

4 February 2019

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

1. Executive Summary

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

2. Recommended Decision

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

3. Reason for Recommended Decision

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

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

4. Alternative Options

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

5. Background Information

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

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

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

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

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

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

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

6. Equality, Diversity and Human Rights implications

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

7. Strategic Plan References

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

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

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

8. Consultation

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

9. Publicity Considerations

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

10. Financial implications

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

11. Community Safety Implications

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

12. Health and Safety Implications

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

13. Risk Management Implications

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