

# **Screening Opinions on the need for a Strategic Environmental Assessment (SEA) and a Habitats Regulation Assessment (HRA)**

**Draft North Quay Development Brief Supplementary Planning Document (SPD)**

**November 2020**

## Introduction

1. This report is prepared by Maldon District Council's Planning Policy Team and provides draft Screening Opinions into the contents of the Draft North Quay Development Brief (NQDB) Supplementary Planning Document (SPD). The purpose of the Screening Opinions is to ensure that environmental and habitat considerations are incorporated into the SPD to reduce the likelihood that any significant impacts on the environment, as well as internationally designated habitats.
2. Maldon District Council is a 'competent authority' under the Conservation of Habitats and Species Regulations 2017 (as amended) and needs to ensure SPDs have been assessed through the Habitat Regulations process.
3. Section 1 addresses the Strategic Environmental Assessment Screening Opinion.
4. Section 2 addressed the Habitat Regulations Assessment Screening Opinion.
5. The three statutory consultation bodies: Historic England, Natural England and the Environment Agency have been consulted on the screening opinions and where they responded, their responses are provided in **Appendices 5 and 6**.

### Strategic Policy Context

6. The North Quay Development Brief (NQDB) area is covered by the statutory Maldon District Local Development Plan (LDP) which was approved by the Secretary of State in July 2017. The latter sets out the strategic and non-strategic planning policies for how the District should develop over the plan period 2014-2029<sup>1</sup>. The LDP was subject to both SEA and HRA<sup>2</sup>. This screening opinion is therefore provided with this strategic planning context.
7. Since the LDP was adopted however, there have been changes to the national planning context, including revisions to the National Planning Policy Framework (NPPF), changes to Planning Practice Guidance, as well as notable and relevant court judgements.
8. In addition, through the Duty to Cooperate, twelve Local Authorities in Essex have prepared the Essex Coastal Recreational disturbance Avoidance Mitigation Strategy (RAMS) which identifies the measures required to mitigate the recreational impact on birds and their habitats around the Essex Coast generated by planned housing growth in much of Greater Essex. Maldon District Council adopted the RAMS SPD in August 2020. The RAMS SPD identifies how developer contributions will be used to fund the mitigation and the level of any contributions sought from new dwellings. In terms of green infrastructure, the mitigation is expected to be varied and could include new habitat creation and enhancement, improved management of recreation activities along the coast and a delivery

<sup>1</sup> [https://www.maldon.gov.uk/downloads/file/14807/approved\\_maldon\\_district\\_local\\_development\\_plan\\_2014-2029](https://www.maldon.gov.uk/downloads/file/14807/approved_maldon_district_local_development_plan_2014-2029)

<sup>2</sup> [https://www.maldon.gov.uk/downloads/file/13558/maldon\\_district\\_ldp\\_sustainability\\_appraisal\\_final\\_report\\_march\\_2017](https://www.maldon.gov.uk/downloads/file/13558/maldon_district_ldp_sustainability_appraisal_final_report_march_2017)

officer to run the programme and rangers to communicate the benefits of using the coast in a positive way. The RAMS will also provide a mechanism to mitigate any recreational impacts generated by windfall development.

**Maldon District Local Development Plan**

9. Policy S5 of the LDP established the following requirements for the Maldon & Heybridge Central Area:
  - i. Development and regeneration will take place having regard to a masterplan endorsed by the Council;
  - ii. Maldon Town Centre will be promoted as a market town that serves a wider rural catchment area. Proposals for retail, office, housing, community, leisure uses, and other town centre uses will be supported where they contribute to regeneration and diversification of the centre. The provision of a high-quality market will be encouraged and supported;
  - iii. Renewal of the Causeway Regeneration Area to improve the supply of high-quality Use Class B floorspace (commercial and industrial) and increase employment. This will include the provision of: modern workspaces suitable for small and medium sized enterprises; start-up units; support for existing businesses that are seeking to expand and mixed-use development which enabled significant numbers of jobs to be created;
  - iv. Retain the role of the Central Area as a tourist, arts and cultural centre, offering a range of accommodation and visitor attractions and facilities;
  - v. Increase public access next to, and enhance the setting of the riverside to create vibrant environment that incorporates a range of uses;
  - vi. Maintain and encourage wider use of walking and cycling across the area through an improved public realm and improved linkages and connectivity between the town centre, the Causeway, the Hythe and the Leisure Quarter and other key attractions;
  - vii. Preserve and enhance the quality of the historic character including the built environment, archaeology and historic skyline within the context of its riverside, estuarine and rural locations;
  - viii. Actively manage traffic and visitors to the town and surrounding area through enhanced public transport provision and the use of effective car park management;
  - ix. Protect the sensitive environmental relationship between the Central Area and the adjacent environmentally designated areas including the River Blackwater and Chelmer and Blackwater Navigation; and
  - x. Minimise all forms of flood risk and ensure that flood infrastructure are effectively managed.
10. As required by Policy S5 (i), the Maldon and Heybridge Central Area Masterplan (CAMP) now supplements the Local Development Plan for the area set out in Figure 1 below. It was

prepared, consulted upon<sup>3</sup> and adopted by Maldon District Council as a SPD<sup>4</sup> in November 2017.



*Figure 1 - Extract of Central Area Masterplan Areas*

11. The CAMP objectives, CA1-CA6 link back to Policy S5 and through 18 key projects, which are supported by a project priority programme. These seek to deliver the economic growth and environmental enhancements required by Policy S5 by 2029.

### **Causeway Regeneration Area and North Quay Project Area**

12. The Causeway Regeneration Area is one of three sub-areas in the CAMP area, alongside the Maldon Central Area and Leisure Quarter. North Quay, in turn, is a smaller project area within the Causeway Regeneration Area; referred to as Project 6 and explained in further detail in the Extract 1 below.

