

Maidstone Borough Council

**Maidstone Local Plan
Review Habitats
Regulations Assessment
HRA Report Addendum:
Amended Main
Modifications**

Final report

Prepared by LUC
March 2024



Maidstone Borough Council

Maidstone Local Plan Review Habitats Regulations Assessment

HRA Report Addendum: Amended Main Modifications

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Chapter 1

Introduction

1.1 This report sets out the implications of amendments to the Main Modifications to Maidstone's Local Plan Review on the Habitats Regulations Assessment (HRA).

1.2 Following the Local Plan Examination hearings, the Council prepared schedules of proposed Main Modifications intended to make the Plan sound and capable of being adopted, and LUC carried out Sustainability Appraisal (SA) and HRA of them. The Main Modifications and accompanying SA Addendum (September 2023) and HRA Addendum (September 2023) were subject to public consultation over a six-week period.

1.3 The Inspector recommended inclusion of all of these Main Modifications in the Plan after considering the SA and HRA and all the representations made in response to consultation on them. In some cases, the Inspector amended the detailed wording of the Council's proposed Main Modifications and/or added consequential modifications where necessary. The amendments to the Main Modifications that are the subject of this HRA addendum are those appended to the final Inspector's 'Report on the Examination of the Maidstone Local Plan Review' that was provided to the Council on 8 March 2024. LUC has reviewed all of these amendments and those that are considered relevant to the HRA are reproduced in **Appendix A** of this report and considered further in **Chapter 2**.

1.4 This report presents an assessment of the implications of the Inspector's amendments to the Main Modifications to Maidstone's Local Plan Review on the previous findings of the HRA. It therefore be read alongside the September 2023 HRA addendum, which assesses the originally proposed Main Modifications, for a full understanding of the HRA implications of all Main Modifications to the Local Plan Review.

Previous HRA work

1.5 LUC was commissioned by Maidstone Borough Council (MBC) to carry out an HRA of its Local Plan Review. The HRA of the Local Plan Review (Reg.19) was completed in September 2021 and published for consultation alongside the Local Plan Review.

1.6 Natural England, as statutory consultee, advised that additional information would be required to provide the required level of certainty (i.e. beyond reasonable scientific

doubt) to justify the Appropriate Assessment's conclusion that there would be no adverse effects on the integrity of:

- North Downs Woodlands Special Area of Conservation (SAC), due to air pollution from vehicles; and
- Stodmarsh SAC, Special Protection Area (SPA) and Ramsar site, due to a decrease in water quality from nutrient enrichment.

1.7 Work to conclude these issues was ongoing through the Examination period and up to the Main Modifications; and the Main Modifications included amendments to policy wording to embed mitigation required for the two issues within the Local Plan Review's policies.

1.8 The HRA addendum of September 2023 considered the technical work undertaken on air pollution and water quality since the Reg.19 HRA, consultation with Natural England, and the proposed amendments to the policy wording in the Main Modifications, to assess the implications for the HRA findings. The HRA addendum concluded that, with the additional detail on the proposed mitigation strategies and their incorporation into the Local Plan policies as Main Modifications, there would be no adverse effects on the integrity of North Downs Woodlands SAC or Stodmarsh SAC, SPA or Ramsar site.

Chapter 2

Assessment of amended Main Modifications

2.1 The amended Main Modifications that are relevant to the HRA are set out in **Appendix A** and assessed below.

Main Modifications with the potential for likely significant effects

2.2 None of the amendments to the Main Modifications have the potential for likely significant effects. The amendments are minor and do not alter the quantum or location of development.

2.3 The amendments to the policy wording do provide additional detail to mitigation measures, but this does not alter the findings of the HRA, as explained below.

Implications for previous HRA findings

2.4 The implications of the amendments to the Main Modifications are as follows:

- **LPR SP4a Heathlands Garden Settlement:** the amendments clarify that the required 'sufficient distance' from homes applies to any new or improved wastewater treatment works (removal of 'new'). This does not change or contradict the more detailed provisions in the policy relating the nutrient neutrality; there are no change to the HRA findings.
- **Policy LPR SP4b Lidsing Garden Community (air pollution):** the amendments introduce the requirement to consult with highways authorities on air pollution mitigation, where relevant. This is good practice and does not change the HRA findings.
- **Policy LPR SP4b Lidsing Garden Community (recreation pressure):** the amendments embed the requirements for natural/semi-natural open space provision within the list of infrastructure requirements for the policy. The site's provision of 31ha of semi natural open space is referred to in the Reg.19 HRA and contributes to that report's conclusion of 'no adverse effects on integrity' due to recreation pressure at Medway Estuary and Marshes SPA/Ramsar and Queendown Warren SAC (alongside the new link to Capstone Valley Country Park and on-site measures at the two European sites themselves). The amendments to the Main Modifications do not change the site's open space provision but ensure that it is included as

essential infrastructure; there are no changes to the HRA findings.

