



CABINET

DATE: Friday, 13 November 2020

TIME: 10.30 am

VENUE: Meeting will be held in accordance with Statutory Instrument 2020/392. Link to live stream will be available at: <https://www.tendringdc.gov.uk/livemeetings>

MEMBERSHIP:

Councillor Stock OBE	- Leader of the Council
Councillor Broderick	- Independent Living Portfolio Holder
Councillor C Guglielmi	- Deputy Leader; Corporate Finance & Governance Portfolio Holder
Councillor P Honeywood	- Housing Portfolio Holder
Councillor McWilliams	- Partnerships Portfolio Holder
Councillor Newton	- Business & Economic Growth Portfolio Holder
Councillor Porter	- Leisure & Tourism Portfolio Holder
Councillor Talbot	- Environment & Public Space Portfolio Holder

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Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Ian Ford Email: democraticservices@tendringdc.gov.uk or Telephone on 01255 686584.

DATE OF PUBLICATION: THURSDAY, 5 NOVEMBER 2020

AGENDA

1 **Apologies for Absence**

The Cabinet is asked to note any apologies for absence received from Members.

2 **Minutes of the Last Meeting (Pages 1 - 8)**

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 9 October 2020.

3 **Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 **Announcements by the Leader of the Council**

The Cabinet is asked to note any announcements made by the Leader of the Council.

5 **Announcements by Cabinet Members**

The Cabinet is asked to note any announcements made by Members of the Cabinet.

6 **Matters Referred to the Cabinet by the Council**

There are none on this occasion.

7 **Matters Referred to the Cabinet by a Committee - Reference from the Planning Policy & Local Plan Committee - A.1 - Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Consultation Exercise, Final SPD and Partnership Agreement (Pages 9 - 492)**

To enable the Cabinet to consider recommendations made by the Planning Policy & Local Plan Committee in respect of the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy and the associated Supplementary Planning Document and Partnership Agreement and to thereafter agree to the Council's formal adoption of these documents.

8 **Leader of the Council's Items - A.2 - Executive Decision(s) taken as a matter of Urgency (Pages 493 - 496)**

To notify Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

9 **Leader of the Council's Items - A.3 - Adoption of a Climate Change Action Plan 2020-2023 (Pages 497 - 518)**

To recommend the adoption of a climate change action plan.

10 **Leader of the Council's Items - A.4 - Back to Business (Pages 519 - 534)**

To adopt a Council wide plan to support the District's recovery from the ongoing Covid-19 pandemic and to agree a number of short term actions in advance of a wider delivery plan being adopted.

11 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.5 - Financial Performance Report - In-Year Performance against the Budget at end of the Second Quarter 2020/21 and Long Term Financial Forecast Update (Pages 535 - 592)

To provide an overview of the Council's financial position against the budget as at the end of September 2020 and to present an updated long term forecast.

12 Cabinet Members' Items - Joint Report of the Housing Portfolio Holder and the Corporate Finance and Governance Portfolio Holder - A.6 - The Local Council Tax Support Scheme, Discretionary Council Tax Exemptions / Discounts for 2021/22 and Annual Minimum Revenue Provision Policy Statement 2021/22 (Pages 593 - 640)

To enable Cabinet to consider and agree for recommending to Full Council the following:

- Local Council Tax Support Scheme 2021/22 (including associated exceptional hardship policy);
- Discretionary Council Tax Exemptions and Discounts 2021/22; and
- Annual MRP Policy Statement for 2021/22.

13 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.7 - Fixed Penalty Notices - Setting Fines (Pages 641 - 650)

To seek approval from Cabinet for a new set of Fixed Penalty Notices for certain offences and fines.

14 Cabinet Members' Items - Report of the Environment & Public Space Portfolio Holder - A.8 - Future Port Health Arrangements at Tendring Ports (Pages 651 - 658)

To update Cabinet on the Border Operating Model from 31st December 2020 and seek approval for a joint arrangement with Suffolk Coastal Port Health Authority in respect of the provision of imported food controls at Tendring ports.

15 Management Team Items

There are none on this occasion.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held at 10.30 am on Friday, 18 December 2020.

**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 9TH OCTOBER, 2020 AT 10.30 AM
MEETING WAS HELD IN ACCORDANCE WITH PROVISIONS OF SI 2020/392.**

Present: Councillors Neil Stock OBE (Leader of the Council) (Chairman), Joy Broderick (Independent Living Portfolio Holder), Carlo Guglielmi (Deputy Leader; Corporate Finance & Governance Portfolio Holder), Paul Honeywood (Housing Portfolio Holder), Lynda McWilliams (Partnerships Portfolio Holder), Mary Newton (Business & Economic Growth Portfolio Holder), Alex Porter (Leisure & Tourism Portfolio Holder) and Michael Talbot (Environment & Public Space Portfolio Holder)

Group Leaders Present by Invitation:

Councillors Terry Allen (Leader of the Tendring First Group), Peter Cawthron (Leader of the UKIP Group), Jayne Chapman (Leader of Independents Group), Ivan Henderson (Leader of Labour Group), Gary Scott (Leader of the Liberal Democrats Group) and Mark Stephenson (Leader of Tendring Independents Group)

In Attendance: Ian Davidson (Chief Executive), Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Damian Williams (Corporate Director (Operations and Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Andy White (Assistant Director (Building and Public Realm)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Keith Durran (Democratic Services Officer), Karen Hades (IT Training Officer) and Matt Cattermole (Communications Assistant)

63. APOLOGIES FOR ABSENCE

There were no apologies for absence submitted on this occasion.

64. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 11 September 2020, be approved as a correct record and signed by the Chairman.

65. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

66. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Temporary Closure of Walton-on-the-Naze Lifestyles Leisure Centre

The Leader of the Council (Councillor Stock OBE) referred to the temporary closure of the Walton-on-the-Naze Lifestyles leisure centre after a member of staff had tested positive for Covid-19 and read out the following statement:-

"I would like to send my warmest wishes to the member of staff involved and hope they have a full and speedy recovery. I am pleased to hear that, at the moment, they are feeling well.

We are promoting a Back to Business approach in Tendring, encouraging retailers, pubs, restaurants and the like to open up and support our community – while doing so in a Covid-secure way.

Tendring District Council has set an example with this through re-opening of our leisure centres, recognising they are important amenities for our residents to stay fit and well.

However, going Back to Business does not mean ignoring Coronavirus, and this is why we have taken the precautionary step of temporarily closing one of our facilities following an employee's positive Covid-19 test result while we deep clean and support staff to self-isolate.

This acts as a reminder to us all that we must continue to follow the national restrictions, frequently wash our hands, maintain social distancing and wear masks as required, as our staff member did.

We will of course keep the public up to date with any developments going forward. I can confirm that the deep cleaning process at Walton Lifestyles will begin tonight and continue across the weekend."

Successful Prosecution by the Council

Councillor Stock read out a further statement as follows:-

"You may recall that earlier this year a trial concluded where Tendring District Council prosecuted the director of a firm which provided box office services for our Princes Theatre between 2012 and 2017.

The director was charged with knowingly carrying on a business with intent to defraud creditors of that company; and relates to failing to ring-fence Princes Theatre receipts, which were then used to prop up an unsustainable business, without informing us.

This meant when an attempt to wind-up the company took place, we were owed more than £100,000.

The director was found guilty following a two-week trial earlier this year, and last week was sentenced. As part of the sentencing exercise an order was made for costs and compensation to the total of almost £145,000, in effect ordering the director to pay back as much of the money as his assets allow.

It is unfortunate that it came to this and that we could not resolve this with Eve during the meetings we held with him in early 2017. Instead we had to act to halt the liquidation of the company to protect our ability to recover the money owed.

I would like to add my thanks to our barrister, Miles Bennett, and the rest of our legal team for their hard work and diligence in bringing this prosecution to a successful conclusion. This action shows we will fight to protect our taxpayers' money and that small councils such as ours are not a pushover."

67. ANNOUNCEMENTS BY CABINET MEMBERS

There were no announcements made by Cabinet Members on this occasion.

68. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were no items referred to the Cabinet by the Council on this occasion.

69. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.1 - THE PLANNING WHITE PAPER – ‘PLANNING FOR THE FUTURE’

Cabinet was aware that, at its meeting held on 30 September 2020, the Planning Policy & Local Plan Committee had considered a report (and appendices) of the Corporate Director (Place and Economy) which had outlined proposals in the Government's consultation on the White Paper 'Planning for the Future' and which had sought its consideration of, comment on and agreement on a draft responses for recommendation to Cabinet.

Having considered and discussed the contents of the Corporate Director's report, the Committee had decided to recommend that the agreed draft response be forwarded to Cabinet for its approval as the Council's formal response to the questions within the Government's White Paper.

Cabinet was informed that members of the Committee had however asked if a small number of additional points could be incorporated into the response, namely around the need to conserve the natural environment and potential risks associated with borrowing against anticipated Infrastructure Levy receipts. The Chairman of the Planning Policy Committee (Councillor Turner) and the Assistant Director (Strategic Planning and Place) had undertaken to incorporate some additions to the wording of the draft response which were to be forwarded to the Cabinet for its consideration as early as possible ahead of this meeting.

Consequently, the Cabinet had before it some additions to the wording of the draft response which had been prepared by the Assistant Director (Strategic Planning & Place), in consultation with Councillor Turner. They related to: a) the absence of any consideration of impacts on the natural environment; and b) concern about the risks of Councils borrowing against anticipated levy receipts.

Members thanked the Committee and Officers for their dedicated hard work and due diligence in producing this response.

The Leader of the Council undertook to send a copy of the Council's response to the District's two Members of Parliament.

Having considered the Planning Policy and Local Plan Committee's draft response to the Government's White Paper:

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and –

RESOLVED that the Council's formal response to the Government's White Paper 'Planning for the Future', as placed before the Cabinet, be approved and submitted to the Government by the consultation deadline of 29 October 2020.

70. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

71. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.2 - HOUSING ACQUISITIONS & DEVELOPMENT POLICY

The Cabinet gave consideration to a report of the Housing Portfolio Holder (A.2) which sought its approval adoption of the Housing Acquisitions & Development Policy.

The Cabinet was aware that one of the key priorities in the Council's recently adopted Housing Strategy was to deliver a Housing Acquisitions & Development Policy in order to facilitate the delivery of additional council housing in the District. The policy set out the demand for housing in the District; the various mechanisms through which the Council could develop or acquire homes; and where the Council intended to deliver those homes. The policy also set out the criteria that must be followed before deciding to develop or acquire homes and the risks involved and how those risks could be mitigated.

It was reported that the Council had traditionally delivered housing through its Housing Revenue Account (HRA) and it was the largest provider of social housing in the District. The Council had and could deliver Council Housing via the HRA and there were a multitude of mechanisms which could be deployed to develop and acquire homes but homes delivered through the HRA or via the General Fund would be subject to the provisions of the Housing Act 1985 so tenants would therefore have the various rights (such as the Right to Buy) and obligations enshrined in that Act.

Members recognised that one of the key considerations and costs for any new build property was land and, in particular, the cost and location of such land. Members were aware that as one element of the Jaywick Sands housing led renewal process, the Council had purchased approximately 30ha of mainly green field land within the Jaywick Sands settlement. Clearly therefore, delivering the Council's ambition to deliver 100 new homes for local people in Jaywick Sands could be accommodated, notwithstanding technical and logistical challenges, on that land. However, the Council also held within the HRA parcels of land across the District, many of which were suitable for development and would provide opportunities for residents to be accommodated in areas across the District where there was currently no housing available. Many of those sites would provide challenges to bring them forward for development.

Whilst focusing on the Council's ambition to deliver two hundred additional homes it was also noted that the Council would bring into its stock a further approximately 180 new build homes when those were gifted to the Council under historic Section 106 agreements. Those gifted homes were in addition to the aspiration to deliver 200 Council homes. Members recalled that in response to a very low take up by Private Registered Providers of affordable housing units which were offered as part of Section 106 agreements (this followed following changes to rent controls in social housing), the Council had developed a unique gifting solution to bring forward affordable housing units but without placing an unsustainable financial burden on the Council. The gifting

solution was a time bound arrangement until financial circumstances changed and had now been withdrawn from use other than in exceptional circumstances.

The Cabinet was advised that the Council had been recognised as “Housing Business Ready” following an audit by the Housing and Finance Institute and it was considered essential to build upon the good foundations already established within the Council to influence the market and deliver new homes ourselves.

The proposed Acquisitions and Development Policy recognised that building new homes was only one way in which the Council could increase its housing stock. Given the need to deliver homes at relative pace it was likely that some existing homes would be bought from the private market or other social/affordable housing providers. The Council would therefore focus efforts on a number of delivery methods in order to maximise delivery.

The Cabinet was informed that the Policy did not make any changes to the existing constitutional arrangements around property acquisition and the Property Dealing Procedure although changes might be considered in future if it was believed that they would be beneficial.

Having considered the contents of the proposed Housing Acquisitions and Development Policy:-

It was moved by Councillor P B Honeywood, seconded by Councillor Stock OBE and:-

RESOLVED that –

- (a) the Housing Acquisitions and Development Policy be adopted; and
- (b) the Housing Portfolio Holder be authorised to make updates or amendments to the Policy, if required, after its adoption.

72. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.3 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE HANOVER INN, 65 CHURCH STREET, HARWICH

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.3) which sought its determination whether The Hanover Inn, Harwich met the criteria set out in the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by Tendring CAMRA Branch. No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received from Tendring CAMRA Branch as shown identified in the plan included within Appendix A to the Portfolio Holder's report.

Members were reminded that if a local authority received a valid nomination, it must determine whether the land or building nominated met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

The Cabinet was further advised that the Government's non-statutory guidance defined an asset of community value as: "*Building or other land whose main (i.e. "non-ancillary") use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future*". The Portfolio Holder's report provided an assessment of the nomination.

The Cabinet therefore were required to consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council's List of Assets of Community Value.

Taking the evidence provided into account it was the Portfolio Holder's recommendation that the building nominated did meet the criteria as set out Section 88 of the Localism Act 2011 and that the building should be listed as an Asset of Community Value.

Having considered all of the information and advice contained in the Portfolio Holder's report and its appendices:-

It was moved by Councillor McWilliams, seconded by Councillor Broderick and:-

RESOLVED that The Hanover Inn, 65 Church Street, Harwich, Essex CO12 3DR does meet the definition of an Asset of Community Value (as set out in Section 88 of the Localism Act 2011) and that therefore the asset be added to the Council's list of Assets of Community Value.

73. **CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.4 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE ANCHOR INN, 1 ANCHOR LANE, HARWICH ROAD, MISTLEY**

For the public record Councillor G V Guglielmi reminded Cabinet that the Anchor Inn was located within his Ward. He also confirmed that he had no other Interest in this item.

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.4) which sought its determination whether The Anchor Inn, Mistley met the criteria set out in the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by Mistley Parish Council. No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received from Mistley Parish Council as shown identified in the plan included within Appendix A to the Portfolio Holder's report.

Members were reminded that if a local authority received a valid nomination, it must determine whether the land or building nominated met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

The Cabinet was further advised that the Government's non-statutory guidance defined an asset of community value as: "*Building or other land whose main (i.e. "non-ancillary") use furthers the social wellbeing or social interests of the local community, or has*

recently done so and is likely to do so in the future". The Portfolio Holder's report provided an assessment of the nomination.

The Cabinet therefore were required to consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council's List of Assets of Community Value.

Taking the evidence provided into account it was the Portfolio Holder's recommendation that the building nominated did meet the criteria as set out Section 88 of the Localism Act 2011 and that the building should be listed as an Asset of Community Value.

Having considered all of the information and advice contained in the Portfolio Holder's report and its appendices:-

It was moved by Councillor McWilliams, seconded by Councillor G V Guglielmi and:-

RESOLVED that The Anchor Inn, 1 Anchor Lane, Harwich Road, Mistley, Essex CO11 1ND does meet the definition of an Asset of Community Value (as set out in Section 88 of the Localism Act 2011) and that therefore the asset be added to the Council's list of Assets of Community Value.

74. MANAGEMENT TEAM ITEMS

There were none on this occasion.

75. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and:-

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 14 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

76. EXEMPT MINUTE OF THE MEETING HELD ON FRIDAY 11 SEPTEMBER 2020

It was **RESOLVED** that the exempt minute of the meeting of the Cabinet, held on Friday 11 September 2020, be approved as a correct record and signed by the Chairman.

The Meeting was declared closed at 11.19 am

Chairman

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CABINET

13 NOVEMBER 2020

REFERENCE REPORT FROM PLANNING POLICY & LOCAL PLAN COMMITTEE

A.1 ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY (RAMS) CONSULTATION EXERCISE, FINAL SPD AND PARTNERSHIP AGREEMENT

(Report prepared by Gary Guiver)

PURPOSE OF THE REPORT

To enable Cabinet to consider the recommendations submitted by the Planning Policy & Local Plan Committee in respect of the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and the associated Supplementary Planning Document (SPD) and Partnership Agreement and to thereafter agree to the Council's formal adoption of these documents.

BACKGROUND

On 14th October 2020, the Planning Policy & Local Plan Committee gave consideration to the comprehensive report (and appendices) of the Corporate Director: Place and Economy which contained details of the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and the associated Supplementary Planning Document (SPD) and Partnership Agreement.

Having considered and discussed the contents of the Corporate Director's comprehensive report and appendices, the Committee decided to agree that the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and the associated Supplementary Planning Document (SPD) and Partnership Agreement be forwarded to Cabinet for formal approval.

In addition to the published recommendations, the Committee recommended it being suggested to Cabinet that:

- 1) the Warden service being proposed as part of the RAMS strategy should be used to augment the Council's existing wardens services - utilising funding from this Council's contributions into the RAMS central funding pot; and
- 2) The bodies responsible for the provision and maintenance of signage for the Essex Coastal Path being permitted to apply for funding for such works from the RAMS central funding pot.

With Cabinet's agreement, these matters would be explored through the RAMS Steering Group which is attended by Officers from Tendring District Council and other Essex Authorities.

Furthermore, the Council is now in receipt of an updated version of the 'Partnership Agreement' which supersedes, without materially altering, the version that had been attached as Appendix 4 to the Committee report. Cabinet is asked to consider and approve the updated version.

RECOMMENDATIONS

That the Cabinet –

- (a) approves the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy; the associated Supplementary Planning Document and the revised Partnership Agreement, as submitted; and**
- (b) agrees that the two recommendations submitted by the Planning Policy and Local Plan Committee in relation to the Warden service and Essex Coastal Path signage (as repeated below) be explored further by Officers through the RAMS Steering Group:**
 - 1) *the Warden service being proposed as part of the RAMS strategy should be used to augment the Council's existing wardens services - utilising funding from this Council's contributions into the RAMS central funding pot; and***
 - 2) *The bodies responsible for the provision and maintenance of signage for the Essex Coastal Path being permitted to apply for funding for such works from the RAMS central funding pot.***

APPENDICES

Appendix A: Report of the Corporate Director: Place and Economy considered by the Planning Policy & Local Plan Committee on 14th October 2020.

Appendices to that report namely:-

Appendix 1 - Essex Coast RAMS Strategy Document **[Not included within this report. See Appendix 5 below]**;

Appendix 2 - Essex Coast RAMS revised Supplementary Planning Document (SPD);

Appendix 3 – You Said, We Did report; and

Appendix 4 – Draft RAMS Partnership Agreement [**Not included within this report. See Appendix 5 below**].

In addition, Appendix 5 – Final version of the RAMS Partnership Agreement ready for Signatures and Sealing including the Final Essex Coast RAMS Strategy Document.

BACKGROUND PAPERS

None.

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PLANNING POLICY AND LOCAL PLAN COMMITTEE

14 OCTOBER 2020

REPORT OF THE CORPORATE DIRECTOR: PLACE AND ECONOMY

A.1 - ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY (RAMS) CONSULTATION EXERCISE, FINAL SPD AND PARTNERSHIP AGREEMENT

(Report prepared by William Fuller)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Planning Policy and Local Plan Committee on the outcome of public consultation on the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) and to seek its agreement to forward the revised SPD and the associated RAMS Strategy document and Partnership Agreement to Cabinet for formal approval.

EXECUTIVE SUMMARY

Key Points:

- The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) is a coordinated response, across Essex, to protect internationally important and legally protected wildlife sites from the direct and indirect impacts of recreational disturbance arising from housing development and population growth.
- The Supplementary Planning Document (SPD) sets out guidance that will apply when determining planning applications for new housing development, which includes a financial contribution of £125.57 per dwelling. The SPD was the subject of public consultation earlier this year and the document has been revised in response to the comments received.
- Chelmsford City Council has offered to manage and administer all the developer contributions on behalf of all the Essex authorities, subject to the signing of a 'Partnership Agreement'.
- The Committee is asked for its agreement to forward the RAMS Strategy, revised SPD and Partnership Agreement to Cabinet for formal approval.

Under European Law and the associated Habitat Regulations, local planning authorities have a legal obligation to assess the impacts of new development on internationally important wildlife sites and, where necessary, put mitigation measures in place to minimise any harm.

Because there are a number of internationally important wildlife sites around our coast (namely Hamford Water, the Colne Estuary and Stour Estuary), the whole of the Tendring District falls within a 'Zone of Influence' where any new residential development and associated increase in population has the potential to lead, either directly or indirectly, to an increase in recreational disturbance to the important wildlife habitats in those designated areas.

Twelve Essex planning authorities, including Tendring District Council have been working together on the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) which includes a programme of measures for protecting the internationally designated wildlife habitats around the Essex Coast from the potential effects of increased recreational disturbance resulting from house building and population growth.

A Supplementary Planning Document (SPD) has also been prepared which sets out guidance for Councils determining planning applications to ensure compliance with the Habitat Regulations. It includes a mechanism for seeking financial contributions from all new residential development towards delivering the mitigation measures – a tariff of £125.57 (April 2020) per dwelling secured through legal agreements on the grant of planning permission.

At the meeting on 16 July 2019, the Committee considered the draft SPD and approved it for public consultation which was undertaken by Essex Place Services across all the Essex authorities in January and February 2020.

A significant number of comments, including many from Tendring residents, were received during the consultation exercise and have resulted in a number of changes to the content of the SPD – although the general thrust of the RAMS Strategy remains unchanged. Officers also submitted a written response to the consultation exercise to highlight some specific concerns raised by landowners around Hamford Water, urging that they be given careful consideration.

Essex Place Services have produced a 'You Said, We Did' document which analyses the various comments received in response to the consultation exercise and explains how they have been taken into consideration in recommending changes to the SPD. The main outcomes of the consultation and subsequent changes to the SPD are summarised in the main body of this report.

Chelmsford City Council has offered to manage and administer all the developer contributions on behalf of all the Essex authorities – thus avoiding the duplication of resources across the Councils and keeping administration costs to a minimum. A 'Partnership Agreement' has been prepared for all of the authorities to sign up to and which will formalise the arrangements with Chelmsford City Council – including the establishment of a 'Delivery Officer' role.

Under the Council's constitution, the approval of strategies and Supplementary Planning Documents is a Cabinet function and therefore the Committee is asked to consider the content of this report and

agree that the RAMS Strategy, revised Supplementary Planning Document (SPD) and Partnership Agreement be forwarded to Cabinet for approval.

If any Council chooses not to approve these documents and sign up to the Partnership Agreement, they will still have an obligation to comply with the Habitat Regulations and will therefore have to put their own arrangements in place – which will have significant implications for resources. It is therefore strongly recommended that the Committee endorses the Essex-wide approach.

RECOMMENDATIONS

That the Planning Policy and Local Plan Committee:

- a) **Notes the content of this report, including the consideration of the responses to the consultation exercise on the RAMS Supplementary Planning Document (SPD), as set out in the ‘You said, we did’ document (at Appendix 3); and**
- b) **Agrees that the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) (Appendix 1), revised Supplementary Planning Document (SPD) (Appendix 2); and Partnership Agreement (Appendix 4) be forwarded to Cabinet for approval.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

There are a number of internationally important wildlife areas (habitat sites) around the coast of Tendring that are protected under UK and European Law. The Council has a legal responsibility as a ‘competent authority’ to ensure they are not damaged as a result of new development. These areas are Hamford Water, the Colne Estuary and the Stour Estuary. The designations include Special Protection Areas (SPA), Special Areas of Conservation (SaC) and ‘RAMSAR’ Sites.

The RAMS project will support the Corporate Plan 2020-24 (aligned with the core themes of Tendring4Growth and Community Leadership) through delivery of interventions aimed at:

- Delivering High Quality Services
- Community Leadership Through Partnerships
- Building Sustainable Communities for the Future
- Strong Finances and Governance

RESOURCES AND RISK

Resources: Tendring District Council’s contribution toward the cost of the RAMS project has been met through the agreed Local Plan budget. Officers from the Council’s Strategic Planning and Place Team have been actively involved in the Essex Steering Group for RAMS. Chelmsford City Council

has offered to manage and administer all the developer contributions on behalf of all the Essex authorities – thus avoiding the duplication of resources across the Councils and keeping administration costs to a minimum.

Risks: Plans and procedures need to show that they will not have a detrimental impact upon the qualifying features of the internationally designated sites. Without this collaborative approach Tendring may be at risk of not properly assessing how harm could be mitigated. Harm to the qualifying features of these sites as a result of new development may result in a breach in UK and European Law for which the Council could be liable.

A considerable amount of work has already been undertaken by the RAMS Steering Group and Place Services. If the Council were to withdraw from the RAMS project they would need to undertake much of the work already completed. This could include site surveys, identification and costing of projects and monitoring and review. Furthermore the Council's approach would also need to mesh with that of the RAMS project that the other eleven authorities are proceeding with.

LEGAL

Legislation: The Habitat Regulations were originally published in 2010, but were updated and consolidated into the Conservation of Habitats and Species Regulations 2017 which came into effect on 30th November 2017. Both sets of Regulations require Local Planning Authorities (LPAs) to demonstrate that their Local Plans will not adversely affect the integrity of a protected site(s) through a Habitats Regulations Assessment (HRA). Similarly, the Regulations require the Council as a 'competent authority' to ensure that planning permission is not granted for development that will have an adverse impact upon a protected site in the District, unless appropriate mitigation is sought. Any mitigation is a requirement of legislation so must be delivered.

The UK Government is currently in a 'transition period' which will last until the 1st January 2021. During this period business will proceed as usual in regard to European Directives. This means that, for the purposes of the RAMS project, the Directives will still apply.

Policy: The National Planning Policy Framework (NPPF) requires Local Plans to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. To ensure compliance with the Habitat Regulations, the emerging Local Plan has been the subject of a Habitat Regulations Assessment (HRA) which specifically identifies the potential for harm to protected wildlife habitats resulting from planned development. It recognises RAMS as a potential solution to ensure any such harm is avoided or otherwise mitigated. In addition, through the examination process for Section 1 of the emerging Local Plan, an additional policy was suggested for inclusion in the plan, with the support of Natural England, to provide specific policy endorsement of the RAMS approach. The Local Plan Inspector, in his 15 May 2020 letter has endorsed the RAMS approach as an acceptable means of meeting the requirements of the Habitats Regulations.

OTHER IMPLICATIONS

Area or Ward affected: All wards.

Consultation/Public Engagement: The RAMS Steering Group has already held two workshops for landowners, businesses and other interested parties and a Member workshop hosted by Maldon District Council.

A draft SPD was published for consultation between Friday 10th January 2020 and Friday 21st February 2020 in accordance with the planning consultation requirements of each LPA.

These consultation requirements require the publication of a 'You Said We Did' report, which outlines details on who and how the public, organisations and bodies were consulted, the number of people, organisations and stakeholders who submitted comments, a summary of the main issues raised in the comments received, and the proposed amendments to the SPD that the LPAs intend to make in response to them.

Following the close of the consultation all comments have been considered and the main issues summarised within Section 4 of the 'You Said, We Did' report. Where amendments have been deemed necessary as a result of any main issues, these have been factored into a new iteration of the SPD. These amendments are set out in Section 5 of the 'You Said, We Did' report.

PART 3 – SUPPORTING INFORMATION

THE RAMS PROJECT

The RAMS Strategy

The Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) was initiated by Natural England, the government's adviser for the natural environment in England, in 2017. The purpose of the RAMS Strategy is to ensure a coordinated approach to protecting internationally important wildlife habitats from the direct and indirect impacts of population growth resulting from housing development. The European Habitat Regulations require local planning authorities to consider the impacts of new development on protected habitats and, where necessary, secure or implement measures to mitigate those impacts.

12 Essex Authorities have been working together with the assistance of Essex Place Services on the RAMS project. Natural England have also been involved in an advisory role. The 12 local planning authorities 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

The Essex Coast is rich and diverse and has many protected habitats sites (also referred to as European sites and Natura 2000 sites) including the Colne Estuary, Hamford Water and the Stour Estuary which affect a significant stretch of the Tendring coast. These sites are protected by the Conservation of Habitats and Species Regulations (2017). Joint working offers the opportunity to protect the wildlife around the Essex Coast from increased recreational disturbance as a result of new housing across Essex in a coordinated manner. Likely significant effects to habitats sites from non-residential development also have to be considered, albeit this will be undertaken through Habitat Regulations Assessments, on a case by case basis by the relevant local planning authority in consultation with Natural England.

There are numerous examples elsewhere around the country of cross-authority mitigation strategies that seek to avoid and mitigate the impacts of recreational disturbance on habitats sites in a coordinated manner, such as Bird Aware Solent, Bird Wise North Kent and Thames Basin Heaths. This is a new and growing area in the conservation community and those working on mitigation strategies regularly share good practice and assist each other.

Visitor surveys were carried out at key locations within each of the habitats sites to establish base line evidence and 'Zones of Influence' (Zoi) were calculated for each habitats site using the survey data, within which it is considered that residential development is likely to have an impact and where therefore developer contributions for the delivery of avoidance and mitigation measures are justified.

The Essex Coast RAMS Strategy Document was completed in January 2019 and has been endorsed by Natural England. To comply with the Habitat Regulations in advance of any formal planning guidance, the local planning authority partners are already collecting RAMS contributions for development within the Zone of Influence (Zoi), which will be spent on the mitigation measures package detailed in the RAMS Strategy Document.

Through the provision of a per dwelling tariff, the RAMS enables the achievement of proportionate mitigation measures and enables development proposals of all scales to contribute to necessary mitigation. The measures within the RAMS Strategy are to be fully funded by developer contributions.

During development of the Strategy Document, workshops were held with key stakeholders with local and specialised knowledge to capture the mitigation measures considered as most effective to avoid the impacts likely to result from increased recreational pressure.

The costed mitigation package (Table 8.2 of the RAMS Strategy Document) includes a mix of measures considered necessary to avoid or minimise likely disturbance at key locations with easy public access. The measures include:

- Staff resources – Rangers etc
- Communication – with the public and others
- Dog related mitigation
- Codes of conduct
- Habitat creation
- Monitoring

The package is flexible and deliverable and based on best practice elsewhere in England. A precautionary approach has been adopted, with priority areas for measures identified as those which have protected breeding birds which could conflict with high numbers of summer visitors to the coast and those with important roosts and foraging areas in the winter. Sensitive habitats have also been identified for ranger visits. The mitigation package prioritises measures considered to be effective at avoiding or mitigating recreational disturbance by habitats sites managers. For example Maldon District Council are managing water sports on the Blackwater Estuary. Encouraging responsible recreation is a key measure endorsed by land managers of important wildlife sites across the country, including Natural England, RSPB and the wildlife trusts. These bodies regularly provide educational material at sites to encourage visitors to comply with key objectives.

The RAMS is intended to be a flexible project that can adapt quickly as necessary. The rangers will quickly become familiar with the sites and areas that are particularly sensitive, which may change over time, and sites that experience a high number of visitors. The experience of rangers on the ground will help to steer the project and necessary measures.

Monitoring and review process

The Essex Coast RAMS will provide a flexible and responsive approach, allowing it to respond to unforeseen issues. Close engagement will continue with Natural England who will be able to advise if recreational disturbance is increasing at particular habitats sites and specific locations. Thus, enabling these locations to be targeted by the rangers to have an immediate impact. Updated visitor surveys, which are included in the mitigation package, will enable the Zol to be reviewed and expanded if it is shown that visitors are travelling further than previously found. There is scope to adjust the tariff too if it is shown that contributions are not covering the identified measures, if the Zol is made smaller or to respond to changes in housing numbers across Essex.

The Essex Coast RAMS will be monitored and reviewed on a regular basis by the Officers involved in the RAMS steering group . 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 visitors to the coastal sites for recreation (paragraph 1.7 of RAMS). The baseline has been identified in the RAMS Strategy Document and will be used to assess the effectiveness of the RAMS.

The effectiveness of the Essex Coast RAMS has been considered/examined as part of Chelmsford City Council's Local Plan Examination. Chelmsford City Council's Local Plan Inspector's Report states that: "Overall, the HRA concludes that there will be no adverse effect on the integrity of European protected sites, either alone or in-combination with other plans or projects, subject to the mitigation set out in the Plan policies. Natural England agrees with these conclusions and I have no substantive evidence to counter these findings. The requirement to undertake an appropriate assessment in accordance with the Regulations has therefore been met." The mitigation set out in the Plan policies includes reference to the Essex Coast RAMS. The Inspector states that it is necessary to incorporate RAMS into strategic policies to ensure that all relevant development within the Zol contribute accordingly and reference to RAMS should be incorporated into several site allocation policies. These modifications will be incorporated into the adopted Local Plan for Chelmsford

As part of the examination of the Section 1 Local Plan for North Essex, inclusion of a specific policy relating to RAMS was discussed and recommended as an amendment.

The Supplementary Planning Document (SPD)

The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) 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. The SPD sets out the guidance to be followed in the determination of planning applications and formalises the arrangements for securing the developer contribution of £125.57 per dwelling.

On 19th July 2019 the Planning Policy and Local Plan Committee agreed for the draft SPD to be published for consultation. Essex Place Services led the consultation process on behalf of the 12 authorities and consulted the following:

- Statutory bodies including neighbouring Councils, local Parish and Town Councils, utility companies, health representatives and Government bodies such as Highways England, Natural England, Historic England and the Environment Agency;
- Local stakeholders including the Business Forums, Essex Wildlife Trust, Sport England, and the Police;
- Developers and landowner and their agents;
- Local businesses, voluntary and community groups, and
- The public.

The consultation material was available to view and comment on the Essex County Council 'Citizen Space consultation portal' during the consultation dates. It was also available to view on partner

Council's websites, from their main offices and at a number of local public libraries. Information was also provided on the project Bird Aware website www.essexcoast.birdaware.org
For those who did not have access to computers, paper response forms were made available.

The Councils sent direct emails/letter notifications to all consultees registered on their Local Plan consultation databases. A public notice was also included in the Essex Chronicle to advise how to respond and the consultation dates and information on the consultation was also posted on social media.

The SPD consultation received a total of 146 comments, 87 of these being from Essex residents and 59 being from various organisations.

Of the resident responses, the following numbers of responses were received from individual administrative areas:

- 21 were made from residents of Chelmsford;
- 18 were made from residents of Tendring;
- 16 were made from residents of Basildon;
- 14 were made from residents of Braintree;
- 12 were made from residents of Rochford;
- 11 were made from residents of Colchester;
- 8 were made from residents of Maldon;
- 6 were made from residents of Uttlesford;
- 2 were made from residents of Brentwood;
- 2 were made from residents of Castle Point;
- 2 were made from residents of Southend-on-Sea; and
- 0 were made from residents of Thurrock.

Comments were received on a wide range of themes, relating to the SPD, the RAMS itself and also the format of the consultation exercise. The main issues that were raised included:

- Confusion about the purpose and aims of the RAMS;
- Scope and detail of mitigation measures;
- Concern regarding the effectiveness of the RAMS approach;
- Query whether the right key stakeholders have been involved in the RAMS;
- Questioning the status of protected wildlife sites following the UK's withdrawal from the European Union;
- Concern that RAMS will enable inappropriate development to be allowed;
- Suggestions that money should be spent on other projects;
- Concern with the calculation and definition of the Zones of Influence;
- Arguments that the tariff is set too high, or alternatively too low;
- Questions over the adequacy of the proposed budget and staff to deliver project across such a wide area;

- Concerns about monitoring (both in relation to the tariff and Zones of Influence);
- Suggestion that other land uses (other than residential) should come within the scope of the tariff;
- Perceived conflict of RAMS purpose (protecting against recreational disturbance) and aims with the England Coastal Path project (increasing public access to the coast);
- Concerns that RAMS will impact on existing and future strategies and aspirations for tourists and residents to access and enjoy the coast, for economic growth and health and wellbeing; and
- Suggestions that alternatives to paying into the RAMS should either not be allowed, or that alternative approaches should be more clearly set out.

Officers also submitted a response to the consultation on behalf of Tendring District Council to emphasise the importance of the Tendring coast to the tourism industry and the health and well-being of residents and to ensure any measures aimed at mitigating the impact of recreational disturbance are appropriately balanced with those economic and social considerations. It also highlighted some specific concerns raised by landowners in the Hamford Water area and asked that these be given careful consideration.

In response to the various comments received, Essex Place Services have produced a 'You Said, We Did' document which considers the comments and recommends whether or not changes to the SPD are required. These have been considered by the RAMS Steering Group of Officers from the 12 Essex Authorities and a revised version of the SPD has been agreed. The main revisions include:

- A glossary and list of acronyms and a description of what they mean is now included at the beginning of the SPD.
- A clearer description of how overheads and other costs have been identified within the RAMS mitigation package.
- The first paragraph of the SPD will be amended to state 'birds and their habitats' rather than 'Wildlife' to make it clearer from the outset as to what type of wildlife the RAMS and the SPD is primarily seeking to protect.
- More recognition of the South East Marine Plan and the East Inshore and East Offshore Marine Plans which, when adopted, will become part of the statutory Development Plan for the relevant Councils.
- An amendment to include reference to fishing / bait digging to paragraph 2.2 is proposed.
- Reference to the 'Outer Thames Estuary SPA' rather than the 'Thames Estuary SPA' is proposed.
- Previous maps replaced with higher resolution images.
- Additional clarification within Paragraph 3.7 making the SPD more explicit regarding proposals for single dwellings being subject to the RAMS tariff.
- More explanation of requirements of development proposals in regard to statutory HRA procedures and on-site mitigation, and that the specific effects the RAMS will mitigate in accordance with Regulation 122 of the CIL Regulations.
- More justification for the inclusion of C2 Residential Institutions and C2A Secure Residential Institutions as being liable for tariff payments.

- Inclusion of the National Planning Policy Framework (NPPF) within the 'useful links' section.
- Clarification that non-residential proposals are exempt from the tariff.
- Amendments to the map in Appendix 2 of the Essex Coast RAMS SPD SEA/HRA Screening Report be amended to reflect the Outer Thames SPA designation.
- Clarification on the requirements for project-level Habitat Regulations Assessment (HRA) and Appropriate Assessment (AA) of development proposals which will explore the hierarchy of avoidance and mitigation, and that the SPD is relevant to 'in-combination' recreational effects only.
- Clear explanation that the intention of Essex Coast RAMS mitigation is to enable the conclusion of no adverse effect on the integrity of the international designated sites.
- Removal, from the relevant map in the SPD and RAMS Strategy, all areas of Suffolk from the Zone of Influence.
- Clearer explanation of the relationship between the effects of a population increase resulting from net new dwelling increases.
- Reference included to other statutory mitigation requirements (such as Suitable Alternative Natural Greenspace (SANGS)), and explanation of how they might represent an exemption to the tariff..

The entire 'You Said, We Did' report can be found at Appendix 3 and the revised SPD can be found at Appendix 2.

Partnership Agreement

A Partnership Agreement is a legal document which shows how Chelmsford City Council will administer the RAMS project. In brief this document states that:

- A list of projects recommended by the Delivery Officer, and agreed by the Steering Group is reported to the Project Board every six months for sign off, and six monthly updates to the Coastal Forum.
- Every quarter the S106 Officer of each LPA sends RAMS contributions to Accountable Body (CCC) and a contributions report to the Delivery Officer.
- Once all contributions collected, Accountable Body and Delivery Officer provide Steering Group details of money available.
- Delivery Officer recommends projects based on money available, priorities in RAMS Strategy, and best information available from rangers, Natural England and interest groups.
- Steering Group meets quarterly and agrees projects and AOB, Steering Group makes recommendations to Project Board.
- Once Project Board has agreed spending, the Delivery Officer implements and project manages projects, all invoices are sent to the Accountable Body
- Delivery Officer to provide Steering Group with an annual report to inform LPA Annual Monitoring Reports.

In Conclusion

Officers request that Members consider the 'You Said, We Did' report, the amended SPD and Partnership Agreement and allow these reports to be brought before Cabinet for approval in line with the constitution.

APPENDICES

Appendix 1 - Essex Coast RAMS Strategy Document

Appendix 2 - Essex Coast RAMS revised Supplementary Planning Document (SPD)

Appendix 3 – You Said, We Did report

Appendix 4 – Draft RAMS Partnership Agreement

BACKGROUND DOCUMENTS

None

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

Draft Supplementary Planning Document (SPD) May 2020

Consultation Document

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Acronyms

AA	Appropriate Assessment
AMR	Annual Monitoring Report
CIL	Community Infrastructure Levy
EA	Environment Agency
EC	European Commission
EEC	European Economic Community
EWT	Essex Wildlife Trust
FAQ	Frequently Asked Questions
GPDO	General Permitted Development Order
HMO	House in Multiple Occupation
HRA	Habitat Regulations Assessment
LPA	Local Planning Authority
NE	Natural England
NPPF	National Planning Policy Framework
RAMS	Recreational disturbance Avoidance and Mitigation Strategy
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SIP	Site Improvement Plan
SMART	Specific, Measurable, Attainable, Relevant & Timely
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSSI	Site or Specific Scientific Interest
UK	United Kingdom
UU	Unilateral undertaking
ZoI	Zone of Influence

Glossary

Appropriate Assessment	Forms part of the Habitats Regulations Assessment
Annual Monitoring Report	Provides information on all aspects of a planning department's performance.
Community Infrastructure Levy	A charge which can be levied by local authorities on new development in their area to help them deliver the infrastructure needed to support development.
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
General Permitted Development Order	The Town and Country Planning (General Permitted Development) (England) Order 2015 is a statutory instrument that grants planning permission for certain types of development (such development is then referred to as permitted development).
House in Multiple Occupation	A property rented out by at least 3 people who are not from 1 'household' (for example a family) but share facilities like the bathroom and kitchen.
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.
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.
Local Planning Authority	The public authority whose duty it is to carry out specific planning functions for a particular area.
Natural England	Natural England - the statutory adviser to government on the natural environment in England.
National Planning Policy Framework	Sets out government's planning policies for England and how these are expected to be applied.

Recreational disturbance Avoidance and Mitigation Strategy	A strategic approach to mitigating the 'in-combination' recreational effects of housing development on Habitats sites.
Ramsar site	Wetland of international importance designated under the Ramsar Convention 1979.
Section 106 (S106)	A mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. S106 agreements are often referred to as 'developer contributions' along with highway contributions and the Community Infrastructure Levy.
Section 278 (S278)	Allows developers to enter into a legal agreement with the council to make alterations or improvements to a public highway, as part of planning approval.
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.
Site or Specific Scientific Interest	A Site of Special Scientific Interest (SSSI) is a formal conservation designation. Usually, it describes an area that is of particular interest to science due to the rare species of fauna or flora it contains.
Unilateral undertaking	A legal document made pursuant to Section 106 of the Town and Country Planning Act 1990, setting out that if planning permission is granted and a decision is made to implement the development, the developer must make certain payments to the local authority in the form of planning contributions.
Zone of Influence	The Zol identifies the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation.

1. Introduction

- 1.1 This Supplementary Planning Document (SPD) focuses on the mitigation that is necessary to protect the birds of the Essex coast and their habitats 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 website¹.

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

The importance of the Essex coast

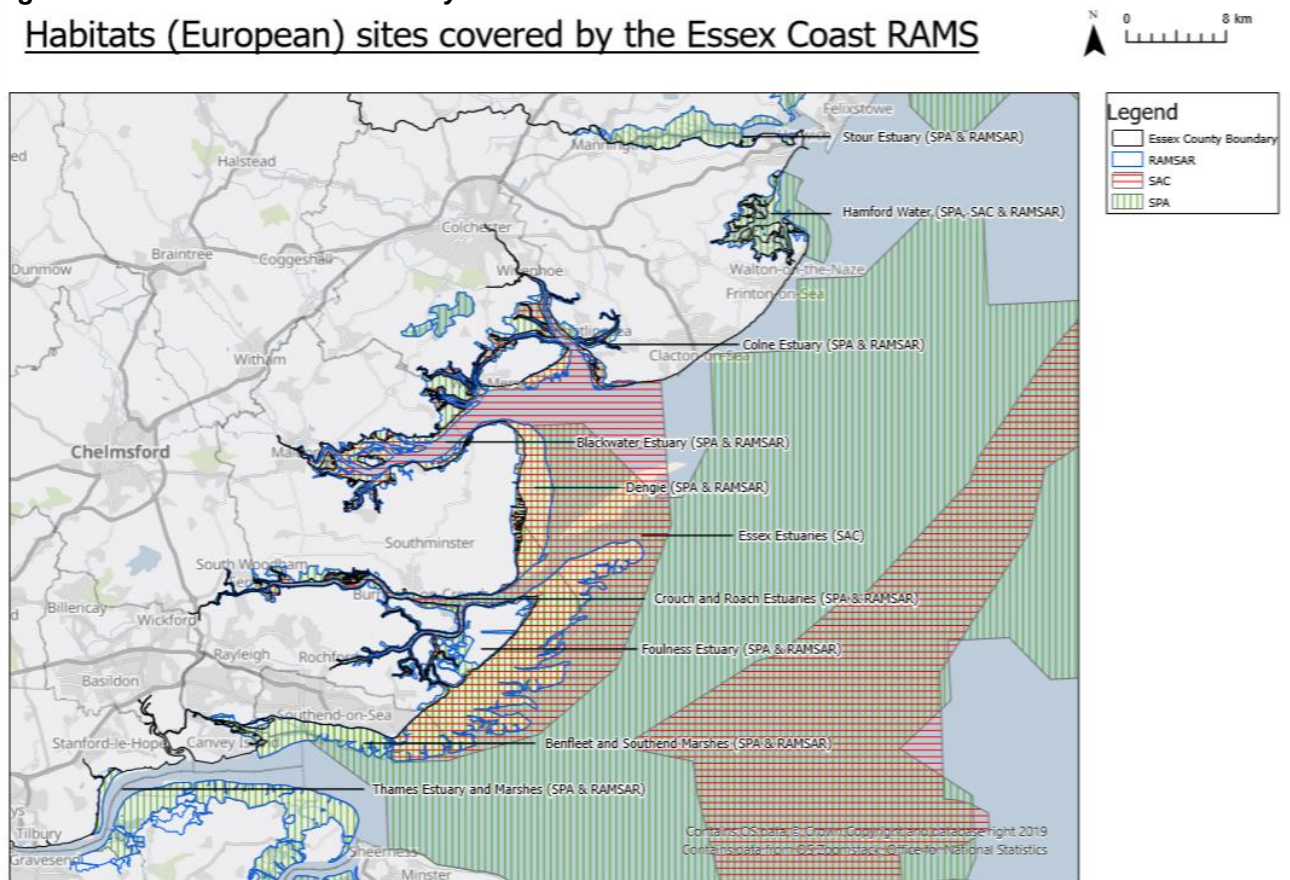
- 2.1 The Essex coastline is one of importance for people and wildlife. It provides recreational opportunities for Essex residents, and it is home to internationally important numbers of breeding and non-breeding birds and their coastal habitats.
- 2.2 The coast is a major destination for recreational use such as walking, sailing, bird-watching, jet skiing, dog walking and fishing including bait-digging.

¹ Bird Aware Essex Coast: <https://essexcoast.birdaware.org/home>

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-on-Sea 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 (SPA), Special Areas of Conservation (SAC) 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
 - Outer Thames Estuary and Marshes SPA and Ramsar

Figure 2.1: Habitats sites covered by the Essex Coast RAMS
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 a 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)).

The requirement for delivery of strategic mitigation

- 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, this SPD and the RAMS are relevant to these 'in-combination' effects only, and do not focus on any other mitigation measures, such as those on-site, that might be required of development proposals in response to other types of effect on Habitats sites.
- 2.11 Natural England² recommended a strategic approach to mitigation along the Essex coast to enable the conclusion of 'no adverse effect on the integrity of the international designated sites' regarding in-combination recreational effects. 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 An executive non-departmental public body and the government's adviser for the natural environment in England

- 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 LPA, 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 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.

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.

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. 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 (Zol) of the Habitats sites. It does not apply to any non-residential schemes, and all non-residential schemes are therefore exempt from the tariff. The Zol identifies the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation.

3.3 The Zol 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 Zol is based on the 75th percentile of postcode data. This provides the Zol 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 Zol are illustrated in Table 3.1 (below).

Table 3.1: Zones of Influence for the Essex Coast RAMS

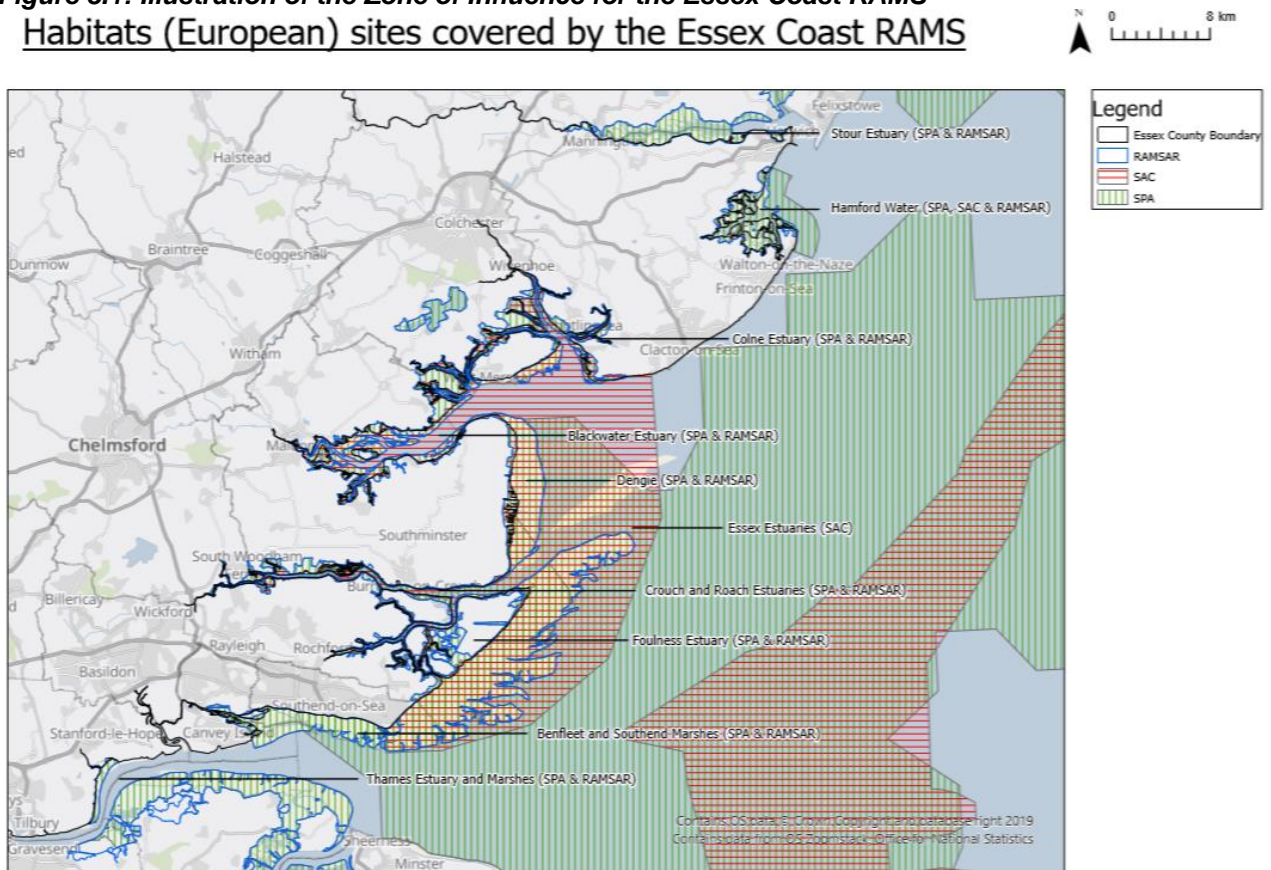
European designated site	Final distance to calculate RAMS Zol (km/miles)
Essex Estuaries SAC	-*
Hamford Water SPA and Ramsar	8.0 km / 4.9 miles
Stour and Orwell Estuaries SPA and Ramsar	13.0 km / 8.1 miles
Colne Estuary SPA and Ramsar	9.7 km / 6.0 miles
Blackwater Estuary SPA and Ramsar	22.0 km / 13.7 miles
Dengie SPA and Ramsar	20.8km / 12.9 miles
Crouch and Roach Estuaries Ramsar and SPA	4.5 km / 2.8 miles

European designated site	Final distance to calculate RAMS Zol (km/miles)
Foulness Estuary SPA and Ramsar	13.0 km / 8.1 miles
Benfleet and Southend Marshes SPA and Ramsar	4.3km / 2.7 miles
Outer Thames Estuary and Marshes SPA and Ramsar	8.1km / 5.0 miles

* 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 Zol can be accessed via Magic Maps⁴, where you will find the definitive boundaries. A broad illustration of the extent of all the RAMS Zol is shown in Figure 3.1, below.

Figure 3.1: Illustration of the Zone of Influence for the Essex Coast RAMS Habitats (European) sites covered by the Essex Coast RAMS



What types of dwellings does this apply to?

3.6 Only 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

⁴ MAGIC website: <https://magic.defra.gov.uk/MagicMap.aspx>

is no net gain in dwelling numbers) and extensions to existing dwellings including residential annexes. Applicants are advised to contact the LPA if in any doubt as to whether their development is within the scope of the RAMS.

Does it apply to all schemes?

- 3.7 The effects of recreational disturbance on the integrity of the Habitats Sites on the Essex coast are associated with the increase in population that new dwellings will ensure. This is because new residents can be expected to visit the coast, as evidenced by the visitor surveys undertaken. For this reason, the RAMS applies to all schemes regardless of size where there is a net gain in dwellings.
- 3.8 The contribution to RAMS is a simple way of allowing the Appropriate Assessment of residential developments, including single dwelling schemes, to conclude that the in-combination effect will be mitigated. National Planning Practice Guidance⁵ confirms that local planning authorities may seek planning contributions for sites of less than 10 dwellings to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory requirements. This means that the tariff proposed in this SPD will still apply for those residential proposals that are normally exempt from paying planning contributions under the Community Infrastructure Regulations, such as affordable housing proposals and single dwelling self-builds. These types of development are not exempt from the requirement under the Conservation of Habitats and Species Regulations 2017.
- 3.9 Natural England's revised interim advice to the Essex LPAs (ref: 244199, 16 August 2018) set out those relevant development types to which the tariff should apply. 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

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

Planning Use Class*	Class Description
	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.

3.10 As included above, C2 Residential Institutions and C2A Secure Residential Institutions are notionally included within the scope of the RAMS and tariff payments. This is due to an increase in population that would arise from any such developments, in the same vein as any other new residential development. It is proposed however that consideration as to whether such developments qualify for the full extent of tariff payments should be done on a case-by-case basis. This is because some C2 and C2A proposals may provide a specific type of accommodation that would not result in new residents visiting the coast.

3.11 Other types of development, for instance tourist accommodation, may be likely to have significant effects on protected habitat sites related to recreational pressure 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 this apply to?

3.12 The RAMS applies to all full applications, outline applications, hybrid applications, and permitted development (see 3.12 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 information more recently provided would make for a different assessment of effects.

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

3.14 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 Zol.

3.15 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.

3.16 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 address adverse impacts on Habitats sites are statutory requirements and each proposal for residential development within the Zol will still be required to undertake a 'project-level' HRA/AA. These project-level HRA/AAs will explore the hierarchy of avoidance and mitigation. The recommendations of these project-level HRA/AAs may include measures to

mitigate effects 'on-site' such as through open space provision or accessible alternative natural recreational green spaces which are relevant to individual developments only.

- 4.2 The RAMS seeks to mitigate 'in-combination' recreational effects only, to enable the conclusion of no adverse effect on the integrity of the international designated sites. Mitigation measures to address in-combination effects, 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.
- 4.3 As the in-combination effects identified within the LPAs' Local Plan HRA/AAs are directly related to a cumulative increase in housing growth, the mitigation identified within the RAMS and this SPD is proportionate to that accumulation and necessary to make development acceptable in planning terms. The tariff is applicable to all residential development that will lead to a net increase in dwellings, as each new dwelling will lead to an increase in population and therefore an increase in the effects associated with recreational disturbance. This means that the mitigation is directly related to the development, as the source of the effects, and the requirement for the tariff to provide the mitigation is justified in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 4.4 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

Table 4.1 – The Essex coast RAMS toolkit

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

Action area	Examples
Vehicular access and car parking	<ul style="list-style-type: none"> Audit of car parks and capacity to identify hotspots and opportunities for “spreading the load”
Enforcement	<ul style="list-style-type: none"> Establish how the crew operating the river Ranger patrol boat could be most effective. It should be possible to minimise actual disturbance from the boat itself through careful operation. Rangers to explain reasons for restricted zones to visitors
Habitat creation	<ul style="list-style-type: none"> Saltmarsh recharge, regulated tidal exchange and artificial islands may fit with Environment Agency Shoreline Management Plans
Partnership working	<ul style="list-style-type: none"> Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.
Monitoring and continual improvement	<ul style="list-style-type: none"> Birds and visitor surveys, including a review of the effectiveness of mitigation measures. Outputs of the review may include the introduction of new ways to keep visitors engaged.

- 4.5 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?

- 4.6 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.
- 4.7 In order to arrive at a per dwelling contribution figure, the strategic mitigation package cost (including an additional 10% for contingency purposes) was divided by the total number of dwellings (72,907 dwellings) which are currently identified to be built in the Zol 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. As such the figure will be subject to review.

When will the tariff be paid?

- 4.8 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.
- 4.9 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?

- 4.10 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended) and Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). In addition, paragraphs 54 to 57 of the National Planning Policy Framework (NPPF) 2018 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 LPA to secure the payment of the required financial contribution. The RAMS contribution may form a clause within a wider S106 agreement.

⁶ An offer to an LPA 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.

- 4.11 This contribution is payable in addition to any Community Infrastructure Levy liability and/or any other S106 or S278 contributions for other types of contribution and there may be other site-specific mitigation requirements in respect of Habitats sites and ecology as outlined above.
- 4.12 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 (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.
- 4.13 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.
- 4.14 Legal agreements for planning purposes should meet all the following tests in order to be taken into account when determining a planning application:
- They are necessary to make a development acceptable in planning terms;

‘LPAs, as competent authorities under the Habitats Regulation, have the duty to ensure that planning application decisions comply with regulations.’
 - They are directly related to the development;

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

The measures put forward in the RAMS represent the lowest cost set of options available which will be both deliverable and effective in

mitigating the anticipated increase in recreational pressure from new residential development within the Zol. The costs are apportioned proportionately between all developments dependent on the scale of development. The contributions will be spent on both project-wide mitigations such as Rangers, and specific mitigations within the Zol in which the contribution was collected. This contribution is therefore fairly and reasonably related in scale and kind to the development.

4.15 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 SPD.

Schemes under 10 dwellings

4.16 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.

4.17 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.

4.18 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.

- 4.19 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

- 4.20 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.
- 4.21 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.
- 4.22 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 will help to ensure planning applications are quicker and simpler to process and the adequate and timely delivery of effective mitigation at the Habitats sites. It is also likely to be more cost effective for applicants.
- 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 targets⁸ 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.
- 6.5 In addition to the monitoring of specific indicators, the progress of other relevant Plans will be considered where they may require the consideration of a change to the RAMS or this SPD. At the time of writing, this includes the emerging South East Marine Plan, the East Inshore Marine Plan and the East Offshore Marine Plan. Once approved these Plans will become part of the Development Plan for the relevant LPAs.

7. Consultation

- 7.1 A draft SPD was published for consultation between **Friday 10th January to 5pm Friday 21st February** in accordance with the planning consultation requirements of each LPA.
- 7.2 Following the close of the consultation all comments were considered and a 'You Said We Did' Consultation Report published which outlined a response to each comment and suggested several amendments to this SPD. Where amendments were deemed necessary as a result of any comments, this SPD has factored them in prior to adoption by each LPA.

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

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
- 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>

- The National Planning Policy Framework (NPPF) - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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 National Insurance (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

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
		Partnership Executive Group		(LPA £1,000)	19	£0	This would need to be an 'in kind' contribution from the Local Planning Authority (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 Heritage Lottery Fund guidance. Approx. nine 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.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
		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 £5,000/Habitats site. Liaise with Natural England & Essex County Council Public Rights of Way team re: England Coast Path.
		Visitor numbers and recreational activities	£5,000 (£500 / Habitats site / year)			£5,000	Rangers, partner organisations, LPAs.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
		Consented residential development within Zol.	£0 / Habitats site / year)			£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.
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, dog clubs & trainers.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	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 e.g. dog leads.
	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£45,000	Estimated cost £5,000 / Habitats site/year for nine sites. Liaise with Natural England & Essex County Council Public Rights of Way team regarding England Coast Path and LPAs regarding 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.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
		Signage and interpretation	£13,500			£13,500	£13,500 allows for 3 sets of discs - 3 designs, £1,500 each; e.g. paw prints in traffic light colours to show where no dogs are allowed, dogs on lead and dogs welcome. This may link with a timetable e.g. Southend with dog ban 1 st May to 30 th September.
	Water based bailiffs 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 e.g. Colne Estuary, Hamford Water and other locations e.g. 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.
		Additional River Ranger where needed		£120,000	15	£2,029,342	
	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

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	Habitat creation - Alternatives for birds project – and long term management	Work with landowners & EA to identify locations e.g. 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 Little 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 Royal Society for the Protection of Birds, Natural England & Essex Wildlife Trust 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

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	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
Year 10, 15 & 20	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£135,000	Estimated cost £5,000 / Habitats site. Liaise with Natural England & Essex County Council Public Rights of Way team regarding England Coast Path.
	Route diversions	Work with PROW on projects	£15,000			£15,000	Approx. costs only to be refined when opportunity arises.

*Staffing costs and overheads have been based on similar projects to the RAMS and existing HRA Partnership Ranger provision elsewhere in the UK, including a review on travel time / mileage provided by Habitats Site managers.

TOTAL MITIGATION PACKAGE COSTS

£8,104,862

+10% contingency

£810,486

TOTAL COST

£8,915,448

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 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:

$$100/2.5 = 40$$

$$40/2 = 20$$

$$20 \times \text{£}122.30 = \text{£}2,446$$

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 owning 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.





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Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

Draft Supplementary Planning Document (SPD)

You Said We Did - Consultation Report
April 2020

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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	A document that provides further detail to the Local Plan. Capable of being a material consideration but are not part of the development plan.
Zone of Influence	The Zone of Influence identifies the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation.

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

1. About the RAMS

Background context

- 1.1 The Essex Coast RAMS was initiated by Natural England, the government's adviser for the natural environment in England, in 2017. Natural England identified the habitats sites and local planning authorities that should be involved in the Essex Coast RAMS based on existing evidence of visitor pressure. Essex County Council provides an advisory role but are not one of the RAMS local authority partners.
- 1.2 The Essex Coast is rich and diverse and has many protected habitats sites (also referred to as European sites and Natura 2000 sites). These sites are protected by the Conservation of Habitats and Species Regulations (2017). Joint working offers the opportunity to protect the Essex Coast from increased recreational disturbance as a result of new housing across Essex. Likely significant effects to habitats sites from non-residential development will be considered, through Habitat Regulations Assessments, on a case by case basis by the relevant local planning authority in consultation with Natural England. A Habitat Regulations Assessment has been/ will be completed for each of the projects that form part of the England Coastal Path.
- 1.3 There are numerous examples elsewhere around the country of mitigation strategies that avoid and mitigate the impacts of recreational disturbance on habitats sites, such as Bird Aware Solent, Bird Wise North Kent and Thames Basin Heaths. This is a new and growing area in the conservation community and those working on mitigation strategies regularly share good practice and assist each other.
- 1.4 Visitor surveys were carried out at key locations within each of the Habitats sites. Zones of Influence (Zol) were calculated for each habitats site using the survey data and these are used to trigger developer contributions for the delivery of avoidance and mitigation measures.

Development of the strategy

- 1.5 The Essex Coast RAMS Strategy Document was completed in January 2019. Natural England provided advice throughout the preparation of the Essex Coast RAMS and 'signed off' the RAMS Strategy Document before it was finalised and adopted by local planning authorities. The local planning authority partners are collecting RAMS contributions for development within the Zone of Influence (Zol), which will be spent on the mitigation measures package detailed in the RAMS Strategy Document. Mitigation measures are listed as: immediate, shorter to medium term, and longer-term projects. A contingency is included and an in-perpetuity fund will be established. The first measure is staff resources: The Delivery Officer and then two rangers.

- 1.6 Through the provision of a per dwelling tariff, the RAMS enables the achievement of proportionate mitigation measures and enables development proposals of all scales to contribute to necessary mitigation. The RAMS is fully funded by developer contributions.
- 1.7 During development of the Strategy Document workshops were held with key stakeholders with local and specialised knowledge to capture the mitigation measures considered as most effective to avoid the impacts likely to result from increased recreational pressure.

A flexible approach to mitigation

- 1.8 The costed mitigation package (Table 8.2 of the RAMS Strategy Document) includes an effective mix of measures considered necessary to avoid likely disturbance at key locations with easy public access. The package is flexible and deliverable and based on best practice elsewhere in England. A precautionary approach has been adopted, with priority areas for measures identified as those which have breeding SPA birds which could conflict with high numbers of summer visitors to the coast and those with important roosts and foraging areas in the winter. Sensitive habitats have also been identified for ranger visits. The mitigation package prioritises measures considered to be effective at avoiding or mitigating recreational disturbance by habitats sites managers. For example, Maldon District Council are managing water sports on the Blackwater estuary. Encouraging responsible recreation is a key measure endorsed by land managers of important wildlife sites across the country, including Natural England, RSPB and the wildlife trusts. These bodies regularly provide educational material at sites to encourage visitors to comply with key objectives.
- 1.9 The RAMS is intended to be a flexible project that can adapt quickly as necessary. The rangers will quickly become familiar with the sites and areas that are particularly sensitive, which may change over time, and sites that experience a high number of visitors. The rangers on the ground experience will steer the project and necessary measures.

Monitoring and review process

- 1.10 The Essex Coast RAMS will provide a flexible and responsive approach, allowing it to respond to unforeseen issues. Close engagement will continue with Natural England who will be able to advise if recreational disturbance is increasing at particular habitats sites and specific locations. Thus, enabling these locations to be targeted by the rangers to have an immediate impact. Updated visitor surveys, which are included in the mitigation package, will enable ZoI to be reviewed and expanded if it is shown that visitors are travelling further than previously found. There is scope to adjust the tariff too if it is shown that contributions are not covering the identified measures, if the ZoI is made smaller or to respond to changes in housing numbers across Essex.

- 1.11 The Essex Coast RAMS will be monitored and reviewed on a regular basis by the RAMS project staff. 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 visitors to the coastal sites for recreation (paragraph 1.7 of RAMS). The baseline has been identified in the RAMS Strategy Document and will be used to assess the effectiveness of the RAMS.
- 1.12 The effectiveness of the Essex Coast RAMS has been considered/examined as part of Chelmsford City Council's Local Plan Examination. Chelmsford City Council's Local Plan Inspector's Report states that: *“Overall, the HRA concludes that there will be no adverse effect on the integrity of European protected sites, either alone or in-combination with other plans or projects, subject to the mitigation set out in the Plan policies. Natural England agrees with these conclusions and I have no substantive evidence to counter these findings. The requirement to undertake an appropriate assessment in accordance with the Regulations has therefore been met.”* The mitigation set out in the Plan policies includes reference to the Essex Coast RAMS. The Inspector states that it is necessary to incorporate RAMS into strategic policies to ensure that all relevant development within the Zol contribute accordingly and reference to RAMS should be incorporated into several site allocation policies. These modifications will be incorporated into the adopted Local Plan.

2. Introduction

- 2.1 The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) 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.
- 2.2 The SPD has been produced by a total of 12 Local Planning Authorities (LPAs) in Essex, which are partners in and responsible for the delivery of the RAMS. These partner LPAs 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. Consultation

- 3.1 A draft SPD was published for consultation between Friday 10th January 2020 and Friday 21st February 2020 in accordance with the planning consultation requirements of each LPA.

- 3.2 These consultation requirements require the publication of a 'You Said We Did' report, which outlines details on who and how the public, organisations and bodies were consulted, the number of people, organisations and stakeholders who submitted comments, a summary of the main issues raised in the comments received, and the proposed amendments to the SPD that the LPAs intend to make in response to them.
- 3.3 Following the close of the consultation all comments have been considered and the main issues summarised within Section 4 of this report. Where amendments have been deemed necessary as a result of any main issues, these will be factored into a new iteration of SPD, prior to its adoption by each LPA. These amendments are set out in Section 5 of this report.

Who was consulted?

- 3.4 The consultation was undertaken jointly by the 12 Councils and hosted by Essex County Council. The 12 Councils consulted the following bodies and persons:
- Statutory bodies including neighbouring Councils, local Parish and Town Councils, utility companies, health representatives and Government bodies such as Highways England, Natural England, Historic England and the Environment Agency;
 - Local stakeholders including the Business Forums, Essex Wildlife Trust, Sport England, and the Police;
 - Developers and landowner and their agents;
 - Local businesses, voluntary and community groups, and
 - The public.
- 3.5 For more details on the bodies consulted please contact the relevant partner Council.

How did we consult?

- 3.6 The consultation was available to view and comment on the Essex County Council Citizen Space consultation portal during the consultation dates. The consultation material was also available to view on partner Council's websites, from their main offices and at a number of local public libraries. Information was also provided on the project Bird Aware website www.essexcoast.birdaware.org

3.7 For those who do not have access to computers, paper response forms were made available.

3.8 The Councils sent direct emails/letter notifications to all consultees registered on their Local Plan consultation databases. A public notice was also included in the Essex Chronicle to advise how to respond and the consultation dates and information on the consultation was also posted on social media.

4. Consultation comments

4.1 The Essex Coast RAMS draft SPD consultation received a total of 146 comments, 87 of these being from Essex residents and 59 being from various organisations. All the comments received can be viewed in full on Essex County Council's Consultation Portal at [XXXX](#).

4.2 Of the resident responses, the following numbers of responses were received from individual administrative areas:

- 21 were made from residents of Chelmsford;
- 18 were made from residents of Tendring;
- 16 were made from residents of Basildon;
- 14 were made from residents of Braintree;
- 12 were made from residents of Rochford;
- 11 were made from residents of Colchester;
- 8 were made from residents of Maldon;
- 6 were made from residents of Uttlesford;
- 2 were made from residents of Brentwood;
- 2 were made from residents of Castle Point;
- 2 were made from residents of Southend-on-Sea; and
- 0 were made from residents of Thurrock.

5. The main issues raised

5.1 Comments were received on a wide range of themes, relating to the SPD, the RAMS itself and also the format of the consultation exercise.

- 5.2 A number of themes emerge through reviewing the comments received. These themes respond to those comments that were made by a number of respondents, or otherwise pointed out areas of improvement for the SPD as consulted upon.
- 5.3 Table 1 below sets out the main issues received during the consultation and a response by the LPAs on each issue. A summary of all representations received is included later in this report.

Table 1 – Main issues raised

Main issues raised
Confusion about the purpose and aims of the RAMS – including the need for jargon and acronyms to be explained; the SPD to cover all wildlife on the coast not just birds and to also address sea level rises and coastal erosion caused by climate change; confusion regarding the role of Essex County Council in implementing RAMS; confusion over who pays the tariff; and that mitigation payments should be ring fenced towards care for people not wildlife.
Scope and detail of mitigation measures – only relevant and necessary mitigation should be provided, based upon the scale of the proposal, its use and the site context, to accord with the Community Infrastructure Levy Regulations. SPD could also provide some examples of physical mitigation measures, for instance prevention of powered water sports or exclusions for wind powered watersports, and restrictions on off-lead dogs near areas known for ground nesting birds.
Concern regarding the effectiveness of the RAMS approach – concerns include it's an overly bureaucratic process to collect small sums, there is a lack of scientific evidence to demonstrate provision of alternative green space will detract from visits to SPA/Ramsar sites; question deliverability of mitigation, question provision for enforcement of tariff collection.
Query whether key stakeholders have been involved in the RAMS - including Essex Wildlife Trust, RSPB, Bug Life, Woodland Trust, National Trust, CPRE, British Trust for Ornithology, and local ornithology groups.
Will habitats sites continue to be protected as a result of Brexit?
The RAMS will allow inappropriate development – RAMS will allow harmful development to proceed; will fast track planning applications; no control or scrutiny of cumulative impact of smaller planning applications; does not consider development outside Zones of Influence; total avoidance of disturbance should be an option; should be no more building in Essex, and none on or adjacent to important coastal wildlife sites.
Money should be spent on other projects - funding should not be taken away from essential services to fund the strategy.

Main issues raised

Concern with the Zones of Influence – regarded by some as too small and by others as too big; also the zoned tariff should be based upon the number of Zones of Influence a site is within and the distance it is away from the Zone of Influence should be applied. In addition, the mapped Zones of Influence for the Blackwater Estuary, Stour Estuary and Hamford Water stretch into the Suffolk Coast RAMS area. This could be confusing for developers of new dwellings in south Suffolk, as it implies that a contribution is required to the Essex Coast RAMS, in addition to the Suffolk Coast RAMS.

The tariff is set too high, or alternatively too low – e.g. not realistic, should be based on a percentage of the purchase price of a property. Also considered that the number of dwellings which are currently identified to be built over Local Plan Periods until 2038 does not accurately reflect the number which will actually come forward, so the contributions collected would exceed the overall cost for the mitigation package. Tariff should also reflect the size of the dwelling so that more is paid for larger dwellings. All authorities must also test the level of contribution, alongside all their policy requirements contained in their Local Plans to ensure that the contributions are viable.

Adequacy of proposed budget and staff to deliver project across such a wide area – staff level and costs are too low; alternative view is that funding for personnel is excessive and the work duplicates that of other stakeholders. Also unclear what assumptions have been made in respect of overheads on top of salary costs for the staff identified as being needed.

Concerns about monitoring (the tariff and Zones of Influence) – monitoring should be more frequent.

Other land uses should come within the scope of the tariff - including tourist accommodation and caravan parks/chalets, airport related development, other commercial development.

Perceived conflict of RAMS purpose and aims with the England Coastal Path project which will increase access to the coast, and existing and future strategies for tourists and residents to access and enjoy the coast, for economic growth and health and wellbeing.

Alternative to paying into the RAMS should not be allowed, or if it is the process should be clarified - developers may use this alternative as a way of avoiding the payments without showing any real commitment to the alternative. If allowed, the SPD would be more effective if it clearly set out the process for agreeing bespoke mitigation for strategic sites.

6. Proposed amendments to the Supplementary Planning Document (SPD)

6.1 In response to the main issues summarised in Section 5, this report sets out a number of amendments that will be forthcoming in a new iteration of the SPD. These amendments have been agreed by all of the partner LPAs. The following table outlines this schedule of changes.

Table 2 – Schedule of amendments to the SPD

Amendment	
1	A glossary and list of acronyms and a description of what they mean is included within the Supplementary Planning Document (SPD); however, it is proposed that the Glossary and Acronym sections are moved to the beginning of the SPD. Further amendments to expand the Glossary and list of Acronyms included within these Sections to reflect all of those used in the SPD, RAMS and supporting documents.
2	Amendments clearly setting out how overheads and other costs have been identified within the RAMS mitigation package are proposed within the SPD.
3	The first paragraph of the SPD will be amended to state 'birds and their habitats' rather than 'Wildlife' to make it clearer from the outset as to what wildlife the RAMS and the SPD seek to protect.
4	Once approved the South East Marine Plan as well as the East Inshore and East Offshore Marine Plans will become part of the Development Plan for the relevant LPAs. An amendment to recognise these Plans, and their policies, within the SPD is proposed.
5	An amendment to include fishing / bait digging to paragraph 2.2 is proposed.
6	An amendment to refer to the 'Outer Thames Estuary SPA' rather than the 'Thames Estuary SPA' is proposed.
7	Amendments to replace existing maps with higher resolution images are proposed.
8	An amendment introducing additional clarification within Paragraph 3.7 is proposed. This will ensure that the SPD is more explicit regarding proposals for single dwellings being subject to the RAMS tariff.
9	An amendment to the SPD setting out the requirements of development proposals in regard to statutory HRA procedures and on-site mitigation, and the specific effects the RAMS will mitigate in accordance with Regulation 122 of the CIL Regulations, is proposed.

Amendment	
10	An amendment justifying the inclusion of C2 Residential Institutions and C2A Secure Residential Institutions as qualifying within the scope of tariff payments is proposed.
11	Within the 'useful links' section, an amendment to include the National Planning Policy Framework (NPPF) is proposed.
12	It is proposed that the SPD is amended to refer to set out that all non-residential proposals are exempt from the tariff.
13	It is proposed that the map in Appendix 2 of the Essex Coast RAMS SPD SEA/HRA Screening Report be amended to reference the Outer Thames SPA designation.
14	Amendments are proposed that reiterate the requirement for project-level HRA/AA of development proposals which will explore the hierarchy of avoidance and mitigation, and that the SPD is relevant to 'in-combination' recreational effects only.
15	Amendments are proposed to the SPD and the Essex Coast RAMS SPD SEA/HRA Screening Report to clearly set out that the intention of Essex Coast RAMS mitigation to enable the conclusion of no adverse effect on the integrity of the international designated sites.
16	An amendment to the relevant map in the SPD and RAMS is proposed, which will remove all areas of Suffolk from the Zone of Influence.
17	It is proposed that an amendment explaining more clearly the relationship between the effects of a population increase resulting from net new dwelling increases is included within the SPD.
18	An amendment is proposed to include all measurements in miles as well as kilometres.

7. Detailed summaries of the comments received

7.1 Tables 3 to 13 of this report shows a summary of the comments received during the consultation on the Essex Coast RAMS draft SPD. The summaries do not seek to identify all the issues raised in the representations. These tables however show:

- The name and type (resident / organisation) of each respondent;
- A summary of the main issues raised in the comments per Section of the draft SPD; and

- The LPAs' response to each main issue and whether actions and / or amendments are considered necessary as a result.

7.2 A number of respondents suggest ideas for how to better manage visitors to the Essex coast e.g. keep dog on leads, fencing, restore Oyster reefs. These will be reviewed by the project Delivery Officer and Rangers once they are appointed and have not been specifically responded to in tables 3 to 13.



Section One - Introduction

Table 3 – Section One: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	There should be no use of acronyms in the Report.	A list of acronyms and a description of what they mean is included within the Supplementary Planning Document (SPD). It is however proposed that the Acronym section is moved to the beginning of the SPD. No amendment proposed.
2	Mr Alan Hardy	Resident	I believe there is a need for clear policies and regulation and the whole document seems to take that approach. Future policy must support and enhance all Government and legal policies already existing and where necessary provide greater protection than required by statute. I think there should be greater reference to flood risk, management and mitigation and how this can impact or be integrated into recreational use and habitat protection.	The SPD is related only to those 'in-combination' recreational impacts identified through the Local Planning Authorities' (LPAs) Local Plan Habitats Regulations Assessment / Appropriate Assessment. No amendment proposed.
3	Mrs Frances Coulsen	Resident	No comments as this Section seems to set out the facts.	Noted. No amendment proposed.
4	Mrs Amy Gardner-Carr	Resident	The building of homes is the threat to the natural habitat. The suggestion of a tariff for avoidance is ridiculous in the face of mounting and current evidence that destruction of habitat is having disastrous effects on wildlife. Move the builds to somewhere else, not the habitats.	The SPD is related only to 'in-combination' recreational impacts and not habitat loss. No amendment proposed.
5	Mr Brian Springall	Resident	Before protecting wildlife, the Council needs to get its housing development plans sorted & improve the district's infrastructure i.e. roads, flood protection etc.	The need for the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) and the SPD stems from planned growth. Local Plans have been prepared or are in preparation and set out the housing need and infrastructure requirements for each Council area. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
6	Mr Terry Newton	Resident	No comments. It's an introduction and no information is given, other than to outline how you have set out the sections, and in what format you have set out the document.	Noted. No amendment proposed.
7	Mr Brian Mills	Resident	Cannot see any contingency for enforcement or punitive action, if required results are not obtained / maintained.	Section 4.8 of the SPD sets out that if the tariff is not paid on qualifying proposals, or if suitable mitigation is not provided, then planning permission should not be given. No amendment proposed.
8	Mr Charles Joynson	Resident	I don't think £8.9 million is enough to cover mitigation over such a long time period. Developers could and should contribute far more than £122.30 per dwelling. I do not believe that this is sufficient funding to fully mitigate the effects of new housing on the Essex coast.	The Essex Coast RAMS SPD sets out a tariff that will be used to fund mitigation related to 'in-combination' recreational effects only. The tariff is 'evidence based' and has been calculated by dividing the cost of the RAMS mitigation package by the number of dwellings (housing growth) proposed in LPA Local Plans. The tariff will be subject to review during the life of the RAMS project. Other mechanisms and requirements exist outside the scope of the SPD for other required and related mitigation. No amendment proposed.
9	Mr Nigel Whitehouse	Wildlife Defenders	We believe we need to protect all wildlife on our coast not just birds. Protected areas for wildlife should be provided.	The Essex Coast RAMS SPD relates only to the effects on Habitats Sites (as defined) which are designated on the Essex Coast in relation to birds. Other forms of mitigation addressing any effects on other designations across Essex are not within the specific scope of the SPD. The first paragraph of the SPD will be amended to state 'birds and their habitats' rather than 'Wildlife'

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				to make it clearer from the outset as to what wildlife the RAMS and the SPD seek to protect.
10	Mrs Mary Drury	Resident	Documents and plans are paper, and it is only man power that will make any positive outcome for wildlife, wherever it manages to survive. The only change necessary is to stop building on Green Belt, as it acts as rich habitats and has benefit to humans. It is vital that building on flood plains is stopped. There is a need to stop ignoring local advice and knowledge.	The Essex Coast RAMS SPD relates only to the effects on Habitats Sites (as defined) which are designated on the Essex Coast. The tariff is proposed to fund a RAMS Delivery Officer and Rangers. Other forms of mitigation addressing effects on other designations across Essex are not within the specific scope of the SPD. The distribution of new development growth is a matter for individual LPAs through their Local Plans. No amendment proposed. Not all of Essex is within the Green Belt.
11	Mrs Alwine Jarvis	Resident	I agree that changes are necessary although I don't quite follow the costs broken down in Appendix 2.1. The cost of a delivery officer at £45k seems very high and the cost of a ranger at £36k is also high. I am also questioning the table which shows for year 2 - one ranger then on the next line year 2 one ranger again. So is the suggestion we recruit 2 rangers at year 2, or is there a mistake in the table whereby this line has been duplicated?	The mitigation package 'total costs' for the Delivery Officer and Rangers include the salary cost and necessary overheads. Amendments clearly setting out how overheads and other costs have been identified within the RAMS mitigation package are proposed within the SPD. A total of three Rangers are proposed in the mitigation package: two for Year 2 and one additional ranger from Year 5. No amendment proposed.
12	Ms Rachel Cross	Resident	What are the aims of the SPD? Have the Essex Wildlife Trust, RSPB, Bug Life, Woodland Trust, National Trust, CPRE, British Trust for Ornithology, Local ornithology groups and SSSI councils been involved or consulted? How have other areas like Pembrokeshire approached this? Has the local	The SPD sets out a mechanism for funding mitigation, which is outlined in more detail in the RAMS document, a link to which was provided as part of this consultation. The approach is

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			government association got some best practice examples to benchmark against?	similar to other strategies across the country as endorsed by Natural England; a common stakeholder regarding Habitats Sites. Various groups have been invited to respond to this consultation including Essex Wildlife Trust (EWT) and the Royal Society for the Protection of Birds (RSPB). Amendments proposed to the SPD in response to the comments received are set out in Section 5 of this Report.
13	Ms Caroline Macgregor	Brightlingsea village councillor	I believe that developer contributions should be more per dwelling to offset the costs of protecting wildlife. I also believe protected areas should be extended.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. Protecting wildlife from development is and can be ensured and funded through other mechanisms. The extension of protected areas is not within the scope of the RAMS or the SPD. No amendment proposed.
14	Mr Christopher Marten	Resident	Planners do not necessarily have the appropriate knowledge about understanding the type of habitat required for wading wildfowl. The RSPB must be consulted on every application. If wetland wildfowl are disturbed, they will not return.	The Essex Coast RAMS has been devised and will be managed by specialist ecologists and proposes strategic mitigation regarding in-combination recreational effects only. Habitat creation forms part of the mitigation package, and the Strategy and SPD recognise that there will be a need to work with landowners and the Environment Agency. The RSPB are consulted on relevant planning

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				applications in line with LPA procedures. No amendment proposed.
15	Mr Peter Dervin	Resident	Funding should not be taken away from essential services to fund this.	The funds collected will not take any funding away from essential services. The RAMS funding will help support critical environmental services and initiatives along the Essex Coast. No amendment proposed.
16	Mr Neil Hargreaves	Resident	<p>I am uneasy with creating or extending yet another bureaucracy. This one to collect very small sums from new housing developments, in our case some way from the coast. This is hypothecation which normally is frowned on, because among other things it requires a heavy admin cost. I think these things should be properly funded at a national level. It needs a continuing funding from all of us not one-off payments from landowners / developers with no certainty of income stream and 99.9% of the nation not contributing.</p> <p>And what about the reverse? New developments near the coast will burden for example Stansted Airport. On this same principle Uttlesford should receive payment to mitigate the impacts of surrounding development on our area.</p> <p>Perhaps we should be contributing towards marine conservation?</p>	<p>The Zone of Influence has been justified through visitor surveys at the Essex Coast, determining that existing residents within it travel to the Essex Coast for recreation. The SPD is required to fund the mitigation required of the effects from future housing growth within the Zone of Influence, and it is considered appropriate that these are paid for through a planning contribution. The impacts of development in Uttlesford are a matter for the Uttlesford local plan</p> <p>No amendment proposed.</p>
17	Mr Brian Jones	Resident	The Section is clear enough, except the use of jargon is likely to deter people.	Noted. Where technical terminology and acronyms are used, these are defined in the SPD. Efforts have been made to ensure that the SPD is clear, minimises the use of jargon. An abbreviations list is also provided. No amendment proposed.
18	Dr John L Victory	Resident	The proposed England Coastal Path will directly affect these areas and should be highlighted in this process of mitigation. Consultation with interested bodies must include that of the Essex Local Access Forum - a	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. Members

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			statutory body that advises authorities on strategy for Public Rights of Way.	of the Essex Local Access Forum were consulted where they appear on LPA databases. No amendment required.
19	Mr Andrew Whiteley	Resident	I would like to see less focus on developers' requirements and more focus on Essex residents, wildlife, climate impact and infrastructure support.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. Local Plans are dealing with the other impacts of new development. No amendment required.
20	Mr Peter Bates	Resident	No changes required.	Noted. No amendment proposed.
21	Mr Stephen Ashdown	Resident	The document is not written in plain English and is confusing to the reader, especially those not aware of jargon and specific language used. This document is not written with the entire residents of the area in mind and excludes many who would benefit from inclusion, many of whom would be users of the coastal areas supporting wildlife.	Noted. Where technical terminology and acronyms are used, these are defined in a glossary. Efforts have been made to ensure that the SPD is clear, minimises the use of jargon. An abbreviations list is also provided. No amendment proposed.
22	Mr Graham Womack	Resident	It is unclear what other 'plan and projects' (in addition to residential developments) are to be considered as within the scope. The Essex County Council's Green Space Strategy (2019), encouraged organisations responsible for managing wildlife sites to become self-funding through commercial activities provided at their sites. This is likely to increase the footfall at these sites (including those on the coast), even before new developments are considered. Has any work been done to estimate the expected visitor numbers to the Essex coast- both now and for future years?	The Essex Coast RAMS has been developed in response to the recommendations of each partner LPA's HRA/AA work for their emerging or adopted Local Plans. These HRA/AAs set out those other plans and projects that in combination with the Local Plans may have effects on recreational disturbance at the Essex Coast. The Essex Coast RAMS process began with visitor surveys and counts at the Essex Coast to determine the extent of the Zone of Influence. No amendments are proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
23	Mr Kevin Smith	Resident	The Geese overwintering on Hanford Water appear to be greatly reduced this year (2019/20); this would be to wild-fowlers rather than local development, this seems to be too narrow minded to easily blame developers.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only on the Essex Coast. The SPD therefore, does not blame the developers, but assesses the impact of increased visitors to the coast as a result of increased population within most of Essex. No amendment proposed.
24	Mrs Anne Clitheroe	Essex County Council	Essex County Council is satisfied with the content of the Essex Coast RAMS SPD and confirms that it wishes to continue to be engaged in this process.	Noted. No amendment proposed.
25	Mrs Joanna Thornicroft	Resident	It was difficult to locate the RAMS which needed better signposting.	Noted. The RAMS was available as a supporting document during the consultation period and is available at https://essexcoast.birdaware.org/home . No amendment proposed.
26	Mr Mark East	Resident	I do not consider that the proposals in the first instance avoid harm. It appears that the strategy is to fast track planning applications and there is insufficient evidence that alternative site allocation for development outside of the Zone of Influence has been considered. On the contrary it is clear that proposals tend to concentrate development within the Zone of Influence. I believe the intent of the author(s) of the legislation are to avoid harm and if it can't be avoided then to move to mitigation and finally compensate. It is understood that English High Court's ruling that mitigation was acceptable without consideration of avoidance was over-ruled by the ECJ.	The SPD does not promote fast tracking planning applications and makes little difference to the speed of applications or prioritising applications for developments which make a contribution. The impact on habitats is one of many considerations in determining planning applications, and agreement to pay the contribution does not mean that an application will be granted if other factors mean it should be refused. The consideration of alternative site allocation outside of the Zone of Influence represents Stage 3 of the HRA process and if deemed necessary would be applicable to the

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				HRAs of the LPAs' Local Plans. The HRAs of the LPAs' Local Plans all considered, at Stage 2 of that process (AA), that mitigation is possible to ensure that development proposals would not have any in-combination recreational effects on the Essex Coast's Habitats Sites. The RAMS exists to set out that mitigation, and the approach has been endorsed by Natural England as the relevant statutory authority. As such, there was no need for any of the Local Plans to progress to Stage 3 of the HRA process. No amendment proposed.
27	Mrs Michelle Endsor	Resident	Mitigation is purely speculative and unproven. The expansion of London Southend Airport with its added noise and pollution has already done untold damage to wildlife. The Council would rather build on land that may disrupt the habitat of endangered wetland birds and wildlife that utilise urban and industrial sites.	The Essex Coast RAMS toolkit (Table 4.1 of the SPD) sets out monitoring arrangements, amounting to 'birds and visitor surveys, including a review of the effectiveness of mitigation measures.' The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. No amendment proposed.
28	Mr David Gollifer	Resident	The outline of proposals are satisfactory to protect wildlife particularly migrating birds.	Noted. No amendment proposed.
29	Mrs April Chapman	Resident	A map of the Zone of Influence would help at this earlier stage.	Noted. An improved map of the Zone of Influence is proposed to be included earlier on in the SPD where it is first mentioned.
30	Mrs Linda Findlay	Resident	Good to see a raise in profile of environmental concerns. Congratulations on work to restore wetlands for the benefit it brings.	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
31	Mrs Susie Jenkins	Brightlingsea Nature Network	<p>I feel that disturbance being avoided totally should be stated more clearly as an option. If we are to halt the decline in the UK's wildlife, there are undoubtedly areas where the habitat needs to take a precedence and be left undisturbed.</p> <p>At the moment the introduction appears to immediately be putting forward a message that LPA's have the go ahead to accommodate people disturbing natural areas through mitigation.</p>	The specific scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth. Imposing restrictions on access to areas of the Essex Coast is a possible mitigation measure. No amendment proposed.
32	Councillor Frank Belgrove	Alresford Parish Council	There could be some explanation in this section - so at an early stage in the document - of the type of physical arrangements that could be implemented to mitigate the effects of increased visitor pressure.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. Other forms of on-site mitigation will be delivered through other mechanisms and through measures recommended within project-level HRA/AAs, which will still be necessary for individual development proposals. No amendment proposed.
33	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River Crouch Conservation trust	Pollution from sewerage works is a problem. Anglia Water are not keeping pace with the explosion of new housing being built in the south east. There is now a very serious lack of infrastructure, which includes road and fresh water run off. The sea wall, tidal mud flats and salt marshes, etc do make a good nature barrier.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. Local Plans take into consideration the wider impacts of new development on infrastructure such as sewerage and water supply. No amendment proposed.
34	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	It would appear that this document thinks that simply raising money will protect the birds and the wildlife on the Essex Coast. There are many other aspects to consider, e.g. The coastal footpath should be abandoned / The Essex Wildlife Trust should cease bringing coachloads of children to the Walton cliffs looking for fossils / The right to roam should be restricted / Planning committees should restrict development in Conservation Areas	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only and to deliver the mitigation proposed in the RAMS.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			/ An artist's impression 2019 of a proposal between Crossrail and the RSPB to develop Wallasea Island into a wetland site for birdlife shows a maze of pathways and viewing areas for the public.	The SPD sets out how the tariff, and how the money will be collected and spent. No amendment proposed.
35	Mr Peter Steggles	Resident	There must be allocated areas for similar activities namely jet skis, water skiing, sea kayaking etc and education of the general public too. New homeowners should be included and given the opportunity to take 'pride of ownership' and take part in clean-up projects etc.	The RAMS document outlines and justifies the various strategic mitigation measures proposed. No amendment required.
36	Mr Hugh Toler	Blackwater Wildfowlers Association	First, the BWA supports the principle of preventing an increase to disturbance of wetlands on the Essex coastal area. Secondly, we recognise that some level of visitors to the wetlands is both necessary and unavoidable and would like to consider the current state as a baseline.	Noted. No amendment proposed.
37	Councillor Jenny Sandum	Braintree District Council	Very much welcome the requirements for mitigation.	Noted. No amendment proposed.
38	Mr Mark Nowers	RSPB	Whilst we were an active and willing participant in the workshops that took place in 2018, we were not invited, nor given the opportunity to comment on the Habitats Regulations Assessment for this strategy. Crucial to the success of this strategy is: 1. effective monitoring of recreational activity; 2. effective monitoring and analysis of impacts on waterbird populations (WeBS data is useful but this only covers roosts at high tides and will not cover the impacts on feeding birds on mudflats or functionally-linked cropped lands for foraging dark-bellied brent geese); 3. access management strategies that are tailored to each site; 4. effective coverage of sites by the right number of rangers at key sites and at key times of the week/weekends and the right periods in the day, i.e. early morning dog-walks; 5. rangers should be full-time throughout the year to ensure expertise and site knowledge is retained and face-to-face time with the public is prioritised over administration and other tasks; 6. The strategy must take advantage of the best practice developed elsewhere in the country, i.e. Bird Aware Solent, and seek to continually evolve avoid re-inventing the wheel.	The Essex Coast RAMS SPD Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA) Screening Report accompanied the SPD as part of this consultation and was separately subject to consultation with the statutory consultees of Natural England (NE), Historic England (HE) and the Environment Agency (EA). It can be considered that the points made may be addressed if appropriate through the actions of the Delivery Officer. The involvement of the RSPB is welcomed and once approved, the Delivery Officer will engage directly with key local stakeholders including RSPB. The effectiveness of the

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				mitigation will be monitored as outlined within Section 6 of the SPD. The project is considered best practice elsewhere and in 2019 become part of the Bird Award brand. No amendment proposed.
39	Mrs Jackie Deane	Great Dunmow Town Council	The Town Council is supportive of the proposals.	Noted. No amendment proposed.
40	Mr Gavin Roswell	Resident	In 1.1, the wording 'is necessary' is alarmist, as it is only the opinion of a relatively small amount of people. There are studies out there that are in complete contradiction to the whole RAMS ethos, but the agenda cloaking has already started, with narrow focus groups promoting their thoughts as fact.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only and to deliver the mitigation proposed in the RAMS. The RAMS is evidence-based and has been developed in conjunction with Natural England. No amendment proposed.
41	Mr Stephen Tower	Resident	Protecting wildlife is of upmost importance.	Noted. No amendment proposed.
42	Miss Georgie Sutton	Marine Management Organisation (Planning)	<p>Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure the necessary considerations are included. In the case of the SPD, the draft South East Marine Plan is of relevance. The South East Marine Plan is currently out for consultation until 6th April 2020. As the plan is out for consultation, it is now a document for material consideration.</p> <p>All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act 2009 and any relevant adopted Marine Plan, in this case the draft South East Marine Plan, or the UK Marine Policy Statement (MPS) unless relevant considerations indicate otherwise. Please see below suggested policies from the draft South East Marine Plan that we feel are most relevant. They are provided only as a</p>	Once approved the South East Marine Plan as well as the East Inshore and East Offshore Marine Plans will become part of the Development Plan for the relevant LPAs. An amendment to recognise these Plans, and their policies, within the SPD is proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>recommendation and we would suggest your own interpretation of the South East Marine Plans is completed: MPAs, Tourism and Recreation, Biodiversity, Disturbance, Marine Litter, Water quality, Access.</p> <p>The area in the Stour Estuary Zone of Influence and the Hamford Water Zone of Influence also extend into the East Marine Plan area. Therefore, you may need to consider the East Inshore and East Offshore Marine Plans as well. Please see below suggested policies which may be of relevance: Social, Ecology, Biodiversity, MPAs, Governance, Tourism and Recreation.</p>	
43	Ms Liz Carlton	Resident	<p>While we understand the need for more housing, we feel very strongly that mitigation in this area is essential. We are not sure that the tariff of £122.30 per dwelling will suffice to protect the area for wildlife. We believe that it will be imperative to ensure that some areas are restricted and protected as wildlife only areas. There will need to be a budget for ensuring that damage is monitored, and repair is carried out before irreversible.</p>	<p>The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. Other forms of mitigation will be delivered through other mechanisms and through measures recommended within project-level HRA/AAs, which will still be necessary for individual development proposals. No amendment proposed.</p>
44	Mr Steve Betteridge	Resident	<p>While we understand the need for more housing, we are not sure that the plan to charge residents for this mitigation will be sufficient to protect the area for future generations.</p>	<p>The tariff is charged to developers not residents. The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. Other forms of on-site mitigation will be delivered through other mechanisms and through measures recommended within project-level HRA/AAs, which will still be necessary for individual development proposals. No amendment proposed.</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
45	Mr Bernard Foster	Resident	Some projects that would mitigate potential damage to RAMS areas flounder for a variety of unnecessary reasons. There should be a specific section, referenced, that would cover areas in and around the Zone of Influence that would assist in protecting various sections within the RAMS format. It should enable LPA's, PC's etc to support and draw support from governing bodies in areas that they cannot directly control such as Essex Highways. Regulations around unauthorised developments need to be changed for these types of areas to give the planning and enforcement groups some support, stopping the irritating and harmful occupations that can go on for years.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only and to deliver the mitigation proposed in the RAMS. Essex Highways and LPA planning enforcement are outside the scope of the SPD. No amendment proposed.
46	Mr Mark Marshall	Resident	The consultation is a great step forward for conservation. It may not address all problems, but awareness is the key.	Noted. No amendment proposed.
47	Mr Tim Woodward	The Country Land & Business Association (CLA)	No comments on this introductory section.	Noted. No amendment proposed.
48	Parish Clerk Kim Harding	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS.	Noted. No amendment proposed.
49	Mrs Jenny Clemo	Langford & Ulting Parish Council	Langford & Ulting Parish Council agree that it is necessary to protect the wildlife of the Essex coast from increased visitor pressure associated with new residential development. There is also a need to protect the wildlife on the rivers and canals in Essex as the increase in population uses them for amenity purposes (walking, boating, fishing, dog walking, cycling etc).	Noted. No amendment proposed.
50	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	It is worth explaining here that Bird Aware Essex Coast is the brand name of the Essex Coast Recreational disturbance Avoidance and Mitigation Partnership.	An amendment is proposed to explain the role of Bird Aware Essex Coast within this Section of the SPD.
51	Ms Beverley McClean	Suffolk Coast & Heaths AONB team	The AONB team is not proposing any changes to the Introduction section of the RAMS SPD.	Noted. No amendment proposed.
52	Mrs Cecilia Dickinson	Resident	I don't like this format - section by section.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.

