



# PLANNING POLICY AND LOCAL PLAN COMMITTEE

**DATE:** Wednesday, 30 September 2020  
**TIME:** 6.00 pm  
**VENUE:** Meeting will be held in accordance with SI 2020/392. Link to the live stream is found here:  
<https://www.tendringdc.gov.uk/livemeetings>

**MEMBERSHIP:**

Councillor Turner  
Councillor Fairley  
Councillor Allen  
Councillor Broderick  
Councillor Bush  
Councillor Chapman

Councillor C Guglielmi  
Councillor I Henderson  
Councillor S Honeywood  
Councillor Newton  
Councillor Scott  
Councillor Steady

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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 Keith Durran on 01255 686585

DATE OF PUBLICATION: Wednesday, 23 September 2020

## AGENDA

### **1 Apologies for Absence and Substitutions**

An apology for absence was submitted on behalf of Councillor Chapman (with Councillor Steady substituting).

### **2 Minutes of the Last Meeting (Pages 1 - 12)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 15 July 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 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District and which falls within the terms of reference of the Committee.

### **5 Public Speaking (Pages 13 - 16)**

The Council's Public Speaking Scheme for the Planning Policy and Local Plan Committee gives the opportunity for members of the public and other interested parties/stakeholders to speak to the Council's elected members on the Local Plan Committee on any specific agenda item to be considered at that public meeting.

### **6 Report of the Corporate Director (Place and Economy) - A1 - Essex Coast recreational disturbance avoidance and mitigation strategy (RAMS) consultation exercise, final SPD and partnership agreement. (Pages 17 - 494)**

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.

### **7 Report of the Corporate Director (Place and Economy) - A2 -The planning white paper - 'Planning for the future' (Pages 495 - 590)**

The purpose of the report set out before the Committee is to:

- a) draw the attention of Members to the recently published planning White Paper consultation – ‘Planning for the Future’ (see Appendix 1),
- b) allow Members to consider and agree the draft response to the consultation set out at Appendix 2 for recommendation to Cabinet.

**8 Report of the Corporate Director (Place and Economy) - A.3 - Section 2 local plan: Preparations for the examination hearings. (Pages 591 - 610)**

To provide an update on preparations for the Examination of Section 2 of the Council's emerging Local Plan following initial advice from the recently appointed Planning Inspectors.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Policy and Local Plan Committee is to be held in the at Time Not Specified on Date Not Specified.*

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE,  
HELD ON WEDNESDAY, 15TH JULY, 2020 AT 10.00 AM  
THE MEETING WAS HELD IN ACCORDANCE WITH THE PROVISIONS OF SI 2020/392.**

<b>Present:</b>	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Bush, Chapman, Chittock, G V Guglielmi, I J Henderson, Newton, Scott and Winfield
<b>Also Present:</b>	Councillor Cawthron
<b>In Attendance:</b>	Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Gary Guiver (Temporary Assistant Director (Strategic Planning and Place)), Ian Ford (Committee Services Manager), Keith Durran (Democratic Services Officer), Will Fuller (Planning Officer), Karen Hades (IT Training Officer), Matt Cattermole (Communications Assistant), Paul Woods (Development Technician) and Hattie Dawson-Dragisic (Appentice (Democratic Services & Elections))

**11. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors S A Honeywood (with Councillor Chittock substituting) and Broderick (with Councillor Colin Winfield substituting).

**12. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on 8 June 2020 be approved as a correct record.

**13. DECLARATIONS OF INTEREST**

Councillor C Guglielmi declared an interest in relation to Agenda Item 7 – Report A.1-Section 1 Local Plan: Planning Inspector's Post-Hearing Letter and in relation to Agenda Item 8 – Report A.2 - Colchester Tendring Borders Garden Community - Development Plan Document insofar as he was an alternate Director for the NEGC Ltd.

**14. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

On this occasion no Councillor had submitted notice of a question.

**15. PUBLIC SPEAKING**

Mr Keith Boddington had submitted a question in relation to item agenda A.1 in which he asked the Chairman of the Committee:-

*“How can Tendring District Council enter into any future agreement over a proposed new garden city with Colchester Borough Council who are prepared to let NEGC Limited*

*be liquidated at vast expense thus reducing any clawback of the one eighth of £8 million contribution made by Tendring taxpayers so far?"*

The Chairman of the Committee (Councillor Turner) replied as follows:-

*"Many thanks to Mr. Boddington for his question and I apologise that my answer will be very short.*

*The remit of this particular Committee is only to oversee the preparation of the Local Plan and other related planning documents. However, I can inform Mr. Boddington that the future of NEGC Ltd. will be the subject of consideration by the Council's Cabinet on 24<sup>th</sup> July and a report containing more details will be published this week.*

*I can also say that the future of NEGC Ltd. is something being considered jointly by the North Essex Authorities as well as by Essex County Council and the recommendations to Members of all four Councils will be consistent.*

*Irrespective of what happens with NEGC Ltd., the Planning Inspector has given the green light to the Tendring Colchester Borders Garden Community, which is part of the NEGC – a development that will bring mutual benefits and mutual opportunities for Colchester and Tendring and it will be in both Councils interest to work together constructively to prepare the planning framework for the scheme, get the link road and rapid transit system in place and deliver a new community that embraces the garden city principles."*

Mr Bill Marshall made statements in relation to report items A.1, A.2 and A.4 of the agenda as follows:-

- (1) In relation to the report of Corporate Director (Place & Economy) - A.1 - Section 1 Local Plan: Planning Inspector's Post-Hearing Letter, Mr Marshall called into question the soundness of the Colchester and Tendring Garden Community proposal and suggested that the Council should "cut its losses", scrap the Local Plan and start again with an alternate housing solution.
- (2) In relation to the report of Corporate Director (Place & Economy) – A.2 - Colchester Tendring Borders Garden Community - Development Plan Document, Mr Marshall stated that the previous public consultation undertaken in 2019 had been inadequate and suggested that for the next consultation be made available to all residents within the Tendring District and especially, that those residents principally affected by the Garden Community proposal be informed directly in order that they could make representations.
- (3) In relation to the report of Corporate Director (Place & Economy) – A.4 - Amendments to Policy PPL10: Renewable Energy generation and Energy Efficiency Measures, Mr Marshall stated that he believed that the proposed amendments to the Policy PPL10 would place an intolerable burden on property developers and builders and will make the future supply of affordable housing unviable due to the cost that would be incurred delivering to those standards.

**16. REPORT OF CORPORATE DIRECTOR (PLACE & ECONOMY) - A.1 - SECTION 1 LOCAL PLAN: PLANNING INSPECTOR'S POST-HEARING LETTER**

Councillor G V Guglielmi had earlier in the meeting declared an interest in relation to this item, insofar as he was an alternate Director for the NEGC Ltd.

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Place and Economy) (A.1) which reported:-

- a) the findings of the Local Plan Inspector as to the legal compliance and 'soundness' of the Section 1 Local Plan for North Essex following the further examination hearings of January 2020 and the receipt of his latest letter dated 15 May 2020;
- b) the next steps of the plan-making process required to make the plan 'sound' including consultation on the Local Plan Inspector's recommended 'modifications'; and
- c) highlighted any implications of the Inspector's findings for the content and next steps for progressing both Section 2 of the Local Plan which contained planning policies and proposals specific to Tendring and the 'Development Plan Document' (DPD) which would set out the more detailed parameters for the Tendring Colchester Borders Garden Community.

#### Key Points

Members were informed of the key points of the report as follows:

- following further examination hearings held in January 2020, the Planning Inspector had issued a further 'post-hearing letter' to the North Essex Authorities (NEAs) on the shared Section of the Braintree, Colchester and Tendring Local Plans.
- the Inspector had concluded that two of the three proposed Garden Communities (i.e. the Colchester Braintree Borders Garden Community and the West of Braintree Garden Community) were not viable or deliverable and that therefore Section 1 of the Local Plan, in its current form, was not 'sound'.
- the Inspector had, however, agreed that the Tendring Colchester Borders Garden Community was viable and deliverable and that the housing and revised employment targets in the Local Plan were also sound, including the requirement of 550 homes a year in Tendring.
- in the event that a Local Plan was found not to be sound, the Inspector must, if asked to do so by the local planning authority, recommend modifications to the Local Plan that would make it sound. This Council had requested that through its previous decisions.
- the Inspector had therefore given the NEAs two options on which to proceed:
  - 1) undertake a consultation on the main modifications in order to remove the Colchester Braintree Borders and West of Braintree Garden Communities from the Local Plan and other necessary 'modifications'; or
  - 2) withdraw the Plan and start again.
- to continue with the Draft Local Plan the first option of consulting on the main modifications suggested must be undertaken, otherwise the alternative position was that the Plan was withdrawn from examination and this Council would be required to start again. All three of the NEAs (Tendring, Braintree and Colchester) would need to come to the same conclusion.

### Findings

Members were aware that, on 15 May 2020, the NEAs had received a letter from the Inspector setting out his findings. The Inspector had concluded that, in its current form, Section 1 of the Local Plan did not meet the Government's tests of soundness. In particular, two of the three proposed Garden Communities had not been demonstrated to be economically viable or deliverable – thus making the overall plan unsound.

The Inspector had determined that the Councils had been too optimistic in their assumptions about: 1) the rate of housebuilding that could be achieved on an annual basis at each of the Garden Communities; and 2) the costs of delivering a Rapid Transit System (RTS) that linked all three Garden Communities to existing towns. Those factors combined the Inspector concluded, led to both the proposed Colchester Braintree Borders Garden Community (at Marks Tey) and the West of Braintree Garden Community (near Rayne) being not likely economically viable or deliverable.

However, the Tendring Colchester Borders Garden Community (TCB) (between Elmstead Market and Colchester) was smaller; its delivery was less dependent on achieving very high rates of housebuilding on an annual basis; and Essex County Council had secured £99 million of Housing Infrastructure (HIF) funding to deliver the necessary A120/A133 link road and RTS that would link the Garden Community to Colchester. The Inspector had therefore concluded that the TCB was viable, deliverable and sound and could realistically deliver around 2,000 (of a total 7,000-9,000) homes between then and 2033.

Notwithstanding his rejection of two of the three Garden Communities, the Inspector had advised that the three Councils had properly followed the relevant legal and procedural requirements and that the housing and revised employment targets set out in the plan (including Tendring's requirement of 550 homes a year) were sound. He had also endorsed the Councils' approach to mitigating the impacts of development on internationally important wildlife sites through the 'Recreational disturbance Avoidance Mitigation Strategy' (RAMS).

### Options for how to proceed

It was reported that though the Inspector had found the Plan to be unsound in its current form, he had advised that the Plan had the potential to be 'made sound' and that it could still progress to adoption if the three Councils agreed to remove the Colchester Braintree Borders and West of Braintree Garden Communities and consulted the public and other interested parties on that 'main modification', along with other main modifications to the Plan recommended by the Inspector.

The alternative to the above would be to withdraw the Local Plan from the examination – which would effectively require all three Councils to start their Plans again from scratch.

Colchester Borough Council and Braintree District Council had received the same conclusion within reports to their respective bodies.

### Proposed Modifications



The Committee was informed that Officers had also received draft details of the 'main modifications' to the Section 1 Local Plan that the Inspector was likely to recommend – the majority of which took on board the suggested amendments that the Committee had considered and agreed for consultation in 2019. The most notable of the additional modifications being indicated by the Inspector were those that removed the West of Braintree and Colchester Braintree Borders Garden Communities from the policies and associated maps and diagrams in the Section 1 Local Plan and any other references to those developments in the text of the Plan.

Other main modifications included a new policy on 'Recreation disturbance Avoidance and Mitigation Strategy' (RAMS) and amendments to Policy SP4 'Providing for Employment' updated the employment land requirements for each of the three Councils to reflect the latest evidence, which included the requirement for Tendring for between 12 and 20 hectares of new employment land in the planned period to 2033.

The full schedule of draft main modifications was attached as Appendix 2 to the Officer report. If the three Local Authorities agreed to proceed with the current Local Plan process, Officers would make a formal request to the Inspector to issue his finalised schedule of main modifications.

#### Implications for the Section 2 Local Plan and Garden Community DPD

The Committee was informed that, importantly, for Tendring, the Inspector had concluded that the Tendring Colchester Borders Garden Community was sound and could reasonably be expected to deliver around 2,000 homes up to 2033 (of which around 1,000 (i.e. half) would contribute towards meeting Tendring's housing requirements). He had also re-confirmed the soundness of Tendring's objectively assessed housing requirement of 550 dwellings per annum. If all three Councils agreed to undertake public consultation on the necessary modifications to the Section 1 Local Plan (rather than withdrawing it from the examination), there should be no need to find any additional sites for housing for inclusion in Tendring's Section 2 Plan.

The Inspector had also raised no issues with Tendring's employment land requirement being within the range of 12 and 20 hectares up to 2033 with a potential additional 25ha hectares of employment land to be provided as part of the Tendring Colchester Borders Garden Community.

Confirmation of the soundness of the Tendring Colchester Borders Garden Community would also allow Tendring District Council and Colchester Borough Council to progress with the work required for the preparation of a 'Development Plan Document' (DPD) setting out more detailed parameters for the Garden Community.

The implications of the Inspector's findings on the future role of 'North Essex Garden Communities' (NEGC) as a delivery vehicle for Garden Communities (given that only one of the three developments can now proceed) would be the subject of a separate report to Cabinet in due course.

#### Next steps

It was reported to Members that, subject to agreement by the Local Authorities, Officers would respond to the Planning Inspector to confirm that the NEAs would proceed with the removal, from Section 1 of the Plan, of the Colchester Braintree Borders and West

of Braintree Garden Communities and that they wished to proceed with the examination of the Local Plan by undertaking public consultation on his main modification, along with other main modifications recommended by the Inspector. The Inspector would be requested to formally issue his finalised schedule of main modifications and advise the NEAs on the programme and timescales for the remainder of the examination.

The next stage would then be for the Councils to publish the main modifications for a six week public consultation. The Council's Consultants LUC were preparing an update to both the Sustainability Appraisal (SA) and the Habitats Regulation Assessment (HRA) in order to assess the socio-economic and environmental impacts of Section 1 of the Local Plan with the Inspector's recommended main modifications and those documents would be published for consultation alongside the modifications. Any comments received would be submitted to the Inspector for his consideration before he came to a final decision on whether Section 1 of the Plan, with those modifications, was sound and could be formally adopted. It was proposed that, subject to the Inspector's agreement and completion of the SA and HRA work, the public consultation would take place in August and September 2020.

In the meantime, TDC Officers would continue work to prepare for the examination of Section 2 of the Local Plan and the preparation of the Tendring Colchester Borders Garden Community DPD. Once the three Local Authorities had come to a decision on how to progress with the Section 1 Local Plan, the Planning Inspectorate would advise the Councils on the likely timetables for the Section 2 examinations.

