

Local Plan Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Monday, 04 February 2019 at 18:00**

The Local Plan Committee deals with the Council's responsibilities relating to the Local Plan

Information for Members of the Public

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COLCHESTER BOROUGH COUNCIL
Local Plan Committee
Monday, 04 February 2019 at 18:00

The Local Plan Committee Members are:

Councillor Gerard Oxford	Chairman
Councillor Phil Coleman	Deputy Chairman
Councillor Christopher Arnold	
Councillor Lewis Barber	
Councillor Nigel Chapman	
Councillor Nick Cope	
Councillor John Elliott	
Councillor Andrew Ellis	
Councillor Adam Fox	
Councillor Martyn Warnes	

The Local Plan Committee Substitute Members are:

Other than the Local Plan Committee members, all members of the Council who are not members of the Planning Committee.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 Have Your Say!

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

6 Minutes

There are no minutes for confirmation at this meeting.

7 Local Plan Update

The Committee will be provided with a verbal update by the Planning and Housing Manager on the current situation regarding the Local Plan.

8 Local Development Scheme

7 - 38

A report by the Assistant Director Policy and Corporate giving details of the Local Development Scheme which required updating to reflect consultation and timetable variations for the Local Plan and the Strategic Development Plan Documents as well as the addition of a new Supplementary Planning Document on the Recreational Disturbance Avoidance and Mitigation Strategy.

9 Mill Field Conservation Area Designation

39 - 92

A report by the Assistant Director Policy and Corporate seeking authority to proceed to the statutory designation of the proposed new Conservation Area to be known as Mill Field Estate Conservation Area, together with the inclusion of an Article 4 Direction.

10 Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

93 - 206

A report by the Assistant Director Policy and Corporate giving details of a mitigation strategy to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex.

11 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt

information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B
(not open to the public including the press)

Local Plan Committee

Item
8

4 February 2019

Report of	Assistant Director Policy & Corporate	Author	Bethany Jones 01206 282541
Title	Local Development Scheme		
Wards affected	NA		

1. Executive Summary

- 1.1 The plan making process is regulated by the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 (part 6, Planning, section 111 Local Development Schemes) which governs the production of development plan documents including the Local Development Scheme (LDS) through the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 The LDS is an essential tool used to keep the Local Plan up to date and provide details of consultation periods, public examinations and expected dates of adoption and publication for each document. The Council has previously reviewed the LDS on a number of occasions with the last update being in November 2017. This reflected changes to the timetable of the Local Plan and Community Infrastructure Levy as well as several changes to Neighbourhood Plan preparation.
- 1.3 The LDS now requires updating to reflect further consultation and timetable variations for the Local Plan and the Strategic Development DPDs as well as the addition of a new Supplementary Planning Document on the Recreational Disturbance Avoidance and Mitigation Strategy.

2. Recommended Decision

- 2.1 To agree changes to the Local Development Scheme (LDS).

3. Reason for Recommended Decision

- 3.1 The Council is required under the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012 to publish up to date information for the public on the preparation and revision of Development Plan Documents.

4. Alternative Options

- 4.1 The Committee could decide not to update the Local Development Scheme or to make amendments to it. The Council however is required under the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012 to publish up to date information for the public on the preparation and revision of development plan documents through the LDS.

5. Background Information

- 5.1 A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and the Housing and Planning Act 2016). This must specify (among other matters) the local development documents which are to be development plan documents, the subject matter and geographical area to which each development plan document is to relate, and the timetable for the preparation and revision of the development plan documents. It must be made available publicly and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Local planning authorities should publish their local development scheme on their website.
- 5.2 Colchester Borough Council first adopted a LDS in May 2005, with various revisions published at regular intervals to reflect changes in governing regulations and work programmes. The LDS was last reviewed by Local Plan Committee in November 2017.
- 5.3 The LDS sets out which documents will form part of the Colchester Local Plan along with the timetable for the preparation and review of each document. The LDS is also reviewed annually as part of the Council's Authority Monitoring Report.
- 5.4 The revised LDS (which can be found in Appendix A) provides the scope and further details with regards to each document and includes the Project Chart which outlines the timescales proposed and shows how each document will be progressed over the next 3 years. Below is a summary of the key dates for planning documents which are further explained within the LDS itself:
- Local Plan
 - Submission – October 2017
 - Examination of Section 1 - January and May 2018, Autumn 2019
 - Examination Section 2 – Spring/Summer 2020
 - Adoption of Section 1 – Spring 2020 (if adopted independently)
 - Adoption of Full Plan – Winter 2020/21
 - Planning Obligations SPD, 2019
 - Recreational Area Disturbance and Mitigation (RAMs) SPD 2019
 - Joint Development Plan Documents for Garden Communities;
 - Issues and Options consultation – Nov 2017- Jan 2018
 - Preferred Options consultation- Winter 2020/21
 - Submission version consultation –Winter 2021/22
 - Submission – Spring 2022
 - Examination –Summer 2022
 - Adoption – Winter 2022/23
 - Neighbourhood Planning;
 - Boxted – NP Adopted December 2016
 - Myland – NP Adopted December 2016
 - Wivenhoe – Adoption expected in summer 2019
 - West Bergholt – Adoption expected in autumn 2019
 - Eight Ash Green – Adoption expected in autumn 2019
 - Great Tey – Adoption in Summer 2020
 - Tiptree – Adoption in winter 2019/20
 - Marks Tey – Adoption in Summer 2020

- West Mersea – Adoption in spring/summer 2020
- Copford – Adoption in spring/summer 2020
- Evidence base documents and updates which will be necessary to support the Local Plan Review
- Changes to the text of the LDS to reflect the range of documents outlined above.

5.5 In earlier versions of the LDS, the Council was required to specify details of each Supplementary Planning Document (SPD) intended to be produced. Changes to the Regulations no longer require Supplementary Planning Documents to be included in an LDS, but the Council has chosen to show them to demonstrate the links between all the documents which contribute to the Colchester Local Plan. There are two SPDs programmed for the next three year period, a Planning Obligations SPD and an SPD providing detail on how the Council will address the requirements for a Recreational Disturbance Avoidance and Mitigation Strategy. Future additional SPDs as well as further guidance notes and development brief documents may however be produced by the Spatial Policy Team without formal modification of the LDS because of their non-statutory status in the decision making process.

6. Equality, Diversity and Human Rights Implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on this link:- <https://www.colchester.gov.uk/info/cbc-article/?catid=equality-impact-assessments&id=KA-01528>
- 6.2 There are no particular Human Rights implications.

7. Strategic Plan References

- 7.1 Effective strategic planning supports the Strategic Plan Action Plan which includes a commitment to make Colchester a vibrant, prosperous, thriving and welcoming place.

8. Consultation and Publicity

- 8.1 Public consultation on the LDS is not specifically required by the Regulations. Each document highlighted in the LDS will be subject to specific public consultation in line with the statutory regulations at the appropriate time. Attention could well be focused on plans listed in the LDS resulting in publicity for the Council.

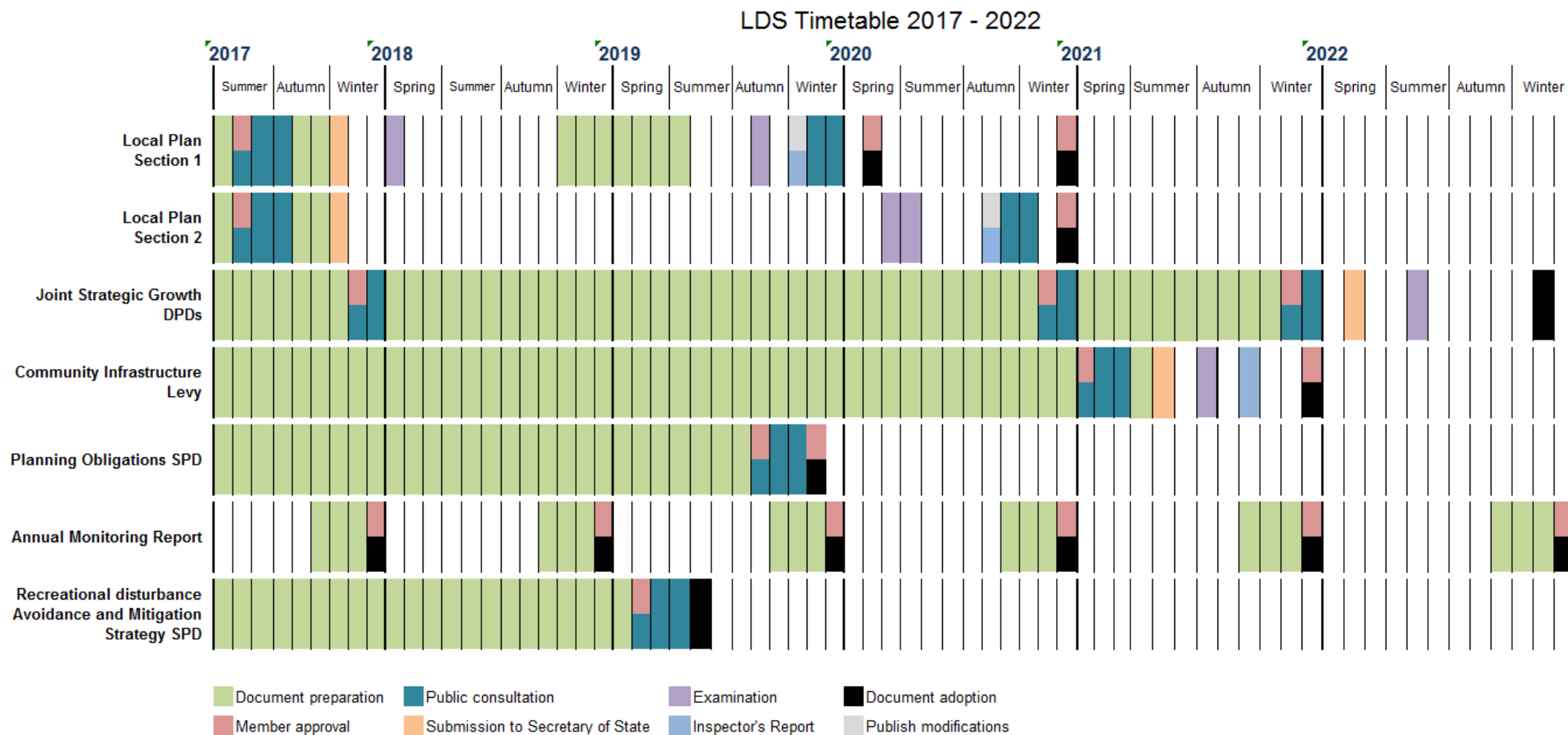
9. Financial, Community Safety, Health and Safety and Risk Management Implications

- 9.1 None.

10. Disclaimer

- 10.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omission.

Appendix A – LDS Timetable





Local Development Scheme

Colchester Borough Council's Local Development
Scheme 2019-2022

**February
2019**

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1. Introduction

The Local Development Scheme (LDS) sets out the Council's timetable for adopting new planning documents which will help guide development in the Borough. This LDS covers the period 2019 to 2022.

Colchester Borough Council first adopted a Local Development Scheme (LDS) in May 2005 with various revisions published since then. The latest revision was in November 2017 which this current version (February 2019) now supersedes. Earlier versions of the Colchester LDS were prepared under the requirements of the 2004 Planning and Compulsory Purchase Act and The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.

Since 2011 the production of an LDS has been guided by the requirements of s.111 of the Localism Act 2011 which amended s. 15 of the Planning and Compulsory Purchase Act 2004 and is further supported by the Town and Country Planning (Local Planning) (England) Regulations 2012.

The LDS will:

- Provide a brief description of all the Local Plan documents and Neighbourhood Plans to be prepared and the content and geographical area to which they relate.
- Explain how the different documents relate to each other and especially how they relate to the adopted and forthcoming Local Plan.
- Set out the timetable for producing Local Plan documents, giving the timings for the achievement of the following milestones:
 - consulting statutory bodies on the scope of the Sustainability Appraisal
 - publication of the document
 - submission of the document
 - adoption of the document
- Provide information on related planning documents outside the formal Local Plan, including the Statement of Community Involvement, Authority Monitoring Report and adopted guidance.

Progress of the scheme is reviewed at least annually as part of the Colchester Borough Council Authority Monitoring Report (usually published every December).

2. Planning Context

The Council has a good record in meeting the milestones set out in the earlier versions of the LDS and our past delivery rates inform the future programme for the preparation of Local Plan documents up to the end of 2022.

Earlier plans were completed further to the provisions of the Planning and Compulsory Purchase Act 2004 and were known as Local Development Framework documents. Under the 2004 Act, Colchester adopted a full suite of Local Development Framework documents including a Core Strategy (adopted in 2008), Development Policies (adopted in 2010) and Site Allocations (adopted in 2010).

Following a change of government in 2010, a new set of Town and County Planning (Local Planning) (England) Regulations came into force in April 2012 (and amended in November 2012) and these revert to the former terminology of a 'Local Plan'. The purpose of the documents, however, remains the same whether they are referred to as a Local Development Framework or a Local Plan.

Local Plans need to be in conformity with national policy as set out in the National Planning Policy Framework (NPPF), with further guidance in the regularly updated Planning Practice Guidance available online: <http://planningguidance.planningportal.gov.uk>.

The Council completed a Focused Review of its Local Plan documents in July 2014 to bring selected policies into conformity with the NPPF.

The Council is currently undergoing an examination of a new Local Plan which is programmed for adoption in winter 2021/22.

For minerals and waste matters, Essex County Council are the authority responsible for production of the Waste and Minerals Local Plans, which forms part of the Colchester Development Plan. At present the adopted plans for Essex are:

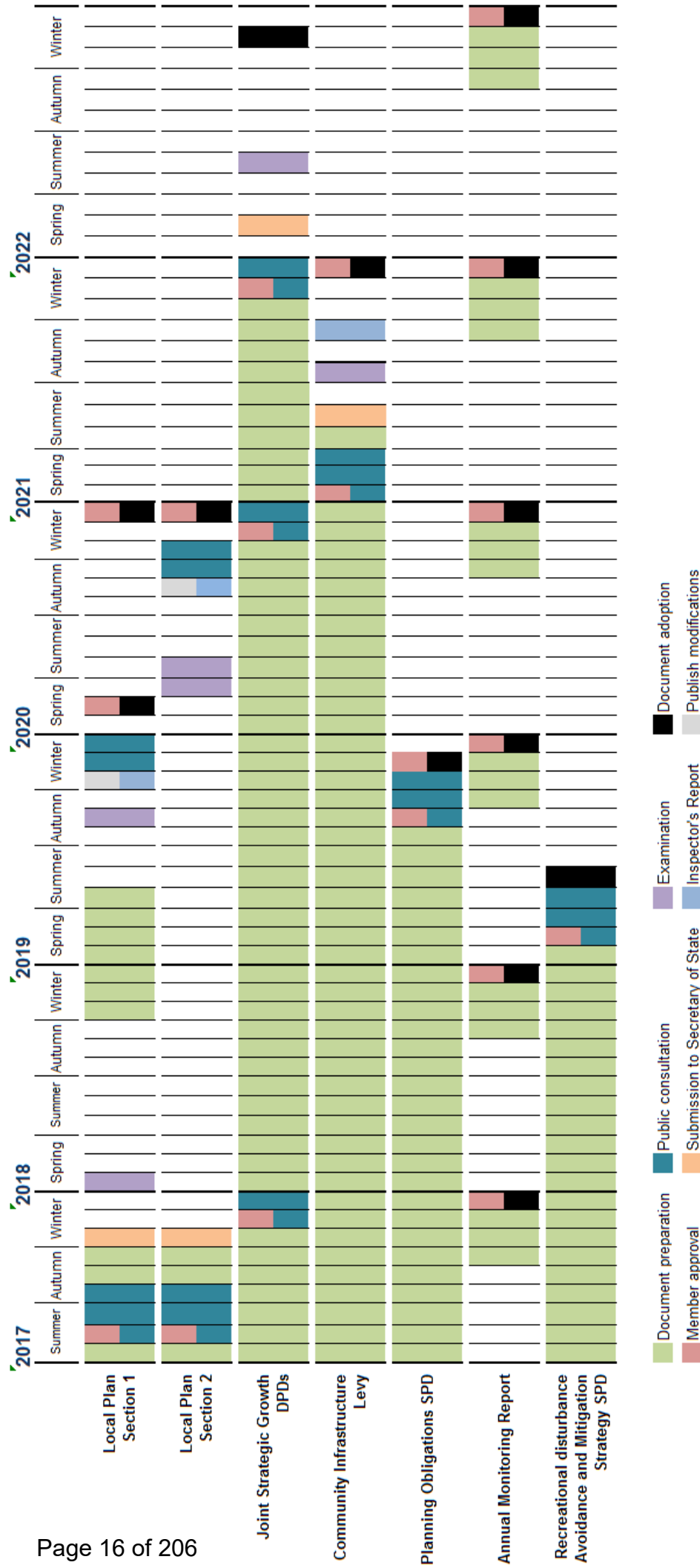
- Essex Minerals Local Plan (2014)
- Essex Waste Local Plan (2017)

More details on the waste and minerals development documents can be found on the Essex County Council website (www.essex.gov.uk) following the links from planning to minerals and waste policy.

3. Documents to be prepared during 2019 to 2022 - an overview

The overview below demonstrates the main milestones, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, for the production of each of the documents we intend to prepare over the next three years. The tables later in the document set out each stage of plan preparation and the amount of time the Council expects each stage to be completed. The LDS is kept under review to reflect any changes in local circumstances and/or government policy.

LDS Timetable 2017 - 2022



4. Phasing of work for Local Plan Documents

The new Local Plan 2017-2033

The Council is undertaking a thorough review of its adopted policies and allocations which will result in a new Local Plan to guide development until 2033 and beyond. An Issues and Options consultation was carried out in January/February 2015, with Preferred Options consultation in summer 2016, consultation on the Publication Draft in summer 2017, submission of the document to the Secretary of State in October 2017, and examination hearings of the strategic Section 1 of the plan occurring in January and May 2018. The examination of Section 1 was paused for the completion of further Sustainability Appraisal and evidence base work, with resumption of the examination programmed for autumn 2019 and adoption of Section 1 expected Spring 2020 (if adopted independently). Examination hearings for the Colchester-specific Section 2 of the plan will follow excepted in Spring/Summer 2020 with adoption of the full plan programmed for winter 2020/21.

Community Infrastructure Levy (CIL)

Adoption of a Charging Schedule would allow the Council to charge a standard levy on some developments to fund additional infrastructure. Charging Schedules must be linked to an up-to-date Local Plan, so adoption of a Charging Schedule would need to follow after Local Plan adoption. The merits of adopting a CIL Charging Schedule will depend on viability and deliverability considerations prevailing post Local Plan adoption. The LDS will be amended at that stage to include adoption of a Charging Schedule if warranted by the analysis.

Neighbourhood Planning

The Localism Act 2011 and the publication of the NPPF in March 2012 placed greater emphasis on developing plans at the community level through a concept of neighbourhood planning. Neighbourhood plans are produced by local communities and once completed (subject to examination and local referendum) they become part of the local authorities' development plan and have a significant influence on the future growth and development of the respective area.

The first stage of developing a neighbourhood plan is to designate a neighbourhood area. A number of parishes in Colchester have now achieved this stage, as shown below. Once a neighbourhood area has been agreed, preparation of a neighbourhood plan can be carried out by a parish or town council, or in the case of unparished areas, a neighbourhood forum. Further neighbourhood plans will be added as required when they are brought forward by local communities when the LDS is revised in future.

Area	Date NP Area agreed	Current stage	Expected Adoption
Boxted	October 2012	Adoption 8.12.16	N/A
Myland and Braiswick	January 2013	Adoption 8.12.16	N/A
West Bergholt	July 2013	Submission plan published	Autumn 2019
Wivenhoe	July 2013	Examination	Summer 2019
Messing	July 2013	Work abandoned no active NHP Group currently	N/A
Stanway	June 2014	Work abandoned no active NHP Group currently	N/A
Tiptree	February 2015	Preparation of draft plan	Winter 2019/Spring 2020
Copford with Easthorpe	May 2015	Preparation of draft plan	Spring/Summer 2020
Eight Ash Green	June 2015	Submission plan published	Autumn 2019
Marks Tey	September 2015	Preparation of draft plan	Summer 2020
West Mersea	November 2016	Preparation of draft plan	Spring/Summer 2020
Great Tey	June 2017	Preparation of draft plan	Summer 2020

Supplementary Planning Documents (SPDs)

Supplementary Planning Documents (SPDs) complement policy contained in the Local Plan. They cannot set new policy but are treated as a material consideration in the determination of planning applications across the Borough. Although SPDs are not subject to examination, they are produced in consultation with the community and other interested parties and are still subject to regulations regarding their consultation. In earlier versions of the LDS, the Council was required to specify details of each SPD intended to be produced. Changes to the Regulations no longer require SPDs to be included in the LDS. Currently the only two SPDs programmed for the next three year period are the Planning Obligations SPD and guidance on implementation of the Recreational Avoidance and Mitigation Strategy (RAMS). Future additional SPDs may however be produced by the Council if approved by the Local Plan Committee without formal modification of the LDS because they do not form part of the Development Plan. Appendix 1 lists details of existing SPD documents and the proposed Planning Obligations and RAMS SPDs.

5. Phasing of work for Other Local Development Documents

Statement of Community Involvement (SCI)

The Statement of Community Involvement provides a first step in plan making as it outlines the processes for consultation and engagement during the production of future documents of all types. The SCI was originally submitted to the Planning Inspectorate in October 2005 and adopted by the Council in June 2006. It was subject to minor amendments in 2008 following changes to the Regulations and was also revised further early in 2011. In January 2013 a further revised SCI was published for consultation which focused primarily on consultation procedures for planning applications. The latest SCI revision was consulted on in spring 2018 and following consideration of the consultation responses, was adopted in September 2018.

The production of an SCI is in part governed and directed by guidance and requirements at the national level. Should the regulations change or new examples of best practice be introduced the Council will update the SCI accordingly. Given that the SCI has just been updated, at this time the Council is not aware of any need to update the SCI during the next three year period.

Authority Monitoring Report (AMR)

The Authority Monitoring Report, previously referred to as the Annual Monitoring Report, is published each December to demonstrate the progress of the objectives of the adopted Local Plan.

Adopted Guidance Notes

Guidance notes and other documents are produced as required by the Council to assist in explaining specific protocols and other technical matters. They are non-statutory documents that are essentially informative and may be used to assist the determination of planning applications or in other areas where planning decisions are required. These include guidance on topics such as air quality, contaminated land and archaeology but they may also contain spatially specific guidance in the form of site design briefs. The current guidance notes are listed in Appendix 1 and information on additional guidance will be added to the Council's Adopted Guidance area of the website as and when it is completed.

6. Local Plan Documents to be prepared during 2019 to 2022- detailed profiles

Details of the documents we intend to produce in the next three years follow in the tables below. The timetable for the production of documents reflects previous experience. The Planning Inspectorate (PINS) are also consulted about the production timetable specifically with regards to documents which require submission of the document to the Secretary of State and a formal examination in public.

Local Plan

Subject and Scope	This document will develop the overall strategic objectives and areas for growth in the Borough. The Local Plan will combine the policies and allocations currently found within the Core Strategy, Development Policies and Site Allocations documents. The Local plan is split into Section 1 (joint strategic plan with Braintree DC and Tendring DC) and Section 2 (specific to Colchester)
Geographical area	All Colchester Borough and cross border work with Tendring and Braintree
Status	Local Plan document
Chain of conformity	Must be in conformity with the National Planning Policy Framework.
Timetable for production	
Initial document preparation	January 2014 – June 2016
Member approval – Preferred Options	July 2016
Consultation on Preferred Options and Sustainability Appraisal	July - September 2016
Member approval – Submission Draft	May 2017
Publication Draft of Local Plan document and Sustainability Appraisal for consultation	June/August 2017
Submission of DPD and summary of comments received to Secretary of State	October 2017
Independent examination of shared strategic Section 1	January/May 2018, autumn 2019
Inspector's Report on Section 1	Winter 2019/20
Independent examination of Colchester-specific Section 2	Spring/Summer 2020
Inspector's report on Section 2	Autumn 2020
Consultation on modifications	Winter 2020/21

Adoption	Section 1 – Spring 2020 (if adopted independently) Winter 2020/21
Production arrangements	Led by Spatial Policy group; input from all internal CBC service groups and Essex County Council as appropriate. The SCI outlines how external parties and members of the public will be involved.
Timetable for review	The Local Plan will set the overall spatial strategy for the Borough and will be reviewed as required after adoption, with the review period being within 5 years.

Strategic Growth Development Plan Document(s)

Subject and Scope	This document(s) will include policies and allocations to support strategic allocations for new development. These are likely to be Joint Plans produced with Tendring DC and/or Braintree DC.
Geographical area	As specified in the Local Plan which shows broad locations to the east and west of Colchester.
Status	Local Development Plan Document
Chain of conformity	Must conform with the broad allocations in the Colchester Local Plan and the relevant Local Plan of adjacent local authorities if appropriate. The plan will update the allocations for the relevant area of the Borough.
Timetable for production	
Document preparation	January 2017 – October 2017.
Member Approval – Issues and Options	November 2017
Publication and 6 week consultation	November/December 2017
Member Approval – Draft DPD	Winter 2020/21
Draft DPD consultation	Winter 2020/21
Member approval – submission document for consultation	Winter 2021/22
Submission DPD consultation	Winter 2019/20
Submission of DPD and summary of comments received to Secretary of State	Spring 2022
Independent examination	Summer 2022
Inspector's report	Autumn 2022
Consultation on modifications	Winter 2022/23
Adoption	Winter 2022/23
Production arrangements	Spatial Policy group in CBC along with TDC and BDC will lead with input from internal CBC service groups, adjacent local authorities and Essex County Council as appropriate. The SCI has determined how external parties and members of the public will be involved.
Timetable for review	The Authority Monitoring Report (AMR) will assess the effectiveness of the policies and allocations.

Authority Monitoring Report

Subject and Scope	This document provides an analysis of how the Colchester planning policies are performing against a range of established indicators.
Geographical area	Colchester Borough
Status	Annual production, non-statutory but meets need to show evaluation of policies.
Chain of conformity	None
Timetable for production – same process followed each year	
Project work	September – November
Member Approval	December
Publication	December
Production arrangements	Spatial Policy group. Input from internal CBC service groups and Essex County Council as required.
Timetable for review	The Authority Monitoring Report is produced in the autumn of each year and is presented to the last Local Plan Committee meeting in the calendar year.

Planning Obligations SPD

Title	Planning Obligations SPD
Role and content	To provide further details on the collection of the planning obligations received by the Council as a result of planned developments across the Borough.
Status	Supplementary Planning Document
Chain of conformity	The SPD will support the policies within both the adopted and emerging Local Plans.
Geographic coverage	Colchester Borough
Timetable and milestones in months:	<ul style="list-style-type: none"> • Member approval for consultation – Summer 2019 • Public consultation –Autumn 2019 • Adoption – Winter 2019
Arrangements for production	Colchester Borough Council (CBC) to lead with significant input from Essex County Council. Public consultation to include a press release, advertisement and letters/emails.
Post production - Monitoring and review mechanisms	CBC to monitor after adoption through a review of planning applications.

**Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SPD**

Title	Recreational disturbance Avoidance and Mitigation Strategy SPD
Role and content	To set out the avoidance and mitigation measures necessary to avoid and mitigate adverse in-combination effects on Essex Coast European sites; the zones of influences and the financial contribution required per dwelling to fund necessary measures.
Status	SPD
Chain of conformity	The SPD will support policies within the Local Plan.
Geographic coverage	The SPD will set zones of influence for each European site, which is the zone in which development proposals are likely to affect European sites.
Timetable and milestones in months	SPD drafted by ECC Place Services – January 2019 Member approval – February 2019 Public consultation – June 2019 Adoption – Summer 2019
Arrangements for production	Essex County Council Place Services to prepare SPD on behalf of Greater Essex LPAs. CBC to input through its role on the RAMS Steering Group. Public consultation to include a press release and letters/ emails.
Post production – Monitoring and review mechanisms	CBC and partner LPAs to monitor after adoption, this is likely to be led by a RAMS Delivery Officer.

Evidence Base

The evidence base is a key feature of Colchester's Local Plan and associated planning documents and guidance. It seeks to guarantee that the development plan's proposals and policies are soundly based. To ensure this a number of specialist studies and other research projects are, or will be undertaken. These will also be important in monitoring and review, as required by the AMR.

Some documents will also be published that are not specifically for planning purposes but are important in informing the process (eg. the Colchester Borough Council's Strategic Plan and other service strategies).

Each document will be made publically available at the appropriate time in the process, on the Council's website (www.colchester.gov.uk). All documents will be made available at the relevant examination. These documents will be reviewed in the AMR to see if they need to be reviewed or withdrawn. Other documents may also be produced as needed during the process.

The table on the following pages identifies the reports and studies that will be used to provide a robust and credible evidence base for the Local Plan. This list will be added to if additional work is required such as reviews and updates.

Integration with other Strategies

The Local Plan has a key role in providing a spatial dimension for many other strategies and helping their co-ordination and delivery. The Council works closely with other public bodies and stakeholders to satisfy the duty to co-operate on strategic matters and the evidence base reflects collaborative working with other authorities and stakeholders.

Title	Purpose and Scope	Timescale and review
Strategic Environmental Assessment & Sustainability Appraisal	To provide sound evidence base for all documents (except some guidance notes).	Sustainability Appraisal work will be undertaken alongside the formulation of policy documents.
Townscape Character Study	To provide a sound basis for the SHLAA and built environment policies.	Completed June 2006.
Strategic Land Availability Assessment (SLAA)	To provide evidence for housing land availability and distribution in relation to Local Plan requirements.	Completed July 2016.
Strategic Housing Market Assessment (SHMA)	Joint study with Braintree, Tendring and Chelmsford Councils. This updates the SHMA for Colchester undertaken in 2008. It assesses local housing markets and provides evidence on Objectively Assessed Housing Need. Ongoing work as required.	Completed July 2015. Further work on Affordable Housing need completed Dec. 2015. Objectively Assessed Need update published November 2016.
Employment Land Needs Assessment	The study looks at existing sites and future needs to at least 2032. Further detailed work to be undertaken to inform Local plan production	Completed January 2015. Update and Trajectory completed February 2017.
Retail study	The study analyses retail catchment areas and capacity to assess shopping patterns and assess the future capacity for retail floorspace in the Borough. Further work required to inform the Local Plan and ensure most up to date information is used.	Report completed March 2013, Update completed December 2016.
Infrastructure Delivery Plan	To assess capacity and requirements for infrastructure to support growth to 2032	Infrastructure Delivery Plan Study completed June 2017
Garden Communities Concept Framework	To provide assessment of options for Garden Community developments	Study completed June 2016
North Essex Garden Communities Employment and Demographic Study	To provide assessment of demographic factors and employment deliverability in Garden Communities	April 2017
North Essex Garden Communities Viability Report	To provide assessment of potential viability of Garden Communities	April 2017
Landscape Character Assessment	To provide evidence for countryside strategies and housing allocations. East Colchester Environmental Audit to inform consideration of East Colchester Garden Community.	Assessment completed November 2005. Completed November 2015

Title	Purpose and Scope	Timescale and review
Haven Gateway Green Infrastructure Study (HAGGIS).	To ensure there are sufficient open space, sport and recreational facilities, that they are in the right places, are of high quality, attractive to users and well managed and maintained.	Study completed April 2008.
Colchester Infrastructure Study	To provide additional detail at the local level	Work completed in October 2011.
PPG17 Study	To assess provision and requirements for open space and indoor/outdoor recreational facilities to 2021	PPG17 Study completed February 2008.
Sports Pitches and Indoor Sports Facilities Strategy	To update the PPG17 study and assess requirements for playing pitches and indoor sports facilities	July 2015
Strategic Flood Risk Assessment	To update 2007 and recommend mitigation measures	June 2017.
Water Cycle Study	To assess provision and need for water and waste infrastructure	February 2017.
Transport Model for Colchester	To enable area-wide traffic and public transport modelling to take place including the future traffic scenarios to be predicted and transport solution to be tested Further work required for Preferred Options Local Plan Traffic Modelling Report	December 2015. July 2016, updated Sept 2016 May 2017
East Transit Corridor study	To investigate options for a high-speed, high-frequency public transport link between the University, East Colchester regeneration area and the Town Centre.	Initial stage of feasibility study complete November 2015. Update September 2016
North Essex Garden Communities Movement and Access Study	To investigate options for sustainable transport for Garden Communities	May 2017
Review of Local Wildlife Sites	Update 2008 review of existing local wildlife sites	Review of 2008 work completed February 2016.
Coastal Protection Belt Review	Update evidence base for Coastal Protection Belt designation	Completed June 2016
Historic Environment Characterisation	This project design presents a programme of work to characterise the historic environment of Colchester Borough	Work completed November 2008.
Whole Plan viability work	Addresses overall deliverability of plan	Work completed June 2017
CIL Viability work	To assess the impact of a Community Infrastructure Levy on the viability of schemes across the Borough	Initial work commenced in 2011, review of evidence base completed in October 2015,

Title	Purpose and Scope	Timescale and review
Demographic and Household Projections	To inform decisions on future Borough growth and Objectively Assessed Housing Need. Joint Essex project led by Essex Planning Officers Association	Phase 7 work published May 2015.
Essex Wide Gypsy and Traveller Accommodation Needs Assessment	An Essex wide study commissioned by the Essex Planning Officers Association to provide information on the appropriate number of gypsy and traveller pitches to be provided	Completed in November 2009. Review completed Summer 2014, updated October 2014. Colchester update completed June 2017.

7. Monitoring and Review

Monitoring

The development plan system is a continuous process with monitoring and review being fundamental aspects to the delivery of a successful plan. While production of an Authority Monitoring Report is no longer a statutory requirement, local authorities continue to need to demonstrate how plan objectives are being delivered. The AMR has been used to inform the review of this Local Development Scheme.

The AMR will analyse the period of the previous April to March of the current year. The report will:

- Set out how the Council is performing in the production of documents against the timescales and milestones set out in the previous years LDS;
- Provide information on how the strategies/policies/targets in the Local Plan are being achieved;
- Advise on whether any documents need reviewing;
- Review progress on SPDs and whether any new ones are required or old ones withdrawn or reviewed;
- Advise on the need to update the LDS as appropriate; and
- Provide information on the 'State of the Borough'.

The LDS will be monitored, informed by the AMR, and a report produced and submitted to the Local Plan Committee for revision should changes be required.

Review

Following the initial adoption of development plan document, it is anticipated that subsequent reviews will be in the form of a rolling programme following recommendations from the Local Plan Committee.

The AMR will provide information regarding the performance of each document as well as identifying areas where strategies/policies/targets are not being achieved. The outcomes will be dependent on a variety of influences such as changes to Government policy or pressures for development(s) across the Borough.

8. Resources

Professional Officer Input

The Local Plan process will be led by the Spatial Policy Team as part of Policy and Corporate Services at Colchester Borough Council.

The Place Strategy Team consists of Planning Policy and Transportation Policy, lead by the Place Strategy Manager who will be responsible for the overall project and policy direction. The team also includes a planning policy manager and planning policy officers, who will be responsible for various elements of the Local Plan process and policy. Braintree, Colchester and Tendring have jointly retained a planning officer to assist with preparation of the detailed Development Plan Documents for each proposed new Garden Community. Transportation officers will also be heavily involved in the production of the Local Plan, working alongside colleagues from Essex County Council.