Section Two – Summary of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

Table 4 – Section Two: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Frances Coulson	Resident	As we cannot stem building unfortunately this seems to set out the facts.	Noted. No amendment proposed.
2	Mrs Aileen Cockshott	Resident	Apply protective measures for protected areas of the coast - prevent powered water sports and set out exclusion zones for wind powered water sports. Dogs should be kept on lead near areas known for ground nesting birds. If protective measures are broken, then hefty fines should be imposed.	The mitigation proposed within the RAMS does not seek to prevent visitors to the Essex coast, rather its focus is on raising awareness of issues at the coast and to foster positive behaviours. No amendment proposed.
3	Mrs Amy Gardener-Carr	Resident	Do not build here.	All of the LPAs have a statutory requirement to plan for new housing growth. The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. No amendment proposed.
4	Mr Philip Dangerfield	Resident	Ensure that protection of the coast is spread evenly across the whole of Essex. Those who visit areas that are now more populated may visit more remote areas of the coastline home to nesting birds.	This is a principal aim of the RAMS and SPD. No amendment proposed.
5	Mr Bob Tyrrell	West Bergholt Parish Council	Agree and support the SPD.	Noted. No amendment proposed.
6	Mr Brian Springall	Resident	Before protecting wildlife, the Council needs to get its housing development plans sorted & improve the district's infrastructure i.e. roads, flood protection etc.	The need for the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) and the SPD stems from planned growth within the LPAs' adopted or emerging Local Plans. Local Plan progression is

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				ongoing within each of those partner LPAs that do not have an adopted Local Plan. No amendment proposed.
7	Mrs Julie Waldie	Resident	Happy to see wildlife taken into consideration.	Noted. No amendment proposed.
8	Mr Terry Newton	Resident	Use counties in the West Country as case studies for successful coastal management.	Elements of RAMS across the country have been considered in the formulation of the Essex Coast RAMS, where relevant to the Essex Coast. No amendment proposed.
9	Mr Brian Mills	resident	I agree with assessment.	Noted. No amendment proposed.
10	Mrs Angela Harbottle	Resident	Include wildlife protection measures such as RAMS within Essex Local Authority Local Planning documents.	The need for strategic mitigation in the form of the RAMS has been included in relevant emerging and recently adopted LPA Local Plans. No amendment proposed.
11	Mr David Kennedy	Resident	Expansion of Southend Airport contradicts Essex RAMS commitments by supporting development that would impact on nesting birds on Wallasea Island. Air traffic collision with bird population could result in disaster.	The SPD is related only to in-combination recreational impacts identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.
12	Mr Charles Joynson	Resident	Why does the Essex RAMS document not include the protection of seals / seahorses? How will the tariff fund the protection of the coast? Include more manned exclusion zones along the coast to prevent disturbance from dog walkers.	The Essex Coast RAMS SPD relates only to in-combination recreational effects on Habitats Sites (as defined) which are designated on the Essex Coast in relation to birds. Other forms of mitigation addressing other effects and on other designations across Essex are not within the specific scope of the SPD. No amendment proposed.
13	Mr John	Resident	Development should not be permitted on or adjacent to important coastal wildlife sites.	Noted. This is matter for individual Local Plans. The RAMS allows for new

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	McCallum			coastal residential development subject to providing appropriate mitigation measures. No amendment proposed.
14	Mrs Mary Drury	Resident	Implement more set coastal pathways. Stop speed boat usage along protected coastline. Prevent blocking of PROW. Ensure footpaths are open 24/7 and include more bins and maps. Clear pathways at coastal sites such as Danbury Common – brambles force members of public to overuse specific paths.	Noted. Maintenance of footpaths is not within the scope of the SPD. No amendment proposed.
15	Mrs Alwine Jarvis	Resident	Mitigation package costs should be split across entire borough – including existing households. Free parking for local residents – paid parking for those visiting from afar.	The Essex Coast RAMS SPD is applicable within the Zone of Influence only and the tariff cannot be retroactively applied to consented / existing development. The SPD sets out a tariff that will be used to fund mitigation related to ‘in-combination’ recreational effects relevant to planned growth in Essex. Car parking charges are a matter for individual LPAs and landowners. Local residents should be encouraged to walk or cycle to the coast. No amendment proposed.
16	Ms Rachel Cross	Resident	What is best practice for Ramsars, SPAs and SACs? Any policy must exceed the provisions to protect wildlife and respect the environment. What about representation from the ports?	The SPD is related only to those recreational impacts identified within the LPAs’ Local Plan HRA/AAs and related to residential growth. The RAMS draws on best practice from elsewhere and has been developed in conjunction with Natural England. No amendment proposed.
17	Mrs Joanna Spencer	Resident	Planes release fuel over designated sites.	The SPD is related only to those recreational impacts identified within the LPAs’ Local Plan HRA/AAs and related to residential growth. The

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				impact of aviation on the environment is taken into consideration in local plans which promote airport growth, master plans for airports, planning applications for airport facilities and regulations on pollution through the environmental and aviation regulatory bodies. No amendment proposed.
18	Ms Caroline Macgregor	Brightlingsea village councillor	Town Councils should be given more weight in deciding planning applications for development – local councils more concerned for preservation and conservation.	The SPD is related only to those recreational impacts identified within the LPAs' Local Plan HRA/AAs and related to residential growth. Decision-making on planning applications is outside the scope of this SPD. No amendment proposed.
19	Mr Christopher Marten	Resident	Development in designated areas is completely inappropriate.	Noted. No amendment proposed.
20	Mr Alan Lycett	Resident	How will BREXIT impact on coastal designations?	The content of the relevant EU Directives related to birds and habitats have been transposed into UK law and will continue to apply. No amendment proposed.
21	Mr Brian Jones	Resident	The SPD is clear and effective if actually put into practice.	Noted. No amendment proposed.
22	Mr Kenneth Dawe	Resident	Needs to be balance between safeguarding wildlife and providing access for wellbeing.	The mitigation proposed within the RAMS does not seek to prevent visitors to the Essex coast, rather its focus is on raising awareness of issues at the coast and to foster positive behaviours. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
23	Mr Frederick Ager	Resident	The increase in local housing will increase visitors to this area of the path and in turn increase danger to public with the Wildfowlers Club using this area.	The SPD is related only to the in-combination recreational impacts identified within the LPAs' Local Plan HRA/AAs. The effectiveness of the mitigations will be monitored during the life of the project. No amendment proposed.
24	Mr Aubrey Cornell	Resident	Housing should not be in proximity to designated areas. New residents/visitors will not respect the wildlife/countryside, making the tariff redundant. Existing visitors already disturb birds whether they are children or dogs off lead.	The need for the Essex Coast RAMS and the SPD stems from planned growth within the LPAs' adopted or emerging Local Plans. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
25	Mr Andrew Whiteley	Resident	A similar plan to RAMS could be implemented for inland habitats. Infrastructure should be evenly distributed across Essex to prevent future isolation issues.	Noted. No amendment proposed.
26	Mrs Angela McQuade	Resident	Extend designated areas to create wildlife corridors.	Protecting wildlife from development is and can be ensured and funded through other mechanisms. The extension of protected areas is not within the scope of the RAMS or the SPD. No amendment proposed.
27	MR John Camp	Resident	Exclusion zones for Jet skis should be introduced.	Noted. No amendment proposed.
28	Mr Peter Bates	Resident	No. Seems reasonable.	Noted. No amendment proposed.
29	Mr Stephen Ashdown	Resident	Should include the benefits for community mental health.	The SPD is related only to those recreational impacts identified through the LPAs' Local Plan HRA/AAs. The mitigation proposed within the RAMS does not seek to prevent visitors to the

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				Essex coast, rather its focus is on raising awareness of issues at the coast and to foster positive behaviours. No amendment proposed.
30	Mr Graham Womack	Resident	How will BREXIT impact European directives that the RAMS is based on. The strategy only covers the coast, but some waterfowl species may also rely on inland sites.	The content of the relevant EU Directives related to birds and habitats have been transposed into UK law and will continue to apply. No amendment proposed. The Essex Coast RAMS SPD relates only to the effects on Habitats Sites (as defined) which are designated on the Essex Coast. Other forms of mitigation addressing effects on other designations across Essex are not within the specific scope of the SPD. No amendment proposed.
31	Mr Michael Blackwell	Resident	Tourists also visit the coast.	The SPD sets out that tourism related development will be considered on a case-by-case basis through a project level HRA. If adverse effects on integrity are predicted appropriate mitigation will be required, which could relate to the tariff proposed in the SPD. No amendment proposed.
32	Mr Mark East	Resident	How are the effects of smaller planning applications taken into consideration? It is evident from comments above that visitors travel some distance to SPA/Ramsar sites and whilst Local Plans and Major projects consider the cumulative effect there is no objective evidence that I have seen that planning applications are controlled and come under the same scrutiny. This is leading to over development in sensitive areas.	All residential development proposals, including planning permission for an individual net new dwelling within the Zone of Influence will be required to undertake a project-level HRA/AA within which specific and in-combination effects of specific proposals will be considered. The

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				Zones of Influence extend beyond local authority boundaries and show that many people travel far to visit the coast. No amendment proposed.
33	Mrs Michelle Endsor	Resident	Mitigation does not guarantee that adverse effects will not occur. The only route to success would be to completely isolate nesting bird species and prevent disturbance altogether. Housing development should seek to be located on areas that would result in the least amount of environmental impact.	Locational criteria for development are a matter for Local Plans / development management at the LPA level and not within the scope or remit of the RAMS or SPD. The mitigation proposed within the RAMS focuses on raising awareness of issues at the coast and to foster positive behaviours. No amendment proposed.
34	Mr. David Gollifer	Resident	The proposals are satisfactory.	Noted. No amendment proposed.
35	Mrs April Chapman	Resident	The RAMS should also consider the future expansion of recreational establishments alongside housing.	The SPD is related only to those recreational impacts resulting from residential development identified through the LPAs' Local Plan HRA/AAs. Any Habitat Site mitigation associated with other types of development (e.g. retail, education, business) would be considered at individual planning application stage by the relevant LPA. No amendment proposed.
36	Mrs Linda Findlay	Resident	Restore Oyster reefs alongside emerging coastal wind turbines.	The SPD is related only to those recreational impacts resulting from residential development identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.
37	Mr Barrie	Resident	No, looks good and sensible.	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
38	Ellis Mr David Evans	Resident	Hamford Water is a man-made environment and does not fall under the EC Habitats Directive. Protection also needs to be attributed to other wildlife such as shellfish and sea mammals.	The Essex Coast RAMS SPD relates only to the effects on Habitats Sites (as defined) which are designated on the Essex Coast in relation to birds. This includes the Hamford Water SPA and Ramsar. No amendment proposed.
39	Mrs Susie Jenkins	Brightlingsea Nature Network	There is not enough focus on situations where mitigation is not possible, too much focus on accommodating development. I find the way this statement has been used misleading "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. " My understanding of the precautionary approach is well described here by J. Hanson, in Encyclopaedia of the Anthropocene, 2018, "The process of applying the Precautionary Principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action." No action has to be a clear option available to LPA's to enable them to properly consider the genuine disturbance avoidance of vulnerable and valuable habitats.	Alternative means would only need to be considered in Stage 3 of the HRA process of the LPA's Local Plans. Stage 2 of that process (AA) considers that mitigation is possible to ensure that development proposals would not have any in-combination recreational effects on the Essex Coast's Habitats Sites. As such there was no need for any of the Local Plans to progress to Stage 3 of the HRA process and the RAMS follows the process of the Stage 2 determinations / recommendations. No amendment proposed.
40	Councillor Frank Belgrove	Alresford Parish Council	At this stage in the document the actual "mitigation measures" are not clearly defined. "Alternative means" - needs to be defined.	Section 4.1 details the planned mitigation to be implemented as part of the Essex Coast RAMS. Alternative means would only need to be considered in Stage 3 of the HRA process of the LPA's Local Plans. Stage 2 of that process (AA) considers that mitigation is possible to ensure that development proposals would not have any in-combination recreational effects on the Essex Coast's Habitats

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				Sites. As such there was no need for any of the Local Plans to progress to Stage 3 of the HRA process and the RAMS follows the process of the Stage 2 determinations / recommendations. No amendment proposed.
41	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River Crouch Conservation trust & owner of 1.5 miles of river banks of the crouch	Boat movements are declining. Speed boats should be kept to low speeds to prevent disturbance. Main activity is Autumn Winter and very early spring.	Noted. No amendment proposed.
42	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	Hamford Water area requires the amalgamation of existing organisations managing the area. Hamford Water has seen many signs of degradation: sand dunes at Walton Hall marshes lost, healthy saltmarsh destroyed, Stone Point beach disappeared, cliff erosion, Naze Tower under threat and Walton Navigation channel also threatened.	Noted. The RAMS toolkit states that, for the 'Habitat based measures' Action Area, partnership working may include such organisations as 'Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.' No amendment proposed.
43	Mr John Fletcher	Resident	Wildlife at Hamford Water can be disturbed by boat, despite this the 450 boat Marina has not caused ill-effect on wildlife. Locals do not disturb wildlife, disturbance is caused predominantly by those visiting from out of the area. Coastal Path and Essex Wildlife Centre encourage disturbance, as do dog walkers and general public.	Noted. No amendment proposed.
44	Mr Hugh Toler	Blackwater Wildfowling Association	Paragraph 2.2 – add fishing / bait digging and wildfowling. BWA monitors member activity. Litter and effluent also impacts on designated areas.	An amendment to include fishing / bait digging is proposed.
45	Mr Mark Nowers	RSPB	Paragraph 2.5 – The Outer Thames Estuary SPA should also be included. Impacts will not be limited to terrestrial activities; powered watercrafts will also need to be accounted for.	Natural England initiated the RAMS project and advised on the 10 Essex coastal sites that should be included

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				within this project. The Outer Thames Estuary is included within Table 3.1 of the SPD as 'Thames Estuary and Marshes SPA and Ramsars'. An amendment to include the word 'Outer' is proposed.
46	Mr Gavin Rowsell	Resident	Natural England promoted increased access for public on all foreshores along the Coastal Path. Using this access as a 'land-grab'. RAMS is not seen as fair and uses 'left-wing' principals.	The SPD is related only to those recreational impacts identified through the LPAs' Local Plan HRA/AAs. The RAMS is an evidence-based project and has been produced in conjunction with Natural England. No amendment proposed.
47	Mr Gerry Johnson	Essex Birdwatching Society	In order to reduce disturbance to wildlife: - Dogs should be kept on leads - Fencing should be used to protect ground nesting birds - Signage should be erected to warn walkers to take care in areas of nesting birds	Section 4.1 details the planned mitigation to be implemented as part of the Essex Coast RAMS. No amendment proposed.
48	Mr Bernard Foster	Resident	Online maps should have greater clarity. Both HRA & AA are negative policies. The RAMS project like the NPPF does not carry enough weight to promote areas that would divert footfall from designated areas. More co-operation between LPAs and associated bodies (Highways) would prevent the refusal of mitigation projects. Decisions need to be justified more clearly.	Amendments to replace existing maps with higher resolution images are proposed. The SPD, in conjunction with the RAMS, ensures that mitigation is enshrined / adopted in local policy of all the LPAs. No amendment required.
49	Mr Mark Marshall	Resident	Designated areas need to be protected to prevent irreversible loss.	Noted. No amendment proposed.
50	Mr Tim Woodward	The Country Land & Business Association (CLA)	England Coast Path will increase recreational pressure on the coast by providing access to areas that previously did not. Why should those delivering housing be targeted by the RAMS strategy when a government body is facilitating recreational pressures on the Essex Coast?	The SPD is related only to those recreational impacts identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
51	Parish Clerk for West Horndon Parish Council Kim Harding	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS	Noted. No amendment proposed.
52	Mrs Jenny Clemo	Langford & Ulting Parish Council	Impacts are unable to be mitigated, developments that are predicted to impact should not be granted planning permission.	Each LPA within Essex has a statutory duty to address housing need in their area. The mitigation proposed in the RAMS ensures that 'no significant effect' on the integrity of the Habitats Sites will be realised regarding recreational disturbance. No amendment proposed.
53	Ms Jo Steranka	Resident	<p>RAMS is inadequate to deal with future issues as there are limits to the amount of development that can take place in Essex. There will come a point where further development will have detrimental impact on the quality of the environment. Wildlife is already pressured by inappropriate behaviour; increased visitors will exacerbate these. The habitats are incredibly important as there is so little left across Europe.</p> <p>Essex County Council should provide guidance that restricts recreational development that would act to disturb wildlife populations at the coast, as well as, development that would act to connect undesignated areas to designated sites. Essex County Council should also recognise that continued development will impact on existing international commitments.</p>	The need for the Essex Coast RAMS and the SPD stems from planned growth within the LPAs' adopted or emerging Local Plans. The mitigation proposed in the RAMS ensures that 'no significant effect' on the integrity of the Habitats Sites will be realised regarding recreational disturbance. It is the LPAs that are responsible for preparing, adopting, delivering and implementing the RAMS and the SPD, not Essex County Council (ECC). No amendment proposed.
54	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	<p>Similar strategies endorsed by Natural England are not tried and tested.</p> <p>Paragraph 2.6 – Who is the regulatory body that ensures Habitats Regulations are met? Will NE, RSPB and EWT be statutory consultees on all planning applications?</p> <p>Paragraph 2.13 – Requires strengthening – variable tariff required?</p>	<p>The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.</p> <p>Natural England are the statutory body that ensure the Habitats Regulations</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>Paragraph 2.14 – Independent bodies are not endorsing the strategy. Strategy is a ‘soft’ approach, no code of conduct for water sports clubs currently available. By-laws will require updating as they are not directly related to birds or wildlife. Those caught littering should be fined as part of updated by-laws.</p> <p>Paragraph 2.15 – the tariff charged to developers could be passed to home owners – increasing property prices.</p>	<p>are met, as a consultee for HRA/AA documents. Other bodies are permitted to comment on all live planning applications.</p> <p>A variable tariff has not been supported within the RAMS and SPD as overall ‘in-combination’ effects are not variable and distinguishable across the County.</p> <p>The remit of the RAMS and SPD is to ensure the strategic mitigation package is delivered. No amendment proposed.</p>
55	Ms Beverley McClean	Suffolk Coast & Heaths AONB team	<p>For consistency the following text should be added to the notes section:</p> <p>Special Protection Areas (SPAs) are sites which support rare, vulnerable and migratory birds and are designated under the Birds Directive.</p> <p>Special Areas for Conservation (SACs) are sites which support high-quality habitats and species and are designated under the Habitats Directive.</p>	<p>An amendment to move the glossary to front of the SPD is proposed, with added description explained in footnotes where necessary and newly introduced.</p>
56	Mr Michael Hand	Campaign to Protect Rural England - Essex Branch	<p>The importance of the Essex coastline for wildlife - as evidenced by the extent of designated Habitats Sites - cannot be over emphasised. CPRE very much supports the strategic approach to mitigation measures outlined in this section - not least, for the consistent, pragmatic and fair process which it provides. The provisions of the SPD need to be implementable and effective and this combined approach creates the robust framework to achieve the objectives of RAMS.</p>	<p>Noted. No amendment proposed.</p>
57	Mrs Cecilia Dickinson	Resident	<p>I don't like this format - section by section - my comments are general.</p>	<p>Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.</p>

Section 3 – Scope of the SPD

Table 5 – Section Three: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	Do not build so many homes.	All of the LPAs have a statutory requirement to plan for new housing growth. How this is achieved is set out in Local Plans. The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. No amendment proposed.
2	Mrs Aileen Cockshott	Resident	Tourist accommodation and caravan parks should be within scope.	The effects and subsequent mitigation of tourist related development proposals will be considered on a case by case basis. Section 3.9 of the SPD states that, 'tourist accommodation, may be likely to have significant effects on protected habitat sites related to recreational pressure and will in such cases need to be subject of an Appropriate Assessment as part of the Habitats Regulation.' No amendment proposed.
3	Mrs Amy Gardener-Carr	Resident	Instead of building properties, fence this land off and make them sanctuaries.	All of the LPAs have a statutory requirement to plan for new housing growth. The RAMS SPD does not propose new development. The mitigation proposed within the RAMS focuses on raising awareness of issues at the coast and to foster

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				positive behaviours. No amendment proposed.
4	Mr Bob TYRRELL	West Bergholt Parish Council	Fully agree.	Noted. No amendment proposed.
5	Mrs Julie Waldie	Resident	Sounds fair.	Noted. No amendment proposed.
6	Mr Terry Newton	Resident	How do you collect post code data from visitors? If property has not been built on these sites, then no data will be available yet. Could it also be that a small number of visitors to the coastal areas of concern are the same repeat visitors, and that the majority of local residents never, or rarely visit most of the coast.	Survey data was collected from the general public who visited the coast prior to the new development to best understand where visitors come from and are likely to come from in the future. The Zones of Influence were then calculated to determine what areas would be required to contribute the RAMS tariff to provide strategic mitigation across Essex. No amendment proposed.
7	Mrs Angela Harbottle	Resident	I agree with the measures outlined.	Noted. No amendment proposed.
8	Mr David Kennedy	Resident	The tariff should apply to commercial development as well.	The SPD is related only to recreational impacts identified through the LPAs' Local Plan HRA/AAs and as a result of recreational effects caused by new housing. Other effects on Habitats Sites from commercial development will be considered through individual project-level HRA/AAs, if such assessment is required. No amendment proposed.
9	Mr	Resident	This all seems very sensible.	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Charles Joynson			
10	Mrs Mary Drury	Resident	<p>Maldon riverside is becoming a commercial venue- a mock attempt at a seaside, as easy to drive to but it is spoilt along the Prom now and charging for a huge car park is not being returned to improve anything in the way of doing anything to help the wildlife.</p> <p>Hullbridge riverside has many birds but as each new development takes out more hedges and trees where do they go? The once narrow Hullbridge riverside path is now cut right back for public access and tall grass edges mown and that is along a natural riverside walk - why?</p>	<p>The need for the Essex Coast RAMS and the SPD stems from planned residential growth within the LPAs' adopted or emerging Local Plans. Other forms of mitigation addressing effects on other designations across Essex are not within the specific scope of the SPD.</p> <p>No amendment proposed.</p>
11	Mrs Alwine Jarvis	Resident	<p>Mitigation package costs should be split across entire borough – including existing households. Free parking for local residents – paid parking for those visiting from afar.</p>	<p>The Essex Coast RAMS SPD is applicable within the Zone of Influence only and the tariff cannot be retroactively applied to consented / existing development. The SPD sets out a tariff that will be used to fund mitigation related to 'in-combination' recreational effects relevant to planned growth in Essex. Car parking charges are a matter for individual LPAs and landowners. Local residents should be encouraged to walk or cycle to the coast. No amendment proposed.</p>
12	Mr Matt Eva	Resident	<p>The Zone of Influence for Southend and Crouch/Roach estuaries seem too small.</p>	<p>The Essex Coast RAMS Zones of Influence are based upon data collected through visitor surveys approved by Natural England. No amendment proposed.</p>
13	Mrs Jane Rigler	Resident	<p>Why is the measurement in kilometres - we still use miles in the UK so I think it should be changed.</p>	<p>An amendment is proposed to include both kilometres and metres within the SPD.</p>
14	Ms Caroline	Brightlingsea village councillor	<p>Distance boundaries should be extended.</p>	<p>The Essex Coast RAMS Zones of Influence are based upon data</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Macgregor			collected through visitor surveys approved by Natural England. No amendment proposed.
15	Mr Peter Dervin	Resident	People should at every stage be the number one consideration, while we have people living on the streets and sofa surfing, and a lack of care for the elderly and disabled sorry but wildlife has to come second.	The SPD and RAMS ensures that residential development schemes within the Zone of Influence can come forward with an assurance that there will be no significant in-combination recreational effects on Habitats Sites on the Essex Coast. No amendment proposed.
16	Mr Brian Jones	Resident	Ok.	Noted. No amendment proposed.
17	Mr Andrew Whiteley	Resident	No mention of improved infrastructure. Essex roads trains and buses are already stretched and that's without the impact on social services.	The SPD is related only to those in-combination recreational effects identified through the LPAs' Local Plan and infrastructure delivery plans. No amendment proposed.
18	Mrs Angela McQuade	Resident	Regulations should be upheld in all cases.	The SPD provides the robust framework for ensuring the regulations are upheld. Noted. No amendment proposed.
19	Mr Peter Bates	Resident	Zone of Influence for both Benfleet and Southend Marshes and Thames Estuary and Marshes should be larger. Commercial development should also be considered within the RAMS.	The Essex Coast RAMS Zones of Influence are based upon data collected through visitor surveys approved by Natural England. Other effects on Habitats Sites from commercial development will be considered through individual project-level HRA/AAs, if such assessment is required. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
20	Mr Stephen Ashdown	Resident	Should include Hanningfield reservoir as this also supports wildlife relevant to this document and has the same pressures as this discussed in the subject matter.	The Essex Coast RAMS SPD relates only to the effects on Habitats Sites (as defined) which are designated on the Essex Coast in relation to birds. No amendment proposed.
21	Mr Graham Womack	Resident	With regards to para 3.10. What happens if outline permission has already been granted (without consideration of RAMS). Will it become compulsory to add it to the subsequent full application?	The SPD proposes that if in-combination recreational effects have been suitably addressed at the outline stage, in the form of mitigation, then the tariff would not apply at the reserved matters stage. If such effects have not been addressed of individual proposals at the outline stage, then the tariff would be applicable to that proposal at the reserved matters stage. No amendment proposed.
22	Mrs Joanna Thornicroft	Resident	Visitors to Essex Coast are not just residents, general public from all over the country visit also.	The SPD is related only to those in-combination recreational effects identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.
23	Mr Mark East	Resident	Why do the Zone of Influence distances vary greatly? How were the Zones of Influences calculated from visitor surveys?	The Essex Coast RAMS Zones of Influence are based upon data collected through visitor surveys, such as postcode data of visitors. This exercise helps to determine where and how far residents will travel to the Essex Coast, and has been approved by Natural England. No amendment proposed.
24	Mrs Michelle Endsor	Resident	The wetland areas along The River Crouch also makes the village of Great Stambridge and surrounding areas a flood plain which is at risk of extreme flooding approx. every 50-100 years. Whilst we take this into consideration when insuring our properties and	The SPD is related only to those in-combination recreational effects identified through the LPAs' Local Plan HRA/AAs. Issues raised relate to the distribution of new development and

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>are lucky enough to be surrounded by farmers who will "double ditch" when the rain levels increase, to consider build housing in areas of flood seems completely irresponsible. Not to mention that increasing the population in an area with no facilities, no doctors surgery, no bus services, no shops, etc ensures that roads that were not built to take large amounts of traffic are stretched to the limit as road travel is the only way to access work and necessities for a larger populous.</p> <p>That larger populous and their road travel, as well as visitor influx will again only serve to disrupt the wildlife population further.</p> <p>As residents of long standing that have been witness to the wildlife decline in this area over the last 3 generations, we cannot object enough to any development of the wetland areas.</p>	<p>supporting infrastructure as matters for Local Plans. This includes the possible impacts on and mitigations for flooding. No amendment proposed.</p>
25	Mrs Linda Findlay	Resident	<p>More emphasis on environmental impact in the long term. Infrastructure must come before greater demand is generated.</p>	<p>The SPD is related only to those in-combination recreational effects identified through the LPAs' Local Plan HRA/AAs. The impact of the RAMS will be regularly monitored. Infrastructure to support new housing growth is a matter for Local Plans. No amendment proposed.</p>
26	Mr David Evans	Resident	<p>There are significant and important other Statutory Bodies with strong legal and commercial interests in Hamford Water - Harwich Harbour Authority, who has control over the navigation and collect Port Dues for shipping movements to Bramble Island; Crown Estates, who own most of Hamford Water below the low tide level.</p>	<p>Noted. Joint working arrangements can be acted upon by the Delivery Officer. No amendment proposed.</p>
27	Mrs Susie Jenkins	Brightlingsea Nature Network	<p>Please include the point that certain habitats cannot be mitigated against and are too valuable to have building close by which will increase the disturbance.</p> <p>There should be clear provision and targets to leave some habitat entirely undisturbed.</p>	<p>The Essex Coast RAMS SPD relates only to the effects on Habitats Sites (as defined) which are designated on the Essex Coast. Under the Habitats Regulations each development proposal will need a project-level HRA. This is still the case for proposals within the Zone of Influence, and any resultant AA will set out</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				recommendations to mitigate effects that are directly related to the proposal. No amendment proposed.
28	Councillor Frank Belgrove	Alresford Parish Council	This section is well written and explores the practicalities.	Noted. No amendment proposed.
29	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River Crouch Conservation trust. owner of 1.5 miles of river banks of the crouch	Yes, S.E. Essex, is now past breaking point with the recent addition of new dwellings. Release all farmland around London, say a radius of 8 miles. This also would mean less journey times.	Locational criteria for development are a matter for Local Plans and development management at the LPA level and not within the scope or remit of the RAMS or SPD. No amendment proposed.
30	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	Increase the Zone of Influence to include boroughs of London due to weekend visitors to areas of the Essex Coast. The only possible way Recreational disturbance Avoidance can be applied is to control the number of dwellings permitted in designated areas.	The SPD is related only to those in-combination recreational effects identified through the LPAs' Local Plan HRA/AAs. The Zoi were informed by visitor surveys. No amendment proposed.
31	Mr John Fletcher	Resident	A very unfair and totally unnecessary 'tax'.	The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. The tariff is 'evidence based' and has been calculated by dividing the cost of the RAMS mitigation package by the number of dwellings (housing growth) proposed in LPA Local Plans. The tariff is paid by developers of new houses, not

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				residents, and as a one-off payment. It is not a tax. No amendment proposed.
32	Mr Hugh Toler	Blackwater Wildfowlers Association	The BWA is not planning any building work within the RAMS Zone of Influences. Predatory species such as foxes thrive in urban areas, potentially increasing pressure on ground nesting birds.	Noted. No amendment proposed.
33	Mr Mark Nowers	RSPB	3.4 The Outer Thames Estuary SPA should be added here. Paragraph 2.2 above sets out the coast is "a major destination for recreational use such as walking, sailing, bird-watching, jet skiing and dog walking."	The Outer Thames Estuary is included within Table 3.1 of the SPD as 'Thames Estuary and Marshes SPA and Ramsars'. An amendment to include the word 'Outer' is proposed.
34	Mr Stephen Tower	Resident	No residential housing should be built around this area as it is vital to protect the region and its wildlife. How about using housing that is not currently being used?	Under the Habitats Regulations each development proposal will need a project-level HRA. This is still the case for proposals within the Zone of Influence, and any resultant AA will set our recommendations to mitigate effects that are directly related to the proposal. New housing growth is a matter for Local Plans. No amendment proposed.
35	Mrs Angela Faulds	Brentwood and Chelmsford Green Party	We feel the zones of influence are understated.	The Essex Coast RAMS Zones of Influence are based upon data collected through visitor surveys approved by Natural England. No amendment proposed.
36	Mr Bernard Foster	Resident	<p>It is being recognised more and more that the changes to where people live along with other publicity has started to change the way many residents are behaving. In some areas it has already changed the way councils are looking at housing design, road design and development.</p> <p>In these areas, roads are only built where they are needed to feed residents' requirements and earlier designations no longer directly feeding dwellings are changed to paths and cycle ways to develop green links between areas. This is not only important so as to encourage healthier life</p>	Noted. These issues relate Local Plans rather than specifically to this SPD. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>styles as designated in the NPPF but to give an acceptable alternative to paths within the Ramsar or SPA areas which do not currently exist for the many cyclists, horse riders and strollers within the various communities.</p> <p>This will not happen by chance it needs the legislation adjusted to give greater backing to PLA and Parish councils who understand what is needed for their areas.</p>	
37	Mr Tim Woodward	The Country Land & Business Association (CLA)	<p>CLA members in the areas and zones of influence covered by the SPD may be considering small-scale residential developments on their land, and others may be considering setting up tourism enterprises. These enterprises will provide employment opportunities and will make a valuable contribution to the rural economy. Housing developments on our members' land will help the Government and local authorities to meet housing targets and may include low-cost "starter" units on rural exception sites.</p> <p>These projects will be affected by the financial contributions proposed, when combined with any Community Infrastructure Levy (CIL) contributions additionally levied.</p>	The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from an increase in population associated with housing growth. This includes both allocations in the LPAs' Local Plans and also non-allocated growth that may come forward within plan-periods. No amendment proposed.
38	Mr Steven Smith	Comments offered on behalf of: Lower Farm, East End Green, Brightlingsea	<p>In line with the NPPF and Local Plan Policy the definition of exclusions within Table 3.2: Planning Use Classes covered by the Essex Coast RAMS, under the Sui Generis Planning Class should be amended to clarify that it applies to: leisure and tourism facilities:</p> <p>Amend: - Residential caravan sites (excludes holiday caravans and campsites) To: - Residential caravan sites (excludes leisure and tourism facilities)</p> <p>In addition, para 3.9 of the SPD states that "... tourism accommodation, may be likely to have significant effects on protected habitat sites related to recreational pressure ...". It is proposed that this should be amended to: "... tourism accommodation, could potentially effect protected habitat sites related to recreational pressure ..."</p>	<p>The SPD wording regarding residential caravan sites reflects the permanency of residents, with those associated with tourism (holiday caravans and campsites) being subject to consideration on a case-by-case basis.</p> <p>The wording 'may be likely to have significant effects' is specifically in line with the wording of the Habitats Regulations, and in reference to the test in those regulations to assess 'likely significant effects'. No amendment proposed.</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			It is recognised that any contribution that may result from an Appropriate Assessment of leisure and tourism facilities would be assessed on a "case by case basis" (clarified within footnote *** of Table 3.2). However, the level of contribution should be benchmarked and clarified within the SPD i.e. £5 per facility/unit (similar to an all-day parking fee at an Essex Wildlife Trust site), or in line with the Tourism Sector Deal (November 2018) local Environmental and Tourism Trust Funds could be set up between a developer/operator and the relevant District Authority whereby a contribution of £1 per tourist per day is paid to support the management of the specific habitat site that may be affected by the development.	Regarding the extent of the tariff that may be applicable to tourist related development, it would be inappropriate to benchmark this per unit, as the level of recreational effect may vary from proposal to proposal. No amendment proposed.
39	Parish Clerk for West Horndon Parish Council Kim Harding	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS.	Noted. No amendment proposed.
40	Mrs Jenny Clemo	Langford & Ulting Parish Council	Support the approach.	Noted. No amendment proposed.
41	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	<p>3.6 A case could be made for new large business units over a certain square footage contributing to the mitigation strategy here. Large corporate companies, such as Amazon, could help cover the cost of their environmental impact.</p> <p>3.9 Tourist accommodation: To stop people flying, we need to encourage "stay locations", Many small businesses like family run B&B's will probably not be able to succeed financially if a tariff or tax for the strategy was imposed on them. Again, larger, corporate entities such as hotel chains need to carry the cost if this is going to be looked at.</p> <p>3.10 We already have experience where HRA's have not been completed as part of REM Planning Application where the original outline application is over 2 years old. How will parallel or twin tracked applications be dealt with that exist under 1 OUT application?</p>	<p>The SPD is related only to those recreational effects identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.</p> <p>Any tariff imposed on tourist related development would not be retroactively sought, and will apply only to new development proposals No amendment proposed.</p> <p>The tariff will be imposed to those proposals at the reserved matters stage that have not considered</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				recreational effects at the outline stage. No amendment proposed.
42	Ms Beverley McClean	Suffolk Coast & Heaths AONB team	<p>The scope of the RAMS SPD is considered appropriate. The AONB team agrees with the Use Classes and the types of developments that will be subject to a RAMS tariff.</p> <p>Paragraph 3.7 of the SPD could be more explicit and state that proposals for single dwellings will be subject to a RAMS tariff.</p>	Noted. An amendment introducing additional clarification within Paragraph 3.7 is proposed.
43	Mr Michael Hand	Campaign to Protect Rural England - Essex Branch	<p>This is a key section of the SPD because it identifies where the RAMS is applicable. The Zones of Influence (Zone of Influence) map is critical. It attempts to show the sphere of influence - based on the postcode of coastal visitors - as roughly concentric circles. The result is nonsensical in that up to 40-50% of some of the Zones is North Sea. A methodology which centres a Zone of Influence on a designated Habitats site is therefore flawed. Instead the Zone should reflect the fact that many visitors come from without a tight circular catchment, often living in major centres of population and close to the main highway network. Linear Zones therefore stretch beyond the immediate local catchment area. In this respect, there is no indication as to how the Zones are defined - i.e. the proportion of total visitor numbers and from which postcodes.</p> <p>This is exemplified by the influence of the main sailing centres - notably on the Stour and Blackwater estuaries but also elsewhere - where considerable numbers of boat owners (regular visitors) live much further afield. Also, this approach results in high proportions of certain Zone of Influences stretching outside of Essex and there is no indication of the existence or relationship with similar SPDs adopted by the appropriate Suffolk and Kent local authorities.</p> <p>CPRE supports the range of applications, schemes and Use Classes covered by the SPD. However, given the potential for significant and higher impact from proposals for tourist accommodation, suggests there should be more explicit guidance in the SPD as to how LPAs would make "a different assessment of effects".</p>	The Essex Coast RAMS project and associated methodology has been recognised and approved by Natural England. The methodology that determined the Zones of influence was also approved by NE. The Essex Coast RAMS is also only concerned with recreational pressures arising as a result of proposed development found within emerging and adopted Local Plans. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
44	Mrs Cecilia Dickinson	Resident	I do not like this format - section by section.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.

Section Four - Mitigation

Table 6 – Section Four: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	The per tariff detail seems somewhat irrelevant when I have no idea how much money this will generate per annum and how much money is actually needed per annum.	The mitigation package has been calculated based upon the period of March 2019-2038. Details of this can be found in Section 4.3 which details the overall cost. The RAMS itself includes phasing details of Local Plan housing allocations, and the tariff will be collected for these dwellings. Therefore, the money collected per annum reflects housing growth directly. No amendment proposed.
2	Magister Debbie Bryce	Landlord	<p>The Essex Coast cannot be 'recreated', 'moved elsewhere' or 'compensated for'.</p> <p>Birds do not Need People visiting and disturbing them. You should therefore not do anything that would cause this. One example is to build more houses such that this will happen. It's a simply point of logic.</p> <p>A tariff is no use to birds. You have stated that their Survival depends on preserving their Environment and not disturbing them. How does a 'tariff' assist that?</p> <p>Your reasoning is faulty. Clearly there is conflict in what you say. You cannot mitigate the effects of disturbance. Especially not with money.</p>	Each LPA within Essex has a statutory duty to address housing need in a way that will not cause significant effects on Habitats Sites. The RAMS and SPD ensures that this can be done. No amendment proposed.

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			If, as you say, you want to Prevent disturbance to European bird sites, do not create more disturbance by recreation, housing or anything else. You are kidding yourselves if you think you can have your cake and eat it.	
3	Mrs Frances Coulson	Resident	Seems a small financial contribution so long as developers can't fiddle their way out of it as they seem to with social housing commitments.	Section 4.8 of the SPD sets out that if the tariff is not paid on qualifying proposals, then alternative mitigation, agreed by Natural England, would be required or planning permission would not be given. No amendment proposed.
4	Mrs Amy Gardener-Carr	Resident	Make more actuaries for wildlife.	Noted. No amendment proposed.
5	Mr Bob Tyrrell	West Bergholt Parish Council	The proposals seem reasonable.	Noted. No amendment proposed.
6	Mrs Julie Waldie	Resident	I'm glad the developers will foot the bill, sounds right to me.	Noted. No amendment proposed.
7	Mr Terry Newton	Resident	Without doing the sums this figure of 9 million pounds seems a bit vague, as there seems a lot of unknown variables. Which are not easy to quantify. Am I right in thinking that this is an annual payment by each household? Also, that the property must be a future build within certain designated zones?	The Essex Coast RAMS tariff is a one-off cost that applies to residential developments within the Zone of Influence when they are consented. No amendment proposed.
8	Mr Brian Mills	Resident	I see no mention of actual measures to enforce the requirement -- money will not always correct a poor situation.	Section 4.8 of the SPD sets out that if the tariff is not paid on qualifying proposals, then alternative mitigation, agreed by Natural England, would be required or planning permission would not be given. No amendment proposed.

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9	Mrs Linda Samuels	Resident	Are the contributions compulsory? What will be consequences of non-payment?	Section 4.8 of the SPD sets out that if the tariff is not paid on qualifying proposals, then alternative mitigation, agreed by Natural England, would be required or planning permission would not be given. No amendment proposed.
10	Mr David Kennedy	Resident	Should apply to commercial development also.	The SPD is related only to recreational impacts identified through the LPAs' Local Plan HRA/AAs and as a result of recreational effects. Other effects on Habitats Sites from commercial development will be considered through individual project-level HRA/AAs, if such assessment is required. No amendment proposed.
11	Mr Charles Joynson	Resident	The fact that there may be other site-specific mitigation requirements in respect of Habitats sites and ecology gives me some hope that effective mitigation can be implemented. I still suspect the cash contribution for each dwelling will be far too low.	The Essex Coast RAMS SPD sets out a tariff that has been calculated using the projected costs of mitigating the effects of 'in-combination' recreational effects only. Other types of effect can be expected to be mitigated in other ways. No amendment proposed.
12	Mr John McCallum	Resident	You cannot mitigate for loss of wildlife habitat. I fundamentally disagree that there should be any permitted development in protected zones.	The Essex Coast RAMS SPD addresses development within the defined Zones of Influence. Each LPA within Essex has a statutory duty to address housing need in their area. No amendment proposed.
13	Mrs Mary Drury	Resident	Money will not fix the problem - it is care of natural places. ALL roads should be made with tunnels for animals to cross and ALL new developments should have to leave wild verges and hedges and trees. Destroying old hedges/trees should be banned, as it takes a whole generation - 50 years to grow a mature tree. Tariffs of £100,000,000 will	The SPD is related only to those recreational effects identified through the LPAs' Local Plan HRA/AAs. The tariff provides the funding to take mitigation measures to address the

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			not fix up a river overnight and meanwhile the animals look for homes to breed where theirs have been destroyed.	impacts of increased visitors to the coastal areas. No amendment proposed.
14	Mrs Joanna Spencer	Resident	The Section 106 agreement, is this based on the 106 that was agreed with the council and Southend Airport?	Section 106 is a mechanism to secure infrastructure or funding to address the impacts of new development. The Section 106 agreement for Southend Airport is a separate matter. No amendment proposed.
15	Mr Matt Eva	Resident	Need to think about unintended consequences. Will this lead to greater development just outside of the proposed Zone of Influence - which will impact the habitats but lead to no revenue for the mitigations.	The SPD is related only to those recreational impacts identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.
16	Ms Caroline Macgregor	Brightlingsea village councillor	Mitigation costs should be vastly increased and also be required to produce sustainable zero carbon foot print buildings to increase protection of areas.	The Essex Coast RAMS SPD sets out a tariff that has been calculated by identifying the costs of mitigation required to address planned housing growth within the LPA's adopted or emerging Local Plans. No amendment proposed.
17	Mr Christopher Marten	Resident	Placing a tax on developers to dissuade them from submitting an application is not a solution in my view. It is not possible to enforce any of these statutes, people cannot be trusted to obey the law. Existing laws are broken on a daily basis, adding new ones would only make policing them more difficult.	Section 4.8 of the SPD sets out that if the tariff is not paid on qualifying proposals, then alternative mitigation, agreed by Natural England, would be required or planning permission would not be given. The tariff is not designed to dissuade applications, but to ensure that funding is in place to address the impacts of increased visitors to the Essex coastal area. No amendment proposed.
18	Cllr Malcolm Fincken	Halstead, Hedingham and	We agree with these proposals.	Noted. No amendment proposed.

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		District Branch Labour Party		
19	Mr Peter Dervin	Resident	The mitigation payments should be ring fenced towards care for people not wildlife. The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. Pure madness to add an additional payment to developers that isn't people-centred.	The SPD is related only to those recreational impacts identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.
20	Mr Alan Lycett	Resident	Tariffs should be progressive so that larger properties pay more. Perhaps charge by number of bedrooms?	The Essex Coast RAMS SPD sets out a tariff that has been calculated using the projected costs of mitigation and planned housing growth contained within the LPA's adopted or emerging Local Plans. No amendment proposed.
21	Mr Brian Jones	Resident	OK.	Noted. No amendment proposed.
22	Mr Aubrey Cornell	Resident	Increase the tariff significantly in order to deter the initiation of such developments close to these sites.	The Essex Coast RAMS SPD sets out a tariff that has been calculated by identifying the costs of mitigation required to address planned housing growth within the LPA's adopted or emerging Local Plans. No amendment proposed.
23	Mr Andrew Whiteley	Resident	No mention of improved infrastructure. Essex roads trains and buses are already stretched and that's without the impact on social services.	The SPD is related only to those in-combination recreational effects identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.
24	Mrs Angela McQuade	Resident	Payment is not enough.	The Essex Coast RAMS SPD sets out a tariff that has been calculated by identifying the costs of mitigation required to address planned housing growth within the LPA's adopted or

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				emerging Local Plans. No amendment proposed.
25	Mr Peter Bates	Resident	Essential to ensure that all financial contributions [including for part-projects] meet all costs identified and that they are paid BEFORE commencement of the work [or stage of project], and that all funds are held securely and that they are USED IN THE LOCAL COMMUNITY DIRECTLY AFFECTED and not in other locations. Funding should only be used for physical measures, not legal advice, administration etc.	The tariff will need to be paid before the commencement of the development in all cases. As effects are related to housing growth in the entirety of the Zone of Influence, mitigation will be limited to within the Zone of Influence as appropriate. No amendment proposed.
26	Mr Stephen Ashdown	Resident	Developers of larger sites must as well as paying levies make suitable arrangements to integrate the disturbed wildlife. Examples being tunnels under roadways, extra plantations of hedgerows/trees. Or sponsorship of a suitable wildlife scheme developed for that zone.	The on-site requirements of large scale housing development proposals are not within the remit of the RAMS or SPD and will be identified through project-level HRA/AAs. Developers of strategic sites are encouraged to engage with the relevant LPA for specific guidance on what is considered appropriate. No amendment proposed.
27	Mr Graham Womack	Resident	<p>I support the concept of requiring the payments to be made at the start of a development phase.</p> <p>I have reviewed several planning documents over the past 12 months. I cannot recall having seen any specific reference to the tariff that is now being proposed.</p> <p>How will the tariff funding be allocated to mitigation work. Who will ensure that the relevant funds are only allocated to RAMS mitigation, and not to other local projects? I can recall several instances where local councils have proposed uses for S106 monies, only to be told that the funds are no longer available.</p>	The SPD, once adopted, will form a planning document that sets out the implications of the RAMS for developers. The Essex Coast RAMS mitigation will be managed by a dedicated RAMS Delivery Officer who will liaise with each LPA's own monitoring officers. Mitigation will be delivered at a strategic level ensuring it is applied to mitigate the effects of housing growth. No amendment proposed.
28	Mr Michael	Resident	This seems reasonable.	Noted. No amendment proposed.

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	Blackwell			
29	Mrs Joanna Thornicroft	Resident	I think the tariff is too low. I also have concerns that the buyer actually ends up paying this. I would prefer to see more ecological building material and a focus on sustainability for houses within these zones. If you want to live near a beautiful place that attracts wildlife, then your property and lifestyle shouldn't cause damage. A one-off fee for a house that will last hundreds of years seems pretty insignificant in the great scheme of things. Could building limits be considered? I do agree that something should be put in place	The Essex Coast RAMS SPD sets out a tariff that has been calculated using the projected costs of mitigation and planned housing growth contained within the LPA's adopted or emerging Local Plans. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
30	Councillor Richard van Dulken	Braintree District Council	I question the acceptability of Section 106 monies generated in Braintree, for instance, being used 20 or 30 miles away for totally unconnected purposes.	The Essex Coast RAMS aims to deliver a strategic approach to mitigation that was recommended within each LPAs' Local Plan HRA/AA, including that of Braintree District Council. Zones of Influence were based upon visitor surveys conducted to determine the distance at which visitors can be expected from new development. The collection of the tariff does not prejudice investment in infrastructure by developers in the locality of the new development. No amendment proposed.
31	Mr Mark East	Resident	The tariff is a drop in the ocean against the margin of profit for developers. The document implies that it is avoiding harm, but it is in fact fast tracking planning applications which are the source of harm. It is inconceivable that the provision of a small green space will deter residents from visiting the sites. Is there any scientific evidence or survey to objectively demonstrate any notable change of movement away from visiting SPA/Ramsar sites when green space is provided?	The SPD is related only to those in-combination recreational impacts identified through the LPAs' Local Plan HRA/AAs. It can be expected that other mitigation requirements and contributions will be expected of developments, to address other effects on Habitats Sites identified within project-level HRA/AAs. No amendment proposed.

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32	Mrs Michelle Endsor	Resident	<p>As previous stated, these factors are speculative and unproven. Once these "mitigations" fail, which with the delicate wildlife balance in this area, we have no doubt they will, it is too late, and we have lost valuable breeding areas for future generations.</p> <p>It is also stipulated that payments will be charged to fund this gamble with our native wildlife but there is never any guarantee that these monies will not at some point in the future be absorbed into other projects that are deemed more relevant to the climate of the time. The same happened with the funds from council house sales with very little being ploughed back in to finance new social housing at the time. There is always a cause considered more important down the road but in this case, unsuccessful mitigation and cuts in future funding, could see the devastation of our wetland wildlife, something which can never be rectified.</p>	The Essex Coast RAMS toolkit (Table 4.1 of the SPD) sets out monitoring arrangements, amounting to 'birds and visitor surveys, including a review of the effectiveness of mitigation measures.' The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. No amendment proposed.
33	Mrs Linda Findlay	Resident	<p>This must be actioned before development takes place.</p> <p>Too often developers try to reduce their section 106 agreements having built the most profitable part of the development. E.g. reducing number of "Affordable" housing or finding reasons why agreed access changes aren't practical.</p> <p>There need to be realistic penalties for later alterations that reflect loss to the community at large. Too often renegeing on commitment remains more profitable, which should never be the case.</p> <p>Use local, possibly smaller, companies to develop housing, as these have more stake in the local environment and have a more transparent reputation</p>	Section 4.8 of the SPD sets out that if the tariff is not paid on qualifying proposals, and alternative bespoke mitigation is not forthcoming (and agreed as suitable by Natural England) then planning permission would not be given. The tariff will need to be paid before the commencement of the development in all cases. No amendment proposed.
34	Mr David Evans	Resident	<p>The whole basis of how this income from a tax on new development is to be spent seems skewed to provide resources for semi-police activities and restrictions on human activity.</p> <p>Hamford Water has managed itself and the wildlife present to a very high</p>	The Essex Coast RAMS SPD relates only to the effects on Habitats Sites (as defined) which are designated on the Essex Coast. The tariff is proposed to fund a RAMS Delivery Officer and Rangers to address recreational

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			<p>standard, without draconian legal powers and without constant surveillance.</p> <p>The Hamford Water Management Committee, upon which all statutory bodies, TDC, Essex CC, EA, users of the area, Yacht Clubs, the Royal Yachting Association, Wildfowlers, Riparian Landowners, Marinas plus all the various commercial interests are all members of this organisation and which supervises the area at NIL cost the anyone except those organisations that willingly contribute, has not been mentioned once in the RAMS documentation.</p>	<p>impacts identified through the LPA's Local Plan HRA/AAs, but not to impose restrictions beyond these specific effects. No amendment proposed.</p>
35	Mrs Dawn Afriyie	Resident	<p>Essex is already overpopulated, the road network is in a dire state, the sewer systems are old and falling apart, more housing is not needed in Essex, coastal and non-coastal.</p> <p>Our wildlife must be preserved at all costs. How many more natural habitats must be destroyed before Essex council stops building.</p>	<p>The SPD is related only to those recreational impacts identified through the LPAs' Local Plan HRA/AAs. Each LPA within Essex has a statutory duty to address housing need in a way that will not cause significant effects on Habitats Sites. It is the LPAs who are responsible for determining development proposals and delivering and implementing the RAMS and SPD, not ECC. No amendment proposed.</p>
36	Mrs Karen Hawkes	South Woodham Ferrers Town Council	<p>Bullet point 4 states "Information on alternative sites for recreation". Whilst it is appreciated that the area needs to be protected the preferred message should be with information signage and alternative routes within the same location. This would also support tourism in the area and encourage sustainability and health benefits: if visitors are being sent to alternative locations this would result in increased motor vehicle usage; visitors may be less likely to visit the site which would affect their health and wellbeing.</p> <p>Bullet point 6 "Interpretation and signage" Members would welcome universal / uniform signage throughout all the Essex Coastal Habitats. This would assist visitors when visiting other sites as the signage format would be recognisable which would aid enforcement as visitors would be</p>	<p>The message regarding 'alternative sites for recreation' can be expected to apply to future trips for recreation.</p> <p>Noted. Comments regarding uniform signage and additional stakeholders in the partnership organisation can be acted upon by the Delivery Officer, once appointed. The project has the brand: Bird Aware Essex Coast, which Bird Aware Solent is seeking to extend around the country. No amendment proposed.</p>

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			<p>familiar with the signage.</p> <p>P12 Action Area Table Members would request that relevant Town and Parish Council are detailed as partnership organisation.</p> <p>P13 Budget and Appendix 1 Strategic Mitigation. Whilst members are supportive of the Action Areas identified, there are concerns as to whether they are deliverable within the budget identified. Mitigation package is £8,916,448 from March 2019 – 2038. Members suggest that the toolkit needs revisiting to ensure that the projects can be delivered within the budget available. They also identified that there is excessive funding on personnel and enforcement and insufficient funding on the delivery of actual projects.</p> <p>Members are also concerned that the type of projects proposed are already being delivered by other stakeholders and that this is an unnecessary duplication of work.</p> <p>P15 Schemes under 10 dwellings There are concerns that item 4.16 with regard to reasonable costs of completing and checking the agreement is not required and that a more straight forward method would be as a matter of course to charge the £122 a home once the location is identified within a zone as detailed on p7.</p>	<p>The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. The Delivery Officer, once appointed, will engage with key local stakeholders. No amendment proposed.</p> <p>The mitigation package costed within the RAMS responds to new initiatives or resources required only, and similarly the tariff will not be used to pay for any existing initiatives. There will therefore be duplication of projects. No amendment proposed.</p> <p>Some LPA partners do not charge a legal fee for minor applications; however these applicants are required to pay the tariff. No amendment proposed.</p>
37	Mrs Susie Jenkins	Brightlingsea Nature Network	<p>I feel it necessary to recognise that the disturbance of some habitats cannot be mitigated with financial payments. It is not clear under which circumstances this would be the case and is therefore more likely to leave habitats open to disturbance to the integrity of the habitat through a planning system weighted towards mitigation.</p> <p>We need clearer thought translated into understanding of when mitigation is not appropriate.</p>	<p>The SPD is related only to in-combination recreational effects on Habitats Sites as identified within the LPAs' emerging or adopted Local Plan HRA/AAs. Other mitigation on-site will still be required to address effects, as and when identified in project-level HRA/AAs of development proposals. No amendment proposed.</p>

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			Certain areas should be protected from development and disturbance	
38	Mrs Lesley Mitchelmore	Danbury Parish Council	Any costs involved in protecting the Coastal Recreational Areas should be funded by legally binding section 106 agreements with developers without impacting on local councils.	Noted. Coastal Protection Areas are outside the scope of the RAMS. No amendment proposed.
39	Mr Graham Pike	Resident	A flow chart determining your obligations dependent on the developments size would be helpful.	The on-site requirements of large scale housing development proposals are not within the remit of the RAMS or SPD and will be identified through project-level HRA/AAs. No amendment proposed.
40	Councillor Frank Belgrove	Alresford Parish Council	The use of Rangers to enforce / upkeep protected areas is good. In addition, Water Bailiffs could be employed. The £122 levy does seem low as Essex has a long coastline to "police".	The Essex Coast RAMS SPD sets out a tariff that has been calculated using the projected costs of mitigation and planned housing growth contained within the LPA's adopted or emerging Local Plans. No amendment proposed.
41	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River Crouch Conservation trust. owner of 1.5 miles of river banks of the crouch	Planning must not be passed, where new builds increase the lack of ground soak, and will increase flooding to established property in low lying areas	The SPD is related only to in-combination recreational effects on Habitats Sites as identified within the LPAs' emerging or adopted Local Plan HRA/AAs. No amendment proposed.
42	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	This is just another form of tax which will affect the less well off in society. 1. Who will be responsible for the setting of the tax levels? 2. How will the tax be collected 3. How will this tax be used? 4. Who will oversee the administration? 5. It will prove to be very unpopular 6. It will affect the housing market and the national economy	The SPD sets out who is responsible for the setting of the tariff, how it will be collected, how it will be used and who will oversee the administration of the project. No amendment proposed.

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43	Mr John Fletcher	Resident	How do you mitigate? Here we have a superb Warden who is employed by Tendring Council. He is experienced and has been doing the job for many years. He patrols Hamford Water and ensures the rules are not broken. I would have thought you would have understood that birds adapt. Apart from the Boats the Marina has two helicopter landing sights which cause no problems. Incidentally, at Culdrose in Cornwall, the Royal Navy has the largest helicopter base in Europe, and they have to keep Lanner hawks to keep the birds away.	The good work of existing wardens / rangers is recognised, and a key part of the mitigation package is the employment of additional coastal rangers to patrol the area and educate visitors. The SPD is related only to those in-combination recreational impacts identified through the LPAs' Local Plan HRA/AAs. Mitigation is set out in the costed mitigation package included within Appendix 1 of the SPD. No amendment proposed.
44	Councillor Jenny Sandum	Braintree District Council	Anything that can be done to strengthen the requirement to avoid adverse impacts on Habitats sites (e.g. strengthened requirements to retain existing hedges, trees and vegetation) would be extremely well received.	The SPD is related only to in-combination recreational effects on Habitats Sites as identified within the LPAs' emerging or adopted Local Plan HRA/AAs. Other mitigation on-site will still be required to address effects, as and when identified in project-level HRA/AAs of development proposals. No amendment proposed.
45	Mr Gavin Rowsell	Resident	£9 million of tax to be spent on telling people how they shouldn't scare birds... just imagine how much that could help change people's lives for the better if spent on making sure ex-servicemen/women had psychological support, jobs training and housing help, or assisting rape victims of grooming gangs, or a multitude of other social issues.	The Habitat Regulations require likely significant effects on Habitats sites to be mitigated. The SPD is related only to those recreational impacts identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.
46	Mrs Angela Faulds	Brentwood and Chelmsford Green Party	The mitigation amount as a whole, and the amount per dwelling, seem ridiculously small, considering the cost of housing in this area.	The Essex Coast RAMS SPD sets out a tariff that has been calculated using the projected costs of mitigation and planned housing growth contained within the LPA's adopted or emerging Local Plans. Other mitigation on-site will still be required to address effects,

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				as and when identified in project-level HRA/AAs of development proposals. No amendment proposed.
47	Mrs Katherine Kane	Rettendon Parish Council	Rettendon Parish Council supports the tariff to fund mitigation measures.	Noted. No amendment proposed.
48	Mr Bernard Foster	Resident	Before you decide if Tariffs work you have to be clear on your goals. If it is to cover the costs of a scheme to reduce harm, then the tariff system with continuous monitoring may well achieve this. This does by definition mean the acceptance of gradual decline of these areas due to increasing human activity with the certainty but hopefully rare occurrence of serious failures being inevitable. Adding 0.03% to the price of a dwelling is unlikely to restrict access except possibly to the less well-paid local residents, so to constrain the developments in these sensitive areas is the only real answer. The pressure and legislation that is being used to drive the mass erosion of the Green Belt needs to be matched by an equal pressure to provide open areas, parks with the roads being balanced with paths, cycle tracks and bridle ways to provide residents an acceptable alternative. The constant erosion of PRow's due to inadequate protection and enforcement drives walkers, riders etc to the only areas left accessible inflicting unnecessary damage. Localism suggests that listening even to Rural locals might on occasion bear fruit when it comes to understanding residents' attitudes and that of those most likely to visit.	The Essex Coast RAMS SPD sets out a tariff that has been calculated using the projected costs of mitigation and planned housing growth contained within the LPA's adopted or emerging Local Plans. Other mitigation on-site will still be required to address effects, as and when identified in project-level HRA/AAs of development proposals. Additionally, the effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
49	Mr Mark Marshall	Resident	Developer tariffs and control should be enforced more. In my area a developer tore out a protected ancient hedgerow with little more than a slap on the wrist. If there was a large fine and enforcement other developers would think twice about flouting the rules.	Payment of the tariff will be required when development is consented. No amendment proposed.
50	Mr Tim Woodward	The Country Land & Business Association (CLA)	CLA members in the areas and zones of influence covered by the SPD may be considering small-scale residential developments on their land, and others may be considering setting up tourism enterprises such as camping sites, farm shops, and other retail outlets. These enterprises will provide employment opportunities and will make a valuable contribution to the rural economy. Housing developments on our members' land will help the Government and local authorities to meet housing targets and may	The SPD is related only to recreational impacts identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.

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			include low-cost "starter" units on rural exception sites. These projects will be affected by the financial contributions proposed, when combined with any CIL contributions additionally levied.	
51	Parish Clerk for West Horndon Parish Council Kim Harding	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS	Noted. No amendment proposed.
52	Mr Alasdair Daw	Billericay Action Group (part of Billericay District Residents Assoc)	<p>The zones of influence are based on clumsy radii, in the west and north-west of Basildon Borough this excludes (and only just) the source of the Crouch in Billericay and some of the headwaters of the Mid-Blackwater catchment such as the Mountnessing Brook.</p> <p>The Mountnessing Brook will be affected by the development of 1700-2000 new houses (Policy H17 of the Basildon Local Plan). 2000 x £144 amounts to £288,000 so there would be a significant benefit in altering the boundary in this case.</p> <p>The Crouch would also be effected in a similar way, but it is hard to determine whether the edge of the Zone of Influence includes sites such as H18, H19 and H20.</p> <p>So it is proposed that the Zone of Influence be adjusted very slightly to reflect catchments, at least within Basildon Borough. This could apply to the Blackwater, though the arguments for the Crouch would be weaker (smaller draft Zone of Influence) and those for the Thames weaker again (only parts of it a RAMS site).</p>	The Zones of Influence found within the RAMS document have been calculated based upon data collected through visitor surveys and only relevant to Habitats Site designations. Any future adjustments to the Zones are required to be data driven and subject of ongoing monitoring proposed. No amendment proposed.
53	Mr James Taylor	Resident	I support the mitigation tariff.	Noted. No amendment proposed.
54	Ms Jo	Resident	The SPD's current approach to mitigation appears at this stage to be simply one of 'doing something that might help, although the Council	Many of the suggested actions are considered relevant for exploration by

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	Steranka		<p>accepts that in the long term it will be quite unable to protect these precious habitats'.</p> <p>I would suggest the mitigation package is a very defeatist approach to protecting the Designated Sites, particularly since 5 people is an insufficient resource to police public access and environmental degradation on 350 miles of coastline.</p> <p>The mitigations need to include many more pro-active measures giving the County Council powers to manage access in a much more proactive manner. Such measures might include:</p> <ul style="list-style-type: none"> * Bye-laws governing access to and public behaviour specific to each Designated Site. * Periods of site closure at sensitive times such as nesting of ground-nesting birds or seal pupping. * Imposition of significant on-the-spot fines on members of the public caught disturbing wildlife. * Prosecution of members of the public caught damaging Designated Sites, whether through littering and fly-tipping, theft of shingle and sand or other actions which degrade the quality of a Site. <p>Whilst the public education approach is a start, this is too little and ineffectual.</p> <p>There is no attempt to even suggest mitigations for the pollution to the Designated Sites from land-based sources. The Essex coastline is littered with plastics which have escaped from recycling bins.</p> <p>Having set out a minimalist approach to protection of the Designated Sites, the Tariff per new dwelling is then calculated by the simple division of total cost for this inadequate programme by the expected number of new dwellings. In February 2020, the average cost of a house in Essex was £377,984. The Tariff therefore represents 0.032% of the average</p>	<p>the Delivery Officer, once appointed. This includes the annual review of both the effectiveness of the mitigation package and the extent of the tariff over the lifespan of the RAMS project. No amendment proposed.</p> <p>The RAMS and SPD are relevant to housing growth at the LPA level. It is the relevant LPAs who are responsible for preparing, adopting, delivering and implementing the RAMS and SPD, not ECC. No amendment proposed.</p> <p>The RAMS toolkit includes many of the proposed mitigations included in the response. The Essex RAMS toolkit includes, within the 'education and communication' Action Area, direct engagement with clubs and relevant organisations. The implementation of this can begin once the Delivery Officer is appointed. Additionally, the effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>purchase price of the new developments. This is a drop in the ocean compared to the cost of purchasing a newly-built house.</p> <p>I suggest that the approach to calculating the financial requirements for mitigating the effects of new residential development over the next 20 years needs to be revised. For the reasons above, there is no reason why the Council should not increase the budget to protect the Designated Sites fourfold to £35,661,792 so that a more credible set of mitigations can be implemented. This would increase the Tariff on each new dwelling to a mere £489, or 0.13% of the average purchase price.</p>	
55	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	<p>4.3 The cost has been worked out based on figures from February 2019. Before this strategy is accepted an increase in line with inflation will have to take place.</p> <p>Tariff 4.4: A tariff of £122.30 per new dwelling is being discussed as a way of paying for this mitigation strategy but (as I understand it), it is not currently adopted by all councils and therefore revenue is being lost.</p> <p>4.5: Have pay rises been factored into this cost, or does that come under the tariff being indexed linked? The contingency is already tight. What happens if not all the homes planned get built? Will fines contribute to the cost of the strategy going forward?</p> <p>4.12 I refer to a previous comment that LPA's are under pressure to provide housing numbers, thus, potentially, the tariff may not be collected if developers push back.</p>	<p>The final SPD will factor in inflation to reflect accurate costs at the time of adoption and index-linked (using Retail Price index (RPI)) to 2038. This includes salary pay rises, which are factored into the mitigation costs and not part of the 10% contingency. Contributions are already being collected by the LPAs. No amendment proposed.</p> <p>The tariff will need to be paid before the commencement of the development in all cases and as a requirement of planning permission, unless alternative bespoke mitigation is delivered and agreed as suitable by Natural England. No amendment proposed.</p>
56	Mr Michael Hand	Campaign to Protect Rural England - Essex Branch	<p>The current tariff of £122.30 per dwelling is a minuscule proportion of the development cost of a new home and CPRE questions why the costed mitigation package (and resultant tariff) is therefore not larger. This could be affected by a phased or dual zoning - as evident in the Suffolk approach. It is therefore considered to be too simplistic an approach and</p>	<p>The Essex Coast RAMS SPD sets out a tariff that has been calculated using the projected costs of mitigation and specifically in relation to in-combination recreational effects resulting from</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>dwelling already consented in the Plan period - but where building has not already commenced - could surely be retrospectively included to provide a higher overall level of total contributions.</p> <p>It is reassuring that the RAMS contribution is in addition to the payment of any Community Infrastructure Levy or other form of developer contribution. Similar, it is right and proper that the LPAs legal costs associated with the drafting and checking of the deed are covered by the applicant and are in addition to the statutory planning application fee.</p>	<p>planned housing growth contained within the LPA's adopted or emerging Local Plans. Other mitigation can be expected to be delivered to address other effects identified on Habitats Sites to address the recommendations of project-level HRA/AAs. The tariff payment is in addition to any relevant CIL payments. No amendment proposed.</p>
57	Mrs Cecilia Dickinson	Resident	I do not like this format - section by section.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.
58	Mr Gerald Sweeney	Carney Sweeney on behalf of Seven Capital (Chelmsford)	<p>Whilst the SPD seeks to provide a mechanism for how a RAMS contribution has been calculated and payable, we do not agree with the implementation of a 'blanket tariff' for a RAMS Contribution. The SPD proposes the collection of RAMS contribution through a Section 106 Agreement or Unilateral Undertaking.</p> <p>The proposed tariff of £122.30 per dwelling is in our opinion premature, as some developments may have less or more harm than others. As such, the implementation of a 'blanket tariff' does not take into account whether the planning obligation to secure the proposed RAMS contribution is necessary; directly related to the development and fairly and reasonably related to the scale and kind of development as required at Paragraph 56 of the NPPF.</p> <p>It is noted at Appendix 2 that a RAMS contribution in respect of Student Accommodation schemes is proposed to be applied on a 'proportionate basis'. From our reading of Appendix 2, it appears that part of the justification for this approach is due to such uses having an absence of car parking and the inability for students in purpose-built student accommodation to keep pets, and therefore, "... the increase in bird disturbance and associated bird mortality, will be less than dwelling</p>	<p>The RAMS and SPD applies only to 'in-combination effects' which have been identified within the HRAs of the LPAs' Local Plans. Each Local Plan's resultant AA and consultation with Natural England, has identified the need for the RAMS to mitigate in-combination effects and enable development.</p> <p>The Essex coast is unique and cannot be replicated. Evidence shows that residents living within the Zone of Influence visit the coast, thus the tariff is applicable to mitigate the effects of new housing growth.</p> <p>The tariff is evidence based and proportionate so as to not make new development unviable. It is considered inappropriate to apply a 'sliding-scale'</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>houses...". This approach demonstrates that there is an ability to make some concession for certain types of 'housing developments' depending on the nature of the use, but we would go further as matters relating to the location and sustainability credentials of a Site and the proposed scheme should also be taken into account.</p> <p>Therefore, we request that any contribution should be proportionate as to the degree of proven harm from a scheme, and in addition to this, where it is commercially viable for the scheme to make a RAMS contributions (over and above any CIL liability and other requests S106 contributions). As such, Paragraph 4.4. should be amended to include for the following:</p> <p>"Contributions from developments towards mitigation and measures identified in the Essex Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) will be sought against the identified harm of that scheme. The level of contribution will also be tested in the context of commercial viability of the overall scheme to avoid non-delivery of allocated sites."</p> <p>The basis for the RAMS contribution is noted as being 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" (Paragraph 2.15 of the draft SPD).</p> <p>The payment of any RAMS contribution prior to commencement of development is therefore not deemed necessary as a scheme during the construction phase would not generate additional population. It is more appropriate that any RAMS contribution should be payable prior to the occupation of the development. and Paragraph 4.6 should be amended accordingly.</p>	<p>in regard to the tariff at this stage and a 'blanket tariff' is proposed as the RAMS seeks to mitigate 'in-combination' effects i.e. those identified from accumulated housing growth in the ZoI. This can however be reviewed annually by the Delivery Officer once appointed. No amendment proposed.</p> <p>An amendment to the SPD setting out the requirements of development proposals in regard to statutory HRA procedures and on-site mitigation, and the specific effects the RAMS will mitigate in accordance with Regulation 122 of the CIL Regulations, is proposed.</p> <p>An amendment justifying the inclusion of C2 Residential Institutions and C2A Secure Residential Institutions as qualifying within the scope of tariff payments is proposed.</p> <p>Paragraph 4.6 of the SPD justifies that the tariff will be payable prior to commencement as '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.' Elements of the mitigation package, such as the appointment of staff, can take time to</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				implement. Others, such as surveying work, can only be undertaken at certain times of the year. It is considered important that mitigation relevant to the RAMS is delivered first, rather than potentially retrospectively, in order to ensure there is no possibility of harm resulting from development. No amendment proposed.

Section Five – Alternative to paying into the RAMS

Table 7 – Section Five: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	I'm concerned that there is a conflict of interest if the developers are contributing and in return this helps speed up the planning/approval process. Tight measures need to be in place.	Noted. No amendment proposed.
2	Magister Debbie Bryce	Landlord	Mitigation or compensation? Local authorities are not aware of the distinction. Do you want to prevent damage or just feel better and kid yourself that you can recreate Habitat elsewhere? The fact that the Habitat does not occur naturally elsewhere should tell you that you can't mitigate or compensate.	The SPD is related only to those in-combination recreational impacts identified through the LPAs' Local Plan HRA/AAs. The tariff can only legally be utilised to deliver the detailed mitigation included within the RAMS and reiterated within Appendix 1 of the SPD. No amendment proposed.
3	Mrs Frances Coulson	Resident	I would rather trust council visitor data than applicants.	Noted. No amendment proposed.
4	Mrs Aileen	Resident	RAMS seems a more pragmatic solution and should not offer an alternative.	Although the tariff is introduced, applicants may wish to propose

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Cockshott			bespoke mitigation as an alternative to the tariff, if it is deemed suitable by Natural England and the LPA. No amendment proposed.
5	Mrs Amy Gardener-Carr	Resident	Do not build here.	All of the LPAs have a statutory requirement to plan for new housing growth. The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. No amendment proposed. No amendment proposed.
6	Mrs Julie Waldie	Resident	Para 5.1 seems more sensible to me. Fairer and more cost effective too.	Noted. No amendment proposed.
7	Mr Terry Newton	Resident	I think a more inclusive survey would be necessary at this time. With the emphasis on what local households would prefer at this time and going forward for future generations. This would be prudent, whoever is paying for mitigation to take place.	Noted. No amendment proposed.
8	Mr Brian Mills	Resident	The proposals look ok.	Noted. No amendment proposed.
9	Mrs Angela Harbottle	Resident	I agree developer contributions are the better option.	Noted. No amendment proposed.
10	Mr Charles Joynson	Resident	It hardly seems likely that the developer will go to all the effort to perform visitor surveys in order to reduce the £122.30 payment. However, if they do attempt to do this before the dwellings are occupied it will under-represent the true figure. Many future residents will discover the full geography available to them and their dogs. So, both before and after occupation visitor surveys will under-represent the true wildlife disturbance situation.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. Alternatives must be

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				equal to or better than a payment of the RAMS tariff. No amendment proposed.
11	Mr John McCallum	Resident	My alternative to paying into RAMS is to not allow the developments in the first place.	All of the LPAs have a statutory requirement to plan for new housing growth. The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. No amendment proposed.
12	Mrs Mary Drury	Resident	Asking for money is not the answer it will make for resentment as it will not be used properly. Councils waste money.	The tariff can only legally be utilised to pay for the mitigation contained within the RAMS and included within Appendix 1 of the SPD. The RAMS project will be overseen by a working group lead by a newly appointed Delivery Officer. No amendment proposed.
13	Mrs Joanna Spencer	Resident	All residents should be asked for comments on how they feel the wildlife would best be serviced.	A range of stakeholders were engaged during the preparation of the RAMS. No amendment proposed.
14	Cllr Malcolm Fincken	Halstead, Hedingham and District Branch Labour Party	We do not agree that an alternative to paying into the RAMS should be allowed. We consider that some developers may use this alternative as a way of avoiding the payments without showing any real commitment to the alternative.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
15	Mr Peter	Resident	They could instead build more houses at a cheaper cost, if they didn't have to pay an additional tax as this seems to be.	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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16	Mr Neil Hargreaves	Resident	For c£100-ish per house no-one is going to bother paying for their own visitor survey.	Noted. No amendment proposed.
17	Mr Aubrey Cornell	Resident	All visitor surveys should be carried out by an independent, unbiased organisation.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
18	Mr Peter Bates	Resident	No. Seems reasonable.	Noted. No amendment proposed.
19	Mr Stephen Ashdown	Resident	Any surveys must be peer assessed to prevent bias by a third party. Evidence must not be solely reliant on private parties and must include studies by relevant educational institutions (e.g. University).	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
20	Mr Graham Womack	Resident	This is a bad idea. The whole idea is to plan mitigation measures at a strategic level. Allowing developers to propose their own measures contradicts this and will be seen as a 'loophole' to include measures that only they will benefit from.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
21	Mrs Joanna Thornicroft	Resident	Individual assessments should have some sort of national recognised certification otherwise unscrupulous developers will be able to bypass the requirements.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
22	Mr Mark East	Resident	The above suggests that the proposals are in place to benefit applicants/developers and not the environment which the population are legally entitled to see protected.	Noted. No amendment proposed.
23	Mrs April Chapman	Resident	I cannot see any need to provide this alternative and see several drawbacks. It will delay schemes, cause court procedures where disputes occur which could add to local councils' costs and will engender resentments. It also encourages the idea that the RAMS mitigation system is flawed.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
24	Mrs Linda Findlay	Resident	Worth and cost needs to be viewed long term. Many possible benefits lost when only short-term effects taken into account.	It can be considered that this may be addressed if appropriate through the actions of the Delivery Officer. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed. No amendment proposed.
25	Mr David Evans	Resident	Use concerned organisations to self-police.	It can be considered that this may be addressed if appropriate through the actions of the Delivery Officer. The effectiveness of the mitigation will be monitored as outlined within Section 6

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				of the SPD. No amendment proposed. No amendment proposed.
26	Mrs Karen Hawkes	South Woodham Ferrers Town Council	P16.5 Alternative to paying into RAMS Point 5 should be removed. There should be no option for developers to carry out their own surveys. If the surveyor evidenced that there was no requirement to fund the tariff this would result in a shortfall in the anticipated income and as a result projects detailed may not be able to be funded. The tariff should be mandatory for all developments as identified and all applicants should be subjected to the same scrutiny.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
27	Councillor Frank Belgrove	Alresford Parish Council	Town and Parish Councils could assist with surveys.	It can be considered that this may be addressed if appropriate through the actions of the Delivery Officer. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed. No amendment proposed.
28	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	Would suggest the mitigation fee should be mandatory or not at all. Any alternative choice would be too difficult to manage and involve long winded negotiations. Mitigation is too big to be 'in house' (i.e. RAMS) Who elects the officers of RAMS? What authority do they have to raise a form of prohibition tax? What will RAMS do with the money raised? Any mitigation scheme should be applied by government taxation for protection.	The RAMS responds to the requirement of the LPAs' Local Plan HRA/AAs, that strategic mitigation is needed to ensure there would be no significant in-combination effects on the integrity of Habitats Sites at the Essex coast as a result of housing growth. The RAMS proposed a suite of mitigation measures that will be funded by the tariff contributions. This satisfies the requirements of the Habitats Regulations and is endorsed by Natural England. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				The provision of mitigation is mandatory for all proposing net new dwellings in the Zone of Influence. Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
29	Councillor Jenny Sandum	Braintree District Council	I am a bit concerned about applicants conducting their own visitors' surveys. I would prefer if an independent environmental conservation agency such as the Essex Wildlife Trust could be involved.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
30	Mrs Jackie Deane	Great Dunmow Town Council	No objection to the proposals.	Noted. No amendment proposed.
31	Mr Gavin Rowsell	Resident	The alternative in 5.2 at least gives a slither of hope against this bird tax.	Noted. No amendment proposed.
32	Mrs Angela Faulds	Brentwood and Chelmsford Green Party	We hope this would be very vigorously monitored.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
33	Mr Bernard Foster	Resident	I am not sure there should be an alternative to paying into RAMS as having consistency can often be the best policy as it allows for quicker modification to be introduced should the current adopted standards be	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			proven to fall short of what is required. Is it however currently accepted that paying into RAMS is an entrance fee to build and not an analysis prior to a decision that would ensure the inevitable damage that would occur when evaluated can be justified to future generations?	ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
34	Mr Mark Marshall	Resident	Progress can be positive as long as enforcement and funding is adequate.	Noted. No amendment proposed.
35	Mr Tim Woodward	The Country Land & Business Association (CLA)	<p>We would agree that a "developer contribution" could be more cost-effective for an applicant than carrying out a visitor survey. A properly-conducted survey can be a time-consuming and expensive business, and so applicants might have to engage external consultants to carry out the work.</p> <p>This does not mean, however, that we support the imposition of a developer levy, when extra visitor access (and hence disturbance) to the coast is being actively encouraged by Natural England, and when some local authorities will be imposing a CIL charge on development projects as well.</p>	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. The SPD and RAMS ensures that residential development schemes within the Zone of Influence can come forward with an assurance that there will be no significant in-combination recreational effects on Habitats Sites on the Essex Coast. No amendment proposed.
36	Parish Clerk for West Horndon Parish Council Kim Harding	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS.	Noted. No amendment proposed.
37	Mrs Jenny Clemo	Langford & Ulting Parish Council	Delete 5.2 - Do not support applicant/developer conducting their own visitor surveys.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff,

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
38	Mr James Taylor	Resident	No alternative route should be provided.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
39	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	Why would Natural England not be consulted on both scenarios? Natural England could then under-take an independent review of the HRA and the timings of the surveys.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.
40	Mr Michael Hand	Campaign to Protect Rural England - Essex Branch	This section is disconcerting, as despite the rigorous and consistent approach provided by the SPD, it also allows an applicant to take alternative action to secure bespoke mitigation to avoid impacts on Habitats sites. In spite of the identified mitigation measures provided by the costed package in Appendix 1, the provision for an applicant to negotiate alternatives to remain in perpetuity will involve considerably more time and cost for the Local Planning Authority (and English Nature). This should be reflected in the level of charge levied by the LPA on the applicant.	Developers have the option to conduct surveys to provide data to support any mitigation options they propose to ensure as an alternative to the tariff, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the project-level. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
41	Mrs Cecilia Dickinson	Resident	The more I see of this format the more irritating it becomes - section by section is unnecessary, off-putting and boring.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.

Section Six – Monitoring of this SPD

Table 8 – Section Six: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	I think there should be an independent body monitoring the RAMS to ensure there is no conflict of interest and correct measures etc. are actually in place.	The RAMS project will be overseen by a working group and a Delivery Officer once appointed, a Steering Group, Project Board and elected members group. No amendment proposed.
2	Magister Debbie Bryce	Landlord	Monitoring is not conducted. Only enforcement after damage has been done. For example, at BANES council in Somerset, they state they do not monitor Mitigation and compliance in S.106 Agreements. What sort of Monitoring do you seriously think you can afford? You are an under-resourced small local authority with one tree officer. Try to be realistic.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. Monitoring will be undertaken by the project staff which will include a full-time Delivery Officer. No amendment proposed.
3	Mrs Frances Coulson	Resident	Seems adequate.	Noted. No amendment proposed.
4	Mrs Julie Waldie	Resident	Agree need to check this works. More checks the better.	Noted. No amendment proposed.
5	Mr Terry Newton	Resident	How will visit surveys be carried out? Also, will Essex residents be consulted on what is needed for local recreational needs and green and sustainable wild life needs? Future generations will not be able to self-monitor if they do not understand their local environment.	Visitor surveys will be carried out by the RAMS delivery team at the Essex Coast. Postcode data will be sought. No amendment proposed.
6	Mr Brian Mills	Resident	What action will be taken if monitoring shows an unacceptable or irreversible situation.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. This may lead to

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				changes to the mitigation package proposed and possibly changes to the tariff. No amendment proposed.
7	Mrs Linda Samuels	Resident	Will the RSPB have a role within the monitoring process?	It can be considered that the finer details of the monitoring process may be addressed if appropriate through the actions of the Delivery Officer, but it is envisaged that the RSPB will have a role. No amendment proposed.
8	Mr David Kennedy	Resident	Explanation as to how this activity will be funded.	Further monitoring will be funded by the contributions collected through the RAMS project. No amendment proposed.
9	Mr Charles Joynson	Resident	This is good. But what action can they take with limited funds if they find mitigation is not working. Also, what about after 2038? I take it the residents will not be evicted and the houses demolished. Will any mitigations be surrendered, fences removed, and signs left to rust?	As the effects that the RAMS addresses are identified as occurring as a result of LPA Local Plans, the lifetime of the mitigation must reflect that of the Local Plan lifetimes, to 2038. As explained in the RAMS Strategy Document, an in-perpetuity fund will be developed to ensure that mitigation will be delivered in-perpetuity. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. This may lead to changes to the mitigation package proposed and possibly changes to the tariff. No amendment proposed.
10	Mr John McCallum	Resident	The monitoring process should include bodies like Essex Wildlife Trust who already have protected reserves on the coast.	It can be considered that the finer details of the monitoring process may be addressed if appropriate through the actions of the Delivery Officer. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
11	Mrs Mary Drury	Resident	Monitoring and delivery officers-why? How?	The mitigation package identifies the need of a full-time RAMS Delivery Officer to oversee and manage the RAMS. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
12	Ms Rachel Cross	Resident	Monitoring of process needs to happen in year 3 as well or even annually as climate change gains momentum. How will wildlife be monitored?	The Essex Coast RAMS monitoring process, undertaken annually, will be used to inform future reviews of the RAMS and the SPD; therefore, any necessary changes will be made following this process. No amendment proposed.
13	Mrs Joanna Spencer	Resident	Independent wildlife person should be involved.	It can be considered that the finer details of the monitoring process may be addressed if appropriate through the actions of the Delivery Officer. No amendment proposed.
14	Ms Caroline Macgregor	Brightlingsea village councillor	Involvement of local town councils would better express the view of local people rather than district councils.	It can be considered that the finer details of the monitoring process may be addressed if appropriate through the actions of the Delivery Officer. No amendment proposed.
15	Mr Christopher Marten	Resident	Parish wildlife groups and the RSPB must be consulted on any application and the RSPB must be compensated for their involvement.	Natural England are the statutory body that ensure the Habitats Regulations are met, as a consultee for HRA/AA documents. Other bodies are permitted to comment on all live planning applications. No amendment proposed.
16	Mr Peter Dervin	Resident	We don't have enough carers for our old and disabled, nurses in our hospitals, and in almost every other council funded field, but you are now finding the money for monitoring?	The SPD is related only to those in-combination recreational impacts identified through the LPAs' Local Plan

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				HRA/AAs. The SPD proposes a tariff to fund mitigation, and no other sources of funding will be used to ensure its delivery. No amendment proposed.
17	Mr Alan Lycett	Resident	What happens to results of monitoring. If wildlife is to be protected effectively someone needs to have authority to take appropriate remediation.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. This may lead to changes to the mitigation package proposed and possibly changes to the tariff. No amendment proposed.
18	Mr Neil Hargreaves	Resident	This is an example of the bureaucratic cost of this scheme. Please just read how much work and staffing is in the paras above. Add to this the work at LPAs, including putting in Local Plans and doing the s106 requirement and collection and payment!	Noted. No amendment proposed.
19	Mr Andrew Whiteley	Resident	Monitoring should be set for every 2 years	The RAMS sets out 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 Zone of Influences. 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 Officer, however, once they are in post. No amendment proposed.
20	Mrs Angela McQuade	Resident	Please monitor closely and robustly.	Noted. No amendment proposed.
21	Mr Stephen	Resident	Any major structural changes must result in a public consultation process being repeated.	Any fundamental updates or revisions to the SPD resulting from future

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Ashdown			monitoring will be subject to consultation in line with the requirements of the Statement of Community Involvement (SCI) of each LPA. No amendment proposed.
22	Mr Michael Blackwell	Resident	This is a good checking system.	Noted. No amendment proposed.
23	Mrs Joanna Thornicroft	Resident	I would like to see more regular scrutiny than annually.	Noted. A review of the monitoring arrangements proposed will be undertaken by the Delivery Officer, once appointed, as stated in Section 7.19 of the RAMS. No amendment proposed.
24	Mr Mark East	Resident	This all seems rather vague and lacking detail. The public cannot have confidence in its robust delivery.	Noted. No amendment proposed.
25	Mrs Michelle Endsor	Resident	This is paper pushing, meeting after meeting that is being funded when all that is needed is for proposed housing development to take place elsewhere other than an area of natural beauty that requires wildlife conservation, not destruction, not mitigation. There are many urban areas that have fallen into decay and require refurbishment or rebuilding and we would urge that these be utilised before destruction of the few historic wetlands that England has left	All of the LPAs have a statutory requirement to plan for new housing growth. The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. No amendment proposed. The SPD relates to all residential development resulting in a net increase of new dwellings within the Zone of Influence, extending 22km from the coast. This includes many town centres across the county. No amendment proposed.
26	Mrs Linda	Resident	Once decision made the committee and its leader need to have the power to enforce or penalise.	Section 4.8 of the SPD sets out that if the tariff is not paid on qualifying

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Findlay			proposals, then planning permission would not be given. No amendment proposed.
27	Mr David Evans	Resident	<p>If monitoring this process and the sites, is anything like the level of evidence submitted in the report then this will be a worthless activity. I point the statement about the so-called damage being done to Hamford Water.</p> <p>1) it clearly states that there is Jet-Ski activity in Hamford Water and to contain this, the launching of Jet Skis will be prohibited by legislation at Titchmarsh Marina and in the area around Mill Lane in Walton. I would submit that there is no Jet-Ski activity in Hamford Water, the last one was seen several years ago, the launching of Jet-Skis is not permitted at Titchmarsh Marina or at the Walton & Frinton Yacht Club or at the Walton Town Hard. The only place that Jet-Skis launch in this area is in Dovercourt Bay, which is a TDC designated small craft area. Additionally proscribing Jet-Skis totally is contrary to the United Nations Charter of the Seas and Freedom of Navigation to which the UK is a signatory. This applies to all coastal areas that do not dry out at low-tide.</p> <p>2) it states (without clearly identifying the precise location) that people walking on the salt-marsh in the south-eastern corner of Hamford Water, is causing significant damage. Whilst being unsure quite where this alleged activity is occurring, I visit Hamford Water on a daily basis and have done so for over 55 years, I have not seen any such activity and the only places of access in the south eastern area where the foreshore is accessible are at Island Lane and a very small area in Foundry Creek which is a designated industrial site. Even at these sites you would disappear in soft mud if such activity was tried.</p> <p>3) The document includes the Naze area, and states that this is part of the Nature Reserve and has issues with the effect of people going there especially with dogs off the lead, is seriously affecting the wildlife. It should be noted that this area is not controlled by Essex Wildlife Trust, it is</p>	Effects have been identified within the HRA/AAs of the LPAs Local Plans, regarding future growth, and the RAMS and SPD deals with recommended mitigation. The Essex Coast RAMS monitoring process will be used to inform future reviews of the RAMS and the SPD; therefore, any necessary changes will be made following the review process. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			owned by TDC, and was sold to Frinton and Walton UDC (TDC is the successor Council) by Essex County Council on the condition that it remained a Public Area with the public having complete freedom of access in perpetuity, plus banning dogs off the lead would cause a revolution. There never has been much in way of wildlife up there, a couple of Muntjac a few rabbits that have escaped the recent myxomatosis outbreak and a few gulls are about the sum total, nothing has changed there since I first visited the area on the first day it opened to the public in the 1950s after the MoD vacated it.	
28	Mrs Karen Hawkes	South Woodham Ferrers Town Council	P17 6.3 Steering Group - This should include relevant partners as detailed in table 4.1 including as proposed previously in this sub-mission in respect of page 12 above. With reference to the steering group, members would welcome a representative from all partnership organisations as detailed on P13 with the addition of Town and Parish Councils. As currently stipulated in the plan there is no input from RSPB, Essex Wildlife Trust and Town and Parish Councils.	It can be considered that the points made may be addressed if appropriate through the actions of the Delivery Officer. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
29	Mrs Susie Jenkins	Brightlingsea Nature Network	Will the general public be able to view the monitoring data? Monitoring data should be transparent to enable the community directly affected by the disturbance of their designated habitats to be alerted to over sights or lack of proper data. If to be included this section should inform the public where this info will be available to view and where to raise the alert if the data is not sufficient or available.	All monitoring data will be made publicly available. No amendment proposed.
30	Councillor Frank Belgrove	Alresford Parish Council	Town and Parish Councils could be involved in the monitoring process.	It can be considered that this point may be addressed if appropriate through the actions of the Delivery Officer. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
31	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River Crouch Conservation trust. owner of 1.5 miles of river banks of the crouch	There are plenty of groups who do this such as Essex Wildlife Trust.	It can be considered that this point may be addressed if appropriate through the actions of the Delivery Officer. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
32	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	RAMS will be yet another organisation on top of the existing 31 organisations. who monitor the care of the designated areas. The proposed scheme is purely to raise money for mitigating purposes. The scheme is so complicated, layered and requiring a large army of enforcers to be employed, meaning that raised for mitigation will simply be used up in salaries. This is just creating jobs for the boys.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
33	Mr John Fletcher	Resident	The area is already well monitored by Environment Agency, Natural England, RSPB and MMO. How many more monitors do we want?	The effectiveness of the specific mitigation proposed will be monitored as outlined within Section 6 of the SPD. The effectiveness of the RAMS is not currently monitored by any other party. No amendment proposed.
34	Mr Hugh Toler	Blackwater Wildfowlers Association	Regarding paragraph 6.4, the BWA maintains a record of all visits by members to its sites. The BWA also places limits on the number of visitors allowed per site, frequency and overall numbers within the organisation. Through this we have managed to maintain a fairly consistent level of activity, which is judged to minimise disturbance while balancing the demands of our members.	Noted. No amendment proposed.
35	Mr Mark Nowers	RSPB	The RSPB would welcome being part of the RAMS Steering Group (section 6.3).	The Delivery Officer and Rangers can explore joint working arrangements, once appointed. No amendment required.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
36	Mr Gavin Rowsell	Resident	<p>How can this project have any measurable outcome?</p> <p>Maybe the RSPB will arrange huge catch nets, usually triggered by loud explosives, to tangle up and capture hundreds of birds, then weigh them, tag them, and note down that they seem happy having not been disturbed due to RAMS.</p>	<p>A strategic monitoring process is proposed to be put in place and will be managed by a dedicated RAMS delivery officer in liaison with each LPA's own monitoring officers. No amendment proposed.</p>
37	Mr Bernard Foster	Resident	<p>It is essential that 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.</p> <p>One problem is that it is reactive with Monitoring only taking place annually and the report being provided to each LPA to inform their individual Authority Monitoring Report (AMR). Also, I fear it will become another meeting someone has to attend like buses or highways as long as the box is ticked that is OK. Who will be responsible for activating fit for purpose checks and be responsible for the results if less than satisfactory? A lot can happen in five years, once bad habits can become the acceptable norms. It is common to have personnel progress as part of a career path so how do you intend to create a responsive environment within the group. Does responsibility stay within the group or stay with the decision makers? It does not help you build any trust when individuals, communes or travellers move onto a site in a Ramsar areas and years later are still there playing the planning system</p>	<p>It can be considered that this point may be addressed if appropriate through the actions of the Delivery Officer. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. A strategic monitoring process is proposed to be put in place and will be managed by a dedicated RAMS delivery officer in liaison with each LPA's own monitoring officers. No amendment proposed.</p>
38	Mr Mark Marshall	Resident	<p>A lot can happen in a year, 6 monthly monitoring should be considered.</p>	<p>The RAMS sets out 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 Zone of Influences. The Essex Coast RAMS package of measures will need to be prioritised and delivered on several timescales. The initial priorities will be reviewed by</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				the Essex Coast RAMS Delivery Officer, however, once they are in post. No amendment proposed.
39	Mr Tim Woodward	The Country Land & Business Association (CLA)	<p>As pointed out above, extra recreational access to the Essex coast will be encouraged and facilitated by the delivery of the England Coast Path by Natural England. This will inevitably increase disturbance to habitats and resident and migratory bird species, regardless of the extent of any development in the area. In some sections of the coast, there will now be formalised recreational access for walkers and dogs where hitherto there has been no public access.</p> <p>It is hoped that monitoring will have regard to this and will not lay responsibility for the effects of increased access solely at the door of landowners and developers.</p>	The SPD is related only to those in-combination recreational impacts identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.
40	Parish Clerk for West Horndon Parish Council Kim Harding	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS.	Noted. No amendment proposed.
41	Mrs Jenny Clemo	Langford & Ulting Parish Council	Monitoring should be after 1 year and subsequently every 2 years.	The RAMS sets out 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 Zone of Influences. 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 Officer, however, once they are in post. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
42	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	6.1 Will the RAMS Officer be truly independent of the LPA's? 6.2 Will the annual report be submitted to independent bodies, such as RSPB and EWT? 6.3 EWT are not part of the steering group and they are present at Abberton Reservoir which is a key site for birds. General Comment: Similar schemes have been created in other parts of the country, but they haven't been running long enough to ascertain if these schemes actually work.	It can be considered that this point may be addressed if appropriate through the actions of the Delivery Officer. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. A strategic monitoring process is proposed to be put in place and will be managed by a dedicated RAMS delivery officer in liaison with each LPA's own monitoring officers. The Delivery Officer will be employed by one of the partner LPAs and engage with key local stakeholders once appointed. The RAMS annual report will be published. No amendment proposed.
43	Mrs Cecilia Dickinson	Resident	The more I see of this format the more irritating it becomes - section by section is unnecessary, off-putting and boring.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.

Section Seven - Consultation

Table 9 – Section Seven: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	There's not enough detail to comment at this stage. I need to understand what areas could be affected, what is actually being done to mitigate. If there is a breeding season, then possibly pathways need to be closed off etc.	Noted. No amendment proposed.
2	Magister Debbie Bryce	Landlord	There should be no development that will lead to more disturbance of European protected sites.	The principle of the RAMS and the SPD ensures that in-combination recreational effects will not be realised

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				on the Essex Coast's Habitats Sites as a result of residential development. No amendment proposed.
3	Mrs Frances Coulson	Resident	It is important to maintain the wildlife. Mitigation of damage is vital, and I think the suggestions are good for a code, designated paths etc.	Noted. No amendment proposed.
4	Mrs Amy Gardener-Carr	Resident	Why is this even being considered with growing flood concerns, destruction of habitat of wildlife.	All of the LPAs have a statutory requirement to plan for new housing growth. The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. No amendment proposed. The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only and to deliver the mitigation proposed in the RAMS. No amendment proposed.
5	Rev. Ian Scott-Thompson	Resident	These consultations seem designed for planning professionals. The language and response format are difficult for ordinary residents to use.	Where technical terminology and acronyms are used, these are defined in the SPD. Efforts have been made to ensure that the SPD is clear and minimises the use of jargon. An abbreviations list is also provided. No amendment proposed.
6	Mr Charles Joynson	Resident	I wonder what the environmental charities Royal Society for the Protection of Birds, Essex Wildlife Trust etc have to say about this plan. The excessive use of acronyms makes these documents hard to read.	The RSPB and EWT have been invited for comment as part of the consultation. Where technical terminology and acronyms are used, these are defined in the SPD. Efforts have been made to ensure that the SPD is clear and minimises the use of

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				jargon. An abbreviations list is also provided. No amendment proposed.
7	Mrs Mary Drury	Resident	The subject of Ecology/Environment Care should be started as soon as a child starts to read.	Noted. No amendment proposed.
8	Mrs Alwine Jarvis	Resident	I think it is great that the general public are consulted for their views. However, the papers are extensive to read and not many people will find the time to read them. I would have felt it would have been better to do this as a survey with suggestions and tick boxes to obtain people's' view, with a section at the end for additional comments.	Where technical terminology and acronyms are used, these are defined in the SPD. Efforts have been made to ensure that the SPD is clear and minimises the use of jargon. An abbreviations list is also provided. No amendment proposed.
9	Mrs Joanna Spencer	Resident	This consultation should have been widely advertised in papers and local communities.	Noted. The consultation was conducted in line with national Regulations and LPA Statements of Community Involvement. A Public Notice was placed in the Essex Chronicle. No amendment proposed.
10	Ms Caroline Macgregor	Resident	This consultation should have been more widely publicised by alerts and newspaper and radio articles.	Noted. The consultation was conducted in line with national Regulations and LPA Statements of Community Involvement. A Public Notice was placed in the Essex Chronicle. No amendment proposed.
11	Mr Alan Lycett	Resident	The SPD is a very high-level document. It needs to be converted into a more detailed document so that important features such as metrics can be added.	Noted. Further detail is provided in the RAMS. No amendment proposed.
12	Mr Brian Jones	Resident	All sections are clear but it seems likely that outside pressures to ignore some of the rules will occur.	The RAMS and SPD will be subject to annual monitoring regarding effectiveness, as outlined in Section 6 of the SPD. No amendment proposed.
13	Mr Peter Bates	Resident	I consider that the letter informing residents about this consultation is designed not to encourage responses: it was not written with anyone except Planners or Solicitors in mind. It is necessary to scroll down to see	Noted. LPAs will seek to ensure that future consultation notifications are as

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			the entire text - many people will not realise the full extent of the document they are answering questions on.	clear as possible. No amendment proposed.
14	Mr Graham Womack	Resident	When is the SPD expected to be implemented? How will it be applied retrospectively to the Local Plans that are currently out for consultation?	The SPD is expected to be adopted by each authority by Summer 2020. The collection of the tariff by partner LPAs has been ongoing since the emergence of the RAMS document in 2018/19.
15	Mrs Joanna Thornicroft	Resident	The consultation did not seem to be too well advertised. It has also asked me for a lot of personal information, and I cannot see anything telling me how data will be used as per GDPR.	Noted. The consultation was undertaken in accordance with each authority's Statement of Community Involvement (SCI) and was advertised accordingly. No personal information will be published and it will be kept by Place Services only for the purposes of notifying respondents on the progression of the SPD. The 'Statement of Representations' includes details on how comments will be used and GDPR. The consultation was conducted in line with national Regulations and LPA Statements of Community Involvement. A Public Notice was placed in the Essex Chronicle. No amendment proposed.
16	Councillor Richard van Dulken	Braintree District Council	Local Authority and related documents never seem to have summaries of the contents, to avoid the need to plough through page after page, and in the case of this consultation, document after document.	Sections 2 and 3 of the SPD provide summaries of the RAMS and scope of the SPD. Additionally, the SPD signposts a 'frequently asked questions' (FAQ) document' which is available on the Bird Aware Essex Coast website. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
17	Mr Mark East	Resident	The consultation lacks evidence of data collected to date to formulate this should be made available for transparency purposes.	The RAMS document, signposted within the SPD and linked within the consultation portal, includes the data collected in formulating the RAMS. No amendment proposed.
18	Mr. David Gollifer	Resident	Satisfactory.	Noted. No amendment proposed.
19	Mrs Linda Findlay	Resident	Give feedback. Justify decision made relating to consultation points. Do not allow repeated consultations to delay positive decisions.	This 'You Said We Did' report intends to justify decisions made related to points raised during the consultation. No amendment proposed.
20	Mr Barrie Ellis	Resident	No amendments proposed. The document is clear.	Noted. No amendment proposed.
21	Mr David Evans	Resident	We believe the spending of tax-payers money to impose restrictions on the lawful and peaceful use of this very unique area is totally unwarranted and may even prove to be counterproductive. If it is bird life you are concerned about, I strongly suggest that you look at the Hamford Waters Bird surveys conducted by the Warden, these show consistent healthy increases, it should also be questioned why the EA licence the blowing of eggs of the Lesser Black Backed Gull on Hedge End Island, or is it that only certain parts of the natural world are to be allowed to blossom?	The RAMS and SPD relate to future planned growth, and the recreational impact that housing can be expected to have across the 12 partner LPAs. Current conditions act as a baseline against which future effects and mitigation can be identified. No amendments proposed.
22	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	This Essex Coast RAMS Supplementary Planning Document was not sufficiently promoted. It was only by word of mouth that this document has been circulated. This scheme is unnecessary, unworkable and dictatorial.	The RAMS and SPD have been identified as required through compliance with EU law, namely the 'Habitats Directive' and 'Birds Directive'. The consultation was conducted in line with national Regulations and LPA Statements of Community Involvement. A Public Notice was placed in the Essex Chronicle. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
23	Mr Hugh Toler	Blackwater Wildfowlers Association	In principle we support the objectives of SPD. We limit disturbance in two ways first by limiting the numbers in our organisation and secondly by minimising public access to our wetlands by appropriate signs.	Noted. No amendment proposed.
24	Mr Gavin Rowsell	Resident	I look forward to my comments being considered properly, as at every stage of the process so far, concerns of anyone other those with a vested interest in the project, have fallen on deaf ears.	Noted. All comments received to the consultation will be considered and used to inform the final SPD. More details will be set out within a 'You Said We Did' document. No amendment proposed.
25	Mr Bernard Foster	Resident	The consultation system is reasonably easy to work through.	Noted. No amendment proposed.
26	Parish Clerk for West Horndon Parish Council Kim Harding	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS.	Noted. No amendment proposed.
27	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	<p>Will the comments taken from the NEGC Inspector Review Workshops in January 2020 also be taken into account? Points that were made include: Other RAMS that exist in the country are new and mitigation measures have not been tried and tested due to their infancy / The RAMS are based on soft measures / The bye-laws will need to be updated as they are out of date as they look at things like vessel speeds / There is no code of conduct at present for clubs that organise water sports such as paragliding / Rangers will need to interact with users and the zones of interest are under-estimated / Paragliding, one of the worst offenders for bird disturbance, is a niche activity and it can be tourists to the area that have the worst impact, not the housing itself.</p> <p>Natural England wanted to be an independent body for wildlife, but the last coalition government told them they couldn't be truly independent and thus mitigation strategies were born rather than protecting areas on interest from development. RSPB has not endorsed this particular</p>	<p>The Essex Coast RAMS has been accepted by the Inspector who examined the Chelmsford Local Plan. It can be considered that the points made may be addressed if appropriate through the actions of the Delivery Officer. The SPD sets out a funding mechanism for the delivery of the mitigation included within the RAMS.</p> <p>Regarding effectiveness of the mitigation, Section 6 of the SPD outlines monitoring arrangements of the SPD and the RAMS. This will, alongside other monitoring requirements of the LPAs, cover</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			scheme, although it has been asked to be part of the steering group. What if not all the housing supply comes forward and the strategy is left in a deficit position? You cannot replace what is lost. The Essex Coast RAMS may take time to implement and thus developers will get their planning permission through before they have to contribute. The tariff per dwelling may need to change.	housing delivery. The tariff may be liable to change over time to ensure effective mitigation can be delivered. The RSPB are not members of the Steering Group. No amendments proposed.
28	Mrs Cecilia Dickinson	Resident	The more I see of this format the more irritating it becomes - section by section is unnecessary, off-putting and boring.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.

Section Eight – Useful Links

Table 10 – Section Eight: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	Useful links are not enough. I want to see a summary which details the current issue, what the high-level mitigation proposals are, what they are going to cost, how long it's going to take etc. A simple excel spreadsheet/ some visual aid would be very helpful.	It is considered that RAMS and SPD sufficiently summarises the issue, outlines strategic mitigation and its cost, and the timelines for the delivery of the mitigation. No amendment proposed.
2	Mrs Frances Coulson	Resident	Remember horse riders. We share access with those who do not understand horses and risk (loose dogs - also a risk to wildlife but no enforcement on requirement for leads). There is a concern that the RAMS would lead to a loss of places to ride.	Noted. There are no proposals in the RAMS to remove bridleways. No amendment proposed.
3	Mrs Aileen Cockshott	Resident	Are the RSPB involved in this process?	The RSPB were invited to both of the preliminary workshops essential to devising the RAMS and the RSPB

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				<p>provided valuable support for the RAMS and BirdAware. Only the partner LPAs and Natural England were involved in the steering group as the RAMS and SPD are considered technical Local Plan documents.</p> <p>The RAMS toolkit states that, for the 'Habitat based measures' Action Area, partnership working may include such organisations as 'Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.' No amendment proposed.</p>
4	Mr Charles Joynson	Resident	The bird aware website is useful.	Noted. No amendment proposed.
5	Mrs Mary Drury	Resident	Ensure nature awareness in schools.	Noted. This can be considered by the Delivery Officer once in post. No amendment proposed.
6	Mr Christopher Marten	Resident	As a bird watcher I visit these areas on a regular basis and population levels have already reached unsustainable levels. At certain times of the day roads in and out of these areas are impassable and restricted areas of parking mean an increase in traffic noise and pollution to local residents.	Noted. No amendment proposed.
7	Mr Gary Freeman	Resident	RSPB should be on the list.	The RSPB were invited to both of the preliminary workshops essential to devising the RAMS and the RSPB provided valuable support for the RAMS and BirdAware. Only the partner LPAs and Natural England were involved in the steering group as

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				<p>the RAMS and SPD are considered technical Local Plan documents.</p> <p>The RAMS toolkit states that, for the 'Habitat based measures' Action Area, partnership working may include such organisations as 'Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.' No amendment proposed.</p>
8	Mr Alan Lycett	Resident	Suggest you consider including other stakeholders involved in the protection of wildlife. For example, RSPB; do not stop with the obvious local stakeholders.	<p>The RSPB were invited to both of the preliminary workshops essential to devising the RAMS and the RSPB provided valuable support for the RAMS and BirdAware. Only the partner LPAs and Natural England were involved in the steering group as the RAMS and SPD are considered technical Local Plan documents.</p> <p>The RAMS toolkit states that, for the 'Habitat based measures' Action Area, partnership working may include such organisations as 'Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.' No amendment proposed.</p>
9	Mr John Camp	Resident	Essex Wildlife Trust and RSPB should be added.	<p>The RSPB were invited to both of the preliminary workshops essential to devising the RAMS and the RSPB provided valuable support for the RAMS and BirdAware. Only the</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				<p>partner LPAs and Natural England were involved in the steering group as the RAMS and SPD are considered technical Local Plan documents.</p> <p>The RAMS toolkit states that, for the 'Habitat based measures' Action Area, partnership working may include such organisations as 'Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.' No amendment proposed.</p>
10	Mr Stephen Ashdown	Resident	Should also contain details of Essex County Council and how the problem can be escalated.	Essex County Council sit on the Steering Group of the RAMS to provide advice and guidance. ECC are not a partner in the RAMS as it is the LPAs who are responsible for preparing, adopting, delivering and implementing the RAMS. No amendment proposed.
11	Mr Mark East	Resident	The links are top level perhaps they should link to RAMS elements.	Noted. No amendment proposed.
12	Mrs Linda Findlay	Resident	Utilise environmentalist knowledge and advice, e.g. Tony Juniper author of 'What has nature ever done for us?' This includes positive practical action to protect coasts.	Noted. No amendment proposed.
13	Mrs Susie Jenkins	Brightlingsea Nature Network	Very helpful links.	Noted. No amendment proposed.
14	Councillor Frank Belgrove	Alresford Parish Council	Link to the Environment Agency?	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
15	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River Crouch Conservation trust. owner of 1.5 miles of river banks of the crouch	These sites are easy to find.	Noted. No amendment proposed.
16	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	The wildlife of the Essex Coast is threatened by the increase in population in the Zone of Influence and this aspect is controlled by the Planning Committees of these links.	Planning Officers from each LPA within the Zone of Influence have been involved within the process of the RAMS and the SPD through attendance of a RAMS Steering Group. It is expected that the SPD will be adopted by each authority by Summer 2020. No amendment proposed.
17	Mr Gavin Rowsell	Resident	I could not readily see any link to any empirical justification of the whole RAMS idea. Also, no link to studies by people like Professor John Goss-Custard whose talks and papers titled Mud, Birds and Poppycock make enlightening reading.	Justification to the RAMS and the SPD can be found within the Local Plan HRA/AAs of each partner LPA. No amendment proposed.
18	Mr Bernard Foster	Resident	Very useful both for this consultation and future reference.	Noted. No amendment proposed.
19	Mr Steven Smith	Comments offered on behalf of: Lower Farm, East End Green, Brightlingsea	Reference should be made to the England Coast Path (ECP). Natural England have started to investigate how to improve coastal access along an 81 km stretch of the Essex coast between Salcott and Jaywick. This new access is expected to be ready in 2020. Officers from Essex County Council have provided Natural England with expert local advice and helped to make sure there is full consultation with local interests during the development of the route which is expected to be published later this year.	The Essex Coast Path proposal, and any effects on recreational disturbance, are not within the scope of the mitigation proposed in the RAMS and the SPD. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
20	Parish Clerk for West Horndon Parish Council Kim Harding	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS	Noted. No amendment proposed.
21	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	National Planning Policy Framework (NPPF) is not listed here.	The content of the NPPF is effectively covered in the 'Planning Practice Guidance' link, however an amendment to include the NPPF within this Section is proposed.
22	Mr Michael Hand	Campaign to Protect Rural England - Essex Branch	The DEFRA Magic Map tool is slow to load, difficult to navigate and functionally complex. It was not possible to find the definitive Zones of Influence mapping - as indicated in Section 3 of the consultation document - despite several attempts.	It is proposed that the RAMS, SPD and this 'You Said, We Did' report are offered to DEFRA. No amendment proposed.
23	Mrs Cecilia Dickinson	Resident	The more I see of this format the more irritating it becomes - section by section is unnecessary, off-putting and boring.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.

Section Nine - Glossary

Table 11 – Section Nine: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	This section does not add any substance and could be shown as another "link"	Noted. No amendment proposed.
2	Mr Bob Tyrrell	West Bergholt Parish Council	Ok.	Noted. No amendment proposed.
3	Mr Terry Newton	Resident	I suspect that national guidelines and certain bodies could override local concerns and needs. Has Essex now become linked to the National Coast Path, and is it widely published, and the route signposted? It is correct to	The SPD is related only to those recreational impacts identified through

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			have all interested organisations to monitor the mitigation, but it could generate conflicts of interest.	the LPAs' Local Plan HRA/AAs. No amendment proposed.
4	Mr Brian Mills	Resident	Looks good	Noted. No amendment proposed.
5	Mrs Mary Drury	Resident	High schools and colleges should be given charts and information.	Noted. No amendment proposed.
6	Mrs Alwine Jarvis	Resident	I wished you had not used the abbreviations throughout the document as there are many abbreviations which makes it harder to follow reading the documents.	An amendment to move the glossary and list of abbreviations to front of the SPD is proposed, with added description explained in footnotes where necessary and newly introduced.
7	Mrs Joanna Spencer	Resident	Aircraft fuel dumping and fumes and shooting of birds needs to be looked at, you are trying to make a better place but at the same time killing birds and also harming them with aviation fuel.	Noted. No amendment proposed.
8	Ms Caroline Macgregor	Brightlingsea village councillor	Local people do not wish to see the further development of rural Essex as a part of the Haven Gateway to accommodate London overspill. The impact on human health as well as birds and wildlife from pollution will be catastrophic. Local monies would be better spent on conserving our coastline and preparing for rising sea levels.	Noted. No amendment proposed.
9	Mr Alan Lycett	Resident	Presumably this is a living document so additional information may be added to this and other sections. Need to ensure document management standards are visible on each section/ page.	The RAMS is a living document and will be reviewed annually and updated accordingly. Should any subsequent amendment to the RAMS lead in turn to a need for an amendment to the SPD, this will be forthcoming. An amendment to move the glossary and list of abbreviations to front of the SPD is proposed, with added description explained in footnotes where

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				necessary and newly introduced. No amendment proposed.
10	Mr Stephen Ashdown	Resident	Needs to be written in plain English, wording again is not inclusive of people of every educational level.	Noted. No amendment proposed.
11	Mr Mark East	Resident	This section appears to be ok.	Noted. No amendment proposed.
12	Mr. David Gollifer	Resident	Satisfactory.	Noted. No amendment proposed.
13	Mrs Dawn Afriyie	Resident	Many rare bird species have seen in the last few months on the Essex coast. These birds will disappear when our coastal land is built on, having an impact on all the other wildlife. No more building.	All of the LPAs have a statutory requirement to plan for new housing growth. The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. No amendment proposed. The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only and to deliver the mitigation proposed in the RAMS. No amendment proposed.
14	Mr Graham Pike	Resident	Very useful.	Noted. No amendment proposed.
15	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River Crouch Conservation trust. owner of 1.5	Let nature take its own course, it always wins.	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
		miles of river banks of the crouch		
16	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	Now the U.K is no longer a member of the E.U it will no longer have to comply with the E.U directives and can now take back control to suit its own requirements?	The content of the relevant EU Directives related to birds and habitats have been transposed into UK law and will continue to apply. No amendment proposed.
17	Mr Hugh Toler	Blackwater Wildfowlers Association	Might it be worth noting 'A Site of Special Scientific Interest (SSSI) is a formal conservation designation' within the UK. Activities within SSSIs are subject to regulatory control.	An amendment to include SSSIs within the Glossary is proposed.
18	Mr Gavin Rowsell	Resident	The list of designations is not complete.	An amendment to include SSSIs within the Glossary is proposed.
19	Mr Bernard Foster	Resident	Always useful to have a reference.	Noted. No amendment proposed.
20	Parish Clerk for West Horndon Parish Council Kim Harding	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS.	Noted. No amendment proposed.
21	Mr Michael Hand	Campaign to Protect Rural England - Essex Branch	The Zones of Influence are defined in the Glossary as "the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation". Given the comments provided in Section 3 and 4 above, perhaps a more subtle graded Zone of Influence framework is more appropriate (such as Zones A & B in the equivalent Suffolk model). This would better reflect proximity to coast, centres of growing population and accessibility variables rather than a simplified single Zone.	The RAMS sets out how the Zone of Influence was calculated, including using visitor surveys. 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. Additional surveys will improve the robustness of the datasets and repeat surveys of visitors will be undertaken at the earliest opportunity to review the

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				postcode data and Zone of Influence. No amendment proposed.
22	Mrs Cecilia Dickinson	Resident	The more I see of this format the more irritating it becomes - section by section is unnecessary, off-putting and boring.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.

Section Ten - Acronyms

Table 12 – Section Ten: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	Put your acronyms at the beginning of this consultation not at the end. Also, a search button would probably be more useful or an icon to click on for the acronym, glossary etc. This needs to be made easier for residents to read and fully understand.	It is proposed that the Acronym section is moved to the beginning of the SPD.
2	Magister Debbie Bryce	Landlord	SPA, SAR, SSSI, Ramsar - all apply to the Essex coast. Why damage it further?	All of the LPAs have a statutory requirement to plan for new housing growth. The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
3	Mr Terry Newton	Resident	Acronyms are ok if they are known by the people who need to access the information. Most of the general public would not now what they represent.	It is proposed that the Acronym section is moved to the beginning of the SPD.
4	Mr Charles Joynson	Resident	No acronyms should be used if you want to engage the public. They are only useful for the writers.	Acronyms have been used throughout the SPD for the purposes of conciseness. It is proposed that the Acronym section is moved to the beginning of the SPD.
5	Mrs Mary Drury	Resident	The acronym 'AA' means many things to many people. Instead of the acronym 'RAMS' why not just say care of environment? The 'Zone of Influence' is a zone -not an area.	Acronyms have been used throughout the SPD for the purposes of conciseness. It is proposed that the Acronym section is moved to the beginning of the SPD.
6	Mr Christopher Marten	Resident	RSPB must be consulted.	<p>The RSPB were invited to both of the preliminary workshops essential to devising the RAMS and the RSPB provided valuable support for the RAMS and BirdAware. Only the partner LPAs and Natural England were involved in the steering group as the RAMS and SPD are considered technical Local Plan documents.</p> <p>The RAMS toolkit states that, for the 'Habitat based measures' Action Area, partnership working may include such organisations as 'Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners,</p>



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
				local clubs and societies.' No amendment proposed.
7	Mr Brian Jones	Resident	It is general practice to explain new terms and afterwards use an abbreviation, but this does not make complex documents easy to read.	Acronyms have been used throughout the SPD for the purposes of conciseness. It is proposed that the Acronym section is moved to the beginning of the SPD.
8	Mr Mark East	Resident	They appear to be fine. I have noted that this document does not appear to deal with compensation. I do not share the view that these measures will reasonably mitigate against harm let alone avoid harm. I do accept that these are challenging times with housing targets set by central Government, but I am not convinced that these measures will ultimately prevent the deterioration in numbers of our protected species and eventual end of some.	The Essex Coast RAMS SPD sets out a tariff that will be used to fund mitigation related to 'in-combination' recreational effects only. Other mechanisms and requirements exist outside the scope of the SPD for other required and related mitigation. No amendment proposed.
9	Mr. David Gollifer	Resident	All OK.	Noted. No amendment proposed.
10	Councillor Roy Martin	Resident	Acronyms should never be used.	Acronyms have been used throughout the SPD for the purposes of conciseness. It is proposed that the Acronym section is moved to the beginning of the SPD.
11	Mr Graham Pike	Resident	Very useful.	Noted. No amendment proposed.
12	Councillor Frank Belgrove	Alresford Parish Council	Very good to see the acronyms defined.	Noted. No amendment proposed.
13	Mr Roy	Skee-tex Ltd Local Councillor,	I have seen many surveys in the past, and I am sure there will be more in future.	Noted. No amendment proposed.



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Hart	Head of the River Crouch Conservation trust. owner of 1.5 miles of river banks of the crouch		
14	Mr Gavin Rowsell	Resident	The list of acronyms is not complete.	It is proposed to expand the list of Acronyms included within this Section to reflect all of those used in the SPD and RAMS.
15	Mr Bernard Foster	Resident	I am sure many people will have found them useful as the same groups of letters re-occur in many different disciplines relating to different policies, documents etc.	Noted. No amendment proposed.
16	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	NPPF not detailed here and the list seems short.	It is proposed to expand the list of Acronyms included within this Section.
17	Mrs Cecilia Dickinson	Resident	The more I see of this format the more irritating it becomes - section by section is unnecessary, off-putting and boring.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.

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Appendix 1 - Strategic Mitigation

Table 13 – Appendix One: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	This does not seem like a lot of people for such a large area. Maybe you should consider asking for volunteers in those areas. Also, selling some merchandise around the protection of the birds etc. to re-coup costs. Also, you mention the per tariff cost, but I have no idea how that supports the above table of costs.	Volunteers may be sought, and other enterprises explored, if deemed necessary by the Delivery Officer. The tariff cost per dwelling has been calculated by dividing the costed mitigation package by the number of



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
				unconsented dwellings earmarked for delivery in Local Plan periods by each LPA. No amendment proposed.
2	Magister Debbie Bryce	Landlord	There is research showing that mitigation does not work.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
3	Mrs Frances Coulson	Resident	What about holiday/maternity cover etc? Is one ranger enough to cover a wide area and deal with enforcement?	Holiday and maternity cover will be funded by the competent authorities and their terms of service. A total of three rangers are proposed within the lifespan of the RAMS. No amendment proposed.
4	Mrs Aileen Cockshott	Resident	Think there is more to this than signage. Admiralty charts and OS maps with require an update.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
5	Mrs Anne Wild	Resident	I have been impressed with all I've read so far. However, would it be possible to create - with the agreement of landowners where applicable - new bird reserves, with access only available through membership? Membership revenue could be divided between the organisation/rangers etc needed (also funded by RAMS) and the landowner.	A total of £500,000 is included within the packaged costs for habitat creation in key locations where it would provide benefits and work up projects. No amendment proposed.
6	Mr Terry Newton	Resident	Whilst some form of mitigation officers are needed, value for money must be monitored.	Noted. No amendment proposed.
7	Mrs Angela Harbottle	Resident	Not qualified to comment but seems to be a great deal of money.	Noted. No amendment proposed.
8	Mr David Kennedy	Resident	Salary of water bailiffs appears to be high, this should be explained.	Salaried costs have been identified by exploring the costs of similar existing roles. The costs



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
				for the water rangers also include training, maintenance and byelaws costs. No amendment proposed.
9	Mr Charles Joynson	Resident	Too little overall to mitigate such a long coastline.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
10	Mrs Mary Drury	Resident	This is a total waste of money and energy. I will need to ask our MP to look at this.	Noted. No amendment proposed.
11	Mrs Joanna Spencer	Resident	Explain how these figures are arrived at.	The RAMS gives more detail regarding the costed mitigation package. No amendment proposed.
12	Mr Peter Dervin	Resident	Please put the money in to employing people in positions that are so much more needed, for example health care assistants and nurses.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only and to deliver the mitigation proposed in the RAMS. No amendment proposed.
13	Mr Neil Hargreaves	Resident	Does the package include the cost of each LPA's own monitoring officers?	The mitigation package does not include the staffing costs of each LPA's monitoring officers. No amendment proposed.
14	Mr Brian Jones	Resident	I am pleased to see an annual training budget.	Noted. No amendment proposed.
15	Mrs Angela McQuade	Resident	Surveys are too expensive.	Noted. No amendment proposed.
16	Mr Stephen	Resident	The package does not include possible income streams to assist in payment.	The mitigation package is itemised to ensure mitigation is in



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Ashdown			conformity to Regulation 122 of the CIL Regulations. No amendment proposed.
17	Mr Mark East	Resident	Costs and staffing levels seem inadequate.	The RAMS gives more detail regarding the costed mitigation package. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
18	Mrs April Chapman	Resident	Has visitor use of drones been considered? One ranger is not enough. Two should be a minimum from the start of the scheme to ensure daily cover.	Two rangers have been included from Year 2 of the project. The RAMS seeks to mitigate future growth and does not directly seek to address the baseline position as it would not be appropriate. The use of drones may be considered by the Delivery Officer, if appropriate, and once in post. No amendment proposed.
19	Mrs Karen Hawkes	South Woodham Ferrers Town Council	Whilst members are supportive of the Action Areas identified, there are concerns as to whether they are deliverable within the budget identified. Mitigation package is £8,916,448 from March 2019 – 2038. Members suggest that the toolkit needs revisiting to ensure that the projects can be delivered within the budget available. They also identified that there is excessive funding on personnel and enforcement and insufficient funding on the delivery of actual projects. Members are also concerned that the type of projects proposed are already being delivered by other stakeholders and that this is an unnecessary duplication of work.	The RAMS gives more detail regarding the costed mitigation package. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
20	Mrs Susie Jenkins	Brightlingsea Nature Network	The statement, "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" is a worrying statement. This money should not be available for the HRA's as it will diminish the good work that can be done.	The statement quoted is intended to be interpreted that Local Plan HRA work could cover the costs of the survey should there be any need to undertake such survey work as part of those processes.



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>Regarding work with landowners, Habitats site managers & partner organisations - I hope you will also be working with the local community and empowering them to get involved and learn more about the habitats they live near thereby fostering the love of nature required for the future.</p> <p>I am concerned that giving planning permission for inappropriate development in the wrong place could now be seen as a way to make this mitigation package money for local councils. How will you stop this happening? How will over enthusiastic planning granting be avoided and mitigated against?</p>	<p>This would not lead to a shortfall in RAMS mitigation, as the survey work has been costed for in the package. It would however lead to a small reduction in the tariff as the survey work would already have been undertaken.</p> <p>Locational criteria for development are a matter for Local Plans and development management at the LPA level and not within the scope or remit of the RAMS or SPD. No amendment proposed.</p>
21	Mr Graham Pike	Resident	A very helpful breakdown of the project, costs and ambitions.	Noted. No amendment proposed.
22	Councillor Frank Belgrove	Alresford Parish Council	It may have been appropriate to mention some of these strategies earlier in the document as examples as to what types of mitigation - in practical terms - will be required.	Noted. No amendment proposed.
23	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River Crouch Conservation trust. Owner of 1.5 miles of river banks of the crouch	This money could really be spent on other projects, such as roads and sheltered housing for the homeless.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only and to deliver the mitigation proposed in the RAMS. No amendment proposed.
24	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	The mitigation package is totally unmanageable and must be the biggest waste of public money ever designed. What is a delivery officer? What does a ranger do? Who / what organisation is going to do training? What is the Partner Executive Group to do? What are new interpretation boards? How can visitor	The SPD sets out a funding mechanism for the RAMS in the form of a tariff to be paid by developers proposing net new



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			numbers be recorded? Who are Rangers? Who is / or how many delivery officers are required? Where will there be a Water Ranger? Is the Tendring District Council Warden to be axed to make savings for the rate payer?	dwelling in the Zone of Influence. The RAMS will not be funded by any other means. The RAMS sets out the roles of the newly created posts that are required to deliver mitigation. The precise nature and location of certain mitigation measures e.g. interpretation boards and training will be decided by the Delivery Officer and project Steering Group who have day to day responsibility for delivering the project. No amendment proposed.
25	Mr John Fletcher	Resident	The whole scheme is a diabolical waste of money. It serves no useful purpose. To say that people living within the Zone of Influence cause a problem is salacious. Why should they be asked to pay for all when most visitors come from outside the Zone? Maybe you should spend some money to encourage your 'experts' to come and actually live at the coast for a prolonged period. They may then know what they are talking about. We, who live and work on the coast appreciate and work with nature on a daily basis. Every day we note increases in wildlife on the coast - all this takes place without interference from human bureaucrats.	The SPD sets out a funding mechanism for the RAMS in the form of a tariff to be paid by developers proposing net new dwellings in the Zone of Influence. It is concerned with the effects of new housing development only. The RAMS sets out strategic mitigation to ensure no significant effects regarding recreational disturbance are realised on Habitats Sites in the Essex Coast. No amendment proposed.
26	Mr Hugh Toler	Blackwater Wildfowling Association	The BWA notes the employment of Rangers for monitoring and briefing clubs on codes of conduct. Has consideration been given to using trained volunteers from Clubs such as ours with a knowledge of wetlands, wildfowl and habitat protection?	Volunteers may be sought if deemed necessary by the Delivery Officer but no itemised cost has been identified. No amendment proposed.
27	Mr Mark	RSPB	The ten SPAs around the Essex coast support approximately half a million wintering waterbirds and important assemblages of breeding birds. Over	The effectiveness of the mitigation will be monitored as outlined



No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Nowers		<p>72,000 dwellings are due to be built before 2038.</p> <p>The Bird Aware Solent project covered three SPAs supporting 90,000 birds. 64,000 dwellings are due to be built before 2034. In the Solent Recreation Mitigation Strategy, Bird Aware Solent has identified that a team of rangers is the top priority followed by:</p> <ul style="list-style-type: none"> • Communications, marketing and education initiatives • Initiatives to facilitate and encourage responsible dog walking • Codes of conduct • Site-specific visitor management and bird refuge projects • New/enhanced strategic greenspaces • A delivery officer (called 'Partnership Manager' from here on) • Monitoring to help adjust the mitigation measures as necessary <p>To that end, they employ a team of 5-7 Rangers. To make the best use of resources, the RSPB recommends that Bird Aware Essex re-evaluates the number of rangers currently being considered here given the scale of importance of the Essex coast outlined above.</p>	within Section 6 of the SPD. No amendment proposed.
28	Mr Gavin Rowsell	Resident	The only positive is that within the £9 million you 'may' employ 5 people.	The plan is to provide lasting benefits to habitats of national and international importance in Essex. No amendment proposed.
29	Mr Bernard Foster	Resident	Would have been easier to read if the box could have been expanded instead of just the contents. Information useful as a guide or expectation.	Noted.
30	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	£1,000 for signage seems a small budget given the area of coverage and the potential Essex Coastal path. I do not understand the £5,000 cost associated with the visitor numbers and recreational activities. Communication: What about website updates? Is there no cost associated with updating the bye-laws? Contingency seems small.	The RAMS gives more detail regarding the costed mitigation package. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
31	Ms Beverley McClean	Suffolk Coast & Heaths AONB team	<p>Proposals in the Essex Coast RAMS proposes signage at Mistley Walls. Mistley Walls lie within the proposed extension area to the Suffolk Coast & Heaths Area of Outstanding Natural Beauty (AONB). The extension to the Suffolk Coast & Heaths AONB is currently awaiting sign off by the Secretary of State. The AONB team are not objecting to the use of new signage in principle but we would like to be involved in discussions on the design of any new signage to be introduced in this area. Any new signage or interpretation boards introduced into the AONB extension area will need to be a high-quality design to reflect the high-quality landscape into which they are to be introduced.</p> <p>As part of the England Coast Path, Natural England is also proposing new signage along the following stretches of the south bank of the Stour: Ray Lane, Ramsey to Stone Point, Wrabness, Stone Point, Wrabness to Hopping Bridge, Mistley. It will be important to co-ordinate the installation of all new signage/ interpretation boards being proposed along the south bank of the Stour to avoid clutter within the extension area to the nationally designated landscape. The AONB team will be happy to provide any further advice on I'm a Good Dog Project if necessary when the RAMS Dog Project is being developed/expanded.</p>	Noted. The Delivery Officer will engage with key local stakeholders on implementation of the project once in post. No amendment proposed.
32	Mr Michael Hand	Campaign to Protect Rural England - Essex Branch	With reference to comments provided in Section 4 above, CPRE questions why the total package budget is not higher and funded through additional revenue from the inclusion of already consented dwellings within the provisions of the SPD.	The RAMS gives more detail regarding the costed mitigation package. There is no mechanism that can lawfully ensure retroactive costs are recouped once full planning permission is granted. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
33	Mrs Cecilia Dickinson	Resident	The more I see of this format the more irritating it becomes - section by section is unnecessary, off-putting and boring.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.



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Appendix Two – Essex Coast RAMS Guidelines for proposals for student accommodation

Table 14 – Appendix 2: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	For supporting and monitoring the effected "Zones" then the LPA's and other LPA's outside of Essex coming into the area could look at providing educational courses in the "Zone" area helping with the volunteers and full-time equivalents (FTEs) could be another way to re-coup some money and also gain some etc. support.	Volunteers may be sought if deemed necessary by the Delivery Officer but no itemised cost has been identified. No amendment proposed.
2	Magister Debbie Bryce	Landlord	Students and Wildlife - stupid idea.	Noted. No amendment proposed.
3	Mrs Frances Coulson	Resident	I disagree. Most student accommodation these days is commercially built and run and charged at vast cost to students or their parents. They should also pay.	Appendix 2 of the SPD outlines that proportionate costs will be applicable to student accommodation in the majority of circumstances. No amendment proposed.
4	Mrs Aileen Cockshott	Resident	Regarding Colchester and Southend, student accommodation should be sited away from the coast.	Noted. The location of new student accommodation is outside the scope of this SPD. No amendment proposed.
5	Mr Terry Newton	Resident	It seems to make sense, but any increase in student impact will need to be monitored, as this can change according to many variables, such as nearby facilities frequented by students.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
6	Mrs Angela Harbottle	Resident	Not qualified to comment.	Noted. No amendment proposed.
7	Mrs Mary Drury	Resident	Not wasting any more time.	Noted. No amendment proposed.



