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HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan

Prepared by LUC
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7 Conclusion

- 7.1 At the Screening stage, Likely Significant Effects on European Sites, either alone or in combination with other plan and projects, were identified as follows.
- **Loss of offsite habitat** – Abberton Reservoir SPA/Ramsar, Blackwater Estuary SPA/Ramsar, Hamford Water SAC, Hamford Water SPA/Ramsar, Stour and Orwell Estuaries SPA/Ramsar, and Colne Estuaries SPA and Ramsar.
 - **Recreational Impacts** – Abberton Reservoir SPA, Essex Estuaries SAC, Hamford Water SAC, Hamford Water SPA/Ramsar, Stour and Orwell Estuaries SPA and Ramsar, Colne Estuary SPA/Ramsar, Blackwater Estuary SPA/Ramsar and Outer Thames Estuary SPA.
 - **Water quality** – Essex Estuaries SAC, Stour and Orwell Estuaries SPA/Ramsar, Colne Estuary SPA/Ramsar.
- 7.2 The Appropriate Assessment stage identified whether the above Likely Significant Effects will, in light of mitigation and avoidance measures, result in adverse effects on the integrity of the European sites either alone or in-combination with other plans and projects. Where necessary, suitable mitigation measures and modified policy wording is recommended which would enable a sufficient level of certainty to conclude no Adverse Effect on the Integrity of European sites.

Loss of offsite habitat

- 7.3 The Tendring and Colchester Borders Garden Community and larger housing allocations on the edge of Clacton-on-Sea were identified as providing suitable offsite foraging habitat for golden plover and lapwing in the form of arable fields and short grazed pasture. In isolation the importance of these sites for these species is likely to be low when compared with the extensive areas of habitat of greater suitability both within the North Essex Authorities and the wider land areas surrounding these European sites, particularly given the influence of limiting factors such as distance from SPAs, disruption of flight paths by urban settlements, and presence of edge features. As a result, the potential for the loss of offsite habitat to adversely affect these species related primarily to the cumulative effect of reducing the extent of feeding areas. The likelihood of this occurring was considered low given the quality of the habitat affected and the small amount of habitat affected as a proportion of that available around each of the European sites.
- 7.4 Nevertheless, despite the above, uncertainty remained under the precautionary principle as to whether the loss of sites will cumulatively adversely affect the integrity of the SPA/Ramsar sites in relation to golden plover and lapwing. Given the dependency of these species on offsite arable fields and grasslands, inclusion and implementation of appropriate safeguards and mitigation has been recommended for inclusion in the Shared Strategic Section 1 Local Plan to provide certainty that there will be no adverse effect on the integrity of the Stour and Orwell SPA/Ramsar, Hamford Water SPA/Ramsar, Colne Estuary SPA/Ramsar, Blackwater Estuary SPA/Ramsar, and Abberton Reservoir SPA/Ramsar.
- 7.5 Mitigation required in the Shared Strategic Section 1 Local Plan includes:
- Wintering bird surveys as part of any project level development proposals and masterplanning for the Tendring and Colchester Borders Garden Community, undertaken as part of a coordinated approach with the parallel requirement which has been identified as mitigation for certain site allocations in the HRA of the Tendring District Draft Section 2 Local Plan.
 - A commitment to phasing of development and mitigation. This may include provision of appropriate mitigation in the form of habitat creation and management in perpetuity, either on-site or through provision of strategic sites for these species elsewhere.
- 7.6 The mitigation measures recommended in this HRA are considered precautionary, appropriate and effective. Given its size, the Tendring and Colchester Borders Garden Community would likely be capable of mitigating for its own impact on-site if necessary, and therefore the above measures

have been recommended to provide certainty that the cumulative effect of habitat loss would not result in significant adverse effects.

