

21 October 2019

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

## 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 became 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: -

## **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