<sup>3</sup> [https://www.maldon.gov.uk/downloads/file/13558/maldon\\_district\\_ldp\\_sustainability\\_appraisal\\_final\\_report\\_march\\_2017](https://www.maldon.gov.uk/downloads/file/13558/maldon_district_ldp_sustainability_appraisal_final_report_march_2017)

<sup>4</sup> [https://www.maldon.gov.uk/info/20048/planning\\_policy/9717/maldon\\_and\\_heybridge\\_central\\_area\\_masterplan](https://www.maldon.gov.uk/info/20048/planning_policy/9717/maldon_and_heybridge_central_area_masterplan)

**RIVERFRONT**  
**4.6 NORTH QUAY**  
 PROJECT 6

**Context**

The North Quay, accessed off Station Road, occupies a prominent, south facing quayside position with good views south towards Chandlers Quay and downstream along the Chelmer. The area is currently mixed in character with long established businesses operating adjacent to family housing. Aside from Sack's Wharf and the Aquilla site which has recently been given planning permission for retail-led mixed uses including a hotel, the area is allocated for employment uses. The area has been identified as suitable for mixed use development in the recent Causeway Development and Improvement Plan prepared by BBP Regeneration consultants. The study goes on to state that 'in particular the North Quay of the River Chelmer provides a prominent opportunity close to the town centre for cycle/pedestrian connections'.

Planning permission has been granted for the mixed-use redevelopment of Sack's Wharf. Whilst the site remains undeveloped, the pivotal role mixed-use redevelopment of this site will play was recognised in both the Intermediate Study and BBP's more recent Development and Improvement Plan for The Causeway Regeneration Area. The role the site will play in providing a direct link between Maldon and Heybridge Creek is a particular priority.

**Project name:**

**6. North Quay regeneration**

CA1 CA2 CA3 CA4 CA5 CA6

The priority for North Quay will be to ensure new developments and regeneration proposals deliver new jobs through employment generating mixed-use development. With good links to the town centre and improving amenities in the wider area, residential uses are likely to play an important role in helping to deliver improved pedestrian access and environmental quality of the quayside environment. A new generous quayside walk, flanked by commercial uses, is a long term aspiration which would complement improvements to riverside connections on the south side of The Chelmer. Such a route would enable key sites including Sack's Wharf and the Heybridge Creekside environment to be far better connected. Improvements to these connections are considered particularly important in the context of the planned strategic housing growth north of Heybridge.

There is a longstanding aspiration to improve physical linkages between Heybridge and The Causeway and Maldon. Major new development proposals along the North Quay should contribute to delivering improvements to access and connectivity.

*Extract 1 - Central Area Masterplan – Project 6 Overview, Page 53*

## Supplementary Planning Documents (SPD)

13. The National Planning Policy Framework defines SPD as:

*"Documents which add further detail to the policies in the Development Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions, but are not part of the Development Plan."*

14. Planning Practice Guidance provides further clarity that:

*"SPDs should build upon and provide more detailed advice or guidance on policies in an adopted Local Plan. As they do not form part of the Development Plan, they cannot introduce new planning policies into the Development Plan...They should not add unnecessarily to the financial burdens on development."*<sup>5</sup>

15. There is no requirement in the Town and Country Planning (Local Planning) (England) Regulations 2012 to prepare a Sustainability Appraisal when producing SPDs. In exceptional circumstances however, the PPG recognises that a Strategic Environmental Assessment (SEA) as required by the Environmental Assessment of Plans and Programmes Regulations 2004 may be required when producing an SPD.<sup>6; 7</sup> This is only if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. Notwithstanding this, a SEA is unlikely to be required where a SPD deals only with a small area at a local level, unless it is considered that there are likely to be significant environmental effects. It is important to distinguish that whilst it may not need a SEA, it may still require an HRA.

<sup>5</sup> Paragraph: 008 Reference ID: 61-008-20190315; <https://www.gov.uk/guidance/plan-making>

<sup>6</sup> Ibid

<sup>7</sup> Paragraph: 001 Reference ID: 11-001-20190722; <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

**North Quay Development Brief**

16. The NQDB SPD has been a requirement of the Local Development Scheme since 2019. It builds on Policy S5 in the LDP and Project 6 in the CAMP to provide more detailed guidance to support the area's regeneration.
17. It has been informed by:
  - i. National planning policy and guidance
  - ii. Local planning policy and guidance; and
  - iii. Stakeholder and business engagement (including Environment Agency and Essex County Council).
18. Section 1 of the report details a Draft Screening Opinion as to whether a Strategic Environment Assessment (SEA) is required.
19. Section 2 details a Draft Screening Opinion as to whether a Habitats Regulation Assessment (HRA) is required.
20. Following the screening assessment, if any significant effects are likely then a full Strategic Environmental Assessment and/ or Habitats Regulation Assessment will be required. If the outcome of the screening determines that there are not likely to be significant effects, then no further action is required, assuming statutory consultees concur.
21. The results of screening the SPD against the assessment criteria indicate that there are no likely significant effects predicted at this stage, and therefore neither a SEA or HRA is required. The statutory consultee concurred with this opinion, with Natural England seeking some additional assurance about project level HRAs being required in the area.

## Section 1: Screening Opinion as to whether there are significant effects which will result in a SEA will be required

### Legislative Background

22. The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

Although Paragraph 32 of the NPPF states that Local Plans should be informed by Sustainability Appraisals, this does not always apply to SPDs as defined by the 2004 Planning Act.

23. In order to undertake a Screening Opinion as to whether the NQDB SPD requires a SEA, this assessment follows guidance as stated in Figure 2 which is from 'A practical guide to the Strategic Environment Directive September 2005.'