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
8	Mrs Alwine Jarvis	Resident	Not sure I agree with the logic used. The document seems to miss out on how many people of the new dwellings will actually have pets. Dogs being the animal which disturbs the birds. I did not see this taken into consideration.	Many examples of student accommodation do not allow dogs to be kept on the premises, hence the different tariff approach proposed for student accommodation, no amendment proposed.
9	Ms Rachel Cross	Resident	Record number of dogs using space and have rules for dogs and their owners such as those at Essex Wildlife Trust e.g. seen at Langdon nature reserve Dunton.	Noted. No amendment proposed.
10	Mrs Joanna Spencer	Resident	Affordable accommodation and parking needs to be provided.	Noted. No amendment proposed.
11	Mr Matt Eva	Resident	I do not think Student accommodation should be made a special case - if you do this then what about nursing homes or any other housing for private rental where pets are not allowed? Keep it simple, if you're building then you pay.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
12	Mr Christopher Marten	Resident	Dogs must be kept on leads at all times and ownership of cats should be outlawed because cats can have a devastating effect on bird populations.	Noted. No amendment proposed.
13	Mr Peter Dervin	Resident	Put people first, we need to educate our young people and then maybe they might have a better understanding of the problem instead of taxing them. Every cost in the end is paid for by the end user so it will be our young people that will be put off becoming educated if the costs get too much.	The tariff is paid by the developers of new housing, not residents. It is a one off payment and does not affect investment made by other sources in general education. However, part of the mitigations will be to provide a better understating of the habitats and visitors responsibilities when visiting the coast. No amendment proposed.
14	Mr Neil Hargreaves	Resident	'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: ' This seems overly complex.	The effectiveness of the mitigation will be monitored as outlined



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			What happens if pets are banned but cars are not? How does anyone know if a student keeps a car off site and says nothing? Will there be a restrictive covenant to stop a future management changing the rules? What about holiday use when conferences are in? The payment would be £24.46. Is it worth all the form filling to collect this? I suggest make a flat rate for student accommodation	within Section 6 of the SPD. No amendment proposed.
15	Mr Brian Jones	Resident	Students often have societies that lead to visits to the coasts, e.g. Birdwatching, geology, botany etc. Such visits may be made by coach and can cause serious disruption to the habitats.	The SPD is related to new residential development only. No amendment proposed.
16	Mrs Joanna Thornicroft	Resident	I can understand a reduced fee per unit as each one would only house a single individual, but there is no reason to believe that students will not visit these areas as much as any other individual.	The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.
17	Mrs Susie Jenkins	Brightlingsea Nature Network	Good points.	Noted. No amendment proposed.
18	Mr Graham Pike	Resident	Nicely explained and detailed.	Noted. No amendment proposed.
19	Councillor Frank Belgrove	Alresford Parish Council	The evidence that dogs are the major threat in causing wild bird flight is interesting.	Noted. No amendment proposed.
20	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River Crouch Conservation trust. Owner of 1.5 miles of river banks of the crouch	Wildlife is thriving.	Noted. No amendment proposed.
21	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	This is more taxation by the RAMS and will be difficult to apply.	The effectiveness of the mitigation will be monitored as outlined



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
				within Section 6 of the SPD. No amendment proposed.
22	Mr John Fletcher	Resident	This is a waste of money.	Noted. No amendment proposed.
23	Mrs Jackie Deane	Great Dunmow Town Council	No objections to the proposals.	Noted. No amendment proposed.
24	Mr Bernard Foster	Resident	To start building student dwellings in vulnerable areas will raise a few eyebrows. Remembering that all forms of encroachment - light, noise, vibration - can have an impact over varying lengths of time. To encourage a generation to have environmental insight should be seen as proactive. If the correct balance is struck it will be proven in the future.	Locational criteria for development are a matter for Local Plans and development management at the LPA level and not within the scope or remit of the RAMS or SPD. No amendment proposed.
25	Mr Mark Marshall	Resident	Universities and developers make plenty of money from student accommodation. Why should they be exempt from costs others have to pay? If they do not pay their share, then others pick up the tab and that is not fair.	Appendix 2 of the SPD outlines that proportionate costs will be applicable to student accommodation in the majority of circumstances. The number of student accommodation proposals have not been used to calculate the scale of mitigation needed in the RAMS. Therefore, developers proposing other residential development schemes will not be charged a higher rate to compensate for a lower tariff for student accommodation. No amendment proposed.
26	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	A decision is needed for student tariffs.	Appendix 2 of the SPD outlines that proportionate costs will be applicable to student accommodation in the majority of



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
				circumstances and sets out methodology. No amendment proposed.
27	Ms Beverley McClean	Suffolk Coast & Heaths AONB team	The AONB team welcome that a tariff is being considered for proposals for new student accommodation. The approach proposed and the tariff proposed are considered fair and proportionate. Some areas e.g. Colchester have large amounts of both on campus and private student accommodation built or planned within the Zone of Influence of the Colne Estuary. It is therefore appropriate that these developments contribute towards the cost of mitigating the impacts of increased recreational pressure linked to this type of development.	Noted. No amendment proposed.
28	Mrs Cecilia Dickinson	Resident	The more I see of this format the more irritating it becomes - section by section is unnecessary, off-putting and boring.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.

Other Comments

Table 15 – Other Comments: Summary of consultation responses and actions

No.	Name	Organisation	Main Issues Raised	Response / amendment required
1	Mrs Sharron Amor	Resident	I'm glad that this is being looked into however developing more homes in Essex outside of the coastal areas is also an issue. I live in Billericay and am extremely concerned about the wildlife that would be affected if my LPA goes ahead with its housing plans.	The RAMS and SPD proposes a tariff within a Zone of Influence that extends 22km from coastal areas. No amendment proposed.
2	Magister Debbie Bryce	Landlord	European protected site is of international importance.	Noted. No amendment proposed.
3	Mrs Alwine Jarvis	Resident	This is important work to preserve the environment for birds and for us residents to be part of this. However, as already mentioned this needs to be summarised so more people will be able to actively read everything and get involved as it is so important for our future generations.	Summaries are provided in Sections 2 and 3 of the SPD, which also includes links to a 'Frequently Asked Questions' page on the BirdAware website. No amendment proposed.



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
4	Mrs Joanna Spencer	Resident	Too much of the countryside is being built on, not enough thought that goes into road structures or new roads being produced, road designs. Residents are never consulted enough or given enough time to object to planning. Southend airport is damaging to peoples' health in the area and the culling of birds to support the airport is not acceptable.	Locational criteria for development, and supporting infrastructure, is a matter for Local Plans and development management at the LPA level and not within the scope or remit of the RAMS or SPD. The same applies to consultation of planning proposals and Local Plans. No amendment proposed.
5	Mr Matt Eva	Resident	There does not appear to be any consideration of negative impacts of the proposal, e.g. encouraging development elsewhere whilst not reducing impact on sites, and moving problems elsewhere.	Locational criteria for development are a matter for Local Plans and development management at the LPA level and not within the scope or remit of the RAMS or SPD. No amendment proposed.
6	Mr Bill Sedgwick	Resident	There will be no wildlife or green spaces if the various councils continue to concrete Essex. All that us being built is news type estates that does nothing for the county or environment. There is an abject failure of house builders and councils to look at roads, schools, buses, railway capacity and hospitals.	Locational criteria for development, and supporting infrastructure, is a matter for Local Plans and development management at the LPA level and not within the scope or remit of the RAMS or SPD. No amendment proposed.
7	Mr Terry Wallace	Resident	Does not view the consultation as important.	Noted. No amendment proposed.
8	Heather Read	Natural England	Support for the determination of the Essex Coast RAMS SPD HRA and SEA Screening.	Noted. No amendment proposed.
9	Mr Richard Carr	Transport for London	Confirmation that we have no comments to make on the draft SPD.	Noted. No amendment proposed.



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
10	Mr Colin Holbrook	Blackmore Village Heritage Association	<p>I support this initiative. When Brentwood Council must consider Bird welfare that is 22 kilometres away from its boundary, it is a shame that more effort is not put into protecting the habitat of people when considering new build habitation. Brentwood Local Development Plan has been adversely impacted and damaged by new development approved by neighbouring Epping Forest District Council.</p> <p>I would urge that all planners are required to afford the same consideration to human neighbours they are legally bound to give to birds.</p>	Locational criteria for development, and supporting infrastructure, is a matter for Local Plans and development management at the LPA level and not within the scope or remit of the RAMS or SPD. No amendment proposed.
11	Ms Margaret Carney	Resident	Unsure what kind of response is required from the consultation and the subject matter.	Noted. No amendment proposed.
12	Mr Edward Harvey	Resident	Is there a document that explains what "Recreational disturbance Avoidance and Mitigation Strategy" actually means in plain English?	Summaries are provided in Sections 2 and 3 of the SPD, which also includes links to a 'Frequently Asked Questions' page on the BirdAware website. No amendment proposed.
13	Mr Matthew Breeze	County Planning, Minerals & Waste, Cambridgeshire County Council	Confirmation that the County Council, in its role as a Minerals Planning Authority, has no comments on this document.	Noted. No amendment proposed.
14	Mr Stewart Patience	Anglian Water Services Limited	We note that the expectation is that all housing development located within Zones of Influence as defined would be expected to make strategic contributions to the RAMS. Reference is also made to tourism accommodation potentially having significant effects on protected habitats sites and being required to provide a Habitats Assessment and potentially mitigation measures. However, there is no guidance provided for non-housing development which would not be expected to give rise to recreational disturbance. For the avoidance of doubt, we would ask that it made clear that other types of development including infrastructure provided by Anglian Water would not be expected to make contributions to RAMS.	Effects on Habitats Sites from non-residential development proposals, will be addressed in project-level HRAs of proposals, where relevant. It is however proposed that the SPD is amended to refer to set out that all non-residential proposals are exempt from the tariff.
15	Mr John	Resident	It is important to take a detailed look at all adjacent waters to our estuaries as they are a vital link in the chain of protecting wildlife. All rivers feeding estuaries	The scope of the RAMS and SPD is specific to Habitats Site



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Parish		need careful management. Prime example is new vast housing project next to River Blackwater Braintree Essex which is going to be far too close to the river corridor. With increasing population sensible management of coastal areas is even more important. Dogs are a menace on sensitive areas and banning them may be necessary to protect nesting birds. Environment Agency will need to be aware and work with all other agencies etc to achieve improvement for future generations.	designations only. The need for project-level HRAs and where necessary AAs still applies to development proposals, and pathways to Habitats Sites regarding non-recreational effects can be expected to be explored as part of those processes. No amendment proposed.
16	Unknown	CLH Pipeline System Ltd	We would ask that you contact us if any works are in the vicinity of the CLH-PS pipeline or alternatively go to www.lineearchbeforeudig.co.uk , our free online enquiry service.	Noted. No amendment proposed.
17	Ruth & David Burgess	Landowner	As land owners in the Thundersley, Benfleet area, we are interested to learn when the new draft Local Plan is likely to be introduced.	Section 8 of the SPD provides links to all partner LPA websites where updates to Local Plan progress can be found.
18	Mr Frank Last	Badger Rescue	I do not seem to be able to find any mention of Wat Tyler Country Park or Fobbing Marshes in your report. Can I ask why this is? especially due to the large amount of flora & fauna there is at both places.	The scope of the RAMS and SPD is specific to Habitats Site designations only. No amendment proposed.
19	Mr David Dunn	Resident	I feel far more representation on the issue of the effects of the ensuing climate crisis should be at the top of the agenda in all thinking. This along with more heat and new species of birds and marine life a whole new approach has to be adopted to cater for all the habitats they all use alongside our enjoyment of them. Surely to not maintain many of the sea defences is folly, when the already degraded marshes, saltings and cliffs are being wasted and not properly managed mainly due to lack of finances. There have been monies available from the EU in the past for various schemes but have failed to materialise.	The scope of the RAMS and SPD is specific to Habitats Site designations only. No amendment proposed.
20	Mrs Anne Clitheroe	Essex County Council	Essex County Council is satisfied with the content of the Essex Coast RAMS SPD and confirms that it wishes to continue to be engaged in this process	Noted. No amendment proposed.
21	Mr Derek T.	Resident	With so many problems currently confronting the UK, I am very surprised that the subject matter heading, justifies any consideration by Central and Local	The scope of the SPD, and the tariff proposed, is relevant to 'in-



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Park		Government whatsoever. Furthermore, if pursued, it will incur costly resources, again defrayed by taxation at public expense. The disturbance of coastal bird habitats should be dealt with directly by the Charities or Trusts responsible for such nature reserves. Whoever is responsible for the reserves, could be required to secure boundaries with a single controlled gated access, enabling admission numbers to be limited and a fee charged for entry. Similarly, any erected viewing Hides inside or outside the curtilage of sites, could have a charge machine installed to allow entrance. Any marine entry to reserves should be licensed, authorising where appropriate, limited pre-agreed scheduled frequency of visitation. Otherwise ban with a penalty, such disturbing access. I am fascinated by the composition of the somewhat bureaucratic expansive subject heading.	combination' recreational effects from future housing growth only and to deliver the mitigation proposed in the RAMS. Charities and Trusts cannot be expected to generate sources of funding to pay for the mitigation at the scale required. No amendment proposed.
22	Mr John H Bayliss	Hilbery Chaplin	I believe that this is a very important subject to be considered because there is no doubt that the Essex coast and adjoining landscape is of vital importance for the protection of wildlife and the future of this unique part of the United Kingdom.	Noted. No amendment proposed.
23	Mr Mark East	Resident	I have a concern that there could be a legal challenge as no consideration has been given to whether alternative development sites outside of the Zone of Influence are appropriate to reduce the level of development within Zone of Influence areas. Development is being encouraged to boost the Economy without adequate care for the harm to our fragile environment. I feel more time and thought is necessary to find a pragmatic solution and one that delivers protection rather than a source to generate income.	Alternative site allocation outside of the Zone of Influence would only need to be considered in Stage 3 of the HRA process of the LPA's Local Plans. Stage 2 of that process (AA) considers that mitigation is possible to ensure that development proposals would not have any in-combination recreational effects on the Essex Coast's Habitats Sites. As such there was no need for any of the Local Plans to progress to Stage 3 of the HRA process. No amendment proposed.
24	Mrs Linda Findlay	Resident	On any development look at the long-term impact and always ask how can we tweak this to improve our natural environment.	Noted. No amendment proposed.



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
25	Mr Barrie Ellis	Resident	I hope this level of support goes ahead to protect our coastal areas for birds, whilst taking into account our need for more affordable housing. It is good to see.	Noted. No amendment proposed.
26	Nicola Sirett	Resident	There is no mention of what the money would pay for, beyond a few wardens. Surely there should be some physical infrastructure to manage higher visitor numbers. The report only talks about the impact of visitor numbers. No mention of the pressure on water quality along the coast which comes from managing the increased sewage and storm runoff (due to increased percentage of impermeable surfaces. This is a significant threat to wildlife and local fishing / shell fish (oyster) production. Where can I read the plans to mitigate against these issues?	The RAMS provide more information of the mitigation measures to be funded. The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. The need for project-level HRAs and where necessary AAs still applies to development proposals, and water quality can be expected to be explored as part of those processes. No amendment proposed.
27	Mr Graham Farley	Resident	<p>The plan covers the period to 2038 and yet there is no mention of The National Infrastructure Project at Bradwell in the form of new nuclear power station. Such a build will restrict new housing in particular on Mersea and around Bradwell for evacuation reasons then of course there will be the environmental issues, building issues and restrictions on movement to allow such a build to go ahead.</p> <p>You are costing charges and its admirable to support the numerous environmental protections but if this NIP goes ahead the damage caused to protected areas will completely undermine the East Coast RAMS.</p>	<p>The need for project-level HRAs and where necessary AAs still applies to development proposals, and other non-residential effects can be expected to be explored as part of those processes.</p> <p>The SPD does not apply to Nationally Significant Infrastructure Plans (NSIPs), which are dealt with under the 2008 Planning Act rather than the Town and country Planning Acts for applications for planning permission. Engagement has not yet gone into sufficient detail however it is expected that the</p>



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
				Bradwell B Project would follow the SPD's advice that the 'applicant can provide information for a project level HRA/AA and secure bespoke mitigation to avoid impacts on Habitats sites in perpetuity'. We consider that the nuclear power station, and associated development including the proposed 4,500 temporary workers accommodation would be dealt with via the Development Consent Order. No amendment proposed.
28	Mrs Natasha Hurley	Savills On Behalf of Thames Water Planning Policy	The area affected does not include land served by Thames Water.	Noted. No amendment proposed.
29	Mrs Karen Hawkes	South Woodham Ferrers Town Council	<p>Throughout the SPD there are references to EU Legislation. What will happen after Brexit: will these laws be enshrined in UK Law?</p> <p>Bullet point 4 states "Information on alternative sites for recreation". Whilst it is appreciated that the area needs to be protected the preferred message should be with information signage and alternative routes within the same location. If visitors are being sent to alternative locations this would result in increased motor vehicle usage; visitors may be less likely to visit the site which would affect their health and wellbeing.</p> <p>Bullet point 6 "Interpretation and signage" - Members would welcome universal / uniform signage throughout all the Essex Coastal Habitats.</p> <p>Page 12 Action Area Table - Members would request that relevant Town and Parish Council are detailed as partnership organisation.</p> <p>P13 Budget and Appendix 1 Strategic Mitigation - Whilst members are</p>	<p>The content of the relevant EU Directives related to birds and habitats have been transposed into UK law and will continue to apply. No amendment proposed.</p> <p>The message regarding 'alternative sites for recreation' can be expected to apply to future trips for recreation.</p> <p>Noted. Comments regarding uniform signage and additional stakeholders in the partnership organisation can be acted upon by the Delivery Officer, once</p>



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>supportive of the Action Areas identified, there are concerns as to whether they are deliverable within the budget identified. Members suggest that the toolkit needs revisiting to ensure that the projects can be delivered within the budget available. They also identified that there is excessive funding on personnel and enforcement and insufficient funding on the delivery of actual projects. Members are also concerned that the type of projects proposed are already being delivered by other stakeholders and that this is an unnecessary duplication of work.</p> <p>P15 Schemes under 10 dwellings - There are concerns that reasonable costs of completing and checking the agreement is not required and that a more straight forward method would be as a matter of course to charge the £122 a home once the location is identified within a zone as detailed on p7.</p> <p>P16.5 Alternative to paying into RAMS - Point 5 should be removed. There should be no option for developers to carry out their own surveys. If the surveyor evidenced that there was no requirement to fund the tariff this would result in a shortfall in the anticipated income and as a result projects detailed may not be able to be funded.</p> <p>P17 6.3 Steering Group - This should include relevant partners as detailed in table 4.1.</p> <p>With reference to the steering group, members would welcome a representative from all partnership organisations as detailed on P13 with the addition of Town and Parish Councils. As currently stipulated in the plan there is no input from RSPB, Essex Wildlife Trust and Town and Parish Councils.</p>	<p>appointed. No amendment proposed.</p> <p>The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.</p> <p>Some LPA partners do not charge a legal fee for minor applications, they are solely required to pay the tariff. Schemes under 10 dwellings have been identified as requiring to pay for legal costs as no mechanism currently exists for smaller proposals to pay through a Section 106 agreement. No amendment proposed.</p> <p>Alternatives to paying developer contributions to the RAMS would only be acceptable where bespoke mitigation addressing recreational effects on the Essex Coast can be delivered. To identify and justify other forms of mitigation as suitable, visitor surveys would have to be produced by the applicant.</p>
30	Mrs Susie Jenkins	Brightlingsea Nature Network	<p>This strategy encourages LPAs to grant planning permission as a way to accrue money for this fund. How will this be avoided? Also, there is no mention throughout this strategy that some habitats should not be developed near due to disturbance. LPAs should feel supported in turning down inappropriate development.</p>	<p>The tariff is proportionate to the in-combination effect each new dwelling will have on the Essex Coast's Habitats Sites and monies collected will not be used</p>



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
				to fund anything other than the strategic mitigation of the RAMS. No amendment proposed. Each development proposal within the Zone of Influence will need to undertake an HRA and where appropriate an AA to assess other non-recreational effects on Habitats Sites. This will include development near to the Habitats Sites themselves. No amendment proposed.
31	Mr PC Paul Rawson 2858	Essex Police Marine Unit	As part of Essex Police Marine unit, we would be very grateful to discuss potential outcomes for the future and any possibility of joint working.	Noted. Joint working requests can be acted upon by the Delivery Officer, once appointed. No amendment proposed.
32	Mr Edward Harvey	Resident	Is there a document that explains what "Recreational disturbance Avoidance and Mitigation Strategy" actually means in plain English?	Sections 2 and 3 of the SPD provide summaries of the RAMS and scope of the SPD. Additionally, the SPD signposts a 'frequently asked questions' (FAQ) document' which is available on the Bird Aware Essex Coast website. No amendment proposed.
33	Mrs Diane McCarthy	Billericay Town Council	The document makes no mention of any sustainable methods of transport.	Each partner LPA's Local Plan contains policies regarding sustainable transport. No amendment required.
34	Ms Diane Jackson	MAG London Stansted Airport	We have no aerodrome safeguarding objections to the proposals.	Noted. No amendment required.



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
35	Councillor Roy Martin	Resident	The consultation has been badly designed, extremely lengthy and not user friendly, so it is not practical for everyone to respond in full. The main area of major concern in Hockley and the District of Rochford is the volume of massive new builds being allowed which impacts on every aspect of life including transport systems. Developers should be held responsible for the impact on infrastructure and protection of the environment with penalties applied for failure to comply. Local knowledge and views must be satisfactorily resolved to give the government a better understanding of the consequences of their decisions before planning is approved.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. No amendment proposed.
36	Mr Graham Pike	Resident	I found this a very interesting exercise. The documentation was laid out well. Lots of useful data included. Findings very sound.	Noted. No amendment required.
37	Mrs Helen Waterfield	Black Notley Parish Council	<p>Black Notley Parish Council support the strategy. We generally agree on the Action/Examples given however we strongly feel that there should be no newbuilds at all in close proximity to sensitive sites. Development of recreational facilities must not impact on the character and charm of the very areas this is setting out to protect. Footpaths/Access and Parking Facilities must only be developed in keeping with the existing location and area.</p> <p>In the more outlying locations diverting Footpaths away from the waterside areas and installing screening is also unfair to ramblers and wildlife watchers who want to appreciate the Estuary views.</p> <p>We look forward to more and better access to Footpaths along this special coastline and Footpath Maps should be provided. There should be separate routes for cyclists.</p> <p>Access to Sites of Special Interest should be limited only during the breeding season of birds and wildlife, and dogs must be kept on a lead at these times.</p>	<p>Each development proposal within the Zone of Influence will need to undertake an HRA and where appropriate an AA to assess other non-recreational effects on Habitats Sites. This will include development near to the Habitats Sites themselves. No amendment proposed.</p> <p>The Essex Coast RAMS toolkit (Table 4.1 of the SPD) includes 'Provision of information and education' as an Action Area. This could include 'maps with circular routes away from the coast on alternative footpaths.' No amendment required.</p>
38	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	This scheme is totally undemocratic and dictatorial - it is obvious that this consultation document is circulated purely in order to comply with necessary regulations.	Noted. High-level oversight of the project is undertaken by the Essex Coastal Forum which



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			RAMS is an unmanageable, unnecessary proposed organisation, to be run by un-elected, un-regulated members with the power to raise money, at the expense of the housing market; mostly affecting the less well off in society who need affordable council or private sector housing.	included locally elected Members. No amendment proposed.
39	Mrs Jacqueline Smith	Resident	<p>I generally agree on the Action/Examples given, however strongly feel that there should be no newbuilds at all in close proximity to sensitive sites. Development of recreational facilities must not impact on the character and charm of the very areas this is setting out to protect. Footpaths/Access and Parking Facilities must only be developed in keeping with the existing location and area.</p> <p>In the more outlying locations diverting Footpaths away from the waterside areas and installing screening is also unfair to ramblers and wildlife watchers who want to appreciate the Estuary views.</p> <p>I look forward to more and better access to Footpaths along this special coastline and Footpath Maps should be provided. There should be separate routes for cyclists.</p> <p>Access to Sites of Special Interest should be limited only during the breeding season of birds and wildlife, and dogs must be kept on a lead at these times.</p>	<p>Each development proposal within the Zone of Influence will need to undertake an HRA and where appropriate an AA to assess other non-recreational effects on Habitats Sites. This will include development near to the Habitats Sites themselves. No amendment proposed.</p> <p>The Essex Coast RAMS toolkit (Table 4.1 of the SPD) includes 'Provision of information and education' as an Action Area. This could include 'maps with circular routes away from the coast on alternative footpaths.' No amendment required.</p>
40	Mr Mark Nowers	RSPB	Regarding the 'Essex Coast RAMS SPD SEA/HRA Screening Report' - Further to our comments regarding the Outer Thames SPA, we note that in Appendix 2 (Broad illustration of the Zone of Influence of the RAMS) that red line extends over the Outer Thames SPA designation, but it is not identified as such.	It is proposed that the map in Appendix 2 of the Essex Coast RAMS SPD SEA/HRA Screening Report be amended.
41	Mrs Jackie Deane	Great Dunmow Town Council	The Town Council is generally supportive of the proposals.	Noted. No amendment proposed.
42	Mr Gavin Rowsell	Resident	I think I have put my point across.	Noted. No amendment proposed.



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
43	Mrs Angela Faulds	Brentwood and Chelmsford Green Party	We feel the area is already overdeveloped and the expectation of nearly a quarter of a million more people living alongside the coastal areas of Essex, with their priceless wildlife habitats, is unsustainable.	Noted. No amendment proposed.
44	Mr Julian Novorol	Hamford Water Management Committee	We would like to request that when rangers are appointed for the coast/ Hamford Water area – that we have the opportunity to meet with them to discuss the management/ problems that we experience in the Backwaters.	The Delivery Officer and Rangers can explore joint working arrangements, once appointed. No amendment required.
45	Mrs Jane Taylor	North East Essex Clinical Commissioning Group	<p>On behalf of the Health system in North East Essex namely;</p> <ul style="list-style-type: none"> - North East Essex Clinical Commissioning Group - East Suffolk North Essex Foundation Trust - Anglian Community Enterprise - Essex Partnership University Trust - East of England Ambulance Service <p>We have reviewed the above and acknowledge the content, we have no formal feedback to provide.</p>	Noted. No amendment proposed.
46	Mrs Kelly Holland	Canewdon Parish Council	Canewdon Parish Council support the aims of the document particularly the requirement that all developments would have to take the document into account especially those that do not go through the formal planning process.	Noted. No amendment proposed.
47	Mr K. Randall	Resident	<p>I feel the most important matter to consider in this Planning Document is the predicted rise in water levels caused by climate change. Another concern is coastal erosion which is extremely difficult to contain and resolve. As for developments, the Authorities should consider arranging for proposals to be based further inland and, if possible, on higher ground due to the threat of rising water levels. Also, the Authorities should mitigate the over development and, instead, concentrate on improving the environment, services and infrastructure in these coastal areas. No development should be allowed in on Green Belt Land. Due consideration should be given to building new housing in a manner that negates the effects of climate change in the future. Perhaps the Local Authorities could request that some trees are planted on new housing development estates.</p> <p>I feel that the priority of all the Local Authorities involved is to protect our</p>	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. Decisions on the distribution of new housing growth is outside the scope of this SPD. No amendment proposed.



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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			valued coastline areas from flooding and that any new housing proposals should be curtailed until this protection has been put in place.	
48	Mr Bernard Foster	Resident	If you want to sell what can only be seen by the general public as restrictions, you need to show that you support realistic alternatives away from the sensitive areas. Interact with local infant and junior schools in a positive way, children remember best what they enjoy, so make it fun to learn.	Each development proposal within the Zone of Influence will need to undertake an HRA and where appropriate an AA to assess other non-recreational effects on Habitats Sites. This will include development near to the Habitats Sites themselves. Engagement with local schools will be considered by the Delivery Officer once in post. No amendment proposed.
49	Mr Tim Woodward	The Country Land & Business Association (CLA)	We are very concerned that members, who may be considering a development on their land which will help local authorities meet their housing targets, or a visitor facility or commercial development which will help to boost tourism to the area or provide rural employment, could face CIL charges as well as the charges proposed in the SPD. It seems unfair that they will be held responsible for increased recreational access to the Essex coast, and consequent disturbance to habitats and bird species, at a time when extra access is being actively encouraged and facilitated by the delivery of the England Coast Path by Natural England.	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only and enables housing growth to continue in line with the requirements of the Birds Directive and Habitats Directive. No amendment proposed.
50	Parish Clerk for West Horndon Parish Council Kim Harding	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS.	Noted. No amendment proposed.
51	Ms Jo Steranka	Resident	The Essex coastline, and therefore the Designated Sites are low-lying. The highest land point is at Walton-on-Naze, which is a mere 20 metres above sea level. This means that they are highly vulnerable to erosion and sea-level rise. The only mitigation for climate-induced habitat loss in the future is to minimise	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only.

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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>the carbon emissions from residential dwellings.</p> <p>Whilst not specifically commenting on the section on student residential development, I note that it is considered that the Tariff for these developments should be reduced because students are not generally car or dog owners.</p> <p>The Strategy has missed an opportunity to use the residential planning process to control the availability of parking in new developments and household energy efficiency (for example) to mitigate against damage to the Designated Sites from climate heating. It might be argued that 73,000 new homes is a fraction of the carbon emissions threatening the planet, but on an annual basis those emissions will still make a contribution.</p>	<p>The type of new dwellings built within the Zones of Influence and parking standards for new dwellings is outside the scope of the SPD.</p> <p>Each development proposal within the Zone of Influence will need to undertake an HRA and where appropriate an AA to assess other non-recreational effects on Habitats Sites. This will include development near to the Habitats Sites themselves. No amendment proposed.</p>
52	Ms Beverley McClean	Suffolk Coast & Heaths AONB team	Please see the map for the Suffolk Coast & Heaths AONB extension area which may be useful for future discussions.	Noted. No amendment required.
53	Mrs Cecilia Dickinson	Resident	<p>The LPAs, ECC and Natural England want to charge property developers per unit to mitigate potential disturbance to bird/coastal habitat, yet Natural England want to build a coastal path – an invitation to people to trek the coastal path causing the disturbance that mitigation is being planned for.</p> <p>One or the other. Either protect the coastal sites - or build a coastal path and the wildlife can take its chances. The Habitats Regulations already require these sites to be protected. Use the collections to fund on-the-ground mitigation as well as digital media that should be being provided by the LPAs and Essex anyway. Nobody asked us if we want all these residential units built - we are told we are going to get thousands. Do not build on greenfield sites, do not build near the coast, designate some sites as people sites. Natural England will have to reroute the path.</p>	The scope of the SPD, and the tariff proposed, is relevant to ‘in-combination’ recreational effects from future housing growth only. Natural England have been involved in the development of the RAMS and SPD. The distribution of new housing growth is outside the scope of this SPD. No amendment required.
54	Ms Jessica Ferguson	Martin Robeson Planning Practice	The Regulations require an assessment of whether a project i.e. a development proposal, is likely to have a significant effect either alone or in-combination with other plans or projects. Planning permission should not be	Under the Habitats Regulations each development proposal will need a project-level HRA. This is

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			<p>granted for such unless appropriate mitigation is provided. It would seem appropriate, since development has to be assessed based upon the likelihood of significant effects arising from the development alone and relevant mitigation provided, that the same approach is also taken to assess 'in combination' effects. Relevant and necessary mitigation should only be provided, based upon the scale of the proposal, its use and the site context, rather than this being prescribed for every development. The SPD however takes a more generalised approach, requiring the same contribution from every development regardless of its context or specific use.</p> <p>Requiring a site-specific assessment takes a similar approach to that by an Inspector into a recent appeal in Chelmsford (Appeal Reference APP/W1525/W/19/3236158). He stated that he could "not be satisfied that the suggested mitigation measures within the planning obligation would be sufficient to mitigate the harm to the Blackwater Estuary SPA and Ramsar site and the Essex Estuaries SAC" (paragraph 19). This is suggestive that an approach to determining whether there is likely to be a significant effect should be determined on a case by case basis. This then raises a question as to whether Regulation 122 of the CIL Regulations is met, particularly in terms of whether such a contribution could be directly related to the development and fairly and reasonably related in scale and kind. Whilst the SPD seeks to justify the contribution against Regulation 122 at paragraph 4.12, this is tenuously linked.</p> <p>The SPD does not take into account other mitigation proposed or in place on site or in the vicinity of the site, which is aimed at ensuring that residents do not travel to Habitats sites. Whilst it is acknowledged that paragraph 5.2 of the SPD identifies that an alternative to such a contribution would be for applicants to conduct their own visitor surveys and secure bespoke mitigation, this is not particularly advocated by the SPD and does not specify other considerations that would have a bearing on the mitigation that might be required e.g. on site spaces and local facilities etc.</p> <p>The generalised approach taken also has implications for the applications to</p>	<p>still the case for proposals within the Zone of Influence, and any resultant AA will set out recommendations to mitigate effects that are directly related to the proposal. This will include other mitigation proposed or in place on site or in the vicinity of the site, which is aimed at ensuring that residents do not travel to Habitats sites. No amendment proposed.</p> <p>The tariff is evidence based and proportionate. It is considered inappropriate to apply a 'sliding-scale' in regard to the tariff at this stage and a 'blanket tariff' is proposed as the RAMS seeks to mitigate 'in-combination' effects i.e. those identified from accumulated housing growth in the Zol. This can however be reviewed annually by the Delivery Officer once appointed. No amendment proposed.</p> <p>The appeal referred to was dismissed in January 2020. The Inspector states at paragraph 19 that a copy of the completed obligation towards mitigation measures at Blackwater Estuary SPA and Ramsar site and the</p>

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			<p>which the SPD applies which at paragraph 3.8 is identified to include residential care homes, boarding schools, military barracks along with HMO's. Realistically the recreational impacts of each of these will be significantly different from say a family home. However, the approach taken in the SPD is the same for all residential development listed. It is acknowledged that the RAMS tariff of £122.33 would not be a 'fair and proportionate contribution' as it is recognised that any recreational disturbance will not be dog related. The SPD also recognises that in Chelmsford, purpose-built student accommodation, given its distance from Habitats sites and the restrictions generally preventing students from owning a car or a pet, would mean that such developments will not lead to likely significant effects on Habitats sites from increased recreational disturbance. Thus, if it is recognised that a standard approach is not appropriate in some situations, it should equally be applied to others where there will be differing recreational impacts.</p> <p>Paragraph 3.10 of the SPD acknowledges that 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. However, when developing Local Plans and when considering any new applications that come forward, these should have already taken into account any outline applications that had been determined at that time. Such proposals then risk double consideration and the requirement for a contribution towards 'in-combination' effects has the risk of being unrelated to the impacts of the development on the basis that it's 'in-combination' effects would already have been considered by other developments. Therefore, in such situations, when considering the application at the reserved matters stage it should instead be looking at the effects of the development alone.</p> <p>The SPD confirms that the requested contribution is to go towards funding measures set out in Table 4.1. Some measures may not however be relevant to all development proposals and others could be directly provided by the applicant themselves i.e. provision information and education. This again indicates that a more tailored approach to each application is required. Having reviewed the mitigation package as costed at Appendix 1 we similarly note</p>	<p>Essex Estuaries SAC was not provided so the Inspector could not be satisfied that the suggested mitigation measures would be sufficient. The principle of the RAMS was not addressed further by the Inspector in the report.</p> <p>The RAMS and SPD applies only to 'in-combination effects' which have been identified within the HRAs of the LPAs' Local Plans. Each Local Plan's resultant AA and consultation with Natural England, has identified the need for the RAMS to mitigate in-combination effects and enable development.</p> <p>An amendment to the SPD setting out the requirements of development proposals in regard to statutory HRA procedures and on-site mitigation, and the specific effects the RAMS will mitigate in accordance with Regulation 122 of the CIL Regulations, is proposed.</p> <p>An amendment justifying the inclusion of C2 Residential Institutions and C2A Secure Residential Institutions as</p>

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			<p>items included which would not be relevant to every development, for instance, not every new residential unit will be for a household with a dog or one which undertakes water sports.</p> <p>There is also a concern with respect of the way in which the figure has been calculated. Whilst it is appreciated that the mitigation package cost has been identified as set out at Appendix 1, the division of this total cost by the total number of dwellings which are currently identified to be built over Local Plan Periods until 2038 does not necessary accurately reflect the number which will come forward in the next 18 years. It is likely that, given the Government’s emphasis on building new homes, in response to consistent demographic change, that this number will increase. Consequently, this would mean that the contributions collected would exceed the overall cost for the mitigation package. It thus needs to be ensured that, should such an approach to mitigation be adopted (notwithstanding the concerns highlighted above), there are adequate reviews and adjustments to the unit charge accordingly to ensure such figures are fairly and reasonably related in scale and kind to the development. Thus, we endorse, without prejudice to our view that the approach is of itself too generalised, the suggestion at paragraph 6.4 that the monitoring process be “fit for purpose”.</p>	<p>qualifying within the scope of tariff payments is proposed.</p> <p>Regarding reserved matters applications, the quantum of development has been considered in regard to quantifying effects of Local Plan growth, where identified within those Plans. This justifies the tariff being applicable to reserved matters applications, however separate consideration should be given due to the findings of their project-level HRA/AAs where they may have been published prior to the emergence of the RAMS. No amendment proposed.</p> <p>Development proposals within the Zone of Influence will still need to undertake project-level HRA/AA. Proposals may also include bespoke mitigation, and the SPD includes details on this within Sections 5 and 3.14. No amendment proposed.</p> <p>The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed. Adequate reviews and adjustments to the</p>

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				tariff are included within the SPD. No amendment proposed.
55	Mrs Charlotte Bailey	Resident	<p>Natural England is a partner in RAMS, which is hypocritical as they will inflict the England Coast Path on to the River. More publicity means more people walking in the fragile countryside and disturbing birds. Notices warning dog owners to keep dogs on leads are currently ignored and notices are removed from fences.</p> <p>Attempts to try to 'educate the public' will not work and the RAMS will not be able to avoid disturbing birds. Essex has been destroyed with over development. Perhaps included in Information Packs for new home owners a guide could be enclosed to try and educate people on how to behave in the countryside, and how to behave amongst birds & animals.</p>	The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. The mitigation proposed within the RAMS does not seek to prevent visitors to the Essex coast, rather its focus is on raising awareness of issues at the coast and to foster positive behaviours. No amendment proposed.
56	Mrs Jane Black	The Wivenhoe Society	<p>The calculated tariff does not appear to make any allowance for the need to set aside funding to cover costs in perpetuity but is set at a rate which just covers costs over the period 2019 to 2038 (plus 10% contingency)</p> <p>The proposed tariff is set at the same level regardless of dwelling size. The potential for recreational disturbance will depend on the increase in population so it would be fairer to relate the contribution to dwelling size.</p> <p>In table 3.2 the use class C2 is included. In Appendix 2 there is discussion of how student accommodation should be treated but there is no similar discussion for care homes. Care Homes for the elderly are unlikely to generate much recreational disturbance, particularly water based. Consideration should be given to this use class and how an appropriate tariff, if any, should be calculated.</p> <p>Holiday caravan/chalet developments are not included in the list of use classes. Nor is other tourist accommodation. This is discussed in paragraph 3.10 but it is not made clear whether a financial contribution to the scheme will be required.</p>	<p>The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.</p> <p>The per dwellings tariff is evidence based and proportionate to the 'in-combination' effects identified i.e. those identified from accumulated housing growth in the Zol. Each individual proposal is still required to address the specific effects on Habitats Sites through project-level HRA/AA within the Zone of Influence, including recreational effects. At this stage effects resulting from dwelling size be addressed and mitigation recommended where necessary. This can however be reviewed annually by the Delivery</p>

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				<p>Officer once appointed. No amendment proposed.</p> <p>Adequate reviews and adjustments to the tariff are included within the SPD. As explained in the RAMS Strategy Document, an in-perpetuity fund will be developed to ensure that mitigation will be delivered in-perpetuity. No amendment proposed.</p> <p>An amendment justifying the inclusion of C2 Residential Institutions and C2A Secure Residential Institutions as qualifying within the scope of tariff payments is proposed.</p> <p>Section 3.9 of the SPD states that, 'Other types of development, for instance tourist accommodation, may be likely to have significant effects on protected habitat sites related to recreational pressure 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</p>

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				be considered separately from this strategy and taken into account by the appropriate authorities.' No amendment proposed.
57	Mrs Heather Archer	Highways England	Having examined the consultation documents, we are satisfied that its policies will not materially affect the safety, reliability and / or operation of the SRN. Highways England does not offer any comments on the consultation at this time.	Noted. No amendment required.
58	Mr Phill Bamford	Gladman	<p>We welcome the proactive and strategic approach that the 12 authorities have taken to addressing this issue and we support the tariff approach to developer contributions which will hopefully simplify the S106 process and ensure a fair and transparent process. However, in introducing the tariff approach, it is essential that all authorities test the level of contribution, alongside all their policy requirements contained in their Local Plans to ensure that the contributions are viable. The level of contribution has been tested through some of the Essex Authorities Local Plan Viability Assessments, but to ensure that the level of contribution is acceptable and will not affect the overall viability of sites, it must be tested through all of the emerging Local Plans for the remaining affected authorities. Should it be found through this process that the level of contribution would cause any of the Essex authorities viability issues, then amendments need to be made to either the specific Local Plan policy in the relevant Local Plan or to the Essex Coast RAMS SPD, to review the level of contributions so that sites remain viable.</p> <p>This issue also applies to the comment made in Paragraph 4.4 of the Draft SPD which states that the tariff will be reviewed periodically and republished as necessary. If the tariff is to be amended, then the proposed revised tariff cost must be below the top of the range of figures tested through the viability assessments of the various Essex authorities Local Plans. If it is proposed that the tariff would increase above the range of costs tested in those viability assessments, then this would trigger a review of the Local Plans affected.</p>	Planning Policy Officers from each of the 12 LPAs have been involved in the progression of the RAMS and SPD since its inception and are thus aware of the tariff introduced. The subject of viability in regard to the tariff can be explored within Local Plan examinations, where deemed relevant. No amendment proposed.

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59	Mr Michael Atkins	The Port of London Authority (PLA)	<p>It is noted that table 4.1. (The Essex coast and RAMS toolkit) identifies several mitigation measures. Of these mitigation measures the 'provision of information and education' action area includes a requirement to provide information on the sensitive wildlife and habitats. Although we would encourage education to improve awareness, it must be done in such a way as to not encourage people to visit to see the features of designation such as the populations of overwintering birds.</p> <p>Also, within table 4.1, under the 'habitat creation' and 'monitoring' action areas; to note any habitat creation schemes and/or surveys taken place on the River Thames may require a River Works License with the PLA. The PLA requests to be contacted at an early stage with regard to any habitat restoration proposals within the PLA's jurisdiction. The PLA should also be included under the list of potential partners under the 'partnership working' action area.</p> <p>Within appendix 1 (Strategic Mitigation) it is noted that the mitigation packages for habitat creation and ground nesting bird projects are not proposed to start until year five of the timeline. The PLA considers that these types of projects should be identified at an earlier stage to ensure opportunities for such projects are not lost before any assessments take place.</p> <p>With regard to monitoring of the SPD, it is noted that an annual report will be provided to each LPA to inform individual Authority Monitoring Reports (AMR). The PLA requests to also receive the annual report to be kept update on the progress on the actions contained in the SPD.</p>	The suggested actions are considered relevant for exploration by the Delivery Officer, once appointed. No amendment proposed.
60	Ms Alexa Burns	Emery Planning on behalf of the Williams Group	A blanket tariff does not seem to be a fair approach given that some locations within the Zone of Influence are up to 22 kilometres away from the relevant estuary and only within one Zone of Influence, whereas other locations are within a few kilometres of one or more estuaries and within the Zone of Influence of 5 estuaries. It is considered that a zoned tariff, based upon the number of Zones of Influence a site is within and the distance it is away from the Zone of Influence should be applied. Sites with a greater likely impact on the Zones of Influence will therefore pay a greater tariff and sites on the periphery of the Zones of Influence will pay less.	The RAMS sets out how the Zone of Influence was calculated, including using visitor surveys. 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. Additional surveys will improve

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			<p>In addition, the 72,907 dwellings upon which the tariff figure is calculated appears to be an uncertain basis upon which to base the tariff. The reference to the fact that this figure is not definitive and will be subject to review requires clarification. When and how will these reviews take place and how will they be reflected within the SPD?</p>	<p>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. No amendment proposed.</p> <p>The tariff is evidence based and proportionate to the 'in-combination' effects identified i.e. those identified from accumulated housing growth in the ZoI. Each individual proposal is still required to address the specific effects on Habitats Sites through project-level HRA/AA within the Zone of Influence, including recreational effects. At this stage, effects resulting from a proposal's proximity to the Habitats Sites can be addressed and mitigation recommended where necessary. This can however be reviewed annually by the Delivery Officer once appointed. No amendment proposed.</p> <p>The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. Adequate reviews and adjustments to the tariff are included within the SPD and will</p>

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				be undertaken annually in line with each LPA's requirement to publish an Annual Monitoring Report (AMR). No amendment proposed.
61	Heather Read	Natural England	<p>Essex Coast RAMS Supplementary Planning Document (SPD) - As mentioned, we understand that the aim of the SPD is to set out the procedures to facilitate the collection of financial contributions towards the identified mitigation measures. On this basis Natural England does not wish to offer substantive comments on SPD and the mechanisms outlined and generally supports its aims.</p> <p>Nevertheless, we would highlight the need for the SPD (and accompanying assessments) to accurately approach the requirements of the Habitats Regulations, such as the hierarchy of avoidance, mitigation and compensation, but also the terminology in terms of impacts. For example, paragraph 2.14 of the SPD refers to the delivery of mitigation to avoid likely significant effects, however the intention of Essex Coast RAMS mitigation is to enable the conclusion of no adverse effect on the integrity of the international designated sites and we would advise clarification on this point. Natural England would also draw your attention to our previous advice on the provision of avoidance measures, such as well-designed open space/green infrastructure, within development boundaries for larger scale schemes (as per our letter reference 244199). We would continue to promote this approach and would suggest this is reflected within the framework of the SPD.</p> <p>Finally, we note the intentions of Appendix 2 which refers to the proportionate assessment for student accommodation. Whilst Natural England does not wish to comment specifically on this approach, we would emphasise the need for consistency with the housing figures used to calculate the tariff to ensure that there is no shortfall in overall funds of the mitigation package, which is otherwise the responsibility of the Competent Authority.</p> <p>Essex Coast RAMS SPD Habitats Regulations Assessment and Strategic</p>	<p>Amendments are proposed that reiterate the requirement for project-level HRA/AA of development proposals which will explore the hierarchy of avoidance and mitigation, and that the SPD is relevant to 'in-combination' recreational effects only.</p> <p>Amendments are proposed to the SPD and the Essex Coast RAMS SPD SEA/HRA Screening Report to clearly set out that the intention of Essex Coast RAMS mitigation to enable the conclusion of no adverse effect on the integrity of the international designated sites.</p>

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			<p>Environmental Assessment Screening - In summary Natural England notes the undertaken assessment and we are generally satisfied with the conclusions of the SEA and HRA Screening report (August 2019), in that the SPD can be screened out for its requirement of Strategic Environmental Assessment and the conclusion of the Habitats Regulation Screening that no further assessment is necessary at this time. As above, we would emphasise the recognition of the aims of the Essex Coast RAMS mitigation in ensuring no adverse effect on integrity, rather than avoiding likely significant effects.</p>	
62	Mr Mark De Roy	Landowner	<p>Because of 'Natural England's' 'Coastal Path scheme (my land is 5 miles from the 'Coast') I now have to fence and subdivide my land to protect a multiple of commercial interests and personal garden and amenity areas. I have been told some simple signage may be made available? I will witness a massive increase in the disturbance by 'walkers', 'visitors' to important designated sites of wildlife protection and previously privately protected 'Semi Natural Ancient Woodland' with protected wildlife habitats.</p> <p>A new 'Tax/Charge' on new dwellings is doubling up on an existing 'Community Infrastructure Levy' further dissuading philanthropic land owners to undertake the provision of village low cost housing provision to help the locally born working in the countryside to live in it. If this is to go ahead, I would only support it if the fund is administered by my 'Local Authority' who have to answer to the residents of this area as to how that money is accounted for and used. I would not support this levy if unaccountable 'Agencies' and dubious 'Charities' are handed yet more landowners money to be mis-spent and wasted yet again.</p>	<p>The scope of the SPD, and the tariff proposed, is relevant to 'in-combination' recreational effects from future housing growth only. No amendment required. The Essex Coastal Path is outside the scope of the SPD.</p> <p>The tariff will be collected and administered at the LPA level and development applications will continue to be determined by the LPA also. No amendment required.</p>
63	Mr Gary Guiver	Tendring DC on behalf of various key stakeholders with an interest in this project	<p>I am writing on behalf of Tendring District Council in response to the consultation exercise for the Essex Coast Recreation Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) to express some of the comments, issues and concerns raised to me by various key stakeholders with an interest in this project.</p> <p>Fundamental concerns have been expressed locally about any strategy or intervention that curtails or restricts the potential for residents and visitors to access and enjoy the coast and which would therefore diminish Tendring's</p>	<p>In ensuring that residential development can be permitted without the determination that there would be resultant significant effects on the integrity of Habitats Sites due to recreational disturbance, the tariff can enable growth in Tendring. Many development proposals</p>

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			<p>potential for tourism, economic growth and a healthy resident population.</p> <p>Examples of the more specific concerns and suggestions raised by local stakeholders with unquestionable knowledge of their area (particularly Hamford Water) are summarised as follows:</p> <ul style="list-style-type: none"> • That the money raised through RAMS contributions should not dissuade philanthropic land owners wishing to release land for the provision of low-cost housing for people born locally to live and work in the countryside. • That the RAMS contributions secured from developments in the Tendring area should be controlled and administered only by Tendring District Council as the local authority directly answerable to the landowners, businesses and residents affected. They should not be handed to a potentially unaccountable and faceless body. • The area termed Hamford Water is not, as the documentation suggests, a natural habitat. Instead it is a largely man-made environment that requires constant maintenance, dredging and management to avoid siltation caused by the grass and seaweeds growing in the water, which would otherwise rapidly turn into dried out marsh – as can already be witnessed at Hamford Water. • Whilst the emphasis of the documentation seems to major on birds, the whole chain of natural life requires far closer investigation – e.g. shellfish in Hamford Water (which have been poisoned by human e-coli through the release of sewage from Kirby and Bath House Meadows pumping stations); and sea mammals including seals and porpoises. • There are significant and important other Statutory Bodies with strong legal and commercial interests in Hamford Water including the Harwich Harbour Authority (who has control over the navigation and who collect Port Dues for shipping movements to Bramble Island); and Crown Estates, who own most of Hamford Water below the low tide level. 	<p>related to tourism, economic growth and health are exempt from the tariff.</p> <p>Tendring District Council, as one of the partner LPAs, will be accountable for the collection of the tariff and implementation of the mitigation measures in the Tendring District Council area. Section 6.3 of the SPD states that, 'A representative from each of the partner LPAs, together forming 'The RAMS Steering Group', shall work with the Essex Coast RAMS team...'</p> <p>The RAMS and SPD are related only to the effects of recreational disturbance on those wildlife designations that are classified as 'Habitats Sites' of which some of the most significant are within Tendring District, such as Hamford Water and the Stour Estuary. At the Essex Coast these are predominantly designated due to birds. Other effects from development proposals would be explored at the development management stage, in line with requirements for project-level HRA/AA, ecology assessments and Environmental Impact</p>

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			<ul style="list-style-type: none"> • Hamford Water has been able to manage itself and the wildlife present to a very high standard, without the need for draconian legal powers and without constant surveillance. The Hamford Water management Committee already supervises the area at nil cost to anyone except the organisations that willingly contribute – however this body nor any of its members are mentioned once in the RAMS documentation. • The level and nature of monitoring being proposed in the documentation are likely to have little worth, if it is anything like the level of evidence in the report. For example, it is said that the launching of Jet-Skis will be prohibited by legislation at Titchmarsh Marina and in the area around Mill Lane in Walton – yet there is no Jet-Ski activity in Hamford Water and launching is already not permitted at Titchmarsh Marina, Walton & Frinton Yacht Club or at the Walton Town Hard. Jet-Skis do launch from Dovercourt Bay. • Additionally proscribing Jet-Skis totally is contrary to the United Nations Charter of the Seas and Freedom of Navigation to which the UK is a signatory; applying to all coastal areas that do not dry out at low-tide. • It is suggested that people walking on the salt-marsh in the south-eastern corner of Hamford Water is causing significant damage, but without any evidence or detail of the alleged activity. In the last 55 years, little if any such activity has occurred and the only places of access in the south eastern area where the foreshore is accessible are at Island Lane and Foundry Creek where one would sink into soft mud if any such activity was tried. • The documentation states that the Naze are part of the Nature Reserve where wildlife is being affected by people walking there with dogs off their leads – but this area is owned by Tendring District Council having been sold to its successor (the Frinton and Walton Urban District Council) by Essex County Council on the condition it remained a public area with unrestricted public access in perpetuity. There is little wildlife to be found on the Naze other than 	<p>Assessments (EIA) where relevant and required of proposals at the LPA level.</p> <p>The Essex RAMS toolkit includes, within the ‘education and communication’ Action Area, direct engagement with clubs and relevant organisation. The implementation of this can begin once the Delivery Officer is appointed. The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.</p> <p>Moreover, all measures will be actioned meaning that contributions will fund this project. Because contributions are from within the zones of influence, there is no prospect of funding being diverted away from areas that require the greatest protection.</p>

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			<p>Muntjac, a few rabbits and various gulls.</p> <ul style="list-style-type: none"> • Imposing restrictions on the lawful peaceful use of the area around Hamford Water is unwarranted and could prove to be counterproductive. Bird surveys conducted by the local Warden show consistent healthy increases in the bird population. • It should be questioned why the Environment Agency licence to the blowing of eggs of the Lesser Black Backed Gull on Hedge End Island – as this is clearly a man-made intervention that favours certain forms of biodiversity over others and supports the view that Hamford Water is man-made, as opposed to a natural, environment. 	
64	Ms Emma Wreathall	Bradwell Power Generation Company Limited	<p>Given the position of national policy, it is considered appropriate that the Essex Coast RAMS SPD recognises Bradwell as a potentially suitable site for a new nuclear power station. ECC and MDC both recognise the Bradwell B power station as a significant infrastructure project within the Essex county and which reaffirms the need to take the Project into account within the new Essex Coast RAMS SPD.</p> <p>The spatial extent of the Zone of Influence for the Essex Coast RAMS (Figure 3.1) includes the Bradwell B nomination site boundary. It therefore follows that BRB GenCo has an interest in the RAMS proposals which may be of relevance in the context of the Environmental Impact Assessment (EIA) and HRA studies that it will need to complete to support a Development Consent Order application (and other regulatory consents) for a proposed nuclear power station.</p> <p>BRB GenCo has initiated a programme of baseline surveys to characterise the abundance distribution and behaviour of birds within a potential Zone of Influence of the proposed power station site. In due course, the results of these surveys will inform the EIA and HRA for the development. This survey work can make a contribution to the evidence base that is available to inform the targeting and deployment of mitigation measures to ensure that they are</p>	Noted. The implementation of specific communication and any joint-working can begin once the Delivery Officer is appointed. No amendment proposed.

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			<p>proportionate and appropriate given the range of pressures that may be prevalent as a result of new development proposals (either alone or in-combination).</p> <p>BRB GenCo looks forward to the opportunity to continue working with key stakeholders to ensure that effects arising from other developments can be taken into account during the forthcoming EIA and HRA studies for the Bradwell B Project.</p>	
65	Mr Matt Verlander	Avison Young on behalf of the National Grid	We have reviewed the above document and can confirm that National Grid has no comments to make in response to this consultation.	Noted. No amendments proposed.
66	Ms Michelle Curtis	Tollesbury Parish Council	<p>It is difficult for the Parish Council to be brought in at this late stage. Especially as we are not even listed under partnership working whereas 'local clubs and societies' are. Had we been included we would have shared our local knowledge which would have shown you that 'aerial disturbance' (page 38) was not the only form of disturbance present in the parish.</p> <p>On page 44 (also p102 A10.5) we feel that the discussion of mitigation options is rather limited and your concentration on Maldon should possibly be reviewed. Has not the District Council established Tollesbury as an access hub for the estuary?</p> <p>On page 52 under Habitat Creation, your comment that artificial islands 'may' fit in the Shoreline Management Plan (SMP). From our experience, having the largest artificial island in the Blackwater in the Parish, they do fit in with the SMP so we suggest the word 'may' is removed.</p> <p>It is of concern to the PC that the governance of this whole project is still being discussed (p68) with no reference to any feedback from local sources of information. This project is apparently to run until 2038. Might there not be some value to some two-way communication and representation with Parish Councils to ensure that the project remains fit for purpose?</p>	A consistent approach was adopted in collecting information to establish the RAMS baseline. The suggested actions are considered relevant for exploration by the Delivery Officer, once appointed, as is the implementation of the RAMS in practice. No amendment proposed.

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67	Ms Heather Biner	Resident	<p>The new Local Plan is unsound. The congestion around this area is already unacceptable. The roads cannot handle an increase in traffic especially at rush hour. The pollution levels in some places are already at dangerous levels. Some parts of the area are already at risk of flooding. The GPs, hospitals, schools and other services are already stretched to breaking point. The infrastructure is not in place nor is the space to add it. As well as the detrimental affect it would have on our wildlife and precious natural spaces.</p>	<p>Noted. The Maldon Local Plan was found to be sound in 2017 and was been approved by the Secretary of State in July 2017. These comments are related to the Local Plan in question rather than the SPD. No amendments proposed.</p>
68	Mr Shane Robinson	The British Association for Shooting and Conservation	<p>The Birds Directive fully recognises the legitimacy of hunting of wild birds as a form of sustainable use. Wildfowling is an activity that provides significant social, cultural, economic and environmental benefits in the UK. Wildfowling clubs also have a longstanding reputation for their conservation activities. Their understanding of the sites they manage and willingness to work together to the greater good of the site should be embraced.</p> <p>BASC is concerned that the creation of new residential development along the Essex coast will lead to increased visitor pressure on designated sites. Wildfowling clubs own and lease saltmarsh and foreshore along the Essex coast.</p> <p>Wildfowling along the Essex coast is consented by Natural England and has already been approved as having no likely significant effect on the features of designated sites. We are concerned that the proposed mitigating measures in the consultation documents will not address increased visitor pressure associated with new residential development along the Essex coast.</p> <p>We are concerned that when new residential development inevitably leads to increased visitor pressure that regulated activities such as wildfowling will be targeted as a means of addressing failures with RAMS. Bye-laws restricting walking and walking with dogs could mitigate increased visitor pressure.</p> <p>Preventing or restricting any further residential development along the Essex coast is the most appropriate means of mitigating increased visitor pressure.</p>	<p>The suggested actions are considered relevant for exploration by the Delivery Officer, once appointed, as is the implementation of the RAMS in practice. Distribution of housing growth is a matter for LPA Local Plans. No amendment proposed.</p>

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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>We would like to meet with the RAMS team as soon as possible to discuss our concerns and those of wildfowling clubs with you.</p>	
69	Ms Annie Gordon	Essex Wildlife Trust	<p>We wish to register our concern that neither Essex Wildlife Trust, the RSPB or the National Trust were included in the steering group for the development of the RAMS project. All three NGOs have significant coastal landholdings either including, or directly adjacent to, Habitats sites.</p> <p>While we accept that this strategy is now widely advocated, there is a notable lack of evidence to support the assertion that the strategy is effective. It remains unclear and uncertain as to whether the proposed mitigation will be deliverable and whether it can be guaranteed for the long term. Using a precautionary approach, we therefore cannot agree with the HRA conclusion of no adverse effects on integrity (AEOI) of Habitats sites and their features of interest. There is no basis in evidence to support this conclusion. Endorsement of the strategy by Natural England is not, in itself, a guarantee of its effectiveness. Natural England is subject to the "Growth Duty" under Section 108 of the Deregulation Act 2015. This means it is required to have regard to the desirability of promoting economic growth and must consider "the importance for the promotion of economic growth of exercising the regulatory function in a way which ensures that regulatory action is taken only when it is needed, and any action taken is proportionate."</p> <p>We wish to point out that the precautionary principle needs to be applied as one of the three tests of the Habitats Regulations. There is no reference to this fundamental principle in the Essex RAMS document. Instead the strategy refers to pragmatism; we have serious concerns that economic "pragmatism" may be used to undermine the protection of internationally important habitats and species. The Essex RAMS should be based on a precautionary approach; to do otherwise risks facilitating development that does not meet the criteria for sustainability.</p> <p>In respect of personal watercraft we are of the opinion that a published Code of Conduct will fail to deliver the much-needed change in behaviour. We do not accept the claim that this strategy will be an effective measure against</p>	<p>The RSPB and EWT were invited to both of the preliminary workshops essential to devising the RAMS and the RSPB provided valuable support for the RAMS and BirdAware. Only the partner LPAs and Natural England were involved in the steering group as the RAMS and SPD are considered technical Local Plan documents. No amendment proposed.</p> <p>The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.</p> <p>The need for and focus of the Essex RAMS has stemmed from the recommendations of the LPAs' Local Plan HRA/AAs and is not a document that needs to meet the Habitats Regulations Assessment regulations in and of itself. Section 2.15 of the SPD sets out that, '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</p>

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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>personal watercraft misuse. A much more robust package of enforcement measures is needed to address this issue.</p> <p>Table 6.2 Potential for disturbance of birds in Hamford Water states that: "Skippers Island has regular visits by a volunteer warden who speaks to visitors" - We wish to point out that the current Skipper's Island warden is a volunteer who is only onsite occasionally (once a month on average).</p> <p>"The Colne Point is wardened and as such is likely to be resilient to increased visitor impacts" - Once again, the warden of Colne Point is only onsite occasionally; for most of the time the site is not patrolled. It is false to claim that Colne Point has resilience to increased visitor impacts.</p> <p>"St Osyth Stone Point and Brightlingsea Creek is another area where potential conflict could take place, however these areas are relatively remote" - St Osyth Stone Point is not remote, it is the pick-up point for the Brightlingsea Foot Ferry and therefore has a relatively high footfall when the ferry is running during the Spring and Summer season.</p> <p>In conclusion, while we recognise the need for the RAMS, we are of the opinion that the current iteration of the strategy is flawed and does not fully accord with the principles underpinning the Habitats Regulations. In its current form there are unsubstantiated claims of effectiveness, a failure to adopt the precautionary approach and a lack of robustness in some of the mitigation measures proposed. We would urge that these matters are addressed, and the revised version subjected to further consultation.</p>	<p>at a level consistent with the level of potential harm. It also obeys the 'precautionary principle'. 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'. No amendment proposed.</p> <p>Once appointed, the Delivery Officer will engage with local key stakeholders on the implementation of the project. No amendment proposed.</p>
70	Mr Barrie Stone	Resident	Wildlife mitigation on Wallasea Island has already been done.	Noted. No amendment proposed.
71	Ms Anna Roe	Ipswich Borough Council	Regarding Figure 3.1 which shows the Zones of Influence for the Blackwater Estuary, Stour Estuary and Hamford Water stretching into the Suffolk Coast RAMS area. I am concerned that this could be confusing for developers of new dwellings in south Suffolk, as it implies that a contribution is required to the Essex Coast RAMS, in addition to the Suffolk Coast RAMS. Can I please	An amendment to the relevant map in the SPD and RAMS is proposed, which will remove all areas of Suffolk from the Zone of Influence.

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			request that figure 3.1 is amended to clarify that the Essex Coast RAMS tariff area stops at the Essex Boarder, I attach a map of the Suffolk Coast RAMs Zone of Influence to illustrate my point.	
72	Mr Sam Hollingworth	Strutt & Parker on behalf of the Chelmsford Garden Village Consortium	<p>The RAMS SPD does not appear to acknowledge the difference between the delivery of homes, and population increase. All three of the tests within Regulation 122 of the CIL Regulations must be met when requesting contributions. As such, it is essential that the RAMS SPD will only require contributions to be made where they are to mitigate impacts which inter alia are directly related to the development in question. They cannot be used simply to address an existing situation, or a situation that would arise irrespective of the development in question. It is therefore necessary to distinguish between the impacts of development and those that are simply of population increase which would have occurred regardless.</p> <p>The total number of new homes planned within the combined Zone of Influence does not reflect the total number of new homes required to meet the projected population growth. A number of Essex Local Planning Authorities' strategic housing policies are out-of-date, and do not meet current projection and household projections. By formulating a strategy based on mitigating population growth, but then introducing a per-dwelling charge to fund this based on current allocations which are not sufficient to meet this population growth, the current allocations will be required to make a disproportionately large contribution to the mitigation.</p> <p>We note reference in Table 2.3 to the brief for the preparation of the RAMS that this included identifying measures that have already been funded and providing details in respect of current funding mechanisms. Separately, we note reference at paragraph 6.6 of the RAMS the potential for Local Planning Authorities to identify mitigation measures to be provided through separate funding streams, citing the Local Growth Fund and Local Enterprise Partnership. However, the RAMS appears to conclude that full costs of the mitigation strategy (plus a further 10% contingency allowance) be borne by new developments, without explaining how alternative sources of funding have been explored.</p>	<p>It is proposed that an amendment explaining more clearly the relationship between the effects of a population increase resulting from net new dwelling increases is included within the SPD.</p> <p>The extent of each Local Plan's housing growth has been identified consistently, for the purposes of the RAMS and SPD, for all LPAs in determining a total number of new dwellings. Section 4.5 of the SPD acknowledges that 'this figure is not definitive and likely to change as more Local Plans progress. As such the figure will be subject to review.' No amendment proposed.</p> <p>The Chelmsford Local Plan 2013-2036 which includes the policy requirement for the RAMS, has been found 'sound' by an independent Planning Inspector.</p> <p>The tariff can only be applied to applications from a base date and cannot be collected retroactively on consented proposals despite some proposals being included</p>

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			<p>The PPG2 confirms that policies on planning obligations should be set out in plans and examined in public, and informed by a proportionate assessment of viability. It goes on to expressly state that Supplementary Planning Documents should not be used to set out formulaic approaches to planning obligations, as these would not be tested through examination. We consider that the RAMS SPD should take a far less negative stance in respect of alternatives to simply making a financial contribution, and it would benefit from providing further guidance and/or flexibility to those wishing to implement alternatives. Furthermore, by addressing such alternatives, this will help ensure that it is consistent with emerging Local Plan policies which, as already discussed, acknowledge there may be situations where it would be inappropriate to require financial contributions to RAMS.</p> <p>There is a concern, as a matter of principle, that seeking contributions from developers to mitigate the impact of activity being actively promoted by others is questionable.</p> <p>In terms of how costs have been calculated, it is unclear what assumptions have been made in respect of overheads on top of salary costs for the staff identified as being needed. We suggest that, in the interests of transparency, this should be clearly set out. We suggest that the RAMS SPD needs to carefully consider whether it is indeed actually the case that all items proposed to be funded through developer contributions are necessary to make development acceptable in planning terms.</p>	<p>within Local Plans. Consented proposals help define the baseline position, and the suite of mitigation costed and included within the SPD in Appendix 1 is suitable to both address these effects as well as those of unconsented proposals without exponentially increasing the costs of the mitigation package. A proposed amendment setting out this position more clearly is proposed.</p> <p>Bespoke alternatives to the tariff approach will be considered at the development management stage to ensure they are proportionate and suitable on a case-by-case basis. Alternative sources of funding for the mitigation package have not been explored as it is not considered appropriate for funds to be diverted from other sources when the HRA/AAs of the LPA Local Plans has associated the significance of the in-combination effects the RAMS seeks to mitigate directly to new housing growth. No amendment proposed.</p> <p>It is a requirement of the Habitats Regulations Assessment</p>

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				<p>Regulations that 'in-combination' effects are considered. Other schemes not related to Local Plans growth will be subject to their own HRA/AA requirements if relevant. No amendment required.</p> <p>Amendments clearly setting out how overheads and other costs have been identified within the RAMS mitigation package are proposed within the SPD.</p>
73	Hannah Thomas-Davies	DWD Property + Planning on behalf of Countryside	<p>We consider that the SPD should provide more detailed wording to confirm the process for defining an alternative to paying into the RAMS. We consider that the SPD would be more effective if it clearly set out the process for agreeing bespoke mitigation for strategic sites. The SPD seeks the mitigation to the Essex Coast SPAs by one method, the payment towards a mitigation fund, however, strategic sites offer alternative methods to attain the protection of the Coastal SPAs from recreational use.</p> <p>Paragraph 3.9 make reference to tourist accommodation and states it 'may be likely to have significant effects on protected habitat sites. We do not consider this is an acceptable description of the potential impacts of tourist accommodation on the coastal SPAs. Rather than leaving this to a case-by-case assessment the SPD should include measures to mitigate tourist development on the coastal habitat as well as the recreational pressure posed by residential development.</p> <p>Further clarification is required detailing how the total number of dwellings figure of 72,907 was calculated. Appendix 1 provides a transparent breakdown of the mitigation package costed for 2018-2038, however the calculation used to determine the number of homes to be delivered is not clear. We are concerned that the 72,907 figure underestimates the potential number of homes delivered by the 12 LPAs within the period to 2038. By using a correct,</p>	<p>Bespoke alternatives to the tariff approach will be considered at the development management stage to ensure they are proportionate and suitable on a case-by-case basis. Appropriate alternatives could take various forms and are likely to differ from case to case. For this reason, developers of strategic sites are encouraged to engage with the relevant LPA for specific guidance on what is considered appropriate.</p> <p>The RAMS and SPD has been devised specifically to address the effects of Local Plan growth within the LPA areas. As ensuring a sufficient supply of dwellings through Plan periods is a requirement of Local Plans, including tourist accommodation</p>

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			<p>much higher, figure of additional housing this would have the effect of reducing the tariff per property levied.</p> <p>The cost of mitigation has not been included as a planning policy requirement in recent Local Plan viability assessments. This additional cost burden brought forward by the Councils late in the Local Plan process will mean that viability assessments of individual applications may become necessary to demonstrate whether or not the additional cost burden can be viably delivered.</p> <p>We consider that the calculation of housing numbers should be made more transparent, providing a description for each local authority of how the total housing figure has been calculated. This should include references to adopted and emerging development plan documents which have formed the figure.</p>	<p>proposals is not. As such, the effects of mitigating tourist accommodation, within the remit of the SPD, is considered best addressed on a case-by-case basis as and when applications for such proposals are submitted. No amendment proposed.</p> <p>The extent of each Local Plan's housing growth has been identified consistently, for the purposes of the RAMS and SPD, for all LPAs in determining a total number of new dwellings. Section 4.5 of the SPD acknowledges that 'this figure is not definitive and likely to change as more Local Plans progress. As such the figure will be subject to review.' No amendment proposed.</p> <p>The subject of viability in regard to the tariff can be explored within Local Plan examinations, where deemed relevant. No amendment proposed.</p>
74	Unknown	The British Association for Shooting & Conservation	The proposed mitigating measures will not address increased visitor pressure associated with new residential development along the Essex coast. Please provide BASC with evidence of how the proposed mitigation measures will be successful in mitigating the impact of increased visitor pressure.	<p>The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.</p> <p>All partner LPAS have approved the RAMS. Relevant committee</p>

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			<p>Please provide information to BASC on the areas that have been identified and permissions granted to allow this work to be undertaken prior to planning consent being granted.</p> <p>Any new car parks must be located away from sensitive areas and local byelaws must be introduced to restrict the public from walking and walking with dogs. Adequate regulation and enforcement must be in place prior to planning being approved.</p> <p>No evidence has been provided on how the employment of a ranger will be sufficient mitigation for the impact of increased visitor pressure on breeding and overwintering wildfowl. Please provide BASC with information on the inclusion of the ranger's work in the HRA process.</p> <p>Please provide BASC with written confirmation that when increased visitor pressure is caused by new residential development that this will not result in additional "in combination" effects with existing wildfowling consents. We are concerned that when new residential development inevitably leads to visitor pressure increases that regulated activities such as wildfowling will be targeted as a means of addressing failures with RAMS.</p> <p>Representatives of wildfowling clubs along the Essex coast must be included in the proposed partnership approach. Merely stating that there will be some creation of salt marsh etc. will not be sufficient for an HRA process. Please provide information to BASC on the actions that would need funding. Permissions must be sought, projects must be highlighted, and plans put in place to ensure they are able to meet the conservation objectives required to mitigate the original issue.</p> <p>The HRA must include maximum permissible occupancy of those dwellings as it is the individuals within the dwelling that will increase the visitor pressure, not the dwelling itself. A precedent has been set that every application needs to be looked at on its individual merit. A blanket policy would be unlawful.</p>	<p>reports can be found on LPA websites.</p> <p>The employment of Rangers follows best practice established by existing RAMS projects and verified by Natural England through their input into the RAMS thus far. It can be considered that many of these points made can be considered by the Delivery Officer, once in post. This will include monitoring of the effectiveness of the mitigation as outlined within Section 6 of the SPD. No amendment proposed.</p> <p>'In-combination' effects are those that are identified through exploring the individual effects of those HRA/AAs undertaken for any plan or project in the area that would require compliance with the Habitats Regulations Assessment. This would include qualifying planning applications or development plans. Should an 'in-combination' effect be identified, it would be the responsibility of the new proposal to provide mitigation, not existing consented developments or activities.</p>

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			<p>Wildfowling actively warden the area's they manage along the Essex coast. Funding from RAMS should be allocated to wildfowling clubs to employ club representatives to assist with direct engagement with the public. Please add wildfowling clubs as key partners in the RAMS.</p> <p>A severe weather policy must be drafted to use bye-laws to restrict the public from walking or walking with dogs during periods of severe weather. See the JNCC Severe Weather Policy as a reference point.</p> <p>Preventing or restricting any further residential development along the Essex coast is the most appropriate means of mitigating increased visitor pressure.</p>	<p>It is not considered possible to calculate, or appropriate to assume, dwelling occupancy with any degree of accuracy; hence the proposed blanket tariff being applicable per net new dwelling. The tariff as proposed, will ensure that the required mitigation can be delivered to enable housing growth. No amendment proposed.</p> <p>All of the LPAs have a statutory requirement to plan for new housing growth. The RAMS seeks to mitigate recreational impacts on protected Habitats Sites on the Essex coast arising from the increase in population associated with these housing growth requirements. Each LPA Local Plan will include locational criteria-based policies to determine where growth will be permitted. No amendment proposed.</p>

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DATED

CHELMSFORD CITY COUNCIL

and

BASILDON BOROUGH COUNCIL

and

BRAINTREE DISTRICT COUNCIL

and

BRENTWOOD BOROUGH COUNCIL

and

CASTLE POINT BOROUGH COUNCIL

and

COLCHESTER BOROUGH COUNCIL

and

MALDON DISTRICT COUNCIL

and

ROCHFORD DISTRICT COUNCIL

and

SOUTHEND-ON-SEA BOROUGH COUNCIL

and

TENDRING DISTRICT COUNCIL

and

THURROCK COUNCIL

and

UTTLESFORD DISTRICT COUNCIL

RAMS PARTNERSHIP AGREEMENT

1. **CHELMSFORD CITY COUNCIL** whose office is at Civic Centre, Duke Street, Chelmsford, Essex, CM11JE
2. **BASILDON BOROUGH COUNCIL** whose office is at The Basildon Centre, St. Martins Square, Basildon SS14 1DL
3. **BRAINTREE DISTRICT COUNCIL** whose office is at Causeway House, Bocking End, Braintree, Essex CM7 9HB
4. **BRENTWOOD BOROUGH COUNCIL** whose office is at Town Hall, Ingrave Road, Brentwood, Essex, CM25 8AY
5. **CASTLE POINT BOROUGH COUNCIL** whose office is at Kiln Road, Thundersley Benfleet Essex SS7 1TF
6. **COLCHESTER BOROUGH COUNCIL** whose office is at Rowan House, Sheepen Road, Colchester, Essex, CO3 3WG
7. **MALDON DISTRICT COUNCIL** whose office is at Council Offices, Princes Rd, Maldon CM9 5DL
8. **ROCHFORD DISTRICT COUNCIL** whose office is at Council Offices South Street, Rochford, Essex, SS4 1BW
9. **SOUTHEND-ON-SEA BOROUGH COUNCIL** whose office is at Civic Centre, Victoria Avenue, Southend on Sea SS2 6ER
10. **TENDRING DISTRICT COUNCIL** whose office is at Town Hall, Station Road, Clacton on Sea, Essex C015 1SE
11. **THURROCK COUNCIL** whose office is at Civic Offices, New Road, Grays, RM17 6SL
12. **UTTLESFORD DISTRICT COUNCIL** whose office is at Council Offices, London Road, Saffron Walden, Essex, CB11 4ER

(hereinafter referred to individually as a “Party” and collectively as “the Parties”)

RECITALS

- (A) The Parties to this Partnership Agreement are all Local Authorities who have joined together to continue certain activities as a partnership for the purposes set out in this Partnership Agreement.
- (B) The Parties wish to co-operate over the implementation of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) as described in more detail in Schedule 1 (“the RAMS Mitigation Strategy”).
- (C) This Partnership Agreement sets out the relationship between the Parties and the organisation of the work.

IT IS HEREBY AGREED AS FOLLOWS:-

1. DEFINITIONS

1.1 In this Partnership Agreement, the following terms shall have the following meanings:

“Accountable Body”	will be Chelmsford City Council or thereafter such other Council being a party to this Partnership Agreement appointed by the Delivery Board in consultation with the Steering Group as described in paragraph 5 of
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	Schedule 2 and shall hold and administer the RAMS contribution as set out in Clause 6.2.3.1 and manage the Delivery Officer together with further duties set out in Schedule 3.
“Background IPR”	means all patents, designs, copyright (including copyright in software), database rights, and any other intellectual property rights excluding Foreground IPR, owned by any of the Parties, in the field and which are necessary for the exploitation of Foreground IPR in accordance with this Partnership Agreement.
“Business Day”	means any day other than a Saturday or Sunday or a public or bank holiday in the United Kingdom.
“Commencement Date”	means 2020.
“Confidential Information”	means all information that is marked as Confidential and that is disclosed by one Party to the others for the purpose of conducting the Project, including, without prejudice to the generality of the foregoing, any ideas; finance; financial, marketing, development or manpower plans; computer systems and software; products or services, including but not limited to know-how and information concerning relationships with other parties and all records, reports, documents, papers and other materials whatsoever originated pursuant to this Partnership Agreement.
“Delivery Officer”	means the person appointed by Chelmsford City Council as Lead Institution acting as the Accountable Body to run the day-to-day operation of the Project and thereafter appointed by subsequent Lead Institutions acting as the Accountable Bodies.
“Effective Date”	means the date when all Parties have signed this Partnership Agreement.
“EPOA Chief Officers Group”	means the regular meeting of the heads of the planning departments (or their nominated substitute) of the Parties who will govern and oversee the overall direction of the RAMS of such group as shall succeed it as the Project Board.
“Essex Coast RAMS”	means the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy which expression may be abbreviated to “RAMS”.
“Foreground IPR”	means all patents, designs, copyright (including copyright in software), database rights and any other intellectual property rights arising as a direct result of and in the performance of this Partnership Agreement.
“Developer Contribution”	means a payment for every new qualifying dwelling to its Local Planning Authority. a payment a developer is required to make to its Local Planning Authority (in compliance with Conservation of Habitats and Species Regulations 2017/1012) in respect of consent for each new dwelling which is likely to have a significant impact on a natural habitat, the amount of which is set out in clause 6.2.3.5 of this Agreement.
“Intellectual Property Rights”	means patents, trademarks, trade names, design rights, copyright (including rights in computer software and moral rights), database rights, rights in know-how and other intellectual property rights, in each case whether registered or unregistered and including applications for the grant of any of the foregoing and all rights or forms of protection having equivalent or similar effect to any of the foregoing which may subsist anywhere in the world which expression may be abbreviated to “IPR”.
“Lead Institution”	means Chelmsford City Council or such Partner local authority elected to the role of Lead Institution acting as the Accountable Body in accordance with terms of this Partnership Agreement pursuant to Clause 2.3 and which shall carry out the duties and roles set out in paragraph 2 and Schedule 2.

“Local Planning Authority”	means the local authority whose duty it is to carry out specific planning functions for a particular area.
“Nominated Representative”	means a member/s of staff appointed by a Partner to attend the Steering Group meetings
“Partner”	means a party to this Agreement and shall include the expression “Party”.
“Partnership”	means the Parties collectively.
Partnership Funds	means the RAMS tariff contribution collected and any other external project income that may be collected
“Personnel”	means any employee, director, agent, subcontractor or other person engaged by a Party.
“Project”	means the method by which Essex Coast RAMS and proposed Supplementary Planning Document (SPD) aims to deliver the mitigation necessary to avoid adverse effects on integrity of Habitat Sites from the impacts of residential development which will result in an increase of recreational disturbance to Habitats sites anticipated across the County of Essex thus protecting Habitats sites on the Essex coastline from adverse effects on their integrity from new residential developments as set out in Schedule 1.
“Project Deliverables”	means the output of mitigations to be carried out by the Partnership as set out in Schedule 1.
“RAMS”	means the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy which expression may be used interchangeably with East Coast RAMS.
“RAMS contribution”	means the sum of all Developer Contributions received by a Partner payable to the Lead Institution acting as the Accountable Body in accordance with clause 6.2.3.7 which may also be described as a “RAMS tariff”.
“RAMS tariff”	means a RAMS contribution.
“RAMS Delivery Flowchart”	means the flowchart setting out how the project is to be delivered at Schedule 3 to this Partnership Agreement.
“Section 106 Agreement”	means an Agreement pursuant to section 106 of the Town and Country Planning Act 1990, as amended.
“Steering Group”	means the Essex Coast RAMS Steering Group which is the committee appointed to be responsible for managing the Project whose individual members are set out in Schedule 2.
“Steering Group Terms of Reference”	means the terms of reference for the Essex Coast RAMS Steering Group as set out in Schedule 2 to this Partnership Agreement.

- 1.2 Headings contained in this Partnership Agreement are for reference purposes only and shall not be deemed to be an indication of the meaning of the clause to which they relate.
- 1.3 Where the context so implies, words importing the singular number shall include the plural and vice versa and words importing the masculine shall include the feminine and vice versa.

2. LEAD INSTITUTION

- 2.1 The Parties agree that Chelmsford City Council will be:
 - (a) the Lead Institution acting as the Accountable Body responsible inter alia for the Partnership funds and to whom the delivery officer submits business and financial statements and accounts governance and contracts including the employment contract of the Delivery Officer and
 - (b) The Parties authorises the Lead Institution acting as the Accountable Body as their agent to sign agreements in their name and on their behalf in relation to the Project.
 - (c) Without prejudice to its authority to contract on behalf of the Parties in relation to the Project the Lead Institution acting as the Accountable Body agrees to take all reasonable steps on every occasion to seek and obtain prior consent of each of the other Parties before signing agreements for the benefit of the Project and other Parties.
 - (d) The Lead Institution acting as the Accountable Body will provide financial systems and processes to enable the efficient and transparent operation of the Essex Coast RAMS activities. The Delivery Officer will provide the Steering Group with regular business plans and financial statements, including a year-end statement of account.
- 2.2 The Lead Institution acting as the Accountable Body, in consultation with the Parties, will determine an investment strategy and an allocation formula for the RAMS contributions for the benefit of the Partnership based on financial information provided by the Partners.
- 2.3 Every three years (3) years of this Partnership Agreement the Parties agree to elect one of the Partner local authorities to serve as Lead Institution acting as the Accountable Body for a further period of three years (3) years.

3. PURPOSE OF THE PARTNERSHIP

The purpose of the Partnership is to:

- specify the organisation of the work between the Parties in carrying out the Project and to set out the rights and obligations of the Parties;
- carry out the Project in accordance with the RAMS Delivery Flowchart at Schedule 3 and the RAMS Mitigation Strategy at Schedule 1 to produce the Project Deliverables as described in Schedule 1; and
- establish and adhere to the governance structure set out in this Partnership Agreement to ensure the Project is delivered.

4. COMMENCEMENT AND DURATION

- 4.1 This Partnership Agreement shall commence on the Effective Date and shall continue until the completion of the Project in 2038 subject always to the termination provisions at clause 14 of this Partnership Agreement.
- 4.2 The duration of this Partnership Agreement may be extended beyond 2038, at any time prior to that date, by written agreement of the Parties, for such period or periods as are deemed appropriate.

5. OVERRIDING CONDITIONS

- 5.1 All Partners have a responsibility to contribute towards and properly perform their roles and responsibilities in accordance with this Partnership Agreement.
- 5.2 It is the intention that the Lead Institution acting as the Accountable Body and the Partnership shall be responsible and liable in equal shares for all legal advice procured under this Partnership Agreement save any challenge brought against an individual Partner not connected with the Partnership Agreement.
- 5.3 Should a Party become aware of a material change in its' annual income forecast for the RAMS contributions in any one financial year owing to a reduced number of developer schemes put forward for that financial year or a developer bespoke mitigation scheme is

submitted then that Party will immediately notify the Accountable Body and Steering Group.

- 5.4 With regard to responsibility and liability for shared costs, the Lead Institution acting as the Accountable Body (Chelmsford City Council) and each Party will contribute 9.1% save for Brentwood Borough Council and Uttlesford District Council who will contribute 4.5%. If Parties leave or join the Partnership, costs will be recalculated, with the amount/s to be determined at that time.

6. PROJECT MANAGEMENT

6.1 Steering Group

The details of the Steering Group including purpose, membership, governance, functions and procedures are set out in the Steering Group Terms of Reference at Schedule 2 to this Partnership Agreement.

6.2 Responsibilities of the Steering Group

6.2.1 Project Oversight

The Steering Group shall be responsible for the delivery of the project outcomes and to this end will keep the Project plan, and progress towards meeting it, under review.

6.2.2 Appointment of Delivery Officer

- 6.2.2.1 The Steering Group and Partner Authorities shall be able to support the Lead Institution acting as the Accountable Body in the recruitment and appointment of a Delivery Officer. Once appointed the Delivery Officer will have responsibility for the day to day management of the Project together with the delivery of Project Deliverables and will report to the Steering Group.
- 6.2.2.2 The Lead Institution acting as the Accountable Body shall be responsible for recruiting, hosting and managing the day to day activities of the Delivery Officer at the offices of the Lead Institution acting as the Accountable Body or such other Partnership local authority offices as the Lead Institution acting as the Accountable Body considers appropriate.
- 6.2.2.3 The cost of appointing and funding the post of Delivery Officer will be primarily met by the RAMS tariff contributions such costs to include salary of the Delivery Officer, the provision of IT equipment, Personal Computer, laptop, mobile phone, uniform and on the job training. Except for the Lead Institution each Party will contribute ten percent (10%) of the annual cost of line managing the Delivery Officer save for Brentwood District Council and Uttlesford District Council who will contribute five per cent (5%) of the annual cost with such percentages to be reviewed on an annual basis. The annual cost to the Lead Institution acting as the Accountable Body for line managing the Delivery Officer will be c£13,000 and subject to an annual review. Fees for the first three months will be c£5,105.04 based on the Delivery Officer starting in January 2021. The Accountable Body will issue quarterly back dated invoices to partners on 1st April, 1st July, 1st October, 1st January.
- 6.2.2.4 For the avoidance of doubt the Lead Institution acting as the Accountable Body will have the power to purchase / procure for the Delivery Officer such equipment and training as it deems necessary without obtaining prior approval from other Partnership authorities.
- 6.2.2.5 Following the appointment of the Delivery Officer the annual cost of maintaining the post of Delivery Officer will be met by the RAMS tariff contributions with the exception of certain employment costs related to the employment of the Delivery Officer such as redundancy, long term sickness and maternity pay as set out in clause 6.2.2.3 of this Agreement. Each Party will contribute 9.1% save Brentwood Borough Council and Uttlesford District Council who will contribute 4.5% towards any costs for the Project Delivery Officer should certain employment costs such as redundancy, long term sickness or maternity situation occur during the period of this Partnership Agreement. The draft duties of the Delivery Officer in pursuance of this Partnership Agreement are set out in Schedule 4.
- 6.2.2.6 Subject to clause 6.2.2.2 the Delivery Officer will be based at the offices of the Lead Institution acting as the Accountable Body who will agree and devise a work

programme and pattern for the Delivery Officer.

- 6.2.2.7 The Lead Institution acting as the Accountable Body will not be responsible for the employment of ancillary and associated members of staff such as project wardens / rangers.
- 6.2.2.8 The Delivery Officer will be employed by and be an employee of the Partner acting in the capacity of Lead Institution acting as the Accountable Body from time to time.
- 6.2.2.9 In the event that a Partner takes on the role and responsibility of the Lead Institution acting as the Accountable Body for the purposes of this Agreement then that Partner shall become the employer of the Delivery Officer subject to the provisions of clause 8.10.

6.2.3 Financial Management

- 6.2.3.1 The Lead Institution acting as the Accountable Body (currently Chelmsford City Council) shall be responsible for holding and administering the RAMS contributions.
- 6.2.3.2 The annual costs to the Lead Institution acting as the Accountable Body for holding and administering the RAMS contributions will be c£2,400 and subject to an annual review. Fees for the first five months will be c£1,000 based on a 1st November 2020 commencement date. Except for the Lead Institution acting as the Accountable Body each Party will contribute ten percent (10%) of the annual cost to the Lead Institution acting as the Accountable Body for holding and administering the RAMS contributions save for Brentwood District Council and Uttlesford District Council who will contribute five per cent (5%) of the annual cost with such percentages to be reviewed on an annual basis. The Accountable Body will issue quarterly back dated invoices to partners on 1st April, 1st July, 1st October, 1st January. The RAMS contributions must be available to spend on Project Deliverables and will be sent quarterly from each Party to the Lead Institution acting as the Accountable Body. Each Partner will be responsible for monitoring contributions received and forecasting their future tariff income.
- 6.2.3.3 The Steering Group may choose to take financial advice from third parties as required.
- 6.2.3.4 For Financial Year 2019 – 2020 (1st April 2019 to 31st March 2020) the RAMS Tariff has been agreed to be One Hundred and Twenty-Two Pounds and Thirty Pence (£122.30) and for Financial Year 2020 – 2021 (1st April 2020 to 31st March 2021) the RAMS Tariff will be One Hundred and Twenty-Five Pounds and Fifty Eight Pence (£125.58) and thereafter such figure to be increased in line with the Retail Prices Index (RPI) published for the month of February. The increase in the RAMS Tariff will be agreed and set in March of each year to enable the mitigations budget programme to be agreed and implemented from the 1st April of each year.
- 6.2.3.5 The Partners agree to levy a RAMS Tariff in accordance with clause 6.2.3.4 of this Partnership Agreement on all residential dwellings which qualify for the imposition of the RAMS Tariff.
- 6.2.3.6 The Partners agree that they will pay the RAMS tariff to the Lead Institution acting as the Accountable Body upon being satisfied that the qualifying development, dwelling or dwellings will be constructed pursuant to the relevant Planning Permission and legal agreements such as Section 106 Agreement and Unilateral Undertaking.
- 6.2.3.7 To avoid or mitigate the need for refunds each Partner will be responsible for ensuring that only RAMS contributions that are available to spend are sent to the Lead Institution acting as the Accountable Body and for arranging any requests they may receive for refunds.
- 6.2.3.8 Requests for any RAMS contribution refunds already made to the Lead Institution acting as the Accountable Body must be made as soon as possible by the Partner Local Planning Authority but any contribution will only be refunded where the Lead Institution acting as the Accountable Body has sufficient funds available to make such refund.

- 6.2.3.9 Where there is a shortfall / deficit in the RAMS Tariff contribution it will be the

responsibility of the individual Partner Authority whose LPA has not enforced the contribution against the planning obligations which has resulted in the deficit to make good such shortfall and not the Lead Institution acting as the Accountable Body or other Partner Authorities.

6.2.3.10 In the event the RAMS Tariff contribution is not spent in accordance with the Project Deliverables or reasonable legitimate costs such as those associated with the delivery or administration or maintenance of Project Deliverables and a refund is required then Partners will be liable to repay the monies in line with the percentages set out in clause 6.2.2.5.

6.2.3.11 When the Partnership comes to an end (for whatever reason) any unspent or unallocated RAMS Tariff shall be applied to Project Deliverables or the future maintenance of the Project Deliverables and shall be distributed accordingly for this purpose.

6.2.4 Publications and Press Releases

6.2.4.1 The Steering Group shall decide procedures for dissemination of publications and press releases relating to the Project through the Bird Aware website <https://essexcoast.birdaware.org/home>

6.2.4.2 The annual maintenance cost of the website will be funded by the RAMS tariff contributions and the responsibility of the annual maintenance cost of the website shall be Colchester Borough Council and the cost of responding to the enquiries shall be Braintree District Council until such time as the Delivery Officer has been appointed.

6.2.5 Commercial Exploitation Strategy

6.2.5.1 The Steering Group shall hold two Special Meetings, the first twelve months prior to the end of the Project, and the second at the end of the Project, whose business shall be exclusively to discuss the potential for the continued maintenance and development of the Project Deliverables. At these meetings the Steering Group shall review the Project Deliverables, discuss the potential for maintenance and development of mitigation strategies produced from the Project Deliverables, and develop a strategy for such development.

6.2.6 Exit Strategy

6.2.6.1 The Steering Group shall establish a Sustainability Sub-Group to plan for the future maintenance and development of the Project Deliverables.

6.2.6.2 The Steering Group shall hold two special meetings, the first twelve months prior to the end of the Project, and the second at the end of the Project, whose business shall be exclusively to develop a suitable strategy or strategies for future development of the Project Deliverables, including the pursuit of additional funding from appropriate sources.

6.2.6.3 In the event that additional funding is secured for future development of the Project Deliverables, the Steering Group shall be responsible for making such financial and administrative arrangements as are necessary to secure the effective and efficient continuation of the Partnership including any necessary revisions of this Partnership Agreement, for approval by the Parties.

6.3 Steering Group Meetings

6.3.4 The Steering Group shall meet on a monthly basis in accordance with the Steering Group Terms of Reference at Schedule 2 but the frequency may be reduced at any time in accordance with the Steering Group Terms of Reference and upon the appointment of a Delivery Officer whereby Steering Group Meetings will be reduced to four times per year. Meetings will operate under the following rules:

6.3.5 At each meeting, the Steering Group will agree the date for the next meeting otherwise the Chair or his/her nominee shall call meetings, giving notice that is reasonable in the circumstances.

- 6.3.6 The Chair shall circulate an agenda before the meeting. Each Party shall take it in turns to produce meeting minutes, until such time at the Delivery Officer has been appointed by the Partnership, who will then carry out this task.
- 6.3.7 Each Party (excluding any co-opted members) will have one vote, except the Chair who has a casting vote. A Party may not vote on matters concerning a dispute with the Partnership where the Party is the subject of the dispute. Where a Party has more than one member/officer present at a meeting, they will only be entitled to one vote.
- 6.3.8 The quorum for a meeting will be five (5) voting Parties.
- 6.3.9 With the approval of the Chair, Steering Group Parties may nominate a representative to attend meetings and vote on their behalf.
- 6.3.10 Votes, with the exception of a vote to terminate a Party's membership of the Partnership, which will be by two-thirds majority of the full Steering Group in accordance with clause 10.1 will be decided on the basis of a majority vote of those attending and eligible to vote.

6.4 Responsibilities of Individual Members of the Steering Group

- 6.4.1 In addition to the Steering Group's collective responsibility, individual members of the Steering Group will have specific responsibilities as determined by the Steering Group from time to time as set out in the Terms of Reference at Schedule 2.

7. PROJECT RESOURCES

7.1 Distribution

- 7.1.1 RAMS tariff contribution payments to each Party made by developers shall be provided to Chelmsford City Council at the end of each quarter namely the 1st day of July, October, January and April, with the exception of the first payment which will be made on 1st November 2020. Thereafter the elected Lead Institution acting as the Accountable Body will pool all of the RAMS tariff contributions received and shall apportion the budget to the agreed mitigation measures on the basis of financial plans prepared by the Project Delivery Officer and approved from time to time by the Steering Group and Project Board.
- 7.1.2 Each Partnership Local Planning Authority will provide the Delivery Officer with a quarterly report detailing the total contributions collected and for which Habitat Site so that the Delivery Officer will be able to identify the mitigation measures required to be undertaken for each Habitat Site, such reports to be delivered on the 1st January, April July and October, with the exception of the first report which will be made on 1st November 2020.

7.2 Invoicing / Claims

- 7.2.1 Where claimable costs and expenses (that is, approved by Delivery Officer or Steering Group) are incurred, claims should be passed to the Delivery Officer as soon as they have been paid with supporting evidence of the expenditure attached. The Delivery Officer will be required to make financial reports to the Steering Group and Project Board from time to time.
- 7.2.2 To optimize the function of the Partnership the Parties shall permit the Lead Institution acting as the Accountable Body to procure external services in accordance with the Public Contracts Regulations 2015 and the Lead Institutions internal Contract and Procurement Rules.

8. RESPONSIBILITIES OF THE PARTIES

Performance

- 8.1 Each Party undertakes to each other Party to perform and fulfil on time the tasks assigned to it by the Steering Group and all other of its obligations under this Partnership Agreement.

- 8.2 Towards the Steering Group and the Delivery Officer, each Party hereby undertakes to supply promptly to the Delivery Officer all such information or documents as the Delivery Officer and the Steering Group need to fulfil obligations pursuant to this Partnership Agreement.
- 8.3 Towards each other, each Party undertakes to:
- 8.3.1 notify each of the other Parties as a Party becomes aware of any significant delay in performance; or a significant change in a Parties ability to meet its funding and other commitments under this Partnership Agreement.
- 8.3.2 inform other Parties of relevant communications and planning decisions it receives from third parties in relation to the Project e.g. planning appeals and Local Plan examination Inspector correspondence.
- 8.4 Each Party shall use all best efforts to ensure the accuracy of any information or materials it supplies hereunder and promptly to correct any error therein of which it is notified.
- 8.5 Subject to clause 6.2.4 of this Partnership Agreement each Party agrees not to issue any press releases or other such publicity materials relating to the work of the Partnership without obtaining prior approval from the other Parties.

Warranties and Undertaking

- 8.6 Each Party warrants that under its contractual relationships with each of its Personnel, any intellectual property rights arising out of or relating to work done by the Personnel for the Party will vest in such Party and that the Personnel will have no right, title or interest, whether legal or beneficial, in any such intellectual property rights. A Party shall, if so required by the Steering Group, produce written evidence of this to the Steering Group signed by its Personnel.
- 8.7 Each Party acknowledges that it is and shall remain liable for the consequences of any failure on its part or on the part of its Personnel to fulfil the tasks and work packages assigned to it under this Partnership Agreement and shall accordingly:
- 8.7.1 Procure and maintain its own insurance, with insurers of good repute, to cover its own liabilities and those on behalf of its Personnel;
- 8.7.2 Comply with and assist the Partnership, the Steering Group and the Delivery Officer in complying with all relevant statutes, laws, regulations and codes of practice relating to its tasks and work packages from time to time in force;
- 8.7.3 Comply with all recommendations and requirements of its insurers; and
- 8.7.4 Indemnify, keep indemnified and hold harmless the other Parties from and against all costs (including the costs of enforcement), expenses, liabilities, injuries, direct, loss), damages, claims, demands, proceedings or legal costs (on a full indemnity basis) and judgments which they incur or suffer as a result of a breach of this Agreement or negligent acts or omissions or willful misconduct of the Party and/or its Personnel including without limitation any resulting liability the Partnership has to the funder or to any third party.
- 8.8 Each Party agrees and undertakes at its own expense to make the Nominated Representative available to attend the Steering Group.
- 8.9 Each Party shall provide the Steering Group with quarterly statements of RAMS tariff contributions received.

Employment Liabilities:

- 8.10 In the event of a change of Lead Institution acting as the Accountable Body pursuant to this Agreement the outgoing Lead Institution acting as the Accountable Body will indemnify the incoming Lead Institution acting as the Accountable Body against all claims made by the Delivery

Officer whilst employed by the outgoing Lead Institution acting as the Accountable Body, including claims without limitation for redundancy payments, unlawful deduction of wages, unfair, wrongful or constructive dismissal compensation, compensation for sex, race, disability, age, religion or belief, gender reassignment, marriage or civil partnership, pregnancy or maternity, or sexual orientation discrimination, claims for equal pay, compensation for less favourable treatment of part-time workers, and any claims (whether in tort, contract, statute or otherwise), demands, actions, proceedings and any award, compensation, damages, tribunal awards, fine, loss, order, penalty, disbursement, payment made by way of settlement and costs and expenses reasonably incurred in connection with a claim or investigation (including any investigation by the Equality and Human Rights Commission or other enforcement, regulatory or supervisory body), and of implementing any requirements which may arise from such investigation, and any legal costs and expenses.

- 8.11 The outgoing Lead Institution acting as the Accountable Body shall fully indemnify the incoming Lead Institution acting as the Accountable Body respect of all matters in connection with the role of Lead Institution acting as the Accountable Body which arose prior to the incoming Lead Institution acting as the Accountable Body taking over such role.

9. ADDITION OF PARTIES TO THE PARTNERSHIP

- 9.1 Other local authorities may be invited to join the Partnership following any reviews of the project Zones of Influence only by the unanimous decision of the Steering Group and Project Board and on the condition that the new local authority becomes a party to this Partnership Agreement.

10. REMOVAL OR WITHDRAWAL OF PARTIES FROM THE PARTNERSHIP

Removal of Parties

- 10.1 Without prejudice to any other rights or remedies open to the Partnership, the Steering Group may, after a two-thirds majority vote of the full Steering Group meeting in favour of termination, ratified and via a written notice served on the Party, terminate a Party's membership of the Partnership, if the Party:
- 10.2 Is in material breach of any of the terms of this Partnership Agreement and, where the breach is capable of remedy, the Party fails to remedy such breach within 30 days' service of a written notice specifying the breach and requiring it to be remedied; or
- 10.3 In the opinion of a majority of the Steering Group, is incompetent, commits any act of gross or persistent misconduct and/or neglects or omits to perform any of its duties or obligations under this Partnership Agreement; or
- 10.4 Fails or refuses after written warning from the Steering Group to carry out the duties or obligations reasonably and properly required of it under this Agreement; or
- 10.4.1 ceases to operate its business or undertaking;
- 10.4.2 provides the Steering Group with any false or misleading information with regard to its ability to perform its duties or obligations under this Partnership Agreement; or
- 10.4.3 has done anything which brings or might reasonably be expected to bring the Parties or the Project into disrepute or otherwise damage other contractors, employees, agents, customers, other business associates or the general public including, but not limited to, committing an act of fraud or dishonesty, whether or not connected with the Project.

Conditions Consequent on Removal or Withdrawal

- 10.5 Without prejudice to any other rights or remedies open to the Partnership, any Party may withdraw from the Partnership for any reason provided they serve written notice to the Steering group at least six months prior to the date of their withdrawal. The withdrawing Party will still be bound to the terms of the Partnership up until the date of their withdrawal. In the event of withdrawal or expulsion of a Party, the Partnership will be liable to meet only the cost of any work undertaken up to the point at which a Party ceases to be a member of the Partnership. The balance of any payments made to the Party will be returned to the nominated representative of the Lead Institution within 30 days of withdrawal or expulsion. Any repayment to a Partner will only be made in the event that no works have been undertaken to the dwelling or development to which the RAMS tariff applies. In all cases, the Partnership reserves the right of access to any work produced in the course of the Party's work as part of the Partnership.

11. DATA MANAGEMENT

Data Collection

- 11.1 In the course of the Project, each Party may be involved in the production and collection of data such as surveys or questionnaires. Data relevant to all partners are to be sent the Delivery Officer and stored in the project SharePoint site. Each Party agrees to ensure that all data submitted to the Delivery Officer are accompanied by documentation detailing the origin of the data, together with any necessary consents.

Data Maintenance

- 11.2 Chelmsford City Council hereby undertakes to set up and maintain a new project SharePoint site for the duration of the Project to replace the existing site hosted by Colchester Borough Council.

Data Protection

- 11.3 Each Party agrees to sign a Data Controllers Agreement and a Data Processing Agreement prior to processing personal data for the purposes of the Project in the event that any personal information needs to be shared or processed between Parties.

Freedom of Information

- 11.4 The Partnership acknowledge that the Lead Institution acting as the Accountable Body and the Parties are all subject to the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) and shall assist and cooperate with the Lead Institution acting as the Accountable Body and with each other to enable them to comply with their information disclosure obligations.
- 11.5 A Party in receipt of a request for information shall be responsible for determining in its absolute discretion and notwithstanding any other provision in this Partnership Agreement or any other contract whether the confidential and /or any other information is exempt from disclosure in accordance with the (FOIA) or the (EIR).

12. CONFIDENTIALITY

- 12.1 Each Party to this Agreement hereby undertakes to the other Parties that it shall procure that its employees, agents and sub-contractors shall:
- 12.1.1 Keep confidential all information of a confidential nature (whether written or oral) concerning this Partnership Agreement and the business affairs of another Party that it shall have obtained or received as a result of the discussions leading up to or entering into or performance of this Partnership Agreement (the "Information");
 - 12.1.2 Not without the prior written consent of the relevant other Party disclose the Information either in whole or in part to any other person save those of its employees, agents and sub-contractors involved in the implementation or evaluation of the Project who have a need to know the same for the performance of their duties;
 - 12.1.3 Use the Information solely in connection with the implementation of the Project and not otherwise for its own benefit or the benefit of any third party.
 - 12.1.4 These provisions above shall not apply to the whole or any part of the Information to the extent that it can be shown by the receiving Party to be:
 - 12.1.4.1 Known to the receiving Party prior to the date of this Partnership Agreement and not obtained directly or indirectly from any other party; or
 - 12.1.4.2 Obtained from a third party who lawfully possesses such Information which has not been obtained in breach of a duty of confidence owed to any party by any person; or
 - 12.1.4.3 In the public domain in the form in which it is possessed by any other party other than as a result of a breach of a duty of confidence owed to such other party by any person; or
 - 12.1.4.4 Required to be disclosed by legal process, law or regulatory authority.

12.2 Each Party to this Agreement hereby undertakes to the other Parties to make all relevant employees, agents and sub-contractors aware of the confidentiality of the Information and provisions of this clause and without prejudice to the generality of the foregoing to ensure compliance by such employees, agents and sub-contractors with the provisions of this clause.

13. INTELLECTUAL PROPERTY

13.1 IPR Warranties

Each Party shall obtain the necessary assignments of Intellectual Property Rights or licences from all staff, agents, or sub-contractors involved in the development and production of the Project Deliverables on its behalf. Each Party warrants to the other Parties that it is the owner of the Intellectual Property Rights in the Project Deliverables, or that it is duly licensed to use the Project Deliverables, and that the use of the content of the Project Deliverables as contemplated in this Partnership Agreement does not infringe any Intellectual Property Rights or other proprietary or rights of any natural or legal person.

13.2 Background IPR

All Background IPR used in connection with this Partnership Agreement shall remain the property of the Party introducing the same or any other third parties. Each Party shall take responsibility for ensuring that all necessary permissions have been sought to use Background IPR.

13.3 Foreground Rights

All Foreground IPR arising from this Partnership Agreement shall belong to the Party generating the same.

13.4 Accuracy

Each Party shall use reasonable endeavours to ensure the accuracy of any information or materials that it supplies to the other Parties under this clause and shall promptly correct any error therein of which it is notified. The donating Party will provide no warranties to recipient Parties in respect of the information and materials, and the recipient Parties shall be entirely responsible for the use to which they put such information and materials.

13.5 Access Rights

- 13.5.1 Each Party hereby grants to the other a royalty-free, non-exclusive, worldwide, irrevocable, assignable, perpetual licence to use its (and third parties) Background IPR and Foreground IPR for the purpose of performing their part of the Project.
- 13.5.2 Each Party hereby indemnifies the other Parties against any liabilities, loss, claims or expenses brought against or incurred as a result of its use of and/or sale of products containing the other Parties' Background IPR and/or Foreground IPR.
- 13.5.3 After completion of the Project all Parties shall continue to have the right to use their Foreground IPR at no cost for the purposes of exploiting the materials in the carrying out of their usual educational activities.
- 13.5.4 After completion of the Project the Partnership shall provide on request, to any educational institution (as defined by s.65 (5) of the Further and Higher Education Act 1992), a free copy of the Project Deliverables subject to a royalty free non-exclusive perpetual licence to use the Project Deliverables for non-commercial purposes.
- 13.5.5 Use of Background IPR and/or Foreground IPR by third parties other than Parties, and by educational institutions (as defined by s.65(5) of the Further and Higher Education Act 1992) for commercial purposes, shall be at the discretion of the Parties owning such Background IPR and/or Foreground IPR.
- 13.5.6 Each Party hereby grants to the Lead Institution acting as the Accountable Body a royalty-free, non-exclusive, worldwide, irrevocable, assignable, perpetual licence to use all Background IPR and Foreground IPR of the Parties for the purpose of performing its obligations under Clause 2 and in order to licence to the Higher Education Funding Council for England (HEFCE) the rights as set out in the (HEFCE) Licence.
- 13.5.7 Each Party hereby indemnifies (HEFCE) against any liabilities, loss, claims or expenses brought against or incurred as a result of its use of the Deliverable in accordance with the (HEFCE) Licence.

14. TERMINATION

- 14.1 This Agreement may be terminated at any time by the unanimous written agreement of the Parties:
- 14.1.1 By serving six months' written notice on Partner Authorities.
 - 14.1.2 There is a material change in circumstances, policy, legislation which renders the Partnership unworkable.
- 14.2 Chelmsford City Council may terminate this Partnership Agreement at any time by serving Partner Authorities sixth month's written notice or in the event Chelmsford City Council as Accountable Body are unable to recruit a person suitable to carry out the role of Delivery Officer.
- 14.3 The termination of this Partnership Agreement, howsoever arising, is without prejudice to the rights, duties and liabilities of the Parties accrued due prior to termination. The provisions in this Partnership Agreement which expressly or impliedly have effect after termination shall continue to be enforceable notwithstanding termination.

15. GOVERNING LAW AND DISPUTE RESOLUTION

- 15.1 This Partnership Agreement shall be governed by and construed in accordance with English law and the parties irrevocably agree that any dispute arising out of or in connection with this Partnership Agreement will be subject to and within the jurisdiction of the English courts.
- 15.2 All Parties shall each be under a general obligation to use all reasonable endeavours to negotiate in good faith and to settle amicably any dispute of whatever nature arising in connection with this Partnership Agreement. If the Parties are unable to resolve a dispute(s) in an informal manner the dispute will be escalated by referring to the EPOA Chief Officers Group (Project Board) for resolution.
- 15.3 Having followed the procedure set out in clause 15.2 and the dispute in question has not been resolved where the Parties agree that a dispute arising out of or in connection with this Partnership Agreement would best be resolved by the decision of an expert, they will agree upon the nature of the expert required and together appoint a suitable expert by agreement.
- 15.4 Any person to whom a reference is made under Clause 15.3 shall act as expert and not as an arbitrator and his decision (which shall be given by him in writing and shall state the reasons for his decision) shall be final and binding on the parties except in the case of manifest error or fraud.
- 15.5 Each party shall provide the expert with such information and documentation as he may reasonably require for the purposes of his decision.
- 15.6 The costs of the expert shall be borne by the Parties in such proportions as the expert may determine to be fair and reasonable in all circumstances or, if no determination is made by the expert, by the Parties in equal proportions.

16. GENERAL PROVISIONS

16.1 Sole Agreement

Subject to Clause 5 of this Partnership Agreement contains all the terms which the Parties have agreed in relation to the subject matter of this Partnership Agreement and supersede any prior written or oral agreements, representations or understandings between the Parties relating to such subject matters. No Party to this Partnership Agreement has been induced to enter into this Partnership Agreement by a statement or promise which it does not contain save that this clause shall not exclude any liability which one party would otherwise have to the other in respect of any statements made fraudulently by that party.

16.2 Schedules

The Schedules shall have the same force and effect as if expressly set in the body of this Partnership Agreement and any reference to this Partnership Agreement shall include the Schedules.

16.3 Waiver

No failure or delay by any Party to exercise any right, power or remedy will operate as a waiver of it nor will any partial exercise preclude any further exercise of the same, or of some other right, power or remedy.

16.4 Severability

If any clause or part of this Partnership Agreement is found by any court, tribunal, administrative body or authority of competent jurisdiction to be illegal, invalid or unenforceable then that provision shall, to the extent required, be severed from this Partnership Agreement and shall be ineffective without, as far as is possible, modifying any other clause or part of this Partnership Agreement and this shall not affect any other provisions of this Partnership Agreement which shall remain in full force and effect.

16.5 Force Majeure

No Party will be deemed to be in breach of this Partnership Agreement, nor otherwise liable to the other for any failure or delay in performance of this Partnership Agreement if it is due to any event beyond its reasonable control other than strike, lock-out or industrial disputes but including, without limitation, acts of God, war, fire, flood, tempest and national emergencies and a Party so delayed shall be entitled to a reasonable extension of time for performing such obligations.

16.6 Assignment

Save as permitted for under this Partnership Agreement, neither this Partnership Agreement nor any of the rights and obligations under it may be sub-contracted or assigned by any party without obtaining the prior written consent of the other parties. In any permitted assignment, the assignor shall procure and ensure that the assignee shall assume all rights and obligations of the assignor under this Partnership Agreement and agrees to be bound to all the terms of this Partnership Agreement.

16.7 Variation

This Partnership Agreement may be amended at any time by written agreement of the Parties. No variation to this Partnership Agreement shall be effective unless in writing signed by a duly authorised officer of each of the written Parties.

16.7 Notice

Any notice in connection with this Partnership Agreement shall be in writing and may be delivered by hand, pre-paid first class post or Special Delivery post (but not by e-mail), addressed to the recipient at its registered office or its address or as the case may be (or such other address, or as may be notified in writing from time to time).

The notice shall be deemed to have been duly served:

16.8.1 if delivered by hand, when left at the proper address for service;

16.8.2 if given or made by prepaid first-class post or Special Delivery post, 48 hours after being posted or in the case of Airmail 14 days after being posted (excluding days other than Business Days);

provided that, where in the case of delivery by hand, such delivery occurs either after 4.00 p.m. on a Business Day, or on a day other than a Business Day, service shall be deemed to occur at 9.00 a.m. on the next following Business Day (such times being local time at the address of the recipient).

16.9 Rights of Third Parties

It is agreed for the purposes of the Contracts (Rights of Third Parties) Act 1999 that this Partnership Agreement is not intended to, and does not, give to any person who is not a party to the Agreement any rights to enforce any provisions contained in this Partnership Agreement except for any person to whom the benefit of this Partnership Agreement is assigned in accordance with clause 16.6 (Assignment).

16.10 Counterparts

This Partnership Agreement may be executed in one or more counterparts and any party may enter into this Partnership Agreement by executing a counterpart. Any single counterpart or set of counterparts executed in either case by all the parties shall constitute one and the same agreement and a full original of this Partnership Agreement for all purposes.

IN WITNESS whereof the Parties hereunto have affixed their Common Seal the day and year first before written

THE COMMON SEAL of CHELMSFORD CITY COUNCIL

Was hereto affixed in the presence of:

Authorised Signatory

.....
Mayor

.....
Authorised Officer

THE COMMON SEAL of OTHER LOCAL AUTHORITIES

<p>THE COMMON SEAL of) BASILDON BOROUGH COUNCIL) was hereunto affixed by Order:)</p>
<p>Authorised Signatory Executed as a Deed by affixing THE COMMON SEAL of BRAintree DISTRICT COUNCIL In the presence of:- </p>
<p>THE COMMON SEAL OF BRENTWOOD BOROUGH COUNCIL was affixed to this Deed in the presence of:</p>

AUTHORISED SIGNATORY

Executed as a deed by affixing
The Common Seal of Castle Point
Borough Council in the presence of:

Executed as a Deed by affixing
THE COMMON SEAL of COLCHESTER BOROUGH
COUNCIL In the presence of:-

Authorised signatory

THE COMMON SEAL of)
MALDON DISTRICT)
COUNCIL was affixed)
in the presence of:-)

Authorised Signatory

Authorised Signatory

THE COMMON SEAL of ROCHFORD DISTRICT COUNCIL
Was hereto affixed in the presence of:

Authorised Signatory

.....
Assistant Director (Legal and Democratic Services)

THE COMMON SEAL of SOUTHEND ON SEA)
BOROUGH COUNCIL was pursuant to a resolution)
of the Council hereunto affixed to this Deed in the)
presence of:-)

Proper Officer of the Council

was affixed to this document in the presence of:

.....
Signature of Witness

.....
Name of Witness (Print)

Address:.....

.....