- 7.7 **In conclusion, providing that the above mitigation safeguards are incorporated into the Shared Strategic Section 1 Local Plan, and are implemented successfully, adverse effects on the integrity of the Stour and Orwell SPA/Ramsar, Hamford Water SPA/Ramsar, Colne Estuary SPA/Ramsar, Blackwater Estuary SPA/Ramsar, and Abberton Reservoir SPA/Ramsar, as a result of loss of offsite functionally linked habitat will be avoided.**

Recreational impacts

- 7.8 The assessment concluded that the Section 1 Local Plan will not result in adverse effects on the integrity of the Outer Thames Estuary either alone or in-combination, and no mitigation is required.
- 7.9 The assessment concluded that the existing avoidance and mitigation measures in place at Abberton Reservoir (e.g. site management) are sufficient to ensure that the Section 1 Local Plan will not result in adverse effects on the integrity of the SPA either alone or in-combination.
- 7.10 Recreational impacts were identified as a key threat to Essex Estuaries SAC, Hamford Water SAC, Hamford Water SPA/Ramsar, Stour and Orwell Estuaries SPA and Ramsar, Colne Estuary SPA/Ramsar and Blackwater Estuary SPA/Ramsar, both alone and, in the case of the Stour and Orwell Estuaries SPA/Ramsar, as a result of in-combination effects with the Local Plans of neighbouring Suffolk Authorities.
- 7.11 This issue is an increasingly prevalent threat to European sites across the UK, and in response to emerging research and evidence, the consensus between Local Authorities, Natural England, and other key stakeholders such as the RSPB and the Wildlife Trusts, was that the most appropriate method of mitigation and avoidance is via implementation of Recreational disturbance Avoidance and Mitigation Strategies (RAMS) which provides a multi-faceted approach and is adaptive and responsive to regular monitoring.
- 7.12 Eleven Essex Authorities, including the NEAs, have produced a final draft of the Essex coast RAMS in close consultation and approved by Natural England, with each authority taking the RAMS to its elected members for approval in Spring 2019. The authorities have also drafted a Supplementary Planning Document (SPD) which will facilitate the delivery of the Essex coast RAMS. Consultation on the draft SPD will take place in 2019, in accordance with the Statement of Community Involvement of each Authority. It is anticipated that the SPD will be adopted by each LPA in 2019.
- 7.13 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 such 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 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
- 7.14 As a result of this approach there is a high degree of certainty that the impacts identified in this assessment can be avoided.

- 7.15 As a result, **the Appropriate Assessment concluded that the Shared Strategic Section 1 Local Plan will not result in adverse effects on the integrity of European Sites as a result of recreational pressures, either alone or in-combination, due to the adequacy, appropriateness and effectiveness of the avoidance and mitigation measures proposed.**

Water quality

- 7.16 The assessment concluded that adverse effects on the integrity of European sites as a result of changes in water quality can be avoided provided the above additional commitments and policy safeguards are included in the appropriate Local Plan document, such as a commitment to ensure that phasing of development does not exceed infrastructure capabilities and that the necessary upgrades are in place prior to development coming forward.
- 7.17 As a result of the policy safeguards which will be provided, **the Shared Strategic Section 1 Local Plan will not result in adverse effects on the integrity of the Stour and Orwell Estuaries SPA/Ramsar, the Colne Estuary SPA/Ramsar and Essex Estuaries SAC as a result of changes in water quality, either alone or in-combination due to the ability and commitment to address water treatment capacity issues prior to specific developments.**

Overall conclusion

- 7.18 The approach being taken by the North Essex Authorities in addressing the key issues, particularly the strategic and collaborative approach, and working closely with Natural England, is advocated and deemed to be the most appropriate and pragmatic approach in ensuring that the Shared Strategic Section 1 Local Plan is sound.
- 7.19 In light of the People Over Wind and Holohan ruling, it can be confirmed that the findings of the HRA rely on avoidance and mitigation measures only at the Appropriate Assessment and that the complex relationships between qualifying and non-qualifying habitats and species for each site are taken into account.
- 7.20 **In conclusion, providing that key recommendations and mitigation requirements are adopted and implemented, the Shared Strategic Section 1 Local Plan will not result in adverse effects on the integrity of European sites either alone or in-combination.**