Additional staff resources will be brought in to the process from time to time as required from other professional groups within the Council and outside agencies as follows:

Colchester Commercial (Holdings) Ltd (CCHL)

- Colchester Amphora Homes Ltd (CAHL)
 - Housing Development
- Colchester Amphora Trading Ltd (CATL)
 - Sports and Leisure
 - Estates
 - Design
 - Delivery

Planning and Housing

- Development Management
- Planning Specialists

Other CBC Services

- Environmental Protection
- Research and Engagement
- Community Strategies
- Operational Services
- Elections

Others

- Highways England (strategic highways matters)
- Essex County Council (other highway matters, education, planning etc)
- Rural Community Council for Essex (to promote/facilitate links with parish councils)
- Specialist consultants (to develop elements of the evidence base).

Consultee groups

The Statement of Community Involvement (SCI) sets out in detail who we will consult and at what stage in the production of all documents. The SCI covers both plan making and decision taking so all aspects of the Council's statutory planning functions have been included within the SCI.

9. Risk Assessment

There are several factors which may impact upon the ability of the Council to keep to the timetable for the production of documents. The table below considers and deals with the main risks.

Issue and level of risk	Comment and proposed mitigating measures
Significant public opposition to plan proposals. High Risk, Medium Impact	<p>The production of the Local Plan and specifically the allocation of land is likely to be contentious. Whilst every effort will be made to build cross-community consensus, there is a high risk of significant public opposition.</p>
Inability of PINS to deliver examinations/reports to timetable. Low Risk, Medium Impact	<p>The capacity of the Planning Inspectorate is an issue given the demands on its limited resources. There is also uncertainty as to the Governments plans for planning policy. PINS may not be able to provide Inspectors at the appropriate times. If problems do occur, caused by factors outside the council's control, we may have to accept some slippage of the timetable. The LDS would need to be amended accordingly.</p>
Loss/turnover of staff Medium Risk, High Impact	<p>The Spatial Policy Team have benefitted from low turnover in recent years, but there is currently a national shortage of planning officers and the risk needs to be acknowledged.</p>
Financial shortfall Medium Risk, High Impact	<p>Any review of documents is a costly exercise, involving preparation of an evidence base, production of documents, consultation and examination.</p> <p>In previous years the Council has allocated funds through the Housing & Planning Delivery Grant (replaced by New Homes Bonus) and its Service and Financial Planning process to allow for the preparation of the Local Plan. Additional Council expenditure will be subject to scrutiny.</p> <p>Examination costs may inflate due to the length/complexity of the Examination. This will be kept under review.</p>
Changing Political Priorities High Risk, Medium Impact	<p>This document has been considered and approved by Local Plan Committee which has a cross party representation of members. Elections in the borough could result in political changes and/or there could be changing priorities. Any future changes in the</p>

Issue and level of risk	Comment and proposed mitigating measures
	documents to be produced can be dealt with at the annual review.
Legal Challenge Low Risk, High Impact	<p>A legal challenge may be lodged to any document within six week of adoption. The degree to which this will happen is uncertain due to the untried nature of the system emerging. However, a challenge will only succeed if the Council (or Inspector) has made a mistake in procedure or in fact.</p> <p>To avoid a legal challenge, every effort will be made to ensure that procedures are followed and facts are correct.</p>

Appendix 1 - Supplementary Planning Guidance/Documents and Planning Guidance Notes - status as at February 2019

Existing Supplementary Planning Documents

Subject	Approval Date
Provision of Open Space, Sport and Recreational Facilities	July 2006, charges updated 2012
Backland and Infill Development	December 2010
Community Facilities	September 2009, revised July 2013
Car Parking Standards (ECC)	September 2009
Shop front Design Guide	June 2011
Affordable Housing	August 2011
Cycling Delivery Strategy	January 2012
North Colchester Growth Area	June 2012
Street Services	October 2012, revised February 2016
Better Town Centre	December 2012
Sustainable Drainage Systems Design Guide	April 2015
Sustainable Construction	June 2011

Proposed Supplementary Planning Documents

Planning Obligations SPD (to align with Community Infrastructure Levy Charging Schedule)	Adoption winter 2019
Recreational Disturbance Avoidance and Mitigation Strategy SPD	Adoption summer 2019

If you need help reading or understanding this document, please take it to our Community Hub in Colchester Library or telephone 01206 282222. We will try to provide a reading service, a translation, or any other format you need.

7

4 February 2019

Report of	Assistant Director Policy and Corporate	Author	Eirini Dimerouki
Title	Mill Field Conservation Area Designation		☎ 5346
Wards affected	New Town and Christchurch		

1. Executive Summary

- 1.1 This report seeks Committee approval to proceed with the designation of the proposed Mill Field Estate Conservation Area and Article 4 Direction. The Committee approved public consultation on the Consultation Draft Conservation Area Character Appraisal and Management Proposals on 19 March 2018. The present document provides an account of the consultation process and a summary of the public responses received. Additionally, the report addresses the main concerns raised in responses, to establish that these issues have been covered by the Character Appraisal. As the results of the public consultation exercise do not generate the need for any amendments to the Character Appraisal and Management Proposals, the designation of the proposed Conservation Area can proceed on the basis of this document.

2. Decision(s) Required

- 2.1 The Local Plan Committee is asked to proceed to the statutory designation of the proposed new Conservation Area to be known as Mill Field Estate Conservation Area, together with the inclusion of an Article 4 Direction.

3. Reason for Recommended Decision

- 3.1 Proceeding to the designation of the proposed Conservation Area Mill Field Estate will enable the effective protection of its character and appearance, since its statutory designation will become a material consideration for the determination of planning applications and allied development management decisions. The use of an Article 4 Direction will give more effective control over alterations that could otherwise erode the character and cohesive quality of the area.

4. Alternative Options

- 4.1 The Committee could decide not to proceed with the designation of the Conservation Area. However, such a decision would not allow the preservation and enhancement of the area to become a material planning consideration in future decisions. The Council's duty is

discretionary under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that

“ Every local planning authority—

(a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and

(b) shall designate those areas as conservation areas.”

4.2 Alternatively, the Committee could agree to adopt different boundaries for the designation. Although this issue has been raised during the public consultation, the Conservation Area Appraisal provides the rationale behind the recommended boundary to address the public concerns, as discussed in Section 5.0.

4.3 The committee may decide not to proceed with an Article 4 Direction to withdraw permitted development rights for certain categories of works. The recommended scope of the direction is set out at paragraph 5.14 in response to issues identified as part of the conservation area character statement and management proposals.

5. Background Information

5.1 The six-week formal public consultation on the Consultation Draft Conservation Area Character Appraisal and Management proposals was approved by the Local Plan Committee on 19 March 2018. The consultation period commenced on 30 April 2018 and was completed on 10 June 2018.

5.2 The public were notified and given the opportunity to participate in the consultation exercise in two ways:

A.) via the Council’s Planning Consultation webpage, which provided information on the consultation process, a link to view and download the Consultation Draft of the Conservation Area Appraisal and Management Proposals document and a link to download a Response Form. The Form, which is attached in Appendix I, included four groups of questions, inviting the participants to express their support or opposition to the designation, state their views on the principle of restricting permitted development rights, suggest alterations to the proposed boundary and add any comments on the Consultation Draft of the Conservation Area Appraisal and Management Proposals.

B.) the owners or occupiers of the properties within the limits of the proposed Conservation Area were notified with letters sent by post between 30 April and 01 May 2018. Eight hundred fifty eight (858) letters were sent to individual addresses. The letter, which is included in Appendix II informed the recipients of the implications on new planning restrictions and responsibilities for home owners due to the proposed designation and invited them to participate in the consultation process. Additionally, the Consultation Draft of the Conservation Area Appraisal and Management Proposals document was available to view in the Colchester Town Library and on request from the Council offices.

- 5.3 Consultation responses could be sent to the Council by email or by post. Additionally, the Planning Policy Team was available by phone in case of any enquiries regarding the consultation process.
- 5.4 The Council received fifteen (15) responses in total. Twelve (12) of them were sent by email and three (3) were sent by post. Three (3) of the participants who emailed the Council used the response form, one (1) attached a letter and eight (8) provided comments in the body of the email. The three (3) participants who sent their consultation by post drafted a letter.
- 5.5 The responses can be summarised in five categories:
- full support : four (4) participants
 - support in principle , with concerns on specific issues: four (4) participants
 - full objection: three (3) participants
 - comments and enquiries, without expressing views on designation : four (4) participants
- 5.6 The main concerns from participants who nevertheless supported the designation in principle, included:
- disagreement with the boundary on Maldon Road, which includes the corner properties on Errington, Hamilton and Constantine Road but not the intervening properties;
 - disagreement with the exclusion of Alexandra Road from the boundaries
 - disagreement with the inclusion of the word 'Estate' in the name, as historically inaccurate and/or unsuitable for the area's character
 - concerns about the financial implications for the Council and suggestion of alternative uses for the Council's financial resources.
- 5.7 The reasons from the participants who fully objected to the designation included:
- objection to the boundary on Maldon Road, which includes the corner properties on Errington, Hamilton and Constantine Road but not those in between
 - objection to the name "Mill Field Estate" as historically inaccurate and/or unsuitable for the area's character
 - disagreement with the appraisal of the area's quality and state of preservation
 - concerns about the financial implications for the Council and suggestion of alternative uses for the Council's financial resources
 - concerns about the implications for property owners due to the designation, including the added need for planning permissions which would impede the proper maintenance of the properties.
- 5.8 The comments and enquiries involved:

- provision of evidence that wooden fences were used historically in the area, as these are referred to in the Character Appraisal
- enquiry concerning the reasons for the exclusion of Alexandra Road from the boundaries
- enquiry concerning the legal implications regarding existing development which is considered unsympathetic to the character of the proposed Conservation Area.

5.9 The responses also included miscellaneous comments, such as concerns on the difficulty of finding specialised craftsmen who can carry out works in historic buildings and the hope that the designation will benefit the area by improving the waste management.

5.10 Therefore, the main concerns regarding the Consultation Draft of the Conservation Area Appraisal and Management Proposals can be grouped in the following issues:

- a. the proposed boundary on Maldon Road
- b. the exclusion of Alexandra Road from the proposed boundaries
- c. the use of "Mill Field Estate" name

The rationale behind these decisions concerning these issues is provided by the document.

5.10.1 More specifically, Section 1.3, p. 2 explains that the buildings on Maldon Road have considerable architectural merit but belong to the villa type housing that is common within the limits of the adjacent Colchester Conservation Area 2. As the boundaries of the proposed Mill Field Estate Conservation Area were drawn to include an area with strong architectural cohesion, the properties of Maldon Road were excluded despite their qualities. However, the properties on the corners of Errington, Hamilton and Constantine Road were included for their impact on the proposed Conservation Area, mainly due to the long rear gardens whose treatment affects the character of the area. It is also noted that a future review of Conservation Area 2 can include the extension of its boundaries to include all the properties on Maldon Road, to include the corner properties in question, while the boundaries of the proposed Conservation Area will be readjusted as well.

5.10.2 Page 3 also provides the rationale for the exclusion of Alexandra Road from the boundaries: although the street includes some buildings of considerable interest that should be considered for inclusion in Colchester's adopted Local List, the varied architecture of the street results in an overall character which is too different from that of the proposed Conservation Area.

5.10.3 Section 4.1, pp.6-7 describes the historical development of the area: Beaconsfield Area and Salisbury Road were the first to be laid out in 1879 on the Mill Field Estate, by Henry Jones, a local lawyer and businessman. The name of the proposed Conservation Area refers to that early stage of development, while it must be noted that the objection comments appear to result from confusion with the current, modern use

of the term 'estate', to characterise a group of housing built as single development. Whilst the proposed name has been created for the purposes of this designation, it does reflect the history of the area and seeks to create an identity for a series of streets that are otherwise unconnected.

- 5.11 Other issues, such as the concerns regarding the implications on the planning process and the obligations of home owners, were addressed by the Development Management Team by email correspondence with the participants in the consultation.
- 5.12 Correspondence took place with Councillor Lorcan Whitehead regarding the street trees on Errington Road and the cost of replacement. The apparently high cost of replacement, attributable to a commuted maintenance sum, was explained as little enthusiasm had been received from ECC Highways in response to initiatives to replace the important street trees that contribute positively to the character of the area. The support of CBC officers for appropriate street trees was confirmed despite the matter falling within the control of the highway authority.
- 5.13 Inclusion of Article 4 Directions and Schedule of Addresses: The use of an Article 4 Direction requires the submission of a planning application for specified categories of development that would otherwise benefit from permitted development under the provisions of the General Permitted Development Order 2015. These additional controls allow special scrutiny to be given to domestic extensions and alterations to secure the preservation and enhancement of the character and appearance of the area. In this case, the use of an Article 4 Direction would ensure that the special qualities which justify the designation of the area as an area of special architectural or historic character could be protected and sustained. If an Article 4 Direction were not imposed then the character of the area could continue to be eroded through the loss of traditional features and detailing such as timber sash windows, doors and boundary treatments. In this instance, the imposition of the direction on all residential houses in the area is recommended as this will be fairer and easier for the public to appreciate and to manage effectively.
- 5.14 There is a prescribed process set out in the PI (LB & CA) Act 1990 and schedule 3 of the GPDO 2015 that must be followed for both the designation and associated Article 4 Direction to be lawful. This process involves formal notification, advertisement and registration of the designation and Article 4 as a land charge. The works recommended to be excluded are extensions (Schedule 2, Part 1 Class A GPDO 2015) alterations to the roof (Class C), erection of porches (Class D), outbuildings (Class E), hardstandings (Class F), the erection or alteration of a means of enclosure (Class A, Part 2) or the painting of previously unpainted brickwork (Class C, Part 2 GPDO 2015).
- 5.15 If a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:

- refuses planning permission for development which would otherwise have been permitted development; or
- grants planning permission subject to more limiting conditions than the General Permitted Development Order.

The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. It should be noted that Article 4 Directions already exist in several locations within the borough and there have been no successful compensation claims.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:- <http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>
- 6.2 The designation of the proposed Conservation Area will not have adverse impact on equality, diversity and human rights as the property owners were notified and offered the opportunity to participate in the consultation process.

7. Strategic Plan References

- 7.1 The Council's Strategic Plan 2018-2021 includes "*Opportunity-Promoting and improving Colchester and its environment.*" as one of its key objectives. The designation of Mill Field Estate Conservation Area will contribute to this theme, that seeks to "Promote and enhance Colchester borough's heritage and visitor attractions to increase visitor numbers and to support job creation.

8. Consultation

- 8.1 The six-week public consultation was carried out between 30 April 2018 and 10 June 2018. Details on the process and a summary of the responses are included in Section 5.0 of this report.

9. Publicity Considerations

- 9.1 The designation of the proposed Conservation Area may generate publicity for the Council. As the consultation responses demonstrate, there may be some concerns regarding the implications for property owners and possible financial implications, but the limited number of responses including positive comments indicate that the initiative will be well-received and demonstrates the Council's proactive approach to heritage protection and enhancement of the historic environment.

10. Financial implications

- 10.1 Despite the relevant concerns that were expressed during the public consultation, the designation of the proposed Conservation Area will not have significant financial implications for the Council. If the designation is approved with Article 4 Directions, the costs involved will be limited to the notification in writing to the property owners and advertisement of the designation and article 4 direction.

11. Community Safety Implications

- 11.1 The designation of the proposed Conservation Area does not involve any community safety implications for the Council.

12. Health and Safety Implications

- 12.1 No Health and Safety implications are associated to the designation of the proposed Conservation Area.

13. Risk Management Implications

- 13.1 No Risk Management implications are associated to the designation of the proposed Conservation Area.

Appendices

Appendix I: Public Consultation Response Form

Appendix II: Public Consultation Notification Letter to property owners

Appendix I



PUBLIC CONSULTATION RESPONSE FORM

Proposed Conservation Area for the area between Maldon Road and Butt Road ('Mill Field Estate')

Monday 16th April 2018 – Sunday 27th May 2018

Your name: [please add detail]

Your address with post code: [please add detail]

Q1: Do you support the principle of designating the area as a conservation area?

☐

YES

☐

N

Please explain why if you wish..

Q2: Do you support the principle of restricting permitted development rights?

☐

YES

☐

N

Please explain why if you wish..

Q3: Do you wish to suggest making alterations to the proposed boundary?

☐

YES

☐

N

If YES please describe the alteration/s you wish to suggest and the reason/s

Q4: If you wish to make specific comment/s on any part of the Appraisal and Management Proposals document please do so below. These will be considered fully and may influence alteration to and modification of the final document in the event that formal Conservation Area status [Designation] is agreed by the Council's Local Plan Committee

[please add detail]

Appendix 2

Colchester Borough Council

PO Box 889, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG

Policy & Corporate CONSERVATION

Contact: Simon Cairns

Phone: 01206 508650

Fax: (01206) 282598

E-mail: planning.policy@colchester.gov.uk

Your ref:

Our ref: **180812**

Date: 30 April 2018

Dear Sir or Madam

Proposed Conservation Area for the area between Maldon Road and Butt Road (to be known as 'Mill Field Estate' Conservation Area) & Article 4 Direction

Town and Country Planning Act 1990, as amended; Town & Country Planning (General Permitted Development) (England) Order 2015, as amended, [Article 4]; Planning (Listed Buildings and Conservation Areas) Act 1990 [S69, 70 & 71], as amended & National Planning Policy Framework [paragraph 127].

PUBLIC CONSULTATION: Monday 30 April 2018 (09.00hrs) – Sun. 10 June 2018 (23.59hrs)

At its meeting of 19 March 2018, the Local Plan Committee of Colchester Borough Council resolved to approve, for the purposes of public consultation, the area identified on **page 5** of this letter for consideration as a new conservation area to be known as Colchester Conservation Area No.4. The plan and the proposed conservation area is supported by a Conservation Area Appraisal and Management proposal documents:

- The 'Mill Field Estate' Appraisal and Management Proposals document

This can be viewed on the Council's Planning Consultation website.

<https://beta.colchester.gov.uk/info/cbc-article/?catid=local-plan-consultations&id=KA-01751>

As part of the public consultation exercise, I am writing to you to seek your views on the proposal to designate the area indicated on the accompanying plan as a Conservation Area. Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local planning authorities have a statutory duty to consider whether parts of their area should be designated as Conservation Areas.

In this case, the quality of the largely Victorian architecture and the uniformity of appearance road by road is considered to be special. The area is a wonderful example of the higher quality suburban expansion of Colchester beyond its origins within the town wall. The area is highly visible sitting as it does between two principal arteries into and out of Colchester Town Centre.

Within the area is currently only one listed buildings but such is the quality of other buildings that the majority within the proposed boundary are considered to have special townscape merit. They form a fine group.

The proposed conservation area in places adjoins the existing conservation area known as Colchester Conservation Area no 2: Lexden Road and the Garrison Conservation Area.

Designation of a conservation area is a recognition of special character but with that will come certain new planning restrictions and responsibilities for home owners. These are described in summary form below:

Your house and permitted development:

Permitted development (PD) rights* [*your ability to undertake certain works to your house without the need for planning permission] are slightly different in conservation areas compared to other areas. This means that you need to make a planning applications for some forms of development which would not need such applications outside conservation areas. For example:

- Detailed residential changes like two-storey extensions, dormer windows, and stone cladding
- Extensions to retail premises (smaller floorspace increases; appearance should match the existing; limitations to click and collect facilities)
- Industrial and warehouse buildings (smaller floorspace increases)
- Limitations on change of use such as retail or agricultural to dwellinghouse

Demolition:

If you want to demolish your building you will need planning permission. If the building is also listed you will also need listed building consent.

Trees:

If you want to cut down, top or lop any but the smallest of trees in a conservation area you must notify your local planning authority six weeks before work begins. The authority will then consider the contribution the tree makes to the character of the area and if necessary create a Tree Preservation Order (TPO) to protect it.

Article 4 Direction:

It is the Council's intention to apply an 'Article 4 Direction' to preclude any works of extension or alteration to the exterior of a dwelling within the area defined as the new conservation area without first having secured planning permission even where such works would previously have constituted 'permitted development'. Whilst this may at first seem somewhat onerous it does the mean the Council is better able to control changes in the conservation area that would otherwise have not needed planning permission and that might unintentionally harm its special character.

The website described above provides an explanation of conservation area principles and the Full Draft Conservation Area Character Appraisal and Management proposals Document upon which the proposed conservation area is based.

I welcome any views you might have on this proposal and in particular any comments you may have on the proposed boundary of the Conservation Area. Your comments will be reported back to a future meeting of Local Plan Committee. It will then consider designating the proposed Conservation Area either in its proposed configuration or as amended following the views put forward during this public consultation period.

All properties within and adjoining the proposed Conservation Area are being consulted along with local Council members and relevant external agencies. Your views and comments can be made on-line at:

<https://beta.colchester.gov.uk/info/cbc-article/?catid=local-plan-consultations&id=KA-01751>

or in writing to

Colchester Borough
Council Policy &
Corporate Services
Conservation Area Consultation
[MRBR] Rowan House
33 Sheepen Road
Colchester
CO3 3WG

If you are not the property owner, would you please pass this letter and accompanying information on to the appropriate person. Thank you for your assistance and I look forward to receiving your views on this proposal. If you wish to discuss any of the above please contact me at vincent.pearce@colchester.gov.uk or 01206 282452. Please note that I work on Wednesdays, Thursdays and Fridays.

Yours faithfully

Simon Cairns

Simon Cairns, MRTPI, IHBC
Planning Manager

MILL FIELD ESTATE CONSERVATION AREA



Colchester

Mill Field Estate Conservation Area Appraisal and Management Proposals

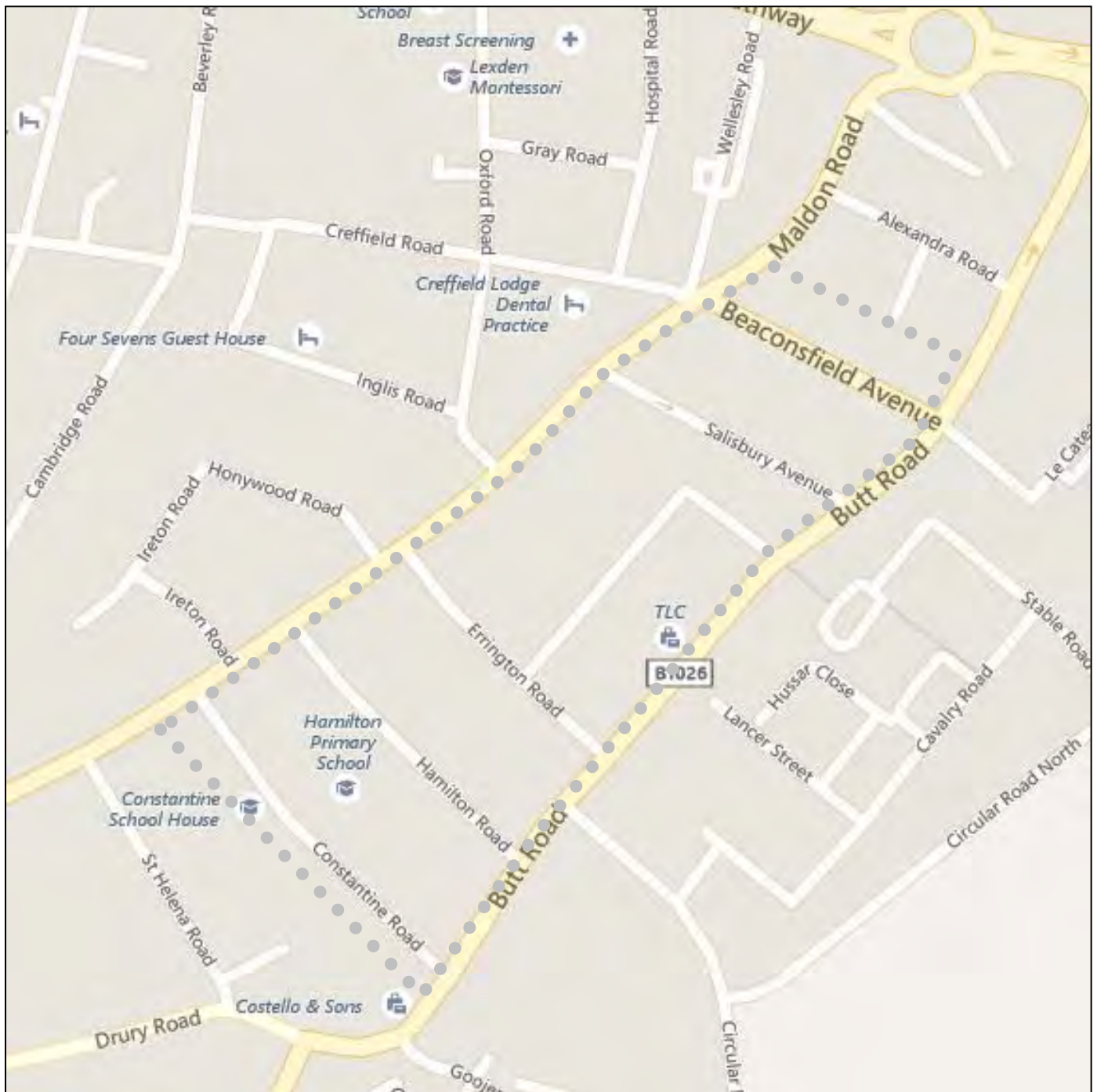
CONSULTATION DRAFT



Mill Field Estate Conservation Area

CONSERVATION AREA CHARACTER STATEMENT & MANAGEMENT PROPOSALS

Front Cover photograph: VE Day celebrations, 1945. Wickham Road facing south west, towards Errington Road



General location

Libby Kirkby-Taylor
Colchester Borough Council

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Part A - Character Statement

Introduction: Statutory basis & guidance aims

Conservation areas are 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance', (Planning (Listed Buildings and Conservation Areas) Act 1990 (section 69.1). They were introduced by the Civic Amenities Act, 1967.

Designation of a conservation area extends planning controls over certain types of development, principally the demolition of unlisted buildings and works to trees. Local Authorities will also formulate policies to preserve the character of their conservation areas. However designation does not prevent any change within conservation areas, and they will be subject to many different pressures, both good and bad, that will affect their character and appearance.

The character of conservation areas does not derive simply from the quality of individual buildings, but also depends on the historic layout of property boundaries and thoroughfares; on a particular 'mix' of uses; on characteristic materials; on appropriate scaling and detailing of contemporary buildings; on the quality of advertisements, shop fronts, street furniture; and hard and soft surfaces; on vistas along streets and between buildings; and on the extent to which traffic intrudes and limits pedestrian use of spaces between buildings. Thus it is ordinary buildings, and the spaces between them, which it is important to preserve and enhance if conservation areas are to retain their special character.

Local Authorities have a duty to designate conservation areas and to formulate policies for their preservation and enhancement. They are advised to review each conservation area from time to time, to ensure it has an up-to-date character appraisal which sets out its special architectural or historic interest and that its boundaries are appropriate. The character appraisal will be the basis for the management of the area, including development control and the preparation of enhancement proposals. Management proposals for the conservation area should be published in conjunction with the character appraisal.

The purpose of this conservation area appraisal is to assess the streets between Maldon Road and Butt Road from Beaconsfield Avenue to Constantine Road for possible designation as a newly designated conservation area. In doing this it will:

- Identify the area's special interest
- Suggest conservation area boundaries
- Consider strategies for management of the area, forming part of the evidence base for the council's Local Plan in the form of a supplementary planning document
- Provide a basis for implementing policies and for making informed development control decisions.

The character appraisal will lead to the management proposals, which will

- Assess the need for enhancement to public spaces, highways and private property
- Consider the need for article 4 directions to limit permitted development rights
- Assess buildings at risk
- Assess the need for enforcement action
- Establish procedures for implementing and monitoring proposals

1.0 Designation, location and boundaries

1.1 Designation

It is proposed that this neighbourhood should be designated as a conservation area. There is one statutorily listed building in the proposed conservation area and three locally listed buildings. Most of the buildings in the proposed conservation area were nominated for local listing by the Colchester Historic Buildings Forum for their local interest and architectural quality. The conservation area is proposed as a more robust alternative, as it is a means of protecting the buildings within it as well as the spaces between them.

Four trees are protected by a Tree Preservation Order. There are no scheduled ancient monuments within the boundary of the proposed conservation area.

1.2 Location

The character area lies to the south of the town centre, divided from the town centre by Southway and the large roundabout at the top of Balkerne Hill. It is bounded by Maldon Road to the west and Butt Road to the East. Its most southern street is Constantine Road, its most northern is Beaconsfield Avenue.

The Colchester Borough Historic Environment characterisation Project 2009 placed the character area into Historic Environment Character Area 5 (Modern Colchester). It states:

Following the arrival of the railway in the 19th century to the north of the town, and the subsequent development of an engineering industry, terraced housing for factory workers spread out from the medieval and post medieval suburbs, taking over land to the south of the town that was previously occupied by the original garrison in New Town and around Old Heath Road and also along Maldon Road. These Victorian suburbs are characterised by regular block and street patterns and terraced housing interspersed with the occasional 'villa-style' house (p 49).

The area sits between the Garrison Conservation Area, which is to the east of Butt Road, and the southern boundary of the Colchester Conservation Area 2.

1.3 Boundaries

The boundaries of the conservation area are drawn to recognise the strong cohesion of the architecture of the streets. For this reason the more varied villa type housing along both sides of Maldon Road are excluded. This is not to deny their architectural merits; many of the buildings along Maldon Road display an exuberant character that gives a pleasant and lively effect. Their individuality however is at odds with the character of the buildings within the proposed conservation area. It is likely that on review of Colchester Conservation Area 2 these buildings could be incorporated in an extension of the boundaries. Their character is undoubtedly more related to the villa-type of housing more commonly seen within that conservation area. However the houses at the corners of Maldon Road have an immediate impact on the character of the conservation area, particularly because of their long rear gardens, the boundary treatments of which affect the character of the conservation area as well as views in and out of it. For this reason these buildings are included in the area.

The eastern boundary of the conservation area runs down the middle of Butt Road. Usually this would be considered bad practice, but the other side of the road is within the Garrison Conservation Area. In contrast to Maldon Road the houses on the west

side of Butt Road are similar in character to those within the proposed conservation area, and their inclusion is therefore logical.

The southern boundary is drawn at the back of the gardens on the south side of Constantine Road. St Helena Road has a quite different character with buildings of a much later type. The northern boundary is drawn at the back of the gardens on the north side of Beaconsfield Avenue. The inclusion of Alexandra Road and Alexandra Terrace was considered but their character is too different and the architecture too varied to relate well to the proposed conservation area. Both include some distinctive buildings of architectural merit and their inclusion on the local list should be reconsidered.

Some areas and buildings in need of enhancement through sympathetic redevelopment have been included within the conservation area in the interests of securing enhancement in the long-term.



Figure 1: Designation Map

2.0 Geology and topography

The topography rises eastwards from Maldon Road to Butt Road and more gently upwards from north to south. This gives an interest to vistas along the roads, and a variety to views within the area. The impact of the sloping ground on the terraced streets within the conservation area is differing eaves heights, stepping up gradually along the street with resulting interesting articulation in views along the street.

The 2009 Colchester Historic Environment Characterisation Project identifies the geology of the area to be Kesgrave Sands and Gravels. In Palaeolithic times the area was within the area of the river Kesgrave and the sands and gravels were deposited along its course at that time¹.

3.0 Archaeology

Between 1st and 3rd centuries AD there were extra mural settlements outside the main gates into the town and large cemeteries are known in Lexden and to the south at Butt Road and in Abbey Fields, where a Circus was also located. The Colchester Historic Environment Characterisation project identified limited potential for below-ground remains beyond a few stray finds, mainly of Roman coins and ephemera. Any future finds in the neighbourhood are likely to be restricted to remaining areas of open space, none of which fall inside the conservation area boundaries².

The former Colchester Borough Council archaeologist, Martin Winter, has explained “The character area is rather a blank in the archaeological record with limited survival of below ground remains. The only finds have been a handful of Roman coins and about five burials. There are a number of possible reasons why this may be so, including lack of antiquarian interest at the time the area was developed, although this is unlikely because finds were recorded in the 1840s at the Butt Road sand pit, which is approximately the site of the present day police station, and during the development of the cavalry barracks at the garrison in the 1870s. The area has not been subject to systematic archaeological investigation. Although in the last thirty years a few watching briefs have been undertaken, nothing has been found. The re-development of the Salisbury Hotel also produced nothing. Perhaps most persuasively the location was always regarded as valuable farming land, being reasonably close to the town, and was preserved as such. We know from excavation at the Garrison that cemetery areas were rigidly delineated from non-cemetery areas by large ditches. The same situation occurs on the east side of town where very few archaeological finds are recorded”.

The Victoria County History observes that Maldon Road, once Maldon Lane, is probably of Roman origin, whereas Butt Road is probably medieval, and presumably named as the route to the ‘butts’: the public archery practice area.

¹ (p.156)

² P157

4.0 Development history



Figure 2: Detail of the 1777 Chapman and Andre map of Colchester showing Maldon Lane (later Maldon Road) and Butt Road. Note the Butt Windmill shown just to the west of Butt Road.

The 1882 Ordnance survey map still shows the Butt mill, on the west side of Butt Road, which was built between 1660 and 1662 when it was conveyed to John Gibson, miller of Middle mill. The mill was rebuilt soon after 1779, and again, after a fire, in 1787. In 1824 it was a post mill with three pairs of stones over a brick roundhouse. It was repaired after storm damage in 1852 but was demolished in 1881, so its appearance on the 1882 map probably indicates the elapse of time between the survey and the publication of the map.

Comparison between the 1882 map and the 1896 map shows the speed of development in a relatively short length of time from fields and scattered cottages to the straight regimented streets we associate with Victorian suburbs. Note also the development of the adjacent garrison buildings to the south east of the area.