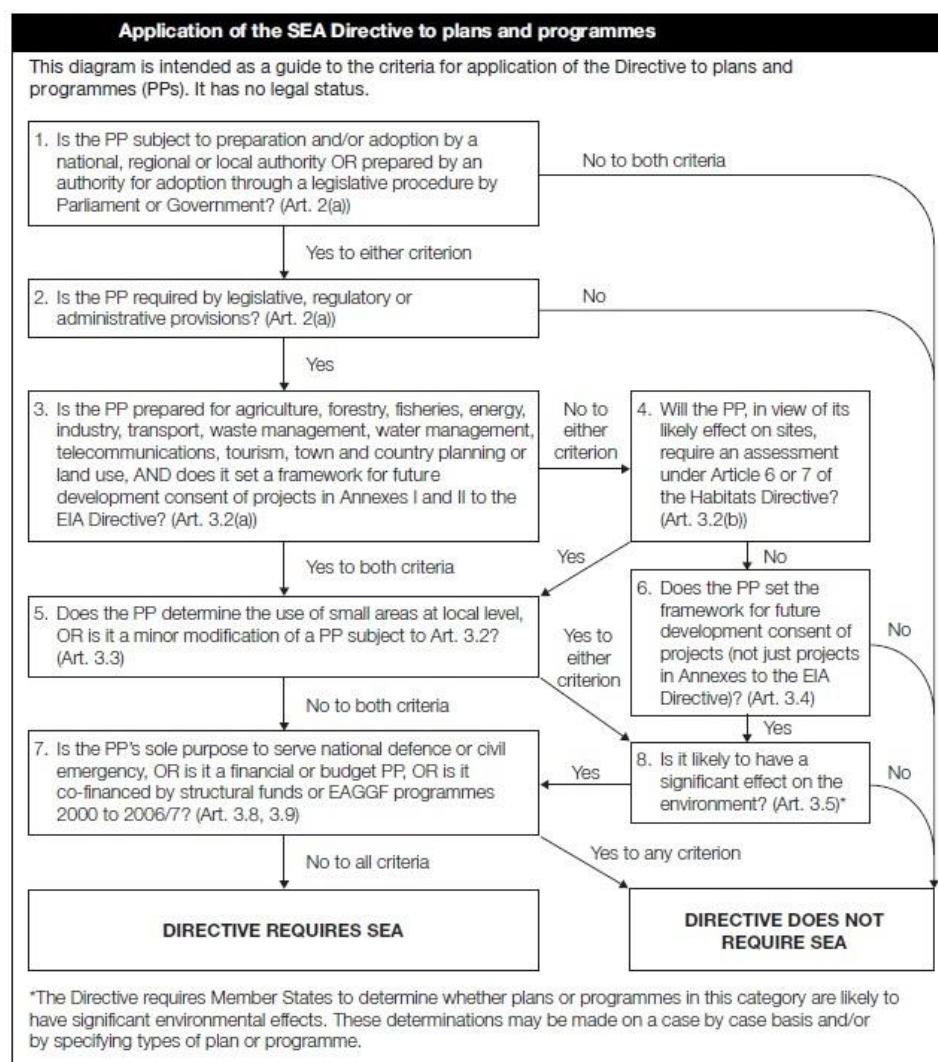


Figure 2 - Application of SEA Guidance, ODPM, 2005

## **Section 1 Screening Assessment Conclusion**

24. Appendix 1 and 2 detail the Local Planning Authority's draft SEA Screening Opinion. The relevant statutory bodies have been consulted on the draft screening opinion.
25. Taking the above into account, it is considered that no likely significant effects would arise as a result of the NQDB SPD and therefore a SEA would **not be required**. The Environment Agency, Historic England and Natural England were consulted as statutory consultees. Historic England was the only consultee to respond; the response is set out in **Appendix 5**.

## Section 2: Screening opinion as to whether there are significant effects as to whether a HRA Assessment will be required

### Legislative Background

26. European sites (also known as Natura 2000 sites) are recognised under the EU Habitats Directive and consist of designations such as Special Areas of Conservation (SAC), Special Protection Areas (SPA), and Ramsar wetlands sites.

**Natura 2000 network** - Stretching over 18 % of the EU's land area and almost 6 % of its marine territory, it is the largest coordinated network of protected areas in the world. It offers a haven to Europe's most valuable and threatened species and habitats. Natura 2000 is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right

**Special Areas of Conservation** – are designated for the conservation of habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).

**Special Protection Areas** - are classified to protect the habitats of rare and vulnerable birds and for regularly occurring migratory species of international importance. SPAs may extend below low tide into the sea.

**Ramsar sites** – are internationally important sites for waterbirds

27. There are two Natura 2000 sites and one Ramsar site (Appendix 3) within the boundary of the NQDB SPD:
- **Essex Estuaries SAC:** This is a large estuarine site which extends from Southend-on-Sea to the south, along the whole of the Maldon District Coast, up to Jaywick near Clacton-on-Sea, and out into the Thames Estuary. It includes Heybridge Creek which is within the NQDB area boundary. It is a typical, undeveloped, coastal plain estuarine system with associated open coast mudflats and sandbanks. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach Rivers and is important as an extensive area of contiguous estuarine habitat. Essex Estuaries contains a very wide range of characteristic marine and estuarine sediment communities and some diverse and unusual marine communities in the lower reaches, including rich sponge communities on mixed, tide-swept substrates.
  - **Blackwater Estuary SPA/Ramsar site:** is the largest estuary in Essex, north of the Thames, and is one of the largest estuarine complexes in East Anglia, which includes Heybridge Creek and the River Chelmer which are either partially within, or adjacent to the NQDB area boundary. The Blackwater Estuary lies between the Dengie Peninsula and Mersea Island on the Essex coast. It stretches from immediately adjacent to Maldon and about 8 km south of Colchester. Its mudflats, fringed by saltmarsh on the upper shores, support internationally and nationally important numbers of overwintering

waterfowl. Shingle and shell banks and offshore islands are also a feature of the tidal flats. The surrounding terrestrial habitats; the sea wall, ancient grazing marsh and its associated fleet and ditch systems, plus semi-improved grassland are also of high conservation interest. This rich mosaic of habitats supports an outstanding assemblage of nationally scarce plants and a nationally important assemblage of rare invertebrates. There are 16 British Red Data Book species and 94 notable and local species.

