Local Plan Committee Meeting

Grand Jury Room, Town Hall, High Street, Colchester, CO1 1PJ
Monday, 21 October 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, 21 October 2019 at 18:00

The Local Plan Committee Members are:

Councillor Nick Barlow	Chairman
Councillor Lee Scordis	Deputy Chairman
Councillor Lewis Barber	
Councillor Tina Bourne	
Councillor Phil Coleman	
Councillor Andrew Ellis	
Councillor Chris Hayter	
Councillor Patricia Moore	
Councillor Beverley Oxford	

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 **Local Plan Committee minutes 22 July 2019** 7 - 26

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 22 July 2019.

7 **Local Plan Update**

The Committee will be provided with a verbal update by Executive Director, Ian Vipond, on the current situation regarding the Local Plan.

8 **Colchester Local List – Selection Criteria Review 2019** 27 - 40

The Committee will receive a report from the Assistant Director Policy and Corporate recommending revisions to the selection criteria for the adopted Colchester Local List

9 **Colchester Local List – Former Pumping Station, Rowhedge Wharf** 41 - 46

The Committee will receive a report from the Assistant Director Policy and Corporate recommending the inclusion of the former pumping station at Rowhedge Wharf in the Colchester Local List.

10 **Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) - Update** 47 - 272

A report by the Assistant Director Policy and Corporate providing an update on the Essex Coast RAMS following a report to Local Plan Committee in February 2019.

11 **Neighbourhood Planning - Update** 273 - 278

A report by the Assistant Director Policy and Corporate providing an update on progress of Neighbourhood Planning in Colchester.

12 **Brownfield Land Register - Update** 279 - 282

A report by the Assistant Director Policy and Corporate providing recommendations to encourage further sites to come forward for possible inclusion in the Brownfield Land Register.

13 **National Planning Regulations and Guidance – Update on Recent Changes** 283 - 286

A report by the Assistant Director Policy and Corporate highlighting recent changes to Government guidance on a range of planning issues.

14 **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

Monday, 22 July 2019

Attendees:	Councillor Lewis Barber, Councillor Nick Barlow, Councillor Tina Bourne, Councillor Phil Coleman, Councillor Andrew Ellis, Councillor Lee Scordis
Substitutes:	Councillor Paul Dundas (for Councillor Chris Hayter), Councillor Roger Buston (for Councillor Patricia Moore)
Also Present:	

169 Local Plan Committee Minutes 4 February 2019

The minutes of the meeting held on 4 February 2019 were confirmed as a correct record.

170 Local Plan Committee Minutes of 8 April 2019

The minutes of the meeting held on 8 April 2019 were confirmed as a correct record.

171 Local Plan Committee Minutes of 22 May 2019

The minutes of the meeting held on 22 May 2019 were confirmed as a correct record.

172 Update to Local Plan and Evidence Base

The Committee considered a report by the Assistant Director Policy and Corporate concerning the North Essex Authorities Local Plan which had been submitted to the Secretary of State in October 2017 to begin the formal process of Examination in public.

Karen Syrett, Planning and Housing Manager, and Christopher Downes, Strategic Planning Specialist, presented the report explaining that the Secretary of State had appointed a Planning Inspector, Mr Roger Clews, to undertake the Examination of the shared Section 1 Local Plan, which set out a strategy for future growth across Braintree, Colchester and Tendring, the North Essex Authorities (NEAs). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposed three new cross-boundary ‘Garden Communities’ along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, the ‘Section 2’ Plan for each of the three NEAs contained more specific local policies and proposals relevant only to their individual administrative area.

Examination hearings for the Section 1 Plan had taken place between January and May 2018 and in June 2018 the Inspector set out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the plan and praised the NEAs' innovation and ambition, the Inspector found some of the evidence and justification in support of Garden Communities to be lacking and was therefore unable to find the Section 1 Plan sound. The Inspector gave advice and options for how best to proceed and in October 2018 the NEAs confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns.

Accordingly, the Examination was formally paused until the NEAs' further work on the evidence base and the Additional Sustainability Appraisal was completed and monthly updates had been submitted to the Inspector on the programme timetable.

It was explained that the additional evidence had now been completed and the following documents had been published:

- Additional Sustainability Appraisal
- Viability Assessment Update (including Order of Costs Estimate)
- North Essex Rapid Transit System: From Concept to Plan
- North Essex Garden Communities Mode Share Strategy
- Employment Provision for the North Essex Garden Communities
- Infrastructure Planning, Phasing and Delivery
- Build Out Rates at the Garden Communities Topic Paper
- Habitats Regulations Assessment
- Position Statement on State Aid
- Position Statement on Delivery Mechanisms

A detailed commentary on each of the documents was set out in the report, together with conclusions which confirmed that the additional evidence demonstrated that the establishment of three Garden Communities in the broad locations already identified in the plan was justified and represented an appropriate, sustainable and deliverable strategy.

As well as producing the new evidence the NEAs had compiled a table of proposed modifications to the Section 1 Plan which were aimed at addressing issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring the plan would meet the tests of soundness. Details of the modifications were set out in the report and it would be the Inspector's decision whether or not to accept the modifications through the resumed Examination process. The Inspector also had the ability to recommend additional post-examination modifications to the plan which would need to be the subject of further consultation in their own right before the plan could be finalised and formally adopted by the NEAs.

The report proposed that the Additional Sustainability Appraisal and all of the additional

new evidence base documents along with the table of proposed modifications be published for six weeks public consultation between 19 August and 30 September 2019 before being submitted, along with the consultation responses, to the Planning Inspector to enable him to resume the Examination, with further hearings anticipated to take place at the end of 2019 or in early 2020. The examination of the authorities' individual Section 2 Local Plans would not take place until Section 1 had been examined and found to be sound.

Jane Black from the Wivenhoe Society addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to the Sustainability Appraisal (SA) and the reference in the National Planning Policy Framework (NPPF) to the need to mitigate the impact of development on the transport network. She considered the SA to be defective as it had not addressed this issue and was therefore not consistent with the NPPF. She also referred to the Wivenhoe Neighbourhood Plan which had addressed traffic implications and had located allocated sites away from known areas of traffic congestion. She explained that Essex Highways had identified Clingoe Hill, St Andrew's Avenue and Colne Causeway as areas of bad congestion and that traffic flow would deteriorate as a consequence of the proposed Tendring Colchester Borders Garden Community. She explained that Wivenhoe was served by eight buses per hour and had the benefit of a railway station, despite which the 2011 census had indicated that 62% of journeys had been undertaken by cars or vans. As such, she did not believe that the residents of the new Garden Community would behave any differently and that the precise location of the proposed Garden Community needed to be taken into account.

Paul Griffith addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the rapid transport system (RTS) strategy, asking whether it would be a regional or local service. He made a distinction between journeys undertaken on a daily basis and longer journeys undertaken only a few times a year. He was of the view that the RTS strategy did not integrate with existing travel aspirations. He also referred to the potential pedestrianisation of Colchester High Street and he queried the illustration showing a future RTS system utilising the High Street. He referred to the sharing of RTS bus lanes and he identified concerns in relation to all three potential RTS routes, relating to level crossings and severe congestion at roundabouts. He also referred to difficulties associated with narrow streets in the town centre together with the known points of congestion within the town and the impact of RTS lanes being introduced in these locations. He considered no impact assessment on traffic flows had been undertaken in relation to the RTS scheme. He was of the view that the RTS scheme would only be successful through modal shift across the whole community but no measures had been proposed to deliver this change in behaviour. He considered that the RTS strategy was not fit for purpose and should not be approved by the Committee.

Asa Aldis addressed the Committee pursuant to the provisions of Meetings General

Procedure Rule 5(3). He referred to opinions on environmental degradation due to development on green fields and the need for the countryside to be protected. He queried the ability of councillors to comment on the strategic allocation of development sites as well as being a member of the committee which determined planning applications. He referred to the sale of Middlewick Ranges by the Ministry of Defence and considered it was unlikely that an Inspector would make a judgement which was against the government's intentions so advocated the inclusion of the site in the Local Plan. He considered Braintree and Tendring District Council's both had a 15-year supply of housing land and could therefore run on Section 2 of the Local Plan, whilst Colchester had a 7 to 10-year housing supply. As such, he considered the Garden Community proposals should be halted until a genuine rapid transport system (RTS) had been put in place. He was of the view that the Inspector was seeking more information from the Councils about the impact of a RTS and mitigation measures. He advocated more collaborate working by the Council and he considered that the plans to build 8,000 houses in the context of a Garden Community were not necessary. He was also of the view that there were more viable alternative locations for this type of development.

Ted Gittins addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the conclusions of the new Sustainable Appraisal (SA) which, in his view, did not constitute an endorsement of the Council's Strategy. He explained that the SA warned the NEAs not to proceed further without ensuring its preferred Strategy was demonstrably more sustainable and deliverable than the alternatives. He considered that the current Garden Communities strategy was reliant on considerable infrastructure costs being available early but he was of the view that this was highly speculative and dependent on the health of the national economy and government funding. He was concerned that there may be more stress and blight if funding was not forthcoming and he did not consider it a good time to make these final decisions. He advocated a thorough public consultation setting out the pros and cons of all the alternative strategies, the consultation to include displays and surgeries not just information in public libraries. He also explained that it was unacceptable to start a public consultation during August and this should be delayed until the Autumn.

Bill Marshall addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He requested that the additional Sustainability Appraisal (SA) be not approved as he was of the view that there were too many documents for people to absorb and to consider in a short space of time. He was of the view that the decision should be delayed, deferred and reconsidered. He considered the proposals for infrastructure were incomplete and was concerned that the £2billion finding from the government would be a burden for local residents for generations. He was also of the view that the proposed public consultation was being scheduled too early and would be inadequate.

Giles Coode-Adams addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was of the view that the new evidence base did not

support the Garden Communities proposals. He explained that the Inspector had asked the Councils to re-assess the sustainability evidence but he was of the view that most of the work had been undertaken again by the Councils with consultants, LUC, being confined to a review of the literature and summary. He was of the view that the Council officer's minds were closed and, as such, the same plan was being proposed, largely unchanged. He considered proper justification was required in order to deliver a Plan which would be considered to be sound. He also considered that key parts of the evidence base had not been reconsidered, such as an assessment of air pollution and financial viability. He referred to evidence presented by CAUSE showing that smaller settlements would deliver more infrastructure than larger ones but no weight had been given to this argument. He was of the view that it could not be sustainable to build a new rapid transport system. He recommended more time was taken for the issues to be considered thoroughly and in the meantime Section 2 of the Plan could be progressed.

William Sunnocks addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the new viability evidence and was of the view that it should not be presented to the Inspector. He considered interest on land cost errors had been corrected but it still contained major shortcomings. He referred to inflation scenarios being discarded, assumptions about the payment of the A120 scenario over 80 years and the assumed success of the Housing Infrastructure Fund (HIF) bid for the A12. He was of the view that 40% contingency scenario should be focussed on which had not been applied to all spending and, when applied to all spending the cash flows would be negative. He referred to the funds identified for land purchase which had been reduced from previous estimates on the basis of new Compulsory Purchase Order rules for development corporations and he considered them to be widely optimistic. He did not consider the viability evidence supported the spatial strategy and he referred to data that had demonstrated that greater viability could be achieved through smaller settlements and better use made of existing transport infrastructure. He considered it better to delay the submission to the Inspector to allow for the benefit of outside input and to proceed with section 2 of the Plan.

Allan Walker, on behalf of Marks Tey Parish Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He confirmed the Parish Council's view that the Local Plan proposals offered considerable opportunities if undertaken properly and that it would assist with the planning to secure the best improvement for Marks Tey. He gave credit for the amount of work undertaken to date but he considered it unreasonable for the Council to expect the volume of data to be considered and absorbed in such a short time scale. His main concern was in relation to decisions already taken and their consequences for the viability of the report. He referred to delays and increased costs which had not been acknowledged in the report. He referred to current thinking maintaining the current location of Marks Tey station and the route of the A12 through Marks Tey but he considered minimal interaction had been undertaken with the Marks Tey community, with no information being provided on the A12 HIF bid. He was concerned about the rapid transport proposals and the

deliverability of the proposals generally and that additional information on mitigation needed to be added to the report. He also advocated a more structured approach and for the proposals to be fully considered by the Council.

Brian Morgan addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained he was a town planner and referred to the Council's Garden Community strategy which he considered to be bold, moving away from the previous piecemeal approach to expansion. He welcomed the level of growth envisaged, together with the delivery of comprehensive infrastructure which would be beyond the capacity of small sites. He considered the scale of the proposals had achieved significant benefits, included government help, support from other agencies, certainty to investors and access to funding. He acknowledged the priority given to delivery, whilst welcoming the economic and employment benefits to north Essex which the proposed West Tendring/ East Colchester location would bring. He referred to discussions between the Councils and the University of Essex with a view to secure the delivery of a high-quality research park, similar to those in Cambridge and Norwich and the intention that the economic benefits would spread to the wider area. He referred to the Norwich research park supporting 11,000 jobs. He was concerned that the research park ideas appeared to have been overlooked in the Garden Community proposals and sought assurances that they would be reinstated so that Colchester would not be left behind.

Christopher Lee addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the Statement of Community Involvement and asked for access to it online. He also considered that members of the Cabinet and the Local Plan Committee had intentionally misled the public. He asked about the strategy for the Hawkins Road / Hythe area and that the adopted Local Plan had acknowledged that the need for employment land in the area was vitally important whilst proposal had more recently emerged for a development comprising 2,600 homes. He referred to the loss of employment land, why this hadn't been included in the Sustainability Appraisal and why the residents of the Greenstead community had not been consulted.

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He thanked Colchester and Tendring Councils for their efforts to retain as much land as possible at Salary Brook and the Eastern Slopes and he was of the view that urban Colchester needed to keep as much open space as possible. He also referred to Middlewick and the public display undertaken by the Ministry of Defence. He considered some of the information had been misleading and he wished to place on record answers to questions relating to who was the first to consider housing development at Middlewick Ranges; when was the Council notified of the housing development proposals; how many dwellings had been originally proposed; had a greater amount of land first been offered by the Ministry of Defence and was Middlewick deemed to be a brownfield site? He regretted the principle of a firing range being shut down in a Garrison town and suggested questions should be asked of the

local MPs on this matter and voiced his concern regarding the potential coalescence of Old Heath / Monkwick / Berechurch.

Richard Bayley, Managing Director of North Essex Garden Communities (NEGC) Ltd., addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the Garden Community Strategy and explained that Colchester was one of over 30 Councils where Garden Communities were a significant feature of future housing proposals. He considered they provided quality communities as well as economies of scale and land for infrastructure. He referred to the viability evidence provided by HYAS for the North Essex Authorities, which showed a realistic prospect of delivery and met the test of soundness as well as including infrastructure funding and inflation. He explained that the principle of Garden Community infrastructure, public realm, open space, employment space and stewardship legacy, with studies identifying increasing sales value over time. He also referred to current aspiration for the public / private funding model to be applied with the public element not being exclusively provided by the Councils. He acknowledged the need for a higher level of public engagement on options and confirmed that this would be undertaken by NEGC Ltd. both before and after the resumption of the Local Plan Inquiry. He also referred to the evidence on the Rapid Transit System (RTS), provided by Jacobs, which was high level information showing the RTS was feasible, deliverable and backed by bus operators familiar with such systems elsewhere. He acknowledged that this evidence would require further consultation and detailed engineering when deemed fir for purpose by the Inspector.

Julie Baker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She welcomed the new roads on Mersea Island and also referred to recent article in the Sunday Telegraph explaining the uniqueness and beauty of the Island. She feared this would lead to an increase in visitor numbers to Mersea and that this created unique problems for the community in terms of part-time infrastructure. She therefore considered the proposed new housing developments should be paused until 2035 so that full-time facilities could be put in place to accommodate the current population. She referred to the impact on wildlife and considered that improvements in policing numbers had not been delivered. She was concerned about the prospect of a major incident on the Island and doubted the robustness of potential temporary bridge solutions and considered the delivery of the proposed housing development in the Local plan would cause health and safety concerns and ruin the Island.

David Churchill, on behalf of L&Q, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the Colchester and Braintree Garden Community and the significant work undertaken to respond to the requests of the Planning Inspector. He considered it to constitute a far more robust evidence base and the nature of the work on viability and delivery rates was conservative in its approach, whilst he was of the view that the Garden Community would deliver well in excess of that envisaged in the report. He gave examples of this in terms of more

dwellings in the plan period, the expedition of funding for improvements to the A12 and A120, the fact that the Colchester and Braintree Borders Garden Community was not contingent on these road improvements. He advocated the delivery of phased social and community infrastructure so that the community was self-contained. He also commented on the infrastructure cost per unit which was the lowest of the three proposed Garden Communities, with residential sales values shown as narrowing which he did not consider to be justified. He commented that commercial spaces had been attributed overly limited values and improvement on delivery rates would have a positive impact on viability by reducing the cost of the development. He considered the Garden Community proposals to be visionary and would provide employment, deliver infrastructure and provide attainable and affordable housing for people. He explained that L&Q was ambitious, had access to cheap capital, was a leader on the delivery of new towns and would be a good partner for the local authorities.

Neil Gilbranch addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to public engagement prior to the Inspection and was of the view that NEGC Ltd. would not be the right body to undertake that because they had been specifically appointed to deliver the Garden Community strategy. He considered he had yet to be asked what his views were and that the proposals had yet to be explained properly to the residents of the Borough. He referred to water supply and sewage treatment, which he considered had not been given sufficient thought. He considered residents needed assurance that adequate plans had been made to deliver future growth without compromising water services or causing harm to the environment. He was concerned about the plans to undertake such large development in the area of the UK with the greatest water deficit and referred to the concept of neutrality of water. He asked about the level of neutrality proposed; costs; plans if it could not be delivered and proposed policies for delivery and to ensure adequate water supplies. He also referred to a long-term cost-effective solution for sewage treatment west of Colchester by means of the upgrading of existing water treatment works, whilst Colchester was instead planning to pump sewage 13 km to Colchester water recycling works.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation attended and, with the consent of the Chairman, addressed the Committee. He explained that the Committee was being asked to decide whether to send the detailed information out for public consultation. He acknowledged that there would always be arguments that consultation was being conducted at the wrong time of year but he was of the view that the consultation needed to be undertaken and what was proposed would be of sufficient duration. He explained that the Committee was performing a function on behalf of the Council itself and, once all the work was completed, this work would be submitted to the full Council for ultimate determination/adoption. He mentioned different decision-making structures adopted by the other Councils but was of the view that Colchester's arrangements worked well. He advocated consideration of all the information without pre-conceived ideas. His opinion was that the proposals were the correct approach for the next 50 years of development explaining the inadequacy of the approach to

development in the past where housing was constructed without the delivery of the infrastructure requirements. He considered the Garden Communities approach would work, with the development at East Colchester, together with the University and government funding for infrastructure, first whilst also acknowledging that the project involved a number of challenging elements including improvements to the A12, A120 and A133. He explained that Colchester's annual housing target of 920 had been agreed by the Inspector but he was concerned that any prevarication would mean that this housing target was vulnerable to being increased by another 20%. He was aware of the importance of retaining a five-year supply and explained that, if the Garden Community proposals were put on hold, it would still be necessary to identify sites for the delivery of the annual housing target. He was also concerned that this would leave the Council vulnerable to applications from speculative developers and it would become increasingly difficult to defend decisions at appeal.

Councillor Luxford Vaughan attended and, with the consent of the Chairman, addressed the Committee. She was of the view that the purpose of the meeting was for the Committee to decide whether the new evidence base was fit for submission to the Inspector. Her view was that the evidence was not fit on the grounds of viability. She did not consider it would be possible to buy land over a period of 80 years at a fixed price. She was of the view that the Rapid Transport System (RTS) bus proposals were not credible and, as such, modal shift would be unachievable. She considered more robust evidence to support the proposals was required, she was concerned about the proposed mode of RTS, the delivery of funding and questioned which private investors would be supporting the proposal. She referred to the Habitat Regulations Assessment and referred to concerns expressed by a former Principal Planning Adviser from Natural England regarding the adequacy of progress. She also referred to the Sustainability Appraisal and considered that none of the comments made by stakeholders had been taken on board. She commented on the ambition expressed by the University of Essex to create jobs but was of the view that these were few in number and not long term and she had yet to see a convincing business case for them. She was concerned about the far-reaching consequences of the Committee's decision and the risk to residents of that decision and she recommended that the Committee members be completely confident in the proposals before they were approved. She explained that the only source of funding referred to in the report was the HIF funding but she was of the view that risk funding needed to be secured for the proposals to move forward. She acknowledged that Garden Communities could work and could create a positive contribution but, without the right funding, this potential would be undeliverable.

Councillor J. Young, Portfolio Holder for Culture and Performance attended and, with the consent of the Chairman, addressed the Committee. She congratulated officers for the work put in to deliver the report to the Committee. She referred to the decision taken by the Committee in September 2018 and was of the view that nothing had changed to indicate a need to review that decision. The new evidence had been produced at the request of the Inspector and she explained that Councillors had been given the

opportunity to attend update sessions and briefings from consultants. She considered the Garden Communities proposals gave the Council better control over what happened on its borders and referred to previous proposals for development on the Colchester Tendring border and for development both north and south of the A133, a situation which could emerge again. By way of alternative, she explained that, without Garden Communities, it would be necessary to find sites for an additional 2,500 units, with development constrained to the south by Ministry of Defence land and to the east by the Tendring border so it was likely that sites in villages would be explored and urban extensions to the north and west. To the north, she explained, development beyond the A12 was not desirable and to the west there had already been considerable development in Stanway. In her view this meant sites in Copford and Marks Tey would be investigated and it would involve a higher level of development, without infrastructure and the HIF funding which was funding for infrastructure to facilitate development. She referred to speculative applications already made in villages such as Rowhedge, West Bergholt and Tiptree and the concerns of residents in Langham and Mersea at the existing scale of development proposed, notwithstanding a potential need for greater numbers should the Garden Community proposals be withdrawn or paused. She also referred to communities such as Peldon, Messing and Aldham which could accommodate a few new homes but, without infrastructure, could not accommodate the considerable number which would be needed. She referred to the consequences of not progressing with garden Communities and what this would mean for the Local Plan – the Plan would need to be started again with higher housing targets and being vulnerable to speculative development. The Council had always been proactive in delivering a Local Plan to direct where growth should take place and to protect the community from uncontrolled development. She was of the view that the scale of the Garden Community proposals was the key to enable and facilitate the delivery of infrastructure, explaining that between 750 to 800 homes were required to generate the need for a new primary school and there would be no Rapid Transport System and no link road from the A133 to the A120 without a significant scale of development. She urged the Committee to approve the recommendations.

Councillor Pearson attended and, with the consent of the Chairman, addressed the Committee. He explained that Colchester had a population of 190,000 and the decision to be taken by the Committee was for all of those residents, not just those people who were concerned about development in their own neighbourhoods. He further explained that the Council was required by the government to provide approximately 1,000 new homes each year. He referred to piecemeal development and the problem of over-development without infrastructure. There was now an opportunity to provide infrastructure first development by means of the Garden Community proposals. He was concerned about the consequences of delaying the decision and the vulnerability this would create to applications by speculative developers. He acknowledged the need for the Rapid Transit System proposals to be embellished in an innovative way but he was of the view that an integrated and sustainable transport plan was required to relieve existing traffic problems in the town and he considered the report included some exciting

and creative suggestions to achieve this.

Councillor King, Portfolio Holder for Business and Resources attended and, with the consent of the Chairman, addressed the Committee. He thanked the Committee members for their care and attention to the information presented. He welcomed the clarification provided by Councillor J. Young about the issues and the consequences. He acknowledged the concerns expressed by speakers and alternative technical arguments provided. He stressed the importance of the decision to be taken because it would affect the lives of generations to come. He referred to the way the Borough had changed and the challenges being faced in terms of how to balance the volume of development in a way which would provide sustainable opportunities and a quality of life. He asked the Committee members to continue to work together and he explained that the decision required was one of a series which would be required. As such, he explained that the information being presented needed to be deemed sufficient to enable the next stage in the process to be approved. He urged the Committee members to proceed to the next step and to not put at risk the progress made so far, the Council's reputation and the present housing target.

Christopher Downes, Strategic Planning Specialist, Karen Syrett, Planning and Housing Manager, and Ian Vipond, Executive Director, jointly responded to the representations made by speakers under the Have Your Say! Arrangements.

The Strategic Planning Specialist confirmed that the Sustainability Assessment (SA) did appraise transport on site, with sites being tested by how far they contributed to sustainable travel, reducing the need to travel and reducing congestion. He explained that the SA had been carried out LUC, industry leaders in carrying out a SA, who had dedicated a significant amount of resource to its production. The SA had been open to a check and challenge workshop and feedback from site promoters, as such, he considered it to be a transparent and accurate assessment of sites and the methodology had been the subject of considerable scrutiny. He referred to comments about smaller sites being preferable but he confirmed this had not been borne out in the SA, which had concluded that proportional growth was less sustainable than strategic growth opportunities. He also explained that there was long history of government funding supporting growth opportunities and he confirmed that the Garden Communities sites would benefit from this type of support both in the existing funding round and future rounds. He also referred to comments about water and explained that the 2016 Concept Feasibility Study had been superseded by the Infrastructure Planning, Phasing and Delivery report currently forming part of the new evidence base. He explained that the Inspector's concern relating to the Habitat Regulations Assessment (HRA) was to ensure mitigation procedures were being followed and LUC had confirmed that the HRA was compliant. He also confirmed that the Essex Coast Recreational disturbance, Avoidance and Mitigation Strategy, which had been devised with the assistance of Natural England and other Essex local authorities, was considered an exemplar approach to mitigation. He confirmed that a conservative approach had been taken in

relation to inflation levels to be applied to viability interest payments. He also confirmed that Local Plan viability was limited as it was blind in terms of the delivery model outcome, but had been shown to be thorough, being backed by an independent cost report. In any event, he confirmed that the viability would be subject to monitoring and revision.

The Planning and Housing Manager explained that the evidence base would be available online for a period of twelve weeks, with the consultation exercise being open for six of those weeks two of which coincide with the school holiday period. She also confirmed that all the consultation arrangements had been agreed with the Inspector and that Councillors had been given the opportunity to attend a series of briefings with consultants and officers in attendance and for questions to be asked and responded to. She confirmed that the Statement of Community Involvement was available on the Local Plan website but she offered to send a copy to Mr Lee and to seek to ensure it was located in a prominent place on the website. She confirmed that Hawkins Road had been a long-standing allocation site for housing and employment and a Sustainability Appraisal (SA) had been undertaken in 2008 and 2010, alongside the Core Strategy and Site Allocations documents. Accordingly, these had been through examination and the SA and had been found to be sound. In terms of Middlewick, she explained that the Ministry of Defence (MoD) had asked for the site to be developed as part of a nationwide review and she quoted an extract from a 2016 ministerial statement to confirm this. The site had not been included in the Preferred Options Plan at that time and as a result an objection to the Plan was submitted by the MoD seeking the inclusion of the Middlewick site with an allocation of 2,000 homes. She further confirmed that the site had been deemed a greenfield site. The site comprised 76 hectares, which the Council did not consider sufficient to accommodate 2,000 units as it included a designated local wildlife site. She also referred to comments about insufficient infrastructure in Mersea, commenting that it was not possible to put growth on hold as the Council had a responsibility to deliver a large number of new houses each year.

Following the Chairman's invitation, Councillor Coleman proposed the approval of the recommendations contained in the report and this proposal was seconded by Councillor Scordis.

Councillor Ellis referred to the instructions from the Inspector and invited the Committee to consider an alternative proposal to the recommendations contained in the report, as follows:

(i) That, in accordance with the Planning Inspector's request in paragraph 23 of his letter to the NEA's of 21 November 2018, the North Essex Authorities (NEA) confirmation in paragraph 9 of their letter of 30 November 2018 and the Planning Inspectors reconfirmation in paragraph 3 of his letter of 10 December 2018, that he is given the opportunity to comment on the NEA detailed proposals for consultation on the evidence base, Sustainability Appraisal (SA) and any proposed changes to the Plan

before the consultation arrangements are finalised;
(ii) That the Local Plan review mechanism, in the event that Strategic Infrastructure investment is not forthcoming, is clearly set out and any such proposed revision is consulted on alongside consultation on the updated evidence base and SA, as per paragraph 6 of the Planning Inspector's letter of 21 November 2018 in response to paragraph 5 of the NEA letter to the Inspector of 19 October 2018 as failure to do so could compromise the Local Plan, risk further delay and increase the risk of Section 1 of the Plan being found unsound again;
(iii) That Councillors be allowed more time to properly digest and understand the complex set of financial information being presented in order to make a qualified decision on behalf of residents of the Borough;
(iv) That a new date be set for the Local Plan Committee to reconvene after Committee Members have had the chance to fully interrogate all the information provided;
(v) The scale of development proposed in Section 1 of the Local Plan is considerable and will fundamentally change the character of parts of North Essex, the financial implications for this Authority and its residents are also considerable therefore Full Council be asked to make the decision on acceptance of the evidence base and all supporting papers, so that all residents are represented by all elected Members from across the Borough, on a recommendation from the Local Plan Committee;
(vi) That consultation be publicised to all households, given that we are entering school holidays, a minimum of 12 weeks should be allowed for public consultation on the schedule of proposed modifications, the additional SA and additional evidence base which will allow the public proper time to examine, fully understand and comment and the Council holds a series of public drop-in and briefing sessions so that all residents have all the information before commenting, with consultation responses being reported to the Local Plan Committee prior to submission to the Inspector to comply with paragraph 17 of the NEA letter to the Inspector of 19 October 2018 and to ensure compliance with the SEA Directive;
(vii) That the Council also have an alternative plan should the Inspector find the current one, once again, 'unsound' and that this to include full consideration of the Inspector's Option 1;
(viii) That, in accordance with the above and the Inspectors clear requirements, it is imperative that outcomes are known of the HIF bids and also the outcome of the Road Investment Strategy (RIS) 2 and the public consultation of the A12 by Highways England due in the autumn, before any consultation on the evidence base is put to the public.

Councillor Ellis explained the reasons why he was proposing an alternative proposal and it was seconded by Councillor Barber.

The Executive Director confirmed that the Inspector had confirmed in writing that he had seen and was satisfied with the details for the consultation exercise, including the proposal that it would commence in the middle of August and would be concluded at the end of September and that at least four of the six weeks would fall outside the school

holiday period. He further confirmed that the evidence base would have been publicly available for a period of twelve weeks by the time the consultation was concluded. He emphasised the importance of holding a formal consultation exercise, referred to the mechanism of review being written into the policy of the Plan and that it would be a formal process. He explained that a part review had been undertaken of the current Local Plan and, if the infrastructure did not come through in a timely manner, then Section 2 would need to be enacted to cater for the additional dwellings during the Plan period. He further explained current government guidance that a review of all Local Plans be undertaken every five years and explained the challenges that this would involve. In terms of the Garden Communities, he explained that the policy was clear that these would not proceed until the main elements of infrastructure had been secured. He confirmed that it was not a requirement of the approval of the Local Plan that a HIF bid had been confirmed, it was the policy which required the infrastructure to be secured. Nevertheless, he confirmed that announcements were expected this summer or autumn on the HIF bids, although this information didn't need to form part of the evidence submitted to the Inspector, as was also true of the dualling of the A120 from Braintree to the A12, a preferred route for which had been announced by Essex County Council and which may form part of RIS 2.

He acknowledged that there was a large volume of new evidence and that this took time to consider and absorb. He confirmed that the financial liability of the proposals for the Council was not a matter which was the responsibility of the Local Plan Committee and he reiterated that the Local Plan was delivery model blind, with the Plan being prepared with a range of possible options for delivery. He confirmed that it was this decision which would be determined by the Council as well as the viability appraisal, which had been undertaken by HYAS, using a conservative approach to the model, which was appropriate for a Local Plan. He confirmed that it was rare for Councillors to be asked to make decisions in relation to matters which would have implications for 50 to 80 years hence but this was necessary when contemplating large scale proposals. He acknowledged that it was important for the legacy of the proposals to be at the forefront of Councillors' minds as the decisions were related to the quality of development in the Borough for many years to come. He disputed the claim that a number of small developments added together would be able to deliver the infrastructure that residents and businesses would require. He was of the view that this could only be done through co-ordinating development at scale. He acknowledged concerns about over-development in certain areas such as Mersea and Langham but he was of the view this could only be addressed with bold decisions about larger scale development and its co-ordination in a strategic way.

He did not dispute the comments about the role of consultation and how it influenced decisions but he considered it needed to be borne in mind that the Council was part way through a very long process. He confirmed that LUC had undertaken a consultation on the SA whilst undertaking the SA, which he considered to be unprecedented in his experience, as such, he did not consider there could be any accusation of a shortage of

consultation. He confirmed that the consultation would still allow the local authority to propose modifications to the Inspector on the nature of the policy, although not on the main strategy of the Local Plan itself, and that all the consultation responses would be submitted to the Inspector for consideration.

Councillor Ellis referred to the Committee's previous resolution in September 2018 determining that there would be strong evidence of constructive engagement involving local communities throughout the Plan and asked whether the consultation exercise proposed in the report would be deemed to be evidence of this. He was of the view that a long period of time had elapsed to enable constructive engagement to have taken place but that this had not taken place to date.

The Executive Director explained his view that it was not credible for the three NEA to go out to public consultation on Garden Communities whilst the SA process was being carried out. He confirmed that work on non-site-specific consultation had been started over the last month using consultants with pop up stalls and engagement with hard to reach groups. He explained that NEGC had also committed to a range of consultation outside of the statutory consultation requirements but that it had been difficult to establish what sort of consultation should be undertaken at the time of a suspended examination. Ultimately, he was of the view that the Committee members' approval of the recommendation would be taken as the commitment of the community to the proposals. He acknowledged that it would be sensible to think about what would happen if the current Local Plan was not considered sound, but he explained that it was not possible to propose two Plans but that it would become necessary to find an alternative approach if the current Plan was found to be unsound. He explained that, in that scenario, it would be necessary to find the most efficient way to secure an adopted Local Plan. Whilst if the proposed next steps set out in the recommendation in the report were approved by the Committee then he hoped that the Inspector would find the new evidence sufficiently compelling to deem the Plan sound, subject to modifications.

The Chairman referred to the consultation exercise being due to end on 30 September 2019 and sought clarification on the timescales for the Plan after that, how the consultation responses would be dealt with and the timescale for their further submission to the Inspector, bearing in mind the next meeting of the Committee was scheduled for 14 October 2019, when the outcome of the HIF bids may have been published.

The Planning and Housing Manager explained that a period of approximately one month would usually be required to process the responses to the consultation, including those which had not been submitted online and given there may be a number of more detailed technical responses. She had anticipated submitting the responses to the Inspector by the end of October with a view to reconvening hearing sessions possibly at the beginning of December 2019.

Councillor Barber referred to the SA which had not been able to conclude whether any

one strategy, whether west or east of Colchester, was the most sustainable option. Some other opportunities were able to deliver other benefits whilst the officers' report asked the Committee to support the existing spatial strategy set out in the submitted Local Plan, together with the additional SA work and this being on the basis of allowing the Local Plan examination to resume. He disputed the adequacy of the reason for the Committee to confirm this decision and to give support to the SA work and the cross-border Garden Community proposals and he was of the view that the Committee had not been given sufficient information, particularly in terms of viability, for it to come to a decision at this time. He referred to potential issues of pre-determination, the need for objective decision making and for all Committee members to take into account all the information presented to them and he was concerned about the decision being legally challenged. He was of the view that the decision should be deferred to the next scheduled meeting in October or to a Council meeting for a full debate. He supported the views expressed by Councillor Ellis and for the consultation responses to be submitted to the Committee for consideration prior to submission to the Inspector. He was concerned that the RTS report had not yet demonstrated an operational model and was concerned that the RTS would only be delivered after the construction of 2,500 new homes. He also explained that West Bergholt residents had accepted the allocation of 150 new dwellings but had been the subject of a number of speculative planning applications.

Councillor Scordis acknowledged the reservations stated but was concerned about the process being delayed unreasonably. He explained that the Committee members had been offered numerous briefings providing all the background information necessary and he had also taken the opportunity to discuss particular issues of concern with officers on a one to one basis. He referred to the need to provide more housing for people who were unable to afford to move out of their family home and the opportunity available through the Garden Community proposals to offer socially affordable rented housing. It also provided a different model to that adopted in the past and provided for alternative means of travel to combat society's heavy dependence on cars. He supported the recommendations in the report, including the proposals for consultation as set out in the report, considering that six weeks was sufficient and was of the view that most response to the consultation would be submitted in the towards its end period.

Councillor Dundas said he considered the key issue was whether the report and the additional evidence adequately answered the matters requested by the Inspector. He sought clarification on whether the Committee was being asked to approve the consultation proposals and for the consultation responses to be submitted to the Committee for consideration and then onward submission to the Inspector or was the decision to exclude the submission of the consultation responses to the Committee prior to submission to the Inspector. He explained that it would be necessary for the Committee to have full confidence in the advice being provided by the officers and he remained concerned about the prospect of the Inspector remaining unconvinced by the additional evidence to be presented to him. He was of the view that the Committee

needed to be sure that the information was correct and adequate and advocated a delay in that decision making in order to develop that assurance. He had a number of matters of considerable concern in relation to the new evidence, particularly in relation to the RTS study, whether it constituted a proper feasibility study; from where the diagrams and written content had been sourced; what impact it would have on the pedestrianisation proposals for the High Street and roads such as Clingoe Hill; whether discussions had taken place with the University of Essex; existing and proposed bus travel times; discussions with Network Rail about the relocation of Marks Tey railway station; improvements in access to the station. He was of the view that the consequences of getting the decision wrong were so serious that it needed to be referred to the Council for determination.

Councillor Buston welcomed the well-informed and motivated submissions to the Committee and he was of the opinion that it was important to have a viable and sustainable Local Plan. He acknowledged the detailed amount of work which had gone into the process so far and he was concerned that all Committee members should be given adequate opportunity to consider the information. He had not yet been convinced that the evidence was sufficiently robust and that the proposed strategy was the correct one. He agreed that the penalties for getting the decision wrong would be considerable and the Committee members needed to be assured that the proposals were the correct ones for the Borough. He was of the view that the requirement for strong engagement had not yet been satisfied and, whilst acknowledging that the evidence would be published for a period of three months, he did not consider that local residents were engaged with the process. He did not wish to see the process delayed but he expressed support for the views expressed by Councillor Ellis.

Councillor Bourne was of the view that the Councillors had been elected to the Council to represent the views of the residents and to use the authority delegated to make decisions on residents' behalf. She referred to the extensive information published on the Local Plan website, the unparalleled access to officers and the numerous briefings which had been available to all councillors. She was of the view that Councillors' knowledge and understanding had been widened, accordingly, she saw no reason for the Committee to reconvene at a later date to make a decision. In her view, the decision required of the Committee was to move forward with a process and the Committee had been given delegated powers from the Council for this reason. She acknowledged that the volume of information was considerable and the information was complex but she considered the advice provided by officers should provide sufficient assurance for the Committee to be well placed to come to a decision at this meeting. She also acknowledged that it was important for more unambiguous information to be made available explaining what the Garden Community proposals were about and to overcome misunderstandings which was a recommendation that had recently been made by the Scrutiny Panel. She was of the view that a full public engagement plan was essential. She did not consider there was capacity to resource a fully worked up alternative plan and she did not agree that it was imperative for an approved HIF bid to

be submitted. She was of the view that the recommendation in the report was well thought through on the basis that infrastructure was needed to facilitate housing growth, as such she was satisfied with the proposed recommendation.

Councillor Coleman acknowledged the responsibility of elected representatives to make decisions on behalf of their residents and confirmed that he had considered all the information presented to the Committee, as well as attending numerous briefings and update sessions previously and considered he was sufficiently well informed to make a decision.

Councillor Ellis referred to the Executive Director's advice about the mechanism for review within the Plan and that this was considered sufficient to satisfy the Inspector's concerns. He explained that an alternative plan had been discussed at various previous meetings of the Local Plan Committee in order to provide for an alternative scenario should the current proposals prove to be unsound or if the infrastructure funding did not come to fruition. He supported the comments by Councillor Bourne regarding a thorough public engagement plan. He acknowledged the availability of briefings and update sessions for Councillors but explained that these had taken place prior to the publication of the additional information, the volume of which was considerable. He referred to the HYAS report and its conclusion that the Colchester Braintree Borders Garden Community would not be deliverable without the anticipated government grant and he was also sceptical about the deliverability of the East Colchester Garden Community given the land values which had been estimated. He sought clarification regarding the likelihood of successful land acquisition with the land values identified in the report.

The Executive Director confirmed that a full or partial review was a requirement of the Local Plan process. He confirmed that he had been asked by the relevant Cabinet members to investigate the leafleting every household in the Borough prior to the start of the formal consultation period. He explained that the Inspector had asked for evidence of sums which had a reasonable prospect of land owners accepting but that a judgement had to be taken in terms of land owners with large acreages and at what rate and at what time they would be prepared to sell. He acknowledged the difficulty for the planning process in terms of being deliverability model blind and it was not possible to assume any one mechanism would be utilised. He also acknowledged that this would be a matter for the Inspector to determine whether the evidence presented was sufficient. He also referred to the RTS and was of the view that the Inspector had not envisaged that a fully detailed feasibility study would be produced but to receive evidence that it would be possible to deliver the modal shift envisaged in the first phase of development. He was also of the view that the modal shift wasn't entirely reliant on a RTS, but also about people's travel choices within the Garden Communities themselves and about providing genuine alternative choices for the majority of journeys which were short ones. He further explained that the consultation proposed at this point in the process was not at the instigation of the Council but was a requirement of the Inspector and it was for the Inspector to approve the process and to receive the responses to it. He confirmed that it

was not possible for the Committee to seek to consider the responses at its next meeting in October, with a view to incorporating further changes to the Plan as it would then be necessary to consult again on the proposed changes. He acknowledged there may have been a misunderstanding on this issue but he confirmed that previous comments regarding the ability of the Council to suggest modifications to the Inspector by the Council had been in relation to technical issues such as changes in legislation.

The Chairman referred to the ongoing Local Plan process, the regular discussions on the Garden Community proposals which had taken place previously and the numerous opportunities for discussions to come at meetings of the Local Plan Committee, as well as at Cabinet and Council meetings. He also explained his view that there could never be certainty within the planning process that a Local Plan would be guaranteed to be considered sound by an Inspector at examination.

RESOLVED that: -

(i) The additional evidence base contained within Appendices 1 to 12 (and background papers) of the report by the Assistant Director Policy and Corporate be accepted as part of the evidence base to support Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;

(ii) The evidence base (including the additional evidence) be agreed as supporting the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and is justified as being the most appropriate strategy;

(iii) The Additional Sustainability Appraisal (SA) work (attached as Appendix 1) be approved and the findings of the additional SA work which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the realistic alternatives to this strategy be considered and taken into account;

(iv) The schedule of proposed modifications to the Local Plan (attached as Appendix 12) be approved;

(v) A six-week public consultation on the schedule of proposed modifications, the Additional Sustainability Appraisal and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;

(vi) Following the period of consultation, the above documents along with any duly made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the Examination of the Section 1 Local Plan and recommend any further changes to the Publication Draft Local Plan as necessary to make it sound;

(vii) That the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government be noted and that the Councils would expect a decision on those Bids before submitting further evidence to the Secretary of State as referred to in (vi) above.

In accordance with Meetings General Procedure Rule 9(2), a request for a named vote having been made, the votes cast were as follows:
Those who voted FOR were: - Councillors Barlow, Bourne, Coleman and Scordis;
Those who voted AGAINST were: - Councillors Barber, Buston, Dundas and Ellis;
NONE ABSTAINED from voting.
The Chairman exercised his casting vote FOR.

Colchester	**Local Plan Committee** **21 October 2019**		**Item** **8**

Report of	**Assistant Director Policy and Corporate**	**Author**	**Jess Tipper** **01206 508920**
Title	**Colchester Local List Selection Criteria Review 2019**		
Wards affected	**All Wards**		

The Local Plan Committee is asked to agree the proposed revisions to the selection criteria for the adopted Colchester Local List

1. Executive Summary

This report follows the completed consultation on the Colchester Local List Selection Criteria. The report summarises the responses from stakeholders during the eight-week consultation that was conducted between 4th August and 28th September 2019.

2. Recommended Decision

2.1 The Local Plan Committee is asked to agree changes to the Colchester Local List:

- Approve the proposed revisions to the Local List Selection Criteria.
- Agree a five-year review of the Local List Selection Criteria.

3. Reasons for Recommended Decision

3.1 Officers have considered the consultation responses and they advise that the proposed revisions to the Local List Selection Criteria should be agreed by the Committee.

4. Alternative Options

4.1 The Committee could decide not to update the Local List Selection Criteria.

4.2 The Committee could propose amendments to the proposed Local List Selection Criteria and /or adopt some (rather than all) of the proposed revisions.

5. Background Information

5.1 The Colchester Local List safeguards selected heritage assets that, although not suitable for designation nationally as a Listed Building or Scheduled Monument, are considered historically or architecturally important at a local level, are valued by the local community and make a significant contribution to the character and setting of Colchester and the surrounding villages. This is in accordance with the National Planning Policy Framework (NPPF 2019), the National Planning Policy Guidance (NPPG 2019) and Historic England Advice Note 7 (2016) Local Heritage Listing (https://historicengland.org.uk/images-

books/publications/local-heritage-listing-advice-note-7/) and the Colchester Local Plan (Policy DM14 of the Adopted Local Plan 2001-2021).

5.2 The Local List for Colchester town was adopted by the Local Development Framework Committee on 12 December 2011, following an identification and selection process by Colchester Historic Buildings Forum. On 26 March 2012, the Local List for Wivenhoe, prepared by the Wivenhoe Townscape Forum, was adopted by the Council.

5.3 There have been regular reviews of the Local List by the Local Plan (previously LDF) Committee, resulting in additions, amendments and deletions.

5.4 The Local List (715 heritage assets in total) currently covers urban Colchester (623 heritage assets) and also Wivenhoe (76 heritage assets). There are also locally listed assets in Boxted (2 heritage assets), Langham (1 heritage asset) and Wakes Colne (1 heritage asset).

5.5 The current Selection Criteria for Colchester town's Local List, from 2011, are as follows:

Choosing buildings for the local list
Buildings on the draft local list are those which are suggested to be of local importance rather than national. Buildings have been included on the list if they are not already 'listed' and at least one of the following criteria apply:

1. *The building is earlier than 1840 and is in good or restorable condition.*
2. *The building dates to between 1840-1945 and is largely complete plus is of an architectural and/or historic value which rises from 'good' for the oldest buildings to 'very high' for the younger ones in the date range.*
3. *The building was built after 1945 and is complete with no inappropriate alterations or extensions plus is of highest architectural or historic value.*
4. *The building has group or skyline value.*

Various additional factors have been taken into account during the selection process. They are not sufficient in their own right or in combination to justify inclusion in the list, but they have been used to tip the balance in marginal cases. They are as follows: historic value, iconic value, contribution to the historic character of the area in which it stands, prominence in the townscape or landscape, quirkiness, rarity in Colchester terms, and sustainability (i.e. the building is realistically capable of reuse).

5.6 For the Wivenhoe Local List, the Wivenhoe Townscape Forum used the same selection criteria, to ensure consistency between the data sets developed for Colchester town and Wivenhoe. A number of additional factors were also used during the assessment process for the Wivenhoe Local List. These included historic value, iconic value, contribution to the historic character of the area in which it stands, prominence in the townscape or landscape, quirkiness, rarity and sustainability.

5.7 The Selection Criteria for Colchester town's Local List currently makes no provision for heritage assets other than buildings, but the Colchester Local List includes decorative cast concrete panels (e.g. Southway/Abbeygate Street subway), a street sign (Kendall Road), a cast iron lamp post (Studds Lane) and archaeological site (Butt Road Roman Church). The adopted Local List for Wivenhoe also includes an archaeological site (Field number 2, Lodge Farm, Boundary Road, Colchester Road, Wivenhoe). These do not meet the current selection criteria.

5.8 In September 2018, the Local Plan Committee approved a review of the Local List Selection Criteria. The Report (pp.102-108 of the Local Plan Committee, 13 September

2018, Agenda Document Pack) and Minutes of meeting (section 142) are available on the Council's website:
https://colchester.cmis.uk.com/colchester/MeetingCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/673/Committee/12/Default.aspx

5.9 The proposed revisions to the Local List Selection Criteria in Appendix 1 have been prepared by officers, following internal consultation. These provide a much wider list of Selection Criteria, and for the whole Borough. They reflect the broad definition of heritage assets in the NPPF (buildings, monuments, archaeological sites, places, areas or landscapes), the NPPG and Historic England's Advice Note 7 (paragraphs 25-27 and Table 1), which were published after the preparation of the Local Lists for Colchester town and Wivenhoe.

Consultation Process and Response

5.10 The proposed revisions to the Local List Selection Criteria in Appendix 1 have been tested through public consultation between 4th August and 28th September 2019.

5.11 A press release was issued to all local and regional press, radio and TV and emails were sent out to consultees, using the Planning Policy database of consultees that includes all parish councils, statutory bodies and also to specialist heritage stakeholders, at the start of the consultation. The Council's website was updated to highlight the consultation.

5.12 Six consultation responses were received, and they are included in full (with redactions as required) in Appendix 2.

5.13 Five responses were positive and/or offered no objections to the proposed selection criteria. Three responses proposed new heritage assets for the Local List, and these will be considered for adoption, following agreement of the Selection Criteria.

5.14 One consultation response raised specific concerns about the proposed revised Selection Criteria. The consultation response states the proposed criteria are 'too Colchester centric' and 'too unwieldy and because of this leaves open the possibility of confusion rather than enlightenment'. The consultee recommends 'a broader brush-stoke approach using the Historic England Local Heritage Listing Advice Note 7, p.7' supported 'by some of the information from your own suggested selection criteria as examples'. The consultee also raises a concern about the addition of archaeological sites to the selection criteria, stating that this may be beyond the technical expertise of local communities compiling Local Lists. In addition, the consultee raises a concern that there is 'very minimal reference to the maritime industries' in the proposed selection criteria.

5.15 In response to the concerns raised by this consultee, officers advise that the proposed revised Selection Criteria meet the requirements of the planning process, in accordance with the NPPF and the Local Plan. They are detailed and allow the full range of heritage assets to be adopted onto the Local List. This will ensure that local distinctiveness, which varies across the entire Borough, is adequately recorded by the Local List.

5.16 Heritage Assets on a Local List are considered non-designated heritage assets as defined in the NPPF glossary (2019, p.67):

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

5.17 The NPPG (2019) gives the following definition about non designated heritage assets (https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#non-designated [accessed 01/10/19])

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

5.18 A single list of selection criteria will ensure consistency of approach across the Borough. The proposed revised Selection Criteria will be used selectively by stakeholders identifying potential heritage assets to be added to the Local List for the Borough. Many selection criteria will specifically relate to heritage assets in the town and other criteria will relate only to rural areas, others to the coastal part of the Borough.

5.19 The inclusion of archaeological sites in the Local List is in accordance with the NPPF broad definition of heritage assets and Historic England's Advice Note 7 (p.5) states they should be included in the Local List. All archaeological sites proposed for the Local List will be rigorously scrutinised by the archaeological advisor.

5.20 All new candidates proposed for the Local List will be assessed by officers with expertise in the historic environment, and where necessary supported by external expertise, before a recommendation supported by a justification and based on sound evidence is made to the Local Plan Committee.

5.21 In terms of the concern raised by a consultee about the minimal reference to maritime industries, the proposed Selection Criteria do include river structures, shipping and ship building, wrecks and also fishing industries and oyster farming. These are considered by officers to be adequate and allow the full range of heritage assets across the Borough to be identified and adopted onto the Local List.

5.22 Officers recommend that the Selection Criteria should be reviewed every five years to ensure they fulfil the requirements of national policy and guidance.

6. Strategic Plan References

6.1 The Local List provides evidence that will help the Council deliver its Strategic Plan 2018-21 Opportunity priority to promote and enhance Colchester Borough's heritage and visitor attractions to increase visitor numbers while ensuring the delivery of the Local Plan. It will also help deliver the Council's Wellbeing priority in encouraging belonging, involvement and responsibility in the borough's communities.

7. Publicity Considerations

7.1 None.

8. Financial Implications

8.1 None.

9. Equality, Diversity and Human Rights implications

9.1 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/4962/Strategic-Policy-

and-Regeneration or go to the Colchester Borough Council website www.colchester.gov.uk and follow the pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration and select Local Development Framework from the Strategic Planning and Research section.

9.2 There are no particular Human Rights implications.

10. Community Safety Implications

10.1 None.

11. Health and Safety Implications

11.1 None.

12. Risk Management Implications

12.1 The proposed revisions to the Local List selection criteria will help ensure that planning decisions are based on the most current historic environment data available for the Borough.

13. Disclaimer

13.1 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 omissions.

Appendices

- Proposed revised selection criteria for Colchester's Local List
- Consultation Responses

Appendix One: Proposed revised selection criteria for Colchester's Local List

Age and Integrity Criteria for Buildings and Structures

Buildings will be considered for local listing if they are not already designated (Scheduled or Listed) in the National Heritage List for England[1], and at least one of the following criteria apply:

- Pre 1840: All buildings where the style, form and construction are easily identifiable and potentially restorable.
- 1840-1914: All buildings that are largely complete and of good architectural or historic interest.
- 1914-1948: Only buildings of very good architectural or historic interest that are substantially complete and unaltered by alterations and extensions.
- Post 1948: Only buildings of the highest level of architectural or historic interest that are unaffected by inappropriate alterations and extensions.

Rarity

Selection will be made based on protecting rare heritage types as well as representing the typical or common place. Appropriate for all assets, as judged against local characteristics.

Heritage Asset Type

The following heritage asset types, including built heritage and below-ground archaeological remains, play an important role in understanding the heritage of Colchester Borough (although this list is not exclusive and categories are often cross-cutting), and they are likely to be good candidates for local listing:

Agricultural and fishing:

Surviving examples of traditional farm buildings, including well-preserved barns (including threshing barns), dairies, brewhouses, bakehouses, granaries, stables, shelter sheds and cattle houses, cattle yards, piggeries, dovecotes, cart sheds and other heritage assets with an agricultural function/association. As well as individual buildings, substantially complete and unaltered groups of farm buildings and farmsteads will be good candidates for local listing. This category also includes heritage assets relating to fishing and oyster farming.

Commemorative:

Monuments that show a high level of craftsmanship or artistry will be good candidates for local listing, especially if associated with a known artist or local manufacturer. This category includes public art and sculpture, funerary monuments and grave markers, civic monuments, commemorative plaques, statuary and war memorials.

Commercial:

The category includes banks and offices, shops, department stores, markets and auction houses, historic public houses, inns and hotels. There will be a high level of selectivity in terms of the survival of fabric and aesthetic quality.

Cultural and Entertainment:

This category includes libraries and reading rooms, museums and art galleries, assembly rooms and music venues, theatres and cinemas, dance halls, village halls and institutes. This

[1] https://historicengland.org.uk/listing/the-list/

category will need to demonstrate a high aesthetic quality and substantial original fabric will need to survive.

Houses and ancillary buildings:

Surviving vernacular houses and ancillary buildings, such as bakehouses, dating to the pre-enclosure period (i.e. pre 1840), are likely to be at least of local significance. Those houses before the mid-Victorian period that do not meet the national criteria for designation are likely to be good candidates for local listing. Typical and well-preserved examples of more recent house types and styles, including suburban houses and also prefabricated houses, as well as groups of buildings, such as terraces, may be appropriate for local listing. With local listing, selectivity will be used to protect key buildings that add to the understanding of the whole or that retain original fabric.

Places of Worship or religious sites:

Good examples of historic places of worship of all different denominations and faiths can be eligible for local listing. This includes other buildings that have been reused as faith buildings. There are archaeological remains in the Borough of medieval religious foundations, for example, that are not scheduled. The Crouched Friars had a chapel and a hospital from which Crouched Street took its name and Grey Friars occupied a large block on East Hill, inside the walled area, in Colchester.

Burial or funerary sites (with or without religious affiliation):

There are many places of burial surviving only as archaeological sites across the Borough that are eligible for local listing. Around the town, outside the walled area, there are a number of extensive Roman burial areas, for example to the southwest along (and off) Lexden Road. An early Anglo-Saxon cemetery is recorded by archaeological discoveries to the east of St John's Abbey. Earlier funerary sites are recorded across the Borough, often by aerial photograph but without further archaeological investigation.

Law and Civic:

Civic buildings tend to represent the highest quality of design and planning and, therefore, they are often included within the National Heritage List. This category includes town halls and government buildings, law courts, police stations and prisons, fire stations, political clubs and institutions. Historic examples that do not meet the criteria of national listing are likely to be suitable for local listing.

Craft, Trade and Industry:

Until the late 19th century, the main occupations in Colchester were in agricultural and general labouring, market gardening, processing and retailing of food and drink, silk industry, shoemaking, tailoring, millinery, upholstery, drapery, laundry, domestic service, carpentry, bricklaying and seafaring. New manufacturing enterprises, especially engineering and machine-making, became increasingly important in Colchester from the late 19th and early 20th century. While national designation protects some heritage assets relating to these, many fall below the criteria while adding greatly to the story of Colchester. These include the following heritage assets, which will be considered for local listing depending on their significance and completeness:

- Heritage assets relating to the silk industry and cloth-working and other artisan workshops.
- Heritage Assets relating to tanning and leather manufacture and footwear manufacture.

- Early industry – archaeological remains of early industry and likely to be good candidates for local listing. These include heritage assets relating to the salt making, primarily the Bronze Age, Iron Age and Roman 'red hills' along the coastal zone, and also heritage assets relating (probably) to charcoal production, primarily charcoal-rich pits dating from the Bronze Age to medieval periods, in the hinterland of Colchester.
- Buildings relating to agricultural practices.
- Heritage assets relating to milling.
- Breweries, distilleries and maltings.
- Warehouses – including buildings relating to the railways and also to the port at the Hythe.
- Heritage assets relating to pottery, tile and brick production.
- Heritage assets relating to the Colchester iron foundries and to iron working.
- Heritage assets relating to engineering and machine-making, which became the leading industries in Colchester in the early 20th century.
-

Military and defence:

A variety of military and defensive heritage assets of different periods (both built assets and below-ground archaeological remains) are encountered in the Borough. Elements that survive well, and which are not already designated, are likely to be eligible for local listing:

- Late Prehistoric dykes – archaeological traces of the network of dykes around the west side of Colchester, and within the parish of Stanway, are likely to be of local if not national significance; upstanding sections of these dykes are scheduled but below-ground archaeological remains will be considered for local listing.
- Roman fortifications relating to the early Roman legionary fortress (and annex), including archaeological traces of military buildings, for example barrack blocks, and traces of the defences of the fortress are likely to be of national significance.
- Roman town wall – archaeological traces of the town wall are of national significance and the majority of the town wall is scheduled. Further below-ground archaeological remains are likely to survive, where there are no standing remains of the wall (including gateways), and these will be of national significance.
- Roman town ditch – archaeological traces of the defensive ditch around the outside of the town wall are likely to be of national significance.
- Norman castle - archaeological traces of Colchester Castle are scheduled and of national significance. The castle mound to the north of St John's Church, Mount Bures, is also scheduled but there could be potential for below-ground further archaeological remains around the mound, which are likely to be of local if not national significance. There is also a possible castle recorded in Birch, to the south of St Peter's Church, which is not scheduled.
- Medieval town wall – the majority of the town wall is already scheduled. Further below-ground archaeological remains are likely to survive, where there are no standing remains of the wall.
- Medieval town ditch – archaeological traces of the defensive ditch, around the outside of the town wall.
- Civil War remains relating to the 1648 The Siege of Colchester.
- 20th century defences (individual features and groups of features) – such as pill boxes, airfields (and associated structures), anti-aircraft batteries, anti-tank ditches, bombing decoys or bunkers/shelters.
- Army buildings and structures, training grounds and associated earthworks, and also archaeological traces, relating to the development of Colchester Garrison.

Utilities and Communication:

Historic examples of the following heritage assets will be considered for local listing:

- Power generation or distribution sites, including early items bearing the town coat of arms that provided electricity supply in the town centre.
- Wells, waterworks, pumping stations, water towers and reservoirs.
- Communications structures – good quality and substantially complete historic post offices, post boxes, telephone boxes and telegraph exchanges.

Sports and Recreation:

Early or well-designed historic indoor and outdoor sporting venues, including swimming baths, pavilions, grandstands, and sports grounds.

Street Furniture:

This category includes street surfaces and steps, historic ironwork manufactured in Colchester, including early lighting and lampposts, boundary markers, street nameplates (made of ceramic tiles and cast iron), signposts, bollards, manhole covers, bus shelters, drinking fountains, pumps, letter boxes and telephone kiosks, many with the names of Colchester foundries and/or with the town coat of arms. As well as distinctive street furniture, walls, fences and railings will be considered for local listing.

Transport:

Surviving infrastructure and buildings will be considered for local listing, including:

- Rail stations, sheds, signal boxes, bridges, trackbeds and associated furniture.
- River structures and historic assets relating to the port and shipping (including customs and excise), as well as ship building (and wrecks).
- Bridges.
- Bus and tram depots and sheds, surviving and well-preserved sections of tram tracks and associated equipment, for example surviving tram traction power posts.
- Green lanes (historic trackways).
- Street surfaces and margins, for example, cobbles, setts and grass verges.
- Car parks and showrooms. This category will need to demonstrate a high aesthetic quality and substantial original fabric will need to survive.

Historic Associations and Social Value

Buildings, monuments, sites, places, areas and landscapes will be considered for local listing if they have a well-authenticated historic association with a notable person, company or organisation, or event of national, regional or local significance.

An asset that has played an integral part in the distinctive identity of an area, acted as a focal point in the local social scene or contributed to the ‘collective memory’ of a place will be also a candidate for the Local List.

Architectural and Aesthetic Value

The following will be considered for local listing:

- A building that is a fine example of a distinctive (local or national) architectural style or fashion.

- A building which is an early example of an unusual or locally distinctive building technique.
- A building or structure which is considered a landmark in the local scene by virtue of its striking aesthetic value (landmark status).
- A building of an architectural style which attached significance to the quality of materials used and the skill required in construction and decoration.

Group Value, including Townscape and Landscape Significance

Groups of buildings which exhibit clear visual, functional, historic, design and/or architectural unity will be considered for local listing, including urban terraces, rural farm and industrial buildings. Consideration will be given if there are enough assets for Conservation area status will, however, be considered as a better means of managing these assets where there are enough assets.

Landscapes and open spaces will be also considered for local listing, in terms of the positive visual contribution to character, helping to define a sense of place or adding to local distinctiveness of an area.

Valued open spaces, including streets and squares, parks, gardens, amenity spaces, orchards and allotments, as well as river corridors, will be considered for local listing. Trees, including avenues, special groups and single landmark trees, will be also eligible for nomination.

Artistic Significance

Monuments and features within the public realm, for example, public art and sculpture as well as signs, adverts of plaques, that are of artistic interest for their conscious design or technical significance that displays innovation or craftsmanship. High quality monuments and features will be good candidates for local listing especially if associated with a known artist.

Archaeological Significance

There is a rich archaeological resource across the Borough. While it is easy to be drawn to the standing monuments and buildings, less visible, though equally important, are the largely buried archaeological remains (as well as upstanding remains or earthworks). Prior to medieval period, archaeology is the only source of evidence for the history of the Borough, providing information about, for example, early settlements (and settlement types), population, burial and the treatment of human remains, religion, agriculture, industry and technology, trade, infrastructure and transport.

There are many archaeological sites recorded in the Historic Environment Record[2] that are not nationally designated. These are likely to be good candidates for local listing, if the evidence base is sufficiently compelling and if a distinct area can be identified; places of archaeological interest not currently recorded in the HER will be also considered for local listing. Recommendations will be based on national, regional and local standards and guidance.[3]

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[2] The Council maintains the evidence base for the historic environment in the Historic Environment Record (HER, incorporating the Urban Archaeological Database). This is a detailed database of heritage assets recorded in the Borough. The HER is publicly accessible online at https://colchesterheritage.co.uk/

[3] There are also a small number of non-designated heritage assets within the Borough that are considered to be of schedulable quality. Where they are shown to survive, the deep stratified archaeological deposits preserved within the entire area of the walled town are considered to be of equivalent significance to Scheduled Monuments and

Investigations and predictive modelling have identified potential for important Pleistocene (early prehistoric) deposits in several areas within the Borough, and important remains have been found at Cudmore Grove, East Mersea and at Marks Tey/Copford[4]. Well-preserved archaeological remains are likely to be of local if not national significance.

There is a high potential that later prehistoric, Roman, Anglo-Saxon and also medieval occupation remains survive, particularly (although not exclusively) in areas close to watercourses; in general, valleys are topographically favourable for early occupation. Good examples are recorded across the Borough by excavation and many others by aerial photography. Some of these remains are likely to be regionally if not nationally important; if they are not designated, they are likely to be good candidates for the Local List.

Well-preserved archaeological and palaeo-environmental remains are often recorded in areas that are waterlogged, in floodplains and along the coastal and intertidal zone, including the remains of a Bronze Age trackway at Coopers Beach, East Mersea, discovered in 2017. Again, some of these remains are likely to be regionally if not nationally significant. They will be included in the Local List if they are not designated.

they will be considered subject to the policies for designated heritage assets (in accordance with the NPPF paragraph 194, footnote 63) but they will be included in the Local List (because they are not currently Scheduled). Currently, *c*.20% of the walled area is Scheduled (Castle Park and Berryfields). Any heritage assets that are subsequently designated will be removed from the Local List.

[4] *Managing the Essex Pleistocene*. Final Project Report. September 2015. O'Connor, T., Essex CC. https://research.historicengland.org.uk/Report.aspx?i=15804

Appendix 2: Consultation Responses

Having been involved in compiling the original Local List which Philip Crummy co-ordinated, I am anxious that we list a lot of locally made street furniture, much of which carries the Colchester maker's name, Colchester formerly being a major engineering centre with 5 foundries in the town producing cast ironwork. I know that Dr Jess Tipper has been working with members of the Civic Society who are checking the surviving locally-cast street lampposts and cast-iron and ceramic street names (and Jess, there is an original wooden one in James Street, New Town). There are also quite a few cast iron railings, some very old indeed, plus tie bars, bollards, drain and manhole covers, some of which appear in the list compiled by Sir Bob Russell's father, a few fire marks and quite a lot of cast iron royal coats of arms. I am happy to sit down and go over what I know – which is far better than trying to list each one here. There is perhaps even a case for a display board somewhere.
I also believe we should stop developers buying up gardens in the Fitzwalter Road/St Clare Road Estate (as they currently are) and list the original buildings of the estate, if not the whole Estate. It is the only example of an upmarket inter-war, individually architect-designed,' Tudorbethan' estate in Colchester. Like 'stately homes' these homes of the rich deserve on merit to be listed.
I would also like to see preservation of the unique Garden Village Estate round Collingwood and Trafalgar Roads, set up by a Housing Trust (though later 'rescued' by C.B.C.) which was a very special and unique case of Social Housing. Finally, some key examples of the first post-war 'modern architecture' in Colchester needs listing viz, the original Engineering Block at the Colchester Institute and the 'Rainbow' school – Kings Ford Infants and Primary. Some of the first council houses in Colchester (1919/20) are still there in DeFoe Crescent and some outstanding council housing was built in Colchester by CBC in the post-war years in Shrub End in particular. Outstanding modern buildings like the original Lloyds of London building in Sheepen Road and the Trebor Mints building up Ipswich Road should be locally listed too.