THE COMMON SEAL of
THURROCK BOROUGH COUNCIL
was hereunto affixed in the
presence of:-

_____ Authorised Signatory

**THE COMMON SEAL OF
UTTLESFORD DISTRICT COUNCIL
WAS AFFIXED IN THE PRESENCE OF:**

Authorised Signatory

SCHEDULE 1 – RAMS Mitigation Strategy



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

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

The overall cost for the mitigation package is £8,916,448 in total **from today 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

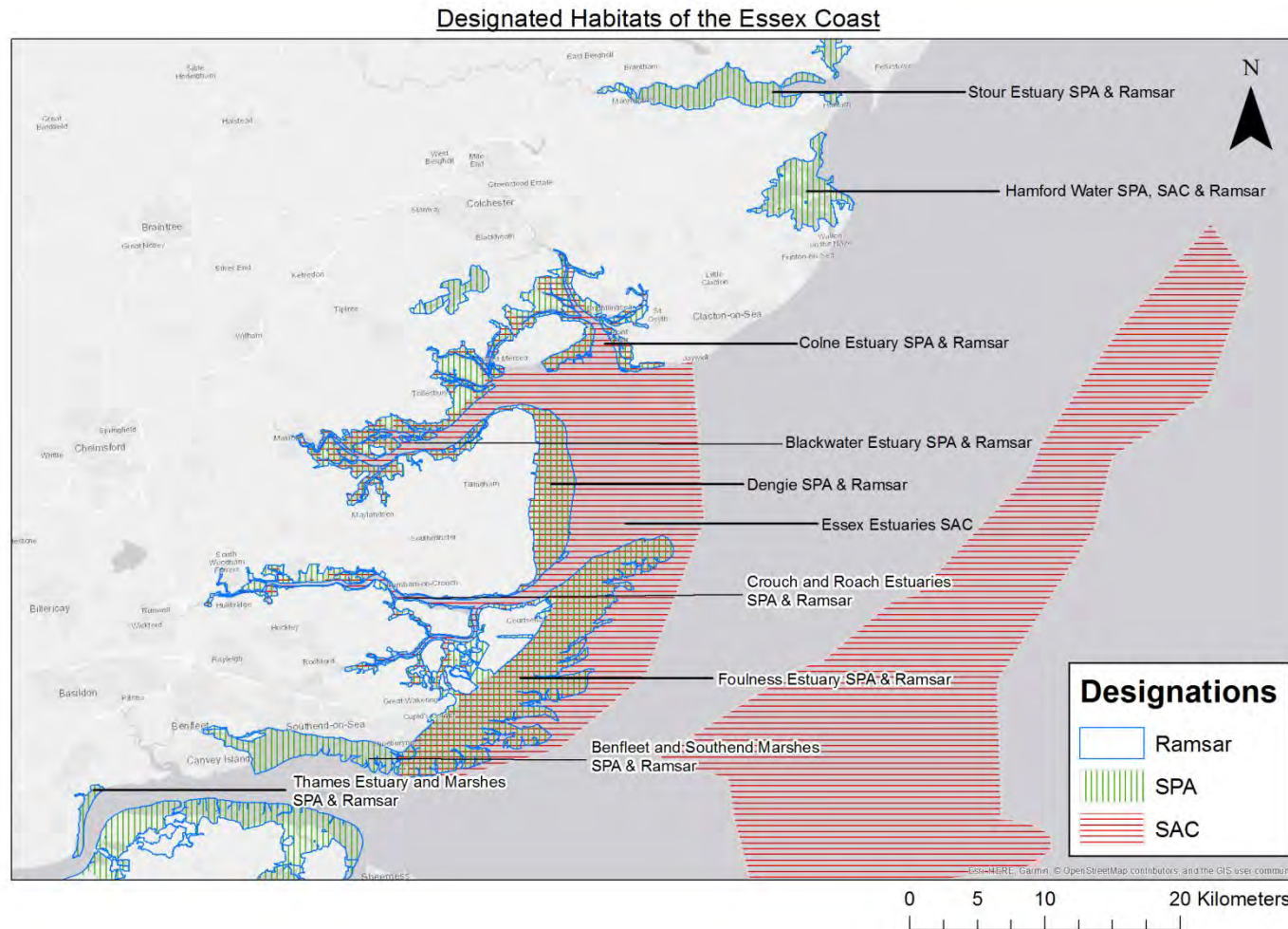
1 Introduction

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

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

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



Notes:

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

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

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

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

Table 1.1: Habitats sites in Essex relevant to the Strategy

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

Notes:

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

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

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

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

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

1.26 Since this Footprint Ecology study was published, mitigation schemes across the UK have provided data which accords with the conclusions of this study.

1.27 The maps in Appendix 11 for each Habitats site, are annotated with existing recreational disturbance issues evidenced by Managers of these sites.

1.28 The potential ways in which species and their habitats are impacted by recreational disturbance, are considered in this Strategy. The Essex Coast RAMS identifies the baseline:

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

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

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

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

2 Background to the Strategy

Policy Context

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

³

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

2.6 Specifically, Regulation 63 states:

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

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

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

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

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

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

b) the Welsh Ministers; and

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

and public body includes:

a) the Broads Authority(4);

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

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

(d) a National Park authority; or

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

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

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

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

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

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

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

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

Identifying the problem

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

4

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

Table 2.1 LPAs and their relevant Habitats Sites

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

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

Notes: Not all of the LPAs have prepared project level HRAs for residential developments within the IRZs³ 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](http://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 than stalling the progression of planned housing growth within local Plans;
- Be based on evidence and be precautionary where uncertainties remain;
- Provide a good degree of certainty that the required measures can be delivered;
- Be solutions focused, seeking to find robust means of mitigating for impacts to allow development to proceed, incorporating such mitigation at the plan level wherever possible so that these requirements are clear to developers and are consistently applied;
- Build upon work undertaken to date as part of the HRAs for the various Local Plans;
- Reflect best practice; and
- Include monitoring.

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

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

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

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

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

Developing the Essex Coast RAMS project

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

Table 2.2: Options for preparing an Essex Coast RAMS

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

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

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

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

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

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

What will the Strategy achieve?

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

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

Table 2.3: The Brief for the Essex Coast RAMS

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

	<p>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.</p>
<p>2. Mitigation and visitor monitoring</p>	<p>a) Based upon the conclusions from the patterns of use, identify which Habitats sites are relevant to which growth locations/ LPA.</p>
	<p>b) Identify mitigation and visitor monitoring objectives (i.e. what needs to be monitored, how often and to identify what methodologies to use).</p>
	<p>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.</p>
	<p>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).</p>
<p>3. Funding</p>	<p>a) Identify what measures have already been funded and provide detail of how the current funding mechanisms work.</p>
	<p>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).</p>
	<p>c) Identify planned growth in the locations identified under 2c (above).</p>
	<p>d) Identify mechanisms for securing funding for each mitigation measure.</p>
	<p>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.</p>
<p>4. Monitoring of the Strategy</p>	<p>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).</p>
	<p>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.</p>
	<p>c) Identify how monitoring results will be analysed and used effectively.</p>
<p>5. Strategy finalised with recommendation for SPD</p>	<p>a) Incorporate areas above into strategy.</p>
	<p>b) Agree strategy with the Steering Group.</p>

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

3 Purpose of the Strategy

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

⁵ <http://www.birdaware.org/>

3.4 The Essex Coast RAMS Strategy does not provide:

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

or

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

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

Table 3.1: Planning Use Classes

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

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

Notes:

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

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

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

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

- Full planning applications;
- Reserved Matters planning applications where the outline planning consent 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

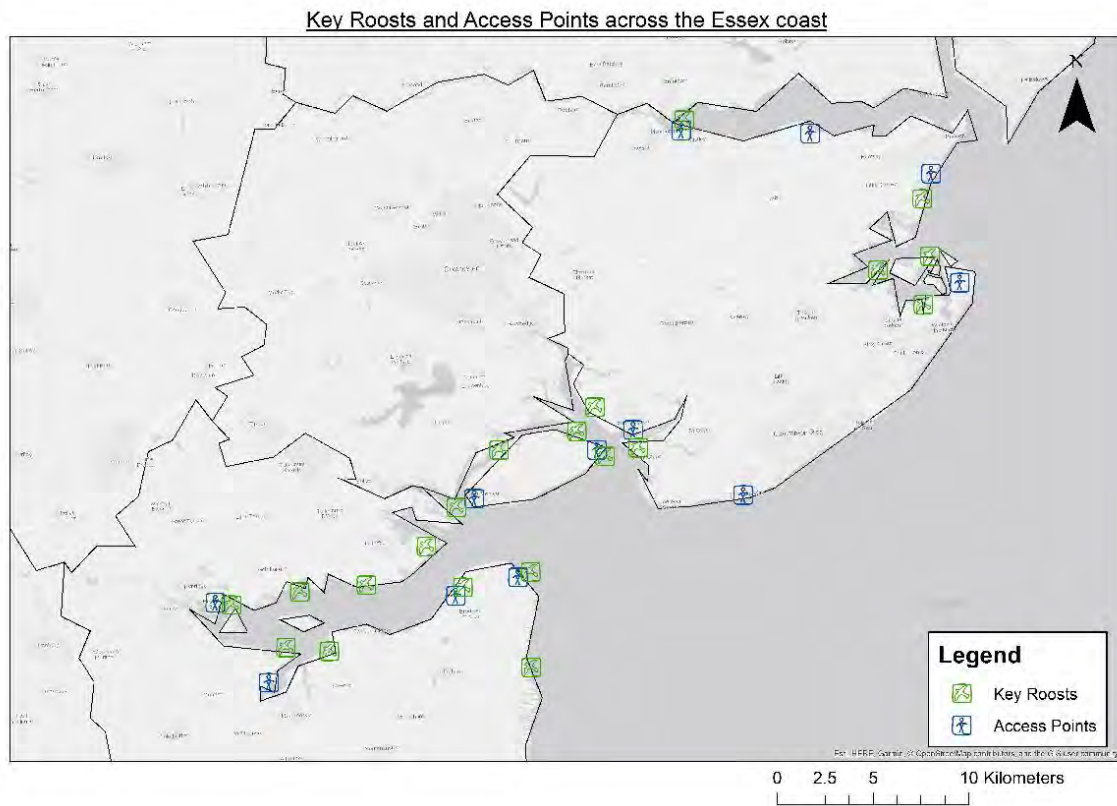
4 The Baseline

- 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.

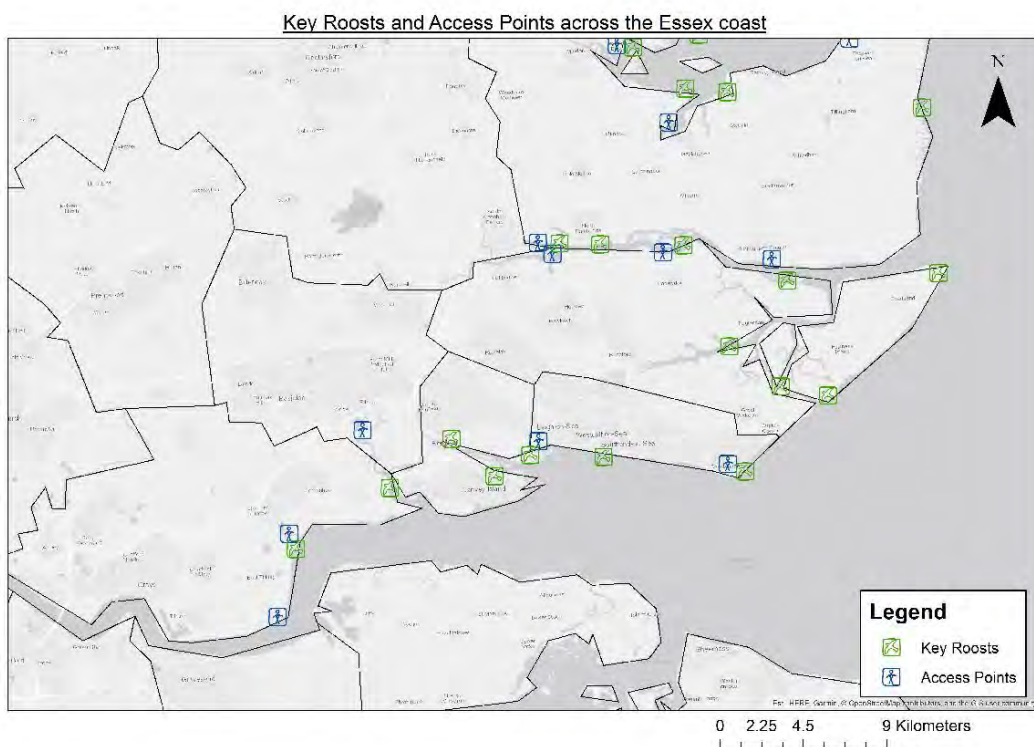
The Importance of the Essex coast Habitats sites – Desktop review

- 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 Zols throughout.

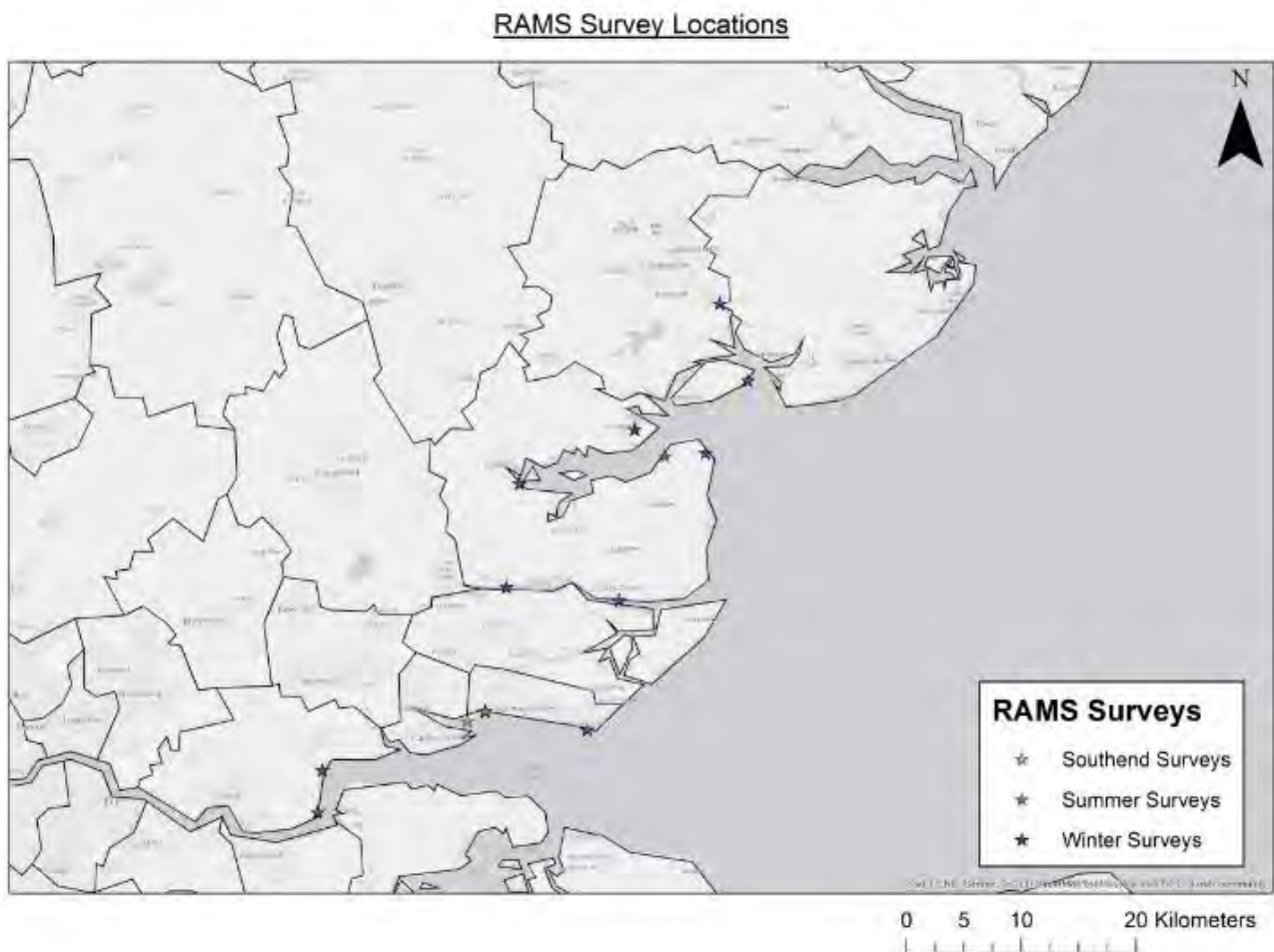
** As Foulness Estuary has limited access due to military control of much of the land, no surveys were considered necessary by Natural England.

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

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

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

Figure 4.1 Locations of Visitor surveys undertaken 2018



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

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

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

in the mitigation section of this report.

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

Table 4.4: ZOI calculations for Essex Coast Habitats sites

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

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

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



5 Housing planned in the Zones of Influence

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

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

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

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

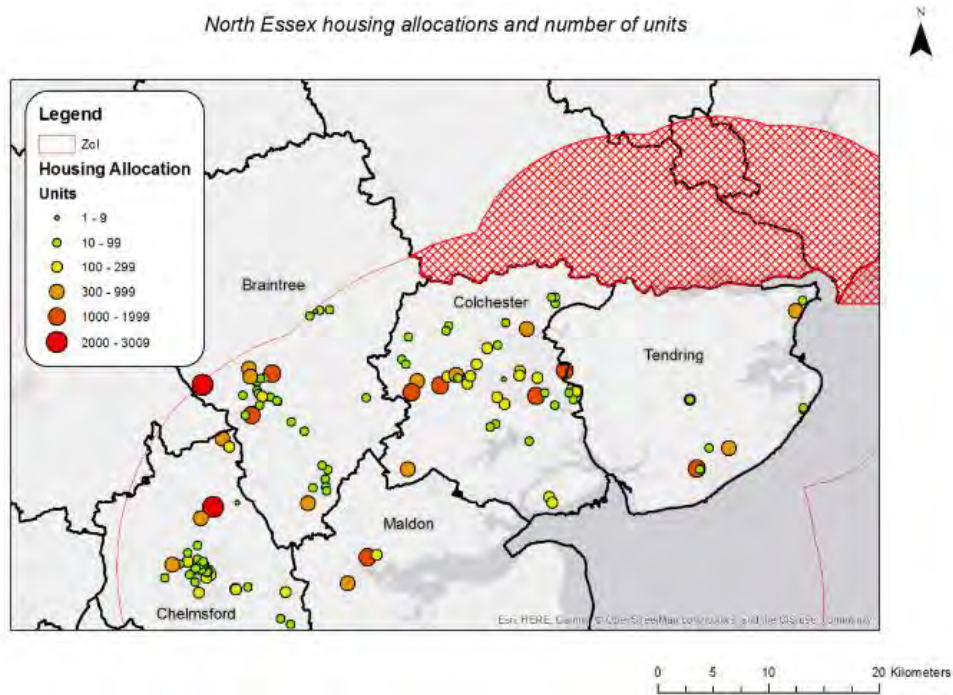
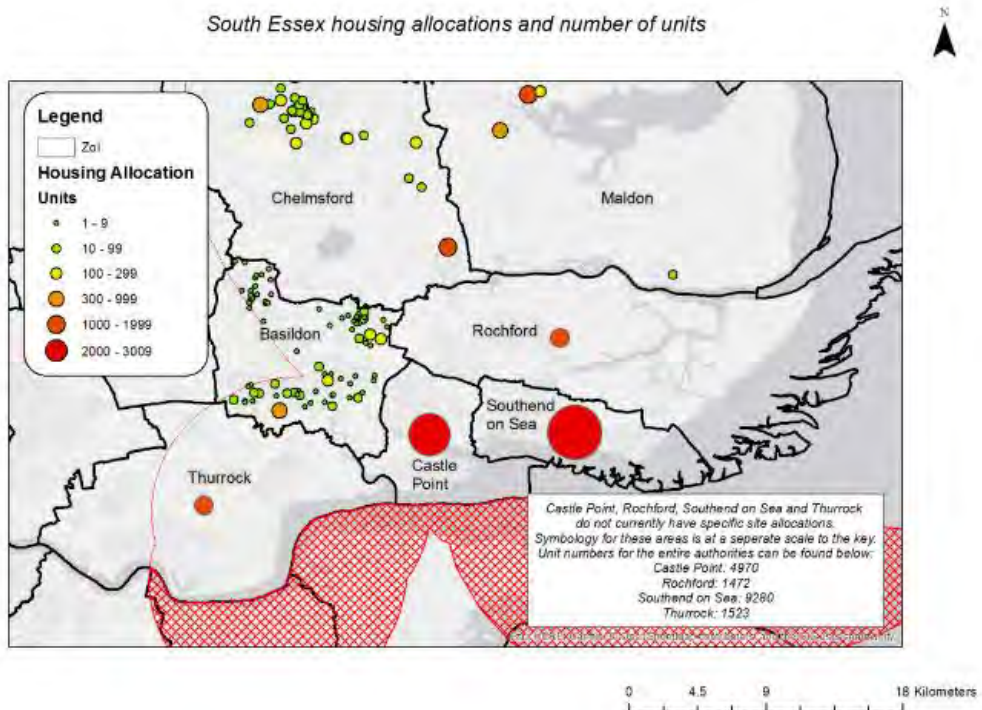


Figure 5.2: South Essex - distribution of housing allocations and numbers of units (NB Castle Point and Southend have a single dot instead of sites)



6 Exploring mitigation options

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

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

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

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

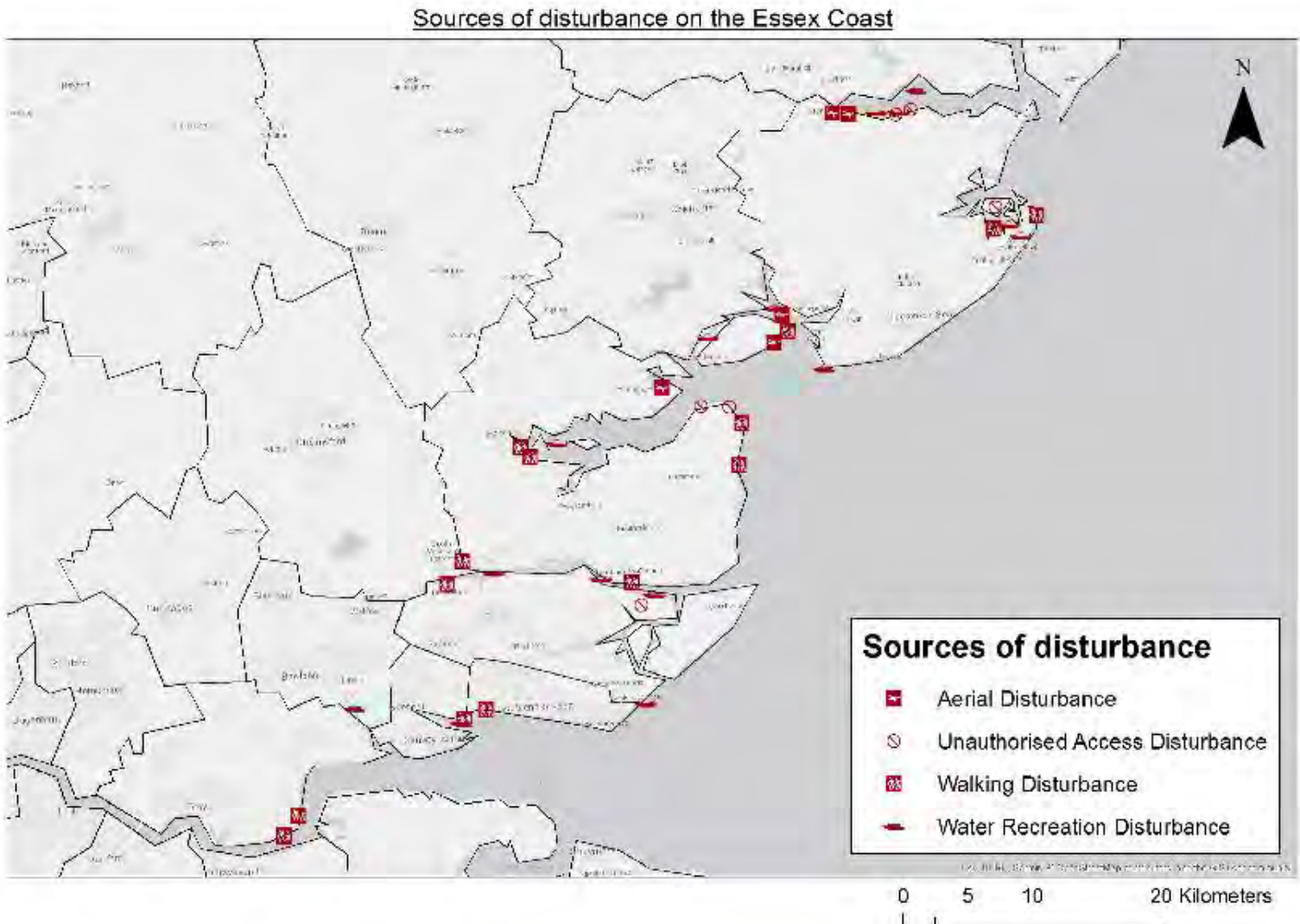


Figure 6.2: Key mitigation options identified at the Essex Coast RAMS workshops

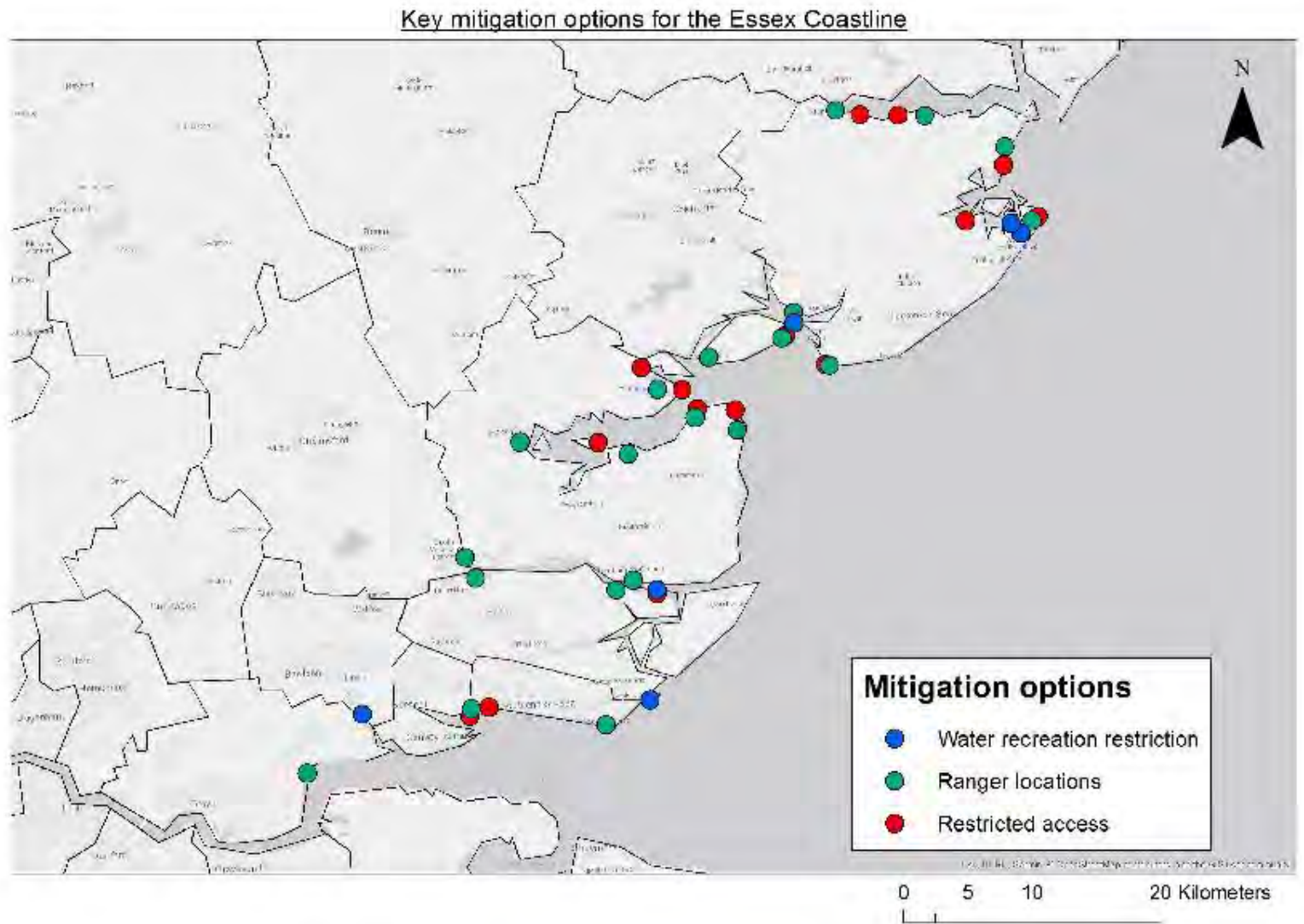


Table 6.1: Potential for disturbance to birds in Stour Estuary (Essex side only)

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

Table 6.2: Potential for disturbance of birds in Hamford Water

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Mitigation Report

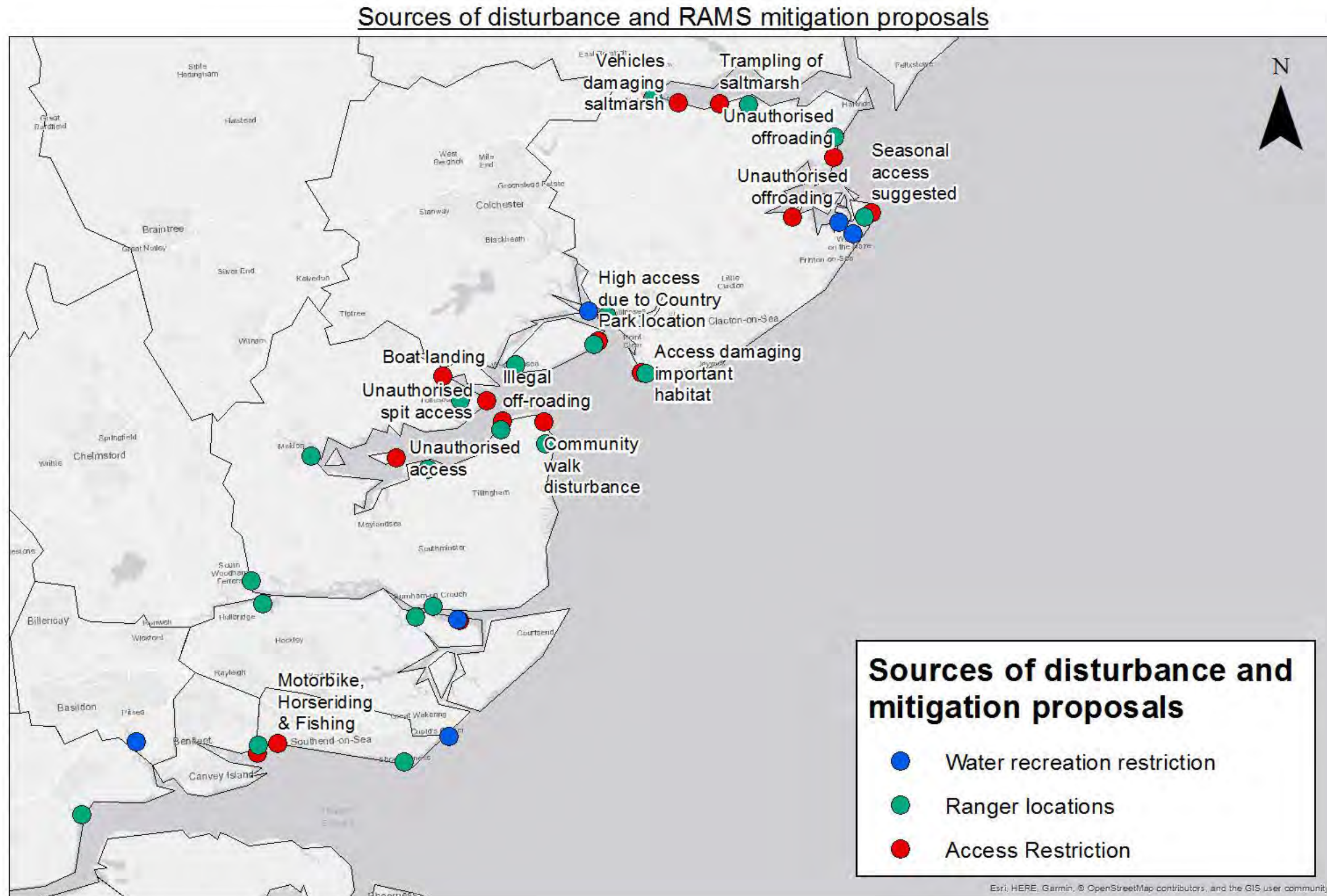
7 Overview of Essex coast RAMS mitigation options

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

Recommended measures to avoid impacts from planned residential growth in Essex

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

Figure 7.1 Sources of disturbance and Essex Coast RAMS mitigation proposals



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

Table 7.1 – The Essex coast RAMS toolkit

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

Education and communication

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

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

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

Coordination of the Essex Coast RAMS

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

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

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

8 Costed Mitigation Package and Mitigation Delivery

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

Table 8.1 Phasing of housing delivery 2018-2038

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

8.6 The per dwelling tariff is calculated by dividing the total cost of the Essex Coast RAMS mitigation package by the total number of houses still to be delivered over the Local Plans period i.e. any houses already consented having come forward early, are not included in this calculation.

8.7 As the above figures may change before the SPD is adopted, the tariff will require re-assessment beforehand. It will also be required as part of the monitoring process.

Table 8.2: Mitigation package costed for 2018-2038

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

Table 8.2: Mitigation package costed for 2018-2038

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

Table 8.2: Mitigation package costed for 2018-2038

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

Table 8.2: Mitigation package costed for 2018-2038

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

Table 8.2: Mitigation package costed for 2018-2038

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

Table 8.2: Mitigation package costed for 2018-2038

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

TOTAL MITIGATION PACKAGE
10% contingency
TOTAL COST

COSTS £8,105,862
£ 810,586
£8,916,448

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

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

Table 8.3 Housing number and cost of mitigation for each LPA

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

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

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

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

9. Monitoring and review

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

Table 9.1: Monitoring Report

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

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

10 Conclusions and next steps

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

11 Glossary

Appropriate Assessment	Forms part of the Habitats Regulations Assessment
Competent Authority	Has the invested or delegated authority to perform a designated function.
England Coast Path	Natural England are implementing the Government scheme to create a new national route around the coast of England
Impact Risk Zone	Developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals. They cover areas such as SSSIs, SACs, SPAs and Ramsar sites.
Habitats sites	Includes SPA, SAC & Ramsar sites as defined by NPPF (2018). Includes SPAs and SACs which are designated under European laws (the 'Habitats Directive' and 'Birds Directive' respectively) to protect Europe's rich variety of wildlife and habitats. Together, SPAs and SACs make up a series of sites across Europe, referred to collectively as Natura 2000 sites. In the UK they are commonly known as European sites; the National Planning Policy Framework also applies the same protection measures for Ramsar sites (Wetlands of International Importance under the Ramsar Convention) as those in place for European sites.
Habitats Regulations Assessment	Considers the impacts of plans and proposed developments on Natura 2000 sites.
Natural England	Natural England - the statutory adviser to government on the natural environment in England.
Local Planning Authority	The public authority whose duty it is to carry out specific planning functions for a particular area.
Ramsar site	Wetland of international importance designated under the Ramsar Convention 1971.
Responsible Officer	Natural England officer responsible for a particular habitats site.
Special Area of Conservation	Land designated under Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.
Special Protection Area	Land classified under Directive 79/409 on the Conservation of Wild Birds.
Supplementary Planning Document	Documents that provide further detail to the Local Plan. Capable of being a material consideration but are not part of the development plan.
Zone of Influence	A designated distance that establishes where development is permitted.

Abbreviations

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

**Essex Coast
Recreational disturbance Avoidance
& Mitigation Strategy (RAMS)**

Habitats Regulations Assessment
Strategy document
2018-2038

Appendices

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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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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 Regulations¹

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')

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 site²
- 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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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 Regulations¹

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 site²
- 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' (Zols)

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 Zols currently agreed by the Essex Coast RAMS Steering Group are as follows:

Table 1:

European designated site	Underpinning SSSIs³	Zols (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

¹Note 1: The Essex Estuaries comprise the Colne Estuary, Blackwater Estuary, Dengie, Crouch and Roach Estuaries and Foulness Estuary and so follow the respective Zols throughout.

²Note 2: The Benfleet and Southend Marshes Zol is to be confirmed following summer visitor surveys.

In the context of your duty as competent authority under the provisions of the Habitats Regulations⁴, it is anticipated that new residential development within these Zols 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 Zols 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 Zol.

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

Tending, 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

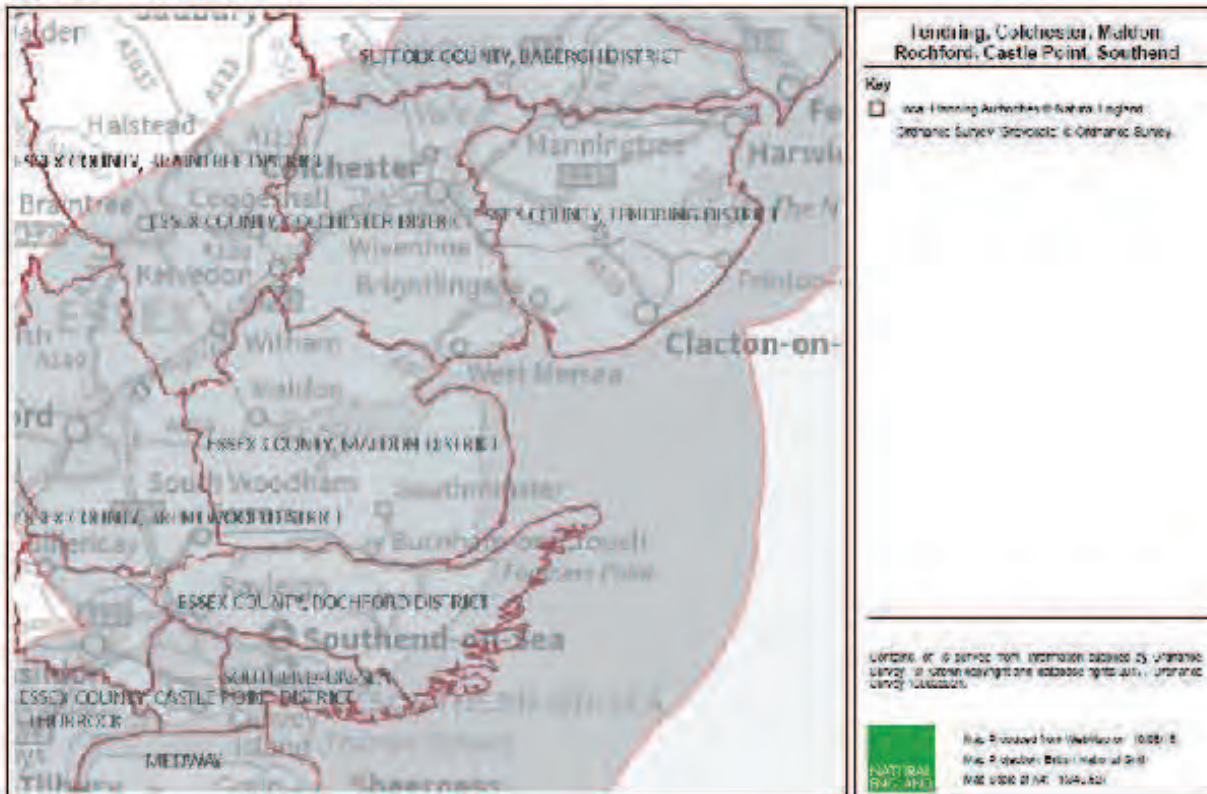


Figure A1.2

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

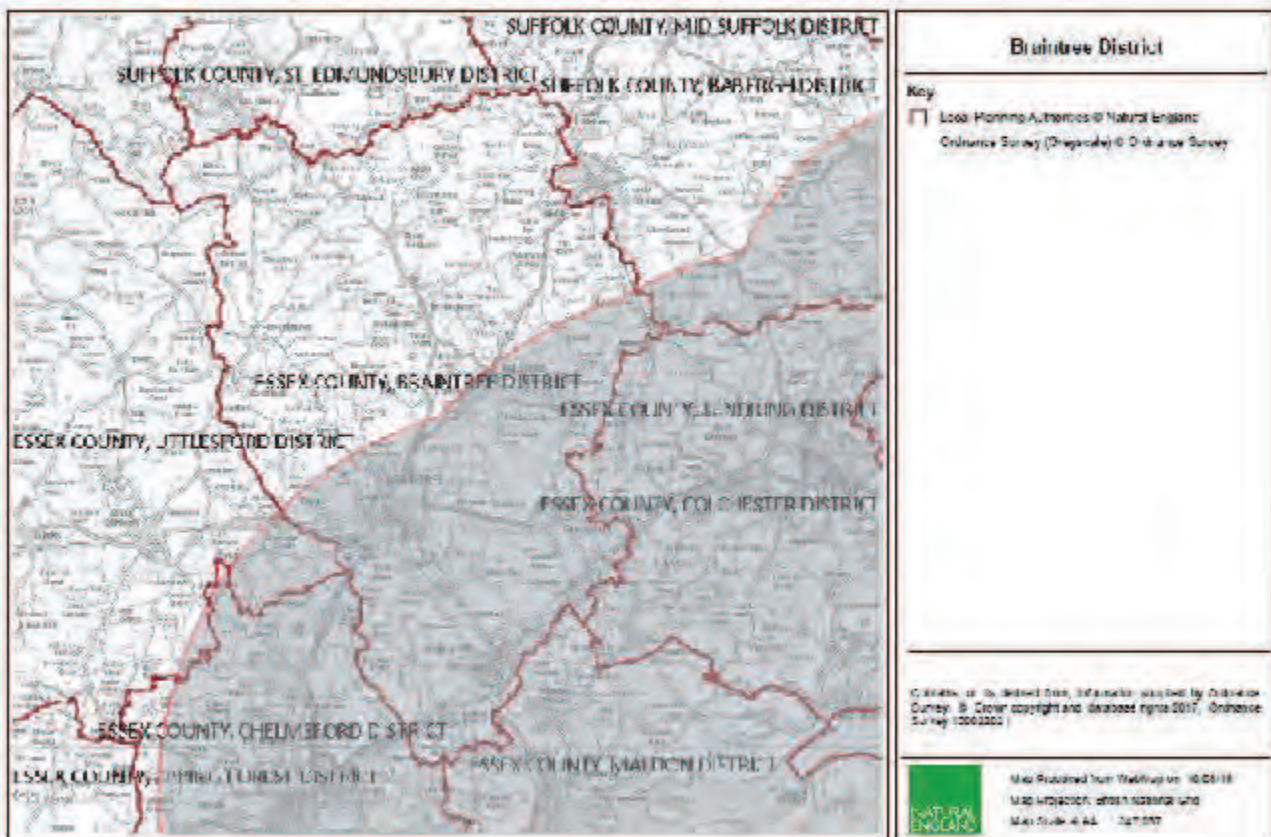


Figure A1.4

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

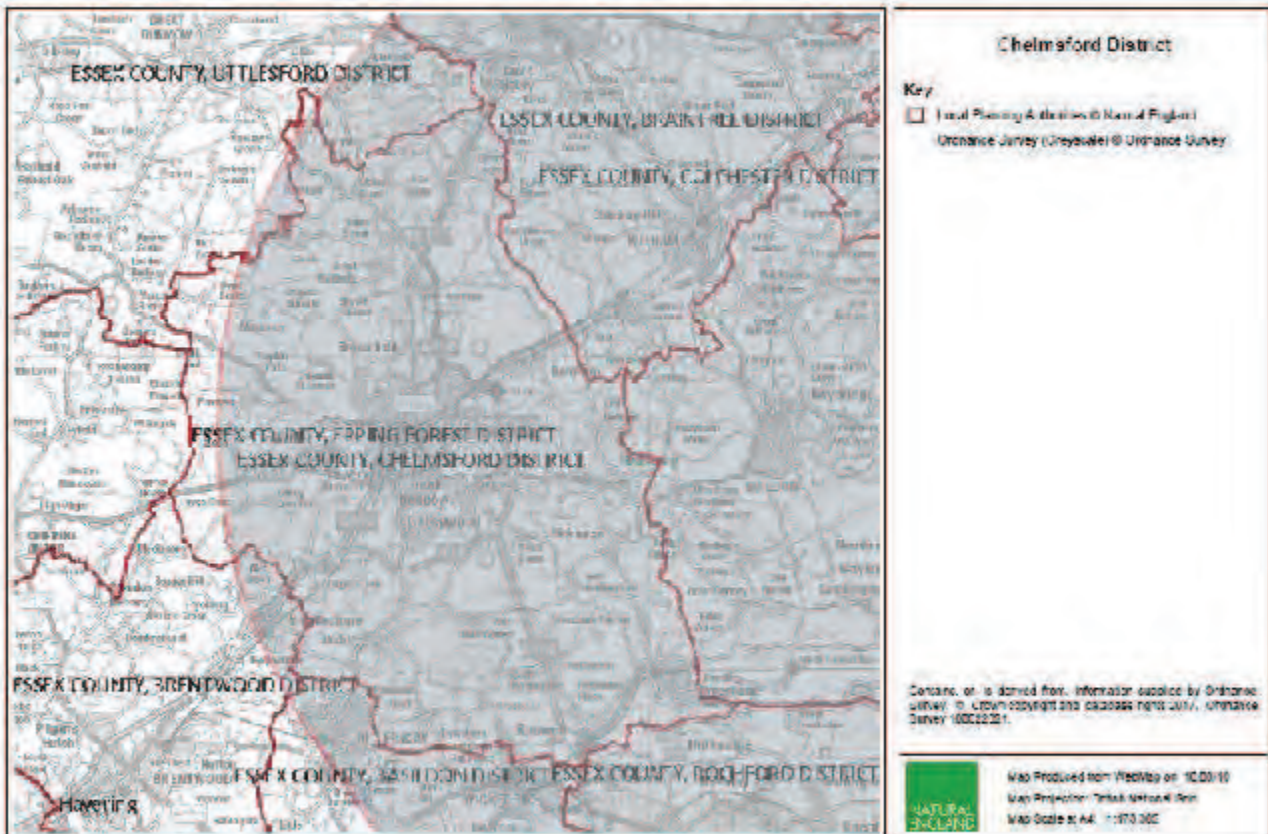


Figure A1.5

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

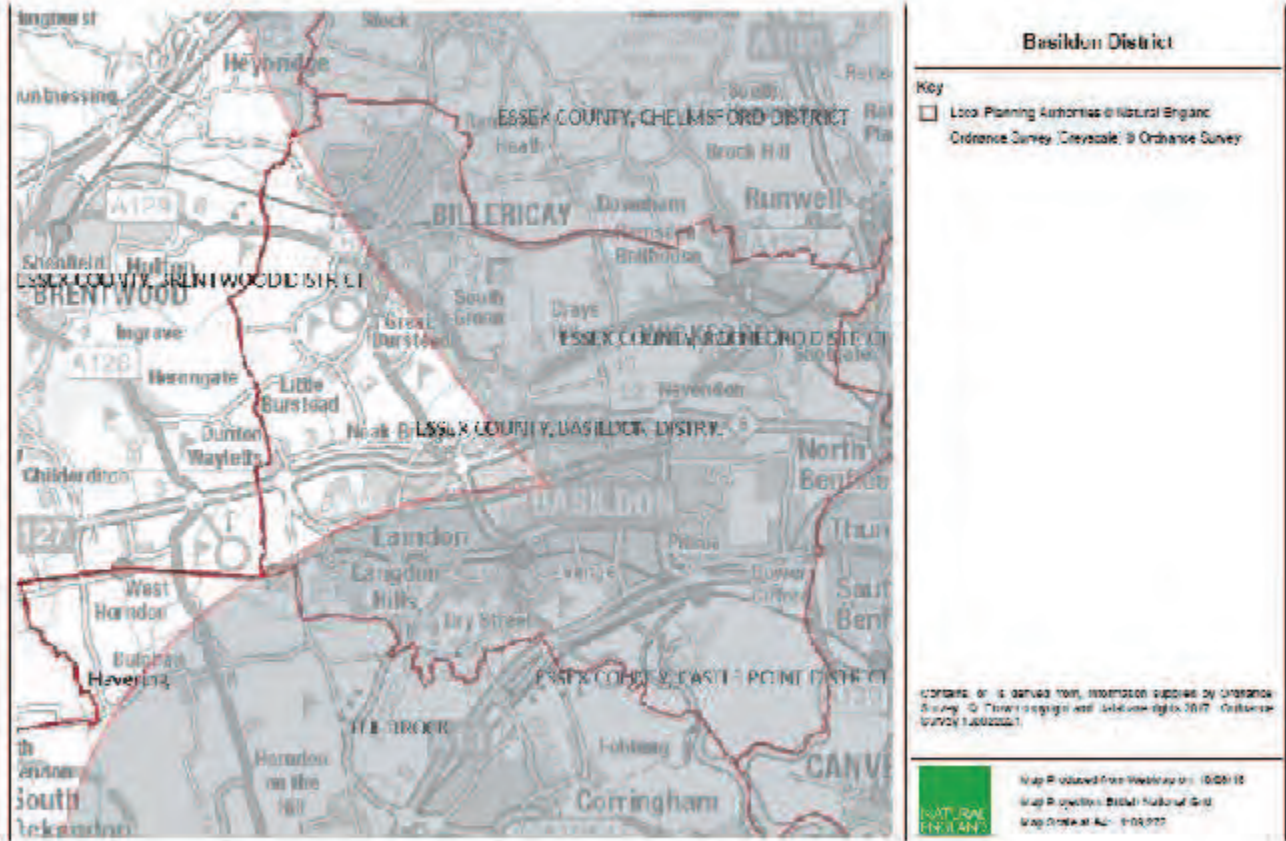


Figure A1.6

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

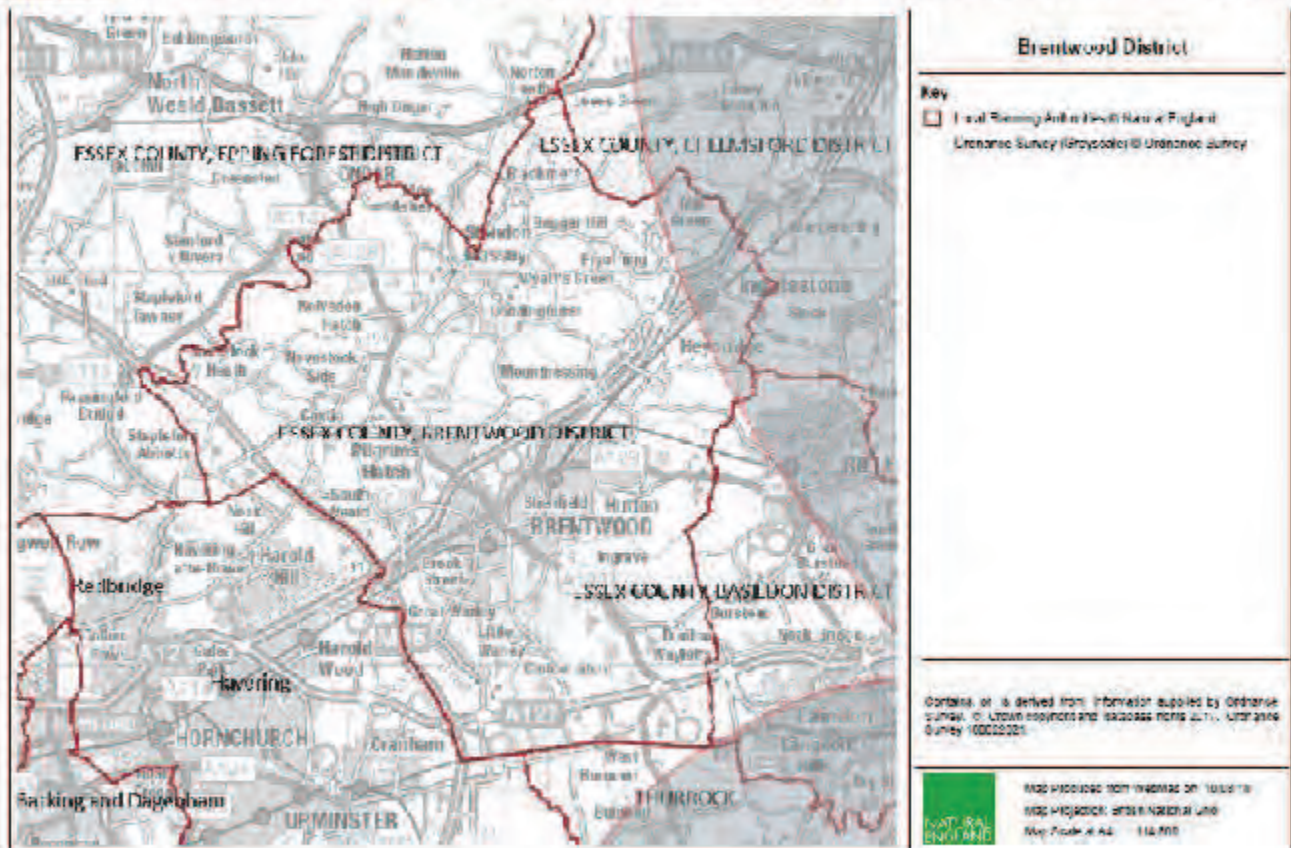
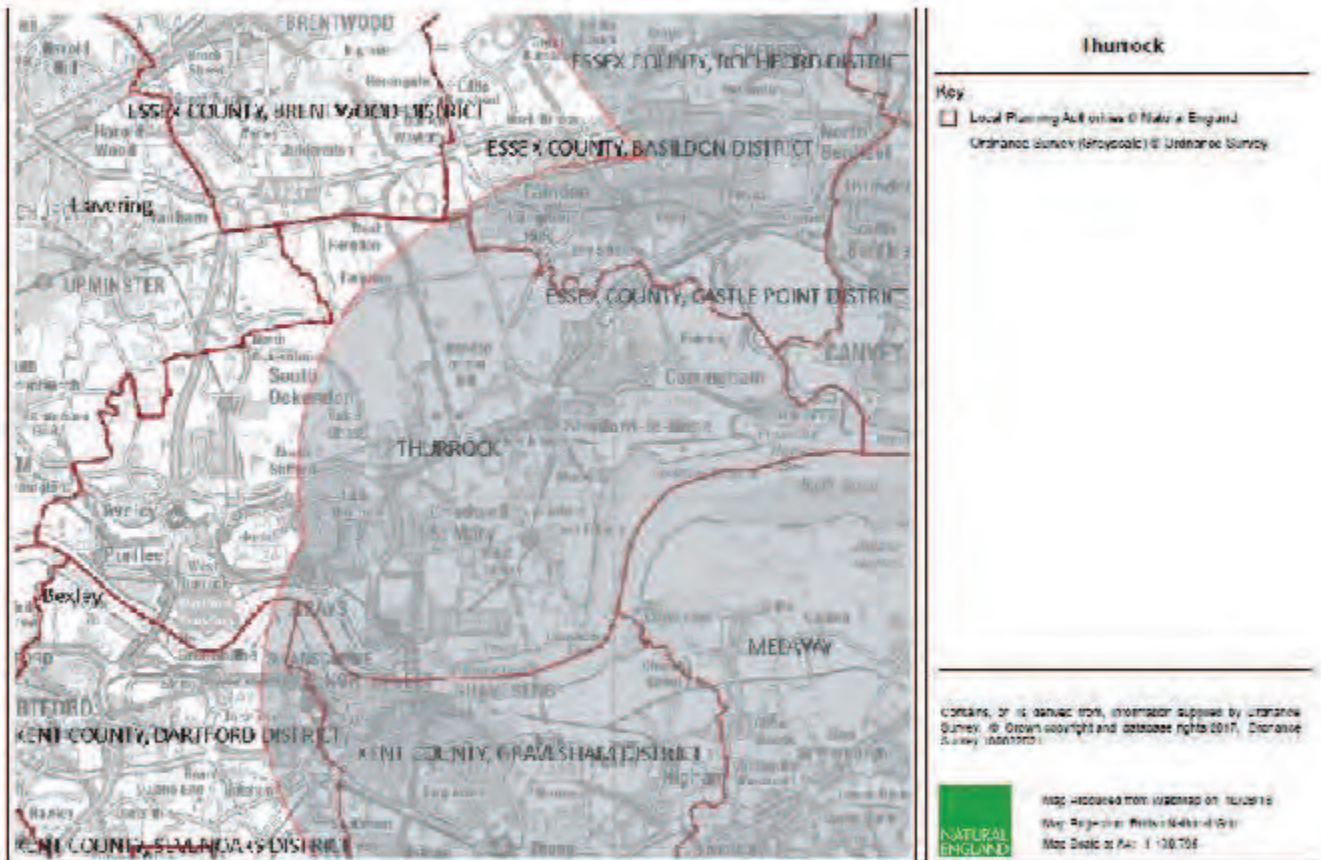


Figure A1.7

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

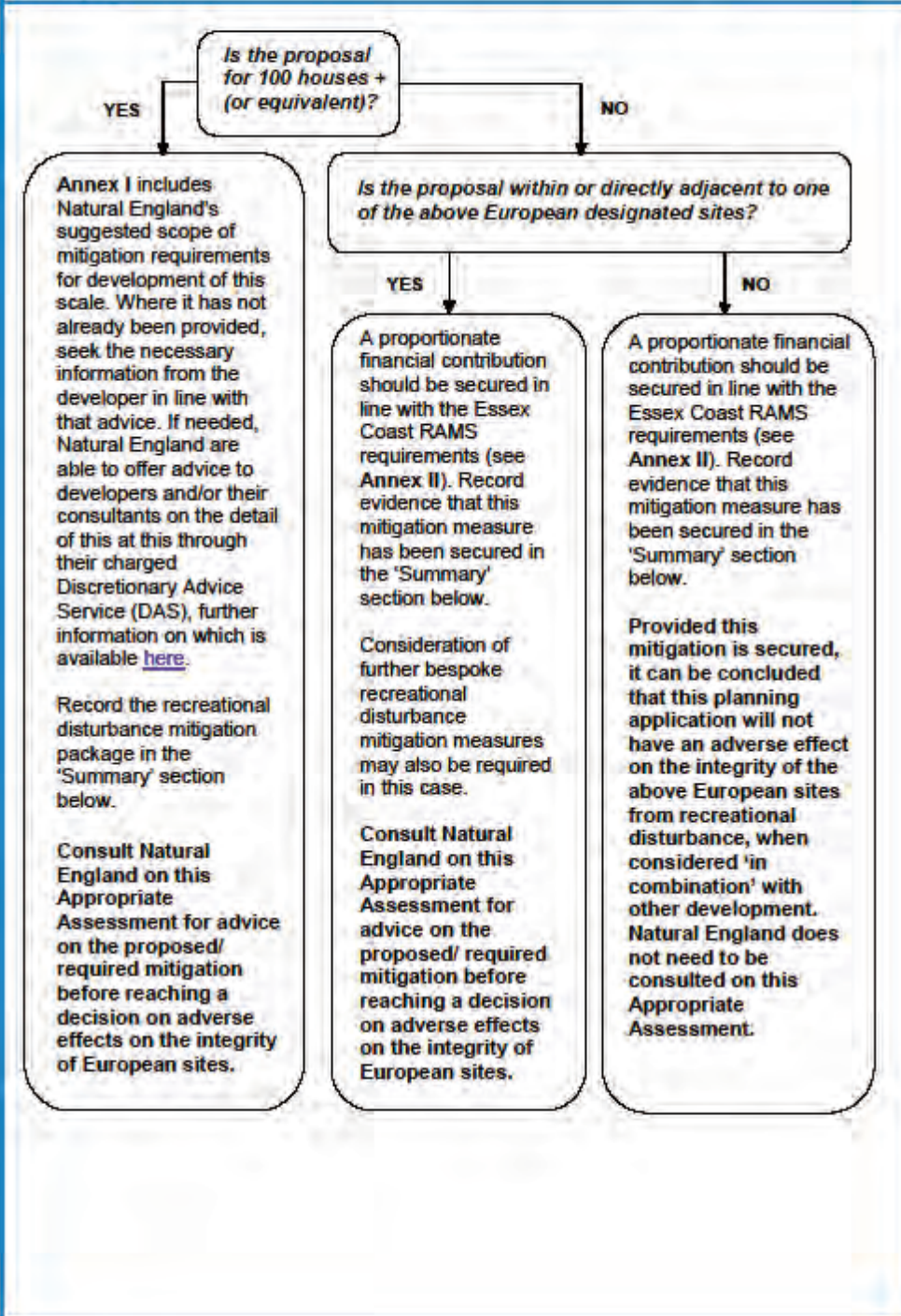


Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record

Application details	
Local Planning Authority:	
Case officer:	
Application reference:	
Application description:	
Application address:	
Status of Application:	
Grid Ref:	
HRA Stage 1: screening assessment	
<p>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</p>	
<p>Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites?</p> <ul style="list-style-type: none"> • 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) • Coine 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	NO
<p>Does the planning application fall within the following development types?</p> <ul style="list-style-type: none"> • 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 	<p>Conclude no LSE to the above designated sites in terms of recreational disturbance:</p> <ul style="list-style-type: none"> • An Appropriate Assessment (AA) is not required where recreational disturbance to these sites is the only issue <u>at</u> recreational disturbance to these sites can be scoped out of any HRA covering other issues. • Check NE J12 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.
YES	NO
<p>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:</p> <ul style="list-style-type: none"> • Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites • Check J12 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. 	<p>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.</p>

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 km⁵ 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	18.02.18
	08.03.18	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

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

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



Blackwater Estuary	<i>Northey Island</i>	10	14	24
	<i>Tollesbury</i>	10	39	49
	Total	20	53	73
Dengie	<i>St. Peters Chapel 1</i>	17	37	54
	<i>St. Peters Chapel 2</i>	7	16	23
	Total	24	53	77
Thames Estuary and Marshes	<i>Coalhouse Fort</i>	10	23	33
	<i>Thameside Nature Park</i>	32	17	49
	Total	42	40	82
Colne Estuary	<i>Cudmore Grove</i>	23	29	52
	<i>Wivenhoe Barrier</i>	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	<i>Gunners Park</i>	78	0	127	1	205	1
	<i>Cinder Path</i>	181	6	434	2	615	8
	Total	259	6	561	3	820	9
Crouch and Roach Estuaries	<i>Burnham-on-Crouch</i>			317	22	317	22
	<i>North Fambridge</i>			15	1	15	1
	Total			332	23	332	23
Blackwater Estuary	<i>Northey Island</i>	3	0	3	0	6	0
	<i>Tollesbury</i>	21*	0	1	10	22	10

	Total	24	0	4	10	28	10
Dengie	<i>St. Peters Chapel 1</i>	4	2	8	0	12	0
	<i>St. Peters Chapel 2</i>	4	0			4	0
	Total	8	2	8	0	16	0
Thames Estuary and Marshes	<i>Coalhouse Fort</i>	19	17	0	7	19	24
	<i>Thameside Nature Park</i>			46*	7	46	7
	Total	19	17	46	14	65	31
Colne Estuary	<i>Cudmore Grove</i>	4	0	15	0	19	0
	<i>Wivenhoe Barrier</i>	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							



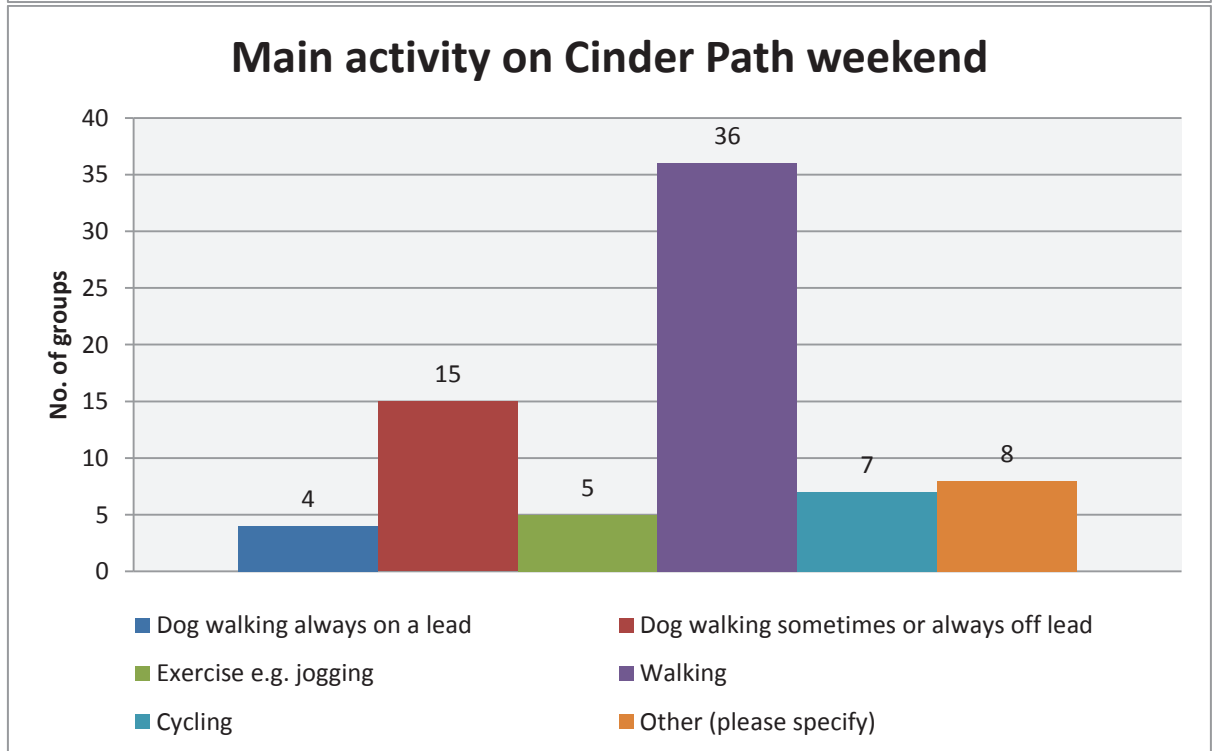
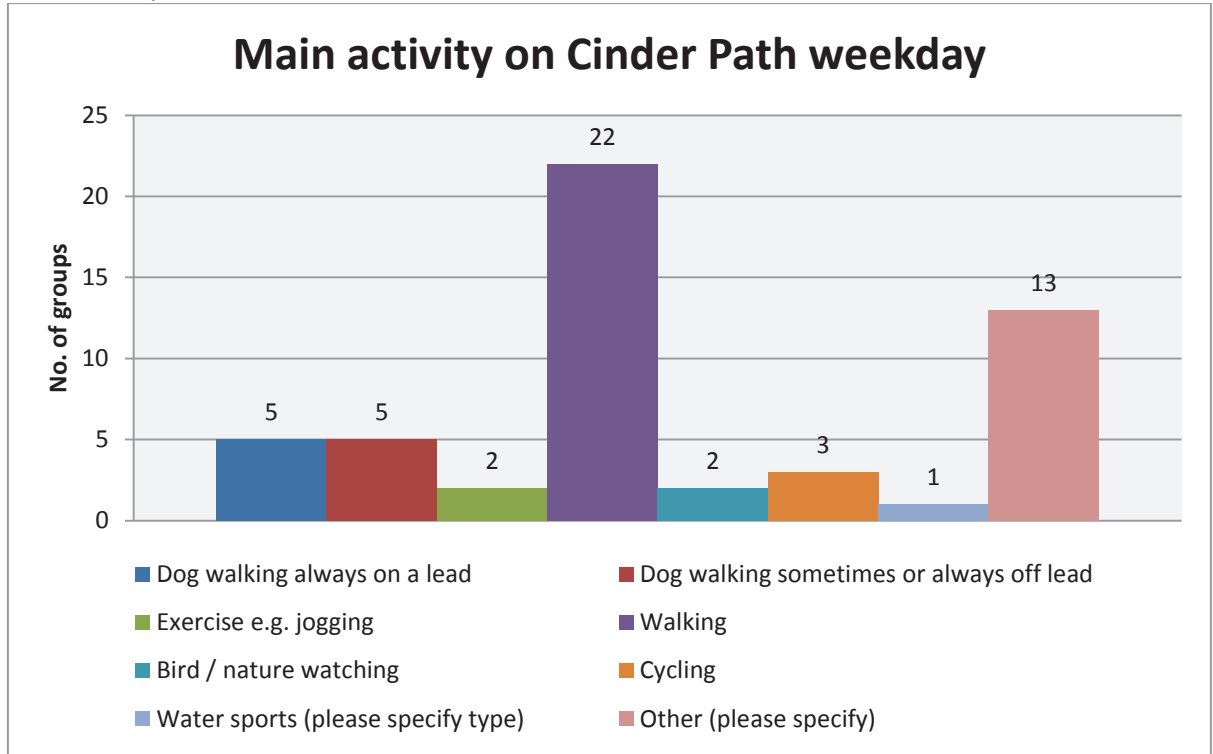
Appendix 5: Summer visitor surveys at the Blackwater Estuary and Benfleet & Southend Marshes

Southend summer survey results

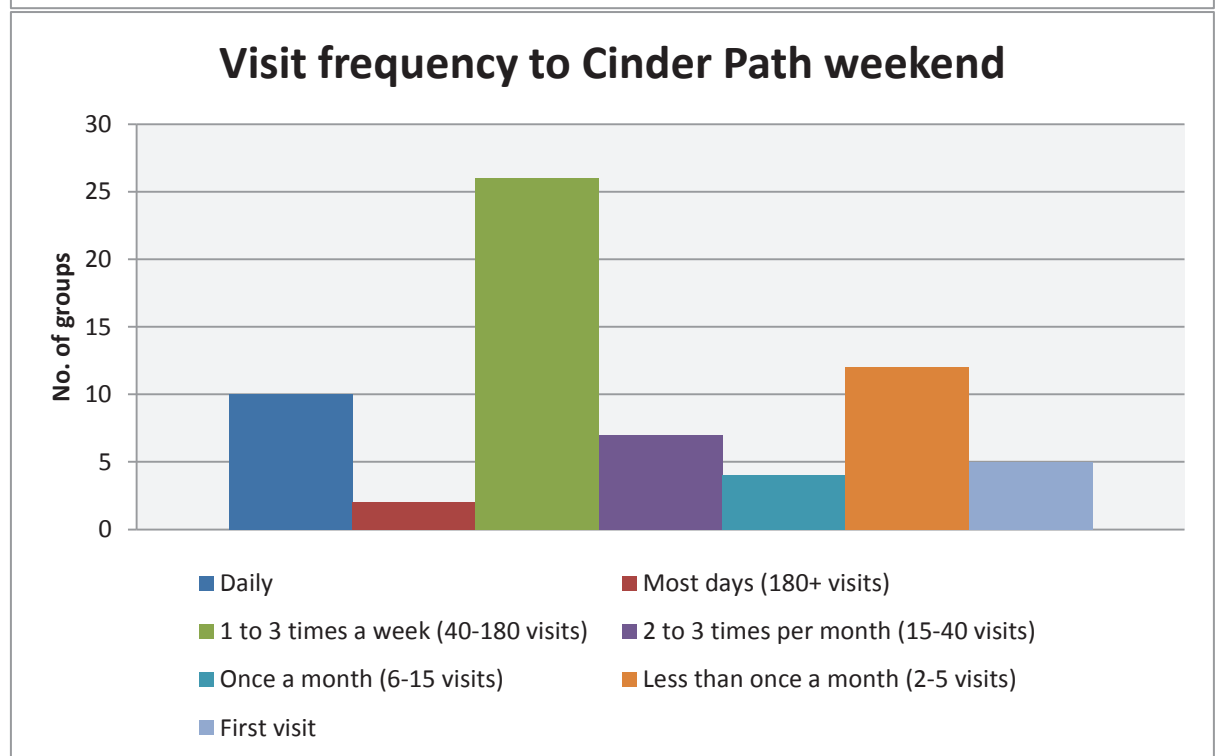
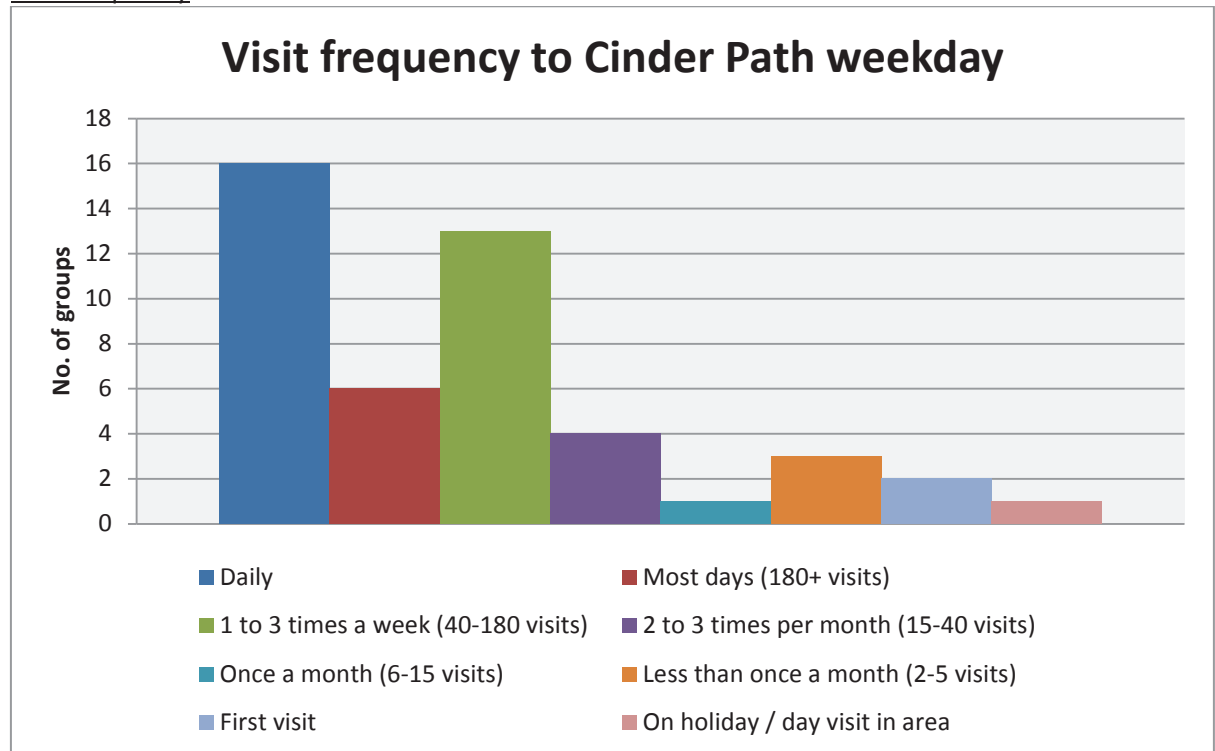
Number of passers-by

Location	Weekday	Weekend	Total
Cinder Path	72	179	251
<u>Two Tree Island</u>	72	99	171
<u>Total</u>	144	278	422

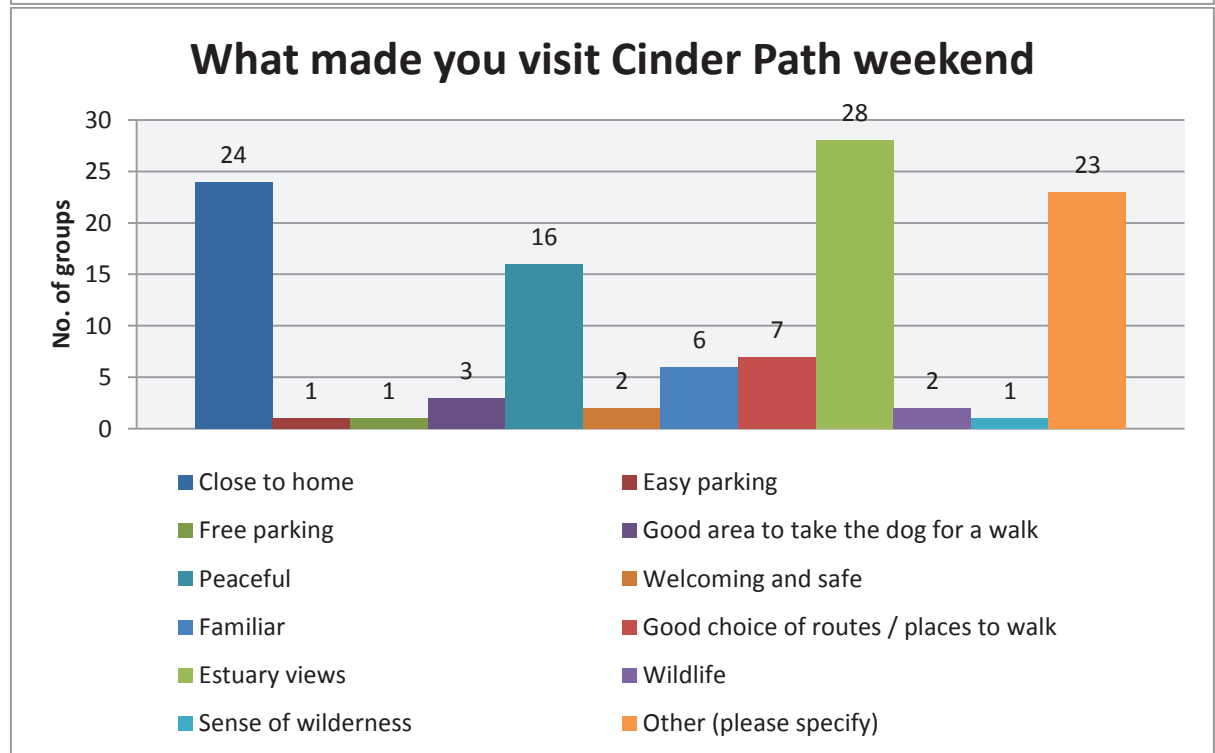
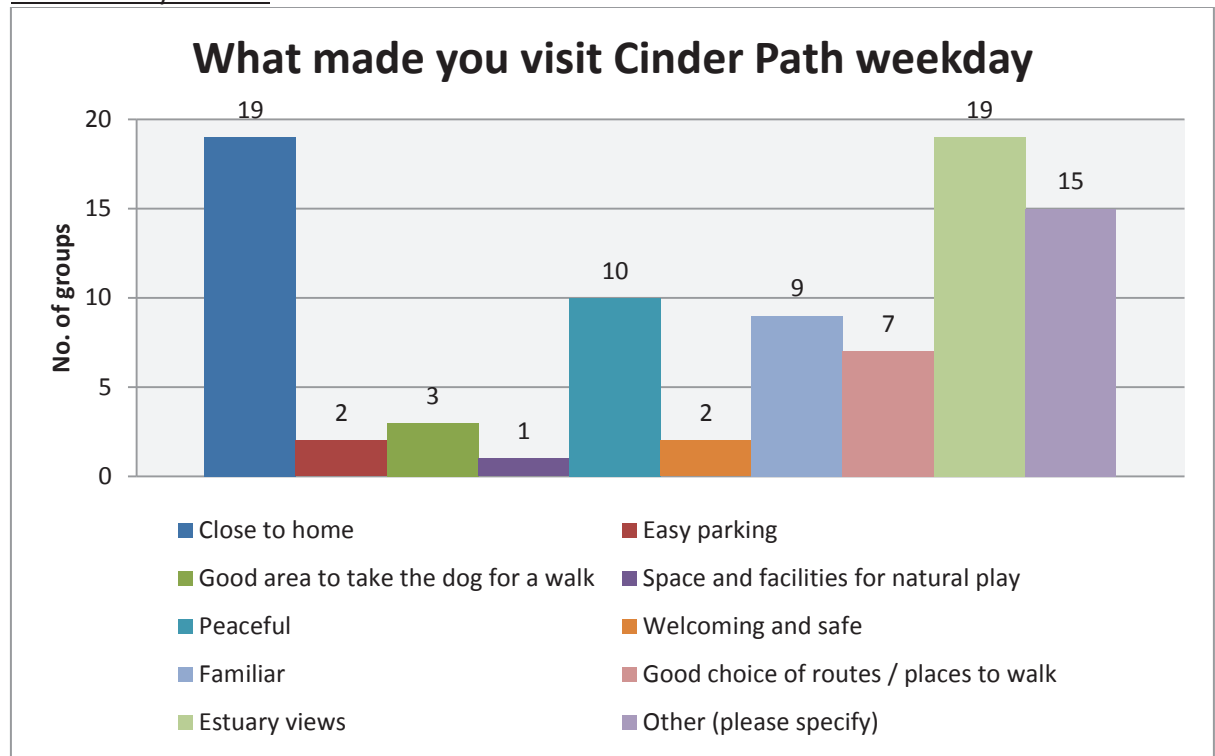
Cinder Path
Main activity



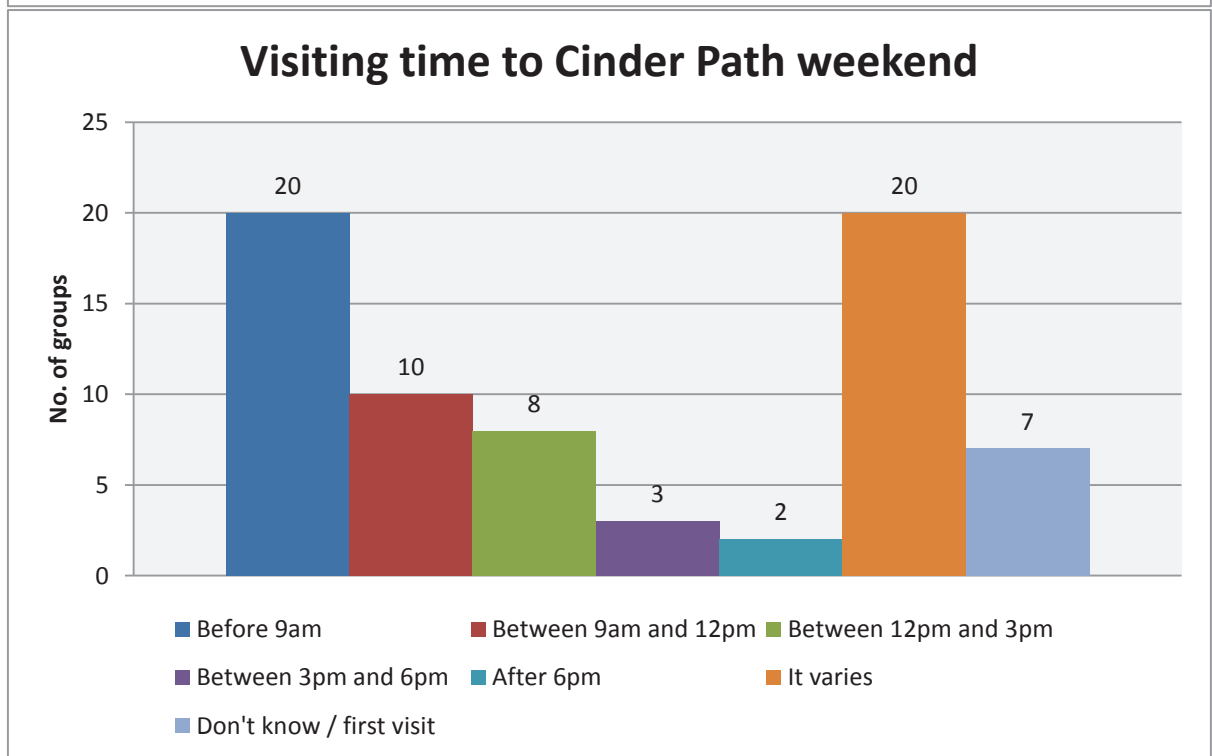
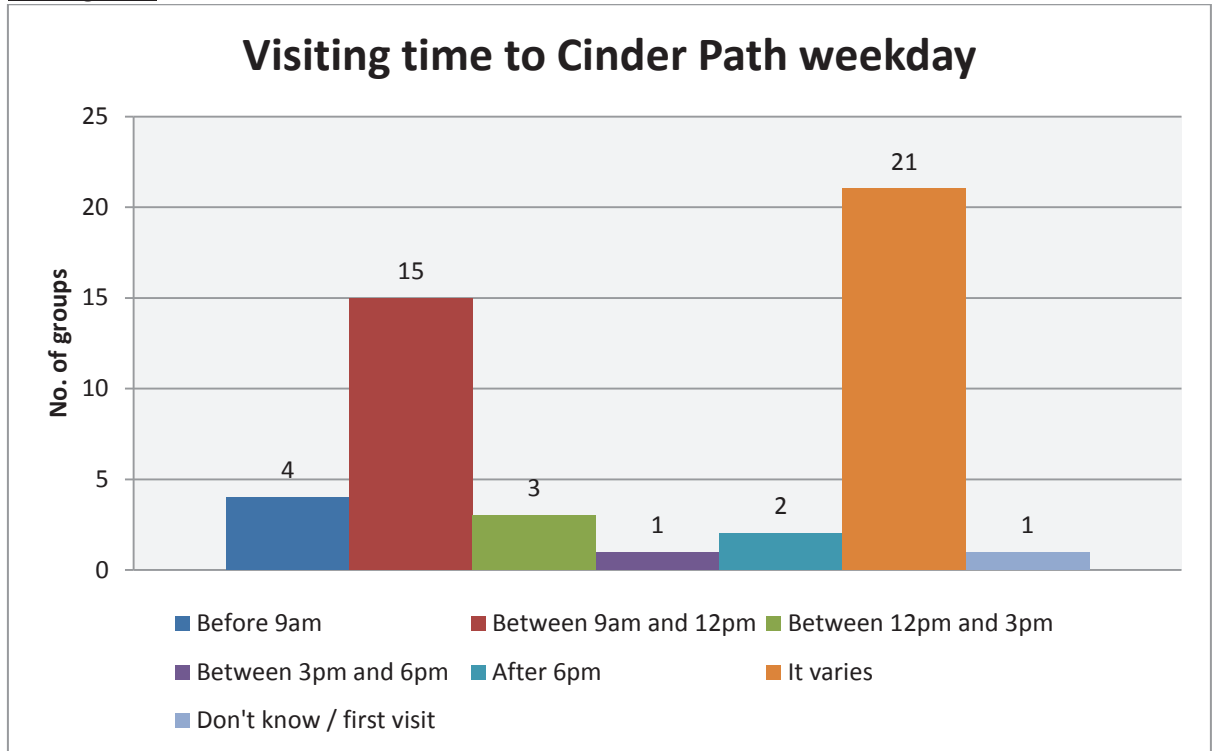
Visit frequency



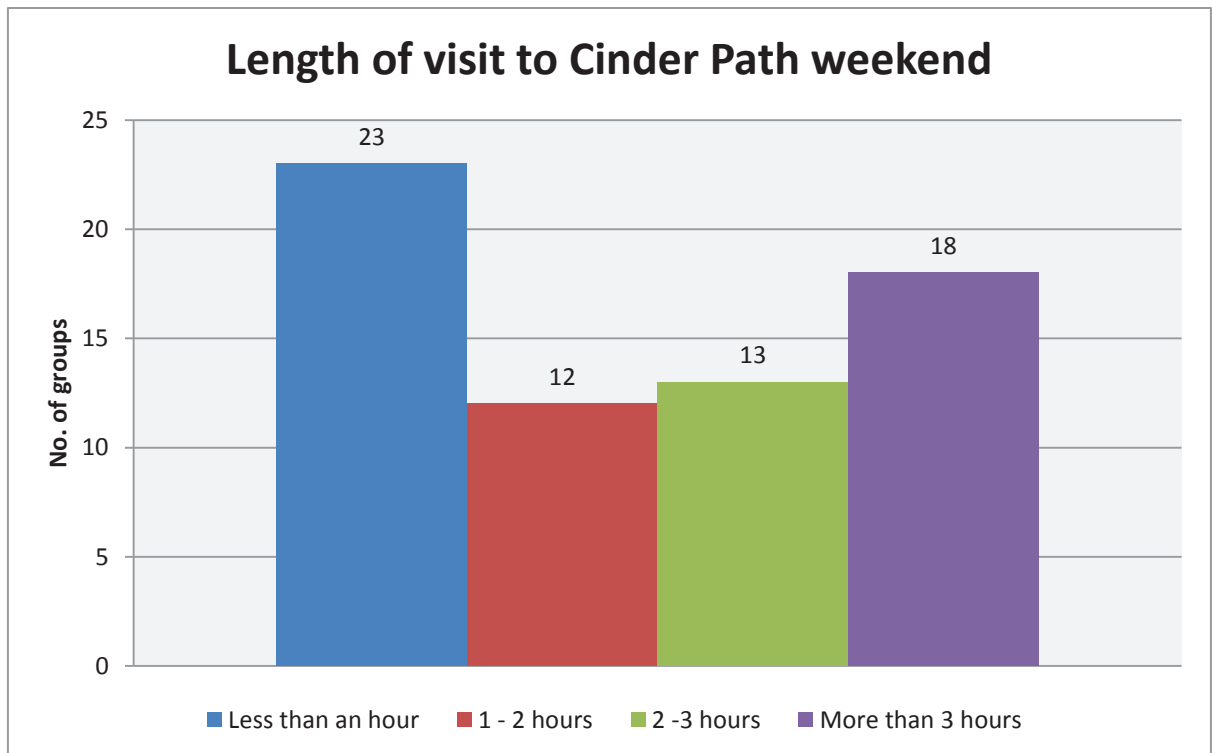
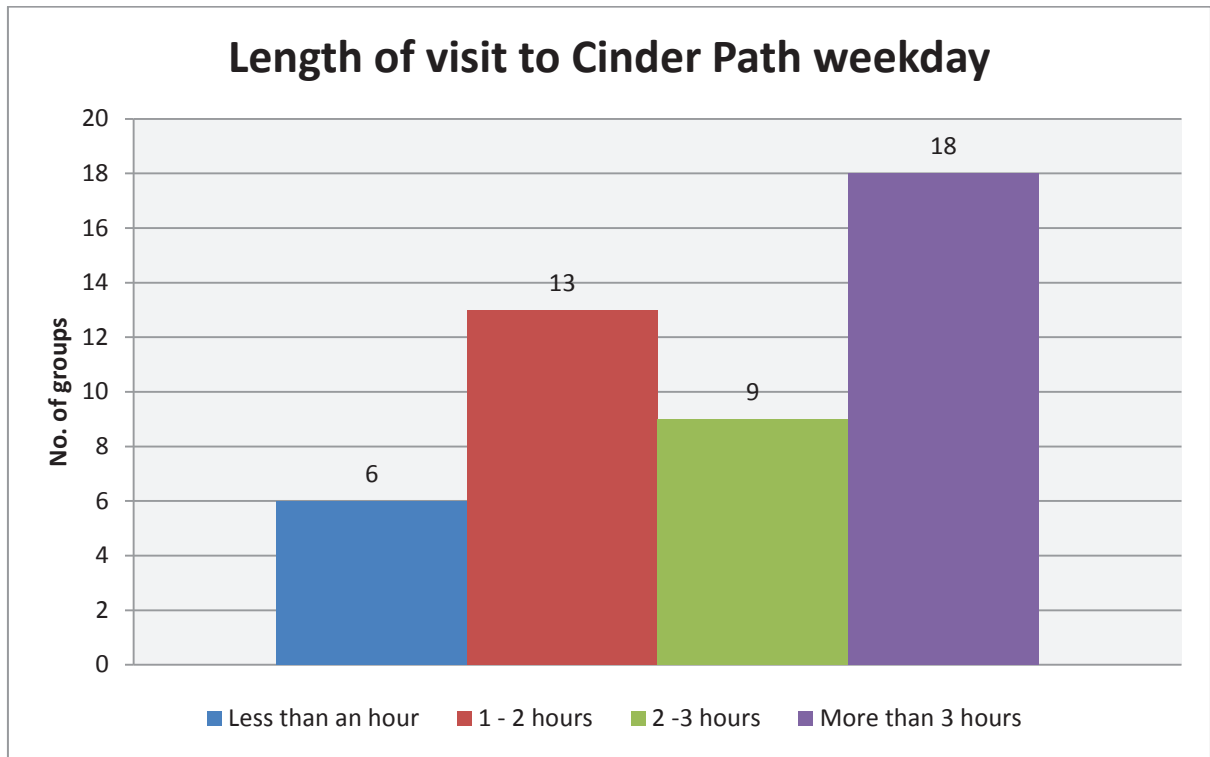
What made you visit?



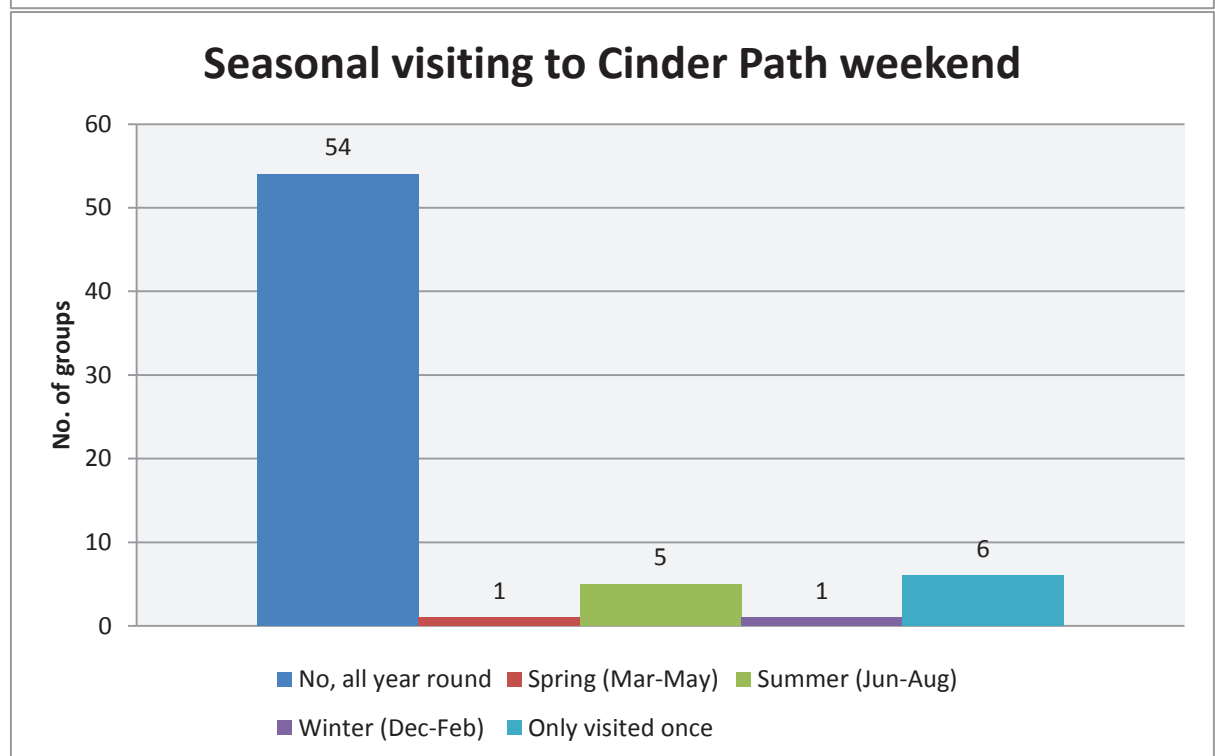
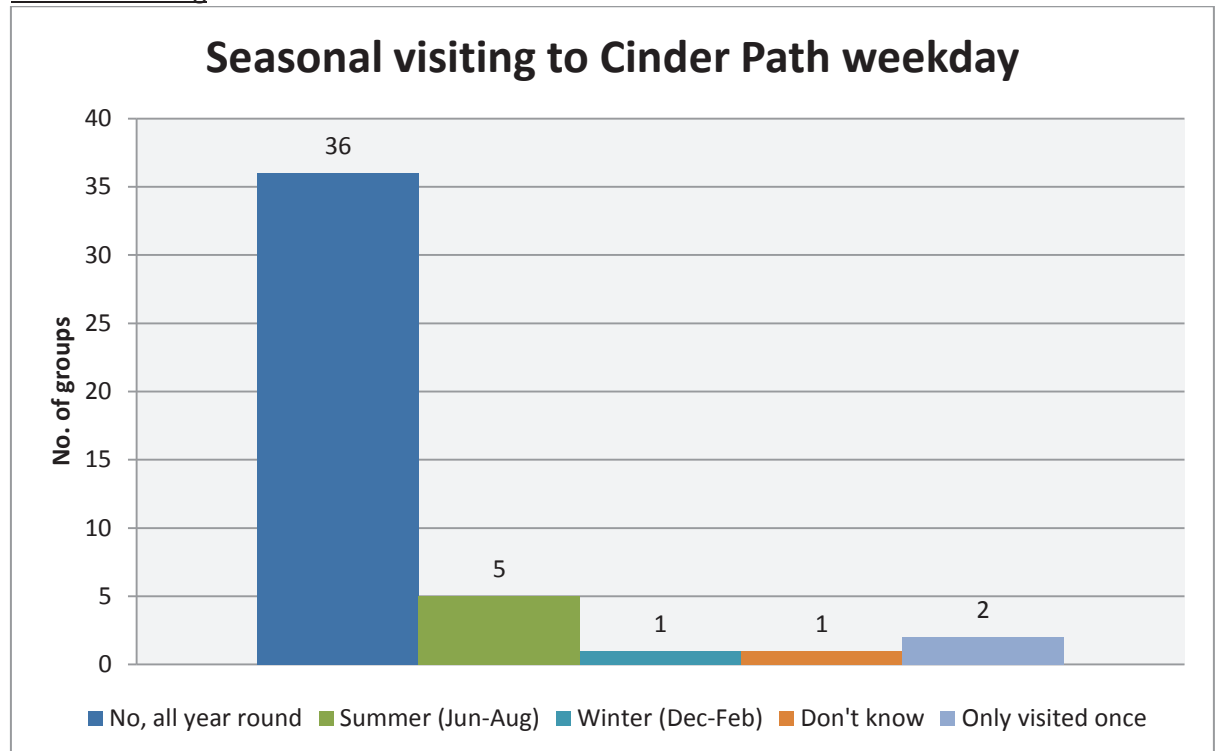
Visiting time



Length of visit

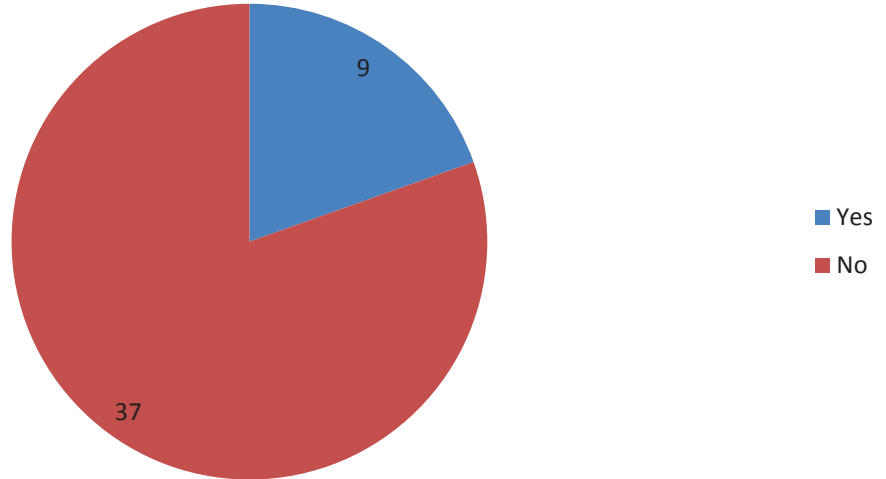


Seasonal visiting

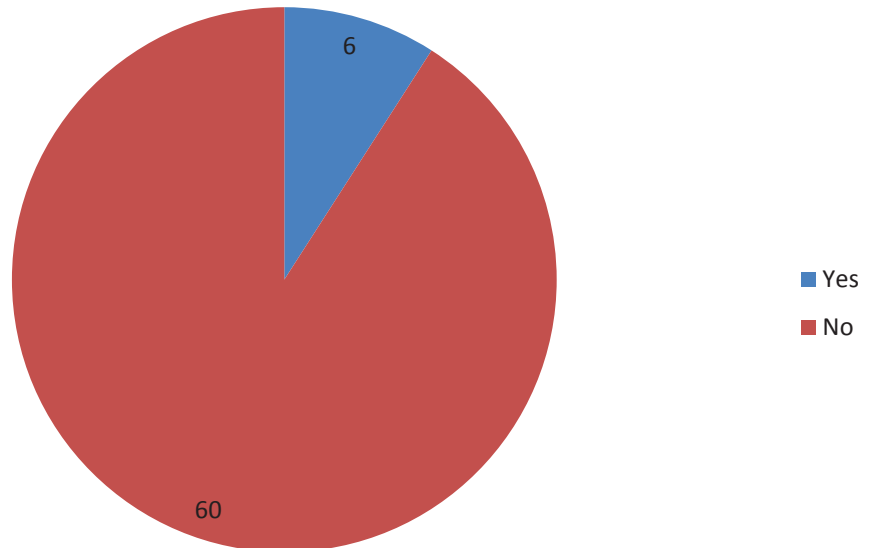


Plan visit in relation to the tide?

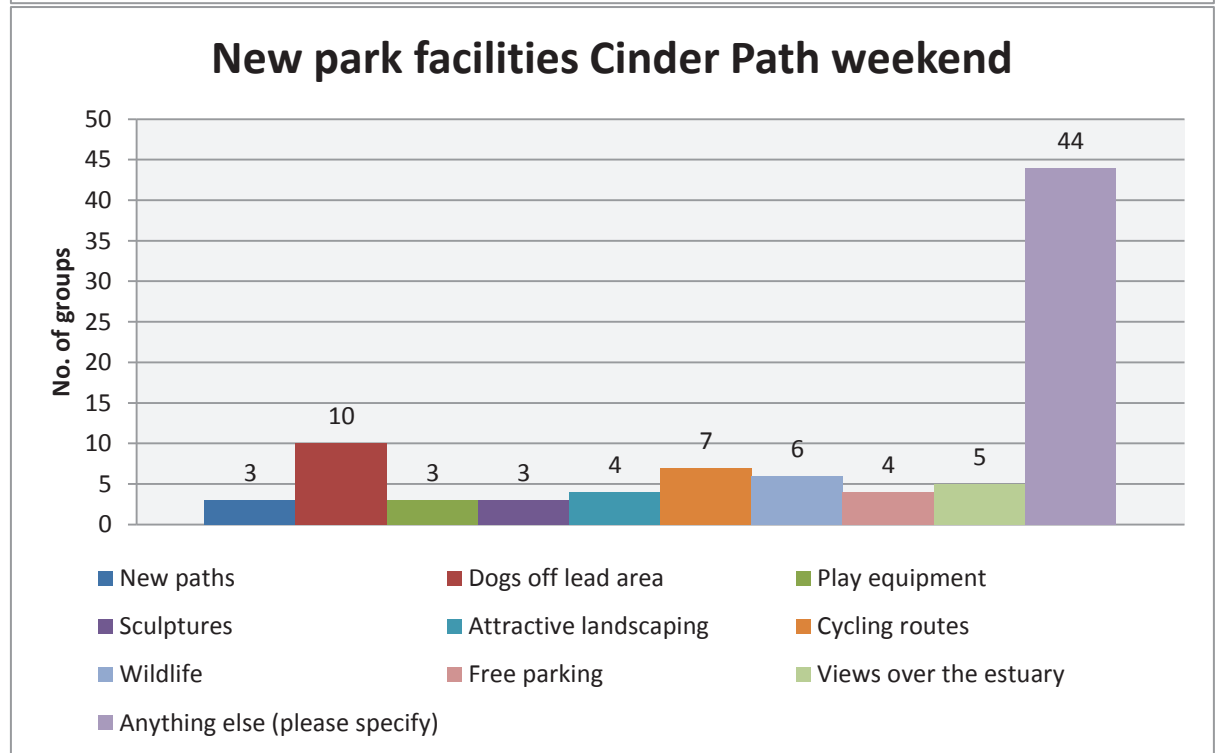
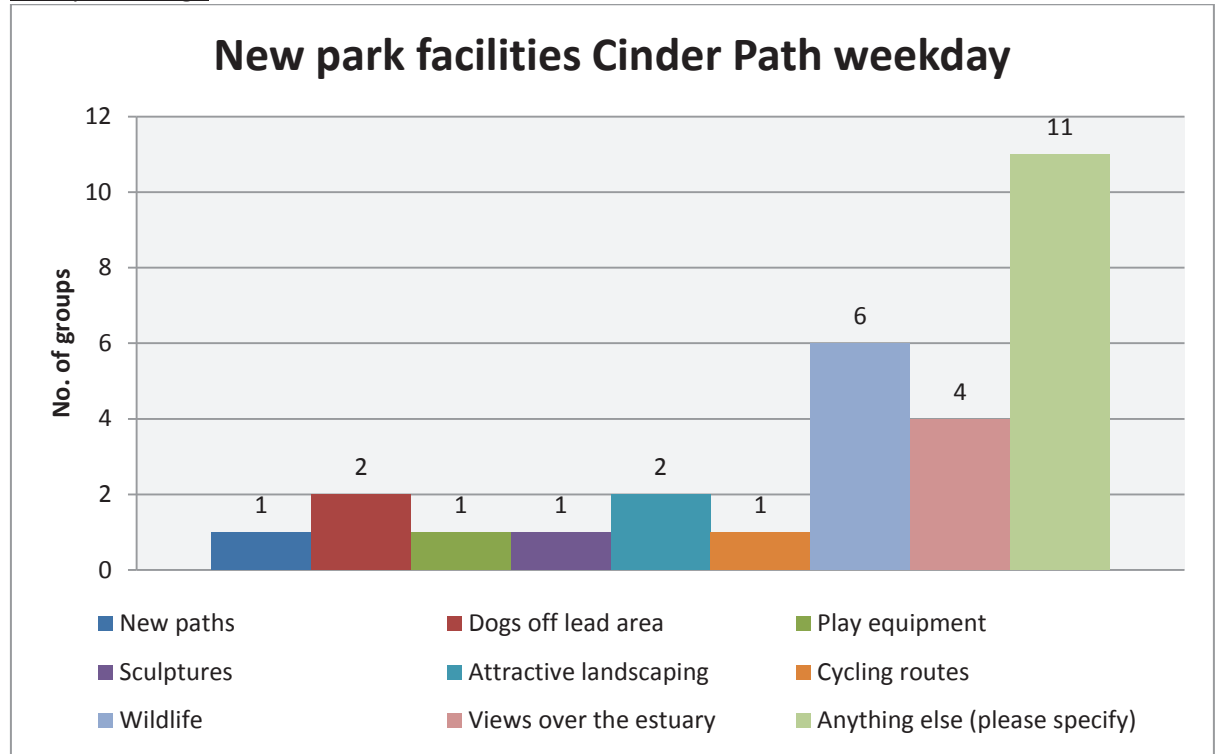
Plan weekday visit to Cinder Path in relation to tide?



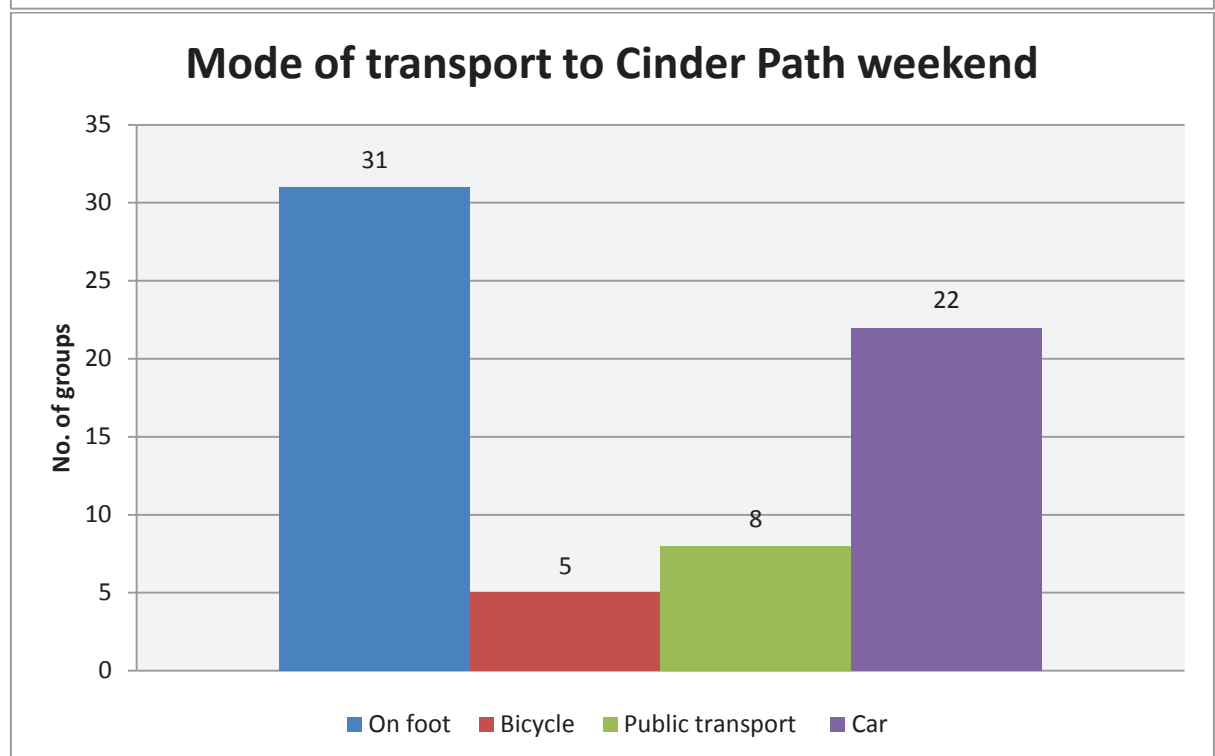
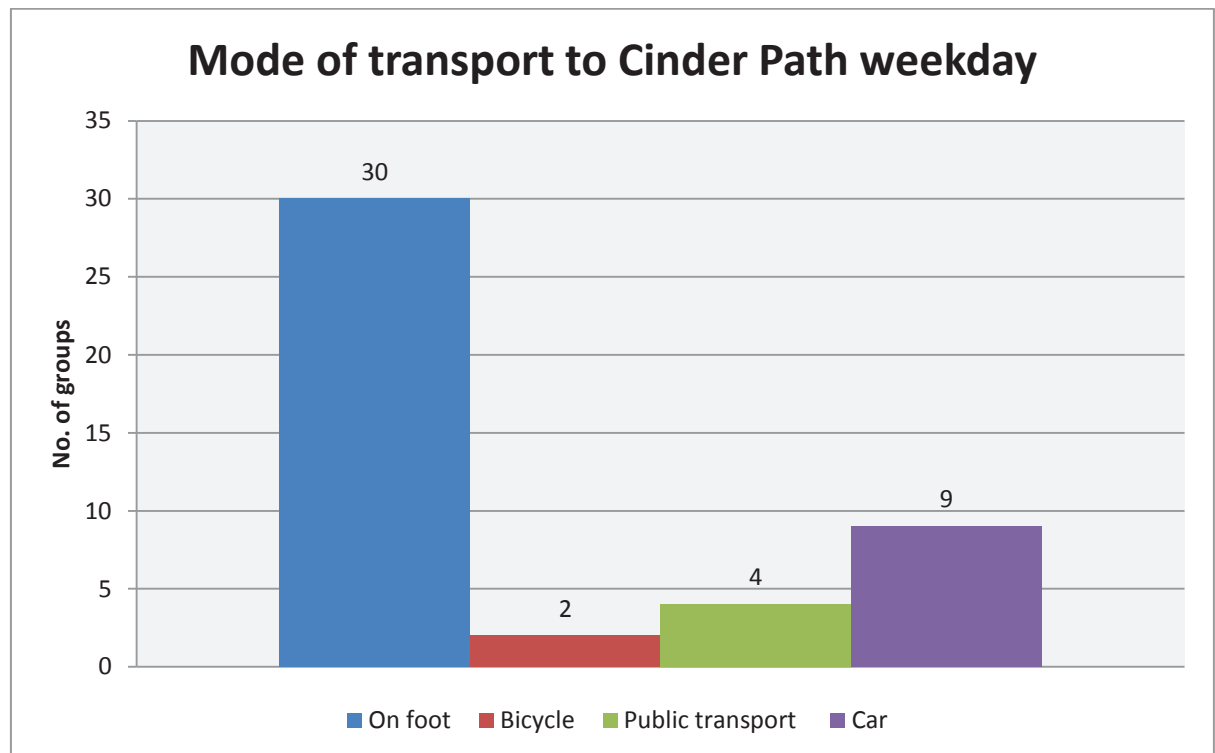
Plan weekend visit to Cinder Path in relation to tide?