28. Paragraph 177 of the NPPF states that “the presumption in favour of sustainable development does not apply where the plan or policy is likely to have a significant effect on a habitats site (either alone or in-combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
29. The implementation of compliance with the Directive and Regulations is supported by specific Planning Practice Guidance on Appropriate Assessment<sup>8</sup>. Clarification on what could be taken into account at screening stage was provided in April 2018 with the judgement of ‘People Over Wind’<sup>9</sup>. It concluded that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures. These can only be accounted for as part of an appropriate assessment itself.
30. Other relevant case law helps to interpret when effects should be considered as a *likely significant effect*, when carrying out HRA of a land use plan. In the Waddenzee case<sup>10</sup>, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:
  - An effect should be considered ‘likely’, “if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site” (para 44);
  - An effect should be considered ‘significant’, “if it undermines the conservation objectives” (para 48); and
  - Where a plan or project has an effect on a site “but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned” (para 47).
31. A relevant opinion delivered to the Court of Justice of the European Union<sup>11</sup> commented that:

*“The requirement that an effect in question be ‘significant’ exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.”*
32. This opinion (the ‘Sweetman’ case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered ‘trivial’ or *de*

<sup>8</sup> <https://www.gov.uk/guidance/appropriate-assessment>

<sup>9</sup> <http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN>

<sup>10</sup> [https://curia.europa.eu/jcms/jcms/j\\_6/en/](https://curia.europa.eu/jcms/jcms/j_6/en/)

<sup>11</sup> [https://curia.europa.eu/jcms/jcms/j\\_6/en/](https://curia.europa.eu/jcms/jcms/j_6/en/)

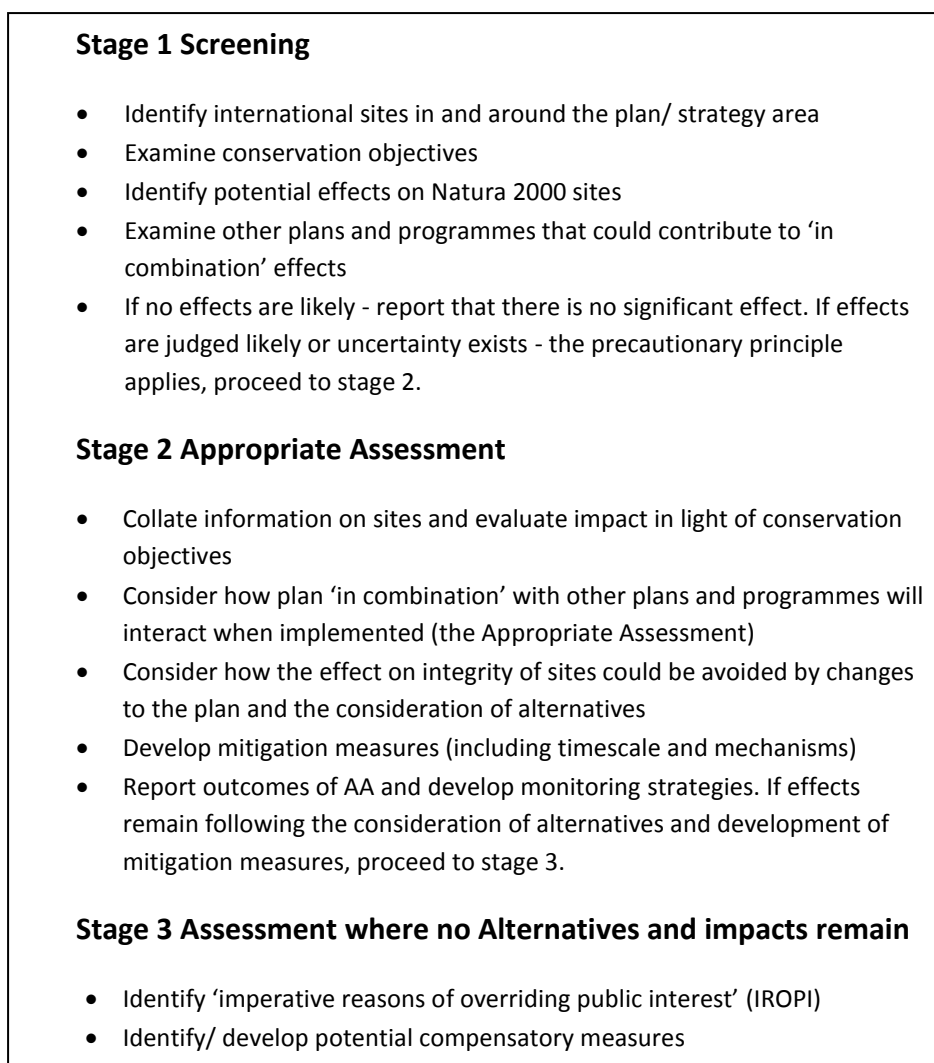
*minimis*; referring to such cases as those “that have no appreciable effect on the site”. In practice, such effects could be screened out as having no likely significant effect; they would be ‘insignificant’.