Conclusions

2.5 The amendments to the Main Modifications to the Maidstone Local Plan Review, as set out in the Inspector's March 2024 'final report are minor and do not alter the previous conclusions of the HRA (i.e. the September 2021 Reg.19 HRA as supplemented by the September 2023 addendum).

2.6 The Local Plan Review will not have any adverse effects on the integrity of any European sites.

Appendix A

Main Modifications

A.1 Table A.1 summarises the amendments to the Local Plan Review Main Modifications that are relevant to the HRA and why.

A.2 The first round of Main Modifications (September 2023) are shown in **black bold text**; amendments to Main Modifications (February 2024) are shown in **red bold text**.

A.3 Amendments to Main Modifications that are not listed in this table have been reviewed and are not capable of affecting the HRA findings.

Appendix A
Main Modifications

Maidstone Local Plan Review Habitats Regulations Assessment
March 2024

Table A.1: Amended Main Modifications relevant to the HRA

Local Plan Review reference	Amended Main Modification	Relevance to HRA
Policy LPR SP4a Heathlands Garden Settlement	<p>Amend Policy LPRSP4(A) as follows:</p> <p>The Council will work with the promoter to produce an agreed Supplementary Planning Document to masterplan and facilitate the site’s delivery. The following criteria must be met in addition to other policies of this Local Plan:</p> <p>...</p> <p>5) Infrastructure</p> <p>...</p> <p>d) The delivery of an improved or new waste water treatment facility <u>covering the Greater Lenham / Upper Stour catchment, including sufficient distance being provided between the new Wastewater Treatment Works and residential development, taking account of the potential need for future expansion, and allow for adequate odour dispersion, on the basis of an odour assessment to be conducted in consultation with Southern Water;</u></p>	Mitigation required to demonstrate nutrient neutrality and therefore avoid adverse effects on the integrity of Stodmarsh SAC and SPA/Ramsar.
Policy LPR SP4b Lidsing Garden Community	<p>After paragraph 6.77 insert new paragraph as follows:</p> <p><u>The impact of new development on the integrity of the North Downs Woodlands SAC requires careful consideration, with reference to Policy LPRSP14(A). Traffic modelling of the proposed development will be required to quantify the predicted nitrogen deposition on roads passing the SAC. If nitrogen deposition exceeds the screening criteria set out in IAQM guidance (1% of the SAC’s critical load for nitrogen deposition), then mitigation will be required. Mitigation measures must be set out in a Mitigation Strategy, to be agreed by the Council and Natural England, in consultation with the highway authorities, where relevant. Applications must clearly demonstrate through project-level HRA that the Mitigation Strategy is appropriate, can be feasibly implemented and will be sufficient to fully mitigate any identified adverse effects on the SAC. Mitigation measures may be provided on and/or off-site as appropriate and necessary.</u></p>	Mitigation required to avoid adverse effects on the integrity of North Downs Woodlands SAC, due to air pollution.
	<p>5) Infrastructure</p> <p>...</p> <p>d) A full suite of open space will be delivered in accordance with Policy INF1: This would indicatively comprise the provision of the open space typologies below, with further detail to be progressed through the SPD.</p>	Contributes to the conclusion of no adverse effect on the integrity of Medway Estuary and Marshes SPA/Ramsar and Queendown Warren SAC due to recreation pressure.

Appendix A
Main Modifications

Maidstone Local Plan Review Habitats Regulations Assessment
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Local Plan Review reference	Amended Main Modification	Relevance to HRA
	<ul style="list-style-type: none">i. 3.33 Ha Amenity green space,ii. 1.19 Ha Play spaceiii. 7.6 Ha sports provisioniv. 0.95 Ha of allotmentsv. 31 Ha natural/semi natural open space	