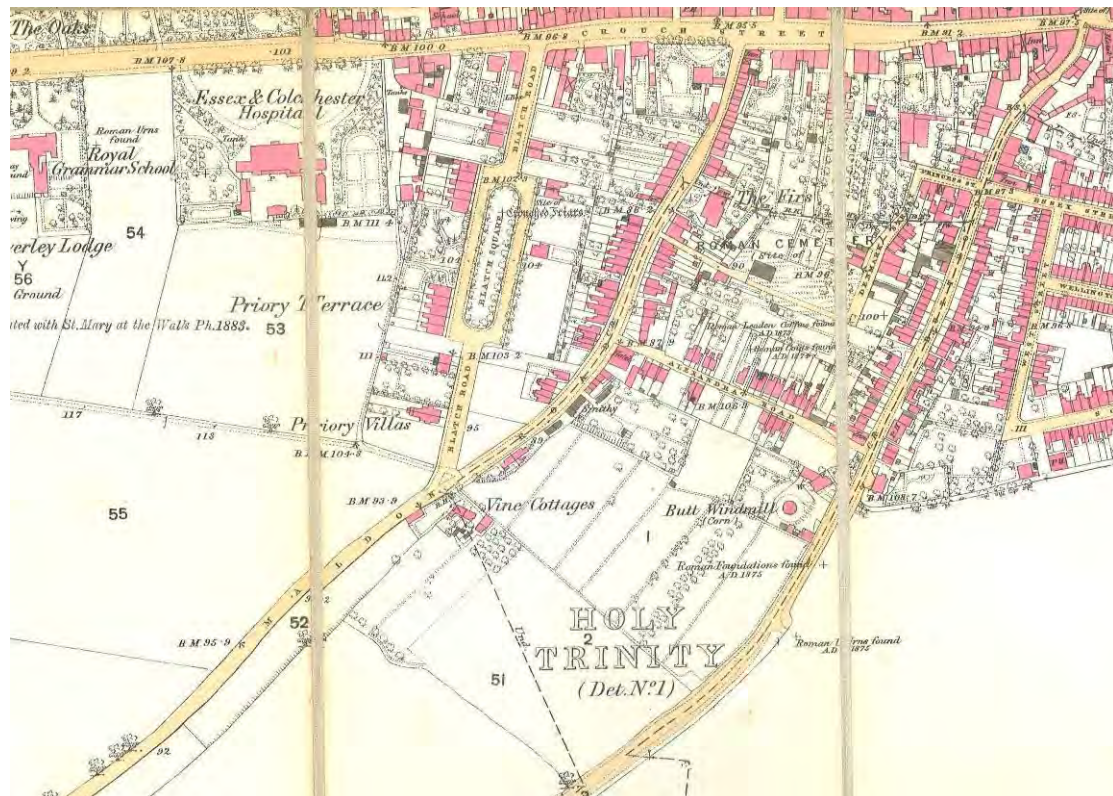


Figure 3: Second Edition Ordnance Survey map 1882

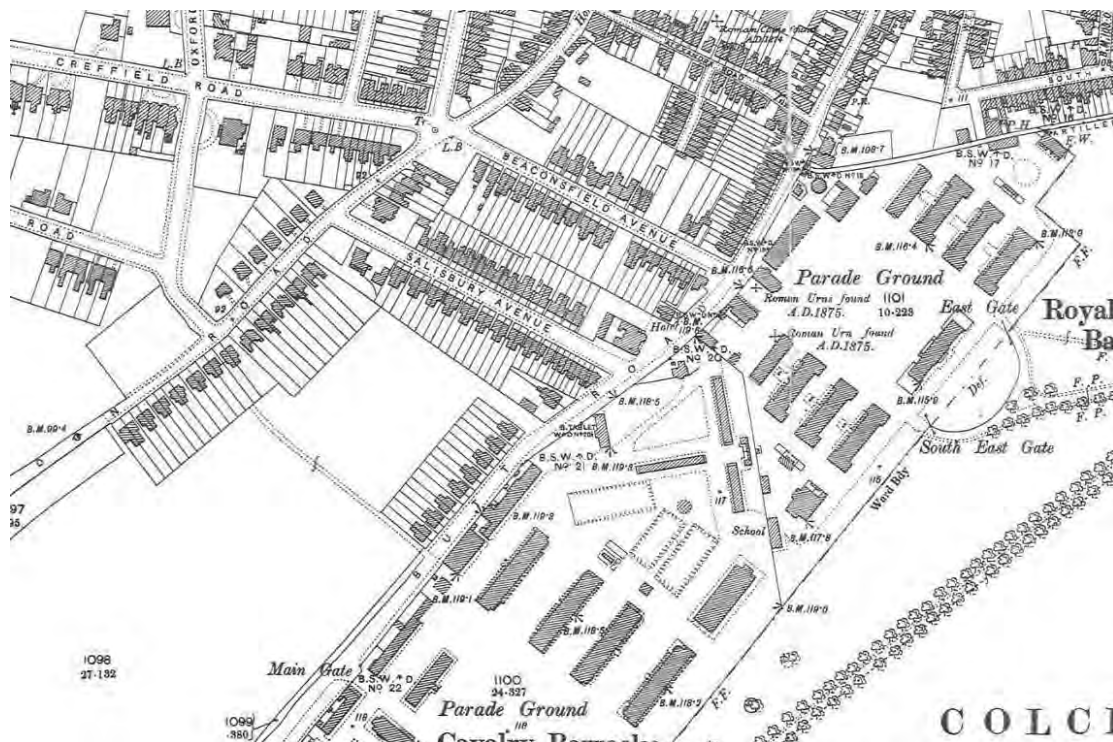


Figure 4: Third Edition Ordnance survey map, 1896

4.1 Historical development

Until the mid 19th century the town of Colchester was largely contained within the town walls with villages surrounding the urban area. The conservation area represents an early phase of development outside the walls, dating to a similar time to New Town. From 1879 Beaconsfield Avenue and Salisbury Road were laid out on

the Mill Field Estate by Henry Jones, who was a local lawyer and businessman³. These were the first to be built followed in order going south by the streets down to Constantine Road, which was fully developed by 1914⁴. The rapid development of the streets resulted in the strong architectural coherence of the area.

Each street seems to have been laid out as the first initial step by an 'entrepreneur' out to make a nice profit and then the buildings appear over a number of years as the plots are bought and built on by different builders each with their own slightly different designs which is why somewhere like Beaconsfield Avenue has got such an interesting mix of much the same kind of buildings along its length⁵.

Phillip Crummy, director of the Colchester Archaeological Trust has concluded that the streets were built within the following dates: Beaconsfield Avenue (1890-1894+), Salisbury Avenue (1891-95), Wickham Road (1899-1902+), Errington Road (1901-5+), Hamilton Road (1902-3+), and Constantine Road (1905-6+).



Figure 5: Pre-Second World War Beaconsfield Avenue, note the design of the railings and young street-trees

5.0 Townscape character:

5.1 Overview

The area is to the south of the town centre between Maldon Road and Butt Road. The streets have a largely cohesive character, dominated by semi-detached and terraced two-storey houses that are typical of the late Victorian period. The plots tend to be long and narrow, resulting in a fine urban grain and high building density through the closely spaced houses. The streets, while cohesive in their architectural language, all show sufficient variation in their detailing to make it clear that they were sold as small groups of plots for development to different people.

³ VCH. From: 'Stanway: Introduction', A History of the County of Essex: Volume 10: Lexden Hundred (Part) including Dedham, Earls Colne and Wivenhoe (2001), pp. 259-263. URL: <http://www.british-history.ac.uk/report.aspx?compid=15273&strquery=henry> Date accessed: 21 January 2014.

⁴ From: 'Modern Colchester: Town development', A History of the County of Essex: Volume 9: The Borough of Colchester (1994), pp. 199-208. URL: <http://www.british-history.ac.uk/report.aspx?compid=21988> Date accessed: 20 January 2014.

⁵ E-mail from Phillip Crummy 2 December 2013

They are of middling status; two storeys high and narrow in relation to their depth. Their scale is modest, domestic and human. Generally the buildings are faced in red or yellow stock brick with slate roofs and some enrichment around windows, doors and at the eaves and verges. String courses and decorative brickwork influence the character as do the ubiquitous vertical sliding sash windows and the ground and two-storey bay windows. Corner buildings are unusual but where they occur, while they are somewhat grander than others on the streets, they are not noticeably taller.

Most of the streets were occupied by people whose occupations might be considered lower-middle class. The Kelly's Directory of 1906 lists among others an insurance clerk a builder, bailiff, commercial traveller, an agent for a firm of furniture dealers, a boot and shoe repairer, dressmakers, shopkeepers and, perhaps unsurprisingly for streets so close to the barracks several sergeant majors. Beaconsfield Avenue and Salisbury Road have many people simply listed as 'householder'.



Figure 6: A view looking west down Beaconsfield Avenue towards Maldon Road.

The rows of terraces and closely spaced semi-detached houses form a horizontal rhythm of strongly vertical building elements, and the regular building line, set back from the pavement, provides a palpable sense of enclosure along the streets. Where front boundaries survive the feeling of enclosure is emphasised; the boundaries clearly defining public and private spaces. In common with many streets the railings were removed in the 1940s as part of the war effort and have not been replaced. The dwarf walls can look rather odd without railings, although many people have grown hedges in their place and this softens the effect. Where close boarded fences have been erected their impact is jarring and detrimental, particularly where they are combined with concrete posts.

5.2 Urban form, street pattern and street-scape.

The streets create a linear grid pattern, with only Wickham Road not running in a straight line, aligned approximately north west to south east. The streets are closely built up with houses on both sides and with few spaces between them. The roads are in one or two places punctuated by marginally more elaborate corner buildings with slightly richer detailing, a good example is the one on the south side of the road on the corner of Beaconsfield Avenue and Butt Road. However in most cases there are no bespoke designed corner buildings and thus the buildings at the ends of most streets squarely address one road or another. The result of this in most cases is an undeveloped gap between buildings occupied by private rear gardens. There is no

green open space or amenity space, although many roads retain some of their street-trees, and where this is the case the greenness adds a welcome sense of the changing seasons and a sense of life and movement to the generally quiet streets.

Although the houses stand close shoulder to shoulder, the streets are quite generous in their width, and rear gardens tend to be relatively long. In addition, even the most modest houses in the area have at least some garden to the front and the pavement widths are ample. The pedestrian therefore feels a pleasant feeling of enclosure without the sense of crowding experienced in the narrower streets of neighbourhoods originally built for the working classes.

While the roads are generally straight the sloping topography lends unexpected visual interest as views change and evolve along the street. The gentle topography means walls, pavements, windows and eaves have an interesting stepped appearance in response to the ground levels.



Figure 7: Townscape analysis map

Gardens, where they survive, give the houses a strong sense of privacy and clearly delineate public and private space. Where gardens and boundaries have been lost the feeling of enclosure and separation between the street and private land is

disrupted, harming the character of the area. The larger the front garden the more defensive the front garden is and this could be seen as an indicator of the original social status of the individual streets. Larger front gardens afford greater privacy and are usually indicative of the higher status homes. As the gardens provide a primary buffer from the street, the pavements provide a secondary one, and would particularly have done so in the past when the street trees were more frequent and in better condition. The result would have been a quiet 'respectable' atmosphere despite the high density of residents.



Figure 8: The street trees make a positive contribution to the character of the conservation area.



Figure 9: The sloping topography gives additional interest to the already lively architectural language of the houses.



Figures 10 and 11: Boundary walls and street trees define the separation between public and private spaces.

5.3 Views, landmarks, buildings of townscape merit

The area is reasonably visually enclosed and there are few notable views out of the area. The most significant view is looking north along Butt Road, although this one is somewhat negative, dominated by large scale mid-twentieth century buildings whose character is at odds with the conservation area in terms of scale, massing, size and detailing. Views along the streets are given additional interest by the sloping ground and are frequently attractive and evocative of their period.



Figure 12: The view north up Butt Road is dominated by large modern buildings that relate poorly to the character of the conservation area



Figure 13: Generally it is the repetition of architectural closely related elements that defines the character of the area. Here the garage inserted into a front elevation, the occasional roof light and satellite dish and the one building with grey painted joinery are the alien elements that catch the eye and detract from the visual unity.

The cohesive and consistent architecture means that there are few landmarks within the conservation area. The most distinctive buildings tend to be the negative ones, notable for their jarring visual impact. The obvious exception to this is Hamilton School, larger both in size and scale, but whose architectural features and character are closely aligned to the locality and which constitutes a positive landmark building.



Figure 14: Hamilton School, while much larger than other buildings nearby shares its architectural language with the area and this combined with its location, set back far behind the building line ensures it contributes positively to local character.

There are several buildings included on the local list, as indicated in figure 1 (page 3). There are one or two buildings of architectural merit that do not relate closely to the character of the area but are considered positive because of their intrinsic merits and quality.



Figure 15: St Runwalds is the only statutorily listed building in the proposed conservation area.



Figure 16: The Cloisters, 84 Maldon Road, is a locally listed building, of similar date to the houses in the proposed conservation area, but the use of rubble-stone for the walls, with brick quoins gives it a distinctly different character from most buildings nearby.

Views are frequently marred by the inevitable rows of parked cars, and by the telegraph poles with their myriad wires to each property. The latter, at least, is theoretically resolvable.

5.4 Open space and flora

There is little public greenery other than the street trees, which are sparsely distributed and usually quite young, they look little older than those in photographs taken not long after the buildings were constructed and must have been replaced relatively recently.

A relatively high proportion of street trees survive in Errington and Hamilton Roads. In the other streets they are somewhat sporadic and the character of the streets suffers for this.



Figure 17: The impact of the lack of street trees can be better experienced by comparison with another view of Wickham road below. Note the 'pock-marking' effect of randomly placed satellite dishes.



Figure 18: The street trees seen here make a positive contribution to character, distracting the eye from other unwelcome intrusions, such as the inappropriate streetlight and telegraph cables.

5.5 Paving and street furniture

There are some flagstones but in general concrete flags are in evidence. These replicate the flagstones and contribute to the character of the area. The kerbs are also concrete with no granite or Pennant sandstone kerbstones in evidence.

There are many old streetlamps remaining, which have been converted to electric with conversion boxes mounted high on the standard. The conversion boxes are somewhat inelegant but are a considerably better option than the ugly standard galvanised ones that have been installed in some places and have the character of motorway lighting rather than street-lights intended for use within a residential area.



Figures 19 and 20: The older street lights are elegant despite their ugly conversion boxes, whereas the modern over-sized galvanised streetlight has little to redeem it.

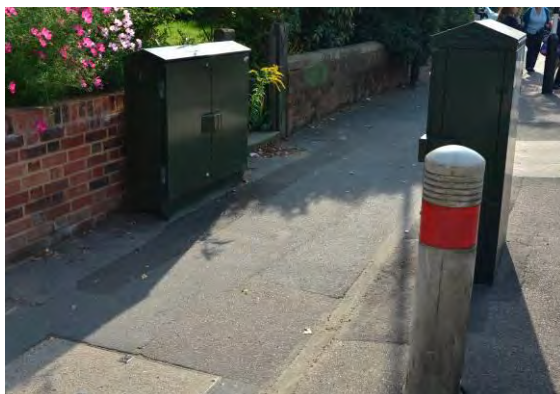


Figure 21, left: Unwelcome street clutter is accumulating. Note the patchy tarmac on the pavement.
Figure 22, right: An old street name plate mounted on a house



Figure 23: Street name plates make a positive contribution with their discreet appearance and quality materials.

Historic street nameplates survive alongside the modern ones, and contribute positively to the character of the area. Inevitably modern street clutter is accumulating, with green telecoms boxes, grey posts for traffic signs, including some that have the sign missing, and other paraphernalia. In some places multiple telecoms boxes are situated together and it must be questioned whether all are still in use or whether some are redundant. In general later additions tend to be insensitive. While the railings outside Hamilton School are clearly a sensible safety precaution their unpainted state presents a poor comparison to the tall black gates at the school entrance directly adjacent.



Figure 24: The galvanised safety rail compares poorly to the school railings and gates, and would be somewhat improved by painting them black to match.

5.6 Movement and tranquillity

Beaconsfield Road is a B road and consequently can be busy with cars cutting across from Maldon Road to Butt Road. At school opening and closing times both Hamilton Road and Constantine Road become busy with cars and pedestrians but for the remainder of the day the street is tranquil, as might be expected in a residential area.

5.7 Table of contributing and detracting features

Features that contribute to character	Features that erode character
Boundary walls and gardens Trees and shrubs in gardens Street Trees Tiled front paths Timber doors with decorative glazed panels Inset doorways Vertical sliding sash windows Bay windows Slate pitched roofs Decorative stonework around windows and doors Polychromatic brickwork used for decoration String courses Decorative eaves and verges Chimneys Cast iron rainwater goods Uniformity within the street Flagstones for pavements Historic street nameplates	Loss of definition between public and private spaces Hard-standings and Forecourts; cars parked in front gardens Missing boundary walls Garages Close boarded fences Unnecessary street clutter Concrete tiles on roofs Tarmac paths Plastic windows, especially when flush set or top-hung Plastic doors Rendered or painted brickwork Porches Satellite dishes Photovoltaic and solar panels Roof lights and dormers Buildings that do not reflect the uniformity of the area in their designs or alterations

6.0 Character areas

While there are no distinct character areas within the conservation area because of its architectural consistency and compact development period there are subtle variations in character. At the northernmost and southernmost ends the buildings are usually on larger plots and are usually semi-detached. At the heart of the area the grain is tighter with more terraced houses and smaller gardens. This might reflect the general social hierarchy of the streets.

The difference between the earlier and later streets in terms of the enrichment and decorative features on the facades of the buildings is discreet but in general the older streets have buildings that are more exuberant in their design, with timber fretwork including 'gingerbread' gables facing the street, decorative eaves, grander, more generous entrances and greater use of terracotta decorative panels.

The later streets employ more standard decorative elements in a more modest combination with less architectural variety, but their uniformity often results in harmonious and neat groups of houses.



Figure 25: An example of architectural exuberance derived from the combination of polychrome brickwork around windows and doors; white painted enrichment at eaves, gables, string courses, cills, windows and boundary walls; varied roof forms; large elegant bay windows, inset porches and the use of traditional scale and materials.

7.0 Significance of the conservation area and elements within it

The area is, primarily, significant because it is a cohesive area of turn of the century housing with surviving architectural character. This character contains evidence of Victorian ideals of status and home-life, privacy and respectability. It also gives evidence of the changing social and economic and political climate of the time.

Unlike New Town, the development of which was clearly affiliated to the Liberal party, any political affiliation associated with this development is unclear. It has been argued that the area was associated with the Conservative party, and the first two streets, Beaconsfield and Salisbury appear to have been named after the Conservative Prime ministers Benjamin Disraeli, later Lord Beaconsfield; and Lord Salisbury. However after this the association becomes less obvious. Sir George Errington was High Steward of Colchester and appears to have been a local landowner of Lexden Park, on whose land part of the area was built: the Essex Record Office holds a building plan of Hamilton Road belonging to "Errington's Trustees: owner"⁶. Perhaps he was also a banker; one of the two private banks in Colchester was Mills, Bawtree, Errington, Bawtree, & Haddock⁷. Wickham and Hamilton appear more obscure, neither appears in the Victoria County History of Colchester. Constantine Road was probably named after Constantine I the Roman Emperor who is popularly thought to be the son of St Helena, the patron saint of Colchester and the grandson of King Coel. This hypothesis is supported by the next (somewhat later) street to the south, which is St Helena Road.

⁶ D/B 6 Pb/1681 Building Plan of Hamilton Road 1902, Essex Record Office

⁷ From: 'Modern Colchester: Economic development', A History of the County of Essex: Volume 9: The Borough of Colchester (1994), pp. 179-198. URL: <http://www.british-history.ac.uk/report.aspx?compid=21987&strquery=errington> Date accessed: 24 January 2014

The area was clearly built-up in a series of small developments by different builders who must have bought pockets of land and developed them speculatively for profit. In contrast to the working class streets to the south including Wellington Road and South Street the buildings appear mostly to have been intended for the lower middle classes and it appears that this is an example of more affluent extra mural living. The grain of the housing becomes tighter in the heart of the conservation area and this probably reflects variation in social status of the different streets.

The grain is looser at the northern and southern ends of the conservation area although later streets Constantine Road and Hamilton Road show more restrained enrichment than Beaconsfield Avenue and Salisbury Road. This is likely to reflect changes in economic climate rather than social status.

8.0 Economy: land uses & values, vacant sites, future uses

The neighbourhood is sought after and popular, with few houses for sale, and a generally high standard of repair. Hamilton School may contribute to this popularity. The area seems comfortable and reasonably affluent.

The vast majority of the buildings are brick built houses with little variation in this apart from Hamilton School. Nearly all the buildings are still used as dwellinghouses. The buildings in other uses are usually houses that have been converted and can still be identified as of the domestic type. Apart from the school there are two garages, a military tailors' shop, a small convenience store, a nursery, a hairdresser's and various other uses such as the Youth Service for Colchester Mind. Where new buildings designed for other uses have been built they tend to have a detrimental impact, particularly given the general uniformity of the area. However the military tailors' shop and convenience store at the eastern end of Constantine Road are of appropriate scale and have a generally positive impact: the traditional shop front of the former suits the character of the area and the latter is an appropriate use and is the last fragment, in this neighbourhood at least, of a necessary, and once ubiquitous, amenity.



Figure 26: this corner shop makes a positive visual contribution with its traditional shop front and signage; the newsagents provides a traditional and necessary amenity for the neighbourhood.



Figures 27 and 28: Purpose built commercial buildings do not usually contribute to the character of the area, and cumulatively they can seriously detract as a result of their alien design and signage, large hardstandings and visual blurring of the boundaries between public and private spaces.

There are no obvious vacant sites. The layout of the buildings has resulted in long rear gardens at either end of most of the streets, which have been subject to erosion of character with inappropriate garages and long close-boarded that are alien to the character of the conservation area. It might be tempting to use these rear gardens for further development but in most cases this would rob the original buildings of almost all private amenity space while artificially tightening the grain of the buildings. This would be alien to the neighbourhood which is characterised by the close proximity of the buildings on either side compared with the relatively long distances between buildings opposite and to the rear.

At the north end of Wickham Road the large garage buildings are an alien feature that erode the character of the area, and the neighbouring group of private garages at the ends of the gardens belonging to Salisbury Road, while a practical solution to vehicle parking, have a haphazard appearance that conflicts with the ordered character of the streets. This is probably the part of the proposed conservation area that would most benefit from redevelopment. It is likely that this has always been an uncharacteristic part of the street because it is unusual to have more than one garden adjoining the street in this way.



Figure 29: This private parking area harms the character of the area with its lack of boundaries, inappropriate materials and visual inconsistency.

The neatest resolution might be the construction of a long brick wall with gates to allow parking behind. This would be a characteristic boundary treatment used in an ordered way to provide a cohesive appearance in keeping with the character of the conservation area.



Figure 31: Uses of Buildings in the Conservation Area

9.0 Loss, attrition and intrusion

The condition of the area's fabric is reasonably good, both in terms of the buildings and the townscape. Most houses have survived with a small minority having been demolished and replaced with inappropriate new buildings. Some of these might in fact have been undeveloped gaps. Buildings that are taller than usual and employ uncharacteristic details, such as the block of flats at the corner of Salisbury Road, which uses a squat corner tower, balconies and excessive detail at roof level, as well as being uncharacteristically tall and bulky, harm the conservation area despite using an approximation of traditional design.



Figure 32, left: Despite an attempt at traditional design the size of this development, its unconvincing detailing and alien architectural features including applied balconies, undersized windows, bulky dormers and corner tower, combine to create a building clearly out of place in this location. Its closeness to the edge of the site and weak front boundary treatment exacerbate the building's faults.

Figure 33, right: The mid-twentieth century design of this building is softened by its position set back behind the building line. Introduction of a hedge at the front boundary would reduce its impact further by creating a stronger delineation between the public street and the private garden.

There is a very small minority of older buildings that do not share the general character of the area, but which have architectural merit of their own. These merit retention for their own sake even where they do not display the same characteristics. They are an interesting reminder of other architectural styles popular at the time the streets were built, including the Arts and Crafts movement, followed by Art Nouveau and the Mock Tudor aesthetic that appears to have been derived from Arts and Crafts.



Figures 34, left and 35, right: These two buildings differ from the majority of the buildings in the area but still have a positive impact because of their pleasant and traditional appearance.

The area has suffered, to a lesser extent than many other streets, from the popularity of modern alterations including plastic windows, concrete roofs and replacement doors. However a surprising number of original or replica sash windows remain as well as a high proportion of front doors. The doors may have survived because of the attractive decorative glass incorporated into them. Where replacement windows make no attempt to replicate the originals they are very harmful to the coherence of the streets, and in summer even some of those that attempt to mimic sash windows cause harm, in cases, for example, where the sashes are top-hung instead of vertically sliding.

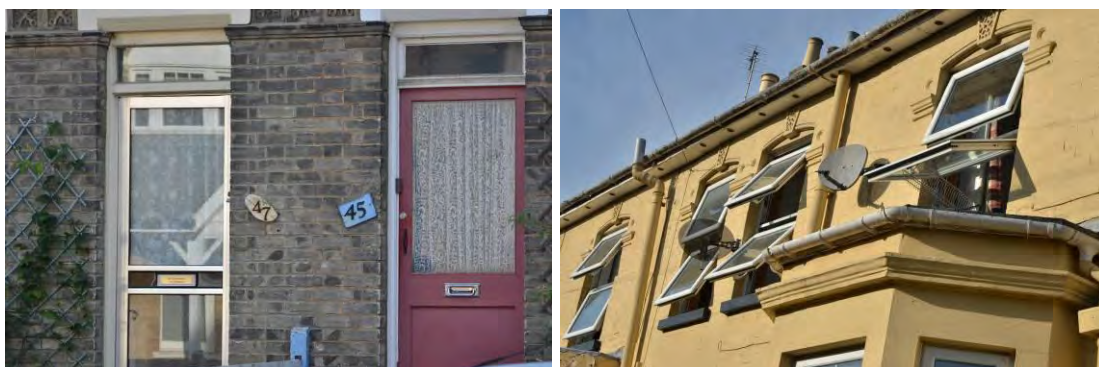


Figure 36, left: Modern front doors look weak and flimsy in comparison to the remaining historic ones
 Figure 37, right: The combination of top-hung plastic 'sash' windows, painted brickwork and satellite dishes has a most unfortunate appearance, masking the buildings' originally good design.



Figures 38, 39 and 40: These later alterations all cause harm to the conservation area and to the appearance of the individual buildings, but they could all be reversed to create a positive contribution.

In Wickham Road there are some inappropriate porches, which have a disproportionately harmful impact, perhaps owing to the way they project forward of the strong building line combined with unusually small front gardens meaning they are not disguised by the large shrubs that are seen in other streets.

The cumulative impact of roof lights, dormers, solar panels and photovoltaic panels is harming the character of the area. The roofs are generally designed to be discreet, with slack pitches and plain slate, in contrast to the relatively decorative parts of the buildings, which tend to be confined to eaves level and below. Uncharacteristic accretions at roof level attract too much prominence to the roof, exacerbated by the slack pitches of most roofs which mean that dormer windows tend to become visually dominant where they are inserted. Satellite dishes on front elevations and chimneys are similarly harmful, distracting from the architectural quality of the buildings to which they are fixed.



Figures 41 and 42: Occasional buildings have second floor rooms that have left the roofs unharmed and thus have avoided harm.

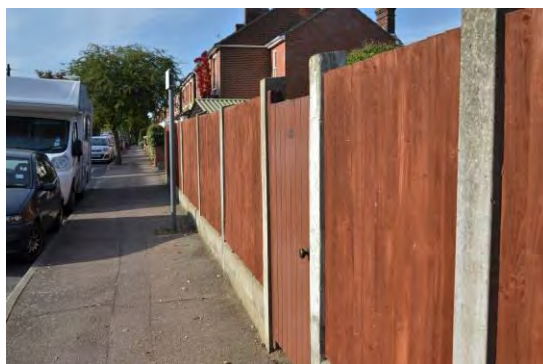
In several streets with longer front gardens the boundary walls have been removed, hard standing created and they have become used for car-parking. The Victorian emphasis on privacy, and the distinction between public and private life is fundamental to understanding the time and by extension to understanding the buildings in which people lived and wanted to live. The loss of front boundary walls and gardens, which provided a buffer between the street and the home, blurs the distinction between public and private space, which is a fundamental part of the character of the conservation area. At present in general the effect is piecemeal but without control loss of front boundaries and gardens could dominate the street-scene and badly erode the character of the area.



Figure 43: Where hedges have replaced railings above boundary walls their appearance is enhanced, making a positive contribution to the area.



Figures 44, left and 45, right: Hard-standings in front of houses and in positions where gardens should be harm the area by blurring the distinction between public and private spaces, contrary to the ideal of their original design.



Figures 46 and 47: Modern garages and close boarded fences detract from the general air of quality in the area.

Unfortunately it is at the ends of streets, at the gateways to the conservation area where most harmful alteration has been concentrated. This is owing to the lack of buildings formally designed to address corners, so rear gardens run along the street. This has resulted in poor quality garage buildings in back gardens and close boarded fences around them. Both these harm the street-scene and erode the character of the conservation area.









Figures 48 and 49: Walls reinforce the character and quality of the streets.



Figure 50: Contribution Map

Explanation of Contribution Key

	Listed building, landmark building, locally listed or substantially unchanged
	Positive building, few changes. Alterations that have occurred are relatively straightforward to reverse and therefore do not represent permanent harm to character – e.g. new windows in unaltered window openings, new roof covering, loss of front boundary
	Building of architectural merit but different character from the predominant character of the conservation area
	Neutral – Buildings that have neither a positive nor a negative impact on the character of the conservation area
	Scope for enhancement. Buildings that have undergone more radical changes that would be harder to reverse – alterations to window openings, painted or rendered brickwork, porches, inserted bays
	Negative – Buildings whose appearance erodes the character of the conservation area

Part B - Supplementary planning policies (management proposals)

Introduction: the need for policy guidance

Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Hereafter known as 'The Act') places a duty on local planning authorities to formulate and publish proposals for the preservation and enhancement of conservation areas. It is important that designation is not seen as an end in itself: policies will almost always need to be developed which clearly identify what it is about the character or appearance of the area which should be preserved or enhanced, and set out the means by which that objective is to be pursued. Clear assessment and definition of an area's special interest and the action needed to protect it will help to generate awareness and encourage local property owners to take the right sort of action for themselves.

The management of the Mill Field Estate conservation area requires a careful approach that facilitates enjoyment of modern life while protecting the aspects of the area that contribute to its character and significance, features that attract people to live here and make it a desirable neighbourhood. In most cases this balance should not cause conflict because with some consideration most alterations could be accommodated in a way that will not harm the character of the street. High quality replacement materials, including replica sash windows, are now readily available; micro-generation equipment and satellite dishes can usually be located discreetly. The pressure on parking is controlled by residents' only on-street parking, so parking in front gardens is not necessary, even if some find it desirable.

Some guidance and control therefore should enable this balance to be successfully achieved without loss of enjoyment for residents. The conservation area appraisal will take the form of adopted planning guidance and the recommendations within it will become a material consideration for future planning applications.

1.0 Protecting the historic environment

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those which relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area. Local planning authorities are required by section 73 to publish a notice of planning applications for development which would in their opinion affect the character or appearance of a conservation area.

1.1 Article 4 direction

The uniformity of buildings within each small development within the conservation area makes inappropriate changes more harmful in this conservation area than in those which have a more diverse character. For this reason character can readily be eroded by poorly conceived alterations. It is proposed that an Article 4 Direction should be imposed to withdraw certain permitted development rights so that planning permission would be required for these works. This would enable the council to control alterations that erode the character of the conservation area. In any event,

designation of the area reduces the scope of many classes of permitted development (Article 2(3) land).

It is recommended that this would include:

- The alteration of any window, door, window opening or doorway visible from public vantage points
- The rendering or painting of the brickwork of any part of a dwellinghouse
- The cleaning of any brickwork
- Re-roofing with different materials
- Installation of a roof light to any part of the roof
- The erection, extension or alteration of a gate, fence, wall or other means of enclosure to any part of the property facing the highway;; including the formation of any access
- The installation of micro-generation equipment including photovoltaic or solar water generation panels
- The alteration of entrance paths
- The erection of garages and car-ports
- Porches
- Removal of chimneys
- Two storey rear extensions

Under Part 1, Schedule 2 of the order including classes A-F inclusive (GPDO 2015 as Amended) refer to Figure 50:Contribution of Buildings to character above (Page 26) dwellings identified in the red (landmark, locally listed or unaltered) and orange (positive building few changes) categories are proposed for inclusion in the proposed direction.

1.2 Additions & alterations

It is suggested that the area indicated on the map in figure 1 is designated as a new conservation area. It is furthermore recommended that this area is protected by an Article 4 direction to control future development and to ensure that in the future all development will enhance or preserve the character of the conservation area.

Where planning applications are submitted that relate to existing inappropriate features that erode the character of the conservation area it is expected that these alterations will be reversed and such features replaced with positive ones. Therefore like-for-like replacement of inappropriate features will not normally be permitted

1.3 Demolition and planning permission

By designation of the conservation area all demolition over 115 cubic metres will be subject to planning permission. Works to trees will be subject to notification to the council.

When considering applications for demolition of buildings within the conservation area the general presumption will be for retention of buildings that contribute to the character of the conservation area or those that have architectural merit. When considering applications for alterations to buildings the council will normally support applications which will preserve or enhance the character and appearance of the conservation area. Development that would be harmful to the character or appearance of the conservation area will be refused unless overriding public benefits that outweigh the harm can be demonstrated to arise from the development.

1.4 Recording

In certain cases where a demolition is approved that will harm the character of the conservation area the council may require developers to carry out recording to an agreed standard before the alterations can be made. Such records shall be offered to the Essex Record Office, the Local Studies section at Colchester Library and the Essex Historic Environment Record at Essex County Council to enable it to be made available for the public.

1.5 Changes of use

The majority of buildings are in use as single dwellinghouses. Where possible this should continue. Where other uses exist the council will support change of use back to domestic use, particularly if this entails the removal of a negative building or feature and associated enhancement of the conservation area.

1.6 Signage

Signage associated with alternative uses within the conservation area is likely to be alien to its character. Where this is required it should be small and discreet, for example brass nameplates beside the doors. Large plastic signs, advertisement banners and other intrusive modern signage, especially where this incorporates illumination, will generally be resisted by the council.

Street signage set within the footway is currently not inappropriate for the area, being of small scale and simple. Historic street signs made from tiles are attractive and an interesting link to Colchester's past. Where they are damaged they should be repaired. Their removal should be resisted.



Figure 51: Where street nameplates are damaged they deserve repair.

1.7 Repair & maintenance

- Some old tiled street nameplates need repair
- Where galvanised handrails exist (for example outside Hamilton School) they should be painted.
- Some old lamp standards need maintenance and repair to avoid risk of their loss
- Street trees need to be cared for to ensure they thrive, or replaced where missing
- Where boundary walls are becoming damaged they should be repaired to ensure their survival.

- Where close-boarded fences need replacement this should be with appropriate features, such as brick walls or hedges. Rendered blockwork is not appropriate.
- Where garages are to be redeveloped they should be hidden behind brick walls with side-hung doors for access.

1.8 New uses for vacant buildings

Vacant buildings are not a significant problem within the area. Where buildings in other uses become vacant their change of use to dwellinghouses should generally be supported unless there are overriding reasons not to do so.

1.9 Proposals for monitoring and review of the Conservation Area

It is suggested that the conservation area appraisal and management plan should be adopted by the council as supplementary planning documents (SPD) and from that time its recommendations should become a material consideration. The conservation area should be reviewed regularly.

The imposition of an Article 4 Direction will have resource implications, as it is likely to attract an increase in the number of planning applications that need to be submitted without a fee. However in this instance, because one of the most significant characteristics of the conservation area is the uniformity and coherence of the architecture, in this instance its imposition is justified.

It is suggested that where resources permit the conservation area should be periodically re-surveyed (perhaps biennially) for unauthorised alterations and to monitor its general condition. At this time a photographic record will be made for reference by the council when considering proposals for development in the area and for potential planning enforcement purposes.

2.0 New development in the historic environment

There are no obvious vacant sites with potential for infill at present, but the features with scope for enhancement include the few negative buildings and areas dominated by garages and parking, which would benefit from enhancement. With little scope for redevelopment it is likely that the majority of development will take the form of extensions and alterations. The guidelines below are intended to assist with this.

2.1 The design of new development

New development should reflect the features within the conservation area that contribute to its character. This is not intended to suggest that future development should necessarily take the form of a pastiche of the historic buildings but instead that the features that contribute to character should be used to inform design. This is a particularly cohesive area and failure to respond to the existing character of the buildings within it is likely to cause more harm than in other places.

2.2 Key design principles

2.2.1 Form

The majority of buildings take a terraced form even where they are semi-detached or detached. Their plan tends to be longer than their width with a narrower projection to the rear. They are arranged facing the street conforming to a regular building line. Most buildings are two storeys high with a relatively shallow pitched, discreet roof. Most frequently the pitch is from front to back. Buildings are usually arranged symmetrically whether this is as taken within the terrace or semi-detached pair or

otherwise as viewed individually. There is some variation between streets, with some containing predominantly flat fronted houses and some containing a high proportion of houses with single or two storey bays.



Figures 52 and 53: Architectural unity derived from repetition of similar elements



Figures 54 and 55: Solid respectability and anonymity.

2.2.2 Scale

Most buildings are built on a domestic scale, only two storeys in height with no or minimal accommodation within the roof; where this is occasionally found the best examples have small window openings in the gables.

2.2.3 Details

Details on buildings are more idiosyncratic in the older streets than the later ones. They include one and two-storey bay windows, both canted and square sided; decorative lintels, door cases, open canopies, string courses and eaves details. Doorways are frequently inset. Front walls used to have wrought iron railings and decorative tiled paths were common. Decorative features are often white although polychromatic brickwork is used for string-courses and corner details and some buildings have terracotta lozenges. In some cases more expensive brick is used for the front elevation and cheaper bricks on the sides and rear. Coloured glass is used in doors but does not appear to have been widely used for windows, probably because this feature is more often a feature of casement rather than sliding sash windows.