33. The initial screening will mainly be assessing the likely impacts the NQDB SPD could have on the two Natura 2000 and one Ramsar site identified in paragraph 25 above. If it is decided that the likely impacts could be significant, a full HRA may be required by a qualified consultant ecologist, since this requires technical skills and knowledge. The HRA findings should then be taken into account and referred to in the Environmental Assessment of the SPD.
34. This screening does not identify any potential likely significant effects on the protected characteristics of the Natura 2000 sites and the NQDB SPD does not propose any significant development, above that which already has planning permission, is allocated in the LDP or broadly guided by the Central Area Masterplan SPD, which would change these. In-combination effects therefore do not need to be considered further.
35. Planning Practice Guidance<sup>12</sup> also explores what is possible if an appropriate assessment has already been undertaken on a Local Plan. It stresses:

*“an individual assessment of...projects may not be necessary in some limited cases where the strategic appropriate assessment is sufficiently robust. This would need to contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt on the impacts of the...project(s). As long as these measures have been properly considered in a recent plan, and the development will not create additional risks of a significant effect on a habitats site, they may not need further assessment at the non-strategic level.”*
36. The same guidance stresses that this is a high standard to meet and will have to be assessed on a case by case basis and sets out some indicative criteria that should be considered. Where any doubt remains, it stipulates that an appropriate assessment will be required to test the project and any relevant mitigation measures.
37. As the Natura 2000 and Ramsar sites and the NQDB area partially overlap, there is the potential for some effects to the designated sites. As such, the Screening Opinion as shown in **Appendix 4** will assess the unique guidance that is put forward by the draft NQDB SPD that has not already been appraised by the CAMP SPD or the LDP.
38. Maldon District Council is a ‘competent authority’ under the Conservation of Habitats and Species Regulations 2017 and needs to ensure that any SPDs have been assessed through the Habitats Regulations process. The initial screening will mainly be assessing the proximity of any European site to the SPD area which could be affected by the proposals within the SPD.

---

<sup>12</sup> Paragraph: 008 Reference ID: 65-008-20190722



*Figure 3 - HRA Stages*

## Assessment

Any “SPD guidance principle” in the NQDB SPD which has already been adopted in policies in either the Maldon District Local Development Plan 2014-2019, or the Maldon & Heybridge Central Area Masterplan SPD has not been rescreened in this HRA Screening. This explains why not all paragraph numbers are present in the appraisal table. The appraisal table instead focuses on any new principles which are unique to the NQDB SPD.

**Appendix 4** shows the assessment of each of the unique guidance principles of the NQDB SPD and their assessment against whether they will be likely to cause significant effects to the natural environment, the designated Natura 2000 and Ramsar sites.

Having assessed the guidance principles in accordance with Stage 1, it is concluded that the NQDB should not lead to potential significant effects on designated Habitat Sites, alone, or in combination with other plans or programmes. The Environment Agency, Historic England and Natural England were consulted on this outcome. Natural England was the only consultee to respond; the response is set out in **Appendix 6**.

**Appendix 1: Application of SEA Directive (as shown in Figure 1)**

	<b>Yes/No</b>	<b>Comments</b>
<b>1. Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))</b>	<b>Yes (Onto Q2)</b>	The NQDB SPD is a being prepared by Maldon District Council which is the Local Planning Authority and a 'qualifying body' for SEA purposes. The NQDB SPD will be formally adopted by the 'Local Planning Authority' in accordance with Regulation 14 of the Town and Country Planning (Local Development) (England) Regulations 2012.
<b>2. Is the SPD required by legislative, regulatory or administrative provisions? (Art. 2(a))</b>	<b>Yes (Onto Q3)</b>	There is no legislative or regulatory requirement that a SPD is prepared. The Local Planning Authority as the administrative body for Maldon District has determined by Council resolution that the SPD must be prepared.
<b>3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))</b>	<b>Yes (Onto Q.5)</b>	The SPD is prepared for town and country planning and land use and supports the framework for future development in the North Quay of the Causeway Regeneration Area as provided by Policy S5 of the Maldon District Local Development Plan 2014-2029 and the Maldon & Heybridge Central Area Masterplan 2017, including industry and employment and residential development, which may be part of the framework for future development consent of projects listed in Annex II to the EIA Directive (Food industry, urban development projects, flood relief works, coastal work to combat erosion).
<b>5. Does the SPD determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)</b>	<b>Yes (Onto Q.8)</b>	The NQDB guides how small areas could be brought forward for development within the SPD boundary which are in line with the statutory LDP and CAMP SPD to holistically meet the area's regeneration and environmental objectives.
<b>8. Is it likely to have a significant effect on the environment? (Art. 3.5)</b>	<b>No</b>	Please see the assessment of likely significant effects of the environment as shown in <b>Appendix 2.</b>
<b>Outcome: The North Quay Development Brief does not require a SEA</b>		

## Appendix 2: Assessment of the likely significant effects on the environment

### Key

Red	Project is likely to have significant effects on the environment which cannot be mitigated by amendments to SPD guidance principles
Amber	Project may have significant effects on the environment at this preliminary stage, but they can be mitigated through amendments to the SPD guidance principles
Green	Project is unlikely to have significant effects on the environment