Having duly considered and discussed the contents of the report and its appendices:-

It was moved by Councillor G V Guglielmi, seconded by Councillor I J Henderson and:-

**RESOLVED** that the Planning Policy and Local Plan Committee -

- a) notes the findings of the Planning Inspector's letter dated 15 May 2020 (attached as Appendix 1 to the Officer report) and his recommended modifications (attached as Appendix 2 thereto);
- b) following the agreement of the Leader of the Council, agrees to proceed with the Inspector's suggested main modification to remove both the Colchester Braintree Garden Community and the West of Braintree Garden Community from the Section 1 Local Plan for the purposes of soundness;
- c) subject to the views of the other North Essex Authorities (Colchester Borough Council and Braintree District Council), authorises the Temporary Assistant Director (Strategic Planning and Place) to notify the Planning Inspector of the intention to continue with the present Local Plan process; formally request his finalised schedule of recommended main modifications for soundness and that he establish the timescales for the consultation exercise and subsequent stages in the process;
- d) notes that public consultation will be undertaken on all 'main modifications' recommended by the Planning Inspector to make the Local Plan sound (as set out in draft in Appendix 2); and
- e) notes that an update to the Sustainability Appraisal (SA) and the Habitat Regulations Assessment (HRA) for the Modified Section 1 Local Plan will need to be produced and published for the public consultation alongside the Inspector's

main modifications and that consultants LUC are already instructed to undertake this work.

**17. REPORT OF CORPORATE DIRECTOR (PLACE & ECONOMY) - A.2 - COLCHESTER TENDRING BORDERS GARDEN COMMUNITY - DEVELOPMENT PLAN DOCUMENT**

Councillor G V Guglielmi had earlier declared an interest in relation to this item insofar as he was an alternate director for the NEGC Ltd.

The Committee had before it a report (and appendix) of the Corporate Director (Place and Economy) (A.2) which sought to update it on the work intended to be carried out for the preparation of a 'Development Plan Document' (DPD) for the Tendring Colchester Borders Garden Community which would guide its future growth and development.

Key Points

Members were informed of the key points of the report as follows:-

- of the three Garden Communities that had been originally proposed in the shared Section 1 of the Local Plan for North Essex, only the Tendring Colchester Borders Garden Community had been found, by the Planning Inspector, to be deliverable and sound.
- assuming all three of the North Essex Authorities (NEAs) (Tendring, Braintree and Colchester Councils) agreed to proceed with consultation on the Inspector's recommended modifications to the Section 1 Local Plan, it was intended that a 'Development Plan Document' (DPD) would be prepared jointly by Tendring District Council and Colchester Borough Council which would contain the more detailed parameters and policies in order to guide the development of the Tendring Colchester Borders Garden Community. (TCBGC).

On that basis, Tendring and Colchester wished to proceed with the next stages of plan-making for the Garden Community which would involve the preparation of a DPD to guide development. The DPD provided the next level of detail required to progress the overall high-level Garden Community principles mandated by Section 1. Adoption of the DPD would entail joint working between the two Councils, in consultation with stakeholders at all stages of plan development. It was expected that the DPD would be a joint planning document adopted by both Councils.

It was reported to the Committee that an initial consultation on Issues and Options had been held on the TCBGC from November 2017 to January 2018. The study work and responses from that consultation formed a starting point for the next phase of work, bearing in mind the changes during the intervening period. In addition to Section 1 of the Local Plan developments, key amongst the changes was the Councils' successful bid for £99million, in Housing Infrastructure Funding (HIF) for an A120/A133 link road and a Rapid Transit Scheme (RTS) to support the proposed Garden Community. Work undertaken to inform the HIF projects had been carried out with the requirements of the Garden Community and its DPD in mind, so studies and masterplans completed for those essential infrastructure projects would feed into the DPD process.

The Committee was aware that the two Councils would work together to commission the further evidence and master-planning work required to support the DPD. As with

master-planning work carried out for the Issues and Options stage, such work would include focused consultation with stakeholders and existing communities in the vicinity of the TCB GC.

The precise timetable for the DPD was not then fixed but the Local Development Scheme would be brought back to the Committee for scrutiny, with adoption currently programmed for 2022.

Having duly considered and discussed the contents of the report and its appendices:-

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

**RESOLVED** that the proposals for the preparation of a Development Plan Document for the Tendring Colchester Borders Garden Community be noted.

**18. REPORT OF THE CORPORATE DIRECTOR (PLACE & ECONOMY) - A.3 - PROPOSED AMENDMENT TO THE STATEMENT OF COMMUNITY INVOLVEMENT**

The Committee had before it a report (and appendix) of the Corporate Director (Place and Economy) (A.3) which sought to seek its approval of the proposed amendments to the Statement of Community Involvement (SCI) In light of the Coronavirus (COVID19) pandemic.

Key Points:

Members were informed of the key points of the report as follows:

- the Statement of Community Involvement (SCI) detailed the way in which the public would be consulted on all planning matters;
- due to the Coronavirus and current Government guidance the Council could not carry out consultations in the same way;
- it was therefore recommended that Members agree a covering note that would be incorporated into the existing SCI in order to explain the current situation.

Having duly considered and discussed the contents of the report and its appendix:-

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

**RESOLVED** that the Planning Policy and Local Plan Committee –

- a) agrees the recommended revisions to the Council's Statement of Community Involvement (SCI) (as shown in Appendix 1 to the Officer report) to reflect the specific requirements arising from national guidance and procedures on dealing with coronavirus implications; and
- b) authorises Officers to publish the updated SCI on the Council's website.

**19. REPORT OF THE CORPORATE DIRECTOR (PLACE & ECONOMY) - A.4 - AMENDMENTS TO POLICY PPL10: RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES**

The Committee had before it a report of the Corporate Director (Place and Economy) (A.2) which sought its endorsement for suggested amendments to Policy PPL10 on 'Renewable Energy Generation' in Section 2 of the Council's emerging Local Plan. That followed a meeting involving Members of the Council's Climate Change Working Group and of this Committee held on 25th June 2020, when a form of wording had been agreed for this Committee's consideration.

The Committee recalled that, at its last meeting held on 8 June 2020, it had been asked to consider a number of suggested amendments to certain planning policies in Section 2 of the Council's emerging Local Plan relating to housing design standards, efficiency and accessibility. Most of the suggested amendments had been agreed by the Committee and would be put forward to the Planning Inspector, as appropriate, for their consideration as part of the Local Plan examination process. It had been, however, decided on that occasion that consideration of any amendments to Policy PPL10 on 'Renewable Energy Generation' would be deferred in order to allow discussion with the Council's Climate Change Working Group to ensure that they properly embraced the ambitions of the Council in tackling the climate emergency.

On 25th June 2020, Members from the Climate Change Working Group and from this Committee had met, remotely via Skype and had discussed potential further amendments to Policy PPL10. The wording that had been agreed was as follows:

***“Policy PPL10 - RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES***

*Proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated. All proposals for new development of any type should consider the potential for a range of renewable energy solutions, appropriate to the building(s), site and its location, and should include renewable energy installations, and be designed to facilitate the retro-fitting of renewable energy installations. For residential development proposals involving the creation of one or more dwellings, the Council will expect detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy. The REGP must demonstrate how the following measures have been considered and incorporated*

:

- *Triple Glazing;*
- *Solar Roof Panels or Solar Tiles*
- *Air Source Heating Systems*
- *Ground Source Heating Systems*
- *Super Insulation (walls and loft void)*
- *Rainwater Capture Systems*
- *Electric Vehicle Rapid Charging Points (provided to an individual dwelling or through an appropriate communal facility)*
- *Superfast Broadband and a flexible space within each home to enable home working and a reduction in the need to travel*
- *Mechanical Heat Recovery Ventilation*
- *Solar Thermal Systems*
- *Solar and Battery Storage Systems; and (where appropriate)*

- *Other newer or alternative technologies and measures aimed at maximising energy efficiency and the use of renewable energy.*

*Planning permission will only be granted where the applicant can demonstrate that the above measures have been fully considered and, where viable and appropriate, incorporated into the design, layout and construction. The Council will consider the use of planning conditions to ensure the measures are delivered.*

*To maximise the effectiveness of Solar Panels, buildings should be planned and orientated to have a strong southerly aspect and for the south side of pitched roofs to be rectilinear and uncluttered. Dormer Windows, hipped roofs and corner tower elements should be confined to the northern side of pitched roofs.*

*Nothing in this policy diminishes or replaces the requirements of Energy Performance Certificates (EPC) and Standard Assessment Procedures (SAP) for constructed buildings and compliance with the relevant building regulations.”*

Members were informed that the advantage of the proposed policy wording was that rather than setting out a prescriptive list of requirements, it placed the onus on the applicant for planning permission to submit material in order to demonstrate how they had considered the available range of technologies and measures that could be put in place to maximise energy efficiency and the use of renewable energy and how they had incorporated them into their design, layout and construction. Where certain measures were considered to be inappropriate, impractical or unviable, the applicant's response to this policy gave them the opportunity to explain their reasoning. Planning Officers and Members of the Planning Committee could then determine whether proposals had met the requirements of the policy and had achieved an appropriate response to climate change.

Officers supported the proposed wording and saw it as a reasonable, justified and workable response to the climate change emergency.

Members were aware that the Local Plan had already been submitted to the Secretary of State for it to be examined by a Government-appointed Planning Inspector. The Inspector had the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the Plan. Whilst it would be at the Inspector's discretion which modifications were formally recommended, the Council would have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process.

Having duly considered and discussed the contents of the report:-

It was moved by Councillor Allen, seconded by Councillor Bush and unanimously:-

**RESOLVED** that the Planning Policy and Local Plan Committee –

- a) approves the revised wording for Policy PPL10 in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan), as set out in the Officer report;
- b) authorises the Temporary Assistant Director (Strategic Planning and Place), in consultation with the Chairman of the Planning Policy and Local Plan Committee,

to put forward the suggested wording (in the form of amendments to the current draft policy), to the Planning Inspector for their consideration as part of the examination of Section 2 of the Local Plan;

- c) authorises the Temporary Assistant Director (Strategic Planning and Place), in consultation with the Chairman of the Planning Policy Local Plan Committee, the Chairman of the Council's Climate Change Working Group and the Assistant Director (Housing and Environment), to draft associated amendments to the 'supporting text' or 'preamble' to Policy PPL10 which will also be put forward for the Inspector's consideration as part of the examination process.

The meeting was declared closed at 11.27 am

**Chairman**

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# *Tendring* **District Council**



## **PUBLIC SPEAKING SCHEME - LOCAL PLAN COMMITTEE**

**JANUARY 2016**

### **GENERAL**

The Public Speaking Scheme (“the Scheme”) is made pursuant to Council Procedure Rule 39 and gives the opportunity for a member of the public and other interested parties/stakeholders to speak to the Council’s elected members on the Local Plan Committee on any specific agenda item to be considered at that public meeting.

The Scheme covers both questions and statements to the Committee on a particular agenda item. Any individual wishing to speak must contact Committee Services (see details below).

### **NOTICE OF QUESTION**

If an individual wishes to ask a question, at the Local Plan Committee meeting, prior notification of that question must be received. The principle is to provide the Chairman (or an Officer, if the Chairman decides appropriate) the ability to fully answer questions, which have been received in advance.

**Notice of a question is received by delivering it in writing or by email to the Committee Services Manager on [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk), by midday on Wednesday 7 June 2017.**

At the meeting, you will be given an opportunity to read out your question to the Committee and an answer will be provided. Supplementary questions are not permitted and there is no debate by the Committee at this stage.

### **STATEMENTS**

Advance notification of the content of a statement on specific agenda items is not required, but to assist the running of the agenda, notification of wishing to speak should be given prior to the meeting. Please contact Committee Services (email [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk) or telephone 01255 686584).

## **NUMBER AND TIMING OF QUESTIONS**

At any Local Plan Committee meeting an individual is limited to asking one question or making a statement per agenda item. On each agenda item, no public speaker may speak for longer than three minutes.

Consistent with the Council Procedure Rules, the time allocated for receiving and disposing of questions shall be a maximum 45 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, and published with the minutes of the meeting.

## **SCOPE OF STATEMENTS OR QUESTIONS**

**Please be straightforward and concise and keep your comments to the content of the agenda item. Please be courteous and do not make personal remarks. You may wish to come to the meeting with a written statement of exactly what you wish to say or read out, having checked beforehand that it will not overrun the three minutes allowed.**

Any question or statement which is not directly related to an agenda item for that meeting of the Committee will be rejected. For questions, any rejection will be communicated in advance of the meeting by Officers, and for statements made at the meeting, this will be confirmed by the Chairman.

The Council also reserves its right to reject questions or statements if in its opinion the content is defamatory, frivolous or offensive or requires the disclosure of confidential or exempt information.

## **LOCAL PLAN COMMITTEE MEMBERS & POINTS OF CLARIFICATION**

No public speaker can be questioned by the Committee however, through the Chairman, relevant points of clarification arising out of the public speaking can be requested at the specific agenda item, before the debate commences. Points of clarification can be given by Officers, with the Chairman's permission.

## **WHO DO I CONTACT FOR MORE INFORMATION**

The Council's website will help you access documents (web: [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk))

If you have a query with regard to public speaking, or wish to register to speak, please email [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk) or telephone 01255 686584.

If your query is in relation to the Local Plan, please contact:

Tendring District Council, Planning Services, Council Offices Thorpe Road, Weeley, Essex CO16 9AJ Tel: 01255 686177 email: [planning.policy@tendringdc.gov.uk](mailto:planning.policy@tendringdc.gov.uk)

**Monitoring Officer, Tendring District Council, in consultation with Head of Planning and Chairman of the Local Plan Committee**

**(Council Procedure Rule 39)**

**(January 2016)**

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## PLANNING POLICY AND LOCAL PLAN COMMITTEE 30 SEPTEMBER 2020

### REPORT OF THE CORPORATE DIRECTOR: PLACE AND ECONOMY

#### A1 - 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 Tending 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 1<sup>st</sup> 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' (Zol) 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 (Zol), 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 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.

