report**
We believe the methodology, assessment and recommendations in the report generally meet the requirements of the SEA Regulations in assessing the effects of the Plan on environmental, social and economic objectives. The Sustainability Appraisal identifies appropriate mitigation to offset adverse effects and this appears to have been implemented through the relevant Plan policies; however, please see our comments on Policy E5 and the HRA regarding the potential effects of caravan park development, through increased disturbance, on designated wildlife sites.

We are generally satisfied with the detail of the assessment and its conclusion that policies within the Local Plan are unlikely to have a significant effect on European sites.
Habitats Regulations Assessment
Recreational disturbance

We are generally satisfied with the detail of the assessment and its conclusion that policies within the Local Plan are unlikely to have a significant effect on European sites.

We are pleased to see that our previous comments in respect of Policy E5 Tourism, and in particular the development relating to holiday caravan parks along the coast, have been taken on board. The HRA has identified the requirement for proposals to be subject to project level HRA screening assessment, to ensure no significant effect on European sites where the impact is uncertain. We acknowledge the amendment to Policy E5 in accordance with our earlier comments.

Water quality
In our previous response (our letter dated 14th October 2013 refers) we advised that the potential effects of additional effluent discharge associated with Policy S2 require more detailed consideration.

It is not acceptable to defer the assessment of the effects of increased sewage discharge to the EA (or the Water Framework Directive) for consideration at the consenting stage. It is a requirement of the Conservation Regulations that a plan/policy must be subject to as rigorous an assessment as can be reasonably undertaken, with the precautionary approach being adopted where uncertainty is encountered.

I hope these comments are helpful. For clarification of any points in this letter, please contact me on 0300 060 1373. For any new consultations or issues, please contact 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

David Hammond
Lead Advisor
Sustainable Development and Regulation
For and on behalf of Bedfordshire, Essex, Northants, Cambridge, Herts Team