Figure 56: Decorative features can include terracotta lozenges, fretwork on eaves and verges, bays and chimneys



Figure 57: Quirky features such as the huge canopy over these first floor windows and the slate roofed porch/loggia feature all contribute to character.



Figure 58: Polychrome brickwork and paired chimneys used to enliven a plain end wall.



Figure 59, left: Terracotta used at eaves to create the effect of an architrave and on the bay to enrich an area of plain brickwork between ground and first floor windows



Figure 60, right: Beautiful tiles on a front doorstep.



Figure 61, left: note the little white modillions under the eills and the decoration around the inset porches and first floor window arch.

Figure 62, right: tiles used simply but effectively to decorate the front path. The decoration emphasises the transition from the pavement onto private property.



Figures 63, left and 64, right: Some examples of beautiful original doors and the coloured glass insets.



Figure 65: The round-topped doorways echo the inset porches in a more modest way and the red brickwork decorates the yellow London stock bricks simply but effectively. Note the mock half-timbering and decorative fretwork of the bargeboards. The survival of front boundaries and the well-planted gardens define the private spaces despite their diminutive size.

2.2.4 Materials

The materials chosen for development in the area should be inspired by those already commonly found there.

Roof coverings are almost always mid-grey Welsh slate. Walls are usually brickwork, both red bricks and yellow stock bricks are commonly found. Painted or rendered brickwork is not appropriate. Windows are usually white painted sliding sash timber windows, most frequently they are in a four pane arrangement. Occasionally small paned windows are found, where they occur it is usually confined to the upper sash. Doors are timber and sometimes have attractive stained glass panels. Rainwater goods are usually cast metal. Boundary walls are usually made of brick matching the house.

2.2.5 Spaces

Reinstatement of railings/boundary walls and gardens to delineate public and private space is to be encouraged. Spaces between buildings along streets are often not generous, but their existence, along with long back gardens and wide roads, is another important feature of the Victorian and Edwardian appetite for privacy.

3.0 The public realm

3.1 Groundscape

Where works in the pavements are carried out it is important that the flagstones are reinstated. Tarmac on pavements should be avoided where flagstones exist; whether stone or concrete. Where tarmac already exists its impact is usually regrettable: repairs look untidy and the surface lacks the feeling of quality that contributes to the character of the area elsewhere.

3.2 Street furniture

Where old lamp-standards become beyond repair they should be replaced with alternatives that are as close as possible to the existing design. Where modern utilitarian standards are to be replaced the replacement should be with replicas of the historic lamp-standards, not with more utilitarian standards.

Waste bins, telecoms boxes and similar items shall not be used for advertising and should be sited sensitively to avoid harming the public realm

3.3 Clutter

Where possible the clutter of signage and street furniture should be minimised. Signs should be grouped onto poles where possible. Disused signage poles should be removed.

3.4 Planting

The street trees within the conservation area are owned and maintained by the council. They need to be maintained to ensure their growth and survival. Where trees are missing, where possible, the council should seek to replace them with appropriate small species. This may be a target for expenditure of any developers' contributions received.

3.5 Developers' contributions

These could be directed towards improvements in the public realm, for example, replacement of inappropriate lamp standards with ones more suited to the character of the area, reinstatement of paving slabs where they have been lost, planting and maintenance of street trees or replacement of inappropriate street furniture (railings for example) with more good quality alternatives.

4.0 Opportunities for new development

The areas used for forecourt car-parking are a regrettable feature of the area and this is a problem that needs to be addressed. Similarly, where close-boarded fences line the street frontage they blight its appearance. Where garages exist it might be possible to site them behind boundaries (walls and gates) to retain the distinction between public and private space using features that are appropriate for the character of the conservation area.

The few negative buildings within the conservation area appear to be in use and are unlikely to present immediate opportunities for redevelopment but in the event that they become redundant the council would encourage their replacement with new buildings that would enhance the character of the conservation area.

5.0 Implementation

A report on this appraisal and its management proposals will be submitted to the portfolio holder for approval. After this the document will be subject to a 28 day public consultation period, during which time a public exhibition will be held, and a public meeting as required by section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. After this the appraisal and management proposals will be referred to the Council's Local Plan Committee. With the committee's approval the conservation area will be formally designated and the appraisal and management proposals will be adopted as a SPD in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012.

proposed
Mill Field Estate
Colchester Conservation Area

character appraisal & management proposals

4 February 2019

Report of	Assistant Director Policy and Corporate	Author	Shelley Blackaby ☎ 508635
Title	Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)		
Wards affected	All		

1. Executive Summary

- 1.1 Eleven Essex local planning authorities are working together on a mitigation strategy to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex.
- 1.2 The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) sets out the necessary measures to avoid and mitigate the effects from increased recreational disturbance. The RAMS sets a tariff of £122.30 per dwelling. This tariff will apply to all residential proposals, even proposals for one dwelling. This is because the whole of the borough is within the Zone of Influence and the RAMS seeks to avoid and mitigate the in-combination effects from all new dwellings.

2. Recommended Decision

- 2.1 To approve the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document for consultation and note the content of the RAMS Strategy Document (Technical Report and Mitigation Report).
- 2.2 To delegate authority to the Planning & Housing Manager (PHM) to make minor changes to the SPD should it be necessary. Any changes considered by the PHM and Group Spokespersons to be more than minor will be reported back to the Committee prior to the consultation commencing.

3. Reason for Recommended Decision

- 3.1 Eleven Essex local planning authorities (LPAs) are working together on a mitigation strategy to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex.

- 3.2 A Habitat Regulations Assessment Strategy Document and a Supplementary Planning Document (SPD) have been prepared by consultants Place Services. The Local Plan Committee is asked to note the findings of the Habitat Regulations Assessment Strategy Document and agree consultation on the SPD. The Habitat Regulations Assessment Strategy Document includes a Technical Report (Evidence Base) and Mitigation Report. The Strategy Document and SPD are attached as appendices to this report. It should be recognised that the SPD is in draft form and could be subject to change.
- 3.3 All SPDs must be consulted upon prior to adoption. As eleven LPAs are working together on the RAMS one consultation will be organised by Place Services on behalf of all eleven LPAs. All LPAs will be asked to agree the draft SPD for consultation. The consultation is likely to commence in May 2019.

4. Alternative Options

- 4.1 The alternative would be to require all applications, even minor applications, to submit a project level shadow appropriate assessment. This would need to include bespoke avoidance and mitigation measures to comply with Regulation 61 of the Habitat Regulations.
- 4.2 This option is not being recommended because it would mean significant work and expense for applicants in preparing a shadow appropriate assessment and for Officers in assessing the shadow appropriate assessment. Furthermore, a piecemeal approach would make it difficult to deliver effective and timely avoidance and mitigation measures.

5. Background Information

- 5.1 The increase in population expected from housing growth across Essex will increase the demand for recreational spaces, for example locations for people to picnic, hike, walk their dogs, swim, sail and many other activities.
- 5.2 The Essex coastline provides opportunities for these recreational uses. However, a large portion of the coastline is covered by international, European and national wildlife designations. The purpose of these designations is to protect wildfowl and wading birds as well as their coastal habitats. Population growth in Essex is likely to increase the number of visitors to these sensitive coastal areas, creating the potential for conflict via increased recreational disturbance of the species and habitats, unless adequately managed.
- 5.3 The Essex coastline stretches for just over 350 miles, extending from the Thames Estuary in the south, northwards to the port of Harwich and the Stour estuary. The coastline is extremely diverse and features a variety of habitats and environments and it is internationally important for wildlife. Most of the Essex Coast is designated under the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') as part of the European Natura 2000 network and the term Habitats sites is now referenced in the National Planning Policy Framework (2018). There are 10 Habitat sites in Essex, which are listed in the table below. The Colne Estuary Special Protection Area (SPA)

and Ramsar, Blackwater Estuary SPA and Ramsar and Essex Estuaries Special Area of Conservation (SAC) are located (in part) within Colchester Borough.

Habitats Sites
Essex Estuaries SAC
Hamford Water SPA and Ramsar
Stour and Orwell Estuaries SPA and Ramsar
Colne Estuary SPA and Ramsar
Blackwater Estuary SPA and Ramsar
Dengie SPA and Ramsar
Crouch and Roach Estuaries SPA and Ramsar
Foulness Estuary SPA and Ramsar
Benfleet and Southend Marshes SPA and Ramsar
Thames Estuary and Marshes SPA and Ramsar

- 5.4 To understand the recreational impacts affecting different areas along the Essex coastline and identify measures which can effectively avoid and mitigate likely disturbance impacts from increased visitors to the Essex coast from new residential developments Natural England, the Statutory Authority responsible for the conservation of habitats and species, identified the need for a strategic approach. Accordingly eleven Essex LPAs agreed to work together. Place Services were commissioned to prepare a RAMS Strategy and SPD, which the LPAs can use to avoid and mitigate likely significant effects to the Essex coast and ensure compliance with the Habitat Regulations. A similar approach has been successfully implemented throughout the country¹.
- 5.5 The ultimate aim of the Habitat Regulations is to “maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora and Community interest” (The Habitats Directive, Article 2 (2)).
- 5.6 The RAMS is made up of a Technical Report and Mitigation Report. It identifies:
- a) the likely impacts from recreational disturbance;
 - b) effective mitigation measures;
 - c) when the mitigation measures are required;
 - d) where the mitigation is required;
 - e) how mitigation relates to development (or development locations);
 - f) how mitigation measures will be funded;
 - g) how the success of the mitigation measures will be monitored; and
 - h) how best to incorporate monitoring data and other information and best practice into future reviews of the strategy and Local Plans.
- i)
- 5.7 The Essex Coast RAMS is only designed to identify the mitigation measures necessary to avoid and mitigate recreational impacts at the 10 Habitats sites from additional residential dwellings within the 11 LPAs areas during the

¹ The Solent, Thames Basin Heaths, North Kent etc.

periods of their Local Plans. It focuses on management activities and behavioural change to affect change. It does not cover any additional infrastructure which could assist in meeting this aim, such as Country Parks, which are often referred to as Suitable Alternative Natural Greenspaces (SANGS) or other 'hard' works such as installation of barriers and the rerouting of footpaths.

- 5.8 In support of the RAMS, Natural England has updated their maps to show Zone of Influence (Zoi) for each Habitat site. The Zoi are based on survey work which has informed the RAMS. The Technical Report shows that the whole of Colchester Borough is within the Zoi. This means that all residential development in Colchester is within the scope of the Essex Coast RAMS and it is anticipated that development is likely to have a significant effect upon the interest features of the aforementioned Habitat sites through increased recreational pressure, when considered in-combination. Consequently all residential development proposals in Colchester will require an appropriate assessment to assess recreational disturbance impacts on Habitat sites.
- 5.9 Whilst the Essex Coast RAMS is being prepared as a result of emerging Local Plans in Essex it applies to all applications, even applications for single dwellings and for allocations in adopted Local Plans. This is because it is recognised that plans and projects within the Zoi are likely to have a significant effect on a number of Habitat sites when taken in-combination. This applies just as much to new planning applications for housing development that are made prior to the adoption of the RAMS SPD.
- 5.10 The Town and Country Planning (General Permitted Development) (England) Order 2015 allows certain development as Permitted Development in Schedule 2 of the Order. However, this is subject to regulations 73 to 77 of the Conservation of Habitats and Species Regulations 2017, which override this stating that if the appropriate habitat mitigation is not provided then the development cannot be permitted development.
- 5.11 Regulation 77(7) states that: "In the light of the conclusions of the assessment the local planning authority may approve the development only after having ascertained that it will not adversely affect the integrity of the site." Therefore, applications for prior approval will either have to make a RAMS contribution or prepare a project level shadow HRA.
- 5.12 The RAMS SPD includes background information, which explains the need to avoid and mitigate. It lists the types of development covered by the RAMS, details of what the applicant needs to do and the tariff. Payment of the tariff is voluntary and alternatives are also discussed in the SPD. As explained in section 4 of this report, the alternative is for applicants to carry out their own project level shadow appropriate assessment, which will need to detail necessary avoidance and mitigation measures to ensure compliance with Regulation 61 of the Habitat Regulations.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link: - <http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>

7. Strategic Plan References

- 7.1 The Strategic Plan is relevant in particular in contributing towards priorities under the themes Opportunity and Wellbeing:

Opportunity- Ensure a good supply of land available for new homes through our Local Plan.

Wellbeing- Encourage belonging, involvement and responsibility in all the borough's communities; and Help residents adopt healthier lifestyles by enabling the provision of excellent leisure facilities and beautiful green spaces, countryside and beaches.

8. Consultation

- 8.1 Draft Supplementary Planning Documents must be consulted as set out in the Council's Statement of Community Involvement (SCI).

9. Publicity Considerations

- 9.1 Whilst there are numerous mitigation strategies around the country the Essex Coast RAMS is new to Essex which could warrant press attention.

10. Financial implications

- 10.1 There are no direct financial implications for Colchester Borough Council other than staff time contributing to the development and implementation of the RAMS. Applicants will be expected to fund the avoidance and mitigation measures in the RAMS through payment of the tariff.

11. Community Safety Implications

- 11.1 There are no community safety implications for the Council.

12. Health and Safety Implications

- 12.1 There are no health and safety implications for the Council.

13. Risk Management Implications

- 13.1 The Essex Coast RAMS reduces the risk of legal challenges by ensuring that all applications that pay the tariff comply with the Habitat Regulations.

Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS)

Habitats Regulations Assessment
Strategy document
2018-2038

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Executive Summary

The Essex coast Recreational disturbance Avoidance and Mitigation Strategy (the “Essex coast RAMS” or the Strategy) aims to deliver the mitigation necessary to avoid significant adverse effects from ‘in-combination’ impacts of residential development that is anticipated across Essex; thus protecting the Habitats (European) sites on the Essex coast from adverse effect on site integrity. All new residential developments within the evidenced Zone of Influence where there is a net increase in dwelling numbers are included in the Essex Coast RAMS.

The Essex Coast RAMS identifies a detailed programme of strategic mitigation measures which are to be funded by developer contributions from residential development schemes.

The 11 Local Planning Authorities (LPAs) which are partners in and responsible for the delivery of the Essex Coast RAMS are listed below:

- Basildon Borough Council
- Braintree District Council
- Brentwood Borough Council
- Castle Point Borough Council
- Chelmsford City Council
- Colchester Borough Council
- Maldon District Council
- Rochford District Council
- Southend Borough Council
- Tendring District Council
- Thurrock Borough Council

The published Habitats Regulations Assessments (HRAs) for the relevant Local Plans have identified recreational disturbance as an issue for all of the Essex coastal Habitats sites.

Mitigation measures have been identified in the HRA (screening and/or Appropriate Assessments) for many of the Local Plans. There are similarities in the mitigation measures proposed, reflecting the identification of in-combination effects resulting from planned and un-planned growth in LPA areas.

Mitigation at this scale, and across a number of LPAs, is best tackled strategically and through a partnership approach. This ensures maximum effectiveness of conservation outcomes and cost efficiency. In recognition of this, Natural England recommended a strategic approach to mitigation along the Essex coast.

This strategic approach has the following advantages:

- It meets the requirements of planning legislation: necessary to make a development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to a development;
- It is endorsed by Natural England and has been used to protect other Habitats sites across England;
- It is pragmatic: a simple and effective way of protecting and enhancing the internationally important wildlife & habitats of the Essex coast and will help to reduce the time taken to reach planning decisions;
- It allows for detailed evidence to be gathered to understand the recreational disturbance patterns and provide an effective mitigation package;
- It provides an evidence based and fair mechanism to fund the mitigation measures required as a result of the planned residential growth; and

It provides developers, agents and planning authorities with a comprehensive, consistent and efficient way to ensure that appropriate mitigation for residential schemes within the Zone of Influence is provided in an effective and timely manner.

The mitigation measures in the Essex Coast RAMS toolkit are summarised below:

Action area	Examples
Education and communication	
Provision of information and awareness raising	<p>This could include:</p> <ul style="list-style-type: none"> • Information on the sensitive wildlife and habitats • A coastal code for visitors to abide by • Maps with circular routes away from the coast on alternative footpaths • Information on alternative sites for recreation <p>There are a variety of means to deliver this such as:</p> <ul style="list-style-type: none"> • Through direct engagement led by Rangers/volunteers • Interpretation and signage • Using websites, social media, leaflets and traditional media to raise awareness of conservation and explain the Essex Coast RAMS project. • Direct engagement with clubs e.g. sailing clubs, ramblers clubs, dog clubs etc. and local businesses.
Habitat based measures	
Fencing/waymarking/screening	Direct visitors away from sensitive areas and/or provide a screen to minimise their impact
Pedestrian (and dog) access	<ul style="list-style-type: none"> • Zoning • Prohibited areas • Restrictions of times for access e.g.to avoid bird breeding season

Cycle access	Promote appropriate routes for cyclists to avoid disturbance at key locations
Vehicular access and car parking	Audit of car parks and capacity to identify hotspots and opportunities for “spreading the load”
Enforcement	<ul style="list-style-type: none"> Establish how Water Rangers operating the patrol boats can be most effective. It should be possible to minimise actual disturbance from the boat itself through careful operation. Rangers to explain reasons for restricted zones to visitors e.g. for bait digging, dogs on a lead
Habitat creation	Saltmarsh recharge, regulated tidal exchange and artificial islands may fit with Environment Agency Shoreline Management Plans
Project delivery	
Partnership working	Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.
Monitoring and review	Birds and visitor surveys with review of effectiveness of measures with new ideas to keep visitors wanting to engage

The overall cost for the mitigation package is £8,916,448 in total from today until 2038. **The tariff per dwelling for this period is currently calculated at £122.30.**

Existing visitor pressure at Habitats sites will need to be mitigated through alternative means and any pressure that would arise from different types of development would be addressed through the relevant project HRA.

Ahead of the production of the Essex coast RAMS, LPAs have had an interim approach to delivering the requirements of the Habitats Regulations. The publication of the RAMS begins the strategic mitigation phase and the Essex Coast RAMS allows LPAs to collect developer contributions for applications for new residential dwellings which fall within the Zone of Influence of the Essex coast Habitats sites. The Essex Coast RAMS will be accompanied by a Supplementary Planning Document, which will facilitate its delivery.

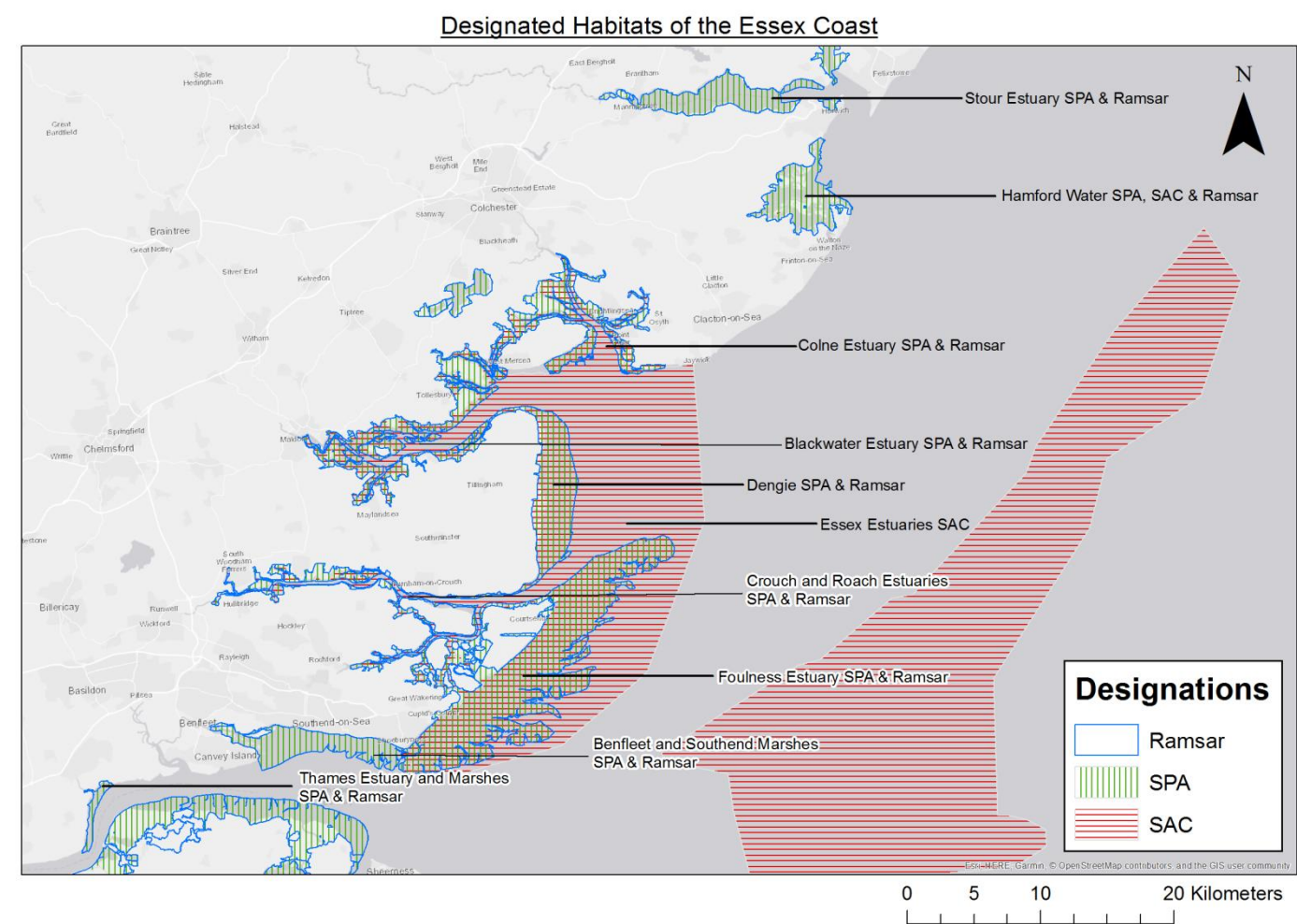
1 Introduction

- 1.1 The Essex coastline stretches for just over 350 miles, extending from the Thames Estuary in the south, northwards to the port of Harwich and the Stour Estuary. The coastline is extremely diverse and features a variety of habitats and environments and which are internationally important for wildlife as shown on Fig. 1.1.
- 1.2 Most of the Essex coast is designated under the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') as part of the European Natura 2000 network a series of these sites across Europe. For the purposes of this Strategy this means Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites. A key purpose of these designations is to protect internationally important numbers of breeding and non-breeding birds and their coastal habitats.
- 1.3 The Habitats Regulations usually refer to these sites as 'European Sites', however as SPAs and SACs (designated under the EU Birds and Habitats Directives) are now defined as 'Habitats sites' in the National Planning Policy Framework (NPPF) (2018) they will be referred to as Habitats sites in this Strategy. The NPPF (para 176) gives the same protection to Ramsar sites (wetlands of international importance designated under the Ramsar convention). For this Strategy, the term Habitats Sites will therefore also include Ramsar sites.
- 1.4 The Essex coast also provides opportunities for recreation. Housing and consequent population growth in Essex is likely to increase the number of visitors to these sensitive coastal areas, creating the potential for impacts from increased recreational disturbance of the birds and their habitats, unless adequately managed.
- 1.5 This Recreational disturbance Avoidance and Mitigation Strategy (RAMS) will support sustainable residential growth in Essex. It will deliver mitigation to protect coastal Habitats sites and the wildlife they support, from the increased recreational disturbance associated with a growth in population.
- 1.6 This mitigation must keep ahead of the rate of population growth to avoid any adverse effects on the integrity of coastal Habitats sites.
- 1.7 The Essex Coast RAMS will be deemed successful if the level of bird disturbance is not increased despite an increase in population and the number of visitors to the coastal sites for recreation.

- 1.8 The network of Habitats sites within the UK covers over 8.5% of the land area or 920 sites in total. There are 10 of these sites in the Essex Coast RAMS area¹ (see Figure 1.1 overleaf for more details). This means that almost the entire Essex coast is protected by an international designation for its wildlife interest.
- 1.9 Each Habitats site is underpinned by one or more Site of Special Scientific Interest (SSSI) as defined by Natural England advice.
- 1.10 Natural England is the Government's advisor for the natural environment in England and has published a set of mapped Impact Risk Zones (IRZs) for all Sites of Special Scientific Interest (SSSIs). These are defined on the Natural England website as "a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals to: Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. They define zones around each site which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts."
- 1.11 The IRZs have been identified for all SSSIs, with different trigger distances for a variety of types of developments. This study has defined Zones of Influence (ZOIs) for each Habitats site, based purely on recreational disturbance from residential dwellings.
- 1.12 11 of the 14 Essex Local Planning Authorities (LPAs) lie wholly or partly within the IRZs of these coastal Habitats sites. The 11 LPAs that are therefore partners to this strategy are:
- Basildon Borough Council
 - Braintree District Council
 - Brentwood Borough Council
 - Castle Point Borough Council
 - Chelmsford City Council
 - Colchester Borough Council
 - Maldon District Council
 - Rochford District Council
 - Southend-on-Sea Borough Council
 - Tendring District Council
 - Thurrock Council

¹ Abberton Reservoir and Epping Forest are also Habitats sites in Essex, but these are not within scope for the Essex Coast RAMS.

Figure 1.1: Habitats (European) sites on the Essex coast



Notes:

- Ramsar sites are areas of wetland which are designated of international importance under the Ramsar Convention (1971)¹.
- Special Protection Areas (SPAs) are sites which support rare, vulnerable and migratory birds.
- Special Areas for Conservation (SACs) are sites which support high-quality habitats and species.

- 1.13 Together, these LPAs are aiming to deliver approximately 80,000 new homes in the next 20 years according to growth set out in current and emerging Local Plans. This will potentially result in around 190,000 new residents in this area between 2018 and 2038 (based on a 2.4 person per household average household occupancy).
- 1.14 Harlow and Epping Forest Districts are not included in the Essex Coast RAMS because their geographical areas were outside the Zones of Influence for the coastal Habitats sites. However now that the ZOI for the Blackwater Estuary SPA & Ramsar site includes a small part of Uttlesford District, the District Council may decide to join as a partner for adoption of SPD and the delivery phase of the Essex Coast RAMS.
- 1.15 Under the Habitats Regulations, each of the partner LPAs is defined as “competent authority”, which is a term used for any public body or individual holding public office. In practice, this means that these LPAs have a duty to comply with the Habitats Regulations and ensure that plans and projects under their jurisdiction do not lead to adverse effects on the integrity of Habitats sites.
- 1.16 The published Habitats Regulations Assessments (HRAs) for the relevant Local Plans have also identified recreational disturbance as an issue for all of the Essex coastal Habitats Sites.
- 1.17 Each Habitats site or complex of sites in England has a Site Improvement Plan (SIP), developed by Natural England.
- 1.18 SIPs provide a high level overview of the issues (both current and predicted) affecting the condition of the designation features on the Habitats site(s) and outlines the priority measures required to improve the condition of the features. It does not cover issues where remedial actions are already in place or ongoing management activities which are required for maintenance.
- 1.19 The SIP consists of three parts: a Summary table, which sets out the priority Issues and Measures; a detailed Actions table, which sets out who needs to do what, when and how much it is estimated to cost; and a set of tables containing contextual information and links.
- 1.20 The SIPs are based on Natural England's current evidence and knowledge. The SIPs are not legal documents; they are live documents that are continually updated.
- 1.21 The planned growth in population is expected to increase the number of residents

using recreational spaces within reach of the new housing, including the Essex coast where people can undertake a range of recreational activities including picnics, hiking, walking their dogs, swimming, sailing and many other land and water based activities.

- 1.22 The Essex coast Habitats sites already experience recreational pressures but the planned level of population growth in Essex is likely to increase the number of visitors to these sensitive coastal areas. Unless adequately managed, this creates a potential for conflict between recreational activities and the conservation of internationally important assemblages of birds and habitats.
- 1.23 In response to the evidence for potential for recreational disturbance impacts from housing allocations in Local Plans, Natural England provided a list of Habitats sites to be included in a strategic approach to mitigation on the Essex coast. These are listed in Table 1.1 and shown on Figure 1.1:

Table 1.1: Habitats sites in Essex relevant to the Strategy

Habitats Sites on the Essex Coast
Essex Estuaries SAC
Hamford Water SAC, SPA and Ramsar
Stour and Orwell Estuaries SPA and Ramsar
Colne Estuary SPA and Ramsar
Blackwater Estuary SPA and Ramsar
Dengie SPA and Ramsar
Crouch and Roach Estuaries SPA and Ramsar
Foulness Estuary SPA and Ramsar
Benfleet and Southend Marshes SPA and Ramsar
Thames Estuary and Marshes SPA and Ramsar

Notes:

- *Ramsar sites are areas of wetland which are designated of international importance under the Ramsar Convention (1971)².*
- *Special Protection Areas (SPAs) are sites which support rare, vulnerable and migratory birds.*
- *Special Areas for Conservation (SACs) are sites which support high-quality habitats and species.*

² Listed or proposed Wetlands of International Importance under the Essex Coast Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

- 1.24 Evidence for a link between population increase, increased recreational pressure on the Essex coast and the resultant impact on wildlife comes from a study by Footprint Ecology commissioned by Natural England (Panter, C & Liley, D 2016). The following text box provides further details.

Table 1.2: Effects of recreational disturbance on non-breeding SPA birds
(Reproduced from Panter, C & Liley, D. 2016)

1.3	<p>Disturbance has been identified by Natural England as a generic issue across many European Marine Sites (see Coyle & Wiggins 2010), and can be an issue for a range of species. During the winter/passage periods there can be high numbers of birds present, and competition for food and resources (Caldow <i>et al.</i> 1999; Goss-Custard <i>et al.</i> 2002, 2006; Stillman <i>et al.</i> 2007). Disturbance to wintering and passage waterfowl can result in:</p> <ul style="list-style-type: none">• A reduction in the time spent feeding due to repeated flushing/increased vigilance (Fitzpatrick & Bouchez 1998; Stillman & Goss-Custard 2002; Bright <i>et al.</i> 2003; Thomas, Kvitek & Bretz 2003; Yasué 2005)• Increased energetic costs (Stock & Hofeditz 1997; Nolet <i>et al.</i> 2002)• Avoidance of areas of otherwise suitable habitat, potentially with birds feeding at poorer quality locations (Cryer <i>et al.</i> 1987; Gill 1996; Burton <i>et al.</i> 2002; Burton, Rehfish & Clark 2002)• Increased stress (Regel & Putz 1997; Weimerskirch <i>et al.</i> 2002; Walker, Dee Boersma & Wingfield 2006; Thiel <i>et al.</i> 2011)
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- 1.25 For breeding SPA birds, different issues result from recreational disturbance. Key breeding roosts are known on particular estuaries/shorelines and in specific locations where habitat and conditions enable territories to become established. Recreational pressure adds to the stresses of defending a territory, laying eggs and rearing chicks which means that SPA birds are often more vulnerable, and levels of public access to breeding areas can rise in the summer months too. During the breeding season, recreational disturbance can affect breeding success as it can result in nest desertion, potential trampling of eggs and an increase in predation rates etc. (Liley & Sutherland 2007).
- 1.26 Since this Footprint Ecology study was published, mitigation schemes across the UK have provided data which accords with the conclusions of this study.
- 1.27 The maps in Appendix 11 for each Habitats site, are annotated with existing recreational disturbance issues evidenced by Managers of these sites.
- 1.28 The potential ways in which species and their habitats are impacted by recreational disturbance, are considered in this Strategy. The Essex Coast RAMS identifies the baseline:

- The current condition of the Habitats sites, such as the existing pressures upon them, the effects on species and habitats;
- The level of recreational disturbance to non-breeding and breeding birds, trampling of sensitive vegetation e.g. saltmarsh, and nutrient enrichment and erosion of habitats; and
- The mitigation currently in place.

1.29 The Strategy then predicts the future situation without any mitigation and suggests suitable recreational disturbance avoidance and mitigation measures to negate possible significant effects on the Habitats sites.

1.30 The baseline will be used to assess the effectiveness of the Essex Coast RAMS.

1.31 A separate Supplementary Planning Document (SPD) will set out how each LPA will deliver the Essex Coast RAMS through the planning process. This SPD will build upon and provide more detailed guidance about the policies in the Local Plans prepared by the 11 Local Planning Authorities (LPAs) for adoption.

2 Background to the Strategy

Policy Context

- 2.1 This Strategy complies with the relevant legislation and national guidance, including:
- Article 6 of the Habitats Directive (92/43/EEC) 1994
 - European Commission (2001) Assessment of plans and projects significantly affecting Habitats sites – Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC ³
 - Government Circular 06/2005
 - Conservation of Habitats and Species Regulations 2017
 - The National Planning Policy Framework (NPPF) 2018
- 2.2 The Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the Habitats Regulations) transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into UK law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations came into force on 30th November 2017 and extend to England.
- 2.3 The Habitats Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites (henceforth referred to as Habitats sites in accordance with the NPPF).
- 2.4 Regulations 63 and 64 of the Habitats Regulations require a series of steps and tests to be followed for plans or projects that could potentially affect a Habitats site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' (HRA) process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a Habitats site.
- 2.5 HRA is often referred to as 'Appropriate Assessment' (AA) although the requirement for AA is first determined by an initial HRA 'Screening' stage undertaken as part of the full HRA.

³

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

2.6 Specifically, Regulation 63 states:

63.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives.

2.7 The Regulation 63 of the Habitats Regulations refers to “the competent authority”. These are the body or bodies responsible for the application of the Habitats Regulations Assessment process, on a case-by-case basis to ensure compliance with the Habitats and Birds Directives. A competent authority is defined in Regulation 7 of the Habitats Regulations so as to include:

a) Any Minister of the Crown (as defined in the Ministers of the Crown Act 1975(1)), government department, statutory undertaker, public body of any description or person holding a public office;

b) the Welsh Ministers; and

c) any person exercising any function of a person mentioned in sub-paragraph (a) or (b).

and public body includes:

a) the Broads Authority(4);

(b) a joint planning board within the meaning of section 2 of the TCPA 1990 (joint planning boards)(5);

(c) a joint committee appointed under section 102(1)(b) of the Local Government Act 1972 (appointment of committees)(6);

(d) a National Park authority; or

(e) a local authority, which in this regulation means—

(i) in relation to England, a county council, a district council, a parish council, a London borough council, the Common Council of the City of London, the sub-treasurer of the Inner Temple or the under treasurer of the Middle Temple;

(ii) in relation to Wales, a county council, a county borough council or a community council;

- 2.8 The Habitats Regulations also use the following terms, which are used in this Strategy and are defined below:

Likely Significant Effect – this is a possible adverse effect that would undermine the conservation objectives for a Habitats (European) site and which cannot be ruled out based on clear verifiable objective information.

Alone – consideration given to the details of the plan or project which may result in effects on a Habitats site

In combination with other plans and projects – consideration needs to also be given to the cumulative effects which will or might result from the addition of the effects of other relevant plans or projects.

- 2.9 The Government has produced core guidance for competent authorities and developers to assist with the HRA process. This can be found online ⁴
- 2.10 HRA is thus a vital part of a Local or Strategic Plan's evidence base: for Plans to be considered legally compliant and sound, as set out in section 35 of the National Planning Policy Framework 2018, each LPA must provide mitigation.

Identifying the problem

- 2.11 The majority of the HRAs produced by Essex LPAs as part of the production of their respective Local or Strategic Plans identified that the level of planned housing growth may lead to disturbance of birds in coastal Habitats (European) sites within and beyond each individual LPA boundary.
- 2.12 HRA work relating to the Essex coast Habitats sites undertaken to date at the plan level and project level across the 11 LPAs is detailed in Table 2.1.