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 19<sup>th</sup> 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](http://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**



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

Habitats Regulations Assessment  
Strategy document  
2018-2038

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January 2019

Final version incorporating Natural England comments March 2019

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Figure 7.1: Sources of disturbance and RAMS mitigation proposals

## **Maps**

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

## **Executive Summary**

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

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"> <li>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.</li> <li>Rangers to explain reasons for restricted zones to visitors e.g. for bait digging, dogs on a lead</li> </ul>
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

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- 1.1 The Essex coastline stretches for just over 350 miles, extending from the Thames Estuary in the south, northwards to the port of Harwich and the Stour Estuary. The coastline is extremely diverse and features a variety of habitats and environments and which are internationally important for wildlife as shown on Fig. 1.1.
- 1.2 Most of the Essex coast is designated under the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') as part of the European Natura 2000 network a series of these sites across Europe. For the purposes of this Strategy this means Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites. A key purpose of these designations is to protect internationally important numbers of breeding and non-breeding birds and their coastal habitats.
- 1.3 The Habitats Regulations usually refer to these sites as 'European Sites', however as SPAs and SACs (designated under the EU Birds and Habitats Directives) are now defined as 'Habitats sites' in the National Planning Policy Framework (NPPF) (2018) they will be referred to as Habitats sites in this Strategy. The NPPF (para 176) gives the same protection to Ramsar sites (wetlands of international importance designated under the Ramsar convention). For this Strategy, the term Habitats Sites will therefore also include Ramsar sites.
- 1.4 The Essex coast also provides opportunities for recreation. Housing and consequent population growth in Essex is likely to increase the number of visitors to these sensitive coastal areas, creating the potential for impacts from increased recreational disturbance of the birds and their habitats, unless adequately managed.
- 1.5 This Recreational disturbance Avoidance and Mitigation Strategy (RAMS) will support sustainable residential growth in Essex. It will deliver mitigation to protect coastal Habitats sites and the wildlife they support, from the increased recreational disturbance associated with a growth in population.
- 1.6 This mitigation must keep ahead of the rate of population growth to avoid any adverse effects on the integrity of coastal Habitats sites.
- 1.7 The Essex Coast RAMS will be deemed successful if the level of bird disturbance is not increased despite an increase in population and the number of visitors to the coastal sites for recreation.

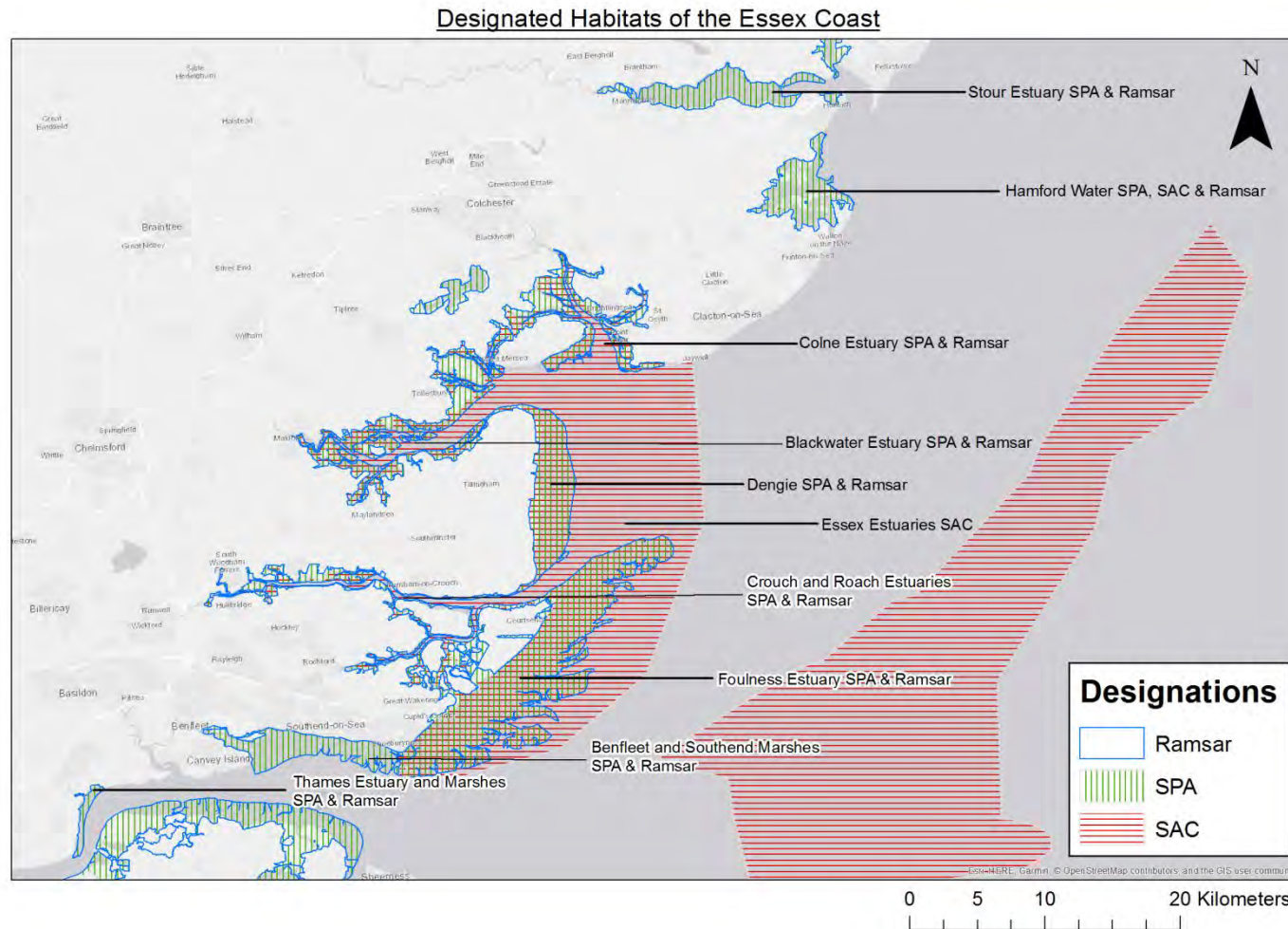
- 1.8 The network of Habitats sites within the UK covers over 8.5% of the land area or 920 sites in total. There are 10 of these sites in the Essex Coast RAMS area<sup>1</sup> (see Figure 1.1 overleaf for more details). This means that almost the entire Essex coast is protected by an international designation 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

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<sup>1</sup> 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)<sup>1</sup>.*
- *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)<sup>2</sup>.*
- *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.*

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<sup>2</sup> 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 &amp; 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"><li>• A reduction in the time spent feeding due to repeated flushing/increased vigilance (Fitzpatrick &amp; Bouchez 1998; Stillman &amp; Goss-Custard 2002; Bright <i>et al.</i> 2003; Thomas, Kvitek &amp; Bretz 2003; Yasué 2005)</li><li>• Increased energetic costs (Stock &amp; Hofeditz 1997; Nolet <i>et al.</i> 2002)</li><li>• 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 &amp; Clark 2002)</li><li>• Increased stress (Regel &amp; Putz 1997; Weimerskirch <i>et al.</i> 2002; Walker, Dee Boersma &amp; Wingfield 2006; Thiel <i>et al.</i> 2011)</li></ul>
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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**

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### 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 <sup>3</sup>
  - 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.

<sup>3</sup>

[http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](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 <sup>4</sup>
- 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](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**

<b>LPAs</b>	<b>Work undertaken</b>	<b>Relevant Habitats sites</b>
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"> <li>• Crouch and Roach Estuaries</li> <li>• Foulness Estuary</li> <li>• Benfleet and Southend Marshes</li> <li>• Outer Thames Estuary</li> </ul>
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"> <li>- HRA screening for Boxted Neighbourhood Plan (2014-2029)</li> <li>- HRA screening for West Bergholt Neighbourhood Plan (2018-2033)</li> <li>- HRA re-screening for Wivenhoe Neighbourhood Plan (2017-2032)</li> </ul>	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"> <li>• Crouch and Roach Estuaries</li> <li>• Foulness Estuary</li> <li>• Benfleet and Southend Marshes</li> <li>• Outer Thames Estuary</li> </ul>
Southend Council	Southend Council Local Plan HRA (September 2010) Southend Central Area Action Plan (February 2018)	<ul style="list-style-type: none"> <li>• Crouch and Roach Estuaries</li> <li>• Foulness Estuary</li> <li>• Benfleet and Southend Marshes</li> <li>• Outer Thames Estuary</li> </ul>
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"> <li>• Colne Estuary,</li> <li>• Hamford Water,</li> <li>• Blackwater Estuary</li> <li>• Stour and Orwell Estuaries</li> </ul>
Thurrock	Thurrock Local Plan Local Development Scheme (December 2015)	<ul style="list-style-type: none"> <li>• Crouch and Roach Estuaries</li> <li>• Foulness Estuary</li> <li>• Benfleet and Southend Marshes</li> <li>• Outer Thames Estuary</li> </ul>

*Notes: Not all of the LPAs have prepared project level HRAs for residential developments within the IRZs<sup>3</sup> 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*

<sup>4</sup> 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;"><b><u>Option 1 – No Joint Project</u></b></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;"><b><u>Option 2 – Sub-regional Projects</u></b></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;"><b><u>Option 3 – Essex-wide Project</u></b></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**

<b>1. Patterns of use of SPAs/SACs/Ramsar sites</b>	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><b>d)</b> 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><b>2. Mitigation and visitor monitoring</b></p>	<p><b>a)</b> Based upon the conclusions from the patterns of use, identify which Habitats sites are relevant to which growth locations/ LPA.</p>
	<p><b>b)</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><b>c)</b> 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><b>d)</b> 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><b>3. Funding</b></p>	<p><b>a)</b> Identify what measures have already been funded and provide detail of how the current funding mechanisms work.</p>
	<p><b>b)</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><b>c)</b> Identify planned growth in the locations identified under 2c (above).</p>
	<p><b>d)</b> Identify mechanisms for securing funding for each mitigation measure.</p>
	<p><b>e)</b> 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><b>4. Monitoring of the Strategy</b></p>	<p><b>a)</b> 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>b)</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><b>c)</b> Identify how monitoring results will be analysed and used effectively.</p>
<p><b>5. Strategy finalised with recommendation for SPD</b></p>	<p><b>a)</b> Incorporate areas above into strategy.</p>
	<p><b>b)</b> Agree strategy with the Steering Group.</p>

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



### 3 Purpose of the Strategy

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- 3.1 The Essex Coast RAMS will support sustainable residential growth in Essex while protecting Habitats sites and their wildlife from the increased disturbance from recreation associated with a growth in population. The Essex Coast RAMS will identify specific avoidance and mitigation measures that will be necessary to enable the planned housing and associated population growth within the strategy area to go ahead, without adversely affecting the designated features of the Habitats sites.
- 3.2 The Essex Coast RAMS will identify:
- the likely in combination impacts from recreational disturbance;
  - a range of effective mitigation measures;
  - when the mitigation measures are required;
  - where the mitigation is required;
  - how mitigation relates to development (or development locations);
  - how mitigation measures will be funded;
  - how the Strategy will be implemented
  - how the success of the mitigation measures will be monitored; and
  - how best to incorporate monitoring data and other information and best practice into future reviews of the strategy and Local Plans.
- 3.3 The Strategy does not cover any additional site-specific infrastructure, such as Country Parks, which are often referred to as Suitable Alternative Natural Greenspaces (SANGs). The issue of SANG is slightly different as, given that the coast cannot be replicated inland, SANGs do not tend to form part of coastal mitigation strategies. However, there is some evidence from the Solent HRA Mitigation project and corresponding website<sup>4</sup> 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.

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<sup>5</sup> <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**

<b>Planning Use Class*</b>	<b>Class Description</b>
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

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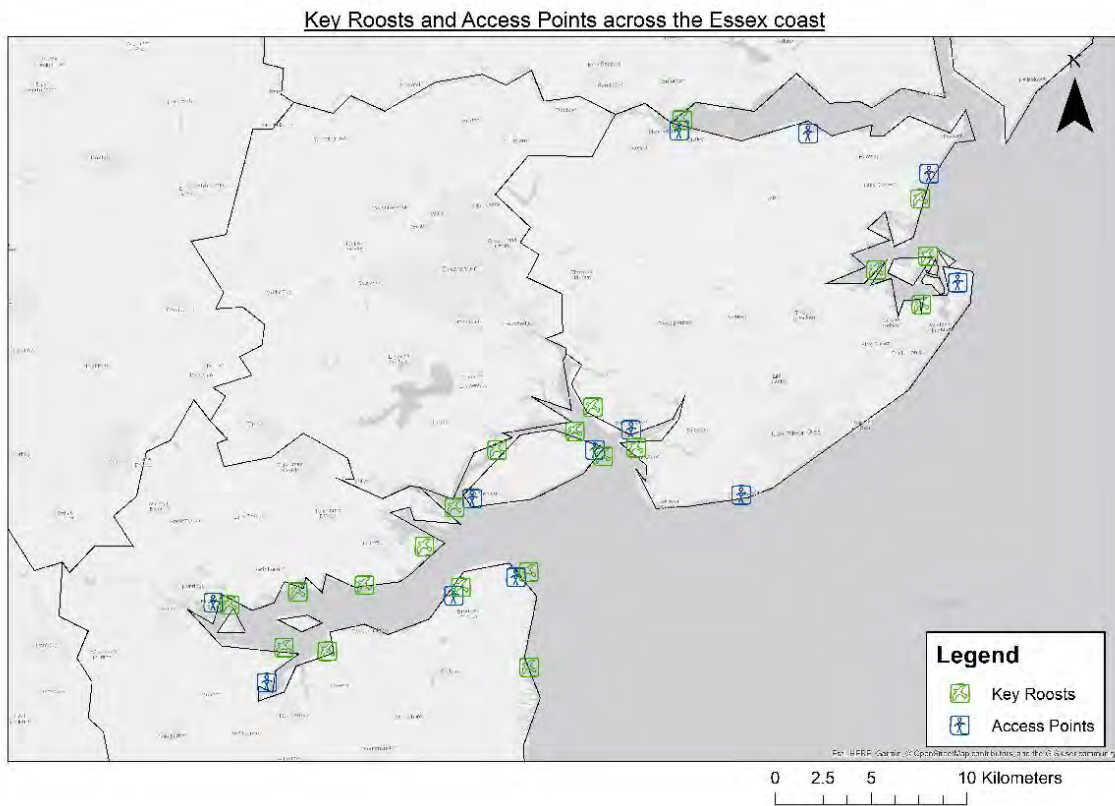
- 4.1 In order to determine the baseline, the following methodology was followed in the review process to determine patterns of visitor use of designated sites:
- Desk studies to determine what evidence existed and identify any gaps;
  - Visitor surveys to supplement the desk studies and gain an understanding 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**

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- 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**

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- 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.