Andrew Phillips

Abberton and Langenhoe Parish Council would like to propose that the post box located outside Fuschia Cottage, Layer Road, Abberton, CO5 7NH be included in the list of Heritage Assets.

This is an original GR post box and is on the site of the former Post Office.

Mrs Carolyn McSweeney
Abberton and Langenhoe Parish Council

Great Tey Parish Council suggest changes to the Local List Criteria that could then allow the following heritage assets in our parish to be included:-

1.The brick wall outside Old Warrens, The Street, Great Tey
2.The village pump near Tey House, The Street, Great Tey
3. The brick wall outside Copt Hall, Chappel Road, Great Tey
4.The church lychgate, The Street, Great Tey
5.The road signs at the bottom of Newbarn Road and at the junction of Coggeshall Road and The Street, Great Tey

David Williams, Clerk
Great Tey Parish Council

As outlined in the supporting documents, there are many historic elements in the Borough that require and deserves a greater measure of protection. We appreciate the need to expand that definition to cover not just the urban landscape but also the historic legacy of the countryside.
The expanded criteria will go far in affording a greater protection in those assets still remaining and can only enhance our appreciation and enjoyment of the same.

The Colchester Civic Society is entirely supportive of the need to revise the current criteria and equally in agreement to the definitions of the expanded new overview.

Colchester Civic Society

The Essex Gardens Trust has become aware that Colchester is going through another phase of local listing. I assume you are involved or know how it works. The Trust, as you know, has begun researching your district for a Borough wide inventory. We would like to ask if the gardens and landscapes could be included in the local list? This would give them much greater prominence in the planning system. The inventory, however, will not be ready within your current six week time frame.

I have copied in Tricia Moxey, who is leading the research group working on the inventory.

Best wishes

David

David Andrews FSA, IHBC
The Essex Gardens Trust

We have studied the Proposed Selection Criteria List and have come up with the following comments:

1) In general, there needs to be a proper distinction between the umbrella term for the Colchester Local List and its constituent parts. At present it is comprised of the 'Colchester Local List' carried out by the Colchester Historic Buildings Forum (CHBF) and the 'Wivenhoe Local List' carried out by the Wivenhoe Townscape Forum (WTF). To avoid confusion the list completed by the CHBF might be more appropriately referred to as the Colchester Local List (Old Borough). This will become more important as other communities in the wider borough prepare a Local List for their own area in the future
2) The information given on your website is misleading when it provides a list of the criteria used by the CHBF in the establishment of the Colchester Local List (adopted in December 2011) and states that these are the current selection criteria. This omits the fact that The WTF amended these criteria when they established the Wivenhoe Local List (adopted in March 2012). This was carefully managed by consulting all the relevant policy documents including the draft Wivenhoe Conservation Area Appraisal prepared by Qube in March 2007, and in particular the draft guidelines for establishing a local list, published by English Heritage in May 2012, under the title 'Good Practice Guide for Local Heritage Listing'. At every stage there were scrupulous discussions with English Heritage, Colchester Borough Council and the Historic Environment Record to ensure that the criteria being used were both appropriate and acceptable.
Our work was reviewed by Alistair Day of Colchester Borough Council and he made the following supportive comment.
'*The draft Local List of the buildings of architectural, historic or cultural interest (for Wivenhoe) appears to be a comprehensive and detailed piece of work. The principles for selection broadly follow those used by Colchester Historic Buildings Forum (for Colchester) and reflect the emerging guidance from English Heritage on the preparing of Local Lists. The proposed Local List for Wivenhoe will therefore provide a consistent and proportionate system for the identification of local heritage assets. The Wivenhoe Local List will also provide an invaluable tool in identifying the contribution of non-designated heritage assets to the character of the historic environment in this part of the Borough and will ensure that due consideration is given to them when changes are* proposed.'
3) Preparing a set of selection criteria is only half of the issue; there also needs to be a clarification of process. There is an issue about who will manage or enable a Local List - will it be established by professionals or by local communities? The Wivenhoe Townscape Forum took some useful steps towards this by providing a detailed case study of a community orientated approach see: https://www.wivenhoehistory.org.uk/wp-content/uploads/2017/04/wivenhoe-townscape-forumcase.pdf. This case study was utilised by Laura Belton in

her report on 'Developing Local List Records in Essex: Project 6018' published in July 2012 by the Historic Environment section of Essex County Council.
4) Our initial reaction to the proposed Selection Criteria is that is too unwieldy and because of this leaves open the possibility of confusion rather than enlightenment. It is also too Colchester centric which might cause issues when local communities attempt to create their own list. We noticed for example that there was very minimal reference to the maritime industries which were so important for Wivenhoe and other riverside and coastal areas.
5) We would suggest a broader brushstroke approach using the Historic England Local Heritage Listing Advice Note 7, p7 (Defining the Scope of the Local Heritage List). If you used these headings and accompanying brief descriptions as the Selection Criteria and added some of the information from your own suggested selection criteria as Examples I think this would be much clearer - although in general we would suggest using fewer specific examples which may not be relevant to some local areas.
6) We also feel the inclusion of archaeological material may be outside the brief of collating a local list particularly if a list is being established by members of a local community who may not have the technical expertise to carry out this kind of work. It may have to be included as a separate exercise?
Finally, we would like to express our disappointment that as Co-facilitators of the Wivenhoe Townscape Forum who established the Wivenhoe Local List we were neither consulted nor informed about this consultation. I understand from Philip Crummy of the Colchester Historic Buildings Forum who established the Colchester Local List that he also knew nothing about this consultation until I contacted him. Surely it is possible that as prime movers in the Local List process we might have been able to make a useful contribution?

Yours sincerely

Pat Marsden
Sue Glasspool
Co-facilitators of the Wivenhoe Townscape Forum

Colchester	**Local Plan Committee** **21 October 2019**		**Item** **9**

Report of	**Assistant Director Policy and Corporate**	**Author**	**Jess Tipper** **01206 508920**
Title	**Colchester Local List Selection Criteria Review 2019**		
Wards affected	**Old Heath and the Hythe**		

The Local Plan Committee is asked to agree the proposed amendment to the adopted Colchester Local List

1. Executive Summary

The former pumping station at Rowhedge Wharf has been identified as a heritage asset that is suitable for inclusion on Colchester's Local List and which should be included in the Local List as soon as possible.

2. Recommended Decision

2.1 The Local Plan Committee is asked to agree changes to the Colchester Local List:

- Approve the proposed amendment to the Local List.

3. Reasons for Recommended Decision

3.1 Officers have identified a potential local heritage asset – former pumping station, Rowhedge, that is at risk from new development. Officers consider the building to be suitable for inclusion on the Local List, meeting both the current selection criteria and also the proposed selection criteria (that is the subject of a separate agenda item). The Local Plan Committee is asked to review and agree the suggested change.

3.2 The proposed heritage asset for inclusion on the Local List is presented in Appendix 1.

4. Alternative Options

4.1 The Committee could decide not to include the Pump House on the Local List.

5. Background Information

5.1 The Colchester Local List safeguards selected heritage assets that, although not suitable for designation nationally as a Listed Building or Scheduled Monument, are considered historically or architecturally important at a local level, are valued by the local community and that make a significant contribution to the character and setting of Colchester and the surrounding villages. This is in accordance with the National Planning Policy Framework, Historic England Advice Note 7 Local Heritage Listing (https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-

note-7/) and the Colchester Local Plan (Policy DM14 of the Adopted Local Plan 2001-2021).

5.2 The Local List for Colchester town was adopted by the Local Development Framework Committee on 12 December 2011, following an identification and selection process by Colchester Historic Buildings Forum. On 26 March 2012, the Local List for Wivenhoe, prepared by the Wivenhoe Townscape Forum, was adopted by the Council.

5.3 There have been regular reviews of the Local List by the Local Plan (previously LDF) Committee, resulting in additions, amendments and deletions.

5.4 The Local List (715 heritage assets in total) currently covers urban Colchester (623 heritage assets) and also Wivenhoe (76 heritage assets). There are also locally listed assets in Boxted (2 heritage assets), Langham (1 heritage asset) and Wakes Colne (1 heritage asset).

5.5 If approved the Pump House will be added to the existing Local List information within the Historic Environment Record and on the Council's interactive planning map.

6. Proposals

6.1 The Local Plan Committee is asked to agree the proposed change to the Local List.

7. Strategic Plan References

7.1 The Local List provides evidence that will help the Council deliver its Strategic Plan 2018-21 Opportunity priority to promote and enhance Colchester Borough's heritage and visitor attractions to increase visitor numbers while ensuring the delivery of the Local Plan. It will also help deliver the Council's Wellbeing priority in encouraging belonging, involvement and responsibility in the borough's communities.

8. Equality, Diversity and Human Rights implications

8.1 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/4962/Strategic-Policy-and-Regeneration or go to the Colchester Borough Council website www.colchester.gov.uk and follow the pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration and select Local Development Framework from the Strategic Planning and Research section.

8.2 There are no particular Human Rights implications.

9. Risk Management Implications

9.1 The proposed revisions to the Local List selection criteria will help ensure that planning decisions are based on the most current historic environment data available for the Borough.

10. Publicity Considerations and Financial, Community Safety and Health and Safety Implications

10.1 None.

14. Disclaimer

14.1 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 omissions.

Appendix 1 Former Pumping Station Rowhedge.

Former Pumping Station, south end of High Street, Rowhedge

TM 03253 21392

Information

The building is single-storey in red brick and with a pitched tiled roof, with a finial on the southern gable – that on the north side is missing. The plinth is of blue brick. The main door, centrally located on the south-facing facade, is arched with a wooden fanlight and moulded stone hood above the brick arch; this is parallel on the Listed water tower. The original door itself is now missing but the fanlight is still in place. There is an attractive circular window of gauged brick above the main door. Either side of the door there are two full-height recessed panels, also mirroring architecture of the water tower, built in the late 19th century Romanesque Revival style of the iconic Jumbo water tower. At the northern gable end, there are two arched windows set with recessed panels and a circular window (now blocked) above. The two arched windows were probably larger and there is more recent brickwork below them, infilling the window recesses. There are two large windows on the east side, currently boarded, and presumably there were two on the west side (hidden by the later timber-framed building).

This has resulted in a simple, functional industrial building, that is attractive and distinctive. It is largely unaltered on the outside (there is an extension of timber frame construction) and one of a group of similar and distinctive buildings across the county. Internally, the building does not retain any of the original pumping equipment.

There is a more recent timber-framed linked-building (erected on a brick plinth) on the west side, and presumably one (or both) of the windows has been made into a doorway, to link the two buildings. The former pumping station would be enhanced by the removal of this structure.

The building supplied the still standing and designated heritage asset (Grade II Listed) Rowhedge water tower (Berkeley Gardens), *c*.350m to the west. It was an integral element of the built infrastructure water distribution system for Rowhedge. The pumping station, together with the water tower, played an essential role in providing a universal water supply to Rowhedge. It is part of a distinctive group of buildings relating to water supply in the late 19th century, the most notable being the 'Jumbo' tower and associated pumping station (both of which are Listed) on Balkerne Hill, in Colchester (completed in 1883, by Charles Clegg, Borough Surveyor and Engineer).

The Listing description (NHLE no. 1389625) records that Rowhedge water tower was built in 1902 for the Lexden and Winstree Rural District Council, following the sinking of a borehole in the same year (Cooper 2001, p.190); the pumping station would have been built at the same time (the building is first depicted on 1922-23 Epoch 3 map of the OS County Series at 1:2500 scale). It is clearly labelled as *Pumping Station (Lexden & Winstree R.D.C.)*, demonstrating it was owned by Lexden and Winstree Rural District Council.

Recommendation

The disused pumping station is a distinctive and architecturally attractive local landmark that dates from the turn of the 20th century, which has survived almost completely intact – and which is realistically capable of reuse. It is one of a small number of distinctive buildings relating to early water supply, built in the same style. Clearly, it has historic value. It is important to the history of Rowhedge and to the history of water supply and public health reforms in the late 19th and early 20th century. Consequently, it meets both the existing selection criteria and proposed

selection criteria (under heritage asset type – utilities and communication) and it is, therefore, recommended that the building is adopted onto the Local List for Colchester.

Images of the Former pumping station (September 2019)

Fig. 1 Viewed from south-east.

Fig. 2 Viewed from south-west, with timber-framed building in foreground.

Fig. 3 Detail of stone hood and fanlight above door.

Fig. 4 View of east side.

Fig. 5 North gable end.

Reference

Cooper, Janet (ed.), 2001, *A History of Essex. Vol. X. Lexden Hundred (Part).* Oxford University Press

Local Plan Committee

Item 10

21 October 2019

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

1. Executive Summary

1.1 Twelve Essex 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.

1.3 This report provides members with an update on the Essex Coast RAMS following a report to Local Plan Committee in February 2019.

2. Recommended Decision

2.1 To adopt the RAMS Strategy Document (Technical Report and Mitigation Report) and agree consultation on the amended draft Supplementary Planning Document (SPD).

2.2 To delegate authority to the Planning & Housing Manager (PHM) to make minor changes to the RAMS Strategy Document and 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.

3. Reason for Recommended Decision

3.1 Twelve 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 RAMS Strategy Document and a Supplementary Planning Document (SPD) have been prepared by consultants Place Services. The Local Plan Committee is asked to adopt the RAMS Strategy Document. Previously the Local Plan Committee was asked to note the findings of the RAMS Strategy Document as it is an evidence base document. However, other partners have adopted the RAMS Strategy Document and so Officers recommend that CBC also follow this approach and formally adopt the RAMS Strategy Document.

3.3 Local Plan Committee previously delegated authority to the PHM to make minor changes to the draft SPD should it be necessary. Since February 2019 numerous minor changes have been made to the SPD. Whilst Officers consider that all changes made are minor; none of them change the purpose, tariff, methods of collection of the tariff or mitigation measures, owing to the extent of changes Local Plan Committee is asked to approve the updated draft SPD for consultation. All SPDs must be consulted upon prior to adoption. It is anticipated that consultation will commence in January 2020.

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 Eleven Essex LPAs commissioned Place Services to prepare a RAMS Strategy Document and SPD to avoid and mitigate likely significant effects to the Essex coast and ensure compliance with the Habitat Regulations. Since work began Uttlesford District Council have joined the partnership.

5.4 The RAMS Strategy Document 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.

Other local planning authorities have asked their members to adopt the RAMS Strategy Document and for consistency, the Local Plan Committee is asked to agree the adoption of the RAMS Strategy Document.

5.5 The RAMS draft SPD includes background information, which explains the need to avoid and mitigate and the requirement for delivery of a strategic solution. 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. 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.

5.6 Members were previously advised that consultation on the draft SPD was expected to commence in May 2019. Owing to some of the partners commissioning legal advice there has been a delay in consulting on the SPD. CBC commissioned a legal opinion, which was received in October 2018, and so prior to the completion of the RAMS Strategy Document Officers were confident that the approach is legally compliant. Since February 2019 numerous minor changes have been made to the SPD to ensure that it is clear and fit for purpose. For example, a more detailed map showing the individual Zones of Influences, a guide for proposals for student accommodation, useful website links, a glossary and a list of acronyms have been added Consultation on the draft SPD is expected to commence in January 2020 and a consultation sub-group has been established to ensure that the co-ordinated consultation complies with each of the partners Statement of Community Involvement.

5.7 Since February 2019 a significant amount of work has taken place to progress the RAMS and importantly to ensure that Habitats sites are not adversely affected through increased recreational disturbance.

5.8 As reported in February, CBC is collecting the tariff in accordance with the Habitat Regulations. A direct payment has been set up to make payment simple for minor applications and avoid the need for a legal fee. The Development Management Team has received positive feedback on the online payment system and other partners are considering implementing direct payment.

5.9 Chelmsford City Council (CCC) have put forward a proposal to become the Accountable Body. CCC will hold all contributions from the 12 LPA partners and employ the project staff. It is anticipated that sufficient development contributions will have been collected to fund the appointment of a Delivery Officer to oversee the project in 2020. The appointment of a Delivery Officer is one of the avoidance and mitigation measures.

5.10 The Essex Planning Officers Association (EPOA) Chief Officer's group have agreed to become the Project Board, with the role of overseeing the project and having the final decision on which avoidance and mitigation measures to fund. Officers are involved in discussions with the Essex Coastal Forum about securing member involvement.

5.11 In September 2019 the project become part of the 'Bird Aware' brand and launched a website: Bird Aware Essex Coast - https://essexcoast.birdaware.org/home. The Bird Aware brand was developed by a mitigation partnership on the south coast (Bird Aware Solent) to communicate the importance of the birds and their habitats that breed and winter at the coast. Joining the Bird Aware brand and launching the website is an early avoidance measure and will help to spread the message of the importance of the Essex coast and the need to protect the birds in a positive way.

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://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf

7. Strategic Plan References

7.1 The Strategic Plan is relevant, in particular in contributing towards priorities under the themes of 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. Bird Aware Solent released a press release in September following the Essex Coast taking on the Bird Aware branding.

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. Health, Wellbeing and Community Safety Implications

11.1 None

12. Health and Safety Implications

12.1 None

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.

Appendices

Essex Coast RAMS Strategy Document

Essex Coast RAMS Draft SPD

Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS)

Habitats Regulations Assessment Strategy document 2018-2038

January 2019

Final version incorporating Natural England comments March 2019

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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	This could include: • 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 There are a variety of means to deliver this such as: • 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	• 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	• 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 14 Feb 2019** 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.

Place Services
11 January 2019

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 area[1] (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."

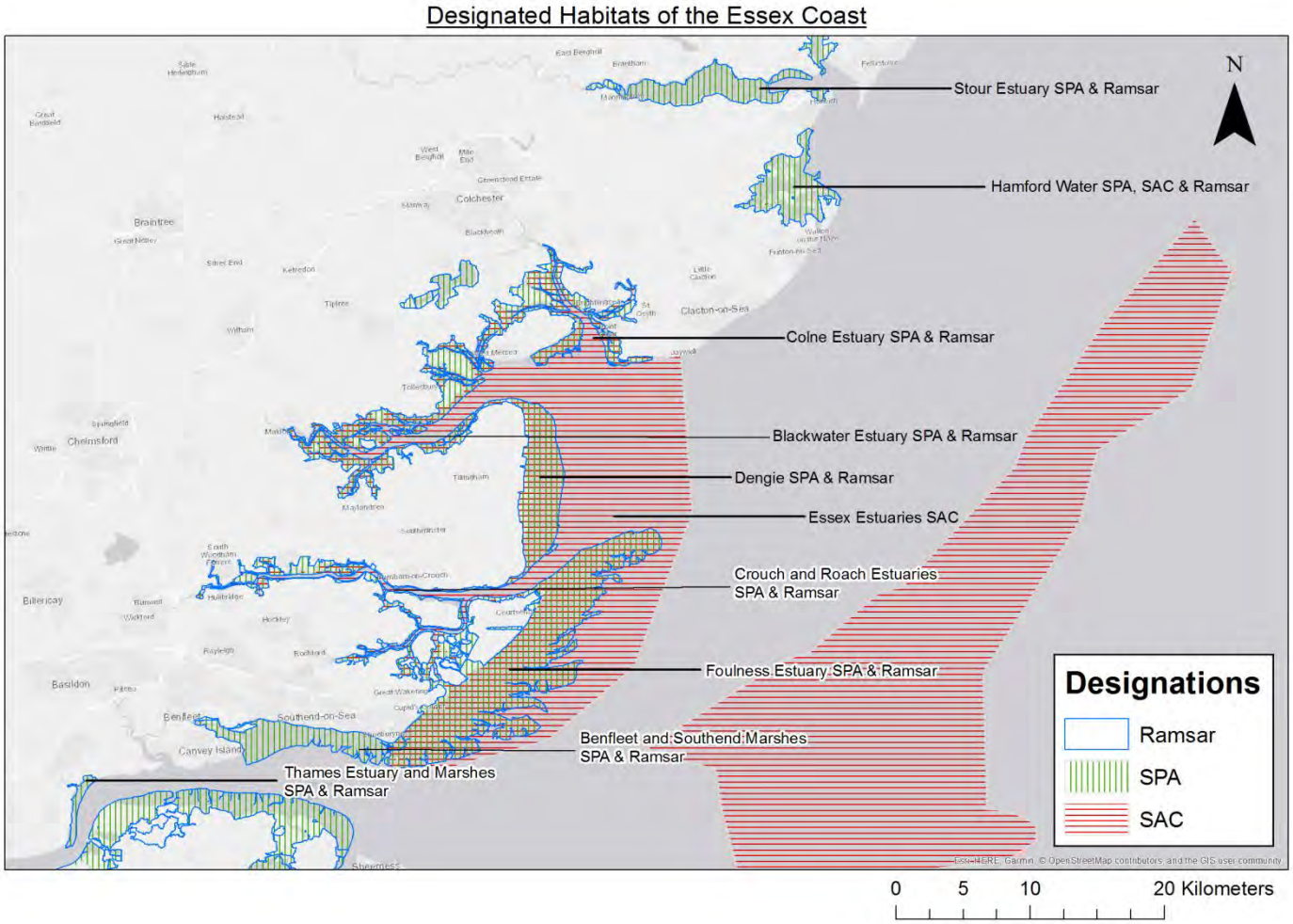
1.11 The IRZs have been identified for all SSSIs, with different trigger distances for a variety of types of developments. This study has defined Zones of Influence (ZOIs) for each Habitats site, based purely on recreational disturbance from residential dwellings.

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 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 *et al.* 1999; Goss-Custard *et al.* 2002, 2006; Stillman *et al.* 2007). Disturbance to wintering and passage waterfowl can result in:

- A reduction in the time spent feeding due to repeated flushing/increased vigilance (Fitzpatrick & Bouchez 1998; Stillman & Goss-Custard 2002; Bright *et al.* 2003; Thomas, Kvitek & Bretz 2003; Yasué 2005)
- Increased energetic costs (Stock & Hofeditz 1997; Nolet *et al.* 2002)
- Avoidance of areas of otherwise suitable habitat, potentially with birds feeding at poorer quality locations (Cryer *et al.* 1987; Gill 1996; Burton *et al.* 2002; Burton, Rehfisch & Clark 2002)
- Increased stress (Regel & Putz 1997; Weimerskirch *et al.* 2002; Walker, Dee Boersma & Wingfield 2006; Thiel *et al.* 2011)

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 Appendix11 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. TheEssex 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	• 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 - 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	• 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)	• 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	• Colne Estuary, • Hamford Water, • Blackwater Estuary • Stour and Orwell Estuaries
Thurrock	Thurrock Local Plan Local Development Scheme (December 2015)	• 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 IRZs[3] 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.

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 that 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

Option 1 – No Joint Project
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.
Option 2 – Sub-regional Projects
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. 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.
Option 3 – Essex-wide Project
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

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 website[4] 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 that were not previously assessed through the HRA process and assessed under the Essex Coast RAMS where updated evidence is now available; 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

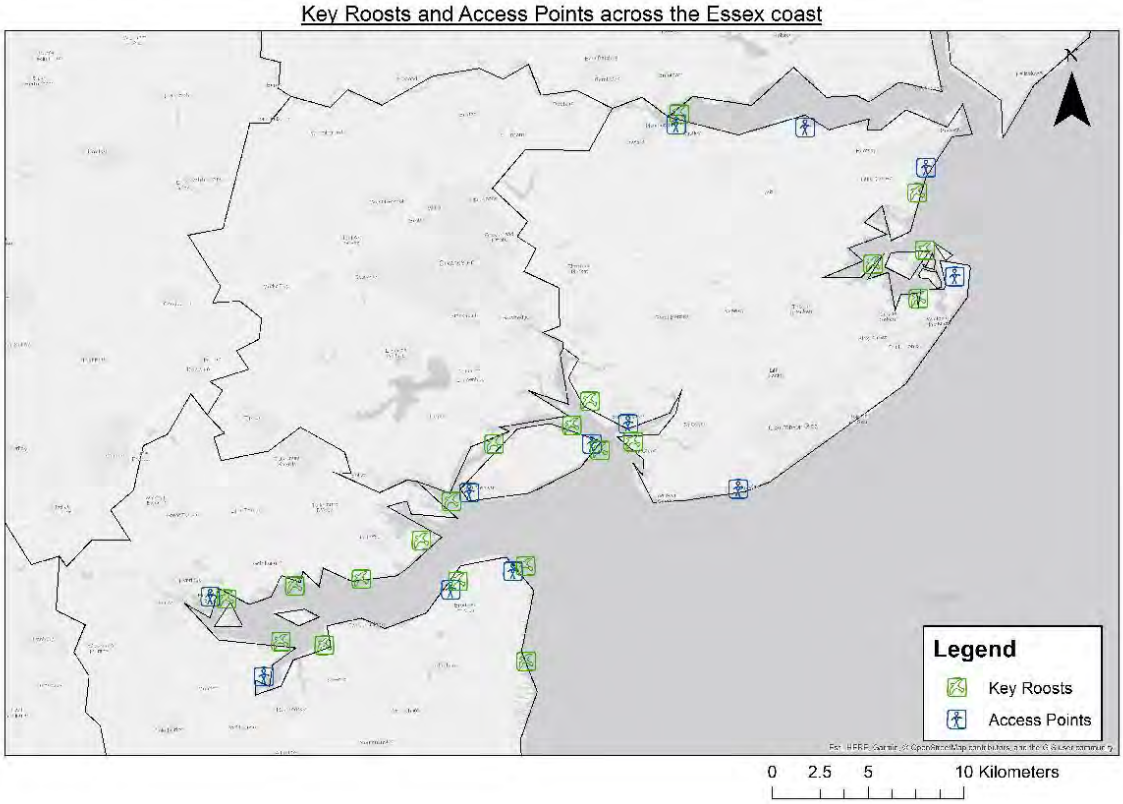
4.2 A desktop review looked at the existing data on the Habitats sites and the species therein.

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.

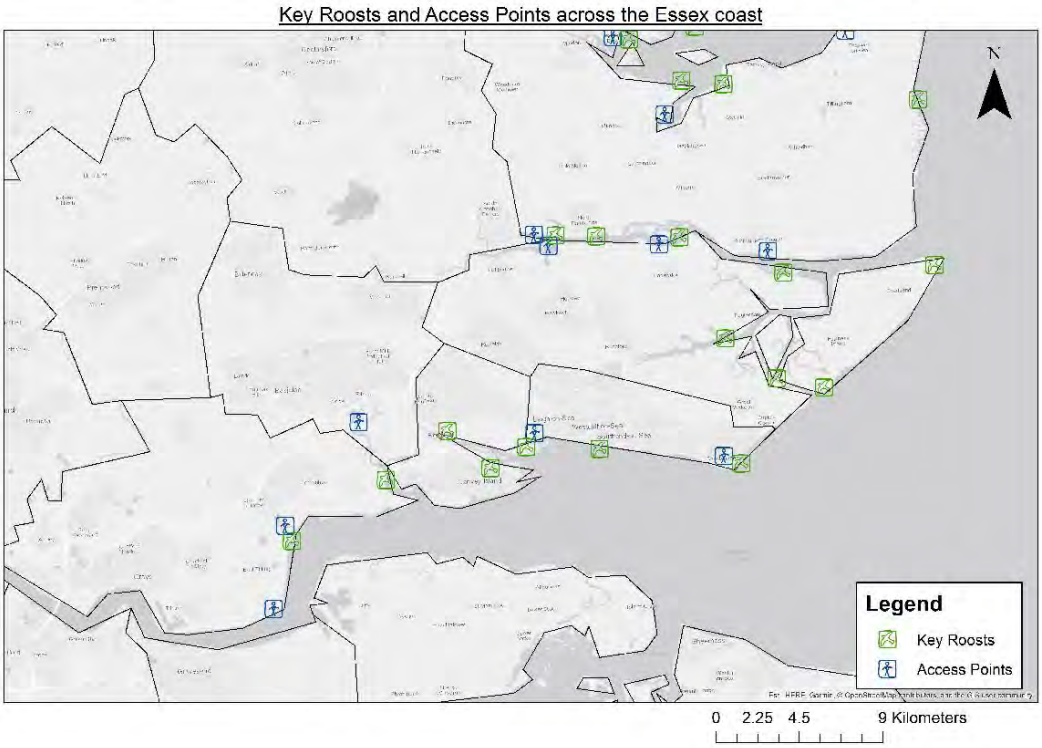
4.4 Discussion with the Royal Society for the Protection of Birds (RSPB) on data available on key bird roost locations which are sensitive to disturbance has identified 20 key sites, which are shown on the maps 4.1 and 4.2. Because breeding information is confidential, the maps do not distinguish breeding 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 ZoIs 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.

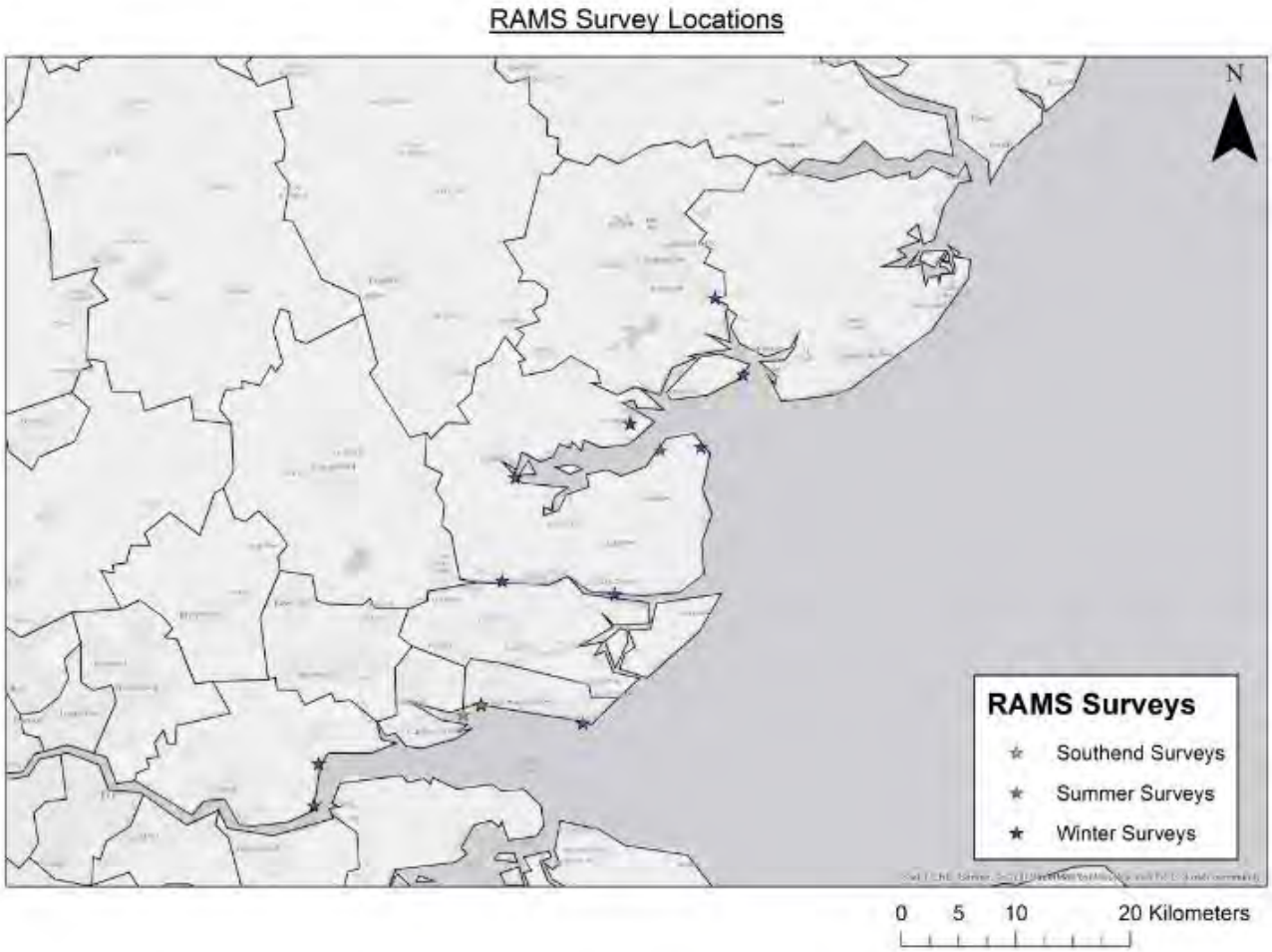
4.25 The survey questionnaires were the same for both winter and summer, with the addition of a question relating to water borne recreational activities for the summer surveys. This was in response to the particularly high level of water borne recreation in the Blackwater Estuary when compared to other 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 (ZoI) 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 ZoI

	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

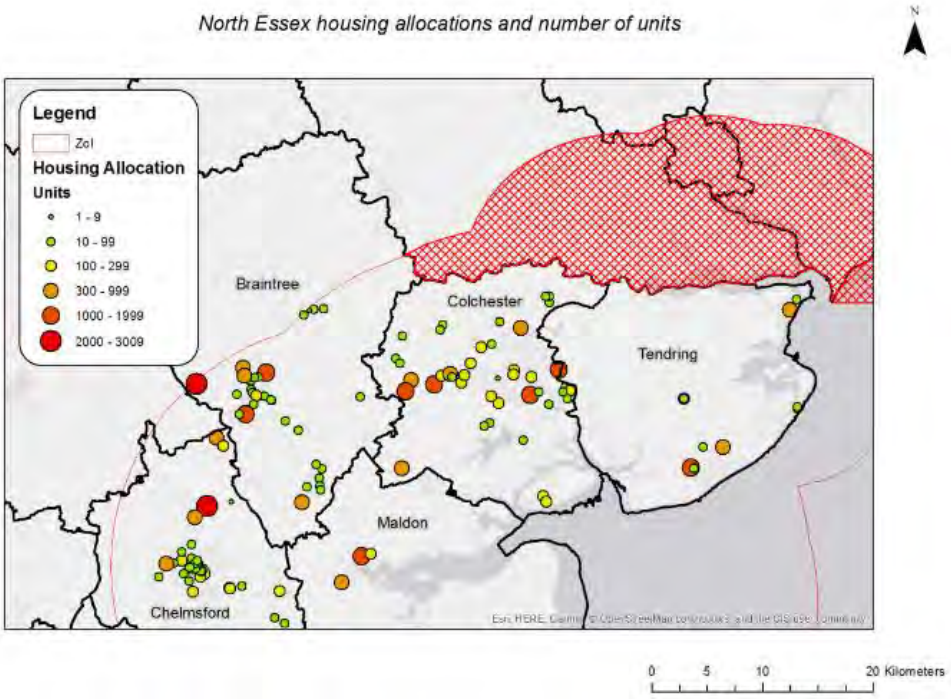
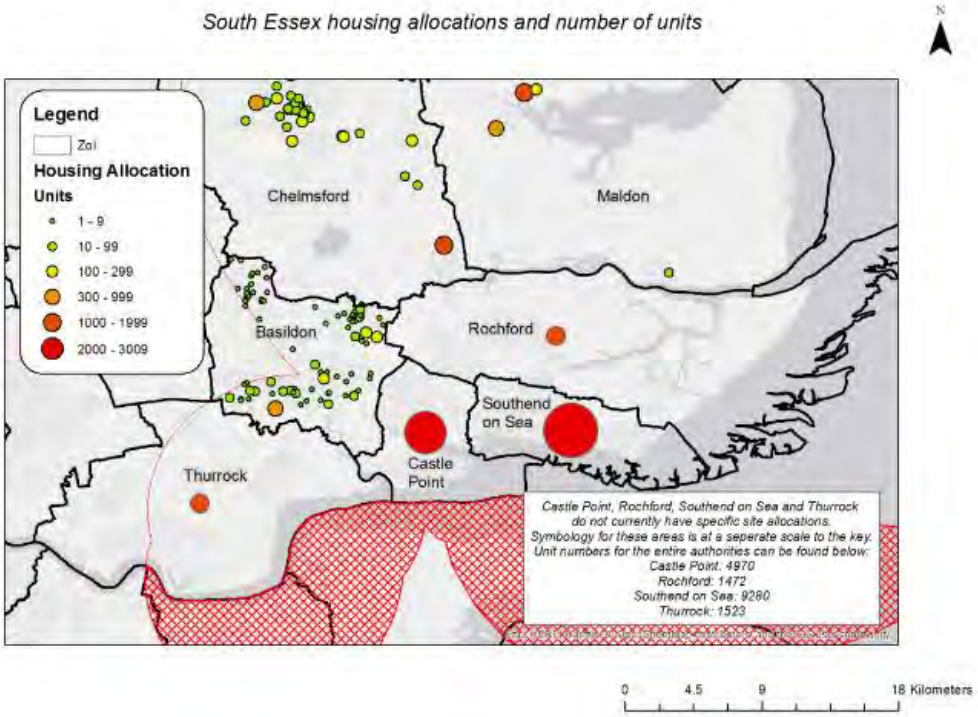


Figure 5.2: South Essex - distribution of housing allocations and numbers of units (NB Castle Point and Southend have a single dot instead of sites)



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 is 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

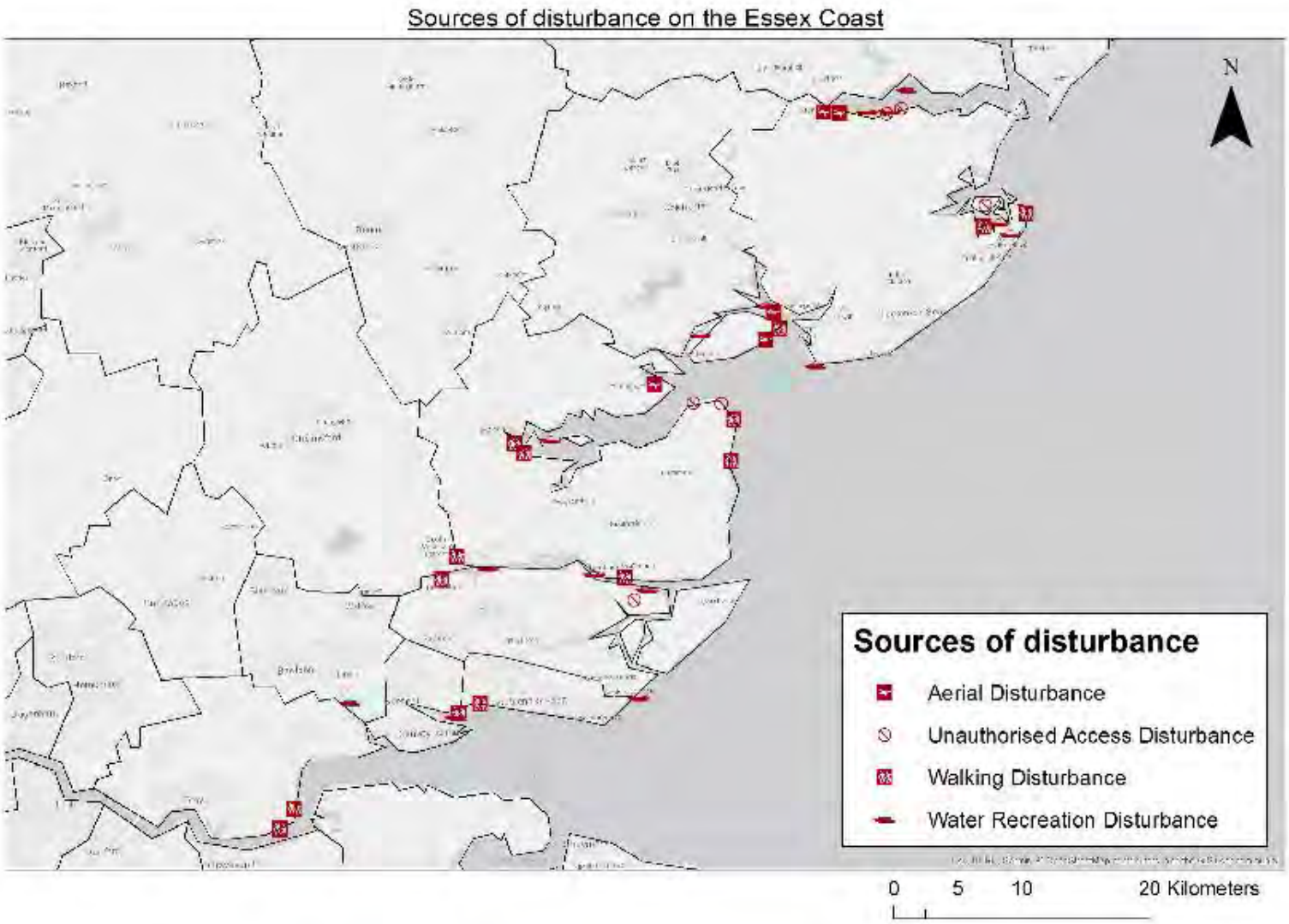


Figure 6.2: Key mitigation options identified at the Essex Coast RAMS workshops

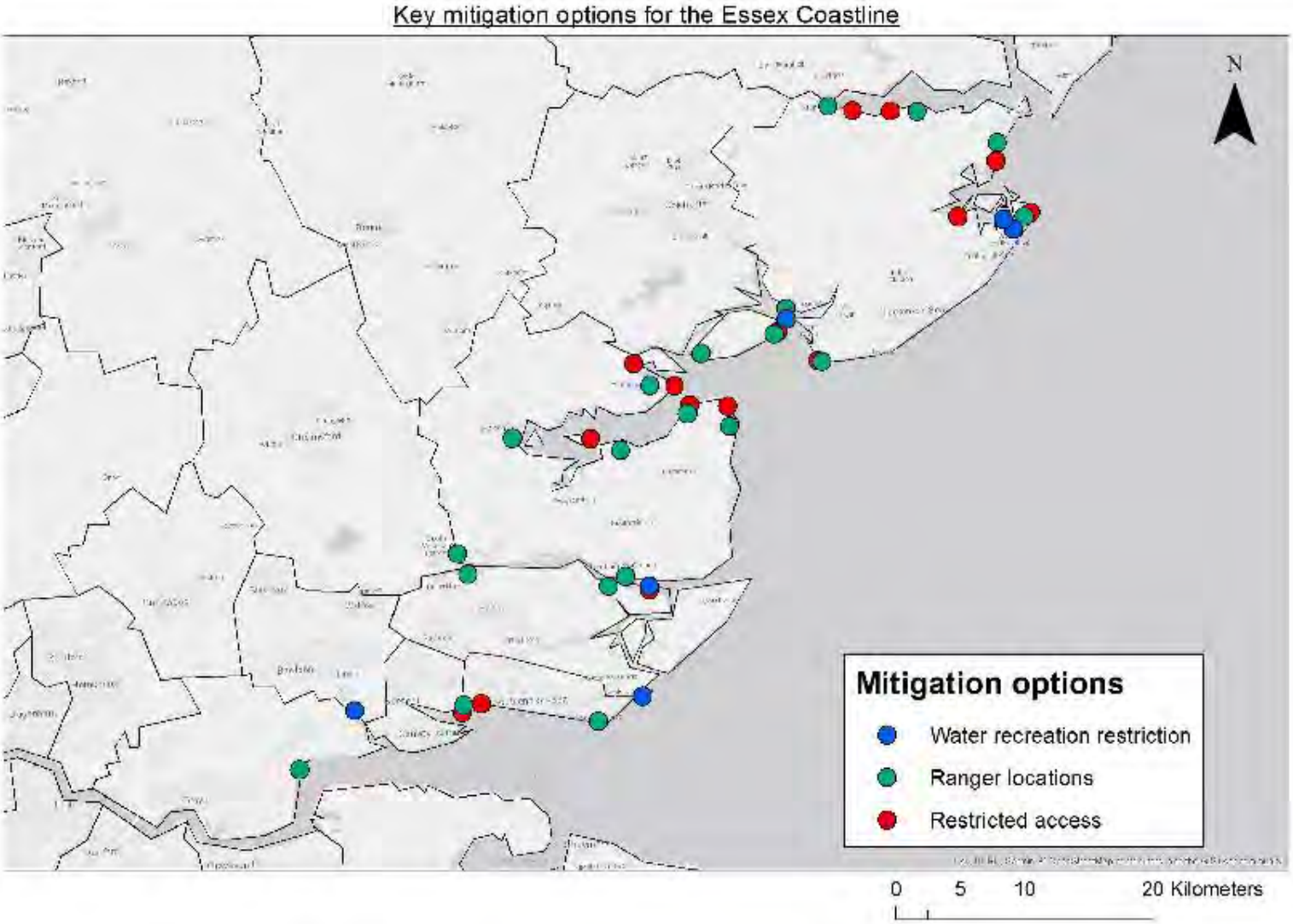


Table 6.1: Potential for disturbance to birds in Stour Estuary (Essex side only)

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
- 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.	- 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.	- 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
- 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	- 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	- 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
- 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; Fingringhoe 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	- 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 Fingringhoe Wick Nature Reserve has a no landing sign on Raised Beach which is very effective as well as a warden. Fingringhoe 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 Fingringhoe 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	- 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
- 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	- 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.	- 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
- 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	- 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	- 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
- 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	- 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)	- 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
- 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	- 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	- 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
- 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	- 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	- 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
- 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	- 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	- 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.

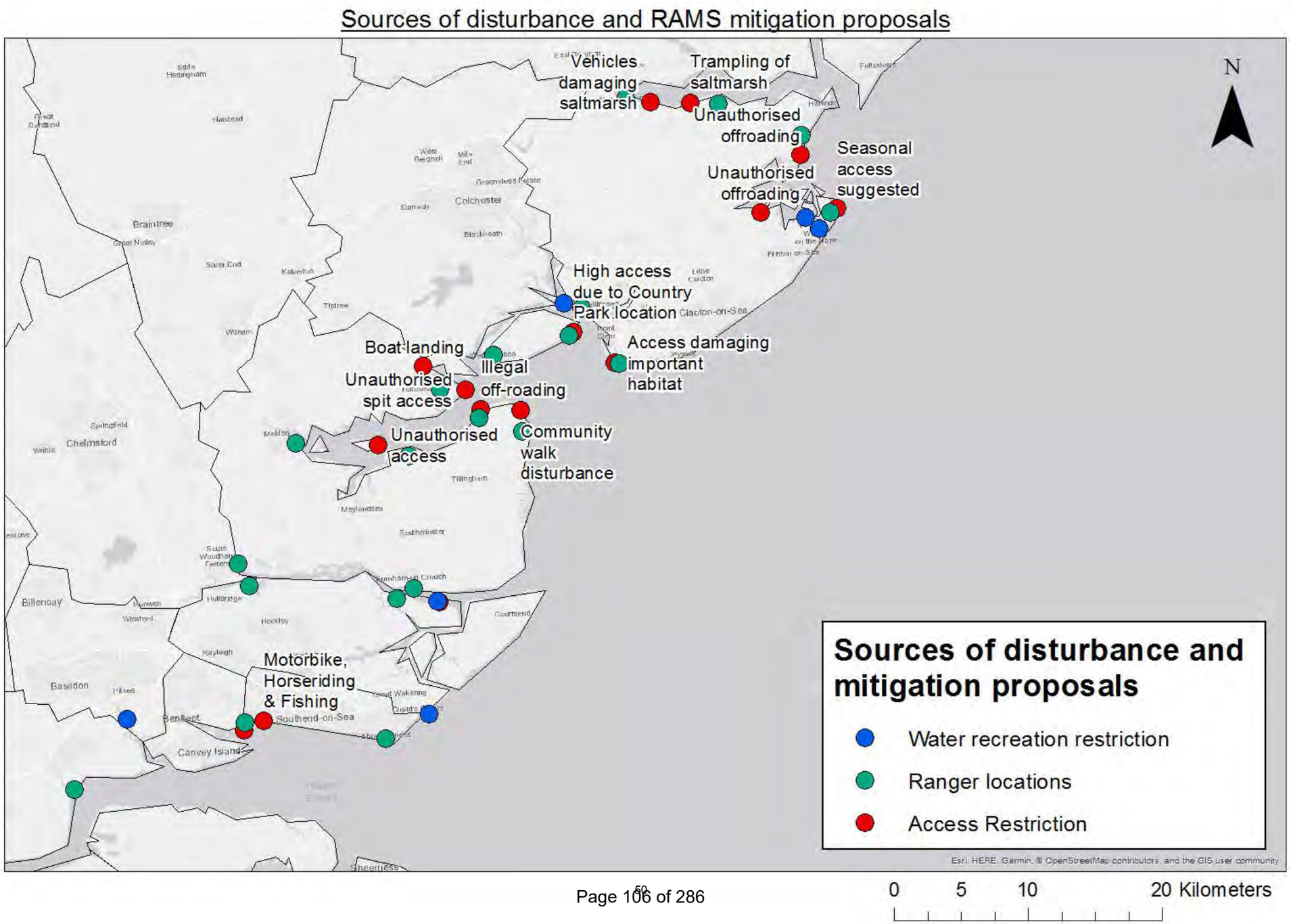
7.2 This chapter contains sections that address the following parts of the brief:

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 is 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 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	This could include: • 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 There are a variety of means to deliver this such as: • 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	• 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	• 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 I s 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 the 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.

<u>Coordination of the Essex Coast RAMS</u>

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 Strategy[5].

[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 1st May to 30th 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 **COSTS £8,105,862**
10% contingency **£ 810,586**
TOTAL COST **£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 ZoIs 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
ZoI	Zone of influence

Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS)

Habitats Regulations Assessment Strategy document 2018-2038

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Appendix 1: Natural England Interim Advice Letters (Nov 2017 & Aug 2018)

Date: 16 November 2017
Our ref: 231488

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Tendring District Council
Thurrock Borough Council

Cc. Graham Thomas, Growing Essex Future Development
Essex Place Services
Essex County Council
Epping Forest District Council
Harlow Council
Uttlesford District Council

BY EMAIL ONLY

Dear All

Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS) – Interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations[1]

This letter provides Natural England's follow-up advice to the meetings with your authorities on the 13th September and 9th November 2017. During these meetings we discussed the need to take forward a strategic approach to mitigating recreational disturbance impacts from residential growth proposed in your local plans to European designated sites in and around the coastal zone of Essex. We found the discussion at the meetings very helpful and constructive and it was agreed in principle by all present that we would work together to prepare an Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure that all local plans coming forward would be compliant with the Habitats Regulations and deliver positive outcomes for the natural environment. We consider that such an approach is the most effective and efficient means for planning authorities, developers and Natural England to ensure that housing growth is sustainably integrated alongside nature conservation in the long term.

One of the actions from the meeting on the 9th November 2017 was that we would provide you with some interim advice to ensure that any residential planning applications coming forward ahead of the Essex RAMS which have the potential to impact on coastal European designated sites are compliant with the Habitats Regulations.

[1] Conservation of Habitats and Species Regulations 2010, as amended (commonly known as the 'Habitats Regulations')

1

This advice specifically relates to additional recreational impacts that may occur on the interest features of the following European designated sites:

- Essex Estuaries Special Area of Conservation (SAC)
- Hamford Water Special Protection Area (SPA) and Ramsar site[2]
- Stour and Orwell Estuaries SPA and Ramsar site (Stour on the Essex side only)
- Colne Estuary SPA and Ramsar site
- Blackwater Estuary SPA and Ramsar site
- Dengie SPA and Ramsar site
- Crouch and Roach Estuaries SPA and Ramsar site
- Foulness Estuary SPA and Ramsar site
- Benfleet and Southend Marshes SPA and Ramsar site
- Thames Estuary and Marshes SPA and Ramsar site (Essex side only)

For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained.

The Habitats Regulations Assessment (HRA) reports produced for your local plans have identified recreational disturbance as an issue which can impact on the interest features of coastal SPAs and Ramsar sites. The HRA reports have also identified the potential for other recreational impacts on the interest features of the Essex Estuaries SAC, which includes coastal and intertidal habitats; some of these features are at threat from physical damage (e.g. trampling, erosion from wave damage etc.) which can be caused by land and water-based activities including walking, fishing and water sports.

The local plan HRA reports have also identified a number of zones of influence which determine the distance at which new development may result in changes in recreational use, and therefore where mitigation is necessary. Some of these zones of influence are based on visitor survey information, whereas others have been determined using the best available evidence from other locations (e.g. local habitats of a similar nature). In order to strengthen the evidence base behind the zones of influence within which the Essex RAMS will apply, it was agreed at the meeting that these will be refined, as required, through visitor surveys carried out in the interim period. However, the current zones of influence as defined in the Local Plan HRA reports are as follows:

Table 1

European designated site	Zone of influence (Km)	Based on site specific evidence such as visitor surveys?
Essex Estuaries SAC	24	Yes - some
Hamford Water SPA / Ramsar	8	Yes - some
Stour and Orwell Estuaries SPA and Ramsar	13	Yes - some
Colne Estuary SPA and Ramsar	24	Yes - some
Blackwater Estuary SPA and Ramsar	8	Yes - some
Dengie SPA and Ramsar	Not yet determined*	Not applicable
Crouch and Roach Estuaries Ramsar and SPA	10	No

[2] Listed or proposed Wetlands of International Importance under the 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

Foulness Estuary SPA and Ramsar	Not yet determined*	Not applicable
Benfleet and Southend Marshes SPA and Ramsar	10	No
Thames Estuary and Marshes SPA and Ramsar	10	No

** Note: where a zone of influence has not yet been identified, we advise that 13 km should be used in the interim period on a precautionary basis*

It is recognised that a considerable proportion of the residential allocations in your local plans will already be coming forward as planning applications, prior to the adoption of the Essex RAMS.

It is therefore important to ensure that any recreational impacts from these residential allocations which fall within the identified zones of influence are considered in terms of the Habitats Regulations.

Natural England has already developed a set of Impact Risk Zones (IRZs) which helps guide planning authorities on the scale of residential development that we should be consulted on, in part to assess impacts from increased recreational disturbance. For example, the Stour Estuary residential IRZs are as follows:

- ***Within 50 m*** – we should be consulted on all planning applications (including all residential development) except householder applications
- ***Within 200 m*** – we should be consulted on residential development of 10 units or more within an existing settlement or all residential development outside an existing settlement
- ***Within 1 km*** – we should be consulted on residential development of 50 units or more within an existing settlement or all residential development outside an existing settlement
- ***Within 2 km*** – we should be consulted on residential development of 50 units or more within an existing settlement or 10 units outside an existing settlement
- ***Within 5 km*** – we should be consulted on 50 units or more outside an existing settlement

We advise that Natural England should continue to be consulted in line with the current IRZ arrangements for each site in order to provide bespoke advice on these applications.

However, for new residential development which falls outside the current IRZ consultation arrangements but within the zones of influence shown in Table 1 (subject to review), we advise that the following interim protocol should be followed to ensure consistency and fairness in securing strategic level mitigation for these developments:

Interim approach to avoidance and mitigation measures

- Appropriate funding should be collected on the basis that it can be used to fund strategic measures at the relevant European designated sites, proportionate to the level of housing development.

- A delivery mechanism for the agreed measures must be secured and the measures implemented from the first occupation of dwellings, thereby ensuring that the level of recreational disturbance is not increased by future residential development.

- Your councils may wish to consider identifying and funding specific projects which can be delivered in the interim period to increase the resilience of European designated sites to recreational pressures. Identifying projects to be funded now can provide certainty and reduce the risk of receiving funds without a delivery mechanism in place. Natural England would be happy to work with you to help identify potential 'off-site' mitigation projects (i.e. in and around European designated sites) which could be delivered using developer contributions for recreational disturbance impacts prior to the adoption of the Essex RAMS.

- It should be ensured that emerging Local Plans have a policy that sets out how likely recreational disturbance impacts from new residential development will be mitigated. This should include a policy commitment to the production and implementation of the Essex RAMS.

- In the absence of a relevant policy or a Local Plan in place, an alternative approach would be to consider developing an Interim Policy Statement, or similar mechanism. This letter may help inform any such interim policy statement.

We would be happy to discuss this further. If you require any further clarification then please do not hesitate to contact us.

Yours sincerely

Sarah Fraser
Senior Adviser – West Anglia Team

Date: 16 August 2018
Our ref: 244199

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Maldon District Council
Rochford District Council
Southend-on-Sea Borough Council
Tendring District Council
Thurrock Borough Council
Uttlesford District Council
Essex Place Services

BY EMAIL ONLY

Dear All

Emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) – Revised interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations[1]

This letter provides Natural England's revised interim advice further to that issued on 16th November 2017. This advice is provided to ensure that any residential planning applications coming forward ahead of the Essex Coast RAMS which have the potential to impact on coastal European designated sites are compliant with the Habitats Regulations. It specifically relates to additional recreational impacts that may occur on the interest features of the following European designated sites:

- Essex Estuaries Special Area of Conservation (SAC)
- Hamford Water Special Protection Area (SPA) and Ramsar site[2]
- Stour and Orwell Estuaries SPA and Ramsar site (Stour on the Essex side only)
- Colne Estuary SPA and Ramsar site
- Blackwater Estuary SPA and Ramsar site
- Dengie SPA and Ramsar site
- Crouch and Roach Estuaries SPA and Ramsar site
- Foulness Estuary SPA and Ramsar site
- Benfleet and Southend Marshes SPA and Ramsar site
- Thames Estuary and Marshes SPA and Ramsar site (Essex side only)

[1] Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations')

[2] Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 176 of the National Planning Policy Framework applies the same protection measures as those in place for European sites

For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained.

Recreational 'Zones of Influence' (ZoIs)

As part of the work required to inform the Essex Coast RAMS evidence base, visitor surveys have been undertaken to determine the distances that visitors will travel from their residences to visit the European designated sites to undertake recreation. Following collation and analysis of the survey data, the ZoIs currently agreed by the Essex Coast RAMS Steering Group are as follows:

Table 1:

European designated site	Underpinning SSSIs[3]	ZoIs (km)
Stour and Orwell Estuaries SPA and Ramsar	Orwell Estuary SSSI Stour Estuary SSSI Cattawade Marshes SSSI	13
Hamford Water SPA and Ramsar	Hamford Water SSSI	8
Colne Estuary SPA and Ramsar	Colne Estuary SSSI	9.7
Blackwater Estuary SPA and Ramsar	Blackwater Estuary SSSI	22
Dengie SPA and Ramsar	Dengie SSSI	20.8
Crouch and Roach Estuaries Ramsar and SPA	Crouch and Roach Estuaries SSSI	4.5
Foulness Estuary SPA and Ramsar	Foulness SSSI	13
Essex Estuaries SAC	Blackwater Estuary SSSI Colne Estuary SSSI Crouch and Roach Estuaries SSSI Dengie SSSI Foulness SSSI	-[2]
Benfleet and Southend Marshes SPA and Ramsar	Benfleet and Southend Marshes SSSI	4.1[1]
Thames Estuary and Marshes SPA and Ramsar	Mucking Flats and Marshes SSSI	8.1

[2] ***Note 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.*

[1] ***Note 2:*** *The Benfleet and Southend Marshes ZoI is to be confirmed following summer visitor surveys.*

In the context of your duty as competent authority under the provisions of the Habitats Regulations[4], it is anticipated that new residential development within these ZoIs constitutes a likely significant effect (LSE) on the sensitive interest features of the above designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves all of the Essex authorities listed above working together to help mitigate these effects. Once adopted, the RAMS will comprise a package of strategic mitigation measures to address such effects, which will be costed and funded through developer

[3] Underpinning SSSIs are listed here as these are what the IRZs are aligned to

[4] Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations'). Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/

contributions. However, it is recognised that a considerable proportion of the residential allocations in your local plans will already be coming forward as planning applications, prior to the adoption of the Essex Coast RAMS. In the interim period until the RAMS is in place and the necessary developer contributions are known, it is therefore important that any recreational impacts from residential schemes such as these are considered in terms of the Habitats Regulations through a project-level Habitats Regulations Assessment (HRA). We offer the following advice to guide you on this:

Consultation arrangements

Natural England has already developed a set of Impact Risk Zones (IRZs) which helps guide planning authorities on the types and scale of development that we should be consulted on. **We advise that we should continue to be consulted in line with these arrangements (i.e. where there are other IRZs are triggered in addition to the Essex Coast RAMS)**

We will shortly be refining the residential IRZs for the above designated sites to align with Essex Coast RAMS project and capture new residential development which falls within the ZoIs shown in Table 1 above; these updates are currently scheduled for September 2018 and relate to the following development types:

- New dwellings of 1+ units (excludes replacement dwellings and extensions)
- Houses in Multiple Occupancy (HMOs)
- Student Accommodation
- Residential care homes and residential institutions (excludes nursing homes)
- Residential caravan sites (excludes holiday caravans and campsites)
- Gypsies, travellers and travelling show people plots

We advise that the applications in scope for consideration should include all new applications as well as those with outline planning permission where this issue has not previously been assessed through the HRA process.

To help you screen applications prior to our IRZs being updated, we have included some maps in **ANNEX A** to this letter to show the current Essex Coast RAMS ZoI.

Approach to avoidance and mitigation measures for recreational disturbance

We have included within **ANNEX B** to this letter a suggested HRA record template which can be used to record the conclusions of both the Screening and Appropriate Assessment stages of HRAs **for planning applications within scope of the Essex Coast RAMS for which recreational disturbance to the above sites is the only HRA issue**. The use of this template is not mandatory but we have provided it in an attempt to streamline the process and make it as straightforward and consistent as possible for the authorities involved in the RAMS.

For any queries relating to the specific advice in this letter only, please contact Jack Haynes on 0208 02 64857 or at jack.haynes@naturalengland.org.uk.In the context of the above advice, we would be happy to provide you with some training on the use of our IRZs, the HRA process, the use of the HRA record template etc. through our charged Discretionary Advice Service (DAS), further details on which are available here. The way to progress your request is to complete a DAS Request Form, including the training request, and send it to our consultations hub (consultations@naturalengland.org.uk).

