



Mr David Coleman  
Strategic Planning Policy Manager  
Maldon District Council  
Planning Department  
Princes Road  
Maldon  
Essex  
CM9 5DL

**Our ref:** AE/2006/000051/CS-  
04/PO1-L01  
**Your ref:**  
**Date:** 11 October 2013

Dear David

**Maldon District Council – Draft Local Development Plan (2014-2029)  
Consultation**

We refer to your letter of 27 August 2013 and the consultation on your Draft Local Development Plan. After review we comment as follows.

**Chapter 2**

**Policy S1 – Sustainable Development**

We consider this policy addresses the main environmental considerations of avoiding and managing all forms of flood risk, adapting to the effects of climate change, ensuring environmental infrastructure is adequate to support growth (e.g. waste water treatment works and sewer network to protect water quality), and conserving and enhancing the natural environment/ green infrastructure. We support this overarching policy.

**Policy S2 – Strategic Growth**

We note that the previously proposed Policy S2 has been amended; the previous reference to a village sewage treatment plant for North Fambridge has now been removed which we support as our general approach is not to allow the general proliferation of small sewage treatment works.

**Policy S5 – The Maldon and Heybridge Central Area**

We made comments in the previous consultation regarding the Central Area Policy. In line with our previous advice we consider there to be no direct conflict between this policy and Policy D5 (Flood Risk and Coastal Management). Further to this we welcome the inclusion of flood risk and flood infrastructure within this policy as the Central Area includes a range of flood risk (Flood Zones 1, 2 and 3).

## **Chapter 3**

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

We support the inclusion of water efficiency and waste within this policy. However we advise that the policy would benefit from clarity on the actual targets your council is seeking on these aspects. In its current format it could be considered to lack meaningful metric.

**3.11** – We support the reference within this paragraph to ensuring development proposals take full account of environmental issues, particularly water quality and sewerage. Whilst we support the reference to water quality and the need for supporting waste water infrastructure it is our view that the Local Plan would benefit from providing the key legislation relevant to water quality; the Water Framework Directive (WFD). It appears that the plan does not include any direct reference to WFD. It would be very beneficial to provide the context of WFD and how key aspects, such as ensuring capacity of waste water treatment infrastructure and the sewer network, is intrinsically linked to water quality.

The WFD encourages everyone with an interest in water to work together to protect and improve the quality of every aspect of our water environment. The WFD asks us to assess whether environmental conditions are good enough to support biology. It sets a target for all surface and ground water bodies to reach ‘good status’ by 2015 (or later dates of 2021 or 2027 subject to criteria set out in the Directive).

A healthy, well functioning natural environment is the foundation of sustained economic growth and personal wellbeing. Economic growth and the natural environment are mutually compatible with studies showing that protected natural areas can yield returns many times higher than the cost of their protection.

The WFD sets the requirement that nothing should be done to a water body which could cause its status to deteriorate.

### **3.20 – Key Evidence Base Documents**

We consider the inclusion of your Council’s Water Cycle Study (WCS) and the Water Framework Directive (WFD) as part of your key evidence base documents to be important. The WFD seeks to prevent deterioration, and where possible take measures to improve, water quality; this directly relates to point (9) of the policy which seeks to minimise all forms of pollution to water. Your WCS identifies the need for water efficiency/ reduction in water consumption, and potentially where infrastructure (such as waste water treatment works or sewer network) may be constrained and need improvements.

### **Policy D5 – Flood Risk and Coastal Management**

We are generally supportive of this policy. We do however wish to offer the following advice which we consider could be altered as a minor change to help improve the policy.

With reference to point (4) we fully support the content of this however, the consideration of flood resilient design, safe access and egress, flood response plans, and the use of green infrastructure as part of flood mitigation measures are relevant

to all forms of flooding (i.e. tidal, fluvial and surface water). The initial reference in point (4) is to surface water drainage and so it could be misinterpreted that the considerations listed above are only linked to surface water. We therefore suggest that this point is divided into two points or further clarity is provided. We believe this minor amendment would make this policy more clear and useable to developers and members of the general public. Furthermore it would also be beneficial for the policy to include taking into account *'the impacts of climate change over the lifetime of the development'*.

### **Policy Clarification**

It is our view that it would be very beneficial to clarify within the supporting text (or Policy D5 if deemed appropriate) the need for planning applications to be supported by a Flood Risk Assessment together with clearly identified measures to help manage the emergency response to flooding for the people associated with the development. We consider this clarity should be provided to ensure the plan complies with the principles of the NPPF.

**3.48** – We advise the additional wording below is included at the end of the second sentence to better reflect paragraphs 6 and 9 of the Technical Guidance to the NPPF. The NPPF is clear that both potential on-site and off-site impacts should be assessed.

*"Necessary development proposals within a flood risk area will need to demonstrate the flood risk will not be increased elsewhere and that the development will be safe for its future users."*

**3.52** – We recommend the word 'defined' is removed from the final sentence of this paragraph. National planning policy defines the flood zones, not the Environment Agency; we produce the flood map based upon the national definition of the zones.

Furthermore we advise that the final sentence of paragraph 3.52 is amended to read: *'The consideration of appropriate locations will be based upon the vulnerability of the proposed land use to flooding and the Environment Agency Flood Zones...'* We consider the reference to vulnerability of land use as well as the flood zone better reflects the NPPF, in particular Table 3 of the Technical Guidance to the NPPF.

## **Chapter 6**

**6.5** – We support the reference to the vulnerability of the coast to the effects of climate change and clarity on the need to have an integrated approach to coastal management. With this in mind, we welcome the inclusion of point (2) in Policy N1 – Green Infrastructure Network – which sets out the need for developments to maximise opportunities to integrate green infrastructure with other types of land use.

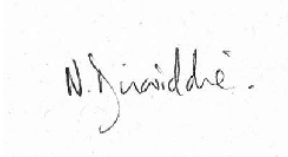
### **Policy N2 – Natural Environment and Biodiversity**

We are very supportive of the additional text made to this policy under the section 'biodiversity by design'. This recognises the importance of water bodies to ecology and provides clarity that developments should consider providing a sufficient buffer between the development and the water body.

**6.18** – We welcome the reference to Local Wildlife Sites (LWS) when considering protecting and enhancing locally important sites.

Should you have any questions then please do contact me on the details below.

Yours sincerely

A handwritten signature in black ink, appearing to read "Neil Dinwiddie", is enclosed in a light grey rectangular box.

**Mr Neil Dinwiddie**  
**Sustainable Places - Planning Advisor**

Direct dial 01473 706819

Direct fax 01473 724205

Direct e-mail [neil.dinwiddie@environment-agency.gov.uk](mailto:neil.dinwiddie@environment-agency.gov.uk)