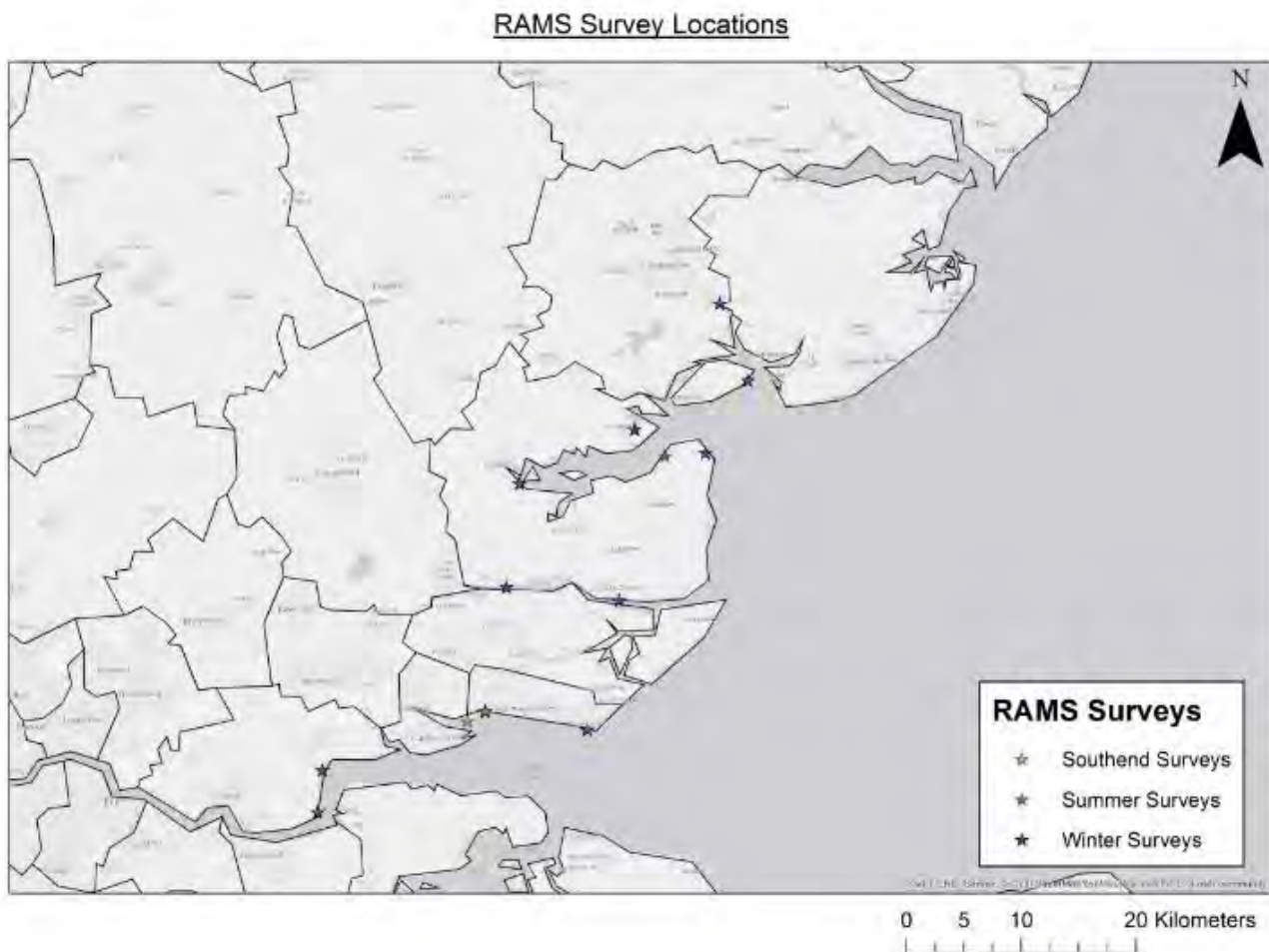
\*\* As Foulness Estuary has limited access due to military control of much of the land, no surveys were considered necessary by Natural England.

- 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 75<sup>th</sup> 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**

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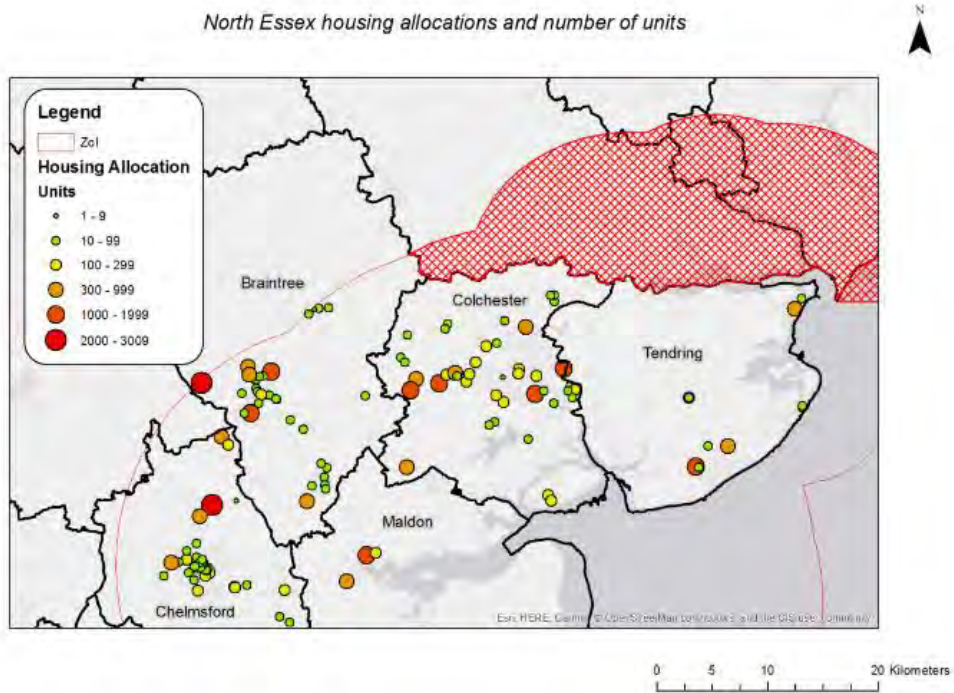
- 5.1 Tables 5.1 and figures 5.1 and 5.2 represent the amount of housing that is being planned for in each Local Plan. All LPAs are at different stages of the plan making process. Some figures will be based on Local Plan allocations, but where that is not possible LPAs have provided an informed estimate 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.



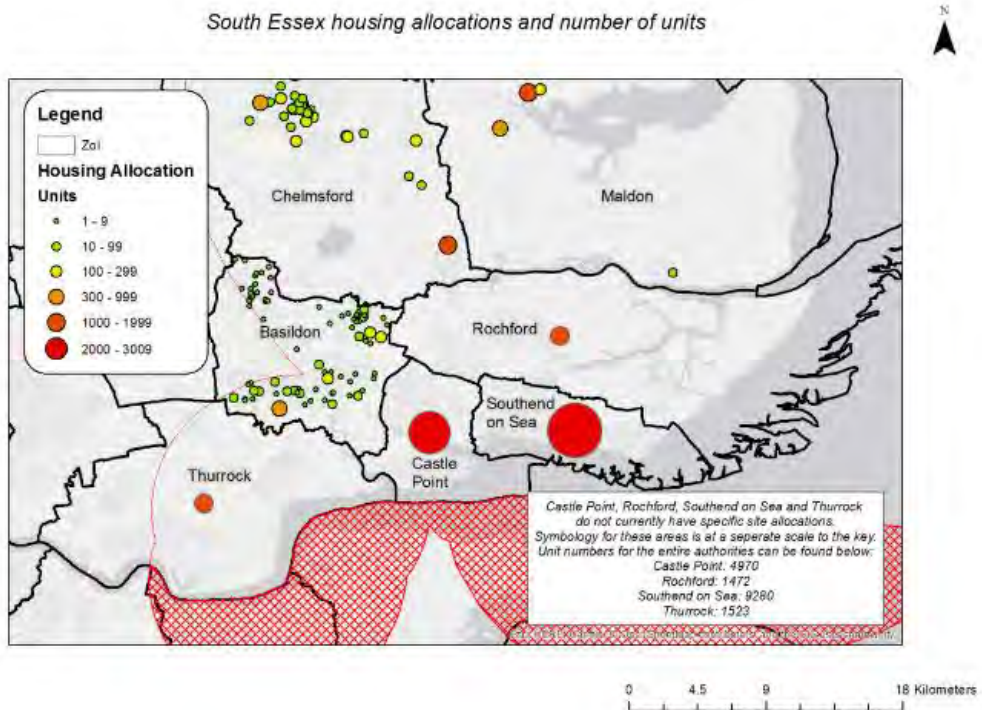
**Table 5.1: – Housing to be delivered in the Essex coast RAMS overall Zol**

	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	
<b>Total</b>	<b>9159</b>	<b>19164</b>	<b>23675</b>	<b>16986</b>	<b>10598</b>	<b>79582</b>	<b>6504</b>	<b>72907</b>	

**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

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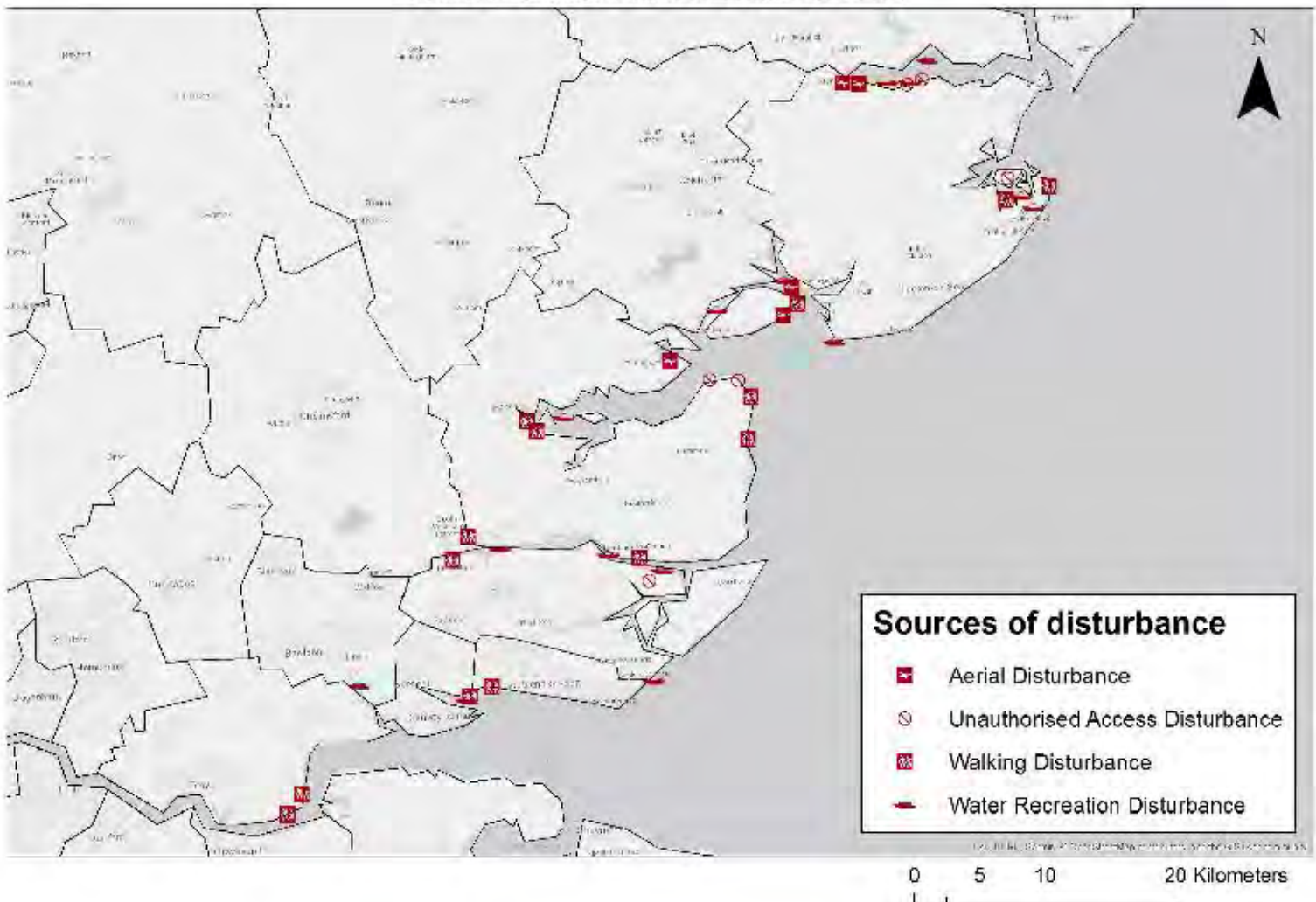
- 6.1 Two initial workshops were held for key stakeholders in February and March 2018 to gather local and specialised knowledge from organisations and individuals on the following:
- The locations of visitors at the coast and the recreational activity currently taking place;
  - Current recreational 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**

**Sources of disturbance on the Essex Coast**



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

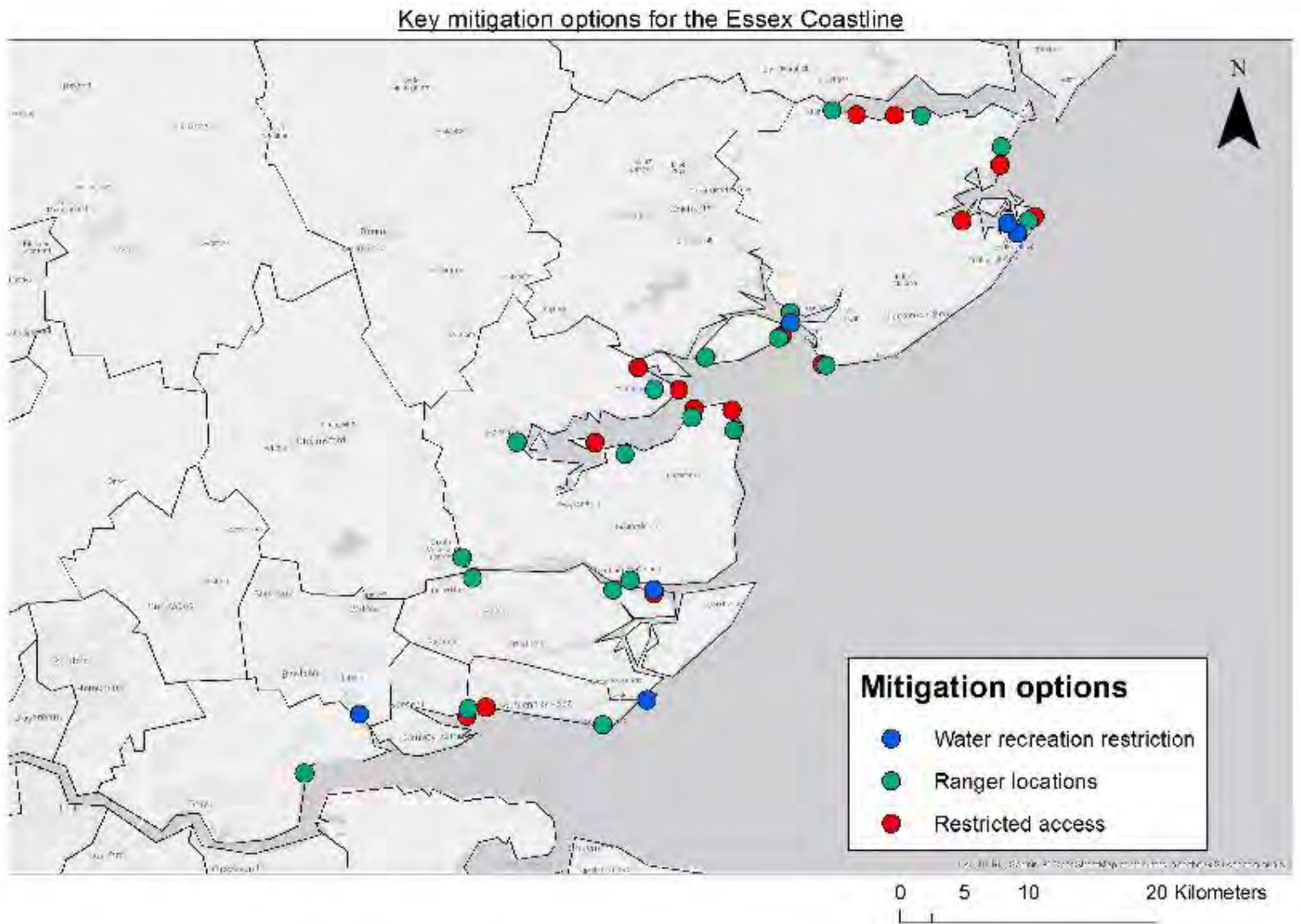


Table 6.1: Potential for disturbance to birds in Stour Estuary (Essex side only)