Yours sincerely

Jack Haynes, Lead Adviser, Natural England

Figure A1.1

ANNEX A – Essex Coast RAMS 'zone of influence' (ZoI) maps

Tendring, Colchester, Maldon, Rochford, Castle Point, Southend – The whole of the LPA area is within the ZoI so all relevant development is in scope of the RAMS

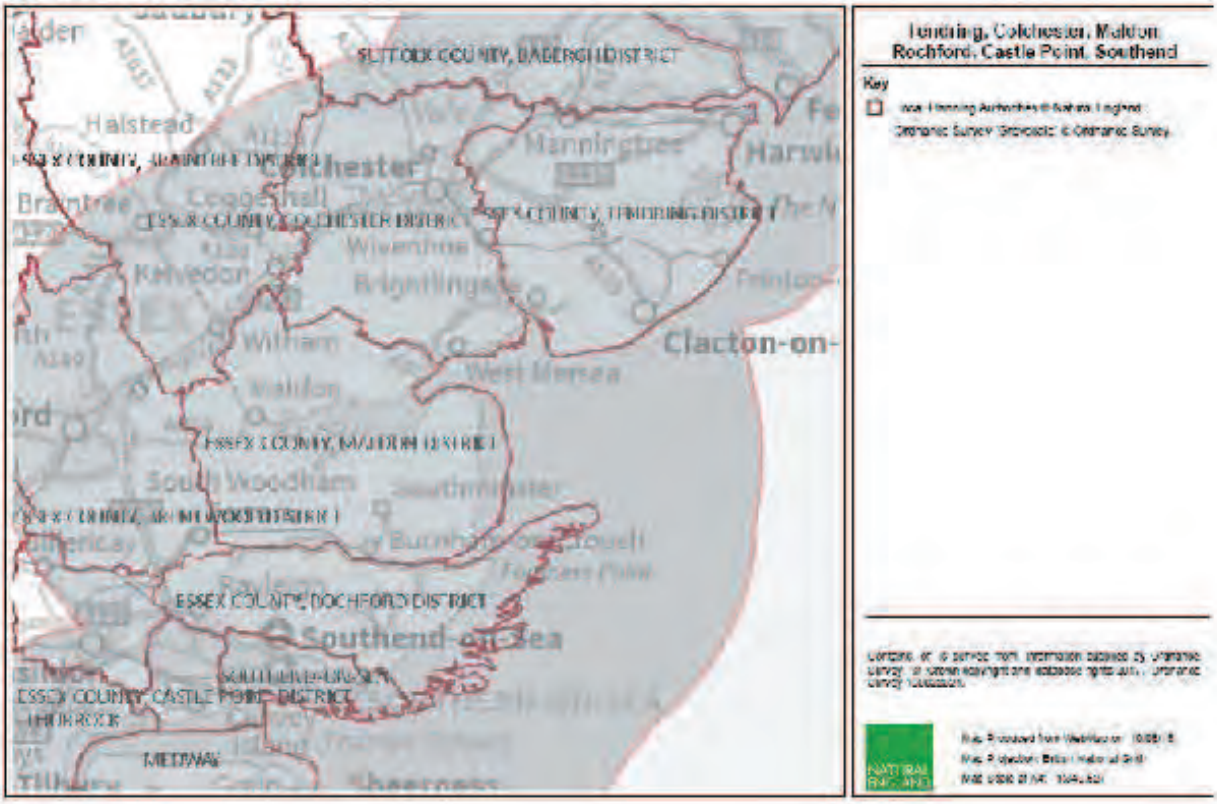


Figure A1.2

Braintree – Relevant development within the shaded area is in scope of the RAMS

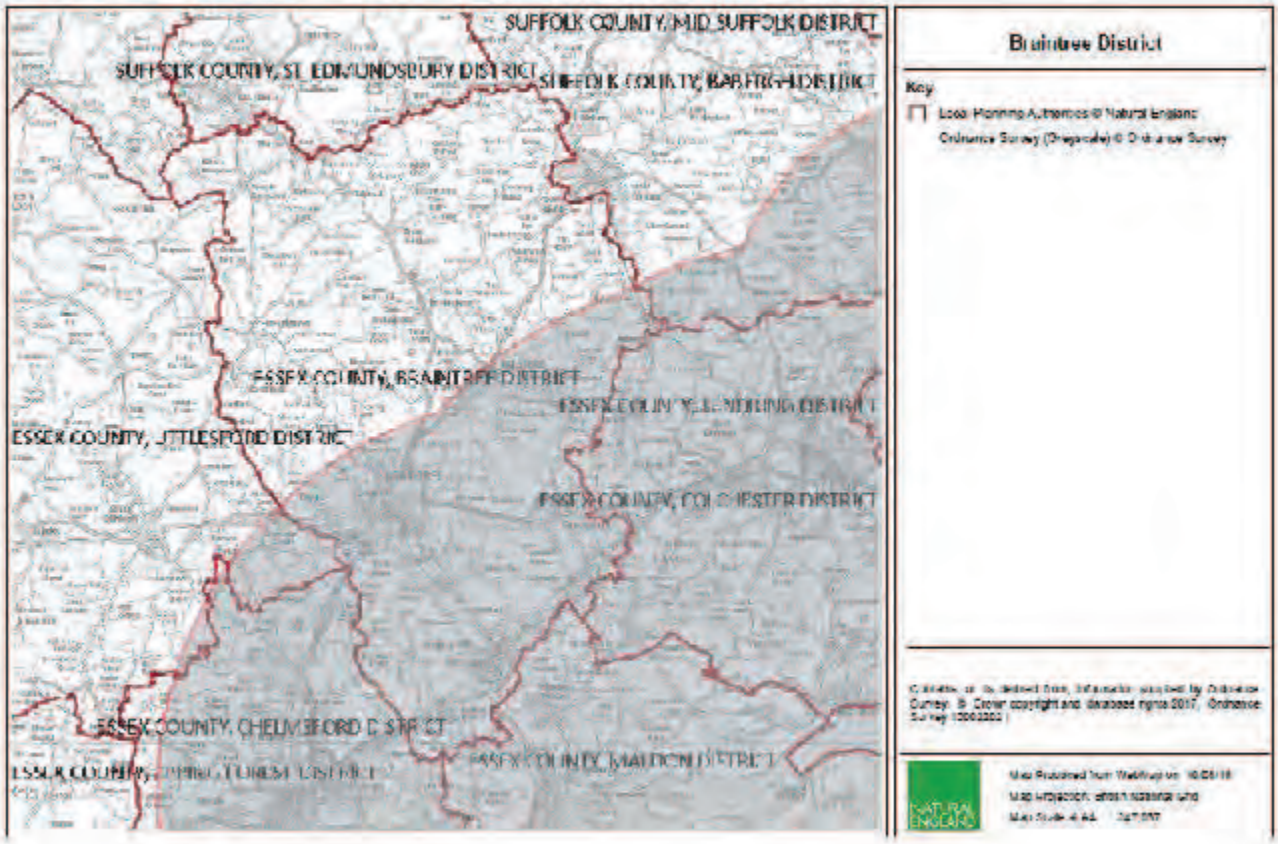


Figure A1.3

Uttlesford – Relevant development within the shaded area is in scope of the RAMS

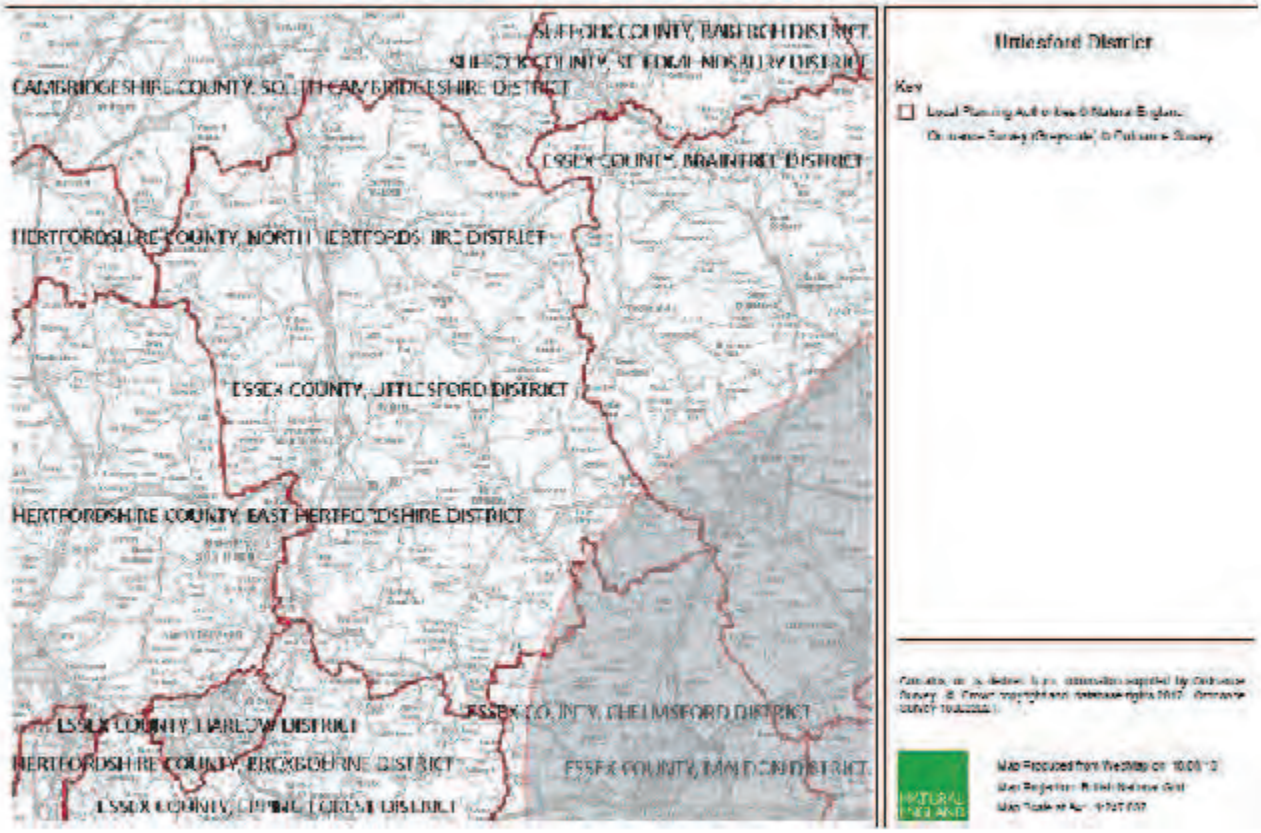


Figure A1.4

Chelmsford – Relevant development within the shaded area is in scope of the RAMS

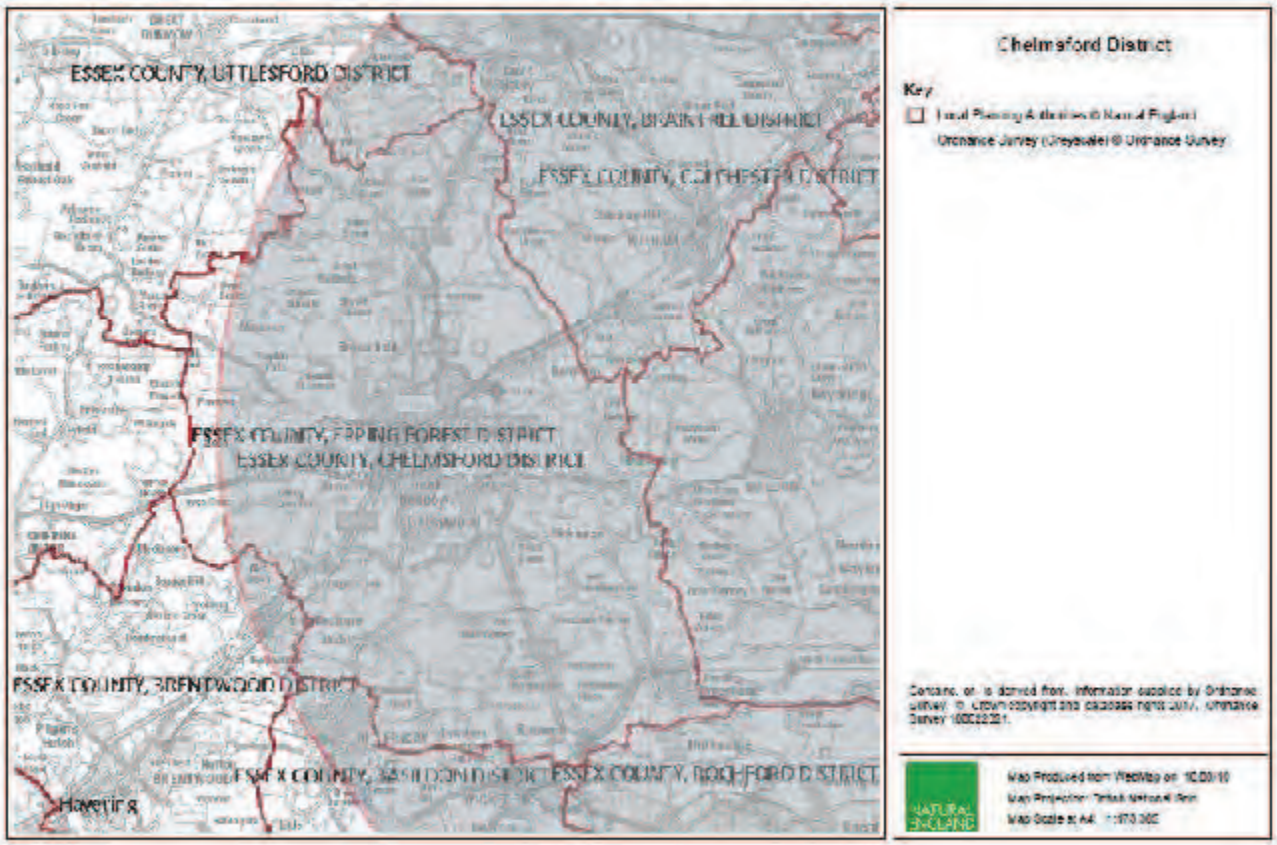


Figure A1.5

Basildon – Relevant development within the shaded area is in scope of the RAMS

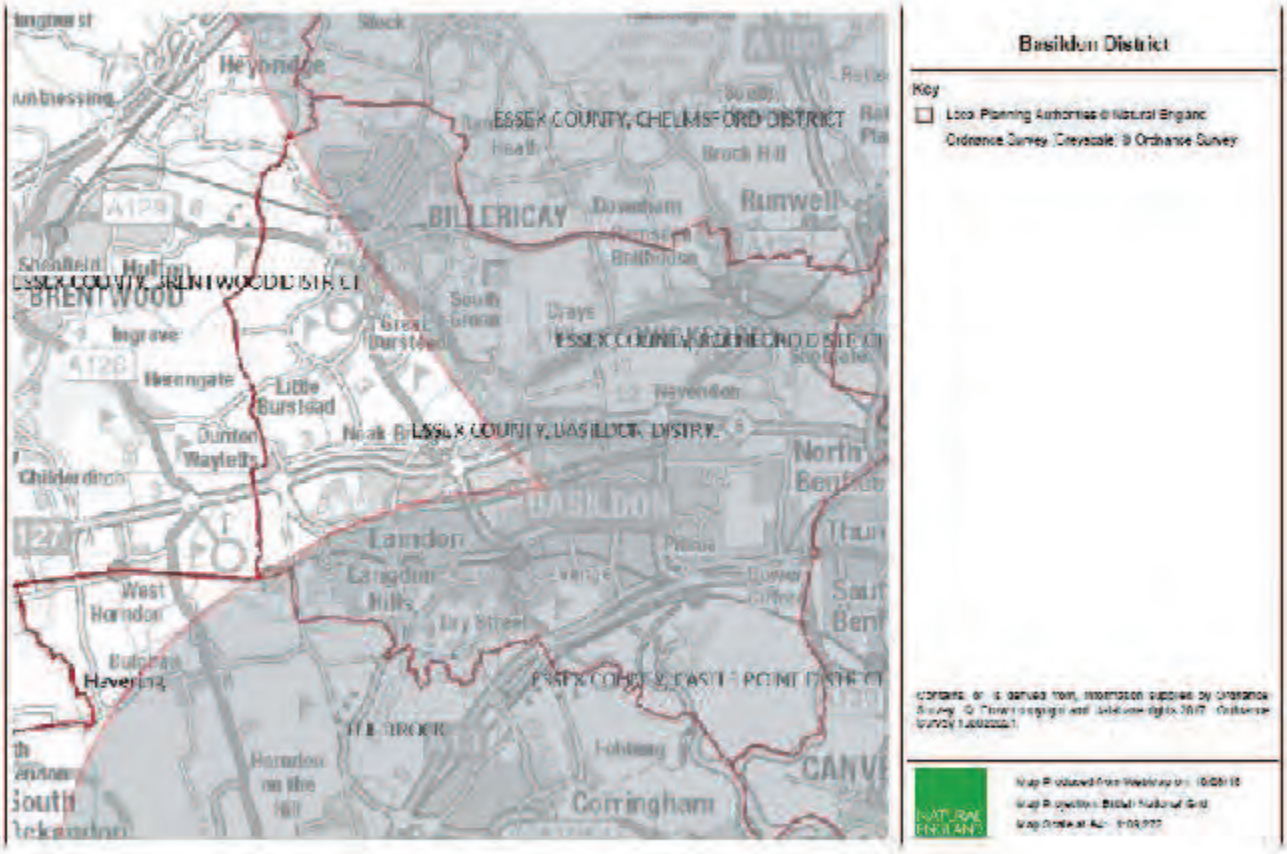


Figure A1.6

Brentwood – Relevant development within the shaded area is in scope of the RAMS *(Note: the ZoI clips the southeast corner of the district)*

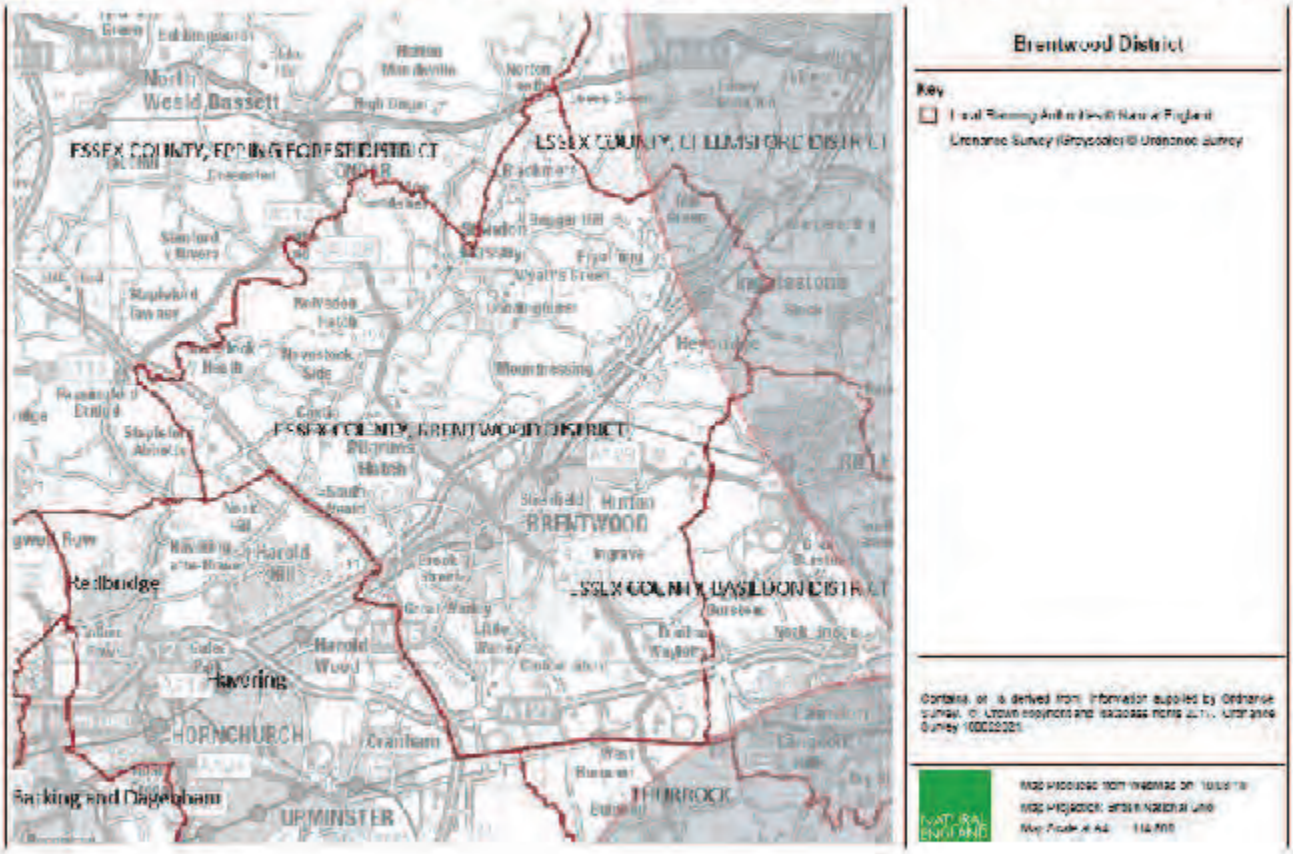
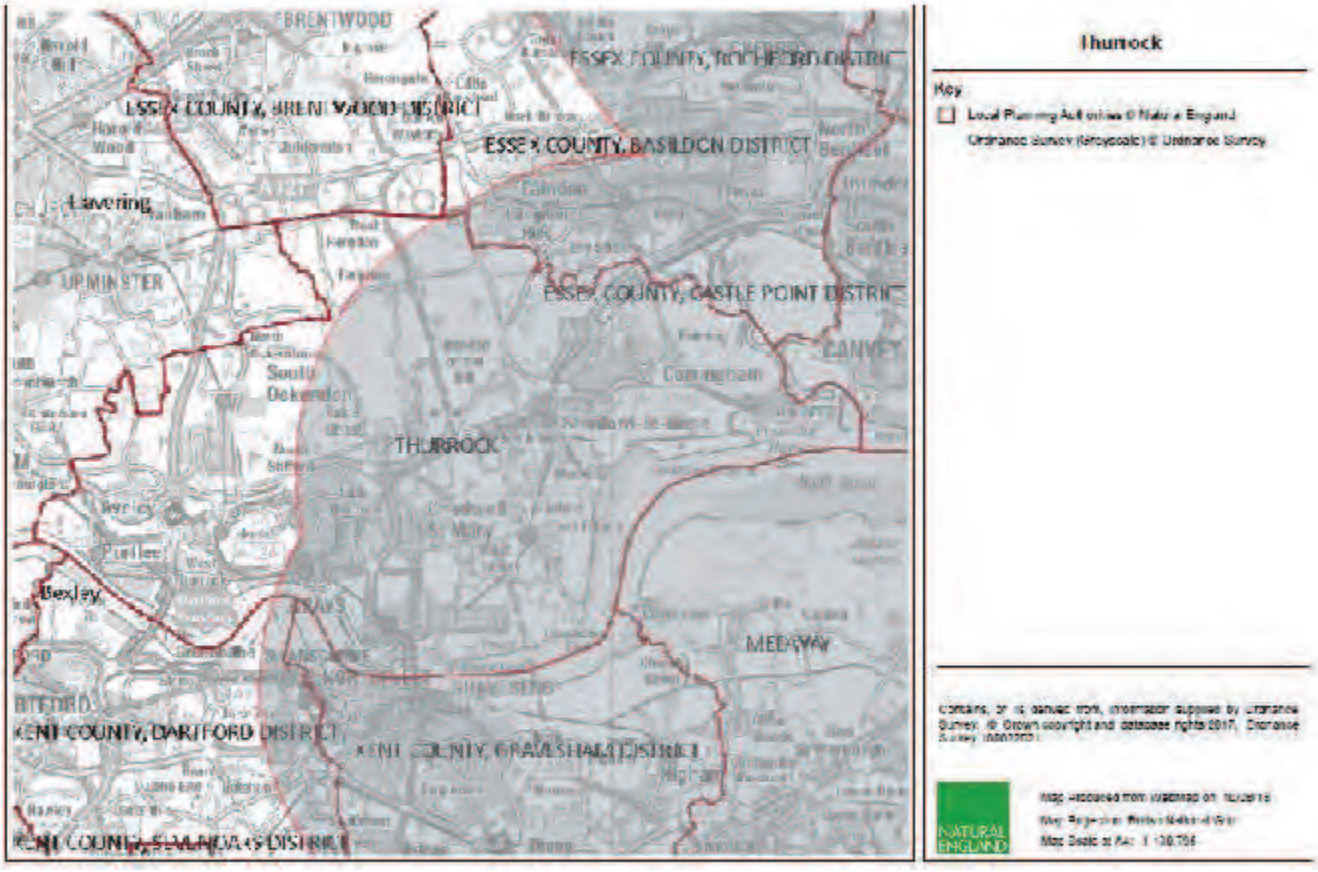


Figure A1.7

Thurrock – Relevant development within the shaded area is in scope of the RAMS



Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record

Application details	
Local Planning Authority:	
Case officer	
Application reference:	
Application description:	
Application address:	
Status of Application:	
Grid Ref:	

HRA Stage 1: screening assessment

Test 1 – the significance test: Based on the development type and proximity to European designated sites, a judgement should be made as to whether the development constitutes a 'likely significant effect' (LSE) to a European site in terms of increased recreational disturbance

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites?

- Essex Estuaries Special Area of Conservation (SAC)
- Hamford Water Special Protection Area (SPA) and Ramsar site
- Stour and Orwell Estuaries SPA and Ramsar site (Stour on the Essex side only)
- Colne Estuary SPA and Ramsar site
- Blackwater Estuary SPA and Ramsar site
- Dengie SPA and Ramsar site
- Crouch and Roach Estuaries SPA and Ramsar site
- Foulness Estuary SPA and Ramsar site
- Benfleet and Southend Marshes SPA and Ramsar site
- Thames Estuary and Marshes SPA and Ramsar site (Essex side only)

YES

Does the planning application fall within the following development types?

- New dwellings of 1+ units (excludes replacement dwellings and extensions)
- Houses in Multiple Occupancy (HMOs)
- Student Accommodation
- Residential care homes and residential institutions (excludes nursing homes)
- Residential caravan sites (excludes holiday caravans and campsites)
- Gypsies, travellers and travelling show people plots

YES

Conclude LSE. This proposal is within scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type as listed above. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated site(s) through increased recreational pressure, when considered either alone or in combination. Therefore:

- Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites
- Check IRZs to see whether recreational disturbance is an issue for non-coastal European sites or Sites of Special Scientific Interest (SSSIs). If so, this will also need assessing outside of this HRA form.

NO

Conclude no LSE to the above designated sites in terms of recreational disturbance:

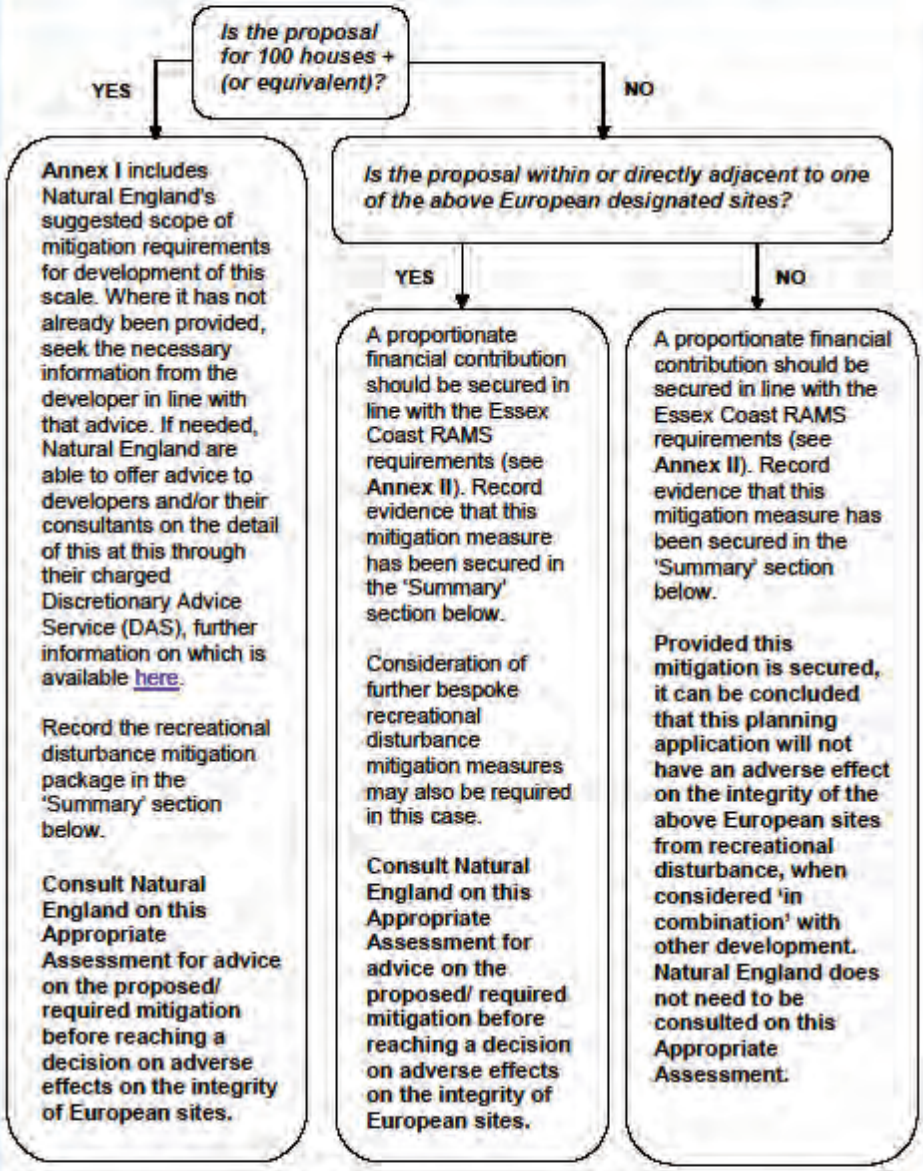
- An Appropriate Assessment (AA) is not required where recreational disturbance to these sites is the only issue or recreational disturbance to these sites can be scoped out of any HRA covering other issues.
- Check NE IRZs to see whether recreational disturbance is an issue for non-coastal European sites or Sites of Special Scientific Interest (SSSIs). If so, this will also need assessing outside of this HRA form.

NO

The proposal is outside the scope of the Essex Coast RAMS. However, applications involving tourist accommodation (including holiday caravans and campsites), for example, could still potentially have recreational disturbance impacts (and other impacts) on designated sites, including those listed above. In cases such as these, consult Natural England for bespoke advice before concluding no LSE.

HRA Stage 2: Appropriate Assessment

Test 2 – the integrity test: The applicant must provide sufficient evidence to allow the Appropriate Assessment to be made, which is the stage at which avoidance and/or mitigation measures can be considered



Summary of the Appropriate Assessment : To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England (where necessary)
Summary of recreational disturbance mitigation package [INSERT] **Conclusion** *Having considered the proposed avoidance and mitigation measures above, [INSERT LPA] conclude that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS.* *Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and fully considered any representation received (where necessary), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.*
Local Planning Authority Case Officer comments, signed and dated:

Annex I – Natural England's recommendations for larger scale residential developments within the Essex Coast RAMS zone of influence (100 units +, or equivalent, as a guide)

Developments of this scale should include provision of well-designed open space/green infrastructure, proportionate to its scale. Such provisions can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary away from European sites. We advise that the Suitable Accessible Natural Green Space (SANGS) guidance here can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely applicable. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km[5] within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

Natural England would be happy to advise developers and/or their consultants on the detail of this at the pre-application stage through our charged Discretionary Advice Service (DAS), further information on which is available here.

However, the unique draw of the above European sites means that, even when well-designed, 'on-site' provisions are unlikely to fully mitigate impacts when all residential development within reach of the coast is considered together 'in combination'. We therefore advise that consideration of 'off-site' measures (i.e. in and around the relevant European designated site(s)) is also required as part of the mitigation package for predicted recreational disturbance impacts in these cases.

As such, in the interim period before the RAMS is adopted, a financial contribution should also be agreed with and collected from the developer, prior to commencement, on the basis that it can be used to fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)). These measures should be targeted towards increasing the relevant European site(s) resilience to recreational pressure and be in line with aspirations of the emerging RAMS. As an example in this interim period, this could include funding towards existing wardening schemes at the relevant European designated site(s). A suitable delivery mechanism for the measures must be agreed to secure them and ensure they are implemented from the first occupation of dwellings. Alternatively, we understand that it may be acceptable at the outline planning stage to include a suitably-worded planning condition which secures full adherence with the emerging Essex Coast RAMS at the Reserved Matters stage.

Once the RAMS has been adopted, a financial contribution should be secured from these developments prior to commencement.

Annex II – Natural England's recommendations for smaller scale residential developments within the Essex Coast RAMS zone of influence (0-99 units, or equivalent, as a guide) which are not within/directly adjacent to a European designated site

Whilst the provision of well-designed open space/green infrastructure on site or contributions towards strategic green infrastructure in your district is to be welcomed for developments of this scale, a proportionate financial contribution in line with/to the Essex Coast RAMS should be

[5] Taken from *Jenkinson, S., (2013), Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers*

secured as a minimum to help fund strategic 'off site' measures.

As such, in the interim period before the RAMS is adopted, a financial contribution should be agreed with and collected from the developer, prior to commencement, on the basis that it can be used to fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)). These measures should be targeted towards increasing the relevant European site(s) resilience to recreational pressure and be in line with aspirations of the emerging RAMS. As an example in this interim period, this could include funding towards existing wardening schemes at the relevant European designated site(s). A suitable delivery mechanism for the measures must be agreed to secure them and ensure they are implemented from the first occupation of dwellings. Alternatively, we understand that it may be acceptable at the outline planning stage to include a suitably-worded planning condition which secures full adherence with the emerging Essex Coast RAMS at the Reserved Matters stage.

Once the RAMS has been adopted, a financial contribution should be secured from these developments prior to commencement.

Appendix 2: Visitor Survey Methodology

The survey form to be used at each site has been included within Appendix 3 of this document and contains all the proposed questions for each highlighted site.

The visitor survey methodology for these surveys has been adapted from the Visitor Survey for Brantham regeneration area, The Landscape Partnership Ltd, Oct 2015, at Natural England's recommendation.

1. The surveys for each site are to be undertaken over a three week period. Specific days will be chosen in order to cover a larger demographic.
2. The surveyors will ask a set of questions to visitors passing their designated location. Visitors who decline interviews will also be recorded. Visitors who have been previously interviewed are not interviewed again. Surveyors will be asked to note the total number of people which pass while interviews are in progress.
3. Timings and locations of the surveys will be planned so that there is suitable coverage. This is to ensure that visitors with specific habits are not missed from the survey.
4. Surveys will begin at 0730 each day, to record early visitors. The survey will continue throughout the day until 1700, with surveyors taking 30 minute breaks every 2 hours. This equates to four two hour sessions at each site.
5. Surveyors will have short breaks during the day for welfare purposes, lunch and to travel between survey locations as part of the surveyor rotation. Surveyors are asked to interview any visitors they encounter while travelling between locations.
6. The survey window would be better to include some school term time dates and Bank Holidays if this is practicable during the survey period.
7. The questionnaire can be found within Appendix 3. The questionnaire will need to be agreed with the Local Planning Authorities, as well as with assistance from Natural England before the surveying starts. The current questions cover a range of topics which may change if objectives for the survey alter.
8. Surveyors are asked to remain in position, even during rainy days, to ensure visitors during all weathers are captured.

Appendix 3: Winter visitor survey questionnaire

This is an example questionnaire for Leigh-on-Sea, specific locations and geographical features were changed for each location.

Visitor Questionnaire
This questionnaire is to help work out how much difference new residential development might make to protected sites and species in the area. In particular, people using the coast might lead to disturbance of the birds on the estuary, beaches and saltmarsh.

1. What is your main activity when using the area?

a. Dog walking always on lead
b. Dog walking sometimes or always off lead
c. Exercise e.g. jogging
d. Walking
e. Bird/nature watching
f. Bait digging
g. Cycling
h. Playing
i. Outing with the children
j. Wildfowling
k. Water sports: please specify type
l. Other (please specify)

2. How often do you come to this location?

a. Daily
b. Most days (180+ visits)
c. 1 to 3 times a week (40-180 visits)
d. 2 to 3 times per month (15-40 visits)
e. Once a month (6-15 visits)
f. Less than once a month (2-5 visits)
g. Don't know
h. First visit
i. On holiday / day visit in area

3. Have you come from home or are you visiting / on holiday in the area? What is your postcode? (Just for making sure we understand the results properly and won't be used for anything else or given to anyone)

a. From Home
b. On holiday / day visit in area
c. Town
d. Postcode / partial postcode / town_____

4. What made you come here today rather than other places?

a. Close to home
b. Easy parking
c. Free parking
d. Good area to take the dog for a walk
e. Space and facilities for natural play
f. Peaceful
g. Welcoming and safe
h. Familiar
i. Good choice of routes / places to walk

j. Estuary views
k. Wildlife
l. Sense of wilderness
m. Site history
n. Other_____

5. How do you normally travel to the site?

7.1 On foot
7.2 Bicycle
7.3 Public transport
7.4 Car
7.5 Other,_____
7.6 Don't know / no answer

6. If you arrived by car, where did you park?

a. Mayflower car park
b. Belton Bridge car park
c. Other formal car park
d. Layby
e. Roadside parking
f. Other
g. Not sure / Don't know

7. Refer to map. Where did you enter the site?

a. A – Leigh Marina
b. B – Belton Bridge / Osbourne Bros Café
c. C – High Street / The Mayflower
d. D – Leigh Cliffs East via bridge
e. E – Along seafront from Chalkwell / Westcliff-on-Sea
f. Other – specify
g. Not sure

8. Do you normally visit at a certain time of day?

a. Before 9am
b. Between 9am and 12
c. Between 12 and 3pm
d. Between 3 – 6pm
e. After 6pm
f. It varies
g. Don't know / first visit

9. How long have you spent / will you spend along the seafront today?

a. Less than 1 hour
b. 1 – 2 hours
c. 2 – 3 hours
d. More than 3 hours

10. Do you plan your visit in relation to the tide?

a. Yes
b. No

11. Is there a time of year when you tend to visit more often?

a. No, all year round
b. Spring (Mar-May)
c. Summer (Jun-Aug)
d. Autumn (Sept-Nov)
e. Winter (Dec-Feb)

f. Don't know
g. Only visited once

12. What would make you want to visit a new park for recreation if created in the area (if needed to relieve pressure on protected sites)?

a. New paths
b. Room for running around
c. Dogs off lead area
d. Play equipment
e. Shelter from wind
f. Sculptures
g. Attractive landscaping
h. Cycling routes
i. Wildlife
j. Free parking
k. Views over the estuary
l. Anything else? specify:

13. Are you aware that the river and shore is very important for wildlife, particularly water birds for most of the year?

a. Yes
b. No

14. If you indicated yes to the above question, can you detail the designation / designations?

_____

15. Group size

a. Number of people_____
b. Number of dogs on lead_____
c. Number of dogs off lead_____
d. Number of pushchair / wheelchair/ buggy

Interview time (24hr clock):
Interviewer:

Appendix 4: Winter Visitor Survey Results 2018/19

Table A4.1: Survey dates and location

Survey Location	Weekday	Weekend
Leigh-on-Sea – SE&BM	07.02.18	28.02.18
Gunners Park – SE&BM	12.02.18	04.02.18
Burnham-on-Crouch – C&R	06.02.18	28.01.18
North Fambridge – C&R	12.02.18	11.02.18
Northey Island – BW	16.02.18	11.02.18
Tollesbury Wick – BW	23.02.18	25.02.18
St Peters Chapel – D	22.02.18 08.03.18	18.02.18 10.03.18
Coalhouse Fort – T	06.02.18	04.02.18
Thurrock Thames EWT – T	13.02.18	10.02.18
Cudmore Grove – C	22.02.18	25.02.18
Wivenhoe Barrier – C	01.03.18	04.03.18

Table A4.2: Number of survey responses per Habitats site 2018/19

SPA	Site	Weekday	Weekend	Total
Benfleet and Southend Marshes	*Gunners Park*	34	85	119
	Cinder Path	71	143	214
	Total	105	228	333
Crouch and Roach Estuaries	*Burnham-on-Crouch*	60	43	103
	Blues House Farm	15	25	40
	Total	75	68	143

Blackwater Estuary	*Northey Island*	10	14	24
	Tollesbury	10	39	49
	Total	20	53	73
Dengie	*St. Peters Chapel 1*	17	37	54
	St. Peters Chapel 2	7	16	23
	Total	24	53	77
Thames Estuary and Marshes	*Coalhouse Fort*	10	23	33
	Thameside Nature Park	32	17	49
	Total	42	40	82
Colne Estuary	*Cudmore Grove*	23	29	52
	Wivenhoe Barrier	33	38	71
	Total	56	67	123

Table A4.3: Passers-by and water activity per survey location for 2018/19

SPA	Site	Weekday		Weekend		Total	
		Passers by	Water activity	Passers by	Water activity	Passers by	Water activity
Benfleet and Southend Marshes	*Gunners Park*	78	0	127	1	205	1
	Cinder Path	181	6	434	2	615	8
	Total	259	6	561	3	820	9
Crouch and Roach Estuaries	*Burnham-on-Crouch*			317	22	317	22
	North Fambridge			15	1	15	1
	Total			332	23	332	23
Blackwater Estuary	*Northey Island*	3	0	3	0	6	0
	Tollesbury	21*	0	1	10	22	10

	Total	24	0	4	10	28	10
Dengie	*St. Peters Chapel 1*	4	2	8	0	12	0
	St. Peters Chapel 2	4	0			4	0
	Total	8	2	8	0	16	0
Thames Estuary and Marshes	*Coalhouse Fort*	19	17	0	7	19	24
	Thameside Nature Park			46*	7	46	7
	Total	19	17	46	14	65	31
Colne Estuary	*Cudmore Grove*	4	0	15	0	19	0
	Wivenhoe Barrier	18	0	21	0	39	0
	Total	22	0	36	0	58	0

* Tollesbury 10 in walking group / Thameside Nature Park 15 in walking group

Appendix 5: Summer visitor surveys at the Blackwater Estuary and Benfleet & Southend Marshes

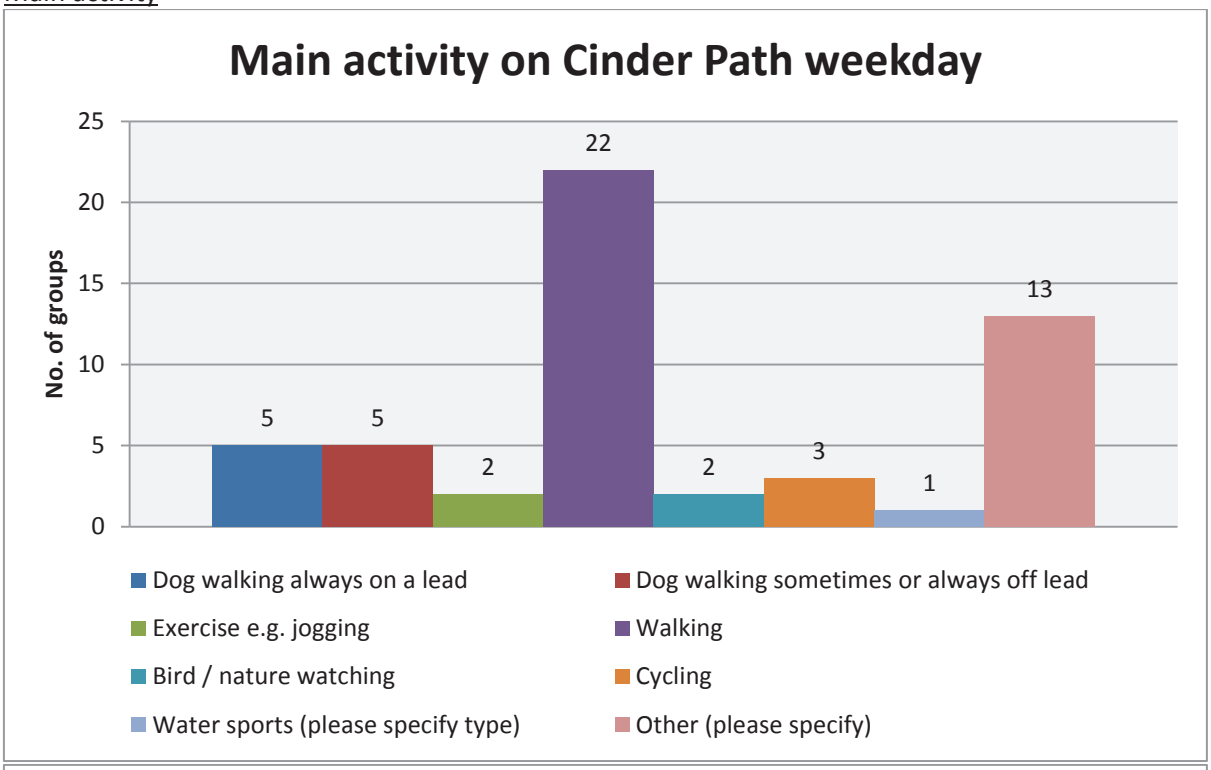
Southend summer survey results

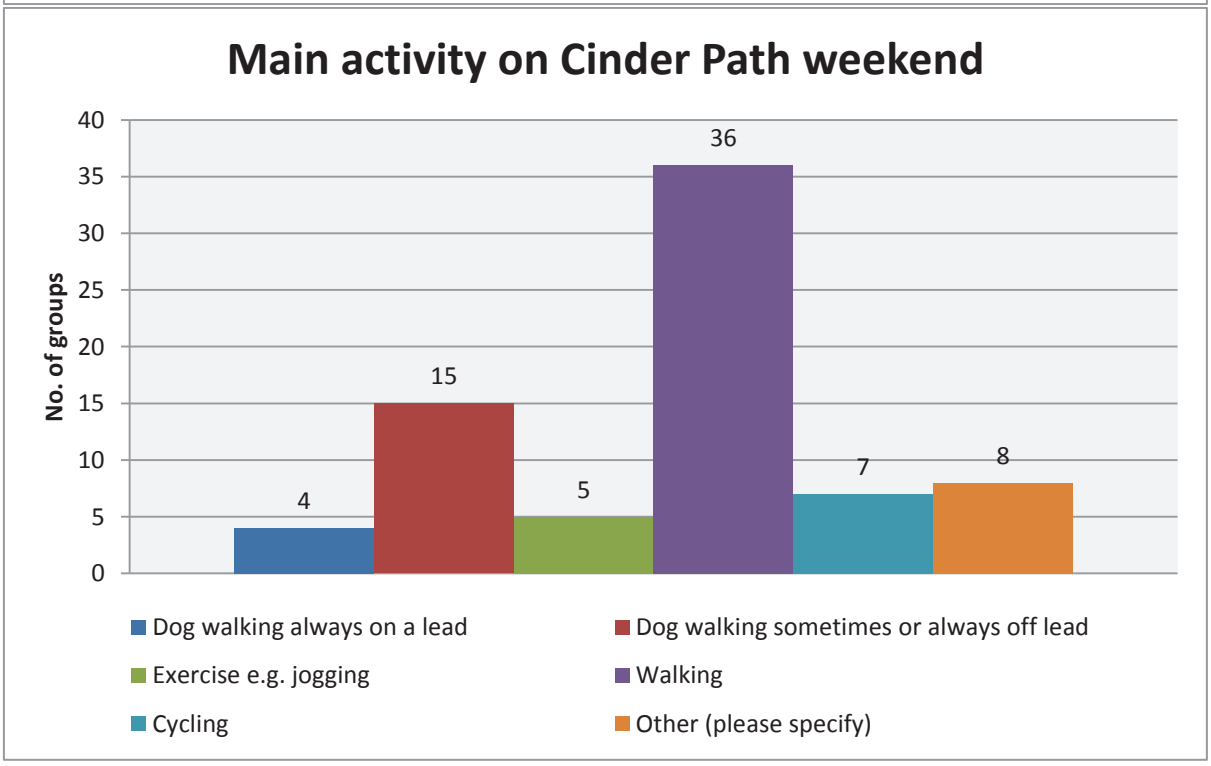
Number of passers-by

Location	Weekday	Weekend	Total
Cinder Path	72	179	251
Two Tree Island	72	99	171
Total	**144**	**278**	**422**

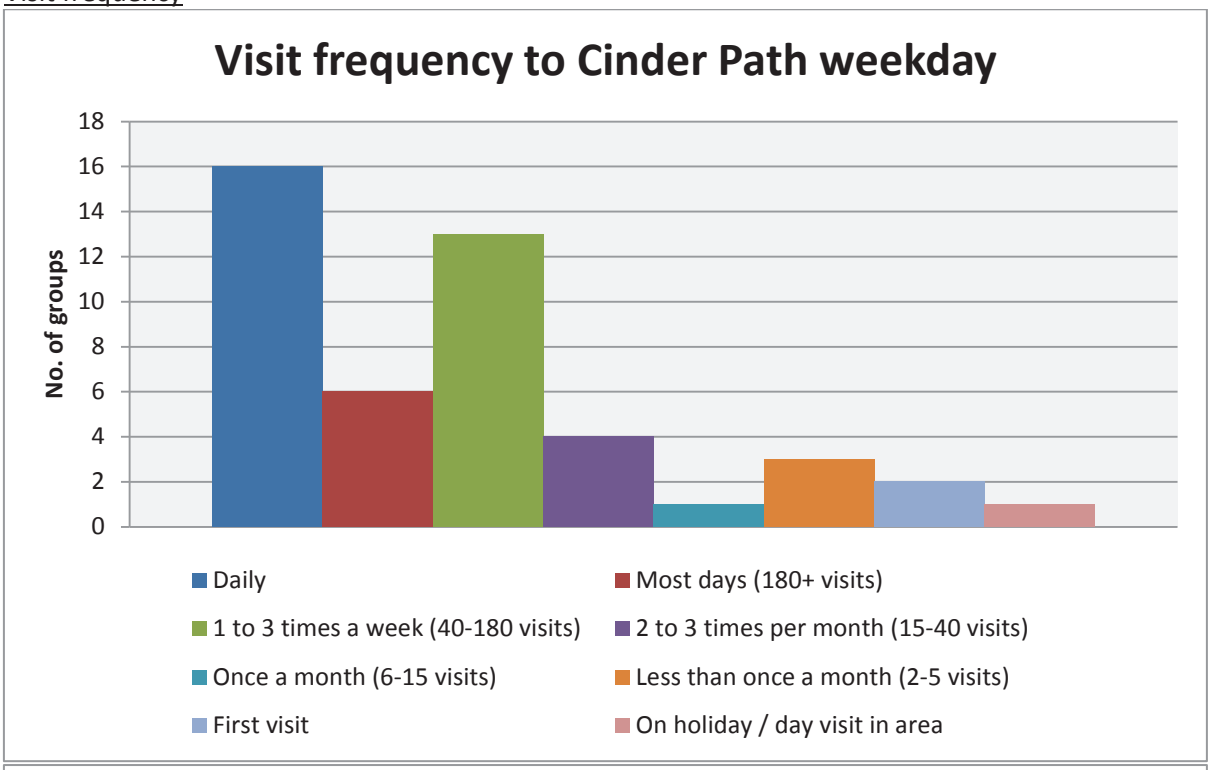
Cinder Path

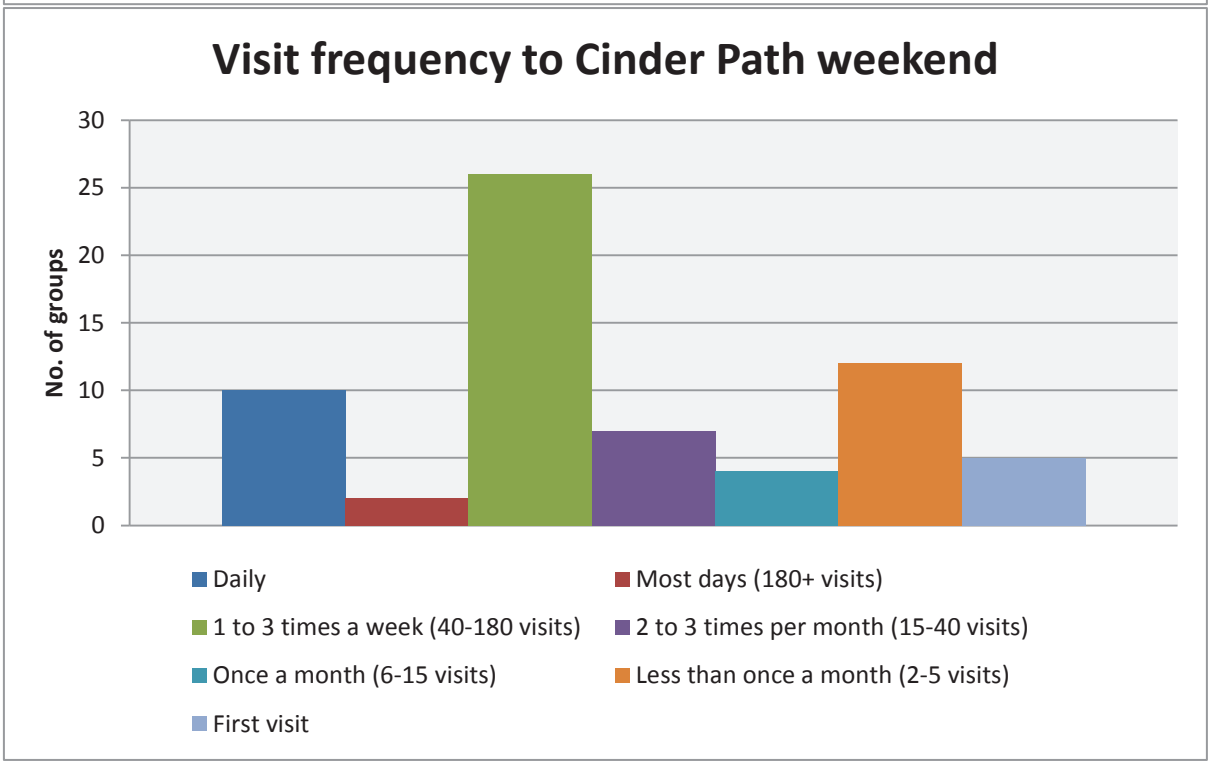
Main activity



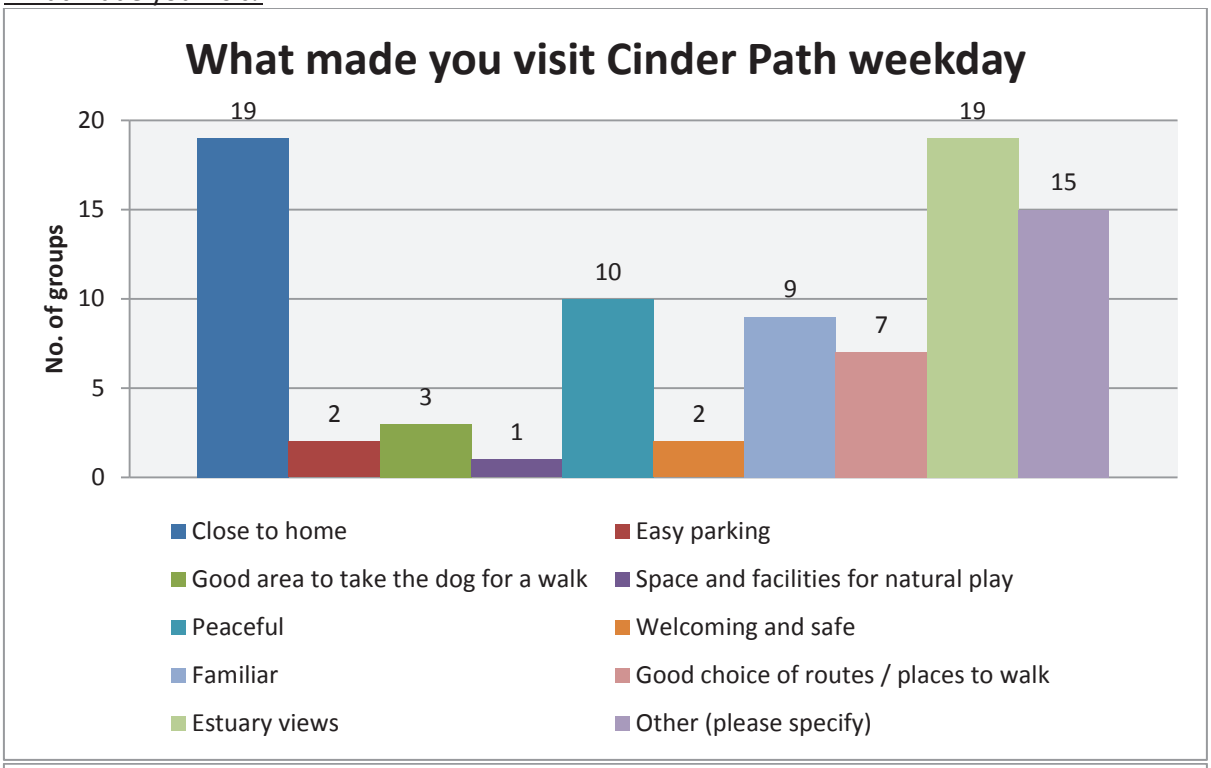


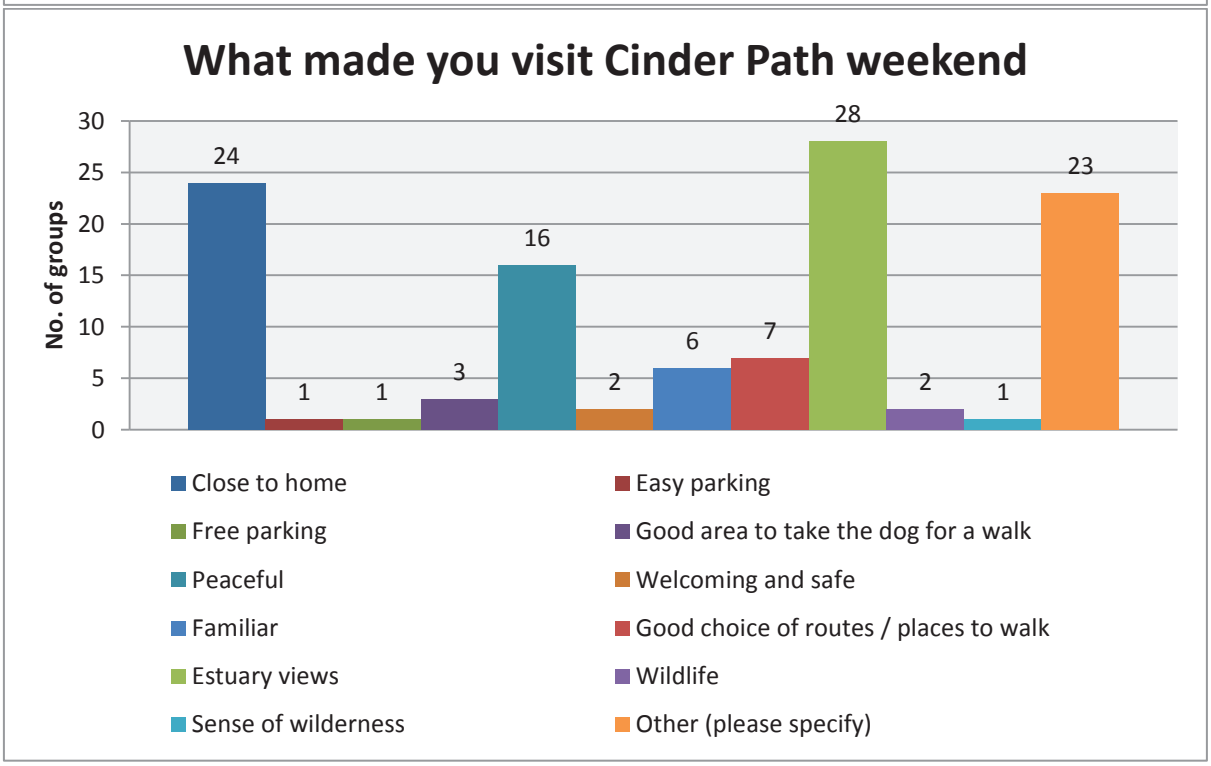
Visit frequency



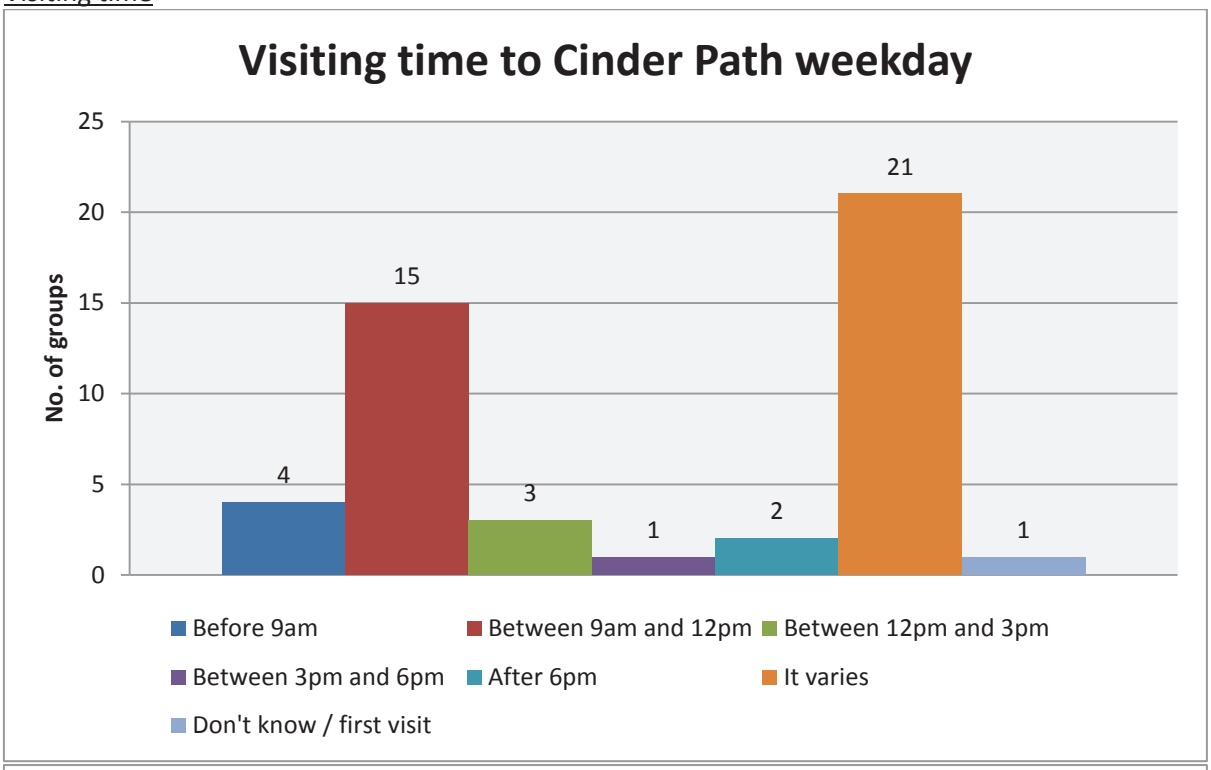


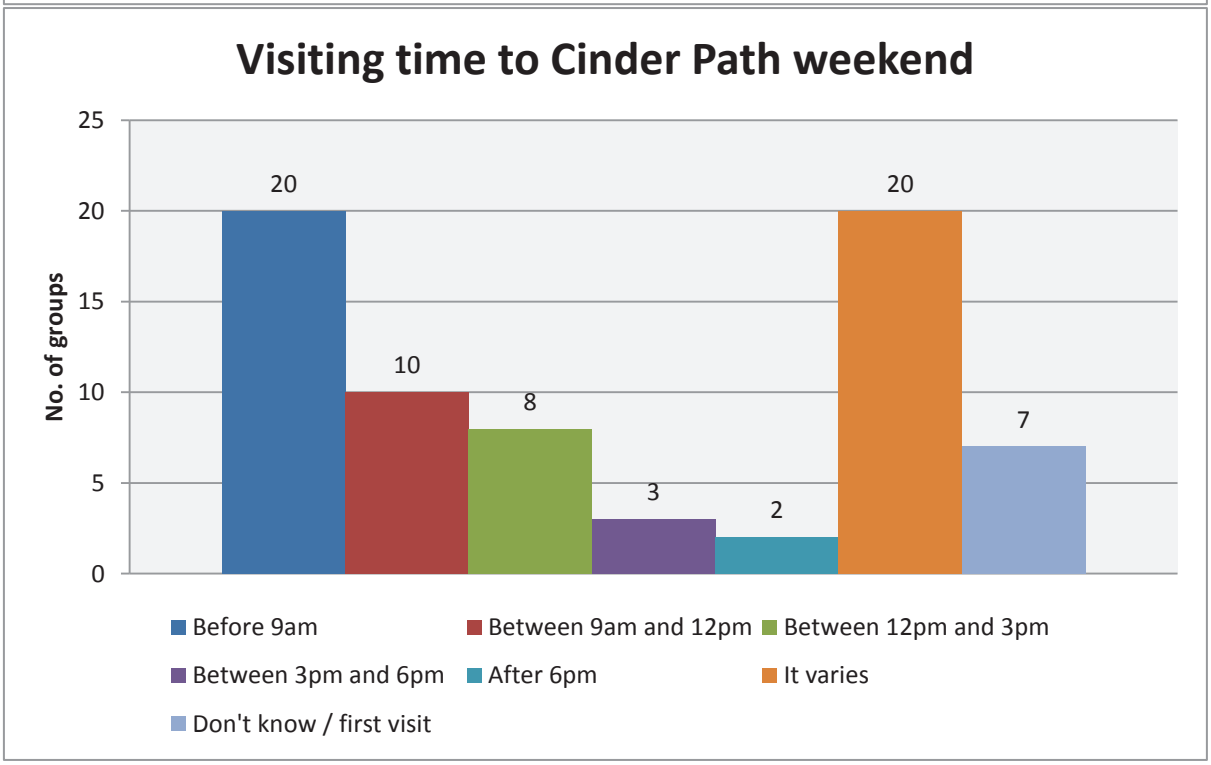
What made you visit?