New park design

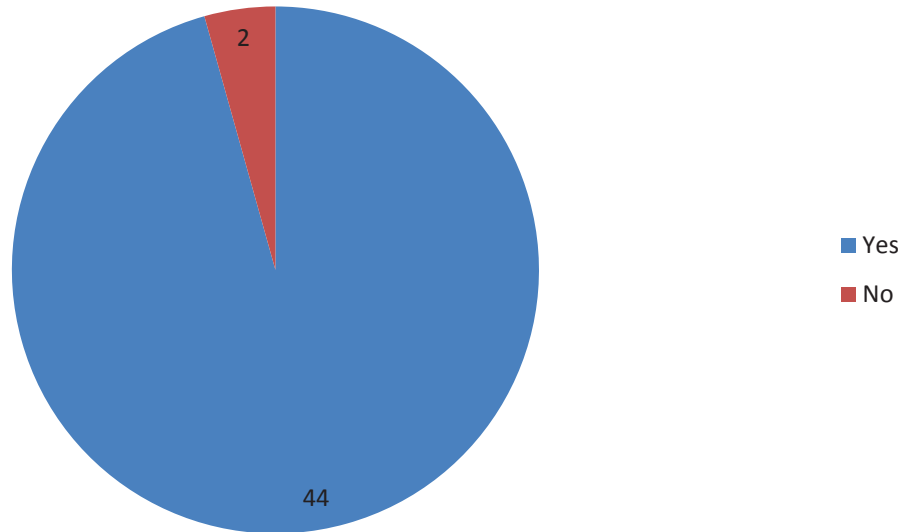


Mode of transport

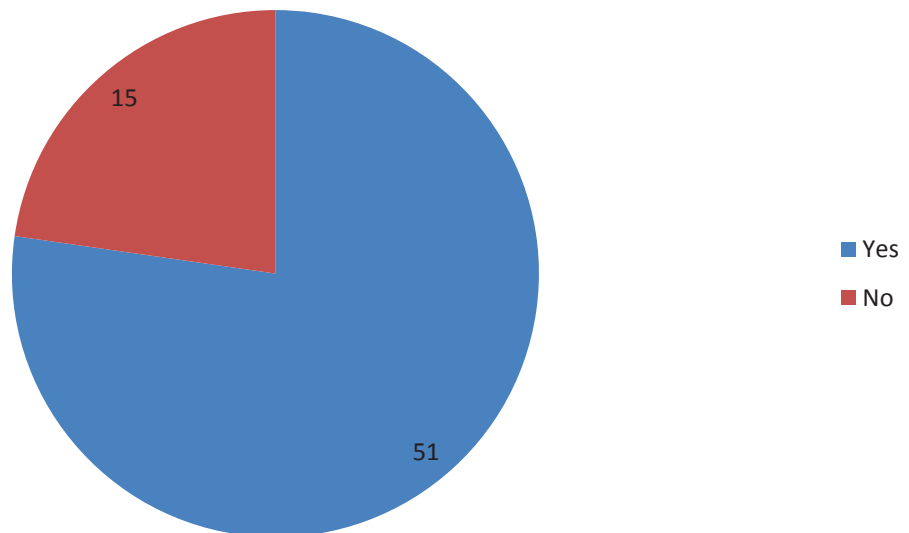


Aware of habitat importance

Aware of habitat importance? weekday

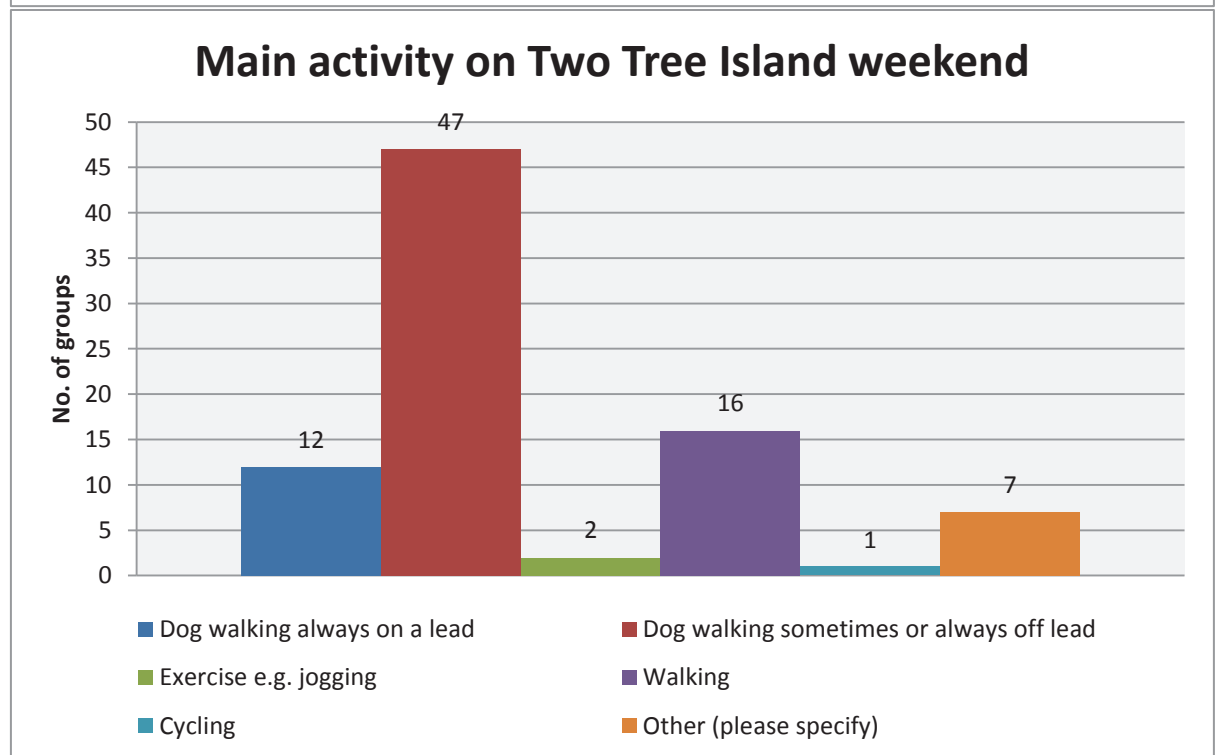
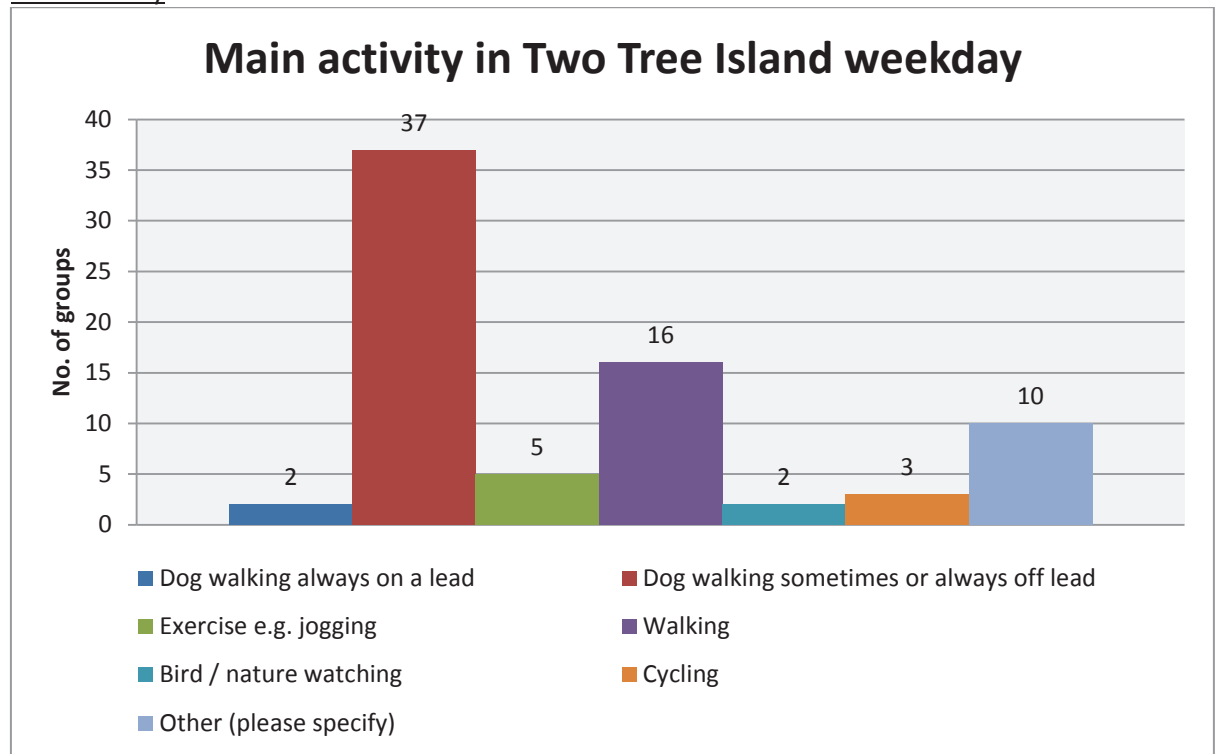


Aware of habitat importance? weekend



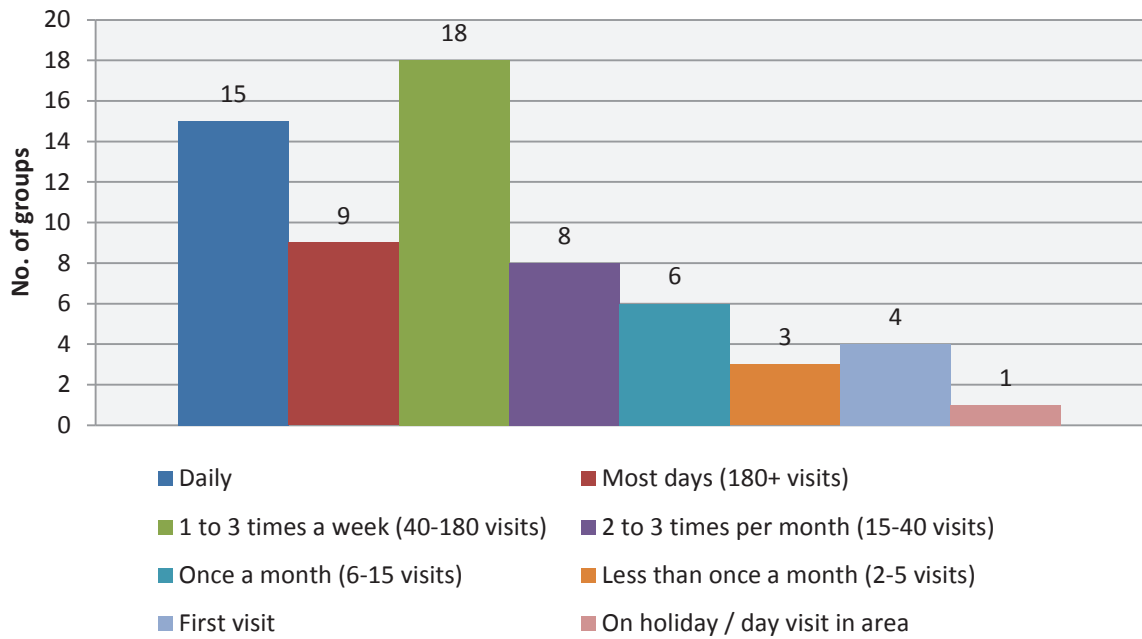
Two Tree Island

Main activity

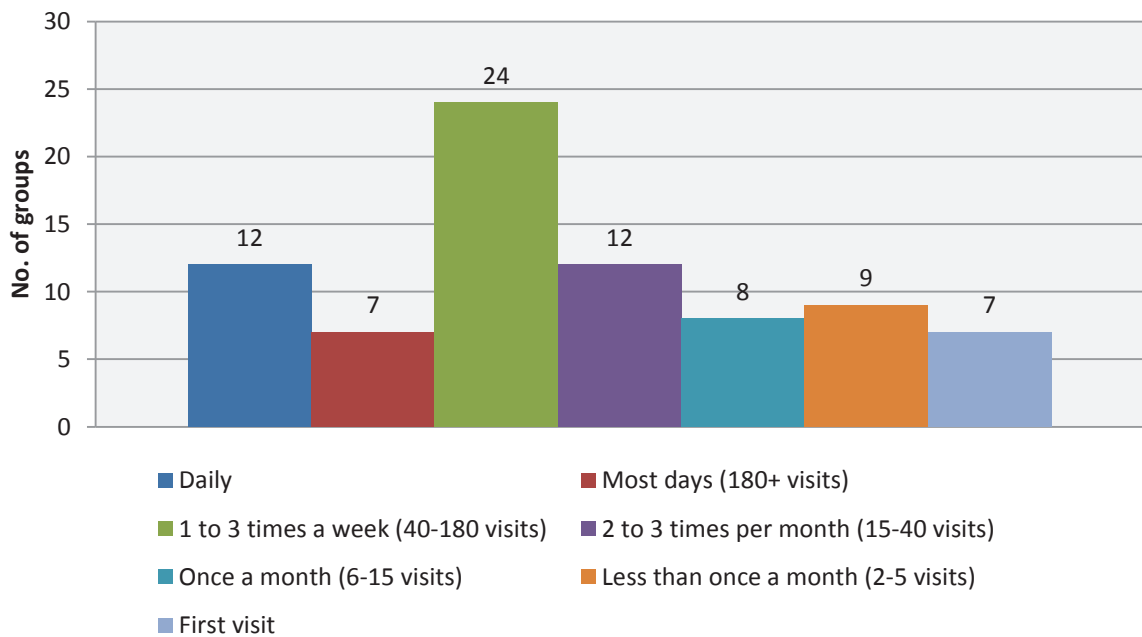


Visit frequency

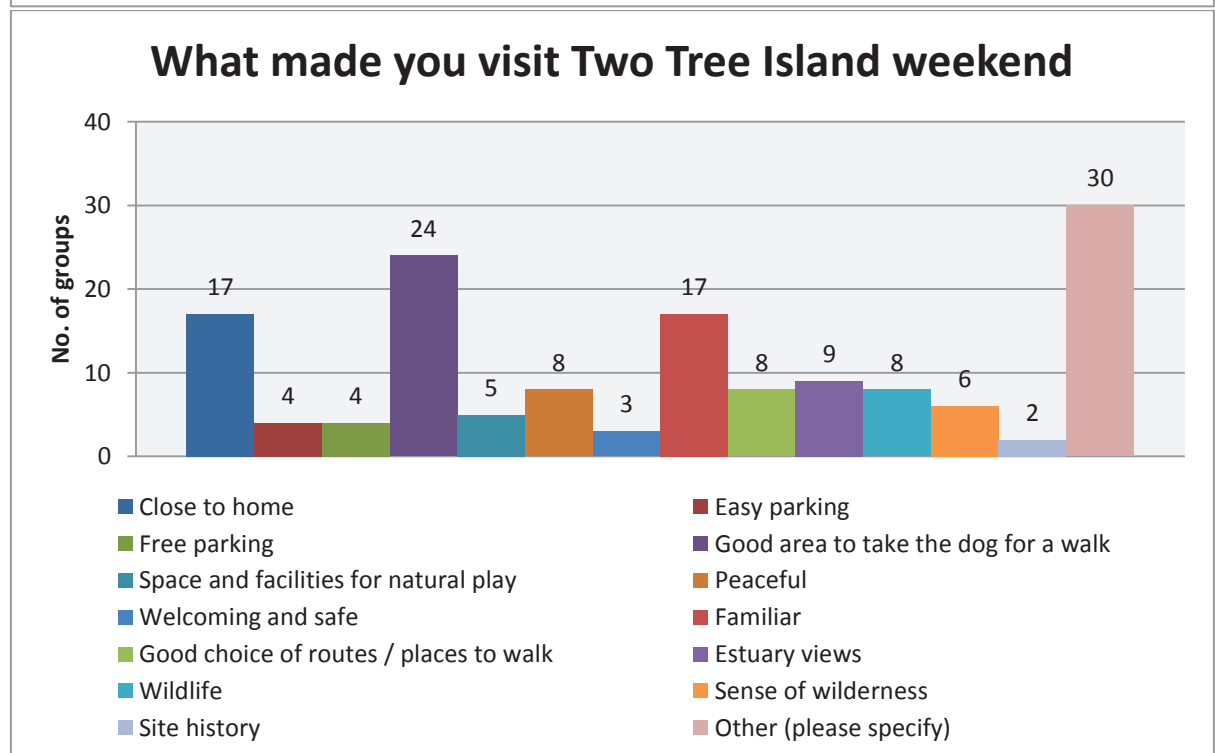
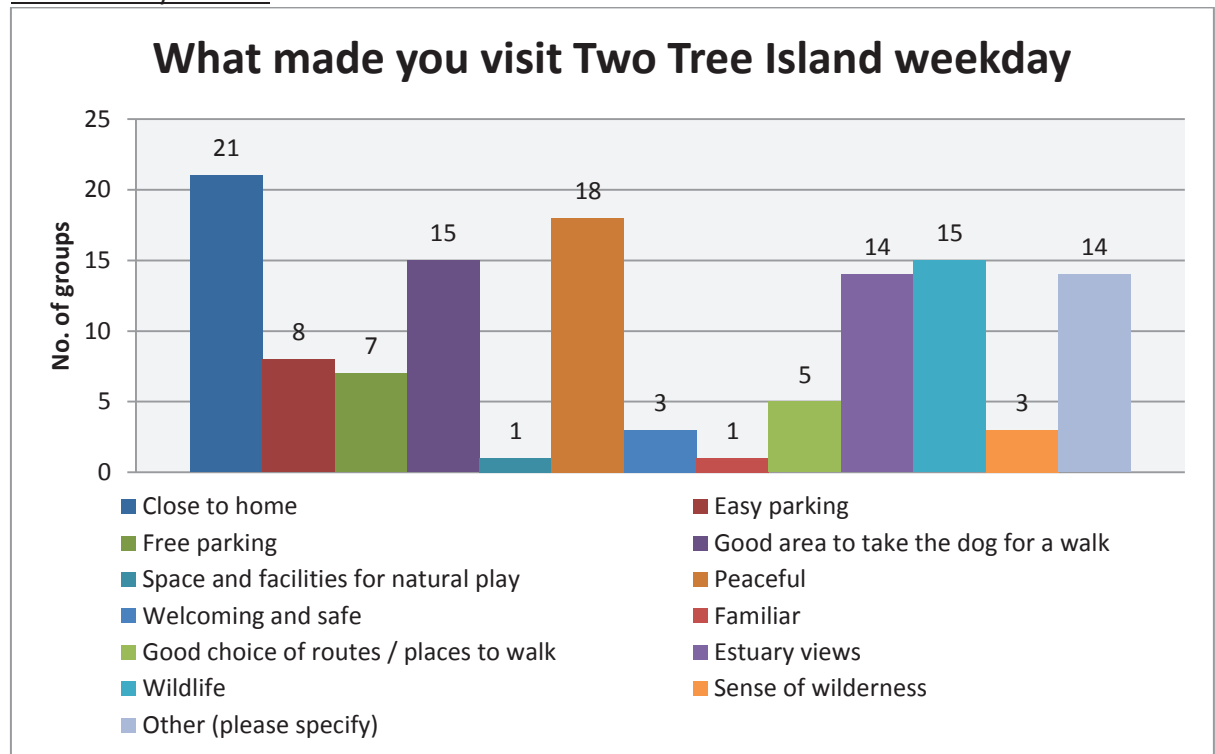
Visit frequency to Two Tree Island weekday



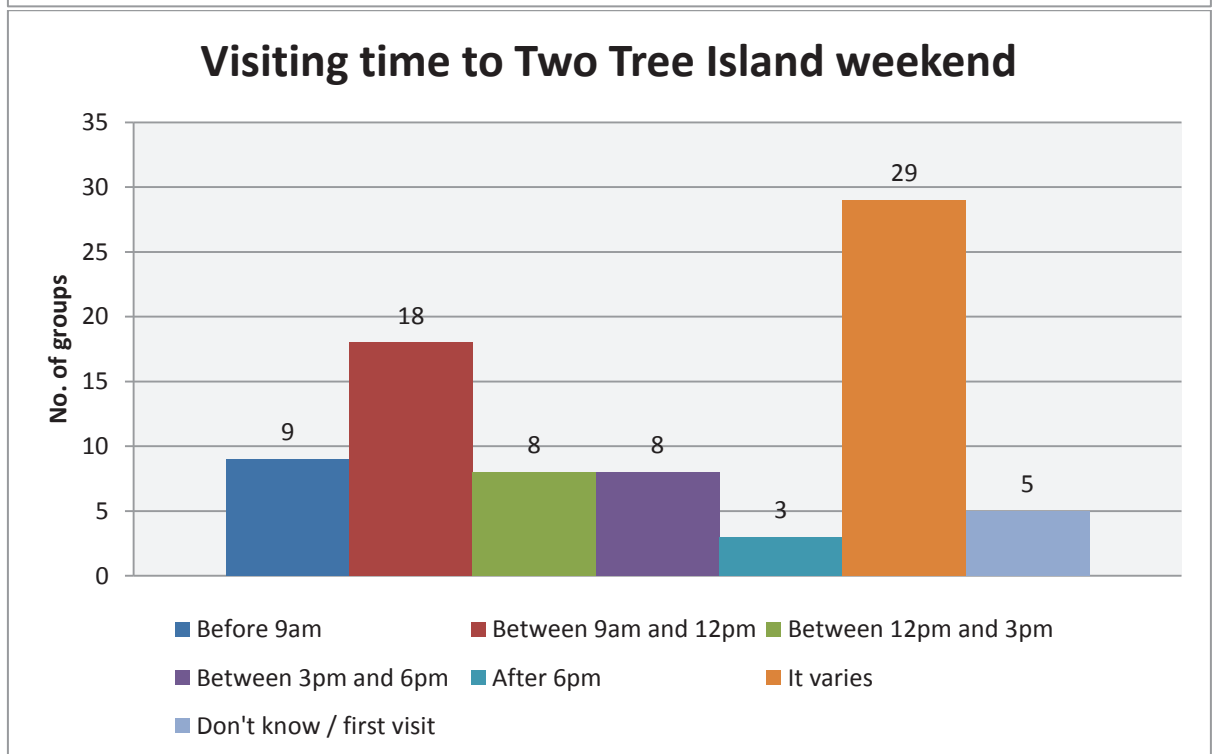
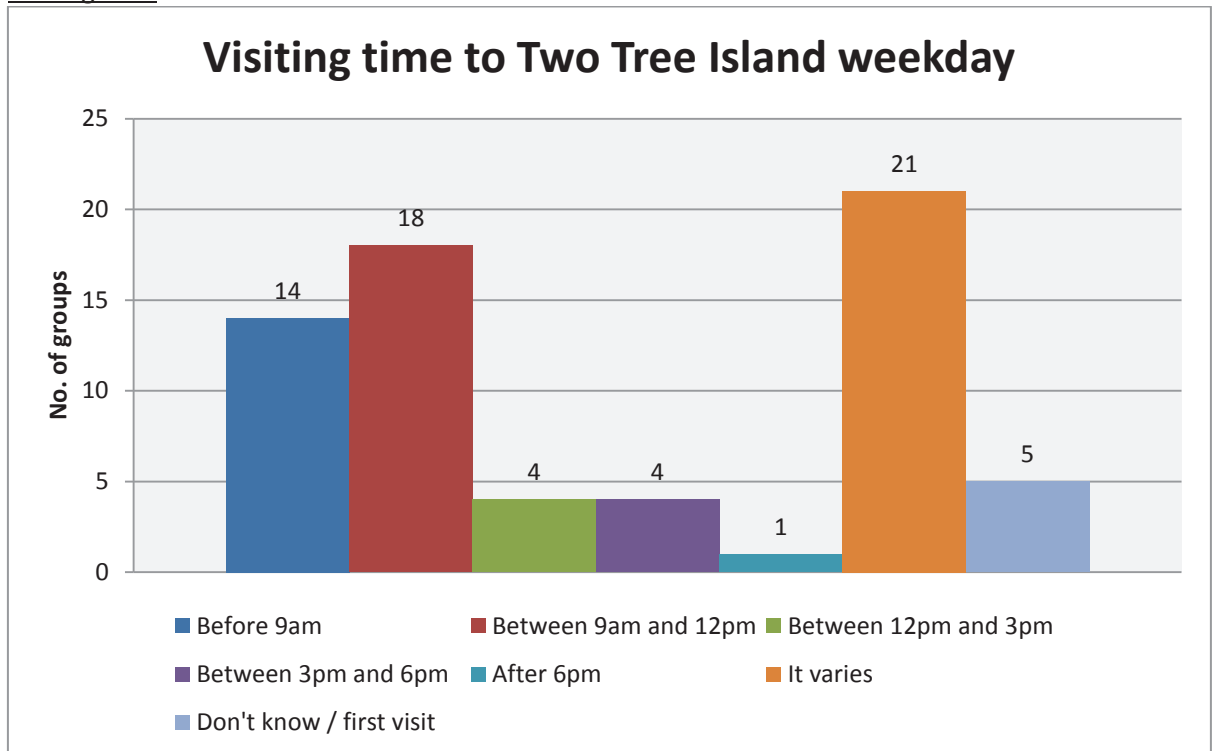
Visit frequency to Two Tree Island weekend



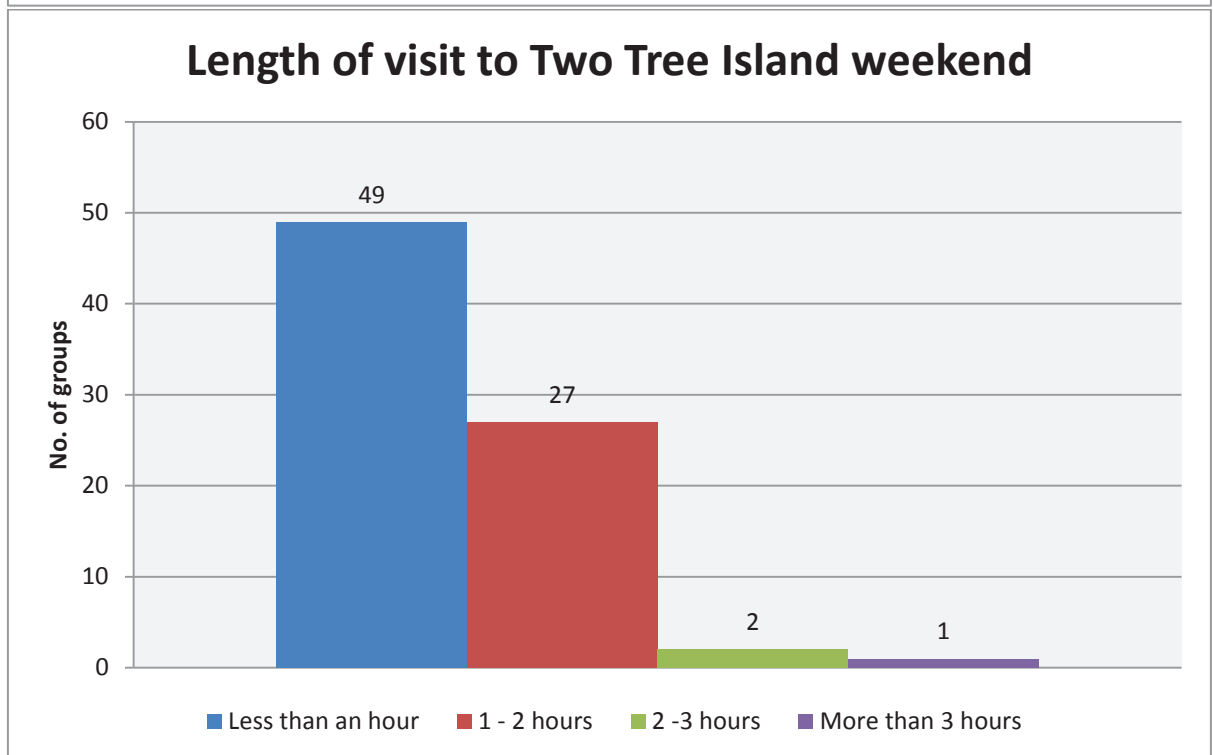
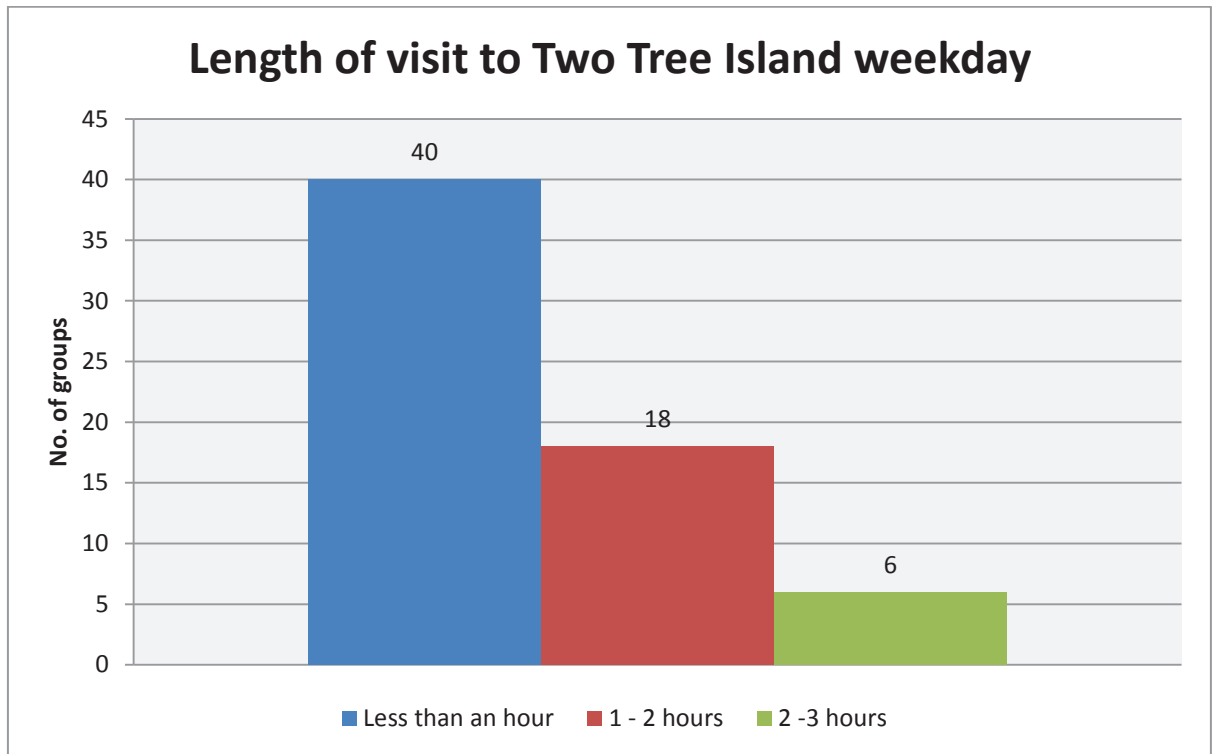
What made you visit?



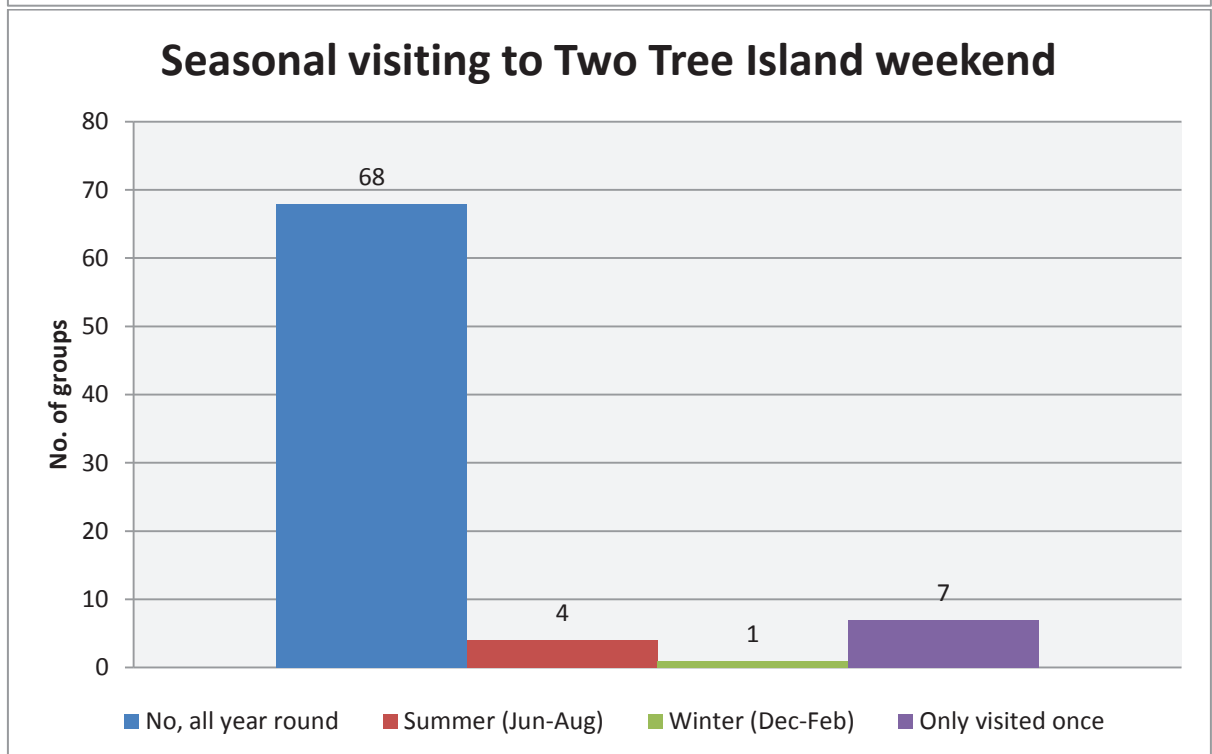
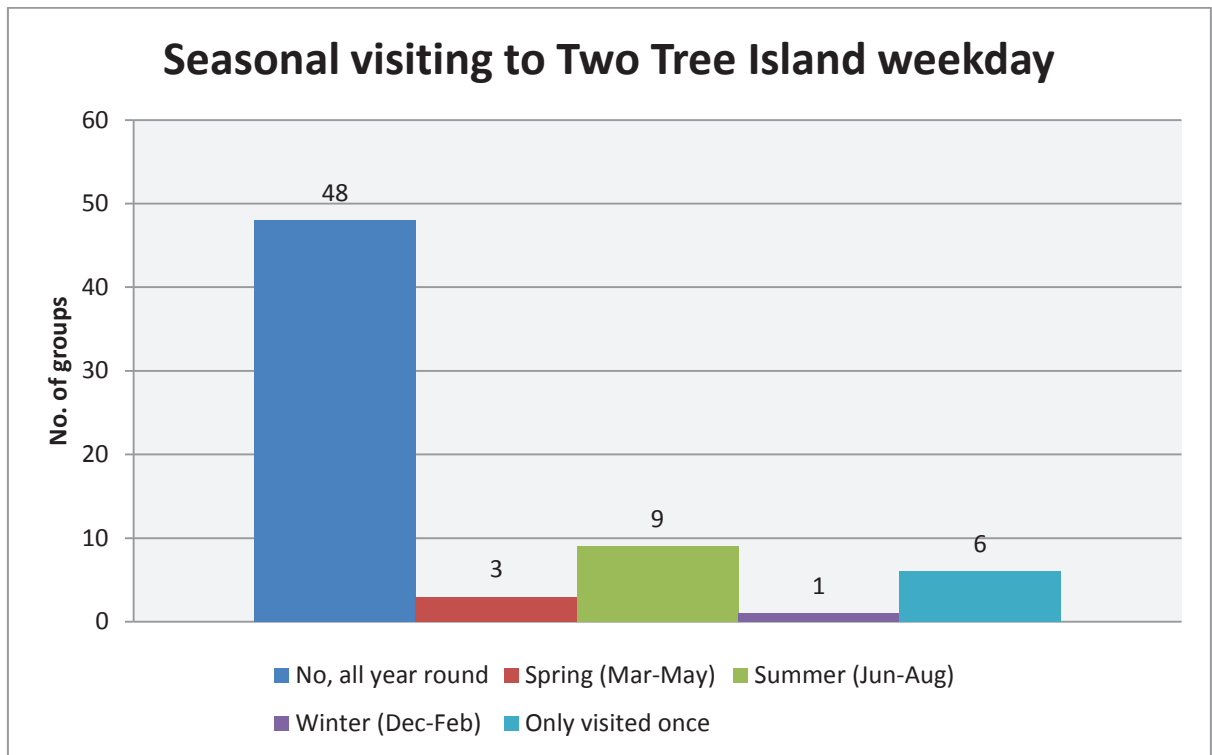
Visiting time



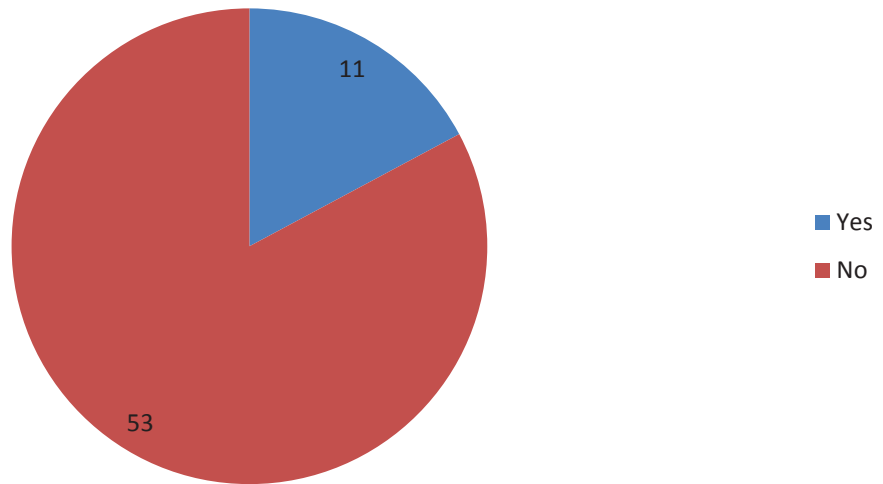
Length of visit



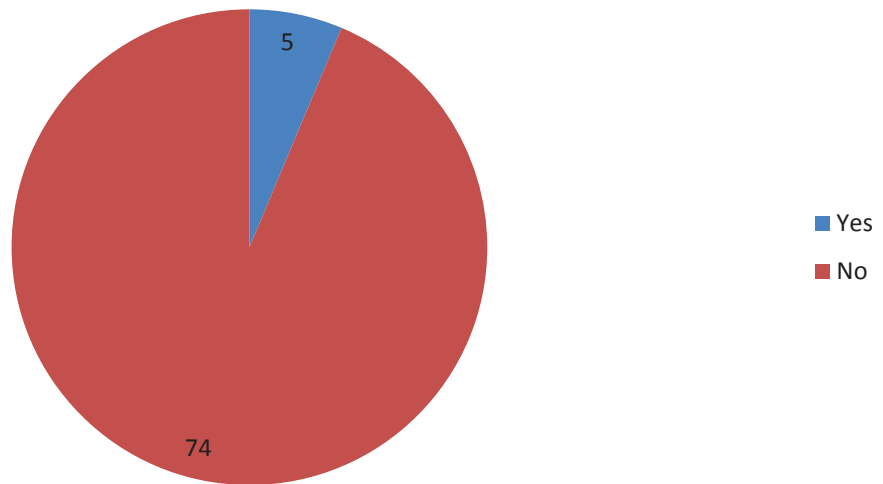
Seasonal visiting



Plan weekday visit to Two Tree Island in relation to the tide?

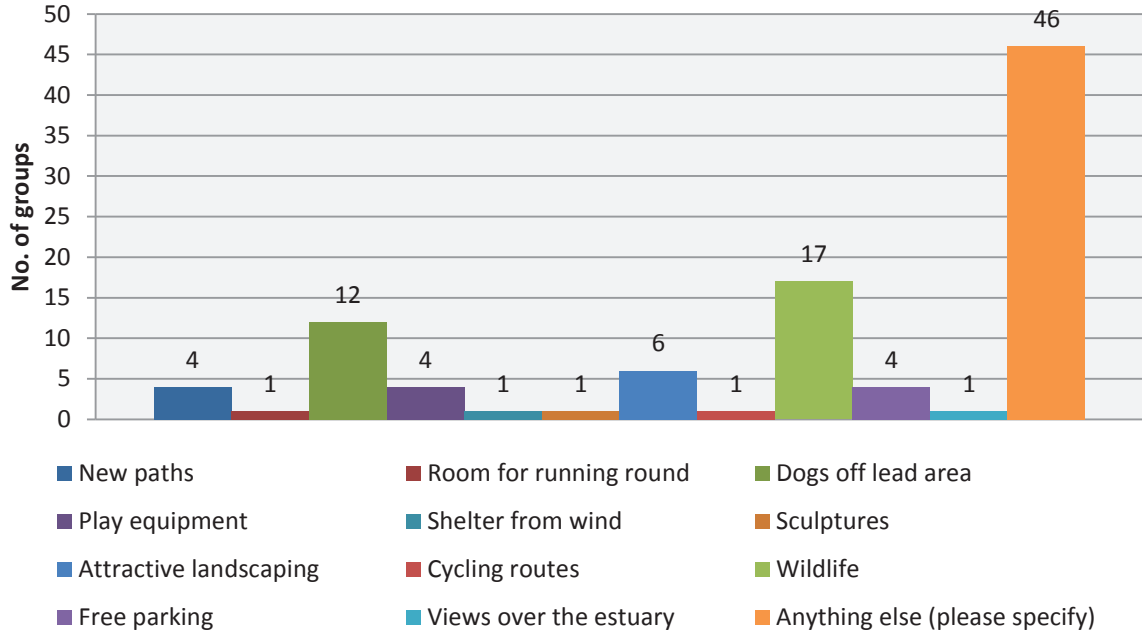


Plan weekend visit to Two Tree Island in relation to the tide?

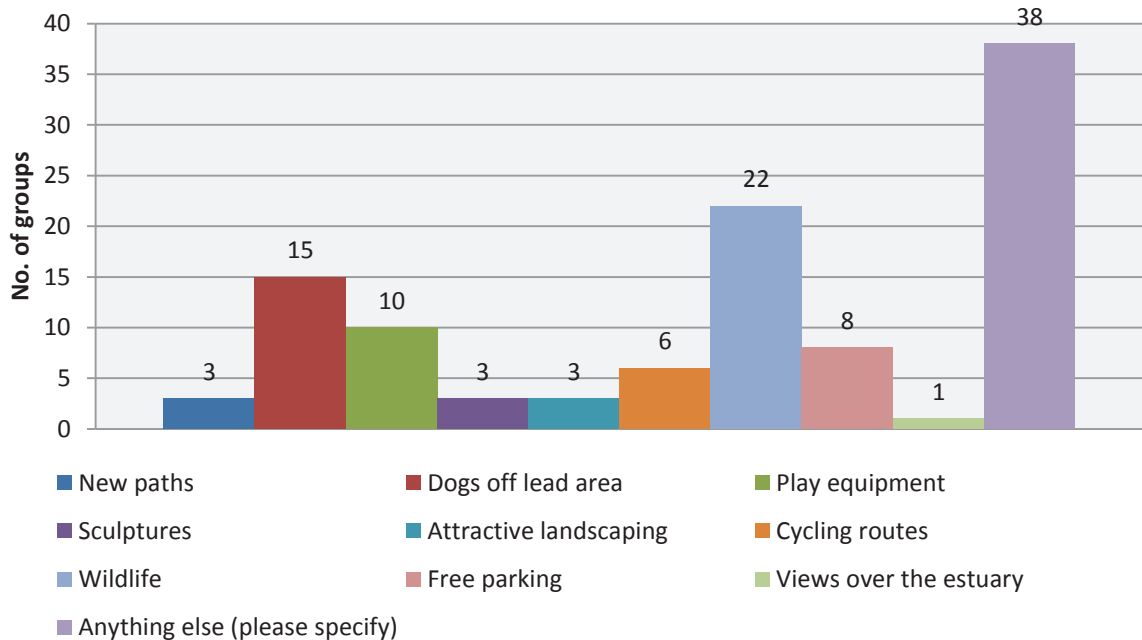


New park design

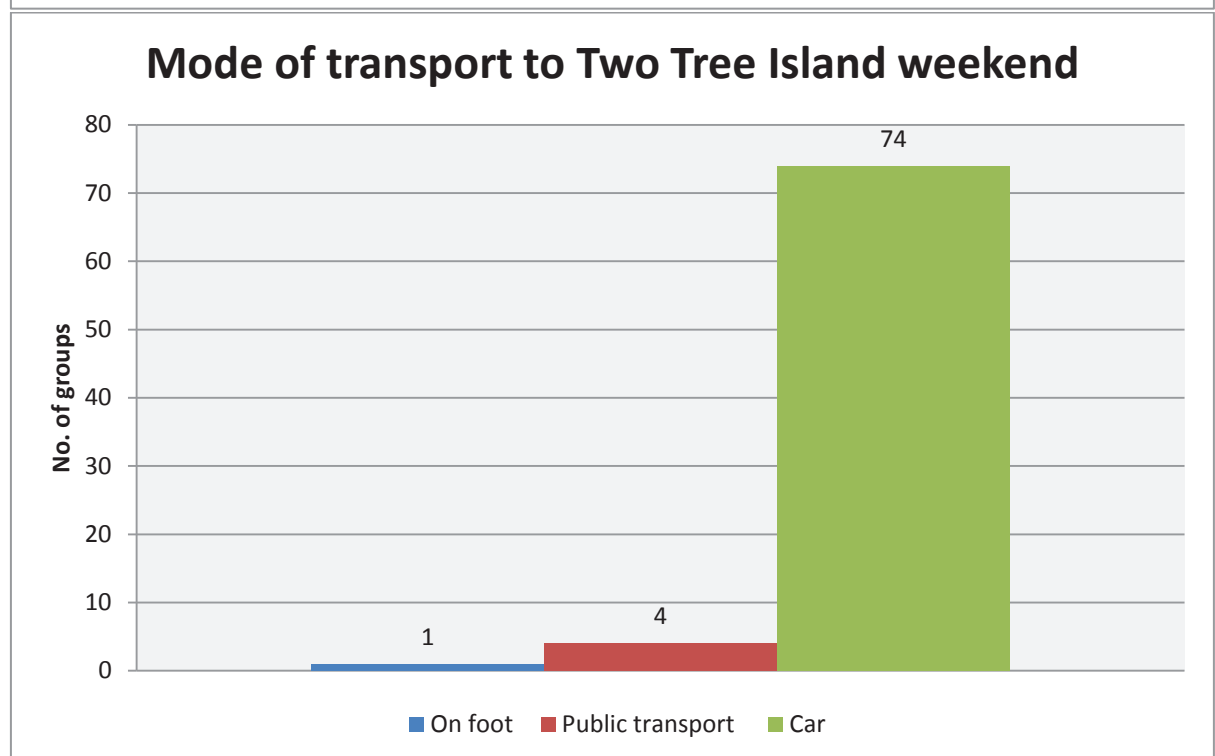
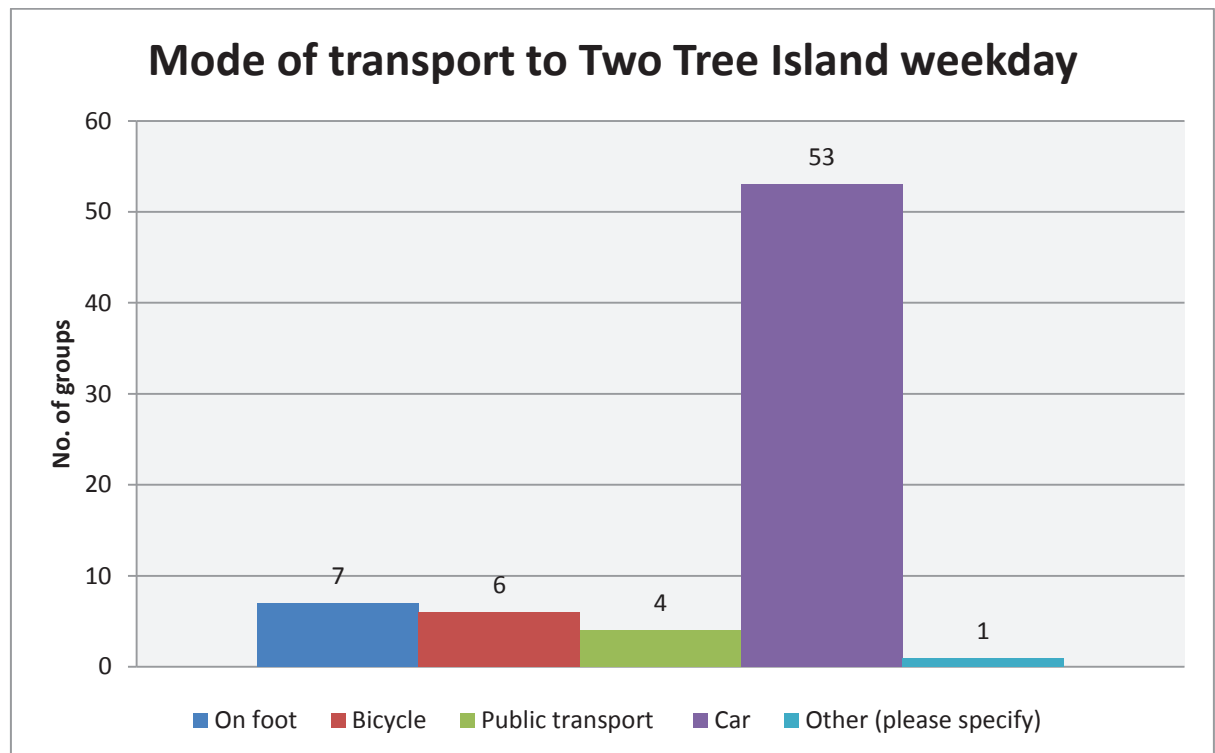
New park facilities Two Tree Island weekday



New park facilities Two Tree Island weekend

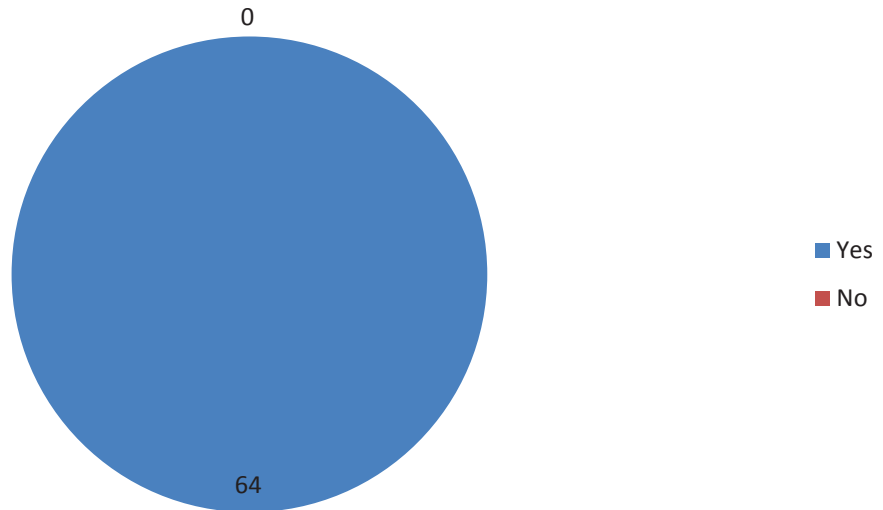


Mode of transport

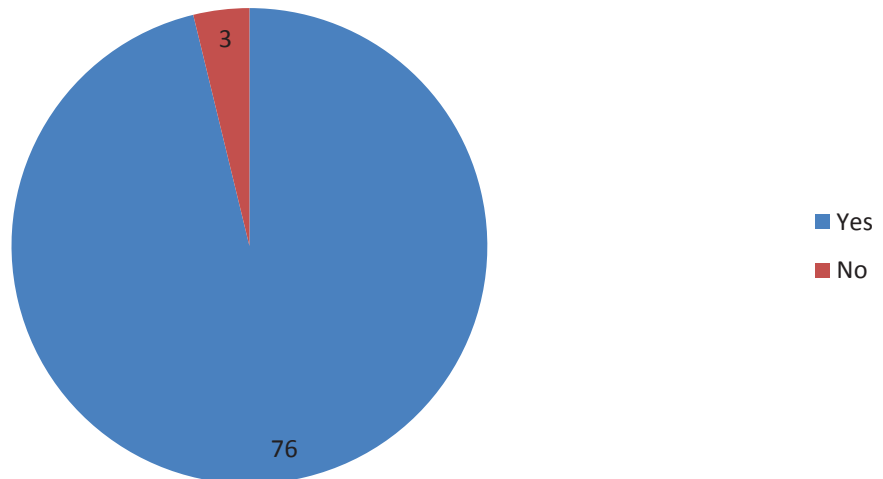


Aware of habitat importance

Aware of habitat importance? Two Tree Island weekday



Aware of habitat importance? Two Tree Island weekend



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

Type of disturbance and bird responses

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						

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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

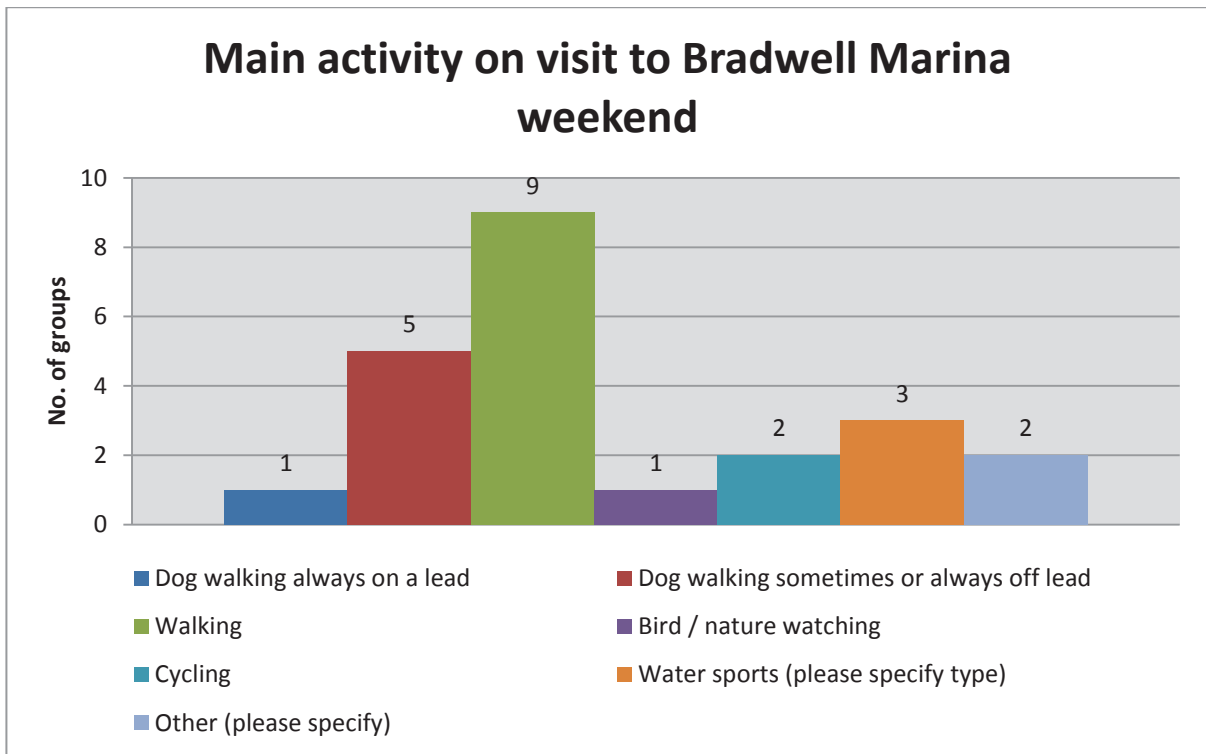
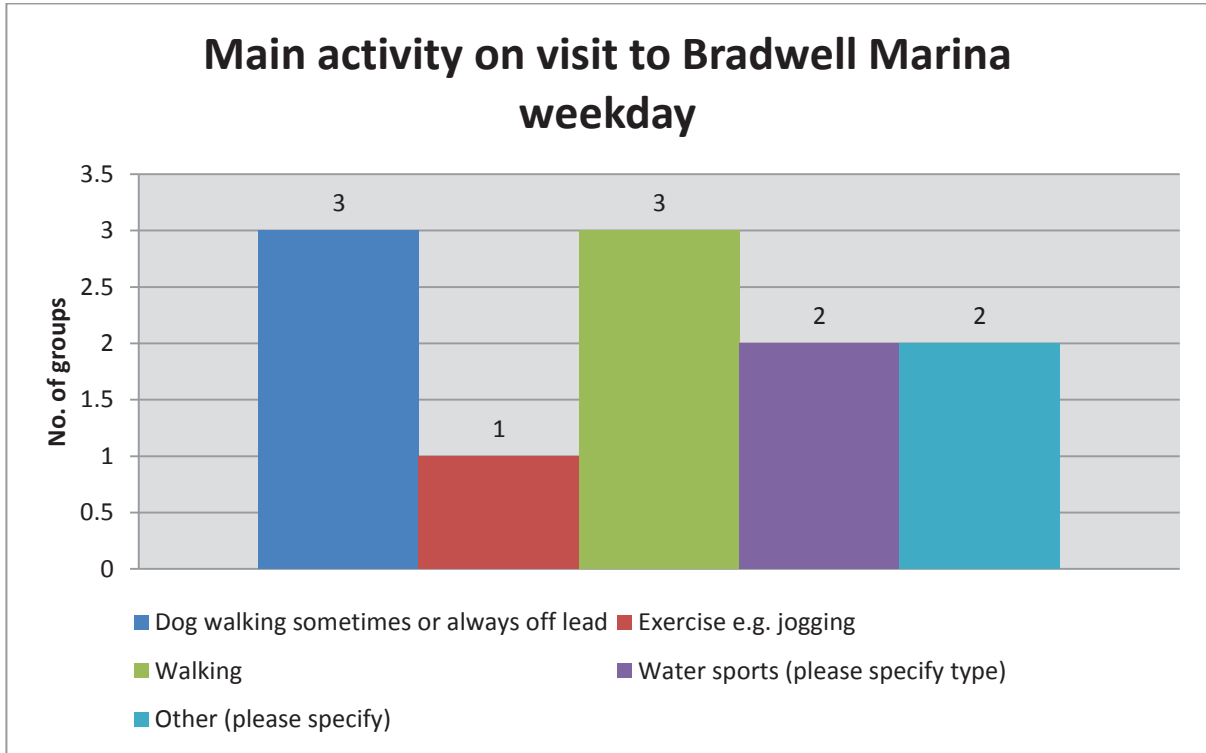
Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Sailing boat	7	0						
Passers by	0	0						

Table A6.7: Tollesbury Wick weekend

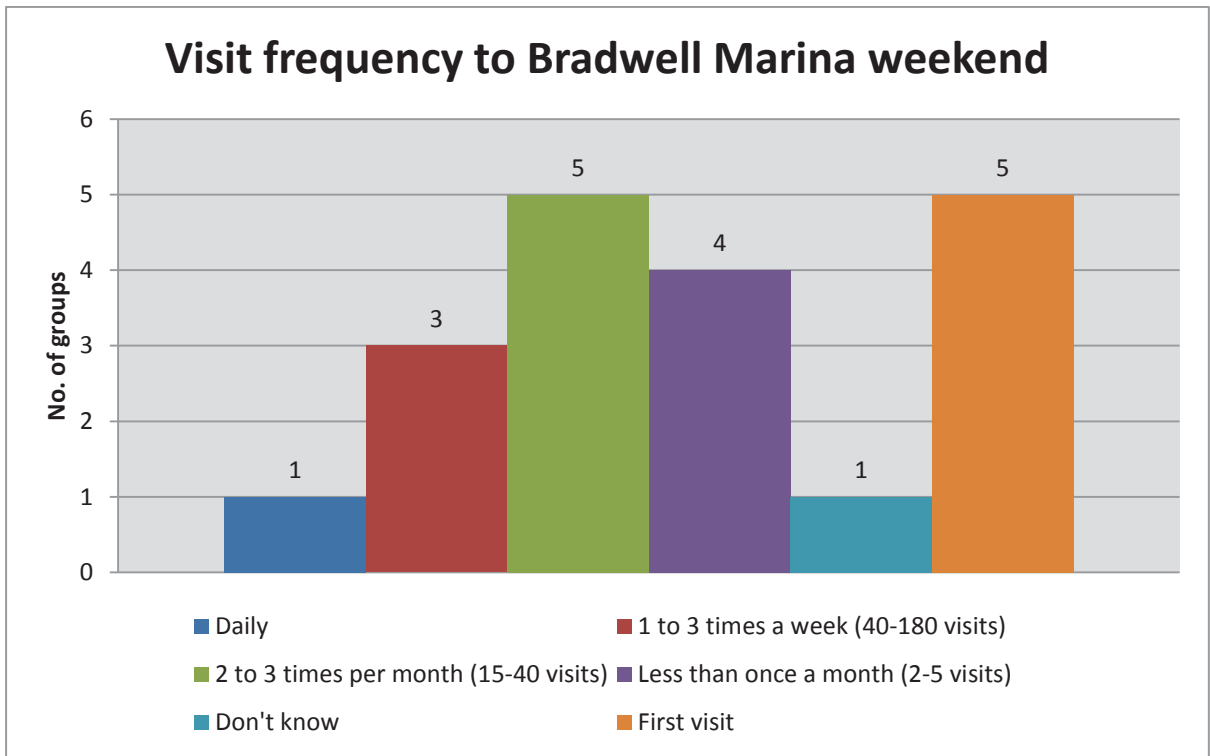
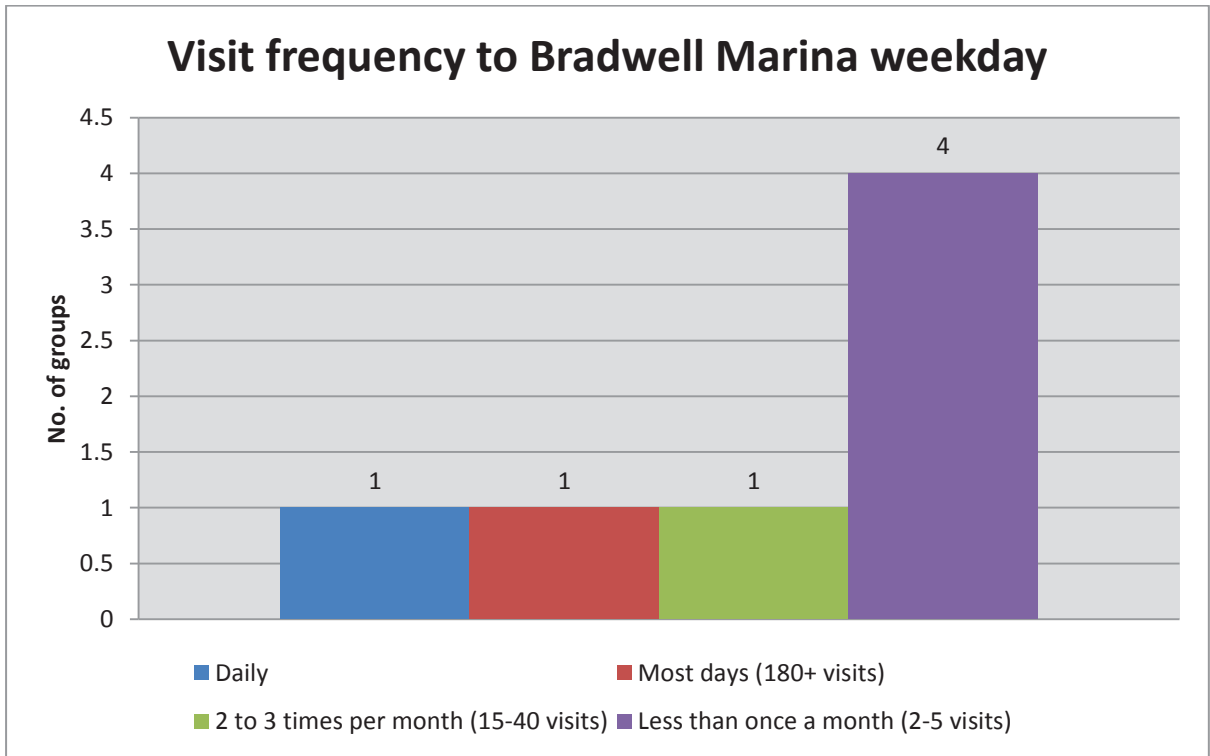
Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Yacht	14	0						
Motorboats	8	0						
Kayaks	3	0						
Passers by	20	0						

Bradwell Marina

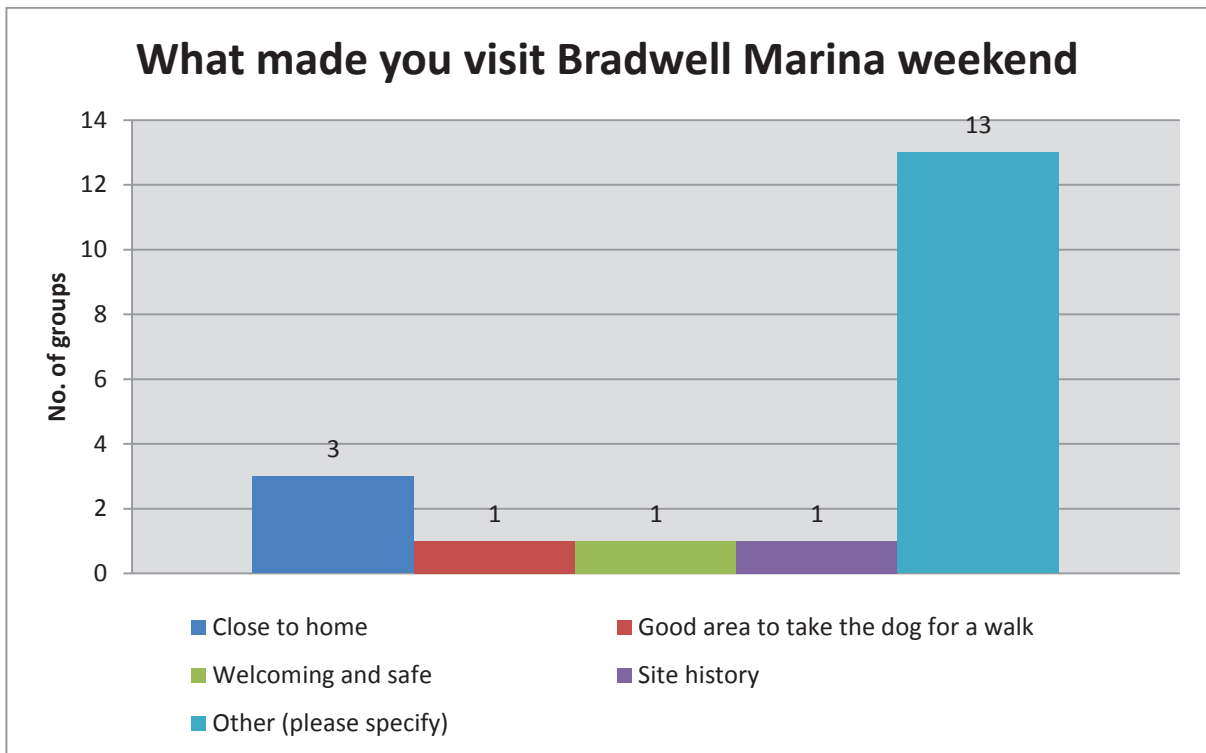
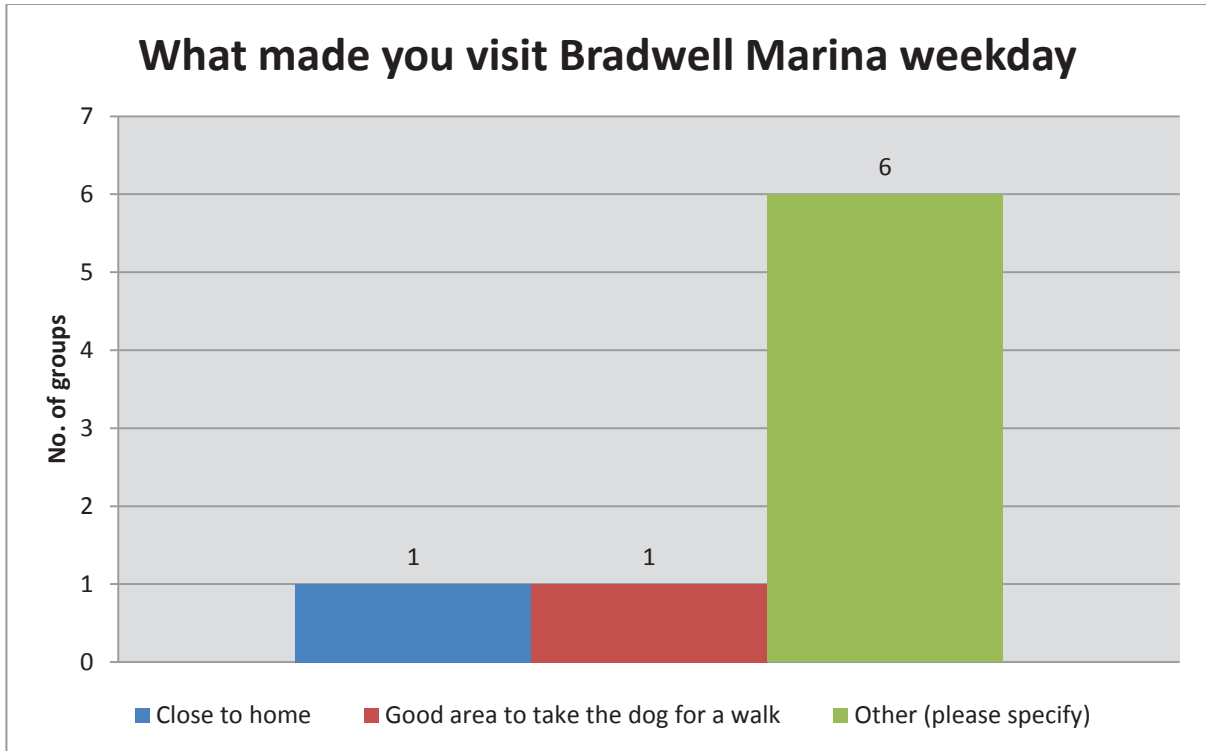
Figures A6.1- A6.2: Graphs showing results for main activity



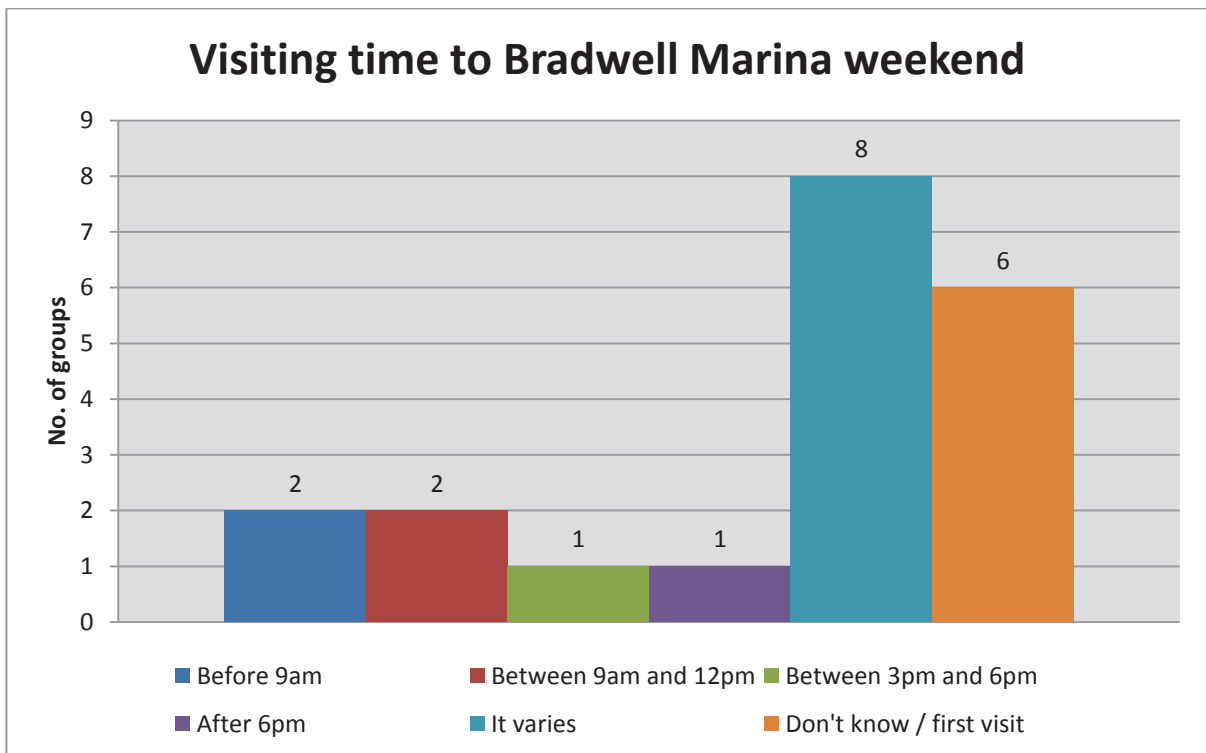
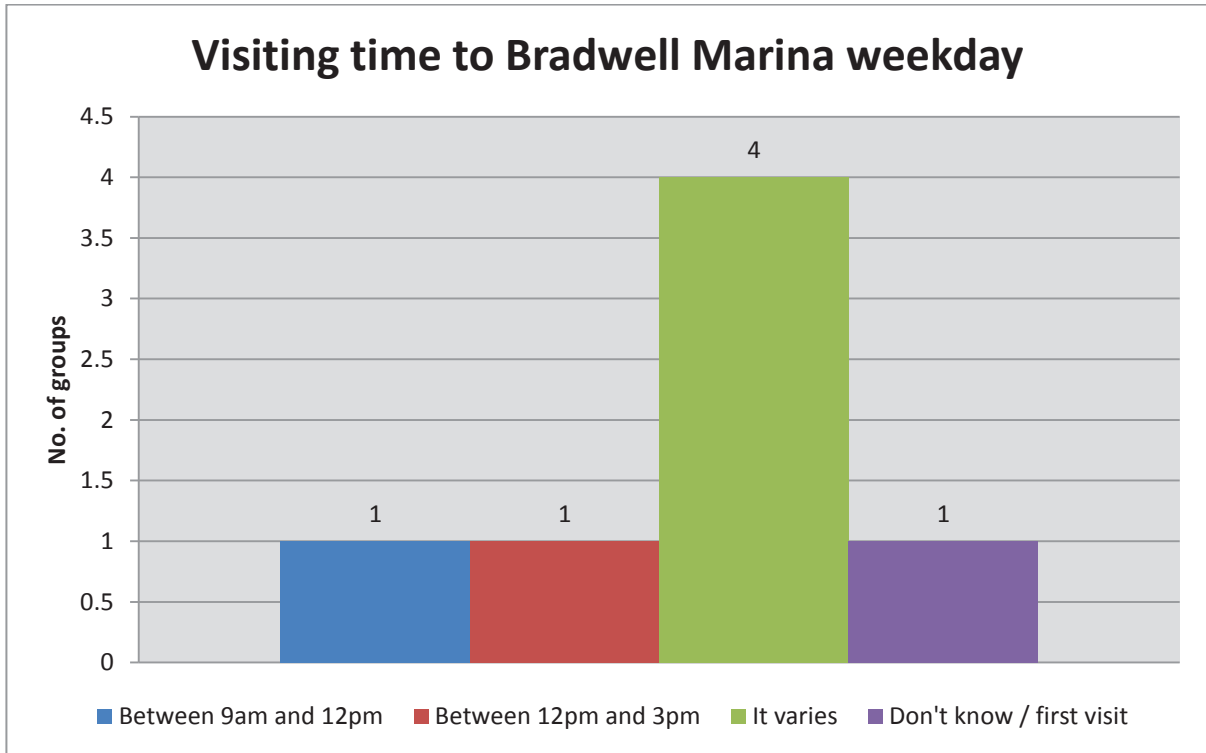
Figures A6.3- A6.4: Graphs showing results for visit frequency



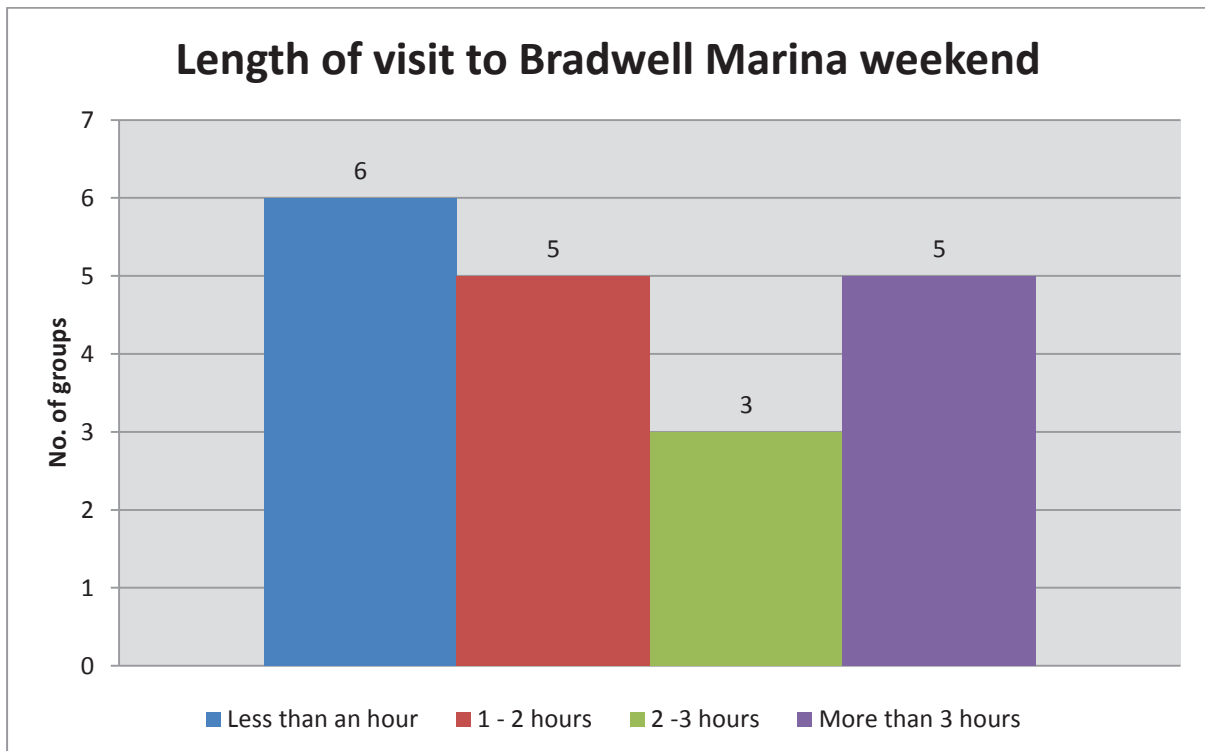
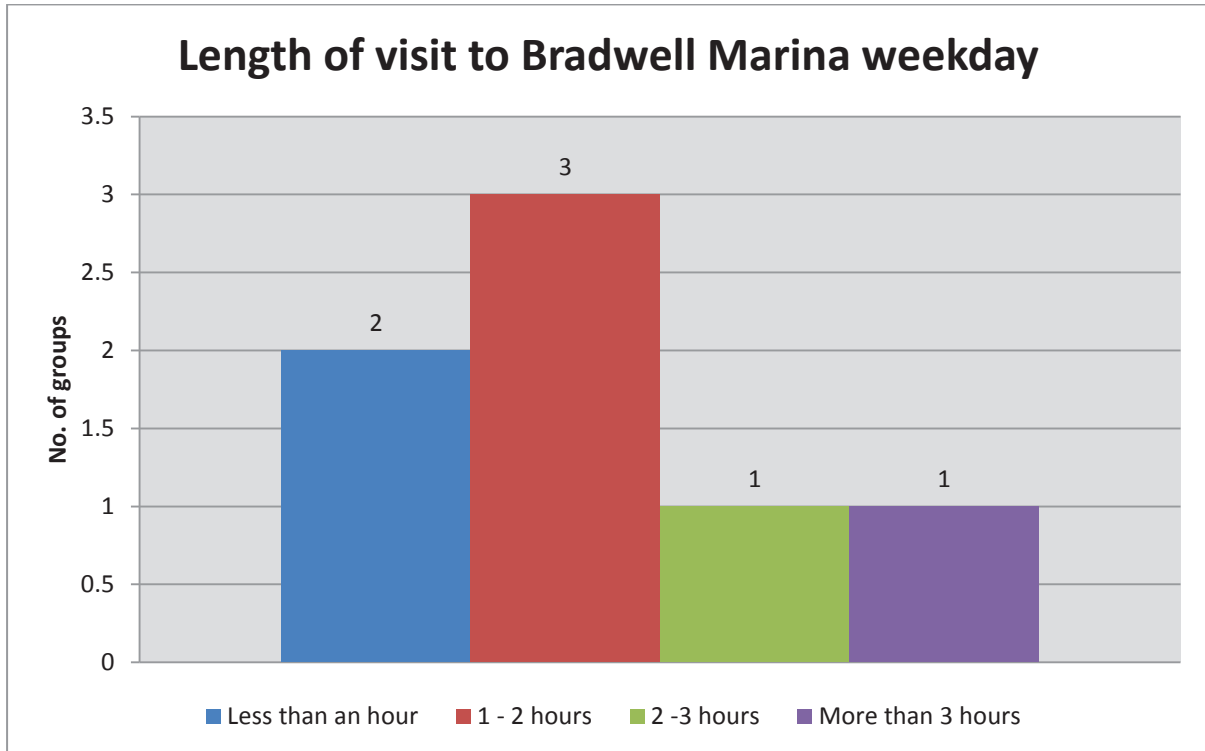
Figures A6.5- A6.6: Graphs showing results for question ‘What made you visit?’



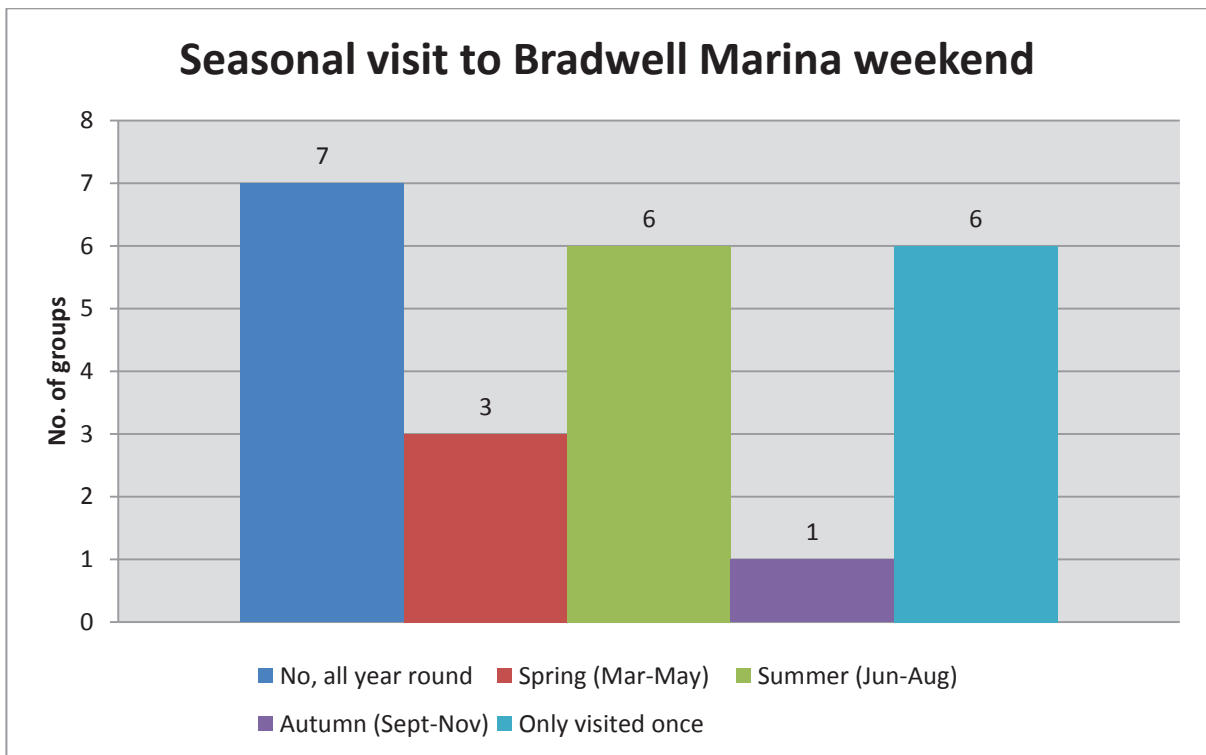
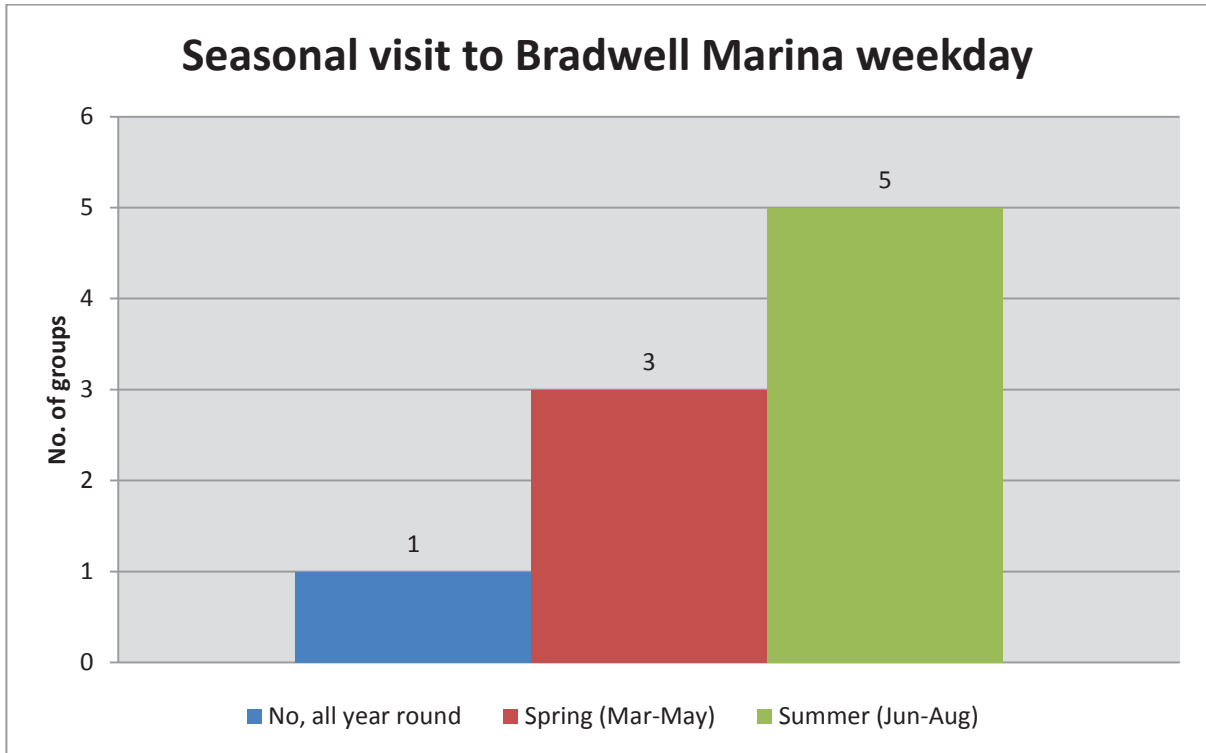
Figures A6.7- A6.8: Graphs showing results for visiting time



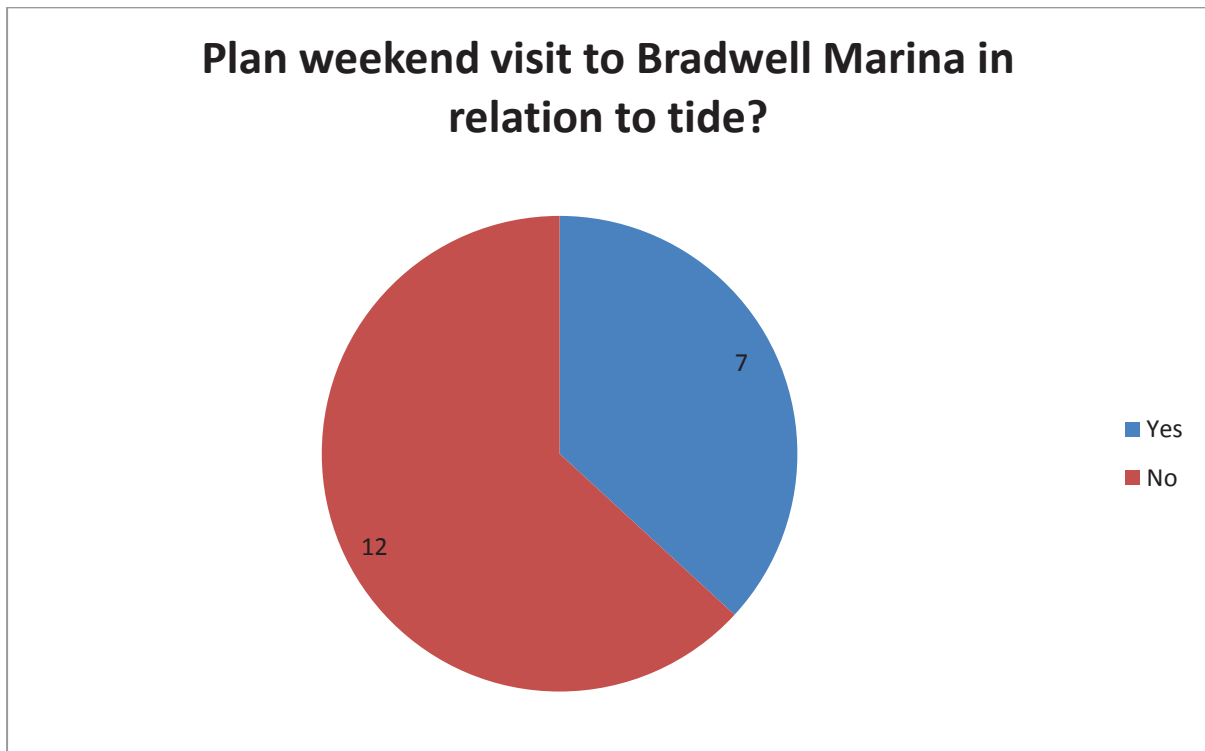
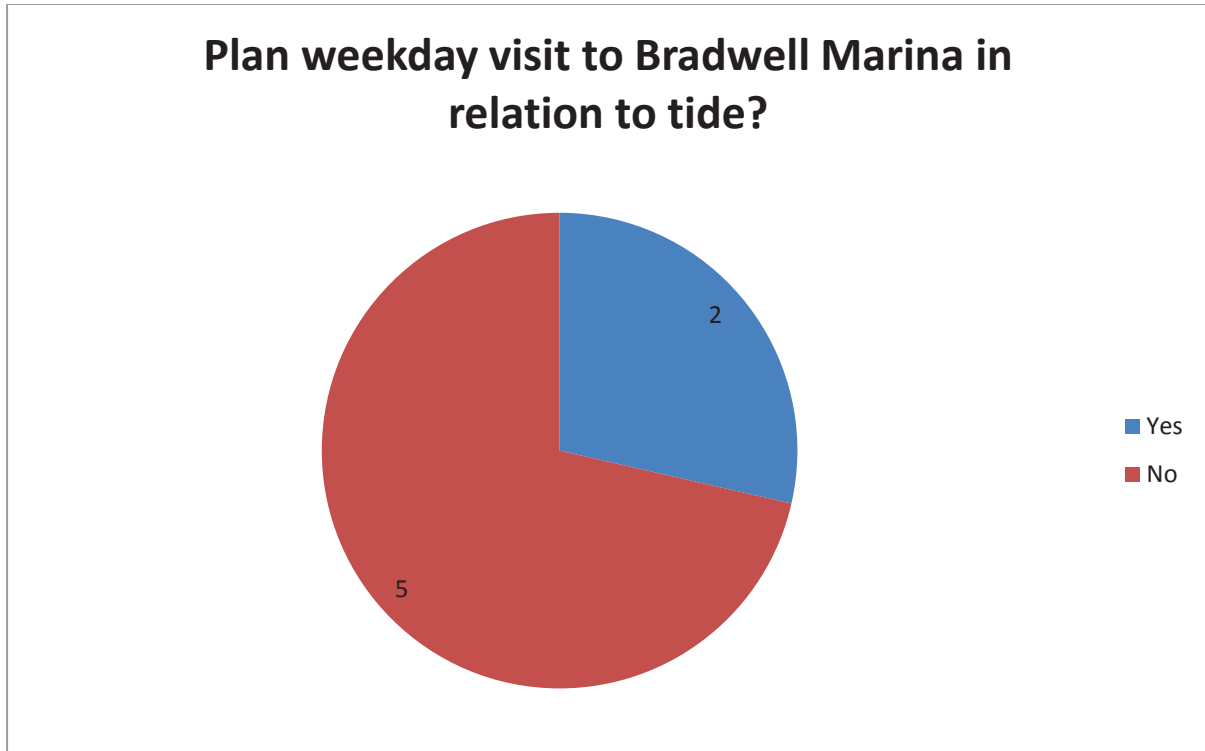
Figures A6.9- A6.10: Graphs showing results for length of visit



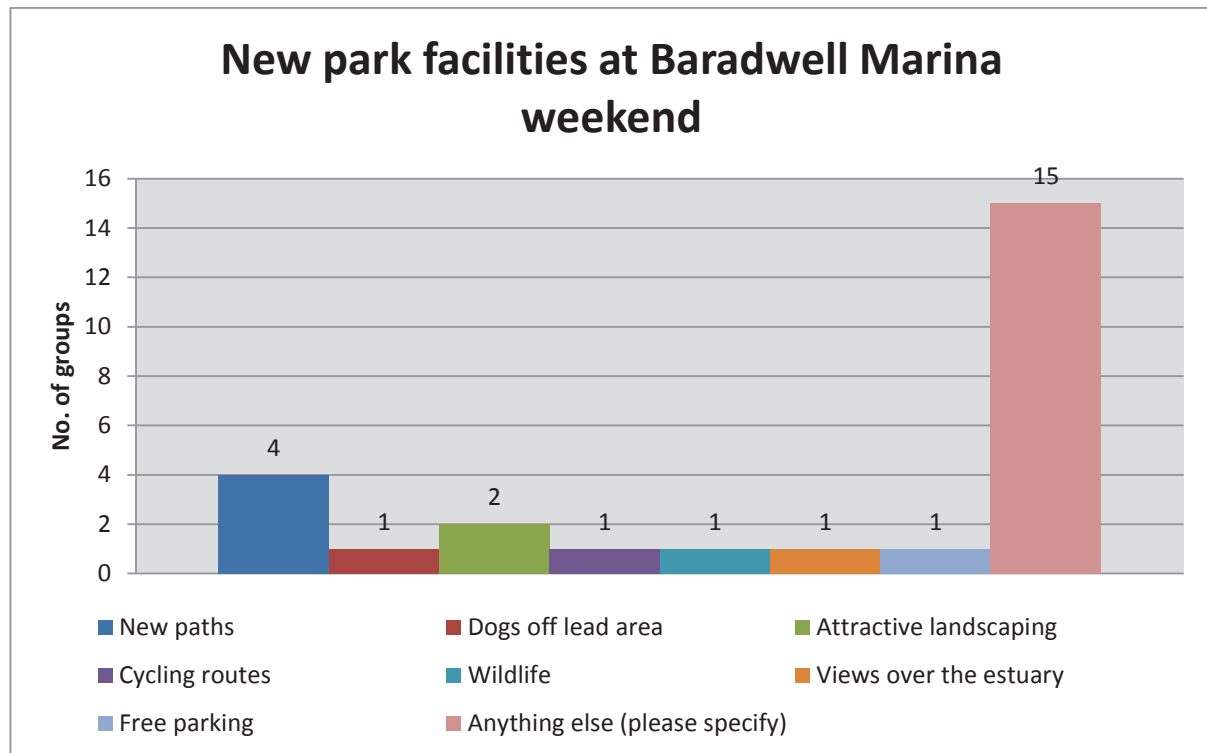
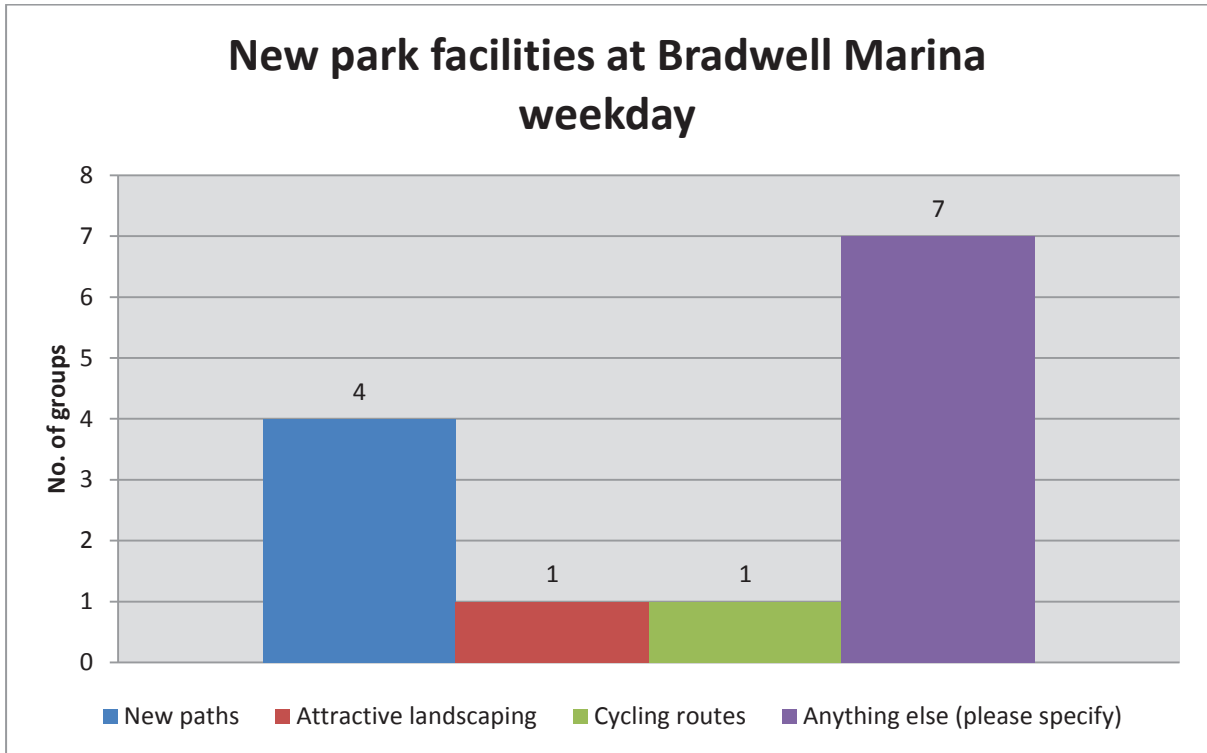
Figures A6.11- A6.12: Graphs showing results for seasonal visiting



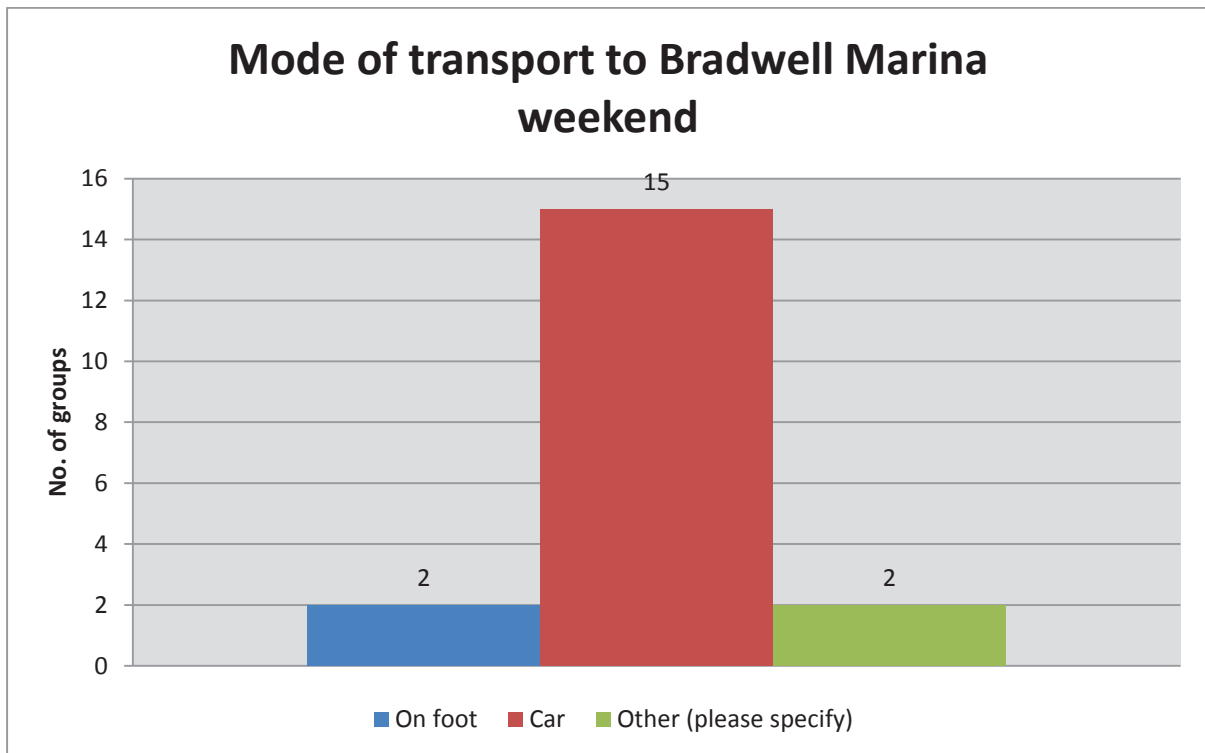
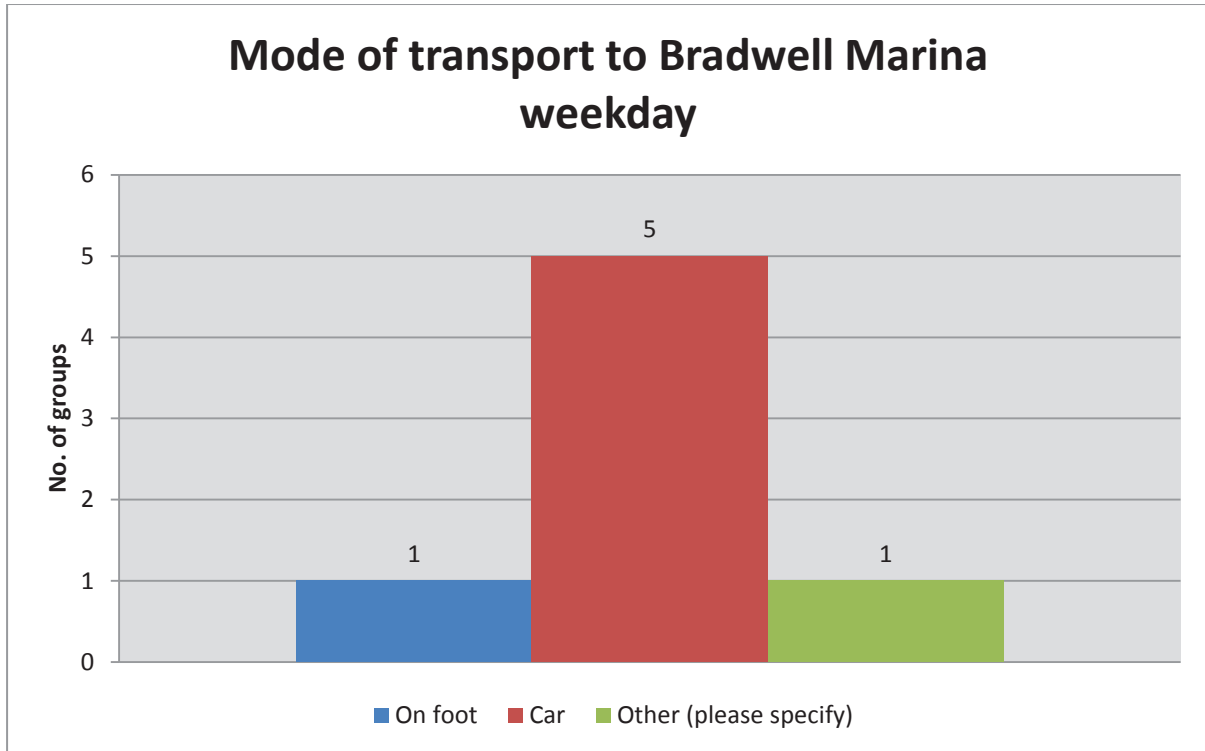
Figures A6.13- A6.14: Graphs showing results for question 'Plan visit in relation to the tide?'



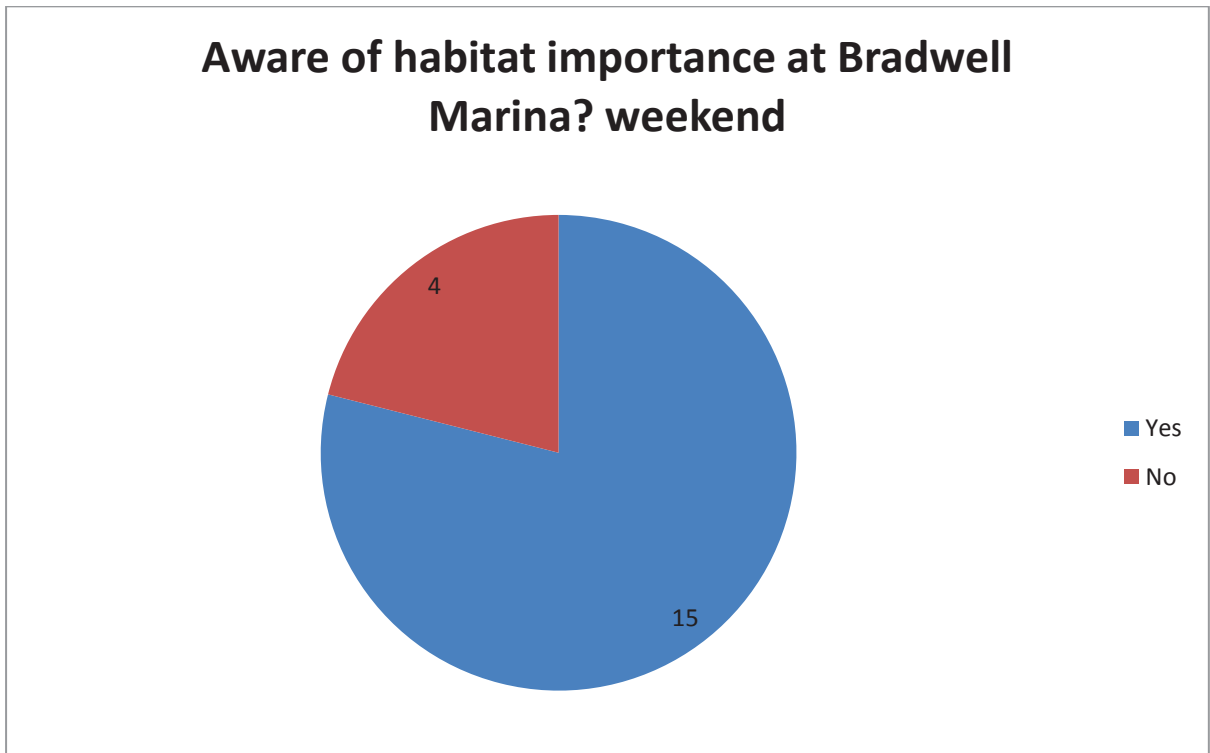
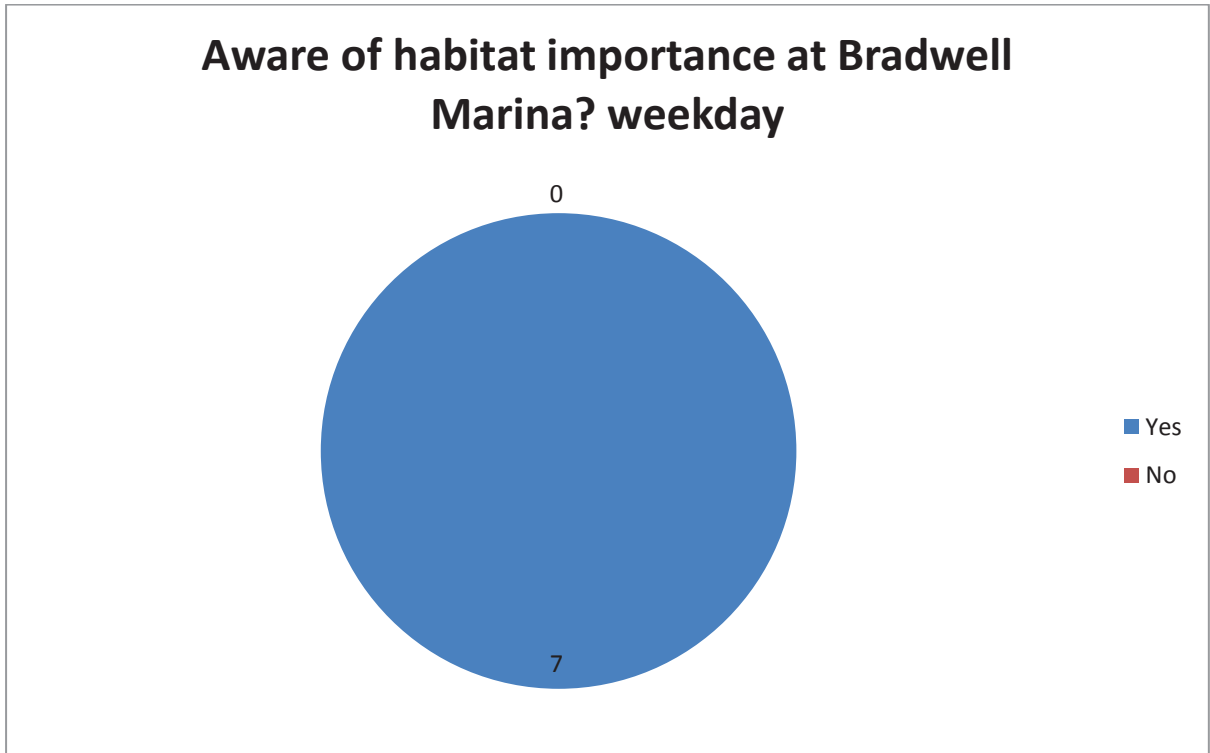
Figures A6.15- A6.16: Graphs showing results for new park design



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

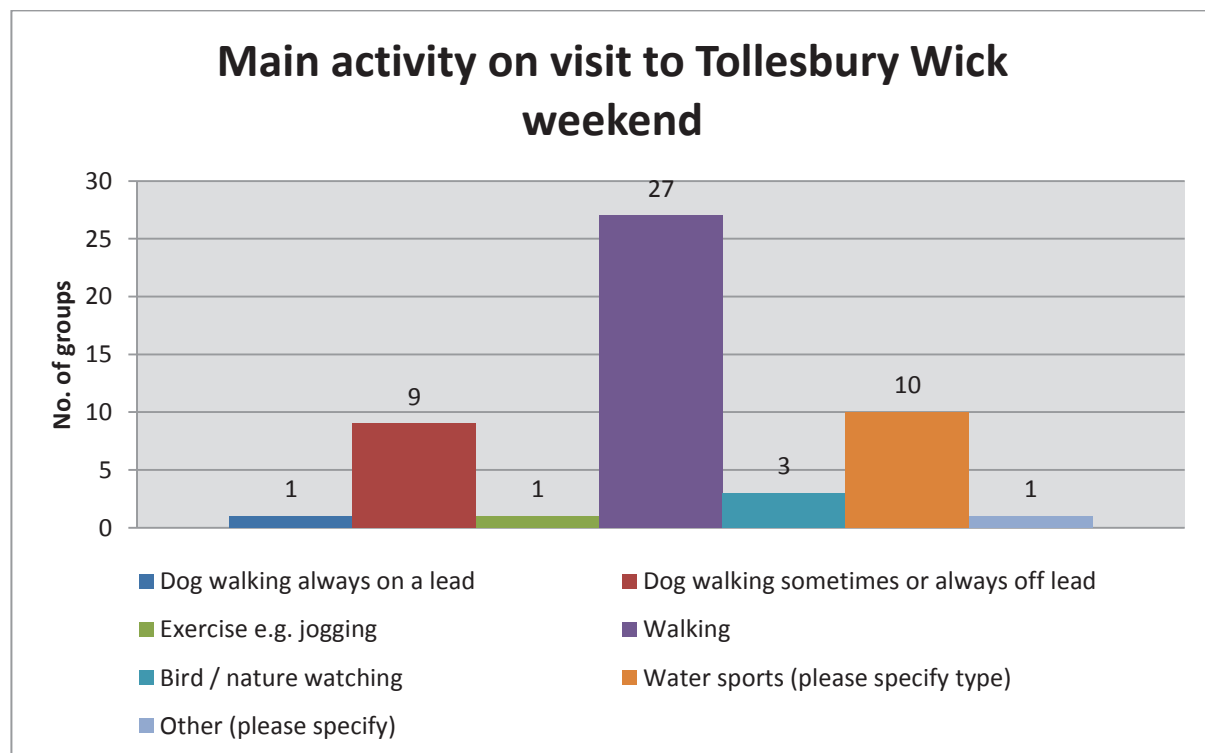
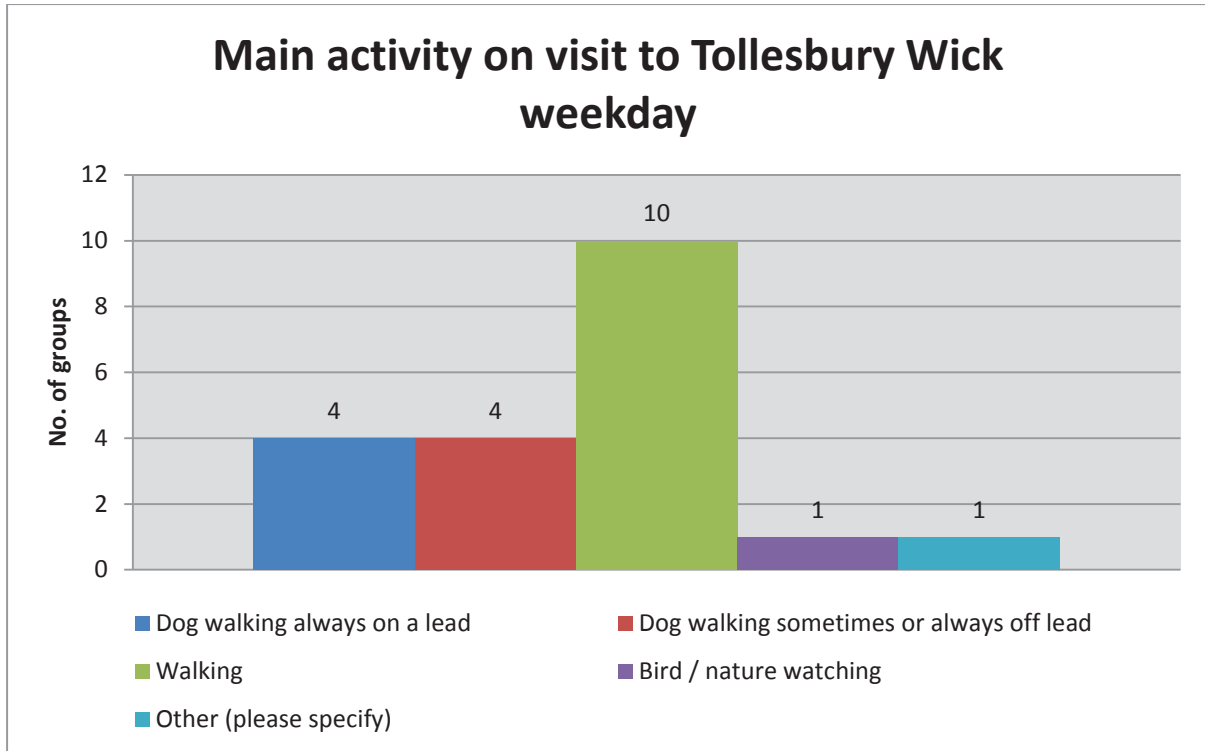


Figures A6.19- A6.20: Graphs showing results for awareness of habitat importance

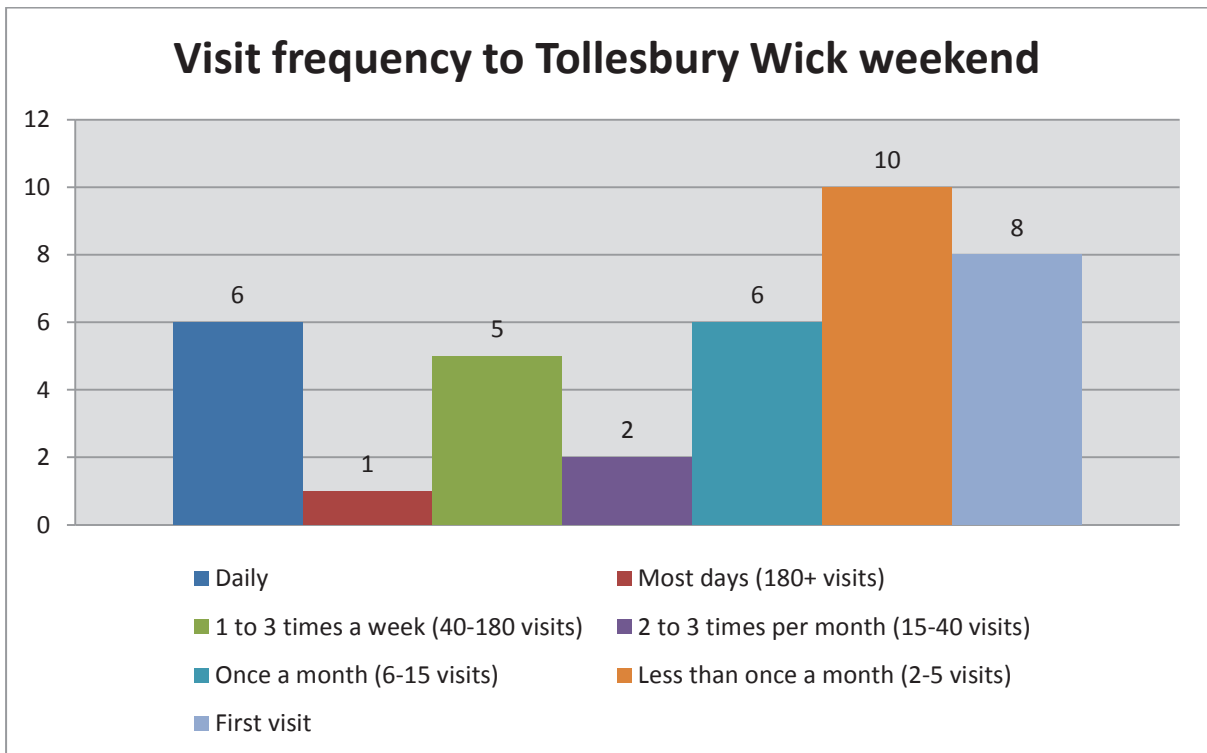
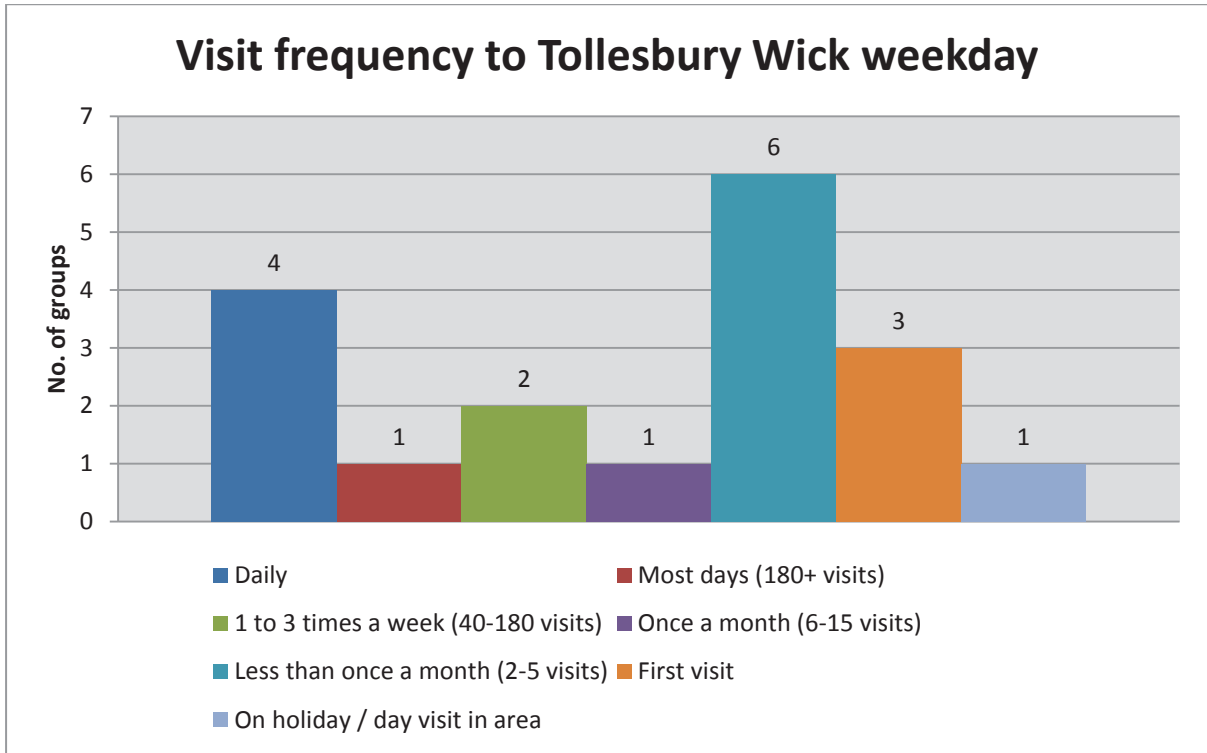


Tollesbury Wick

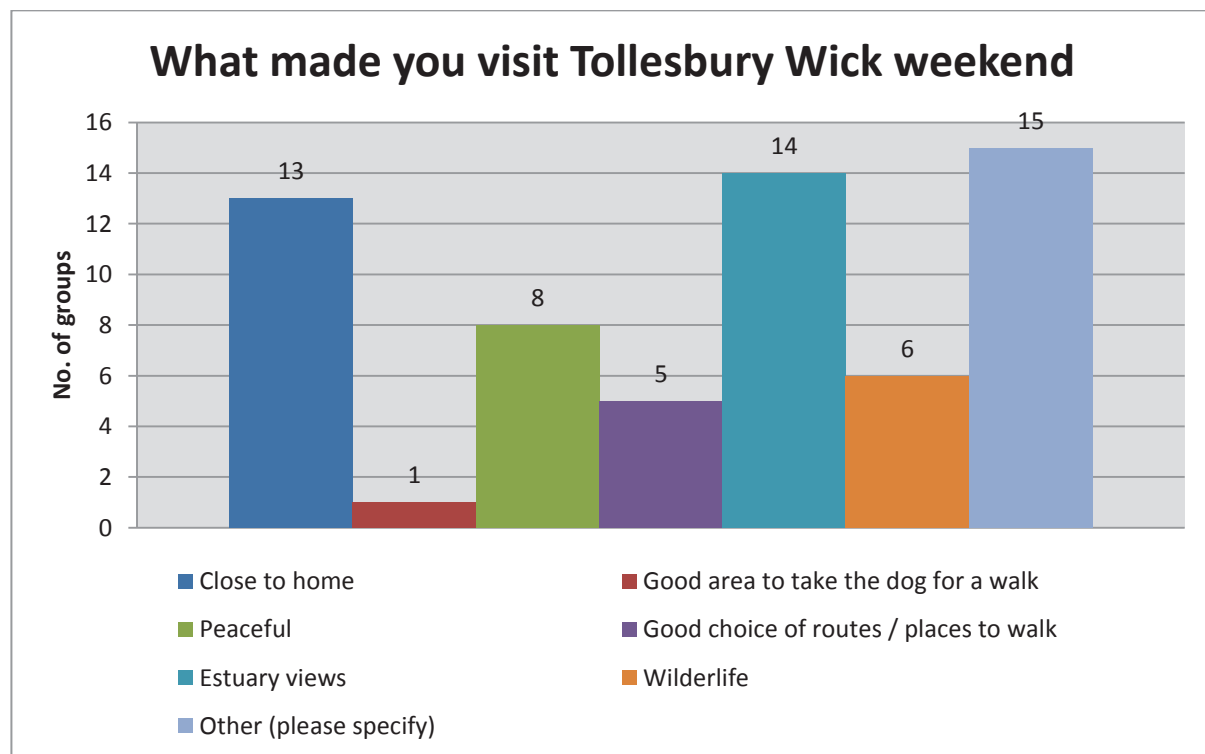
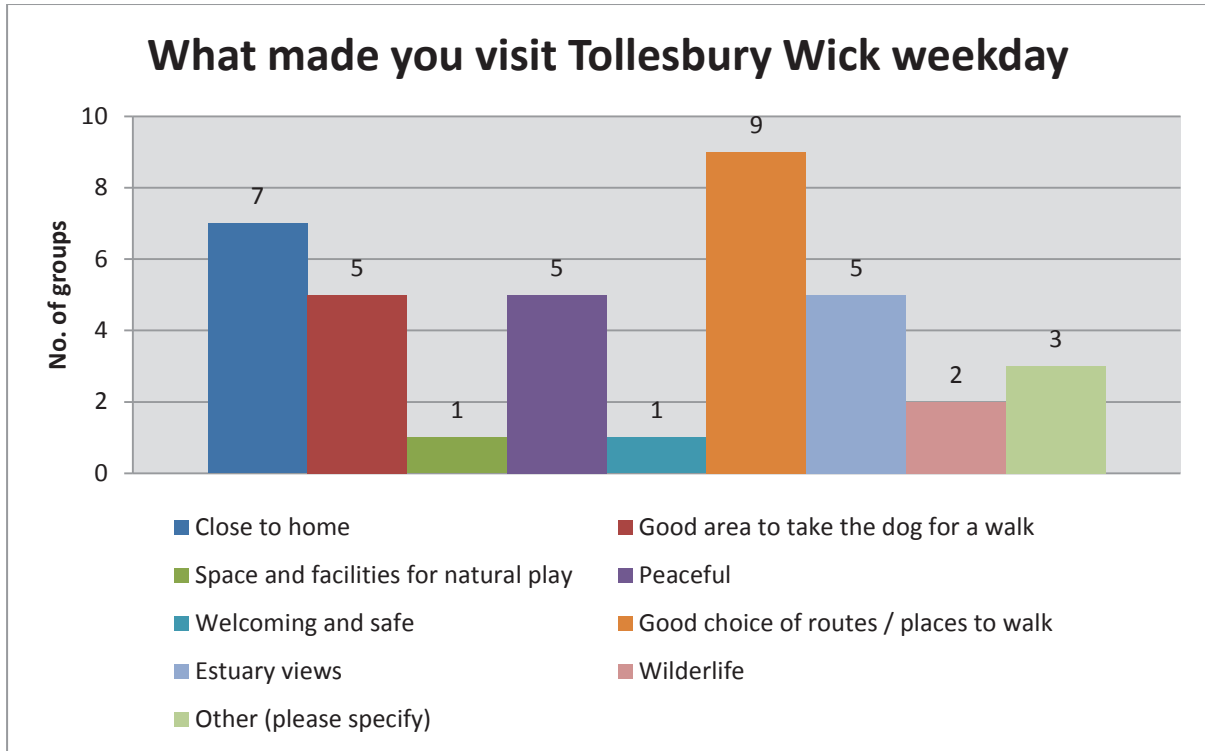
Figures A6.21-A6.22: Graphs showing results for main activity



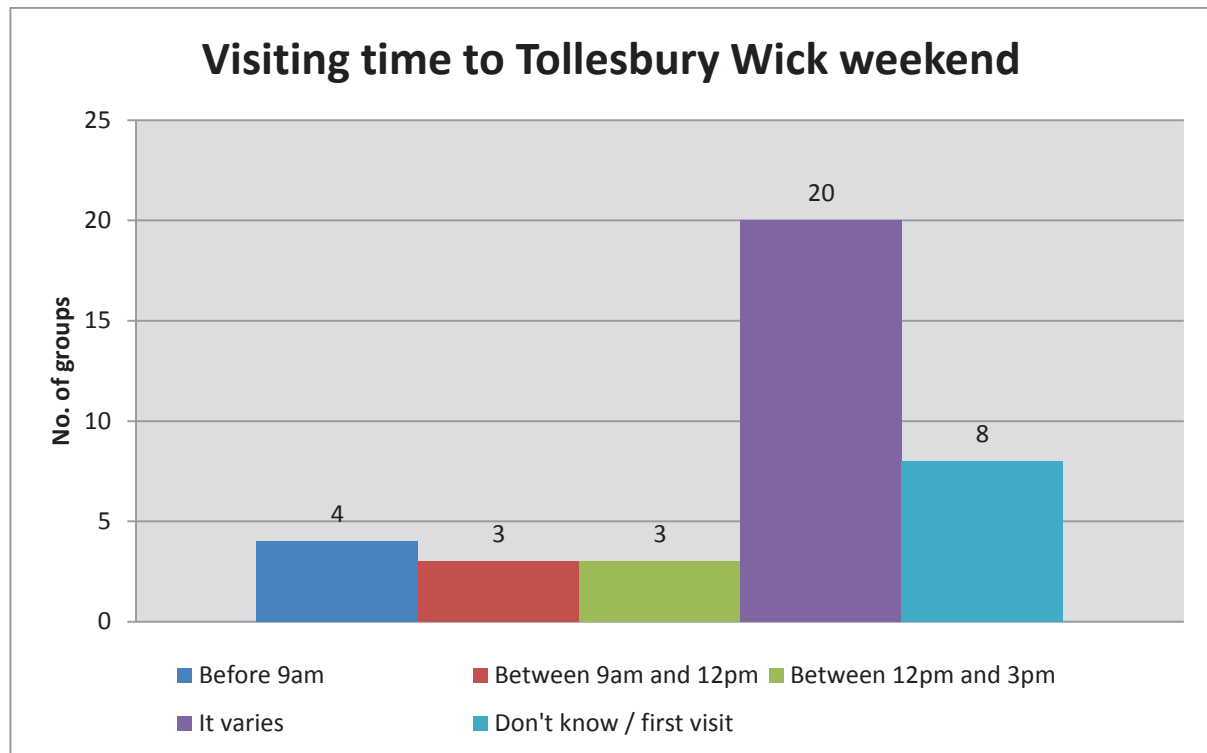
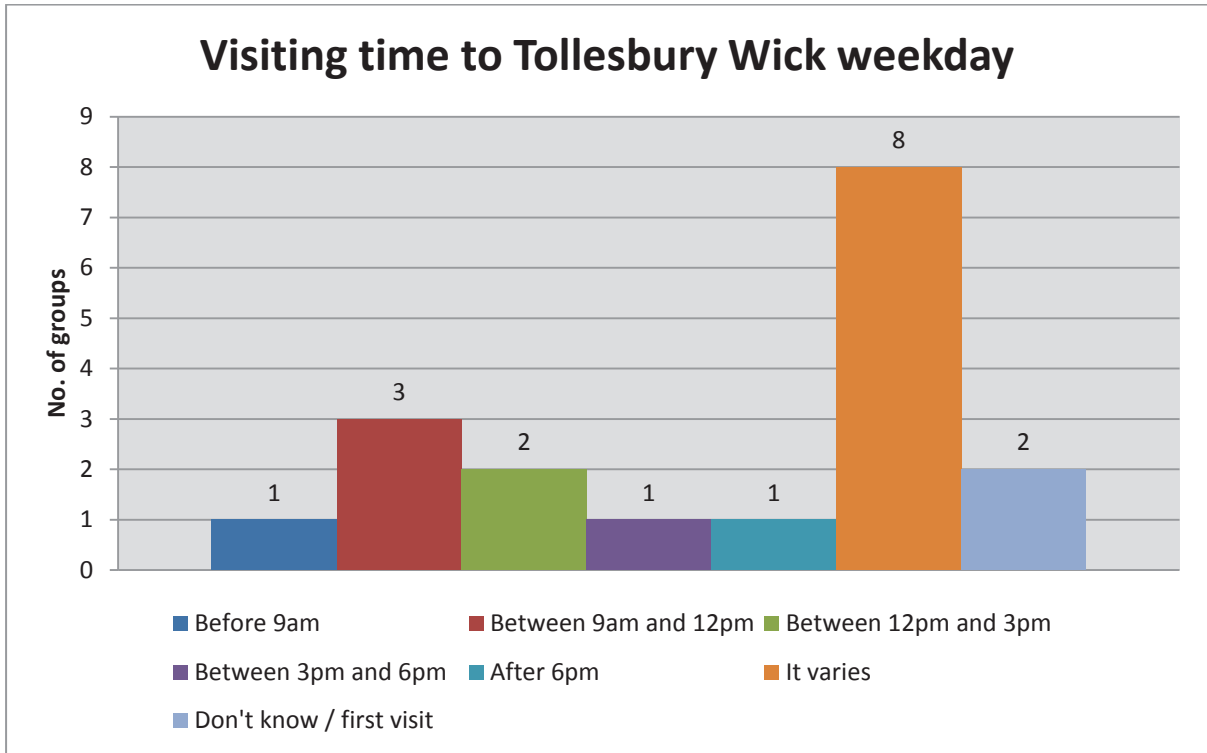
Figures A6.23- A6.24: Graphs showing results for visit frequency



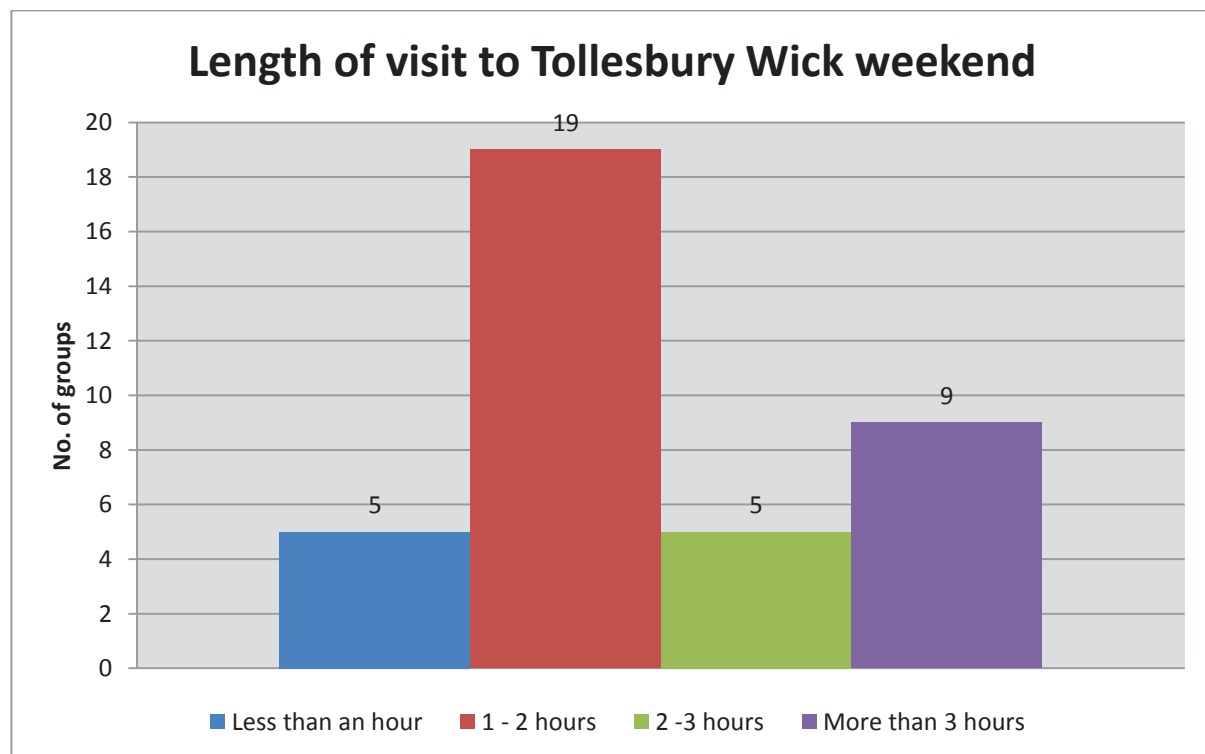
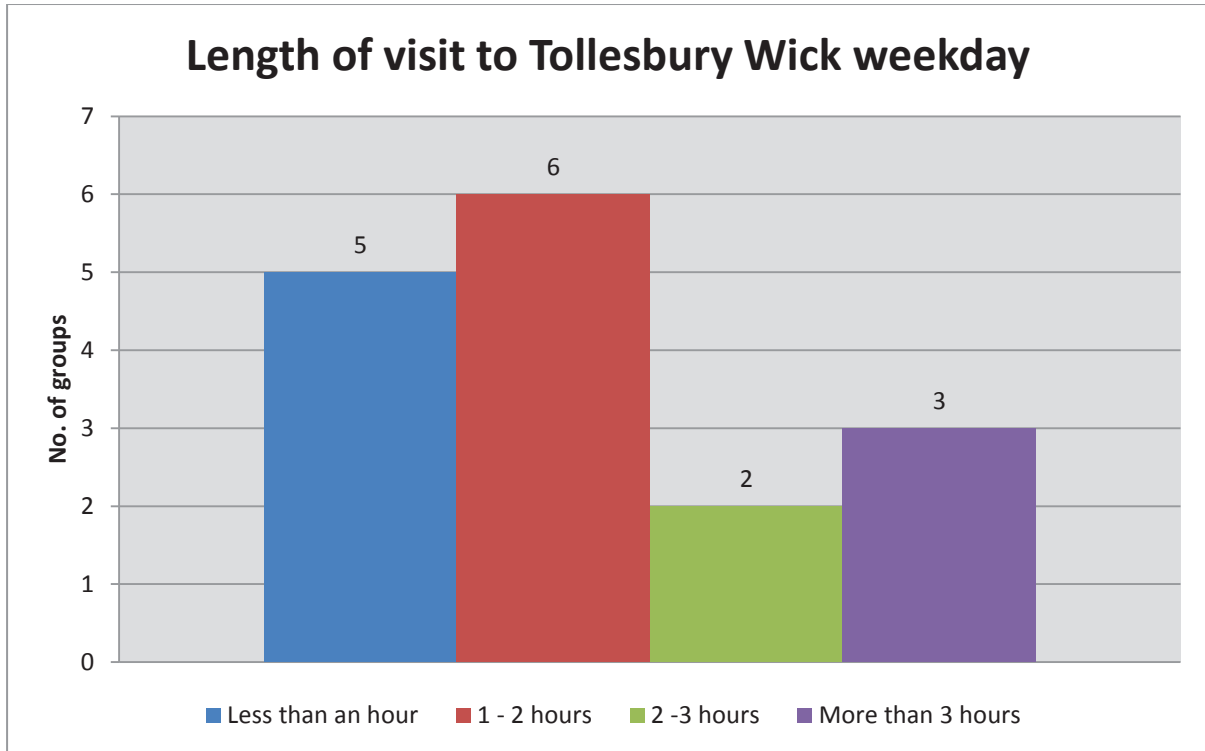
Figures A6.25- A6.26: Graphs showing results for question 'What made you visit?'