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"> <li>- Average percentage from WeBS for southern sectors is relatively low suggesting relatively even distribution of birds across southern part of estuary.</li> <li>- Relatively few roost sites mapped suggest that those mapped may hold large numbers of birds.</li> <li>- 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.</li> <li>- 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.</li> <li>- 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.</li> </ul>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- Oyster shell recharge projects are being undertaken to help create habitats for Little Terns</li> <li>- 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.</li> <li>- 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</li> <li>- 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.</li> <li>- 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.</li> <li>- At the RSPB Stour Estuary reserve there is already a ban on dogs for parts of the site, rangers, screening and hides.</li> </ul>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> <li>- Drone activity and paramotors over SSSI/SPA – witnessed at Manningtree and Mistley Walls</li> <li>- Kayakers accessing saltmarsh at inappropriate times, e.g. close to high tide roosts</li> <li>- Increased mid-estuary mooring</li> <li>- Water skiing is common in Holbrook Bay and speed limits are not kept to in Jacques Bay. This should be enforced to reduce disturbance.</li> <li>- Saltmarsh is driven over and trampled at Jacques Bay (accessed via Shove Lane, Bradfield): possible reduction in access to avoid habitat erosion.</li> <li>- 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.</li> <li>- There are bait diggers at Jacques Bay which should be made seasonal and have location restrictions.</li> <li>- 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.</li> </ul>

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"> <li>- Garnham Island and Horsey Island have highest average percentage values from WeBS for Hamford Water, suggesting these areas are particularly important</li> <li>- Large and important gull colonies</li> <li>- Breeding Little Tern and Ringed Plover at a range of beaches around the site</li> <li>- 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</li> <li>- Weighted housing values are mostly relatively low compared to other sites, suggesting few local residents</li> <li>- 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</li> <li>- Western side (opposite Garnham) appears to have relatively little or no access and little path infrastructure and is likely to be relatively undisturbed</li> <li>- Limited path network and parking</li> </ul>	<ul style="list-style-type: none"> <li>- 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</li> <li>- Much of the site is inaccessible but the impact of the England Coast Path (ECP) is difficult to assess at this stage</li> <li>- Low risk to grassland habitat due to its wide nature and known location</li> <li>- Skippers Island has regular visits by a volunteer warden who speaks to visitors</li> <li>- Skippers Island has no landing signage on site</li> <li>- 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</li> <li>- Voluntary regulated speed limits are in place for boats to avoid disturbance to wildlife</li> </ul>	<ul style="list-style-type: none"> <li>- Breeding Little Tern and Ringed Plover nest at a range of beaches and Garnham &amp; Horsey Islands have the highest average WeBS value for the SPA so are important to protect waders and wildfowl from disturbance</li> <li>- Some of the key threats to SPA birds are sailing and jet skiing out of Titchmarsh marina and Walton Yacht Club</li> <li>- 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</li> <li>- 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</li> <li>- Enforcement on unauthorised quadbikes and motorbikes is needed</li> <li>- 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</li> <li>- 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</li> <li>- Promote alternative sites for wind surfers and canoeists away from The Naze such as St. Osyth Lake/Jaywick/end of Clacton beach</li> <li>- The Naze would benefit from seasonal access rather than all year round day access</li> </ul>

**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"> <li>- All average percentage values from WeBS are relatively low; creeks around Mersea Island have highest average values for the site</li> <li>- Percentage of mudflat within 60m of the shore values are moderate, suggesting a relatively high proportion of mudflat is close to shoreline areas</li> <li>- MOD land at Fringringhoe holds range of breeding bird species including Marsh Harrier and Pochard</li> <li>- Weighted housing is highest around Brightlingsea, otherwise relatively low levels of housing nearby and sections of shore identified as having no access</li> <li>- Areas around Brightlingsea and St. Osyth with high density of paths; Fringringhoe Ranges and Eastmarsh Point currently appear to have no access</li> <li>- Path network (and parking) focused around Brightlingsea, St Osyth and towards Clacton</li> <li>- Western shoreline and to some extent northern parts with little or no paths (including large area owned by MOD).</li> <li>- Very few slip ways and potentially limited access to water for those with boats</li> <li>- Development at Robinson Road will impact site</li> </ul>	<ul style="list-style-type: none"> <li>- Natural England and EWT manage many of the key areas</li> <li>- 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</li> <li>- Western edge of the Colne channel is sensitive to disturbance but this is on MOD land where access is difficult</li> <li>- St Osyth Stone Point and Brightlingsea Creek is another area where potential conflict could take place, however these areas are relatively remote</li> <li>- Conflict between water birds and water sports is also recognised on this SPA</li> <li>- Paramotors at Cudmore Grove – Natural England have held a meeting with Mersea Paramotors Club to discuss code of conduct</li> <li>- 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</li> <li>- 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</li> <li>- EWT Fringringhoe Wick Nature Reserve, Geedon Bay and Saltmarsh belonging to MOD have multiple no landing and keep off signs and a warden</li> <li>- Colne River between Tide Barrier and Point where Alresford Creek joins the Colne Estuary has a warden</li> </ul>	<ul style="list-style-type: none"> <li>- 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</li> <li>- 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</li> <li>- 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</li> <li>- 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</li> <li>- Breeding Ringed Plover and potentially Little Tern are heavily disturbed by the passenger ferry route from Mersea to Brightlingsea</li> <li>- 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)</li> <li>- Natwurst beach - dune vegetation badly damaged in places and may benefit from fencing</li> <li>- The popular beach by Point Clear commonly has kiteboarding which is disturbing terns and ringed plovers</li> <li>- Habitat creation could be used to move roosting birds away from the shoreline</li> <li>- As this SAC is designated for estuary and shoreline habitats eg mudflats, saltmarsh &amp; 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</li> </ul>



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

<b>Dengie SPA and Ramsar</b>		
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"> <li>- All WeBS sectors with relatively high average percentages suggesting relatively high importance across site</li> <li>- All WeBS sectors with relatively low percentage of mudflat within 60m of the shore, suggesting open mudflat is mostly away from shoreline areas.</li> <li>- Weighted housing densities are all low</li> <li>- Very little existing paths</li> <li>- No parking identified</li> <li>- No infrastructure providing access to water for boats</li> </ul>	<ul style="list-style-type: none"> <li>- 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.</li> </ul>	<ul style="list-style-type: none"> <li>- Canoeists disturb high tide roosts on the River Blackwater although there is no infrastructure providing access to water for boats</li> <li>- There is often illegal off-roading of motorcycles and quadbikes on the seawalls and saltmarsh beach by Bradwell PowerStation</li> <li>- 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</li> <li>- 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</li> </ul>

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

<b>Blackwater Estuary SPA and Ramsar</b>		
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"> <li>- RSPB Old Hall Marshes shown to be particularly important from average WeBS values</li> <li>- Gull colony and breeding Ringed Plovers on Peewit Island</li> <li>- Important concentration of breeding birds around Old Hall Marshes</li> <li>- 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</li> <li>- Weighted housing values are high around Maldon suggesting higher levels of access here</li> <li>- 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</li> <li>- Parking concentrated at western end of estuary near Maldon</li> </ul>	<ul style="list-style-type: none"> <li>- RSPB Old Hall Marshes has a Little Tern colony and has a managed restricted access by boat in the summer</li> <li>- 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</li> </ul>	<ul style="list-style-type: none"> <li>- Boat landing at Old Hall point (breeding little terns) needs mitigation</li> <li>- Kite surfing and Para hang-gliding are a problem on the wider parts of the estuary and paramotors have caused disturbance at Tollesbury</li> <li>- Dog walking causes disturbance to Little Terns</li> <li>- 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</li> <li>- Mayland &amp; St Lawrence also have relatively high percentages of mudflat within 60m of the shore indicating these areas could be subject to disturbance from access</li> <li>- Maldon District Council jet-ski patrols should be supported</li> <li>- Work with Natural England to Keep National Trust Northey Island free of England Coast Path spreading room (access to foreshore)</li> <li>- Goldhanger had a former Little Tern colony</li> <li>- East Osea is a very popular picnic area which is un-authorised</li> <li>- Keep shingle spit free from public access at Tollesbury Wick</li> <li>- 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</li> </ul>

**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"> <li>- Central part of site has highest average WeBS values</li> <li>- 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</li> <li>- High weighted housing values for South Woodham Ferrers, Hullbridge and around Burnham on Crouch, suggesting access levels higher in these areas</li> <li>- Areas near Brandy Hole and Bridgemarsh Island likely to be currently relatively undisturbed</li> <li>- 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</li> <li>- Wide range of parking locations scattered around the estuary</li> </ul>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- EWT manages Blue House Farm</li> <li>- There is signage on the sea walls and Public Rights of Way (PROW).</li> <li>- RSPB Wallasea Island Nature Reserve (Allfleets Marsh is soon to be a designated SPA)</li> </ul>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- Dogs off lead require mitigation and maybe free leads being available from Essex Coast RAMS rangers</li> <li>- Trespass - regular occurrences of public access to private areas of the RSPB Wallasea reserve - generally on foot, but recently on motorcycles</li> <li>- Unauthorised boat activity – entering Allfleets Marsh to fish (which is the northern section of the island where the first seawall breaches took place)</li> <li>- Unauthorised fishing off the old seawalls on Allfleets Marsh</li> <li>- “Recreational” use of high speed watercraft including unauthorised temporary mooring to the conveyor pontoon in both the Crouch and Roach estuaries</li> <li>- Drone flying in this area causes disturbance to SPA birds &amp; needs code of conduct for clubs</li> <li>- Better signage to minimise cycling on the seawall as it's a public footpath)</li> <li>- Use the Southend Council foreshore officers to enforce byelaws and speed limits for water sports such as jet-skis</li> </ul>

**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"> <li>- Central part of site has highest average WeBS values</li> <li>- 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</li> <li>- High weighted housing values for South Woodham Ferrers, Hullbridge and around Burnham on Crouch, suggesting access levels higher in these areas</li> <li>- Areas near Brandy Hole and Bridgemarsh Island likely to be currently relatively undisturbed</li> <li>- 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</li> </ul>	<ul style="list-style-type: none"> <li>- This site is under MoD management and heavily restricted access or no public access at all</li> <li>- This site has 31 SSSI units that are unaffected by recreational pressure</li> </ul>	<ul style="list-style-type: none"> <li>- Currently there is access for jet-skis in the north of Shoebury which causes disturbance and possible restrictions should be considered</li> </ul>

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

<b>Benfleet and Southend Marshes SPA and Ramsar</b>		
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"> <li>- North side of Canvey Island has highest average WeBS values</li> <li>- No data on the distribution of roost sites</li> <li>- WeBS sectors tend to have relatively low values for percentage of mudflat within 60m of shore, reflecting expansive areas of intertidal.</li> <li>- Weighted housing values all high, particularly around north side of Canvey, suggesting these areas have high levels of current access</li> <li>- 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</li> <li>- Car-parking relatively evenly spread around shore</li> </ul>	<ul style="list-style-type: none"> <li>- Signage at various locations along the length of the foreshore about the different types of birds and habitats raising awareness</li> <li>- Southend Council dog controls are in force in the summer months preventing dogs from entering the beach areas from 1st May to 30th September</li> <li>- 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</li> <li>- 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</li> <li>- EWT lease the nature reserves at Two Tree Island and Gunners Park from Southend-on-Sea BC and manage these areas</li> </ul>	<ul style="list-style-type: none"> <li>- 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</li> <li>- 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)</li> <li>- Leigh Cackle Sheds provide access to mudflats – people take their dogs which causes degradation of the habitat which impacts birds over the winter</li> <li>- 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</li> <li>- 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</li> <li>- Motorbiking, horse riding and trespassing for fishing in this SPA are activities which require mitigation</li> </ul>

**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"> <li>- No variation in average WeBS values and all moderately high</li> <li>- WeBS sector near Thurrock has high percentage of mudflat within 60m of the shore, suggesting little mudflat is away from shoreline areas</li> <li>- No data on the distribution of roost sites</li> <li>- Little variation in weighted housing and all currently moderate</li> <li>- Relatively low path density for whole area</li> <li>- Limited parking</li> </ul>	<ul style="list-style-type: none"> <li>- Thameside Nature Park (Essex Wildlife Trust) is set to expand – this park has rangers and opening / closing times to the car park restricting access</li> <li>- East Tilbury Quarry is anticipated to restore provide recreational facilities/areas away from the coast</li> </ul>	<ul style="list-style-type: none"> <li>- Thameside Nature Park run by EWT will be a key location for the Essex Coast RAMS rangers to complement the existing resource</li> <li>- Restoration of East Tilbury Quarry is anticipated to provide recreational facilities away from the coast</li> <li>- Unauthorised activities involving motorbikes, horse riding and trespassing for fishing are problems which will require input to resolve</li> <li>- Holehaven Creek is proposed as an extension to this SPA so may be a focus for the Essex Coast RAMS rangers to visit</li> <li>- 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</li> </ul>