4

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/82706/habitats-simplify-guide-draft-20121211.pdf

Table 2.1 LPAs and their relevant Habitats Sites

LPAs	Work undertaken	Relevant Habitats sites
Basildon Borough Council	Basildon Borough Council Local Plan 2014-2034 and HRAs (Oct 2018) at the plan and project level	The HRA identifies that new residential development is likely to result in significant effects on the Essex coast Habitats sites due to the draw of the coast for recreation.
Braintree District Council	North Essex Authorities Shared Section 1 Local Plan HRA (May 2017) Braintree District Council Section 2 Local Plan HRA (May 2017) Braintree District Council has prepared project level HRAs for residential developments in Hatfield Peverel, Cressing, Braintree and Coggeshall.	The HRA identifies that new residential development is likely to result in significant effects on the Essex coast Habitats sites due to the draw of the coast for recreation.
Brentwood	Brentwood Local Plan Habitat Regulations Assessment (January 2018)	The HRA identifies that new residential development is likely to result in significant effects on the Essex coast Habitats sites due to the draw of the coast for recreation.
Castle Point	Castle Point Local Plan HRA is currently being undertaken	<ul style="list-style-type: none"> • Crouch and Roach Estuaries • Foulness Estuary • Benfleet and Southend Marshes • Outer Thames Estuary
Chelmsford	Chelmsford City Council's Pre-Submission Local Plan Habitats Regulations Assessment (January 2018) and an update dated June 2018	The HRA identifies the possibility of significant effects on European sites. In the Pre-Submission Local Plan, the Council has committed to the adoption of the RAMS SPD. Plan level mitigation measures are considered to be both achievable and likely to be effective. Additional provision and master planning requirements are included to minimise effects on the Crouch and Roach Estuaries.
Colchester Borough Council	North Essex Authorities Shared Section 1 Local Plan HRA Colchester Borough Council Section 2 Local Plan HRA <ul style="list-style-type: none"> - HRA screening for Boxted Neighbourhood Plan (2014-2029) - HRA screening for West Bergholt Neighbourhood Plan (2018-2033) - HRA re-screening for Wivenhoe Neighbourhood Plan (2017-2032) 	Colne Estuary, Hamford Water, the Blackwater Estuary the Stour and Orwell Estuaries.

LPAs	Work undertaken	Relevant Habitats sites
Maldon District Council	Maldon District Council Local Development Plan Sustainability Appraisal Report (March 2017) incorporating Strategic Environmental Assessment and Habitats Regulations Assessment Nine LDP allocations with planning permission or planning consent subject to a S106 agreement have project level HRAs. Only two LDP allocations without consent have not had project level HRAs.	Maldon's Local Development Plan was approved in 2017 and all mitigation identified through its HRA was reflected in relevant LDP policies and has been secured via project level HRAs for each allocation.
Rochford District Council	Rochford District Council Local Plan HRA (January 2013) HRA Maylons Farm, West Hullbridge and Wallasea Island	<ul style="list-style-type: none"> • Crouch and Roach Estuaries • Foulness Estuary • Benfleet and Southend Marshes • Outer Thames Estuary
Southend Council	Southend Council Local Plan HRA (September 2010) Southend Central Area Action Plan (February 2018)	<ul style="list-style-type: none"> • Crouch and Roach Estuaries • Foulness Estuary • Benfleet and Southend Marshes • Outer Thames Estuary
Tendring District Council	North Essex Authorities Shared Section 1 Local Plan HRA (May 2017) Tendring District Council Section 2 Local Plan HRA (May 2017) Adopted project level HRAs for development	<ul style="list-style-type: none"> • Colne Estuary, • Hamford Water, • Blackwater Estuary • Stour and Orwell Estuaries
Thurrock	Thurrock Local Plan Local Development Scheme (December 2015)	<ul style="list-style-type: none"> • Crouch and Roach Estuaries • Foulness Estuary • Benfleet and Southend Marshes • Outer Thames Estuary

Notes: Not all of the LPAs have prepared project level HRAs for residential developments within the IRZs⁴ of the SSSIs that underpin each Habitats site. Uttlesford is only affected by a small geographical area on its eastern boundary within the ZOI of Blackwater Estuary SPA & Essex Coast Ramsar and this component of the Essex Estuaries SAC. This also applies to strategic plans eg Joint Strategic Plan and north Essex

⁴ Natural England has published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs to help consider whether a proposed development is likely to affect a SSSI and determine whether they need to consult Natural England to seek advice on the nature of any potential SSSI impacts, their avoidance or mitigation. The dataset and user guidance can be accessed from the [gov.uk website](https://www.gov.uk/guidance/impact-risk-zones-for-sites-of-special-scientific-interest).

Identifying the need for a strategic solution

- 2.13 In 2017, Natural England's West Anglia Team identified the Essex coast as a priority for strategic and proactive planning engagement and mitigation. This was due to the high numbers of dwellings that were likely to come forward for each Plan alone and also in combination within the relevant Local Plans by 2038 to meet projected housing needs, and the potential recreational impact these new residents could have upon the Habitats sites.
- 2.14 In September 2017, Natural England proposed a strategic approach to LPAs and recommended identifying the scale of the disturbance and implementing measures to mitigate impacts through the preparation of a joint Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Based on existing evidence of visitor pressures, Natural England advised that 11 district/borough Councils across Essex should be partners in the preparation of the Strategy. To reflect the differing Local Plan adoption dates of these authorities, Natural England advised that a Supplementary Planning Document should be the mechanism to secure developer contributions towards the mitigation measures identified as necessary by the Strategy.
- 2.15 Natural England's advice was that the Local Plans must have a clear policy commitment to producing a Mitigation Strategy, with a clear timeframe for its completion. This should be by the time the plan is adopted to ensure any developments coming forward as part of the plan have certainty that there are mitigation measures which can be implemented as soon as the plan is live.
- 2.16 Local Plans are advancing across Essex. The number of Local Plan consultations that are scheduled further increases the urgency to produce the strategy and secure a delivery mechanism for an effective mitigation package.
- 2.17 Mitigation measures have been identified in the HRA (screening and/or Appropriate Assessments) for many of the Local Plans. There are similarities in the mitigation measures proposed, reflecting the identification of in-combination effects resulting from growth in LPA areas. In recognition of this, Natural England recommended a strategic approach to mitigation along the Essex coast.
- 2.18 The LPAs agreed that a strategic solution to mitigate the impacts of recreational disturbance from Local Plans was a sensible approach to take the support of Natural England and Essex County Council. Strategic solutions are usually driven by challenges and opportunities arising from planning issues. They apply more broadly than at a single designated site and often include aims such as cutting down on unnecessary consultations, providing strategic scale mitigation or developing a generic approach to evidence collection and use. The development plan process provides huge opportunities to influence planning policy and create solutions that

can filter down to the application stage, providing confidence that mechanisms exist to deliver much needed development in the right places whilst also ensuring the natural environment is fully considered. Under planning legislation, LPAs have a statutory 'duty to cooperate' with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes the Essex Coast RAMS.

2.19 The initial Essex Coast RAMS meeting was held in November 2017 under the umbrella of the Essex Planning Officers Association (EPOA), with all Essex LPAs invited to discuss the rationale for taking a strategic approach to securing a solution to support their Local Plans. Natural England explained the need for Local Plans to provide mitigation in order that sustainable housing growth can be delivered whilst at the same time, adequately protecting Habitats sites from harm that could potentially occur because of increased recreational pressure arising from the new housing growth.

2.20 Natural England's guidance provided at the meeting held on 13 September 2017 outlined that a mitigation strategy should:

- Set clear parameters, providing a mechanism by which pressure from increased recreation can be avoided and mitigated for, thus enabling rather than stalling the progression of planned housing growth within local Plans;
- Be based on evidence and be precautionary where uncertainties remain;
- Provide a good degree of certainty that the required measures can be delivered;
- Be solutions focused, seeking to find robust means of mitigating for impacts to allow development to proceed, incorporating such mitigation at the plan level wherever possible so that these requirements are clear to developers and are consistently applied;
- Build upon work undertaken to date as part of the HRAs for the various Local Plans;
- Reflect best practice; and
- Include monitoring.

2.21 At the same meeting, Natural England also set out the key lessons learnt from strategic mitigation schemes in other parts of the country. These are:

- Early engagement is key to ensuring issues and opportunities are identified from the outset when time is on our side to deliver real solutions
- Embedding strategies – whilst a robust evidence base and options for avoidance and mitigation are crucial, the policy framework within a LPA's development Plan needs to be clear and reflect what is required at project stage to ensure successful delivery
- Stepping back and seeing the "bigger picture"

- Sharing and learning to embed strategic solutions is hugely important and enables lessons to be learnt and to apply best practice elsewhere.

2.22 Mitigation measures applied for the protection of Habitats sites through development should be those that :

- Are essential for and relevant to the planning permission being granted
- Provide certainty that housing development can proceed without adverse effect on the Habitats sites
- Are proportionate to the potential impact that may be generated, evidence based and cost effective.

Developing the Essex Coast RAMS project

2.23 The three options for the scale of joint working were discussed by the Essex LPAs present at the initial Essex Coast RAMS meeting. These are outlined in Table 2.2 below.

Table 2.2: Options for preparing an Essex Coast RAMS

<p style="text-align: center;"><u>Option 1 – No Joint Project</u></p> <p>In the absence of some form of joint project, it would fall upon those LPAs with likely effects predicted on European Sites to prepare the Essex Coast RAMS. However, in order for them to do this, information was required on housing growth from the other LPAs for the full extent of recreational impacts to be determined. Furthermore, those other LPAs would still be under a legal obligation to fulfil their duties under the Habitats Regulations, including managing residual recreational impacts on Habitats sites. In this situation, it would be the LPA with the Essex Coast RAMS determining how this could be resolved with no input from those other LPAs, potentially resulting in disputes over the appropriateness of projects and their costs. This did not appear to be an appropriate approach given the scale and cross-boundary nature of the problem.</p>
<p style="text-align: center;"><u>Option 2 – Sub-regional Projects</u></p> <p>LPAs are familiar with working across their housing market areas in order to deliver evidence-based projects and elements on plan making. This option offered some benefits in terms of utilising existing working arrangements. However, the housing market areas do not align with the ZOIs for the Habitats sites along the Essex coast and therefore there would still be a need for each sub-region to look at the Essex Coast RAMS beyond their area in order to determine their full impact on Habitats sites.</p> <p>Additionally, different approaches between these sub-regions may give rise to areas of dispute over the appropriateness and cost of projects, although this risk is not considered to be as significant as for Option 1. A further issue with this option is that some LPAs in Essex, such as Maldon are not part of a sub-regional working group because Maldon sits within its own housing market area. Given these issues, normal patterns of sub-regional working may not be appropriate in this instance.</p>
<p style="text-align: center;"><u>Option 3 – Essex-wide Project</u></p> <p>In order to cover all of the coastal Habitats Sites, and all of the Essex LPAs within the ZOIs, an Essex coast RAMS could be prepared jointly by the 11 LPAs considered likely to be affected. This was considered to be the</p>

most effective approach in terms of capturing all cross-boundary interactions between the different LPAs involved, and ensures that all authorities affected would have a stake in the final selection of mitigation projects and are aware of the costs associated with these.

Without a co-ordinated approach, it may be very difficult for LPAs to deliver bespoke mitigation measures particularly for those at a distance from the Essex coast.

However, experience with the Gypsy & Traveller Accommodation Assessment, as an example, has shown that it is difficult to manage a project with this number of authorities and therefore a dedicated project management would be a requirement, particularly if it is to deliver in a timely manner.

2.24 It was concluded that the best outcomes in terms of delivering an Essex coast RAMS which addresses the issues in an effective and equitable way will be achieved through joint working at an Essex wide level i.e. Option 3. However, this option presented the greatest challenge in terms of project management. It was agreed by the LPAs present that Option 3 would be taken forward.

2.25 The Essex LPAs appointed Place Services to prepare the Essex Coast RAMS and undertake project management.

What will the Strategy achieve?

2.26 A Steering Group (comprising officers from the 11 LPAs, from Essex County Council and Natural England and consultants from Place Services, Essex County Council) was established to lead this project. The initial work of the Steering Group focused on approval of the project plan, signing of a Memorandum of Understanding which set out the commitment to undertaking this project, an initial review of existing information sources (Baseline Evidence Report), and planning for stakeholder events to aid information sharing. The need for visitor surveys to provide a robust evidence base was subsequently agreed with Natural England.

2.27 The initial brief for the Essex Coast RAMS is set out in Table 2.3 although details were considered in consultation with Natural England along the journey of producing the Strategy. It was decided by the Steering Group that governance and resourcing would be a separate piece of work to the Strategy.

Table 2.3: The Brief for the Essex Coast RAMS

1. Patterns of use of SPAs/SACs/Ramsar sites	a) Review existing sources of information, and produce report/paper to present to the Steering Group
	b) Agree with Natural England whether sufficient information exists.
	c) Obtain further primary data where necessary.

	d) Analyse data to identify the locations where new development may lead to an impact in order for the LPAs to justify contributions being sought.
2. Mitigation and visitor monitoring	a) Based upon the conclusions from the patterns of use, identify which Habitats sites are relevant to which growth locations/ LPA.
	b) Identify mitigation and visitor monitoring objectives (i.e. what needs to be monitored, how often and to identify what methodologies to use).
	c) Identify specific existing or proposed on-site/off-site mitigation and site management measures which would address the HRA requirements. This must reflect HRA recommendations, set out the governance arrangements and likely delivery partners.
	d) Identify gaps (e.g. SAC/SPAs/Ramsar sites or parts of these Habitats sites where no mitigation or visitor monitoring is planned or where no or insufficient management is in place or planned, or where no delivery partner can be identified).
3. Funding	a) Identify what measures have already been funded and provide detail of how the current funding mechanisms work.
	b) Calculate the total cost of mitigation measures over the period of the local plans (based on the longest plan period of the project partners as in preparation now).
	c) Identify planned growth in the locations identified under 2c (above).
	d) Identify mechanisms for securing funding for each mitigation measure.
	e) Identify effective mechanisms for a Strategic Mitigation Scheme(s), to include collecting and holding contributions for 11 separate LPAs, prioritising spend and transfer of funds to delivery partners/organisations.
4. Monitoring of the Strategy	a) Identify mechanisms for monitoring the delivery and effectiveness of the mitigation strategy (e.g. outputs and outcomes – the former might be monitored more regularly).
	b) Provide recommendations related to future growth e.g. how might the strategy take account of growth in the longer term (beyond most plan periods) which would be subject to new HRAs and how should the results of monitoring feed into decisions about locations / scale of future growth.
	c) Identify how monitoring results will be analysed and used effectively.
5. Strategy finalised with recommendation for SPD	a) Incorporate areas above into strategy.
	b) Agree strategy with the Steering Group.

to facilitate implementation	c) LPAs to consult on draft SPD- targeted consultation with interested parties, but strategy publically available for comment.
6. Finalise SPD	a) Consider consultation responses.
	b) Amend and finalise SPD.
	c) Adopt SPD.

3 Purpose of the Strategy

- 3.1 The Essex Coast RAMS will support sustainable residential growth in Essex while protecting Habitats sites and their wildlife from the increased disturbance from recreation associated with a growth in population. The Essex Coast RAMS will identify specific avoidance and mitigation measures that will be necessary to enable the planned housing and associated population growth within the strategy area to go ahead, without adversely affecting the designated features of the Habitats sites.
- 3.2 The Essex Coast RAMS will identify:
- the likely in combination impacts from recreational disturbance;
 - a range of effective mitigation measures;
 - when the mitigation measures are required;
 - where the mitigation is required;
 - how mitigation relates to development (or development locations);
 - how mitigation measures will be funded;
 - how the Strategy will be implemented
 - how the success of the mitigation measures will be monitored; and
 - how best to incorporate monitoring data and other information and best practice into future reviews of the strategy and Local Plans.
- 3.3 The Strategy does not cover any additional site-specific infrastructure, such as Country Parks, which are often referred to as Suitable Alternative Natural Greenspaces (SANGs). The issue of SANG is slightly different as, given that the coast cannot be replicated inland, SANGs do not tend to form part of coastal mitigation strategies. However, there is some evidence from the Solent HRA Mitigation project and corresponding website⁴ that if people are only visiting the coast because it is their nearest greenspace, then they can be drawn away from the coast by providing an attractive site nearer to their home. Natural England therefore may advise that on-site greenspace should be provided as part of individual developments (e.g. to include circular walks, dogs off lead areas etc.) to take some of the pressure off the coastal sites. However, this will not remove residents' overall desire to visit the coast, so a contribution to the mitigation measures at the coastal Habitats sites still needs to be made in all cases.

⁵ <http://www.birdaware.org/>

3.4 The Essex Coast RAMS Strategy does not provide:

- A mechanism to deliver mitigation for recreational impacts from individual residential developments alone; this must be provided on/near the development site;
- A mechanism for measures necessary to avoid likely significant effects from non-recreational impacts e.g. air or water quality, identified through project level HRAs prepared for individual planning application;
- Any mitigation needed to reduce or avoid *existing* impacts from recreational or other activities identified by Natural England in the SIPs for each Habitats site along the Essex coast;

or

- Mitigation for the England Coast Path (ECP). This is a Natural England project, which aims to create a new National Trail around the entirety of England's coast. For each section of the ECP, Natural England undertakes an "Access and Sensitive Features Appraisal" (ASFA) which contains a bespoke HRA to mitigate for the effects of the Coast Path.

3.5 As listed in Natural England's letters to LPAs (Interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations, November 2017 & August 2018) provided in Appendix 1, the Strategy applies to all net increases in residential dwellings that fall within the ZOI which are in the Planning Use Classes listed in Table 3.1, overleaf (excluding replacement dwellings and extensions).

Table 3.1: Planning Use Classes

Planning Use Class*	Class Description
C2 Residential institutions	Residential care homes, boarding schools, residential colleges and training centres.
C2A Secure Residential Institution	Military barracks.
C3 (a) Dwelling houses (a)	Covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
C3 Dwelling houses (b)	Up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
C3 Dwelling houses (c)	Allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

C4 Houses in multiple occupation	Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom
Sui Generis ***	- Residential caravan sites (excludes holiday caravans and campsites) - Gypsies, travellers and travelling show people plots

Notes:

** This table is based on Natural England advice (244199, included as Appendix 1) which was advisory, not definitive.*

*** Care homes will be considered on a case-by-case basis according to the type of residential care envisaged.*

**** Sui Generis will be considered on a case-by-case basis according to the type of development.*

3.6 The applications in scope for consideration will be confirmed in the SPD and should include:

- Full planning applications;
- Reserved Matters planning applications where the outline planning consent was not previously assessed through the HRA process; and
- Permitted Development as clarified by SPD.

3.7 A strategic, coordinated approach will reduce the burden on the LPAs and developers for project-level HRAs and offer a straight-forward, efficient and effective option for residential developers to provide appropriate mitigation measures, to ensure development accords with the Habitats Regulations.

3.5 Without a co-ordinated approach, it may be very difficult for LPAs to deliver effective bespoke mitigation measures particularly for locations that are on the outer edge of the Essex coast RAMS ZOI.

The Technical Report – Evidence Base

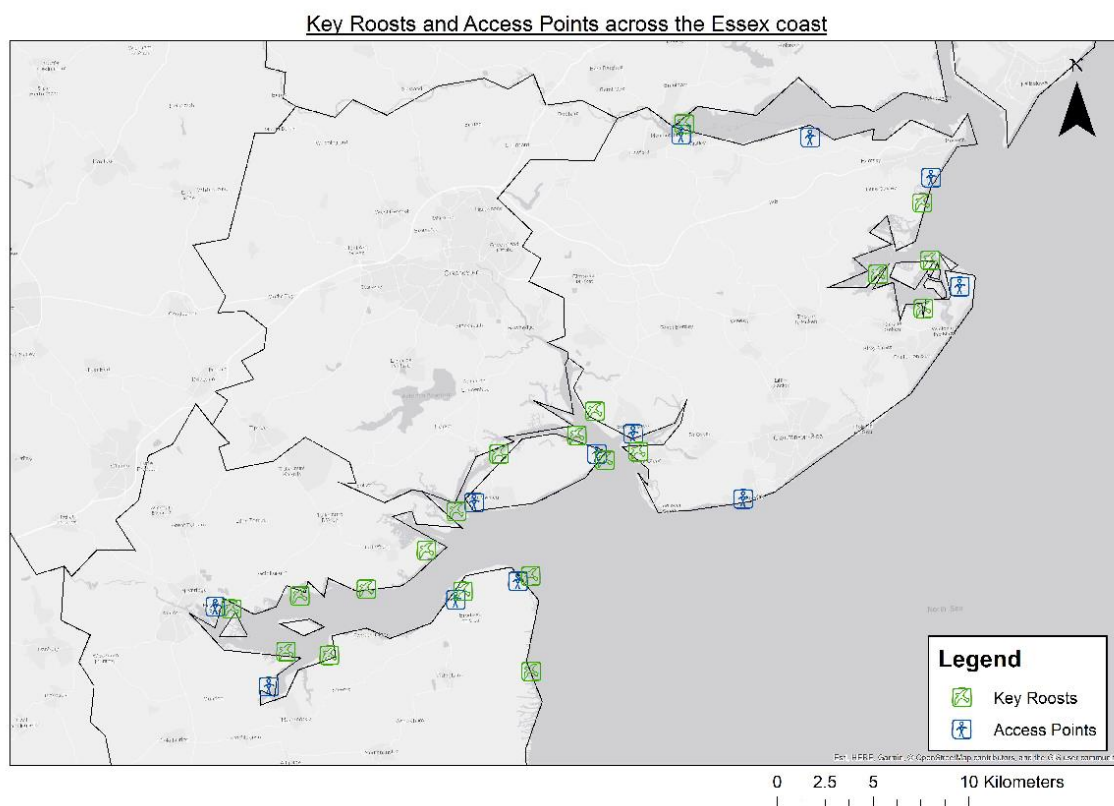
4 The Baseline

- 4.1 In order to determine the baseline, the following methodology was followed in the review process to determine patterns of visitor use of designated sites:
- Desk studies to determine what evidence existed and identify any gaps;
 - Visitor surveys to supplement the desk studies and gain an understanding of the origins of visitors to the Habitats sites and thereby determine the ZOIs;
 - Continual engagement with Natural England to discuss and agree the methodology, location and results of the studies to provide robust evidence on which to develop the Strategy; and
 - Stakeholder meetings with those parties with a responsibility for or an interest in the Habitat sites to gain a fuller understanding of the Habitats sites, the recreational pressures they are under presently, those that would arise with an increase in population and an understanding of what mitigation has been undertaken to date and how effective this is. Full details of the workshop attendees can be found in Appendix 10.

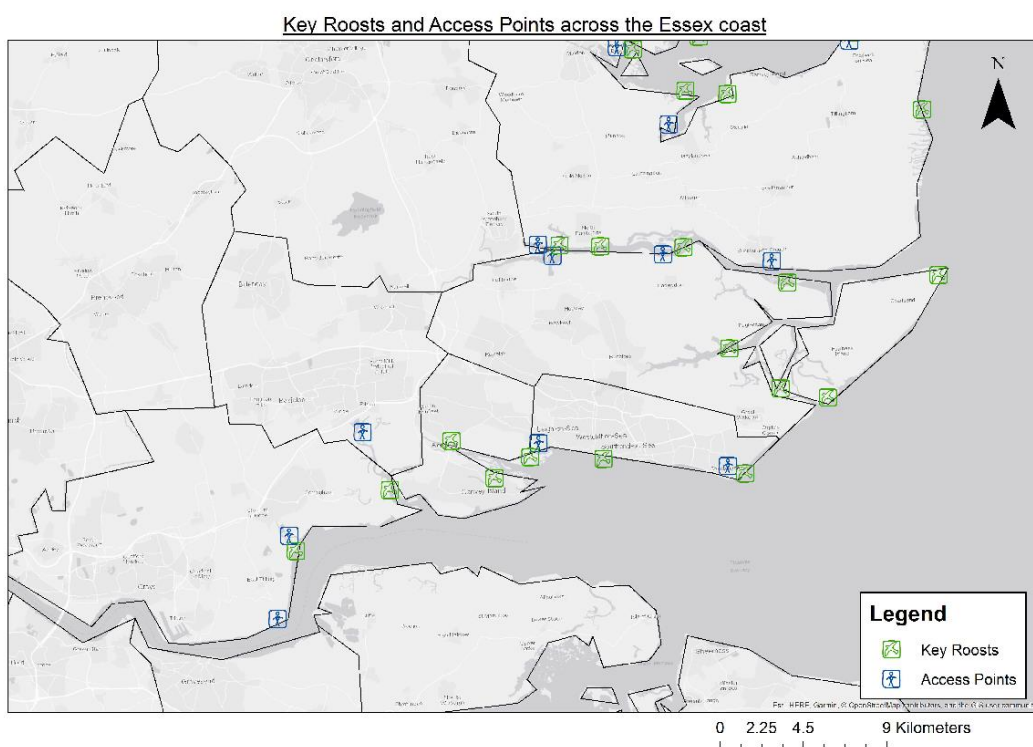
The Importance of the Essex coast Habitats sites – Desktop review

- 4.2 A desktop review looked at the existing data on the Habitats sites and the species therein.
- 4.3 Forty different bird species – predominantly waders and wildfowl – are specifically listed by Natural England as designated Interest Features for at least one of the Habitats sites.
- 4.4 Discussion with the Royal Society for the Protection of Birds (RSPB) on data available on key bird roost locations which are sensitive to disturbance has identified 20 key sites, which are shown on the maps 4.1 and 4.2. Because breeding information is confidential, the maps do not distinguish breeding and non-breeding roosts.
- 4.5 [Functionally Linked Land](#) (FLL) also needs to be protected from disturbance e.g. key areas of farmland and grassland for Brent geese. This will need to be mapped and has been included as a project in the mitigation package set out in this Strategy.

Map 4.1 Key SPA bird roosts/breeding areas and access points for North Essex



Map 4.2 Key SPA bird roosts/breeding areas and access points for South Essex



- 4.12 As key roosts are used by SPA birds at different times of the year (breeding and non-breeding), there are seasonal variations as well as daily variations in usage due to the tidal cycle. Key locations for SPA birds and the state of the tide can mean birds are closer or further from the shoreline and potential disturbance.
- 4.13 During harsh winters, a prolonged cold spell can mean birds struggle to get sufficient feeding time in between tides and any disturbance in these conditions is more significant to bird populations. Some roost sites hold large concentrations of birds but numbers may change as use fluctuates and factors other than disturbance or habitat degradation may be an issue in some locations.
- 4.14 [The Wetland Bird Survey](#) (WeBS) data has also been reviewed. WeBS monitors non-breeding waterbirds in the UK. There is a WeBS Alerts system which provides a method of identifying changes in numbers of water birds at a variety of spatial and temporal scales and reports are written every 3 years. It would be beneficial to integrate WeBS counts with the Essex Coast RAMS bird monitoring programme. Species that have undergone major changes in numbers are flagged, by the issuing of an Alert. Alerts are intended to be advisory; subject to interpretation, they should be used as a basis on which to direct research and subsequent conservation efforts if required.

Identifying visitor patterns of use of Habitats sites

- 4.15 Visitor surveys were undertaken to inform the Strategy, with the aim of gathering information on the number of visitors expected at coastal Habitats sites and evidence of the distances visitors to the sites will travel to access coastal locations for recreation purposes. This evidence is then used to calculate the Zones of Influence.

Visitor surveys

- 4.16 Where visitor data existed for Habitats sites, which had been previously collected by the LPAs, this was collated, and gaps identified in a baseline report to the Steering Group.
- 4.17 Visitor data (for the Stour & Orwell Estuaries SPA and Ramsar site, Hamford Water SAC, SPA and Ramsar site, the Colne SPA and Ramsar site and the Essex Estuaries SAC) was collected over a three-year period (from 2011 to 2013) as required by the appropriate assessments of Colchester and Braintree's adopted development plans and Tendring's emerging Local Plan.
- 4.18 On the advice of Natural England, the Essex Coast RAMS Steering Group agreed that the sites which would be subject to visitor surveys needed to be prioritised due

to resourcing and time constraints. Surveys at locations with no data were therefore prioritised so that there were data on which to base the ZOIs for all Habitats sites.

- 4.19 Tables 4.1 and 4.2 below show the visitor survey data which had previously been completed, and also the location of surveys needed to fill in the gaps.
- 4.20 ZOIs for the Habitats sites in North Essex were informed by the survey and monitoring work undertaken as a requirement of the Appropriate Assessments of Colchester and Braintree's adopted development plans and Tendring's emerging Local Plan. Since this joint survey work the North Essex LPAs have submitted an Appropriate Assessment (AA) for the North Essex Authorities Shared Strategic Part 1 for Local Plans Pre-submission (Regulation 19) prepared by Land Use Consultants (LUC) May 2017.
- 4.21 The AA for this joint plan identifies an increased prevalence and occurrence of negative recreational effects to the Habitats sites, which in the absence of effective mitigation is likely to lead to adverse effects on the sites' integrity.

Table 4.1: North Essex visitor survey details

Survey Location	Habitats Site	Source of existing information?	Seasons which information is needed for: Summer (May-July) Winter (August to April)
Mistley Walls	Stour and Orwell Estuaries	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Stour Wood	Stour and Orwell Estuaries	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Kirby Quay	Hamford Water	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
The Naze	Hamford Water	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Brightlingsea Marsh	Colne Estuary	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Cudmore Grove CP, Mersea	Colne Estuary	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Wivenhoe Barrier	Colne Estuary	None	Winter
Strood Channel	Blackwater Estuary	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Old Hall Marshes (owned by RSPB)	Blackwater Estuary	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Tollesbury Wick (owned by EWT)	Blackwater Estuary	None	Summer and Winter
Promenade Park Maldon (Northey Island Causeway)	Blackwater Estuary	None	Winter
Bradwell Marina	Blackwater Estuary	None	Summer and winter
Dengie (St Peters Chapel)	Dengie	None	Winter

Table 4.2: South Essex visitor surveys required to identify impacts on the designated features

Survey Location	Habitats Site	Existing information?	Season Summer (May-July) Winter (August to April)
Burnham-on-Crouch	Crouch and Roach Estuaries	None	Winter
Blues House Farm (EWT), North Fambridge	Crouch and Roach Estuaries	None	Winter
Wallasea Island	Crouch and Roach Estuaries	Total visitor numbers recorded by RSPB from 2008-2016 and visitor numbers to the sea wall and number of cars from Apr-Sep 2017.	All
Thameside Nature Park (EWT)	Thames Estuary and Marshes	None	Winter
Coalhouse Fort	Thames Estuary and Marshes	None	Winter
Cinder Path, Leigh-on-Sea	Benfleet and Southend Marshes	None	Summer and Winter
Gunners Park, Shoebury	Benfleet and Southend Marshes	None	Winter
Two Tree Island, Leigh-on-Sea	Benfleet and Southend Marshes	None	Summer

Additional evidence gathered and analysis

- 4.22 The first round of visitor surveys took place in winter 2017/18, when non-breeding waders and wildfowl which are designated features of the Habitats sites are present along the Essex coast (August to April). The second round of visitor surveys took place on the Blackwater Estuary during the spring of 2018 when breeding birds such as the Little Tern and Ringed Plover, which are designated features of this Habitats site, use it for nesting. Benfleet and Southend Marshes SPA provide habitat for SPA birds which could be impacted by trampling during the summer months used by non-breeding species over winter.

Table 4.3: Designation features per Habitats site (MAGIC, 2018) and visitor surveys undertaken to assess disturbance

Habitats Site	Designation features sensitive to recreational disturbance and surveys undertaken				
	Habitats	Breeding birds (May to July)	Summer survey completed?	Non-breeding birds August to April	Winter survey completed?
Stour and Orwell Estuaries	Yes	Yes	Yes	Yes	Yes
Hamford Water	Yes	Yes	Yes	Yes	Yes
Colne Estuary	Yes	Yes	Yes	Yes	Yes
Blackwater Estuary	Yes	Yes	Yes	Yes	Yes
Dengie	Yes	No	N/A	Yes	Yes
Crouch and Roach Estuaries	Yes	No	No	Yes	Yes
Foulness Estuary	Yes	No	No	Yes	No**
Benfleet and Southend Marshes	Yes	No	Yes	Yes	Yes
Thames Estuary and Marshes	Yes	No	No	Yes	Yes
Essex Estuaries	Yes	No*	No*	No*	No*

*The Essex Estuaries comprise the Colne Estuary, Blackwater Estuary Dengie, Crouch and Roach Estuaries and Foulness Estuary and so follow the respective Zols throughout.

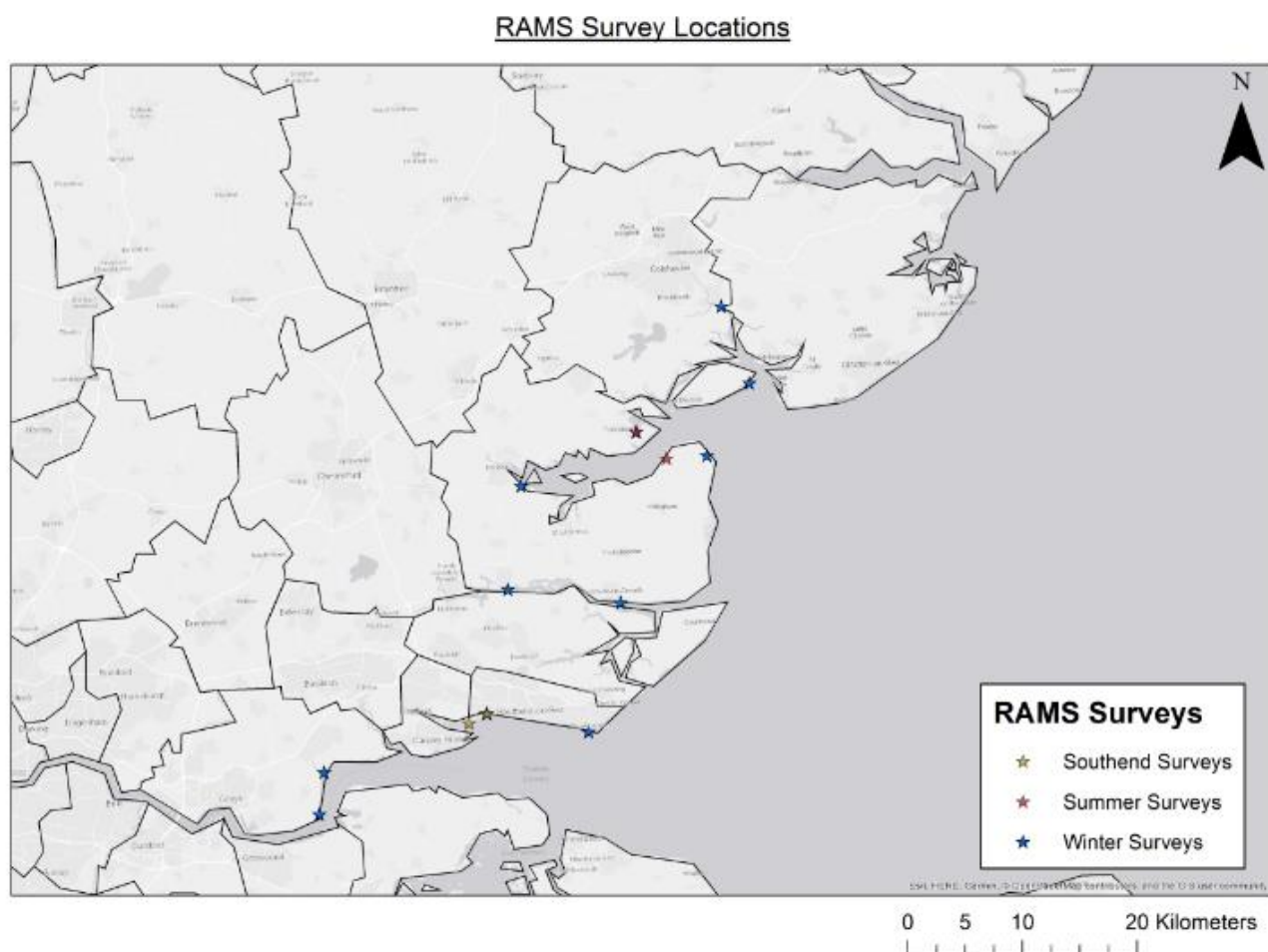
** As Foulness Estuary has limited access due to military control of much of the land, no surveys were considered necessary by Natural England.