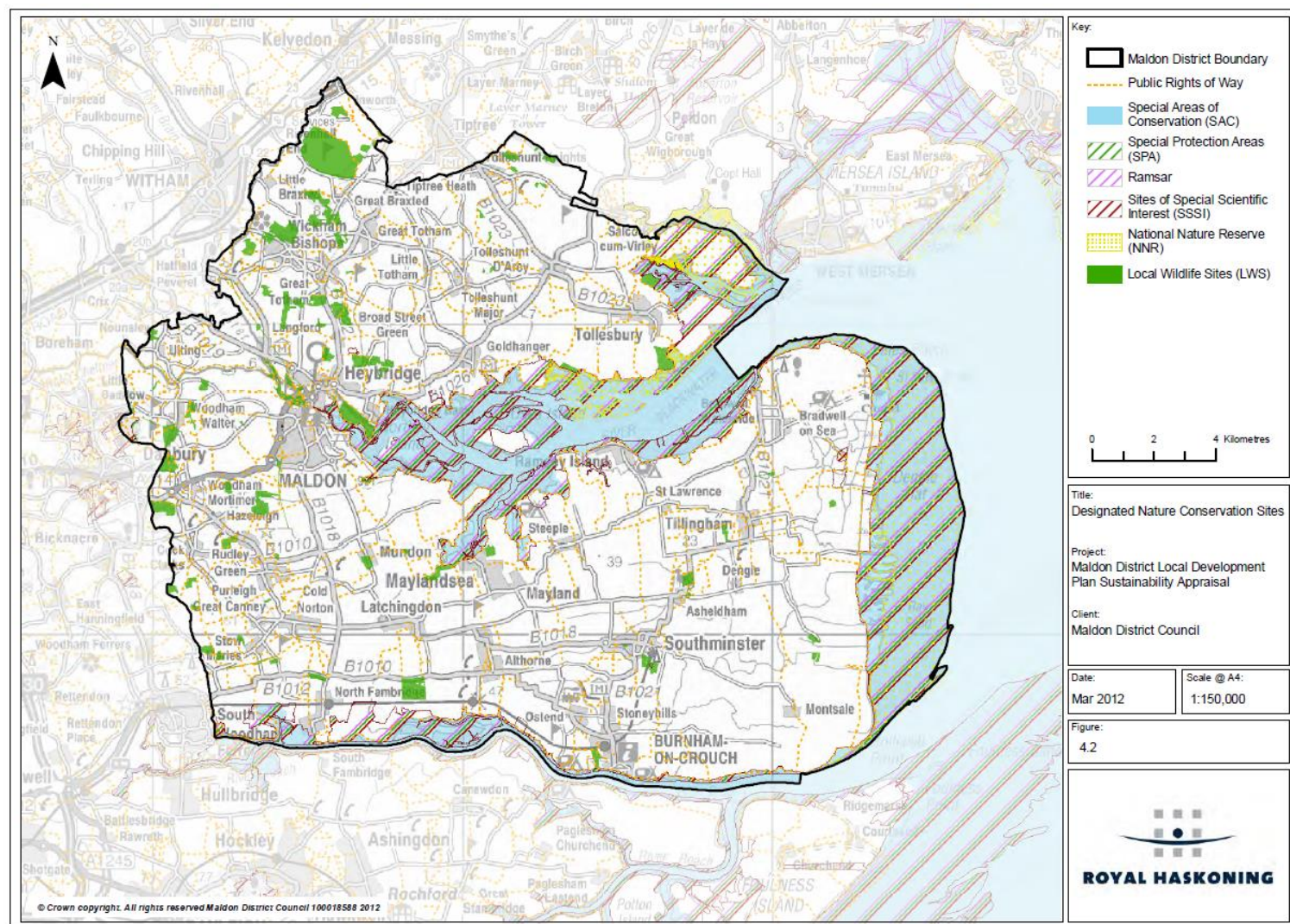
Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
<b>1. The characteristics of plans and programmes, having regard, in particular, to—</b>			
a.	the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	No	<p>The NQDB SPD would not, if adopted, form part of the statutory Development Plan. However, it does as non-statutory guidance form part of the framework for future development consent of projects, as it is a 'material consideration' in the determination of planning applications, alongside other SPDs. The project also sits within the wider framework set by the National Planning Policy Framework and Planning Practice Guidance.</p> <p>The majority of the projects which are articulated in the NQDB are already set out in the adopted CAMP. The NQDB impact should be very localised in nature and have limited resource implications.</p>
b.	the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No	The NQDB SPD guidance is required to be in conformity with the National Planning Policy Framework and the Local Development Plan 2014-2029. It also offers greater delivery detail than is contained in its parent CAMP SPD to inform planning applications. The NQDB SPD is unlikely to influence other Plans or Programmes.
c.	the relevance of the plan or programme for the	No	The NQBD SPD does not contain its own vision or objectives.

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
	integration of environmental considerations in particular with a view to promoting sustainable development;		It seeks to adhere to the principles of development and seek to conserve and promote the environmental features as they currently exist, noting that their status and role could be improved through more coordinated development. Development would also be subject to the policies in the adopted LDP 2014-2029 and therefore all environmental considerations would be covered by policy and national policy or procedures, not the SPD.
d.	Environmental problems relevant to the plan or programme; and	No	The state of the environment has been considered in preparing the NQDB SPD, drawing on available evidence. Based on the Draft SPD, it has a strong emphasis on protecting and enhancing natural and historic features, as well as influencing development to protect the special landscape and biodiversity attributes of the localised area. Therefore, no significant negative impact is envisaged through the NQDB SPD.
e.	The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	The NQDB SPD seeks to facilitate the regularisation of historic unauthorised houseboats on the north-west bank of Heybridge Creek, which currently have no fixed moorings, land-access, safe fuel storage or waste disposal facilities. The SPD could therefore have a marginal positive effect on the Water and Waste Framework Directives through enabling the provision of landside support to the houseboat community in this area supporting social and environmental objectives to regularise houseboats.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—</b>			