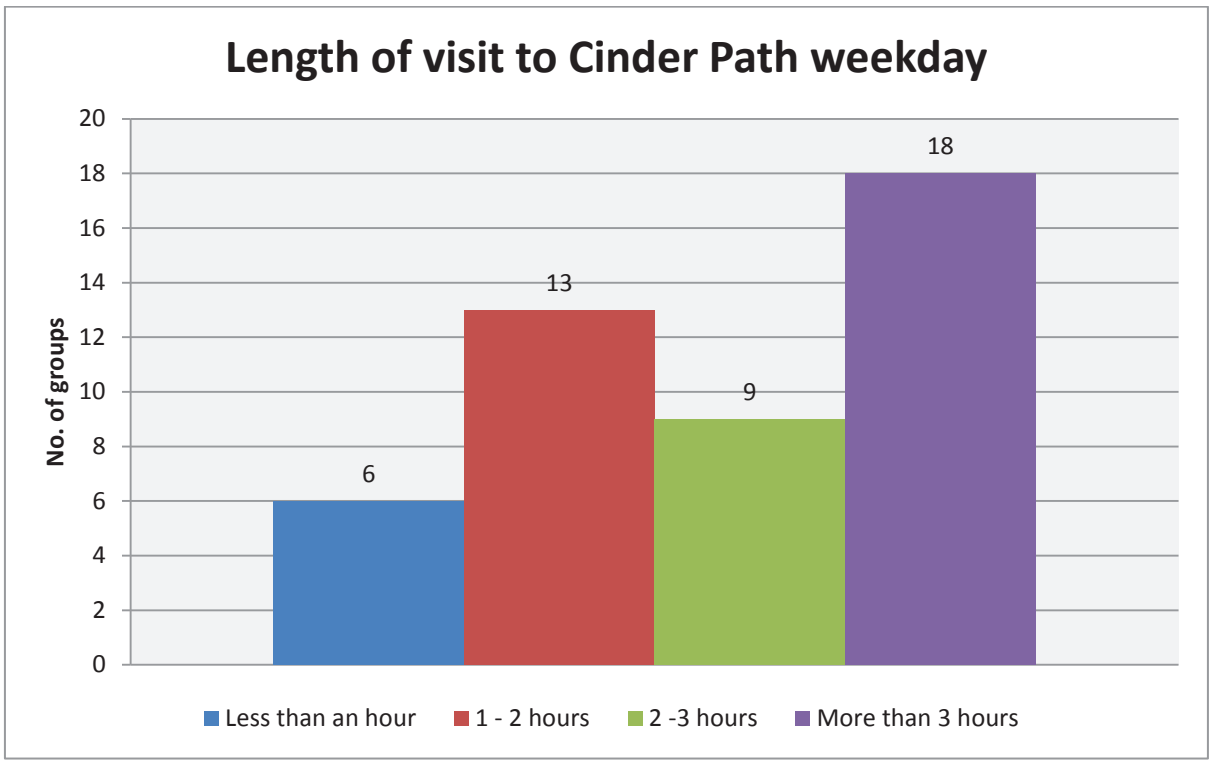


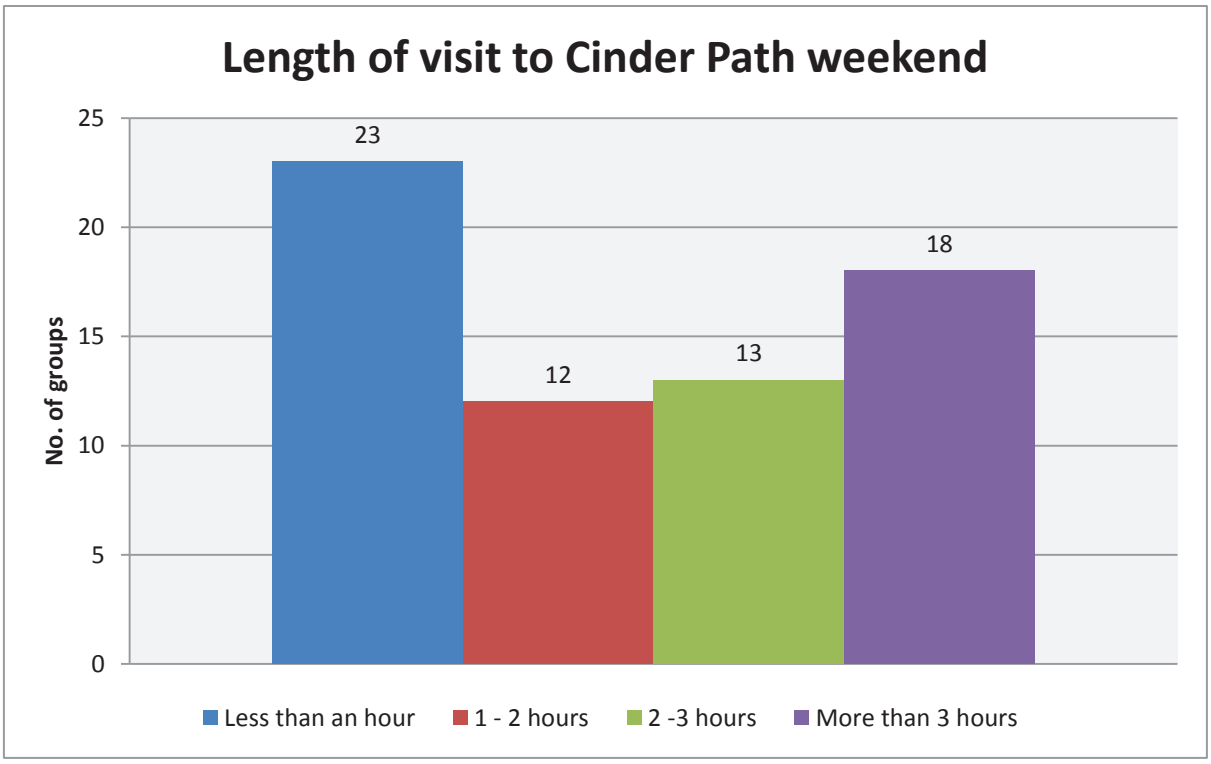
Visiting time



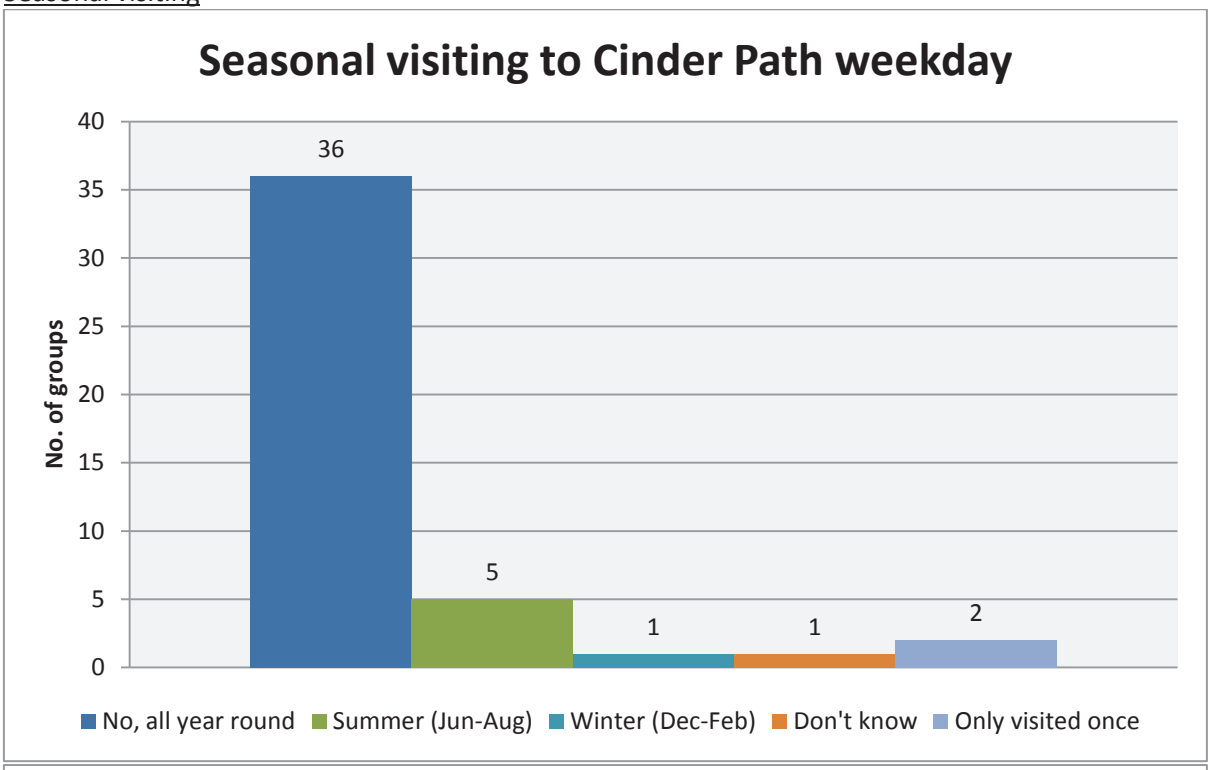


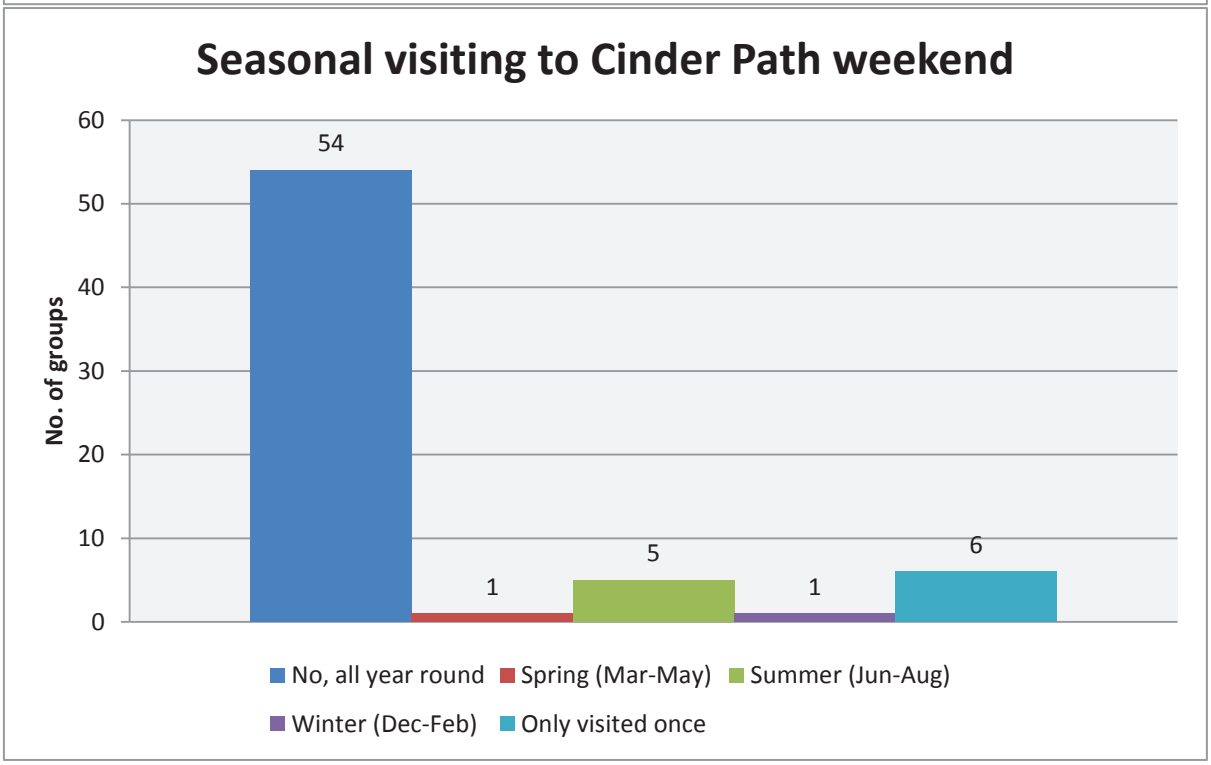
Length of visit



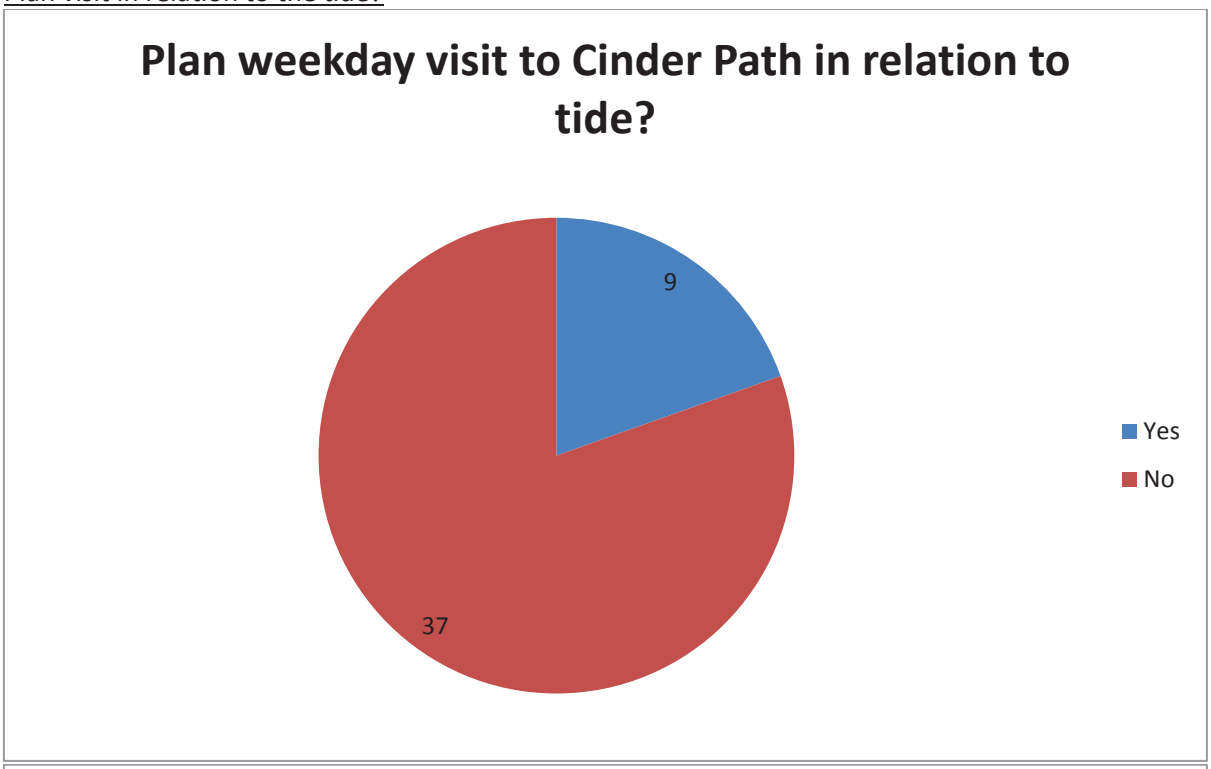


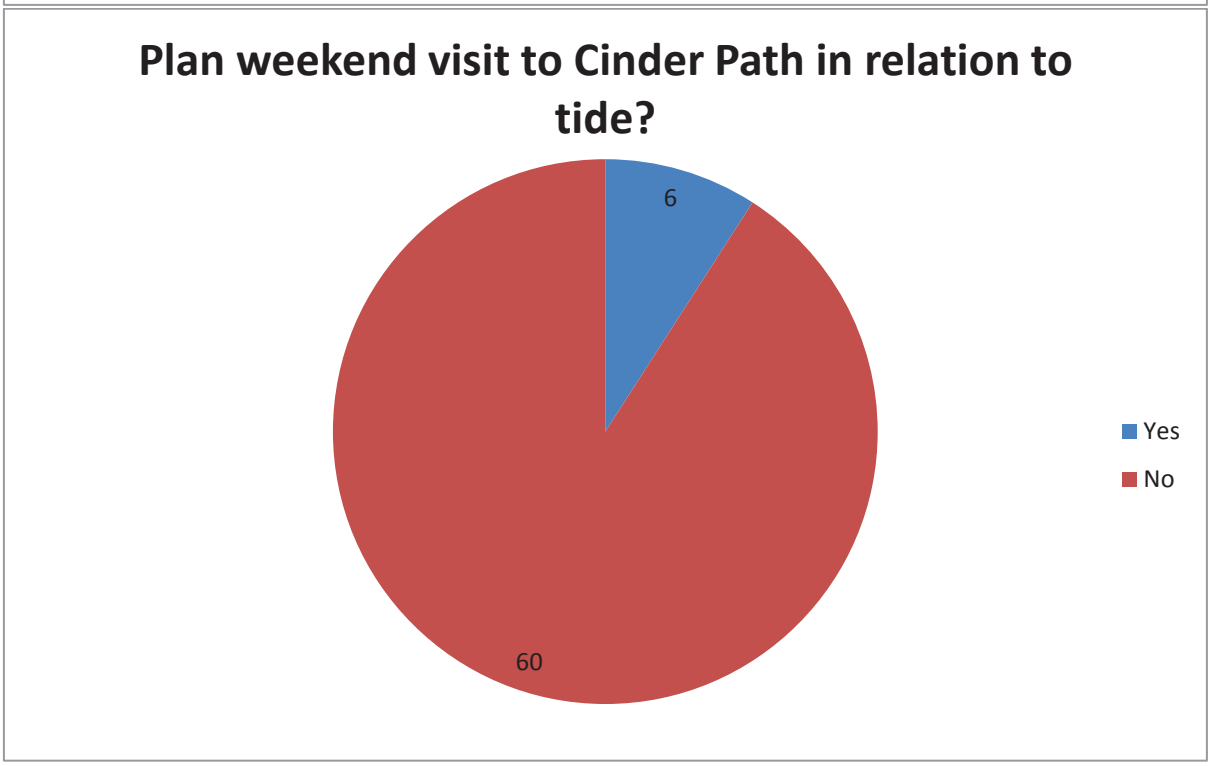
Seasonal visiting



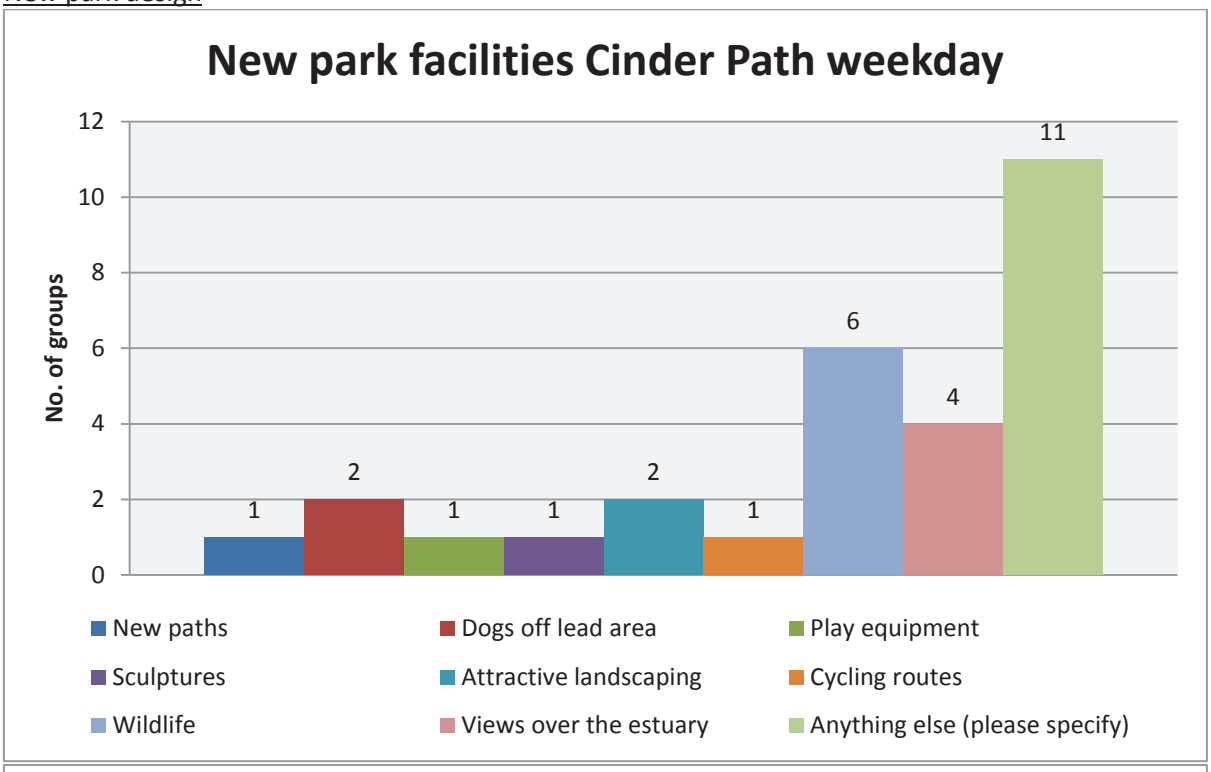


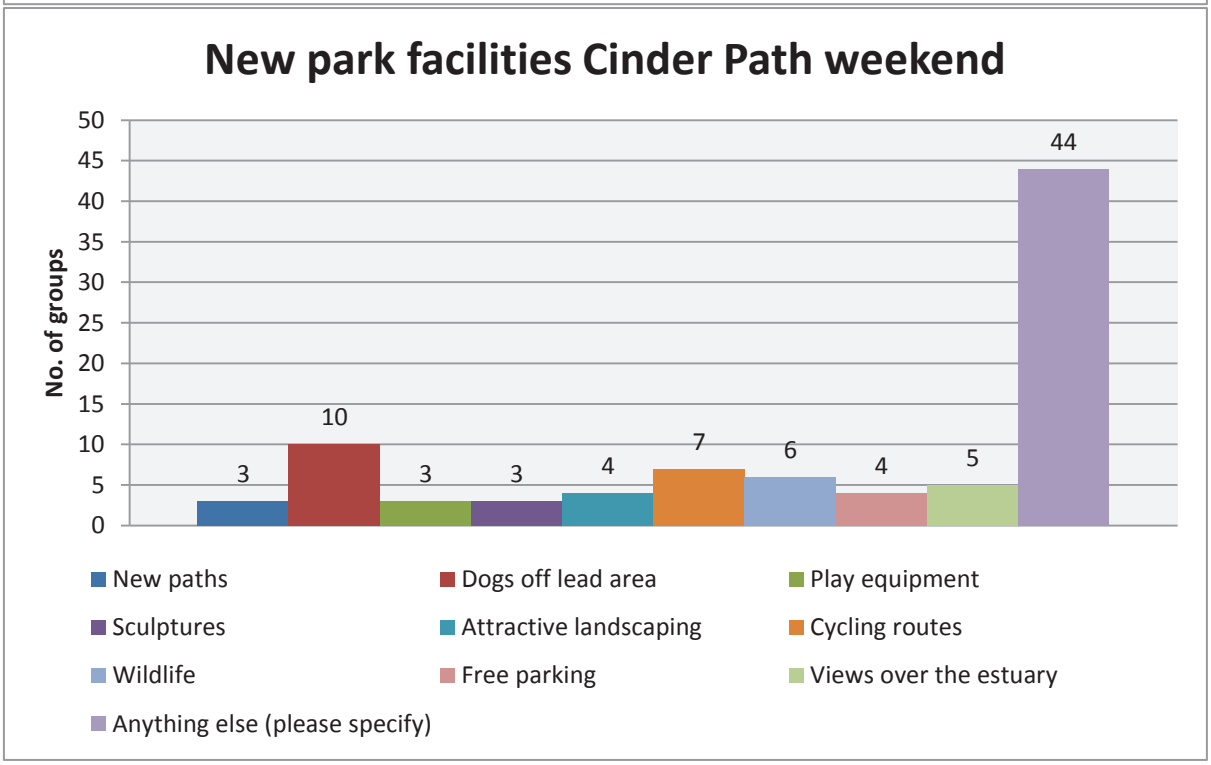
Plan visit in relation to the tide?



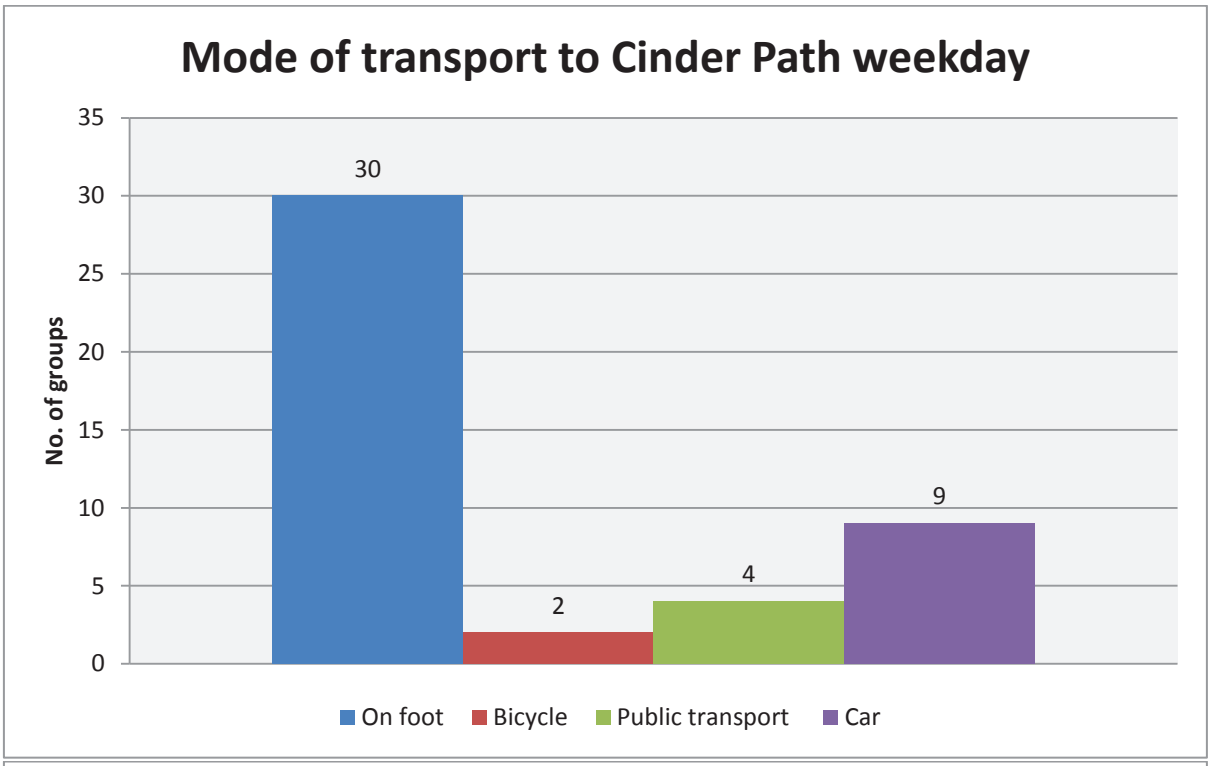


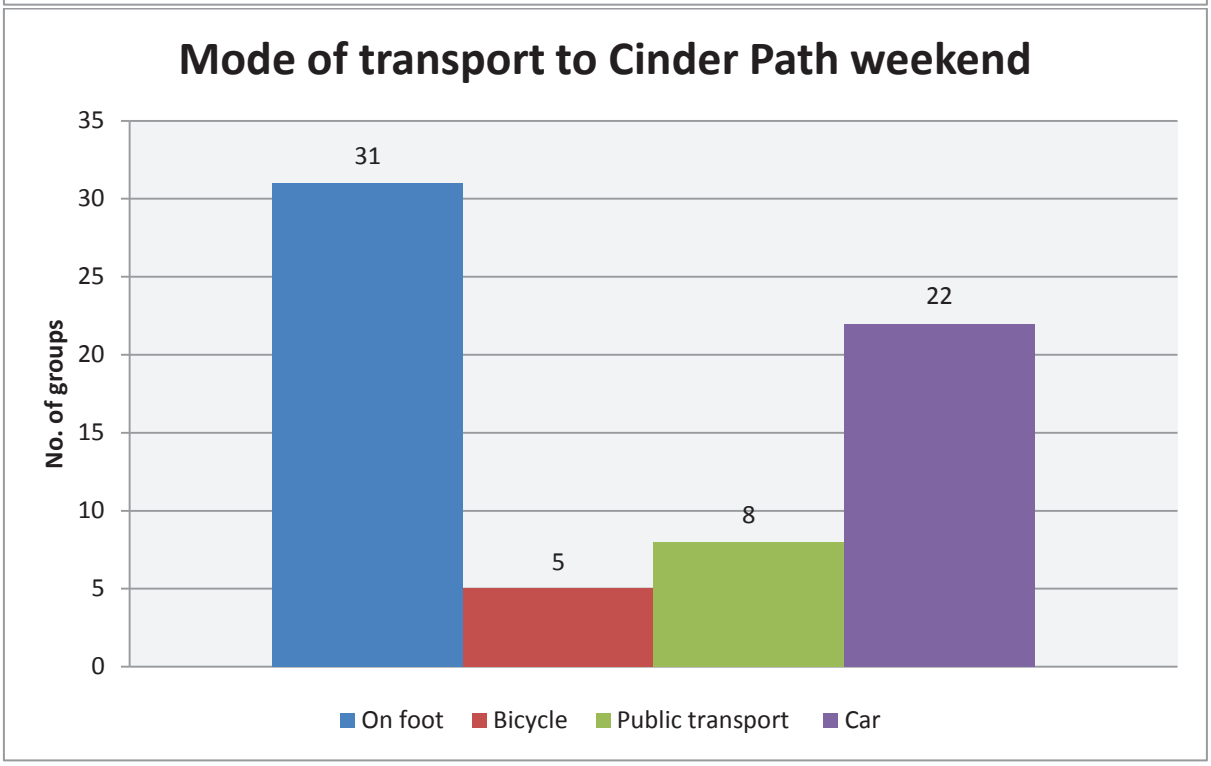
New park design



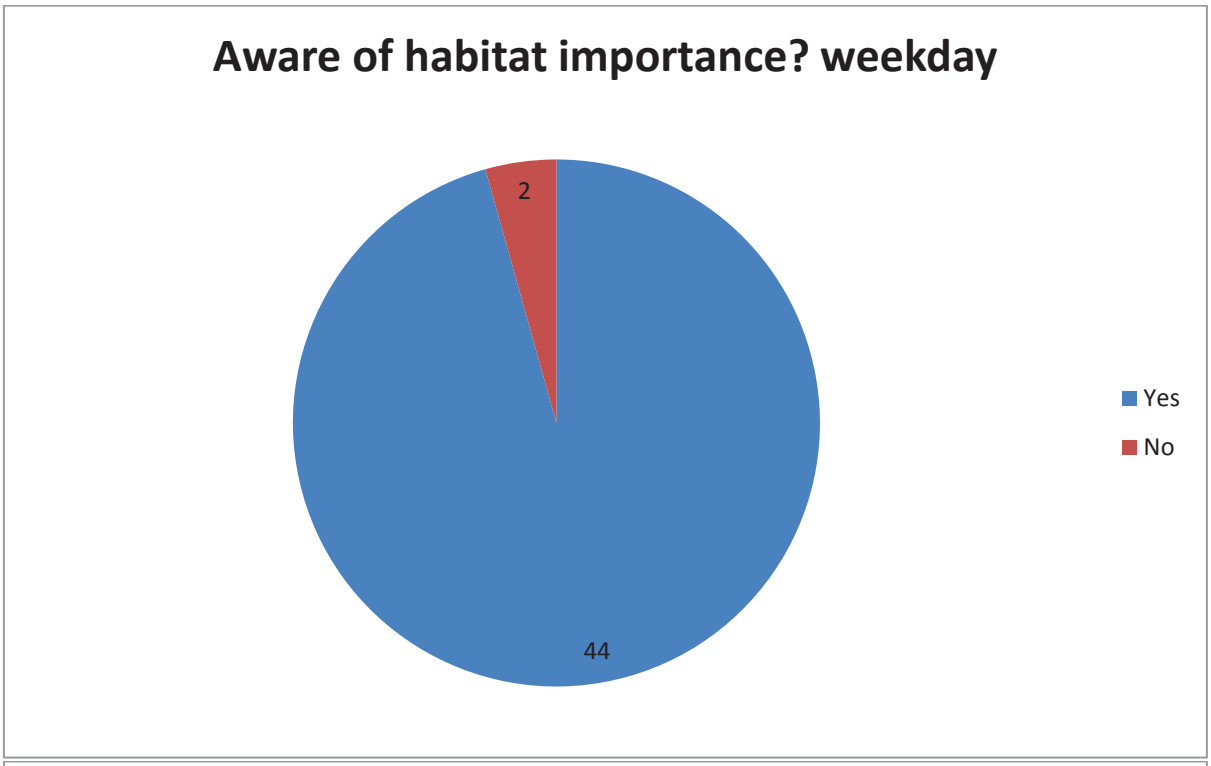


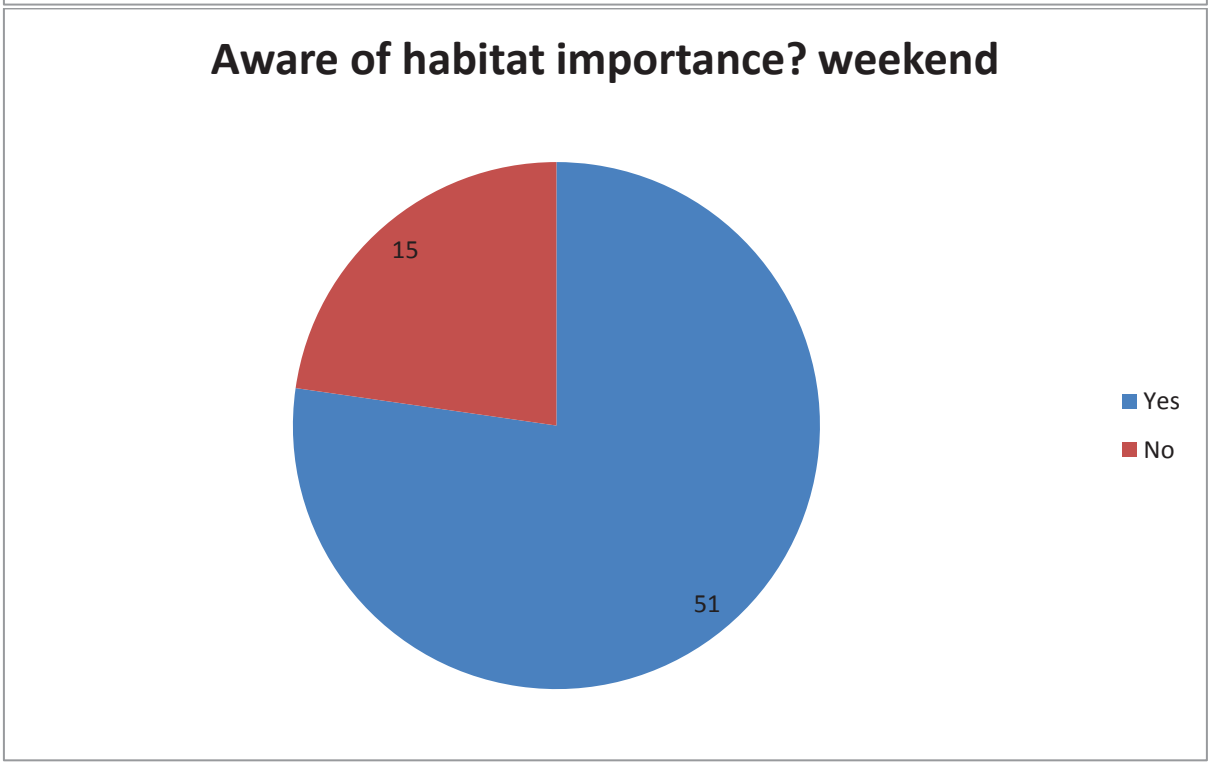
Mode of transport



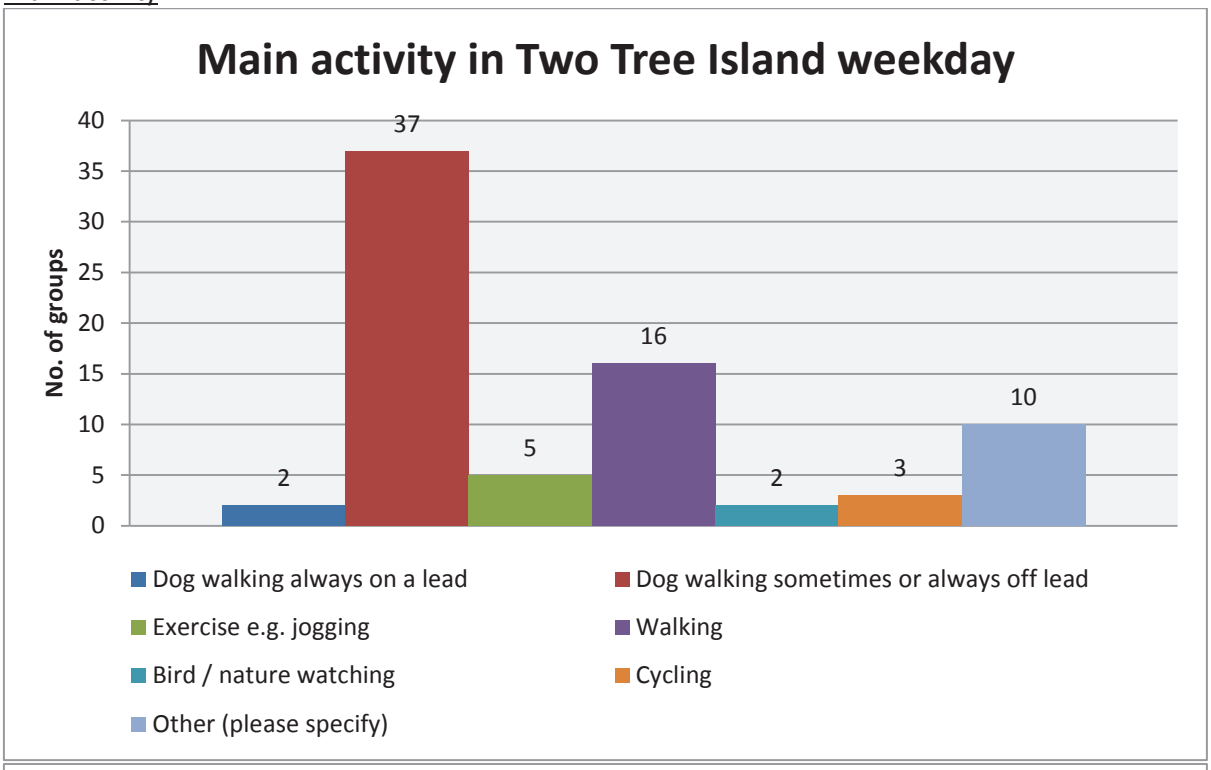


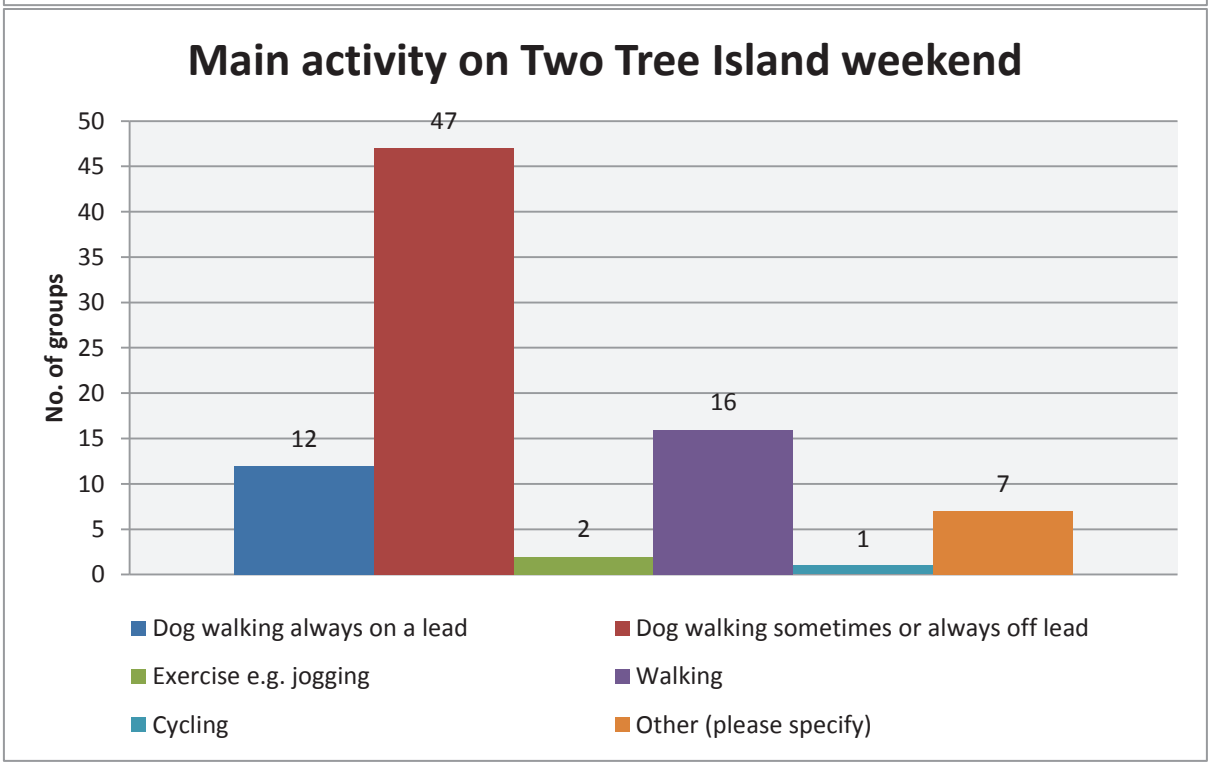
Aware of habitat importance


Aware of habitat importance? weekday
2
44
Yes
No

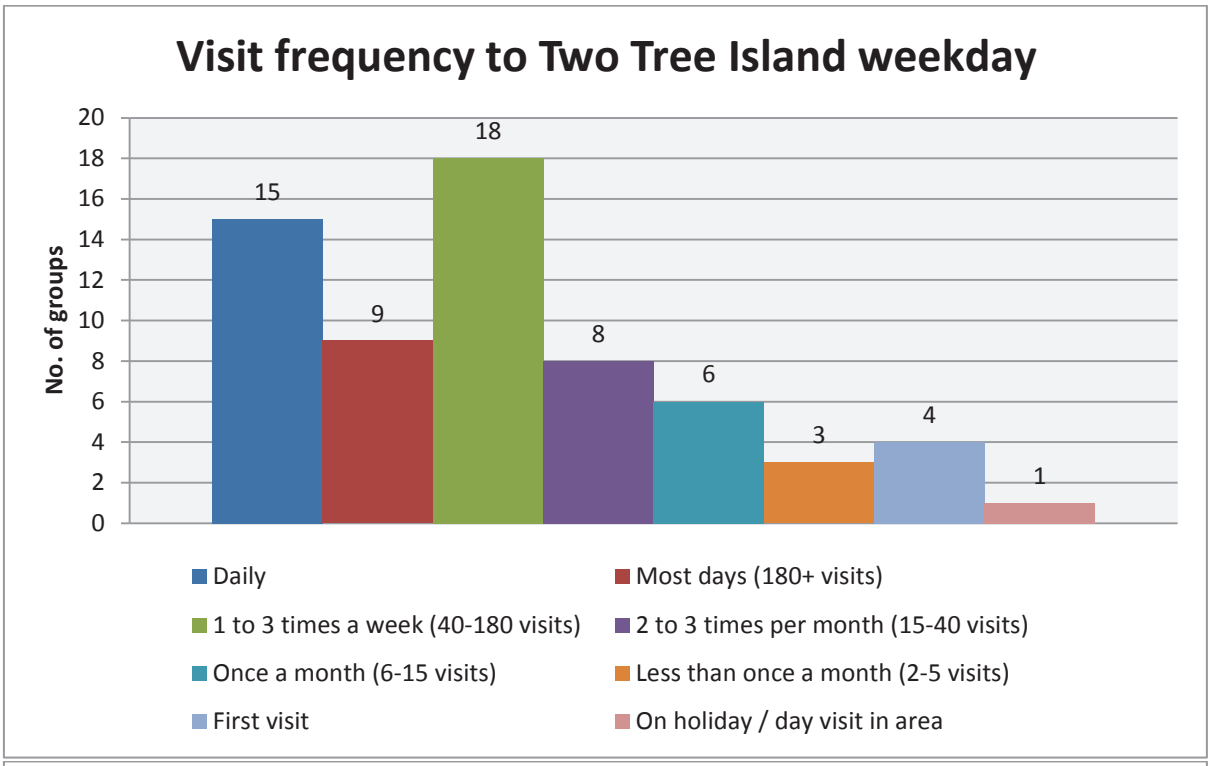

Aware of habitat importance? weekend
15
51
Yes
No

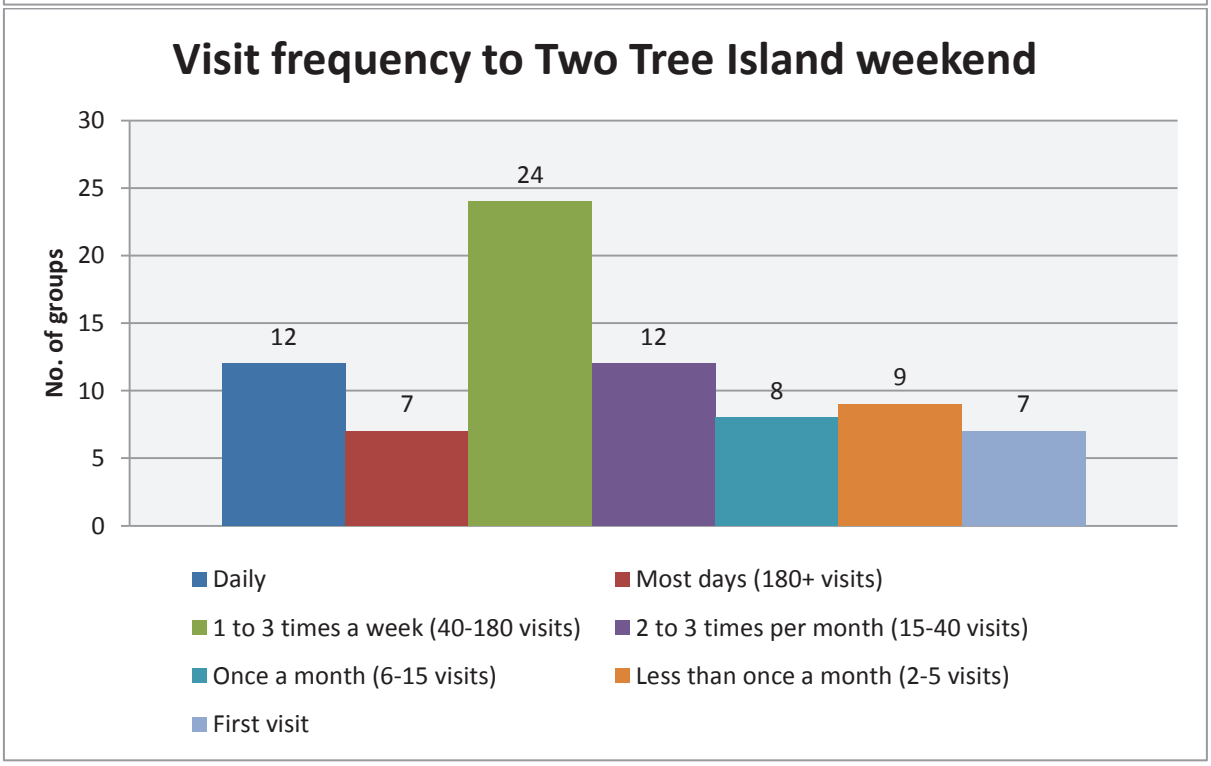
Two Tree Island
Main activity



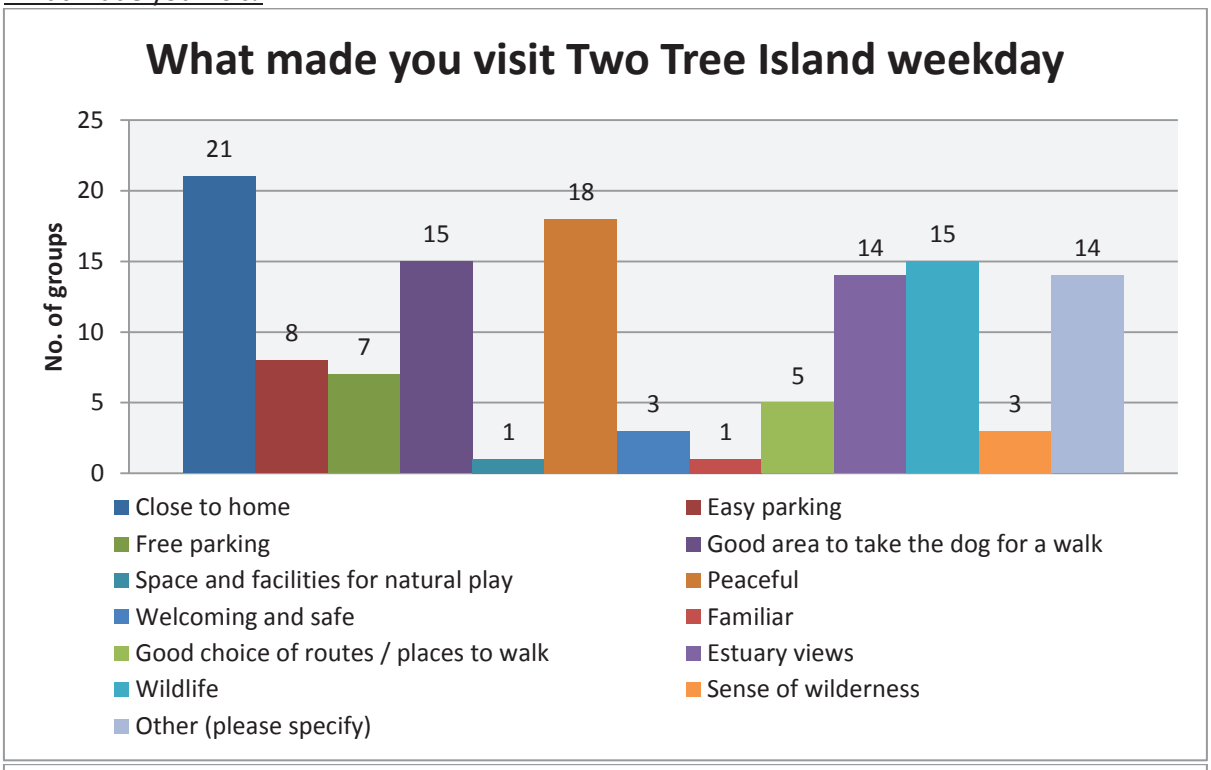


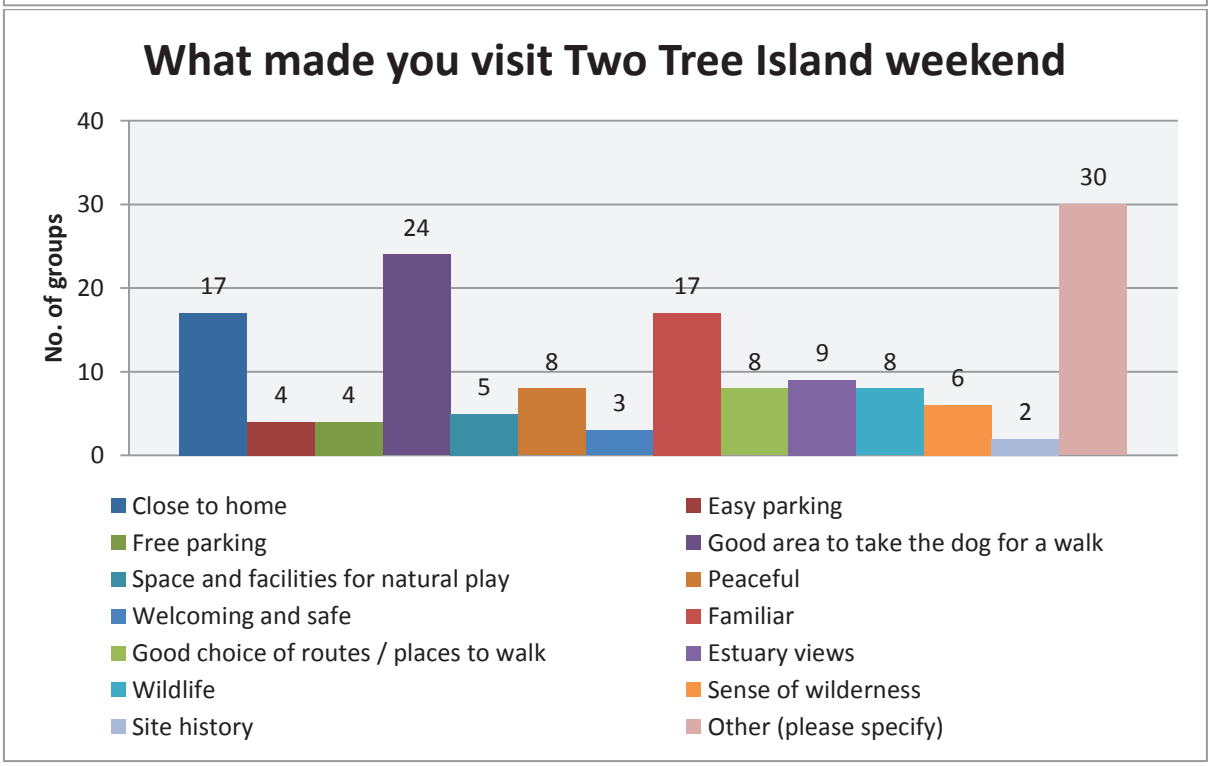
Visit frequency


Visit frequency to Two Tree Island weekday
No. of groups
20
18
16
14
12
10
8
6
4
2
0
15
9
18
8
6
3
4
1
Daily
Most days (180+ visits)
1 to 3 times a week (40-180 visits)
2 to 3 times per month (15-40 visits)
Once a month (6-15 visits)
Less than once a month (2-5 visits)
First visit
On holiday / day visit in area

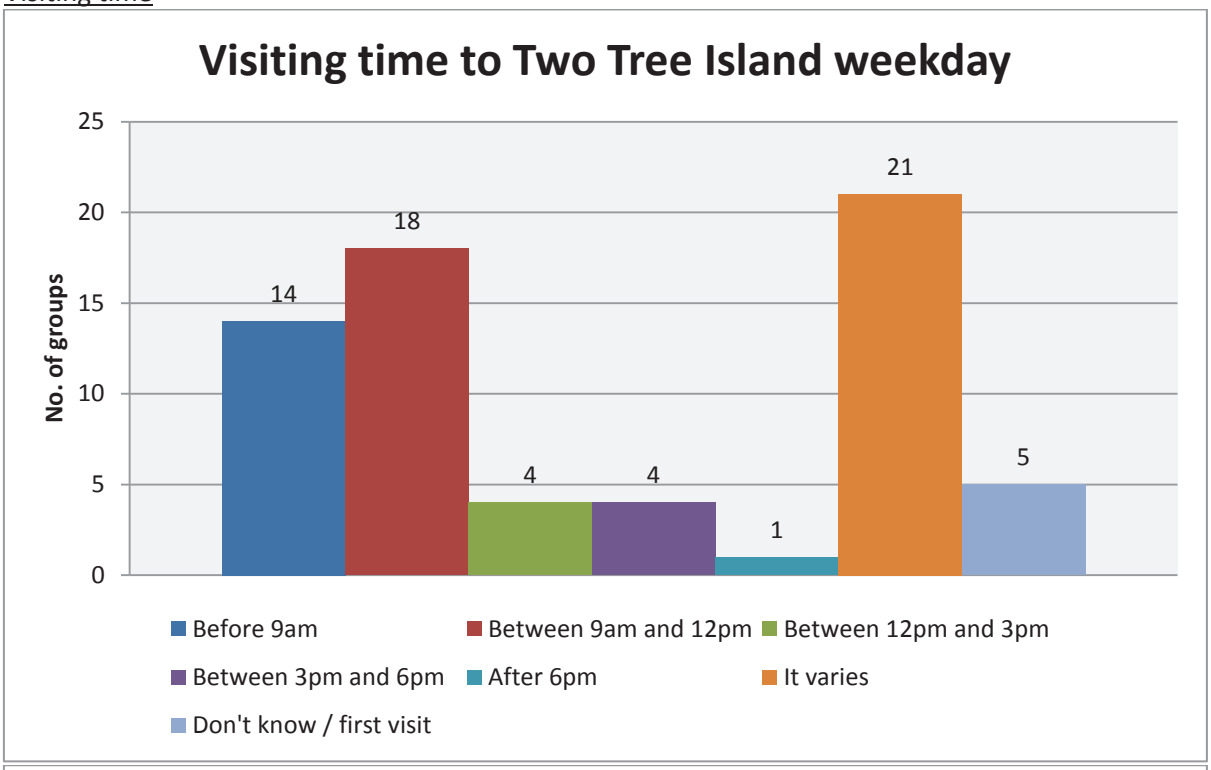

Visit frequency to Two Tree Island weekend
No. of groups
30
25
20
15
10
5
0
12
7
24
12
8
9
7
Daily
Most days (180+ visits)
1 to 3 times a week (40-180 visits)
2 to 3 times per month (15-40 visits)
Once a month (6-15 visits)
Less than once a month (2-5 visits)
First visit

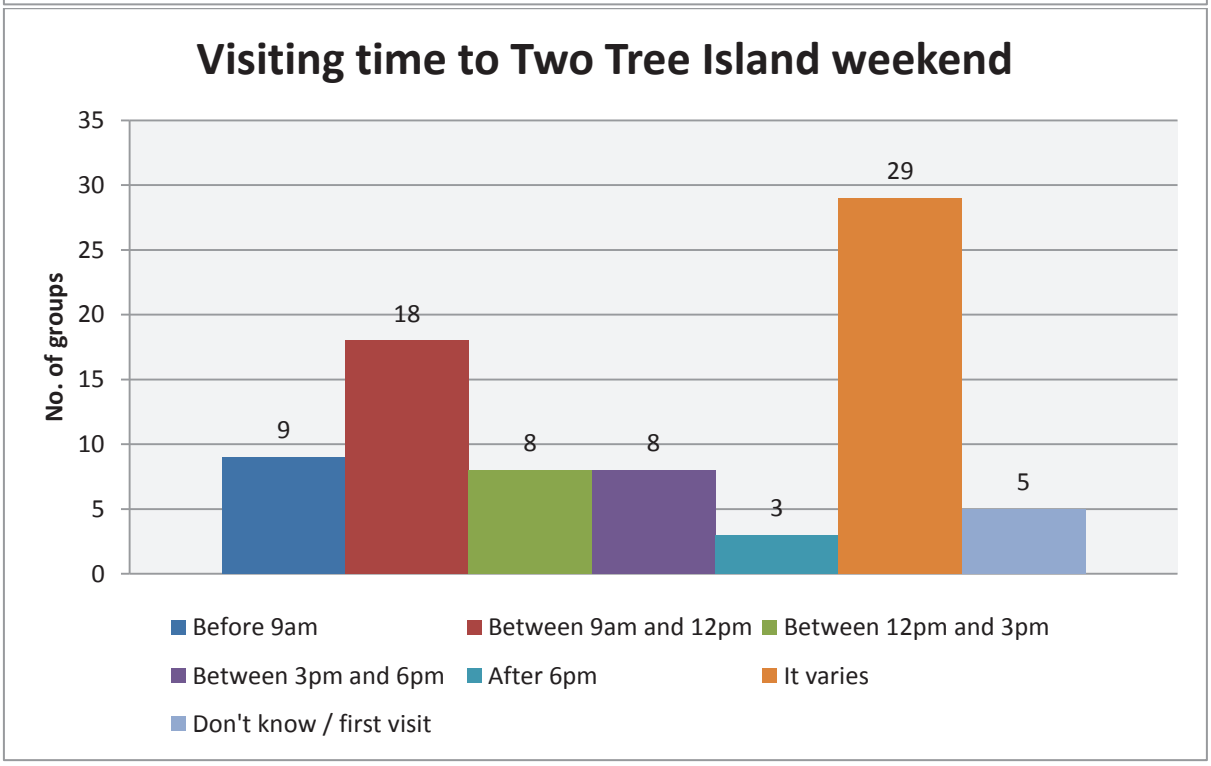
What made you visit?