- 4.23 Foulness Estuary, which is located within the Foulness Estuary SPA and Ramsar site, is Ministry of Defence (MoD) land and public access is restricted. For that reason, recreational disturbance from visitors is likely to be minimal or non-existent. As a result, no visitor surveys were carried out in this location.
- 4.24 A copy of the Visitor Survey methodology is included in Appendix 2, the questionnaire in Appendix 3 and the results for the Winter Visitor Surveys are in Appendix 4. Summer Visitor Survey results for the Blackwater Estuary and Benfleet and Southend Marshes are in Appendix 5.
- 4.25 The survey questionnaires were the same for both winter and summer, with the addition of a question relating to water borne recreational activities for the summer surveys. This was in response to the particularly high level of water borne recreation in the Blackwater Estuary when compared to other sites. The content of the survey questionnaires was agreed by the Steering Group and Natural England.
- 4.26 Cudmore Grove Country Park situated on the Colne Estuary was surveyed from 2011-2013, in the first north Essex surveys. This was repeated in 2018 as the ZOI was a lot higher than anticipated and the data was potentially skewed based on the

surveyor's location. As Cudmore Grove is a Country Park that attracts visitors from afar, the Essex Coast RAMS needed to clarify which of these visitors were there to use the facilities within the park and not at risk of causing disturbance to the coast. Therefore surveys were repeated with surveyors being focussed on locations where key bird roosts or habitats were likely to be disturbed by recreational activities. This enabled efforts to capture disturbance to coastal Habitats sites and no other recreational activities such as the children's play area.

4.27 Figure 4:1 shows the existing (completed) and additional allocations for visitor surveys on the Essex coast in 2018.

Figure 4.1 Locations of Visitor surveys undertaken 2018



- 4.28 Further visitor surveys were completed during May/June 2018 for the Blackwater Estuary SPA, when breeding SPA designated birds e.g. Little Tern & Ringed Plover use the site for nesting. Survey locations within the Blackwater Estuary were at Bradwell Marina and Tollesbury Wick. Additional visitor surveys were also undertaken by Southend Council in August 2018 for Benfleet and Southend Marshes SPA & Ramsar site with surveyors at Cinder Path and Two Tree Island. All locations were agreed with Natural England to ensure the results would inform recreational disturbance of Habitats sites features.
- 4.29 The visitor surveys provided data to add to the picture painted by attendees at the workshops. Indeed the significant visitor pressure experienced on the foreshore at Southend with over 7 million day visitors a year, principally in the summer months, includes dog walking at the Garrison in Shoebury as well as along the foreshore in the winter months when dogs are permitted on the beach.
- 4.30 The questions asked of visitors to the SPA locations were designed to collect data on the reasons for visits as well as postcodes to evidence Zones of Influence. The datasets collected for surveys of people visiting the Habitats sites on the Essex coast are therefore up to date and the best available. Natural England, as well as the LPAs and other key stakeholders are satisfied that they are acceptable to inform the mitigation strategy. It will therefore be used as a robust basis for identifying the mitigation measures necessary for this Strategy.
- 4.31 Additional surveys will improve the robustness of the datasets and repeat, surveys of visitors will be undertaken at the earliest opportunity to review the postcode data and Zone of Influence for the Dengie SPA & Ramsar. The total number of visitors completing questionnaires was below the number considered by Visit Britain guidelines to provide a comprehensive picture of recreational activities to draw them to this site (i.e. below 400). This is in addition to repeat visitor surveys throughout the lifetime of the Local Plan periods for all Habitats sites to ensure that the ZOIs remain fit-for-purpose, for example in the context of new development, infrastructure and advances in technology.

Identifying Zones of Influence (Zoi) for Essex coast Habitats sites

- 4.32 Data from both the winter and summer visitor surveys has been used primarily to calculate the Zois for each Habitats site, and also to collate information on current recreational activities at Habitats sites and predict likely impacts from increased use by additional residents.
- 4.33 The consideration of mitigation needed at each Habitats site and assessment of need, based on site sensitivity and housing allocated within the ZOI will be included

in the mitigation section of this report.

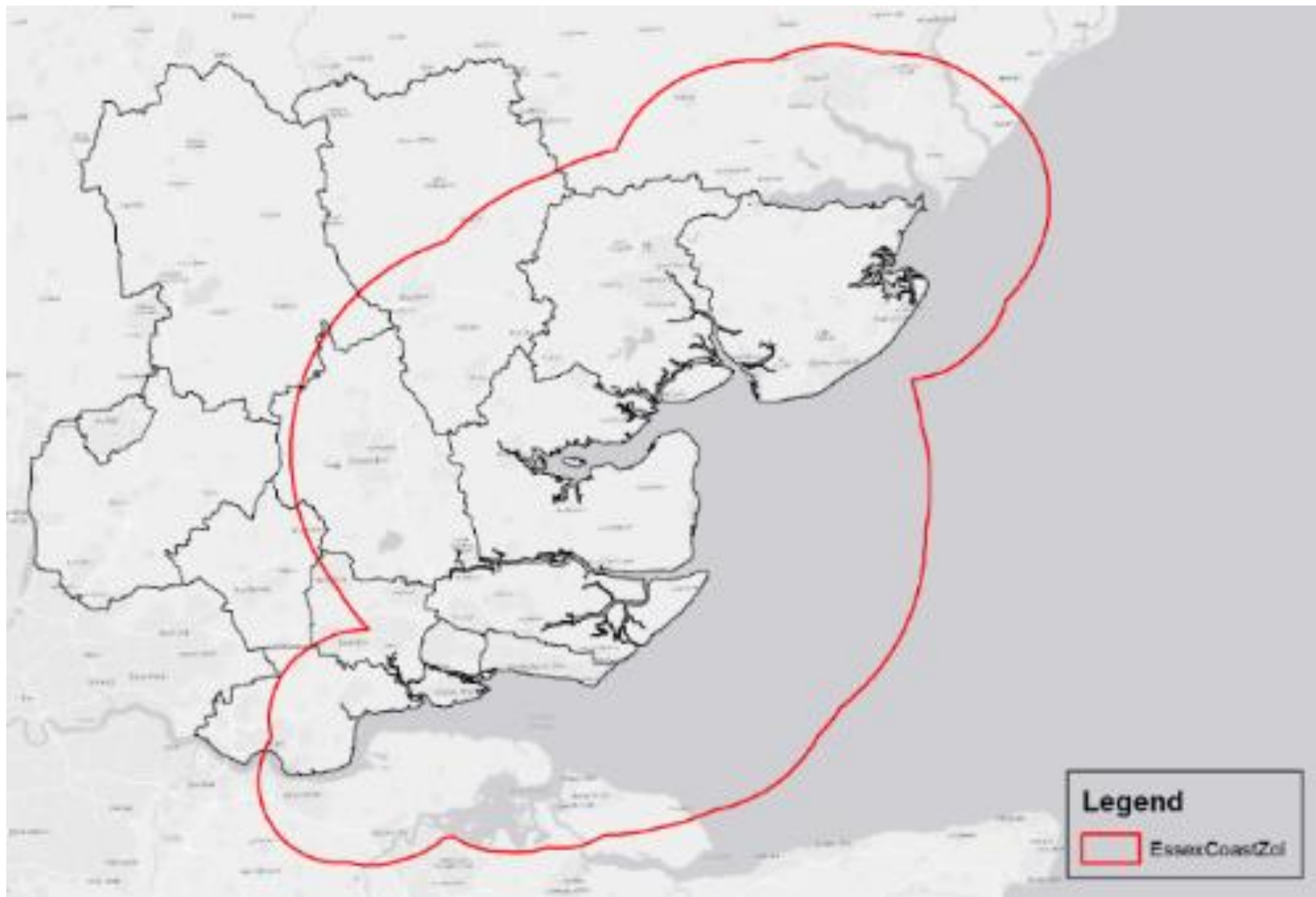
- 4.34 The results of the winter and summer visitor surveys provided substantial evidence relating to who uses the Habitats sites, where they travel from, how often they visit and why..
- 4.35 The data used to calculate the ZOIs defined in Table 4.4 has been refined to eliminate surveys where people were unlikely to cause disturbance to the coast. Although surveyors were placed in locations to capture the most potential disturbance in sensitive coastal areas, some sites had facilities that could be used for alternative recreational activities. For example, in the Dengie surveyors were located by St. Peters Chapel where some visitors were there solely for the use of the Chapel and were unlikely to cause recreational disturbance. Therefore an adjustment was made. Without refinement this would have increased the ZOI and affected the credibility of the data.
- 4.36 The ZOIs were calculated by ranking the distances travelled by visitors to the coast based on the home town postcode data they provided. Not all postcode data is used as this can skew the results. Instead the ZOIs are based on the 75th percentile of postcode data (i.e. the distance where the closest 75% of visitors come from) taken from the winter.
- 4.37 This method was used for a number of strategic mitigation schemes, including the emerging Suffolk Coast RAMS and is considered by Natural England to be best practice.
- 4.38 The ZOIs identify the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation. The ZOIs presented within this report will guide the requirement for residential developments to provide a financial contribution towards visitor management to mitigate for in-combination impacts on all the Habitats sites. Natural England have reviewed their IRZs, on MAGIC website on the basis of the overall Zoi because the data collected for this Strategy is the most comprehensive and up-to-date available.
- 4.39 ZOIs will be used to trigger developer contributions for delivery of mitigation measures for the Habitats sites. This will enable the delivery of mitigation measures to avoid impacts from increased recreational pressure.
- 4.40 Figure 4.4 below shows the overall ZOI for the Essex Coast RAMS to be used by each LPA to secure developer contributions for the Essex Coast RAMS package of measures. NB This excludes areas within the adjoining counties of Suffolk and Kent.

Table 4.4: ZOI calculations for Essex Coast Habitats sites

European designated site	Original ZOI (km) from Natural England's interim advice letter (Nov 2017)	Updated ZOI based on winter Essex Coast RAMS visitor surveys (RAW DATA)	Updated ZOI based on winter Essex Coast RAMS visitor surveys (REFINED DATA)	Updated ZOI based on summer Essex Coast RAMS visitor surveys (RAW DATA)	Updated ZOI based on summer Essex Coast RAMS visitor surveys (REFINED DATA)	Final ZOI (km)
Essex Estuaries SAC	24	-	-	-	-	-*
Hamford Water SAC, SPA and Ramsar	8	-	-	-	-	8
Stour and Orwell Estuaries SPA and Ramsar	13	-	-	-	-	13
Colne Estuary SPA and Ramsar	24	9.7	9.7	-	-	9.7
Blackwater Estuary SPA and Ramsar	8	14.2	14.2	22	22	22
Dengie SPA and Ramsar	13	27.3	20.8	-	-	20.8
Crouch and Roach Estuaries SPA and Ramsar	10	4.5	4.5	-	-	4.5
Foulness Estuary SPA and Ramsar	13	-	-	-	-	13
Benfleet and Southend Marshes SPA and Ramsar	10	4.1	4.1	4.9	4.3	4.3
Thames Estuary and Marshes SPA and Ramsar	10	8.1	8.1	-	-	8.1

**The Essex Estuaries comprise the Colne Estuary, Blackwater Estuary, Dengie, Crouch and Roach Estuaries and Foulness Estuary and so follow the respective ZOIs throughout.*

Figure 4.2: Overall Zone of Influence (Zol) for Essex Coast RAMS



5 Housing planned in the Zones of Influence

- 5.1 Tables 5.1 and figures 5.1 and 5.2 represent the amount of housing that is being planned for in each Local Plan. All LPAs are at different stages of the plan making process. Some figures will be based on Local Plan allocations, but where that is not possible LPAs have provided an informed estimate based on evidence from housing trajectory documents and past housing delivery rates.
- 5.2 The housing data goes up to 2038, which is the longest Plan period for a partner LPA. These housing numbers will be reviewed and, where necessary, updated over the lifetime of the strategy in accordance with LPA monitoring data, as part of the Essex Coast RAMS monitoring and review process.
- 5.3 The housing numbers supplied in Table 5.1 below are based on the quantity of net new dwellings that are expected to fall within the ZOI for the Essex Coast RAMS. Basildon, Braintree, Brentwood, Chelmsford, and Thurrock are all partially covered by the ZOI, and therefore only the numbers of homes that are expected to be built within the ZOI have been included in the figures in the tables below. All the other authorities are wholly covered by the ZOI. Estimated windfall is the amount expected for the length of the strategy.

Table 5.1: – Housing to be delivered in the Essex coast RAMS overall Zol

	Included in calculations for RAMS mitigation package for Local Plans							
		Phasing of dwellings from allocations within ZOI				A Total dwellings within ZOI	A2 Of the total dwellings (column A), how many have been consented ?	A3 Dwellings to include in the RAMS tariff = A-A2.
Local planning authority	Estimated total windfall Nov 2017-2038	2017 - 2022/23	2023/24 - 2027/28	2028/29 - 2032/33	2033/34 - 2037/38			
Basildon	686	2669	2625	3758	2133	11871	2431	9440
Braintree	582	3169	5269	3659	1300	13979	209	13770
Brentwood	41	0	0	0	0	41	0	41
Castle Point	300	1369	1867	886	470	4892	171	4721
Chelmsford	1222	2149	2969	2964	1672	10976	2205	8771
Colchester	315	1407	3266	3851	455	9294	150	9144
Maldon	300	1795	1421	130	0	3646	0	3646
Rochford	300	471	701	0	0	1472	150	1322
Southend-on-Sea	3843	2450	2073	193	0	8559	911	7648
Tendring	1195	185	1384	1545	4568	8877	448	8429
Thurrock	375	3500	2100	0	0	5975	0	5975
Total	9159	19164	23675	16986	10598	79582	6504	72907

Figure 5.1: North Essex - distribution of housing allocations and numbers of units

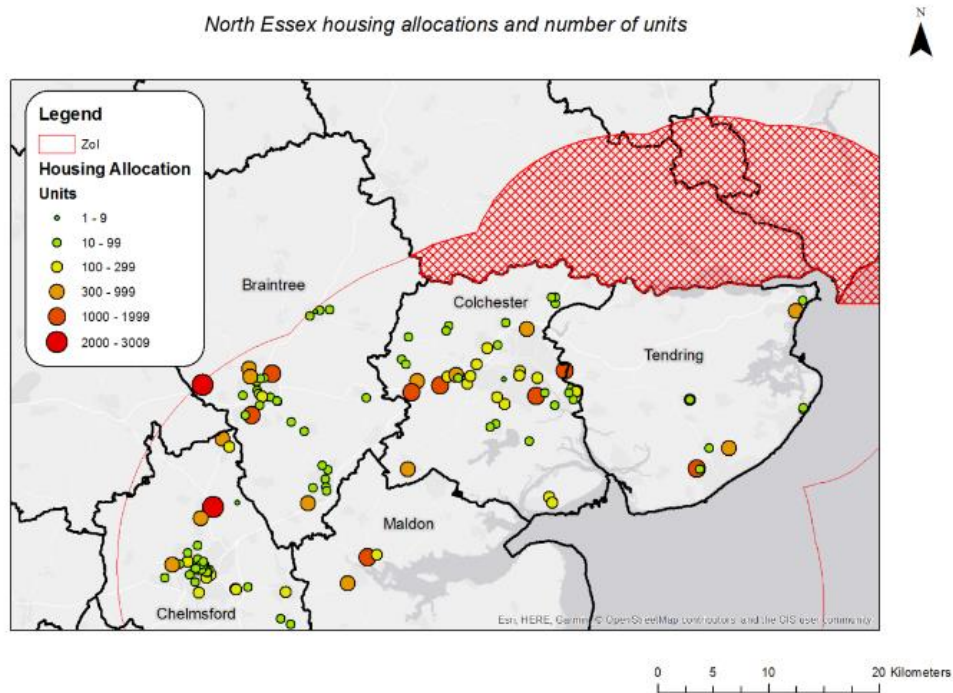
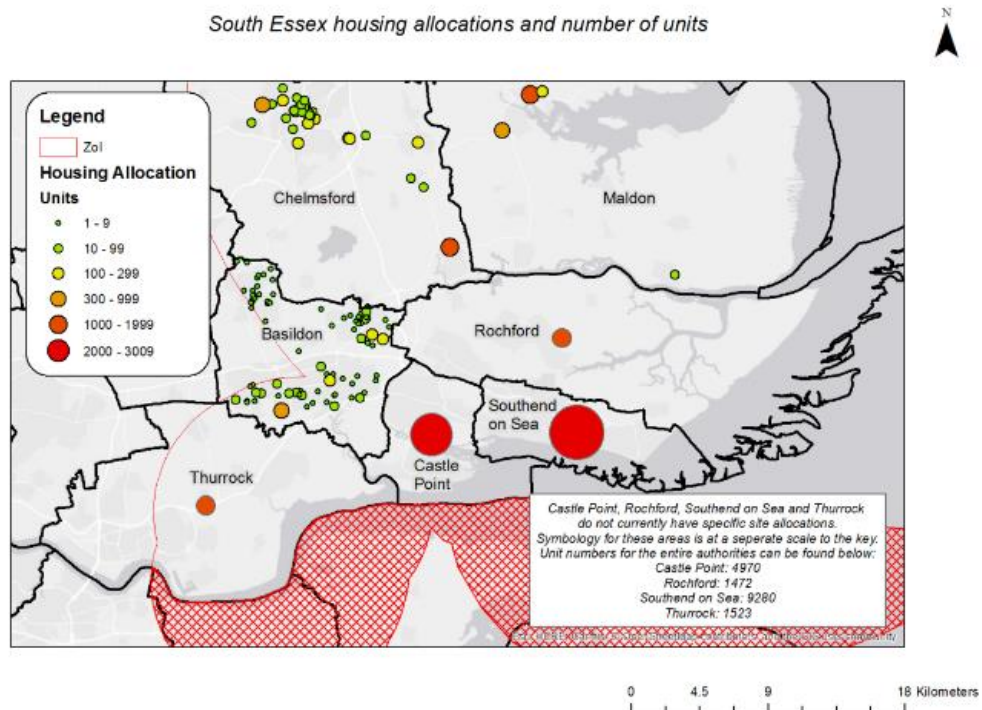


Figure 5.2: South Essex - distribution of housing allocations and numbers of units (NB Castle Point and Southend have a single dot instead of sites)



6 Exploring mitigation options

- 6.1 Two initial workshops were held for key stakeholders in February and March 2018 to gather local and specialised knowledge from organisations and individuals on the following:
- The locations of visitors at the coast and the recreational activity currently taking place;
 - Current recreational disturbance problems; and
 - Current mitigation measures in place.
- 6.2 A follow-up workshop held with key stakeholders in June provided an opportunity to capture the mitigation measures considered as most effective to avoid the impacts likely to result from increased recreational pressure on the Essex coast on Habitats sites in the future.
- 6.3 For each Habitats site, stakeholder input has helped to identify current issues of recreational disturbance which have provided a focus for and will help prioritise measures in the Essex Coast RAMS. The results of the workshop are summarised in the tables below and full details of the workshops is in Appendix 7.
- 6.4 It was explained to workshop attendees that the Essex Coast RAMS funds are targeted at non-infrastructure measures which are needed for in-combination effects from the overall quantum of residential development.
- 6.5 The provision of Suitable Accessible Natural Greenspaces (SANGs) (see Section 3.3) are not within the scope of the Essex Coast RAMS, since this provision is required to deal with impacts from an individual development scheme (i.e. identified by the project level HRA for that scheme). Furthermore, SANGs would have to be funded by the Community Infrastructure Levy, rather than the use of Section 106 (s106) Planning Obligations/agreements. Since no more than five s106 agreements may currently be pooled to contribute to infrastructure projects it will be up to the Project Board to determine whether any of these are a priority or if pooling restrictions are amended, It will however be important for LPAs involved with SANG provision to liaise closely with the Essex Coast RAMS Rangers to deliver the same messages to avoid recreational disturbance.
- 6.6 LPAs could decide to identify SANG(s) to be provided through separate funding streams (CIL) or enhancements such as the Local Growth Fund and Local Enterprise Partnership, where appropriate. Examples discussed by the Steering Group include:
- expand Belhus and/or Hadleigh Castle Country Parks

- upgrade other open space areas near the coast to attract visitors away from the beach areas
- provide a new Country Park/open space facility to the northeast of Southend as identified in the adopted Southend-on-Sea Core Strategy.

6.7 The information gained from the workshops has been summarised in the following tables as well as in Figures 6.1 and 6.2. They show the current recreational disturbance by increased visitor access, existing mitigation in place and identification of any gaps in mitigation which could be considered to be part of the Essex Coast RAMS.

Figure 6.1: Types of recreational disturbance reported at the Essex Coast RAMS workshops

Sources of disturbance on the Essex Coast

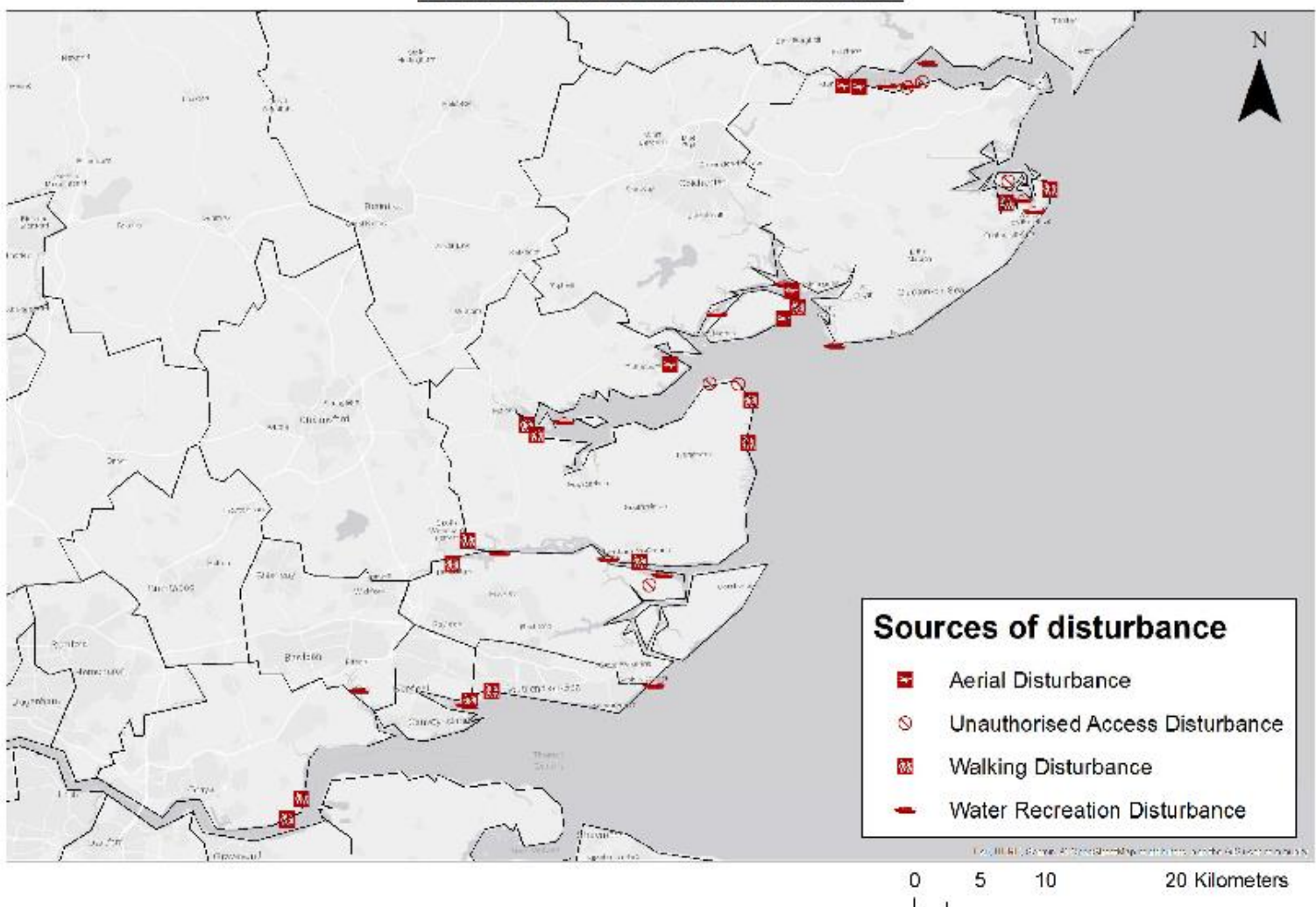


Figure 6.2: Key mitigation options identified at the Essex Coast RAMS workshops

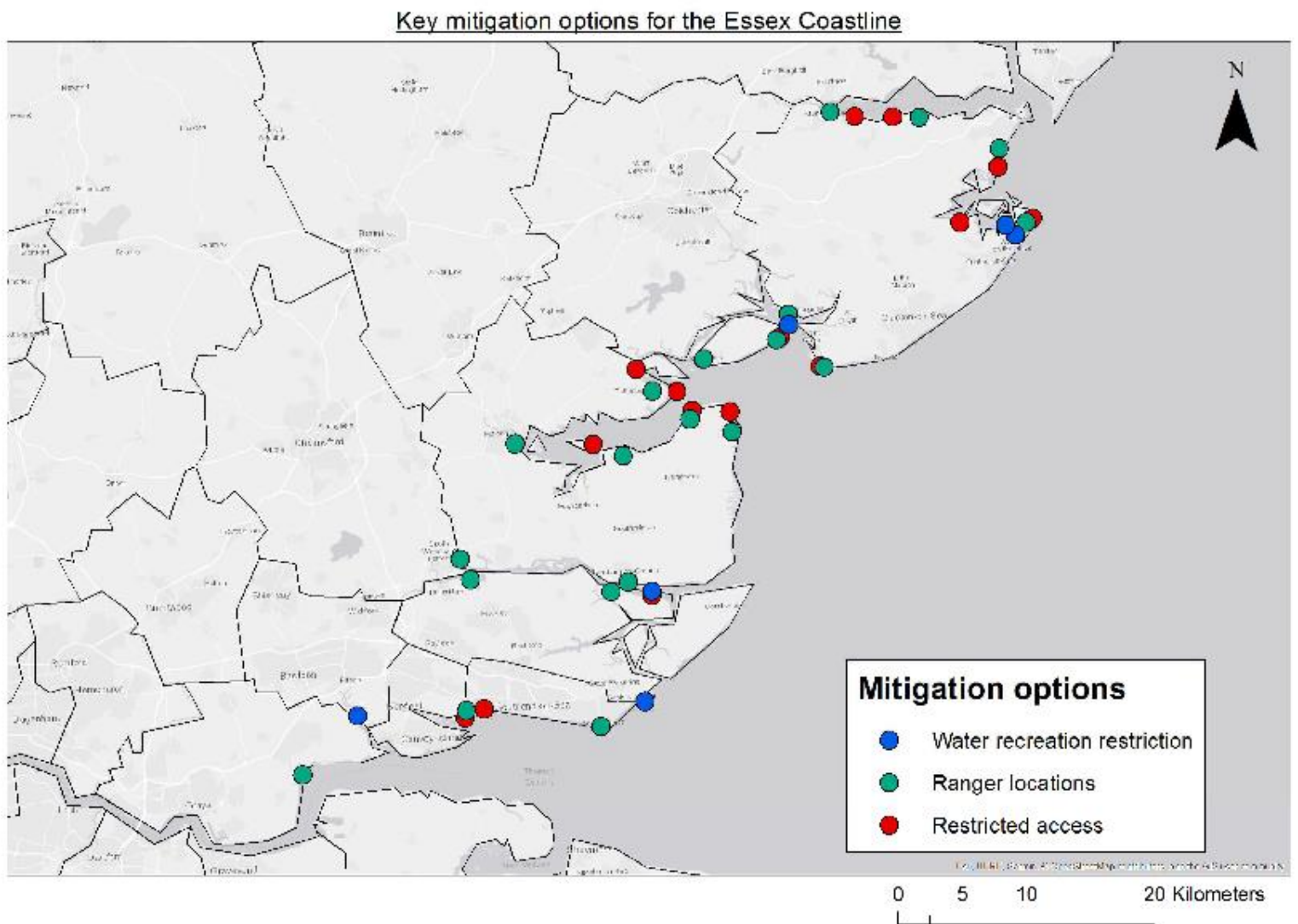


Table 6.1: Potential for disturbance to birds in Stour Estuary (Essex side only)

Stour Estuary SPA and Ramsar (Essex side only)		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - Average percentage from WeBS for southern sectors is relatively low suggesting relatively even distribution of birds across southern part of estuary. - Relatively few roost sites mapped suggest that those mapped may hold large numbers of birds. - Percentage of mudflat within 60m of the shore are mostly quite low, though WeBS sector at Mistley relatively high suggesting shoreline access here has potential to affect a high proportion of open mud feeding areas. - Shoreline near Manningtree and Harwich has high levels of local housing suggesting access levels could be potentially high at access points creating hotspots for recreation. One WeBS section with high housing near Harwich is identified as not having easy access to the estuary. - Paths all along southern shore but high path densities around eastern and western ends, suggesting more current access around Harwich and Manningtree. Relatively few car-parks mapped. 	<ul style="list-style-type: none"> - There is a visual screening and a bird hide on the southern shore of the estuary at RSPB Stour Wood. This ensures that an area looks more important for overwintering birds, with the aim of creating a better public attitude on how the area is used. - Oyster shell recharge projects are being undertaken to help create habitats for Little Terns - The Stour estuary has few access points to the Habitats site on the Essex side. Main points include Mistley Walls, Bradfield foreshore, Wrabness foreshore from Stone Lane and RSPB Stour Wood, Essex Coast Ramsey. - EWT manage the Wrabness nature reserve with a volunteer on site visual screening. However walkers use seawall which is not PROW from Wall Lane towards Bradfield and a lot of signage on site for visitors - EWT also manage some of the Wrabness Marsh fields which are adjacent to the Nature Reserve; these have no access and have been improved with scrapes and bunds to retain more water on site. There is a hide and the marsh fields under EWT management which will be extended following a purchase of additional land. - To the north of Harwich international port and Parkeston the estuary is relatively inaccessible due to the lack of PROW and the private ownership of the port. - At the RSPB Stour Estuary reserve there is already a ban on dogs for parts of the site, rangers, screening and hides. 	<ul style="list-style-type: none"> - Recreational disturbance is focused in the Manningtree and Mistley area. Although the shoreline near Harwich is within a short distance of housing, there is limited access due to a lack of PROW and private ownership of the port. - Essex coast RAMS measures should tie in with Suffolk Coast RAMS measures for this estuary, particularly at the western end near Cattawade Marshes and a high tide roost on the Brantham side which is relatively close to the Essex shoreline. - Drone activity and paramotors over SSSI/SPA – witnessed at Manningtree and Mistley Walls - Kayakers accessing saltmarsh at inappropriate times, e.g. close to high tide roosts - Increased mid-estuary mooring - Water skiing is common in Holbrook Bay and speed limits are not kept to in Jacques Bay. This should be enforced to reduce disturbance. - Saltmarsh is driven over and trampled at Jacques Bay (accessed via Shove Lane, Bradfield): possible reduction in access to avoid habitat erosion. - Unauthorised access along sea wall in front of screen at Wrabness NR (not on PROW) should be managed; this could be through better screening or wardening to encourage use of PROW through Wrabness NR. - There are bait diggers at Jacques Bay which should be made seasonal and have location restrictions. - Pedestrian access from at Wall Lane, Wrabness (no car park) along PROW on landward edge of saltmarsh to high tide roosts can cause disturbance as well as recreational water craft particularly kayakers and paddle boarders. Access and locations of activities should be restricted in conjunction with local landowners.