# The Mitigation Report

## 7 Overview of Essex coast RAMS mitigation options

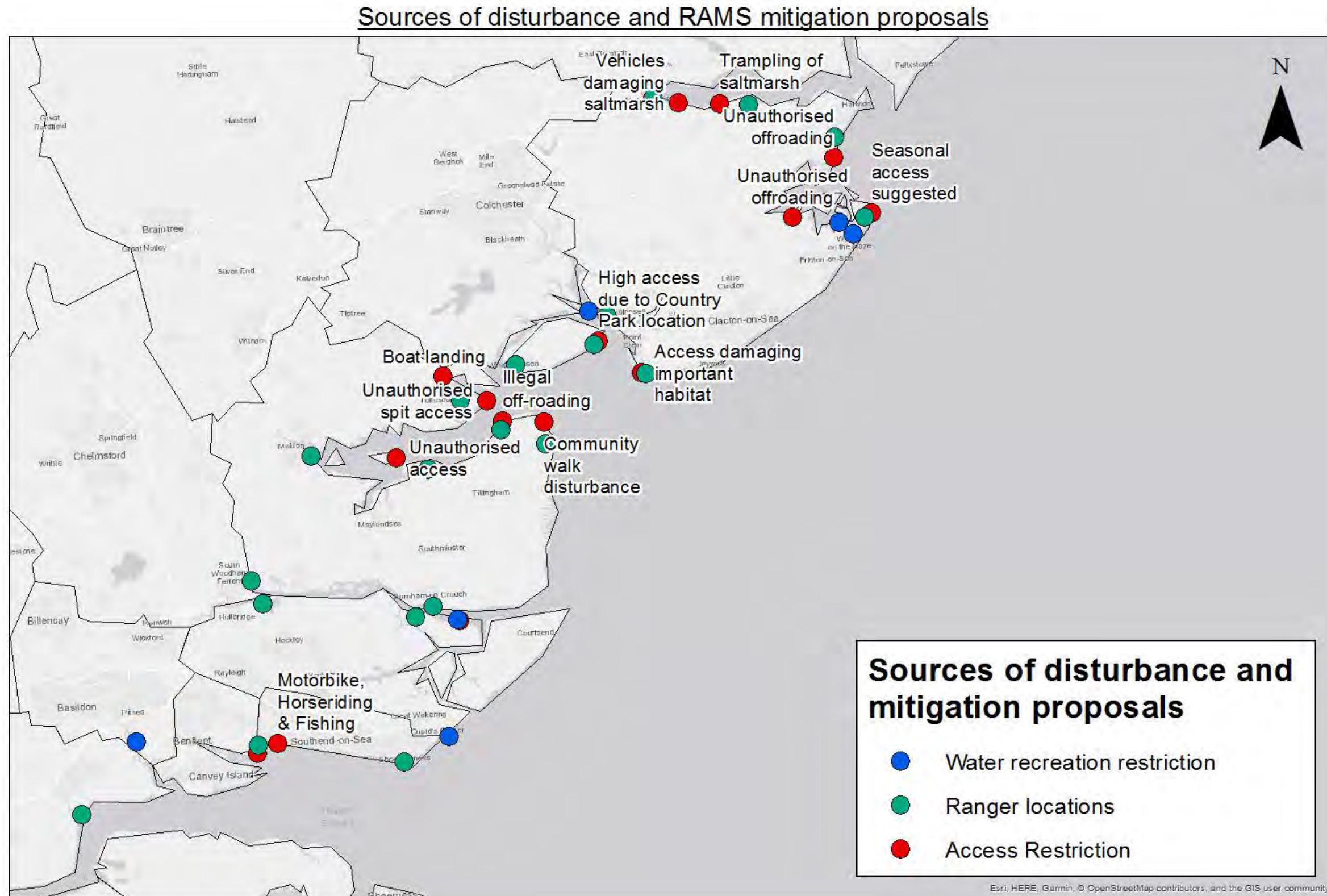
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- 7.1 This report has used the evidence gathered in the Technical report (sections 4- 6) to identify the package of effective measures considered necessary to avoid and mitigate the impacts of recreational disturbance from planned residential growth 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"> <li>• Information on the sensitive wildlife and habitats</li> <li>• A coastal code for visitors to abide by</li> <li>• Maps with circular routes away from the coast on alternative footpaths</li> <li>• Information on alternative sites for recreation</li> </ul> <p>There are a variety of means to deliver this such as:</p> <ul style="list-style-type: none"> <li>• Through direct engagement led by rangers/volunteers</li> <li>• Interpretation and signage</li> <li>• Using websites, social media, leaflets and traditional media to raise awareness of conservation and explain the Essex Coast RAMS project.</li> <li>• Direct engagement with clubs e.g. sailing clubs, ramblers clubs, dog clubs etc and local businesses.</li> </ul>
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"> <li>• Zoning</li> <li>• Prohibited areas</li> <li>• Restrictions of times for access e.g. to avoid bird breeding season</li> </ul>
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"> <li>• 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.</li> <li>• Rangers to explain reasons for restricted zones to visitors</li> </ul>
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](http://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 Strategy<sup>5</sup>.

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<sup>5</sup> 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**

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- 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 <b>cost £5/Habitats</b> 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 <sup>st</sup> May to 30 <sup>th</sup> 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	<b>Estimated cost £5/Habitats site.</b> 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
<b>Total (Cost of package plus 10% contingency)</b>	<b>72,907</b>		<b>£8,916,448.00</b>

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**

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- 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

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- 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

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**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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Tendring District Council  
Thurrock Borough Council

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

**BY EMAIL ONLY**

Dear All

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

This letter provides Natural England's follow-up advice to the meetings with your authorities on the 13<sup>th</sup> September and 9<sup>th</sup> 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 9<sup>th</sup> 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.

<sup>1</sup> 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 site<sup>2</sup>
- 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

<sup>2</sup> 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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Southend-on-Sea Borough Council  
Tendring District Council  
Thurrock Borough Council  
Uttlesford District Council  
Essex Place Services

**BY EMAIL ONLY**

Dear All

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

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

- Essex Estuaries Special Area of Conservation (SAC)
- Hamford Water Special Protection Area (SPA) and Ramsar site<sup>2</sup>
- 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)

<sup>1</sup> Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations')

<sup>2</sup> 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:**

<b>European designated site</b>	<b>Underpinning SSSIs<sup>3</sup></b>	<b>Zols (km)</b>
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	- <sup>2</sup>
Benfleet and Southend Marshes SPA and Ramsar	Benfleet and Southend Marshes SSSI	4.1 <sup>1</sup>
Thames Estuary and Marshes SPA and Ramsar	Mucking Flats and Marshes SSSI	8.1

<sup>1</sup>Note 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.

<sup>2</sup>Note 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 Regulations<sup>4</sup>, 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

<sup>3</sup> Underpinning SSSIs are listed here as these are what the IRZs are aligned to

<sup>4</sup> 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](mailto: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](mailto: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