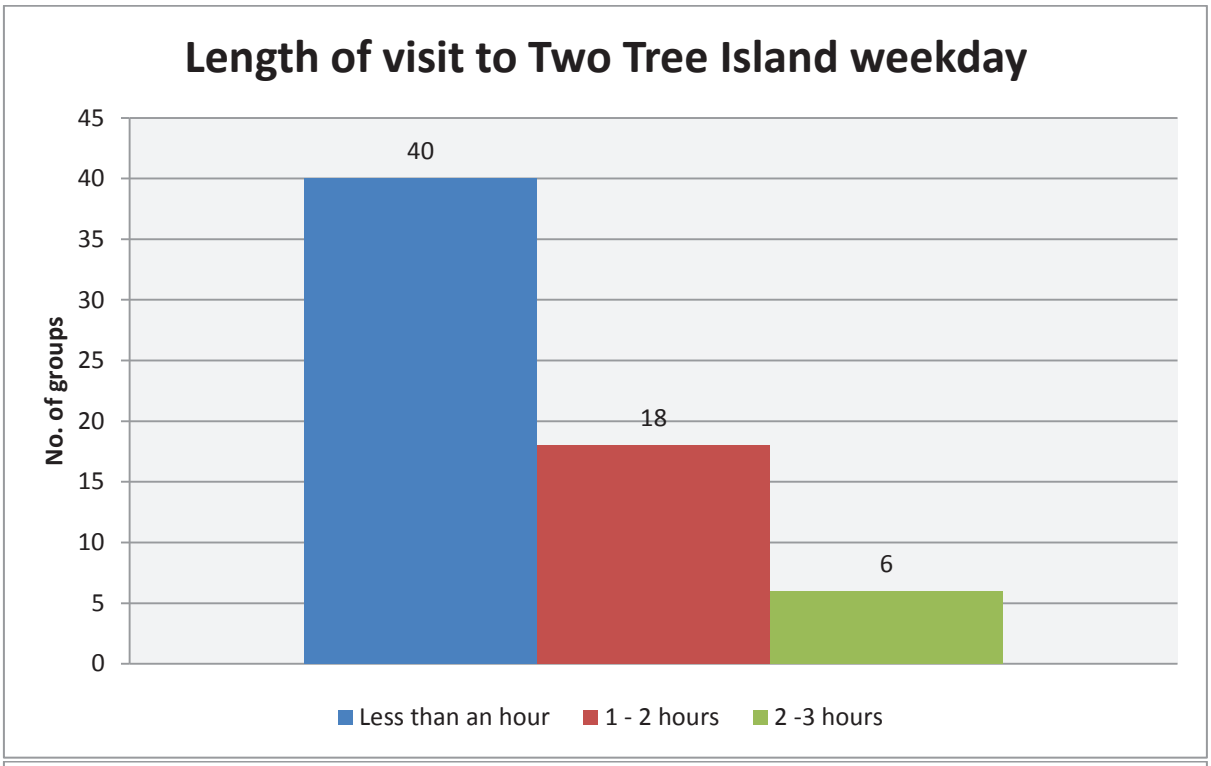


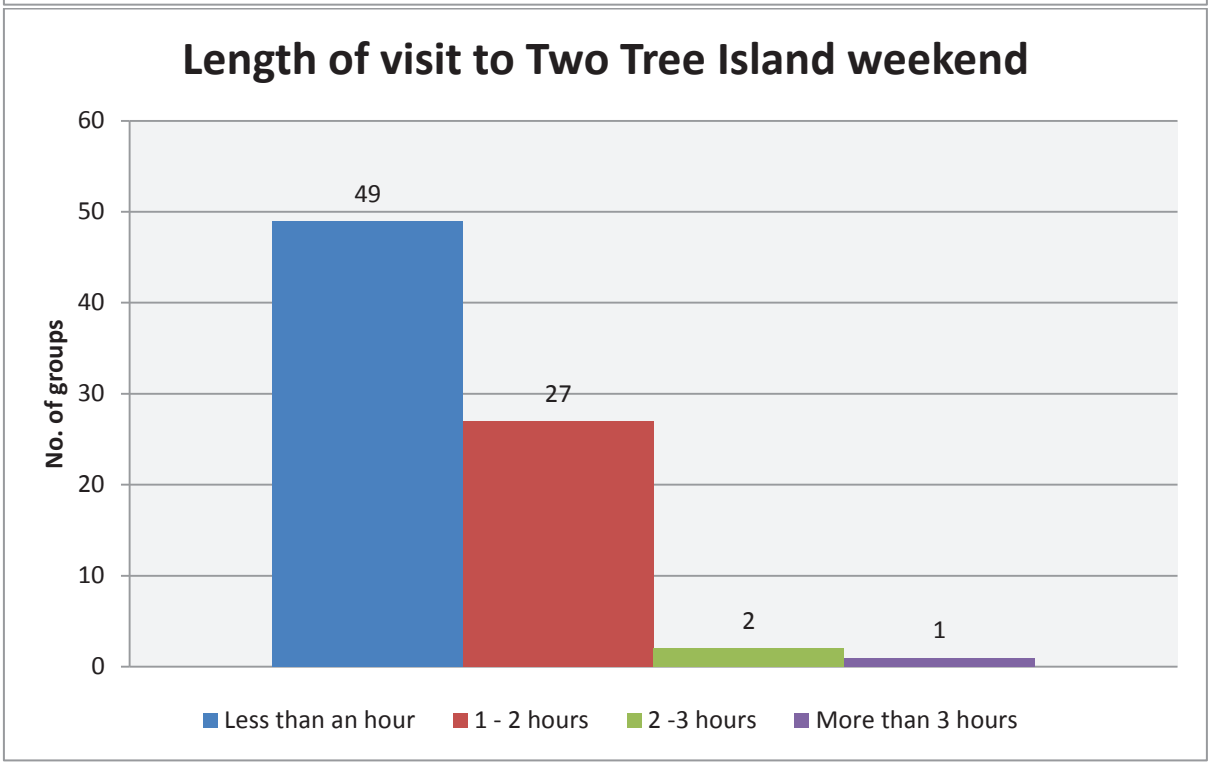
Visiting time



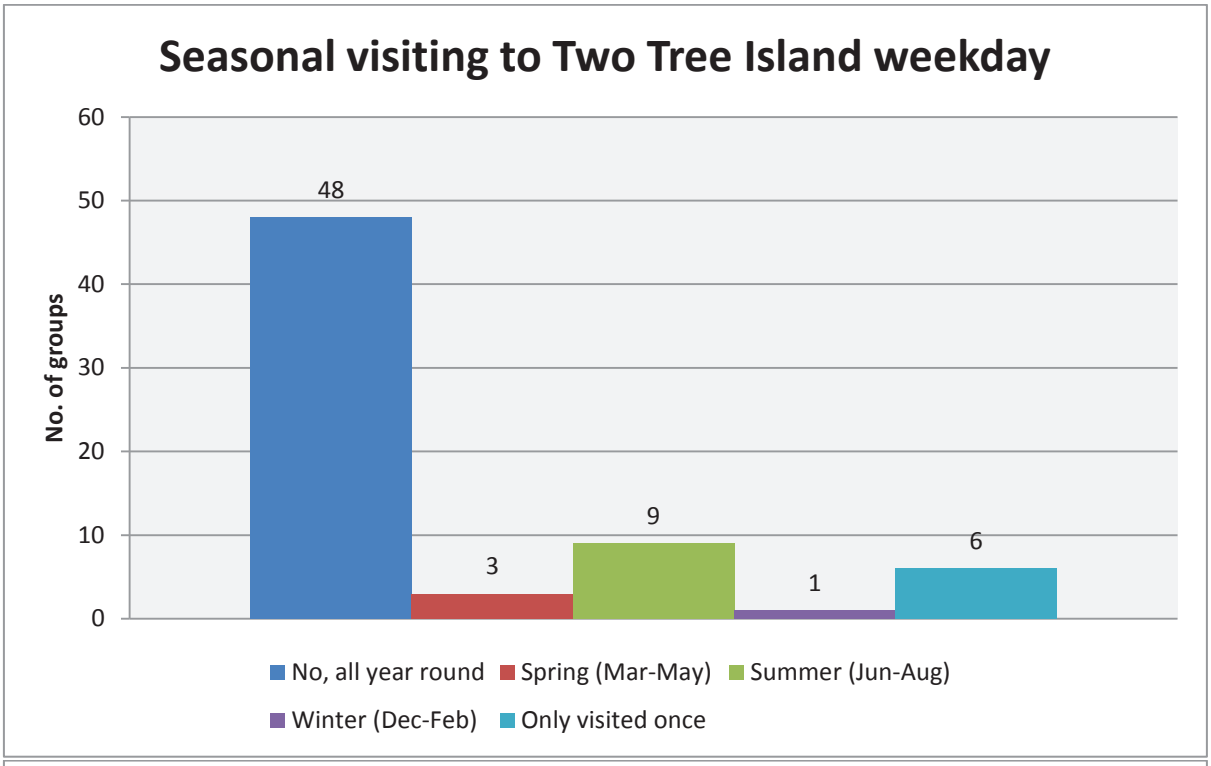


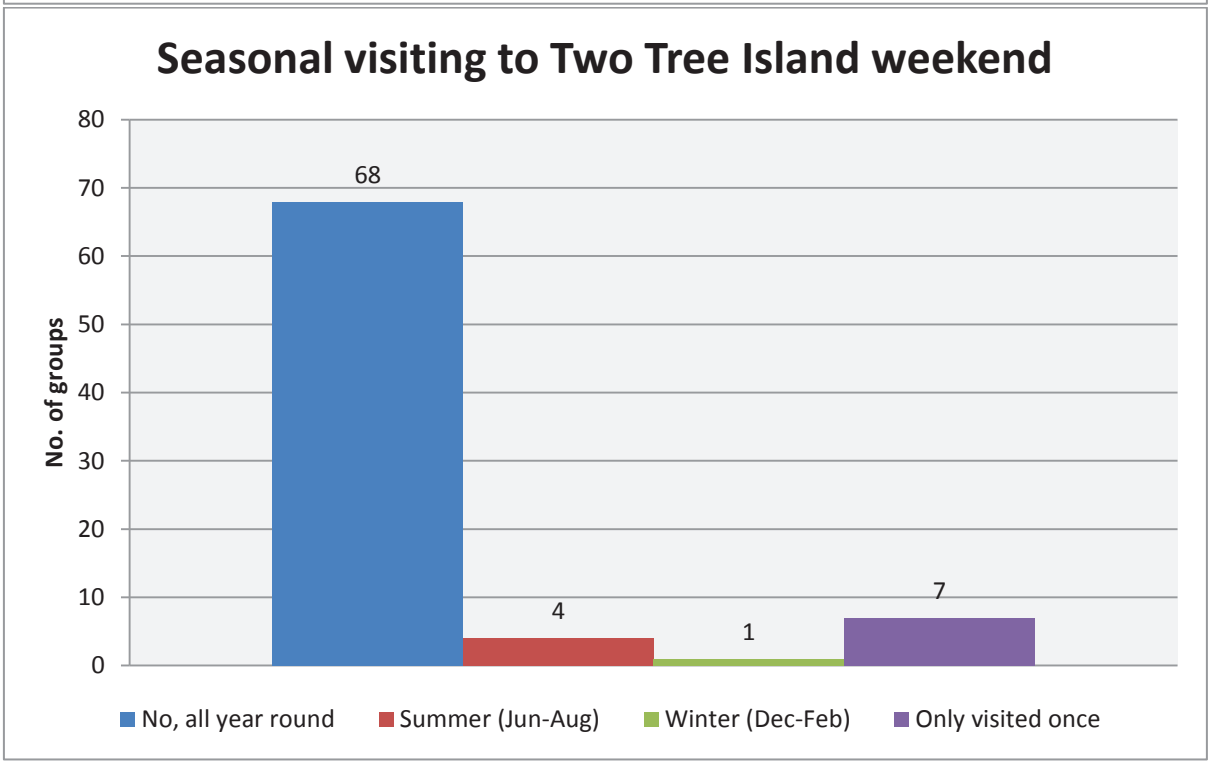
Length of visit



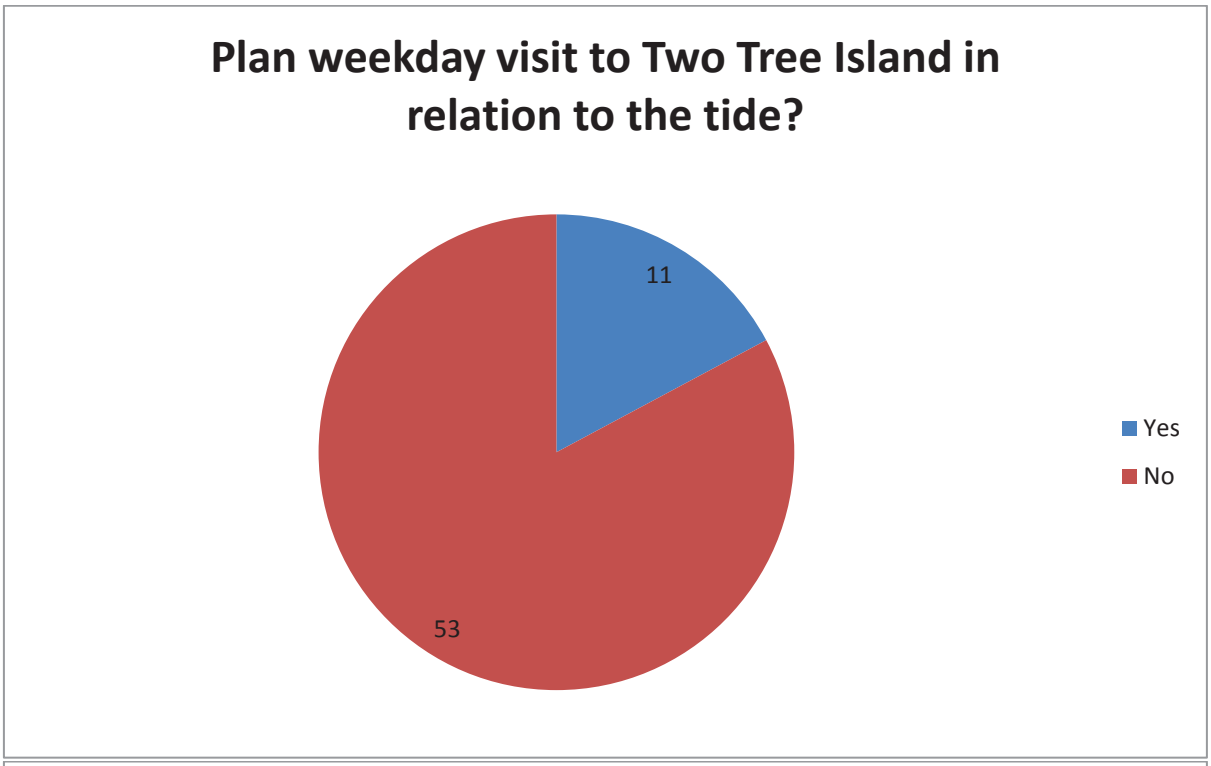


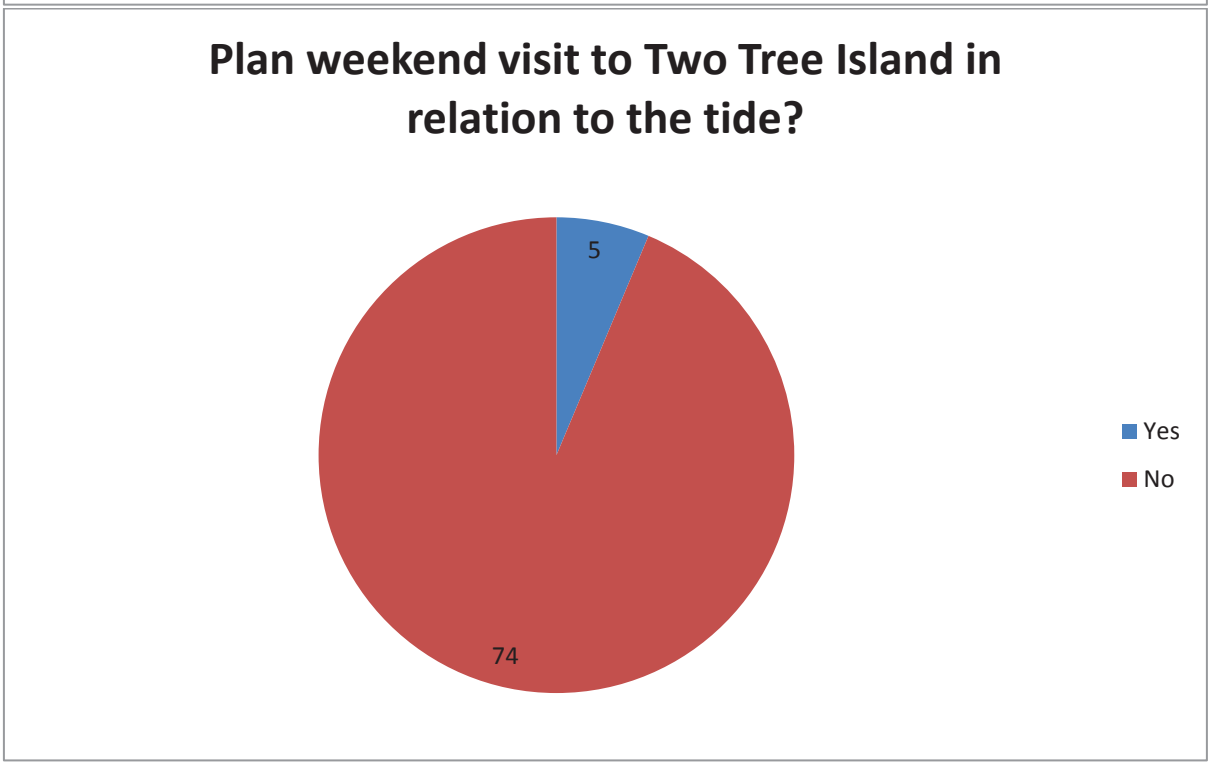
Seasonal visiting



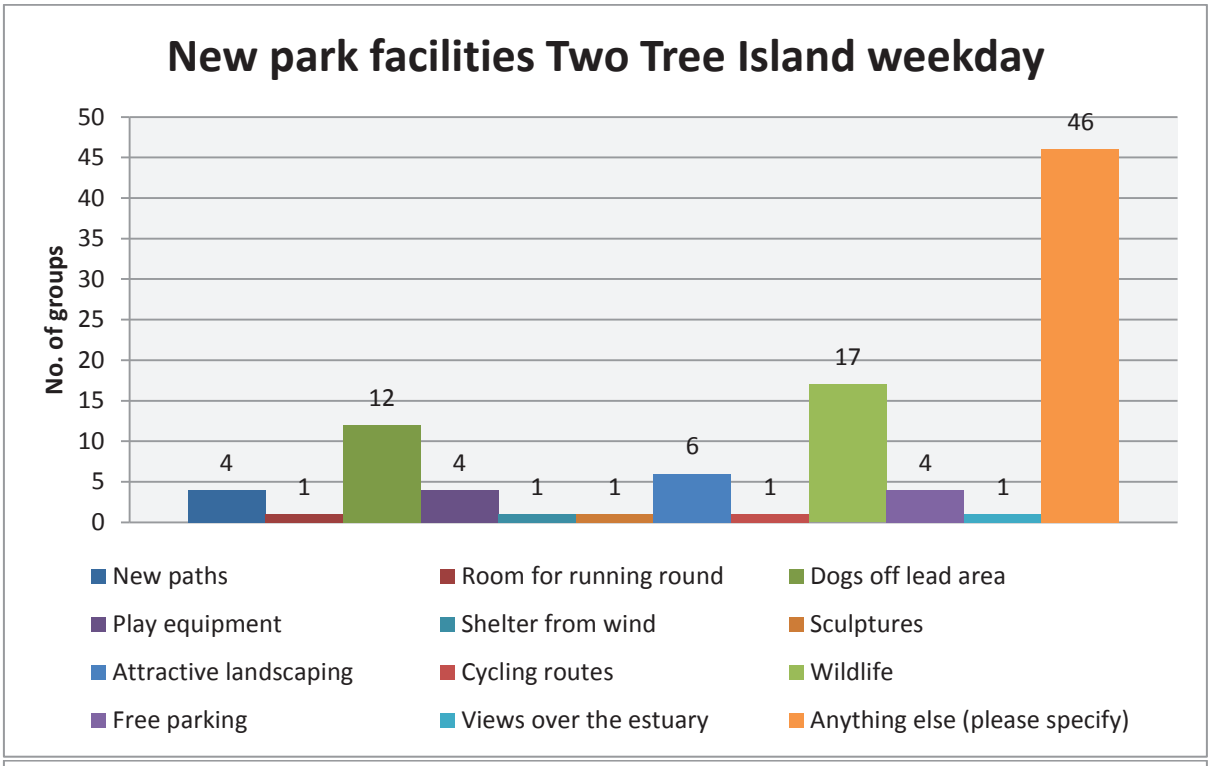


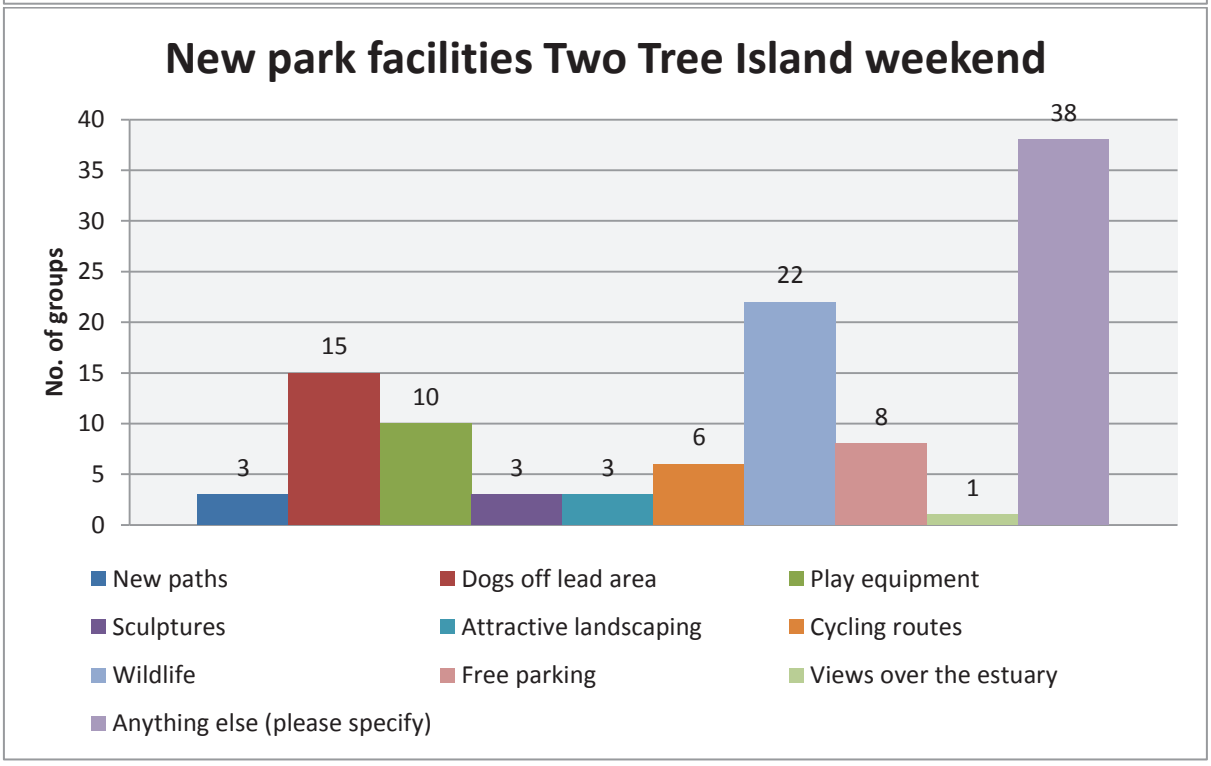
Plan visit in relation to the tide?



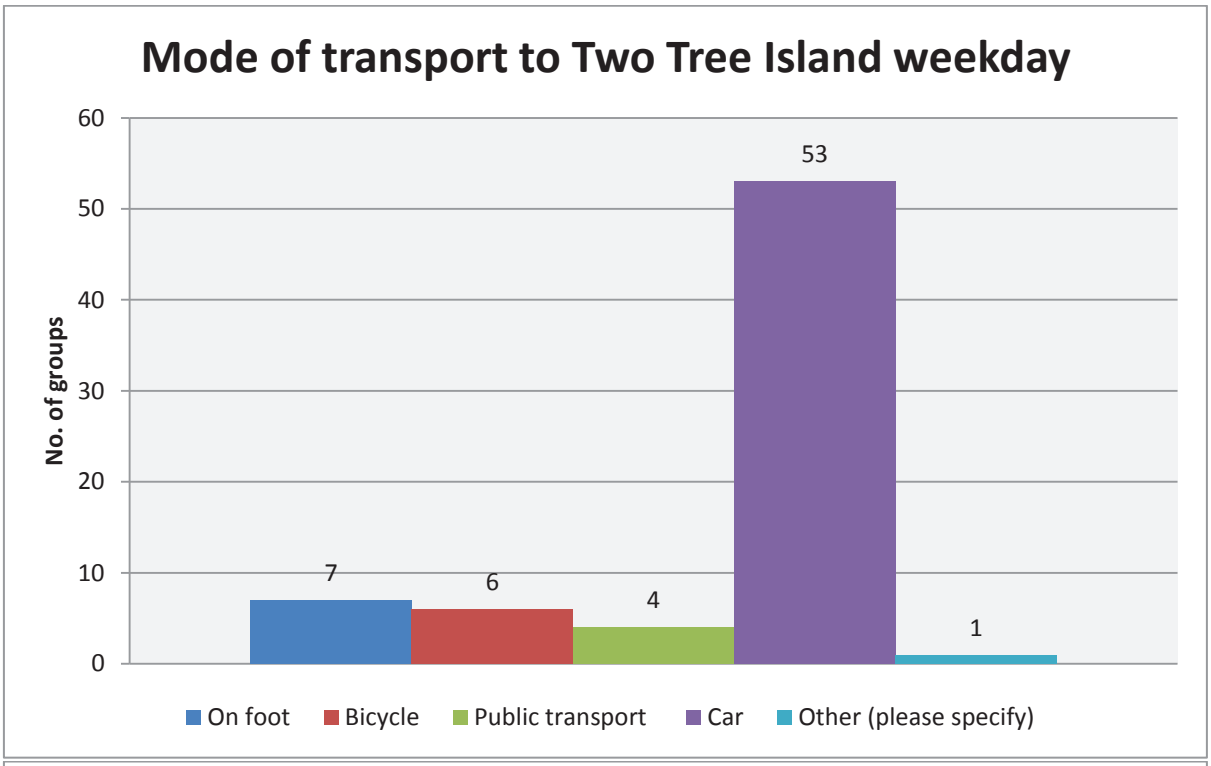


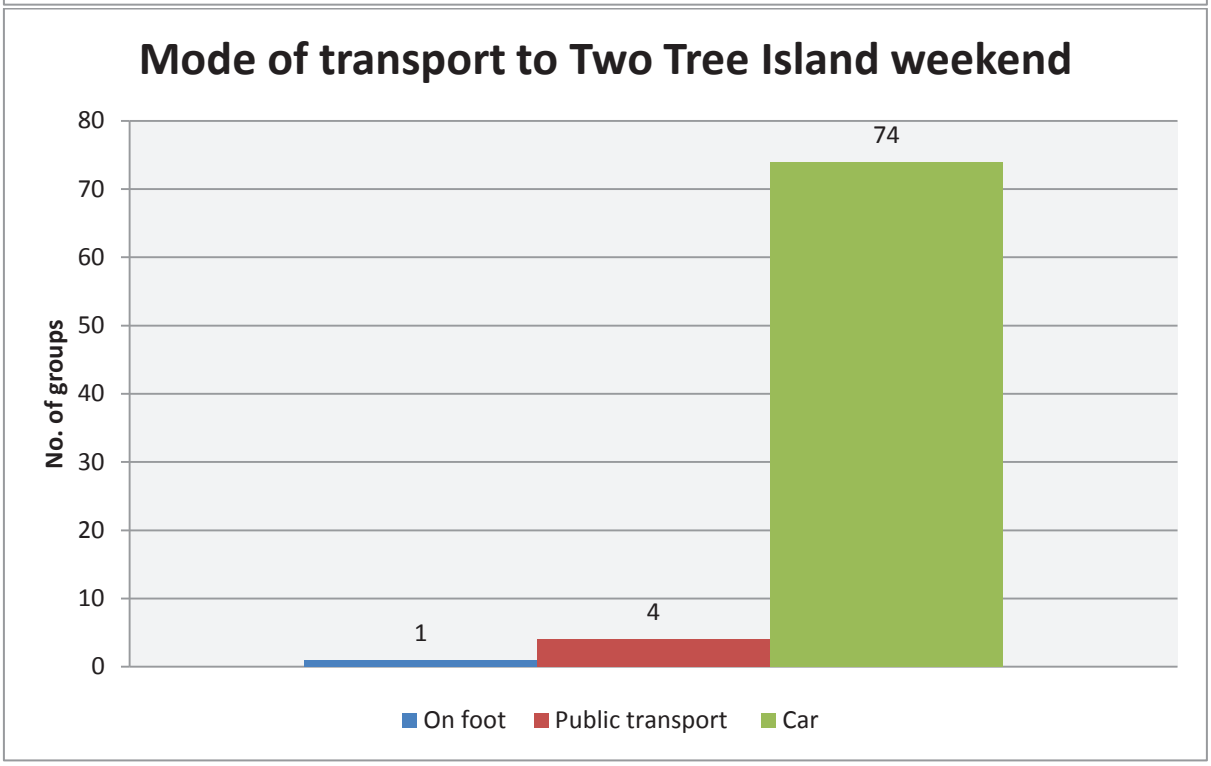
New park design



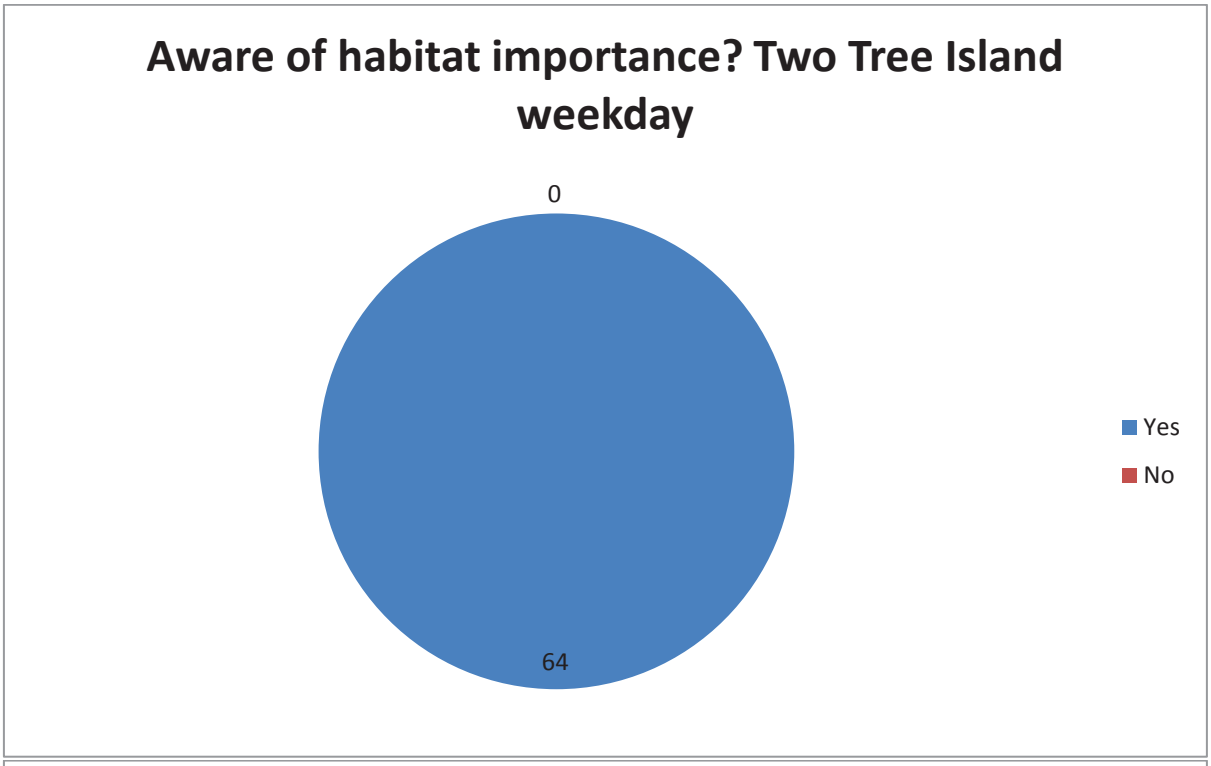


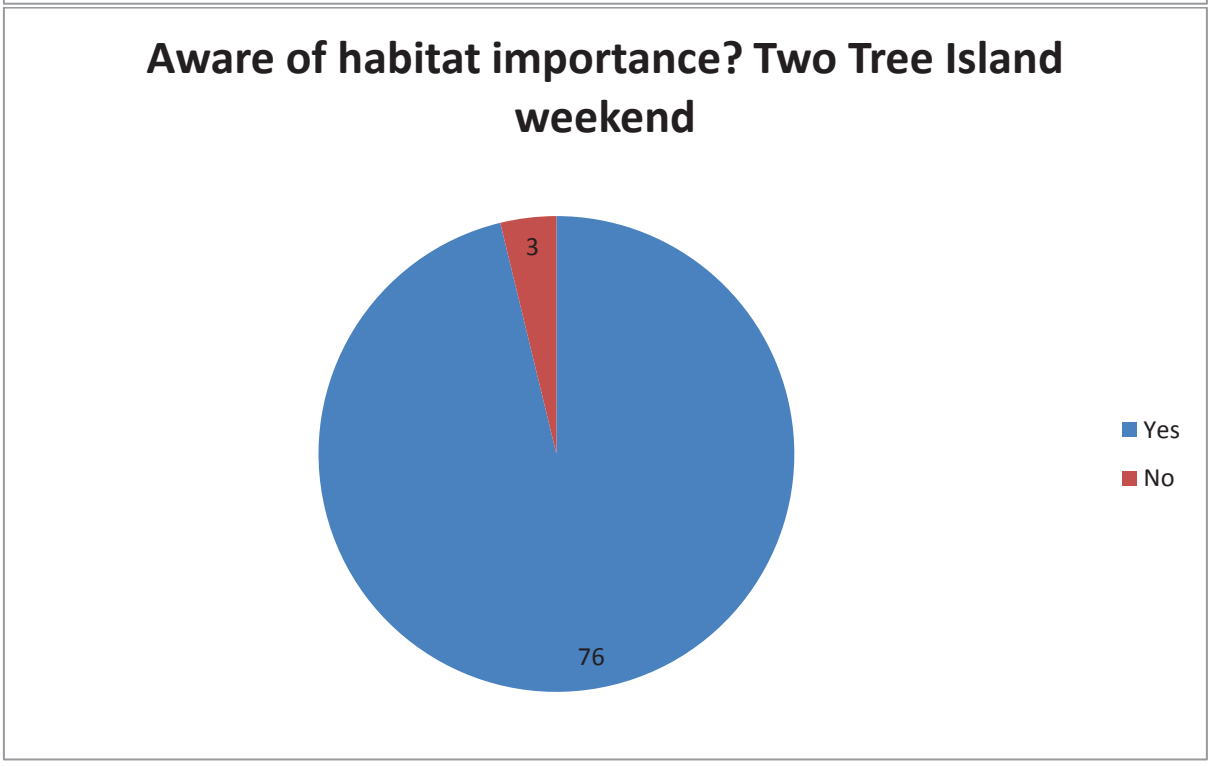
Mode of transport





Aware of habitat importance





Appendix 6: Summer Survey Results

Table A6.1: Number of survey responses per survey site

SPA	Site	Weekday	Weekend	Total
Blackwater Estuary	Bradwell Marina	7	19	26
	Tollesbury Wick	16	38	54
	Total	23	57	80

Table A6.2: Passers-by and water activity per survey site

SPA	Site	Weekday		Weekend		Total	
		Passers-by	Water activity	Passers-by	Water activity	Passers-by	Water activity
Blackwater Estuary	Bradwell Marina	17 *	15	13	71	30	86
	Tollesbury Wick	0	7	20	25	20	32
	Total	17	22	33	96	50	118

* includes 12 cyclists

Table A6.3: Dates of summer surveys

Survey site	Weekday	Weekend
Bradwell Marina	24.05.2018	20.05.2018
Tollesbury Wick	31.05.2018	06.06.2018

<u>Type of disturbance and bird responses</u>

Response types

- No Response: no change in behaviour recorded at all
- Alert: birds become alert, changing behaviour (i.e. stopping feeding or standing alert if roosting)
- Walk/Swim: moving away from the source of disturbance without taking flight
- Minor Flight: short flights of less than 50m
- Major Flight: birds flushed and flying more than 50m

- Mobbing: applies to situations where birds believed to be nesting were repeatedly alarm calling and/or mobbing or undertaking distraction displays, suggesting that the disturbance was around the nest and/or chicks.

The tables below are the questionnaire results from the sites listed. The questionnaires were recorded both on a weekday and weekend.

Table A6.4: Bradwell Marina weekday

Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Passers by	17 (includes 12 cyclists)	0						
Cycling	12	0						
Motorboat	5	0						
Sailing boat	10	0						
Quad bike	1	0						

Table A6.5: Bradwell Marina weekend

Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Passers by	9	0						
Jogging	1	0						

Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Cycling	4	0						
Jet ski	10	1					1	
Speed boat	4	0						
Kayaking	2	0						
Sailing boat	21	2				2		
Motorboat	34	11			4	6	1	

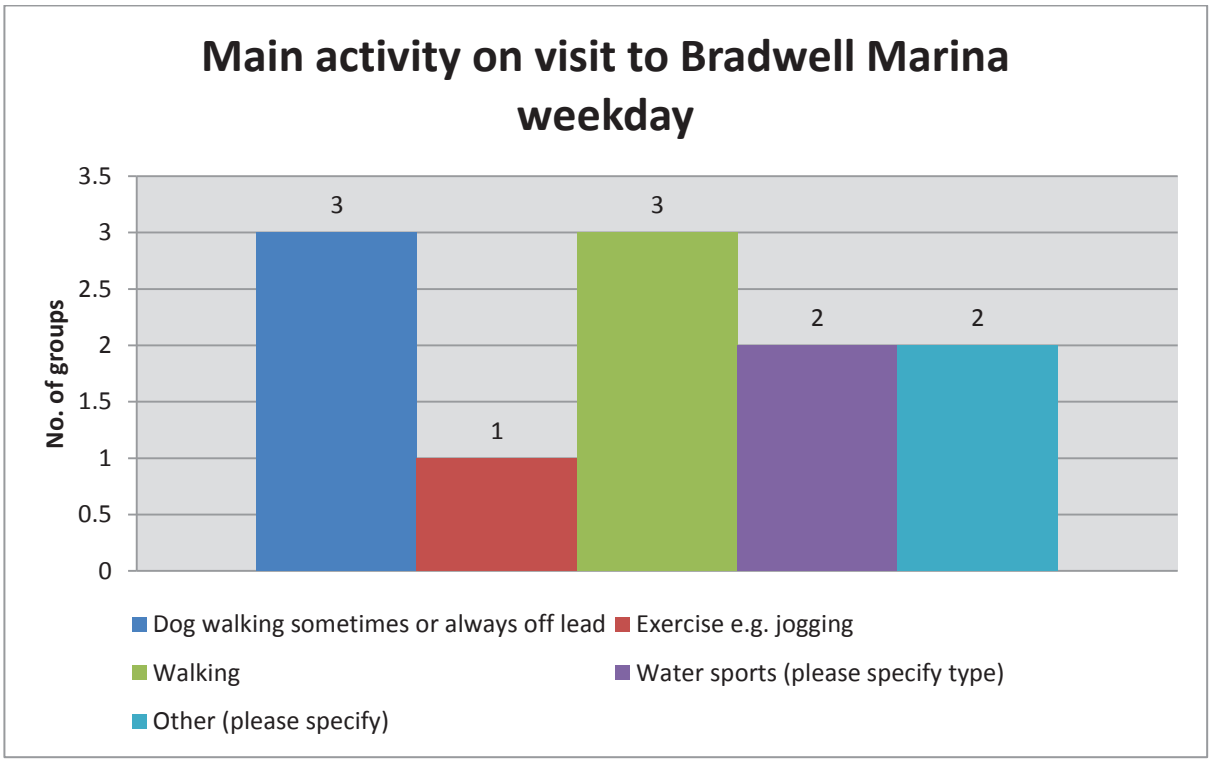
Table A6.6: Tollesbury Wick weekday

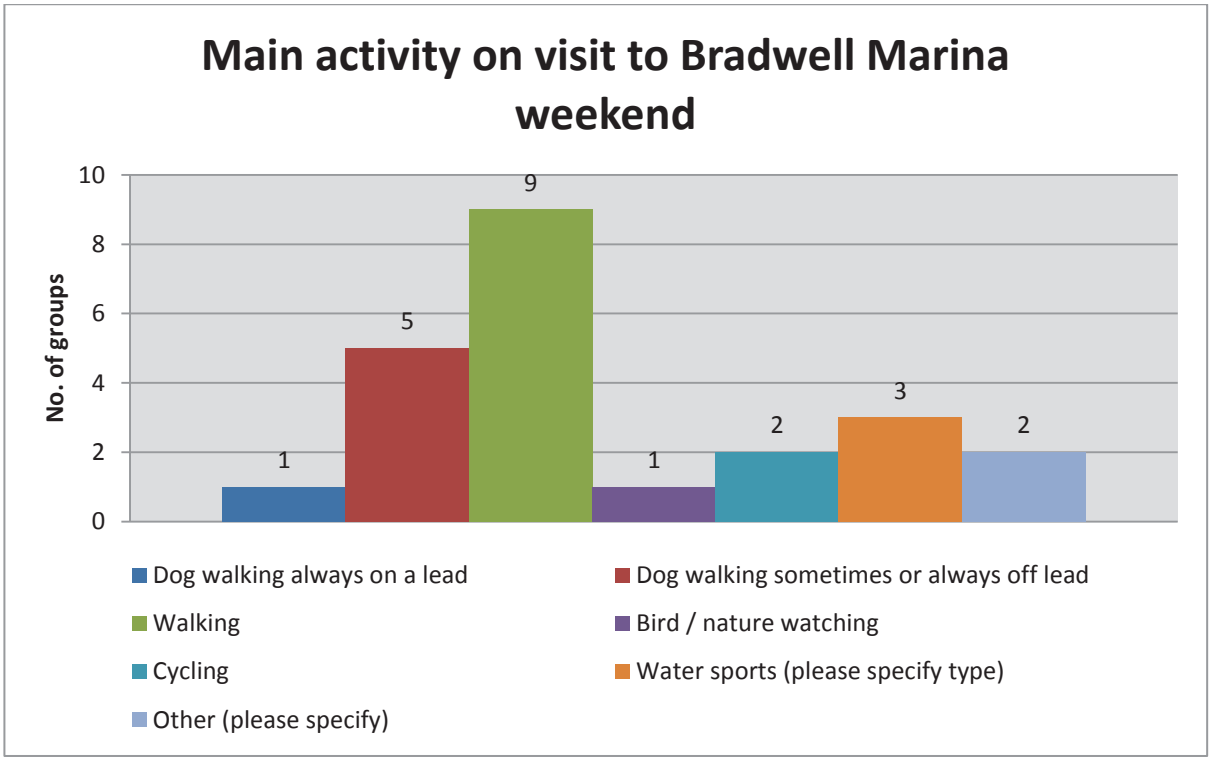
Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Sailing boat	7	0						
Passers by	0	0						

Table A6.7: Tollesbury Wick weekend

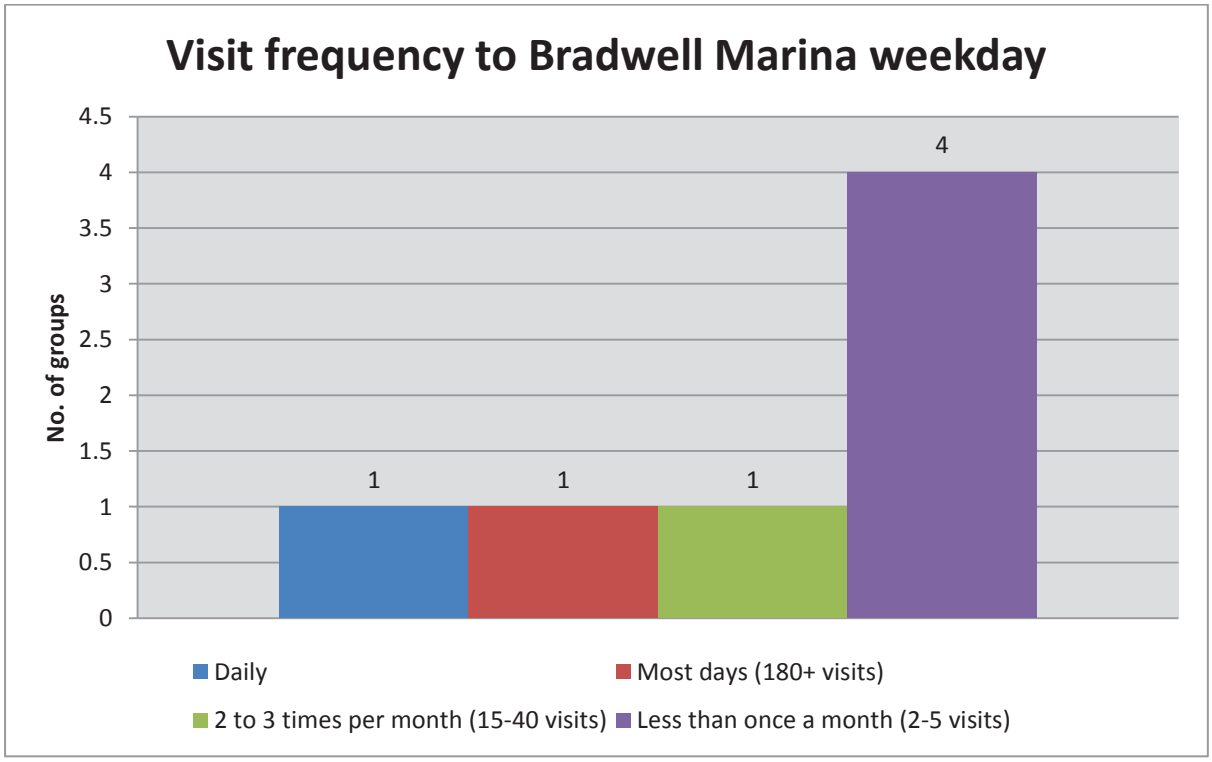
Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Yacht	14	0						
Motorboats	8	0						
Kayaks	3	0						
Passers by	20	0						

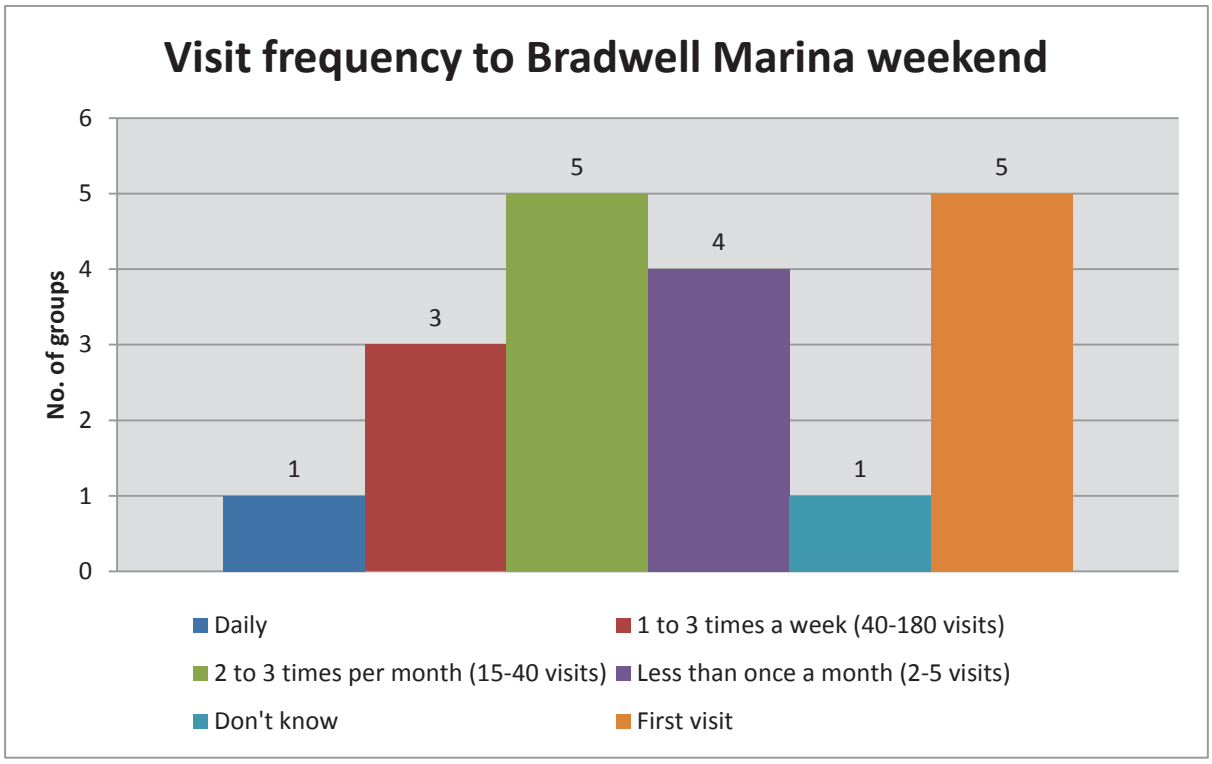
Figures A6.1- A6.2: Graphs showing results for main activity



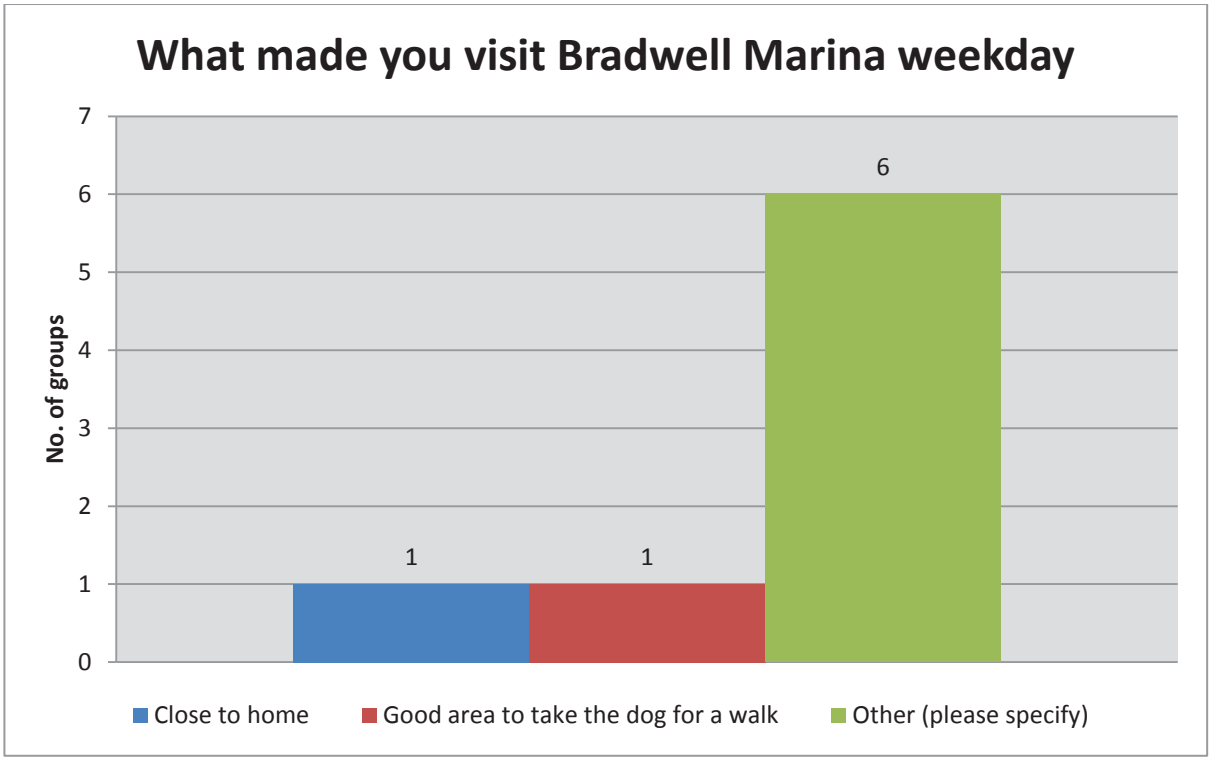


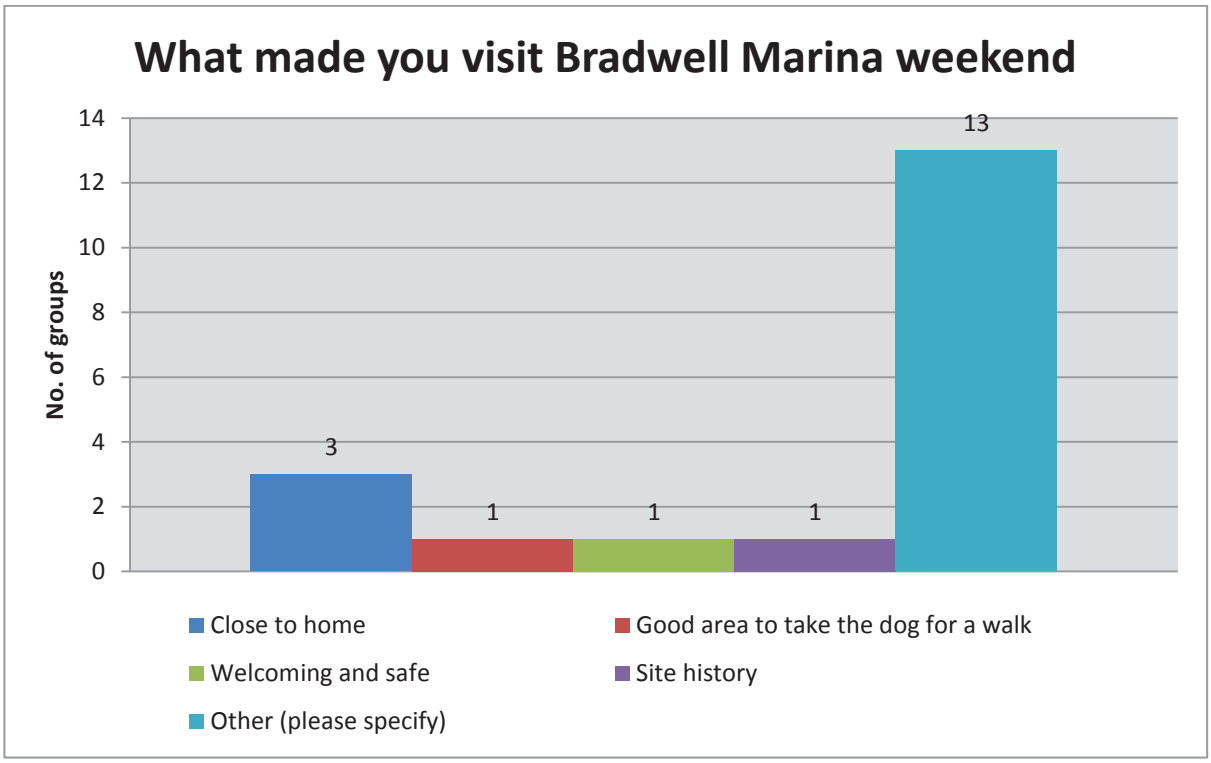
Figures A6.3- A6.4: Graphs showing results for visit frequency



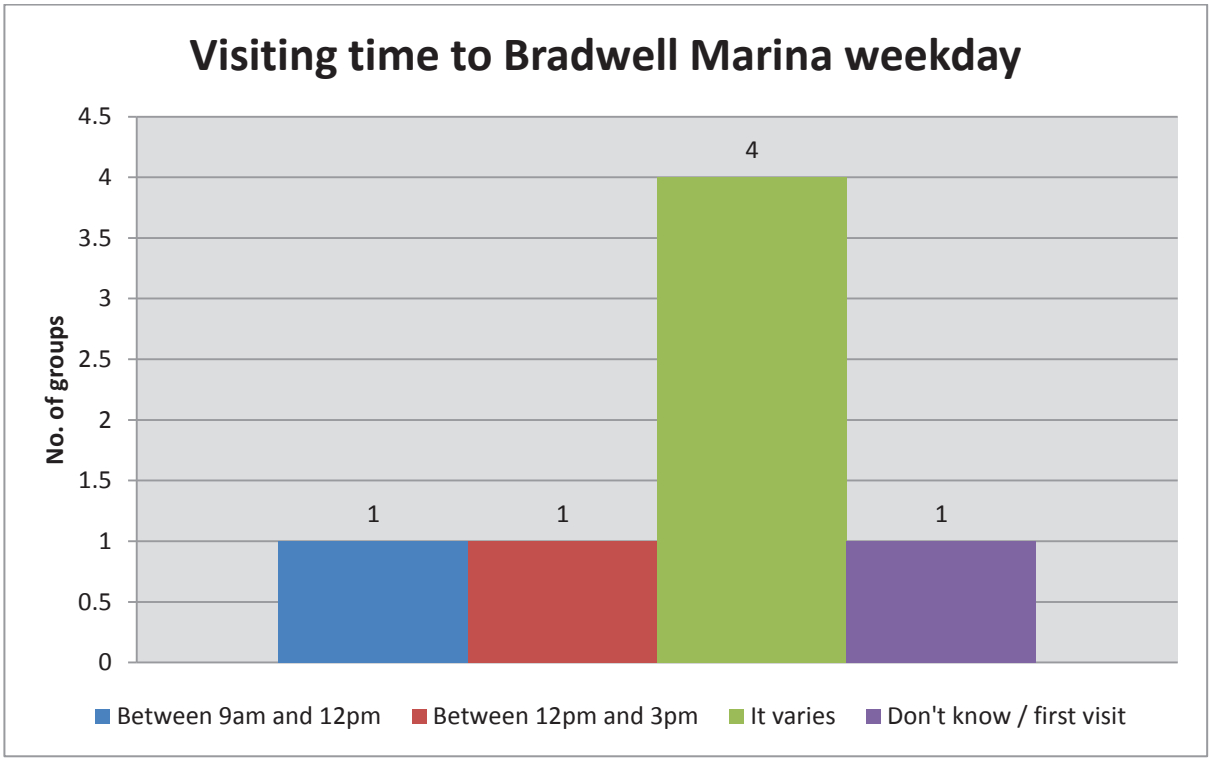


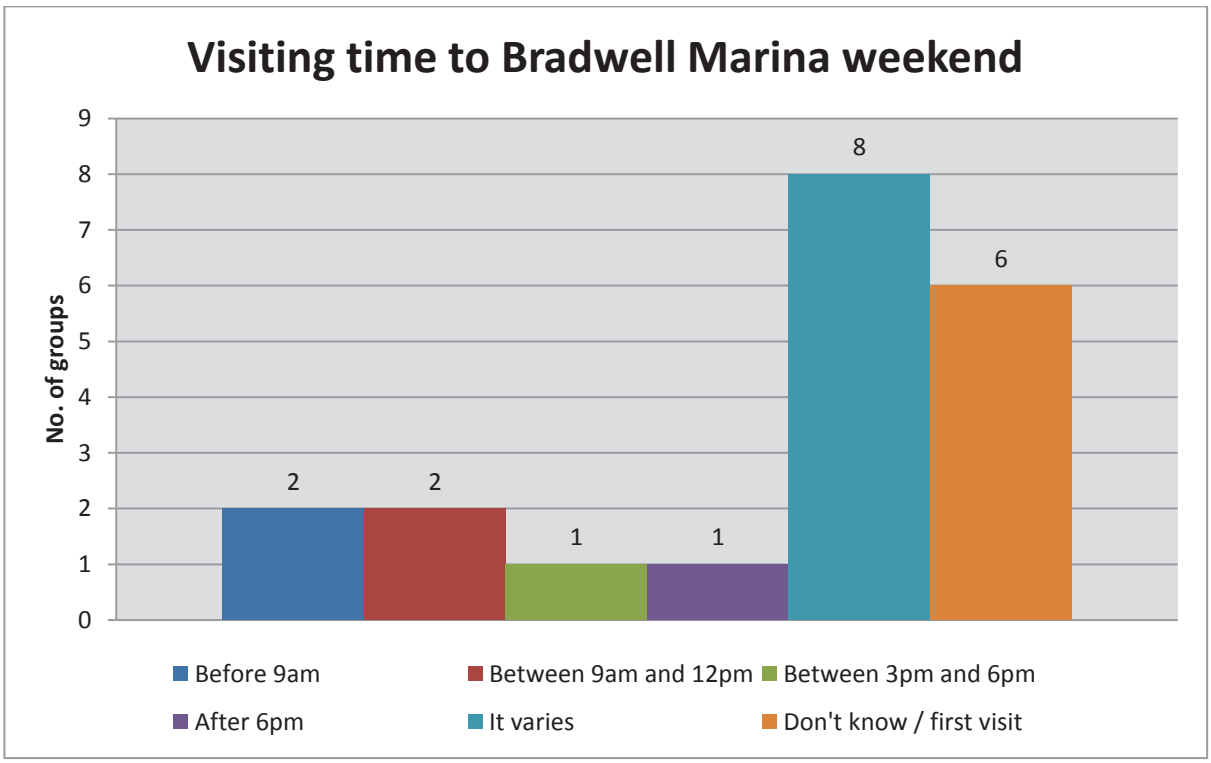
Figures A6.5- A6.6: Graphs showing results for question 'What made you visit?'



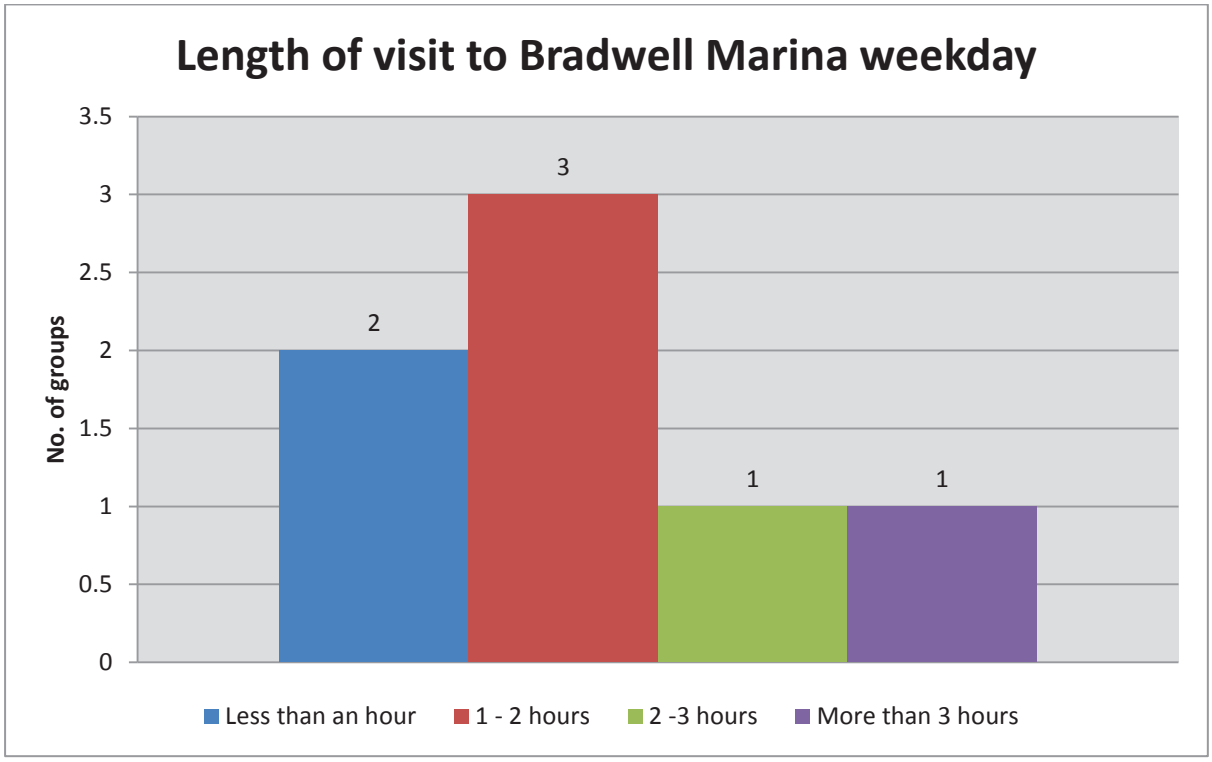


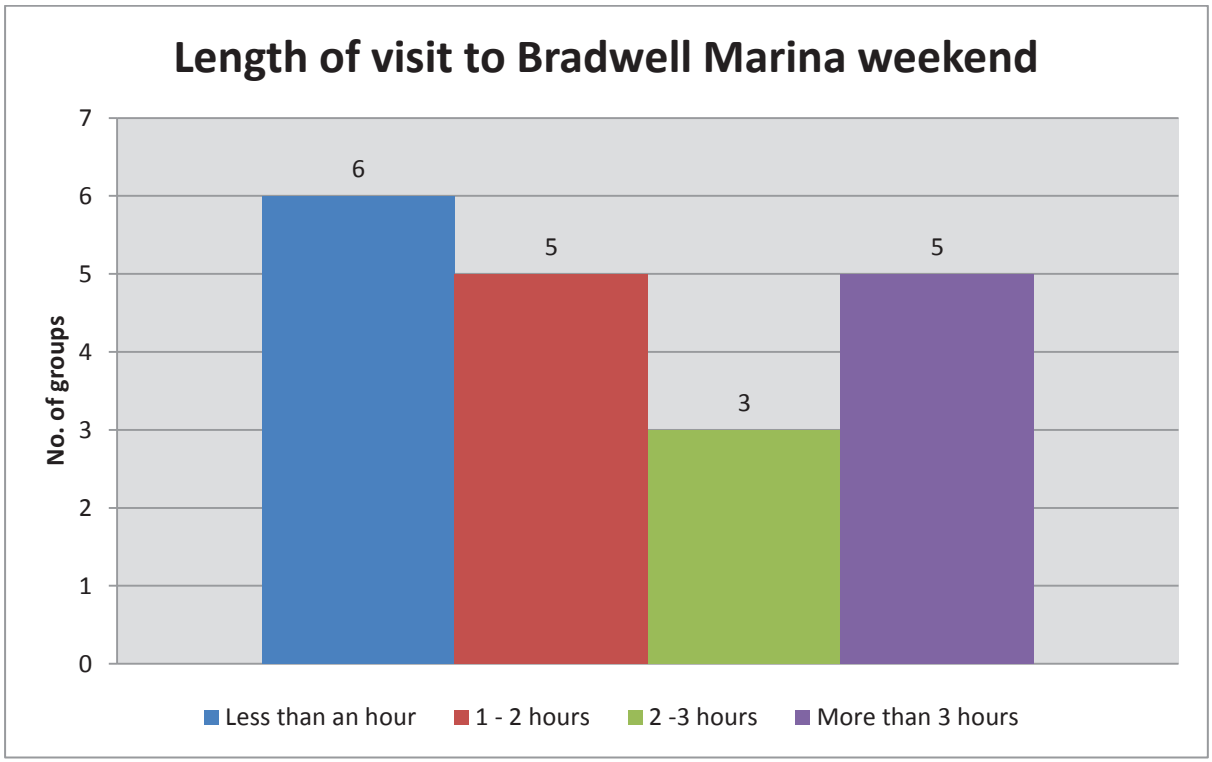
Figures A6.7- A6.8: Graphs showing results for visiting time



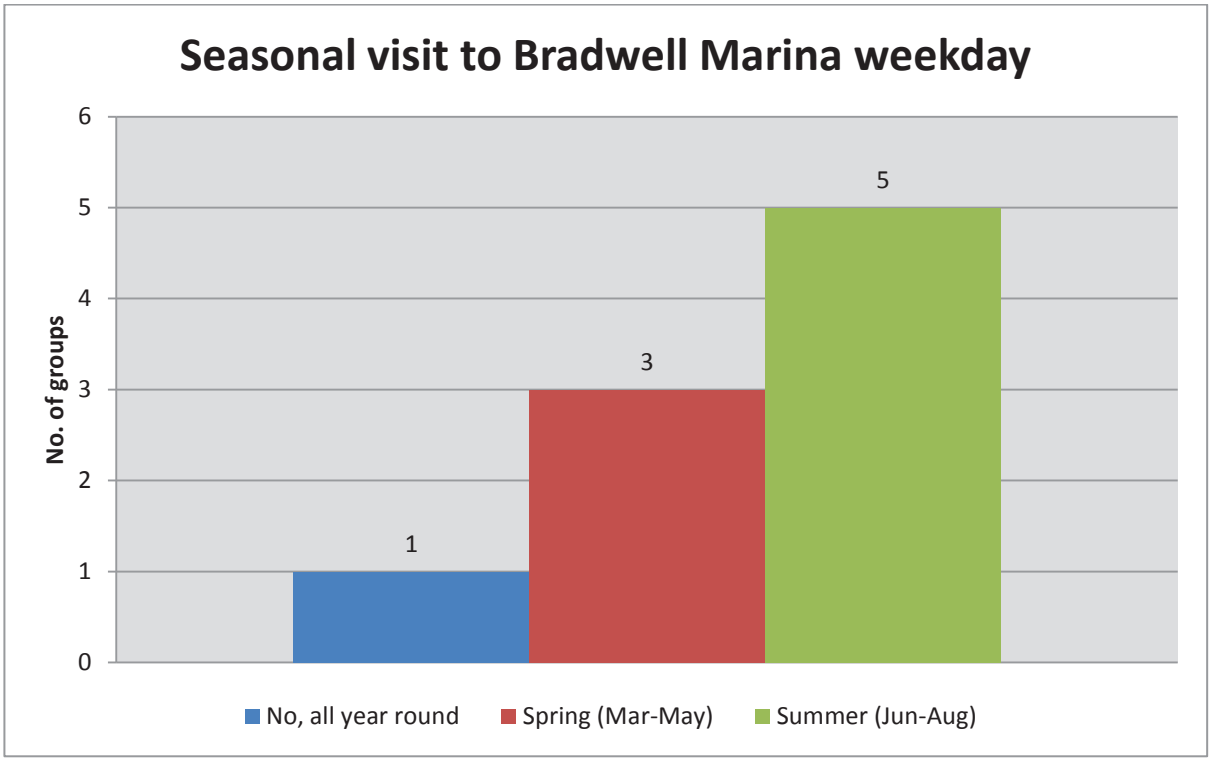


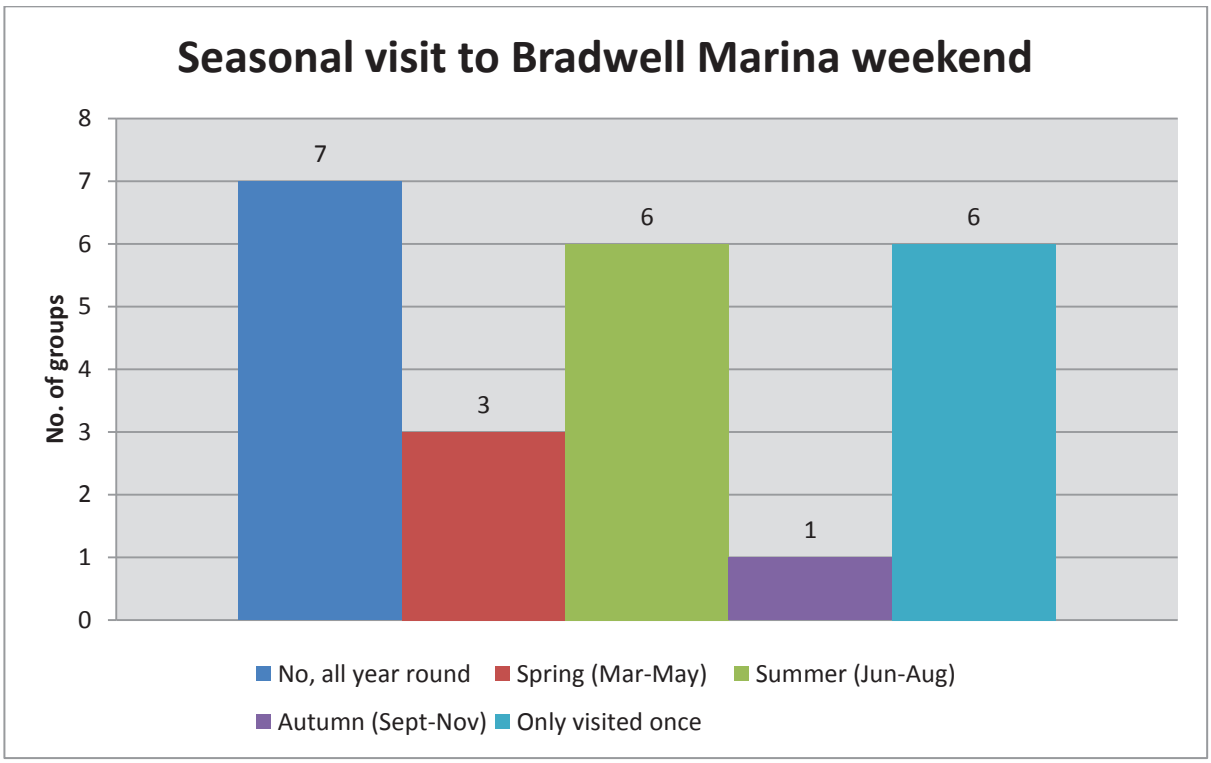
Figures A6.9- A6.10: Graphs showing results for length of visit



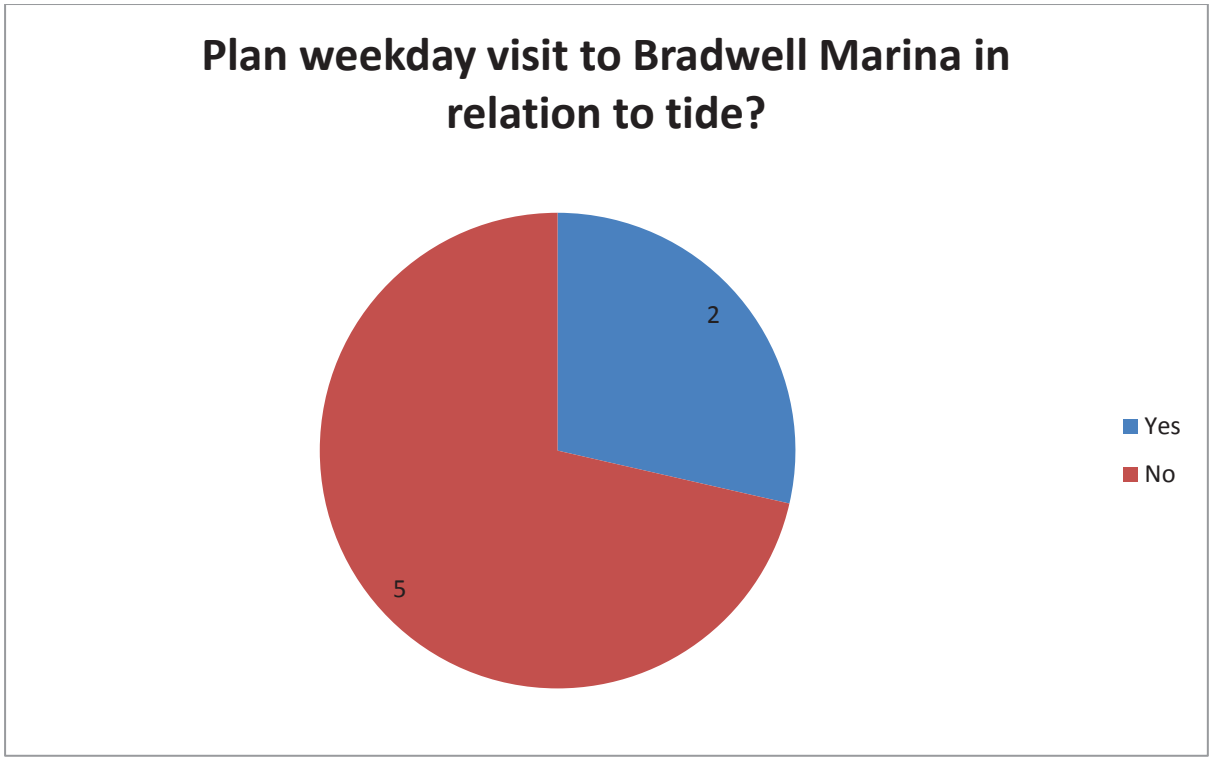


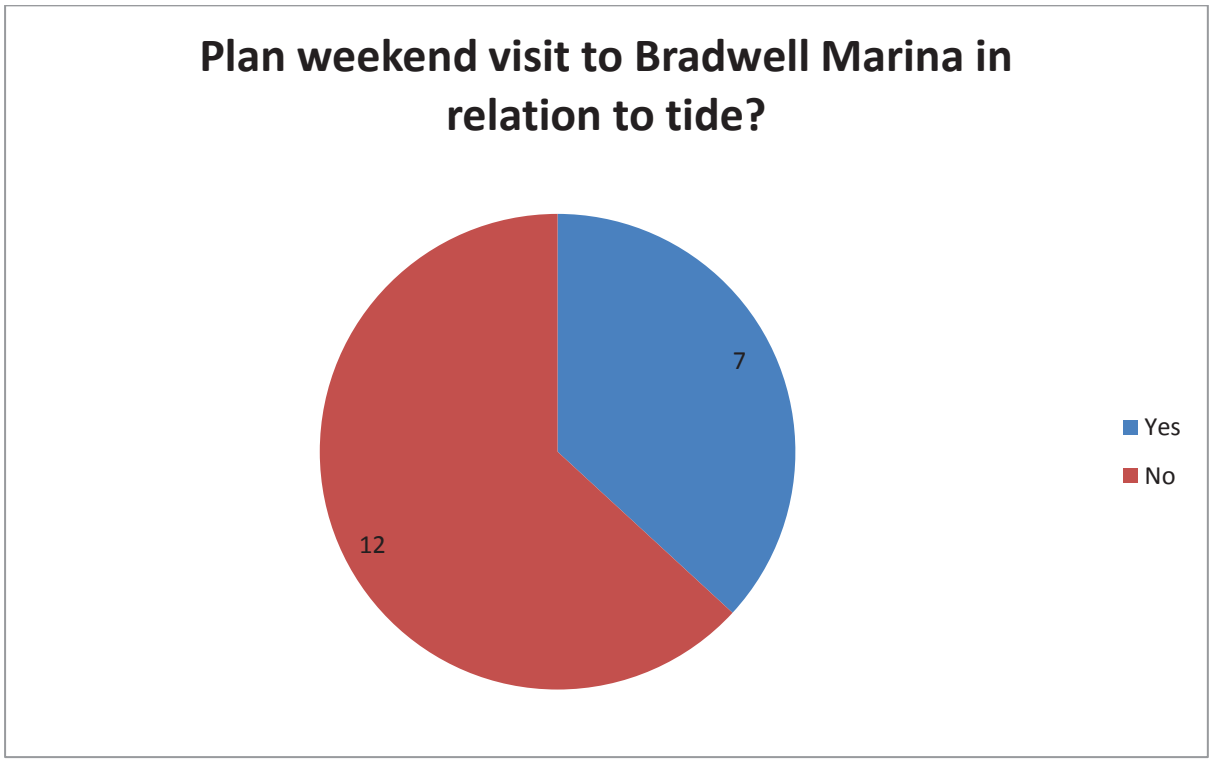
Figures A6.11- A6.12: Graphs showing results for seasonal visiting



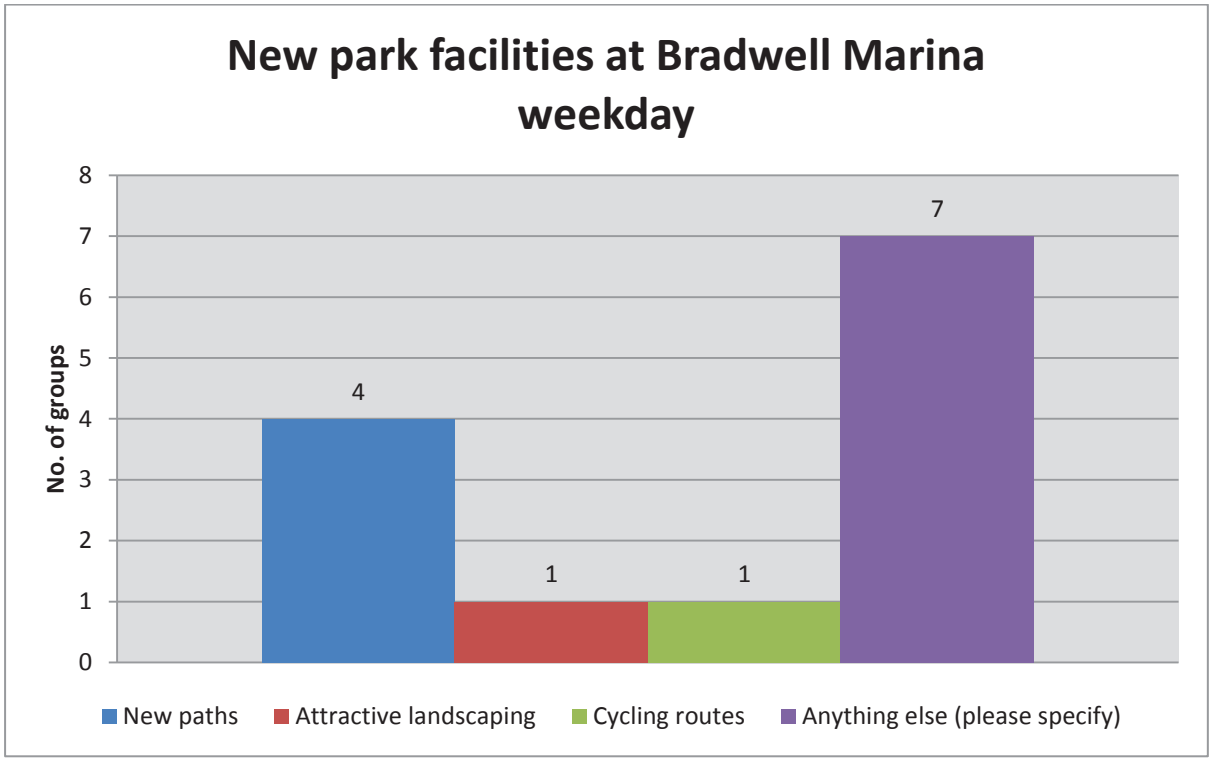


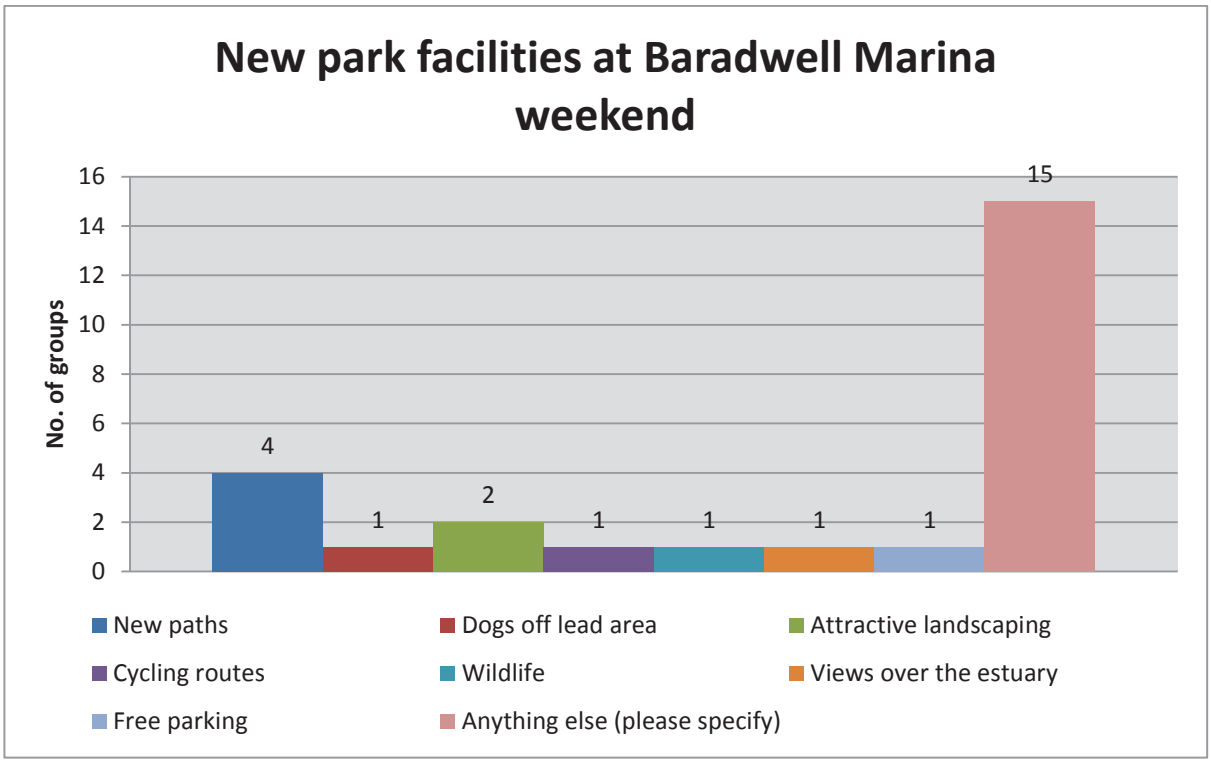
Figures A6.13- A6.14: Graphs showing results for question 'Plan visit in relation to the tide?'