Table 6.2: Potential for disturbance of birds in Hamford Water

Hamford Water SAC, SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - Garnham Island and Horsey Island have highest average percentage values from WeBS for Hamford Water, suggesting these areas are particularly important - Large and important gull colonies - Breeding Little Tern and Ringed Plover at a range of beaches around the site - Percentage of mudflat within 60m of the shore for WeBS sectors near Walton and Great Oakley relatively high, suggesting shoreline access in these areas has potential to affect a high proportion of open mud feeding areas - Weighted housing values are mostly relatively low compared to other sites, suggesting few local residents - Some of the shoreline near the south-east of the site is identified as having no access and also has some higher values for local housing, suggesting high numbers of local residents within 'visiting' range - Western side (opposite Garnham) appears to have relatively little or no access and little path infrastructure and is likely to be relatively undisturbed - Limited path network and parking 	<ul style="list-style-type: none"> - Bramble Island has no access and is a quiet area as it is known as an area that is sensitive to wintering and breeding birds - Much of the site is inaccessible but the impact of the England Coast Path (ECP) is difficult to assess at this stage - Low risk to grassland habitat due to its wide nature and known location - Skippers Island has regular visits by a volunteer warden who speaks to visitors - Skippers Island has no landing signage on site - At EWT John Weston reserve there is very little recreation disturbance as 50% of the site has restricted access. However this has led to dog walkers and public users using the other half of the site and has made it worse. This is now being promoted as a safe, dog exercise area - Voluntary regulated speed limits are in place for boats to avoid disturbance to wildlife 	<ul style="list-style-type: none"> - Breeding Little Tern and Ringed Plover nest at a range of beaches and Garnham & Horsey Islands have the highest average WeBS value for the SPA so are important to protect waders and wildfowl from disturbance - Some of the key threats to SPA birds are sailing and jet skiing out of Titchmarsh marina and Walton Yacht Club - The location of the grassland habitat close to the southern PROW is susceptible to trampling and nutrient enrichment. Walking on the saltmarsh is also disturbing birds on the south easterly side of Hamford Water - At John Weston Essex Wildlife Trust reserve dog walkers and public use the accessible half of the site and has made it worse, this is now being promoted as a safe, dog exercise area - Enforcement on unauthorised quadbikes and motorbikes is needed - If a permissive bridle path was created at the western side of Hamford Water, this would draw horses away from the seawalls and give landowners income stream through stabling and grazing - Create shorter circular paths off coastal path with particular access from car parks. A main car park on public open space away from The Naze may encourage people to walk their dogs there instead of sensitive areas - Promote alternative sites for wind surfers and canoeists away from The Naze such as St. Osyth Lake/Jaywick/end of Clacton beach - The Naze would benefit from seasonal access rather than all year round day access

Table 6.3: Potential for disturbance to birds and mitigation options in Colne Estuary (including Essex Estuaries SAC)

Colne Estuary SPA and Ramsar (including Essex Estuaries SAC)		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - All average percentage values from WeBS are relatively low; creeks around Mersea Island have highest average values for the site - Percentage of mudflat within 60m of the shore values are moderate, suggesting a relatively high proportion of mudflat is close to shoreline areas - MOD land at Fringringhoe holds range of breeding bird species including Marsh Harrier and Pochard - Weighted housing is highest around Brightlingsea, otherwise relatively low levels of housing nearby and sections of shore identified as having no access - Areas around Brightlingsea and St. Osyth with high density of paths; Fringringhoe Ranges and Eastmarsh Point currently appear to have no access - Path network (and parking) focused around Brightlingsea, St Osyth and towards Clacton - Western shoreline and to some extent northern parts with little or no paths (including large area owned by MOD). - Very few slip ways and potentially limited access to water for those with boats - Development at Robinson Road will impact site 	<ul style="list-style-type: none"> - Natural England and EWT manage many of the key areas - The Colne Point is wardened and as such is likely to be resilient to increased visitor impacts although this provides a good opportunity for engagement with visitors. The Brightlingsea Marsh part of the site is only accessible by permit holders - Western edge of the Colne channel is sensitive to disturbance but this is on MOD land where access is difficult - St Osyth Stone Point and Brightlingsea Creek is another area where potential conflict could take place, however these areas are relatively remote - Conflict between water birds and water sports is also recognised on this SPA - Paramotors at Cudmore Grove – Natural England have held a meeting with Mersea Paramotors Club to discuss code of conduct - Ray Island has no landing signs which have proven ineffective. More recently new no access signs, a new gate and fence have been implemented onto the landward access through Bonner Saltings - EWT Fringringhoe Wick Nature Reserve has a no landing sign on Raised Beach which is very effective as well as a warden. Fringringhoe Wick Nature Reserve extension area has no landing signs on the sea wall and outside the wall by the saltmarsh; this reserve also has a warden - EWT Fringringhoe Wick Nature Reserve, Geedon Bay and Saltmarsh belonging to MOD have multiple no landing and keep off signs and a warden - Colne River between Tide Barrier and Point where Alresford Creek joins the Colne Estuary has a warden 	<ul style="list-style-type: none"> - Housing within easy reach of access points is highest around Brightlingsea and St Osyth and this area has a high density of PROW so this is a key area for Essex Coast RAMS ranger patrols - Another key location for mitigation is Mersea and Cudmore Grove Country Park in particular. Strandline/sand/shingle vegetation along the south side of Mersea and Cudmore Grove is currently being damaged by trampling and fires; mitigation is required to reduce impact. Current access levels at Cudmore Grove already cause some damage to vegetation and reduce breeding success for ringed plover. Access to the foreshore at Cudmore Grove at ebb tide causes disturbance to feeding waders - Powered hang gliders currently take off from a field in Mersea which affects a large area, these occasionally fly low and fly over the Colne and Blackwater SPAs. Paramotors have also caused disturbance at Cudmore Grove and it will be important to work with Mersea Paramotors Club - Jet skis and canoes disturbing wader high tide roosts in main channel of the Colne Estuary and Strood Channel. Water based recreation of Strood Channel in summer can also impact on breeding Little Terns - Breeding Ringed Plover and potentially Little Tern are heavily disturbed by the passenger ferry route from Mersea to Brightlingsea - Colne Point is by far the most important area for sand/shingle vegetation and breeding Ringed Plover so should be protected. Saltmarsh is vulnerable to increased visitor pressure at the EWT and National Nature Reserve (NNR) - Natwurst beach - dune vegetation badly damaged in places and may benefit from fencing - The popular beach by Point Clear commonly has kiteboarding which is disturbing terns and ringed plovers - Habitat creation could be used to move roosting birds away from the shoreline - As this SAC is designated for estuary and shoreline habitats eg mudflats, saltmarsh & sandbanks that support SPA birds, the measures specific to this Habitats site are to avoid trampling and degradation by promoting visitor behaviour including codes of conduct

Tables 6.4: Potential for disturbance to birds and mitigation options in the Dengie

Dengie SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - All WeBS sectors with relatively high average percentages suggesting relatively high importance across site - All WeBS sectors with relatively low percentage of mudflat within 60m of the shore, suggesting open mudflat is mostly away from shoreline areas. - Weighted housing densities are all low - Very little existing paths - No parking identified - No infrastructure providing access to water for boats 	<ul style="list-style-type: none"> - This is not a managed access restriction but as the south-east area of Dengie has poor access it means that it is only occasionally used. 	<ul style="list-style-type: none"> - Canoeists disturb high tide roosts on the River Blackwater although there is no infrastructure providing access to water for boats - There is often illegal off-roading of motorcycles and quadbikes on the seawalls and saltmarsh beach by Bradwell PowerStation - The north east Dengie area is too disturbed for high tide roosts although the open mudflat is mostly away from the shoreline and weighted housing densities are all low for this SPA - Othona Community and St Peters Church area is known to have walkers cross the saltmarshes in all directions. This should be an issue for the ECP to mitigate and Essex Coast RAMS Rangers to explain when they are in this area

Table 6.5: Potential for disturbance to birds and mitigation options in Blackwater Estuary

Blackwater Estuary SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - RSPB Old Hall Marshes shown to be particularly important from average WeBS values - Gull colony and breeding Ringed Plovers on Peewit Island - Important concentration of breeding birds around Old Hall Marshes - Sectors near Maldon coast, Mayland and St Lawrence have relatively high percentages of mudflat within 60m of the shore, indicating access in these areas has potential to affect higher proportion of open mudflat - Weighted housing values are high around Maldon suggesting higher levels of access here - Path network shows some sections of shoreline with high path density, suggesting much access. Other areas, such as large section of northern shore have just single routes along shoreline - Parking concentrated at western end of estuary near Maldon 	<ul style="list-style-type: none"> - RSPB Old Hall Marshes has a Little Tern colony and has a managed restricted access by boat in the summer - Despite efforts made to gather stakeholder information at workshops and follow-up questionnaires, there are fewer existing measures identified for some SPA sites. It will therefore be important for the Essex Coast RAMS rangers to ensure local stakeholders can add to these lists, and any additional measures and their efficiency are understood before trialling new ones 	<ul style="list-style-type: none"> - Boat landing at Old Hall point (breeding little terns) needs mitigation - Kite surfing and Para hang-gliding are a problem on the wider parts of the estuary and paramotors have caused disturbance at Tollesbury - Dog walking causes disturbance to Little Terns - Weighted housing values are high around Maldon and parking is concentrated in this locality so will be a key area for Essex Coast RAMS ranger patrols - Mayland & St Lawrence also have relatively high percentages of mudflat within 60m of the shore indicating these areas could be subject to disturbance from access - Maldon District Council jet-ski patrols should be supported - Work with Natural England to Keep National Trust Northey Island free of England Coast Path spreading room (access to foreshore) - Goldhanger had a former Little Tern colony - East Osea is a very popular picnic area which is un-authorised - Keep shingle spit free from public access at Tollesbury Wick - Stationary electronic people counters have been used by Essex County Council (Highways) to determine visitor numbers to areas in Essex which will be useful for monitoring the strategy and its effectiveness

Table 6.6: Potential for disturbance to birds and mitigation options in Crouch and Roach Estuaries

Crouch and Roach Estuaries SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - Central part of site has highest average WeBS values - WeBS sectors around Wallasea have relatively high percentage of mudflat within 60m of the shore, indicating access in these areas has potential to affect higher proportion of open mudflat. Creeks here are relatively narrow - High weighted housing values for South Woodham Ferrers, Hullbridge and around Burnham on Crouch, suggesting access levels higher in these areas - Areas near Brandy Hole and Bridgemarsh Island likely to be currently relatively undisturbed - Path network variable, with some areas with high density of paths (suggesting good current access provision and use), particularly around the settlements and for much of shoreline continuous routes. Some parts of north shore seem to have limited or little paths - Wide range of parking locations scattered around the estuary 	<ul style="list-style-type: none"> - Essex County Council parks such as Fenn Washland and Chelmsford City Council's Saltcoats Park are alleviating pressures on Habitats Sites as they provide good facilities such as dog walking, car parking, play and sports facilities. - EWT manages Blue House Farm - There is signage on the sea walls and Public Rights of Way (PROW). - RSPB Wallasea Island Nature Reserve (Allfleets Marsh is soon to be a designated SPA) 	<ul style="list-style-type: none"> - Although there is a wide range of parking opportunities around the estuaries, high weighted housing values for South Woodham Ferrers, Hullbridge and Burnham on Crouch suggest access levels are highest in these areas. These should be key patrol areas for Essex Coast RAMS rangers. - Dogs off lead require mitigation and maybe free leads being available from Essex Coast RAMS rangers - Trespass - regular occurrences of public access to private areas of the RSPB Wallasea reserve - generally on foot, but recently on motorcycles - Unauthorised boat activity – entering Allfleets Marsh to fish (which is the northern section of the island where the first seawall breaches took place) - Unauthorised fishing off the old seawalls on Allfleets Marsh - “Recreational” use of high speed watercraft including unauthorised temporary mooring to the conveyor pontoon in both the Crouch and Roach estuaries - Drone flying in this area causes disturbance to SPA birds & needs code of conduct for clubs - Better signage to minimise cycling on the seawall as it's a public footpath) - Use the Southend Council foreshore officers to enforce byelaws and speed limits for water sports such as jet-skis

Table 6.7: Potential for disturbance to birds and mitigation options in Foulness

Foulness SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - Central part of site has highest average WeBS values - WeBS sectors around Wallasea have relatively high percentage of mudflat within 60m of the shore, indicating access in these areas has potential to affect higher proportion of open mudflat. Creeks here are relatively narrow - High weighted housing values for South Woodham Ferrers, Hullbridge and around Burnham on Crouch, suggesting access levels higher in these areas - Areas near Brandy Hole and Bridgemarsh Island likely to be currently relatively undisturbed - Path network variable, with some areas with high density of paths (suggesting good current access provision and use), particularly around the settlements and for much of shoreline continuous routes. Some parts of north shore seem to have limited or little paths 	<ul style="list-style-type: none"> - This site is under MoD management and heavily restricted access or no public access at all - This site has 31 SSSI units that are unaffected by recreational pressure 	<ul style="list-style-type: none"> - Currently there is access for jet-skis in the north of Shoebury which causes disturbance and possible restrictions should be considered

Table 6.8: Potential for disturbance to birds and mitigation options in Benfleet and Southend Marshes

Benfleet and Southend Marshes SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - North side of Canvey Island has highest average WeBS values - No data on the distribution of roost sites - WeBS sectors tend to have relatively low values for percentage of mudflat within 60m of shore, reflecting expansive areas of intertidal. - Weighted housing values all high, particularly around north side of Canvey, suggesting these areas have high levels of current access - Very high path density around most of shoreline particularly at Southend which experiences over 7 million day visitors a year to its tourist facilities centred on the coast which displaces local residents - Car-parking relatively evenly spread around shore 	<ul style="list-style-type: none"> - Signage at various locations along the length of the foreshore about the different types of birds and habitats raising awareness - Southend Council dog controls are in force in the summer months preventing dogs from entering the beach areas from 1st May to 30th September - Bait diggers are a common sight on the foreshore and their activities are controlled by local bye-laws. They can be seen travelling quite a way out from the shore - Significant water recreation takes place along the foreshore including sailing (5 clubs, jet skiing and rowing). Bye-laws are available to control accessibility to the foreshore and jet-ski use - EWT lease the nature reserves at Two Tree Island and Gunners Park from Southend-on-Sea BC and manage these areas 	<ul style="list-style-type: none"> - Two Tree Island has been highlighted as key area of habitat disturbance for breeding birds (eastern saltmarsh, island and eastern lagoons). Two Tree Island is subject to a wildfowling shooting agreement made in the 1950s. The agreement was made in perpetuity - The foreshore is accessible (with the exception of Gunners park) for its entire length and is regularly visited by residents and tourists. In the summer months the area experiences significantly high volumes of visitors with residents tending to be dispersed to the west which impacts on the SPA features and east foreshore which is also sensitive to disturbance in winter, Thameslink pathway near Two Tree Island is heavily used (Two Tree to Hadleigh Loop) - Leigh Cockle Sheds provide access to mudflats – people take their dogs which causes degradation of the habitat which impacts birds over the winter - Foreshore Officers have been significantly reduced in recent years. This and a lack of enforcement powers to implement by-laws and codes of conduct is resulting in some habitat degradation. On busy days in the summer, Foreshore officers are focused in central Southend to the detriment of other sensitive areas. Southend BC is working with Natural England to identify a solution - Delivering the sustainable links between Southend-on-Sea and Rochford as set out in the urban habitats strategy would provide relief to the coastal areas - Motorbiking, horse riding and trespassing for fishing in this SPA are activities which require mitigation

Table 6.9: Potential for disturbance to birds and mitigation options in Thames Estuary & Marshes (Essex side only)

Thames Estuary & Marshes SPA and Ramsar (Essex side only)		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - No variation in average WeBS values and all moderately high - WeBS sector near Thurrock has high percentage of mudflat within 60m of the shore, suggesting little mudflat is away from shoreline areas - No data on the distribution of roost sites - Little variation in weighted housing and all currently moderate - Relatively low path density for whole area - Limited parking 	<ul style="list-style-type: none"> - Thameside Nature Park (Essex Wildlife Trust) is set to expand – this park has rangers and opening / closing times to the car park restricting access - East Tilbury Quarry is anticipated to restore provide recreational facilities/areas away from the coast 	<ul style="list-style-type: none"> - Thameside Nature Park run by EWT will be a key location for the Essex Coast RAMS rangers to complement the existing resource - Restoration of East Tilbury Quarry is anticipated to provide recreational facilities away from the coast - Unauthorised activities involving motorbikes, horse riding and trespassing for fishing are problems which will require input to resolve - Holehaven Creek is proposed as an extension to this SPA so may be a focus for the Essex Coast RAMS rangers to visit - There is little mudflat away from the shoreline in this WeBS sector and jet skis from Wat Tyler Park using this part of the coast are a problem. This issue could benefit from better signage and working with this supplier and clubs in the wider area

The Mitigation Report

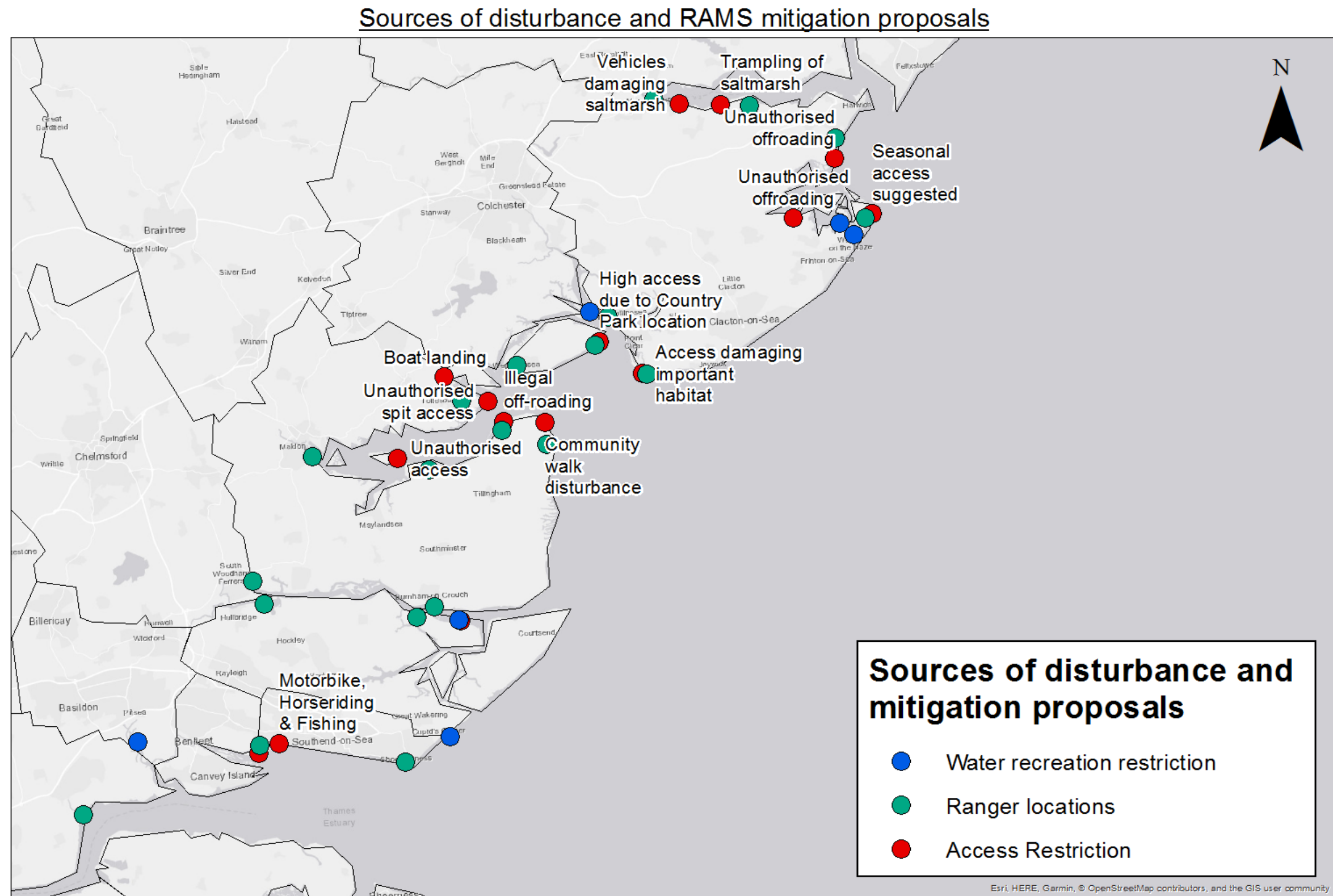
7 Overview of Essex coast RAMS mitigation options

- 7.1 This report has used the evidence gathered in the Technical report (sections 4- 6) to identify the package of effective measures considered necessary to avoid and mitigate the impacts of recreational disturbance from planned residential growth over the next 20 years in each participating LPA area. It is not designed to mitigate or reduce the current level of recreational disturbance in the Essex coastal sites although the measures identified for delivery will promote good visitor behaviour, which will have a positive impact where there are existing problems.
- 7.2 This chapter contains sections that address the following parts of the brief:
- a) effective mitigation measures;
 - b) when the mitigation measures are required;
 - c) where the mitigation is required;
 - d) how mitigation relates to development;
 - e) how mitigation measures will be funded;
 - f) How the mitigation will be implemented;
 - g) how the success of the mitigation measures will be monitored; and
 - h) how best to incorporate monitoring data and other information and best practice into future reviews of the strategy and Local Plans.

Recommended measures to avoid impacts from planned residential growth in Essex

7.3 The key measures proposed in the mitigation package are shown in Figure 7.1 below:

Figure 7.1 Sources of disturbance and Essex Coast RAMS mitigation proposals



- 7.4 The geographical distribution of recommended mitigation measures shown on Figure 7.1 indicate key locations where resources should be focussed. However it is possible that during the winter, one ranger would ideally be dedicated to one or two Habitats sites when disturbance of over-wintering birds is likely, where additional new housing delivery numbers are greatest in this part of the Essex Coast RAMS Zone of Influence. Ranger visits in the winter months will be focussed on key locations to counter problems e.g. associated with bait digging, oyster pickers and dog walkers allowed on to the beaches at Southend during these months.
- 7.5 In the summer months (May to September), Ranger efforts should be dedicated to locations within Habitats sites where trampling of sensitive habitats and SPA breeding birds in the spring & summer months are the focus e.g. Blackwater Estuary SPA, Benfleet & Southend Marshes SPA, Essex Estuaries & Hamford Water SACs. Clearly, the prioritisation of the implementation of these measures will need to consider which measures will achieve the greatest impact, the cost of the measures and the amount of funds available in the Essex Coast RAMS budget and the complexity of projects, for example some may require long term planning and feasibility work.
- 7.6 The package of mitigation measures, some coast-wide and others specific to an individual Habitats site, will need to be implemented “in perpetuity” although the costs are limited to the lifetime of the Local Plans 2018-2038. The term “in perpetuity” has a legal definition of 125 years (The Perpetuities and Accumulations Act 2009) and it has been accepted in strategic mitigation schemes for European sites such as those in place for the [Thames Basin Heaths](#) and [Dorset heathlands](#). Existing RAMS partnerships elsewhere in England invest some of the developer contributions to ensure that mitigation for impacts from residential development can be delivered for the Local Plan periods without the need for successive funding. BirdAware Solent currently invest 40% of all such contributions. After the current Strategy lifetime, future timetables will need to be prepared based on reviews of the Strategy itself and its evidence base.
- 7.7 The interventions for the Essex Coast RAMS Rangers are broadly categorised as education, communication and habitats based and are listed in Table 7.1 Essex Coast RAMS toolkit. Education and communications is discussed in sections 7.8 – 7.14. Partnership working, monitoring and review will be essential tasks for the partner LPAs

Table 7.1 – The Essex coast RAMS toolkit

Action area	Examples
Education and communication	
Provision of information and awareness raising	<p>This could include:</p> <ul style="list-style-type: none"> • Information on the sensitive wildlife and habitats • A coastal code for visitors to abide by • Maps with circular routes away from the coast on alternative footpaths • Information on alternative sites for recreation <p>There are a variety of means to deliver this such as:</p> <ul style="list-style-type: none"> • Through direct engagement led by rangers/volunteers • Interpretation and signage • Using websites, social media, leaflets and traditional media to raise awareness of conservation and explain the Essex Coast RAMS project. • Direct engagement with clubs e.g. sailing clubs, ramblers clubs, dog clubs etc and local businesses.
Habitat based measures	
Fencing/waymarking/screening	Direct visitors away from sensitive areas and/or provide a screen such that their impact is minimised.
Pedestrian (and dog) access	<ul style="list-style-type: none"> • Zoning • Prohibited areas • Restrictions of times for access e.g.to avoid bird breeding season
Cycle access	Promote appropriate routes for cyclists to avoid disturbance at key locations
Vehicular access and car parking	Audit of car parks and capacity to identify hotspots and opportunities for “spreading the load”
Enforcement	<ul style="list-style-type: none"> • Establish how the crew operating the river Ranger patrol boat could be most effective. It should be possible to minimise actual disturbance from the boat itself through careful operation. • Rangers to explain reasons for restricted zones to visitors
Habitat creation	Saltmarsh recharge, regulated tidal exchange and artificial islands may fit with Environment Agency Shoreline Management Plans
Partnership working	Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.
Monitoring and review	Birds and visitor surveys with review of effectiveness of measures with new ideas to keep visitors wanting to engage

Education and communication

- 7.8 A cost-effective approach which has been successfully implemented in North Kent and the Solent, is to develop a brand and use positive and clearly understandable message to engage with visitors. This positive and comprehensible approach is more engaging than an explanation of the Essex Coast RAMS and the intricacies of planning and conservation law. The latter would be provided on the website for interested parties.
- 7.9 The Solent partnership uses “Bird Aware” and North Kent uses “Bird Wise”, which is based upon the Bird Aware model. The use of the ‘Bird Aware’ brand for Essex Coast RAMS would not mean that the entire focus of the Essex Coast RAMS was on SPA birds as designated habitat features must be protected in their own right through the Essex Coast RAMS and these would not be forgotten about if this branding was used.
- 7.10 The Solent Coast RAMS project now offers a portal for information and partners under the Bird Aware brand which has a ready-made communication package including an established website - www.birdaware.org. This would be available for the Essex coast RAMS team to purchase and would include a bespoke Bird Aware Essex Coast webpage and an initial print run of Essex Coast with leaflets containing relevant local photos. A strategic approach / campaign is usually most effective where an easily understandable, clear, persuasive and memorable message/brand is presented to the target audience at the point of contact (recreational users of the sites in this case). For example, the RSPB have built an easily recognisable and well respected brand and, although their key focus is on protecting birds, their educational materials etc. advocate the conservation of other species and habitats too which improves people’s awareness of these as well. With this in mind, we just need to be mindful that the educational materials, ranger interactions with the public etc. should cover wider coastal habitat protection as well as birds.
- 7.11 Using a brand would complement the use of the Essex Coast RAMS rangers and the provision of rangers was a measure that was commonly cited in the Essex Coast RAMS workshops as being very effective. This face-to-face engagement with visitors is the main feature of other mitigation schemes such as the Solent (Bird Aware partnership), in the [Thames Basin Heaths](#) and [Dorset heathlands](#). Encouraging people to avoid disturbance of roosting and /or feeding wildfowl and waders has been identified as one of the most effective mitigation measures by wardens of Habitats sites.
- 7.12 The RAMS Rangers will form a small mobile team that spend the majority of their time outside at the coastal sites, educating and communicating with visitors, influencing how visitors behave and showing people wildlife. The advantage of such an approach is that the staff can focus their time at particular priority sites/locations as required, such as those with the best visitor access and those likely to result in disturbance of key roosts (see Figures 4.1 and 4.2).
- 7.13 The roles of the Essex Coast RAMS team as allocated by the RAMS Delivery co-ordinator would also include helping with the delivery of site-specific and local projects and monitoring of

visitors. As the Strategy is rolled out, the work of the Rangers will change to include publicity, events, monitoring, reporting and working on some of the longer-term measures.

- 7.14 Apart from the 20 identified key roosts and feeding areas, for Ranger visits across the Essex Coast RAMS area, other less sensitive sites will require additional visits. Locations identified should also include those with high visitor numbers regardless of risk to Habitats site features. Based on information provided by Bird Aware Solent Rangers, key locations should receive weekly visits as High Risk sites for recreational disturbance, whilst other locations should be categorised as Medium (with monthly visits scheduled) or Low (seasonal visits required). This frequency of visits to specific sites within each Ranger's geographical work area is aimed at maximising public engagement at the appropriate time of year which may be year-round in some locations. Rangers should aim to visit 2 sites each day on 3 days/week to allow for other work commitments. This calculation supports the inclusion of three Essex Coast RAMS Rangers within the mitigation package and any additional seasonal rangers will need to be assessed based on developer contributions collected and priorities for mitigation in any specific areas.
- 7.15 Rangers could also carry out further visitor surveys over the lifetime of the Essex Coast RAMS to provide updated baseline for ZOIs as part of the monitoring programme. This would ideally be prioritised as follows:
- Summer visitor surveys at all sites as the Ramsar sites and Essex Estuaries SAC include habitat features sensitive to recreational pressure at all times of the year, especially from water-based recreation. The ZOI should then be calculated from the combined dataset from summer visitors as well as over winter too.
 - Winter and summer visitor surveys at Hamford Water as these had been covered as part of Colchester, Braintree & Tendring visitor survey programme 2013-15.
 - Winter visitor surveys at the Stour Estuary as these were covered as part of Colchester, Braintree & Tendring visitor survey programme 2013-15.
 - Winter and/or summer visitor surveys for those sites which were surveyed as part of the Essex Coast RAMS programme but which had a dataset lower than 400 as per the Visit Britain guidelines.

Coordination of the Essex Coast RAMS

- 7.16 Delivering the Essex Coast RAMS will require the appointment of a delivery co-ordinator to overseeing the implementation of the different themes. This officer would report to a Project board. Options for governance of the Strategy implementation are to be dealt with in a separate report.

- 7.17 The delivery co-ordinator would act as the main contact point for the Essex Coast RAMS and report to the project board and Steering Group and other liaison as directed by the Governance report and relevant Terms of Reference.
- 7.18 The Essex Coast RAMS rangers would report to the Essex Coast RAMS Delivery co-ordinator and work with existing teams towards similar ends on the Essex coast. This could include the Coastal Guardians trained by Essex Wildlife. These volunteers promote visitor awareness by talks and the management of signage. The details will be finalised when the Essex Coast RAMS governance has been agreed with the partners.
- 7.19 The delivery co-ordinator will need to ensure that the Strategy complements other work to protect Habitats sites e.g. England Coast Path (Natural England), other projects delivered by stakeholders e.g. landowners, EWT, RSPB; and potentially also bringing additional benefits from funding elsewhere, whereby match funding can open enhancement opportunities over and above the mitigation requirement. As such the delivery co-ordinator would have the following duties:
- Develop projects and help with their implementation, working with stakeholders (landowners, NGOs, statutory bodies, LPA foreshore officers etc.) as necessary;
 - As funds are available, assist with recruitment of and oversee the Ranger's work programme. Tasks may include each ranger visiting sites each day and plan to maximise the numbers of people encouraged to avoid disturbance when visiting the coastal Habitats sites. The number of locations possible to visit each week will depend on the distance travelled in between Habitats sites as housing schemes come forward and the key hotspots for birds and people;
 - Report to the project board, Steering Group, liaise with Development Management planners and others e.g. s106 officers regarding development implemented and strategy work completed;
 - Organise funding for projects, both gaining funding from the developer contributions 'pot' through the Project Board but also linking with stakeholders and seeking other opportunities for additional funding, for example through reserve-based projects, tourism initiatives and the Heritage Lottery Foundation;
 - Oversee the project webpages and other publicity opportunities, explaining the strategy and providing information making full use of BirdAware or similar and other resources; and
 - Monitoring and review of the Strategy⁵.

⁵ It is recommended that the visitor survey information is updated within the first two years of the Essex Coast RAMS adoption and repeated every 5 years afterwards to maintain postcode evidence of new residents and justifiable ZoIs. The Essex Coast RAMS package of measures will need to be prioritised and delivered on several timescales. The initial priorities will be reviewed by the Essex Coast RAMS delivery co-ordinator, once they are in post.

8 Costed Mitigation Package and Mitigation Delivery

- 8.1 The costed mitigation package in Table 8.2 has been based on measures considered necessary to avoid likely disturbance at key locations with easy public access (as shown on Figure 7.1). A precautionary approach to avoid adverse effects has been adopted, with priority areas for measures identified as those which have breeding SPA birds which could conflict with high number of visitors to the coast in the summer and those with important roosts and foraging areas in the winter. Sensitive habitats are also at risk from damage by high numbers of visitors and potential hotspots have been identified for ranger visits which may including water rangers. The package includes an effective mixt of avoidance and mitigation measures to provide flexibility and deliverability, based on costed similar provision elsewhere in England.
- 8.2 This has been developed through identifying best practice measures and gathering local nature conservation practitioner expertise, from a new dedicated staff resource to focussing on awareness raising and appropriate behaviour with a wide range of recreational user groups at Habitats sites. The package particularly prioritises measures considered to be effective at avoiding and mitigating recreational disturbance by Habitats sites managers and Maldon DC in managing water sports on the Blackwater estuary. These measures can be justified as necessary, relevant and reasonable and enables the LAs to demonstrate that as competent authorities, they can avoid adverse effects on the integrity of Habitats sites.
- 8.3 The proposal to bolster the terrestrial RAMS Ranger visits with water based RAMS Ranger patrols is aimed at encouraging all users to take an active role in avoiding impacts from recreational activities on the coast waters. It is hoped that codes of conduct and zonation of sensitive waters near SPA bird roosts and foraging areas can be implemented, similar to measures on the Exe Estuary.
- 8.4 There is a potential need for additional rangers following the first five years of the project based on the predicted peak in housing delivery at this time, though evidence for this spend will be based on the findings of the rangers patrolling the coast. To provide flexibility for strategic deployment of resources, indicative locations are identified though “ground- trothing” from Ranger visits and updated surveys for the Essex Coast RAMS project Board and Delivery co-ordinator to account for any unforeseen circumstances.
- 8.5 The phasing of housing delivery, as shown below (taken from Table 4.4) indicates that most development within the overall ZOI for the Essex coast RAMS will take place in the period 2023/24-2027/28. The third Essex Coast RAMS Ranger is likely to be triggered in this time period.

Table 8.1 Phasing of housing delivery 2018-2038

Phasing of dwellings				Total to be included in the Essex Coast RAMS
2018/19 - 2022/23	2023/24 - 2027/28	2028/29 - 2032/33	2033/34 - 2037/38	
19,164	23,675	16,986	10,598	79,582

- 8.6 The per dwelling tariff is calculated by dividing the total cost of the Essex Coast RAMS mitigation package by the total number of houses still to be delivered over the Local Plans period i.e. any houses already consented having come forward early, are not included in this calculation.
- 8.7 As the above figures may change before the SPD is adopted, the tariff will require re-assessment beforehand. It will also be required as part of the monitoring process.

Table 8.2: Mitigation package costed for 2018-2038

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
Immediate - Year 1/2	Staff resources	Delivery officer		£45,000	19	£1,027,825	Salary costs include NI and overheads & 2% annual increments
		Equipment and uniform		(small ongoing cost)		£5,000	Bird Aware logo polo shirts, waterproof coats and rucksacks, plus binoculars for Rangers
Year 2		1 ranger		£36,000	18	£770,843	Salary costs include NI and overheads & 2% annual increments
Year 2		1 ranger		£36,000	18	£770,843	Salary costs include NI and overheads & 2% annual increments
		Staff training		£2,000	19	£38,000	£500 training for each staff
		Partnership Executive Group		(LPA £1,000)	19	£0	This would need to be an 'in kind' contribution from the LPA as this is a statutory requirement of the competent authorities. NB This is over and above the requirement for S106 monitoring
		Administration & audit		(LPA £1,000)	19	£0	As above
	Access	Audit of Signage including interpretation	£1,000			£1,000	Undertaken by Delivery officer/rangers but small budget for travel
		New interpretation boards	£48,600			£48,600	£2,700 per board, based on HLF guidance. Approx. 9 boards, one per Site. Cost allows for one replacement in plan period

Table 8.2: Mitigation package costed for 2018-2038

	Monitoring	Levels of new development				£0	No cost as undertaken as part of LPA work in Development Management and s106 or Infrastructure officers
		Recording implementation of mitigation and track locations and costs				£0	No cost as delivered as part of core work by delivery officer
		Collation & mapping of key roosts and feeding areas outside the SPA	£10,000			£10,000	Initial dataset to be available to inform Rangers site visits.
		Visitor surveys at selected locations in summer (with questionnaires)	£15,000			£15,000	Focus on Dengie, Benfleet & Southend Marshes and Essex Estuaries saltmarsh; estimated cost £5/Habitats site. Liaise with NE & ECC PROW re England Coast Path
		Visitor numbers and recreational activities	£5000 (£500/ Habitats site/yr)			£5,000	Rangers, partner organisations, LPAs
		Consented housing development within ZOI.	£0/ Habitats site/yr)			£0	S106 officers to Track financial contributions for each development for all LPAs; liaise with LPA contributions officers
	Communication	Website set up for Day 1				£0	Essex Coast Bird Aware webpage set up costs £3k to be covered by LPAs.
		Walks and talks to clubs and estuary users groups				£0	Covered by salary costs for Delivery officer

Table 8.2: Mitigation package costed for 2018-2038

		Promotional materials				£5,000	Use BirdAware education packs, stationery, dog bag dispensers, car stickers etc.
Short to Medium term	Dog related	Set up/expand Dog project in line with Suffolk Coast & Heaths AONB "I'm a good dog" and Southend Responsible Dog Owner Campaign	£15,000			£15,000	Use BirdAware design for leaflets & website text, liaison with specialist consultants (Dog focussed), liaison with dog owners etc. Liaise with dog clubs & trainers;
	Water sports zonation		£10,000			£10,000	Approx. costs only to be refined when opportunity arises
Year 5	Staff resources	1 additional ranger		£36,000	13	£456,567	Salary costs include NI and overheads & 2% annual increments
		Staff to keep website & promotion on social media up to date		£1,000	19	£19,000	Update/refresh costs spread over plan period and include dog and water borne recreation focussed pages on Essex Coast RAMS / Bird Aware Essex Coast website plus merchandise eg dog leads.
Year 5	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£45,000	Estimated cost £5000/Habitats site/year for 9 Sites. Liaise with NE & ECC PROW re England Coast Path and LPAs re budgets as some of the survey costs may be absorbed into the budget for the HRAs needed for Local Plans. This could reduce the amount of contributions secured via Essex Coast RAMS which could be used for alternative measures.