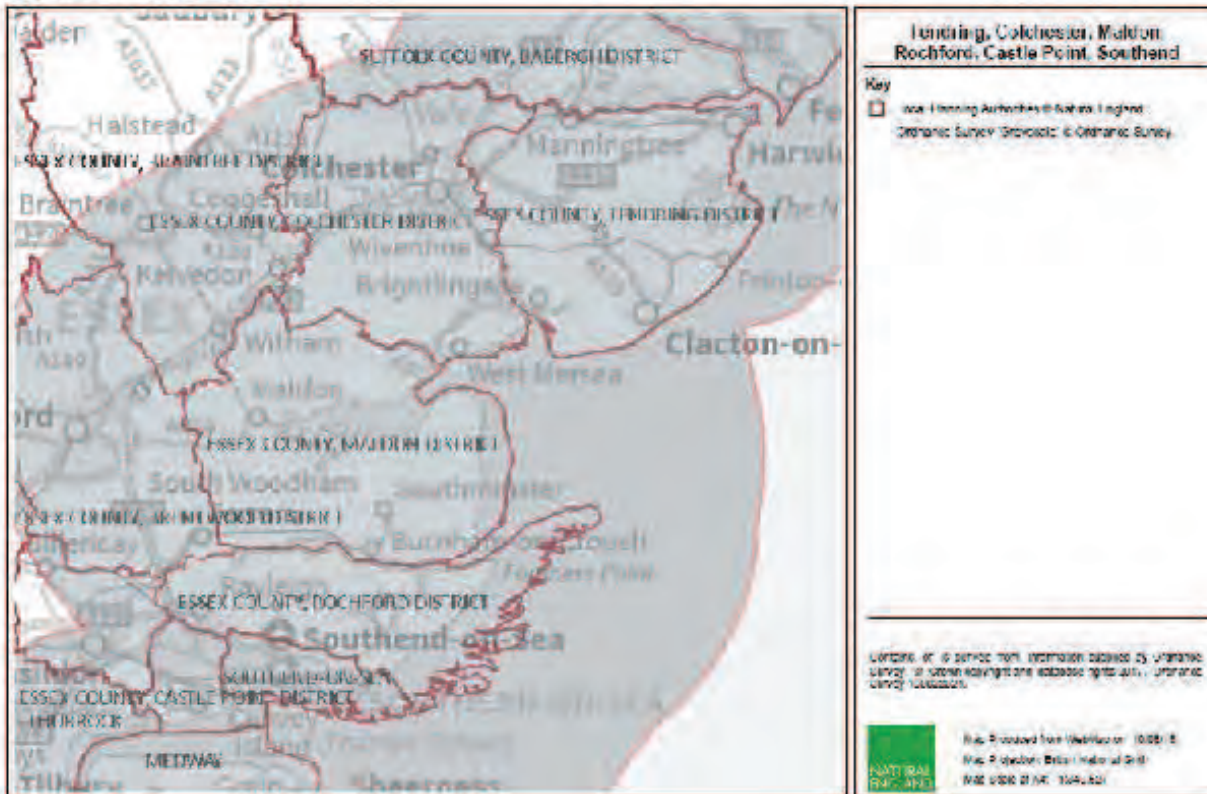


Figure A1.2

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

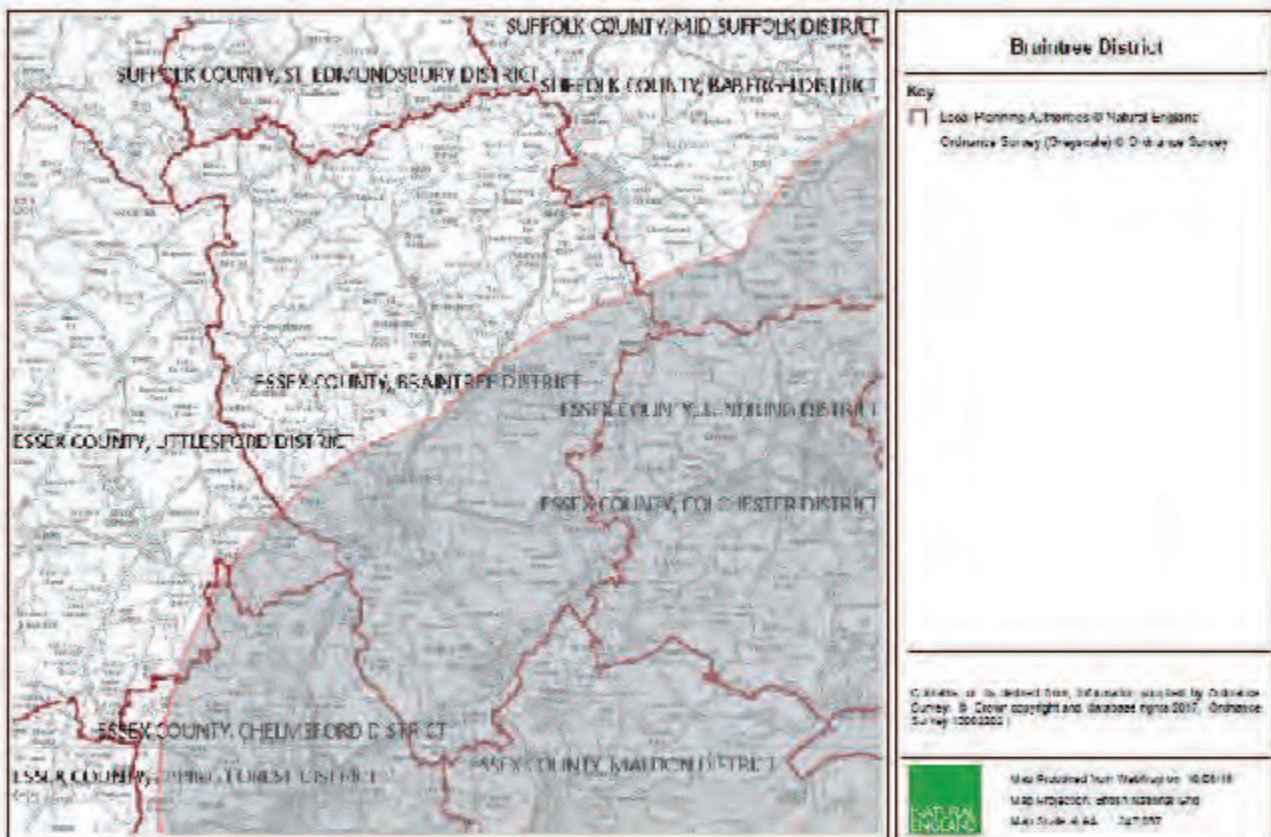




Figure A1.3

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

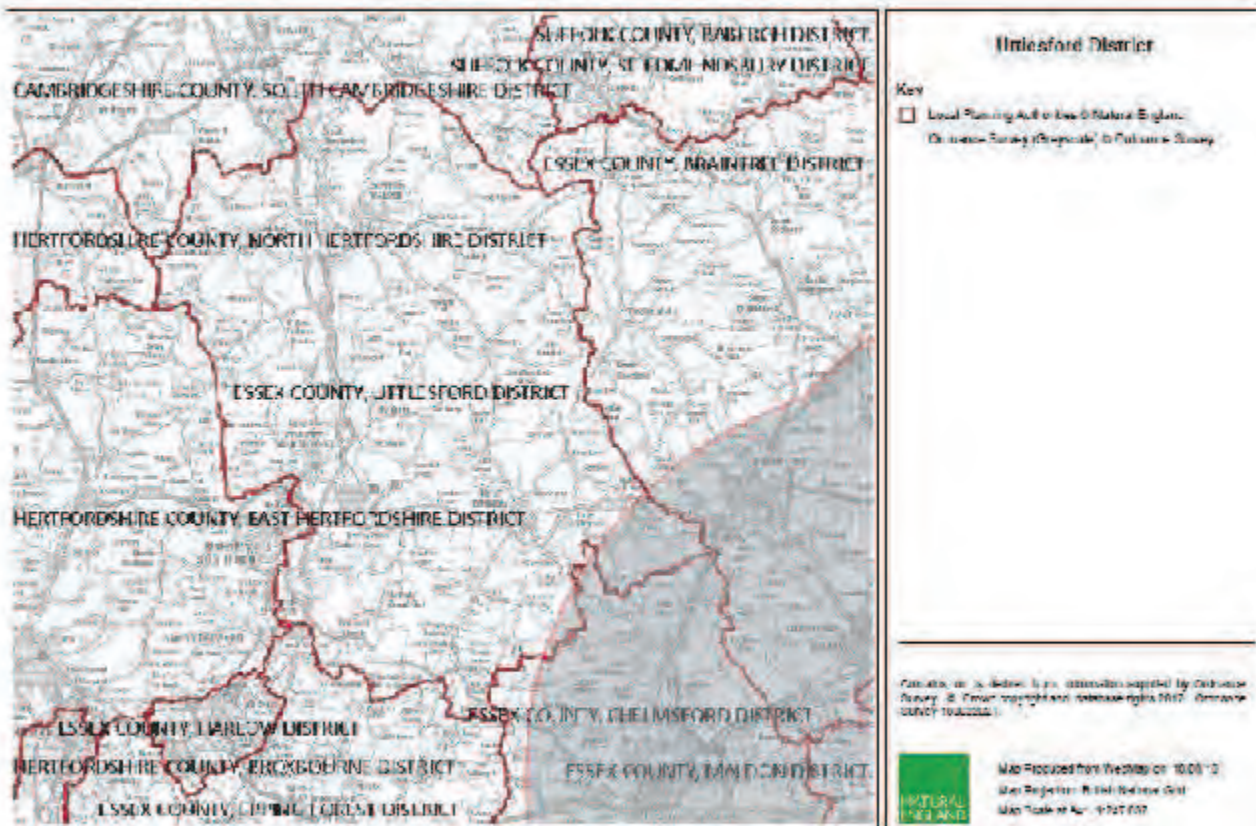


Figure A1.4

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

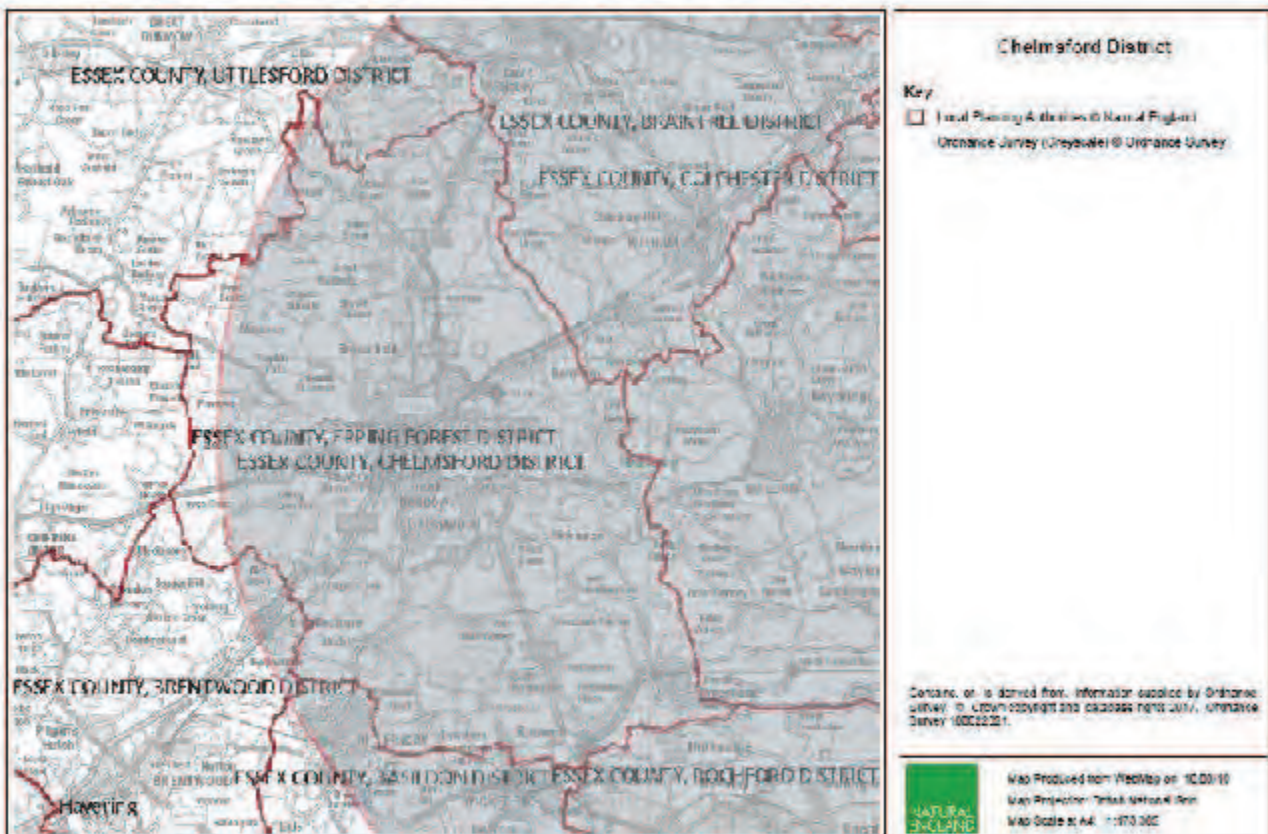


Figure A1.5

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

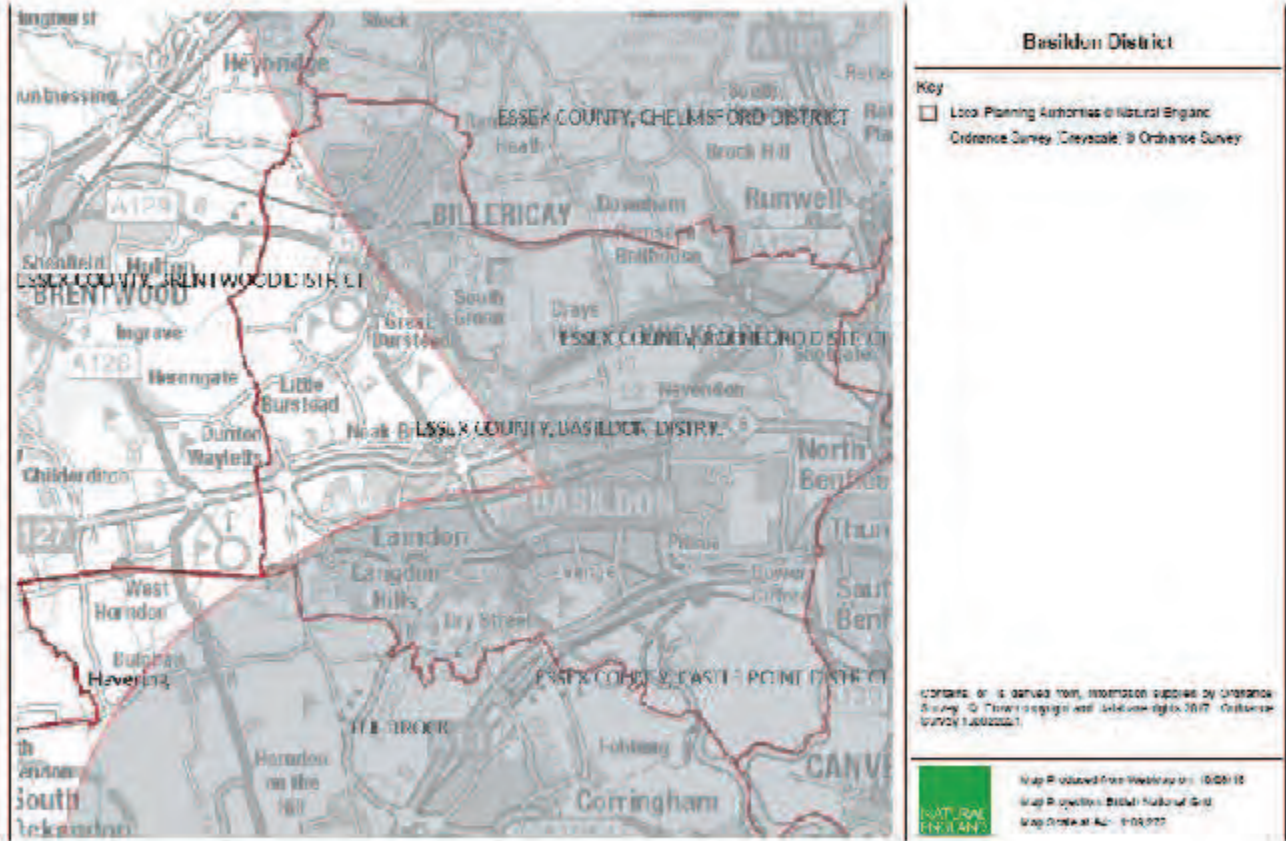


Figure A1.6

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

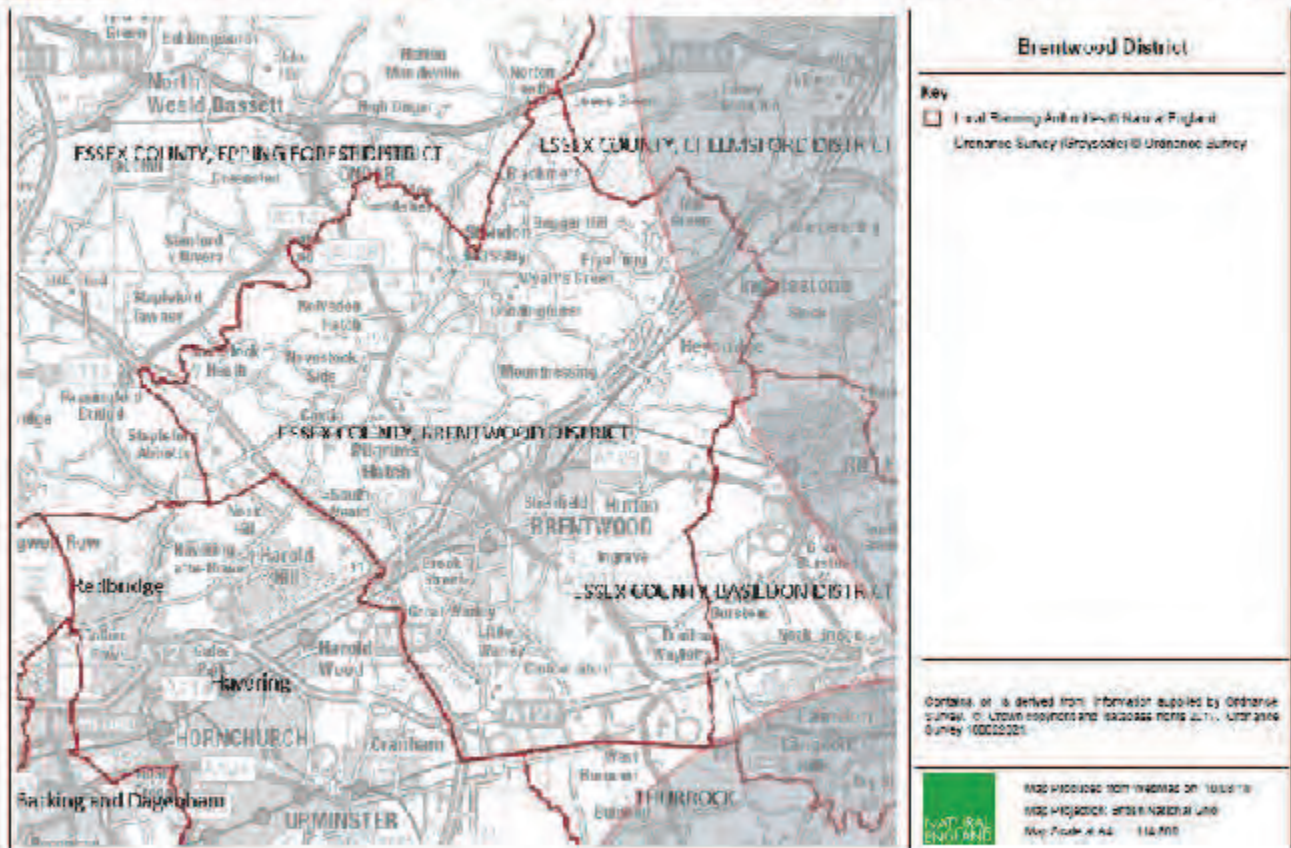
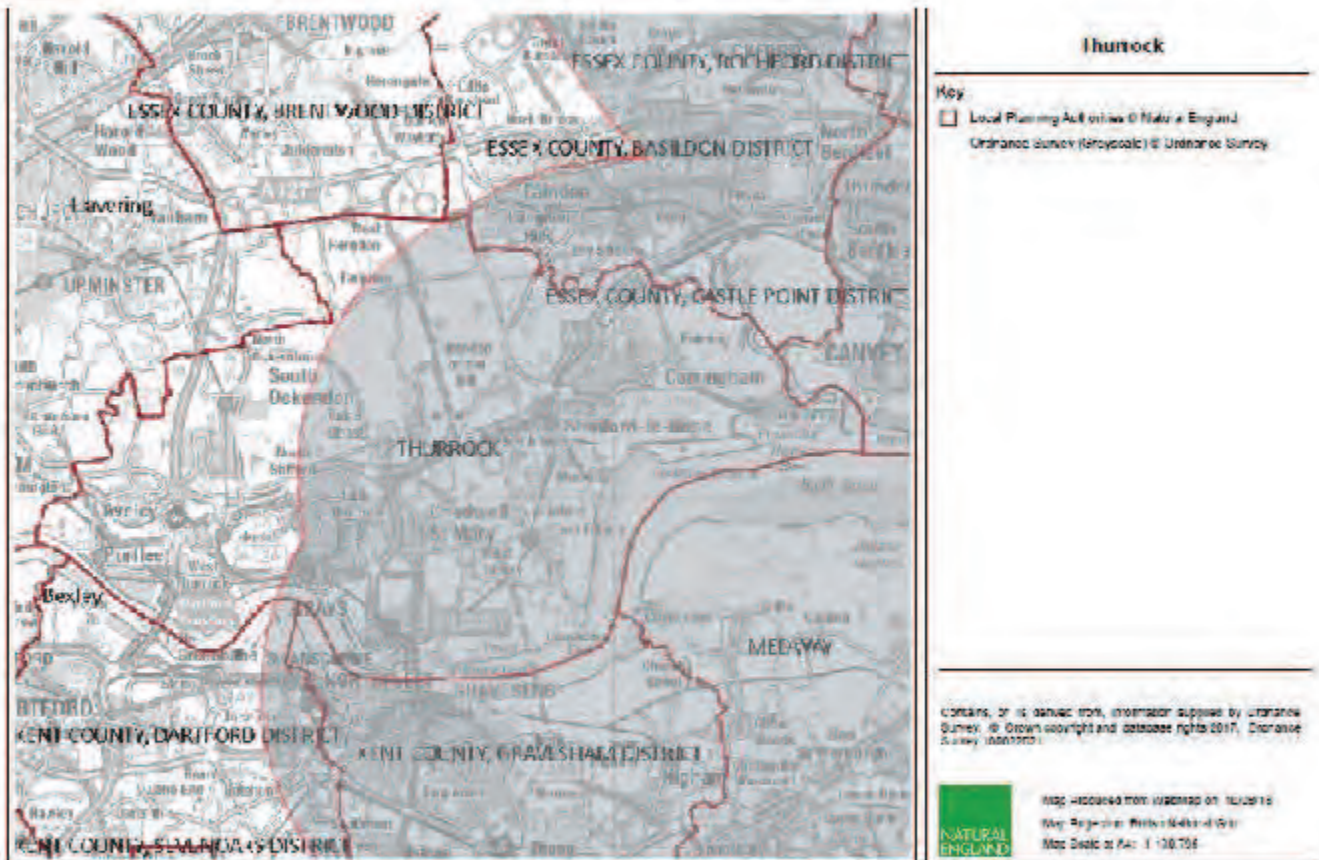