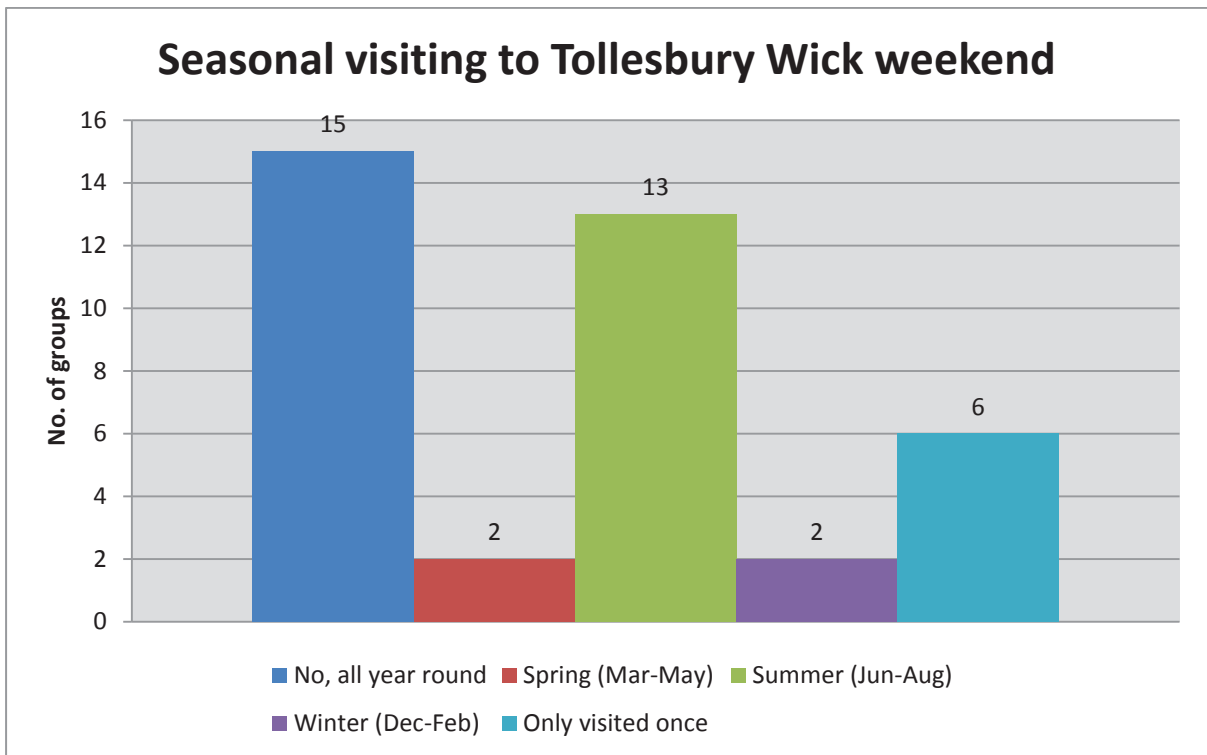
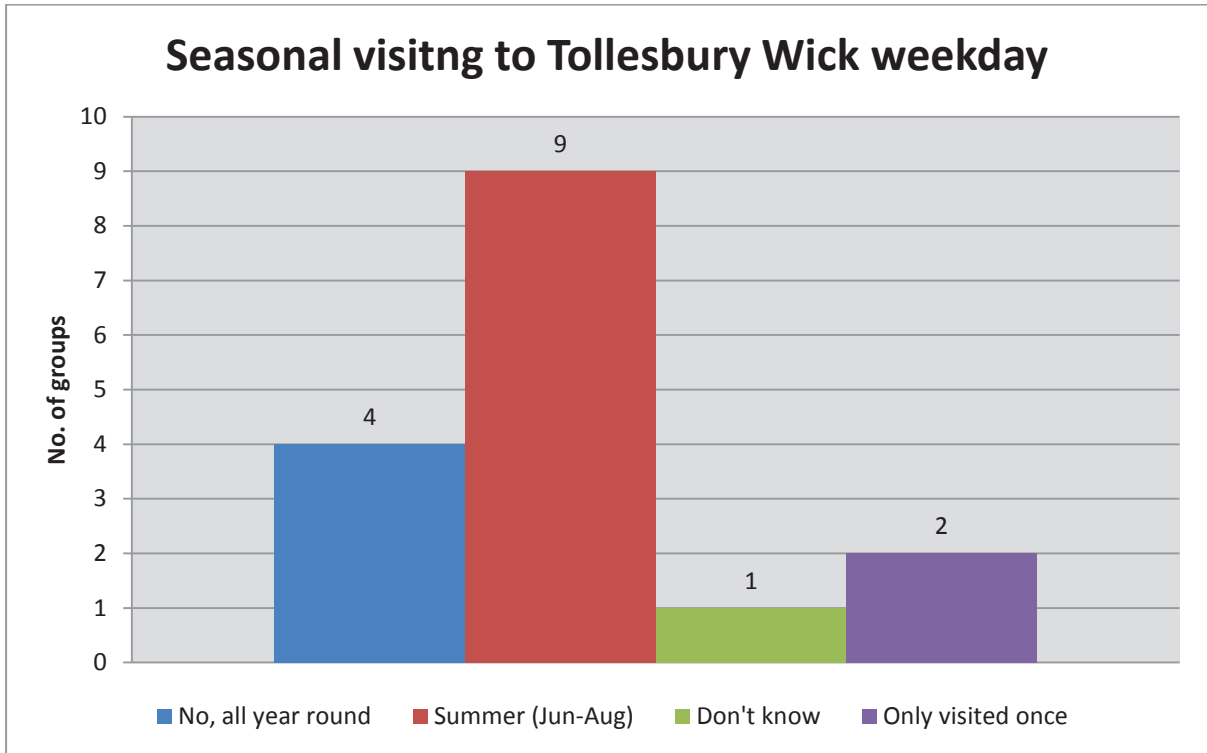
Figures A6.27- A6.28: Graphs showing results for visiting time



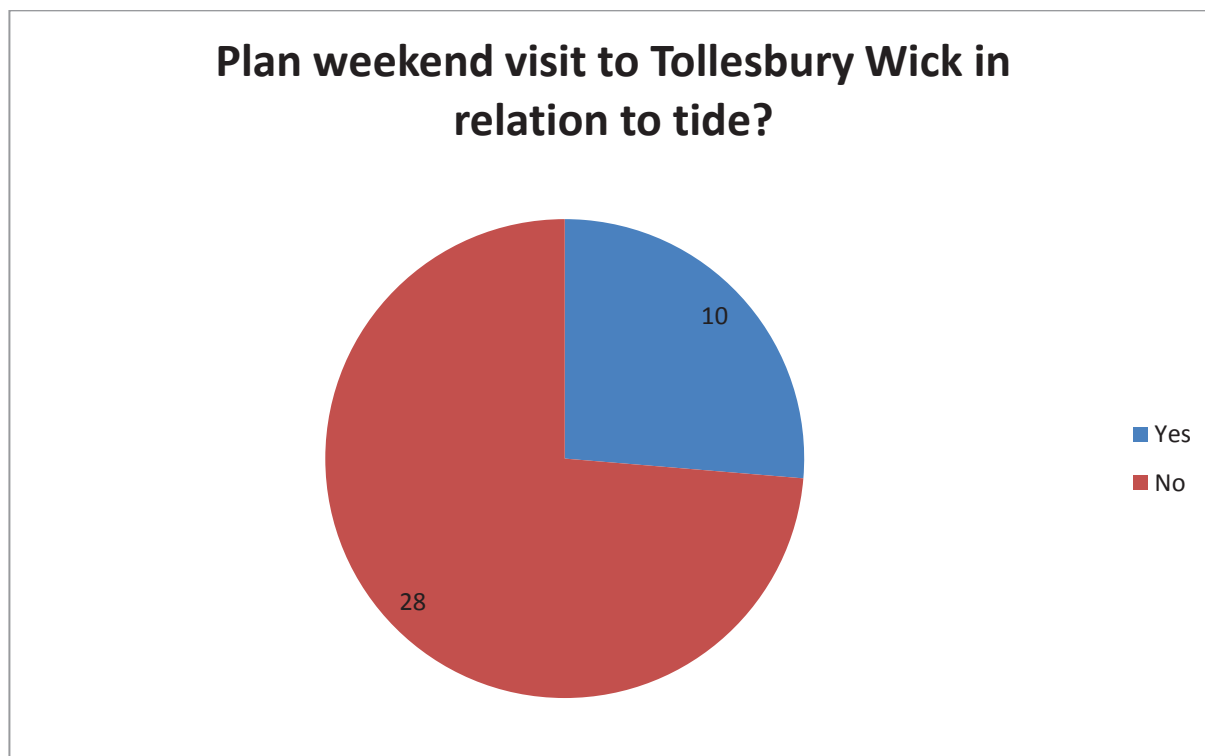
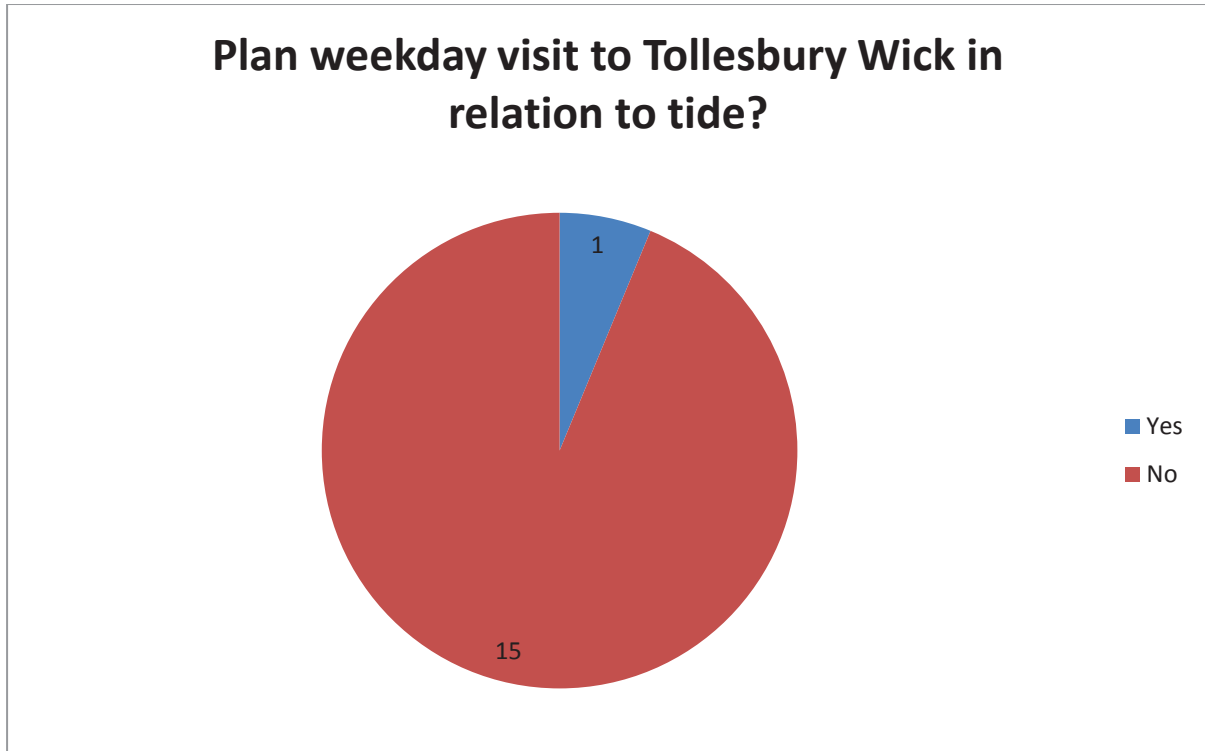
Figures A6.29- A6.30: Graphs showing results for length of visit



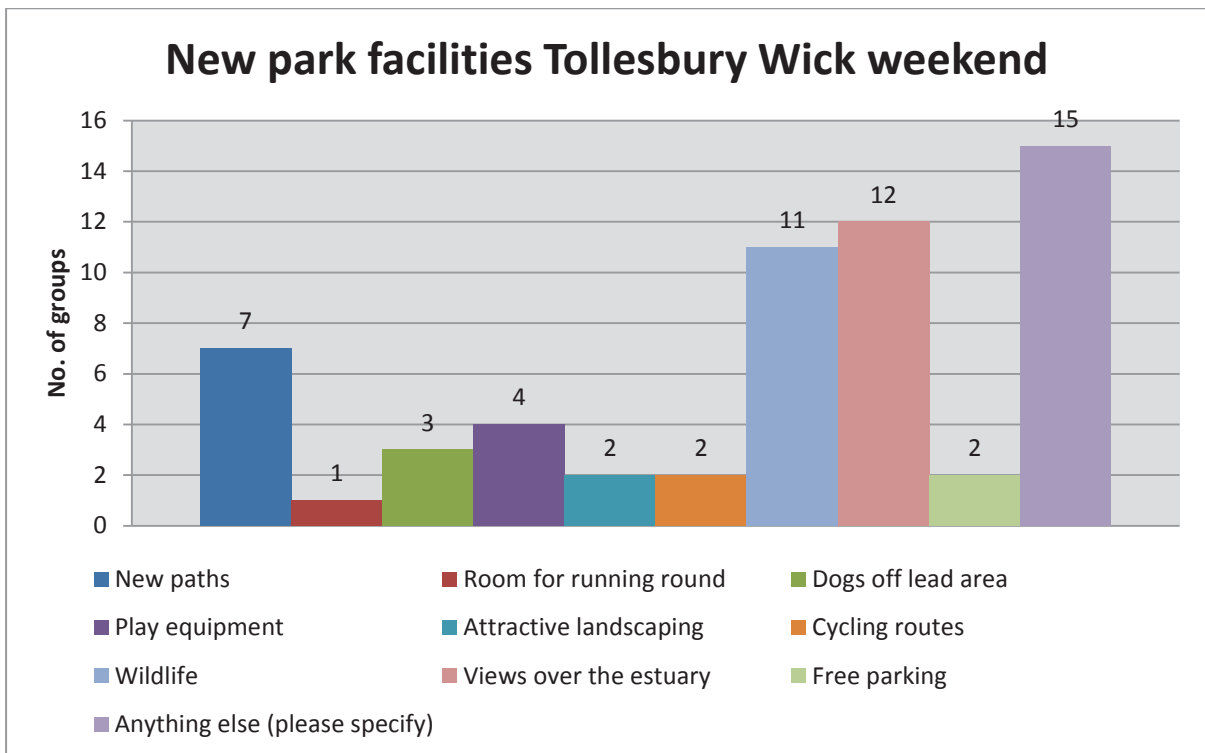
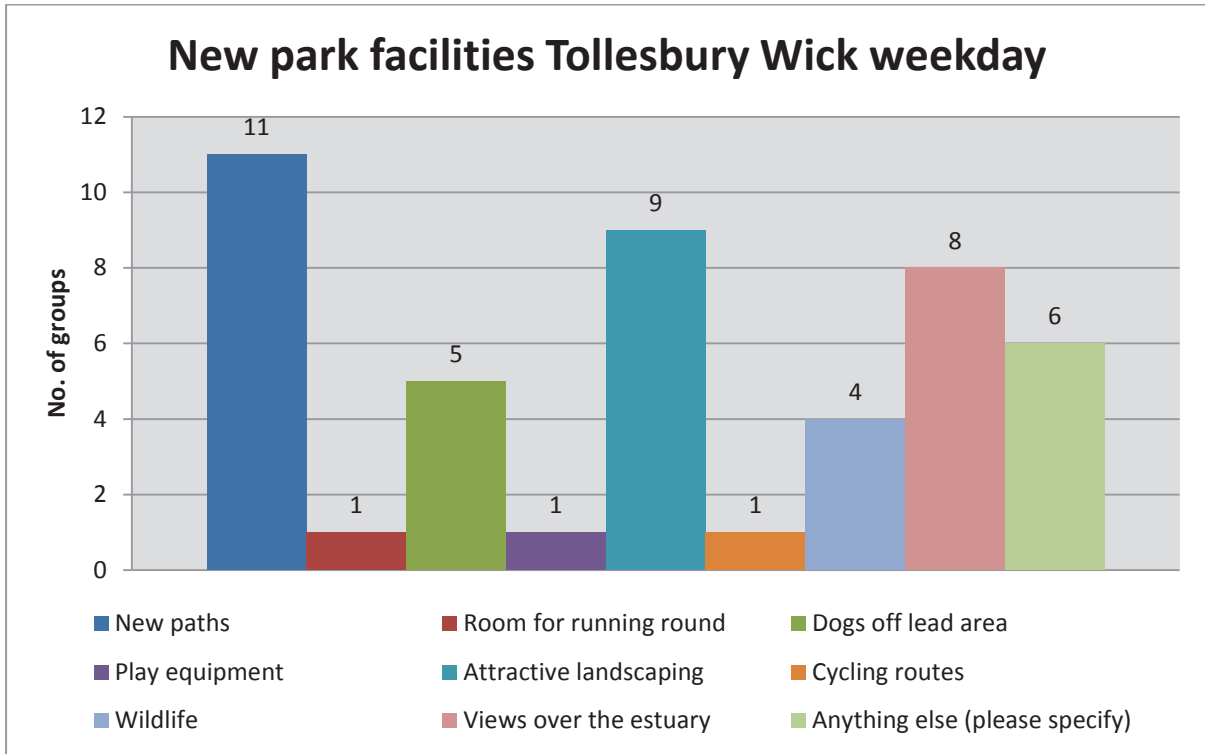
Figures A6.31- A6.32: Graphs showing results for seasonal visiting



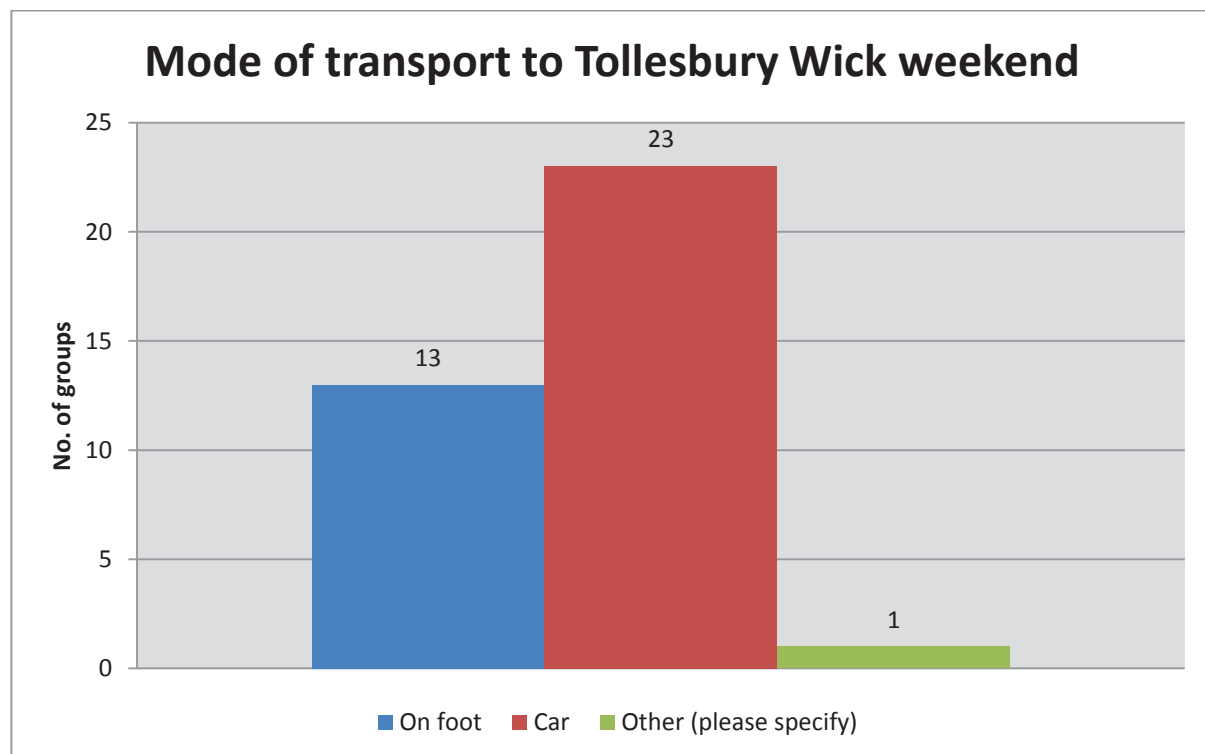
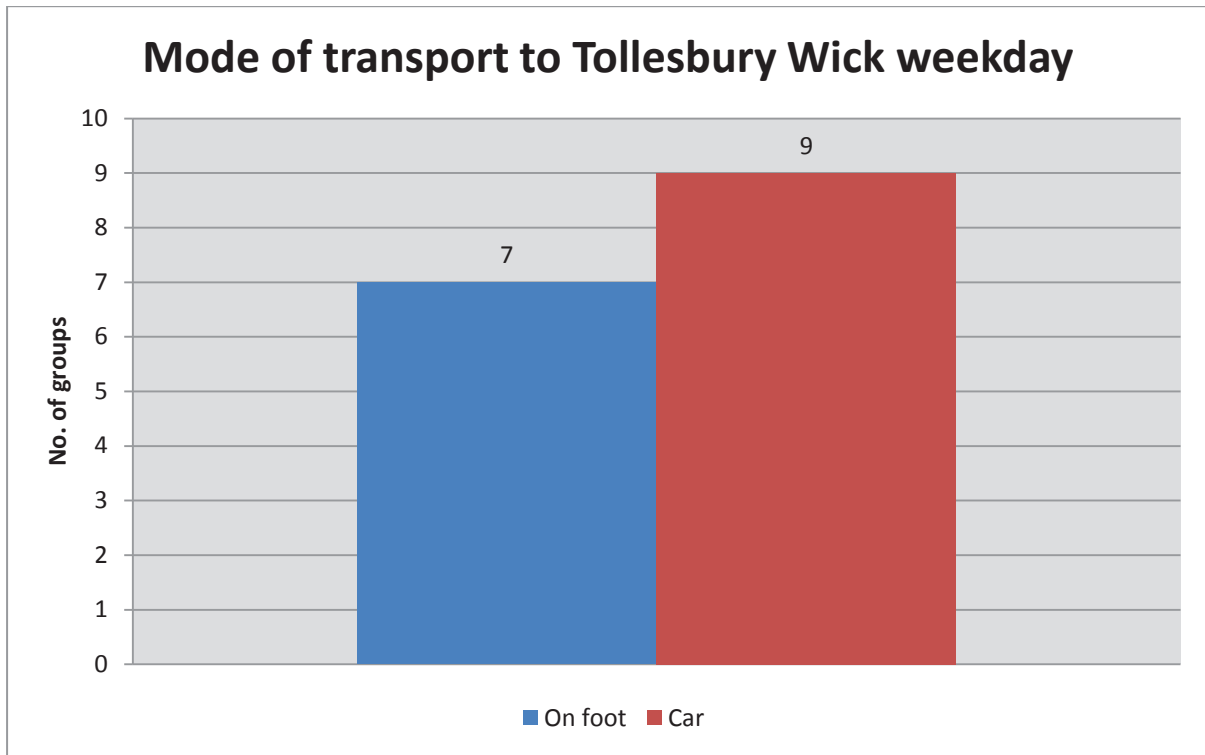
Figures A6.33- A6.34: Graphs showing results to question 'Plan visit in relation to the tide?'



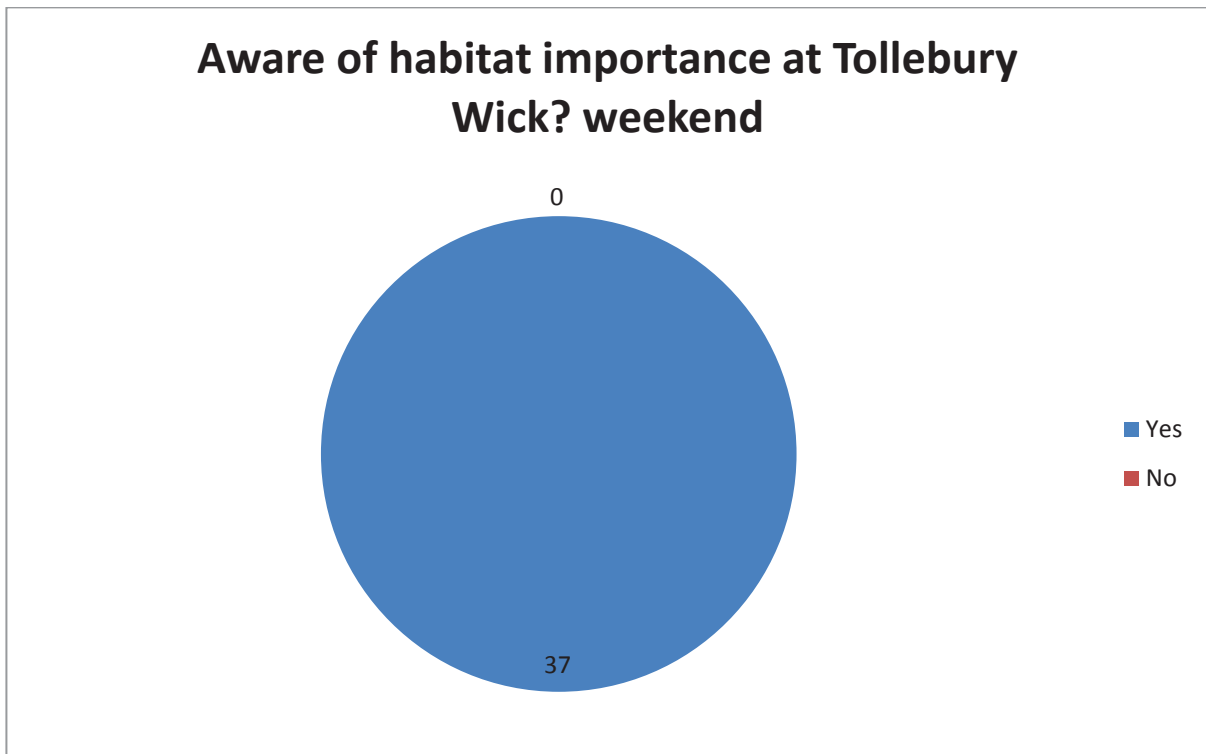
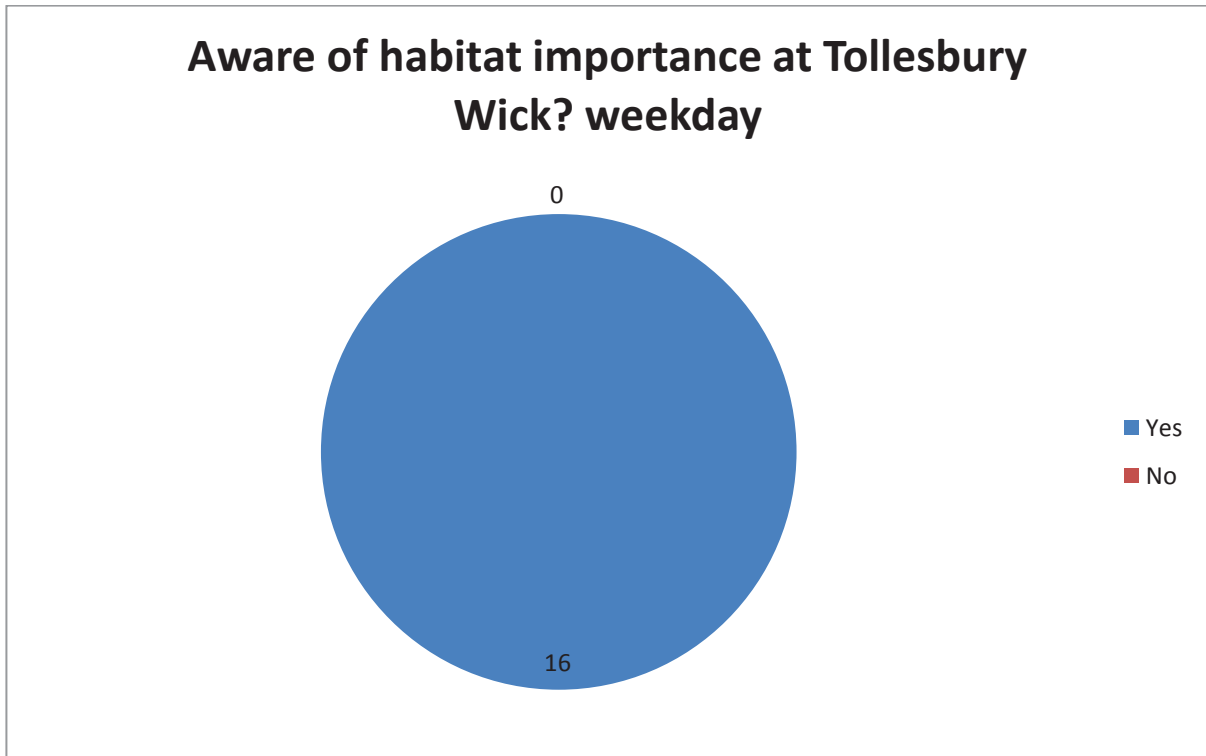
Figures: A6.35- A6.36: Graphs showing results for new park design



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 be beneficial in certain locations but is not the sole basis for them.

Access management measures currently in place:

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 overwintering 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.

Potential mitigation solutions:

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 Mistlely 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-authorized.
- 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

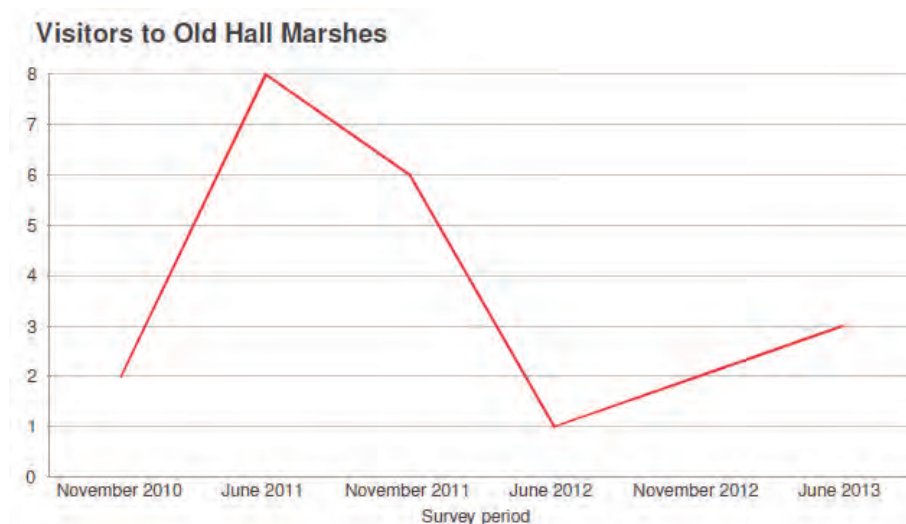
Castle Point Borough Council does not currently have any visitor survey data for the Habitats sites; future surveys to be undertaken will be outlined in section 3.

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

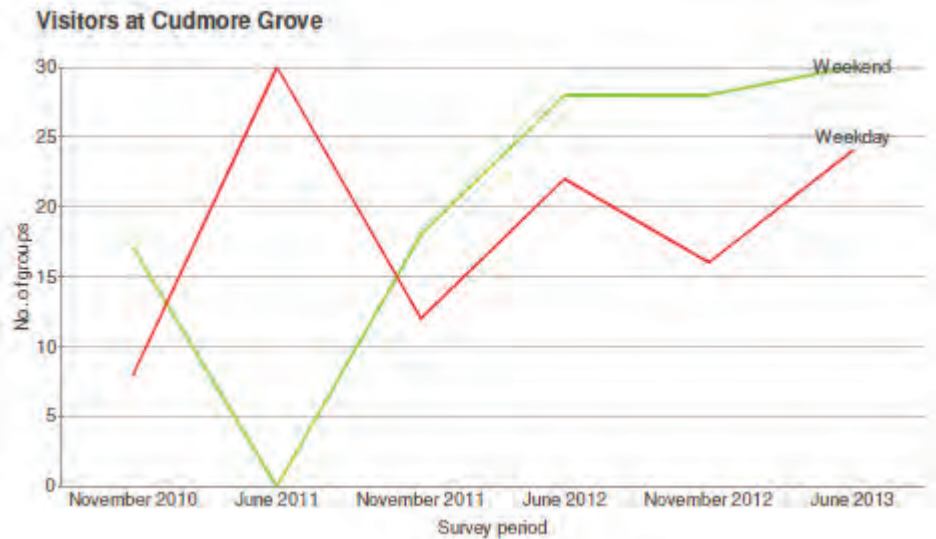
Colchester Borough Council has provided visitor survey data to support North Essex Shared Section 1 Local Plan. Colchester produced a plan level Habitats Regulation Assessment in Spring 2013 for the shared local plan, containing relevant survey data for many of the sites across Essex.



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



Visitors at the Stour Estuary



Number of visitors at The Walls



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.

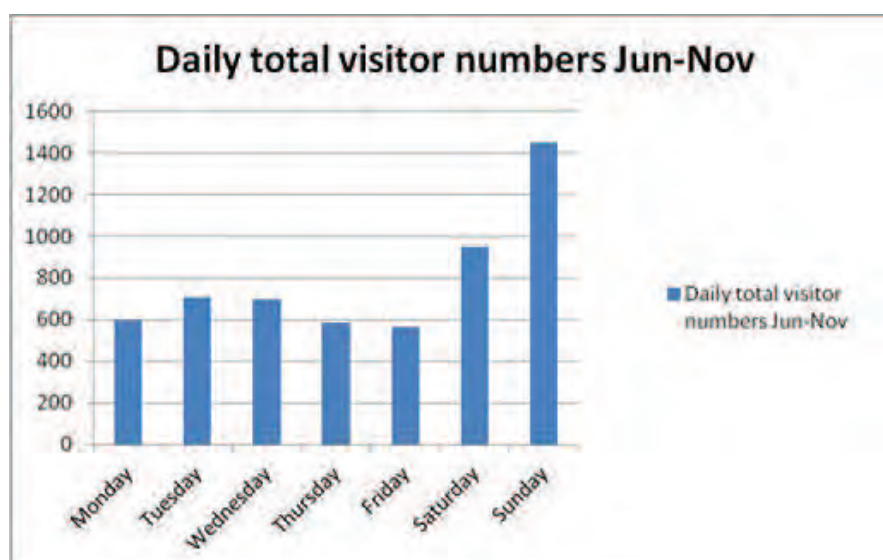
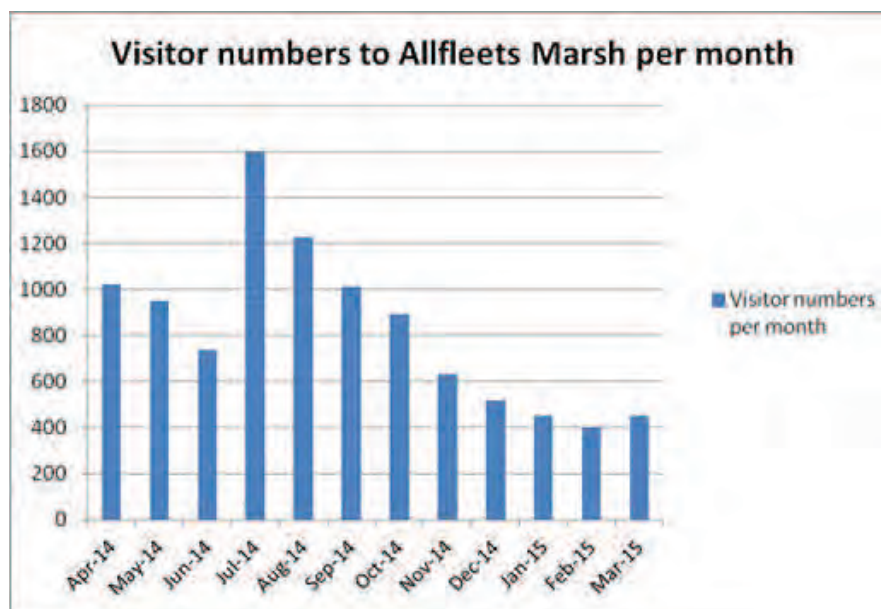
There is visitor number information available for the period 2008-2017 as shown in the tables below.

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	
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	
Location	co3	co63ef	co5	c05	co5	co5	co5	co5	co5	co5	co5	co5	co611s	co13	co50pn	
Distance	9.7	10.6	11	11	11	11	11	11	11	11	11	11	12.4		12.4	

nce															
Locati on	co6	co62 dx	co61qz	witha m	cm34 qu	cm79 ua	cm7 9at	cm77 7ux	co93 ps	cm16 qz	cm7 4ra	cm24 8hp	da28 eb	en87he	en14j d
Dist ance	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
Locati on	n16														
Dist ance	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	north fambridge	north fambridge	cm36lu	north fambridge	north fambridge	north fambridge	north fambridge	north fambridge	cm08hb	cm08la	cm08jg	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	cm08tt	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	cm0	cm0	cm0	cm0	cm0	cm0	cm0	cm0	cm07al	cm38dg	cm07dj	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	cm07q	cm07q	cm07px	bate dudley	brad well	bradwel l	bradwell	tillingha m
Distance	0.1	0.1	1.6	1.6	1.9	2	2	2	2	2.1	3.3	3.3	3.3	3.6
Postcode	tillingha m	cm07hs	tillingha m	cm07tw	asdeld ham centre	cm07gr	cm07n p	burnh am	burnha m	burnh am	burnha m	southmi nster	southmi nster	
Distance	3.6	3.7	3.9	4	5	5.5	5.8	7	7	7	7	7.1	7.1	
Postcode	southmi nster	southmi nster	southmi nster	cm0	cm0	cm0	steeple	mayl and	althorn e	cm36 et	maylan dsea	heybridg e	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	latchingt on	maldon	mald on	colche ster	ss12 ey	southe nd	cold norto n	hockley	cm8	ss9	south woodha m 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	ss177nr	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	ng237nj	cirencester	de222g	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	ss91ed	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	ss08pu	ss91hb	westcliff	westcliff	westcliff	ss91as
Distance	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
Postcode	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	southern d	southern d	southern d	westliff southern border	southern d	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	benfleet	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	raighley	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	ss154a h	ss178 nr	ramsde n heath	east tilbury	east tilbury	orsett	orsett	cm120 nb	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	brentwo od	CM2	cm13bj	upminst er	upminst er	upminst er	chelmsf ord	chelms ford	hornchu rch	hornchur ch
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	romfor d	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	cambri dge	gu12 6rb	buckimg ham	norfolk	sheffiel d	ng60ar	devon	yorkshir e	glasgow
Distance	48.1	49	62.6	80.3	96.2	119.4	126.2	247.5	247.6	321	329	577

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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	corringham	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 (Gunnery 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.
Gunnery 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 Bay and Saltmarsh owned 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.

Stour and Orwell Estuaries SPA and Ramsar

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.
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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.

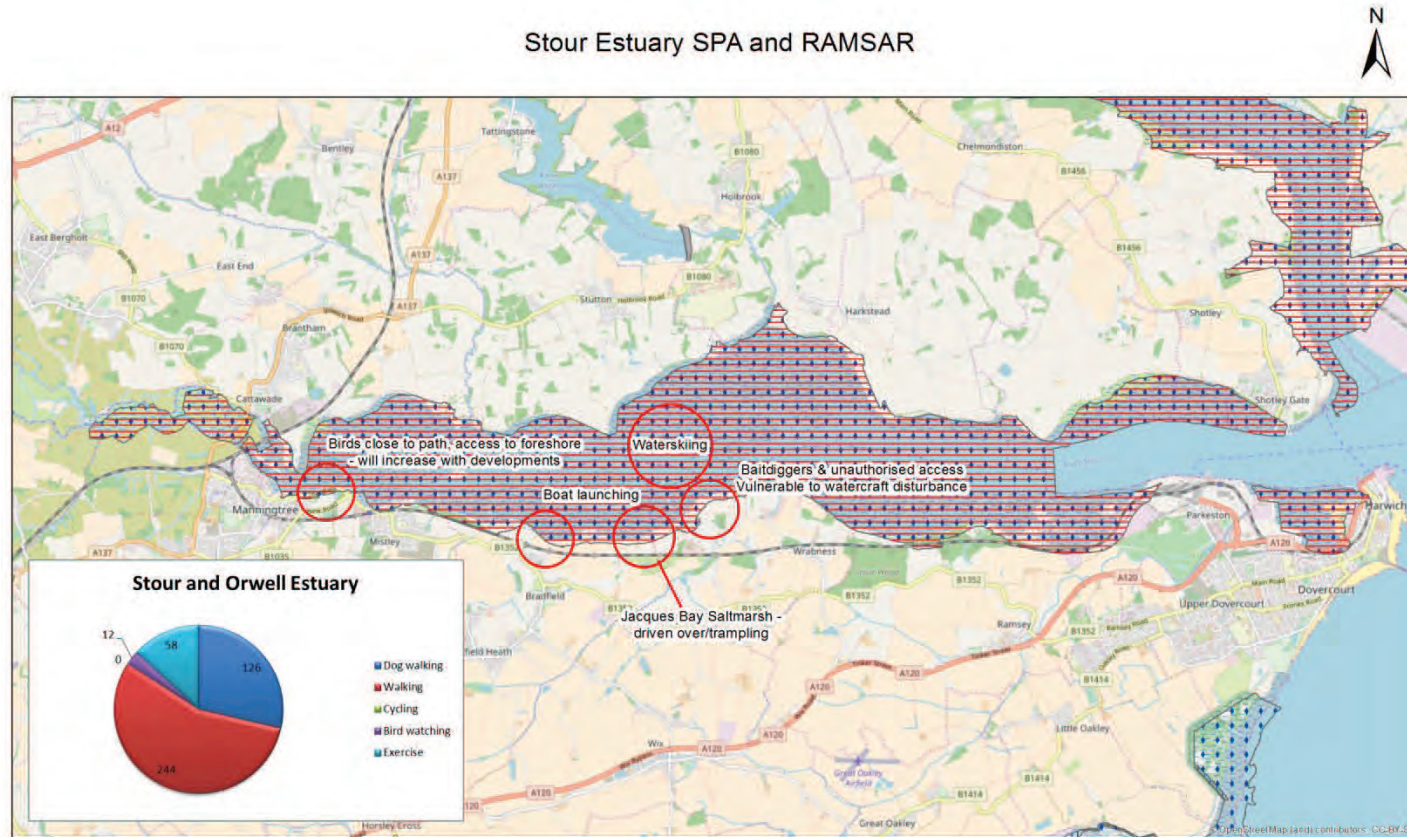
All sites

General Mitigation

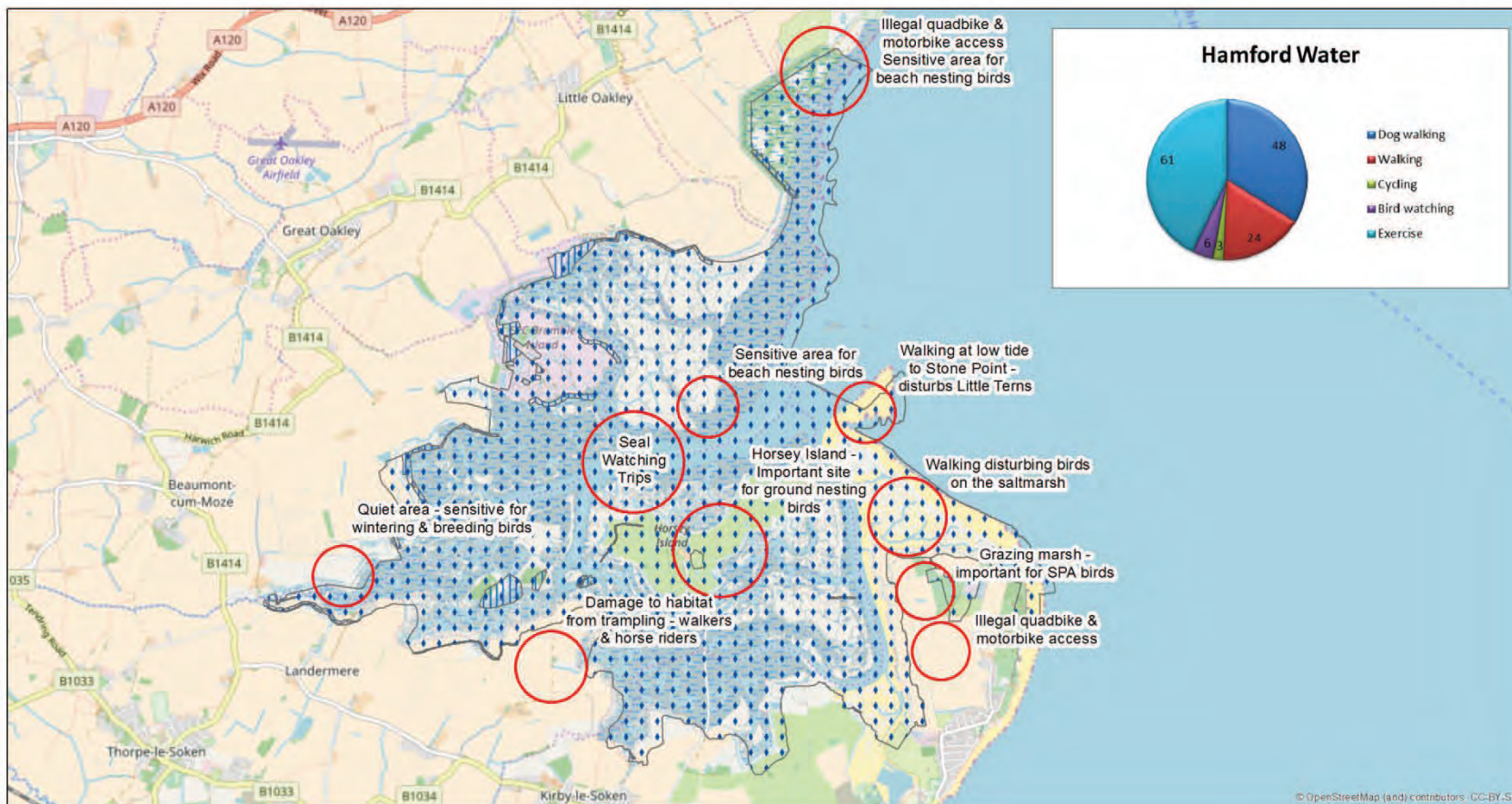
- Bird Aware is a scheme used in the Solent that is the same concept as the Essex RAMS; this has a website, leaflets and promotes positive behaviours to recreational users. Essex should use this brand as start-up costs would be less and it could mean that the 'Bird Aware' campaign could become nationally 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




Stour Estuary SPA and RAMSAR

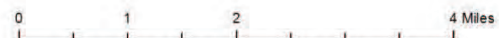


Hamford Water SPA and RAMSAR

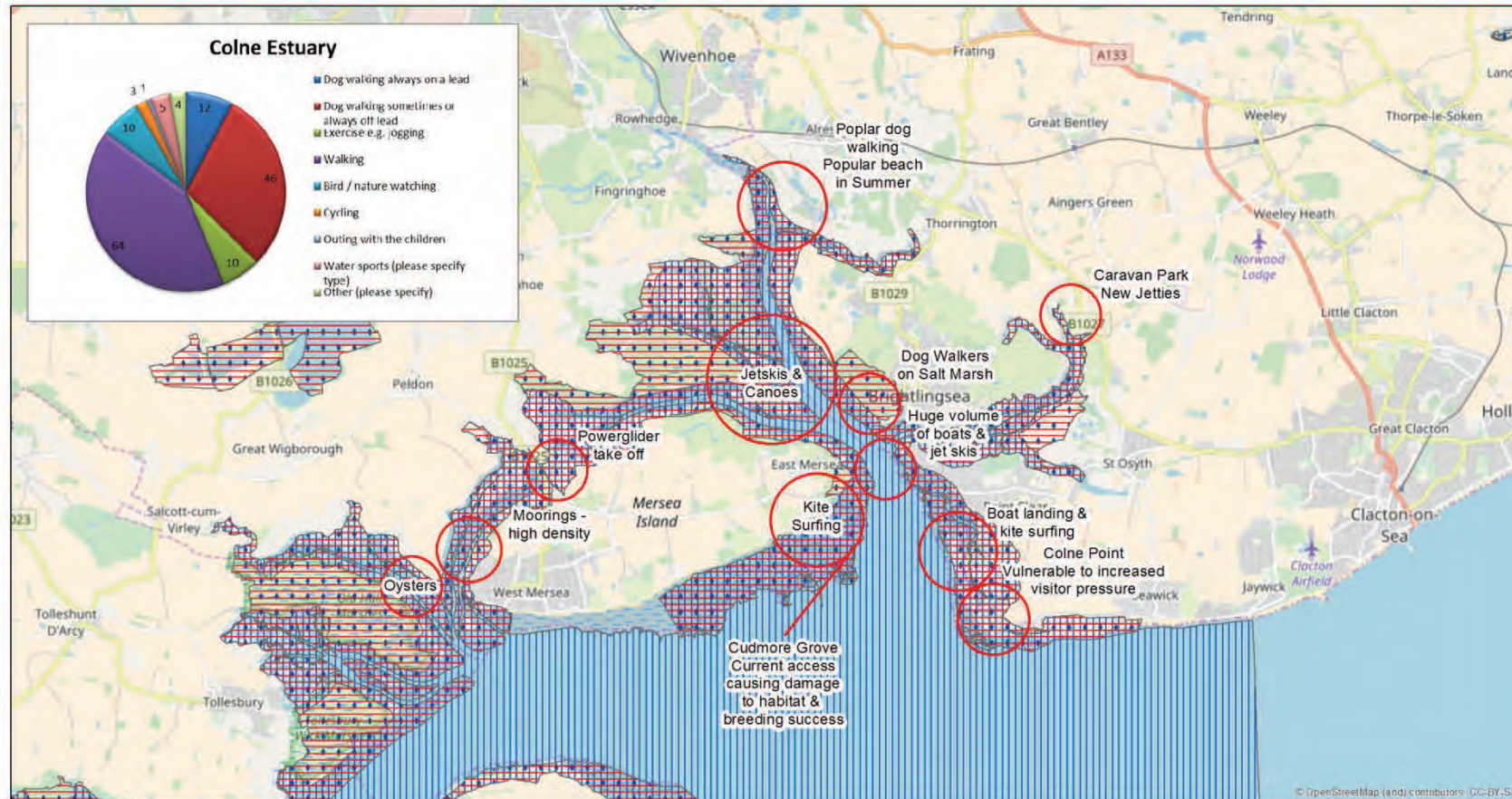


Legend

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



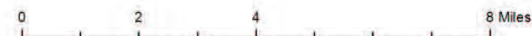
Colne Estuary SPA and RAMSAR



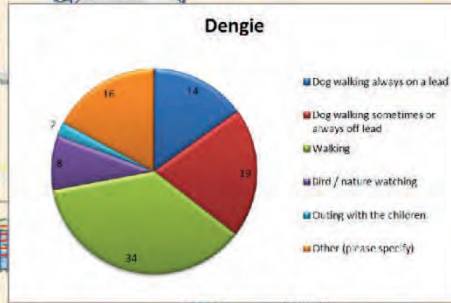
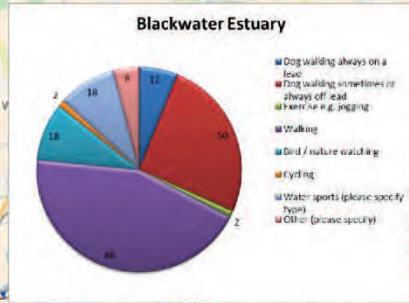
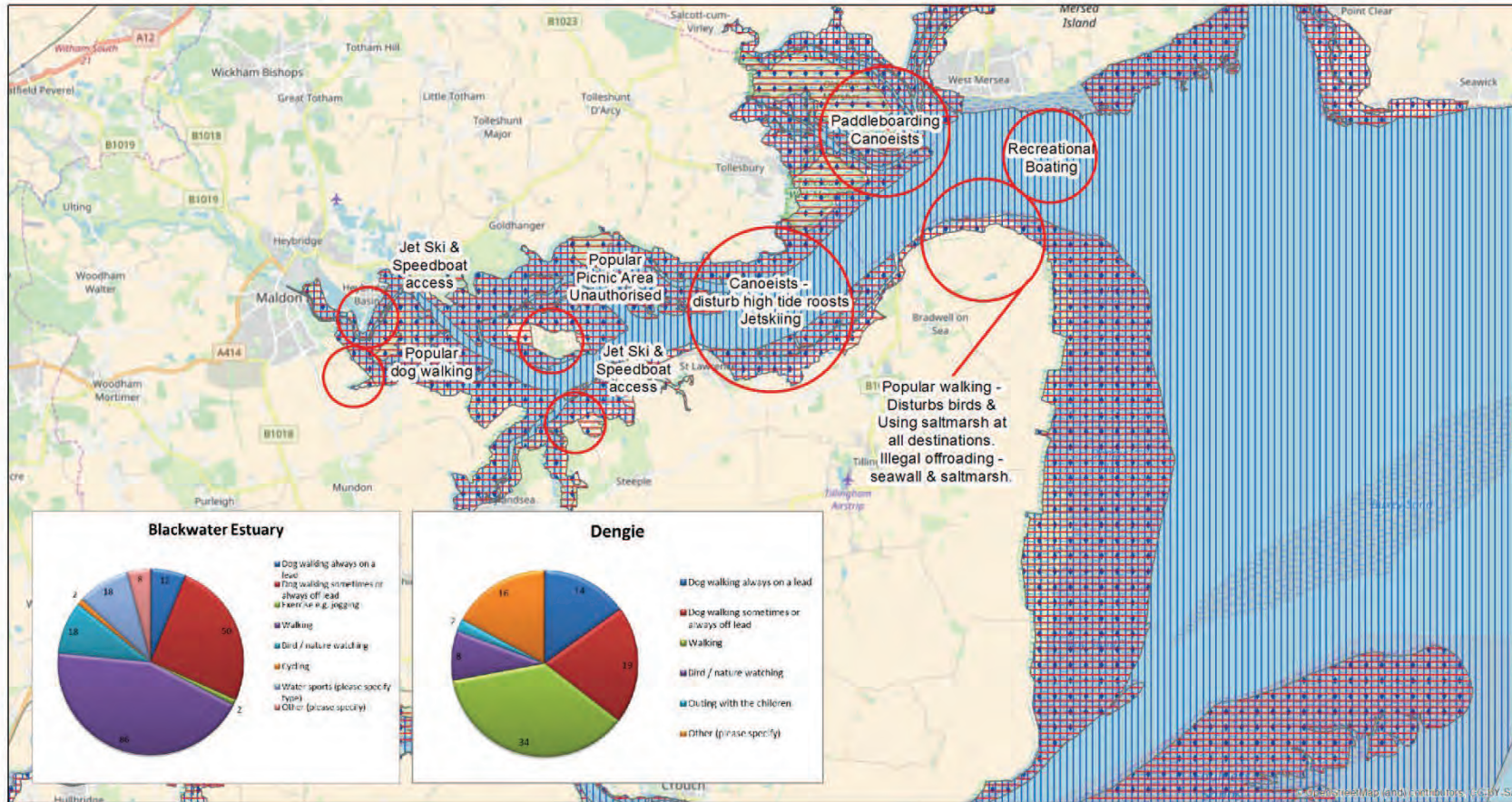
Legend

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

Paramotors fly low over entire estuary

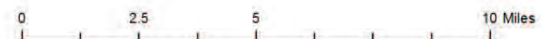


Blackwater Estuary and Dengie SPA and RAMSAR

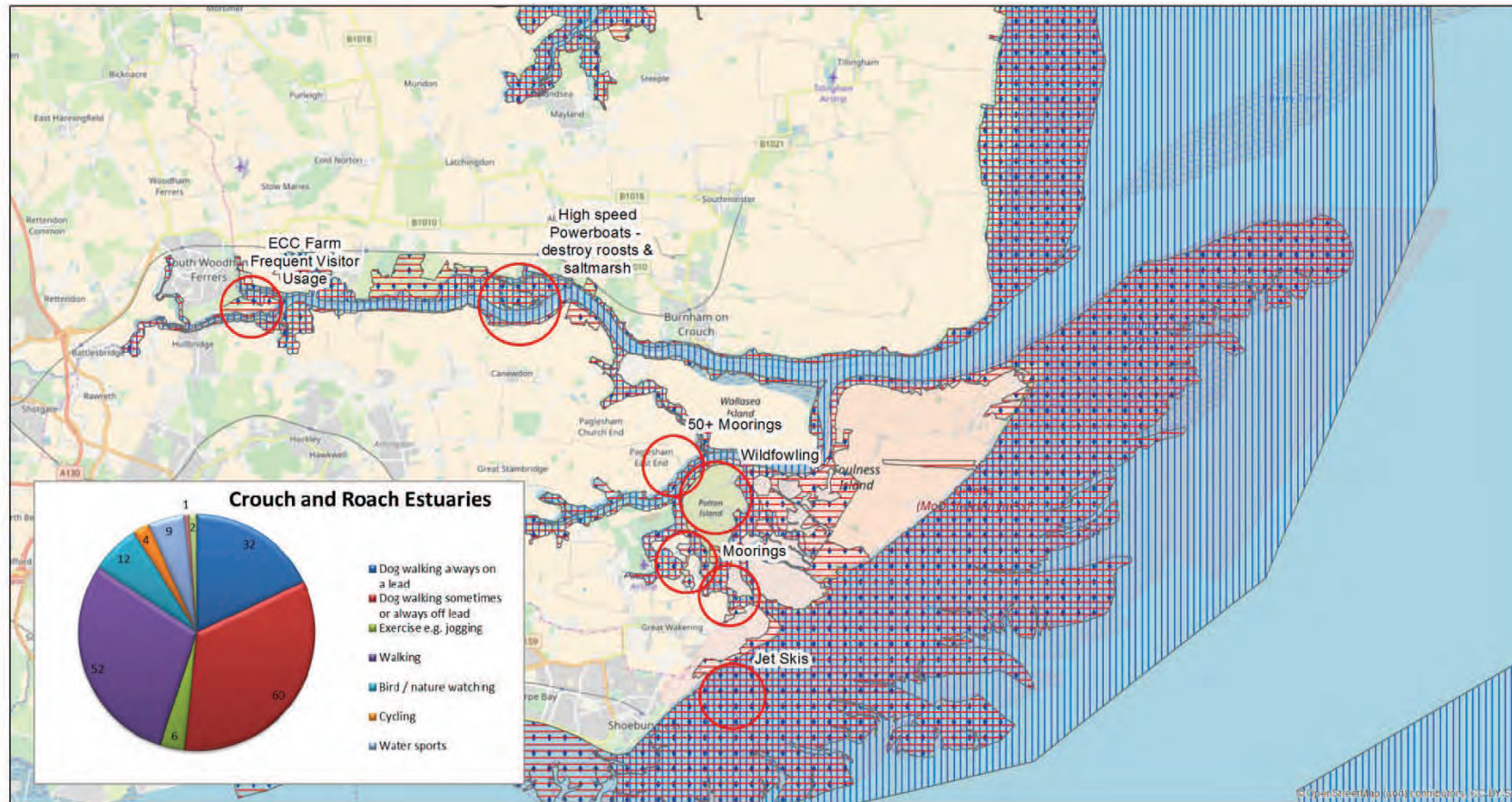


Legend

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



Crouch and Roach Estuaries & Foulness Estuary SPA and RAMSAR

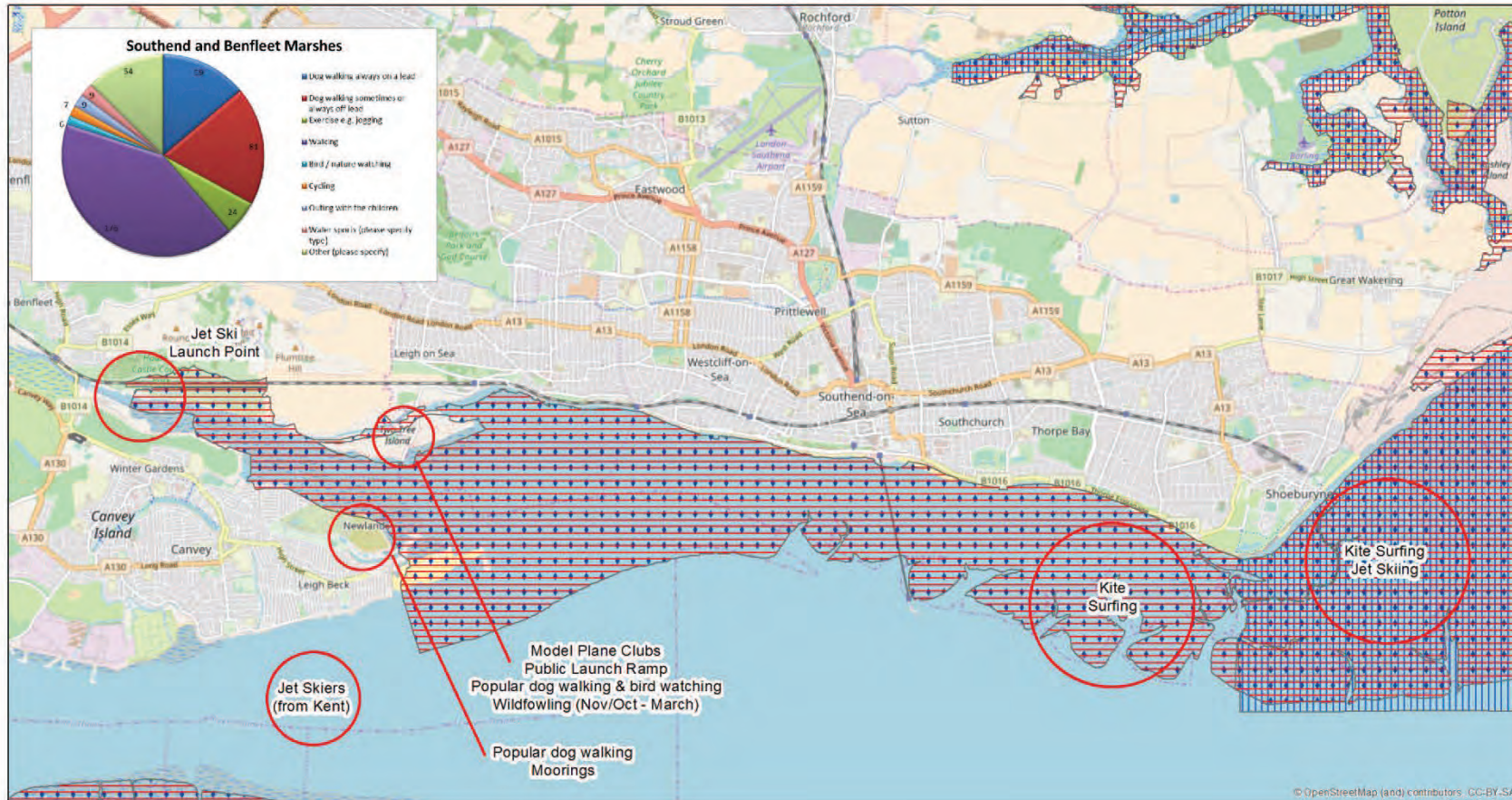


Legend

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



Benfleet and Southend Marshes SPA and RAMSAR

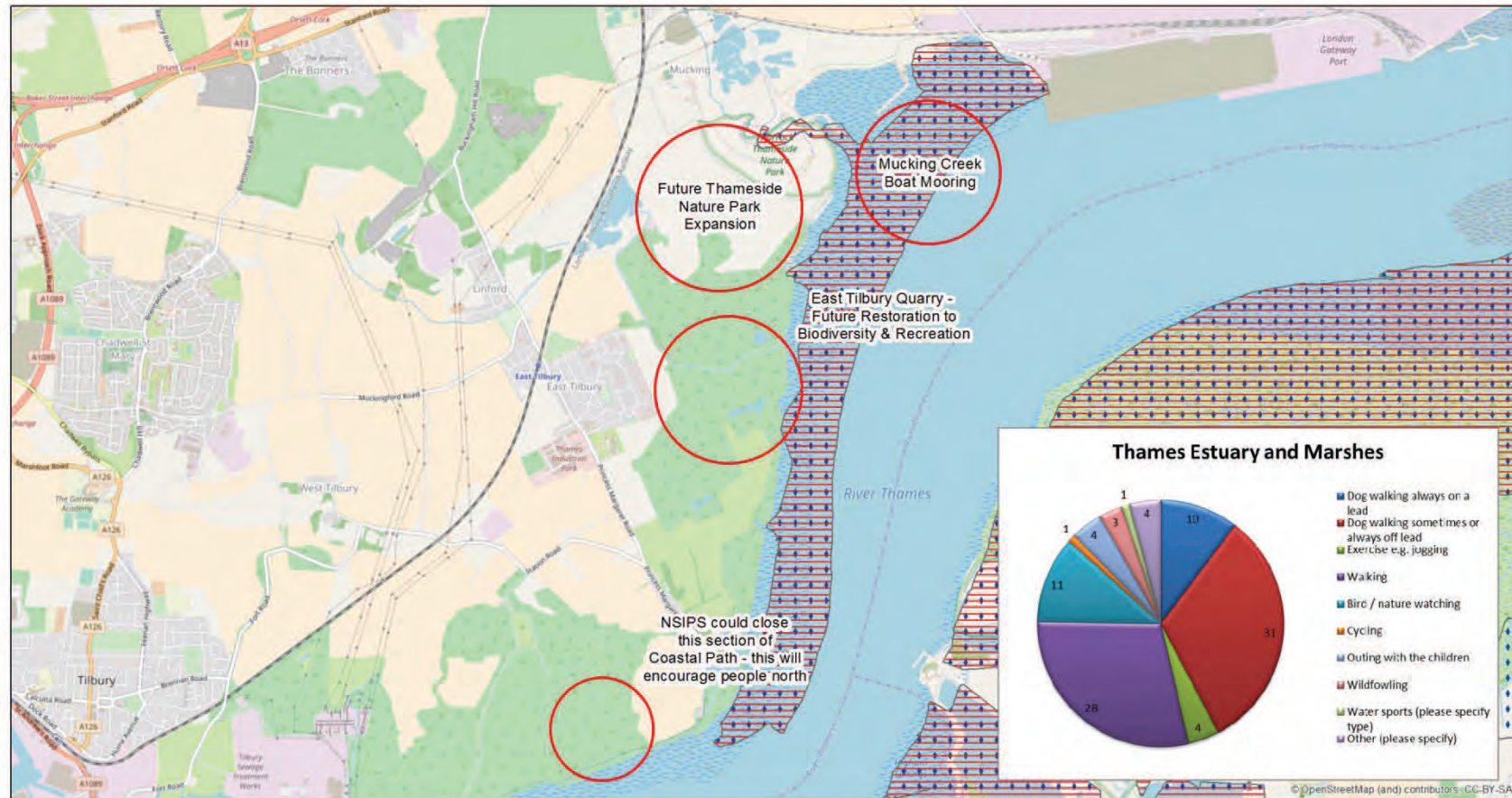


Legend

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



Thames Estuary and Marshes SPA and RAMSAR



Legend

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



SCHEDULE 2 - Essex Coast Recreational disturbance Avoidance & Mitigation Steering Group

TERMS OF REFERENCE

July 2020

1. Purpose of the Steering Group

1.1 The purpose of the Steering Group is to facilitate joint working by the partner local authorities to the Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (the Essex Coast RAMS).

1.2 The Steering Group will work together to:

- Publish, monitor and update the completed Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- Adopt, monitor and update an Essex Coast RAMS Supplementary Planning Document (SPD)
- Implement and monitor the necessary mitigation measures, and
- Facilitate liaison and information sharing between the partners.

1.3 The Steering Group will liaise with other organisations which are undertaking related activities in order to exchange information and best practice and avoid duplication of work including Natural England, Essex Wildlife Trust and the RSPB.

2. Steering Group Membership

2.1 The Steering Group comprises the following local authority (LA) partners:

- Basildon
- Braintree
- Brentwood
- Castle Point
- Chelmsford
- Colchester
- Maldon
- Rochford
- Southend-on-Sea
- Tendring
- Thurrock
- Uttlesford

2.2 An officer representative from each of the organisations will attend meetings of the Steering Group. Each LA will notify the Chair of any substitute in advance of Steering Group meetings and that will be eligible to cast that partners vote. The Chair will be rotated from July 2020. The Chair will circulate an agenda before the meeting. Each LA partner shall take it in turns to produce meeting minutes until the Delivery Officer is in post. Each LA partner will have one vote, except the Chair who has a casting vote. A LA partner may not vote on matters concerning a dispute with the Partnership where the Party is the subject of the dispute. Where a Party has more than one member/officer present at a meeting, they will only be entitled to one vote.

2.3 Representatives from Natural England and Essex County Council will also attend the meetings to provide guidance and advice. Representatives from Places Services involved in the production of the RAMS and SPD will also attend the meetings until these documents are adopted by all partner LPAs. Any representatives from Natural England, Essex County Council and Places Services will not be eligible to vote. The quorum for a meeting will be five (5) voting LA partners.

2.4 At the discretion of the Steering Group Chair, any staff and contractors employed to undertake the work of the Partnership may be invited to attend meetings of the Steering Group where appropriate. Any representatives will not be eligible to vote.

3. Governance

3.1 The work of the Steering Group will be overseen by the EPOA Chief Officers Group (the Project Board) which will approve the annual work programme and priorities. EPOA Chief Officers Group will invite the Delivery Officer and Chair of the Steering Group to attend meetings where the work of this Partnership is to be discussed. The Essex Coastal Forum which comprises Officers and Members from partner LAs, will also discuss the Essex Coast RAMS at bi-annual meetings.

4. Steering Group functions and procedures

4.1 The Steering Group shall have the following functions:

- To promote, monitor and update (as appropriate) the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) as the technical strategy to support the RAMS Supplementary Planning Document (SPD)
- To adopt, promote, monitor and update (as appropriate) the RAMS Supplementary Planning Document (SPD)
- To provide a single point of contact for information and advice on the project
- To receive regular reports from the Delivery Officer on the implementation and monitoring of the RAMS and SPD and the effectiveness of the necessary mitigation measures and, where appropriate, to recommend appropriate action to the EPOA Chief Officers Group
- To facilitate liaison and information sharing between the partners
- To appoint and manage staff employed to undertake the project activities, including the project Delivery Officer and Rangers, subject to verification by the EPOA Chief Officers Group
- To approve studies and works relating to the delivery and implementation of the RAMS and SPD
- To receive from the Accountable Body and Project Delivery Officer half yearly accounts relating to the collection and administering of developer contributions received and the allocation and expenditure of funds
- To receive from the appointing Partner and Project Delivery Officer reports as appropriate relating to the management of other staff employed to deliver the RAMS (e.g. Rangers)
- To report on the Steering Group's activities and seek approval of the future work programme and expenditure, as necessary and at least annually, to the EPOA Chief Officers Group and Essex Coastal Forum Officer and Members Group
- To approve and publish documents relating to the RAMS
- To keep these terms of reference under review and make appropriate amendments as necessary.

4.2 The Steering Group will meet monthly until the Project Delivery Officer has been appointed (anticipated in mid-2020). The Steering Group will then meet quarterly. The Chair will be elected annually from amongst the nominated representatives of the partner LAs.

4.3 The Steering Group may establish small project or working groups, resourced as necessary, to progress particular aspects of its work. Representatives of organisations who have a recognised interest in the planning or management of the RAMS but are not Steering Group members may be invited to join such groups.

5. Lead Institution acting as the Accountable Body

5.1 The Steering Group shall recommend the appointment of one of the partner local authorities to hold and administer the RAMS contributions and to employ and manage the Delivery Officer.

5.2 The RAMS contributions will be sent quarterly from each LA to the Lead Institution acting as the Accountable Body. Invoices will be paid as advised by the Delivery Officer. Each LA will be responsible for monitoring contributions received and forecasting their future tariff income. Each partner LA will be responsible for ensuring that only RAMS contributions that are available to spend are sent to the Lead Institution acting as the Accountable Body and for arranging any requests for refunds.

5.3 The LA Partners will nominate a single point of contact for the Lead Institution acting as the Accountable Body e.g. their S106 monitoring officer.

5.4 The Lead Institution acting as the Accountable Body will be rotated between the partners LPAs every 3 years.

5.5 The Lead Institution acting as the Accountable Body shall enter into contracts on behalf of the Partners in accordance with this agreement and shall be the employer of the Delivery Officer. The Lead Institution acting as the Accountable Body will provide financial systems and processes to enable the efficient and transparent operation of the Essex Coast RAMS activities. The Lead Institution acting as the Accountable Body will determine an investment strategy for the RAMS contributions for the benefit of the Partnership based on financial information provided by the Partners.

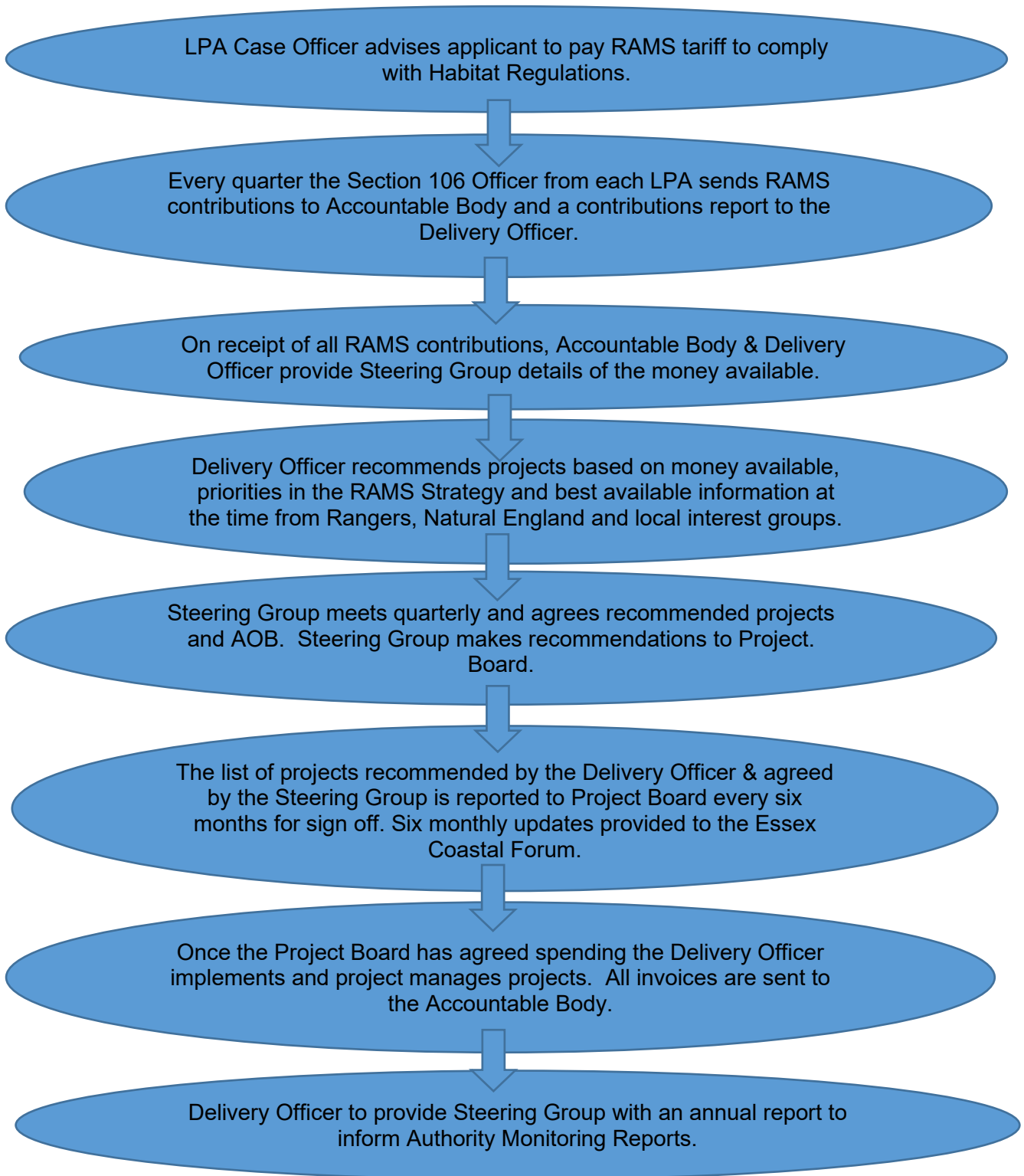
6. Communications

7.1 The Steering Group shall appoint one of the partner local authorities to oversee the project communications until a project Delivery Officer is appointed.

SCHEDULE 3 – RAMS Delivery Flow Chart

The flowchart overleaf sets out the steps for the governance and delivery of the Essex Coast RAMS. Some of the terms referred to in the flowchart are defined, below.

- **Lead Institution acting as the Accountable Body:** One Local Authority (LA) who sets up the governance & delivery arrangements, holds and administers the RAMS contributions, provides advice and guidance on financial matters, and employs and manages the Delivery Officer. The RAMS contributions will be sent quarterly from each LA to the Accountable Body. Invoices will be paid as advised by the Delivery Officer. Each LA will be responsible for monitoring contributions received by Habitat Site and for forecasting their future tariff income.
- **Delivery Officer:** A full time Officer employed to project manage the implementation of the RAMS. To be based at the Accountable Body offices although other LAs can request that they spend time working from their offices if desired. The Delivery Officer will manage two part-time Rangers. Project staff salaries including NI, overheads and annual increments will be paid out of RAMS contributions. Line management costs, maternity cover long-term sickness and redundancy costs (if incurred) will be shared between the LAs. Rangers can be employed by any partner LA. The Delivery Officer will provide the Steering Group with regular business plans and financial statements, including a year-end statement of account.
- **Steering Group:** The existing Steering Group is made up of a Nominated Representative from each LA. The Steering Group will meet quarterly to discuss and agree the projects recommended by the Delivery Officer. The Steering Group will continue to include representative(s) from Natural England and Essex County Council. Sub-groups may be formed at any time as desired and could include local conservation groups.
- **Project Board:** This will govern and oversee the overall direction of the RAMS. The Project Board will be asked to agree recommended projects proposed by the Delivery Officer and Steering Group every six months. The Project Board will comprise the Lead Officers who are currently the EPOA Chief Officers Group. The Project Board shall determine its own membership during the term of this Agreement ensuring that the interests of each current Partner are at all times represented by a Lead Officer.
- **Essex Coastal Forum:** This will provide a high-level Elected Member oversight into the project. The Forum will receive project reports every six months. The Forum has been in existence for some time and has expanded its terms of reference to include representatives from all partner LAs.



CHELMSFORD CITY COUNCIL

DRAFT JOB DESCRIPTION

Job Title	Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Delivery Officer
Service	Town Planning
Directorate	Sustainable Communities
Grade	9
Responsible to	Spatial Planning Services Manager
Responsible for	Project Rangers x 2 and Volunteers

1. Main Purpose of the Job

To coordinate the implementation and monitoring of the Essex Coast RAMS.

2. Duties and Responsibilities

2.1 Coordinating strategy implementation, including:

- Coordinate all the Essex Coast RAMS Partnership's workstreams to ensure they are working towards the same overall vision and timetable
- Line manage, steer and coordinate the work of project rangers and other staff that may be employed by the project in the future
- Initiate and facilitate meetings of the Essex Coast RAMS Steering Group and meetings with external bodies to ensure coordination including preparing meeting agenda and papers
- Report progress on implementation of the Essex Coast RAMS at the Project Board and Essex Coastal Forum
- Prepare and issue tender documentation for consultancy support, evaluate tenders received, steer the work of the appointed consultancy and ensure satisfactory outputs
- Prepare and issue for agreement an annual programme of mitigation projects
- Prepare and actively manage the programme of mitigation projects to ensure that allocated money is spent, by regularly monitoring project progress and bringing forward reserve schemes if necessary
- Produce regular quarterly reports on progress with their implementation and costs
- Investigate potential new funding sources for projects as they arise and prepare bids for funding where appropriate.

2.2 Monitoring strategy implementation, including:

- Maintain an overview of authorities' implementation of the Strategy
- Report any divergences from the Strategy to the Steering Group and/or Project Board
- Set up and manage a system for collating information quarterly from partner local authorities on the number of planning permissions granted subject to a developer contribution, developer contributions received against each Habitats Site and forecast future income
- Work with CCC Accountancy to ensure contributions are received quarterly from partner local authorities
- To set up in-perpetuity arrangements and to create an in-perpetuity investment fund to fund mitigation measures beyond 2038
- To prepare and issue guidelines on criteria for Suitable Alternative Natural Greenspaces (SANGs).

2.3 Monitoring the effectiveness of the strategy, including:

- Prepare and issue an Essex Coast RAMS Monitoring Strategy and annual monitoring statement for use by partner councils in their Authority Monitoring Report
- Ensure the timely commissioning of consultants to undertake a review of the Essex Coast RAMS Strategy and Supplementary Planning Document (SPD)
- Ensure the timely commissioning of consultants to undertake monitoring surveys

- Prepare and issue tender documentation for those surveys, evaluate tenders received, steer the work of the appointed consultancy and ensure satisfactory outputs.

2.4 Partnership coordination, including:

- Prepare agendas and papers for, and minutes of, all meetings of the Steering Group. Provide advice at the meetings and initiate the necessary follow-up actions.
- Prepare agendas and papers on the Essex Coast RAMS for relevant meetings of the Project Group. Provide advice at the meetings and initiate the necessary follow-up actions.
- Prepare the Partnership's Annual Report
- Prepare twice-yearly reports to the Essex Coastal Forum (which provides the political governance for the Partnership)
- Keep the Project Board and Steering Group Chairs briefed on progress and significant events between meetings
- Establish and keep under review relevant procedures, protocols and other key documents for the Steering Group to ensure that it operates on a sound legal and administrative footing.

2.5 Budget and financial monitoring, including:

- Prepare the draft annual budget in consultation with the Partnership's accountant (CCC)
- Approve expenditure proposals and validate claims for payment by the Partnership's accountant (CCC).

2.6 Communication, including:

- Maintain and when necessary update the Partnership's website (Bird Aware)
- Deal with and monitor requests from external organisations and the media for information about the project and its activities
- Organise and implement seminars/events for officers and/or Members of partner organisations
- Deliver presentations on the project work at project events and to external forums.

3. Work Location

You will normally be based at the Civic Centre, Chelmsford, but may be required to work from other locations should circumstances make it necessary, including other partner council main offices.

4. General Conditions

- A. This Job Description is subject to your conditions of Employment, which, in the event of conflict, shall take precedence. The post holder will carry out the duties specified above and such other duties as may be required from time to time. The Job Description may be reviewed and amended in the light of any changes that are made.
- B. It may be necessary, from time to time, for you to work hours in excess of, or differing from, your normal working hours.
- C. It may be necessary for you to be trained in, and use, new technology as it is introduced into the Council's activities.
- D. It is a condition of employment that you may be required to assist in the organisation and running of elections or referenda that take place in the City, relating to Parish Councils, the City Council, the County Council, Parliament and the European Parliament, or other similar bodies. You will normally only be required to carry out election and referenda duties when there are insufficient experienced volunteers from within the Council's service who are available for and able to carry out such duties.
- E. You will carry out your responsibilities with due regard to the Council's Equal Opportunities Policy.
- F. You will be aware and undertake training as required in line with your responsibilities set out in the Council's Safeguarding children and vulnerable adults' policy.

Job Title: Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Delivery Officer

	ESSENTIAL	DESIRABLE
Education/Qualifications		
A degree or higher level/further qualification in a relevant discipline (e.g. planning, geography, ecology, environmental management, urban development, urban economics, law) or an equivalent level of previous experience gained through working in a related field	E	
Knowledge		
A high level of numeracy, and the ability to undertake financial planning, costing and preparation of budgets and letting of contracts	E	
A good understanding of mainstream computer packages such as Microsoft Word, Outlook etc	E	
Knowledge/ experience of the planning system and the relevant regulations, including those relating to CIL, Section 106 agreements, unilateral undertakings, and other potential sources of funding		D
Knowledge of European and UK legislation and policies which apply to the coast, and of the Habitats Regulations and Habitats Regulations Assessments		D
Knowledge and understanding of coastal habitats		D
Experience		
Experience of partnership working with senior officers at a policy/strategic level	E	
Experience in managing staff	E	
Experience of making presentations to large audiences		D
Knowledge/ experience of the planning system and the relevant regulations, including those relating to CIL, Section 106 agreements, unilateral undertakings, and other potential sources of funding		D
Experience of working with elected members		D
Experience in a similar role		D
Experience of complex project management	E	
A working knowledge of health and safety legislation and undertaking risk assessments	E	
Possessing Project Management skills	E	

Personal Qualities and Attributes

Candidates will be expected to demonstrate the following qualities and attributes in relation to the job:

Excellent written and verbal communication skills	E
The ability to present technical information to a non-technical audience, both in writing and orally	E
The ability to undertake financial planning and to write reports, tender documents, funding bids, and business plans	E
The ability to build and maintain relationships with and be trusted by other team members, and by officers and members of partner authorities	E
The ability to work under own initiative and organise own time to meet deadlines	E
Proven abilities in diplomacy, negotiation and mediation	D

Circumstances

The ability to work flexibly and willing/able to travel	E
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Key Decision Required:	NO	In the Forward Plan:	NO
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CABINET

13 NOVEMBER 2020

REPORT OF THE LEADER OF THE COUNCIL

A.2 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY
 (Report prepared by Ian Ford, Committee Services Manager)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To notify Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

EXECUTIVE SUMMARY
In accordance with the procedures contained in the Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020, this report formally notifies Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

RECOMMENDATIONS
<p>(a) That the contents of the report be noted; and</p> <p>(b) That the urgent decision(s) taken by the Leader of the Council on behalf of the Cabinet, as detailed in this report, be formally endorsed.</p>

PART 2 – SUPPORTING INFORMATION

BACKGROUND
<p>As part of the Council's response to the COVID-10 public health emergency the Council's Monitoring Officer produced a formal "Note on Decision Making Business Continuity Arrangements" which set out the ways in which the normal operational business could continue in relation to decisions which would normally be referred to Cabinet, Council or Committees.</p> <p>In relation to Cabinet decisions the Monitoring Officer's formal Note contained the following information and advice:-</p> <p><i>"The Constitution requires certain matters to be decided by Cabinet <u>collectively</u>. The Leader of the Council may exercise any of the powers delegated to the Cabinet:</i></p> <p><i>a. Following a resolution of the Cabinet (subject to the Constitution), or</i></p> <p><i>b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151</i></p>

Officer.

In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement at the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.

Therefore, following consultation with the Leader of the Council, it is recommended that to enable formal decisions to be made on behalf of Cabinet the following procedure should be adopted:

- *Reports that would have been considered by Cabinet are emailed to the Group Leaders;*
- *a period of five working days would be provided for Group Leaders to email any comments/questions etc. to the relevant Portfolio Holder, Leader and officer(s) identified;*
- *responses to comments/questions would be supplied to the Group Leaders;*
- *this information will be taken into account by the Leader prior to making his formal decision;*
- *a formal decision will be published recording the matters taken into account;*
- *at the first formal meeting of Cabinet a report of the decisions taken by the Leader under urgency powers will be produced; and*
- *if it was necessary for a key decision to be made under urgency provisions this must be reported to Full Council (in accordance with the Access to Information Procedure Rules 15 & 16.2).*

Whilst it is anticipated that decisions taken during urgency provisions would be limited or uncontroversial in nature, with Group Leaders' comments being sought prior to decisions being made, it must be highlighted that the ability of Members to undertake the statutory overview and scrutiny function is not removed."

The Monitoring Officer considered that, in responding to COVID-19, the Council was in exceptional times which therefore satisfied the grounds of urgency.

In making the decision in question the Leader of the Council exercised his delegated power as set out in the Council's Constitution in Part 3, Schedule 3 (Responsibility for Executive Functions) - Section 3 (General Principles Regarding Decision Making by the Cabinet) – Principle 4b [Part 3.28].

DECISION(S) TAKEN AS A MATTER OF URGENCY

Approval of NHS Track and Trace Support Payment Schemes [Published 9 October 2020]

Decision: (a) To agree two Track and Trace Support Payment Schemes - one being a Standard Scheme and one being a Discretionary Scheme in line with associated Government Guidance; and

(b) To authorise the Council's Section 151 Officer to take the necessary actions to

implement and administer the schemes and to make technical changes to them to ensure they remain in line with any changes in Government guidance.

BACKGROUND PAPERS

Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020.

Executive Decision taken by the Leader of the Council published on 9 October 2020.

APPENDICES

None.

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OFFICIAL

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

13 NOVEMBER 2020

REPORT OF THE LEADER OF THE COUNCIL

A.3 ADOPTION OF A CLIMATE CHANGE ACTION PLAN 2020-2023

(Report prepared by Tim Clarke)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To recommend the adoption of a climate change action plan.

EXECUTIVE SUMMARY

- On 9th August 2019 the Council declared a climate emergency with a commitment to the Council’s operations becoming carbon neutral by 2030 and community leadership activities to influence and encourage others across Tendring to strive towards carbon neutrality for the district as a whole.
- The declaration committed the Council to a number of actions including the setting up of a member working group, calculation of the Council’s carbon emissions and development of a climate change action plan.
- All of these actions have now been undertaken and an action plan, covering three years to the end of 2023, is ready for approval by Cabinet and adoption by Full Council as part of the Council’s policy framework.

RECOMMENDATION(S)

It is recommended that Cabinet:

- **Notes the work undertaken by the Climate Change Working Group to date;**
- **Approves and recommends the Climate Change Action Plan 2020-2023 for adoption by Full Council and that, in view of the significance of this plan, the Constitution (part 4.01(a)) be amended such that the list of local choice plans to form part of the policy framework of the Council shall include the Climate Change Action Plan; and,**
- **Delegates authority to the Chief Executive, to put the necessary arrangements in place to deliver the Action Plan and projects arising from it.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The decisions will contribute to the following priorities in the Corporate Plan 2020-2024:

Community Leadership Through Partnerships

The Action Plan includes a large element of community engagement and engagement with other partners across the district. This will be key to bringing the district as a whole on the journey to becoming net zero carbon.

Building Sustainable Communities for the Future

Climate change is very closely linked to sustainability, especially in relation to renewable energy generation which is something the Council will need to look at very closely. There are also links to waste generation, health and wellbeing and fuel poverty.

Delivering High Quality Services

The quality of our services will be increasingly judged on their impact on the climate. It is vital that the Council works towards service delivery becoming net zero carbon and the Action plan supports this.

A Growing and Inclusive Economy

An increase in renewable energy generation and improvements to buildings and property will generate opportunities for business and the Council is keen to support local businesses.

Strong Finances and Governance

None of the projects included in the Action Plan will be possible without strong finances and governance. There will be some challenging decisions to take but also opportunities for investment and invest to save measures that can be financially beneficial to the Council in the long term.

Governance is key, especially as the journey to net zero carbon will need to be embraced by all Members and officers and become a “business as usual” consideration as part of all decisions.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Many of the actions proposed in the Action Plan will have resource implications for the Council, both financial and in officer time. The Council has already set side £150,000 to support the development of the Action Plan and some of the actions arising from it, along with setting aside budget for energy efficiency improvements to the Council’s buildings.

Each project will need to be considered on its own merits based on a robust business case with decisions on whether to proceed based on both the commitment to net zero and the Council’s wider financial position and priorities. It will not always be possible or viable to take the green option when the broader position is taken into account and the Council will explain why a particular decision has been taken.

Where grant funding to support projects becomes available the Council will make applications where it is appropriate to do so.

Staffing resource will be necessary to deliver the commitments in the Action Plan. Some of this resource can be drawn from existing services although there will be a need for dedicated resource to research, design and implement some projects.

Risk

The following risks have been considered:

Failure to achieve net zero by 2030 – this is a risk but 2030 is many years away and with careful planning and annual progress reporting it is possible to manage this risk.

Insufficient staffing resource to deliver projects and necessary actions – an assessment of the resource needed for each project will be undertaken and through the project management process the required level of resource identified and put in place.

Insufficient budget to deliver projects and necessary actions – clearly improvements to buildings and development of renewable energy generation facilities are going to require significant investment. Some of this investment can be borrowed and some will be investments that then generate a saving or payback. In some cases grant funding may be available to support projects. Through the decision making process for each project the level of funding will be identified and nothing will be approved unless the necessary funding is in place.

LEGAL

The Actions proposed are within the Council's legal powers. Specific projects will be subject to particular powers or procedures and they will be set out and explained as part of the decision making process.

Current National Policy Environment:

The Climate Change Act 2008 is the UK's long-term framework for tackling Climate Change. The Act aims to facilitate the UK's transition to a low-carbon economy by 2050. Since the Climate Change Act 2008, a number of national initiatives have been introduced to help meet targets.

- The Carbon Plan 2011 identifies the emission reductions needed in five key areas of the economy; buildings; transport; industry; electricity; and agriculture to meet targets.
- The Clean Growth Strategy 2017 outlines the plan to grow the national income while cutting greenhouse emissions.
- The 25 Year Environment Plan published in 2018, sets comprehensive goals and targets to improve the UK's air and water quality and protect threatened plants, trees and wildlife species.
- The Resource and Waste Strategy 2018 outlines the actions the UK will take to minimise waste, promote resource efficiency and move towards a circular economy.
- The Clean Air Strategy 2019 demonstrates how the national government will tackle all sources of air pollution, and boost the economy.

The Council's Climate Emergency Motion affirmed Parliament's commitment to addressing Climate Change. While there is no single definition of a Climate Emergency, the general consensus is to work toward becoming carbon-neutral by 2030.

At the Paris Climate Conference (COP21) Agreement placed emphasis on the notion that the real solution to climate change would require wide scale collaboration and sharing of best practices. Whilst Britain leaving the EU will not necessarily mean that Britain will stop collaborating with international partners, there may be a change in the manner this collaboration takes place.

The Climate Change Act did not include a statutory duty for local authorities to develop plans and deliver cuts in line with its carbon budgets. Nor did it set local authorities their own carbon budgets however, in declaring a Climate Emergency at its meeting at full Council in August 2019, Tendring District Council has committed to including its approach to achieve carbon neutral by 2030 within its Policy Framework and Cabinet is therefore required to report its recommendations to Council for adoption.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder/Equality and Diversity/Health Inequalities/Consultation/Public Engagement

Equality and Diversity

There are no equality impacts, the Action Plan does not favour or disadvantage any particular groups.

Ward

All wards are covered by the policy

PART 3 – SUPPORTING INFORMATION

Background

In August 2019 the Council declared a Climate Emergency. The Climate Change Action Plan 2020 – 2023 in **Appendix A** includes the wording of the declaration and provides a background to the subject of climate change and why action is necessary.

Since the making of the declaration, at the request of the Leader of the Council a Climate Change Working Group was set up including representation from all political groups. The Working Group has been chaired throughout this time by Councillor Alan Coley. This group has met on several occasions and discussed many topics including tree planting, plastic pollution, house building and the Council's carbon emissions data. Most recently the group met to discuss and agree the Climate Change Action Plan for recommendation to Cabinet.

The group has worked well and identified the benefit of appointing consultants to assist the Council in data collection, calculation of carbon emissions and provision of advice to Members and officers on how to work towards the 2030 target. APSE Energy were the appointed consultants as confirmed by the decision of the Corporate Director (Operational Services) on 4 December 2019.

The Action Plan sets out a summary of the Council's emissions and explains what the Council is committing to. Specifically, the Council is committing to achieve net zero in respect of Scope 1 and 2 emissions, those that it has direct control over. This does not

mean that it is ignoring Scope 3 emissions. These will be measured and reported on where data is available and actions taken to ensure contracts are awarded having considered the ability of the supplier to reduce emissions as far as possible. The Council has a strong influencing role here.

The Action Plan covers a three year period, in essence breaking down the period to 2030 into smaller timeframes and ensuring that the Action Plan is reviewed and updated at least twice in the period to 2030. This will help to maintain focus and allow for realignment based on progress. Annual progress reporting will be implemented and will allow for earlier review of the action plan in the three year cycle if necessary.

The format of the action plan sets out key deliverables and milestones rather than a detailed, costed plan at this stage. This will be developed as part of exploring the business cases for the separate actions identified, which will in turn form part of separate decisions on whether to proceed. The Action Plan does however set out estimated costings for key actions and possible savings and reductions in emissions that could be achieved as a result.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A - Climate Change Action Plan 2020 - 2023

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TENDRING CLIMATE EMERGENCY ACTION PLAN 2020 - 2023



TENDRING DISTRICT COUNCIL

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The impacts of global warming on our planet cannot be underestimated. The evidence is clear that the current generation must take action to limit the damage and safeguard the planet for future generations.

As a population we have collectively developed and benefitted from a way of living that involves the burning of fossil fuels that we now understand have a very detrimental impact on our environment.

Last year, this Council along with many others made a Climate Emergency Declaration committing ourselves to a number of actions aimed at reducing our greenhouse gas emissions to net zero by 2030.

This action plan sets out the position the Council is in, with respect to greenhouse gas emissions from its day to day operations and provides a pathway to reducing those emissions that are under our control. Whilst we are at the start of a long process that is not without its challenges, I believe we can deliver on our commitment and become a net zero carbon council by 2030. Through ambition and innovation we will lead the way on this and use our influence to bring other organisations and residents on a similar journey.

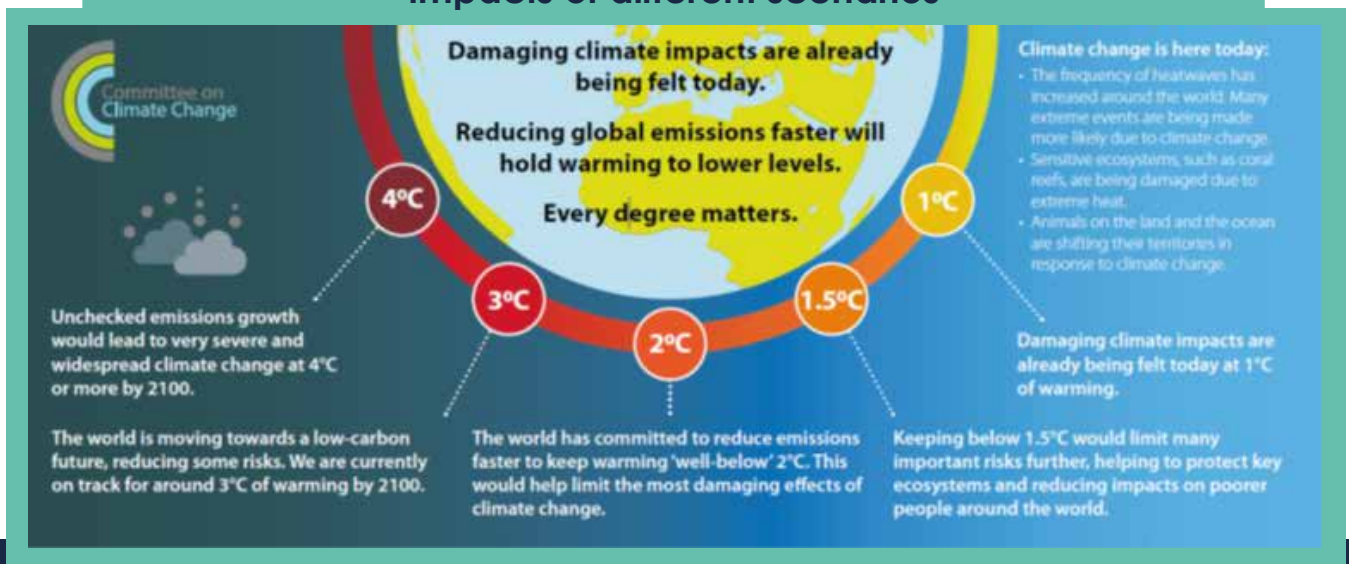
Action of such magnitude does require a collective approach and I call on everyone in our district to back our commitment and together we can make the change that future generations will thank us for.

Councillor Neil Stock OBE
 Leader of the Council

INTRODUCTION

In 2018, the Intergovernmental Panel on Climate Change (IPCC) published a report which advised that we must limit global warming to 1.5°C, as opposed to the previous target of 2°C. Their review of over 6,000 sources of evidence found that, with a rise of 1.5°C, there would be risks to health, livelihoods, food security, water supply, human security and economic growth. A rise to 2°C would be even more catastrophic. It warned that we have only 12 years left within which to take the serious action required to avert this crisis and avoid the worst impacts.

Figure 1 Committee on Climate Change Infographic on the impacts of different scenarios



TENDRING DISTRICT COUNCIL'S MOTION

On 6th August 2019 the Council declared a climate emergency and Full Council passed the following motion:

"That the Council notes

That the impact of climate breakdown is already causing serious damage around the world.

That all Governments (National, Regional and Local) have a moral duty to act, and local Governments should not wait for national Government to change their policies.

That the need for determined action must be set alongside and balanced with the Council's other statutory responsibilities.

That the "Special Report on Global Warming of 1.5 degrees" published by the intergovernmental Panel On Climate Change in October 2018. Describes the enormous harm that a 2 degree C average rise in global temperatures is likely to cause compared with a 1 degree rise, confirms that limiting Global Warming to 1.5 degrees may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector.

That the impact of projected rises in sea levels as a result of global warming places the East Coast of the UK in the front line where impacts will be felt soonest and most severely.

That the challenge of taking action to avoid climate breakdown is of an unprecedented scale and scope which will have very significant additional costs and impacts on the prioritisation of budgets and will require sources of funding beyond the Council, and local Business Rate and Council Tax payers if the goals are to be met.

That strong policies to cut emissions also have associated health, well-being and economic benefits; and

That, recognising the above, over 80 councils across the UK have already passed "Climate Emergency" motions.

It is therefore proposed that this Council:

1) Declares a Climate Emergency and instructs the Chief Executive to prepare an Action Plan for consideration by Cabinet and recommendation to the Full Council to form part of the Policy Framework, as soon as practicable with the aim of activities of the Council being carbon neutral by 2030.

- 2) Instructs the Chief Executive to draw up the Action Plan in two parts,
- Part 1 setting out clear research and evidence as to what the Council's Carbon footprint is and precisely how it is composed and setting out costed actions and policies together with appropriate milestones to make the Council's activities carbon neutral by 2030
 - Part 2 setting out community leadership actions to influence and encourage partners, businesses, community groups and individuals across Tendring to join the Council in striving to achieve carbon neutrality for the District as a whole.