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
a.	The probability, duration, frequency and reversibility of the effects;	No	The NQDB SPD is likely to have a positive environmental effect in the local area. It is not considered to raise any further significant effects than those which were considered and appraised under the LDP 2014-2029.
b.	The cumulative nature of the effects;	No	The sustainability appraisal (incorporating SEA) of the LDP 2014-2029 considered the impact of development in the Central Area through Policy S5, as well as others in the LDP. Development in the NQDB is likely to be consistent to the consideration of effects adopted in the LDP.
c.	The trans-boundary nature of the effects;	No	The NQDB SPD is a very localised area within Maldon District and does not border any neighbouring Local Planning Authorities, although it does border waters covered by the Marine Management Organisation. The SEA and HRA of the adopted LDP considered the effects of development in neighbouring districts on protected sites.
d.	the risks to human health or the environment (for example, due to accidents);	No	It is not anticipated that there would be an increase to, or significant risks to human health or the environment as a result of the NQDB SPD. If anything, it is seeking to improve safety of walking and cycling areas, as well as access for tidal defence maintenance through development opportunities in the NQDB SPD area.
e.	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The NQDB SPD relates to the effective coordination of the delivery of infrastructure and opportunity sites within the NQDB area. The magnitude and spatial extent of the effects are likely to be localised in nature and are not considered to be significant.

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
f	the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	No	The NQDB SPD is not likely to affect special natural characteristics or cultural heritage or exceed environmental standards or limit values or result in intensive land use. Such provisions would be enforced through the application of the statutory LDP and national policies/ procedures.
g.	the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	<p>The Habitats Regulations Assessment for the Local Plan 2014-2029 considered the impact of development in Maldon District and the Central Area covered by Policy S5. Development in North Quay will have to accord with policies in the LDP.</p> <p>A Habitats Regulations Screening has been undertaken with regards to the draft guidance of the NQDB and no significant effects are noted on recognised protected sites.</p>

### Appendix 3 – Designated Natura 2000 sites and Ramsar sites relevant to the Maldon District for HRA



## Appendix 4: Habitats Regulation Assessment Screening Report

The table below shows the initial assessment of each of the policies using a RAG rating as follows:

### Key

Red	Can be identified as <i><u>having a significant effect</u></i> on the integrity of applicable Habitat Sites
Amber	At this preliminary stage <i><u>may have potential for significant effects</u></i> on the integrity of applicable Habitat Sites.
Green	There is thought to be enough information available at present to conclude that there is <i><u>no likely significant effect</u></i> from the policy on the integrity of applicable Habitat Sites or their favourable conservation objectives.

**Please Note:** The following table does not appraise every chapter or paragraph of the Draft NQDB SPD; only those which provide further advice on how to approach development in the area. Sections 1, 2, 3, 4 and 5 covering context, planning processes and existing land use, as well as Section 9, 10, 11 and 12 covering Design Principles, Developer Contributions, Engagement and Links have not been appraised for this SPD as they do not constitute guidance.

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
Section 6: Flood Resilience				
6.4	To support Environment Agency and Lead Local Flood Authority responsibilities, potential development schemes may need to contribute to investigations as to how sluices in the area work.	<p>Supplementary to existing LDP policy. Policy D5 – Flood Risk and Coastal Management (as appraised by its own HRA in 2017) sets the policy principles that would apply to managing flood risk and drainage issues in the District.</p> <p>This is regarded as a positive measure which helps to determine how surface water drainage should be managed in the area, supporting the work of the EA and LLFA following more detailed studies since the LDP &amp; CAMP were adopted in 2017.</p>		
6.4	Beneficiaries of the drainage system would have to take on future maintenance to prevent tidal flooding.	Supplementary to existing LDP policy. Policy D5 – Flood Risk and Coastal Management (as appraised by its own HRA in 2017) sets the policy principles that would apply to managing flood risk and drainage issues in the District.		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
		This is regarded as a positive measure which helps to determine how surface water drainage should be managed in the area, supporting the work of the EA and LLFA following more detailed studies since the LDP & CAMP was adopted in 2017.		
6.5	South West of Heybridge Creek Dam is difficult to access tidal defence wall – development proposals may need to incorporate how to improve access, together with future maintenance of walls, outfalls and access plant.	<p>Supplementary to existing LDP policy. Policy D5 – Flood Risk and Coastal Management (as appraised by its own HRA in 2017) sets the policy principles that would apply to managing flood risk and drainage issues in the District.</p> <p>This is regarded as a positive measure which helps to determine how surface water drainage should be managed in the area, supporting the work of the EA and LLFA following more detailed studies since the LDP &amp; CAMP was adopted in 2017.</p>		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
Section 7: Movement & Connections				
7.2	All development proposals should have regard to the Maldon Cycle Action Plan (ECC)	Supplementary to existing LDP policy. Policy S5 (6) (as appraised by its own HRA in 2017) of the LDP already seeks to encourage a wider use of walking and cycling, including through improved linkages and connectivity between the town and the Causeway. Having regard to the Maldon Cycle Action Plan (prepared by Essex County Council) is a further way this policy could be achieved.		
7.6 & 7.7	Following enabling development of Blackwater Retail Park, there is a new opportunity to link Station Road and onwards to the Heybridge Creek frontage, via Sadd's Wharf to Bates Road with cycle route and England Coastal Path brought closer to the waterside.	Supplementary to existing LDP policy. Policy S5 (6) of the LDP (as appraised by its own HRA in 2017) already seeks to encourage a wider use of walking and cycling, including through improved linkages and connectivity between the town and the Causeway.		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
7.8	Redundant sites at the River Chelmer frontage could be utilised for food outlets and visitor attractions.	Supplementary to existing LDP policy. Policy S5 (3) and (5) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts and cultural centre offering a range of accommodation and visitor attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.		
7.11	Existing residential houseboat moorings on navigation, Chandler's Quay and at Downs Road would be suitably connected via a network of pedestrian and cycle routes with access to retail, commercial and social infrastructure to support lifestyle choices.	Supplementary to existing LDP policy. Policy H8 of the LDP (as appraised by its own HRA in 2017) seeks to establish better regularised land-based connections between houseboat moorings and commercial and social services.		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
<b>Development Opportunities</b>				
8.3 (c)	<b>Sadd's Wharf</b> – supported for residential in line with extant planning permissions	In line with extant planning permission.		
8.3 (d)	<b>Between Sadd's Wharf and Carr's Flour Mill</b> – support non-residential mixed use, could include food & drink & visitor attractions. Planning Obligations could include flood resilience, public realm enhancements and highways for walking & cycling.	Supplementary to existing LDP policy. Policy S5 (3) (5) and (6) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts and cultural centre offering a range of accommodation and visitor attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.		
8.3 (e)	<b>Fullbridge Industrial Units</b> – support new and expanded employment uses. Planning Obligations could include flood resilience, public realm enhancements and highways for walking & cycling.	Supplementary to existing LDP policy. Policy S5 (3) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
		and cultural centre offering a range of accommodation and visitor attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.		
8.3 (f)	<b>Fullbridge/ Station Road Corner</b> – support non-residential mixed use. Planning Obligations could include flood resilience, public realm enhancements and highways for walking & cycling.	Supplementary to existing LDP policy. Policy S5 (3) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts and cultural centre offering a range of accommodation and visitor attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.		
8.4	<b>Redundant Site – Old Engine Shed</b> – support residential and office mixed use in line with extant planning permission.	In line with extant planning permission.		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
	<p><b>Redundant Site – Former Hasler’s Mill and Old Granary</b> – support non-residential mixed use development, including food and drink offer and visitor attractions. Planning Obligations could include flood resilience, public realm enhancements and highways for walking &amp; cycling</p>	<p>Supplementary to existing LDP policy. Policy S5 (3) (6) and (7) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts and cultural centre offering a range of accommodation and visitor attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.</p>		
	<p><b>Redundant Site – South of Tesco Store</b> – support non-residential mixed-use development, including food and drink offer and visitor attractions. Planning Obligations could include flood resilience, public realm enhancements and highways for walking &amp; cycling</p>	<p>Supplementary to existing LDP policy. Policy S5 (3) (4) (5) and (6) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts and cultural centre offering a range of accommodation and visitor</p>		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
		attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.		
7.10 & 8.5	<p>Extend and regularise residential houseboat area on north-west bank of Heybridge Creek. Planning Obligations could include flood resilience, public realm enhancements and highways for walking &amp; cycling.</p> <p>Land parcel north of tidal defence (within employment area) could be utilised for necessary infrastructure (existing B8 uses) to support existing and further residential houseboat moorings at Heybridge Creek, creating a more sustainable and attractive houseboat community that is integrated into its community.</p>	<p>Supplementary to existing LDP policy. Policy H8 – Provision of Houseboats of LDP (as appraised by its own HRA in 2017) sets the policy principles that would apply if “extending or regularising” houseboat areas in this location, which would manage any impact in sensitive locations.</p> <p>Provision of land parcel to the north of tidal defence would provide a new facility for houseboats to deal with fuel, waste transfer, drinking water – which is not currently provided at all. This should work to improve the facility and address negative environmental effects currently present due to the lack of such a facility.</p>		