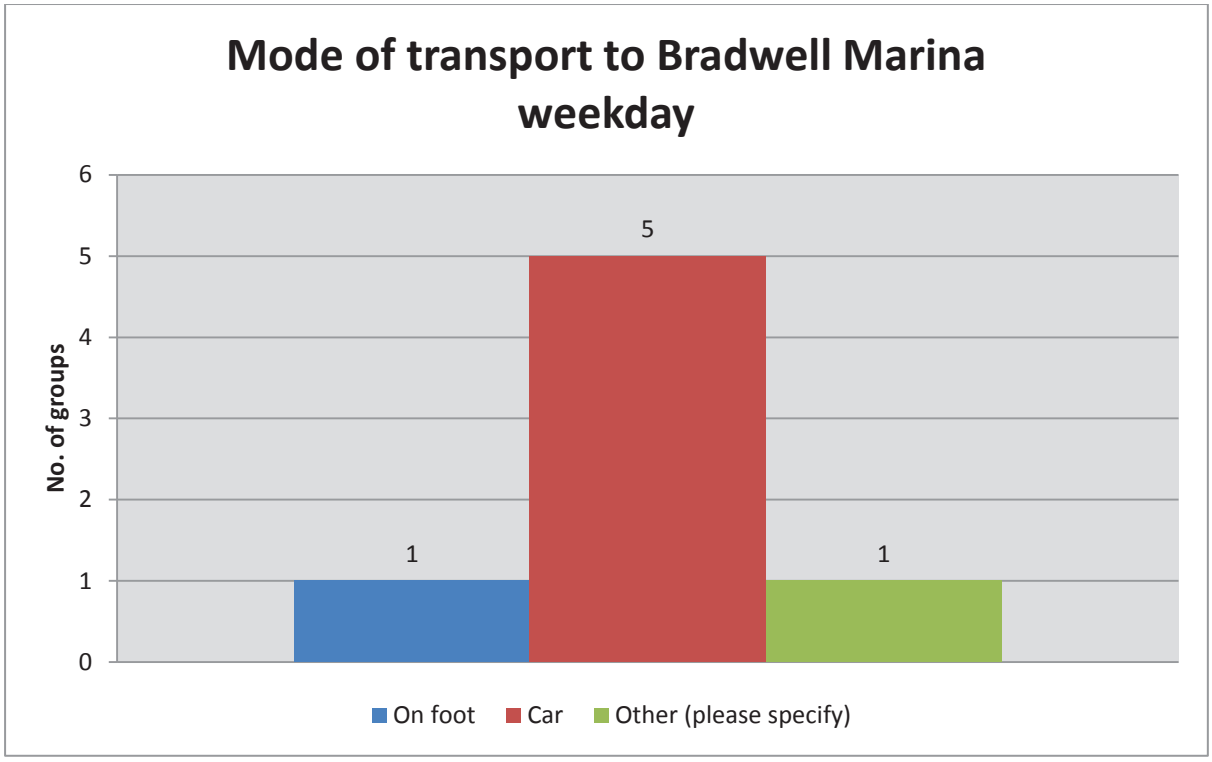


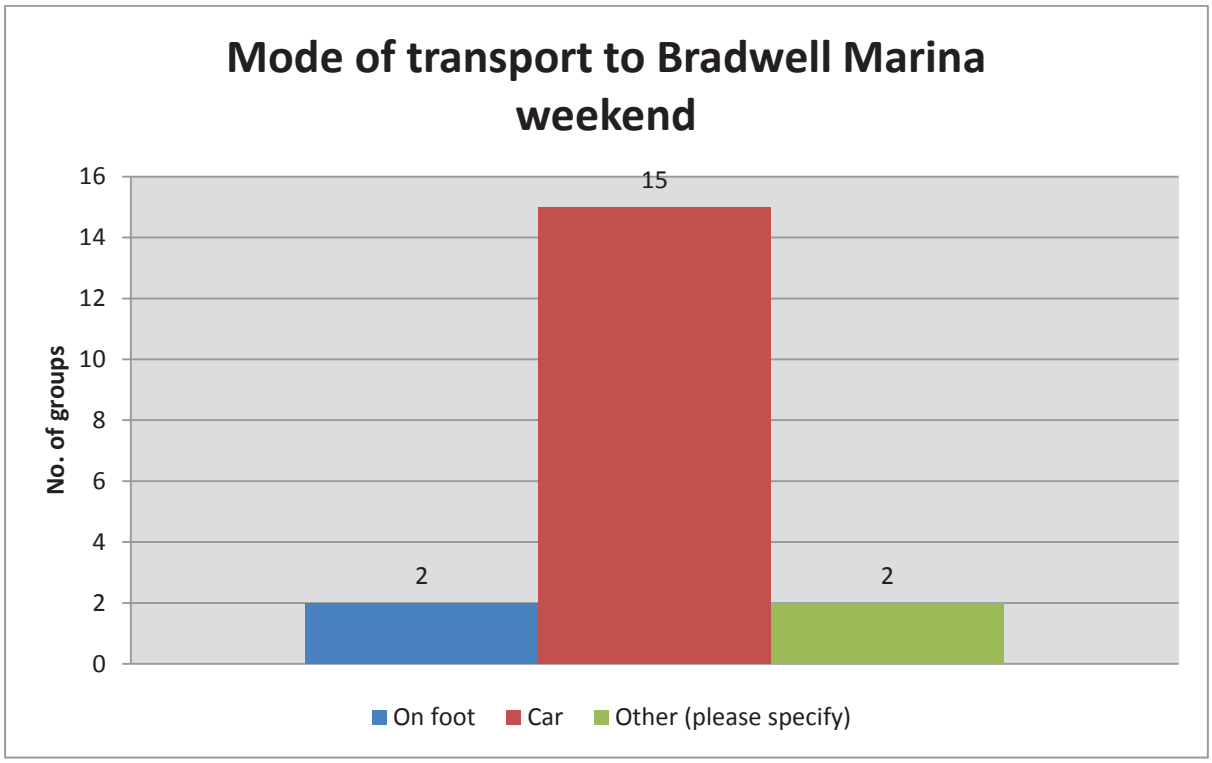
Figures A6.15- A6.16: Graphs showing results for new park design



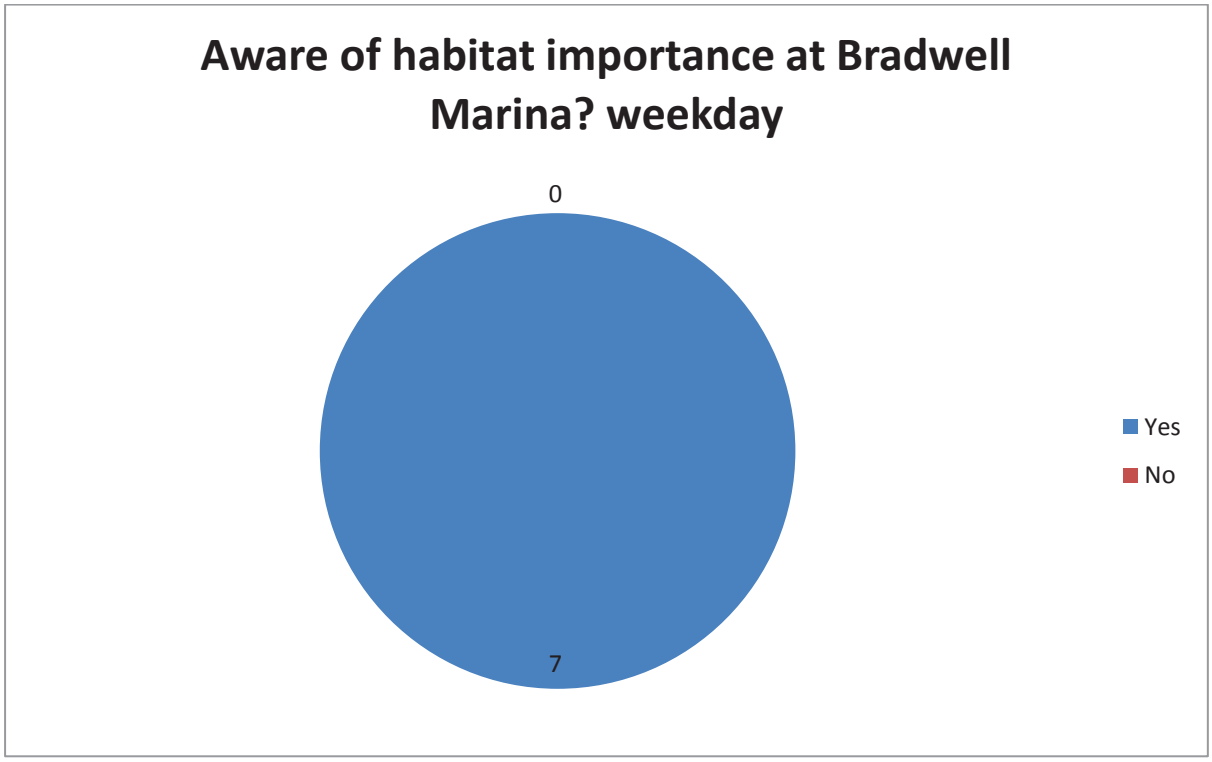


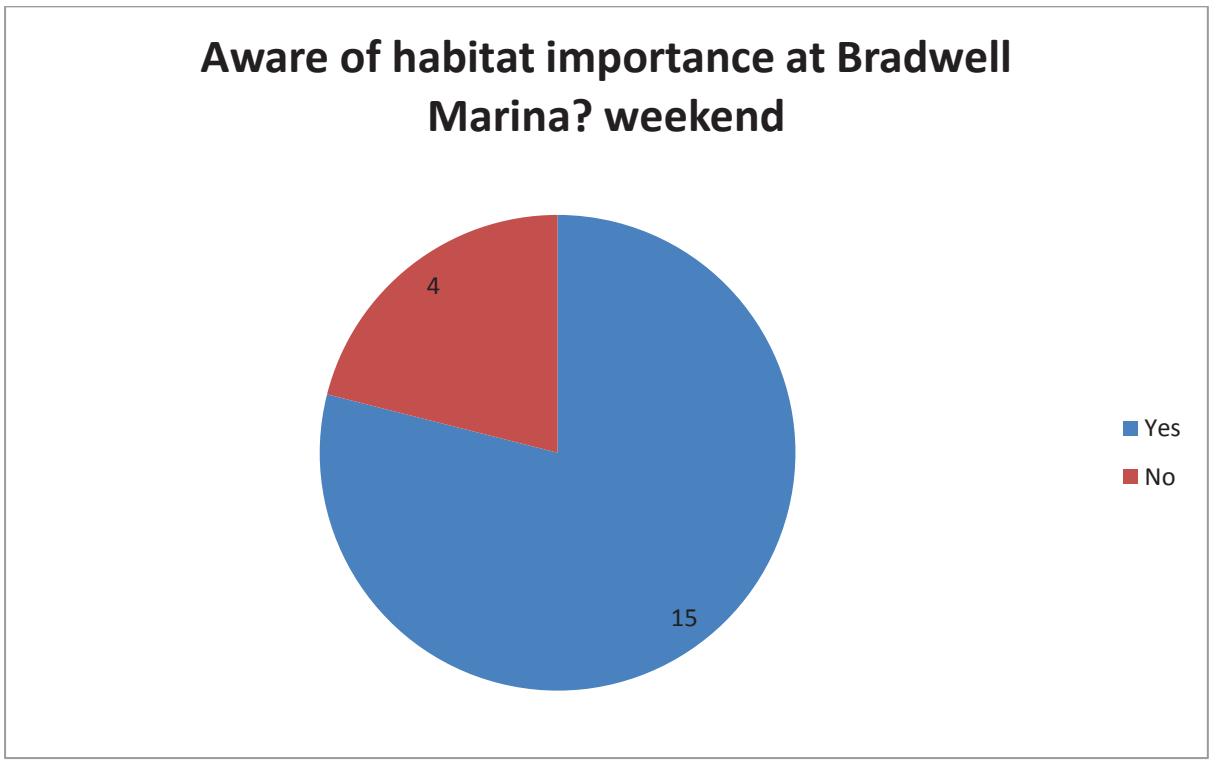
Figures A6.17- A6.18: Graphs showing results for mode of transport



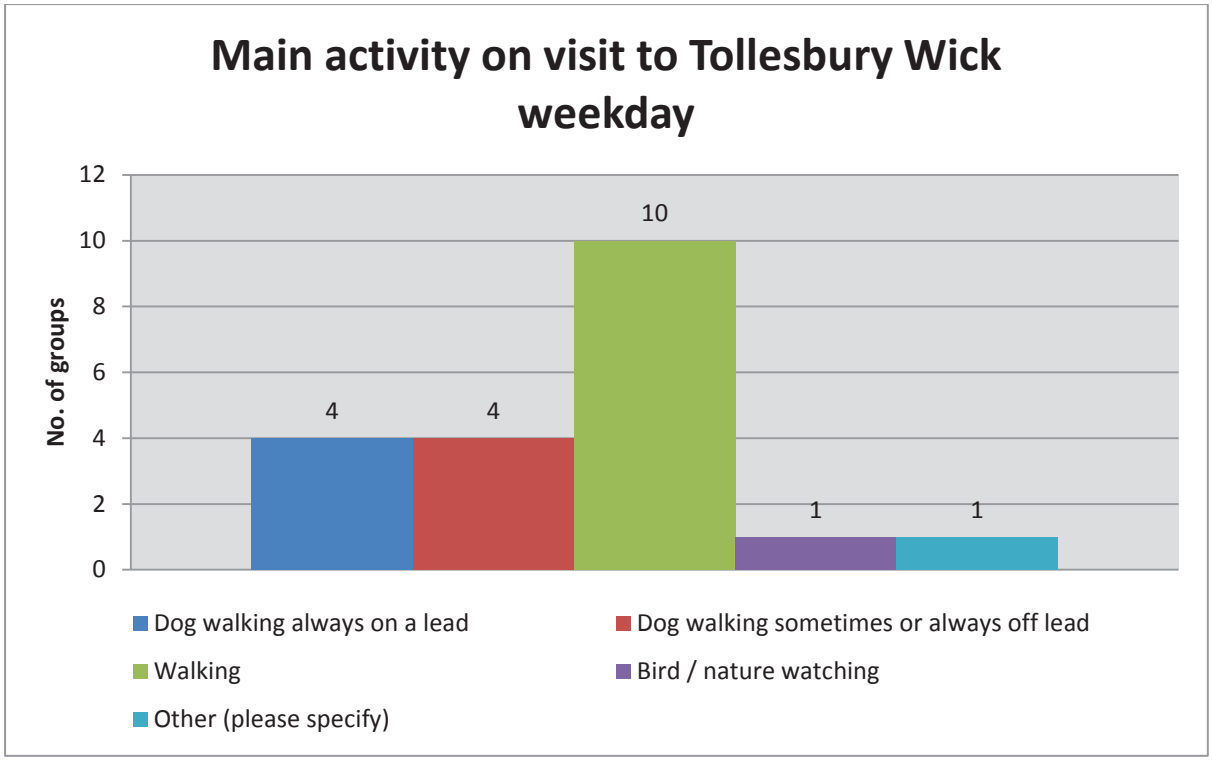


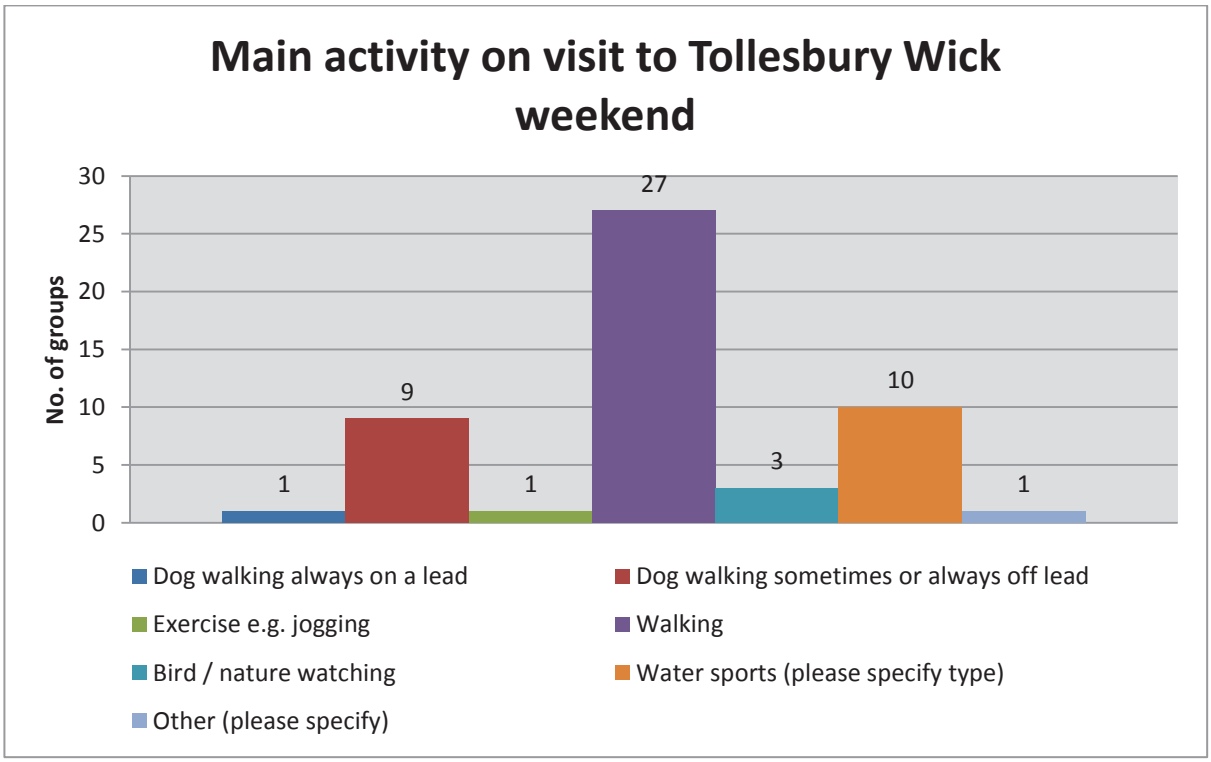
Figures A6.19- A6.20: Graphs showing results for awareness of habitat importance



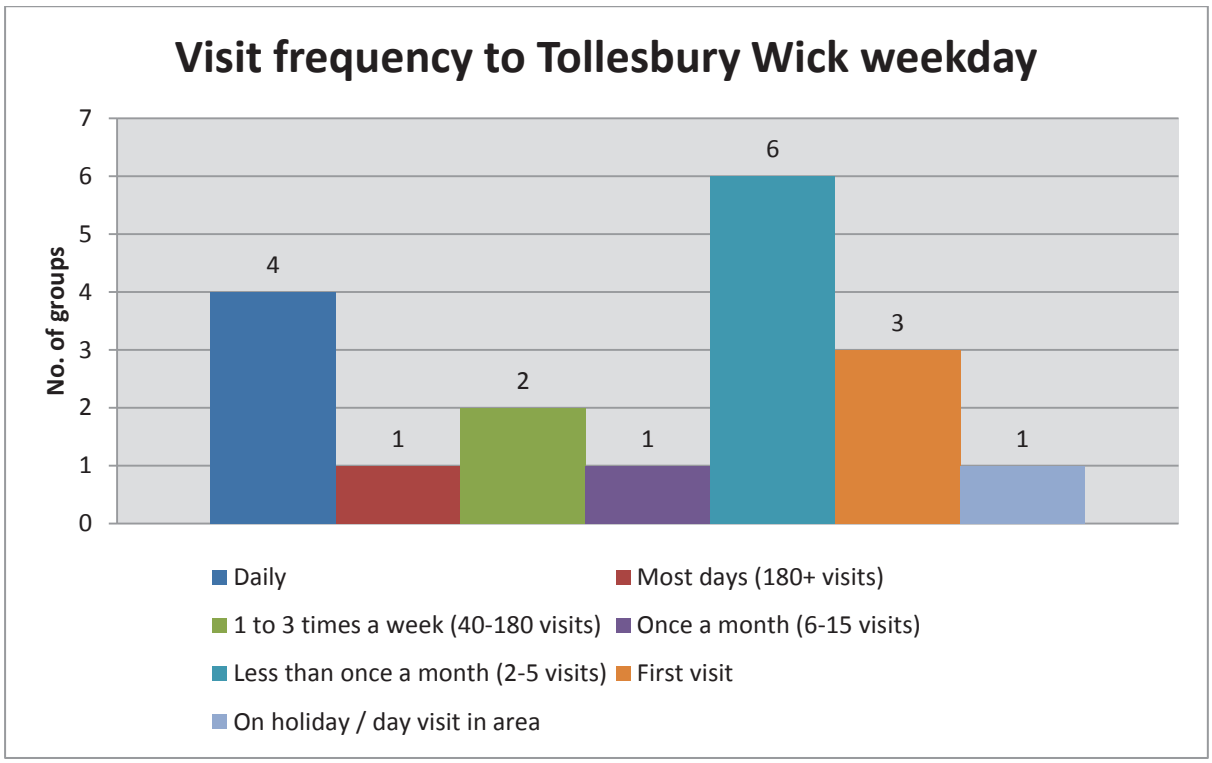


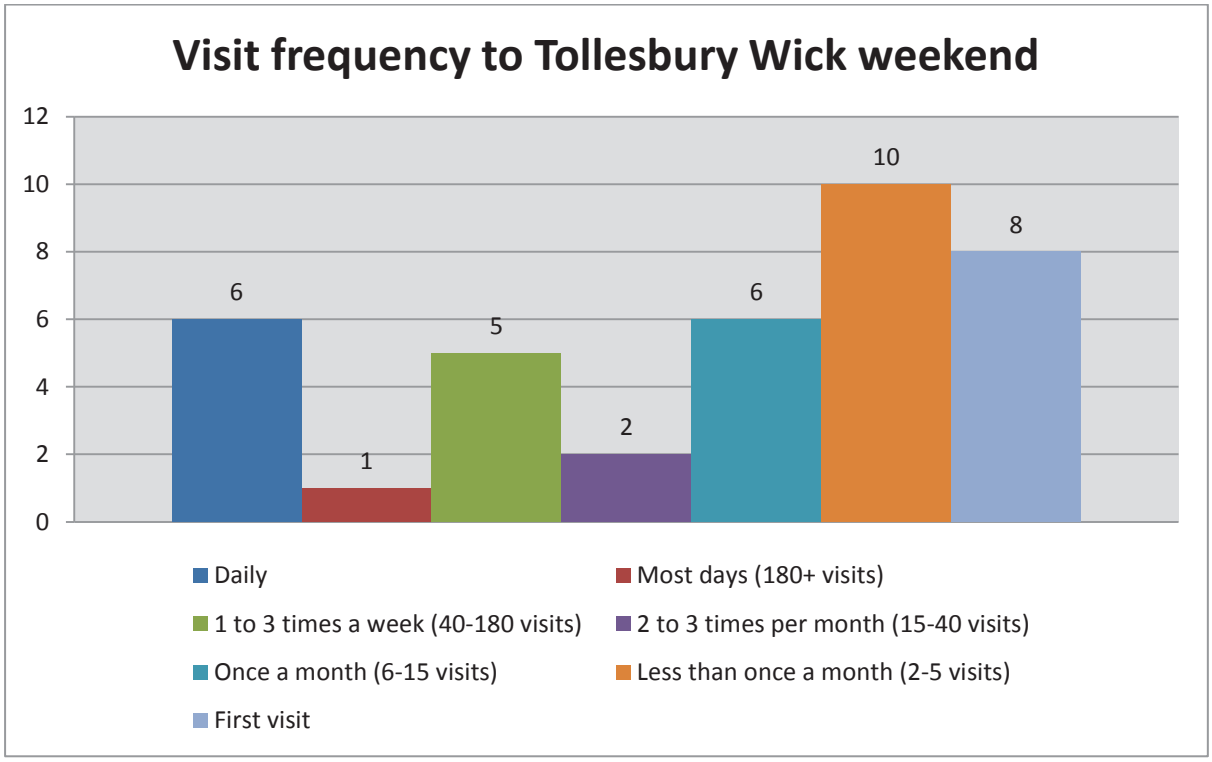
Figures A6.21-A6.22: Graphs showing results for main activity



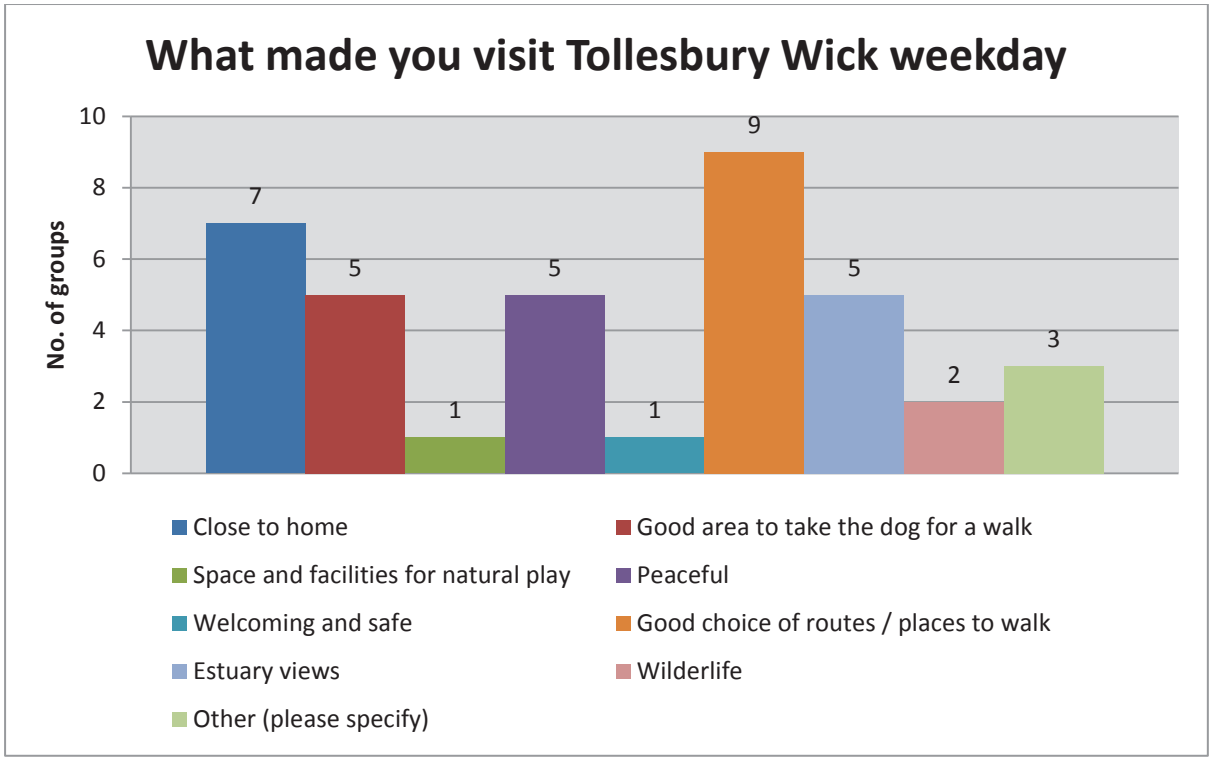


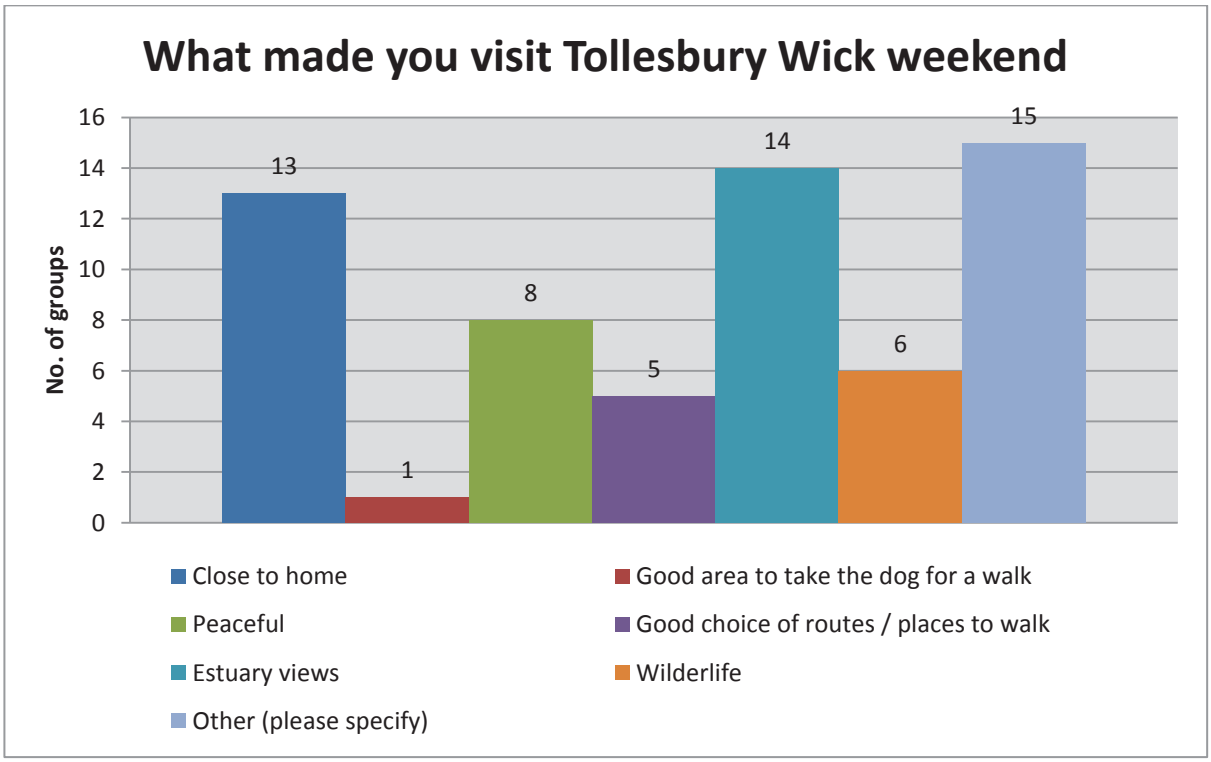
Figures A6.23- A6.24: Graphs showing results for visit frequency



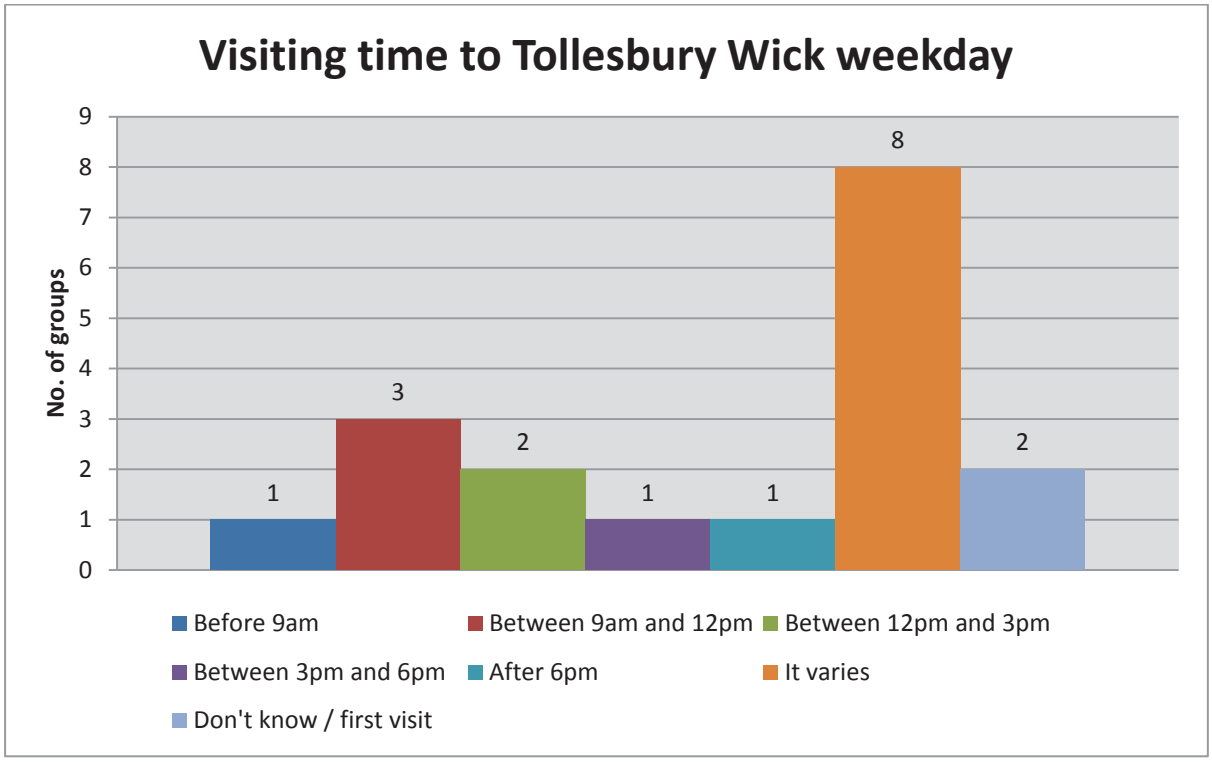


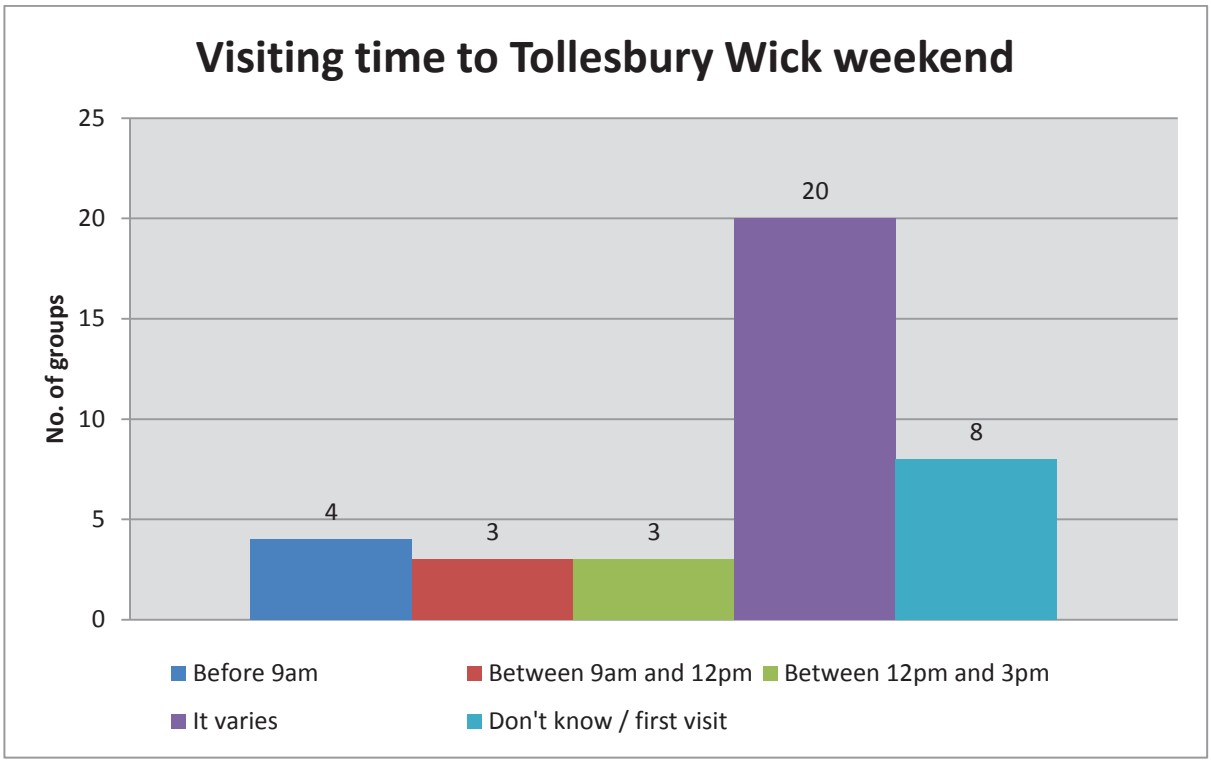
Figures A6.25- A6.26: Graphs showing results for question 'What made you visit?'



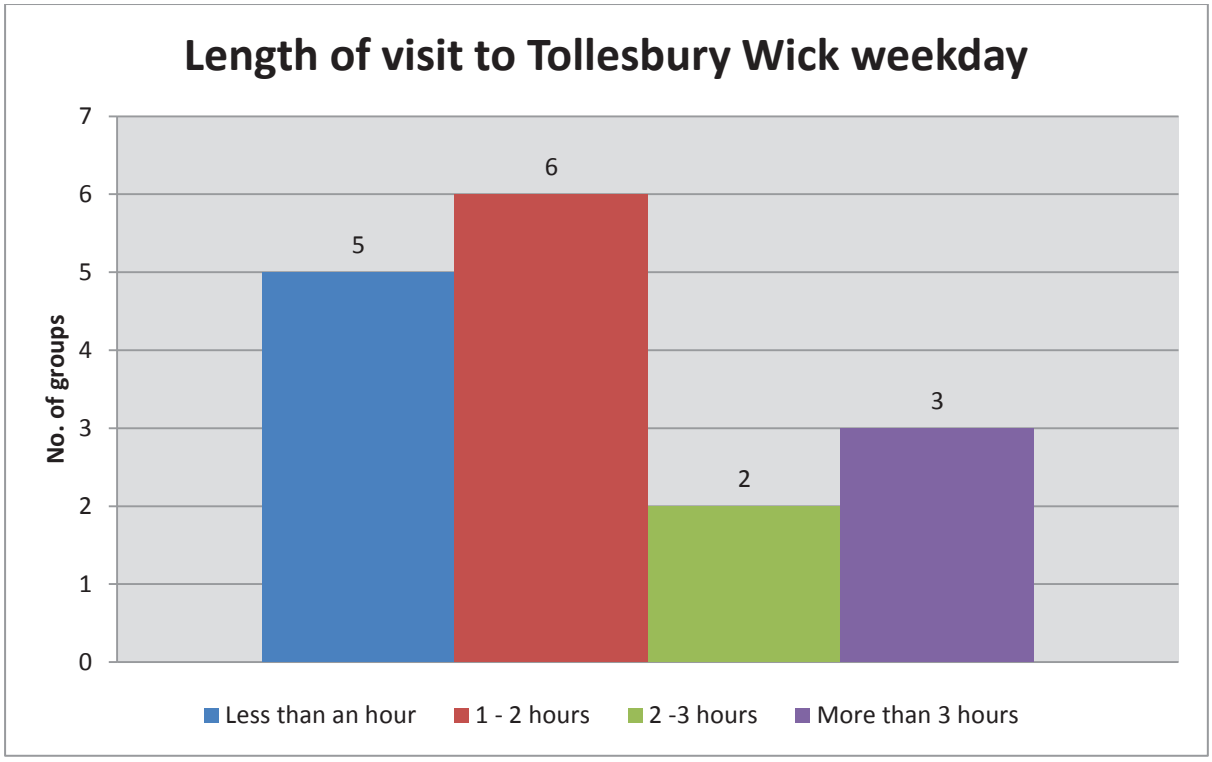


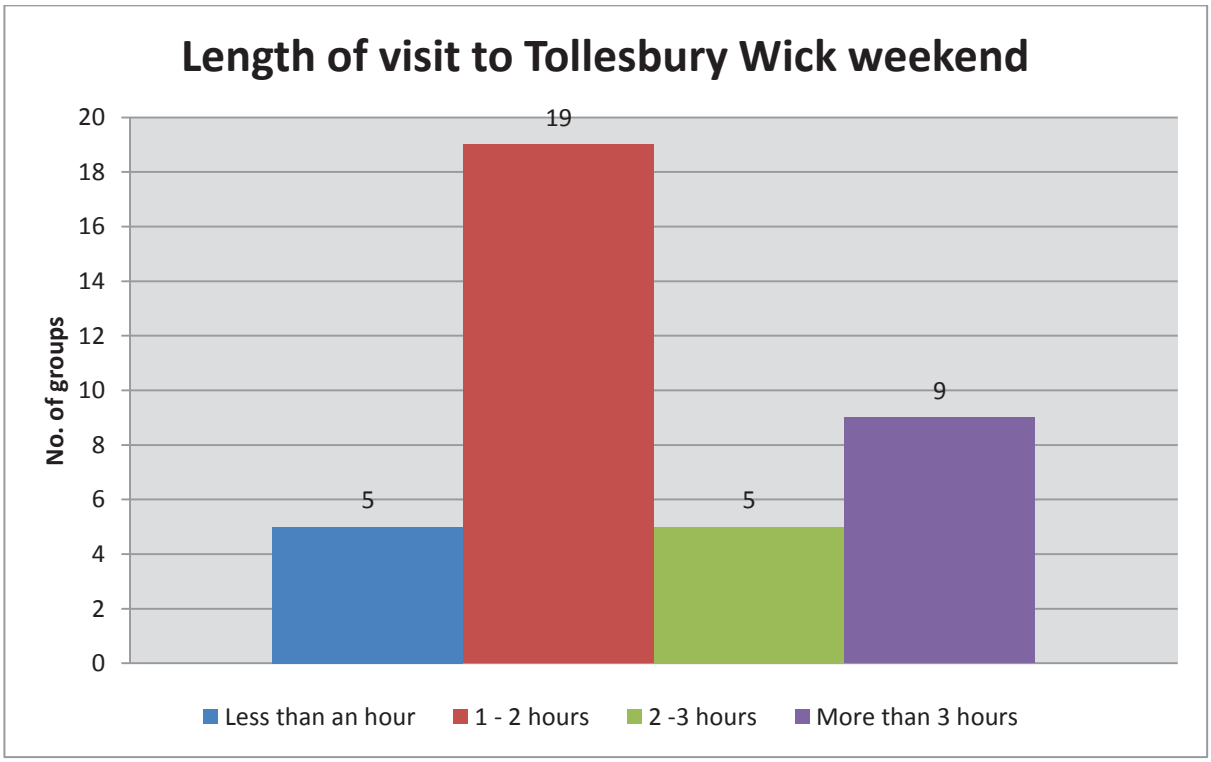
Figures A6.27- A6.28: Graphs showing results for visiting time



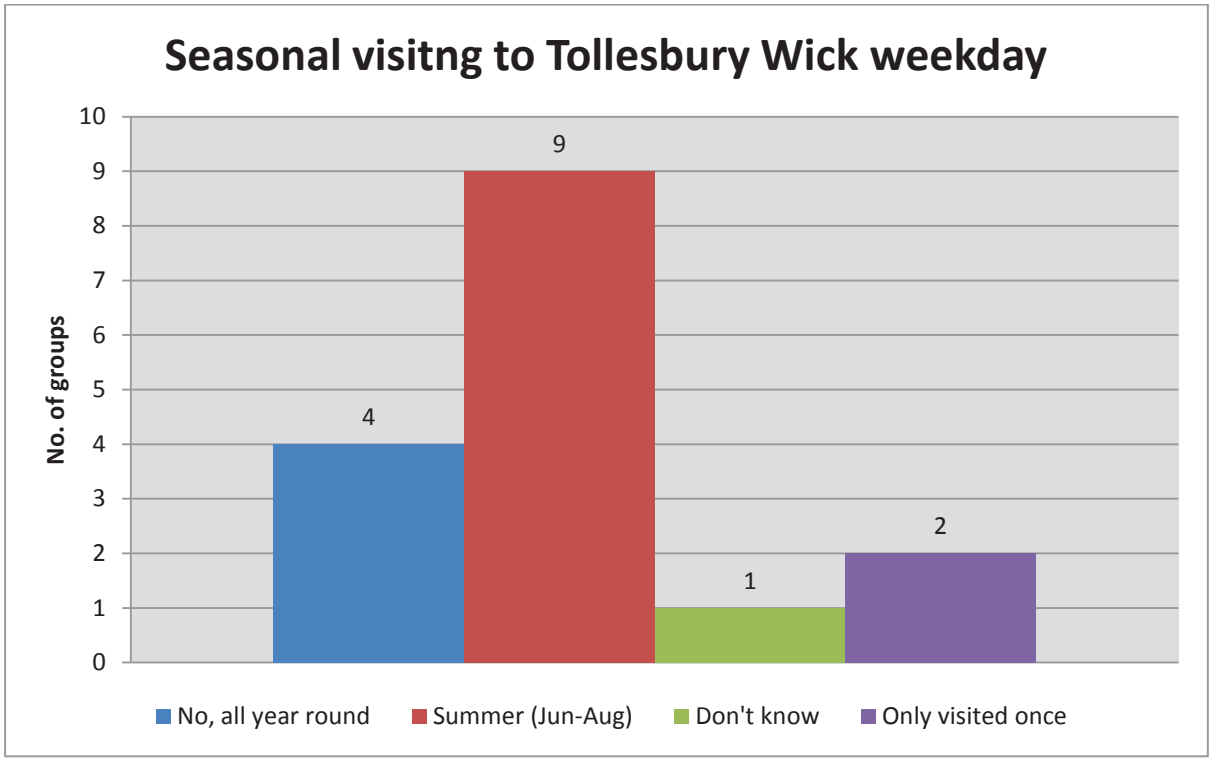


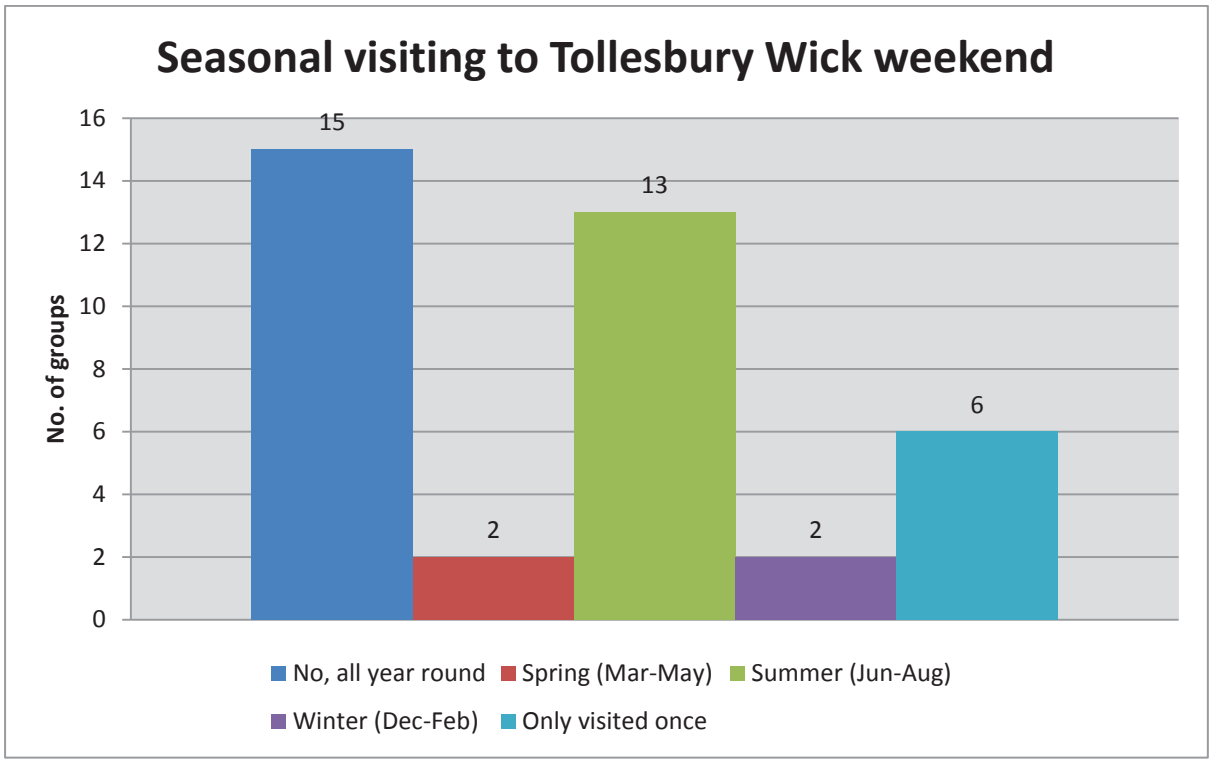
Figures A6.29- A6.30: Graphs showing results for length of visit



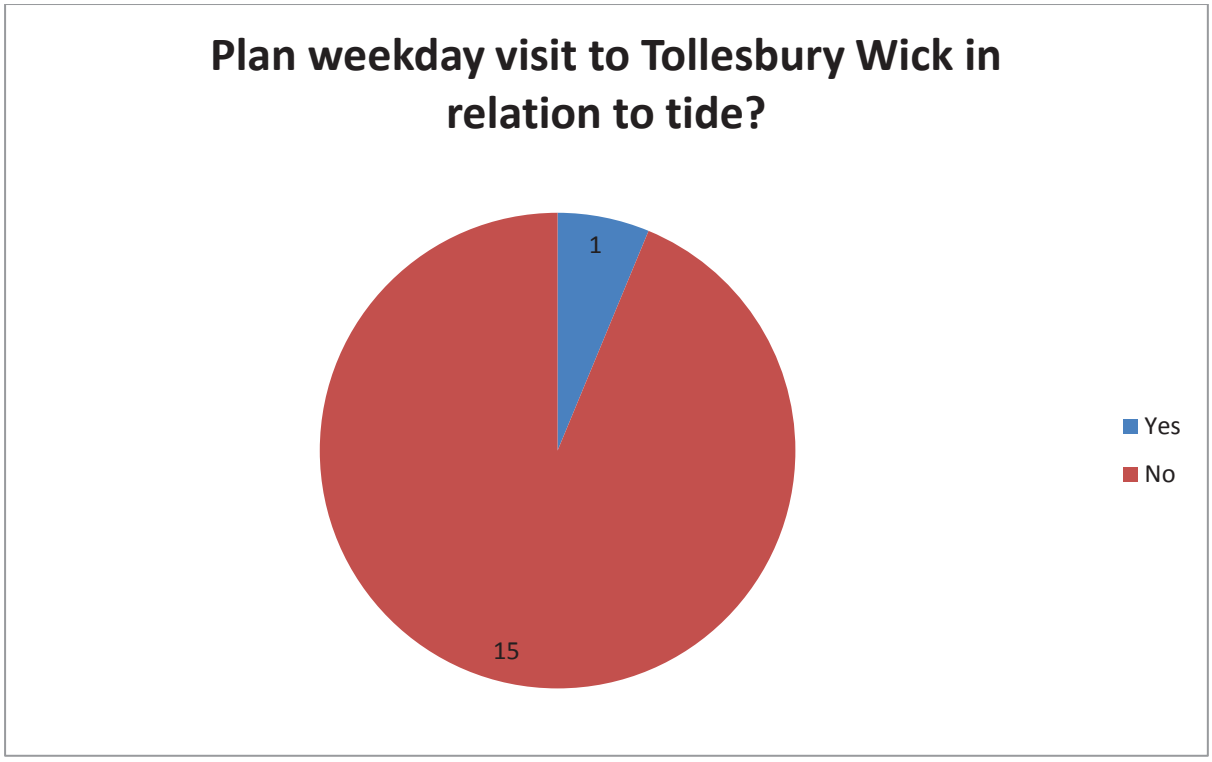


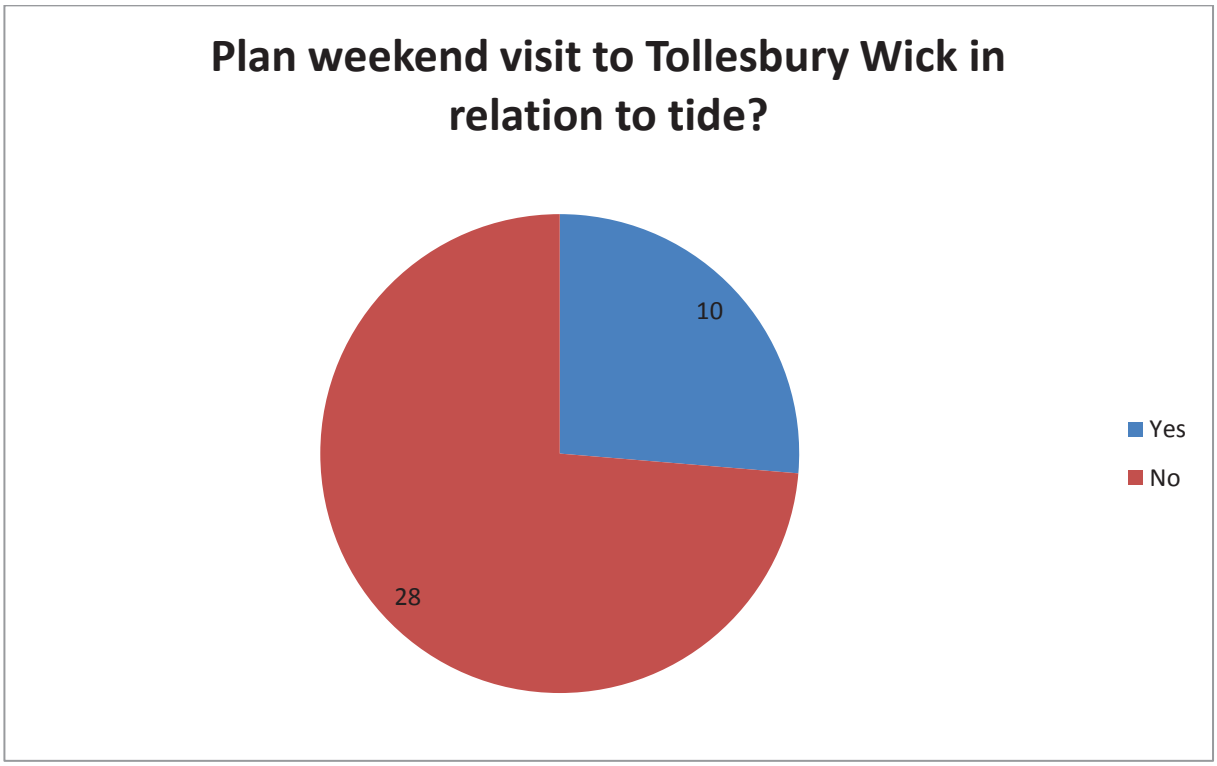
Figures A6.31- A6.32: Graphs showing results for seasonal visiting



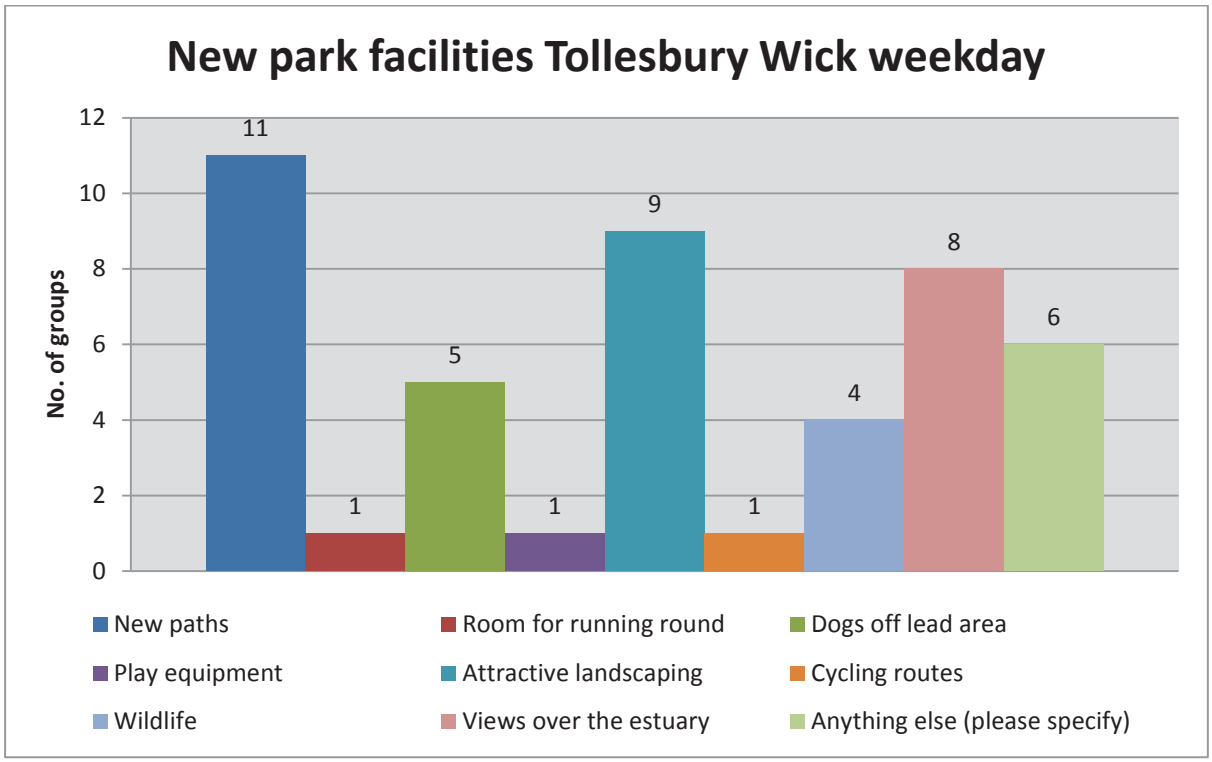


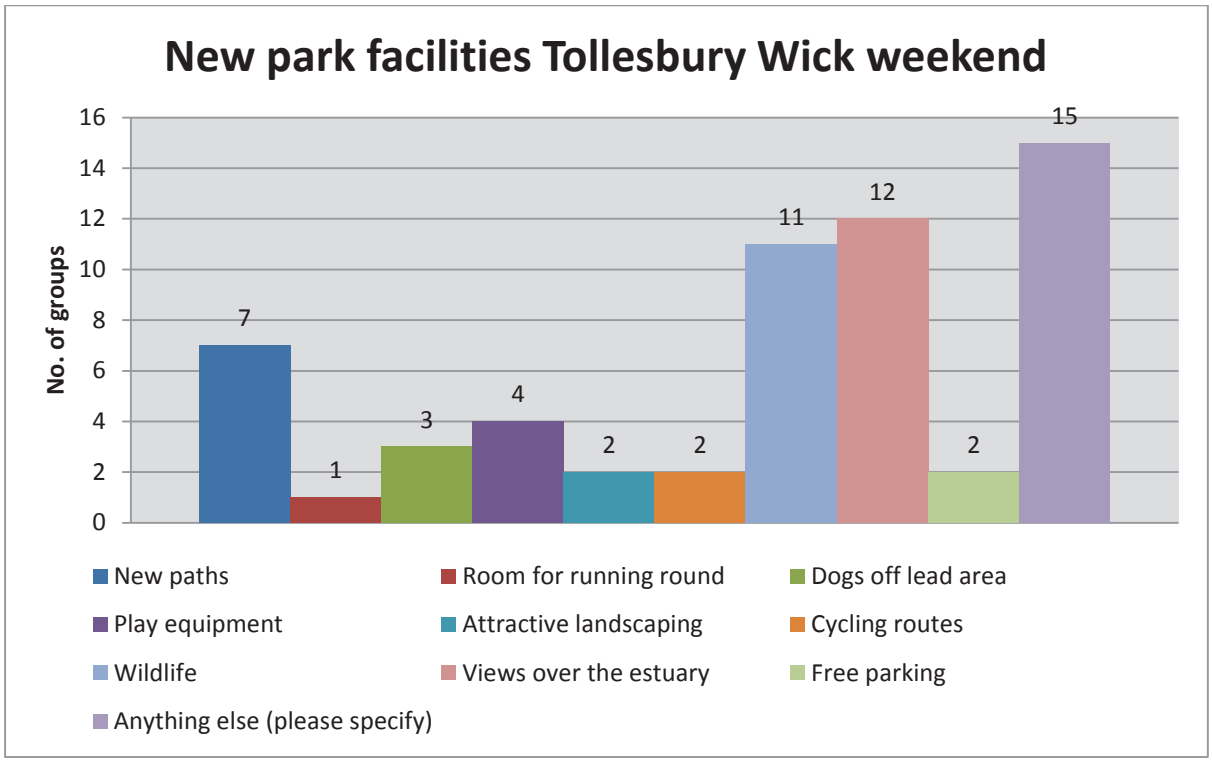
Figures A6.33- A6.34: Graphs showing results to question 'Plan visit in relation to the tide?'