3) Calls on the UK Government to provide the powers, resources and help with funding to achieve carbon neutrality and to call on local MPs to do likewise.

4) Authorises the Chief Executive to use the £150,000 allocated by the last Cabinet meeting to a Climate Emergency budget to enable specialist advice to be obtained to complete the essential research to establish the Council's Carbon footprint to be carried out and to provide the capacity to enable a comprehensive and costed Action Plan to be prepared for agreement by full Council as set out above.

5) Notes that the Leader will form a Working Party to oversee and work alongside officers to prepare the Action Plan, to be established in accordance with Article 7.7 of the Constitution, which will be broadly politically balanced, and that the Leader of each political Group on the Council will be invited to join the Working Party or to nominate a representative."

OUR CURRENT POSITION

The Council engaged the services of APSE Energy late in 2019 to help understand the position it is in and to calculate its own greenhouse gas emissions for the baseline year of 2018/19 along with collating data for the Tendring district as a whole. APSE Energy supplied the Council with a report in August 2020 that is used to underpin this Action Plan.

One of APSE's recommendations is that the Council adopt the term **net zero carbon** as an aim rather than carbon neutral. Essentially these have the same meaning with carbon neutral being a term often used to describe net zero carbon.

Net zero carbon reflects the fact that operating a Council is an activity that is unlikely to ever be possible without the emission of some greenhouse gases. The emissions that we cannot prevent will have to be offset in some way, be that through the planting of additional trees or the generation of surplus renewable energy.

In 2018/19 the Council, through its business operations, emitted 4,553 tonnes of CO₂e. A summary of the data is shown below and will also be published on the TDC website along with the estimated emissions for the Tendring district as a whole and this will be updated on an annual basis.

Greenhouse gas emissions are categorised into three potential scopes:

Scope 1

These emissions are defined as direct greenhouse gas emissions arising from sources that are owned or controlled by the Council where the combustion of fossil fuels take place at the source. Simple examples are diesel fuel used in its own vehicles or oil and gas for boilers.

These emissions result from activities that the Council can have direct influence upon through its actions.

Scope 2

These emissions are indirect and are associated with the use of electricity imported from the grid or from a third party supplier of energy in the form of heat or electricity.

The Council can influence how much electricity it uses in its buildings, but has little control over the generation of the electricity in the power stations, hence the categorisation as indirect. The Council does have the ability to purchase energy generated from renewable sources and will be looking to do so.

Scope 3

Scope 3 emissions are also indirect and are defined as those arising as an indirect consequence of the use of goods or services provided to the Council.

The Council does have some influence over Scope 3 emissions but unlike Scope 1 and 2, emissions in this category are not under the direct control of the Council. The Council does have some control where emissions were factored in as part of the procurement process and this is something that will be put in place to ensure that more Scope 3 data can be captured and at the same time pressure put on suppliers to reduce emissions.

Scope 3 emissions can account for 70 – 80% of a council's total footprint, given

given the use of contractors for waste collection, construction and other services. Currently the Councils Scope 3 emissions are low but that is largely due to the level of data that is available for collection. The percentage may rise sharply as more data is available and this would mean that further investment and action would be required in order to reach net zero carbon in respect of Scope 3.

The Council could exclude Scope 3 data from collection and reporting at this stage but has chosen not to as some of the data is available, especially that from the waste collection contractor's vehicle fleet which is inevitably a large contributor. As additional Scope 3 data is gathered year on year the Council will provide an explanation of what the new data sources are and how they have affected the overall level of emissions.

The Council is not committing to achieve net zero in respect of Scope 3 emissions at this stage. The bulk of Scope 3 emissions are from third party vehicles and although the Council can have an influence over third parties it cannot directly control their emissions unless contracts allow for it. Scope 3 emissions are far more complex to manage compared to Scopes 1 and 2, and it is not possible to prepare a meaningful action plan for them at this time. The Council will however take action to reduce Scope 3 emissions where it is possible to do so.

Further references to achieving net zero in this Action Plan are in respect of Scope 1 and 2 emissions.

A summary of emissions from Council operations, across all three scopes, is shown in the tables below:

Table 1 – Emissions from TDC’s business operations

Emissions	Scope	% Split	TonnesCO2e
Gas	1	26.3%	1,198
Fuel Oil	1	6.9%	314
Vehicles - Council Owned	1	4.4%	202
Electricity	2	20.8%	948
Water Supply	3	0.3%	14
Wastewater	3	0.4%	17
Transmission & Distribution	3	1.7%	78
Vehicle - Third Party	3	30.5%	1,387
Vehicle - Employee	3	1.8%	84
Leased Assets	3	6.8%	310
Total	23	100%	4,553

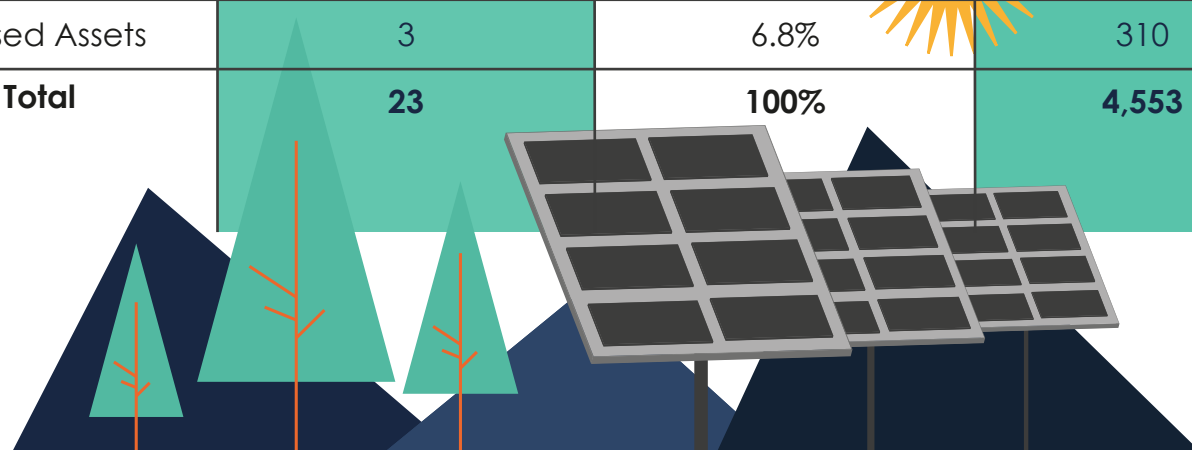
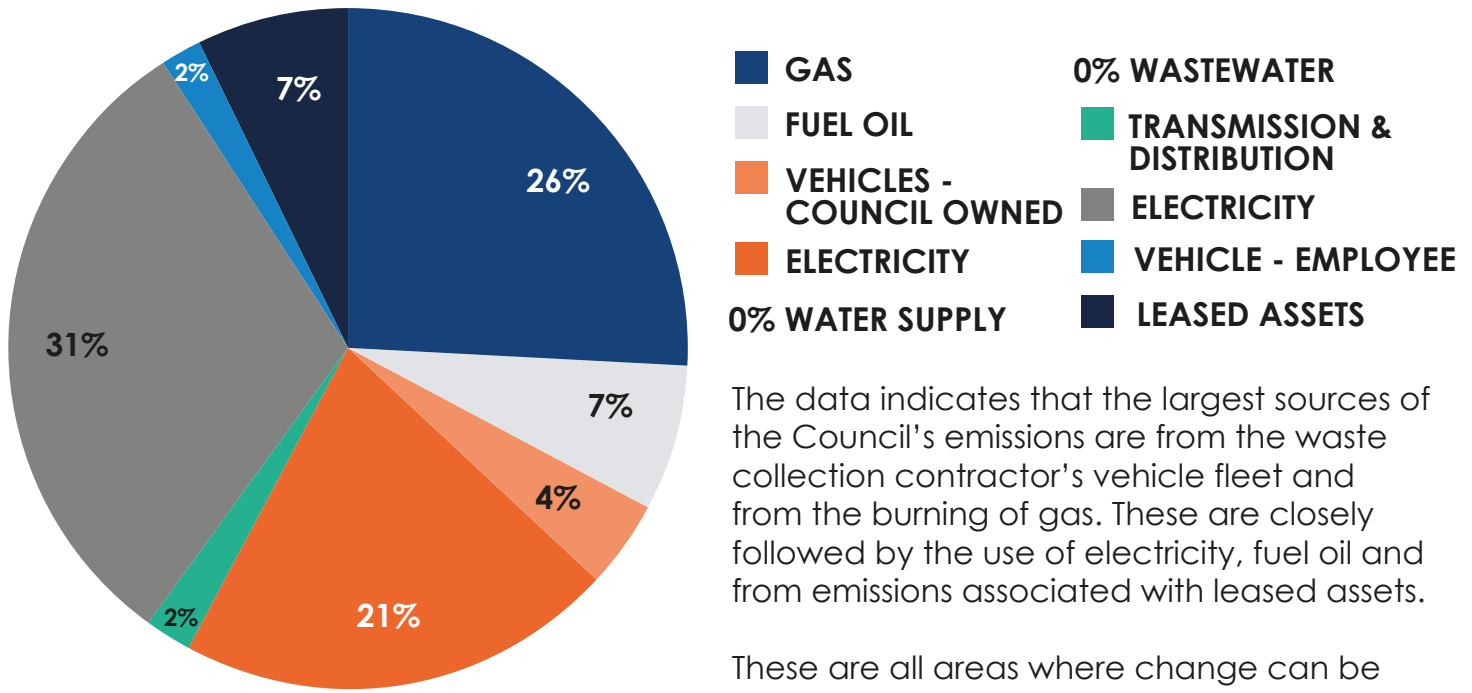


Table 2 – Summary of TDC's emissions by source



The data indicates that the largest sources of the Council's emissions are from the waste collection contractor's vehicle fleet and from the burning of gas. These are closely followed by the use of electricity, fuel oil and from emissions associated with leased assets.

These are all areas where change can be made either through introducing renewable energy sources or from advances in technology and building improvement programmes between now and 2030.

Table 3 – Emissions from the Tendring district overall

Subsector inventory summary for Tendring with Total

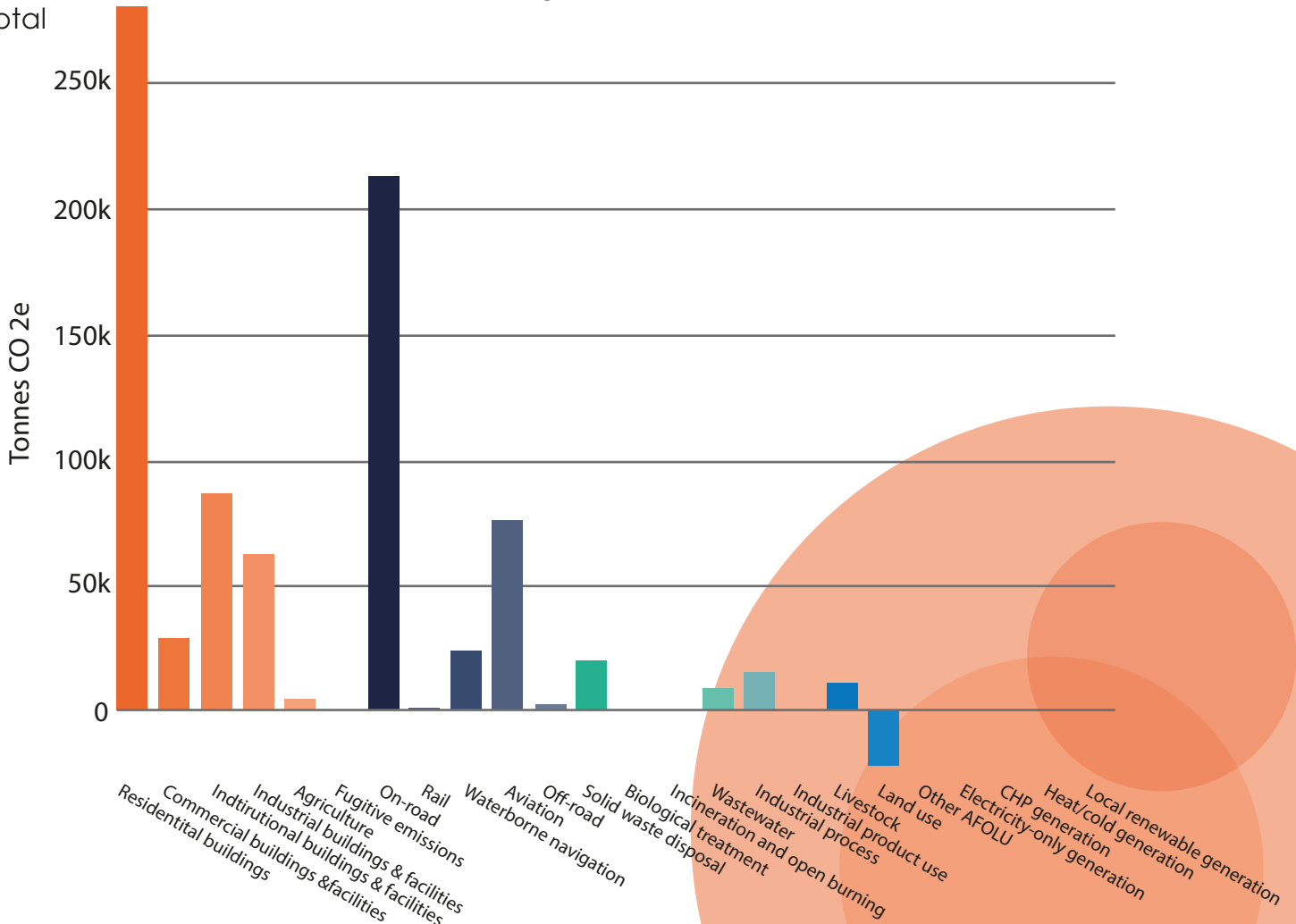
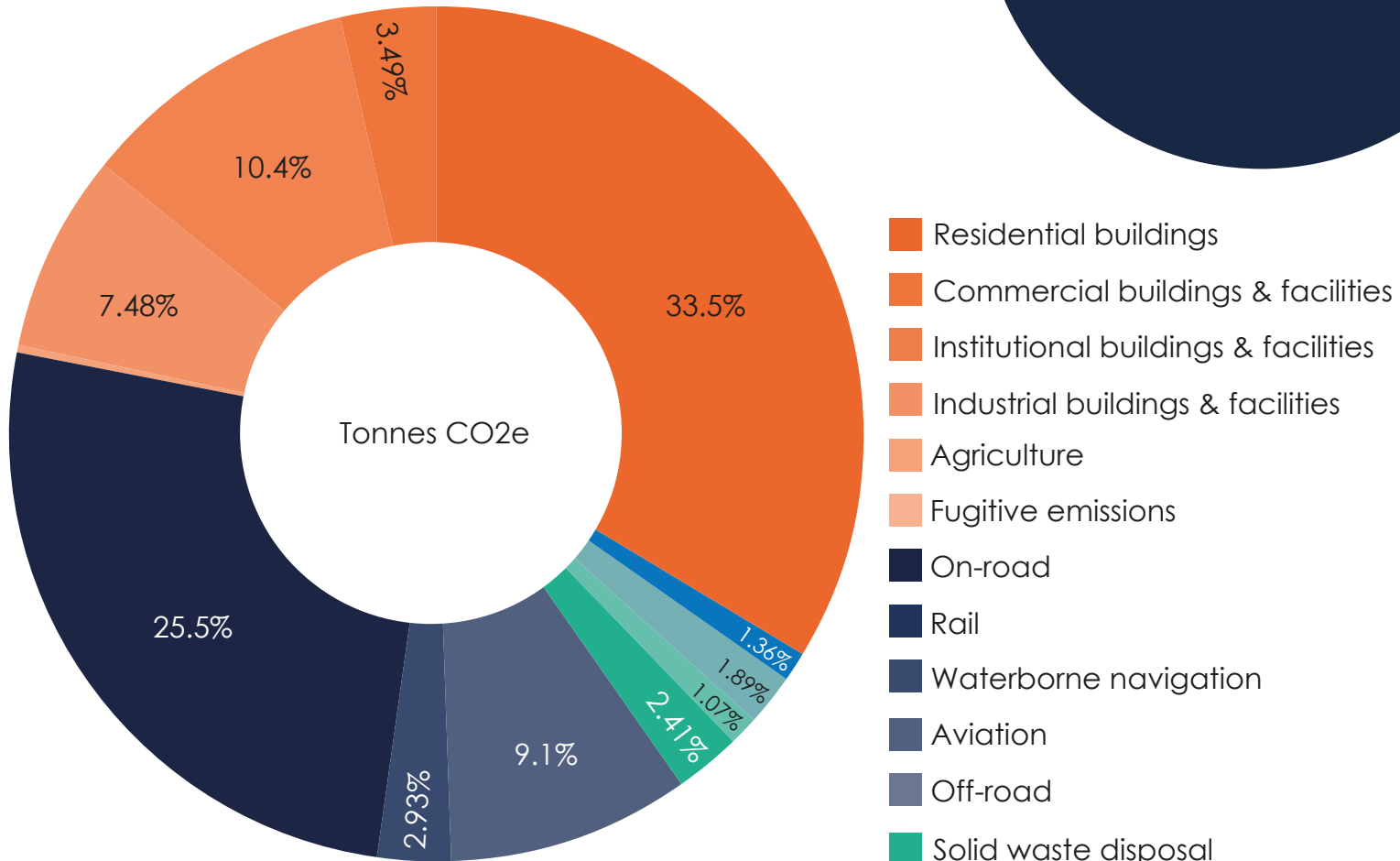


Table 4 – Summary of emissions across Tendring by source

Subsector inventory summary for Tendring with Total



The Tendring wide data shows a clear pattern around emissions from residential buildings and road travel being the predominant sources. These will be consistent with other districts and are very much a shared national issue. Advances in electric vehicle technology will be key to reducing emissions associated with road travel and the Government is initiating projects that explore the technologies around deep retrofits in order to improve the energy efficiency of homes. The Council will support and promote these initiatives where possible.

It should be made clear that the Council is not committing to the whole district becoming net zero carbon by 2030; that is way beyond its ability. The commitment is around community engagement, influence and forming an alliance with partners and business to move them in the same direction as the Council.

TAKING ACTION - THE CLIMATE EMERGENCY ACTION PLAN

Tackling climate change requires action by every part of society – this includes all tiers of government, businesses and residents. Individuals can influence the size of their carbon footprint by how much and what they buy and how they travel and the homes they live in. Those on higher incomes generally have larger carbon footprints and are therefore able to make the greatest contribution to reducing emissions.

Action is also needed by the companies and organisations which supply goods and services to reduce their carbon footprint. As an example, we all rely on information technology for everyday life and this sector now accounts for a significant amount of energy consumption in the production of the equipment and the transmission and storage of data. We need those companies to invest in renewable energy to supply their services, and this is happening – for example, Google now supplies all its electricity needs from renewable energy – but much more action is needed across the whole of business.

The Council is committed to playing its part despite its emissions making less than 1% of the district's emissions as a whole. As a community leader it must lead by example in accelerating its own activities towards a net zero carbon position whilst encouraging and influencing action by others in the district.

LEADING BY EXAMPLE - A NET ZERO CARBON COUNCIL

The motion asked that a number of actions be undertaken, including seeking specialist advice and setting up climate change working party. These actions have been undertaken resulting in the engagement of APSE Energy and the calculation of the Council's greenhouse gas emissions as a basis from which to prepare this Action Plan.

The following infographic shows the keys areas where the Council's emissions are generated:
Figure 2 – TDC Carbon emissions breakdown by Council office and buildings



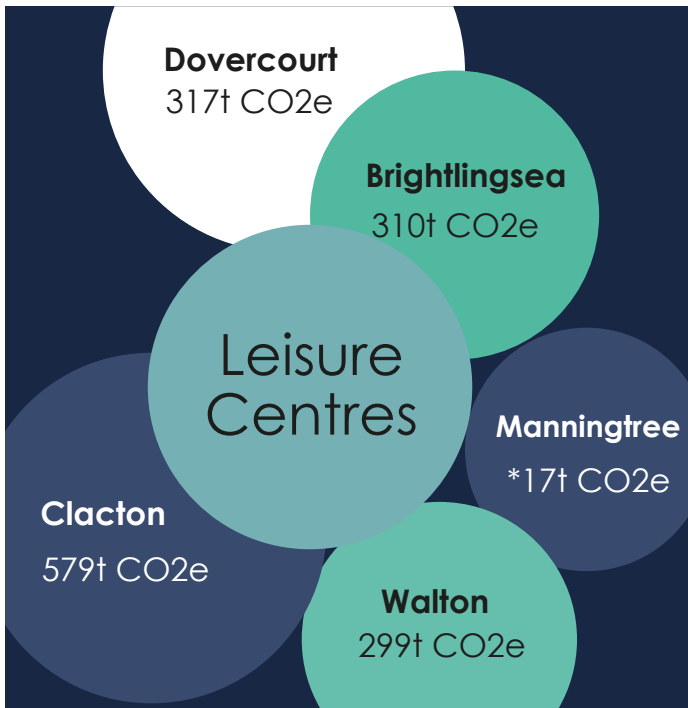
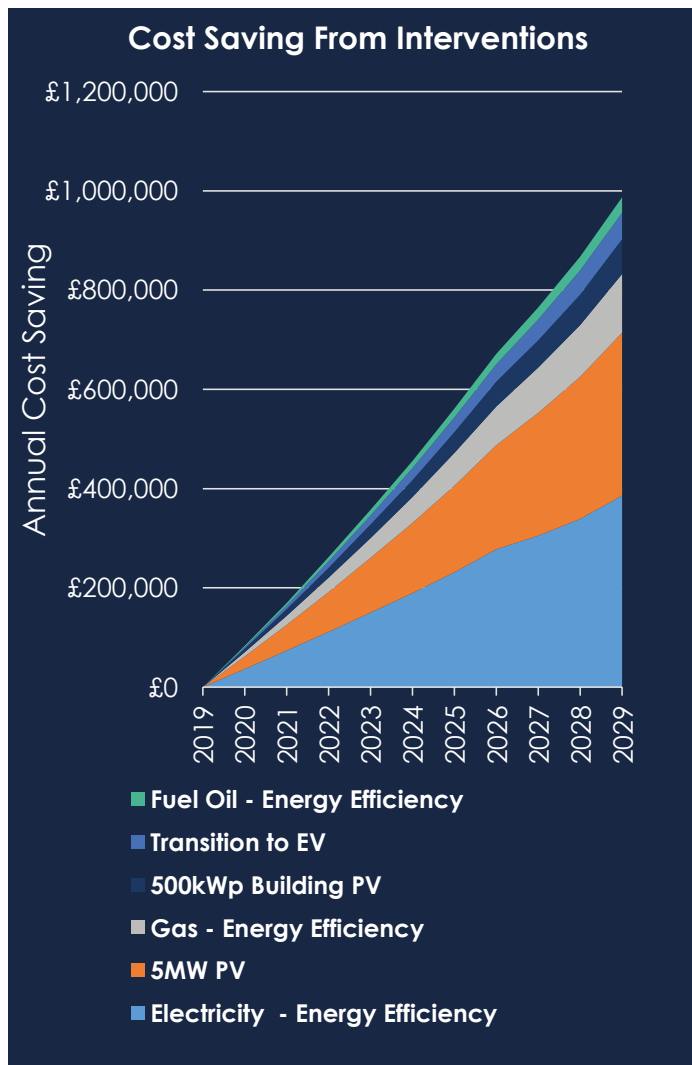


Figure 4 – estimated cost savings from the interventions



Based on the current baseline it is possible to achieve net zero carbon emissions in respect of Scope 1 and 2 emissions by 2030. The following infographics show where these reductions can be achieved and the estimated associated costs, both in terms of investment and savings derived:

Figure 3 – estimated cost of interventions to achieve net zero in respect of Scope 1 and 2 emissions

Intervention	Cost of all Intervention
Electricity - Energy Efficiency	£744,068
5MW PV	£3,000,000
Gas - Energy Efficiency	£597,946
500kWp Building PV	£300,000
Transition to EV	£2,565,000
Fuel Oil - Energy Efficiency	£105,997
Tree Planting	£1,152
Total	£7,314,164



Scope 1 & 2 CO2e Trajectory

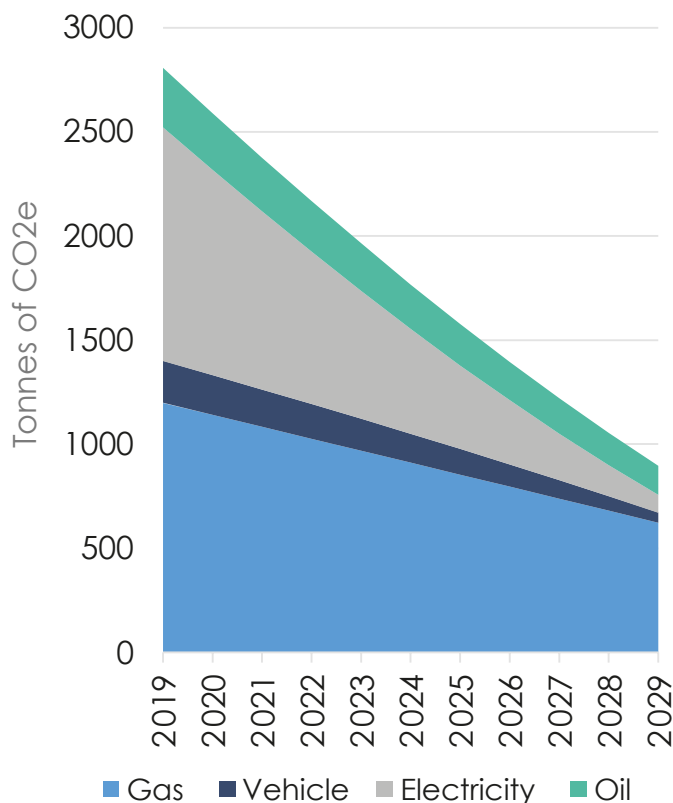


Figure 5 –potential greenhouse gas emission reductions as a consequence of the interventions

Figure 5 demonstrates a possible emissions reduction trajectory to 2029. What is clear though is that the emissions do not reduce to zero. The Council's target is net zero meaning that some carbon offsetting will be necessary.

A **carbon offset** is a reduction in emissions made in order to compensate for emissions made elsewhere. There are several ways of offsetting carbon emissions such as carbon capture and storage however this is not deemed financially or technically feasible to the Council. More typical options available to the Council to directly offset emissions include energy generation projects and tree planting. However, the effectiveness of tree planting to quickly offset emissions can be questioned as it can take many decades for trees to reach maturity.

APSE Energy have calculated that a solar PV system (solar farm) with a generation capacity of approximately 5MW generating 4,800,000kWh of electricity that feeds directly into the electricity grid would offset 710 CO2e if installed by 2030. Such a project would have a capital cost of approximately £3,000,000.

The installation of 5MW of solar PV would leave approximately 46 tonnes of unavoidable emissions that will need to be offset. The Woodland Trust states that it costs £25 to offset 1 tonne of CO2 in British woodlands which would result in a cost of £1,152 to offset the remaining emissions.

The Council recognises the need to explore solar PV or similar alternatives as a means of offsetting and will not commit to a particular method until further feasibility work has been undertaken.

Carbon offsetting will be a significant option when exploring how large scale tourism and sporting events organised by the Council can be run in a net zero carbon way.

It is possible to achieve net zero carbon by combining a number of approaches including improving the energy efficiency of our buildings, electrifying our vehicle fleet, generating more renewable energy on our own land and supporting staff to work in more efficient ways. The emissions generated by the people we buy goods and services from can also be reduced and this is an area we will be looking at both where we have existing contracts in place and when we are undertaking procurement and this will help to reduce Scope 3 emissions.

in 2019 the Leader of Council made a commitment to become single use plastic free by the end of 2020. Whilst an internal campaign was commenced this target is likely to be delayed due to the impact of COVID-19 and the resultant and necessary purchase of cleaning and hand sanitising products, all of which are in plastic bottles. Nonetheless efforts towards meeting this target will continue.

Whilst the Council's commitment to achieving net zero carbon by 2030 will reduce Tendring's emissions by only a small percentage it will send clear community leadership message. The Council will engage with the wider district and partners will be invited to also declare climate emergencies, perhaps as part of an alliance, and to set out a timetable for their own organisations to become carbon neutral and climate resilient. This may be in tune with the Council's 2030 target or the Government's 2050 target.

Achieving these targets will be a challenge and the Council will need to be able to quantify its greenhouse gas emissions and understand the impacts of all new major plans, policies and projects on the Council's and the district's emissions and climate resilience whilst also reviewing key existing plans.

Tracking the progress of the Council and the district towards net zero carbon is complex but necessary to ensure that we are making progress quickly enough.

INVOLVING RESIDENTS OF THE DISTRICT

In every part of the district, residents of every age, race and gender are concerned about climate change. They are concerned about how it will affect their families, their livelihoods, their neighbourhoods and the interconnected world they are a part of. The Council wants to engage residents and help them to have the opportunity to be a part of creating a safe and secure climate for them and their families. Turning their concerns and fear for the future into hope and successful action.

The Council is a member of the Essex County Council Climate Commission and as such will work in partnership with ECC around public engagement and strategic thinking in respect of the climate change agenda across the county.

Some young people have very clearly shown their concern about climate change. The Council will work to involve young people in creating future plans for the district, providing opportunity to contribute their concerns, ideas and enthusiasm. A key challenge is

engaging a wider demographic of young people, from all schools and colleges across the district, particularly recognising the urgent need to listen to the voices of the lowest income families.

Emergencies need careful management and governance structures. For emergencies like fires or floods the country and the Council has an established model for multi-agency action. A similar approach must be applied to managing the climate emergency and as such the Council is putting in place the necessary internal management arrangements to ensure the actions identified to reach the 2030 target are achieved. It is anticipated that action by partners across the district as a whole will be led by a Climate Alliance that will be facilitated by the Council. This will however be dependent on the levels of commitment that are felt following on from engagement with those in the wider district. An alternative approach or combination of approaches may be necessary.

SPECIFIC ACTIONS

At the time of writing it is over nine years to 2030. Planning for such a long period of time is difficult and any plan put in place now will need several reviews in the period to 2030. It is proposed to review this Action Plan annually and publish a progress report. The Action Plan will be updated at least every 3 years or earlier if necessary and this will very much be an iterative process.

The trajectory towards the Council's own emissions reaching net zero will not be linear and nor will it be linear for the reduction in emissions from the district as a whole. The target is net zero for the Council's own emissions by 2030 and within each year there will be a different level of reduction achieved, dependent upon budget available and completion of a particular project. It may be that more expensive interventions that have a greater impact will be undertaken closer to 2030 rather than in earlier years.

A list of all potential actions that can be taken has been compiled, including likely carbon impact, cost and timescale. Different departments within the Council will lead on projects that are within their area of expertise. It is not proposed to publish the list of actions in detail, but instead, provide in this document a summary of actions proposed for the next three years. These actions cover Scopes 1, 2 and 3 emissions and are:

Part 1 Buildings & Energy

a) Undertake energy audits of all council owned buildings and compile a carbon reduction plan for each one. Continue work to improve the performance of our buildings towards achieving net zero emissions by 2030 and maximise funding opportunities such as SALIX.

b) Move to the purchase of 100% renewable electricity

c) Ensure all newly constructed council-controlled buildings, extensions and refurbishments are designed to achieve net zero emissions by 2030 where possible.

d) Focus on the switch away from oil, natural gas use by 2030.

e) Ongoing delivery of "invest to save" energy efficiency projects to reduce overall emissions and reduce running costs.

f) Maximise onsite renewable energy generation opportunities.

g) Explore carbon offsetting options and develop an implementation plan.

Transport

a) Implement a replacement programme for all Council owned vehicles to be fully electric by 2030,

b) Develop and implement a plan for increasing the electric vehicle charging infrastructure at Council owned car parks and buildings.

Waste

a) Explore and implement opportunities to further reduce waste related emissions, support a circular economy, and reduce plastic pollution.

Procurement

a) Update procurement guidance and standard contractual terms to include climate change impacts and mandatory carbon reporting, with the aim of delivering net zero emissions in procurement (Scope 3) by 2030.

b) Develop and deliver training for staff and suppliers on climate change, carbon footprinting, carbon reduction and the important role of procurement in supporting change.

c) Develop a recording and monitoring process to identify embedded emissions within the procurement of goods and services.

Corporate strategy/policy

a) Annual data collection, calculation and publication of greenhouse gas emissions. Annual reporting of progress towards a net zero target and associated costs alongside the financial budget.

b) Minimum three-yearly updates to this Action Plan

c) The development of all new Council strategies and policies will identify contributions to both the organisational and wider Tendring emissions targets, so that these can be considered as part of the relevant approval process for each new strategy and policy.

d) All future committee, portfolio holder and officer decisions to consider and evaluate the impact on the net zero emissions target to help inform decision making. A specific section for each report to be developed to consider the impact in a consistent manner – 2021 onwards.

e) Council led, large scale tourism and sporting events to include a plan around achieving net zero carbon

a) Deliver carbon literacy training courses and workshops, open to all staff and councillors, on climate change mitigation and other key environmental policies - for delivery in 2021.

Supporting staff and Councillors

b) Develop new home working and travel for work guidance by the end of 2021, learning from the COVID-19 lockdown, which aims to dramatically reduce the requirement to commute to offices and travel for meetings and visits.

Part 2

Tendring-wide emissions

a) Engage with parish and town councils, businesses, residents, Essex County Council and other partners across Tendring to raise awareness and develop shared objectives.

b) Develop and publish a collaborative action plan and/or form an alliance with all partners that seeks to use our combined powers, duties, influence and leadership to work with others towards the net zero ambition for emissions from all of Tendring.

c) Lobby partners and government to champion a net zero approach in their plans and policies that impact on Tendring's emissions.

e) Promote, support and facilitate energy efficiency improvements to homes

d) Increasing our understanding of the number and type of trees in the district and maximise opportunities for tree planting on both Council owned and other land and estate.

RESOURCING THE ACTION PLAN

Figure 3 above sets out the estimated cost of some of the actions necessary to achieve net zero by 2030. The cost of those interventions is estimated at £7.3 million with a potential annual saving of £987,000. It should be emphasised that these are estimated costs and more detailed business cases will need to be drawn up for each proposal. Decisions on whether to proceed with individual actions will be taken on a case by case basis, subject to normal decision making protocols and will be dependent on the budget available and net cost and savings generated.

The Council has to take a pragmatic and realistic view on what it can achieve each year taking into account other financial pressures and priorities.

Staffing resource will need to be reviewed as many of the proposed actions have significant implications in terms of officer time. Where necessary, budget will be made available to allow additional specialist resource or consultancy support to be brought in.

ACTIONS ALREADY UNDERTAKEN

The Council has not waited for the publication of this Action Plan before taking any specific actions. Below is a list of things that have been done in the past year or so that contribute towards the 2030 target:

- Ongoing promotion and support of the Government ECO scheme for energy efficiency improvement to homes
- Planting of over 5,000 trees at Rush Green in Clacton and the award of over £40,000 from Network Rail towards planting over 30,000 hedgerow trees in the district working with private landowners
- Consortium bid with ECC to Government Green Homes Grant Scheme - will see 11 homes in the district benefit from energy efficiency improvements
- Exploration of submitting a bid to Social Housing Decarbonisation Fund
- Ongoing refurbishment of office buildings as part of the office transformation project, including LED lighting and insulation improvements.
- Commission of a contractor to undertake energy audits of all council owned non domestic buildings
- Exploration of submitting a bid to the Public Sector Buildings Decarbonisation Fund
- Promotion of flexible working for staff, with reduction in staff attending the offices. This is been enforced to an extent by the COVID situation.
- All member briefing session by APSE Energy
- Briefing by APSE Energy to all staff
- Ongoing dialogue with Assistant Directors and Management Team around the development of this Action Plan.
- Planned closure of Weeley offices – inefficient oil fuelled heating site
- Additions to the Local Plan approved that seek sustainability / renewable energy schemes on new housing developments

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

13 NOVEMBER 2020

REPORT OF THE LEADER OF THE COUNCIL

A.4 BACK TO BUSINESS

(Report prepared by Richard Barrett, Mike Carran, Will Lodge and Laura Richardson)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

For Cabinet to adopt a Council wide plan to support the District's recovery from the ongoing Covid-19 pandemic and agree a number of short term actions in advance of a wider delivery plan being adopted.

EXECUTIVE SUMMARY

- Covid-19 has significantly changed the way we work and live our lives, as well as impacting on our national and local Tending economy. In its role as a community leader, the Council is committed to supporting the District's recovery towards a brighter future;
- This Back to Business process will be targeted at improvements to our environment/quality of life and support for our residents, businesses and wider local economy to recover from the challenges of the Covid-19 pandemic. The plan will also focus on the Council and its services adapting to the challenges of the pandemic and long term planning for how services will operate moving forward.
- Following Greater Essex moving into Tier 2 'High Alert' level for Covid and the subsequent announcement of a national lockdown, this plan and impending delivery plan, is intended to complement the business support schemes provided through Government and Essex County Council. It will be a continually evolving agenda which will adapt to the challenges faced by our businesses and residents alike;
- This Back to Business plan sets out the Council's approach to supporting the District's recovery from Covid-19 and includes a number of short term projects (as set out in part 2 of this report), in advance of a wider action plan being brought forward to Cabinet. This agenda and the subsequent actions and projects brought forward are underpinned by the Council's Corporate Plan;
- It is recognised that a successful recovery will only be achieved through a collective approach, both within the Council's range of portfolios and with local businesses, partners and stakeholders;
- To ensure the Council has sufficient resources to support the delivery of its range of Back to Business actions and projects, it is proposed that a dedicated resource will be provided to deliver this plan. This resource will be tasked with bringing forward a wider Back to Business delivery plan, with a number of deliverable projects and actions. This will reflect feedback from the Resources and Services Overview and Scrutiny Committee and the responses from members following the associated All Member Briefing and subsequent request from the Portfolio Holder for Corporate Finance and Governance.

RECOMMENDATION(S)

- a) That Cabinet agrees the content of Council's 'Back to Business' agenda.
- b) Subject to a) above, allocates £862,000 from the Back to Business budget and delegates the Portfolio Holder for Corporate Finance and Governance to do the following:
 - i. Explore options to provide dedicated resources to manage the Council's Back to Business agenda.
 - ii. Subject to a Project Initiation Document being approved by the Portfolio Holder for Corporate, Finance and Governance and appropriate procurement rules followed, explore options for the refurbishment of Clacton Skate Park.
 - iii. Update the Council's procurement rules to ensure more of the Council's spending stays within the local economy.
 - iv. Within the parameters of the Council's financial regulations, make arrangements for a framework to be developed to provide redundant Council IT equipment to disadvantaged young people.
 - v. Explore options to allocate additional funding towards local organisations providing mental health services to young people.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

This strategy will support a number of priorities in the Corporate Plan as set below:

- Support existing businesses
- More and better jobs
- Promote Tendring's tourism, cultural and heritage offers
- Develop and attract new businesses
- Maximise our coastal and seafront opportunities

Further to that, the following opportunities listed in the plan will be impacted upon by the strategy:

- Clear vision for economic growth and prosperity;
- Our coast;
- Tourism, culture and sport.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

In order to support the short term projects and actions set out in this report, the sum of £862,000 will be allocated from the Back to Business budget towards this agenda.

Furthermore, a dedicated resource will be set aside for the Council's Back to Business approach to ensure capacity is in place to deliver projects in a timely manner. A review of appropriate options and implementation will be delegated to the Deputy Leader, Portfolio Holder for Corporate, Finance and Governance, to ensure timely delivery of the short term projects and actions, together with producing a full delivery plan for adoption by Cabinet.

In order to support the emerging action plan, Officers will develop an investment plan

during 2020/21 which will be directly linked to the Council's budget and evolving financial position and supported by the reprioritisation of budgets / existing funding and/or as part of the long term forecast.

LEGAL

The proposals are within the Council's powers. The Request for allocation of budget will be in accordance with the Budget and Policy Framework, as set out in Part 5 of the Council's Constitution.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

Area or Ward Affected

The Council's Back to Business agenda impacts on the entire District.

Health Inequalities

Improving employment opportunities through growing the sector will positively impact on quality of life of local people.

Consultation/Public Engagement

All Members of the Council have been consulted on the Back to Business approach and the Resources and Services Committee have put forward a number of potential projects and actions. These will be considered through the process of formalising a full delivery plan for adoption.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

As set out in this report, it is proposed to establish a dedicated internal resource to undertake the following:

- a). Work with internal Council services to progress and monitor both the projects and actions set out in this report and those existing projects which will support the recovery. They will work with the team of Assistant Directors to bring forward the delivery of projects to include:

New Back to Business Actions and Projects:

- Develop plans for a heritage trail from Jaywick Sands to Holland Haven, including Clacton town centre, to mark the town's 150th anniversary – paid for with lottery funding;
- Work with users to refurbish Clacton Skate Park;
- Reviewing our purchasing rules to see how we keep more of our spending in our local economy by using Tendring firms;
- We have applied for funding for two full-time employment and training advisors for a year, to help residents find sustainable jobs, work experience

or training;

- Giving our redundant IT equipment to local groups and schools so disadvantaged children and young adults can do homework or home-learning study;
- Working with partners to find extra funding for the Digital Access Support Team, which gives people the knowledge and confidence to go online safely – particularly important as we have reduced contact due to Covid-19;
- Looking to set-up Covid secure ‘quiet spaces’ where children and young adults can study remotely if they cannot do so from home.

Alongside driving forward the projects above, the dedicated resource will also monitor the progression of existing Council projects which support the Back to Business agenda. These will include:

- Continued our national and international partnership work to reinvigorate plans to commemorate Mayflower 400 and welcome postponed visitor tours from the US, Holland and UK in 2021;
- Preparing to stage a ‘Celebrate Tendring’ initiative in 2021, including the Illuminate Festival and attracting high quality events such as cycling’s Women’s Tour and the British Rally Championship Corbeau Rally stage;
- Working with the Football Foundation (FF) and Essex Football Association to secure match funding for three new artificial grass pitches by 2022;
- Deliver with partners an art sculpture trail for Tendring in summer 2021; encouraging people to get active and visit local attractions and retailers;
- Moving forward with the existing ‘Starlings’ redevelopment project in Dovercourt to see it delivered in 2021 - supporting local businesses and improving public space.

b). To actively engage with local businesses, Town and Parish Councils and other stakeholders in relation to the Council’s Back to Business agenda.

c). To bring forward a full delivery plan to support the District’s recovery from the Covid-19 pandemic, which takes into account the suggestions of Council Members and the work of the Resources and Services Committee. This will also encompass other key projects to be brought forward together with our partners.

BACKGROUND PAPERS FOR THE DECISION

None.

APPENDICES

None

2020



Tendring
District Council



BACK TO BUSINESS

Although this is Tendring District Council's approach to bouncing back from Covid-19, it is not something we can or want to tackle alone. As always our approach is about community leadership, and working with our partners to draw upon their expertise, funding and initiatives, for the good of all.



Cabinet Members



Councillor Neil Stock OBE
Leader of the Council



Councillor Joy Broderick
Portfolio Holder for Independent Living



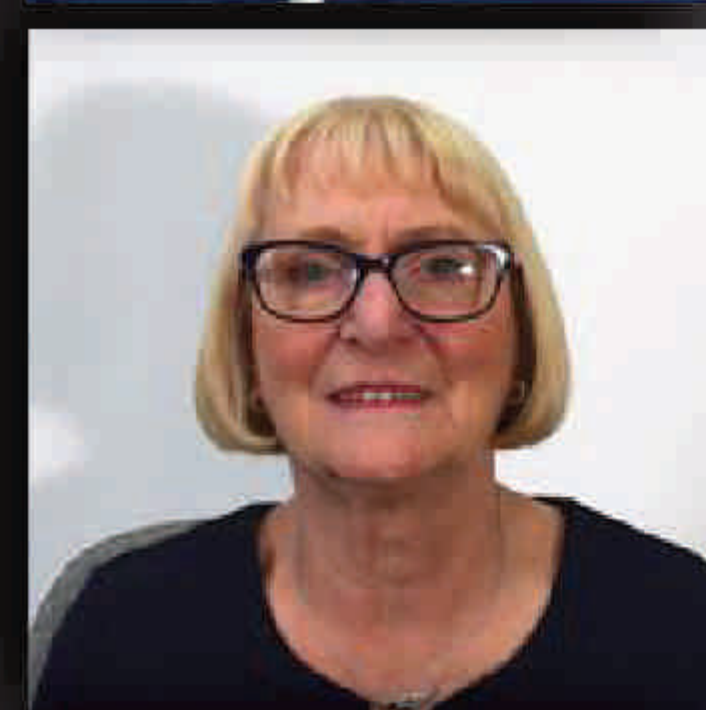
Councillor Carlos Guglielmi
Portfolio Holder for Corporate Finance & Governance



Councillor Paul Honeywood
Portfolio Holder for Housing



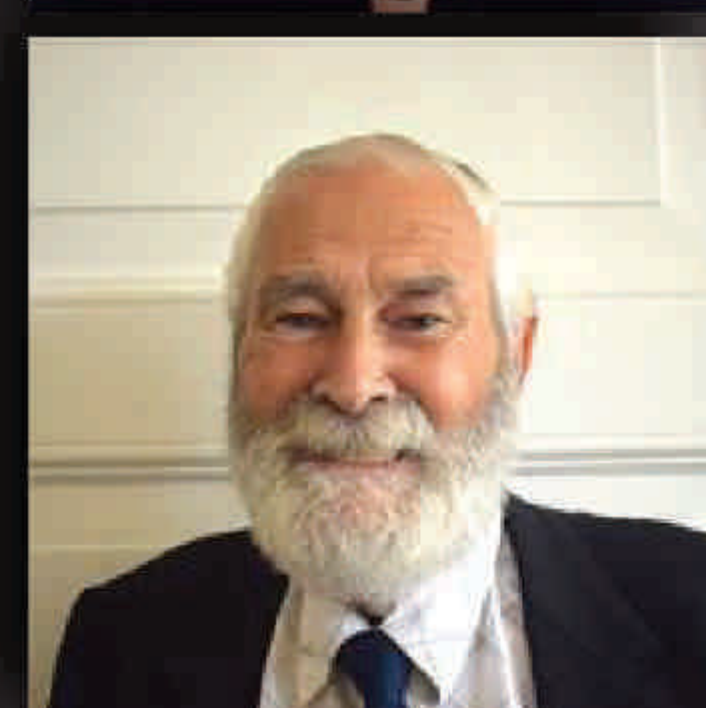
Councillor Lynda McWilliams
Portfolio Holder for Partnerships



Councillor Mary Newton
Portfolio Holder for Business & Economic Growth



Councillor Alex Porter
Portfolio Holder for Leisure & Tourism



Councillor Michael Talbot
Portfolio Holder for Environmental & Public Space

We are committed to working across all of our portfolios to deliver this recovery plan and help our district spring back from the pressures placed on it by Covid-19. By putting this as a focus for the whole Council, together – with our partners, businesses and residents – we can ensure Tendring prospers. Although we will be publishing our full delivery plan soon, this plan includes many of the things we have done or are planning to aid our recovery.

Foreword

At any given moment Tendring District Council will have a number of exciting projects on the go, all contributing in some way to our overall Corporate Plan and long-term strategies to improve our district for the good of all. It's just what we do.

Covid-19 has had a massive impact on everyone, changing the way we all work and live our social lives, and we at the council are no exception to that.

Our passion and determination to deliver the very best for our district has not lessened during the pandemic – if anything it has been strengthened – but it has meant we have to look again at what our priorities are, and how we achieve those to fit with our Corporate Plan.

Coronavirus has had many negative impacts, and our thoughts are with everyone who has lost a loved one or seen their health deteriorate as a result of this virus.

But it also provides an opportunity to change the way we work, while also re-prioritising our focus. Some projects may be less relevant now, while others have become more important than ever.

What they all do is improve the way we **live, strive and thrive** in Tendring; from having a decent home, creating employment opportunities, and improving how we spend our free time.

This is how we will help Tendring through these tough times.

Councillor Neil Stock OBE

Leader, Tendring District Council



As we work to put measures in place to support our residents and businesses, and nurture our visitor economy, we have to think about how we pay for these things without putting pressure on our council tax payers.

That is why we're re-prioritising our existing budgets and drawing on outside funding – whether from Government, partners or lottery funding – as much as we can, while minimising other lost income caused by the lockdown.

We are halfway through our ten-year financial plan, which set out a savings target for the council each year as we transitioned from being reliant on Government funding, to being self-sufficient. But following this unprecedented pandemic, we are looking at relaxing our savings target for 2021/22 to ensure there is no adverse impact on service during this challenging time.

Councillor Carlos Cuglielmi

Deputy Leader and Cabinet Member for Finance & Corporate Resources



Live

Alongside economic recovery, we will continue to focus on the importance of pride in where we live, celebrating our culture and heritage and improving quality of life. There has never been a more appropriate time to focus on all the things that make Tendring special.

£250,000 – amount of money received from National Lottery Heritage Fund to celebrate Clacton's 150th anniversary

Cllr Alex Porter:

"We are blessed with unspoilt coastline, family attractions, heritage of international importance, stunning countryside and some of the best events in the country. These proposals will complement a series of events, which could make 2021 a very special year."



Four – number of Green Flags held by open spaces in Tendring



Cllr Michael Talbot:

"Our open spaces team work incredibly hard, hand-in-hand with local volunteers, to keep our green spaces so vibrant for residents and visitors alike to enjoy."



Three Blue Flags and Seven Seaside Awards held by our seafronts



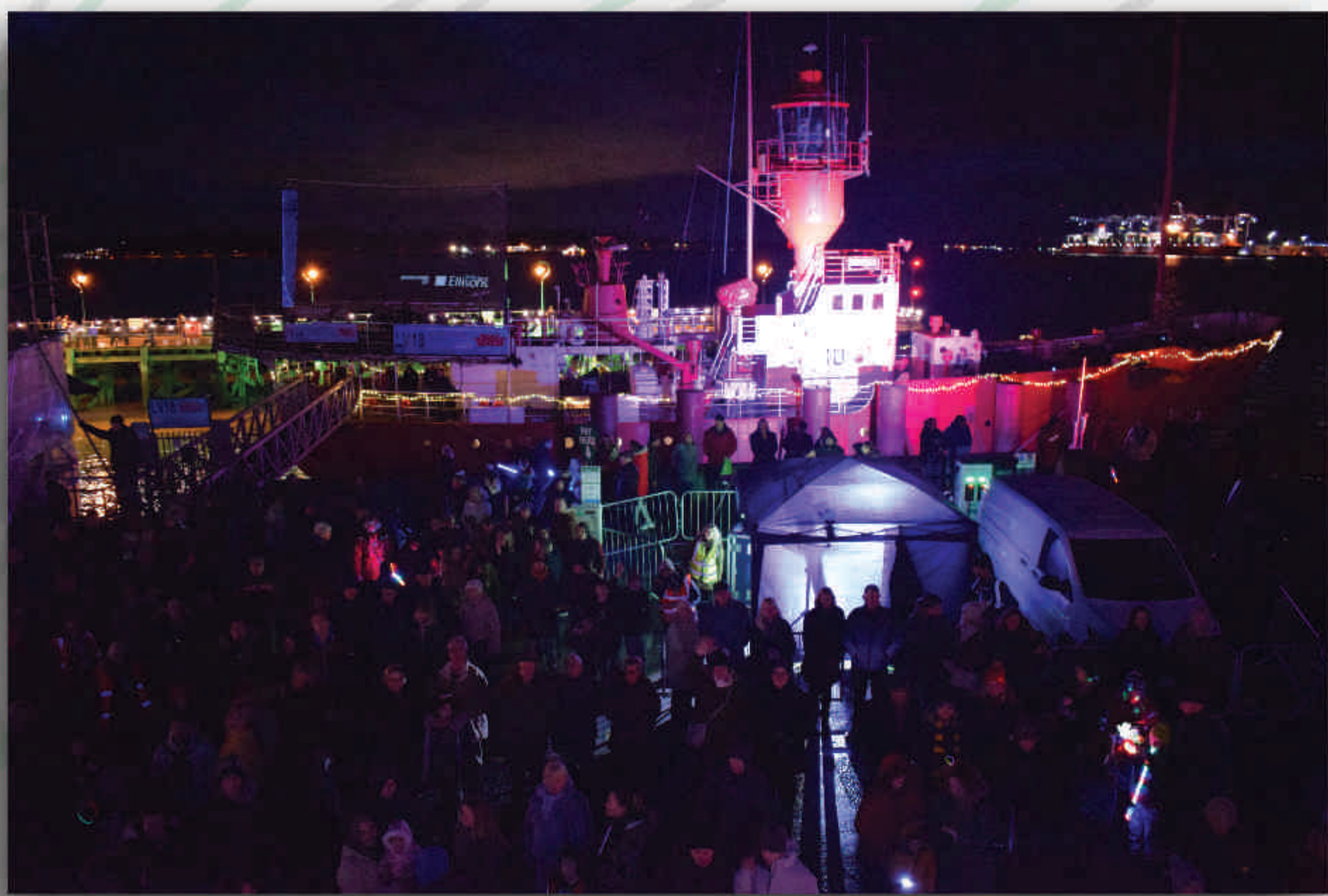
What have we done?

Continued our national and international partnership work to reinvigorate plans to commemorate Mayflower 400 and welcome postponed visitor tours from the US, Holland and UK in 2021.



Developed plans for a heritage trail from Jaywick Sands to Holland Haven, including Clacton town centre, to mark the town's 150th anniversary – paid for with lottery funding.

What are we doing?



Preparing to stage a 'Celebrate Tendring' initiative in 2021, including the Illuminate Festival and attracting high quality events such as cycling's Women's Tour and the British Rally Championship Corbeau Rally stage.

Working with the Football Foundation (FF) and Essex Football Association to secure match funding for three new artificial grass pitches by 2022.

Work with users to refurbish Clacton Skate Park.

Deliver with partners an art sculpture trail for Tendring in summer 2021; encouraging people to get active and visit local attractions and retailers.

Strive

Throughout the pandemic the Council has been working hard preparing for how we can support our economy through the challenges it undoubtedly faces. We have updated our economic development strategy and are concentrating resources to support the local recovery, whilst recognising it is Tendring's businesses that will deliver economic growth.

Businesses have been kept informed of available national and local support via a dedicated webpage and through issuing 17 e-bulletins since lockdown began, using an existing database of local businesses already signed up to hear from the Council in quarterly updates. A survey was also held to get feedback and tailor the Council's services to best help the business community.

The Council has paid out a total of £1,727,721 in discretionary grants to local businesses.

Shop Local campaign running since mid-July has had a combined reach of 3.1 million.

Billy Peak, owner Clacton Pavilion and Magic City:

"Thank you in assisting us with the Discretionary Grant process. These grants have come at a time that will help us be able to plan before the critical winter months."



Cllr Mary Newton:
"Local businesses are the cornerstones of our economy, not only supplying goods and services but also providing jobs, and it is important we support them."

What have we done?

Using cash from Government's 'Reopening High Streets Safely Fund', a 'Shop Local, Shop Safe' campaign has been running since July, promoting local businesses/town centres and how people can shop in a Covid-Secure way.



Funding application made to develop new affordable business space in Jaywick Sands



Provided grants to businesses to support growth; such as £625k through the existing SME Growth Fund, and £4k from the ongoing Harwich & Dovercourt Bay Grant scheme (from an original allocation of £20k)

Set up a Creative and Cultural Board with £100k to allocate to initiatives to grow businesses and create jobs in this important sector.

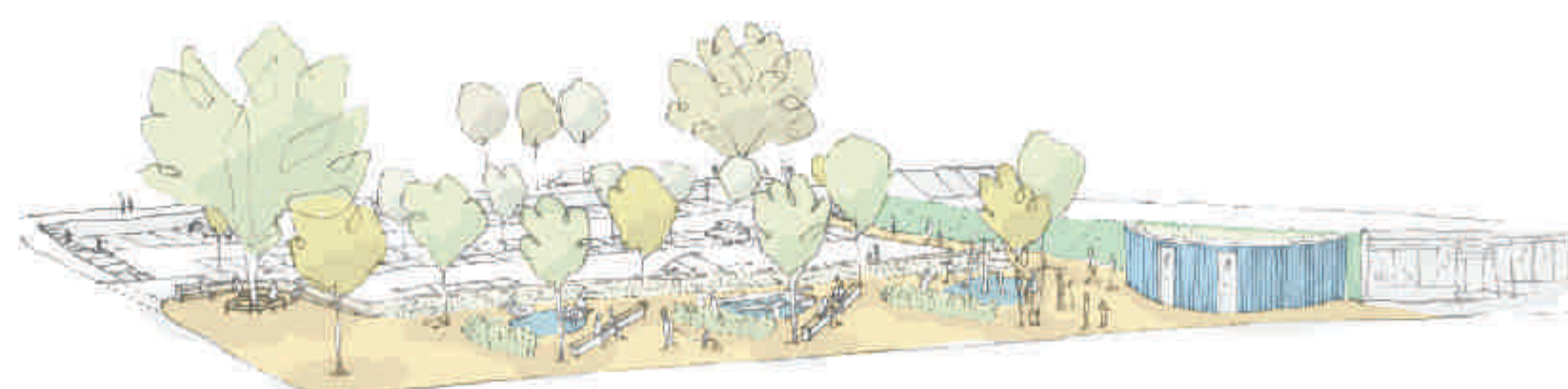
What are we doing?

Reviewing our purchasing rules to see how we keep more of our spending in our local economy by using Tendring firms.



Working with partners to present a compelling case to Government for developing Harwich as a Freeport

Moving forward with the existing 'Starlings' redevelopment project in Dovercourt to see it delivered in 2021 - supporting local businesses and improving public space.



Working with partners to bring forward a range of additional projects to support our community.

Thrive

Many residents of all ages have been adversely affected by the impact of the Covid-19 pandemic, whether through being furloughed, feeling isolated while shielding or being home-schooled during lockdown. We are looking at measures to support our residents through these difficult times, towards a positive future.

Our ultimate aim is to improve everyone's quality of life, through supporting active lifestyles, healthy minds, a sense of belonging and wellbeing.

Cllr Lynda McWilliams: *"To help residents remain healthy, both physically and mentally, we will work with Active Essex and the Sport England Local Delivery Pilot, and partners such as the Tendring Mental Health Hub to support people in maintaining a good quality of life."*



The Council won Best Employer and Trade Union Partnership at the Public Services People Managers' Association Awards 2020

Cllr Joy Broderick: *"We know how difficult it has been for businesses to adapt, having to change the way our Careline team has worked during the pandemic. Throughout, our professional, dedicated and hardworking Careline team has been helping keep so many members of our community independent and safe in their own homes."*



97 individuals or families have been supported by the homelessness team during the pandemic

27 apprentices have been supported within Tendring by the Council's Career Track team during the pandemic



Cllr Paul Honeywood:

“Through our new Housing Strategy we are supporting families who find themselves homeless, helping those living with disabilities to keep their independence, and by ensuring we make best use of housing can help young people find a house near their home as they grow older – all contributing to a better quality of life for+ our residents.”



We're building ten new flood resilient homes in Jaywick Sands, five for rent and five for sale with priority for locals, to help provide high quality homes for our residents to live in. We are planning to provide another 200 over the coming years.

What have we done?

Continued to employ and support our own apprentices, and others in partner organisations and businesses, through our Career Track programme



Started to set up a Local Creative Education Partnership (LCEP) to foster links with schools to improve the skills of young people, part-funded by the Royal Opera House Bridge.

What are we doing?

We have applied for funding for two full-time employment and training advisors for a year, to help residents find sustainable jobs, work experience or training.

Giving our redundant IT equipment to local groups and schools so disadvantaged children and young adults can do homework or home-learning study.

Working with partners to find extra funding for the Digital Access Support Team, which gives people the knowledge and confidence to go online safely – particularly important as we have reduced contact due to Covid-19.



Our new street cleaning regime will keep our town centres pleasant places to visit and work in.



Working with businesses and other partners, we've received £150k to bid for a grant of up to £25million from Government to re-shape Clacton town centre for the better.

Tendring
District Council



Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

13 NOVEMBER 2020

REPORT OF CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.5 FINANCIAL PERFORMANCE REPORT – IN-YEAR PERFORMANCE AGAINST THE BUDGET AT END OF THE SECOND QUARTER 2020/21 AND LONG TERM FINANCIAL FORECAST UPDATE

(Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide an overview of the Council's financial position against the budget as at the end of September 2020 and to present an updated long term forecast.

EXECUTIVE SUMMARY

- These regular finance reports present the overall financial position of the Council by bringing together in-year budget monitoring information and timely updates on the development of the long term forecast.
- Therefore the report is split over two distinct sections as follows:
 - 1) *The Council's in-year financial position against the budget at the end of September 2020*
 - 2) *An updated long term financial forecast*

In respect of the in-year financial position at the end of September 2020:

- This report is the first detailed financial performance report for 2020/21 but builds on the report presented to Cabinet in May, which provided a timely assessment of the impact of COVID 19 on the Council's financial position.
- Although this report continues to be in the same format as previous regular finance reports, the issues raised in the report back in May are either revisited specifically or form part of the overall review at the end of the second quarter.
- The position to the end of September 2020, as set out in more detail within the appendices, shows that overall the General Fund Revenue Account is underspent against the profiled budget by **£6.858m (£4.137m** of which relates to the timing of expenditure from COVID funding received from the Government). It is acknowledged that other expenditure or income trends may still be emerging with the position also largely reflecting the timing of other general expenditure and/or income budgets. However any significant issues arising to date have been highlighted and comments provided as necessary.

- In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out later on in this report, there are no major issues that have been identified to date.
- Any emerging issues will be monitored and updates provided in future reports which will include their consideration as part of updating the long term financial forecast.
- Some necessary changes to the 2020/21 budget have been identified which are set out in **Appendix H**, with an associated recommendation also included within this report. The same appendix also sets out the necessary changes to the budget that reflect the impact of COVID 19, the costs of which have to date been met by the general financial support provided by the Government.
- The net impact of the budget adjustments will be moved to or from the Forecast Risk Fund. At the end of the second quarter, it has been possible to make a small contribution to the fund of **£41k**, which supports the requirement set out in the long term forecast of identifying in-year savings of **£500k** each year.
- A half year treasury management review has been carried out with a summary set out later on in this report along with an associated recommendation to temporarily increase the aggregate limit of funds that can be placed overnight with the Council's bankers for the period that the offices will be closed over the Christmas break.
- It is proposed to continue to be a member of the Essex Business Rates Pool if it remains advantageous to do so and if the opportunity is still made available by the Government in 2021/22.
- The recommendations below also respond to the phased reintroduction of membership fees and charges across the various leisure facilities that coincide with the phased reopening up of facilities over the remainder of the year.

In respect of the updated long term financial forecast:

- The forecast has been reviewed and updated at the end of September 2020 and reflects an early assessment of the impact of COVID 19. The updated forecast is set out in **Appendix I**.
- The savings target for 2021/22 has been removed from the forecast with work resuming on this line of the budget as part of the medium / longer term recovery in response to COVID 19.
- Work remains on-going in consultation with the various Services across the Council to identify unavoidable cost pressures, which will be assessed for inclusion or otherwise in the detailed budget report that will be presented to Cabinet in December.
- Overall the revised forecast can still provide an effective method of managing financial risk but the annual deficit or surplus position for each year of the forecast has been amended. However, the medium to long term impact from the COVID 19 crisis remains unclear and it is therefore important to highlight that the money set aside in the Forecast Risk fund should not be seen as overly cautious as sensitivity testing indicates that the fund could be deleted within as little as 3 years if a number of factors arose during the same period.

- A detailed review of risks associated with the long term forecast is subject to on-going review and is separately reported within **Appendix J**.
- As mentioned during the development of the longer term approach to the budget over recent years, it is important to continue to deliver against this plan as it continues to provide a credible alternative to the more traditional short term approach, which would require significant savings to be identified in 2021/22.
- In terms of delivering against the forecast for 2021/22 and beyond, work remains on-going across the various strands set out in **Appendix I**.

RECOMMENDATION(S)

That in respect of the financial performance against the budget at the end of September 2020, it is recommended that:

- (a) The position be noted;
- (b) the proposed in-year adjustments to the budget as set out in Appendix H be agreed;
- (c) a delegation to the relevant Corporate Director in consultation with the Portfolio Holder for Leisure and Tourism be agreed to amend leisure membership fees in response to the national lock down period and the resumption of a phased approach to reopening up leisure facilities later in the year;
- (d) in respect of the Council's Treasury Management Practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m for each day the offices are closed over the Christmas break; and
- (e) the Council continues to be a member of the Essex Business Rates Pool in 2021/22 if it remains financially advantageous to do so;

That in respect of the Updated Long Term Forecast it is recommended that:

- (a) The updated forecast be agreed and the Resources and Service Overview and Scrutiny Committee be consulted on the latest position.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Effective budgetary control is an important tool in ensuring the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken. Financial stability and awareness plays a key role in delivering the Council's corporate and community aims and priorities.

The forecasting and budget setting process will have direct implications for the Council's ability to deliver on its objectives and priorities. At its heart, the long term approach being taken seeks to establish a sound and sustainable budget year on year through maximising income whilst limiting reductions in services provided to residents, business and visitors.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The financial implications are considered in the body of the report.

Risk

In respect of the position at the end of September 2020, a number of variances will be subject to change as the year progresses although at this stage it is expected that any adverse position can be managed within the overall budget. The budget position will be monitored and reviewed as part of both the future budget monitoring arrangements and Financial Strategy Processes.

In respect of the long term forecast, there are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. There are a number of areas that could lead to additional expenditure being incurred, such as: -

- Economic environment / instability;
- Emergence of cost pressures;
- Changes to the local authority funding mechanisms such as the Government's fairer funding review;
- New legislation placing unfunded duties on the Council or reducing the level of the Council's funding;
- Local or national emergency;
- Income is less than that budgeted for, including business rate income retained locally.

COVID 19 has introduced a number of risks to the Council's financial position, which cut across many of the specific issues highlighted above. The underlying forecast remains based on relatively conservative estimates with no optimistic bias included. However the potential impact from COVID 19 has been included directly in the forecast and as part of the sensitivity testing that is undertaken alongside the forecast. **Appendix J** discusses the various risks to the forecast with a Red / Amber / Green risk assessment approach taken.

The Council's ability to financially underwrite the forecast therefore remains as important as ever. As with any forecast, some elements of income and expenditure will be different to that forecasted. It is fair to say that many may offset each other over the longer term. However, there are two important aspects to how this will be managed.

- 1) **£3.253m** has already been set aside within the Forecast Risk Fund to support the budget in future years. This money is available to be drawn down if the timings within the forecast differ in reality and the net position is unfavourable compared to the forecast in any one year. As set out later on in this report, given the increased risks introduced by the COVID 19 crisis, this current reserve level should not be seen as too pessimistic as the sensitivity testing undertaken indicates that this reserve could be depleted in as little as 3 years if some of the risks are borne out in reality.
- 2) The forecast will remain 'live' and be responsive to changing circumstances and it will continue to be revised on an on-going basis. If unfavourable issues arise that cannot be mitigated via other changes within the forecast then the forecast will be adjusted and mitigating actions taken. Actions to respond will therefore need to be considered but can be taken over a longer time period where possible. In such circumstance the Council may need to consider 'topping' up the funding mentioned in 1) above over the life of the forecast if required. This may impact on the ability to invest money

elsewhere but will need to demonstrate that its use is sustainable in the context of the ten year forecast.

The long term approach to the forecast does provide flexibility to respond to risks such as those presented by COVID 19. For instance, the savings target has been 'relaxed' for 2021/22. However it must be highlighted that the savings targets set out in the forecast will still need to be delivered in the longer term but they need to remain flexible and react as a counterbalance to other emerging issues and it is therefore accepted that this figure may need to be revised up or down over the life of the forecast.

It is important to continue to deliver against the forecast to retain confidence in the longer term approach. This will, therefore, continue to need robust input from members and officers where decisions may be required in the short term or on a cash flow basis.

Another aspect to this approach is the ability to 'flex' the delivery of services rather than cut services. As would be the case with our own personal finances, if we cannot afford something this year because of a change in our income, we can potentially put it off until next year. There is a practical sense behind this approach as we could flex the delivery of a service one year but increase it again when the forecast allows.

In addition to the above it is important to note that the Council has already prudently set aside money for significant risks in the forecast such as **£1.758m** (NDR Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves which supports its core financial position.

LEGAL

The Local Government Act 2003 makes it a statutory duty that Local Authorities monitor income and expenditure against budget and take appropriate action if variances emerge.

The arrangements for setting and agreeing a budget and for the setting and collection of council tax are defined in the Local Government Finance Act 1992. The previous legislation defining the arrangements for charging, collecting and pooling of Business Rates was contained within the Local Government Finance Act 1988. These have both been amended as appropriate to reflect the introduction of the Local Government Finance Act 2012.

The Local Government Finance Act 2012 provided the legislative framework for the introduction of the Rates Retention Scheme and the Localisation of Council Tax Support.

The Calculation of Council Tax Base Regulations 2012 set out arrangements for calculation of the council tax base following implementation of the Local Council Tax Support Scheme. The new arrangements mean that there are now lower tax bases for the district council, major preceptors and town and parish councils.

The Localism Act 2012 introduced legislation providing the right of veto for residents on excessive council tax increases.

Under Section 25 of the Local Government Act 2003, the Chief Finance Officer (S151 Officer) must report to Council as part of the budget process on the robustness of estimates and adequacy of reserves. The proposed approach can deliver this requirement if actively managed and will be an issue that remains 'live' over the course of the forecast period and will be revisited in future reports to members as the budget develops.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

There are no other implications that significantly impact on the financial forecast. However, the ability of the Council to appropriately address these issues will be strongly linked to its ability to fund relevant schemes and projects and determination of the breadth and standard of service delivery to enable a balanced budget to be agreed.

An impact assessment will be undertaken as part of any separate budget decisions such as those that will be required to deliver the necessary savings.

PART 3 – SUPPORTING INFORMATION

SECTION 1 – IN YEAR FINANCIAL PERFORMANCE AGAINST THE BUDGET AT THE END OF THE SECOND QUARTER OF 2020/21

The Council's financial position against the approved budget has been prepared for the period ending 30 September 2020. This builds on the report presented to Cabinet back in May where a timely update was provided given the significant financial risks presented by the COVID 19 crisis.

Some expenditure or income trends may still be emerging as it is still relatively early in the financial cycle. However comments are provided below where necessary, against the following key areas:

- General Fund Revenue and Proposed Changes to the in-year budget
- Collection Performance
- HRA Revenue
- Capital Programme – General Fund
- Capital Programme - HRA
- Treasury Activity

Previous financial performance reports have included specific reference to the Garden Communities Project. However given the events this year, which saw the project evolve into a more specific Tendring / Colchester Borders scheme, the associated appendix has been removed. Work remains on-going as part of winding up NEGC Ltd and updates will be included in future reports alongside the development of this project where necessary.

GENERAL FUND REVENUE

The position to the end of September 2020, as set out in more detail in the Executive Summary attached, shows that there is an overall net underspend of **£6.858m**.

As set out in the appendices, elements of this variance are due to the timing of expenditure and income or where commitments / decisions have yet to be made, the most significant of which relates to the administration of the various COVID 19 Business Support grants where a final reconciliation process has yet to be finalised.

The appendices still reflect the previous senior management structure as the move to the new Assistant Director structure is still on-going, as a subsequent phase is expected to see

potential knock-on changes to other areas of the budget which may see responsibilities move between directorates that better reflect synergies that the new structure has presented. However it is expected that the necessary changes will be made in time for the next financial performance report early in 2021.

As at the end of September 2020, the Council had received COVID support funding from the Government totalling **£1.884m**. As set out in the earlier report to Cabinet back in May, this funding was initially provided to meet the cost of additional expenditure and losses in income directly attributable to COVID 19. The allocation of this funding is set out at the bottom of **Appendix H** and covers a range of items such as the cost of reopening facilities, IT equipment to facilitate the significant shift to working from home and losses in income. These adjustments have already been included within the appendices to remove the significant level of variances that would otherwise be associated with COVID 19, to make it easier to highlight / identify other underlying variances at the end of September.

Appendix B provides a more detailed narrative against significant variances with some highlights as follows:

Income Budgets - General

As set out in the report to Cabinet back in May, one of the more significant impacts from COVID 19 is the loss of income. This mainly effected leisure facilities and parking as other areas of income such as in Planning can be classed as deferred income rather than lost income.

In terms of major income budgets, a summary at the end of September 2020 is as follows (adjusted for the COVID support funding allocations mentioned above):

Income Stream	Full Year Budget (£)	Budget to end of Sept (£)	Actuals to end of Sept (£)	Variance (£)
Parking	767,910	529,513	603,336	(73,823)
Cemeteries and Crematorium	1,696,770	844,731	673,214	171,517
Beach Huts	947,940	932,700	1,002,678	(69,978)
Sport and Leisure (incl. the Princes Theatre)	1,862,340	531,199	119,126	412,073
Planning	1,057,520	577,520	620,433	(42,913)
Building Control	178,910	89,455	83,548	5,907

- The position against parking shows a full recovery against the losses incurred during the full lockdown period earlier in the year.
- As set out in the appendices, the position within the cemeteries and the crematorium budgets is primarily due to the period that the crematorium was not operational following a fire earlier in the year. This will be kept under review over the second half of the year as it may be a recoverable position.
- Although the loss of income within sports and leisure is significant, there are corresponding underspends against expenditure budgets of **£583k**. It is also important to highlight that membership fees at the sports facilities have been maintained at 50% of the usual price to respond to the fact that a phased approach to fully reopening was being taken. However, the second period of national lockdown has resulted in this phased approach being halted and a recommendation is included above to enable the service to respond quickly to any necessary changes once the lockdown period ends.

The position against income budgets will however need to be kept under review over the second half of the year, especially in light of the Government's introduction of a second lockdown period.

Although the above is a relatively positive underlying position in terms of the overall impact of COVID 19 on income to date, since the report in May, the Government have introduced a Sales, Fees and Charges (SFC) compensation scheme. This further improves the relatively positive outlook for the Council's financial position. The SFC scheme is based on Local Authorities having to meet the first 5% of any COVID related losses in income, following which the Government will fund 75% of the remaining balance. In-year claims under the SFC scheme can be made with a full reconciliation process undertaken at the end of the year. This means that even if there are no expected losses in some income streams at the end of September, if they emerge over the second half of the year then further claims can be made to compensate for losses as part of the end of year reconciliation process.

It is currently unclear how the **£1.884m** general support provided by the Government as mentioned previously relates to the SFC scheme as there is clearly an overlap in how it has been applied to date. However further guidance is expected to be made available by the Government at some time over the second half of the year and a further update will be provided in the next financial performance report when this information becomes available.

It is also important to highlight the position against other income budgets such as those not associated with sales, fees and charges. As set out in the appendices, income from increased recycling rates is ahead of the profiled budget by **£114k** at the end of September. If this level of income is sustained over the remainder of the year, then this will be available to contribute to the Council's overall financial position for the year.

Expenditure Budgets

A number of budgets have been adjusted as set out in **Appendix H** to respond to emerging issues during the first half of the year.

The appendices also set out further details around a number of other emerging issues, some of which relate to the timing of expenditure rather than an underlying issue that may remain at the end of the year.

However it is important to highlight the follow key points:

- As the 2020 Clacton Airshow did not go ahead this year, the associated budget of **£80k** remains unspent. As set out in the appendices, this budget will be considered as part of the Back to Business initiative where the money may be able to support other events over the year that could contribute to the district's economy. A corresponding adjustment is therefore set out in **Appendix H**.
- The cost of the In-house Engineering Service – as reported at the end of 2019/20, there was a significant overspend related to this service, which was in part due to having to urgently mobilise the in-house team following the unexpected and sudden demise of ROALCO, the appointed external contractor who undertook repairs to the Council's housing stock. Although the position at the end of June was broadly in-line with the budget, an adverse position of £133k has emerged at the end of September. This is currently being urgently reviewed with the initial response being to cease any non-urgent activity whilst the position is fully resolved. One key challenge for the in-

house service is to remain competitive when compared to external providers and limit where ever possible the level of non-productive time. To bring the budget back in-line, one option may be to increase the service's charge out rate, but this is subject to further investigation as this would have the knock on impact of increasing costs and reducing the spending power of services who currently use the in-house team.

COLLECTION PERFORMANCE

A detailed analysis of the current position is shown in **Appendix E**.

There has undoubtedly been an impact from COVID 19 on collection performance, especially as recovery action was ceased over the first half of the year given the pressure faced by people and organisations within the district. Although recovery action will be resumed shortly, some important highlights are as follows:

- Housing rents are broadly on target and consistent with the performance last year.
- General debt recovery performance covers a significant range of income streams from repairs to leasehold properties to rechargeable works to dangerous structures. At the end of September, the position is also skewed by significant one-off debts such as those associated with the Princes Theatre prosecution case and a housing disrepair issue. Following the recent successful prosecution associated with the theatre, this position will shortly be updated in-line with the recovery decision ordered by the Court. All other debts will be subject to recovery action as necessary over the second half of the year.

In respect of Council Tax and Business Rates, some early performance figures were reported to Cabinet back in May, at which time there was only a limited impact from COVID 19.

Unsurprisingly the position at the end of September has worsened, but not to an unmanageable extent in the context of the overall position for the year and the long term forecast. Key performance statistics at the end of September are as follows:

Cost of the LCTS Scheme	<i>Budgeted Cost</i> £11,987,000	<i>Actual Cost</i> £11,975,121	<i>Reduction of</i> £11,879
Council Tax*	<i>Collection Performance Sep 2019</i> 58.76%	<i>Collection Performance Sep 2020</i> 55.38%	<i>Reduction of</i> 3.38%
Business Rates**	<i>Collection Performance Sep 2019</i> 57.42%	<i>Collection Performance Sep 2020</i> 52.87%	<i>Reduction of</i> 4.55%

The % figures above differ to those set out in Appendix E, as the above are based on the budgeted amounts within the collection fund rather than against the total amount billed as set out in that appendix.

**This is based on the position where no recovery action has been taken to date but does include where the Council has entered into payment arrangements with customers such as recalculation of instalments.*

***The position above has been adjusted to reflect that a significant element of the money due is now receivable from the Government via the new COVID reliefs introduced this year rather than from the business themselves.*

The Government have also recognised the pressure on council tax and business rates collection performance from COVID 19, and are now going to allow any deficits against budgeted collection targets at the end of the year (accounted for in the collection fund) to be charged to the General Fund over the following three years rather than the usual one year.

Although it is acknowledged that collection performance may worsen over the remainder of the year due to the on-going COVID 19 crisis, the relatively positive position to date indicates that it may be possible to contain any losses within 2020/21 and therefore avoid the need to charge deficits to future years, which will reduce the pressure on the long term forecast.

An update against this position will be included in the forecast and detailed budgets that will be presented to Cabinet in December.

There is also likely to be a financial gain from being a member of the Essex Business Rates Pool, which would also support the overall collection performance position at the end of the year.

In terms of the Essex Business Rates Pool, it looks likely that the Government may allow pools to continue into 2021/22. Based on the benefit that the pool has provided to the Council over recent years, it is proposed to continue to be a member of the pool in 2021/22 subject to it remaining advantageous to do so. An associated recommendation is set out above.

Over the first half of the year, the Council has successfully administered a number of Business Rate Grants schemes with a summary of the financial position as follows:

Grant Type	Number of Grants Paid	Value of Grants Paid
Small Business Grants	2,200	£22,000,000
Retail, Hospitality and Leisure Grants	572	£8,960,000
Discretionary Grants	182	£1,727,721
Total	2,954	£32,687,721

HRA REVENUE

An overall position is set out in the Executive Summary with further details included in **Appendix C**. At the end of September 2020, the HRA is showing a small net underspend **£141k**, which primarily reflects the timing of spend against general repairs and maintenance budgets. As set out in the appendix, void loss is now running at 4% compared to the budgeted 2% which has resulted in reduced income at the end of September and increased council tax payable on empty properties. This is currently subject to a separate review which will be reported to Members shortly.

Some additional items of unavoidable expenditure have also occurred to date with adjustments set out within **Appendix H**, which results in **£166k** being called down from HRA General Balances. General Balances at the start of the year totalled **£5.270m** so after this adjustment, **£5.104m** remains available to support the HRA going forward.

CAPITAL PROGRAMME – GENERAL FUND

The overall position is set out in **Appendix D**.

As at the end of September 2020 the programme is broadly on target against the profiled position. Detailed comments are provided within the appendix against a number of schemes.

CAPITAL PROGRAMME – HOUSING REVENUE ACCOUNT

The overall position is set out in **Appendix D**.

As at the end of September 2020 the programme is behind profile by **£223k**.

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings. There are no specific issues to highlight at this stage and the expectation is that expenditure / commitments will be broadly in line with the budget over the course of the year as work is progressed and procurement processes completed.

However, in respect of the new homes in Jaywick Sands, **Appendix H** includes an increase to the existing budget of **£1.2m** which is the estimated cost to finalise the scheme. As set out in a previous report, this scheme reflects a proof of concept approach that will support future regeneration activities within Jaywick Sands, and a more detailed outcome analysis including lessons learnt will form part of a future report.

However the above scheme has enabled '1-4-1' capital receipts to be used avoiding the potential for any unspent monies having to be returned to the treasury.

TREASURY ACTIVITY

A detailed analysis of the current position is shown in **Appendix F**.

The Annual Capital and Treasury Strategy for 2020/21 was approved by Full Council earlier in the year. In accordance with Financial Procedure Rules this strategy and associated activity have been subject to a half yearly review with the outcomes set out below:

The Economy and the outlook for next 6 months

A more detailed analysis has been provided by the Council's treasury advisors but highlights are set out as follows:

The Bank of England cut the bank base rate to 0.25% on 11 March 2020, with a further cut to 0.10% on 19 March 2020, the base rate has since then remained unchanged.

The pace of recovery in the economy is not expected to be in the form of a rapid V shape, but a more elongated and prolonged one after a sharp recovery in June through to August. This will, however, be dependent on the extent of actions required to deal with second waves of the virus. The last three months of 2020 are now likely to show no growth.

Inflation is unlikely to be a problem for some years due to the creation of excess production capacity and depressed demand caused by the coronavirus crisis.

Investments

Investment returns are still ahead of the profiled budget at the end of September 2020, but as investments placed prior to the cut in bank rates in March mature and are replaced by far lower returning investments, this position will decline to the end of the year which has necessitated the need to adjust the associated income budget by **£96k** as set out in **Appendix H**. The Council's treasury management advisors are forecasting no change in the

bank base rate until after March 2023, so this ultra-low investment rate environment is likely to remain for some time.

As was the case last year, the closure of Council Offices between Christmas and New Year 2020 means that daily treasury management actions will not be able to be undertaken for a short period. Despite planning to maintain adequate headroom across the Council's current accounts, significant council tax and non-domestic rates payments are expected during the Christmas closedown period and along with other income the current **£1.000m** limit that can be placed overnight with the Council's current account bankers is likely to be exceeded. Accordingly, it is requested that the limit be temporarily increased to **£1.500m** for this period. Officers will monitor the wider market conditions / intelligence and will only place money up to this revised limit if there are no adverse indicators around Lloyds bank that would increase risks. During the year Lloyds Bank has not seen a decline in terms of their overall ratings from the main rating agencies and the Financial Policy Committee reported on 6 August its assessment that the banks have buffers of capital more than sufficient to absorb the losses that are likely to arise under the Monetary Policy Committee's (MPC's) central projection, with the economic output needing to be twice as bad as the MPC's projection. Therefore the proposed approach set out above is considered to be reasonable whilst acknowledging a relatively low level of risk.

Borrowing

The borrowing rates that the Council can access remain relatively low. Due to the low yield on investments, the Council has maintained the position of not replacing the **£1.000m** external loan which matured in March 2014 and no additional borrowing is currently planned in 2020/21.

Other Emerging Issues and Contribution to the Forecast Risk Fund

The net overall position set out in **Appendix H** results in a net contribution to the Forecast Risk Fund of **£41k**, which represents the first contribution to the fund as part of the commitment to contribute **£500k** over the course of the whole year that is built into the long term plan. Although subject to the on-going impact from COVID 19, opportunities to contribute further money to the fund will be explored over the second half of the year.

Within the financial performance report presented to Cabinet back in May, two Non-COVID cost pressures were highlighted as follows:

1) **Potential Cremator Replacement – potential cost £1.5m+**

Following the recent collapse of the company who supplied and maintained the Council's cremators, the risk of the cremators failing and therefore becoming un-operational were increased. The Service have since identified a sustainable medium term management and maintenance approach with an external provider. Although this removes the urgency from the situation, a longer term response is still required which will need to be considered at some point over the period covered by the long term plan. This remains under review with further updates provided as necessary as part of future financial performance reports.

2) **Cliff stabilisation works – potential cost £4.0m+**

As set out in the report in May, there have been two recent significant cliff failures along the Holland-on-Sea stretch of coastline. The relevant Service is currently exploring options including the availability or otherwise of external funding from interested stakeholders. This work remains on-going alongside the development of the budget for 2021/22 and at the present time it is expected that associated

decisions will form part of the detailed estimates that will be presented to Cabinet in December / January.

At the time of finalising this report, the Council was working through the various Government announcements following their decision to put in place a second national lockdown period from 5 November. Although announcements in respect of further business grant schemes are expected, the Government have confirmed further general support grant for Council's, with **£1.116m** being made available to TDC. Updates will either be provided directly at the meeting or will form part of separate decision making processes to reflect the likely urgency around the delivery of associated support schemes.

Notwithstanding the various points and discussions above, the impact of COVID 19, both nationally and locally remains very unclear, and further updates will be provided as part of developing the long term forecast and detailed budget over the remainder of the year and going into 2021/22, with further details set out in the next section of the report.

SECTION 2 – UPDATED LONG TERM FORECAST

As stated when developing the new long term plan back in 2017, one of the key aims of moving to a ten year forecasting cycle was to give flexibility in responding to emerging issues over longer time periods rather than the more traditional short term outlook.

As highlighted in the report to Cabinet on 29 May 2020 which reviewed the impact of COVID 19, there are different economic views of the longer term impact of the COVID 19 crisis. Although it is still remains unclear as to the 'shape' the economic recovery will be, some optimistic economic views suggest a 'V' shaped recovery remains a possibility with a relatively quick bounce back whilst other less optimistic views suggest an elongated 'U' shaped economic recovery. The actual recovery may well fall somewhere in the middle (which is broadly consistent with the Council's treasury advisors views highlighted earlier on in this report), although the current tightening of restrictions via a second national lockdown period will undoubtedly result in a delay to any meaningful recovery into 2021/22 and beyond.

Given the uncertainty going into 2021/22, it is very difficult to reflect the potential impact of COVID 19 on the remaining years of the forecast. Therefore the long term forecast has been revised based on an expected underlying position, but with sensitivity testing undertaken to draw out how the immediate future may look if a number of financial possibilities arose.

The outcome of this work is set out in **Appendix I**, with an accompanying risk assessment in **Appendix J**.

Before discussing the outcomes in more detail, it is worth highlighting that given the 'telescopic' effect of the various items included within the work undertaken, the amount of **£3.253m** within the Forecast Risk Fund at the end of 2019/20 should not be seen as being too cautious, as in many of the scenarios tested, it could be depleted in as little as three years. Such circumstances would require a significant and immediate response, which could include an increase in the savings target to balance the budget over the life of the forecast.

Financial Forecast – Expected Underlying Position

In terms of the current forecast compared with the one prepared back in February 2020, the following table sets out the annual surplus or deficit over the remaining forecast period:

YEAR	Forecast in February 2020 Deficit / (Surplus)	Current Forecast Deficit / (Surplus)
2021/22	£0.842m (Deficit)	£1.774m (Deficit)
2022/23	£0.509m (Deficit)	£1.358m (Deficit)
2023/24	£0.172m (Deficit)	£1.127m (Deficit)
2024/25	£0.169m (Surplus)	£0.892m (Deficit)
2025/26	£0.515m (Surplus)	£0.651m (Deficit)
2026/27	£0.867m (Surplus)	£0.406m (Deficit)

The following table sets out the forecast balance on the Forecast Risk Fund over the same time period compared with the position last reported back in February:

YEAR	Forecast in February 2020 Surplus Balance	Current Forecast Surplus Balance
2021/22	£3.411m	£2.479m
2022/23	£3.402m	£1.621m
2023/24	£3.730m	£0.993m
2024/25	£4.399m	£0.602m
2025/26	£5.414m	£0.450m
2026/27	£6.780m	£0.544m

These changes in the forecast balances are significant and reflect as previously highlighted, the 'telescopic' effect of the changes required to the long term forecast, which are summarised below along with the risk rating (RAG):

Changes to Underlying Income – Council Tax and Business Rates

- Appendix I Line 1 & 2 – Council Tax Increase 1.99% / £5 (RAG Rating – AMBER)**
 No changes are proposed as these assumptions remain consistent with proposed increases originally set out in the long term plan, although remain subject to the 'capping' criteria set by the Government each year.
- Appendix I Line 3 – Growth In Business Rates – Inflation (RAG Rating – GREEN)**
 Inflationary growth in business rates is based on the prevailing CPI rate at September each year. The long range forecast continues to reflect the Bank of England's target rate of 2%, but for 2020/21 the estimated CPI rate at the time of writing this report was 0.6%, which reduces the projected income by **£95k** in 2021/22.
- Appendix I Line 4 – Growth In Business Rates / Council Tax – general property growth (RAG Rating – RED)**
 There has been no change between forecasts but it does remain a high risk item. The main risk to this line of the forecast has been the move to the new business rate retention model which could see a Government 'reset' which could have a major impact on tax base growth. The risk has increased due to the fact that any long term impact from COVID 19 would be reflected in this line of the forecast. Such risks could include reduced collection rates in both Council Tax and Business rates and from any increases in the 'cost' of the Local Council Tax Support Scheme. Some potential adverse scenarios have been included as part of the sensitivity work undertaken which is set out further on in this report.
- Appendix I Line 5 – Collection Fund Surpluses B/Fwd (RAG Rating – RED)**
 Although line 4 of the forecast reflects the longer term collection performance of Council Tax and Business Rates, this line of the forecast reflects the more immediate impact in 2021/22. Any surplus or deficit against the budgeted collection performance

at the end of March 2021 is automatically carried forward into 2021/22 in line with associated accounting guidance. Over recent years the amount carried forward has reflected a surplus and therefore a favourable position against which to 'build' the following year's budget. However, given the in-year collection performance as discussed in Section 1 of this report, there may be a deficit on the collection fund at the end of this year, although expected to be within manageable parameters.

As part of the Government's general response to COVID 19 and supporting Local Authorities, it has revised the accounting treatment for collection fund deficits and it will now be possible to spread the cost of any deficit at the end of 2020/21 across the following three years rather than just the one. Although it is not yet clear what the Council's position will be at the end of 2020/21, this will provide some flexibility if the Council is faced with an end of year deficit on its Collection Fund.

At the present time, no collection fund deficit or surplus has been reflected in the forecast for 2021/22 to provide a neutral position at this point in the budget setting process for next year.

Changes to Net Cost of Services and Other Adjustments

- **Appendix I Line 6 – Reduction in RSG (RAG Rating – GREEN)**

When developing the budget for 2020/21, the Government unexpectedly continued to pay Local Authorities a Revenue Support Grant although it was originally planned to be phased out completely in that year. It was assumed that the Government took this approach to reflect that the roll-out of the new 75% Business Rates Retention Model had been delayed. Given the COVID 19 crisis, the move to a new Business Rates retention model has been further delayed. Although no RSG has been included in the forecast in 2021/22 (only the removal of the RSG in 2020/21 has been included), it could be possible that the Government continue with the existing arrangement and pay a modest RSG to Local Authorities again in 2021/22. This will be kept under review as part of developing the budget over the coming months and will reflect the outcome of the Government's Spending Review (which they have announced will cover only one year rather than three as was originally planned).

- **Appendix I Line 7 & 8 – Removal of One-off Items from Prior Year, including the Collection Fund Surplus (RAG Rating – GREEN)**

Only minor technical adjustments have been made to the forecast to reflect changes between years.

- **Appendix I Line 9 – Employee Costs (RAG Rating – AMBER)**

This line of the forecast has seen an increase of £133k in 2021/22 which reflects the rebased position following the 2.75% pay award agreed in 2020/21. The changes in future years of the forecast reflect the knock on impact of this along with underlying increases of 1.5% each year.

- **Appendix I Line 10 – Inflation – Other (RAG Rating – AMBER)**

There has been a small reduction in 2021/22 to reflect the lower level of CPI expected for the business rates as discussed above but in this case applies to the rates paid by the Council on its own properties.

- **Appendix I Line 11 – Impact of PFH WP Savings (RAG Rating – GREEN)**

Given the COVID 19 crisis there is expected to be delays to the office transformation project and the savings that will emerge from the disposal of the Council Offices in Weeley. Although part year savings may be deliverable based on the actual disposal date, the forecast currently reflects this will start to be fully realised in 2022/23 onwards. However an adjustment is set out in **Appendix H** which will allow this expected saving to be accounted for in 2021/22 as originally planned.

- **Appendix I Lines 13, 14 and 17– Revenue Contribution to the Capital Programme, Changes in Reverses and Other Adjustments (RAG Rating – GREEN)**

These reflect a number of technical adjustments that net to nil at this stage of developing the budget for 2021/22. One of the biggest changes relates to the use of reserves to fund the pension deficit contribution upfront rather than across three years, which generated a significant revenue saving. This has been removed in 2021/22 and replaced with an associated contribution to reserves to pay back the amount initially drawn down to meet the deficit payment costs.

- **Appendix I Line 15 – On-going Savings Required (RAG Rating – RED)**

Following a recent commitment from the Portfolio Holder for Corporate Finance and Governance, the required savings target has been ‘relaxed’ in 2021/22 given the current COVID 19 crisis and the on-going pressures faced by services. The long term approach to the forecast was always designed to provide some degree of flexibility such as the timing of savings for example, which enables the proposed approach to be taken in 2021/22.

However it is important to highlight that significant savings are still required over the life of the long term forecast and targets may have to be increased to respond to any adverse issues such as those that may emerge as the country recovers economically from the on-going COVID 19 crisis as discussed elsewhere in this report.

- **Appendix I Line 16 – Unmitigated Cost Pressures (RAG Rating – RED)**

As has been the case in recent years, cost pressures have been limited wherever possible to those that cannot be avoided. This has been supported via the identification of one-off budgets to meet major costs associated with the repair and maintenance of the Council’s assets for example, which aims to ‘protect’ as far as possible the Council’s underlying revenue budget.

Other items, such as those supporting the delivery of the Council’s priorities will also be considered wherever possible, outside of the annual budget setting cycle, e.g. delivering actions that support the emerging corporate plan and/or Back to Business Initiative. This review could include the reprioritisation of existing budgets to ensure that every pound set aside is working to deliver against the Council’s priorities and supporting long term financial sustainability wherever possible.

Consultation with Services is currently on-going to identify unavoidable items in 2021/22. Although the Government have supported the Council during the COVID 19 crisis via support payments and underwriting losses in income, it is unclear whether such adverse conditions will continue in 2021/22 and whether or not the Government considers providing further support.

Although this line of the forecast will be subject to further change as the budget for 2021/22 is developed, the cost pressure ‘allowance’ has been increased to **£250k** from **£150k** in earlier forecasts to reflect the increase in risks.

As discussed previously, the long term forecast remains 'live' and will be updated over the remainder of the year to take account of issues that emerge or where additional certainty emerges around specific issues and challenges.

Risk Assessment

Given the inherent risks to the forecast, a risk assessment of each line of the forecast is maintained as set out in **Appendix J**.

Further details are provided in respect of each line of the forecast above where the current RAG has been highlighted.

As discussed previously, it is proposed to review the long term forecast in 2023 which would see 3 to 4 years to go until the end of the original 10 year plan. This will provide an opportune time to review the Council's financial position going forward and reflect on any longer term impact from the current COVID 19 crisis.

Delivering a positive outturn position each year

The long term forecast is based on achieving in-year savings of **£500k**. A contribution of **£41k** can be made to Forecast Risk Fund at the end of the second quarter. As previously mentioned, opportunities to identify further in-year savings will be considered over the second half of the year with the aim of achieving the **£500k** target by the end of March 2021.

To date the Council has also refrained from using one-off money such as the New Homes Bonus and general reserves to support the on-going budget. The forecast is based on this prudent principle continuing which supports the robust approach developed and aims to address any potential issues raised by the External Auditor, where the use of reserves does not underpin on-going financial sustainability in the long term.

Sensitivity Testing

There are numerous risks inherent in forecasting and **Appendix J** includes the potential impact if assumptions within the forecast change such as inflation, reduction in income, the level of costs pressures or underperformance in securing the required on-going savings.

As part of the review this year, the impact of the current COVID 19 crisis has been included. Although it is unclear as to its impact, both scale and speed of recovery, a number of scenarios have been revised to reflect this new threat to the forecast. Although the Forecast Risk Fund was established to underwrite the risks to the long term approach to the forecast, 'Forecast Sensitivities - Table 2' within **Appendix J** highlights that if some of the scenarios become reality, then the fund could be depleted in as little as 3 years. This would therefore require the Council's overall financial position to be reviewed which will undoubtedly require the savings targets to be increased to be able to sustainably deliver a balanced budget.

In repeating a point made earlier in this report, against the limited number of scenarios tested the level of the Forecast Risk Fund should not be seen as too cautious as it only provides a modest level of financial 'protection' over the life of the forecast.

The forecast will therefore need to continue to remain alert and reflect the most up to position in terms of the impact from COVID 19. If the Council's financial position looks to be moving to a position where the long term approach to the forecast starts to become unsustainable, then this will be brought to the attention of Management Team and Members at the earliest opportunity.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES**RELATING TO SECTION 1 OF THE REPORT**

Front Cover and Executive Summary

Appendix A – Summary by Portfolio / Committee

Appendix B – General Fund Budget Position by Department

Appendix C – Housing Revenue Account Budget Position

Appendix D – Capital Programme

Appendix E – Collection Performance – Council Tax, Business Rates, Housing Rent and
General Debts

Appendix F – Treasury Activity

Appendix G – Income from S106 Agreements

Appendix H – Proposed Adjustments to the In-Year Budget

RELATING TO SECTION 2 OF THE REPORT

Appendix I – Updated Long Term Financial Forecast

Appendix J – Risk Analysis of Each Line of the Forecast

Tendring **District Council**



Appendices Included:

Executive Summary	A summary of the overall position.
Appendix A	A summary of the overall position by Portfolio/Committee split by GF and HRA
Appendix B	An analysis by Department of all General Fund Revenue budgets.
Appendix C	An analysis of Housing Revenue Account Revenue budgets.
Appendix D	The position to date for General Fund and HRA capital projects.
Appendix E	Collection Performance
Appendix F	Treasury activity.
Appendix G	Income from S106 Agreements.
Appendix H	Proposed Adjustments to the Budget

Financial Performance Report In-Year Performance as at end of:

September 2020

(The variance figures set out in these appendices that are presented in brackets represent either a net underspend to date position or additional income received to date)

Financial Performance Report - Executive Summary as at the end of September 2020

The tables below show the summary position for the General Fund, Housing Revenue Account, Capital, Collection Performance and Treasury Activity.

General Fund - Summary by Department Excluding Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Office of the Chief Executive	0	92,090	92,132	42
Corporate Services	(25,682,550)	(3,157,786)	(8,975,874)	(5,818,088)
Operational Services	18,175,180	6,347,066	5,906,321	(440,746)
Planning and Regeneration	7,507,370	1,220,144	620,498	(599,646)
Total General Fund	(0)	4,501,514	(2,356,924)	(6,858,438)

Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Total HRA	0	(4,181,307)	(4,322,419)	(141,111)

Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	10,797,400	770,795	776,989	6,194
Housing Revenue Account	5,608,140	2,218,567	1,995,181	(223,386)
Total Capital	16,405,540	2,989,362	2,772,170	(217,192)

Collection Performance

	Collected to Date Against Collectable Amount
Council Tax	53.20%
Business Rates	52.87%
Housing Rents	97.17%
General Debt	82.35%

Treasury

	£'000
Total External Borrowing	39,429
Total Investments	114,797

Revenue Budget Position at the end of September 2020

General Fund Portfolio / Committee Summary

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £
Leader	4,488,640	892,200	362,695	(529,505)
Corporate Finance and Governance	285,900	(1,909,863)	(5,068,180)	(3,158,318)
Environment and Public Space	7,677,280	2,457,650	2,253,037	(204,613)
Housing	3,126,430	5,983,183	3,211,112	(2,772,071)
Partnerships	1,305,210	251,805	282,220	30,415
Business and Economic Growth	3,690,550	138,764	93,958	(44,806)
Leisure and Tourism	7,441,510	1,792,058	1,650,840	(141,218)
Independent Living	492,430	480,500	487,060	6,560
Budgets Relating to Non Executive Functions	787,110	107,682	110,058	2,375
	29,295,060	10,193,980	3,382,800	(6,811,180)
Revenue Support for Capital Investment	3,834,590	0	0	0
Financing Items	(3,346,130)	1,936,910	1,889,662	(47,248)
Budget Before use of Reserves	29,783,520	12,130,889	5,272,461	(6,858,428)
Contribution to / (from) earmarked reserves	(15,201,900)	0	0	0
Total Net Budget	14,581,620	12,130,889	5,272,461	(6,858,428)
Funding:				
Business Rates Income	(4,438,020)	(2,548,997)	(2,549,007)	(10)
Revenue Support Grant	(428,790)	(222,973)	(222,973)	0
Collection Fund Surplus	(1,360,420)	(680,210)	(680,210)	0
Income from Council Tax Payers	(8,354,390)	(4,177,195)	(4,177,195)	0
Total	(0)	4,501,514	(2,356,924)	(6,858,438)

Revenue Budget Position at the end of September 2020

HRA Portfolio Summary

	2020/21 Current Full Year Budget	2020/21 Profiled Budget to date	2020/21 Actual to date	2020/21 Variance to Profile
	£	£	£	£
Housing	(1,992,030)	(4,181,307)	(4,322,419)	(141,111)
	(1,992,030)	(4,181,307)	(4,322,419)	(141,111)
Revenue Support for Capital Investment	280,820	0	0	0
Financing Items	1,711,210	0	0	0
Budget Before use of Reserves	0	(4,181,307)	(4,322,419)	(141,111)
Total	0	(4,181,307)	(4,322,419)	(141,111)

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2020

Department - Office of Chief Executive

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	178,550	89,275	89,827	552	44,638	
Transport Related Expenditure	2,820	1,410	64	(1,346)	705	
Supplies & Services	2,810	1,405	2,241	836	703	
Total Direct Expenditure	184,180	92,090	92,132	42	46,045	
Net Direct Costs	184,180	92,090	92,132	42	46,045	
Non Direct Costs	(184,180)	0	0	0	0	
Total for Office of Chief Executive	0	92,090	92,132	42	46,045	

Department - Office of Chief Executive

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Chief Executive	0	92,090	92,132	42	
Total for Office of Chief Executive	0	92,090	92,132	42	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2020

Department - Corporate Services

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Next Quarters Profile £	Comments
Analysis by Type of Spend						
Direct Expenditure						
Employee Expenses	10,004,500	4,819,642	4,610,924	(208,717)	1,346,418	
Premises Related Expenditure	443,020	182,265	178,364	(3,901)	123,785	
Transport Related Expenditure	101,630	52,170	34,562	(17,608)	37,842	
Supplies & Services	43,628,530	37,159,996	34,168,615	(2,991,381)	927,647	
Transfer Payments	45,115,060	19,462,920	19,106,673	(356,247)	9,731,460	
Interest Payments	20,460	9,555	5,968	(3,587)	1,823	
Total Direct Expenditure	99,313,200	61,686,548	58,105,107	(3,581,441)	12,168,974	
Direct Income						
Government Grants	(87,580,450)	(56,070,685)	(58,417,418)	(2,346,733)	(13,647,579)	
Other Grants, Reimbursements and Contributions	(1,364,580)	(776,101)	(642,624)	133,477	(351,119)	
Sales, Fees and Charges	(141,830)	(66,157)	(50,490)	15,666	(45,050)	
Rents Receivable	(650)	(424)	(215)	209	(98)	
Interest Receivable	(489,280)	(301,592)	(337,617)	(36,025)	(158,580)	
RSG, Business Rates and Council Tax	(14,581,620)	(7,629,375)	(7,629,385)	(10)	(4,534,752)	
Total Direct Income	(104,158,410)	(64,844,334)	(67,077,749)	(2,233,416)	(18,737,178)	
Net Direct Costs	(4,845,210)	(3,157,786)	(8,972,643)	(5,814,857)	(6,568,204)	
Net Indirect Costs	(5,635,440)	0	(3,231)	(3,231)	0	
Net Contribution to/(from) Reserves	(15,201,900)	0	0	0	0	
Total for Corporate Services	(25,682,550)	(3,157,786)	(8,975,874)	(5,818,088)	(6,568,204)	

Department - Corporate Services

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Deputy Chief Executive and Administration	5,170	118,379	80,920	(37,459)	
Total for Governance and Legal Services	54,520	199,605	143,516	(56,089)	
Page 559 Total for Finance, Revenues and Benefits	1,753,540	5,222,500	2,536,700	(2,685,800)	Although adjusted as part of the year end subsidy reconciliation process, Housing Benefit payments to claimants are lower than budgeted at the end of September. In addition, this area of the budget also 'holds' the money provided by the Government to enable £150 to be provided to claimants in receipt of local council tax support as part of their overall COVID support packages. Although this money is being actively applied to eligible claimants, it remains subject to review over the remainder of the year and will also form part of the overall collection fund adjustments at the end of the year. It is also worth highlighting that income from court costs in connection with the recovery of council tax is currently £100k behind profile. This is due to only limited recovery action taken during the year to date reflecting the COVID 19 crisis. From a budgetary position, this will be kept under review over the remainder of the year and revisited as part of reporting the quarter 3 position in February.

Department - Corporate Services

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
Total for Finance - Other Corporate Costs	(462,330)	(5,500,755)	(8,418,552)	(2,917,797)	The primary reason for the variance to date is the timing of the payment of the various COVID related business grants and the final reconciliation process. The amount of funding received by the Council was based on the Government's estimate of the level of grants which is different to the actual grants paid. The variance to date also includes new burdens funding of £292k some of which has been included in Appendix H as part of the overall proposed adjustments to the budget as at the end of September 2020.
Total for Finance - Financing Items	(15,271,280)	2,226,367	2,221,310	(5,057)	
Total for Finance - RSG, Business Rates and Council Tax	(14,581,620)	(7,629,375)	(7,629,385)	(10)	
Total for Property Services	297,550	151,980	191,883	39,903	
Total for People, Performance and Projects	757,990	361,708	355,994	(5,714)	
Total for IT and Corporate Resilience	551,960	1,177,050	1,043,361	(133,689)	Variations in this service area broadly reflect the timing of the delivery of a number of projects and initiatives associated with various strands of the digital transformation project.
Total for Democratic Services	1,211,950	514,755	498,380	(16,375)	
Total for Corporate Services	(25,682,550)	(3,157,786)	(8,975,874)	(5,818,088)	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2020

Department - Operational Services

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	10,524,970	5,208,390	5,298,720	90,330	2,480,930	
Premises Related Expenditure	3,430,400	1,948,102	1,722,978	(225,124)	779,323	
Transport Related Expenditure	515,950	252,537	228,605	(23,932)	94,287	
Supplies & Services	4,588,670	1,937,251	1,530,073	(407,178)	1,020,184	
Third Party Payments	5,124,660	2,158,836	2,197,773	38,938	1,292,557	
Transfer Payments	500,390	250,195	268,167	17,972	125,098	
Total Direct Expenditure	24,685,040	11,755,311	11,246,316	(508,995)	5,792,379	
Direct Income						
Government Grants	(748,930)	(425,170)	(425,167)	3	0	
Other Grants, Reimbursements and Contributions	(1,380,240)	(551,942)	(684,122)	(132,180)	(412,059)	
Sales, Fees and Charges	(7,536,240)	(3,963,068)	(3,707,658)	255,410	(1,867,098)	
Rents Receivable	(329,000)	(187,305)	(246,403)	(59,098)	(64,724)	
Direct Internal Income	(481,540)	(280,760)	(276,646)	4,114	(138,155)	
Total Direct Income	(10,475,950)	(5,408,245)	(5,339,995)	68,249	(2,482,036)	
Net Direct Costs	14,209,090	6,347,066	5,906,321	(440,746)	3,310,343	
Net Indirect Costs	3,966,090	0	0	(0)	(5,560)	
Total for Operational Services	18,175,180	6,347,066	5,906,321	(440,746)	3,304,783	

Department - Operational Services

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Corporate Director and Administration Operational Services	630,370	178,195	165,779	(12,416)	
Page 56 Total for Public Realm	2,078,810	500,104	489,450	(10,654)	Although the net variance to date is relatively small, it masks a reduction in income at the Crematorium. Following a fire at the facility earlier in the year, it had to close for approximately 6 weeks which has contributed to reduced income of £165k against the profiled budget at the end of September 2020. No adjustment has been made to the budget at the present time but the position will be monitored over the remainder of the year as it may be possible for income to recover more generally over the this longer time frame. In terms of a favourable position at the end of September, income from car parks has fully recovered from the COVID lockdown period at the start of the financial year with the position being ahead of the profiled budget by £73k.
Total for Customer and Commercial Services	587,610	563,784	603,089	39,305	

Department - Operational Services

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
Page 563 Total for Sports and Leisure	4,477,780	1,256,896	942,054	(314,842)	<p>Due to the significant impact from COVID 19, the income budgets for the various sports facilities have been adjusted as set out in Appendix H, which has been supported by Government funding. However there are also a number of corresponding reductions in expenditure at the facilities that would have been experienced over the same period. Reduced income will continue to be supported by the Government's sales, fees and charges (SFC) compensation scheme which does require any loss of income to be offset by reductions in expenditure wherever possible. This position will therefore form part of a wider reconciliation process over the rest of the year. Please see the main body of the report for additional information about the SFC compensation scheme. There is also an underspend of £80k due to the Airshow not going ahead this year and it is proposed to consider this available funding as part of the Back to Business initiative where it may be possible to support alternative events this year.</p>
Total for Housing and Environmental Health	2,889,470	857,941	781,909	(76,032)	

Department - Operational Services

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
Total for Building and Engineering Page 5 of 11	7,511,140	2,990,146	2,924,040	(66,105)	Recycling credit income remains ahead of the profile - £114k at the end of September, reflecting increased recycling rates. In addition, a number of underspends are emerging against the general office accommodation budget which would be expected given many officers are working from home. These two favourable issues are however masking a potential issue within Engineering Services where there is an adverse variance of £133k at the end of September - further details are set out in the main body of the report.
Total for Operational Services	18,175,180	6,347,066	5,906,321	(440,746)	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2020

Department - Planning and Regeneration

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	2,484,970	1,221,930	1,066,137	(155,793)	610,965	
Premises Related Expenditure	28,970	20,590	16,895	(3,695)	4,190	
Transport Related Expenditure	35,300	17,650	4,938	(12,712)	8,825	
Supplies & Services	5,524,360	760,495	364,128	(396,367)	441,417	
Third Party Payments	870	0	0	0	0	
Total Direct Expenditure	8,074,470	2,020,665	1,452,098	(568,567)	1,065,398	
Direct Income						
Government Grants	(17,500)	(17,500)	(17,506)	(6)	0	
Other Grants, Reimbursements and Contributions	(60,000)	0	288	288	0	
Sales, Fees and Charges	(1,419,350)	(758,435)	(784,846)	(26,411)	(330,458)	
Rents Receivable	(52,880)	(24,586)	(29,537)	(4,951)	(16,487)	
Total Direct Income	(1,549,730)	(800,521)	(831,601)	(31,080)	(346,945)	
Net Direct Costs	6,524,740	1,220,144	620,498	(599,646)	718,453	
Net Indirect Costs	982,630	0	0	0	0	
Total for Planning and Regeneration	7,507,370	1,220,144	620,498	(599,646)	718,453	

Department - Planning and Regeneration

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Corporate Director	0	50,195	17,444	(32,751)	
Total for Planning and Customer Services	60,250	865,040	634,279	(230,761)	The variance to date is primarily against employee budgets which are offsetting the cost of agency staff and other issues within the Planning and Development area of budget set out below.
Total for Planning and Development	1,796,970	(519,150)	(390,241)	128,909	Planning fee income is running £43k ahead of the profiled budget at the end of September. However the cost of agency staff is £156k ahead of the budget along with £70k of additional costs being incurred in respect of planning appeals. This position is being supported by the variance within Planning and Customer Services highlighted above.
Total for Planning Policy	1,184,940	398,275	(9,666)	(407,941)	The position to date primarily reflects the timing of expenditure associated with the development of the Local Plan.
Total for Building Control	257,300	12,305	6,503	(5,802)	
Total for Regeneration	4,207,910	413,479	362,178	(51,301)	
Total for Planning and Regeneration	7,507,370	1,220,144	620,498	(599,646)	

Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of September 2020

Housing Revenue Account

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	1,132,930	352,555	329,589	(22,966)	176,278	
Premises Related Expenditure	3,527,810	1,747,286	1,553,045	(194,241)	818,283	
Transport Related Expenditure	23,870	11,935	5,632	(6,303)	5,967	
Supplies & Services	527,540	172,750	201,325	28,575	60,096	
Third Party Payments	1,030	515	0	(515)	258	
Transfer Payments	17,000	8,500	8,294	(206)	4,250	
Interest Payments	1,358,430	384,550	384,554	4	250,070	
Total Direct Expenditure	6,588,610	2,678,091	2,482,439	(195,652)	1,315,201	
Direct Income						
Government Grants	0	0	0	0	0	
Other Grants, Reimbursements and Contributions	(8,440)	(220)	(4,796)	(4,576)	(110)	
Sales, Fees and Charges	(539,380)	(285,931)	(317,769)	(31,838)	(113,764)	
Rents Receivable	(13,117,260)	(6,573,247)	(6,482,292)	90,955	(3,287,283)	
Interest Receivable	(51,600)	0	0	0	0	
Total Direct Income	(13,716,680)	(6,859,398)	(6,804,857)	54,541	(3,401,156)	
Net Direct Costs	(7,128,070)	(4,181,307)	(4,322,419)	(141,111)	(2,085,955)	
Net Indirect Costs	7,128,070	0	0	0	0	
Net Contribution to/(from) Reserves	0	0	0	0	0	
Total for HRA	0	(4,181,307)	(4,322,419)	(141,111)	(2,085,955)	

Housing Revenue Account

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Finance - Financing Items	1,992,030	0	0	0	
Total for Corporate Director and Administration Operational Services	660,090	46,415	94,713	48,298	Some items of additional expenditure have occurred in the first half of the year - please see Appendix H for further details
Total for Customer and Commercial Services	(50,350)	(84,000)	(94,661)	(10,661)	
Total for Housing and Environmental Health	(6,465,280)	(5,697,989)	(5,642,699)	55,290	Void losses are running at approximately 4% compared with the 2% budgeted for. A separate piece of work is currently underway to provide further details around this position which will be presented to members shortly.
Total for Building and Engineering	3,863,510	1,554,267	1,320,229	(234,038)	This primarily reflects the timing of expenditure against this budget. However, please see additional comments with the main body of the report in respect of the Engineering Services who provide in-house repairs work.
Total for HRA	0	(4,181,307)	(4,322,419)	(141,111)	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2020

	Total Budget Allocated to Scheme* £	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
Expenditure						
Business and Economic Growth Portfolio						
SME Growth Fund Capital Grants	43,250	43,250	0	0	0	
Starlings and Milton Road Redevelopment	1,556,380	1,556,380	10,740	15,867	5,127	
Total for Business and Economic Growth Portfolio	1,599,630	1,599,630	10,740	15,867	5,127	
Corporate Finance and Governance Portfolio						
Joint HR and Payroll System	1,780	1,780	0	0	0	
Information and Communications Technology Core Infrastructure	345,040	180,040	40,510	40,511	1	
Agresso e-procurement	84,000	84,000	0	0	0	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2020

	Total Budget Allocated to Scheme* £	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
Enhanced Equipment replacement - Printing and Scanning	6,210	2,600	0	0	0	
Office Rationalisation	355,100	355,100	115,120	115,119	(1)	Work will continue throughout the financial year towards the completion of the works in 2021.
Total for Corporate Finance and Governance Portfolio	792,130	623,520	155,630	155,631	1	
Environment and Public Space Portfolio						
Cranleigh Close, Clacton, landscaping works	1,830	1,830	0	0	0	Remaining budget allocated, with project scheduled to be finalised November 2020.
Environmental Health Database Migration	5,250	5,250	0	0	0	
Laying Out Cemetery	154,650	154,650	4,400	4,400	0	Following initial ecology surveys, further preliminary works are now required before works can commence.
Crematorium and Cemeteries Road Works	31,190	31,190	31,190	31,583	393	Works Complete.
Bath House Meadow Play Area, Walton	6,580	6,580	6,580	6,582	2	Works Complete.