## Appendix 5 – SEA Consultation Responses



Mr Matthew Winslow

Direct Dial: 01223 582748

Maldon District Council

Princes Road

Our ref: PL00709002

Maldon, Essex, CM9 5DL

27 August 2020

Dear Mr Winslow

### **Re: North Quay Development Brief Sustainability Supplementary Planning Document (SPD) Strategic Environmental Assessment (SEA) Screening Statement (July 2020)**

Thank you for consulting Historic England on the North Quay Development Brief Supplementary Planning Document (SPD) Strategic Environmental Assessment (SEA) Screening Statement (July 2020). As the Government's adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. We have reviewed Appendix 1 and 2 of the report and agree with the Council's conclusion that Strategic Environmental Assessment is not required.

### **Conclusion**

We look forward to engaging with you as these proposals progress over the coming months. Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that these would have an adverse impact upon the historic environment.

If you have any queries about any of the matters raised above or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Andrew Marsh

Historic Environment Planning Adviser, Planning Group

## Appendix 6 – SEA Consultation Responses

Our ref. 323668

Dear Matt

### North Quay Development Brief SPD - SEA/ HRA Screening Opinion Consultation - July 2020

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.

**Natural England agrees with the conclusion that there is no Likely Significant Effect on Essex Estuaries SAC and Blackwater Estuary SPA/Ramsar therefore an Appropriate Assessment or SEA are not required.**

**Please also refer back to our advice issued on 17<sup>th</sup> June 2020 (copy attached).**

Should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

Yours sincerely

Jacqui Salt

Natural England

To: [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk)

Date: Wed 17/06/2020 16:15

Subject: NE RESPONSE 317126 North Quay Development Brief Draft SPD - Query re. NE's response to 308672

Matthew

Thank you for your email which was received by Natural England on 15 May 2020

We apologies for the length of time taken to respond to this.

Whilst we note that there is overlap between the North Quay Development Brief boundary and the Blackwater Estuary European site, which may have been HRA assessed at the Local Plan level, it is possible that additional details are now available at the Development Brief level which may more precisely determine possible effects. We are not aware that likely significant effects have been ruled out for this area, but we advise that the Brief should note that associated projects may need HRA screening in order to rule out likely significant effects. Whether the Brief should be regarded as a discrete project is a matter for the Council as the competent authority to take a view on, but Natural England advises that possible effects on European sites should be assessed at the highest level of the plan making process as appropriate. If the Council decides that HRA is not required, we suggest that the Brief make appropriate provision for HRA screening for any projects that emerge from it.

We hope this is helpful for you at this stage.

Kind regards

Camilla Davidge

Lead Adviser, Northants Local Delivery Team

Natural England