Table 8.2: Mitigation package costed for 2018-2038

		Signage and interpretation	£14,500			£14,500	£14500 allows for 3 sets of discs - 3 designs, 1500 of each; e.g. paw prints in traffic light colours to show where no dogs, dogs on lead and dogs welcome. This may linking with a timetable eg Southend with dog ban 1 st May to 30 th Sept
	Water based Rangers to enforce byelaws	Set up Water Ranger	£50,000	£120,000	15	£2,029,342	Costs need to include jet ski(s), salary & on costs, training and maintenance plus byelaws costs. Priority is recommended for at least 1 Ranger to visit locations with breeding SPA birds eg Colne Estuary, Hamford Water, and other locations eg Southend to prevent damage during the summer. Explore shared use at different times of year eg winter use at other Habitats sites.
		Additional River Ranger where needed		£120,000	15	£2,029,342	Given increased recreation predicted,
	Codes of conduct	for water sports, bait digging, para motors/power hang gliders & kayakers	£5,000			£5,000	Use Bird Aware resources with small budget for printing. Talks to clubs and promotion covered by Delivery officer and rangers

Table 8.2: Mitigation package costed for 2018-2038

	Habitat creation - Alternatives for birds project – and long term management	Work with landowners & EA to identify locations eg saltmarsh creation in key locations where it would provide benefits and work up projects	£500,000			£500,000	Approx. costs only to be refined when opportunity arises for identified locations in liaison with EA and landowners via Coastal Forum and Shoreline Management Plans.
	Ground nesting SPA bird project – fencing and surveillance costs - specifically for breeding Lt Terns, & Ringed Plovers	Work with landowners & partners to identify existing or new locations for fencing to protect breeding sites for Little Tern & Ringed Plover populations	£15,000			£15,000	Check with RSPB, NE & EWT when project is prioritised
Longer term projects	Car park rationalisation	Work with landowners, Habitats site managers & partner organisations	£50,000			£50,000	Approx. costs only to be refined when opportunity arises
	Monitoring	Birds monitoring for key roosts & breeding areas within and outside SPAs		£5,000	10	£50,000	Costs for trained volunteers; surveys every 2 years
		Vegetation monitoring		£5,000	4	£20,000	Costs for surveys every 5 years

Table 8.2: Mitigation package costed for 2018-2038

Year 10, 15 & 20	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£135,000	Estimated cost £5/Habitats site. Liaise with NE & ECC PROW re England Coast Path
	Route diversions	Work with PROW on projects	£15,000			£15,000	Approx. costs only to be refined when opportunity arises

TOTAL MITIGATION PACKAGE
10% contingency
TOTAL COST

COSTS £8,105,862
£ 810,586
£8,916,448

8.8 The total cost for calculation per dwelling tariff is based on the total number of dwellings identified in each Local Plan which have not received Full/Reserved matters consent i.e. any houses already consented having come forward early, are not included in this calculation. **This figure is therefore £8,916,448 divided by 72,907 which means the recommended tariff is £122.30 rounded to nearest pence.**

8.9 As set out in Table 8.3 below, the split of the total cost for the Essex Coast RAMS mitigation package for each LPA to collect (i.e. the proportion of the costs to be collected from developers) is based on their housing figures to be delivered by the Local Plan. If predicted housing numbers are not realised, the associated impacts will also be less so the cost of the mitigation necessary will be reduced.

Table 8.3 Housing number and cost of mitigation for each LPA

(to include Habitats site specific measures plus over-arching measures e.g. delivery co-ordinator and Essex Coast RAMS Rangers.)

Charging Zone	Dwellings coming forward up to the end of Essex Coast RAMS plan period not already consented	Cost per dwelling tariff (rounded to nearest pence)	Cost of mitigation per LPA area
Basildon	9,440	£122.30	1,154,502.00
Braintree	13,770	£122.30	1,684,056.00
Brentwood	41	£122.30	5,014.26
Castle Point	4,721	£122.30	577,373.20
Chelmsford	8,771	£122.30	1,072,684.00
Colchester	9,144	£122.30	1,118,301.00
Maldon	3,646	£122.30	445,901.90
Rochford	1,322	£122.30	161,679.20
Southend-on-Sea	7,648	£122.30	935,342.20
Tendring	8,429	£122.30	1,030,858.00
Thurrock	5,975	£122.30	730,736.10
Total (Cost of package plus 10% contingency)	72,907		£8,916,448.00

8.10 The cost of implementing the mitigation measures will increase with inflation so the per dwelling tariffs will be updated each year in line with the Retail Price Index.

- 8.11 A proportion of all developer contributions collected (% to be determined by the Essex Coast RAMS Board) will be invested to cover the cost of delivering the visitor management measures in perpetuity, as the number of new residents will be permanent.
- 8.12 To avoid impacts, delivery of mitigation needs to be in advance of new residents occupying additional homes so triggers for payment should be prior to commencement of house building.

9. Monitoring and review

- 9.1 The Essex Coast RAMS sets out the baseline, status and disturbance evidence from which to monitor change and the impact of the Essex Coast RAMS in the future.
- 9.2 The effectiveness of mitigation measures and their timely delivery will be monitored and reviewed by the Essex Coast RAMS team, reporting to the Essex Coast RAMS Steering Group.
- 9.3 Monitoring will be undertaken annually and a report provided to each LPA to inform their Annual Monitoring Report (AMR). As competent authorities under the Habitats Regulations, the delivery of the Essex Coast RAMS is the responsibility of the LPA needing it to ensure their Local Plan is sound and legally compliant.
- 9.4 The Steering Group shall work with the Essex Coast RAMS team to establish the monitoring procedure, which will include SMART targets to effectively gauge progress.
- 9.5 To ensure the monitoring process is fit for purpose, there will be various monitoring activities which will be undertaken at different times and at an appropriate frequency. For example, visitor survey updates will be scheduled for after 2 and then 5 years.
- 9.6 Table 9.1 provides an example of what the monitoring approach may look like.

Table 9.1: Monitoring Report

Monitoring type	Objective	Responsibility	Action	Notes
Visitor numbers and recreational activities	Collect data on use and type of activity at different locations; assess change in behaviour likely to cause disturbance	Ranger / site warden team	Car park counter data; collated every 2 years with counters shared at different locations over plan period	
Visitor surveys with questionnaires	Collect repeat or additional post code data to review Zones of Influence for each Habitats site using the same methodology	Ranger/ site warden team	Minimum one face to face survey on each Habitats site location during the plan period	
Bird numbers and roost/feeding locations	Identify numbers and behaviour of designated birds	Ranger and volunteers e.g. WeBS on estuaries, continued monitoring of Little Terns	WeBS and breeding bird surveys	
Vegetation monitoring	Targeted at identifying impacts of trampling and triggers for mitigation	Site wardens/ managers		
Effectiveness of mitigation measures	Check that projects deliver status quo or improvements	Ranger/ site warden team/Habitats site staff	Questionnaires for behaviour and incident logs,	
Delivery of mitigation measures	Audit of projects delivered with feedback on implementation to LPAs refunds spent on each Habitats site.	Delivery officer	Project management tools e.g. membership of dog project, numbers of visitors engaged at different events	

- 9.7 Any future decrease (or increase) in bird populations cannot be the only measure of success for the Essex Coast RAMS in this respect as the designated habitats require protection too and effects could not be attributed solely to the implementation of the Essex Coast RAMS. This is due to multiple other factors at play on a local scale (e.g. predation, weather, habitat loss, coastal squeeze) and international scale (e.g. success at breeding or wintering grounds elsewhere etc.). Therefore, a range of monitoring identified for the Essex Coast RAMS delivery is needed and disturbance events reported
- 9.8 Working closely with partner organisations will be essential to understand these factors, evaluate success and provide feedback to inform reviews of the Essex Coast RAMS work programme. Both Place Services and Natural England recommended that the Essex Coast RAMS team regularly liaise with local nature conservation practitioners for this purpose.
- 9.9 Formal records will need to be kept of what, where and how the Essex Coast RAMS measures have been implemented e.g.:
- Most sensitive European site locations e.g. key bird roosts & breeding areas (noting that some of this is ecologically sensitive information);
 - Pending projects i.e. all mitigation priorities reflected in the above tables;
 - Live projects i.e. those underway; and
 - Completed projects i.e. those chalked off as the strategy progresses.
- 9.10 These will support the audit trail for spending against priorities set for the whole Strategy but also for the funds collected for each Habitats site by the Local Authorities. The latter is essential as the numbers of dwellings consented in Zols which will be subject to developer contributions and will provide the Essex Coast RAMS budget available for spending in each financial year.

10 Conclusions and next steps

- 10.1 Each LPA partner to the Essex Coast RAMS made a commitment to developing a strategic mitigation solution to address potential significant recreational impacts, in combination with other plans and projects, arising from new housing on the Habitats Sites on the Essex Coast.
- 10.2 The evidence base for the strategic mitigation package is set out in the Essex Coast RAMS which will be accompanied by an Essex Coast RAMS SPD.
- 10.3 The Essex Coast RAMS per dwelling tariff (currently £122.30) for new dwellings in the Zone of Influence is to be adopted by the LPAs to fund the mitigation measures set out in this Strategy.
- 10.4 Place Services recommend that the LPAs now finalise the SPD to ensure that tariff contributions are collected to implement the Essex Coast RAMS and avoid adverse effects on integrity for the Habitats sites identified in this Strategy document.
- 10.5 Governance and delivery models are still being discussed by the LPAs.
- 10.6 Place Services recommend that a model similar to that used by the Solent Recreation Mitigation Partnership and that used in North Kent would provide an effective way to deliver the Essex Coast RAMS. Strong branding, such as use of the Bird Aware brand, gives a powerful and intelligible wildlife conservation message and would help deliver elements of the Strategy in a positive and effective way. It also provides a tried and tested model for governance, delivery of measures and communications
- 10.7 The Essex Coast RAMS will be deemed successful if the level of bird and habitat disturbance is not increased despite an increase in population and the number of recreational visitors to the coastal sites.

11 Glossary

Appropriate Assessment	Forms part of the Habitats Regulations Assessment
Competent Authority	Has the invested or delegated authority to perform a designated function.
England Coast Path	Natural England are implementing the Government scheme to create a new national route around the coast of England
Impact Risk Zone	Developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals. They cover areas such as SSSIs, SACs, SPAs and Ramsar sites.
Habitats sites	Includes SPA, SAC & Ramsar sites as defined by NPPF (2018). Includes SPAs and SACs which are designated under European laws (the 'Habitats Directive' and 'Birds Directive' respectively) to protect Europe's rich variety of wildlife and habitats. Together, SPAs and SACs make up a series of sites across Europe, referred to collectively as Natura 2000 sites. In the UK they are commonly known as European sites; the National Planning Policy Framework also applies the same protection measures for Ramsar sites (Wetlands of International Importance under the Ramsar Convention) as those in place for European sites.
Habitats Regulations Assessment	Considers the impacts of plans and proposed developments on Natura 2000 sites.
Natural England	Natural England - the statutory adviser to government on the natural environment in England.
Local Planning Authority	The public authority whose duty it is to carry out specific planning functions for a particular area.
Ramsar site	Wetland of international importance designated under the Ramsar Convention 1971.
Responsible Officer	Natural England officer responsible for a particular habitats site.
Special Area of Conservation	Land designated under Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.
Special Protection Area	Land classified under Directive 79/409 on

	the Conservation of Wild Birds.
Supplementary Planning Document	Documents that provide further detail to the Local Plan. Capable of being a material consideration but are not part of the development plan.
Zone of Influence	A designated distance that establishes where development is permitted.

Abbreviations

AA	Appropriate Assessment
AMR	Annual Monitoring Report
ASFA	Access and Sensitive Features Appraisal
BTO	British Trust for Ornithology
CIL	Community Infrastructure Levy
EA	Environment Agency
ECP	England Coast Path
EPOA	Essex Planning Officers Association
EWT	Essex Wildlife Trust
FLL	Functionally Linked Land
GTAA	Gypsy and Traveller Accommodation Assessment
HRA	Habitats Regulations Assessment
IRZ	Impact Risk Zone
LEP	Local Enterprise Partnership
MoD	Ministry of Defence
NE	Natural England
NGOs	Non-Government Organisations
LPA	Local Planning Authority
PROW	Public Rights of Way
RO	Responsible Officer, Natural England
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SANG	Suitable Alternative Natural Greenspace
SIP	Site Improvement Plan
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
WeBS	Wetland Bird Survey
Zol	Zone of influence

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Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

Supplementary Planning Document (SPD) 2019

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1. Introduction

This Supplementary Planning Document (SPD) focuses on the mitigation that is necessary to protect the wildlife of the Essex coast from the increased visitor pressure associated with new residential housing development in combination with other plans and project, and how this mitigation will be funded.

This SPD accompanies the strategic approach to mitigation which is set out in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (the 'RAMS'). The RAMS provides a mechanism for Local Planning Authorities (LPAs) to comply with their responsibilities to protect habitats and species in accordance with the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').

This SPD is implementing/supplementing the policies listed in appendix xxxx. This SPD distils the RAMS into a practical document for use by LPAs, developers and the public and provides the following information:

- A summary of the RAMS;
- The scope of the RAMS;
- The legal basis for the RAMS;
- The level of developer contributions being sought for strategic mitigation; and
- How and when applicants should make contributions.

2.

A frequently asked questions (FAQ) document has also been produced to provide further information about the RAMS project. A Summary of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

The importance of the Essex coast

The Essex coastline is one of importance for people and wildlife. It provides recreational opportunities for Essex residents, and it is home to internationally important numbers of breeding and non-breeding birds and their coastal habitats.

The coast is a major destination for recreational use such as walking, sailing, bird-watching, jet skiing and dog walking. Evidence, described in detail in the RAMS, suggests that the majority of this activity is undertaken by people who live in Essex.

Although only Tendring District, Colchester Borough, Chelmsford City, Maldon District, Rochford District, Southend Borough, Castle Point Borough and Thurrock

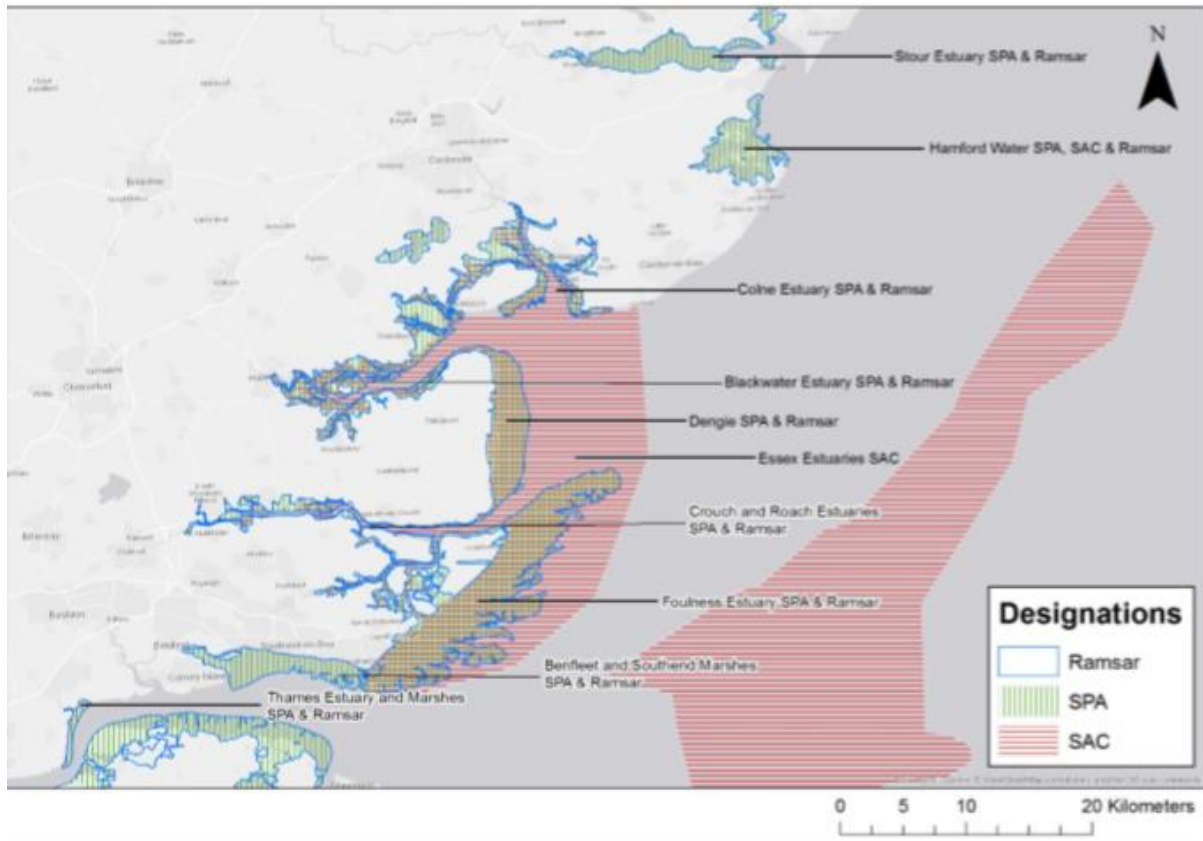
Councils lie on the coast, residents from, Basildon Borough, Brentwood Borough, and Braintree District are also likely to travel to the coast for recreational use.

A large proportion of the coastline is covered by international, European and national wildlife designations. A key purpose of these designations is to protect breeding and non-breeding birds and coastal habitats. Most of the Essex coast is designated under the Habitats Regulations as part of the European Natura 2000 network: for the purposes of this SPD these are Special Protection Areas, Special Areas of Conservation and Ramsar sites. These sites are also defined as 'Habitats Sites' in the National Planning Policy Framework (2018).

The Habitats Sites to which this SPD applies are as follows and these are shown overleaf on Figure 2.1:

- Essex Estuaries SAC
- Stour and Orwell Estuaries SPA and Ramsar
- Hamford Water SPA and Ramsar
- Colne Estuary SPA and Ramsar
- Blackwater Estuary SPA and Ramsar
- Dengie SPA and Ramsar
- Crouch and Roach Estuaries SPA and Ramsar
- Foulness Estuary SPA and Ramsar
- Benfleet and Southend Marshes SPA and Ramsar
- Thames Estuary and Marshes SPA and Ramsar

Figure 2.1: Habitats (European) sites covered by the Essex Coast RAMS



Notes:

- Ramsar sites are areas of wetland which are designated of international importance under the Ramsar Convention (1971).
- Special Protection Areas (SPAs) are sites which support rare, vulnerable and migratory birds.
- Special Areas for Conservation (SACs) are sites which support high-quality habitats and species.

The duties of Local Planning Authorities

LPAs have the duty, by virtue of being defined as ‘competent authorities’ under the Habitats Regulations, to ensure that planning application decisions comply with the Habitats Regulations. If the requirements of the Habitats Regulations are not met and impacts on Habitats sites are not mitigated, then development must not be permitted.

Where a Habitats site could be affected by a plan, such as a Local Plan, or any project, such as a new hospital/housing/retail development, then Habitats Regulations Assessment (HRA) screening must be undertaken. If this cannot rule out any possible likely significant effect either alone or in combination on the Habitats site prior to the implementation of mitigation, then an Appropriate Assessment (AA) must be undertaken. The AA identifies the interest features of the site (such as birds, plants or coastal habitats), how they could be harmed, assesses whether the proposed plan or project could have an adverse effect on the integrity of the Habitats site (either alone or in-combination), and finally how this could be mitigated.

The aim of the HRA process is to ***‘maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest’*** (The EC Habitats Directive, 92/43/EEC, Article 2(2)).

The requirement for delivery of strategic mitigation

The published Habitats Regulations Assessments (HRAs) for the relevant Local Plans have identified recreational disturbance as an issue for all of the Essex coastal SPAs, SACs and Ramsars.

Mitigation measures have been identified in the HRA (screening and/or Appropriate Assessments) for many of the Local Plans. There are similarities in the mitigation measures proposed, reflecting the identification of ‘in-combination’ effects resulting from planned and un-planned growth in LPA areas. In recognition of this, Natural England recommended a strategic approach to mitigation along the Essex coast.

Furthermore, each Habitats site or complex of sites in England has a Site Improvement Plan (SIP), developed by Natural England and recreational disturbance is identified as an issue for all ten of the Habitats sites considered in this strategy.

Mitigation measures are therefore necessary to avoid these likely significant effects in-combination with other plans and projects. Mitigation at this scale, and across a number of LPAs, is best tackled strategically and through a partnership approach. This ensures maximum effectiveness of conservation outcomes and cost efficiency.

Some housing schemes, particularly those located close to a Habitats site boundary or large-scale developments, may need to provide mitigation measures to avoid likely significant effects from the development alone, ***in addition to the mitigation*** required in-combination and secured for delivery through the RAMS. This would need to be assessed and, where appropriate, mitigated through a separate project

level Habitats Regulations Assessment (HRA) (including AA where necessary). The local planning authority, in consultation with Natural England, would advise on applicable cases.

Other housing schemes, particularly again those located close to a Habitat site boundary or large-scale developments, may need to provide mitigation measures to address site-specific impacts **over and above the mitigation** required through the RAMS. This would also be assessed and, where appropriate, mitigated through the project level Habitats Regulations Assessment (HRA). The local planning authority, in consultation with Natural England, would advise on these cases.

A summary of the RAMS

The Essex coast RAMS aims to deliver the mitigation necessary to avoid the likely significant effects from the 'in-combination' impacts of residential development that is anticipated across Essex; thus protecting the Habitats sites on the Essex coast from adverse effect on site integrity. This strategic approach has the following advantages:

- It is endorsed by Natural England and has been used to protect other Habitats sites across England;
- It is pragmatic: a simple and effective way of protecting and enhancing the internationally important wildlife of the Essex coast and will help to reduce the time taken to reach planning decisions;
- It provides an evidence based and fair mechanism to fund the mitigation measures required as a result of the planned residential growth; and
- It provides developers, agents and planning authorities with a comprehensive, consistent and efficient way to ensure that appropriate mitigation for residential schemes within the Zone of Influence is provided in an effective and timely manner.

The RAMS approach is fair and seeks to mitigate the additional recreational pressure in a way that ensures that those responsible for it, pay to mitigate it at a level consistent with the level of potential harm. It also obeys the 'precautionary principle'¹. Existing visitor pressure at Habitats sites would be mitigated through alternative means and any pressure that would arise from different types of development would be addressed through the project HRA.

The majority of the HRAs produced by Essex LPAs as part of the production of their respective Local or Strategic Plans identified that the level of planned housing growth may lead to disturbance of birds in coastal Habitats (European) sites within and beyond each individual LPA boundary.

¹ 'In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.' (Principle 15) of Agenda 21, agreed at the Rio Earth Summit, 1992.

HRA work relating to the Essex coast Habitats sites undertaken to date at the plan level and project level across the 11 LPAs is detailed in appendix XXX.

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3. Scope of the SPD

Where does the RAMS apply?

The 11 LPAs which are partners in and responsible for the delivery of the RAMS are listed below:

- Basildon Borough Council
- Braintree District Council
- Brentwood Borough Council
- Castle Point Borough Council
- Chelmsford City Council
- Colchester Borough Council
- Maldon District Council
- Rochford District Council
- Southend Borough Council
- Tendring District Council
- Thurrock Borough Council

The SPD applies to new residential dwellings that will be built in the Zone of Influence (Zoi) of the Habitats sites. The ZOI identifies the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation.

The Habitats sites are shown on the Magic maps along with the RAMS Zone of Influence (Zoi). This Zoi was calculated by ranking the distances travelled by visitors to the coast based on their home town postcode data. Not all postcode data is used as this can skew the results and therefore the Zoi is based on the 75th percentile of postcode data. This provides the ZOI distance.

This method has been used for a number of strategic mitigation schemes and is considered by Natural England to be best practice. The distances used to create the zone are illustrated in table 3.1 (below).

Table 3.1: Zones of Influence for the Essex Coast RAMS

European designated site	Final distance to calculate RAMS Zoi (km)
Essex Estuaries SAC	~*
Hamford Water SPA and Ramsar	8
Stour and Orwell Estuaries SPA and Ramsar	13
Colne Estuary SPA and Ramsar	9.7
Blackwater Estuary SPA and Ramsar	22
Dengie SPA and Ramsar	20.8
Crouch and Roach Estuaries Ramsar and SPA	4.5
Foulness Estuary SPA and Ramsar	13
Benfleet and Southend Marshes SPA and Ramsar	4.3
Thames Estuary and Marshes SPA and Ramsar	8.1

The Zol has been calculated from these distances and can be accessed via Magic Maps, where you will find the definitive boundaries. A broad illustration of extent of the RAMS Zol is shown in figure 3.1, below.

Figure 3.1: Broad Illustration of the Zone of Influence for the Essex Coast RAMS



What types of dwellings does this apply to?

New residential developments where there is a net increase in dwelling numbers are included in the RAMS. This would include, for example, the conversion of existing large townhouses into smaller flats, or the change of use of other buildings to dwellings. It excludes replacement dwellings (where there is no net gain in dwelling numbers) and extensions to existing dwellings including residential annexes. Applicants are advised to contact the LPA if in any doubt as to whether their development is within the scope of the RAMS.

Does it apply to all schemes?

It applies to all schemes regardless of size. The [National Planning Practice Guidance](#) confirms that local planning authorities may seek planning contributions for sites of less than 10 dwellings to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory requirements.

The RAMS and this SPD apply to the following Planning Use Classes:

Table 3.2: Planning Use Classes covered by the Essex Coast RAMS

Planning Use Class*	Class Description
C2 Residential institutions	Residential care homes, boarding schools, residential colleges and training centres.
C2A Secure Residential Institution	Military barracks.
C3 (a) Dwelling houses (a)	- covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
C3 Dwelling houses (b)	- up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
C3 Dwelling houses (c)	- allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.
C4 Houses in multiple occupation	- Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom
Sui Generis ***	- Residential caravan sites (excludes holiday caravans and campsites) -Gypsies, travellers and travelling show people plots

Notes:

** This table is based on Natural England advice (244199, included as Appendix xx) which was advisory, not definitive.*

*** Care homes will be considered on a case-by-case basis according to the type of residential care envisaged.*

**** Sui Generis will be considered on a case-by-case basis according to the type of development.*

What types of application does this apply to?

The RAMS applies to all full applications, outline applications, hybrid applications, permitted development (see below) **and reserved matters applications where no contribution was made at the outline application or hybrid application stage.** This includes affordable housing.

In order to consider RAMS contributions at the outline application stage, the application should indicate a maximum number of dwelling units.

The General Permitted Development Order (GPDO) allows for the change of use of some buildings and land to Class C3 (dwelling houses), with development being subject to the prior approval process. However, the Habitats Regulations also apply

to such developments. The LPA is therefore obliged by the regulations to scope in those GDPO changes of use to dwelling houses where these are within the Zol.

In practice, this means any development for prior approval should be accompanied by an application for the council to undertake an HRA on the proposed development. The development will need to include a mitigation package which would incorporate a contribution to the RAMS to mitigate the 'in-combination' effects.

Applicants can secure this mitigation via the RAMS through a direct payment using a Section 111 agreement. This refers to Section 111 of the Local Government Act 1972.

Sites that already have planning permission will not be required to pay any additional mitigation sum, unless they are resubmitted for consideration.

The alternative is for the developer to provide information for a project level HRA/AA and secure bespoke mitigation to avoid impacts on Habitats sites in perpetuity.

4. Mitigation

Measures to mitigate adverse impacts on the Habitats sites are statutory requirements and mitigation which must be delivered for any residential development within the areas of the LPAs that falls within a zone of influence as identified in this SPD.

The RAMS identifies a detailed programme of strategic mitigation measures which would be funded by contributions from residential development schemes. These measures are summarised in Table 4.1 (overleaf):

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Table 4.1 – The Essex coast RAMS toolkit

Action area	Examples
Education and communication	
Provision of information and education	<p>This could include:</p> <ul style="list-style-type: none"> • Information on the sensitive wildlife and habitats • A coastal code for visitors to abide by • Maps with circular routes away from the coast on alternative footpaths • Information on alternative sites for recreation <p>There are a variety of means to deliver this such as:</p> <ul style="list-style-type: none"> • Through direct engagement led by rangers/volunteers • Interpretation and signage • Using websites, social media, leaflets and traditional media to raise awareness of conservation and explain the Essex Coast RAMS project. • Direct engagement with clubs e.g. sailing clubs, ramblers clubs, dog clubs and local businesses.
Habitat based measures	
Fencing/waymarking/screening	Direct visitors away from sensitive areas and/or provide a screen such that their impact is minimised.
Pedestrian (and dog) access	<ul style="list-style-type: none"> • Zoning • Prohibited areas • Restrictions of times for access e.g.to avoid bird breeding season
Cycle access	Promote appropriate routes for cyclists to avoid disturbance at key locations
Vehicular access and car parking	Audit of car parks and capacity to identify hotspots and opportunities for “spreading the load”
Enforcement	<ul style="list-style-type: none"> • Establish how the crew operating the river Ranger patrol boat could be most effective. It should be possible to minimise actual disturbance from the boat itself through careful operation. • Rangers to explain reasons for restricted zones to visitors
Habitat creation	Saltmarsh recharge, regulated tidal exchange and artificial islands may fit with Environment Agency Shoreline Management Plans
Partnership working	Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.
Monitoring and continual improvement	Birds and visitor surveys with review of effectiveness of measures with new ideas to keep visitors wanting to engage

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Appendix xx contains details of the full mitigation package. The overall cost for the mitigation package is £8,916,448.00 in total from today until 2038.

5. What the applicant needs to do

What is the tariff?

The current tariff [is here](#). This will be indexed linked, with a base date of 2019. This will be reviewed periodically.

In order to arrive at a per dwelling contribution figure, the strategic mitigation package cost was divided by the total number of dwellings which will be built in the Zols over the Local Plan periods until 2038. This includes dwellings which have not received Full/Reserved matters consent. Any houses already consented in the Plan period are not included in this calculation.

The tariff per dwelling is therefore £122.30.

When will the tariff be paid?

Contributions from housing development schemes will be required prior to commencement of each development. This is necessary to ensure that the financial contribution is received with sufficient time for the mitigation to be put in place before any new dwellings are occupied.

Where development is built in phases this will apply to each phase of house building. A S106 agreement will be used to ensure compliance.

How will the tariff be paid?

The applicant will be required to enter into a formal deed with the LPA to secure the payment of the required financial contribution. Alternatively, the applicant can arrange to pay the financial contribution directly the LPA to avoid the need to draft and complete a legal agreement.

This contribution is payable in addition to any Community Infrastructure Levy liability and/or any other S106 or S278 contributions for other types of contribution and there may be other site-specific mitigation requirements in respect of Habitats sites and ecology as outlined above.

The mitigation measures identified in this SPD are specifically sought to avoid additional recreational pressures on Habitats sites and do not provide wider benefit or represent the provision of infrastructure. These contributions are not classed as providing infrastructure so can be secured through section 106 obligations without any restriction on pooling of contributions from 5 or more developments (Regulation 123 of the Community Infrastructure Levy regulations). This approach is consistent

with the views of other local authorities across the country in dealing with mitigation requirements for other Habitats sites and has been accepted by Planning Inspectors at appeal/examination.

Planning obligations are legally binding on the landowner (and any successor in title). They enable the LPA to secure the provision of services (or infrastructure), or contributions towards them, which is necessary in order to support the new development i.e. by making an otherwise unacceptable development acceptable in planning terms.

The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended) and Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). In addition, paragraphs 54 to 57 of the National Planning Policy Framework (NPPF) 2018 set out the Government's policy on planning obligations. The obligation can be a unitary obligation, referred to as a 'Unilateral Undertaking' or multi party agreement, referred to as a 'Section 106 agreement'.

Legal agreements for planning purposes should meet all the following tests in order to be taken into account when determining a planning application:

- They are necessary to make a development acceptable in planning terms;

LPAs, as competent authorities under the Habitats Regulation, have the duty to ensure that planning application decisions comply with regulations.

- They are directly related to the development;

Evidence in the RAMS demonstrates that visitors come mainly from within the Zol indicated above to the Habitats sites. The 'in-combination' impact of proposals involving a net increase of one or more dwellings within this Zol is concluded to have an adverse effect on Habitats site integrity unless avoidance and mitigation measures are in place.

- They are fairly and reasonably related in scale and kind to a development.

The measures put forward in the RAMS represent the lowest cost set of options available which will be both deliverable and effective in mitigating the anticipated increase in recreational pressure from new residential development within the Zol. The costs are apportioned proportionately between all developments dependent on the scale of development. This contribution is therefore fairly and reasonably related in scale and kind to the development.

Developers or land owners are expected to meet the LPA's legal fees associated with any drafting, checking and approving any deed. These legal fees are in addition to the statutory planning application fee and the contribution itself and must be

reasonable. Details of the LPA's current legal fees can be found on the Council's website.

Using a Unilateral Undertaking:

The preferred approach for applications which will create up to 10 new units of residential accommodation is for applicants to use the template Unilateral Undertaking (UU) which is Appendix 1 to this SPD. This should be submitted when the planning application is submitted.

Applicants will need to provide the following documents as part of their planning application:

- The original UU committing to pay the total RAMs contribution (index linked) before commencement of house building on the site/in accordance with the phasing of the development. This must be completed and signed by those who have a legal interest in the site including tenants and mortgagees;
- A copy of the site location plan signed by all signatories to the UU and included as part of the undertaking;
- Recent proof of title to the land (within the last month) which can normally be purchased from the Land Registry. Please note there are two parts to the proof of title: a Register and a Title Plan, both of which must be submitted.
- If the land is unregistered the applicant must provide solicitors details and instruct them to provide an Epitome of Title to the LPA

A payment for the Council's reasonable costs of completing and checking the agreement will be necessary. The council will only charge for the actual time spent on this matter if the applicant follows the guidance. These legal fees are in addition to the statutory application fee and any contributions themselves. Please send a separate payment for this fee (£150/200/more??). This may be increased if the matter is particularly complex).

The Council will require a payment towards the council's LPAs legal costs of completing and checking the UU. Current fees can be found on the Council's website.

If the applicant does not wish to use the template, it can request that the LPA prepare the UU and shall submit:

- Recent proof of title to the land (within one month) from HM Land Registry if the land is registered (this can be obtained online from the Land Registry website). Please note there are two parts to the proof of title: a Register and a Title Plan, both of which must be submitted.
- If the land is unregistered the applicant must provide solicitors details and instruct them to provide an Epitome of Title to the LPA

- Payment of the LPAs legal fees (current fees can be found on the LPAs website)

Section 106 agreements

In the case of larger or more complicated developments including matters beyond RAMs contributions, the most appropriate route for securing contributions will be via a multi-party Section 106 Agreement.

Applicants must submit a Heads of Terms document for the Section 106 Agreement, identifying these requirements and specifying their agreement to enter into a planning obligation. Heads of Terms should be provided at the point of submission of the planning application.

Please contact Planning Officers at [INSERT AUTHORITY] at the earliest opportunity to discuss your application and the most appropriate method of paying your RAMS charge.

Payment in Advance

[details of how an applicant can pay the RAMs contribution without entering into a UU / where the Lender will not sign / where the cost of the UU outweighs the contribution]

6. Alternative to paying into the RAMS

The 11 RAMS partner LPAs encourage mitigation to be secured via the strategic approach and prefer developer contributions to the RAMS. This approach will facilitate the planning application process and ensures the adequate and timely delivery of effective mitigation at the Habitats sites and is likely to be more cost effective for developers.

As an alternative, developers may choose to conduct their own visitor surveys to provide information to support the LPA in preparing project level Habitats Regulations Assessment (HRA) Screening Reports (in order to ensure that they can demonstrate compliances with Regulation 63 of the Habitats Regulations) and secure the bespoke mitigation specified within. Where developers choose to pursue this option, the LPA will need to consult Natural England on the effectiveness of the mitigation proposed.

7. Monitoring of this SPD

To monitor the effectiveness of the RAMS and this SPD, a strategic monitoring process has been put in place which will be managed by the delivery officer in liaison with LPA monitoring officers.

Monitoring will be undertaken annually and a report provided to each LPA to inform their Annual Monitoring Report (AMR). As competent authorities under the Habitats Regulations, the delivery of the Essex Coast RAMS is the responsibility of the LPA needing it to ensure their Local Plan is sound and legally compliant.

The Steering Group shall work with the Essex Coast RAMS team to establish the monitoring procedure, which will include SMART targets to effectively gauge progress.

To ensure the monitoring process is fit for purpose, there will be various monitoring activities which will be undertaken at different times and at an appropriate frequency. For example, visitor survey updates will be scheduled for after 2 and then 5 years.

8. Consultation

Add Section on the consultation/how to comment, how comments will be used, next steps/adoption timetable

Consider if we want to add in specific consultation questions, where appropriate

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9. Glossary

To be copied from the RAMS and to include and legal terms.

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Appendix 1 – Strategic Mitigation

Insert from final RAMS.

Appendix 2 - UU Template

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