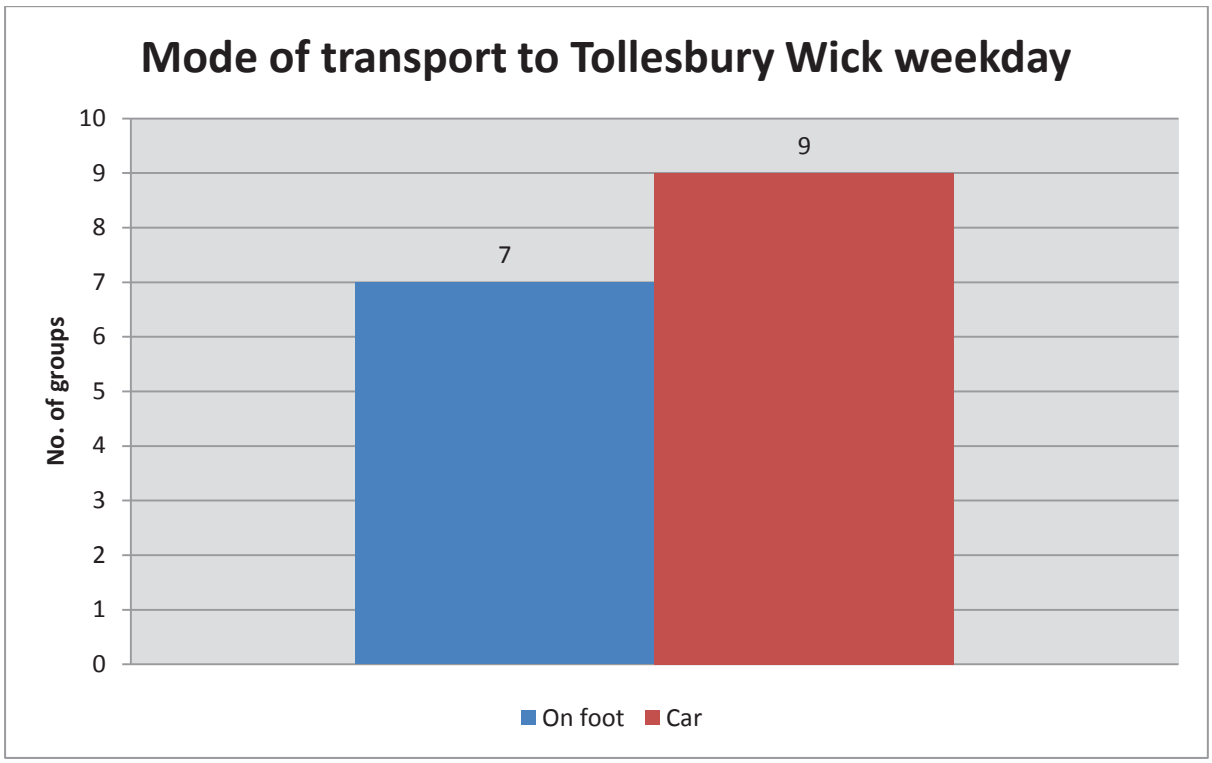


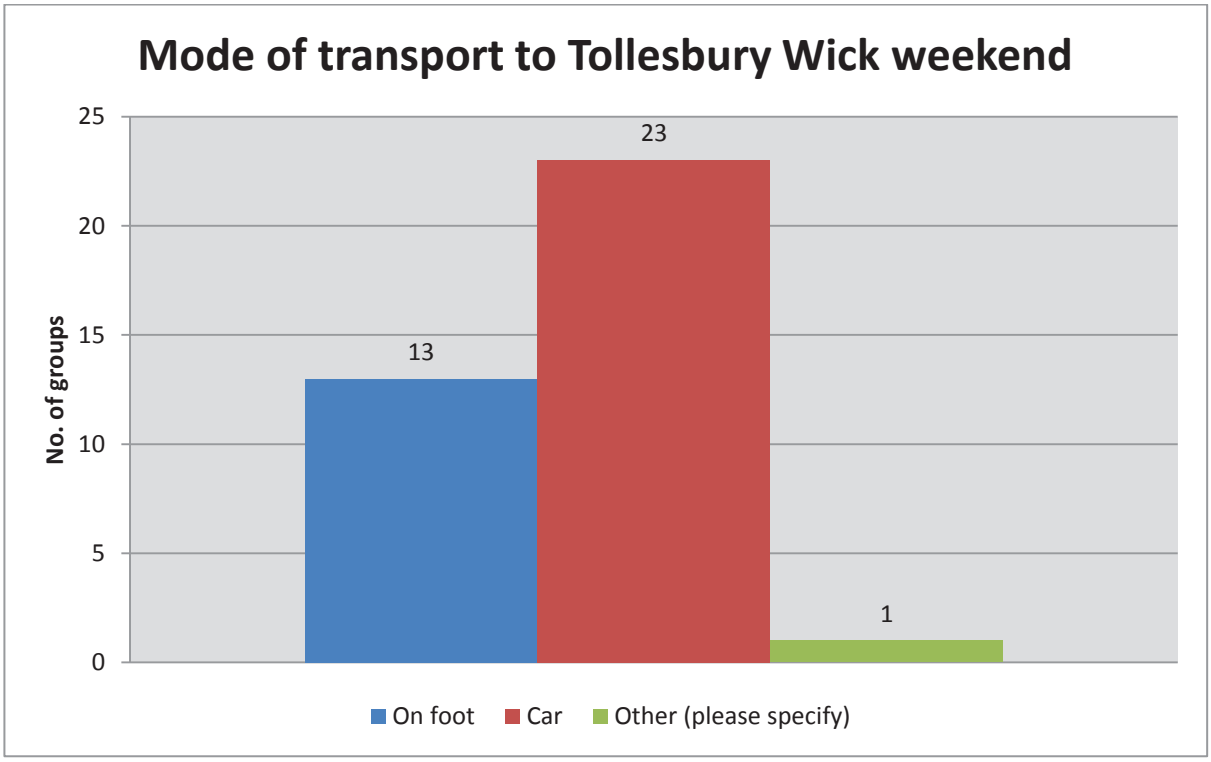
Figures: A6.35- A6.36: Graphs showing results for new park design



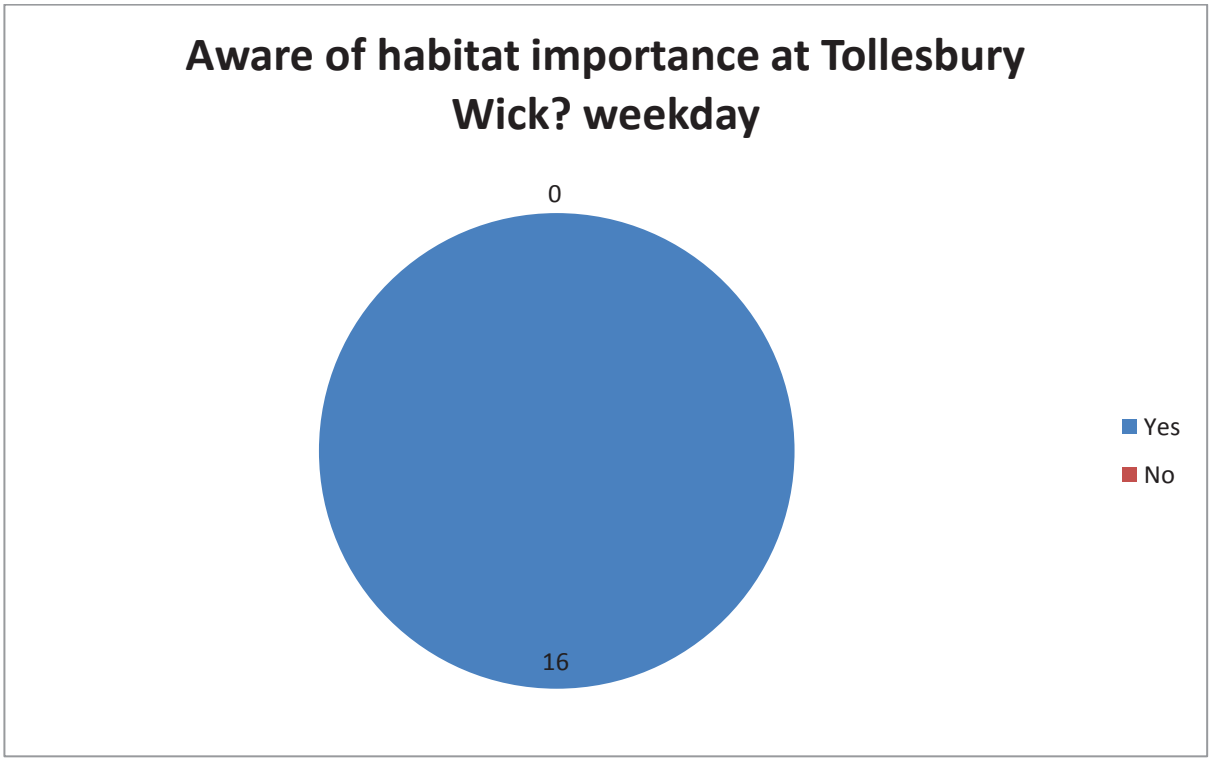


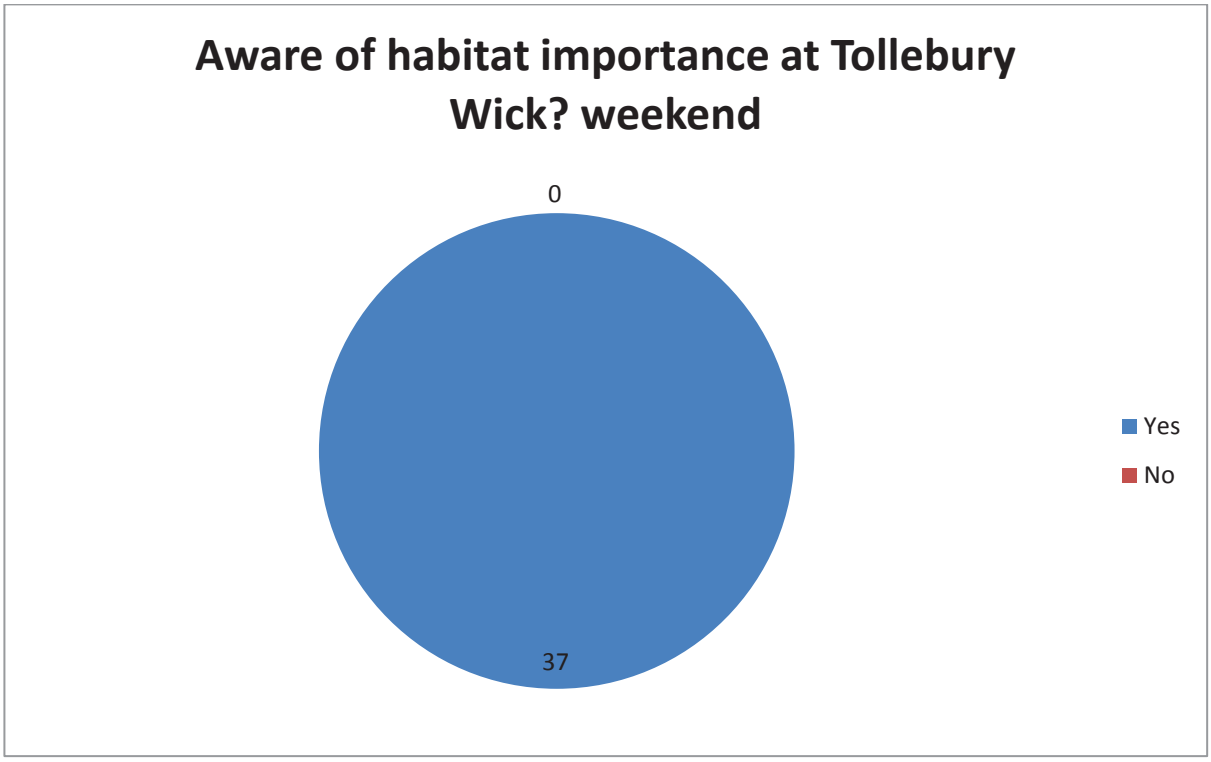
Figures A6.37- A6.38: Graphs showing results for mode of transport





Figures A6.39- A6.40: Graphs showing results for awareness of habitat importance





Appendix 7: Initial Stakeholder Workshop Results

The results of these workshops were based on individual attendee's opinions *and suggestions* rather than what mitigation measures will be implemented. A further follow up workshop and technical analysis will inform this.

Attendee List

North workshop	
Name	**Organisation**
Sue Hooton	Place Services
Lois Crisp	Place Services
Hamish Jackson	Place Services
Jack Haynes	Natural England (NE) – lead on RAMS project and planning team lead for Tendring Council.
Roy Read	NE - England coast path (ECP) representative
Chris Keeling	NE - responsible officer (RO) for Stour and Orwell and Blackwater Estuaries
Michael Parkin	NE - RO for the Dengie
Heather Read	NE – planning lead for Colchester, Maldon, Rochford and Southend-on-Sea councils.
Charlie Williams	NE - RO for the Colne Eaturay
Zoe Ringwood	NE - RO for Hamford Water
Gavin Rowsell	Farmer
David Eagle	Farmer
Cllr Andrew St Joseph	Maldon DC

South workshop	
Name	**Organisation**
Mark Summer	MOD / DIO
Jamie Melvin	NE – planning lead for Basildon, Castle Point and Thurrock councils
James Stack	QinetiQ
Charlie Williams	NE – RO for Crouch and Roach Estuaries
Phil Sturges	NE - ECP representative
Paul Woodford	Farmer
Lynne Main	Basildon Borough Council
Annie Gordon	Essex Wildlife Trust
Rachel Langley	Essex Wildlife Trust
Claire Stuckey	Chelmsford City Council
Mike Sharp	Motor Cruising Club
Steve Plumb	Thurrock Council
Mark Nowers	RSPB
Josey Travell	Southend Borough Council
Paul Jenkinson	Southend Borough Council
Jack Haynes	NE – NE lead for RAMS project
Amanda Parrott	Basildon Borough Council
Sue Hooton	Place Services
Lois Crisp	Place Services
Luke Pidgeon	Place Services
Maria Hennessy	Place Services

Shirley Anglin	Essex Highways
Mark Nowers	RSPB
Beverley McClean	Colchester BC

Comments made below may aid conclusions on what mitigations may beneficial in certain locations but is not the sole basis for them.

<u>Access management measures currently in place:</u>

All Habitats sites

- Stationary electronic people counters have been used by Essex County Council (Highways) to determine visitor numbers to areas in Essex e.g. Maldon. Could it be possible that this data could be used to determine possible impacts? Could people counters be a viable way of determining visitor numbers to sensitive areas?
- Essex Wildlife Trust has been training volunteers (Coastal Guardians) to promote visitor awareness by talks and management of signs.

Stour and Orwell Estuaries

- There is visual screening and a bird hide on the southern shore of the estuary. This ensures that an area looks more important for over wintering birds, with the aim of causing a better public attitude on how the area is used.

Hamford Water

- Bramble Island has no access and is a quiet area as it is a known area for sensitive wintering and breeding birds.

Blackwater Estuary

- Old Hall Marshes has a Little Tern colony but is managed by restricted access by boat in the summer.

Dengie

- Not so much a mitigation measure but as access to the coast in the south-east Dengie area is poor it means that it is isolated and quiet with only occasional dog walkers, anglers and birdwatchers.

Crouch and Roach Estuaries

- Chelmsford Parks such as Fenn washland and Saltcoats Park are alleviating pressures on Habitats sites. These provide good facilities such as dog walking, car parking, sports facilities, good access points and no access to the sea wall.
- Currently there is signage on the sea walls and public rights of way (PROW).

Foulness Estuary

- Currently 31 SSSI areas that are not touched, so will cause little disturbance.
- There is no public access at MD land in Shoebury, and roughly 3km east of Sutton has no public access to the coastline.

- Foulness Island is roughly 8km long, if a ZOI of 13km was imposed this would mean little contributions from developers as there is little to no residential development on the MOD land.

Thames Estuary and Marshes

- Thameside Nature Park is set to extend further.
- East Tilbury Quarry is anticipated to restore biodiversity and provide recreational facilities/areas away from the coast.
- Lower Thames Crossing and adjacent Nationally Significant Infrastructure Projects (NSIPS) could close the most southerly part of the coast for a few years. This will encourage more people north from Coalhouse Fort to Thameside Nature Park or other areas that may not be on the coast.

<u>Potential mitigation solutions:</u>

All Habitats sites

- Stationary electronic people counters have been used by Essex County Council (Highways) to determine visitor numbers to areas in Essex e.g. Maldon. Could it be possible that this data could be used to determine possible impacts? Could people counters be a viable way of determining visitor numbers to sensitive areas?
- Essex Wildlife Trust has been training volunteers (Coastal Guardians) to promote visitor awareness by talks and management of signs.

Stour and Orwell Estuaries

- Saltmarsh is driven over and trampled at Jacques Bay (accessed via Shove Lane, Bradfield), possible reduction in access to avoid habitat erosion.
- Water skiing is common and speed limits are not kept to at Jacques Bay. This should be enforced to reduce disturbance.
- Unauthorised access along sea wall in front of screen should be managed; this could be through better screening or wardening.
- There are bait diggers at Jacques Bay which should be made seasonal and have location restrictions.
- Access along outer edge of saltmarsh to high tide roosts at Wall Lane causes disturbance as well as recreational water craft particularly kayakers and paddle boarders. Access and locations of activities should be restricted.
- There is easy access to the foreshore at Mistley Walls which impacts the birds that sit close to the path. Possibly reduce the ease of access or divert access point elsewhere.

Hamford Water

- Enforcement should be made to unauthorised quadbikes and motorbikes.
- A bridle path should be created at the western side of Hamford Water, this will 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.
- Promote alternative sites for wind surfers and canoeists away from The Naze such as St. Osyth Lake/Jaywick/end of Clacton beach.
- The Naze should have seasonal access rather than 365 day access.
- A main car park on public open space away from The Naze may encourage people to walk their dogs there instead of sensitive areas.
- Need to engage with developers especially national/big developers to see conservation areas as an attraction for selling houses and developers taking responsibility for conservation management.
- Post Brexit; bring access habitat management into subsidy schemes for farmers.
- Consider ideas for the environment bank.
- Walking on the saltmarsh is disturbing birds on the south easterly side of Hamford Water.

Colne Estuary

- Habitat creation is needed bringing birds away from the coast.
- Keep shingle recharge out of spreading room at all times.
- 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 reducing breeding success for ringed plover.
- Power 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.
- Jet skis and canoes disturbing wader high tide roosts in main channel of the Colne Estuary and Strood Channel.
- Breeding ringed Plover and potentially Little Tern are heavily disturbed by the ferry passenger route from Mersea to Brightlingsea.
- Colne Point is by far the most important area for sand/shingle veg and breeding ringed plover so should be protected. Saltmarsh is vulnerable to increased visitor pressure from the Essex Wildlife Trust (EWT) and National Nature Reserve (NNR).
- Natwurst beach - dune vegetation badly damaged in places.
- The poplar beach by Point Clear commonly has kiteboarding which is disturbing terns and ringed plovers.
- The new play area at Cudmore Grove has increased visitor numbers significantly and in turn increased recreational disturbance, possibly look at

ways of reducing numbers by creating large, high quality play areas away from the coast.

Blackwater Estuary

- Maldon DC jet ski patrols should be supported.
- Keep Northey Island free of spreading room.
- Goldhanger had a former Little Tern colony.
- East Osea is a very popular picnic area which is un-authorised.
- Flying paramotors at Tollesbury.
- Keep shingle spit free from public access at Tollesbury Wick.

Dengie

- Canoeists disturb high tide roosts on the River Blackwater.
- 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.
- Othona Community and St Peters Church area is known to have walkers cross the saltmarshes in all directions.

Crouch and Roach Estuaries

- Use the foreshore department to enforce byelaws and speed limits for water sports such as jet skis. If this is an option journey times to the coast will need to be considered.
- Encourage more people to use Chelmsford Parks for their recreational activities.
- Increase signage to inform the public.

Foulness Estuary

- Currently there is access to jet skis in the north of Shoebury, this causes disturbance. Possible restrictions to be put in place.

Southend and Benfleet Marshes

- Jet skiers and kite surfers north of Gunners Park are supposed to be ¼ mile out of coast but it is common that they are not. Enforcement should be considered to ensure they stay within their boundary.

Appendix 8: Baseline Visitor Survey Data

Basildon

Basildon Borough Council does not currently have any visitor survey data for the Habitats sites; future surveys to be undertaken will be outlined in section 3.

Braintree

Braintree District Council has funded visitor survey data to support North Essex Shared Section 1 Local Plan. Braintree contributed to a plan level Habitats Regulation Assessment in spring 2013 for the shared local plan, containing relevant survey data for many of the Habitats sites across Essex.

Additionally Braintree has s106 money available to fund further visitor surveys as required by several project level HRAs for developments within easy travelling distance of the coast (Place Services, 2017); however, details for these surveys are currently unknown.

Brentwood

Brentwood Borough Council does not currently have any visitor survey data for the Habitats sites; future surveys to be undertaken will be outlined in section 3.

Castle Point

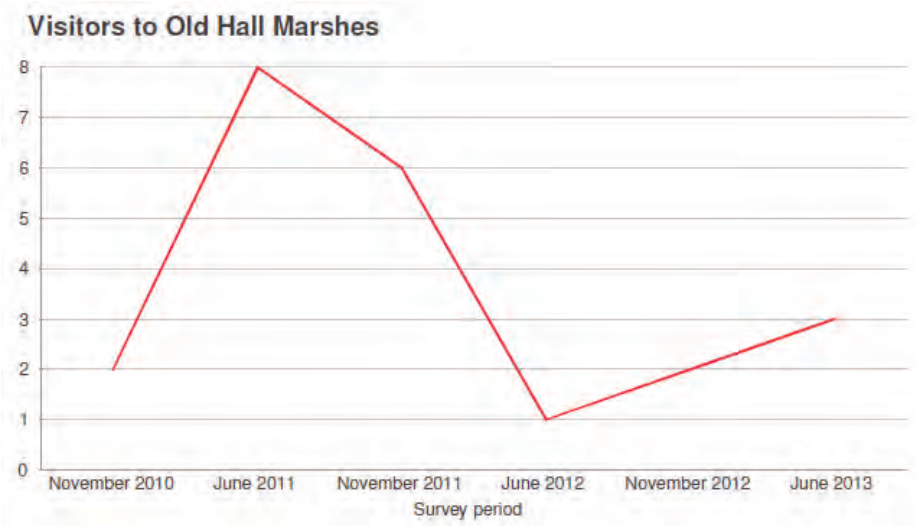
Castle Point Borough Council does not currently have any visitor survey data for the Habitats sites; future surveys to be undertaken will be outlined in section 3.

Chelmsford

Chelmsford City Council do not currently have any visitor survey data for the Habitats sites; future surveys to be undertaken will be outlined in section 3.

Colchester

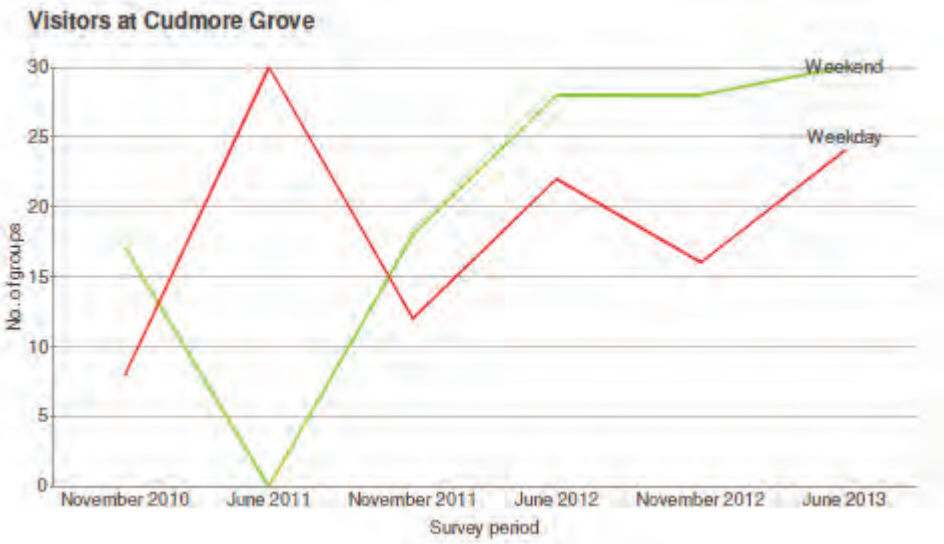
Colchester Borough Council has provided visitor survey data to support North Essex Shared Section 1 Local Plan. Colchester produced a plan level Habitats Regulation Assessment in Spring 2013 for the shared local plan, containing relevant survey data for many of the sites across Essex.



Counts Respondents	Total	Survey period					
		November 2010	June 2011	November 2011	June 2012	November 2012	June 2013
Base	56	12	9	16	5	4	10
SSSI Unit							
Strood Channel	56	12	9	16	5	4	10

Counts Respondents	Base	Survey period					
		November 2010	June 2011	November 2011	June 2012	November 2012	June 2013
Total	310	32	31	54	65	74	54
Weekday or weekend							
Weekday	142	14	15	28	24	25	36
Weekend	168	18	16	26	41	49	18

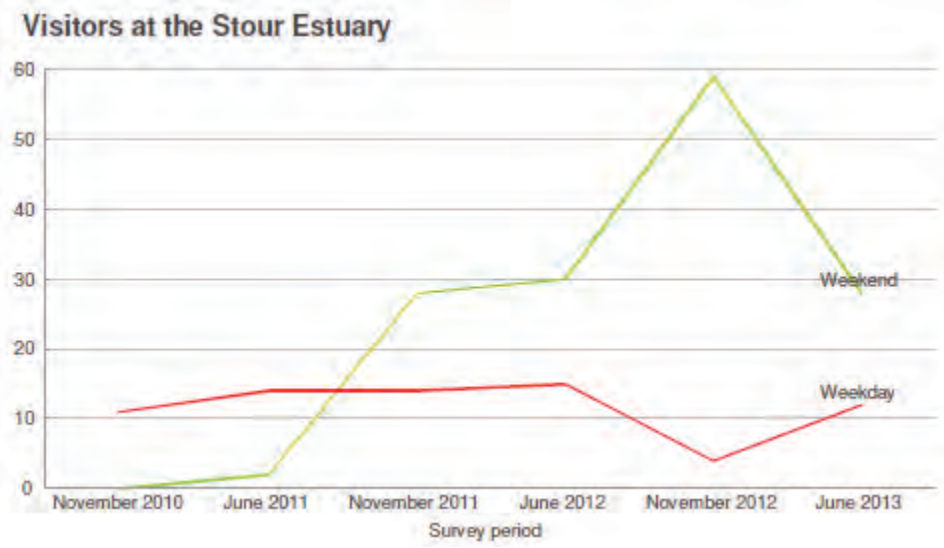
Table 15. Number of visitors at Brightlingsea Marshes over the three year survey period.



Counts Respondents	Base	Survey period					
		November 2010	June 2011	November 2011	June 2012	November 2012	June 2013
Total	35	6	2	7	4	6	10
SSSI Unit							
Kirby Quay	35	6	2	7	4	6	10

Table 17. Number of visitors at Kirby Quay over the three year survey period.

Number of visitors at Walton-on-the-Naze
60
50
40
30
20
10
0
Walton-on-the-Naze
November 2010
June 2011
November 2011
June 2012
November 2012
June 2013
Survey period


Visitors at the Stour Estuary
60
50
40
30
20
10
0
Weekend
Weekday
November 2010
June 2011
November 2011
June 2012
November 2012
June 2013
Survey period

Number of visitors at The Walls
45
40
35
30
25
20
15
10
5
0
Weekend
Weekday
November 2010
June 2011
November 2011
June 2012
November 2012
June 2013
Survey period

Maldon
Maldon District Council currently has visitor survey data for the Habitats sites

Rochford
Rochford District Council currently has a visitor survey undertaken by the RSPB recording visitor numbers to Wallasea Island.

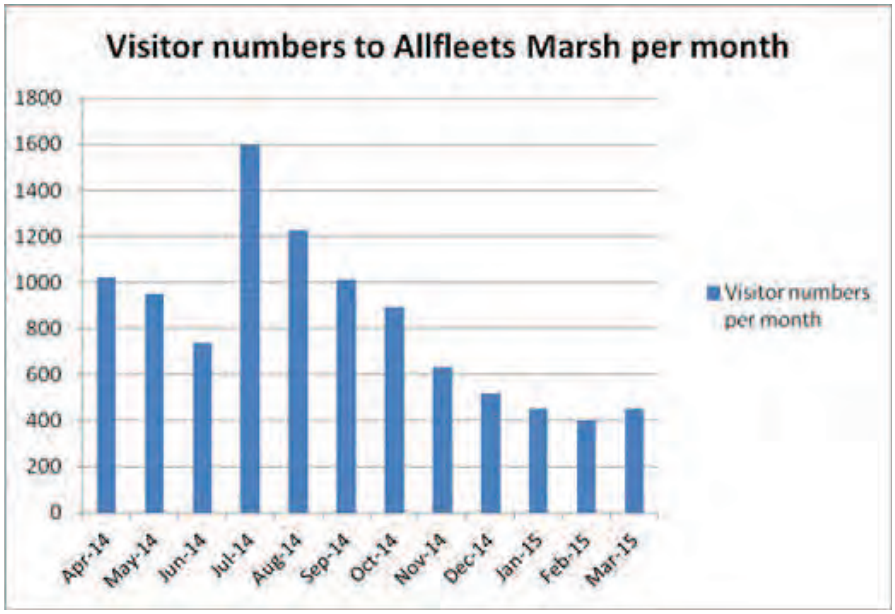
There is visitor number information available for the period 2008-2017 as shown in the tables below.

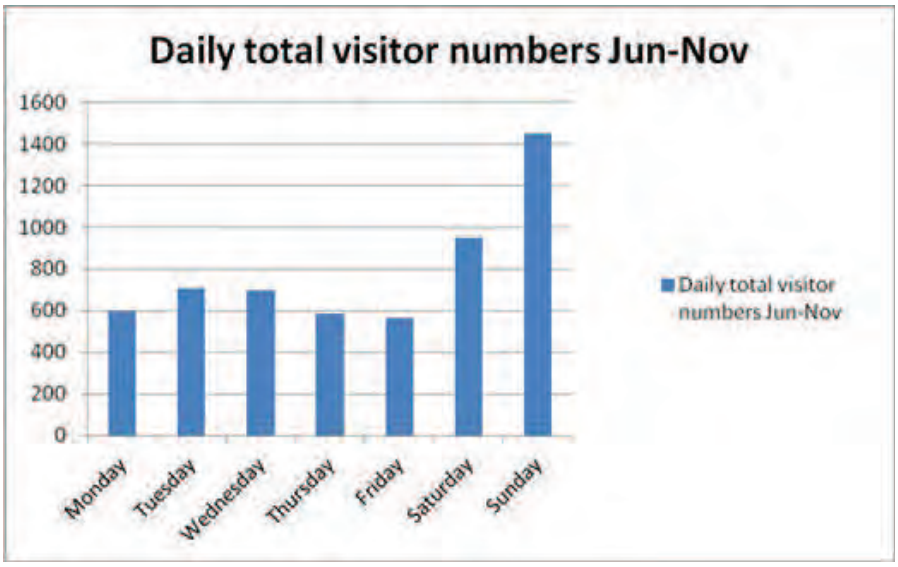
Table A8.1: Visitor numbers for 2017, including car counter

Date	Visits to seawall	No. of cars
Apr 17	1882	
May 17	1631	
Jun 17	1410	
Jul 17	1617	1442
Aug 17	1824	1720
Sep 17	1359	1239

Table A8.2: Total visitor numbers for period 2008-2016

Year	No. of visits
2008/09	3619
2009/10	4722
2010/11	5200
2011/12	7208
2012/13	7334
2013/14	7270
2014/15	9893
2015/16	11682





Southend-on-Sea

Southend-on-Sea Borough Council has data from visitor surveys undertaken on the main high street although as this location is not in the Natura 2000 site; it is not comparable data for the RAMS. Southend Borough attracts roughly 6 million visitors per annum and because of this, survey data for any area of the Borough is useful in determining impacts upon the natural and built environment, including the Habitats sites.

Table A8.3: Reasons for visiting in March and May (2013)

Reason for Visit	Wed 23 Mar	Fri 25 Mar	Sat 26 Mar	Mon 30 May	Total	%
Work	49	25	19	61	154	18%
Education	44	1	1	6	52	6%
Shopping	64	56	61	49	230	27%
Business	9	3	1	5	18	2%
Leisure	53	86	66	114	319	38%
Night Clubs	2	5	1	0	8	1%
Seafront/Amusements	3	11	5	23	42	5%
Other	12	7	5	2	26	3%
Total	236	194	159	260	*849*	

The questions were in regard to reasons for visiting. The data provides an insight into visitor habits.

Tendring

Tendring District Council has provided visitor survey data for the Habitats sites to support North Essex Shared Section 1 Local Plan and contributed to a plan level Habitats Regulation Assessment in Spring 2013 for the shared local plan, containing relevant survey data for many of the sites across.

Thurrock

Thurrock Borough Council currently has visitor survey data for the Habitats sites, produced by Essex Wildlife Trust and Coalhouse Fort.
Additionally, Thurrock has s106 money available to fund further surveys within the Thames Estuary SPA area however details for these surveys are currently unknown.

Essex County Council

In 2013 Place Services produced a project level Habitats Regulations Assessment Screening Report on behalf of ECC for Thames Estuary Pathways project. This document contained relevant visitor information for the Thames Estuary Pathways between Tilbury to Leigh-on-Sea.

Table A8.4: Estimated future use of Thames Pathways (2013)

Section	Mean number of path users per day	Winter path users per day	Estimated future mean number of path users per day	Estimated future mean number of winter path users per day
Tilbury to East Tilbury	50.9	15.3	76	22.8
East Tilbury to Stanford Le Hope	28.8	8.6	58	17.4
Stanford Le Hope to Pitsea	13.7	4.1	28	8.4
Pitsea to Benfleet	14.7	4.4	30	9
Benfleet to Leigh-on-Sea	354	106	443	132.9

Appendix 9: Survey postcode data and methodology

Surveyors asked visitors to the coast for their home town postcode data or location in order to calculate the distances travelled. Where a town eg Colchester was given, the distance was generated from this information. The Zones of Influence distances are based on the 75th percentile of postcode data (i.e. the distance where the closest 75% of visitors come from) taken from all surveys undertaken for each Habitats site (winter or winter/summer surveys depending on designation features).

This method was used for a number of strategic mitigation schemes nationally and is considered by Natural England to be best practice.

The tables below include the postcode data provided for all of the visitor surveys undertaken for this project.

Colne Estuary																
Location	co58ue	co58uw	co58uw	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	
Distance	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4		
Location	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	
Distance	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	
Location	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	
Distance	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	
Location	co7	co7	co7	co58tn	co79jh	co79bb	co79nu	co58dz	co79ra	co79fe	co58hl	co79ld	co79tb	co58gg	co58rd	
Distance	0.4	0.4	0.4	0.6	0.9	0.9	0.9	1	1	1	1.1	1.1	1.1	1.2	1.6	
Location	co58pr	co78ae	co79qg	co58qh	CO58NA	co20jn	co20ju	co43nb	co12bn	co4	co4	co4	co4	co29dr		co27hw
Distance	1.6	1.6	1.8	2.3	2.5	4.3	4.6	5.5	5.6	6	6	6	6	6.7		6.7
Location	co33ea	co33ng	colchester	co1	co1	co1	co33uz	co33qp	co34jg	co30rn	co30hp	co3	co3	co3		co3
Distance	6.7	7.1	7.3	7.4	7.4	7.4	7.5	7.7	8.6	9.2	9.7	9.7	9.7	9.7		9.7
Location	co3	co63ef	co5	c05	co5	co5	co5	co5	co5	co5	co5	co5	co61ls	co13		co50pn
Dista	9.7	10.6	11	11	11	11	11	11	11	11	11	11	12.4	12.4		12.5

nce															
Location	co6	co62dx	co61qz	witham	cm34qu	cm79ua	cm79at	cm777ux	co93ps	cm16qz	cm74ra	cm248hp	da28eb	en87he	en14jd
Distance	15	16.1	17.4	19.2	24.1	24.7	26	27.1	28.7	29.4	36	50.8	61.8	66.3	69.4
Location	n16														
Distance	73.9														

Crouch and Roach Estuaries															
Postcode	cm08as	cm08hw	cm08rp	cm08rp	cm08bd	cm08hw	cm08jb	cm08js	cm36dq	cm08as	cm08ha	cm08ll	cm08ja	cm36ls	cm36lu
Distance	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	0.2	0.2	0.2
Postcode	northfambridge	northfambridge	cm36lu	northfambridge	northfambridge	northfambridge	northfambridge	northfambridge	cm08hb	cm08la	cmo8jg	cm08jy	cm08hq	cm08la	cm36lt
Distance	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Postcode	cm08er	cm08ld	cm36lz	cm36lz	cm36lz	cm08sz	cm08dy	cm08dx	cm08dx	cm08ed	cm08hf	cm08ed	cm08es	burnham	burnham
Distance	0.4	0.4	0.4	0.4	0.4	0.5	0.5	0.5	0.5	0.6	0.6	0.6	0.6	0.6	0.6
Postcode	burnham	burnham	cm36nf	cm36nf	cm08eh	cm08en	cm08bq	cm08ds	cm08bq	cm08ex	cm08sn	cm08bq	cm08dr	cm08rl	cm08dl
Distance	0.6	0.6	0.6	0.6	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.8	0.8	0.9
Postcode	cm08dn	cm08bw	cm08tr	cm08dq	cmo8tt	cm08tf	cm08dd	cm08tx	cm36dt	cm08db	cm08tw	cm08ql	ss5	cm36je	cm36hp
Distance	0.9	0.9	1	1	1.1	1.1	1.1	1.2	1.2	1.2	2	2	2.3	2.4	2.6
Postcode	cm36bl	cm36jg	ss69ut	cm07bt	cm36jf	ss118rb	cm07bg	cm36px	cm07rx	cm07ap	cm36tw	cm0	cm0	cm0	cm0
Distance	2.7	2.7	2.8	3	3	3.1	3.5	3.9	4	4	4.1	4.2	4.2	4.2	4.2
Postcode	cmo	cm0	cm0	cm0	cm0	cm0	cm0	cm0	cm07al	cm38dg	cmo7dj	cm07dg	ss68py	cm36ap	ss129ea
Distance	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.3	4.4	4.5	4.7	4.8	4.9
Postcode	cm34hp	cm36te	cm07rt	ss95bs	ss9	cm112uh	cm96ad	cm07pa	cm112ld	cm9	billericay	cm28by	cm120hr	cm129pn	ss156jz
Distance	5.1	5.3	5.5	6.2	6.4	8.9	9	9.2	10.1	10.5	11.2	11.7	11.8	12.2	13.1
Postcode	ss178er	cm40de	cm4	ss178en	cm8	cm3	cm3	cm82xe	cm31rs	rm162tj	rm176dn	rm113nn	cm79ll	se167dr	n41ay
Distance	14.7	14.7	14.7	14.7	16.8	17.9	17.9	18.1	21.1	23	23.7	25.1	26.5	45.5	47.5
Postcode	gu272jw	ireland													
Distance	108	501.8													

Dengie

Postcode	orthona	orthorna	cm07pp	cm07pp	cm07qh	cm07px	cm07qq	cm07px	bate dudley	brad well	bradwell	bradwell	tillingham
Distance	0.1	0.1	1.6	1.6	1.9	2	2	2	2.1	3.3	3.3	3.3	3.6
Postcode	tillingham	cm07hs	tillingham	cm07tw	asdeldham centre	cm07gr	cm07np	burnham	burnham	burnham	burnham	southminster	southminster
Distance	3.6	3.7	3.9	4	5	5.5	5.8	7	7	7	7	7.1	7.1
Postcode	southminster	southminster	southminster	cm0	cm0	cm0	steeple	mayland	althorne	cm36et	maylandsea	heybridge	cm9
Distance	7.1	7.1	7.1	7.2	7.2	7.2	9	11	11	11.8	12	14	14.3
Postcode	cm9	latchington	maldon	maldon	colchester	ss12ey	southend	cold norton	hockley	cm8	ss9	southwoodham ferrers	cm7
Distance	14.3	14.5	15.6	15.6	16.5	16.5	16.7	17.6	18.1	18.8	20.2	20.8	27.1

Postcode	cm16nn	wickford	wickford	cm1	chelmsford	cm77	cm13ea	ss17 7nr	cm31ln	shenfield	ct13	ilford	ip139hn
Distance	27.1	27.3	27.3	29.1	30	30	32.1	33.6	34.3	41	48.5	58.6	59.3
Postcode	london	london	ip199lp	ha4	hp5	ng23 7nj	cirencester	de22 2g	cornwall				
Distance	73.6	73.6	77.5	92.1	104.2	192.7	200	211.1	415				

Benfleet and Southend Marshes

Postcode	ss12yt	ss91ea	ss08jj	ss07rl	chalkwell	chalkwell	chalkwell	ss9 1ed	chalkwell	chalkwell	westcliff	westcliff
Distance	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2
Postcode	ss08ht	westcliff	ss91dr	ss92dj	ss91as	ss92dg	ss0 8pu	ss91hb	westcliff	westcliff	westcliff	ss9 1as
Dista	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2

nce												
Postcode	gunners prk	ss39ez	ss91ad	ss9 1ad	ss12xa	ss39hl	ss39ls	ss13nj	ss0 7nn	ss9 2ht	ss9 2ax	ss9 2nq
Distance	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4
Postcode	ss9 2ax	ss0 7nn	ss39jw	ss39fw	ss92au	ss9 1rp	ss0 8pj	ss39by	leigh	leigh	leigh	leigh
Distance	0.4	0.4	0.5	0.5	0.5	0.5	0.5	0.6	0.6	0.6	0.6	0.6
Postcode	leigh	leigh	leigh	leigh	legh	leigh	leigh	leigh	leigh	leigh	leigh	leigh
Distance	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
Postcode	leigh	leigh	leigh	leigh	leigh	leigh	legh	leigh	leigh	leigh	leigh	leigh
Distance	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
Postcode	leigh	leigh	leigh	leigh	leigh	leigh	leigh	leigh	leigh	leigh	ss9 1ra	ss9 1sq
Distance	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
Postcode	ss9 1rd	leigh	leigh	thorpe bay	thorpe bay	thorpe bay stn	thorpe bay	thorpe bay	thorpe bay	thprpe bay	ss13le	ss13nb
Distance	0.6	0.6	0.6	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7
Postcode	ss39ja	thorpe bay	ss9 1qx	ss9 2al	ss9 2an	ss9 2an	ss9 1qx	woodgr ange drive	ss9 1nj	ss12ub	ss39lz	ss89rd
Distance	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.8	0.8	0.8	0.8	0.8
Postc	ss91ju	ss39qf	ss9	ss9 1st	ss39le	ss13je	ss12xw	ss9	ss9	ss9	ss9	ss9

ode			1nw									
Distance	0.8	0.8	0.8	0.8	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9
Postcode	ss9	ss9	ss9	ss9	ss13eh	ss12uf	southchurch	ss08ah	southchurch	ss9 2ta	thorpedean	ss24jp
Distance	0.9	0.9	0.9	0.9	1	1	1	1	1	1	1.1	1.1
Postcode	ss39wb	ss39wb	ss39gb	ss39la	garrison estate	garrison estate	garrison estate	garrison estate	ss07aq	ss9 3pn	ss9 2qp	ss13pp
Distance	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.2
Postcode	ss25az	ss93pj	ss93ea	ss71pg	ss9 3ea	SS9 3EJ	ss09dd	ss09dd	ss13sr	ss0 7bb	ss3 9pe	ss93db
Distance	1.2	1.2	1.2	1.2	1.2	1.2	1.3	1.3	1.3	1.3	1.4	1.4
Postcode	ss13qp	ss38ag	ss24np	ss39ap	ss93be	ss93fa	ss93dx	SS0 9RD	souyhend	ss25dh	ss13pu	ss24ht
Distance	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.5	1.5	1.5	1.5
Postcode	ss24nf	southend	southend	southend	westliff southend border	southend	ss39sg	ss24hp	hadleigh	hadleigh	hadleigh	shoeburyness
Distance	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.6	1.6	1.7
Postcode	shoebury	shoebury	shoebury	shoebury	ss25lu	hadleigh	ss0	hadleigh	ss0	ss0	shoebury rd	ss24rs
Distance	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.8	1.8

Postcode	ss9 4je	ss2 4dl	ss13nz	ss8 0qf	ss71hg	ss38bh	ss7 5eh	ss38xp	ss24rd	ss9 3tu	ss38yh	ss39yy
Distance	1.8	1.8	1.9	1.9	2	2	2	2.1	2.1	2.1	2.2	2.3
Postcode	benfleet	benfleet	benfleet	benfleet	benfleet	benfleet	benfleet	benfffleet	benfleet	benfleet	ss7	ss24ay
Distance	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.4	2.4
Postcode	ss00pz	ss7	ss0 0py	ss9 4tj	thundersley	thundersley	ss7 2uh	ss75st	eastwood	eastwood	eastwood	ss3 0at
Distance	2.4	2.4	2.4	2.7	3.1	3.1	3.1	3.2	3.4	3.4	3.4	3.6
Postcode	ss30wl	ss30dx	ss9 5qx	ss9 5as	gt wakering	wakering	wakering	gt wakering	wakering	wakering	ss30rh	great wakering
Distance	3.7	3.7	3.7	3.8	4	4	4	4	4	4	4	4
Postcode	great wakering	littl wakering	ss3	ss30jn	ss74sb	ss6	ss6 8rb	rayleigh	rayleigh	raighley	raighleigh	rochford
Distance	4	4.1	4.1	4.3	4.5	4.9	5	5.1	5.1	5.1	5.1	5.3
Postcode	ss30ls	rochford	rochford	ss41nq	ss13 1hz	ss13 1pp	ss54pu	ss54px	ss13 1ph	hockley	ss5	ss5
Distance	5.3	5.3	5.3	5.7	5.9	6.5	6.6	6.6	6.7	6.8	6.9	6.9
Postcode	ss54sj	ss43bj	ss5 4xd	ss141rp	basildon	basildon	basildon	basildon	ss55al	ss120nz	ashingdon	wickford
Distance	7	7	7.2	7.4	7.4	7.4	7.4	7.4	7.5	8.1	8.7	8.8

Postcode	ss14	ss14 2bd	ss154ah	ss178nr	ramsden heath	east tilbury	east tilbury	orsett	orsett	cm120nb	cm3 6ql	rm175rp
Distance	8.8	9.1	11.8	12.3	12.8	12.9	12.9	14.7	14.7	15.6	16.3	18.3
Postcode	grays	cm4 0ad	brentwood	CM2	cm13bj	upminster	upminster	upminster	chelmsford	chelmsford	hornchurch	hornchurch
Distance	18.7	19.9	20.7	22.2	22.6	22.8	22.8	22.8	23	23	24.9	24.9
Postcode	rm30ww	rm2 5bu	dartford	romford	romford	east london	cm73dp	cm7 9ax	cm19 4eh	n8	north london	north london
Distance	25.1	26.7	27	27.9	27.9	36.1	37.8	38.6	42.5	47.5	47.7	47.7
Postcode	N1	london	west london	cambridge	gu12 6rb	buckimgham	norfolk	sheffield	ng60ar	devon	yorkshire	glasgow
Distance	48.1	49	62.6	80.3	96.2	119.4	126.2	247.5	247.6	321	329	577

Thames Estuary and Marshes

Postcode	ss170eg	rm188pb	east til	east tilbury	east tilbury	east tilbury	ss17	ss17	ss17	ss17	ss17
Distance	0.6	0.7	1	1	1	1	1.5	1.5	1.5	1.5	1.5
Postcode	ss17	station rd	corringham	coringham	ss170nz	linford	linford	linford	linford	linford	ss177rg
Distance	1.5	1.6	1.7	1.7	1.7	2	2	2	2	2	2
Postcode	stanford	stanford	stanford	stanford	stanford	stanford,horndon	stanford le hope	stanford	stanford	stanford	stanford

Distance	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2
Postcode	stanford le hope	stanford le hope	stanford	stanford	ss178qr	ss179el	ss178ph	horndon	rm18 8dj	rm188dx	chadwell
Distance	2.2	2.2	2.2	2.2	2.5	2.6	3.2	3.5	4	4.4	4.8
Postcode	tilbury	tilbury	tilbury	tilbury	rm187ah	ss16	ss14	rm175rg	rm16	laindon	basildon
Distance	4.9	4.9	4.9	4.9	5.5	6.4	7.1	7.2	7.2	7.6	8
Postcode	basildon	basildon	basildon	rm17	grays	grays	grays	grays	grays	chafford	ss7
Distance	8	8	8	8.1	8.2	8.2	8.2	8.2	8.2	8.9	9.9
Postcode	south ockendon	south ockendon	wickford	rm154bh	ss12	leigh on sea	cm133dq	hockley	ss11et	cm0	cm234es
Distance	10.1	10.1	12.3	12.4	12.6	13.5	15	16.8	17	30.6	45
Postcode	so32										
Distance	128										

Appendix 10: Follow up Stakeholder Workshop Outputs

The results of the follow up workshop will inform which mitigation measures may be effective in certain locations but is not the sole basis for them.

Essex coast RAMS Stakeholder Workshop Outputs
10:00 – 13:00 15th June – Colchester Borough Council Offices

Attendee List

Name	Organisation
Matt Wilson	Coast and countryside Manger (Maldon District Council)
Roy Read	England Coast Path representative (Natural England)
Charlie Williams	Responsible officer for Crouch and Roach (Natural England)
Leon Woodrow	Nature Conservation Officer (Tendring District Council)
Andrew St. Joseph	Maldon Councillor
Zoe Ringwood	Responsible officer for Hamford Water (Natural England)
Annie Gordon	Essex Wildlife Trust
Rachel Langley	Essex Wildlife Trust
David Piper	Blackwater Estuary Lead Ranger (National Trust)
Michael Parkin	Responsible officer for Dengie (Natural England)
Jack Haynes	Planning officer (Natural England)
Heather Read	Planning officer (Natural England)
Josey Travell	Environmental and greenspace officer (Southend Borough Council)
David Eagle	Farmer
Mark Sumner	Access and recreation advisor for Ministry of Defence
Mark Nowers	RSPB
Xavier Preston	Southend Borough Council
Shelley Blackaby	Colchester Borough Council
Karen Johnson	Maldon District Council
Sue Hooton	Place Services
Lois Crisp	Place Services
Hamish Jackson	Place Services
Luke Pidgeon	Place Services
Maria Hennessy	Place Services

Benfleet and Southend Marshes SPA and Ramsar

General Notes

- Two Tree Island, highlighted as key area of disturbance;
- Visitors are concentrated in the West (Two Tree), Centre (Golden Mile) and East (Gunners Park). Residents are dispersed to the West and East, whereas, Tourists mainly visit the centre of the seafront;
- Thameslink pathway near Two Tree Island is heavily used (Two Tree to Hadleigh CP Loop);
- Leigh Cockle Sheds provide access to mudflats – people take their dogs.
- Bait diggers use a lot of the foreshore, can be seen travelling quite a way out.
- Staffing issues for the shoreline – on busy day's staff are focused in central Southend;
- Old Leigh has high visitor numbers;
- Two Tree Island Wildfowling – agreement is very old, made in the 1950s, wasn't aware of it until recently. Southend waiting for NE input;
- Potential to expand Belhus/Hadleigh Country Park? ;
- The England Coast Path is planned to run along the entire length of the coastline in Southend-on-Sea; and
- There is access by foot onto Canvey Point.

Table A10.1: Mitigation ideas

Location	Mitigation option	Notes
Two Tree Island	Employ new rangers to monitor the site.	Two Tree Island is currently heavily utilised during the busier tourist periods mainly by local residents.
	Habitat regeneration	Paths on the island are currently inadequate, and there are currently many wander lines.
	Implement information boards	The area features habitats which could be seen as unimportant due to their appearance. Inform visitors of the mudflat importance.
	Install buoy markers off of Two Tree Island	Paddle-boarders and Kayakers have the potential to disturb habitats at Two Tree as there is no designation in place.
	Interchangeable car park size	Car park is currently used for car meets, install barriers to prevent misuse of the car park.
Gunners Park	Provide alternate green space	Southend currently has very little open green space. Provide green space elsewhere, it doesn't

		necessarily have to be a large area.
	Control dog walking in the area more	Despite the MOD designation on the foreshore, dog walkers are still accessing the area.
General	Mitigate disturbance	Employ rangers for the seafront who have the ability to enforce/influence.
	Potentially use County Council land for alternate green space use	The County Council may have land which is suitable for alternative green space to be provided eg former landfill sites.

Crouch and Roach Estuaries SPA and Ramsar

General Notes

- Referring to Burnham-on-Crouch – honey pot site, mostly seaward of coast;
- Referring to Paglesham/East End – Encouraging canoe trips? ;
- Referring East of North Fambridge – Wildfowling;
- Referring to both the rivers Crouch and Roach – Sailing and powerboats currently travelling into creeks, in turn disturbing birds;
- Referring to North Fambridge Marina – new ferry proposed which would travel from north to south of the river; and
- Oyster shell recharge projects are being undertaken to help create habitats for Little Terns.

Table A10.2: Mitigation ideas

Location	Mitigation option	Notes
West of Potton Island	Monitor the permitted use of narrow channels.	Narrow channels with wide areas of mud, boats and water activity cause bird disturbance.

Colne Estuary SPA and Ramsar

General Notes

- Referring to eastern side of Tollesbury Wick – picnicking and swimming popular at spit, potentially little terns nesting at this point, also lots of boating activity;
- Referring to eastern side of Old Hall Marshes – potential little tern nesting site;
- Referring to north-west Mersea Island – Water skiing and canoeing all year;
- Referring to south-west of Seawick – high level of beach activity because of caravan parks;

- Referring to stretch of coast northwards of Brightlingsea – Popular walking route;
- Ray Island has many walkers on Bonner Saltings to the island and boat landing mainly in the summer. The no landing signs that are currently there appear to be ineffective. More recently no access signs, new gates and fence have been implemented onto the landward access through Bonner Saltings; and
- Jet skis at Fingringhoe Wick NR, Geedon Bay and Saltmarsh commonly do not follow the 8 knot speed restriction in that area, ultimately the wash created from the jet skis causing an erosional effect on the saltmarsh.

Table A10.3: Mitigation ideas

Location	Mitigation option	Notes
Strood Channel	Communicate with user group to explain impacts. Provide guided walks and talks.	Canoeing up the channel at high tide
Colne Point	Rangers should identify Little Terns and fence off sites.	A range of measures are needed. Disturbance is adversely affecting birds – Ringed Plover and Little Tern.
	Caravan sites should be educated to understand importance of the spit as a habitat for birds	
	Restrict access at certain times of year to prevent disturbance.	
Eastern side of Tollesbury Wick	Fencing off nesting sites	Little Terns are known to nest at Tollesbury Wick, fencing to prevent access and mitigate disturbance.
South east of Wivenhoe	Managed realignment	Currently heavy disturbance for Little Terns, managed realignment has solved cases like this in other areas.
Ray Island	Enforce no access	Remove the National Trust 'Welcome' sign as it sends the wrong message.
Fingringhoe Wick Nature Reserve	Engagement with local clubs	Clubs could include boating clubs to improve behaviour.
Fingringhoe Wick Nature Reserve, Geedon Bayand Saltmarsh woned by MOD	Rangers and education	Add a warden for these areas and get them to engage with local boat clubs and liaise with the Harbour Master and River Police.

General notes

- The Stour has very few access points to the coast. The main points on the Essex coast are Mistley Walls, Bradfield, Wrabness and Stour Wood, Ramsey;
- There is a no access sign to the beach at Wrabness but this is ignored; and
- There are numerous dog users at Wrabness and many do not use leads.

Table A10.4: Mitigation ideas

Location	Mitigation option	Notes
Mistley Walls	Ranger that will encourage people to move to an alternative beach that is located at Manningtree (opposite The Crown pub) which is close by and will have less of an impact.	The alternate beach is better suited for recreational activities but is not well known, once people know the location they could be more likely to use that beach rather than Mistley Walls.
Mistley Walls	Signage educating the public about when they are allowed to use the beach.	This could be a similar method that has been seen in other authorities that uses red, amber and green paw prints to show dog owners when their dog is allowed in certain areas.
Mistley Towers	Educate the user group about what behaviours could impact their surroundings.	There is an unofficial kayaking launch point from this location. Kayakers go into creeks at high tide.
Bradfield	Signage to about when they are allowed to launch boats etc.	Long term discussions to regulate use of launching point
Stour Wood, Ramsey	Rangers to promote positive behaviour and educate dog walkers.	This area has a high presence of dog walkers. There are currently RSPB patrol volunteers that help in that area plus EWT reserve no dogs.
Harwich Haven Authority	Find a water bailiff to enforce speed limits and positive behaviour or work more closely with Essex Marine Police.	It is not uncommon to witness speeding along the Stour, a bailiff would help keep speed limits in check.
Dovercourt	Promote jet ski launch points from Dovercourt.	This will encourage people to launch from here where there will be a lesser impact to birds.
Wrabness NR	Rangers through an Essex Wildlife Trust partnership.	There is an Essex Wildlife Trust ranger at Wrabness Nature Reserve adjacent to the estuary,

		where there is a high presence of dog walkers.
Wrabness NR	Education	Information days aimed at dog walkers on site as this was tried and received well in the past.
Wrabness NR	Behaviour change	Further encourage the public onto concrete paths and discourage from sensitive areas like marsh fields and estuary beach.

Blackwater Estuary SPA and Ramsar

General Notes

- Referring to Caravan Parks, Jet skiing is at present a big issue for the estuaries;
- Swimming within the estuary is gaining in popularity;
- Paddle-boarding is also undertaken in areas which are sensitive to bird interference;
- Aircrafts frequently fly over the estuary at low altitudes disturbing wildlife; and
- Walkers and canoeists regularly cause disturbance on Tollesbury Point and shingle spit.

Table A10.5: Mitigation ideas

Location	Mitigation Option	Notes
Northey Island	Saltmarsh recharge. 10 year project in the South corner.	National Trust is looking at more access to Northey.
Bradwell	Coastal realignment or habitat creation.	Creation of new offshore island.
General	Alteration to byelaws.	Partnership with Essex Marine Police, who have already undertaken work for Colchester.
Blackwater	Expansion of river bailiff services.	Blackwater is main enforcement area – jet ski enforcement in particular.
	New walking routes e.g. Heybridge Lakes.	This location is close to the Blackwater, but could provide a circular route.
	Expansion of ranger numbers.	Employ more rangers/roving rangers at key sites, to enforce
Maldon Promenade	Park extension.	Land available in the east, potential to expand promenade with specific dog walking area.

Blackwater Caravan Parks	Educate park owners and visitors.	Visitors and owners need to be educated about habitat zoning. Review jet-ski zones as they are typically of lesser quality.

Foulness Estuary SPA and Ramsar

- There are a lot of walkers and dog walkers at Wakering Stairs

Hamford Water SAC, SPA and Ramsar

- John Weston Essex Wildlife Trust reserve has restricted access, with roughly 50% of the land with no access
- Currently there is a volunteer warden at John Weston

Table A10.6: Mitigation ideas

Location	Mitigation Option	Notes
Beaumont Quay	HLS government funded scheme to redirect horse riders from area. Capital works and on-going payments.	Created permissive pathway, around other farm area, to prevent sea wall usage, but is still legal.
Stone Point	Create a friend of the ringed plover group.	Local people provide on-site policing to prevent disturbance from dogs/walkers.
John Weston	Rangers	Hire a new ranger as there is a current vacancy for one.
	Habitat creation / improvement	Look at bird data to see if this would be viable and effective.
	Signs	Improve signs on the accessible entrances.
	Information	Improve the quality of information at The Naze visitor centre.
Skippers Island		
Operating from Titchmarsh Marina	Boat warden	Extend the hours for the boat warden service. Used to be all year round.
Local schools	School talks / education to encourage the love of local wildlife.	Changes behaviour of parent.
Tourist Information Centre – used to exist	Re-open TIC in local area.	Provide info for what they can do to protect the area.
Dog walker policing	Encourage dog-walkers to police other dog-walkers to	Self-policing.

	behave better.	
Hamford Water general	Branding for the protected area.	Put a recognisable logo on coffee cups and stickers. Tell people what is special about an area, and how they can help.
Coastal Path	Orientation boards along key access points.	Provide information, location and code for the area.
General	Warden for the area.	Post for education, policing and habitat management (including Skippers Island and John Weston).
	Create an app for the protected area.	Interactive app shows people more robust areas, 'quiet zones' & 'play zones'.
	Re-direct paddleboarders.	

Thames Estuary and Marshes SPA and Ramsar

General notes

- Referring to the estuary – there is currently no 'obvious' need for water based enforcement of sports/boats;
- Infrequent walkers and fisherman can be found by Mucking Creek;
- It is likely that there will be housing allocations at East Tibury which will increase visitor numbers; and
- Essex Wildlife Trust (Thameside Nature Park) will be expanding and will have restrictions to access as it does currently. This will move visitors away when the reserve is closed.

Table A10.7: Mitigation ideas

Location	Mitigation Option	Notes
Grays	Quarry restoration	Will move people away from the sea wall.
Coalhouse to southern boundary of Thameside NP	Improve surface of track.	Usage of the current track from walking/dog walking has degraded it.
Farmland west of Coalhouse	Potential here for habitat creation.	The option to create & provide high tide roosts.

Dengie SPA and Ramsar

General notes

- Bradwell beach commonly has illegal off road biking and quad-bikes that are disturbing habitats, fencing doesn't always prevent this;
- A lot of the access to the Dengie is limited as a lot of it is private access unless people are walking along the coast;
- Visitor numbers are currently low but are increasing;
- Need to look at the land immediately to rear of sea wall as Little Tern nest there at Bradwell. Need involvement from farmers/landowners as they are best placed to put in measures that will protect species. Could make it easier for birds to nest at high tide;
- There is a popular walking route along from the Nature Reserve car park along the seawall, which disturbs birds and affects the saltmarsh; and
- Illegal off-roading is common on the sea wall and saltmarsh.

Table A10.8: Mitigation ideas

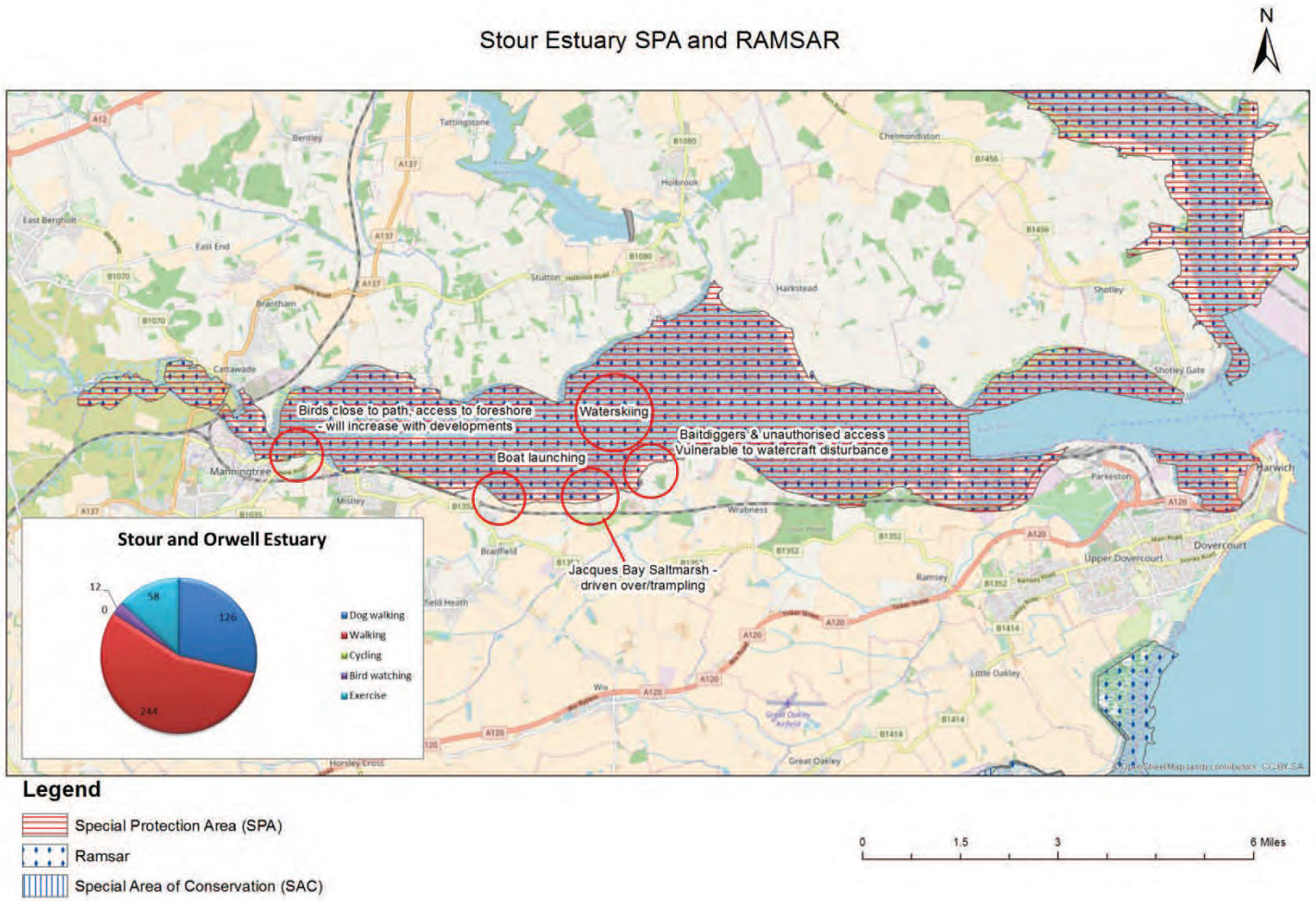
Location	Mitigation Option	Notes
Bradwell	New habitat / coastal realignment	Saltmarsh restoration and re-creation, for example creating a new off-shore island near Bradwell. EWT and RSPB have identified sites where saltmarsh can be recharged. It could be a possibility to work in partnership to deliver these schemes.
Sea wall	Encourage movement of people away from sea wall to alternative locations.	Alternative locations could include Heybridge Lakes.

All sites

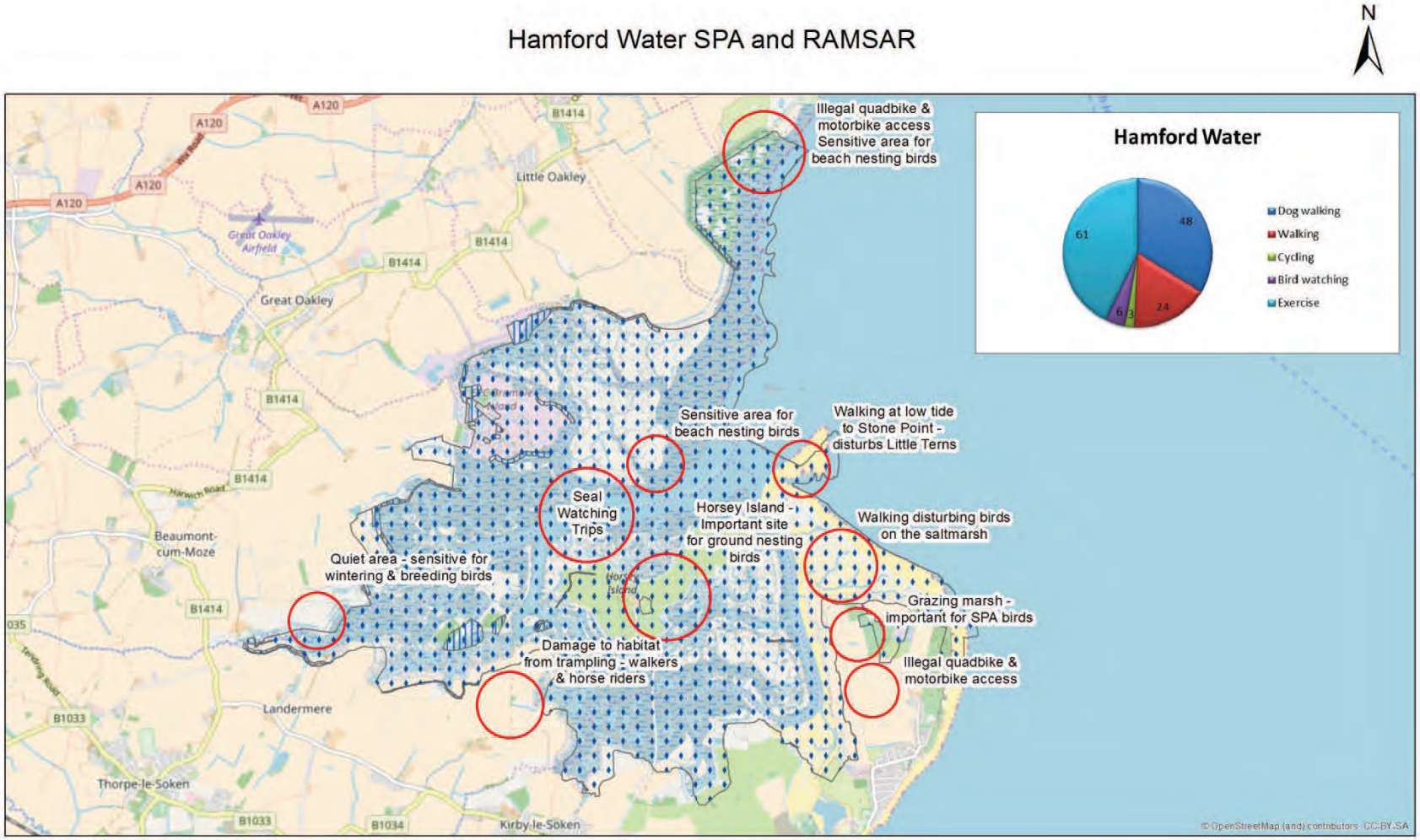
General Mitigation

- Bird Aware is a scheme used in the Solent that is the same concept as the Essex RAMS; this has a website, leaflets and promotes positive behaviours to recreational users. Essex should use this brand as start-up costs would be less and it could mean that the 'Bird Aware' campaign could become nationally recognised. The name Bird Aware should be the preferred name of the scheme compared to the RAMS as it is a clear cut term and is more user-friendly;
- Create partnerships with organisations such as Essex Wildlife Trust, RSPB and National Trust to help deliver measures with their Rangers; and
- Mitigation should include education/communication projects as well as physical projects.