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2020

	Total Budget Allocated to Scheme* £	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
Resurfacing Works, Off Valley Road	6,130	6,130	0	0	0	Project to be completed Autumn 2020, with orders now raised for final works.
Bath House Meadow Security Measures	16,610	16,610	11,040	11,043	3	Further works planned for Autumn 2020.
Clacton Multi-Storey car park repairs	180,000	180,000	0	0	0	Project in planning phase, with a follow up tender process to be arranged.
Public Convenience Works	40,000	40,000	0	0	0	Refurbishment programme agreed, with further works planned for 2020/21.
Works at Halstead Road Play Area, Kirby	100,850	100,850	93,330	93,327	(3)	Works to play area complete, with final landscaping works to be carried out in 2020/21
Total for Environment and Public Space Portfolio	543,090	543,090	146,540	146,936	396	
Housing Portfolio						
Replacement of High Volume Printers	29,000	29,000	0	0	0	
Replacement debit and credit card payment facility	14,630	14,630	0	0	0	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2020

	Total Budget Allocated to Scheme* £	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
Replacement Scan Stations	12,000	12,000	0	0	0	
Housing in Jaywick	464,230	464,230	890	888	(3)	Investigation works continuing - detailed design phase commencing.
Private Sector Renewal Grants/Financial Assistance Loans	297,150	297,150	8,470	8,470	0	
Disabled Facilities Grants	7,978,210	5,707,210	388,745	383,437	(5,308)	
DFG - Discretionary use of BCF	0	0	0	5,304	5,304	
Private Sector Leasing	75,660	75,660	0	0	0	
Empty Homes funding	152,220	152,220	0	0	0	This project remains subject to review to identify alternative options / opportunities as part of the Council's wider investment plan.
Total for Housing Portfolio	9,023,100	6,752,100	398,105	398,099	(6)	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2020

	Total Budget Allocated to Scheme* £	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
Independent Living Portfolio						
Careline - Replacement Telephone System	21,860	21,860	3,970	4,644	674	Project has commenced and is on profile with a likely completion at the end of the financial year following delays due to the Covid 19 lockdown.
Total for Independent Living Portfolio	21,860	21,860	3,970	4,644	674	
Leisure and Tourism Portfolio						
Replacement of beach hut supports - The Walings	11,620	0	0	0	0	
Princes Theatre Toilets	40,000	40,000	0	0	0	Project has now commenced
Town Centre Fountain	159,080	159,080	0	0	0	
CLC - Spa and Wetside Re-development	521,480	521,480	27,160	27,163	3	Tender specification now completed by contractor - awaiting specification review from building services before putting out to tender. Specification delayed by Covid 19 lockdown.
New Beach Huts	64,600	64,600	0	0	0	Project awaiting completion of lease agreement before building of huts can commence.

Corporate Budget Monitoring - General Fund Capital Programme Position at the end of September 2020

	Total Budget Allocated to Scheme* £	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
Cliff Stabilisation Scheme	438,630	438,630	28,650	28,650	0	A final walkthrough of the scheme has identified the need for some additional drainage works before the project can be finalised.
Marine Parade West Clacton Cliff Works	29,930	29,930	0	0	0	Works Complete.
Purchase of Street Cleansing Equipment	3,480	3,480	0	0	0	
Total for Leisure and Tourism Portfolio	1,268,820	1,257,200	55,810	55,813	3	
Total Approved General Fund Capital	13,248,630	10,797,400	770,795	776,989	6,194	

* This is current and future years budget where a scheme has been profile into future years

Corporate Budget Monitoring - Housing Revenue Account Capital Programme Budget Position at the end of September 2020

	2020/21 Current Full Year Budget £	2020/21 Profiled Budget to date £	2020/21 Actual to date £	2020/21 Variance to Profile £	Comments
Improvements, enhancement & adaptation of the Council's housing stock	2,696,410	759,737	611,733	(148,004)	The programme has been impacted by the Covid 19 restrictions, especially the 'lockdown' period at the start of the financial year.
IT Upgrade & Replacement	20,000	0	2,133	2,133	
Disabled Adaptations	420,000	207,930	72,051	(135,879)	
Acquisitions - 1-4-1 Capital Receipts	310,000	310,000	317,210	7,210	
Acquisitions - Section 106	294,000	147,000	198,149	51,149	Please see Appendix H for the proposed adjustment to cover the buy back of DIYSO Properties.
Cash Incentive Scheme	60,000	0	0	0	
New Build Initiatives and Acquisitions	1,807,730	793,900	0	(793,900)	
Jaywick Sands - New Build/Starter Homes	0	0	793,904	793,904	Please see Appendix H for the proposed adjustment to cover the outstanding costs of this project.
Total Housing Revenue Account Capital Programme	5,608,140	2,218,567	1,995,181	(223,386)	

New-Build and Acquisitions - Subject to 1-4-1 Pooling Retained Receipts Regulations

	Required Expenditure to meet MHCLG Target				Remaining Expenditure Required to Meet MHCLG Target
MHCLG Target Date for Expenditure	30 % 1-4-1 Receipts to Retain from MHCLG £	70 % Expenditure Required by TDC £	Total Expenditure Required to Retain Receipts £	Total Actual Expenditure by TDC £	Total Expenditure £
31/12/2019	30,646	71,506	102,152	102,152	0
31/03/2020	124,070	289,496	413,566	413,566	0
30/06/2020	82,820	193,246	276,066	276,066	0
30/09/2020	160,839	375,291	536,130	536,130	0
31/12/2020	381,031	889,074	1,270,105	1,249,306	20,799
31/03/2021	45,057	105,136	150,193	0	150,193
30/09/2022	185,551	432,954	618,505	0	618,505
31/12/2022	113,411	264,626	378,037	0	378,037
Cumulative Expenditure	1,123,425	2,621,329	3,744,754	2,577,220	1,167,534

Collection Performance : Position at the end of September 2020

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax			Business Rates																																
<table border="1"> <caption>Council Tax Collection Performance</caption> <thead> <tr> <th>Quarter</th> <th>2019/20</th> <th>2020/21</th> </tr> </thead> <tbody> <tr> <td>Quarter 1</td> <td>29.20%</td> <td>27.79%</td> </tr> <tr> <td>Quarter 2</td> <td>55.86%</td> <td>53.20%</td> </tr> <tr> <td>Quarter 3</td> <td>82.25%</td> <td></td> </tr> <tr> <td>Quarter 4</td> <td>96.09%</td> <td></td> </tr> </tbody> </table>			Quarter	2019/20	2020/21	Quarter 1	29.20%	27.79%	Quarter 2	55.86%	53.20%	Quarter 3	82.25%		Quarter 4	96.09%		<table border="1"> <caption>Business Rates Collection Performance</caption> <thead> <tr> <th>Quarter</th> <th>2019/20</th> <th>2020/21</th> </tr> </thead> <tbody> <tr> <td>Quarter 1</td> <td>29.37%</td> <td>22.75%</td> </tr> <tr> <td>Quarter 2</td> <td>55.03%</td> <td>52.87%</td> </tr> <tr> <td>Quarter 3</td> <td>81.36%</td> <td></td> </tr> <tr> <td>Quarter 4</td> <td>98.19%</td> <td></td> </tr> </tbody> </table>			Quarter	2019/20	2020/21	Quarter 1	29.37%	22.75%	Quarter 2	55.03%	52.87%	Quarter 3	81.36%		Quarter 4	98.19%	
Quarter	2019/20	2020/21																																	
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Quarter 2	55.86%	53.20%	Quarter 2	55.03%	52.87%																														
Quarter 3	82.25%		Quarter 3	81.36%																															
Quarter 4	96.09%		Quarter 4	98.19%																															
Housing Rents			General Debt																																
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Quarter 4	97.24%		Quarter 4	95.08%																															

Treasury Activity : Position at the end of September 2020

Key Treasury Management Performance Data and Prudential Indicators are set out below.

TREASURY ACTIVITY

Borrowing	Opening Balance 1 April £'000	Borrowing to date £'000	Borrowing Repaid to date £'000	Balance to Date £'000	Comments
Long Term PWLB Borrowing - GF	207	0	52	155	
Long Term PWLB Borrowing - HRA	40,106	0	832	39,274	
TOTAL BORROWING	40,313	0	884	39,429	
Investments	Opening Balance 1 April £'000	Investments to date £'000	Investments Repaid to date £'000	Balance to Date £'000	Comments
<i>Investments less than a year</i>					
Investments with UK Government via Treasury Bills/Investments with DMO, and Local Authorities and other public bodies	54,900	4,570,400	4,519,300	106,000	Net investments have increased over the reporting period due to the timing of the Council's cash flow such as expenditure budgets behind profile or income being received ahead of expenditure plus the impact of Business Rates Covid 19 grant funding, half of which was received from the Government in error.
Investments with UK financial Institutions (including Money Market Funds)	11,560	6,000	8,763	8,797	At the end of the period, investments were held with 5 counterparties.
Investments with non-UK Financial institutions	0	0	0	0	
Total Investments for less than a year	66,460	4,576,400	4,528,063	114,797	
<i>Investments for longer than a year</i>	0	0	0	0	
TOTAL INVESTMENTS	66,460	4,576,400	4,528,063	114,797	
Interest Paid / Received	Full Year Budget £'000	Profiled Budget to Date £'000	Actual to Date £'000	Variance to date £'000	Comments
Interest Paid on Borrowing - GF	13	6	6	0	The weighted average rate of interest on the Council's GF borrowing is currently 7.51%. (on an accrued basis).
Interest Paid on Borrowing - HRA	1,358	385	385	0	The weighted average rate of interest on the Council's HRA borrowing is currently 3.46%. (on an accrued basis)
Interest Received on Investments	(386)	(213)	(236)	(23)	The weighted average rate of interest being received on the Council's investments is currently 0.37%. (on an accrued basis)
PRUDENTIAL INDICATORS					
	Approved Indicator £'000	Highest amount reached in the period £'000	Comments		
Authorised limit for external borrowing	76,156	40,313	Borrowing has remained within approved limits.		
Operational boundary for external borrowing	67,525				

Income from S106 Agreements

Information in respect of S106 income has been split across two areas below - Where money has been formally allocated / being spent and where money remains unallocated / uncommitted.

Where related to capital schemes - see Appendix D for overall scheme progress.

ALLOCATED / BEING SPENT

Scheme	Amount Committed / Planned to be Spent in 2019/20 (including accrued interest as appropriate) £'000
Capital Schemes	
Cranleigh Close, Clacton - landscaping works	8
Valley Road, Car Park Resurfacing	7
Revenue Schemes and other Contributions	120
TOTAL	135

UNALLOCATED / UNCOMMITTED TO DATE

Permitted Use as per S106 Agreement	Amount Held / 'Spend by' Date			
	Less than 1 Year £'000	1 to 2 Years £'000	2 to 4 Years £'000	4 years + £'000
Regeneration Programme and Other Initiatives	0	0	0	2
Affordable Housing	0	0	0	1,706
Town Centre Improvements	0	0	22	22
Habitat Protection	0	0	0	3
Open Space*	3	29	52	1,135
TOTAL	3	29	74	2,868

* For schemes with a 'spend by' date of less than one year, this money must be spent as follows
£3,000 by November 2020

Proposed Adjustments to the Budget September 2020

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
GENERAL FUND REVENUE			
<i>The following items have no net impact on the overall budget</i>			
Air Show (net budget)	(79,270)		Please see main body of the report for additional comments.
Back to Business	79,270		
Total General Fund Revenue with no net impact on the overall budget	0	0	

<i>The following items will be adjusted against the Forecast Risk Fund</i>			
Reduction in Housing Benefit Administration Grant	8,620		The amount confirmed by the Government after the budget was agreed in February was lower than expected.
Reduction in LCTS Administration Grant	14,190		The amount confirmed by the Government after the budget was agreed in February was lower than expected.
Reduction in NDR Administration Grant	2,770		The amount confirmed by the Government after the budget was agreed in February was lower than expected.
Increased Property Repair Costs	65,000		Urgent repairs were required to the playing field wall at York Street, Dovercourt.
Insurance Premiums	29,350		Additional cost of premiums following the renewal process in 2020.
Officer Pay Award 2020/21	124,450		To meet the cost of the agreed 2020/21 pay award - 2.75% which was 0.75% greater than the 2% included in the original budget
Members Allowances	34,270		To reflect the Full Council's decision in September

Appendix H

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
Replacement Microphone System for Members	50,000		Following the move to virtual / hybrid meetings during the year, it is proposed to invest in new microphones and associated equipment / software to support this new way of working going forward.
New Burdens Funding		(170,000)	Reflects new burdens funding received from the Government that is not required to be committed within the associated area of the budget.
Employee Costs		(200,000)	Reflects vacancy savings that can be 'banked' at the end of September 2020
Forecast Risk Fund	41,350		The balance of the above adjustments results in a small contribution being made to this reserve
GENERAL FUND CAPITAL			
Schemes Reprofiled			
None			
Other Changes to General Fund Capital Programme			
None			
Total General Fund Capital Adjustment with no net impact on the overall budget	0		

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
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HRA REVENUE

The following items will be adjusted against the HRA General Balance

Implementation of new Housing Allocations IT / Software	40,950		Additional cost to support the changes to the associated processes which were recommended via a recent Internal Audit Review
Increased property valuation costs	20,000		Costs associated with the investigation of potential property purchases during the year
Implementation of new Job / Stock Management IT / Software	25,430		Additional expenditure required for the implementation of a new system to support the in-house Engineering Team, which also responds to a recent Internal Audit Review
Council Tax on Empty Properties	75,000		Costs primarily associated with long term empty properties at Honeycroft and Spendells
Officer Pay Award 2020/21	4,950		To meet the cost of the agreed 2020/21 pay award - 2.75% which was 0.75% greater than the 2% included in the original budget
Use of HRA Balances		(166,330)	The above costs to be met from HRA General Balances

HRA CAPITAL

Jaywick Sands - New Properties	1,200,000		This is the estimated amount to complete this scheme supported by the use of '1-4-1' capital receipts via the new build and acquisition general capital scheme.
Use of New Build and Acquisitions Budget within the HRA Capital Programme	(1,200,000)		
DIYSO Buy Back	46,300		To support the buy back of DIYSO properties funded from S106 contributions
Use of S106 Contributions		(46,300)	

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
COVID 19 FUNDING ADJUSTMENTS - MET FROM GENERAL GOVERNMENT GRANT (Already reflected in Appendices)			
<i>Expenditure</i>			
Additional temporary staffing capacity including overtime	39,540		
Purchase of PPE	45,000		
Costs associated with reopening offices and facilities in a COVID secure way	67,940		
IT equipment / licences to support / facilitate remote working etc.	91,020		
Advertising / Printing and Stationary	64,010		
Temporary outsourcing of service delivery	51,690		
Additional Homelessness Costs	120,000		
Deep Cleaning of Offices / Facilities	4,550		
Delay in the delivery of savings included in the budget (from the closure of Weeley Council Offices)	90,000		
Discretionary Grants Scheme - applications identified as eligible for grant funding after finalisation of the scheme	20,000		
IT changes to facilitate the administration of various Government COVID Support Schemes	5,430		
Additional cleaning of Public Conveniences and Seafronts	31,110		
<i>Income - Amounts deemed 'lost' rather than delayed</i>			
Career Track	60,000		
Sports Facilities / Recreation Grounds and the Princes Theatre	1,085,330		The full losses to date have not been adjusted for as the grant from the Government was not sufficient at this stage to do so. However, please see the main body of the report for further information, especially in respect of the Government's Sales, Fees and Charges Compensation Scheme.

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
CAROS (to reflect decision to waive rents for 3 months)	11,600		
Investment due to low interest rate environment	96,420		
Use of Government COVID Support Funding		(1,883,640)	
	1,883,640	(1,883,640)	

UPDATED LONG TERM FINANCIAL FORECAST

APPENDIX I

Line	Budget 2020/21 £	Estimate* 2021/22 £	Estimate 2022/23 £	Estimate 2023/24 £	Estimate 2024/25 £	Estimate 2025/26 £	Estimate 2026/27 £
Underlying Funding Growth in the Budget							
1	(0.158)	(0.165)	(0.168)	(0.171)	(0.175)	(0.178)	(0.182)
2	(0.079)	(0.077)	(0.074)	(0.071)	(0.067)	(0.064)	(0.060)
3	(0.110)	(0.041)	(0.137)	(0.139)	(0.142)	(0.145)	(0.148)
4	(0.365)	(0.187)	(0.198)	(0.208)	(0.219)	(0.230)	(0.242)
5	(1.360)	0.000	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)
	(2.072)	(0.470)	(0.676)	(0.690)	(0.703)	(0.717)	(0.732)
Net Cost of Services and Other Adjustments							
6	(0.007)	0.429	0.000	0.000	0.000	0.000	0.000
7	0.013	(0.412)	0.000	0.000	0.000	0.000	0.000
8	0.710	1.360	0.000	0.100	0.100	0.100	0.100
9	0.615	0.507	0.386	0.390	0.394	0.398	0.403
10	0.231	0.148	0.164	0.169	0.173	0.178	0.184
11	0.000	0.000	(0.090)	0.000	0.000	0.000	0.000
12	0.000	(0.037)	0.000	0.000	0.000	0.000	0.000
13	(0.045)	(0.209)	0.000	0.000	0.000	0.000	0.000
14	1.103	2.265	0.000	0.000	0.000	0.000	0.000
15	(0.301)	0.000	(0.450)	(0.450)	(0.450)	(0.450)	(0.450)
16	0.884	0.250	0.250	0.250	0.250	0.250	0.250
17	(1.157)	(2.056)	0.000	0.000	0.000	0.000	0.000
	2.045	2.245	0.260	0.459	0.468	0.477	0.486
Net Total	(0.027)	1.775	(0.416)	(0.231)	(0.236)	(0.240)	(0.245)
Add back Use of Reserves / Forecast Risk Fund in Prior Year	0.027	(0.000)	1.774	1.358	1.127	0.892	0.651
Net Budget Position	(0.000)	1.774	1.358	1.127	0.892	0.651	0.406
Use of Forecast Risk Fund to support the Net Budget Position	0.000	(1.774)	(1.358)	(1.127)	(0.892)	(0.651)	(0.406)

* See separate RAG risk assessment for further consideration of forecast risks for each line of the forecast

Use of Forecast Risk Fund to Support the Net Budget Position Above

Outturn b/fwd from prior years	(3.253)	(3.753)	(2.479)	(1.621)	(0.993)	(0.602)	(0.450)
Applied in year as set out in the forecast above	(0.000)	1.774	1.358	1.127	0.892	0.651	0.406
Additional contributions generated in year	(0.500)	(0.500)	(0.500)	(0.500)	(0.500)	(0.500)	(0.500)
Balance to Carry Forward	(3.753)	(2.479)	(1.621)	(0.993)	(0.602)	(0.450)	(0.544)

FORECAST SENSITIVITIES - TABLE 1	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
	£	£	£	£	£	£
Forecast Budget Gap / (Surplus) from table above (BASE Position)	1.774	1.358	1.127	0.892	0.651	0.406
Revised Forecast Budget GAP / (SURPLUS) in the event of the following possibilities						
Council Tax Increase are lower by 1% per annum compared to the base	1.858	1.529	1.389	1.250	1.107	0.965
Property Growth does not grow over the life of the forecast	1.962	1.556	1.336	1.111	0.882	0.648
Property Growth is lower than the forecast by 10% compared to the base	1.794	1.394	1.179	0.958	0.732	0.500
Inflation increases at a rate of +1% faster than the base	2.004	1.598	1.378	1.154	0.924	0.690
Inflation decreases at a rate of 1% slower than the base	1.544	1.118	0.876	0.630	0.378	0.122
Savings achieved are lower by 10% per annum compared to the base	1.774	1.448	1.262	1.072	0.876	0.676
Savings achieved are lower by 20% per annum compared to the base	1.774	1.538	1.397	1.252	1.101	0.946
Unmitigated Cost Pressures are greater by 10% per annum compared to the base	1.799	1.408	1.202	0.992	0.776	0.556
Unmitigated Cost Pressures are greater by 20% per annum compared to the base	1.824	1.458	1.277	1.092	0.901	0.706

FORECAST SENSITIVITIES - TABLE 2		2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Impact on Forecast Risk Fund - Year End Balance		£	£	£	£	£	£
Forecast Year End Balance from table above (BASE Position)		(2.479)	(1.621)	(0.993)	(0.602)	(0.450)	(0.544)
Council Tax Increase are lower by 1% per annum compared to the base		(2.395)	(1.366)	(0.476)	0.273	0.881	1.346
Property Growth does not grow over the life of the forecast		(2.291)	(1.236)	(0.400)	0.211	0.593	0.740
Property Growth is lower than the forecast by 10% compared to the base		(2.459)	(1.566)	(0.887)	(0.429)	(0.197)	(0.198)
Inflation increases at a rate of +1% faster than the base		(2.249)	(1.151)	(0.272)	0.381	0.806	0.996
Inflation decreases at a rate of 1% slower than the base		(2.709)	(2.091)	(1.714)	(1.585)	(1.706)	(2.084)
Savings achieved are lower by 10% per annum compared to the base		(2.479)	(1.531)	(0.768)	(0.197)	0.180	0.356
Savings achieved are lower by 20% per annum compared to the base		(2.479)	(1.441)	(0.543)	0.208	0.810	1.256
Unmitigated Cost Pressures are greater by 10% per annum compared to the base		(2.454)	(1.546)	(0.843)	(0.352)	(0.075)	(0.019)
Unmitigated Cost Pressures are greater by 20% per annum compared to the base		(2.429)	(1.471)	(0.693)	(0.102)	0.300	0.506

Relevant line of the Forecast	RAG Assessment of Risk	Comments
<i>Underlying Funding Growth in the Budget</i>		
Council Tax Increase 1.99%		Although this is subject to future Government policy, it is expected that an allowable inflationary uplift will always be a feature in the Local Government finance settlement and associated Council Tax referendum principles
Ctax increase by £5 (amounts set out are over and above the 1.99% above)		Although similar to the above, there is less certainty around the level of increase that the Government may allow over and above a 'base' inflationary uplift. However it is expected that such increases will be allowable in the short term without invoking the need to hold a referendum. This will remain subject to on-going review.
Growth in Business rates - Inflation		Similar to Council Tax above, based on the historic trend of inflationary uplifts in the poundage applied to rateable values, modest inflationary increases are relatively certain over the life of the forecast, although a one-off exceptionally low rate is expected in 2021/22 due to the impact of COVID 19.
Growth in Business rates / council tax - general property growth		Underlying growth in business rates and Council Tax are expected to remain relatively stable and robust in the long term. However the medium term impact of COVID 19 is unclear at the present time. The other two main risks relate to major economic changes and future Government Policy, especially in relation to business rates where the Government remains active in developing a 75% retention model across the public sector based on a fair funding assessment. This model could see the Government introduce business rate 'resets' which could see income from economic growth being reduced on a cyclical basis as part of a redistribution method nationally. The Government continues to move forward with their proposals which have been delayed for at least a further year given the impacts from COVID 19.

Relevant line of the Forecast	RAG Assessment of Risk	Comments
Collection Fund Surpluses b/fwd		Although only relatively modest amounts have been included in the forecast, the short to medium term impact of COVID 19 is unclear. A surplus for 2021/22 has now been removed from the forecast given this increased risk with the figures in later years being kept under review. (The forecast excludes any benefit from being a member of the Essex Business Rates Pool as it is accounted for on an actual basis rather than building it into the base budget given its one-off nature and complexities in the overall business rate calculations)
Net Cost of Services and Other Adjustments		
Reduction in RSG		Given the delays to the Government's fair funding review and move to the new 75% business rates retention model, it may be possible that RSG is receivable again in 2021/22 (although the Government may be reluctant to continue it given the impact of COVID 19 on national finances) However no RSG has been assumed within the forecast at the present time pending the outcome from the Government's one year spending settlement.
Remove one-off items from prior year		These are known adjustments
Remove one-off items from prior year - Collection Fund Surplus		These are known adjustments based on the assumptions set out above concerning the year on year change in the collection fund position
Inflation - Employee Costs (including annual review adjustments)		Following an increase of 2.75% in 2020/21, the forecast for future years has been maintained at 1.5%.
Inflation - Other		Although the Government's target CPI inflation is 2%, this is a long term target which will inevitably see fluctuations over short financial cycles. However 2% and 3% remain the basis for calculating an inflationary allowance for contracts and budgets that are based on either CPI or RPI respectively.
First / Second / Third year impact of PFH WP Savings		These are known adjustments which will be delivered in total but is recognised that the timing may differ to that originally anticipated which will be reflected in the forecast. The item included in 2022/23 relates to the annual revenue savings expected from the disposal of Weeley Council Offices.

Relevant line of the Forecast	RAG Assessment of Risk	Comments
LCTS Grant To Parish Council's		This will be subject to the level of RSG receivable from the Government, as to date the change in the level of grant funding provided to Town and Parish Councils has mirrored the changes in RSG.
Specific change in Use of Reserves		Changes in the use of reserves primarily reflect other changes elsewhere in the budget/ forecast so are not a significant risk in isolation.
On-going savings required		This line of the budget fundamentally acts as the 'safety valve' for other changes elsewhere in the forecast and would need to be increased if adverse issues were experienced or estimates were not in line with predictions. Although the long term forecast provides flexibility in the timing of the delivery of such savings, it is important that on-going savings continue to be secured to meet the amounts set out in the forecast.

Relevant line of the Forecast	RAG Assessment of Risk	Comments
<p>Unmitigated Cost Pressures</p> <p>Page 591</p>		<p>It is recognised that this line of the forecast presents one of the highest risks, especially given the amount of unavoidable cost pressures included in 2020/21. On-going revenue items remain the most difficult items to respond to. Although one-off items, such as those associated with repairing / refurbishing assets could also have a significant impact on the forecast, one-off funding has been made available elsewhere in the budget to support these costs which therefore contributes to the mitigation of this risk.</p> <p>One of the most significant risks within this line of the budget relates to external income, especially from elsewhere in the public sector where similar financial pressures are being experienced. Such items include the funding from the major preceptors in respect of the Council Tax Sharing agreement, which totals over £700k each year. This has been reflected in the forecast based on ECC's current commitment, but it may need to be increased based on future proposals put forward by ECC.</p> <p>To support the management of risks, the Council continues to resist using one-off money, such as the New Homes Bonus, to support the on-going base budget.</p> <p>The cost pressure allowance has been increased from £150k to £250k per year, given the level of cost pressures identified in prior years and to respond to potential future items.</p>

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Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

13 NOVEMBER 2020

JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.6 THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS FOR 2021/22 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2021/22

(Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
<p>To enable Cabinet to consider and agree for recommending to Full Council the following:</p> <ul style="list-style-type: none"> • Local Council Tax Support Scheme 2021/22 (including associated exceptional hardship policy) • Discretionary Council Tax Exemptions and Discounts 2021/22 • Annual MRP Policy Statement for 2021/22

EXECUTIVE SUMMARY
<ul style="list-style-type: none"> • This report outlines the proposed Local Council Tax Support (LCTS) scheme and council tax exemptions and discounts for 2021/22. • Given the on-going impact on residents from welfare reforms, including universal credit, it is proposed to continue with the principle of providing some financial stability to Tendring claimants, which is even more important this year given the impact of COVID 19. Therefore it is proposed to keep the 2021/22 LCTS scheme the same as this year. The current scheme provides for a maximum discount of 80% for working age claimants. • The associated exceptional hardship policy has also been subject to annual review and it is not proposed to make any changes from the scheme operating this year and so remains available to support eligible claimants. • In respect of discretionary council tax discounts and exemptions, it is proposed to continue with the same level of discounts this year with no changes therefore proposed for 2021/22. • The impact of COVID 19 has also delayed the implementation of levying the maximum council tax ‘premium’ on long term empty properties (originally planned from 1 April 2021) and consideration of a council tax discount for young people leaving care. • However, it still is proposed to implement the maximum council tax ‘premium’ on long term empty properties but from a revised date of April 2022, and Officers will be asked to write to all those property owners likely to be affected as early as possible in 2021/22 to provide them with adequate time to respond to this potential change.

- In respect of implementing a council tax discount for young people leaving care, it is proposed to develop a policy alongside the budget for 2021/22 rather than wait until the general review of discounts is undertaken again in November next year. It is also proposed to back date the policy to the April 2020 so no one will lose out due to the delay caused by COVID 19.
- The Annual Minimum Revenue Provision Policy Statement has also been reviewed for 2021/22 with no changes proposed.
- If it is agreed that no changes are necessary to the proposed LCTS scheme, there will be no need for public consultation. However, if any amendments are proposed and approved at Full Council on 24 November 2020, then public consultation will be required before the final scheme can be agreed and adopted. Consequently, if consultation is required, this Council will have to notify the precepting authorities that the final council tax base will be delayed and not available until late in the budget cycle.
- Given the recommendation to continue with the existing LCTS scheme, it is not proposed to formally refer it to the Resources and Services Overview and Scrutiny Committee, but it will be considered by Full Council on 24 November 2020.

RECOMMENDATION

It is recommended:

- a) That Cabinet agrees that the LCTS scheme for 2021/22 remains the same as the current year, as set out as Appendix A and recommends to full Council:**
 - i) that the LCTS set out as Appendix A be approved with the maximum LCTS award being 80% for working age claimants;**
 - ii) that subject to a)i) above, delegation be given to the Assistant Director Finance and IT in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the LCTS scheme from 1 April 2021;**
- b) that Cabinet agrees the Council Tax Exceptional Hardship Policy as set out in Appendix B;**
- c) that Cabinet requests officers to undertake the necessary work to develop a council tax discount policy for young people leaving care, for consideration alongside the budget for 2021/22;**
- d) that Cabinet agrees that the discretionary Council Tax exemptions and discounts remain unchanged in 2021/22 and recommends to full Council:**
 - i) that the locally determined council tax discounts as set out in Appendix C be approved;**
 - ii) that subject to c) above, delegation be given to the Assistant Director Finance and IT in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the council tax exemptions and discounts from 1 April 2021;**

iii) that it is agreed in principle to levy the maximum allowable council tax premiums from 1 April 2022 and that Officers be requested to write to the relevant property owners advising them of the Council's intentions;

e) that Cabinet recommends to Council that the Annual Minimum Revenue Provision (MRP) Policy Statement for 2021/22 as set out in Appendix D be approved.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

In developing a local scheme the Council must be mindful of their duties to vulnerable groups, and Council Tax payers set against the Council's overall financial position.

FINANCE, OTHER RESOURCES AND RISK

LCTS scheme for 2021/22

As at the end of September, the total estimated annual 'cost' of the LCTS scheme in 2020/21 is **£11.975m**, with approximately 10% of this amount (**£1.975m**) falling to TDC with the remainder being met by the major preceptors. It is also worth highlighting that for every 5% decrease / increase in the discount the council would gain / lose approximately **£50,000** per year.

The following sets out the total 'cost' of the LCTS scheme over recent years:

2015/16 - £11.725m
2016/17 - £11.577m
2017/18 - £11.362m
2018/19 - £11.353m
2019/20 - £11.373m
2020/21 - £11.975m (as at the end of September)

As the LCTS scheme is accounted for as a discount against the full council tax amount that would otherwise be payable on a domestic property, the estimated cost of the scheme forms part of the council tax property base calculations that are undertaken when developing the following year's budget. The cost of the scheme has been impacted by the COVID 19 crisis in 2020/21 but it is unclear as to its long term impact going into 2021/22. This will therefore be considered as part of the long term forecast and budget setting work currently underway for 2021/22, but it is important to highlight that it is not proposed to reduce the discount rate as part of balancing the long term forecast as the scheme remains an important mechanism to provide financial support to Tendring residents.

Council Tax Hardship Scheme

The total cost of the scheme over recent years is as follows:

Year	Amount Awarded
2014-2015	£12,839
2015-2016	£5,202
2016-2017	£15,573
2017-2018	£22,778

2018- 2019	£21,822
2019- 2020	£22,313

The cost of the exceptional hardship scheme is met by contributions from TDC and the major preceptors based on their respective proportion of the overall council tax bill. Therefore TDC is required to meet approximately 10% of the cost of any award up to an annual aggregate total, which for 2020/21 is **£24,030**. For any awards over and above this annual amount, 100% of the cost is met by TDC in accordance with the wider council tax sharing agreement with the major preceptors.

As no changes are proposed to either the LCTS Scheme or Hardship Policy in 2021/22, no additional underlying costs over and above those included within existing budgets or long term forecast are expected. The Council Tax Collection fund continues to operate whereby any changes against the budget during the year will be 'rolled' forward and included in the following year's budget setting process.

As mentioned above, the impact of COVID 19 on the cost of the LCTS scheme will be considered as part of the council tax base calculations that will be undertaken to inform the budget for 2021/22 rather than as part of this report which only sets out the underlying position.

Council Tax exemptions and discounts for 2021/22

Similarly to the position for the LCTS above, as no changes are proposed for 2021/22, no changes to existing budgets / long term forecast are expected.

By continuing to not charge a 'premium' on long term empty properties in 2021/22 potential income is effectively foregone. However if the intention of charging a 'premium' is to bring empty properties back into use following which the 'premium' would no longer be levied, the ultimate success of such an approach would therefore mean that no additional income would be realised. It is accepted that some homeowners may still not bring their properties back into use even if a 'premium' was charged but it is difficult to quantify this figure.

Minimum Revenue Provision Policy Statement (MRP)

In respect of the annual MRP policy statement, this sets out how the Council will make provision for the repayment of loans taken out to finance capital investment. For the General Fund, the MRP is a direct charge on the revenue budget. At present no MRP over and above the amount of principal being repaid is calculated for Housing Revenue Account capital investment, although future provision will be considered within the wider business planning process.

Risk

The LCTS affects low income working age families, and therefore a key risk is their ability to pay if the level of support awarded reduced which would have a knock on impact on the overall collection rate. This is potentially compounded by the Government's ongoing welfare reforms such as universal credit.

The annual review process therefore seeks to balance such issues along with the Council's overall financial position and as highlighted, it is not proposed to make any changes to the LCTS scheme in 2021/22, which supports the financial stability of residents, especially during the continuing roll-out of the Government's welfare reforms and the short to medium term impact of the COVID 19 crisis.

LEGAL

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (as amended) and The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 provide the basis for the design and implementation of Local Council Tax Support Schemes.

In respect of the Council Tax Exceptional Hardship Policy, S13a of the Local Government Finance Act 1992 allows Councils to reduce the amount of Council Tax payable. The same legislation would also enable the Council to provide a council tax discount for young people leaving care.

The Local Government Finance Act 1992. Schedule 1A of the 1992 Act states that if a LCTS is revised or replaced, full consultation is required. As the recommendation is to continue with the current scheme for 2021/22, consultation is not required. However, should Council make any amendments to the scheme, consultation will be necessary before the scheme can be approved and adopted.

The Local Government Finance Act 1992 (as amended) sets out relevant council tax exemptions and discounts (mandatory and discretionary). The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (as amended) sets out the various class of properties for the purpose of exemptions and discounts. Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 amended the Local Government Finance Act 1992 in respect of the Council Tax premium that can be charged on long term empty properties (unoccupied for at least 2 years) as follows:

The maximum premiums chargeable from 1 April 2021 are as follows:

- For properties unoccupied and unfurnished for up to 5 years – a maximum of 100%
- For properties unoccupied and unfurnished for over 5 years but less than 10 years – a maximum of 200%
- For properties unoccupied and unfurnished for over 10 years – a maximum of 300%

The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 set out the requirements of a Minimum Revenue Provision (MRP) Policy Statement which must be approved by Council each year.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

The LCTS scheme set out in the body of the report will not disproportionately impact on the following groups in that the relevant income will continue to be disregarded in calculating entitlement to support:-

- Families in receipt of child benefit; The Child Poverty Act 2010
- Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment(PIP); The Equality Act 2010
- War widows/disabled. The Armed Forces Covenant 2011

The recommendations on discounts apply a 0% (zero percentage) discount to all second homes and a 0% discount on empty properties, across the entire district. The implications will apply to all property owners and it is considered that there are no equality and diversity issues specific to this issue.

Empty properties can attract vandalism and increase the potential for crime. The approach taken to the amount of council tax charged on empty properties aims to encourage their return to occupation.

PROPOSED LCTS SCHEME 2021/22

There are two parts to the LCTS scheme;

- one for pension age claimants where 100% support is provided
- one for working age claimants.

The Pension Age Scheme is set in accordance with rules laid down by the Government whereas the Working Age Scheme rules are decided locally by each local authority (billing authority).

Authorities must adopt a scheme on an annual basis which must be agreed by 31 January each year for the subsequent year's scheme.

LCTS is treated as a discount within the council tax calculations which means that the Council's taxbase is reduced (as will the taxbase for County, Fire and Police and Parishes).

The LCTS is therefore an annual 'cost' met within the Council's overall financial position / budget each year. Any increase in the discount would therefore be treated as a cost pressure and conversely, any reduction in the level of discount would increase the Council's overall income position. However the level of discount given is not primarily a financial decision as one of the primary drivers is the level of financial support that the scheme provides to households across the district which in turn needs to be considered in the wider demographic / economic position for the area.

In previous years, one argument put forward was as the LCTS was supported by the Revenue Support Grant, any reduction in this grant should be 'passported' across to the LCTS scheme and therefore reduce the support available in line with those reductions. However, given the ongoing impact on residents from welfare reforms, including universal credit, it is proposed to continue with the principle applied in previous years of helping to provide financial stability to Tendering claimants by keeping the maximum discount at 80% for working age claimants. In terms of the overall scheme, no changes are proposed with the scheme remaining the same as 2020/21, including the retention of the family premium which the Government removed from the Housing Benefit Scheme from 2017/18. Such stability will also support households through the short to medium term impacts from the current COVID 19 crisis.

A summary of the unchanged scheme for 2021/22 is set out as **Appendix A**.

When the LCTS scheme was considered last year, it was hoped to be able to consider alternative options for a redesign of the scheme given the potential increased administrative workload of operating the current one. This is mainly due to the means tested approach and that the information required in the past being collected as part of jointly administering Housing Benefit. As Housing Benefit continues to be phased out and the Department of Works and Pensions (DWP) are unable to share with us the information that they collect to administer Universal Credit, the Council will have to ask claimants for the same information independently - in effect duplicating what is required from claimants. However, given the current COVID 19 crisis it has

Unfortunately not been possible to progress the work necessary to explore such alternative options. However it is proposed to resume this work as soon as possible to inform the potential redesign of the scheme in future years.

For information, statistics relating to the LCTS scheme in 2020/21 are set out below:

As at the end of September 2020:

There are currently 13,068 household receiving LCTS.

The total working age households receiving support is 6,625

The total pensioner households receiving support is 6,443

Council Tax Hardship Scheme

The Council has operated a council tax exceptional hardship policy since the inception of the LCTS scheme.

As highlighted during the previous review of the policy, as with any exceptional hardship scheme, it is difficult to define exceptional hardship or descriptive criteria that will apply as there may be a number of variables to consider when an application is made. However the policy continues to set out broad guidelines, which promotes transparency and openness in the Council's decision making processes. The policy also has a focus on 'reasonable' expenditure and affordability for the claimant and is based on evidence that they are also being proactive themselves in managing the situation. This mirrors the same approach being applied to discretionary housing payments where in consultation with the Department for Works and Pensions, support is focused on those claimants who are seeking employment for example.

The policy also highlights that a senior officer will review all decisions to demonstrate fairness and consistency to the application process.

It is not proposed to amend the scheme in 2021/22. However it will be reviewed as part of any change to the LCTS scheme that may emerge following the proposed review set out above.

PROPOSED COUNCIL TAX DISCOUNTS AND EXEMPTIONS 2021/22

There are a number of mandatory exemptions and discounts available, with only a limited number of classes of dwelling where there is local discretion as to the amount of discount that is awarded. These relate to 4 classes of unoccupied dwelling and for 2021/22 it is proposed to keep the level of discount at the same level as 2020/21 and are as follows:

Class A – Unoccupied and furnished dwellings with a planning restriction preventing occupation for at least 28 days.

- **0% discount** (on the days when the property cannot be used due to a planning restriction an exemption is allowed under Class G).

Class B – Unoccupied and furnished dwellings without a planning restriction preventing occupation for at least 28 days.

- **0% discount**

Class C – Unoccupied and substantially unfurnished dwellings.

➤ **0% discount**

Class D – Unoccupied and unfurnished requiring major repairs or alterations.

➤ **100% discount for up to 12 months**

As was the case last year, by leaving the current level of discounts / exemptions unchanged it supports the stability of the council tax base which is one of the Council's core income streams within the long term forecast. It is worth highlighting that for every 10% increase in any one class of discount, the Council would lose up to approximately **£25,000** in income per year.

Council tax income raised from the above locally determined discounts also has the additional benefit of increasing the contribution receivable from the major preceptors under the current council tax sharing agreement which is based on total council tax income collectable.

Full details of the proposed discretionary discounts are set out in **Appendix C**.

Premium on Long Term Empty Properties

As a key driver to bring empty properties back into use, the Government allows Local Authorities to levy a council tax 'premium' on long term empty properties (Class C which have been empty for more than two years). The maximum 'premium' that can be charged is set out within the legal section above but can be as high as 300% for a property that has been empty for over 10 years. A second home or holiday home would not be included as the 'premium' would only apply to properties that are substantially unfurnished.

When Full Council considered the level of council tax discounts for 2020/21 late last year, it was agreed in principle to charge the maximum allowable council tax premium on long term empty properties from April 2021. It was also agreed to write to those property owners that would be affected to advise them of the Council's intentions.

However due to the current COVID 19 crisis and the various pressures faced within the district, it was a difficult background against which to deliver the message that the Council intended to charge council tax premiums from April 2021. If the country had started to recover from the COVID in the first half of the year there may have been an opportunity to continue with the original implementation date of April 2021. However given the much longer term impact from COVID 19, this difficult background is likely to remain over most of the current financial year. It is also acknowledged that the COVID 19 crisis may also cause delays in property owners bringing their properties back into a habitable state and therefore miss the original deadline of April 2021.

Based on the above, it is proposed to delay the implementation date of levying council tax premiums on long term empty properties until April 2022.

Although subject to the on-going COVID 19 crisis, Officers will be requested to write to relevant property owners early in 2021/22 advising them of the Council's intentions, which will enable them sufficient time to consider their position.

For information, a summary of current long term unoccupied properties (excluding Housing Revenue Account Properties) is as follows:

Band	Number
Unoccupied for more than 2 years but less than 5 years	193
Unoccupied for more than 5 years but less than 10 years	62
Unoccupied for more 10 years	32
TOTAL	287

Following the above, confirmation or otherwise of the 'in principle' decision to introduce 'premiums' from April 2022 will form part of agreeing the council tax discounts for 2022/23 that will be presented to members in November 2021.

Other Considerations

As highlighted in previous years, the Council does receive feedback from residents or other third parties in terms of putting forward a case to review existing discounts or introduce new ones.

As part of the same report last year, Full Council requested Officers to explore the option of potentially providing discounts for young people leaving care and present the outcome and options to members as soon as practicable in 2020/21.

The above was in response to 'lobbying' at a national level by the Children's Commissioner for England and The Children's Society asking that Council's consider a council tax exemption / discount for young people leaving care.

A number of Essex Authorities have now introduced this specific council tax discount. However given the significant impact on resources due to COVID 19, it has not been possible to progress the exploration of introducing such a discount as quickly as originally expected.

However, rather than defer consideration of this until the same time next year, it is proposed to develop an associated policy for consideration by members alongside the budget setting process for 2021/22. This approach would therefore enable a policy to be considered by Cabinet in January 2021 before a recommendation was made to Full Council in February 2021. The scheme could also be backdated so no one would lose out as the scheme would still be effective from the original start date of 1 April 2020.

A recommendation has therefore been included above, asking officers to undertake the necessary work to develop a council tax discount policy for young people leaving care, for consideration alongside the budget for 2021/22.

Annual Minimum Revenue Provision Policy Statement (AMRP)

Attached as **Appendix D** is the proposed Annual MRP policy statement for 2021/22 that sets out how assets funded by borrowing are accounted for, which is required to be approved by Full Council each year.

The policy sets out how the Council will make provision for the eventual repayment of any borrowing undertaken to finance capital expenditure. The policy, which is unchanged from 2020/21, proposes that where new borrowing is undertaken in accordance with the prudential code, and is therefore not supported by Central Government via the formula or specific grant, the provision is calculated on a straight line method over the initial life expectancy of the asset.

Although there are no expectations of supported borrowing within the General Fund, for completeness the policy in respect of any potential future supported borrowing has also been set out and is based on a rate of 4% pa.

The timing of approval of the MRP is to enable it to be taken into account when setting the budget for 2021/22 over the coming months.

BACKGROUND PAPERS

None

APPENDICES

Appendix A Proposed Local Council Tax Support Scheme (summary) 2021/22

Appendix B Council Tax Exceptional Hardship Policy

Appendix C Council Tax Discounts and Exemptions 2021/22

Appendix D Annual Minimum Revenue Provision Policy Statement 2021/22

Local Council Tax Support Scheme (LCTS) 2021/22

**A summary of the scheme for Working Age persons and
the Government Scheme for Pension Age claimants**

Local Council Tax Support (LCTS)

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Introduction

As part of the major changes to the Welfare Benefits system, from 1st April 2013 Council Tax Benefit ended and was replaced by a new scheme called Localised Support for Council Tax or Local Council Tax Support (LCTS). Both systems are means tested which means that they compare your income and capital against an assessment of your needs.

The new scheme is decided by each Council rather than nationally by Central Government. The monies available to each Council have been reduced and if you are of working age the amount of help you receive will be less than under the previous national scheme (Council Tax Benefit).

Central Government has decided to protect pensioners (persons who are of an age where they can claim pension credit) therefore if you are a pensioner, then the amount of help you receive under the new LCTS scheme will be broadly the same and operate in a similar way to the previous Council Tax Benefit system

To assist certain vulnerable groups, the Council has also decided that there will be additional protection given. More details are given later within this document.

The rules of the LCTS scheme divide the persons who can claim support into various classes. The classes or groups are set by Central Government for pensioners and the classes or groups for working age applicants are set by the Council.

The LCTS scheme for working age persons

The Council has decided that there will be two classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Any reference to "income" in the working age scheme refers to household income (i.e. including Non-Dependants income)

Class A

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance on Maximum Universal Credit or income-related employment and support allowance.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. not have capital savings above the capital limit set by the Council
- e. be a person who's *income* is **less** than their living allowances (*applicable amount*) or the claimant or partner is in receipt of Income Support, Jobseekers allowance (income based), Maximum Universal Credit or Employment and Support Allowance (income related); and
- f. have made a valid claim for support.

Class B

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance Maximum Universal Credit or on an income-related employment and support allowance.
- c. be liable to pay Council Tax in respect of a dwelling in which they are solely or mainly resident
- d. be somebody in respect of whom a maximum LCTS amount can be calculated

- e. not have capital savings above the capital limit set by the Council
- f. be a person who's *income* is **more** than their living allowances (*applicable amount*)
- g. have made a valid claim for support

What LCTS will be payable to working age person?

If a person matches the criteria in Class A, including that their *income* is less than their *applicable amounts*, that person qualifies for a reduction on their council tax liability. The Council has decided that for 2020/21 the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount*. Twenty per cent of the difference between the two will be subtracted from the maximum council tax liability allowed. The Council has decided that for 2020/21 the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

Protection for certain working age persons

Relevant income disregards in the calculation of Local Council Tax Support will be applied to the following groups:-

- o Families in receipt of child benefit;
- o Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment.
- o War widows.

The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)

The Government has created three classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Class A

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. must have their assessed income less than or equal to the set living allowances (applicable amounts) set by Central Government; and
- f. have made a valid application for the support

The class also includes persons who have successfully claimed Pension Credit Guarantee.

Class B

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. have made a valid claim for the scheme; and
- f. have assessed income above the set living allowances (applicable amounts) set by Central Government

Class C

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. made a valid claim for the scheme;
- e. be somebody who has at least one second adult living with them who is not his/ her partner, not somebody who pays rent, and who is on a prescribed low wage and/or prescribed benefit, as set out by Central Government.

What LCTS will be payable to Pension Age persons?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 100% reduction on their council tax liability. This also applies if a person is in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service).

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount (living allowances)*. Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability.

LCTS for a person in Class C may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income or on prescribed benefits. This reduction will equate to the *second adult rebate* available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances

How LCTS works

Who can claim?

If you have to pay Council Tax, you may be able to get LCTS

You can only get support if you have a right to reside and are habitually resident in the United Kingdom (UK). If you have entered the UK within the 2 years before your claim for benefit, the council will ask you about this.

People given refugee status, humanitarian protection or exceptional leave to remain in the UK will be eligible for support.

Most full-time students are not entitled to LCTS.

How much LCTS can I get?

Maximum LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much council tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the council tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.

How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

Extended Payments

This is if your Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance or Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stops because of work.

Extended Payments of LCTS are available and the payment is an extra four weeks of support to help pay towards your Council Tax when certain other benefits stop because you are going back to work, working more hours or earning more money.

You do not have to claim an Extended Payment if you or your partner/civil partner (and they remain a partner throughout the claim) have stopped getting one of the benefits mentioned below because one of you is expected to do one of the following for five weeks or more:

- Return to work full time
- Work more hours
- Earn more money

And you have been getting one of the following benefits:

- Jobseeker's Allowance, Income Support, or income-related Employment & Support Allowance or a combination of these benefits continuously for at least 26 weeks
- Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance continuously for at least 26 weeks

and

- you have not been getting Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance with your Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance when it ceased.

Normally you will get the same amount of LCTS as you did before your income-based Jobseeker's Allowance, Income Support, income-related Employment & Support Allowance, Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stopped.

It is paid by the Council directly to your Council Tax account. The Council will decide whether or not you're entitled to an Extended Payment. The Council will also consider whether you are entitled to in-work LCTS. Once your extended payment period has ended, you can move onto in-work LCTS (provided you are entitled to it) without having to make a new claim.

If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance

Even if you do not get Pension Credit Guarantee, Income Support, income-based JSA or income-related Employment & Support Allowance you may still get some help with paying your council tax.

This is worked out by comparing the maximum LCTS you could get with:

- your needs (called your living allowances or applicable amounts); and
- your income and capital resources

Capital

Savings and investments (capital) may have an effect on the assessment of your income. Capital will only affect your income if you have more than the capital limit set by the Council and are of working age or £10000 if you are of pension age. If you have more than £16,000, you will not normally be able to get LCTS (unless you are aged 60 or over and receive the Pension Credit Guarantee, in which case there is no limit to the amount of capital you can have).

Absences from home

There are some special situations in which you may continue to get LCTS and these are explained below.

Going away

You should normally let the council know if you are temporarily absent, for example if you go away on holiday. However the Council may not need to know if you will be absent for only a short time (for example less than 4 weeks) and your circumstances remain unchanged. If in doubt, please ask us.

- If you are temporarily absent you can normally get LCTS for a maximum of 13 weeks as long as you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 13 weeks.

In certain circumstances, you may be able to get LCTS for up to 52 weeks, for example if you are in hospital, or are held in custody on remand, provided that:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 52 weeks.

How to claim

Claims for LCTS can be made in writing, by telephone and electronically. Contact the Council via the Tendring District Council website at www.tendringdc.gov.uk or via the Helpline 01255 686811 for details.

All claims will need to be supported by evidence of your circumstances and this will need to be

provided to the Council. If you are claiming Housing Benefit as well as LCTS, the Council will provide you with a joint claim form.

If you are married and your husband or wife normally lives with you, or if you live with someone as though you are a married couple, only one of you can make the claim for LCTS. You may choose who is to make the claim, or if you cannot agree who is to claim, the Council will nominate one of you to be the claimant.

Appointees

An appointee, for the purposes for LCTS, is someone over 18 appointed by the Council, to manage the LCTS claim of someone who is incapable of doing so themselves (mainly because of mentally incapacity).

If you are already an appointee for other benefits and wish to be the appointee for LCTS, you should write to be appointed by the Council. The role and responsibilities are the same. If you wish to become an appointee you should get in touch with the Council; they will explain the process and your responsibilities. The Council can end the appointment at any time. It is ended automatically if one of the people listed below is appointed. As an appointee you can resign at any time. An appointee cannot be made where there is already someone acting for the customer's financial affairs in any of the following capacities:

- a receiver appointed by the Court of Protection
- under Scottish law, a tutor, curator or other guardian, a continuing attorney or welfare attorney
- someone appointed to have the power of attorney.

Information and evidence

The Council may need more information or supporting evidence so that they can calculate your LCTS. If all the information they need is not on the claim form, or they need to clarify something or want some more verification of your circumstances the Council will write to you. If you do not reply within one month a decision will be made on your claim based on the evidence you have provided.

How long will it take to decide your claim for LCTS

The Council will deal with your claim for LCTS as soon as possible after receiving all the information from you that they need to work out your entitlement

Date of claim

The date of claim will be the date of first contact, typically by phone, provided that the claim form is returned to an office of the Council within one month of the claim form being issued.

If you change your address

If you move to a different area, you must make a new claim for LCTS at your new Council. If you move within the same area, you must still tell the Council.

Backdating a claim (Pension Age Scheme only)

If you have reached the qualifying age for state pension credit your LCTS may be paid for up to 3 months before the date you made your claim. You do not have to ask for this and you do not have to show "good cause" for not having claimed earlier.

Start of LCTS

If you become liable for the Council Tax for the first time, for example if you move to a new address or reach the age of 18 or stop being a registered student, you should claim either in advance (you may claim up to 13 weeks before you expect to become liable), or in the week that

your liability starts. You then get support from the day you start being liable for Council Tax. If you claim later than this, your support starts on the Monday after the day you claim

If you are already paying Council Tax and become entitled to support because you have less money or your applicable amount changes, you also start getting support on the Monday after you claim.

Start of LCTS where a claimant acquires a partner

If you acquire a partner, you and your partner will be jointly and severally liable for Council Tax.

If you notify the Council of the change, either before, or in, the week that your partner becomes jointly and severally liable, support for you and your partner, as a couple, can be paid from the day that joint liability for Council Tax begins.

If you notify the Council of the change after the week in which your partner becomes jointly liable for Council Tax, support for you and your partner, as a couple, can only be paid from the Monday following the day you told the Council about the change. In this case, the Council will re-assess your support entitlement from the Monday following the day you and your partner become a couple, and they will take any income and capital your partner has into account and will look at your joint needs.

End of LCTS

If you stop being liable for the Council Tax, for example if you move away from an address or become exempt or start being a registered student, your LCTS stops on the day you stop being liable. If you no longer qualify for LCTS because, for example, your income increases or your applicable amount changes, your LCTS will be stopped from the beginning of the next support week.

End of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance entitlement

If you stop getting Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or income related Employment and Support Allowance, you must tell the Council and they will have to stop your LCTS. At the same time they will ask you to explain your new circumstances, because you may still be able to get some help with your Council Tax.

People who live with you - non-dependants

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Others who live with you as a family and any children you have fostered do not count as non-dependants.

Non-dependants for Pension Age Scheme

Any non-dependants who normally share your accommodation could affect the amount of LCTS you get whether or not you are also getting Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit income related Employment and Support Allowance or Pension Credit Guarantee

The following people do not count as non-dependants, whether they share accommodation or not:

- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;



- tenants of owner occupiers; and
- Landlords and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your LCTS may be affected by Non-Dependant deductions for the Pension Age Scheme, or inclusion of their income in the LCTS calculation for the Working Age Scheme.

Non-dependant deductions from LCTS for Pension Age Scheme

Deductions will be made from your LCTS for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your LCTS if:

- the non-dependants' normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living Allowance or Attendance Allowance in respect of yourself or your partner; or
- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner is aged 65 or more and a non-dependant moves into your home, or the non-dependant's circumstances change to increase the deduction.

Working out the amount of LCTS

The maximum amount of LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the Council Tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.



How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or Income related Employment and Support Allowance?

If you do not get Pension Credit Guarantee, income Support, income-based JSA, maximum Universal Credit or income related Employment and Support Allowance, the council has to work out if you can get LCTS and if so, how much you can get.

To do this, the Council works out your maximum LCTS, and then compares your needs – called the living allowances or applicable amount – with your resources (your income and capital).

For customers receiving the Savings Credit of Pension Credit, the Council will use a statement supplied by The Pension Service to assess your resources (income and capital).

Second Adult Discount (SAD) for Pension Age Scheme

Apart from LCTS for yourself, you may also be able to get LCTS if you share your home with one or more adults. This is separate form of LCTS for you and is called Second Adult Discount (SAD). Second Adult Discounts are intended to assist you with Council Tax if you share your home with someone who is on a low income. Second Adult Discounts may be awarded in the following circumstances:

- if you are treated as living on your own for benefit purposes, and share your home on a non-commercial basis with a person who is on a low income and who is not liable to pay the council tax;
- the second adult is aged 18 or over; and
- no other person is paying rent to you for living in your home.

In order to be classed as a second adult, they must not be:

- liable for the council tax;
- a joint owner or tenant with you;
- your married or unmarried partner;
- someone who is disregarded for the purposes of a discount; or
- living with more than one liable person.

You will need to make a claim for SAD unless you have already claimed LCTS for yourself. The gross income of the second adult will be taken into account when assessing entitlement to SAD.

Gross income includes earnings from employment, as well as other income such as social security benefits and occupational pensions and actual income from the second adult's capital. Any Attendance Allowance or Disability Living Allowance paid to a second adult is completely disregarded. You may apply for SAD even if your own capital exceeds £16,000.

SAD is awarded on the basis of your Council Tax bill, after any reductions that you may be entitled to, are deducted. The amount of SAD that can be awarded is as follows;

Second Adult	Alternative Maximum LCTS
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(a) Where the second adult or all second adults are in receipt of income support, maximum Universal Credit, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the Council Tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support maximum Universal Credit, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance—	<p>Gross Income is less than £206.00 per week; 15 per cent of the Council Tax due in respect of that day;</p> <p>Gross Income is not less than £206.00 per week but less than £266.00 per week; 7.5 per cent of the Council Tax due in respect of that day;</p> <p><i>(Above are 2019 rates which will be subject to a 2020 uplift by the Govt.)</i></p>
(c) If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, maximum Universal Credit, income-related employment and support allowance or income support, living with a full-time student(s).	100 % of the Council Tax due in respect of that day.

Income less than applicable amount (see “Living Allowances or Applicable Amounts” below)

In this case you get maximum LCTS (depending on whether you are of Pension Age or Working Age this may vary in amount).

You will also get maximum LCTS as allowed under the scheme if your income is the same as your applicable amount.

Income greater than applicable amount (see “Living Allowances or Applicable Amounts” below)

In this case you will get an amount less than your maximum LCTS. The amount by which your LCTS is reduced is based on the difference between your income and your needs.

A percentage of this difference – called a taper – is taken away from your maximum LCTS

Calculating your needs

Your needs are known as your living allowance or applicable amount and this is an amount that is set each year. For the Pension Age scheme this is set and approved by Parliament. For the Working Age scheme this is set by the Council. Your applicable amount takes into account the size of your family, your age and extra needs you may have. It is made up of personal allowances and



premiums. Premiums are included if you have a family, or disability, or a disabled child.

Living Allowances or Applicable Amounts

The living allowances or applicable amount represents the needs of you and your family if you have one. The larger your family then the larger your applicable amount. The applicable amount is made up of three parts:

- a personal allowance; and
- personal allowances for children in your family; and
- premiums.

Personal allowance

Your applicable amount always includes a personal allowance. Different amounts apply according to your age and whether you have a partner.

Personal allowances for children

If you are looking after children (other than foster children) then you get an allowance for each child included in your applicable amount according to his or her age. This allowance is included until that child leaves school or reaches their 20th birthday.

A special rule applies if the child has left school and started work before Child Benefit stops.

Premiums for your family

Once personal allowances and allowances for children have been worked out, premiums can be added – if they apply – to make up your applicable amount.

Your children

A family premium will be included if you have any dependent children in your household. No matter how many children you have, you can only get one family premium.

Premiums or components for disabilities

These premiums are included in your applicable amount for people in your family with disabilities. There are three premiums and two components in this group:

- disabled child premium (for each disabled child in your household);
- disability premium (if you or your partner gets one of the benefits listed below or you have been off sick for more than 52 weeks);
- severe disability premium (if you are disabled and live in special circumstances);
- work related activity component; and
- support component.

Disabled child premium

The disabled child premium is a flat-rate premium, which may be awarded for each disabled child in your household and can be included with any other premiums. Your child is considered disabled if they are:

- registered blind
- or receiving Disability Living Allowance/Personal Independence Payment.

Disability premium

Disability premium will be included in your applicable amount if you and your partner are aged less than pension credit age and:

- either of you is registered blind; or



- either of you gets one of the qualifying benefits listed below; or
- has been off sick for 52 weeks or more.

Qualifying benefits

You will get the disability premium if you or your partner gets any of the following benefits:

- Disability Living Allowance ;or
- Personal Independence Payment.
- Working Tax Credit Disability Element; or
- Constant Attendance Allowance; or
- War pensioners' mobility supplement; or
- Severe Disablement Allowance; or
- Incapacity Benefit – long term rate or short-term higher rate paid at the long term rate.

Severe disability premium

This premium cannot be included on its own. You must first qualify for the disability premium.

If you are single or a lone parent - The severe disability premium may be included in your applicable amount if you:

- receive the care component of Disability Living Allowance at the highest or middle rate, Personal Independence Payment, Attendance Allowance or Constant Attendance Allowance; and
- live alone (but if others live with you, see below); and
- no one receives Carer's Allowance for looking after you.

If you have a partner

You may get the severe disability premium if you both:

- receive the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; or
- your partner is blind and you receive the care component of DLA at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; and
- no one lives with you; and
- no one receives Carers Allowance for looking after either one or both of you.

For the purposes of severe disability premium your LCTS is not affected if other people living with you are:

- Children; or
- aged 16-17; or
- a person who is registered blind; or
- receiving the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment or Attendance Allowance (AA); or
- people caring for you who are employed by a charity that makes a charge for this service



Enhanced Disability Premium

- Enhanced Disability Premium is awarded where you, or a member of your family, who is aged under 60 receives the highest rate of Disabled Living Allowance (DLA), Enhanced component of Personal Independence Payment or where the claimant is in receipt of Employment and Support Allowance Support Component. This premium will remain in payment if the DLA/PIP is suspended during hospitalisation. This premium is awarded at three different rates. They are:
 - a rate for each dependent child/young person in your household who receives the highest rate of DLA/Enhanced component of Personal Independence Payment;
 - a rate for a single person who receives the highest rate of DLA/Enhanced component of Personal Independence Payment;
 - a rate for couples where at least one member of the couple receives the highest rate of DLA/Enhanced component of Personal Independence Payment.

Work Related Activity Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Support Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Carer Premium

The Carer Premium is awarded if either you or your partner is looking after a disabled person and:

- receive Carer's Allowance; or
- made a claim for Carer's Allowance and would be entitled but for an overlapping benefit.

If both you and your partner satisfy the qualifying conditions two premiums can be awarded.

The carer premium continues for eight weeks after caring ceases.

Calculating your resources

Your resources are made up of your income and your capital. These are worked out as a weekly amount of income.

Income

Income is all the money that you have coming in from earnings, social security benefits, maintenance payments and other sources. Depending on the type of income, it may be completely or partially ignored in the calculation of your LCTS (the disregards), or taken fully into account.

For the Working Age Scheme your resources and those of your partner are taken together along with any Non-Dependants income when your household income and capital are worked out.

For the Pension Age Scheme your resources and those of your partner are taken together when your income and capital are worked out.

Income from employment

This explains what counts as your income from work you do, as an employee, when you are employed by someone else. If you are a company director or any other officeholder in a company you are classed as an employee of that company.



Earnings from employment mean any money you are paid when you work for someone else. This includes the following types of payments:

- bonuses or commission (including tips);
- money you get instead of your normal pay (for example, a liquidator may give you money when your employer stops trading and you are owed some pay);
- money you get in place of notice to end your employment, or money you get to make up for losing your job;
- money you get for holidays you did not take (holiday pay) – but not holiday pay owed to you more than four weeks after you stopped work;
- money you get if you are kept on while doing no work (for example, a retainer paid to school cooks during school holidays);
- expenses you are given to cover your travel to and from work;
- expenses you are given to cover the costs of looking after someone in your family
- any expenses you are given that are not essential for you to carry out your work;
- money you get, under the Employment Protection (Consolidation) Act 1978, when you are not given work because of bad weather, or money you get because of unfair dismissal;
- money that an industrial tribunal orders your employer to give you if the period of notice or redundancy that is required by law has not been given;
- money you get from your former employer's redundancy funds if the business goes into liquidation;
- Statutory Sick Pay or Statutory Maternity Pay;
- Statutory Paternity Pay and Statutory Adoption Pay;
- Employer's sick pay or employer's maternity pay
- earnings from permitted work, that is, work while you are getting an incapacity benefit which your doctor thinks would benefit your health.

Earnings from employment do not include:

- payment in kind (where no money is involved)
- expenses you are given that are essential for you to carry out work
- any occupational pension.

Net earnings

Once your gross earnings have been worked out, your council will take away:

- your income tax payments (allowing for personal relief); and
- your National Insurance (NI) contributions; and
- half of any contributions you make to an occupational or personal pension scheme (any amounts paid to a pension scheme by your employer do not count).

This gives your net earnings, which are used to work out your LCTS

Self-employed earnings

If you are self-employed, all the money you earn when you are not employed by someone else is known as your earnings from self-employment. You may have self-employed earnings even if you are also working for someone else, or if you are a franchise holder.

When working out your earnings the Council will want to know how much you earn when you are self-employed, and you will be asked to provide evidence, if possible, of how much you earn.

There are three stages in working out your self-employed earnings. The first is calculating the



gross profit of your business. In the second stage, deductions – which are called allowable expenses – are taken away from the gross profit to give the net profit of the business. In the third stage, tax, NI, and pension payments are taken away from your net profit to give your net earnings. The Council will apply a minimum income floor calculation in such cases where the declared income is less than an amount determined as appropriate for the type of business.

Child-minders

If you are a child-minder only one third of your earnings from child-minding will be taken into account when the council works out your LCTS for the Pension Age Scheme.

For the Working Age Scheme all of your earnings from child-minding will be taken into account.

Earnings and earnings disregards

After working out your net earnings, any amount that is not counted in the calculation of your LCTS is known as a disregard.

The amount of your earnings that is not counted depends on which premium is included in your applicable amount. There is more information on the applicable amount and premiums.

When £5 is not counted - If you are single and you cannot get a greater disregard by any of the means explained below, up to £5 of your weekly earnings will not be counted (the £5 disregard).

When £10 is not counted - If you have a partner and you cannot get the £20 disregard by any of the means explained below, up to £10 of your joint weekly earnings will not be counted (the £10 disregard).

When £20 is not counted - £20 per week of your earnings will not be counted if your applicable amount includes:

- the disability premium; or
- the severe disability premium; or the carer premium (where the carer is working).

If both you and your partner are carers, the total disregard cannot be more than £20. The carer premium and this earnings disregard can continue for a further eight weeks after caring ceases.

If you have a partner, your earnings are added together when your LCTS is worked out.

If you cannot get the £20 disregard under the above categories, you may still be able to get it if you are:

- a part-time fire-fighter; or
- an auxiliary coastguard; or
- a part-time member of a crew launching or manning a lifeboat; or
- a member of the Territorial Army or the Reserve Forces.

Additional disregard

If you work on average 30 hours a week or more you will usually be able to get an extra earnings disregard. In certain circumstances you can also qualify for the higher earnings disregard if you work 16 hours or more e.g. if you are a lone parent or disabled. This is the same amount as the 30-hour tax credit in your Working Tax Credit (WTC)

Childcare charges

In certain circumstances, average childcare charges of up to £175 (for one child) or up to £300 for 2 or more children per week per family can be offset against your earnings. This disregard, which



is in addition to the other earnings disregards, is available to:

- lone parents who are working 16 hours or more per week;
- couples where both are working 16 hours or more per week;
- couples where one member is working 16 hours or more per week and, generally, the disability premium, or, in certain circumstances, the higher pensioner premium, is included in the applicable amount on account of the other member's incapacity or the other member is in hospital or in prison.

It applies where formal childcare is provided by, for example, registered child-minders or day nurseries for children until the first Monday in September following their 15th birthday (or the 16th birthday for children who are entitled to Disability Living Allowance or who are registered blind).

In certain circumstances, help with childcare costs can be given while you are on maternity leave or paternity or adoption leave or you are sick. The authority will be able to give you more details.

In some other cases explained here, different amounts of your earnings are not counted.

If you are in receipt of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then any earnings you get will not be counted again in working out LCTS.

Notional Earnings

If you have done some work and you seem to have been paid very little for it, then the Council will estimate what that work is worth. If you have a good reason for the pay being so low – for example, if you worked for someone who had very little money – then you should let the Council know. If necessary, the Council may check your statement of earnings by asking your employer.

Other income

Other income is all the other money you have coming in apart from earnings from employment or self-employment. It is sometimes called unearned income. In some cases none of your unearned income is counted. Sometimes part of it is counted, and in other cases it is all counted.

State benefits

The following benefits are counted in full as income for LCTS:

- Contribution-based Jobseeker's Allowance
- Contribution-based Employment and Support Allowance
- Universal Credit
- State Pension
- Incapacity Benefit
- Severe Disablement Allowance
- Carer's Allowance
- Industrial Injuries Disablement Benefit
- Industrial Death Benefit
- Working Tax Credit
- Child Tax Credit (ignored if you or your partner are pension age)
- Savings Credit of Pension Credit
- Bereavement Benefits (ignored if you or your partner are pension age).



Unearned income that is not counted

The following types of income are not counted by the Council when it works out your LCTS:

- any income you get if you are getting the Guarantee Credit of Pension Credit, Income Support, income related Employment and Support Allowance (ESAIR) or income-based Jobseeker's Allowance (JSA);
- Disability Living Allowance (DLA)/ Personal Independence Payment (PIP);
- Attendance Allowance (AA) or Constant Attendance Allowance (CAA);
- Attendance allowances paid as part of a War Disablement Pension or Industrial Injuries Disablement Benefit;
- Child Benefit;
- Child Maintenance (spousal maintenance is taken into account in part or in full depending on whether you have a child);
- money you get which takes the place of DLA, AA, CAA, or Income Support;
- war pensioners' mobility supplement;
- any money you get from the Social Fund;
- Guardian's Allowance;
- money you get as a holder of the Victoria Cross, the George Cross, or any comparable award;
- any grants or allowances you get from your local education authority if you have a dependent child who continues in education after school leaving age;
- any training premium and any refunded travelling expenses or living away from home allowances when you are on a Department for Education and Employment Training Scheme training course or at an employment rehabilitation centre;
- any money such as interest or dividends from savings or investments;
- any expenses you get from an employer that you need to carry out your work;
- any expenses you get from a charity so that you can carry out unpaid work;
- any income in kind (where you are given something other than money);
- any income you have which has been held back outside this country, as long as it remains held back, and it is not within your control;
- any money you get for fostering a child;
- any money you get for looking after an elderly or disabled person temporarily (community boarding out schemes);
- any money you get from a local Social Services Department to help keep a child at home instead of putting them into care;
- any Council Tax Benefit you have received;
- special payments made with your War Widow's Pension if you have been designated as a pre-1973 war widow;
- any charitable or voluntary payments which are made regularly;
- payments made under the Employment Department's 'Access to Work' scheme for disabled people; or
- War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country (Local Scheme)

Some types of income may be counted as capital.

Unearned income that is counted in part

The following are the types of unearned income that are only partly counted.

- the first £15 of Widowed Mother's Allowance or Widowed Parent's Allowance;
- the first £20 of any money from sub-tenants; or
- the first £20 then 50% of the excess of money you receive from a boarder is ignored. The



balance is treated as income.

Notional income

The council may think that there is income, which you could get, but you are not claiming it. This is known as notional income because you do not actually receive that income. The Council may take this into account for LCTS purposes

Parental contributions to students

If you are making a parental contribution to a student then part of your income is not counted to take account of this.

Capital

Your capital includes savings and investments held by yourself in any form (for example, bank and building society accounts, investment trusts, and shares) from any source (for example, inheritance, redundancy payments, and irregular payments from a charitable or voluntary source). It will normally also include the net sale value of land and housing that you do not occupy, after deducting 10% for expenses of sale.

If you have a partner, capital belonging to your partner is treated as yours for the purposes of LCTS

Capital outside the United Kingdom

If you have capital – in the form of liquid or fixed assets – outside this country, the Council will need to know how soon it can be transferred and how much it is worth. If the capital cannot be brought into this country, enquiries will be made about how easily it can be sold, and whether a willing buyer can be found. If no willing buyer can be found, it may not be counted.

Capital for Working Age

The first £6,000 of capital is not counted. Capital over £6,000 up to £16,000 will be taken into account at £1 a week for each £250 (or part of £250) of capital over £6,000. Actual interest payments or dividends are not counted as income but as capital.

Capital for Pension Age

The first £10,000 of capital is not counted. Capital over £10,000 up to £16,000 will be taken into account at £1 a week for each £500 (or part of £500) of capital over £10,000. Actual interest payments or dividends are not counted as income but as capital.

For customers who receive the Guarantee Credit of Pension Credit there is no upper limit on the capital you can have.

For the Pension Age scheme if you have capital over £16,000, you may still be entitled to Second Adult Discount, as your income and savings are not taken into account. However, the actual income received from the second adult's capital will be taken into account.

Personal possessions

Personal possessions – for example, a car, furniture and fittings in your house, and family belongings – are usually not included in the calculation of capital. However, this may not be the case where the Council has good reason to believe that something has been bought to reduce your capital in order to gain or increase entitlement to benefit. If the Council decides that you deliberately disposed of capital just so that you can get LCTS, it may assume that you have



notional capital to the value of the capital you disposed of.

If you own your home

The value of your property (including the house, garage and outbuildings) is not counted unless any part of the property could reasonably be sold off separately. Loans raised on the property will be counted as capital.

Property you own but do not occupy

The value of this property is counted as capital but you may be able to get LCTS even if the value of the property means that your savings are more than £16,000. This is because the value of the property may be ignored when your savings are worked out, in certain circumstances.

If the property is occupied by an elderly or disabled relative as their home, its value is not taken into account for as long as it is so occupied.

If you have recently acquired the property and you intend to occupy it as your home, its value may not be counted for 26 weeks, or for a longer period if reasonable, from the date you acquired it.

If you are trying to sell the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if you are finding it difficult to sell the property.

If you are carrying out essential repairs or alterations so that you can live in the property, its value may not be counted for a period of 26 weeks from the date you first arranged for repairs to be carried out. It may not be counted for longer than this if you are finding it difficult to finish the work.

If you are taking legal action so that you can live in the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if legal action is continuing and you cannot live in the property.

If you have left the property after the breakdown of a relationship, and it is occupied by your former partner, its value may not be counted for the first 26 weeks after you left. If the property is occupied by your former partner and they are a lone parent, the property will not be counted for as long as it continues to be so occupied.

Deposits on your accommodation

Sums that have to be deposited with a housing association as a condition of your tenancy are not counted.

Earmarked capital

If capital from the sale of a house is kept for a house purchase, it is not counted for up to six months, or longer if:

- major repairs or adaptations are needed for you to occupy your home; or
- the completion of the purchase of your new home is unavoidably delayed.

Compensation received for a burglary or for damage to or loss of a house is also not counted for six months, as long as it is to be used for repair or replacement

Valuation of property

Property will be valued at the price it would be expected to fetch on the open market, less any outstanding mortgage or legal charges on the property. Ten per cent of the current market value will also be deducted to take into account the cost of the sale.



If you have property outside Great Britain and there is no restriction on transferring money to this country, your property will be valued at its local sale value. If there is a restriction, its notional value will be the value of a sale to someone in the UK. In both cases, any outstanding mortgage or legal charges will be deducted, together with 10% of the total to cover the cost of the sale.

National Savings Certificates

National Savings Certificates of the current issue are valued at purchase price. Certificates of a previous issue are valued as if they were purchased on the last day of that issue.

Life assurance policies

The surrender value of life assurance policies is not taken into account when assessing LCTS.

Arrears of benefits

Any arrears of Disability Living Allowance, Attendance Allowance, Pension Credit, Income Support, income-based Jobseeker's Allowance, Personal Independence Payment, Universal Credit, Working Tax Credit and Child Tax Credit that you get are not counted for up to 12 months.

Lump sum payment of deferred State Pension

The gross amount of lump sum, or an interim payment made on account of a final lump sum, paid at the end of the period of deferring State Pension will be disregarded as capital for the life of the recipient.

Compensation payments

For LCTS purposes, compensation payments will normally be counted in full as capital. Capital will not be counted if it is held in trust or by the 'Court of Protection' as a result of a personal injury payment – for example, a criminal injury payment or a vaccine damage payment. For persons of Pension Age compensation payments made as a result of personal injury are ignored whether or not placed in a trust.

Business assets

Business assets of a self-employed earner are not counted while engaged in that business. Nor are they counted in certain other circumstances, but any shares owned will be treated as capital.

Notional Capital

The council may think that there is capital which you could get but which you do not have. This is known as notional capital because you do not actually possess that capital.

- Capital you have disposed of - You will be treated as having notional capital if you have disposed of capital in order to get LCTS or to get more LCTS.
- Capital you could have got - If you have the right to money held in a private trust, then that is actually your capital, and will be taken fully into account.

If the Council has decided to treat you as possessing notional capital they will reduce the amount of this capital on a regular basis by a set calculation. This calculation reduces your notional capital by the amount of support you have lost as a result of deprivation.

How LCTS is paid

If you are liable to pay the Council Tax, the Council will normally send you a Council Tax bill from which your LCTS has already been deducted. You will then have to pay only the reduced amount. This means that you will not actually receive any money, but your Council Tax bills will be reduced.



How you will be notified about your LCTS

The Council will reach a decision on your entitlement to LCTS as soon as possible after our claim and all supporting evidence is received.

How can I appeal?

If you disagree with the decision you will need to write to the Council stating the reasons. The Council has two months to reply to you. If the Council agrees with your appeal then the LCTS will be amended and you will receive another Council Tax bill showing the revised amount.

If the Council does not agree with your appeal or you do not receive a response within two months, you may appeal to the Valuation Tribunal. This is an independent tribunal who will hear your case (either in person or in writing). If the Valuation Tribunal agrees with you they will instruct the Council to amend your LCTS accordingly.

Throughout the appeal you will still be required to make payment of your Council Tax liability as determined by the Council.

Changes of circumstances

You must notify your Council immediately if there is a change in anything that might affect your right to or the amount of LCTS.

This will include:

- where you live; or
- who you live with; or
- your income, savings and investments; or if you stop getting Pension Credit, Income Support, income-based Jobseeker's Allowance, Universal Credit or Employment and Support Allowance; or
- if you get a job; or
- if you or your partner go into hospital; or
- if there is any other change in your circumstances which you might reasonably be expected to know might affect your right to LCTS

The changes must be notified in writing although in certain circumstances the Council may accept this by telephone or electronically

Most of these changes will affect your LCTS in the following support week, but changes in the amount of Council Tax payable will affect your LCTS from the day on which the change occurs.

Students

LCTS is not normally available for students. The exceptions are:

- vulnerable students, such as disabled students and lone parents;
- part-time students; and
- couples where one partner is not a student.

Students who are liable to pay the Council Tax may claim Second Adult Discount (SAD) if they are of pension age.

Loan and grant income

The grant money you get is generally paid to cover the period you are studying. If it does not cover this period the Council, or Student Awards Agency for Scotland, will tell you the period it does



cover.

If you are eligible for a loan or have been awarded a grant the Council will assume that these amounts are paid, whether they are actually paid or not.

The money you receive in your loan is your income for the period between the beginning of September and the end of June and is divided by the number of weeks in that period to give a weekly amount.

If you receive a dependant's grant this will be taken into account over the same period as your loan unless you also receive, or only receive, a grant towards your personal maintenance.

Because much of your loan is meant for essential educational items, some of the grant is ignored when working out your income for LCTS. The following elements of your loan or grant are not counted:

- tuition and examination fees;
- any disability allowance in your grant;
- the cost of term-time residential study away from your college;
- the Two Homes Grant – given when you have to maintain another home away from college;
- an allowance for books and equipment; and
- travel expenses.

Students and partners

Your grant may have been reduced to allow for your partner's income because your partner can make a contribution to your expenses. An amount – equal to that contribution – is then ignored when the Council works out your joint income for LCTS. If a student is required to contribute to his own grant income, an equivalent amount is disregarded from the income used to assess that contribution.

Other income

This will be treated in the same way as grant income if it is intended for expenditure that is needed on the course. If the income is not intended for expenditure on the course, it is treated under the normal rules for income.

Loans from the Student Loans Company

The maximum loan available to you will be taken into account regardless of whether you have borrowed up to your limit or not. The loan will be divided by the number of weeks between the beginning of September and the end of June to arrive at a weekly figure for assessment purposes. Up to £10 a week of the loan may be ignored.

Access funds

These are discretionary payments made by educational establishments to students who are facing financial hardship.

The amount of the payment to be taken into account will depend on how it is to be paid and what the payment is for. Some payments from the funds can be disregarded in full.

Information and information sharing

The Council will use information provided by the Department of Work and Pension and Her Majesty's Revenues and Customs for the purposes of LCTS, council tax liability, billing, administration and enforcement



The Council may receive and obtain information and evidence relating to claims for LCTS from—

- a. persons making claims for LCTS;
- b. other persons in connection with such claims;
- c. other local authorities; or
- d. central government departments including the DWP and HMRC

The Council may verify relevant information supplied to, or obtained for, LCTS purposes.

Counter Fraud and Compliance

In order to protect the finances of the Council and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of LCTS;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases.



**Localised Support for Council Tax
Exceptional Hardship Policy**



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1.0 Background

1.1 An Exceptional Hardship Fund (EHF) has been set up by the Council to assist Council Tax payers who are facing 'exceptional hardship'. Although it is envisaged that the majority of recipients will be in receipt of local council tax support (LCTS), in exceptional circumstances, applications will also be considered from council tax payers who do not qualify for LCTS.

1.2 The main features of the fund are as follows:

- The operation of the Fund will be at the total discretion of the Council;
- The Fund will be operated by the Revenues and Benefits section of the Council;
- There is no statutory right to payments from the fund although the Council will consider all applications received;
- Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
- Exceptional Hardship Fund payments will only be available from 1st April 2013 and **will not be available for any other debt other than outstanding Council Tax**;
- Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
- Exceptional Hardship Payments are designed as a short-term help to the applicant and it is expected that payments will be made for a short term only to give applicants time to explore sustainable / alternative solutions; and
- All applicants will be expected to engage with the Council and undertake the application process.

2.0 Exceptional Hardship Fund and Equalities

2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.

2.2 This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of **extreme** financial hardship and not to support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by this policy, it is accepted that sudden or unexpected changes to individual circumstances may cause temporary financial hardship with any support made under this policy being at the total discretion of the Council. However exceptional hardship should be considered as 'hardship beyond that which would normally be suffered'

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship Fund payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in gaining accessibility to the Fund and also in respect of the decisions made on each application.

4.0 The Exceptional Hardship Fund Process

- 4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake **all** of the following:
- Make a separate application for assistance;
 - Provide full details of their income and expenditure;
 - Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
 - Identify potential changes in payment methods and arrangements to assist the applicant;
 - Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
 - Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.
 - Where applicable, explain actions they are currently exploring to find a sustainable response to their current circumstance if it is expected that exceptional hardship may continue for a longer period of time.
- 4.2 Through the operation of this policy the Council will look to
- Support those in exceptional hardship;
 - Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the applicant seeks alternative solutions;
 - Enable long term support to households in managing their finances;
 - Help applicants through personal crises and difficult events that affect their finances;
 - Help those applicants who are trying to help themselves financially; and
 - Encourage and support people to obtain and sustain employment.
- 4.3 It cannot be awarded for the following circumstances:
- Where full Council Tax liability is being met by Council Tax Support;
 - For any other reason, other than to temporarily reduce Council Tax liability;

- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these;
- To pay for any overpayment of Council Tax Support caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly;

5.0 Awarding an Exceptional Hardship Fund Payment

5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be up to a maximum of the amount of Council Tax outstanding, with each decision being reviewed by a senior manager to demonstrate fairness and consistency.

5.2 When making this decision the Council will consider:

- Whether the applicant has engaged with the Exceptional Hardship Payment process;
- All capital, income received & expenditure of the applicant, their partner and any member of their household irrespective of whether the income is included or not as household income under the Council Tax Support scheme
- How **reasonable** expenditure exceeds income;
- The difficulty experienced by the applicant that prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will last.
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances;
- The length of time they have lived in the property; and
- If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent;

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.

6.0 Publicity

6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

7.0 Claiming an Exceptional Hardship Fund payment

7.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council, preferably via email to benefitsmail@tendringdc.gov.uk.

7.2 If it is not possible to make a claim via email or if any further help is required, assistance is available at the Council Tax Office, Pier Avenue, Clacton between 10am and 4pm Monday to Friday.

7.3 Where the Revenues and Benefits Service identify a household that is failing to clear previous years Council Tax but are paying current Council Tax with best endeavours, then their ability to pay arrears maybe considered for help through the hardship fund. This clause is not intended to cover those taxpayers who have not paid or have failed to pay until a summons has been issued.

7.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person liable to pay Council Tax, however, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8.0 Changes in circumstances

8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed.

9.0 Duties of the applicant and the applicant's household

9.1 A person claiming an Exceptional Hardship Fund payment is required to:

- Provide the Council with such information as it may require to make a decision;
- Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
- Provide the Council with such other information as it may require in connection with their claim.

10.0 The award and duration of an Exceptional Hardship Payment

10.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.

10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

11.0 Award of the Exceptional Hardship Fund payment

11.0 Any Exceptional Hardship Fund payment will be made direct onto the customer's Council Tax account, thereby reducing the amount of Council Tax payable.

12.0 Overpaid Exceptional Hardship Fund Payments

12.1 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

13.0 Notification of an award

13.1 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

14.0 Appeals

14.1 Exceptional Hardship Fund payments are not part of Council Tax Support, and are therefore not subject to the statutory appeal process.

14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduced amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.

14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable. This decision will be final.

14.4 Any request for an appeal must be made within one month of the date of the notification letter confirming the original decision.

14.5 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

15.0 Fraud

15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.

15.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

15.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

16.1 The Council's Complaints Procedure (available on the Council's website) will be applied in the event of any complaint received about this policy.



17.0 Policy Review

- 17.1 This policy will be reviewed at least every year and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.

Under the Council Tax (Prescribed Classes of Dwellings) regulations the following discretionary discounts will apply for the 2021/2022 financial year:-

Class A – Unoccupied and furnished dwellings with a planning restriction preventing occupation for at least 28 days.

0% discount (on the days when the property cannot be used due to a planning restriction a statutory exemption is allowed under Class G).

Class B – Unoccupied and furnished dwellings without a planning restriction preventing occupation for at least 28 days.

0% discount

Class C – Unoccupied and substantially unfurnished dwellings.

0% discount

Class D – Unoccupied and unfurnished requiring major repairs or alterations.

(a) which satisfies the requirement set out in the regulations unless it has been such a dwelling for a continuous period of twelve months or more ending immediately before the day in question;

(b) the requirement referred to in paragraph (a) is that the dwelling is vacant and—

(i) requires or is undergoing major repair work to render it habitable, or

(ii) is undergoing structural alteration; or

(iii) has undergone major repair work to render it habitable, if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date;

(c) For the purposes of paragraph (b) above “major repair work” includes structural repair work.

100% discount up to 12 months

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ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT for 2021/22

The Council is required to have a policy on providing a prudent minimum revenue provision which must be approved by Full Council each year.

Unlike a mortgage where amounts of principal are repaid each month, the borrowing undertaken by this Council may be repayable on maturity at an agreed future date. To reflect this, the minimum revenue provision (MRP) exists which is a concept whereby an amount is charged to revenue each year in order to have sufficient monies set aside to meet the future repayment of principal on any borrowing undertaken.

The regulations require Local Authorities to set aside as its annual MRP an amount that it considers to be “prudent”. The aim of the regulations is that the period over which an MRP is calculated closely relates to the life of the asset.

However in the case of the Housing Revenue Account (HRA) it has been the Council’s policy not to make any MRP charge to the HRA because the level of borrowing relating to the HRA is significantly less than the value of the housing stock. Following the implementation of the new self financing arrangements from April 2012, the structure of the borrowing to fund the associated HRA debt settlement was based on principal being repaid over the 30 years of the HRA business plan. Therefore this principal is in effect the amount set aside to repay debt and will therefore be treated as HRA MRP. In terms of MRP for ‘old’ HRA debt, this will be reviewed as part of future HRA business planning processes.

The options applicable in calculating MRP are as follows:

Where Capital Expenditure is financed by Government Supported Borrowing

- **Regulatory Method** – This is where borrowing is supported by the Government through the Formula Grant and Local Authorities can continue to use the existing approach as set out in the old regulations.
- **Capital Financing Method** – Similar to the above, Local Authorities can continue to set aside 4% of their General Fund capital expenditure financed by borrowing each year as MRP. The difference compared with the regulatory method is that it excludes a transitional adjustment that relates to the regulations that were applicable before the current regulations. As this adjustment does not apply to TDC, the two approaches are essentially the same.

Where Capital Expenditure is financed by Prudential Borrowing

- **Asset Life Method** – Two alternatives are provided within the guidance. The first is that MRP can be calculated by taking the amount borrowed and dividing it by the associated assets useful life – equal instalment method. The second is based on a more complicated annuity basis although based on the same principle.
- **Depreciation Method** – This requires that an MRP is made in accordance with current rules for depreciation accounting whereby an amount would be charged equal to the annual depreciation of the specific asset which could differ from the previous options given the alternatives for calculating depreciation.

A significant advantage of the asset life method over the depreciation method is that MRP does not have to start until the year the related asset becomes operational which may be different to the year in which depreciation would be charged.

It is important to note that subject to the type of asset acquired there may be a significant impact on the revenue budget, which would need to be taken into account in any future spending / borrowing decisions.

Having reviewed the position for 2021/22, no changes compared to 2020/21 are proposed. Therefore the Annual Minimum Revenue Provision Policy Statement for 2021/22 is as follows:

In accordance with the Local Authorities (Capital Finance and Accounting)(England)(Amendment) Regulations 2008, the Council's policy for the calculation of MRP for 2021/22 shall be the Capital Financing Requirement Method for supported borrowing and the Asset Life (equal instalment) Method for prudential borrowing.

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

13 NOVEMBER 2020

REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

A.7 FIXED PENALTY NOTICES – SETTING FINES

(Report prepared by Russ Cole)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval from Cabinet for a new set of Fixed Penalty Notices (FPN's) for the list of offences and fines, set out in Appendix A.

EXECUTIVE SUMMARY

A review of the Council's Fixed Penalty Notices has been undertaken and a new set of refreshed Fixed Penalty Notices (FPN's) are being proposed using current legislation to format the offences and set the fines associated with them.

The set of offences detailed are set apart from the FPN process used by the Civil Environment team within Public Realm where principally these notices are used against parking infringements within carparks owned by TDC.

The offences considered in this set of recommendations are largely person and problem related, are not always linked to a motor vehicle. Often wider considerations such as checking with other agencies to establish if warnings have previously been given, need to be made as part of the decision making process in these set of offences, thus needing a more local, less automated approach.

The Anti-Social Behaviour legislation was updated in 2014, it can be useful in managing a whole range of issues ranging from neighbour disputes through to instances of persistent nuisance caused by fly tipping of rubbish.

In 2015 a set of Tendring District Council and Essex Police Fixed Penalty Notices were produced. Over time their use diminished. Supplementary systems including a suitable I.T platform is now accessible, a useful component in managing, providing an inventory of occurrences, and a repository of management decisions often needed prior to taking the step to issuing an enforcement ticket.

RECOMMENDATION(S)

That Cabinet:

- (a) Supports the use of enforcement powers where necessary and adopts the associated fines for the set of offences and the Fixed Penalty Notices, as set out in Appendix A; and**
- (b) Delegates authority to the Portfolio Holder responsible for Corporate Enforcement to revise the fees for Fixed Penalty Notices upon future reviews in consultation with Officers.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's has a statutory role in managing Anti-Social Behaviour including the development of effective partnership working.

The current Corporate Plan includes a priority regarding effective partnership working and enforcement forms a very useful tactic in this approach.

It will support wider initiatives both within the Local Authority and local professionals across other organisations such as the police, fire service and other community safety partners.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The recommendations will be delivered within existing resources, particularly with regard to back office functionality and processing of information.

The implementation of these recommendations will bring some additional income to the Council, however income is not the driving force behind this intended set of actions.

The creation and maintenance of pleasant and appealing town centres, communities and spaces across the district whilst retaining an attractive environment, free from the blight of Anti-Social and unsightly occurrences for residents, visitors and holiday makers is also of consideration

Risk

The level and volume relating to the issuing of FPN's will be monitored and assessed over an initial 6 month period. To scope the effectiveness of the activity along with options linked to streamlining the process and considering a more automated solution if achievable.

LEGAL

The Police Reform Act 2002 gives 'Accredited Persons' i.e. those within the Authority who are likely to be issuing FPN's, powers including the issuing of them.

The intention set by government with regard to FPN's is to provide an additional deterrent, supplementing those powers invested in the police to additionally help improve Community Safety.

'An accredited person, employed by an organisation (other than a police force) in a community safety role, who has been accredited by the Chief Officer of Police under Section 41 of the Police Reform Act 2002'.

The ability for officers to use this tactic safely is of importance, as is ensuring that current operational risk assessments driven by current Covid working considerations are made.

It is noted that Accredited Persons are additionally protected with a set of additional offences including assault, obstruction and prevention of impersonation, where tickets are issued and officers are acting lawfully in the execution of their duties, should any hostilities arise.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

- The new Fixed Penalty Notices (FPNs) will cover all wards. Due regard will be taken in relation to the Council's Inclusion and Diversity policies in the application of FPNs.
- Additionally there is a 14 day period of appeal built into these offences. It is intended that any subsequent management considerations that would be required should these eventualities arise be retained within current Community Safety back office functions.
- It is noted that currently the existing byelaws covering Tending are particularly disjointed having been last refreshed in 1979. Tending District Council officers are in the process of reviewing and refreshing these regulations to bring the offences and penalties more in line with current protocols thus ensuring a better fit with the FPN's detailed in this recommendation.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The current position of criminal behaviour particularly Anti-Social behaviour in Tending is one of a continued upward trend, this is reflected across Essex and in turn wider country.

In the last quarter there have been in excess of 2000 reports of ASB to partners in the District, this is an increase of 70% previous quarter.

It is apparent issues often linked to local and neighbourly problems may become magnified by Covid issues, notably the past and potentially future requirements for groups to isolate and remain in their home settings for extended periods of time, genuinely does put considerable pressure on those people and the communities in which they live.

The good news is that crime in general has fallen in Tending by around 25% over the same period. There are signs that there are some exceptions to this such as drugs offences. Here the potential use of ASB / PSPO powers and in some instances the ability to issue fixed penalty tickets would be beneficial.

With regard to litter, the ability to issue FPN's, coupled with more detailed investigations is one of note. Fly tipping and nuisance associated with waste appears to be on the increase, with greater frequency, scale and accompanying community concern all being raised from

the instances we see and hear about around the district. The ability to issue FPN's will be of benefit to tackling these issues more effectively.

A review is being undertaken of the Local Authorities ASB policy the tactical ability to make more use of FPN's and enforcement in general will be reflected in this process.

CURRENT POSITION

The last set of FPN notices available to TDC officers consisted of a set of 13 ASB / offence types. The refreshed and recommended set of FPNS as detailed in the attachment see a broader base of offence types and in turn will be a significant step towards establishing a more lawfully compliant approach to enforcement in Tendring.

Options and tactics with regard to FPN's in other districts have been considered. A refreshed approach to current powers and legal position has been undertaken locally to compile the attached set of offences which comply with current laws and policy.

It is not recommended that a reduction is offered in relation to the fines should a payment be made within 14 days. Warnings and encouragement to desist are likely to have been attempted before the use of FPN tickets.

A process is achievable with support of the TDC accounting team which allocates a unique number to each FPN tickets which can be paid through various means, including by telephone remote from council buildings.

FURTHER HEADINGS RELEVANT TO THE REPORT

Not Applicable

BACKGROUND PAPERS FOR THE DECISION

Not applicable

APPENDICES

Appendix A - Draft set of FPN offences, legislation and penalty amounts

A.7 APPENDIX

Notes re draft set of FPN offences, legislation, penalty amounts
and maximum fine on conviction

	Description of offence	Act	Amount of penalty	Maximum penalty on conviction	Notes (To be recorded on inside of the front cover of the booklets for officers guidance)
1	Fail to comply with Public Spaces Protection Order	Ss. 67 and 68 Anti-social Behaviour Crime and Policing Act 2014	£100	Max on conviction level 3 - £1,000	
2.	Failure to comply with Community Protection Notice	Ss. 48 Anti-social Behaviour Crime and Policing Act 2014	£100	Level 4 on standard scale - Individual - £2,500 Body - £20,000	
3.	Depositing litter	S.87 (leaving litter) Environmental Protection Act 1990 (as amended)	£75	Level 4 standard scale - £2,500	

4.	Abandonment of vehicle i.e. unauthorised dumping – and see 2(1)(b) – NOT a vehicle	S.2/2a Refuse Disposal (Amenity) Act 1978	£200	£2,500*	<ol style="list-style-type: none"> 1. Section 2A (10) provides for a reduced fee. 2. S.2B – power to require name and address – offence to fail to do so or to provide false/inaccurate details. Summary conviction – fine not exceeding Level 3. 3. S.2C – use of monies from FPNs restricted. 4. * See 2(1) – penalty level 4 standard scale but 2nd or subsequent conviction level 4 and/or term not exceeding 3 months (check term for offences in mags)
5.	Nuisance parking i.e. exposing vehicles for sale; and - repairing vehicles on a road	S.3-9 Clean Neighbourhoods and Environment Act 2005	£100	Level 4 standard scale - £2,500	<ol style="list-style-type: none"> 1. S.3 is “exposing vehicles for sale” – check all sections quoted. 2. S.4 repairing vehicles on road S.7 power to require name and address – failure to provide an offence
6.	Fly posting	SS. 131(2) & 132(1) Highways Act 1980 - S.224(3) Town and Country Planning Act 1990 - SS. 43 – 47 ASB Act 2003 as amended by Part 4, CNEA 2005 (which	£100	£2,500	

		repealed S.43(10) and (11)			
7	Graffiti	S.1 Crim Dam Act 1971 and SS. 43 – 47 ASB Act 2003 as amended by Part 4 CNEA 2005 - SS. 54 and 54A ASB Act as amended by S.32 CNEA 2005	£100 *	£2500	* reduced to £50 if paid within 14 days. 1. S.43B – power to require name and address 2. S.43B(2) offence if fail to give name and address – summary conviction – level 3 fine
8.	Cycling on a footpath	S.54 Road Traffic Offenders Act 1988 in respect offence under S.72 Highways Act 1835 (riding on a footpath)	£30	£1,000	
9.	Possession of firework under 18	Fireworks Regulations 2004 under S.11 Fireworks Act 2003	£90	£5,000	
10.	Throwing fireworks	S.80 Explosives Act 1875 in a designated public	£90	£5,000	

		place (CJ Police Act 2001)			
11.	Sale of alcohol to under 18 / for under 18 / delivery under 18	S.146(1) / S.149(3a) and S.151(1) Licensing Act 2003	£90	£200 or * unlimited at Magistrates' Court	*This relates to staff only- licensees should be subject of a summons according to the Sentencing Council
12.	Failure to produce waste documents	S.34(1-7) – Environmental Protection Act 1990	£300	Level 5 on standard scale - £5,000 / unlimited on indictment	<ol style="list-style-type: none"> 1. S.34(1) & (1A) – requirements on “any person who treats or disposes etc. of controlled waste” S.34(2A) duty on householder to ensure waste removed by authorised persons 2. Penalty for s.34 (1), (1A) or (2A) {or any regs made under s-s(5)} on summary fine not exceeding statutory maximum or on indictment a fine. 3. S.34A(2) failure to produce waste transfer note 4. power to issue FPN = S.34ZA for offences under S.34(6) relating to s.34(2A), i.e. householder,
13.	Failure to produce authority to transport waste	S.5/5B Control of Pollution (Amendment) Act 1989 and S.34 Environmental	£300	Level 5 on standard scale - £5,000	<ol style="list-style-type: none"> 1. S.5C – use of monies for certain functions only – and see S.5C (3)(b) and (4).

		protection Act 1990			
14.	Unauthorised distribution of free printed material	Schedule 3A paras 1(1) and 7 – Environmental Protection Act 1990	£100	£2500	
15.	Failure to remove dog waste	S.4 Dogs (Fouling of Land) Act 1996	£75	£1,000	<p>1. DFLA 1996 repealed BUT where no “dog control orders” made this Act is still applicable</p> <p>2. Act does not apply to land with the following descriptions:</p> <p>(a) land used for agriculture or for woodlands;</p> <p>(b) land which is predominantly marshland, moor or heath; and</p> <p>(c) common land to which the public are entitled or permitted to have access otherwise than by virtue of section 193(1) of the Law of Property Act 1925 (right of access to common land), or</p> <p>(d) land comprised in or running alongside a highway which comprises a carriageway unless the driving of motor vehicles on the carriageway is subject, otherwise than</p>

					temporarily, to a speed limit of 40 miles per hour or less. 3. The Neighbourhoods & Environment Act 2005, s.61 gives a power to require name and address where notice given under s.59, i.e. the FPN. Failure to give details an offence, summary conviction, fine level 3 on standard scale.
16.	Failure to display correct signage (smoking)	S.6(5) Health Act 2006 – smoke free legislation	£200	£1,000	
17.	Smoking in a smoke free place or vehicle	S.7(2) Health Act 2006 – smoke free legislation	£50	£20	
18.	Fly tipping	Part II EPA 1990 as amended by Part 5, Chap 2 CNEA 2005	£200	£1000	

OFFICIAL

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

13 NOVEMBER 2020

REPORT OF THE ENVIRONMENT & PUBLIC SPACE PORTFOLIO HOLDER

A.8 FUTURE PORT HEALTH ARRANGEMENTS AT TENDRING PORTS

(Report prepared by Tim Clarke & Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update Cabinet on the Border Operating Model from 31st December 2020 and seek approval for a joint arrangement with Suffolk Coastal Port Health Authority in respect of the provision of imported food controls at Tendring ports.

EXECUTIVE SUMMARY

- From 2300 hrs on 31st December the EU transition period will end and a new Border Operating Model will commence
- Currently, the imported food control at Tendring ports is carried out by Suffolk Coastal Port Health Authority (SCPHA) on behalf of Tendring Port Health Authority. This is a low scale service as the majority of incoming goods are from the EU and not subjected to any checks or inspection regime.
- The new Border Operating Model introduces a requirement for goods entering the UK from the EU to be subjected to monitoring, checking and sampling as is currently the case for goods from the rest of the world. The volume of goods from the EU requiring checks are unknown and currently based on estimates from Government.
- A substantially increased port health function, primarily at Harwich, is necessary. From July 2021 Government currently estimates that up to 22,334 import consignments will contain products subject to port health controls whereas currently only around 23 meet the criteria.
- As to whether physical checks are undertaken for all imports or on a proportionate risk based approach is unknown at the time of this report, with DEFRA's policy and guidance awaited.
- The current arrangements with SCPHA are therefore required to be up-scaled accordingly.

RECOMMENDATION(S)

It is recommended that Cabinet:

- a) notes the anticipated increase in demand for Tendring Port Health Authority following the end of the EU exit Transition Period based on current assumptions;**
- b) acknowledges the continuation of the joint arrangements with East Suffolk Council and Suffolk Coastal Port Health Authority and that a new legal agreement is necessary;**

- c) subject to (b) notes the reliance of Regulation 12(7) of the Public Contract Regulations 2015 to enter into a direct joint arrangement with East Suffolk Council and Suffolk Coastal Port Health Authority for the shared aim of delivering Port Health Authority functions and the public interest in doing so;
- d) authorises the exemption to the Council's Procurement Procedure Rules to allow a direct agreement to be entered into;
- e) agrees that until further reviewed by the Portfolio Holder for Environment the Fees and Charges for the Port Health Authority functions should be set in line with those published by Suffolk Coastal Port Health Authority or those suggested by the Government in due course, whichever are the highest;
- f) approves the delegation of the necessary Port Health Authority functions to Suffolk Coastal Port Health Authority, which will be recorded within the Council's Scheme of Delegation and clearly set out within the legal agreement; and
- g) authorises the Corporate Director for Operations & Delivery to negotiate the final terms and conditions of the legal agreement in consultation with the Portfolio Holder for Environment and the Section 151 and Monitoring Officers.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The decisions will contribute to the following priorities in the Corporate Plan 2020-2024:

Community Leadership Through Partnerships

Delivering High Quality Services

A Growing and Inclusive Economy

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The current arrangement with SCPHA costs the Council just under £8,000 per year for the general services that are provided in respect of imported food control. The general services will remain largely the same under the new arrangements from January 2021 but there will be a much greater volume of work. SCPHA have therefore estimated that their revised fee will be £10,000 per year based on the Governments' current projection of around 22,000 consignments that require checks. This management fee will increase or potentially decrease in proportion to the number of checks that are actually required once the new operating model has settled down. This cost is based upon the fees and charges for the Port Health Authority functions being retained by Suffolk Coastal Health Authority. This means there is only likely to be a direct cost pressure to the Council of £2,000 per year.

The greatest financial implications come from the increased monitoring, physical checks and sampling of goods arriving from the EU at the port. These are all chargeable services, based on a scale of rates set by Government and payable by hauliers/importers to the Port Health Authority. In the current scenario SCPHA collect these fees and there are very few as physical checks and sampling are extremely rare. It is expected that that arrangement will continue however with a vastly increased requirement for monitoring the consignments, physical checks and sampling the fees involved will be significantly higher.

Port Health Services should be self-financing and operate on a break-even basis but Government have yet to publish the future charging regime which makes designing the future service extremely difficult. The Council will, through the proposed contractual

arrangements, set the fees that will be charged for the goods entering via Harwich and it is likely they will be based on the fees currently levied by SCPHA or set by Government, whichever is the highest.

In order to undertake the increased requirements SCPHA have estimated that they need to employ around 60 additional members of staff across both Harwich and Felixstowe, 40 of whom will need to have specialist training / qualifications. An additional annual cost of £3.6M has been estimated for this staffing requirement.

Based on shipping consignment projections Harwich will require 59% of this resource at a cost of £2.124M per year.

Any future agreement with SCPHA will need to reflect the sums of money involved and review mechanisms and as such will require a much more comprehensive document than that currently in place.

The position will be kept under review and will need to be considered on an on-going basis as part of future financial performance reports and/or as part of the budget setting process as necessary.

Risk

The key risks involved are:

Not meeting timescales – the service must be ready for the new Border Operating Model coming into force. This risk will be mitigated as far as possible through close working with SCPHA but is dependent on factors outside of the control of both organisations including government support grants to cover salary costs, the availability of suitable staff, staff training opportunities, clarity from government around charging and exact requirements.

Reputational – delivery of the service carries a reputational risk. This will be mitigated by close working with SCPHA.

Financial – the set up costs for the new operation are a risk that will be shared by both TDC and SCPHA and it is anticipated will be mitigated via government grant. An application has been submitted to the Port Health Authority Transition Fund for £1.8M to cover the first 6 months staffing for the new arrangements and we understand that further tranches of funding will be made available.

No transition fund grant awarded – this will put both SCPHA and the Council in a difficult position and one where it may not be possible to undertake the checks that are required. In a worst case the scenario the Council may need to fund costs in the short term until the service becomes self-financing.

LEGAL

Port health control in the Port of Orwell Haven was formerly the responsibility of a Joint Board called the Harwich Port Health Authority (established by The Port Health Authorities (England) Order 1974). This Order was abolished by **The Port Health Authorities (Tendring and Suffolk Coastal) Order 1981 – 1281 (Article 9)**. The Order constitutes two areas within the Port of Orwell Haven as port health districts and the District Councils of Tendring and Suffolk Coastal (now East Suffolk) each to be port health authority for one of those districts (Articles 2 and 4). The jurisdiction and powers of the District Councils as port health authorities are specified in Articles 3, 5 and 6. Article 7 provides for the transfer from the Joint Board to the District Councils of property held by the Board together with related liabilities and contracts and makes provision in respect of accounts and legal proceedings.

Article 6 of the Order sets out the functions of the Port Health Authority.

Currently, services related to the import of food through Harwich International Port, Harwich Navyard and Mistley Quay, Essex are carried out by East Suffolk Council, through their Port Health Authority – Suffolk Coastal Port Health Authority (SCPHA), in accordance with:

- the Official Feed and Food Controls (England) Regulations 2009 (as amended) in relation to products of non-animal origin;
- the Trade in Animals and Related Products Regulations 2011
- The Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011
- The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009; and
- other applicable legislation and official guidance concerning the import of food.

The remaining statutory responsibilities are carried out in-house by the Environmental Health team.

Port Health Authorities are responsible for monitoring all food imports but will not physically check all food imports. Although detailed import checks may be carried out on any food products from non-EU countries ('third countries'), the actual checks carried out are determined on a risk basis. For products that have been declared as high risk at an EU/UK level, special health controls are in place, and checks must be carried out at import stage.

End of Transition period:

From 2300 hrs on 31st December the EU transition period will end and a new Border Operating Model will commence with implementation over three phases – 1st January 2021, 1st April 2021 and 1st July 2021.

SCDC have undertaken an assessment of the requirements necessary and actions proposed to be taken in order to prepare for the implementation of Port Health controls at the end of the transition period. There are still some uncertainties as to the exact requirements as DEFRA are yet to produce policy in this regard and therefore, in these circumstances, the best available assumption or a logical deduction has been used.

It is anticipated that Tending will be required to establish a large scale port health function at Harwich and the service at Felixstowe will need to be up scaled, this is solely due to the fact that although the Port Health Authority statutory powers are remaining the same, the level of checks will be increasing due to no longer being within the EU.

Recently, a joint single bid for the Government's Port Health Authority Transition Readiness Fund was submitted by SCPHA and TDC using this assessment, the outcome of that application is awaited. The bid was prepared on the assumption that the two authorities could continue to work together producing economies of scale, but still subject to formal decisions being in place.

Future Agreement for Delivery of Service:

SCPHA have indicated that they would be able to provide the increased upscaling of the current operation under a new agreement for the delivery of the Port Health functions. Fees and Charges apply to the Port Health functions and these would be set by Tending District Council but retained by SCPHA with a management fee, similar to a service recharge or management costs. So far the indicative recharge to deliver the service on behalf of

Tendring District Council would be £10,000 per annum however, this would be subject to review once the demand is established.

SCDC are very experienced in their field, running a large scale operation at the port of Felixstowe. They are well regarded in the port health arena with their officers providing specialist training to other authorities. Both TDC and SCPHA have worked in a successful partnership for many years in respect of the arrangements at Harwich Port.

Procurement exemptions

By virtue of Regulation 12(7) of the Public Contract Regulations 2015 it is permissible to enter directly into contracts between contracting authorities (where there is no separate controlled body) without the need to follow the requirements of the Regulations. These arrangements are excluded in specific circumstances and under the regulations all of the following conditions must be fulfilled:

- the contract establishes or implements cooperation between the participating contracting authorities with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common.
- the implementation of that cooperation is governed solely by considerations relating to the public interest.
- the participating contracting authorities perform less than 20% of the activities concerned by the cooperation on the open market.

The regulations specify how the percentages are to be calculated in the three situations described above and is known as the “Hamburg exemption”.

There is also an alternative route, where one authority not only entrusts the service but delegates its powers to deliver services to another authority (which has been called the Hannover exemption following *Case 51/15 Remondis GmbH & Co. KG Region Nord v Region Hannover*).

The arrangement being proposed builds upon the existing partnership approach between the two authorities with more formalities due to the scale of the operation. However, essentially the two Port Health Authorities are working together to deliver their statutory functions in the public interest with some specifically being delegated from Tendring to Suffolk, on a non-commercial basis. Executive functions can be delivered solely by the Council, through joint arrangements or delegated functions to another local authority.

The Councils Financial Procedure Rules set out a framework to ensure value for money is obtained through a robust procurement process. Even where the Public Contract Regulations do not apply, internal rules should still be observed. Where services sought are of a specialist nature it is possible to seek an exemption from the usual procurement process and this is one such situation. SCPHA are the closest Port Health Authority with the relevant experience to run a large scale operation. Given the pressures on port health authorities currently it is very unlikely that another authority would be interested in taking on the functions at Harwich.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder/Equality and Diversity/Health Inequalities/Consultation/Public Engagement

Crime and Disorder

Equality and Diversity

Health Inequalities

Ward

All wards are covered by the proposal.

PART 3 – SUPPORTING INFORMATION

Background

Tendring Port Health Authority is an entity established by the The Port Health Authorities (Tendring and Suffolk Coastal) Order 1981.

Port Health authorities have the following functions:

- carrying out inspections on board ships and other vessels to check they comply with food safety and hygiene standards
- inspecting the port for signs of pests
- overseeing the import of food through the port
- monitoring the port for infectious diseases
- checking the quality of water provided to and stored on ships
- issuing ship sanitation and exemption certificates

The Council's Food and Safety team undertakes the above functions with the exception of overseeing the import of food through the port. This is a function that has been carried out on behalf of Tendring Port Health Authority by Suffolk Coastal Port Health Authority (SCPHA).

SCPHA operates a very large scale imported food control service at the port of Felixstowe where large quantities of goods are shipped in from outside of the EU, mainly in containers. Their experience and expertise in running that service has enabled them to oversee a proportionally very small imported food control service at Harwich port. The imports at Harwich are almost exclusively via roll on roll off ferries and either accompanied or unaccompanied lorry trailers arriving from EU countries.

Unlike goods from third countries, goods from the EU currently have a free passage into the UK. From 31st December 2020 this will change as a new Border Operating Model is introduced. From 1st April 2021 vast quantities of goods entering the UK from EU countries will be subjected to an increasing regime of checks as is currently the case for goods from non-EU countries.

Detail is still emerging from Government about the extent of the checks that will be required but working on a worst case scenario basis the service at Harwich will need to be scaled up to 80% of the current Felixstowe capacity. Capacity at Felixstowe will also need to increase.

To be clear, this is not an increase in actual shipments or goods arriving, it is a change to the regime of import controls associated with those goods. It is possible that the port will see additional shipments over time and that will depend on capacity at other ports and decisions made by the port themselves and the shipping companies, mainly Stena Line, who operate out of Harwich.

- From January 2021: Traders importing standard goods, covering everything from clothes to electronics, will need to prepare for basic customs requirements, such as keeping sufficient records of imported goods, and will have up to six months to complete customs declarations. While tariffs will need to be paid on all imports, payments can be deferred until the customs declaration has been made. There will be checks on controlled goods like alcohol and tobacco. Businesses will also need to consider how they account for VAT on imported goods. There will also be physical checks at the point of destination on all high risk live animals and a proportion of low-risk live animals.
- From April 2021: All products of animal origin (POAO) – for example meat, pet food, honey, milk or egg products – and all regulated plants and plant products will also require pre-notification and the relevant health documentation.
- From July 2021: Traders moving all goods will have to make declarations at the point of importation and pay relevant tariffs. Full Safety and Security declarations will be required, while for Sanitary and Phytosanitary (SPS) commodities there will be an increase in physical checks and the taking of samples: checks for animals, plants and their products will now take place at GB Border Control Posts.

To provide a sense of scale there are around 527 lorries / trailers incoming at Harwich daily carrying a total of around 7700 tonnes of goods. From July 2021 it is estimated that up to 22,334 import consignments will contain products subject to port health controls. Currently around only 23 meet the criteria.

The increase in checks does not apply only to food products. Animals and plants will be subject to a new regime and border controls generally will be increased. The Animal and Plant Health Agency and UK Border Control are the agencies affected in those respects.

In order to facilitate the additional checks infrastructure and facilities are required. The current facility for food checks at Harwich Port are very old and have not been used to any degree for many years. The new regime requires completely new infrastructure that will be provided by the port using funding they will be bidding for from Government. Facilities need to be up and running by 1st July 2021.

Given the scale of the changes and additional checks required officers believe that continuing to contract the service to SCPHA is the best way forward. To provide such a service in-house, starting effectively from scratch, would leave to Council very exposed and the risk of not being ready or able to deliver within the timeframe would be high.

There are other port health authorities with large scale operations, such as London and Hull & Goole. Given the geographical distance and the challenges they too will be facing it is unlikely they would be interested in providing a service at Harwich. Harwich and Felixstowe ports are both Haven Gateway ports and are viewed by Government to some extent as one. Longer term there may be scope to form a Haven Gateway Port Health Authority.

For now we must concentrate on having an arrangement in place by 1st January 2021 in order to deliver the new Border Operating Model. SCPHA are keen to deliver this service for the Council and have worked on modelling in order to design a service covering both Felixstowe and Harwich with management and administration based in Felixstowe. Moving

OFFICIAL

to a 24/7 service for the non-containerised imports is necessary to maintain flow within the ports. This is not necessary for containerised imports where the turnaround is generally much slower. This service will require an additional 60 members of staff 40 of which will need to be qualified in some of the following areas in order to undertake the range of check required:

- Environmental Health
- Food Safety
- Food Standards
- Veterinary

Similar numbers will be required at other ports in the country raising a significant questions around who will apply for these roles. The reality is that there are very few appropriately qualified people available meaning new staff will need to be trained. DEFRA are proposing to arrange some online training but it will be largely for the port health authorities to recruit and train staff, ideally by 1st January 2021.

The current contract with SCPHA costs the Council just under £8,000 per year. This fee covers general services with the costs of any physical check and sampling, which is rare at Harwich, recovered from the importers by SCPHA. Moving forwards the level of physical checks and sampling will dramatically increase. Funding for the additional staffing will be met by the fees levied by SCPHA in respect of the checks and sampling. The total additional staffing bill for 60 members of staff is around £3.6M per annum, approximately 59% of the additional work will be at Harwich.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

HM Government Border Operating Model <https://www.gov.uk/government/publications/the-border-operating-model>

APPENDICES

None