Appendix 11: Annotated maps of Habitats sites showing recreational disturbance types and locations



Hamford Water SPA and RAMSAR

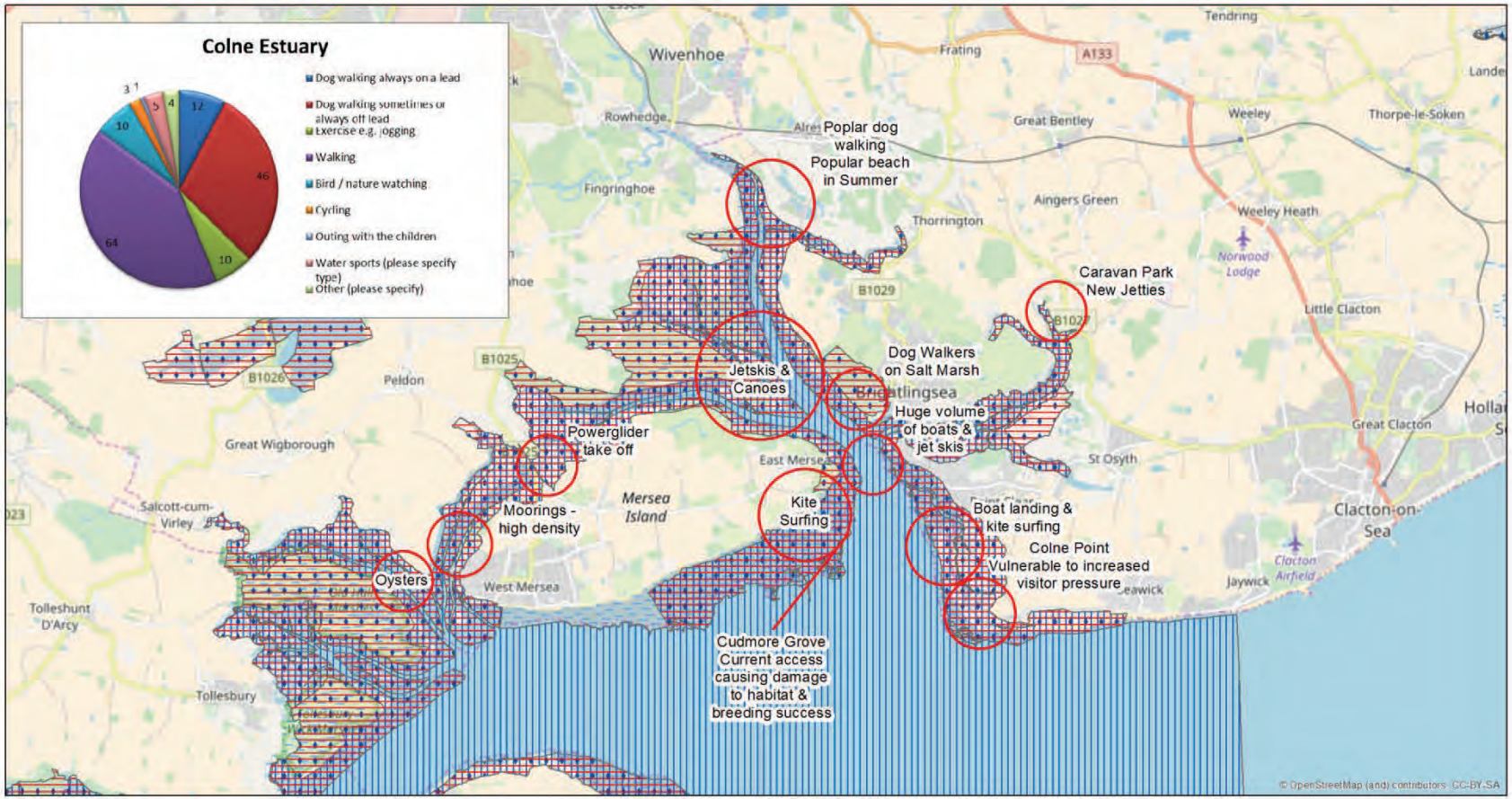


Legend

- Special Protection Area (SPA)
- Ramsar
- Special Area of Conservation (SAC)

0 1 2 4 Miles

Colne Estuary SPA and RAMSAR

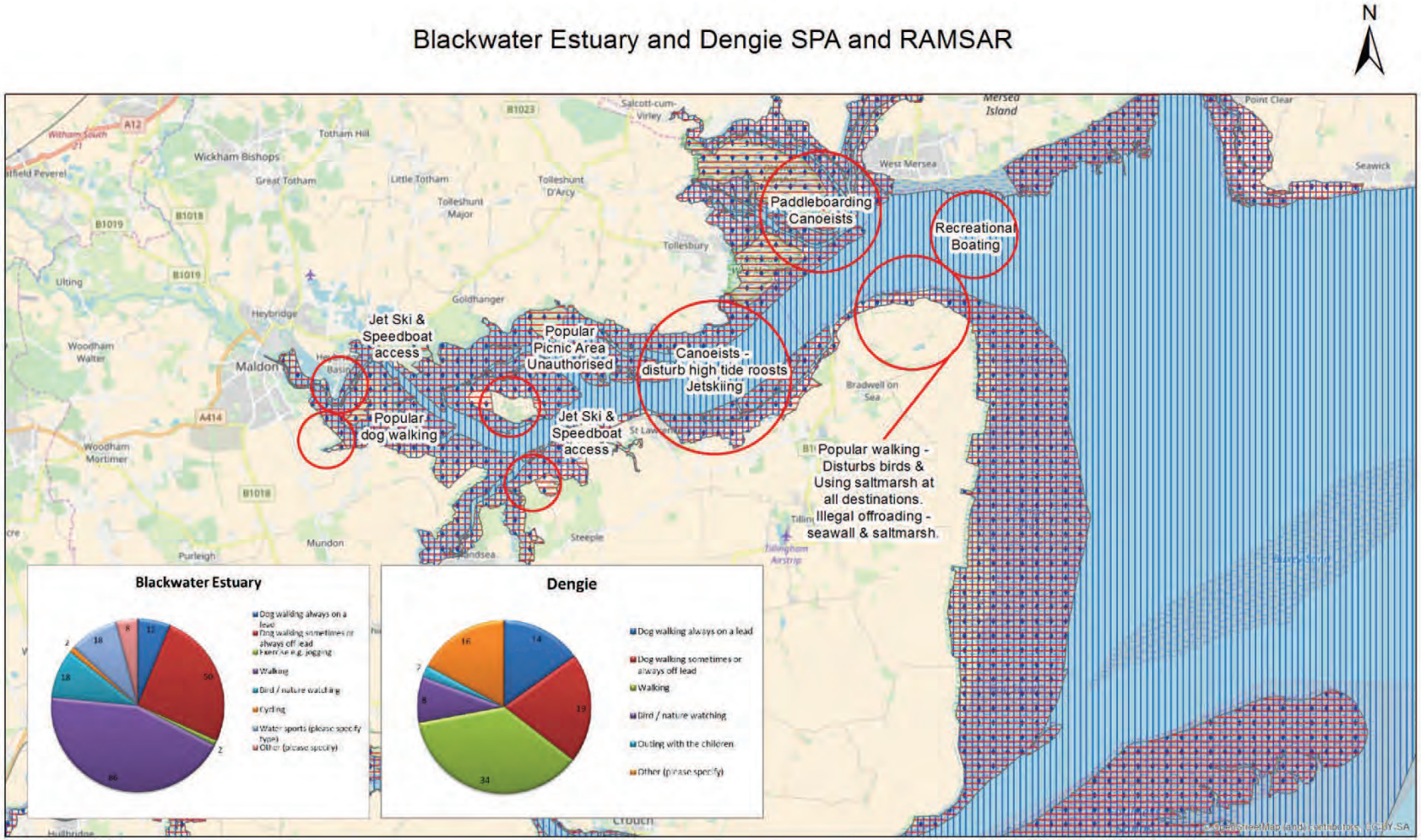


Legend

- Special Protection Area (SPA)
- Ramsar
- Special Area of Conservation (SAC)

0 2 4 8 Miles

Blackwater Estuary and Dengie SPA and RAMSAR

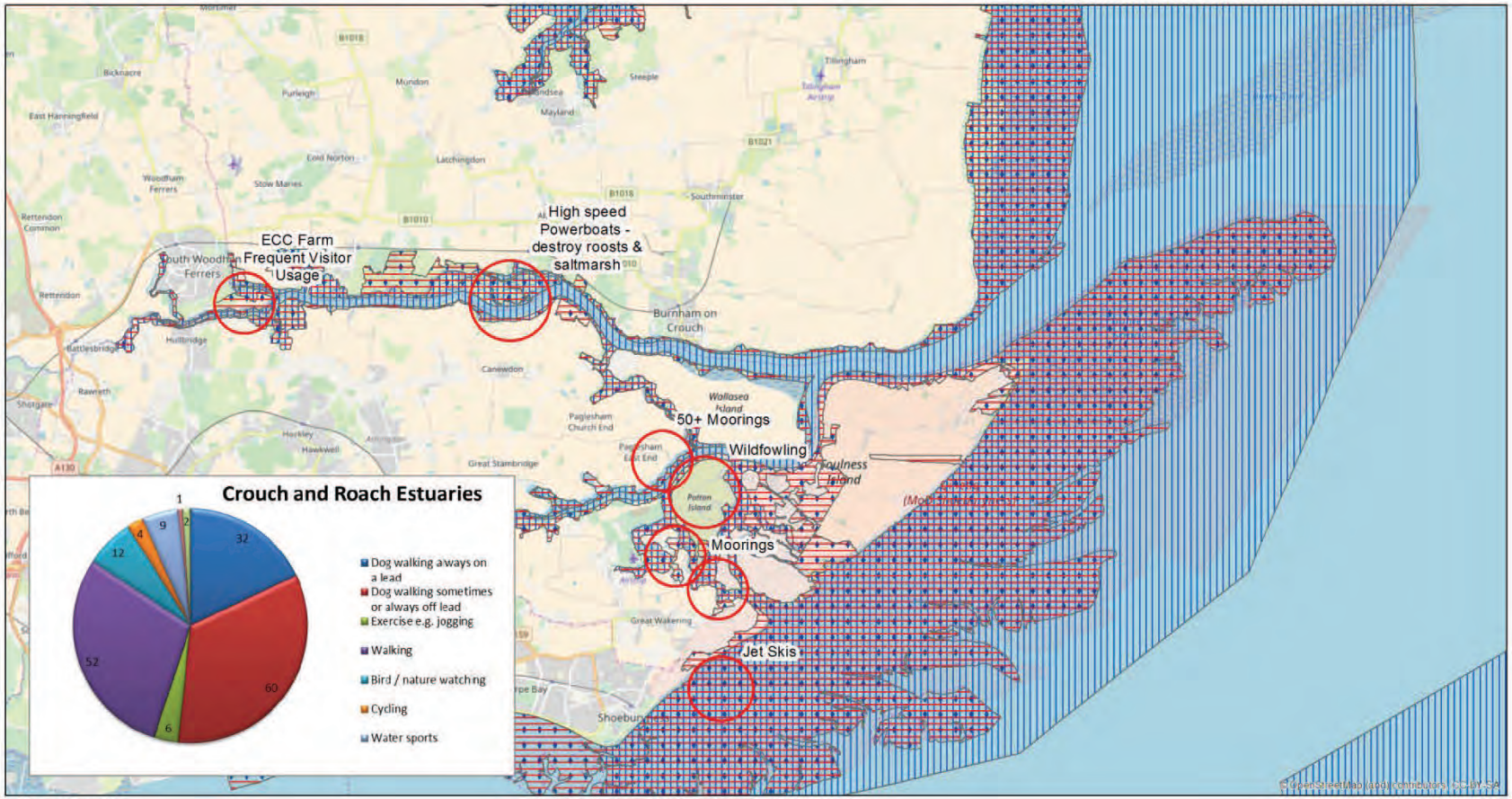


Legend

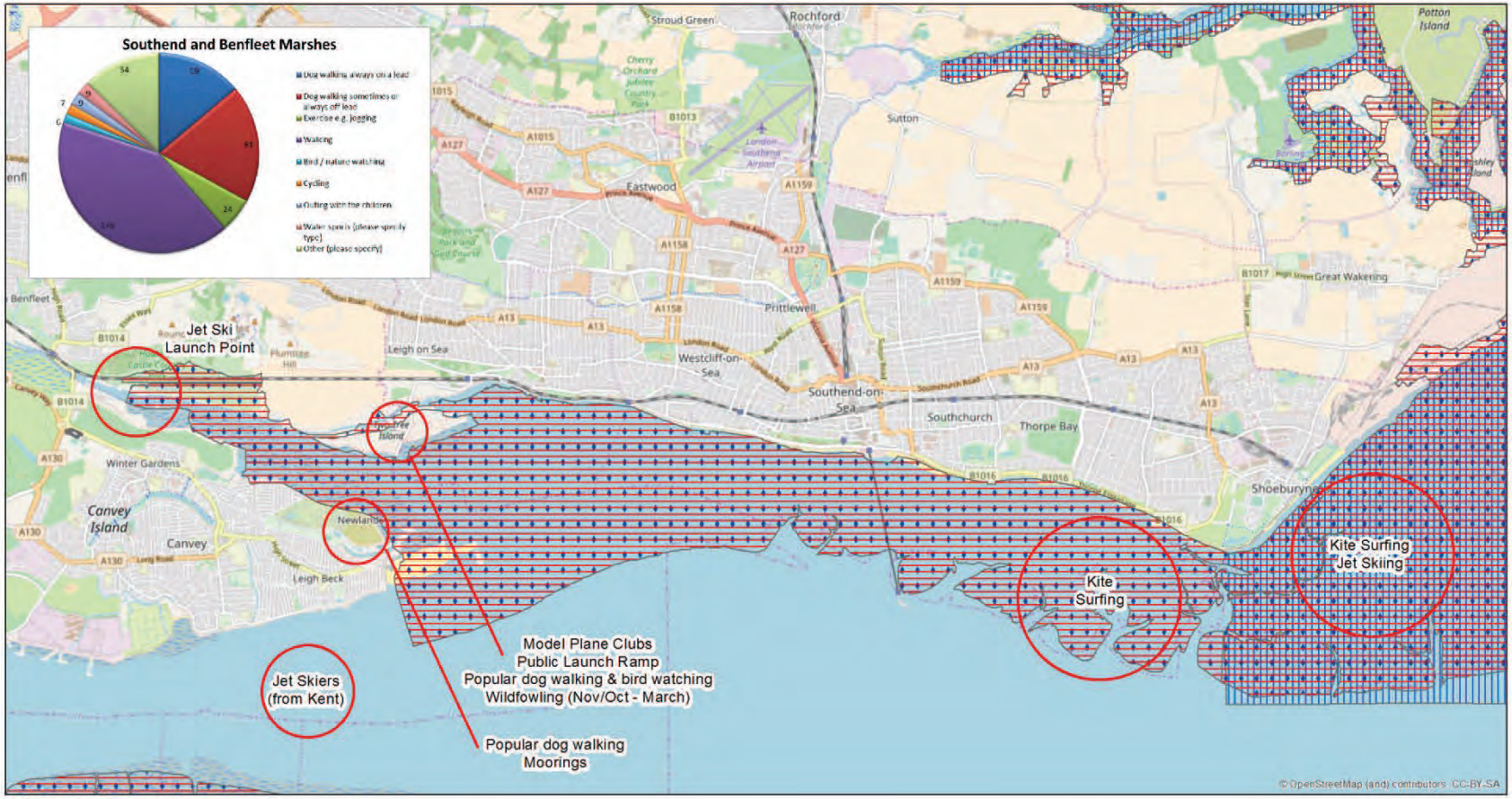
- Special Protection Area (SPA)
- Ramsar
- Special Area of Conservation (SAC)

0 2.5 5 10 Miles

Crouch and Roach Estuaries & Foulness Estuary SPA and RAMSAR



Benfleet and Southend Marshes SPA and RAMSAR

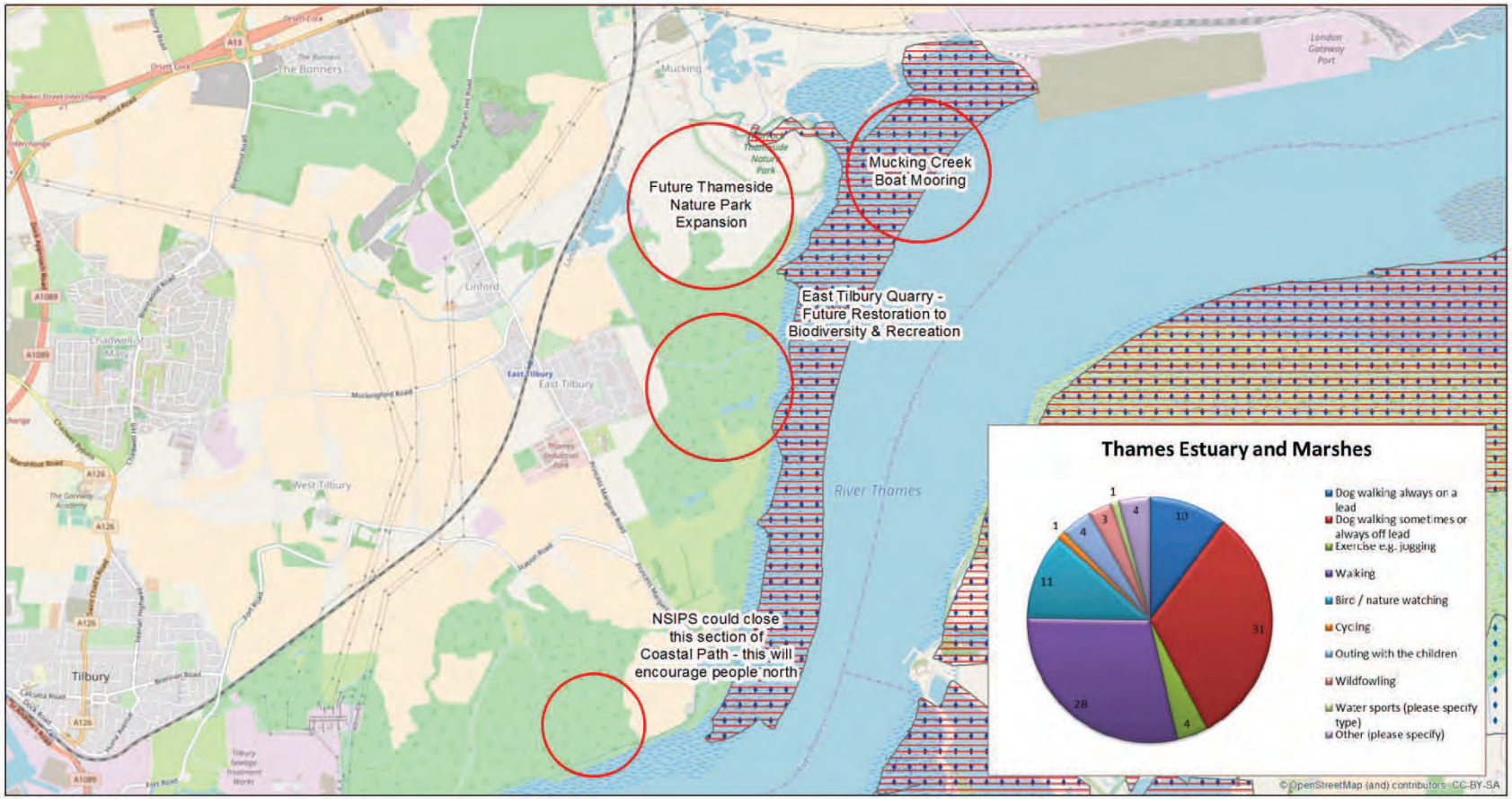


Legend

- Special Protection Area (SPA)
- Ramsar
- Special Area of Conservation (SAC)

0 1.25 2.5 5 Miles

Thames Estuary and Marshes SPA and RAMSAR



N

Legend

- Special Protection Area (SPA)
- Ramsar
- Special Area of Conservation (SAC)

0 0.75 1.5 3 Miles

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

Supplementary Planning Document (SPD) 2019

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1. Introduction

1.1 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 development in combination with other plans and projects, and how this mitigation will be funded.

1.2 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').

1.3 This SPD distils the RAMS into a practical document for use by LPAs, applicants 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.

1.4 A 'frequently asked questions' (FAQ) document has also been produced to provide further information about the RAMS project. This is available on the Bird Aware Essex Coast website[1].

[1] Bird Aware Essex Coast: https://essexcoast.birdaware.org/home

2. Summary of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

The importance of the Essex coast

2.1 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.

2.2 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.

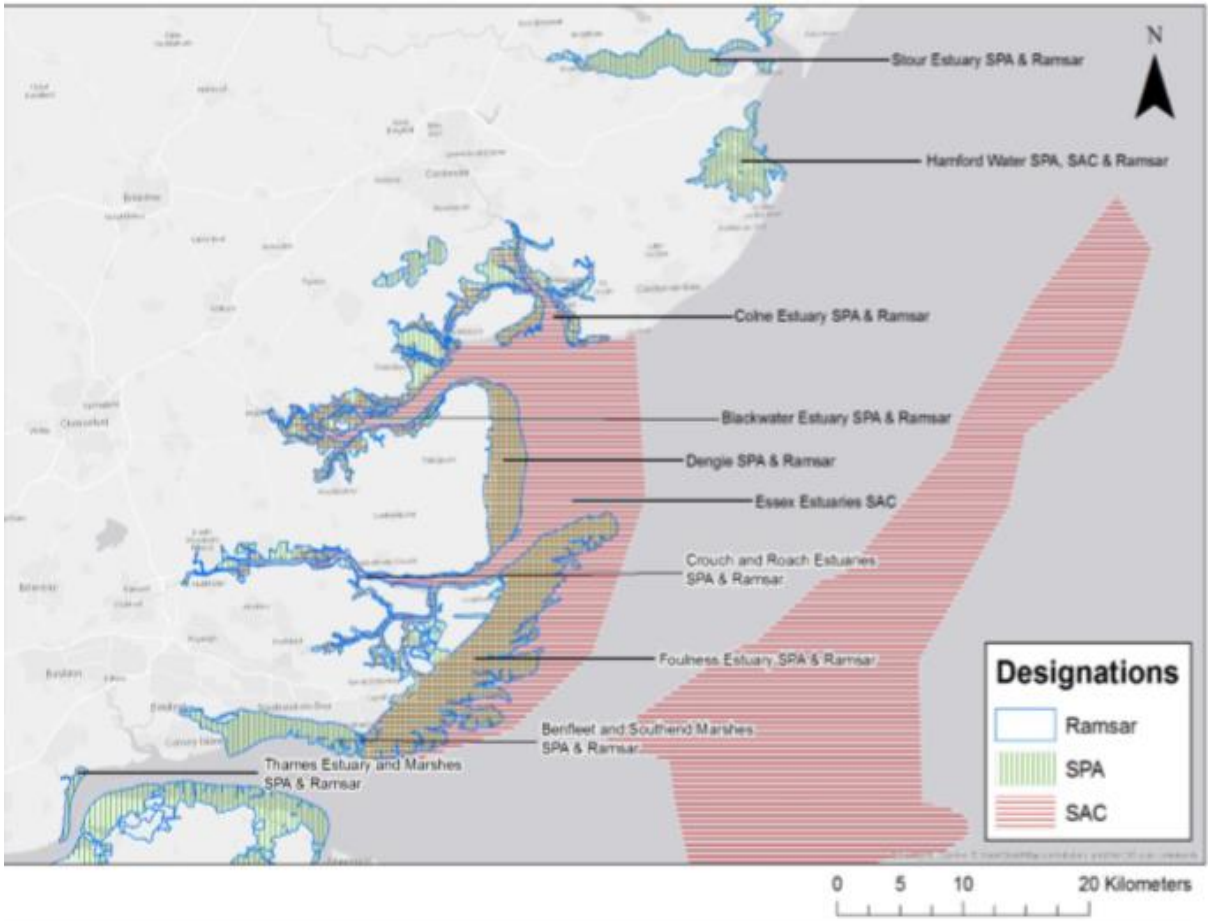
2.3 Although only Tendring District, Colchester Borough, Chelmsford City, Maldon District, Rochford District, Southend Borough, Castle Point Borough and Thurrock Councils lie on the coast, residents from, Basildon Borough, Brentwood Borough, Uttlesford District and Braintree District are also likely to travel to the coast for recreational use.

2.4 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 (2019).

2.5 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)

2.6 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.

2.7 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.

2.8 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)).

<u>The requirement for delivery of strategic mitigation</u>

2.9 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 Ramsar sites.

2.10 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[2] recommended a strategic approach to mitigation along the Essex coast.

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

2.12 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.

2.13 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. Therefore, the implementation of this SPD does not negate the need for an appropriate assessment for certain types of development.

2.14 The Essex coast RAMS aims to deliver the mitigation necessary to avoid the likely significant effects from the 'in-combination' impacts of residential

[2] An executive non-departmental public body and the government's adviser for the natural environment in England
.

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 applicants, agents and planning authorities with a comprehensive, consistent and efficient way to ensure that appropriate mitigation for residential schemes within the Zone of Influence (see paragraph 3.2 below) is provided in an effective and timely manner.

2.15 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'[3]. 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.

2.16 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 'net new' planned housing growth may lead to disturbance of birds in coastal Habitats (European) sites within and beyond each individual LPA boundary.

[3] '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.

3. Scope of the SPD

Where does the RAMS apply?

3.1 The 12 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
- Uttlesford District Council

3.2 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.

3.3 The 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.

3.4 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

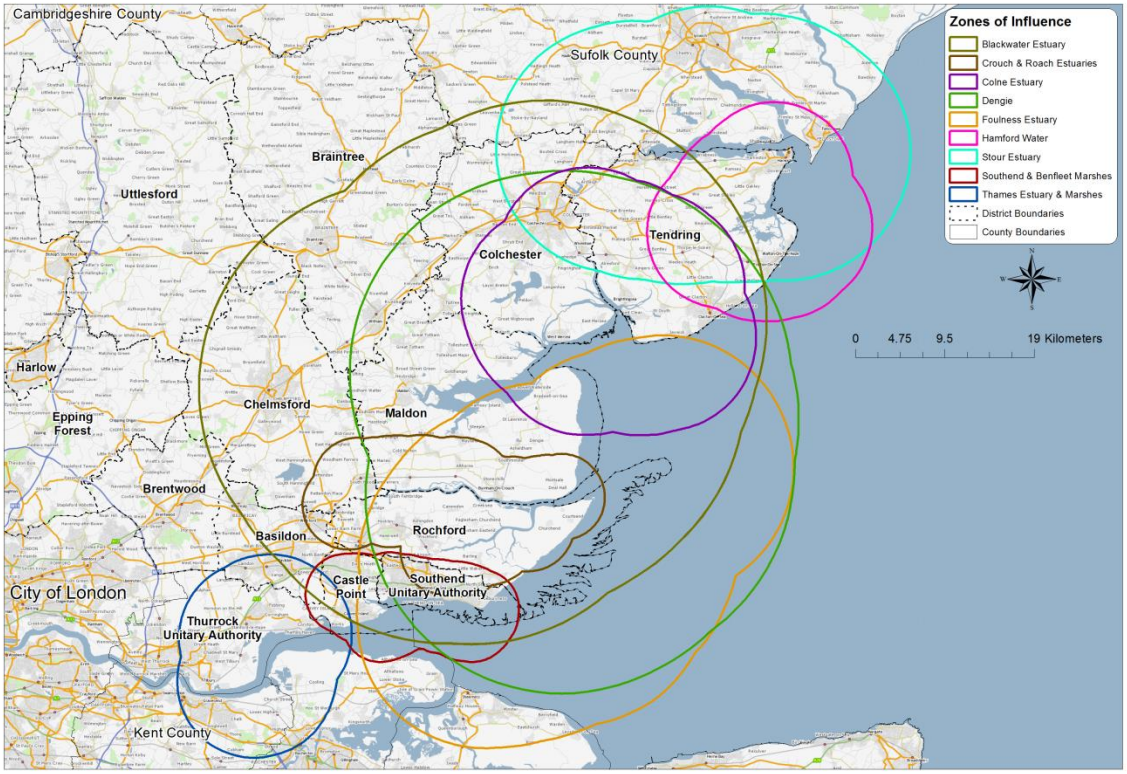
European designated site	Final distance to calculate RAMS ZoI (km)
Essex Estuaries SAC	-*
Hamford Water SPA and Ramsar	8
Stour and Orwell Estuaries SPA and Ramsar	13
Colne Estuary SPA and Ramsar	9.7
Blackwater Estuary SPA and Ramsar	22
Dengie SPA and Ramsar	20.8
Crouch and Roach Estuaries Ramsar and 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 Essex Estuaries SAC overlaps with the Blackwater Estuary, Colne Estuary, Crouch and Roach Estuaries, Dengie, Foulness and Outer Thames Estuary SPA and Ramsar sites.*

3.5 The ZoI can be accessed via Magic Maps[4], (where you will find the definitive boundaries. A broad illustration of the extent of the RAMS ZoI is shown in Figure 3.1, below.

Figure 3.1: Illustration of the Zones of Influence for the Essex Coast RAMS

Essex Estuaries Zones of Influences



<u>What types of dwellings does this apply to?</u>

3.6 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.

<u>Does it apply to all schemes?</u>

3.7 It applies to all schemes regardless of size. The National Planning Practice Guidance[5] confirms that local planning authorities may seek planning contributions for sites of less than 10 dwellings to fund measures with the

[4] MAGIC website: https://magic.defra.gov.uk/MagicMap.aspx

[5] Planning Practice Guidance: https://www.gov.uk/government/collections/planning-practice-guidance

purpose of facilitating development that would otherwise be unable to proceed because of regulatory requirements.

3.8 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 August 2018, 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 developments will be considered on a case-by-case basis according to the type of development proposed.*

A guide on student accommodation and RAMS is included as Appendix 2.

3.9 Other types of development within the ZofI and not included within the draft SPD, such as visitor accommodation, may be likely to have significant effects on a protected habitat site/sites and will in such cases need to be subject of an appropriate assessment as part of the Habitats Regulations. As part of this assessment any mitigation proposals (including those which address any recreational pressure) will need to be considered separately from this strategy and taken into account by the appropriate authorities.

What types of application does the RAMS apply to?

3.10 The RAMS applies to all full applications, outline applications, hybrid applications, and permitted development (see below). This includes affordable housing. Reserved matters applications will be considered on an individual basis having regard to whether the potential effects of the proposal were fully considered when the existing outline was granted or where new information submitted with the reserved matters application would make for a different assessment of effects.

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

3.12 The General Permitted Development Order (GPDO) allows for the change of use of some buildings and land to Class C3 (dwelling houses) without the need for planning permission, 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 GPDO changes of use to dwelling houses where these are within the ZoI.

3.13 In practice, this means any development for prior approval should be accompanied by an application for the LPA 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.

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

4. Mitigation

4.1 Measures to avoid and mitigate adverse impacts on the Habitats sites are statutory requirements. Mitigation measures, which are required for any residential development within the areas of the LPAs that falls within a Zone of Influence, are identified in this SPD.

4.2 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	This could include: • 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 There are a variety of means to deliver this such as: • 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	• 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
	Audit of car parks and capacity to identify hotspots and opportunities for “spreading the load”

Action area	Examples
Vehicular access and car parking	
Enforcement	• 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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4.3 Appendix 1 contains details of the full mitigation package. The overall cost for the mitigation package is £8,916,448.00 in total from March 2019 until 2038.

What is the tariff?

4.4 The current tariff is £122.30 per dwelling as of 2019/20. This will be indexed linked, with a base date of 2019. This will be reviewed periodically and re-published as necessary.

4.5 In order to arrive at a per dwelling contribution figure, the strategic mitigation package cost was divided by the total number of dwellings (79,582 dwellings) which are currently identified to be built in the ZoI over Local Plan periods until 2038. This includes dwellings which have not received Full/Reserved matters consent. Any dwellings already consented in the Plan period are not included in this calculation. This figure is not definitive and likely to change as more Local Plans progress and are reviewed. As such the figure will be subject to review.

When will the tariff be paid?

4.6 Contributions from residential development schemes will be required no later than on commencement of each phase of 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.

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

How will the tariff be paid?

4.8 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) 2019 sets out the Government's policy on planning obligations. The obligation can be a unitary obligation, referred to as a 'Unilateral Undertaking[6]' or multi party agreement, referred to as a 'Section 106 agreement'[7].The applicant will be required to enter into a formal deed with the Local Planning Authority (LPA) to secure the payment of the required financial contribution. The RAMS contribution may form a clause within a wider S106 agreement.

4.9 This contribution is payable in addition to any Community Infrastructure Levy liability and/or any other S106 or S278 contributions for other types of

[6] An offer to an Local Planning Authority to settle obligations relevant to their planning application.

[7] A legal agreement under Section 106 of the Town and Country Planning Act 1990 made between local authorities and developers, and often attached to a planning permission, to make acceptable development which would otherwise be unacceptable in planning terms.

contribution and there may be other site-specific mitigation requirements in respect of Habitats sites and ecology as outlined above.

4.10 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 agreements 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.

4.11 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.

4.12 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 ZoI indicated above to the Habitats sites. The 'in-combination' impact of proposals involving a net increase of one or more dwellings within this ZoI 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 ZoI. The costs are apportioned proportionately between all developments dependent on the scale of development. The contributions will be spent on both project-wide

mitigations such as Rangers, and specific mitigations within the ZoI in which the contribution was collected. This contribution is therefore fairly and reasonably related in scale and kind to the development.

4.13 Applicants 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 LPA's website. The website addresses for each LPA are included within Section 8 of this strategy.

Schemes under 10 dwellings

4.14 Applicants for schemes which will create up to 10 new units of residential accommodation can use a Unilateral Undertaking (UU). This should be submitted when the planning application is submitted.

4.15 Applicants will need to provide the following documents as part of their planning application where payment will be made through a UU:

- 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

4.16 A payment for the LPA's reasonable costs of completing and checking the agreement will be necessary. The LPA 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 . This may be increased if the matter is particularly complex.

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

Schemes for 10 or more dwellings

4.18 In the case of larger or more complicated developments which include planning obligations beyond RAMS contributions, the most appropriate route for securing contributions will be via a multi-party Section 106 Agreement.

4.19 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.

4.20 Please contact Planning Officers at the relevant LPA at the earliest opportunity to discuss your application and the most appropriate method of paying your RAMS contribution.

5. Alternative to paying into the RAMS

5.1 The 12 RAMS partner LPAs encourage mitigation to be secured via the strategic approach and prefer developer contributions to the RAMS. This approach is likely to be simpler, quicker and less costly for applicants. It will also ensure the adequate and timely delivery of effective mitigation at the Habitats sites.

5.2 As an alternative, applicants 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 applicants choose to pursue this option, the LPA will need to consult Natural England on the effectiveness of the mitigation proposed.

6. Monitoring of this SPD

6.1 To monitor the effectiveness of the RAMS and this SPD, a strategic monitoring process is in place and will be managed by a dedicated RAMS delivery officer in liaison with each LPA's own monitoring officers.

6.2 Monitoring will be undertaken annually and a report will be provided to each LPA to inform their individual Authority 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.

6.3 A representative from each of the partner LPAs, together forming 'The RAMS Steering Group', shall work with the Essex Coast RAMS team to establish a

monitoring process, which will include SMART targets[8] to effectively gauge progress.

6.4 To ensure the monitoring process is fit for purpose, various monitoring activities 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. The monitoring process will be used to inform future reviews of the RAMS and the SPD.

7. Consultation

7.1 This draft SPD is published for consultation between x and x in accordance with the planning consultation requirements of each LPA.

7.2 Comments should be submitted online at: <INSERT LINK>

7.3 Alternatively comments can be emailed or posted to Place Services at:

Place Services,
Essex County Council
County Hall
Chelmsford
Essex
CM1 1QH

<INSERT EMAIL ADDRESS>

7.4 Following the close of the consultation all comments will be considered and where necessary amendments made to the draft SPD prior to adoption by each LPA.

8. Useful Links

- Essex Coast Bird Aware - https://essexcoast.birdaware.org/home
- Basildon Borough Council (planning and environment) - https://www.basildon.gov.uk/article/4622/Planning-and-environment
- Braintree District Council (planning and building) - https://www.braintree.gov.uk/homepage/22/planning_and_building
- Brentwood Borough Council (planning and building control) - http://www.brentwood.gov.uk/index.php?cid=531
- Castle Point Borough Council (planning) - https://www.castlepoint.gov.uk/planning
- Chelmsford City Council (planning and building control) - https://www.chelmsford.gov.uk/planning-and-building-control/
- Colchester Borough Council (planning, building control and local land charges) -https://www.colchester.gov.uk/planning/
- Maldon District Council (planning and building control) - https://www.maldon.gov.uk/info/20045/planning_and_building_control

[8] Targets that are Specific, Measurable, Attainable, Relevant and Timely (SMART)

- Rochford District Council (planning and building) - https://www.rochford.gov.uk/planning-and-building
- Southend Borough Council (planning and building) - https://www.southend.gov.uk/info/200128/planning_and_building
- Tendring District Council (planning) - https://www.tendringdc.gov.uk/planning
- Thurrock Borough Council (planning and growth) - https://www.thurrock.gov.uk/planning-and-growth
- Uttlesford District Council (planning and building control) - https://www.uttlesford.gov.uk/article/4831/Planning-and-building-control
- Natural England - https://www.gov.uk/government/organisations/natural-england
- MAGIC (Map) - https://magic.defra.gov.uk/MagicMap.aspx
- Planning Practice Guidance - https://www.gov.uk/government/collections/planning-practice-guidance

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9. 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 1979.
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.

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10. Acronyms

AA	Appropriate assessment
GPDO	General Permitted Development Order
HRA	Habitat Regulations Assessment
LPA	Local Planning Authority
RAMS	Recreational disturbance Avoidance and Mitigation Strategy
SAC	Special Area of Conservation
SPA	Special Protection Area
SPD	Supplementary Planning Document
UU	Unilateral undertaking
ZoI	Zone of Influence

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11. Appendix 1: Strategic Mitigation

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

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Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
		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
	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.

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Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
		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	£5,000 (£500/ Habitats site/yr)			£5,000	Rangers, partner organisations, LPAs
		Consented residential 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
		Promotional materials				£5,000	Use Bird Aware education packs, stationery, dog bag dispensers, car stickers etc.

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Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
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 Bird Aware 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 RAMS/Bird Aware Essex Coast website plus merchandise eg dog leads.

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Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	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 RAMS which could be used for alternative measures.
		Signage and interpretation	£14,500			£14,500	£14,500 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 link with a timetable eg Southend with dog ban 1st May to 30th Sept

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Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	Water based bailiffs to enforce byelaws	Set up Water Ranger Additional River Ranger where needed	£50,000	£120,000 £120,000	15 15	£2,029,342 £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 e.g. Colne Estuary, Hamford Water and other locations eg Southend to prevent damage during the summer. Explore shared use at different times of year e.g. winter use at other Habitats sites. 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
	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.

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Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	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

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Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
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 COSTS **£8,105,862**

+10% contingency **£810,586**

TOTAL COST **£8,916,448**

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12. Appendix 2: Essex Coast RAMS Guidelines for proposals for student accommodation

Introduction

A2.1 The Essex coast Recreational disturbance Avoidance and Mitigation Strategy (the "Essex coast RAMS") 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 effects on site integrity. All new residential developments within the evidenced Zones 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.

A2.2 This note includes guidance for proposals for student accommodation to help understand the contribution required. It has been agreed by the Essex Coast RAMS Steering Group. The purpose of this note is to ensure that a consistent approach is taken across Essex when dealing with proposals for student accommodation within the Zones of Influence of the Essex Coast RAMS.

Student Accommodation

A2.3 In their letter to all Essex local planning authorities, dated 16 August 2018, Natural England included student accommodation as one of the development types that is covered by the Essex Coast RAMS.

A2.4 It would not be appropriate to expect the RAMS tariff of £122.30 for each unit of student accommodation. This would not be a fair and proportionate contribution. Nevertheless, Natural England has advised that there needs to be a financial contribution towards the RAMS as there is likely to be a residual effect from student accommodation development even though it will only be people generated disturbance rather than dog related. Natural England has advised that the tariff could be on a proportionate basis. It may also be possible for the on-site green infrastructure provision to be proportionate to the level of impact likely to be generated by the student accommodation, particularly as one of the main reasons for having on site green infrastructure is to provide dog walking facilities, which wouldn't be needed for student accommodation. The general model for calculation, set out below, explains how to obtain a fair and proportionate contribution for student accommodation.

A2.5 In the first instance, 2.5 student accommodation units will be considered a unit of residential accommodation.

A2.6 Secondly, it is recognised that due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of

disturbance created, and thus the increase in bird disturbance and associated bird mortality, will be less than dwelling houses (use class C3 of the Use Classes Order b).

A2.7 Research from the Solent Disturbance Mitigation Project showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing.

So, a scheme for 100 student accommodation units would be considered 40 units. 40 units would then be halved providing that future occupiers are prevented from owning a car and keeping a pet:

100/2.5 = 40
40/2 = 20
20 x £122.30 = £2,446

A2.8 Please note that the calculation outlined above is to be used as a guide. The level of contribution would also need to consider the proximity of the accommodation to the Habitats sites in question and the total number of units being built.

Chelmsford City Council

A2.9 Proposals for student accommodation in Chelmsford will have a de minimis effect. Unlike Colchester and Southend, Chelmsford only has a small area of Habitats sites in the far south-eastern part of its administrative area. Purpose built student accommodation generally includes restrictions preventing students from owing a car or a pet. These restrictions will make it extremely unlikely that a student will visit a Habitats site, owing to the difficulty in accessing Essex coast Habitats sites from Chelmsford by public transport. Consequently, proposals for purpose built student accommodation in Chelmsford will not lead to likely significant effects on Habitats sites from increased recreational disturbance.

Local Plan Committee

Item
11

21 October 2019

Report of	**Assistant Director of Policy and Corporate**	**Author**	**Shelley Blackaby** ☏ **508635**
Title	**Neighbourhood planning update**		
Wards affected	All		

1. Executive Summary

1.1 Neighbourhood planning has remained high on the national government's agenda since regulations were introduced in 2012. Revisions to the Neighbourhood Planning Regulations in January 2018, the revised NPPF (February 2019) and changes to the National planning practice guidance in May 2019 continue to demonstrate the importance of Neighbourhood Plans for housing provision and local planning matters.

1.2 Neighbourhood planning remains active across the Borough, with a number of parish and town councils and local communities positively engaging with the planning process, stakeholders and officers at CBC.

1.3 Currently three Neighbourhood Plans have been 'made' in the Borough – Wivenhoe, Boxted and Myland and Braiswick, which were adopted in 2019 and 2016. It is anticipated that the West Bergholt Neighbourhood Plan and Eight Ash Green Neighbourhood Plan will be made (adopted) later this year.

2. Recommended Decision

2.1 To consider an update on the progress of neighbourhood planning in Colchester Borough.

3. Reason for Recommended Decision

3.1 To enhance awareness of the overall neighbourhood plan (NP) activity and particularly the stage of preparation of the plans given their importance and relationship to the statutory Local Plan and in a number of cases relevance to housing delivery.

4. Alternative Options

4.1 Not applicable as the report is for information only. Keeping the Local Plan Committee informed of progress and of any concerns or obstacles is beneficial to the Council and the Neighbourhood Plan Groups.

5. Background Information

5.1 Since the Neighbourhood Planning Regulations came into force in 2012, the commitment from national government and the appetite of local communities to neighbourhood planning has not diminished. At a national level the most intensive activity has been in the south of England to date.

5.2 The Neighbourhood Planning Regulations 2012 provides the backbone of the legislative framework for Neighbourhood Plans. The revised NPPF published in February 2019 introduces guidance in respect of the significance of neighbourhood plans in the context of the presumption in favour of sustainable development and housing delivery. Where the presumption in favour of sustainable development applies the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. Developers will frequently try to challenge local authorities 5 year housing supply position to trigger the presumption in favour of sustainable development. For neighbourhood plans made within 2 years or less of the decision being made, the bar for this challenge is now set higher, only requiring the local authority to demonstrate a 3 year supply of deliverable housing sites. Updates to the national planning practice guidance in May 2019 recognise the importance of neighbourhood planning, with one of the updates being that an emerging neighbourhood plan ‘is likely’ to be a material consideration in many cases, as opposed to 'may be' in the previous version. A recent appeal for up to 97 dwellings was dismissed in West Bergholt, the Inspector said that: “Permitting a scheme that would be in direct conflict with what are key elements of the strategy underlying the emerging West Bergholt NP would undermine confidence in the planning process”.

5.3 Within Colchester Borough there has been considerable neighbourhood planning activity within a number of parishes, most of whom are continuing to progress with the challenging task of plan making. Members may recollect that the making of the Boxted Neighbourhood Plan and Myland and Braiswick Neighbourhood Plan in 2016 were the first in Essex to reach the final stage. They also benefitted from central government funding following their designation as Frontrunners (£20,000 was awarded towards the preparation of each). Similar funding is no longer available and each Parish council has to apply for funding as they progress, from bodies such as Locality. The Wivenhoe Neighbourhood Plan was adopted on 22 May 2019, following a referendum on 2 May 2019.

5.4 The overview of the activity in the Borough is summarised in the table below and a more detailed progress update for each the neighbourhood plans follows.

Neighbourhood Plan	Date of Area Designation	Stage of progress	Comments
Boxted	October 2012	Made 2016	Part of the Development Plan used for Decision Making
Myland and Braiswick	January 2013	Made 2016	Part of the Development Plan used for Decision Making
Wivenhoe	April 2013	Made May 2019	Part of the Development Plan used for Decision Making

Neighbourhood Plan	Date of Area Designation	Stage of progress	Comments
Copford with Easthorpe	May 2015	Evidence gathering and scoping	Work stopped and then restarted in 2018
Eight Ash Green	June 2015	Referendum on 7 November 2019	Final Examiner's report received recommending the plan with modifications proceeds to referendum
Great Tey	May 2017	Evidence gathering and plan preparation	A draft plan is expected to be published for consultation in spring 2020
Marks Tey	July 2015	Evidence gathering and plan preparation	Initial draft of plan published & will be refined once neighbourhood characterisation study is complete
Messing	July 2013	Work abandoned	No active NHP group currently
Stanway	June 2014	Work abandoned	No active NHP group currently
Tiptree	October 2014	Regulation 14 consultation summer 2019	Analysis of consultation responses underway to inform NP
West Bergholt	July 2013	Referendum held on 19 September 2019	Full Council asked to make the plan on 16 October 2019
West Mersea	September 2016	Evidence gathering and plan preparation	A consultant will be appointed shortly to assist in drafting the plan

Copford with Easthorpe

5.5 Following a period of reflection, work on the Copford with Easthorpe Neighbourhood Plan resumed last year. An open public vision meeting was held in November 2018 to present existing information and gather resident views. The Local Plan allocates two housing sites in Copford and no further housing sites are expected to be allocated in the neighbourhood plan. It is therefore anticipated that the neighbourhood plan will instead focus on other policy matters.

Eight Ash Green

5.6 Following submission of the plan, the Council publicised the Eight Ash Green Neighbourhood Plan submission documents for a six week consultation, which ran from 22 January 2019 to 5 March 2019 (Regulation 16 consultation). An Independent Examiner was appointed to examine both the Eight Ash Green and West Bergholt Neighbourhood Plans. The Independent Examiner concluded the examination of the Eight Ash Green Neighbourhood Plan, with a final report issued on 20 September 2019. The Examiners Report can be viewed alongside the Council's Decision Statement and Examination Documents on CBCs website. The Eight Ash Green Neighbourhood Plan referendum will take place on Thursday 7 November 2019.

Great Tey

5.7 Great Tey carried out an informal preliminary consultation and have prepared an evidence base. A consultant has been appointed and a call for sites was carried out in summer 2019. A draft plan is expected to be published for consultation in spring 2020. The Local Plan allocates two housing sites in Great Tey and no further sites are expected to be allocated in the neighbourhood plan. It is anticipated that the neighbourhood plan will focus on other policy matters beyond housing allocations.

Marks Tey

5.8 Marks Tey have produced an initial draft of their Neighbourhood Plan and a consultation questionnaire which has been accessible on their website for comment. They have carried out an extensive neighbourhood characterisation study that is currently being finalised which will be used to refine the draft plan and policies. Further evidence gathering and stakeholder feedback is planned. The outcome of the Local Plan process will likely help inform how to take the neighbourhood plan forward. The NP Group have now appointed a planning consultant to work with them.

Tiptree

5.9 Tiptree is well advanced in the preparation of its neighbourhood plan having carried out extensive consultation and evidence base work for a number of years. A formal consultation on the draft neighbourhood plan took place in June/July 2019 (Regulation 14 consultation). The neighbourhood plan group will consider all representations made to the formal consultation before finalising the plan and submitting it to CBC. The neighbourhood plan allocates sites for 600 dwellings and will make an important contribution to the borough's housing supply.

West Bergholt

5.10 An Independent Examiner was appointed to examine both the Eight Ash Green and West Bergholt Neighbourhood Plans. The Independent Examiner concluded the examination of the West Bergholt Neighbourhood Plan, with a final report issued on 26 May 2019. A referendum was held on 19 September 2019 with 94% voting in favour of the neighbourhood plan (turnout was 41%). The planning practice guidance states that a neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. Full Council will be asked to make (adopt) the neighbourhood plan on 16 October 2019.

West Mersea

5.11 West Mersea has undertaken a significant amount of public consultation and stakeholder events have been held at various times. Work has also progressed with evidence gathering and initial drafting of topic papers which will inform a draft plan. A consultant will be appointed shortly to assist in drafting the plan. The Local Plan includes two housing sites on Mersea which will deliver 200 new homes. No further housing sites are expected to be allocated in the neighbourhood plan, but instead it will focus on other policy matters, including looking to shape and influence those allocations included in the emerging Local Plan.

5.12 Officers continue to provide significant support to the neighbourhood planning groups providing them with a named officer to advise and assist with problem solving when necessary, attend meetings where appropriate, direct them to good practice and serve the role of critical friend. Specialist help is also offered in relation to Strategic Environmental Assessment and Habitat Regulations Assessment. Officers have produced a guide on the support that can be provided, and this is available on the neighbourhood planning pages of CBCs website. In addition, the Council is responsible for the procedural work at Designation, Submission, Examination, Referendum and

Adoption stages. This is resource intensive, but an important element of the Planning Policy framework for the Borough.

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://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf

7. Strategic Plan References

7.1 The Strategic Plan is relevant in particular in contributing towards priorities under the themes Responsibility, Opportunity and Wellbeing;
Responsibility- Promote responsible citizenship by encouraging residents to get involved in their communities and to identify solutions to local issues;
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.

8. Consultation

8.1 The Neighbourhood Planning Regulations set out required stages of consultation as part of the neighbourhood plan process.

9. Publicity Considerations

9.1 None

10. Financial implications

10.1 The Council is able to apply for funding at various stages of neighbourhood plan production to cover costs such as those associated with the examination and holding a referendum.

11. Health, Wellbeing and Community Safety Implications

11.1 None

12. Health and Safety Implications

12.1 None

13. Risk Management Implications

13.1 None

Local Plan Committee

Item **12**

21 October 2019

Report of	**Assistant Director of Policy and Corporate**	**Author**	**Sean Tofts** ☏ **508639**
Title	**Brownfield Land Register Update**		
Wards affected	All		

1. Executive Summary

1.1 The Council has produced and maintained a Brownfield Land Register (BLR) since December 2017. Prior to this Colchester was part of a pilot scheme. and the Council is fully committed to redevelopment of suitable brownfield land within the Borough.

1.2 The Council maintains an open register which can be updated whenever new sites are submitted that meet the criteria. Sites can be submitted to the Council throughout the year although since the initial publication of the BLR no further sites have been submitted for consideration. This report provides recommendations for the committee's consideration to encourage further sites to come forward for possible inclusion in the BLR.

2. Recommended Decision

2.1 To agree the actions outlined within the report to increase public awareness of the BLR and to suggest additional actions if appropriate.

3. Reason for Recommended Decision

3.1 To enhance awareness of the BLR and seek to bring forward suitable brownfield sites that have not yet been considered. This is intended to increase the ability of the Council to make the most effective use of land in line with the National Planning Policy Framework (NPPF).

4. Alternative Options

4.1 The committee could choose to take no further action that than already in place or suggest an alternative scheme of publicising the BLR and its purpose.

5. Background Information

5.1 The Town and Country Planning (Brownfield Land Register) Regulations places a responsibility on the Council to prepare and maintain a register of brownfield sites. The Regulations state that the Council's Register must have been published by 31st December 2017 and that the Register must be in two parts:

- Part 1 - all sites which are 'suitable', 'available', and 'achievable' for residential development which could be delivered within 15 years. This, however, does not affect a site's status; in other words, for any development to take place, planning permission would still need to be granted.

- Part 2 - any sites which are given 'permission in principle'. Inclusion on Part 2 grants planning permission in principle for residential development (the scale is determined by the Council) and the land owner/developer will have to apply for 'technical details consent' before any development can commence.

5.2 The Council participated in a pilot scheme for brownfield land registers and has used the data from the pilot to inform the current updated register; taking into account the change in planning status of sites within the Borough, completions and commencement of sites and changes to the regulations since the pilot scheme was undertaken. No sites currently within the register are being considered for entry into Part 2 of the register, reflecting the need for further clarification from the government in relation to the requirements for supporting environmental and health assessment work. Further information on the background of the BLR report was published on the 18th of December 2018.

5.3 Brownfield Land (otherwise known as previously developed land) is defined within the NPPF Glossary;

> *"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."*

5.4 As noted in the executive summary the Council has received no submissions for possible sites to be included within the BLR within the last year. This could be partially due to the large proportion of suitable brownfield land within Colchester already being included on the BLR as well as the fact that large areas of brownfield land have already been successfully redeveloped.

5.5 However, there is a perception that there is still plenty of brownfield land within the borough that should be developed before releasing/allocating greenfield sites. As none of these sites have been put forward despite the ongoing call for brownfield land, it is proposed to run a targeted campaign. This will run over the 6-week period 24 October – 4 December and is intended to increase awareness of the register. The campaign would include the following elements;

5.6 <u>Enhanced visibility on the website</u> - The BLR currently has its own page on the Council website. 'Colchester brownfield' also shows the correct CBC page as the top result when using leading web search engines. Though the page has a clear and concise layout and enables the submission process to be as simple as possible the page could be better linked to other pages. The Brownfield Register page could be included within the side bar of other planning pages to aid publicising the BLR more effectively on the CBC website. Notwithstanding this the website is not considered to be a significant issue in the publicising of the BLR by officers.

5.7 <u>Social Media Marketing</u> – Officers plan to increase awareness of the BLR by producing content for various social media sites in collaboration with the communications team. Content could be shared passively through 'share functions' or promoted through

targeted advertising within the Colchester Borough however the latter does have financial implications.

5.8 Press - The Council will produce a press release highlighting the drive for further submissions to the BLR. Information within the press release could elaborate upon the historic use of brownfield land within the Borough and highlight the Council's historic reuse of sites such as the Garrison and areas of the Hythe.

5.9 Parish Councils have a wealth of localised knowledge and may have more up to date information than other sources in relation to the availability of new sites. Officers believe that sending emails to Parish Councils requesting any information on the availability of brownfield land could be beneficial.

5.10 Officers will report an update alongside the Annual Monitoring Report (AMR) which will include information on any new sites submitted for inclusion of the BLR and any changes in permissions granted or sites completed on the current BLR.

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://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf

7. Strategic Plan References

7.1 The Strategic Plan is relevant in particular in contributing towards priorities under the themes Responsibility, Opportunity and Wellbeing;
Responsibility- Promote responsible citizenship by encouraging residents to get involved in their communities and to identify solutions to local issues;
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.

8. Consultation

8.1 Consultation will be undertaken as set out above and any site submitted will be considered for inclusion in the register.

9. Publicity Considerations

9.1 As set out above.

10. Financial implications

10.1 The actions have no financial implications beyond the requirement of officer time unless the use of paid targeted advertising is pursued but this is not considered necessary.

11. Health, Wellbeing and Community Safety; Health and Safety and Risk Management Implications

11.1 None

Local Plan Committee

Item **13**

21 October 2019

Report of	**Assistant Director of Policy and Corporate**	**Author**	**Laura Chase** ☏ **282473**
Title	**Update on Recent Changes to Planning Regulations and Guidance**		
Wards affected	All		

1. Executive Summary

1.1 This report highlights recent changes to Government guidance on a range of planning issues. These include further guidance on what is considered as suitable evidence to demonstrate deliverability of a 5-year housing land supply; requirements for addressing the housing needs of different groups; detail on measuring biodiversity gain; strengthening the weight that can be given to neighbourhood plans; and changes to CIL/Section 106 regulations including the removal of restrictions of pooling contributions.

2. Decision(s) Required

2.1 To note the report.

3. Reason for Recommended Decision

3.1 The report is for information only.

4. Alternative Options

4.1 NA

5. Background Information

5.1 Further revisions to the National Planning Policy Guidance (PPG) were published in May and July 2019 to several sections of the guidance. Revisions with particular implications for the plan-making process are summarised below. The Planning Practice Guidance is an on-line tool and is split into several categories. It can be viewed using the following link; https://www.gov.uk/government/collections/planning-practice-guidance

5.2 **Housing Land Supply**

Further guidance is provided on what is considered as suitable evidence to demonstrate deliverability. The two separate bullet point lists of evidence and examples (from the previous PPG) have been merged into one list of evidence. The language has been tightened up to increase the detail of what is needed:

- "Any progress" has been replaced with "**firm** progress" with regards to site assessment work and progress towards the submission of an application,
- "Any relevant information about site viability, ownership constraints or infrastructure provision" has been replaced with "**clear** relevant information about site viability, ownership constraints or infrastructure provision".

The Council is now using these criteria to back up its evidence of a 5-year housing land supply at appeal.

5.2.1 The list of evidence also now includes "*current planning status - for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters*". This phrasing has a wider scope than the previous reference which was only to "*a hybrid planning permission for large sites which links to a planning performance agreement that sets out the timescale for conclusion of reserved matters applications and discharge of conditions*". This will be helpful in arguing that progress towards reserved matters, such as pre-application discussions or validation, can be used to evidence progress on schemes.

5.2.2 There is a new segment on "*Confirming a 5 year housing land supply*". The PPG update now provides more detail on the use of annual position statements to confirm the existence of a 5 year supply. Colchester BC will not be in a position to prepare such a statement until the emerging Local Plan is adopted. It also appears to be an onerous process taking 6 months. As a result only 3 local authorities in the entire country submitted an APS this year.

5.2.4 There is also a new segment on "*Demonstrating a housing land supply beyond 5 years*". The section now specifically references the need for Local Authorities to identify a supply of specific, developable sites or broad locations for growth for years 6-10 in addition to years 11-15.

5.2.5 New guidance is provided on what evidence plan-making authorities can provide to demonstrate that there is a reasonable prospect that housing sites are developable, expanding on the definition of developable from the Glossary of the NPPF. Emphasis is placed on providing more detailed evidence to support sites that are anticipated to come forward sooner. The specific reference to a 'statement of common ground' (SoCG), removes any suggestion that a SoCG is a pre-requisite for clear evidence on a site being deliverable.

5.2.6 One area where this section of the PPG has not been amended to provide clarity is with relation to over-supply of housing. The section on past over-supply of housing only states that "*additional supply can be used to offset any shortfalls against requirements from previous years*". It provides no guidance on whether Local Authorities can use over supply to reduce future requirements where needs have been met and exceeded in previous years.

5.3 **Housing Needs of Different Groups**

The Government's has introduced a Standard Method for calculating housing supply which the Council is now utilising for the purposes of determining planning applications. The updated section on special needs housing addresses the need for mechanisms to ensure that delivery addresses local needs while increasing overall levels of housing. The section identifies the need to quantify requirements for the elderly and those in need of supported living; travellers; students; self-builders; and those in or seeking affordable or private rented accommodation. In particular, the guidance advocates bringing forward affordable rural exception sites through a collaborative approach between landowners, authorities, parish councils and community land trusts. Policy in the emerging Colchester Local Plan does explicitly acknowledge the need to provide these specific forms of housing. Quantification of need to support these requirements is likely to involve on the supply side ensuring that housing trajectory monitoring work highlights types and tenures of accommodation provided while on the demand side working with relevant partners to maintain up-to-date evidence as follows:

- For requirements for elderly and those in need of supported living this would mean the Essex County Council registers of need.
- For travellers, CBC works jointly with other Essex authorities to maintain Gypsy and Traveller Assessment information.

- For students, CBC has had regard to University of Essex expansion plans in its consideration of student housing schemes. The Council maintains a register for those desiring to self-build accommodation and for those seeking affordable housing.

5.4 **Natural environment**

5.4.1 Biodiversity: The guidance has been updated to include a new section on biodiversity net gain which sets out what biodiversity net gain is, how it can be achieved, how it is calculated, and how it fits into the mitigation hierarchy. Net gain describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand. Biodiversity net gain needs to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gains can take the form of creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Benefits can be achieved entirely on-site or by using off-site gains where necessary. Off-site measures can be secured from 'habitat banks', which comprise areas of enhanced or created habitats which generate biodiversity unit 'credits'. A biodiversity metric is being developed which will be used to demonstrate whether or not biodiversity net gain will be achieved. It enables calculation of losses and gains by assessing habitat distinctiveness, condition and extent. Further legislation on this issue is expected through a new Environment Act. The Council has initiated work on development of local guidance for landowners and developers on how to deliver net gain and will seek to work with other Essex councils to develop a consistent approach.

5.4.2 The guidance also introduces the concept of a 'Zone of Influence' around protected sites where opportunities exist to work strategically close to high value biodiversity assets in order to streamline development decisions. The Government's 25 Year Environment Plan introduced the idea of a Nature Recovery Network which is conceived as an expanding and increasingly-connected network of wildlife-rich habitats, that comprises a core network of designated sites of importance for biodiversity and adjoining areas that function as stepping stones or wildlife corridors, as well as areas identified for new habitat creation and for targeted action. Local ecological networks can make a significant contribution to developing the Nature Recovery Network and can be identified and mapped as a part of the plan-making process. Colchester Borough Council's Green Infrastructure Strategy 2010 forms a key document in identifying and enhancing local networks.

5.4.3 Green Infrastructure: The guidance clarifies that green infrastructure includes 'blue infrastructure' assets such as ponds, canals and other water bodies and that policy that applies to green infrastructure also applies to 'blue infrastructure'. It identifies how high-quality networks of multifunctional green infrastructure can facilitate biodiversity net gain, nature recovery networks and community opportunities in nature conservation work. The importance of Health and Wellbeing Boards as collaborative partners is highlighted.

5.5 **Neighbourhood Planning**

The weight to be given to emerging neighbourhood plans has been strengthened. Previously, the wording was that it 'may' be a material consideration in many cases. Now the wording has been changed to 'is likely to be'. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. In terms of the relationship between Local Plans and Neighbourhood Plans, the PPG now advises that Local Plans need only supersede a neighbourhood plan where 'changed circumstances justify this'. Furthermore, the PPG requests Local Plans 'to make appropriate reference to neighbourhood plan policies and proposals' but asks only that neighbourhood plans 'acknowledge the local plan policies that they relate to'.

5.6 **Community Infrastructure Levy (CIL)/Planning Obligations**
Legislation introduced in 2015 has meant that local authorities have not been able to fund an infrastructure project or type of infrastructure by pooling contributions from 5 or more separate section 106 agreements. The restriction was backdated and applied to all s106 agreements completed since 2010. This restriction on pooling has now been removed, which will increase the Council's ability to realise infrastructure improvements from smaller developments.

5.6.1 CBC does not collect a Community Infrastructure Levy at the moment but will be in a position to do so when the emerging Local Plan is adopted. New regulations came into force on 1 September which modified procedures for CIL to provide that one rather than two rounds of consultation on a charging schedule will be required going forward. Charging authorities can now use both CIL and section 106 contributions to fund the same item of infrastructure, providing them with greater flexibility for infrastructure funding. Councils previously were required to agree a list of funding priorities, known as a Regulation 123 list. The 123 lists will be replaced with a requirement for local authorities, including those who have not implemented CIL to provide an annual infrastructure funding statement by 31 December each year, beginning in 2020.

5.6.2 In relation to monitoring fees, the Regulations have been amended to make it clear that local authorities can seek a fee from applicants for monitoring planning obligations. This fee must fairly and reasonably relate in scale and kind to the development and not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the development. The Council has reintroduced monitoring fees which vary between £400 and £570 per clause. The website has been amended to reflect the latest Government regulations: https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01204 (see Other Guidance section). These charges will be kept under review.

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 Council's Strategic Plan 2018-2021 includes "*Opportunity*-Promoting and improving Colchester and its environment." as one of its key objectives.

8. Consultation

8.1 NA

9. Publicity Considerations

9.1 The report is for information only and unlikely to generate publicity.

10. Financial implications

10.1 The relaxation of pooling restrictions and re-introduction of monitoring fees should result in increased income for the Council although it is important to note that all planning contributions have to comply with statutory tests.

11. Community Safety; Health and Safety and Risk Management Implications

11.1 There are no implications.