Figure A1.7

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

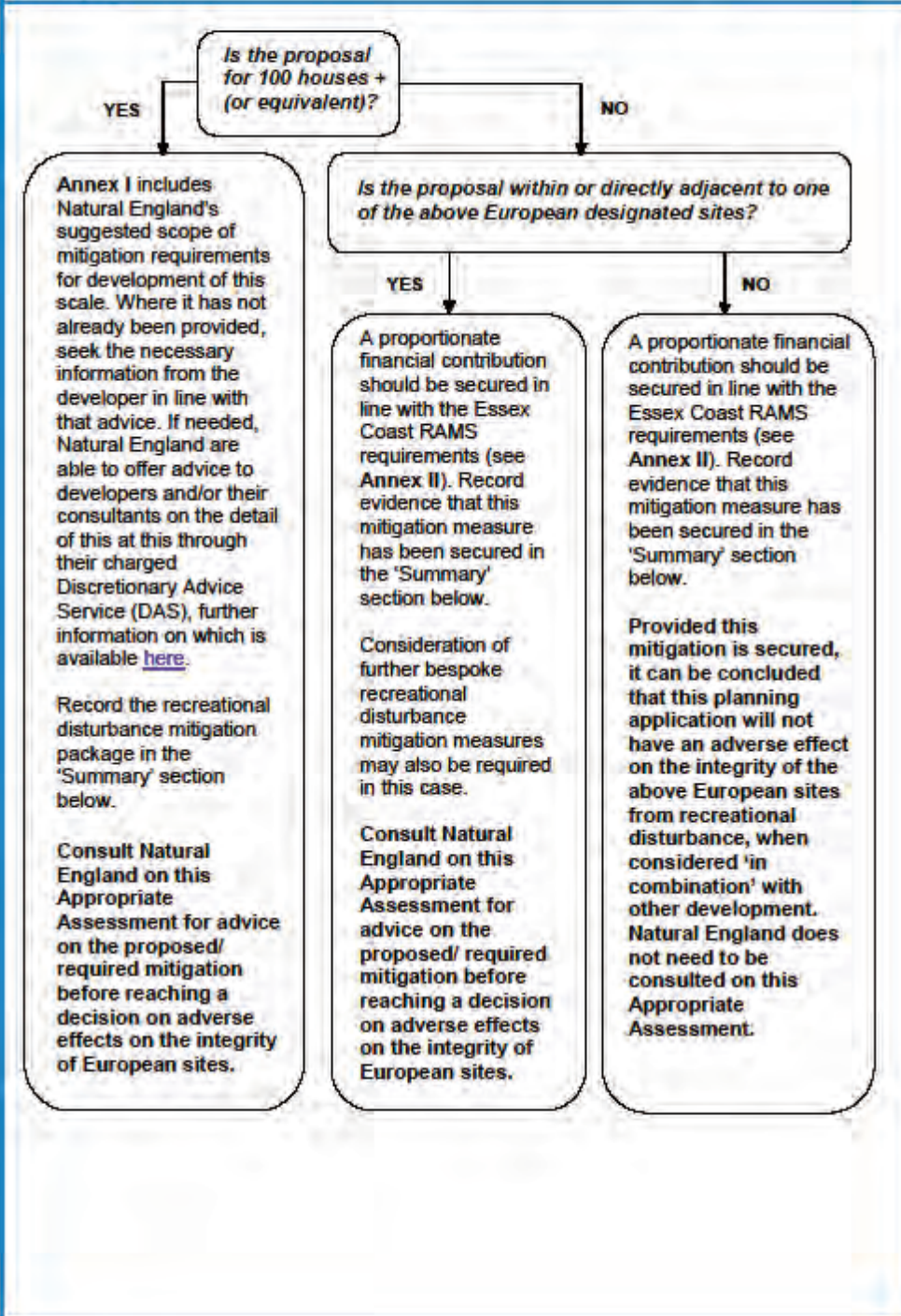


**Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record**

Application details	
Local Planning Authority:	
Case officer:	
Application reference:	
Application description:	
Application address:	
Status of Application:	
Grid Ref:	
HRA Stage 1: screening assessment	
<p><b>Test 1 – the significance test:</b> 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"> <li>• Essex Estuaries Special Area of Conservation (SAC)</li> <li>• Hamford Water Special Protection Area (SPA) and Ramsar site</li> <li>• Stour and Onwell Estuaries SPA and Ramsar site (Stour on the Essex side only)</li> <li>• Coine Estuary SPA and Ramsar site</li> <li>• Blackwater Estuary SPA and Ramsar site</li> <li>• Dengie SPA and Ramsar site</li> <li>• Crouch and Roach Estuaries SPA and Ramsar site</li> <li>• Foulness Estuary SPA and Ramsar site</li> <li>• Benfleet and Southend Marshes SPA and Ramsar site</li> <li>• Thames Estuary and Marshes SPA and Ramsar site (Essex side only)</li> </ul>	
YES	NO
<p>Does the planning application fall within the following development types?</p> <ul style="list-style-type: none"> <li>• New dwellings of 1+ units (excludes replacement dwellings and extensions)</li> <li>• Houses in Multiple Occupancy (HMOs)</li> <li>• Student Accommodation</li> <li>• Residential care homes and residential institutions (excludes nursing homes)</li> <li>• Residential caravan sites (excludes holiday caravans and campsites)</li> <li>• Gypsies, travellers and travelling show people plots</li> </ul>	<p>Conclude no LSE to the above designated sites in terms of recreational disturbance:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Check <a href="#">NE J12</a> 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.</li> </ul>
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"> <li>• Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites</li> <li>• Check <a href="#">J12</a> 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.</li> </ul>	<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







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

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

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km<sup>5</sup> 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

<sup>5</sup> 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**

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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

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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							



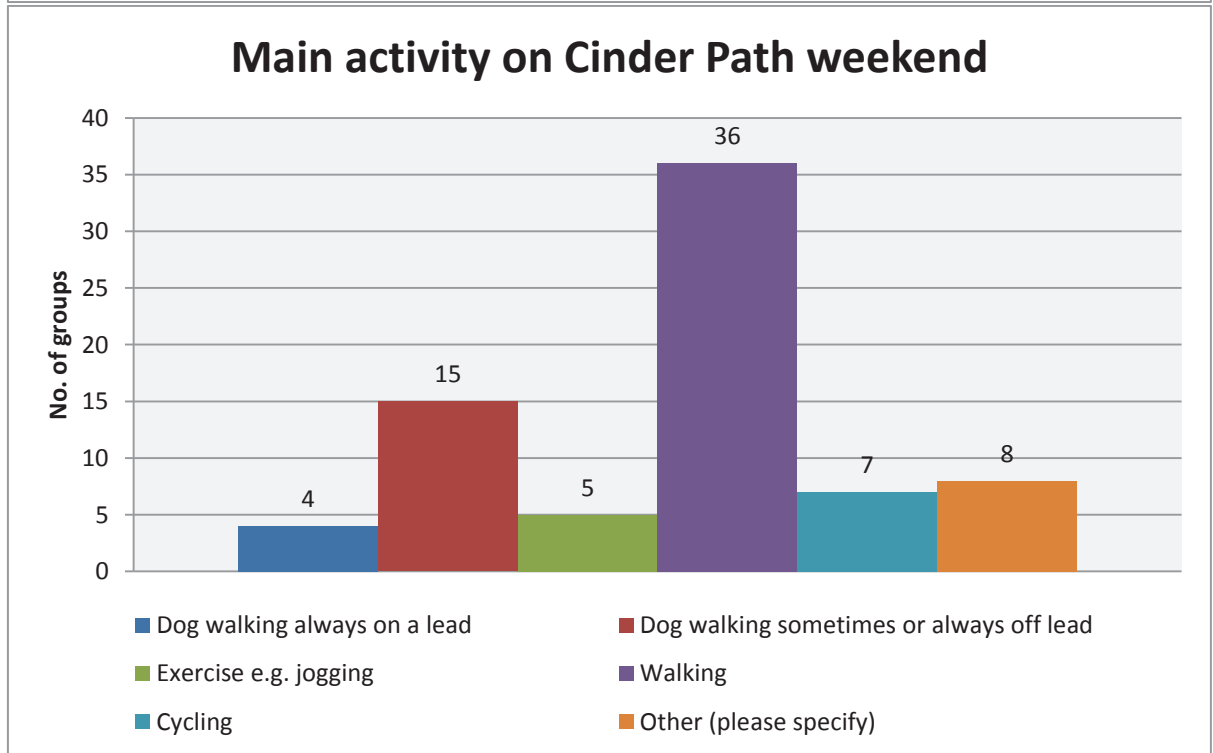
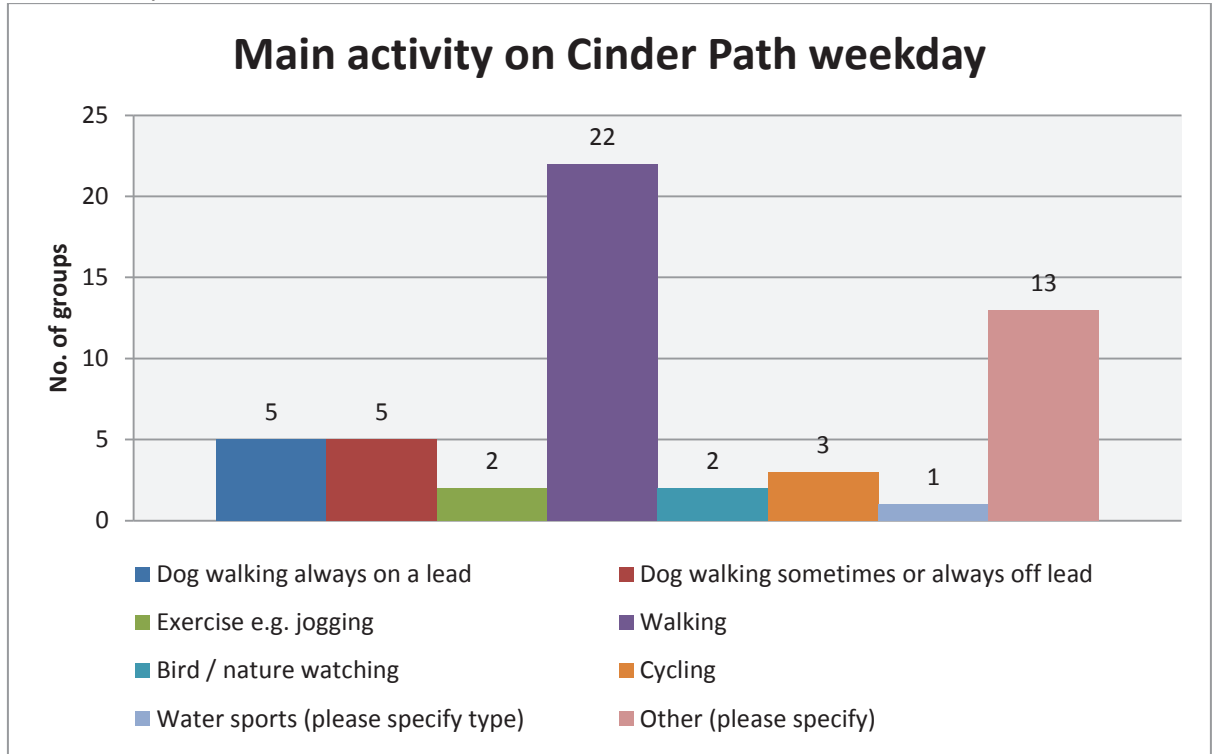
## **Appendix 5: Summer visitor surveys at the Blackwater Estuary and Benfleet & Southend Marshes**

Southend summer survey results

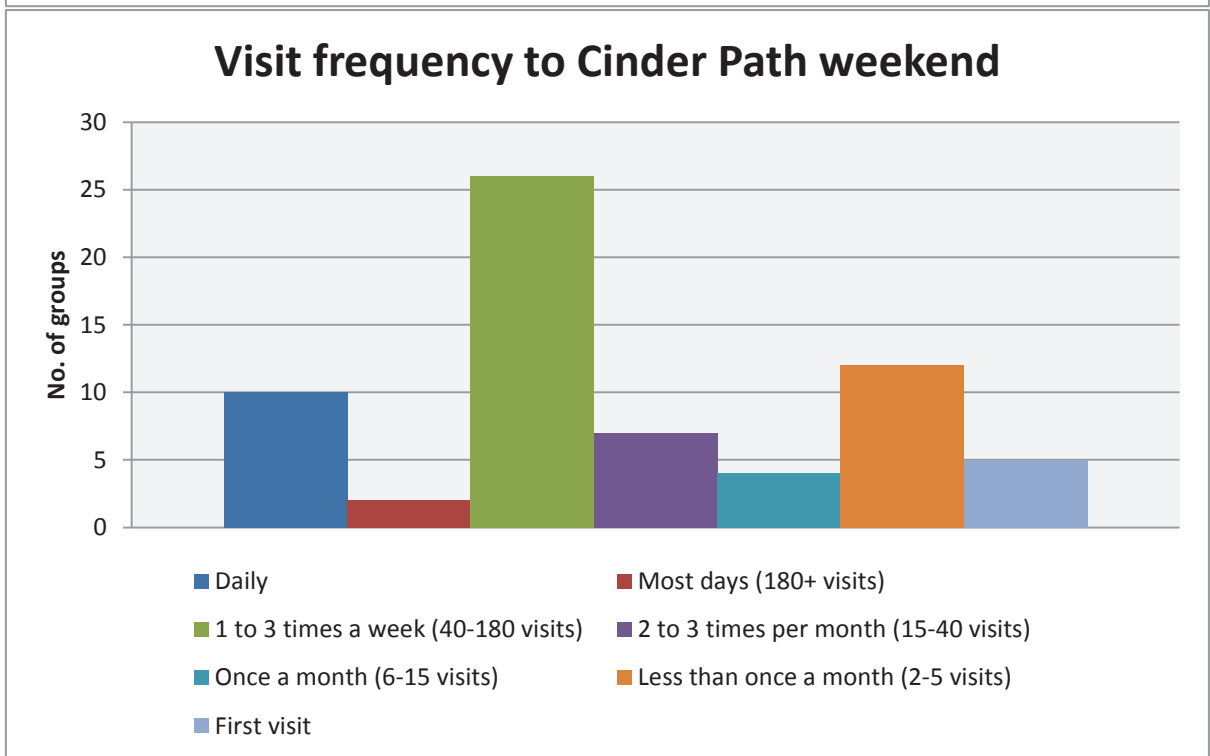
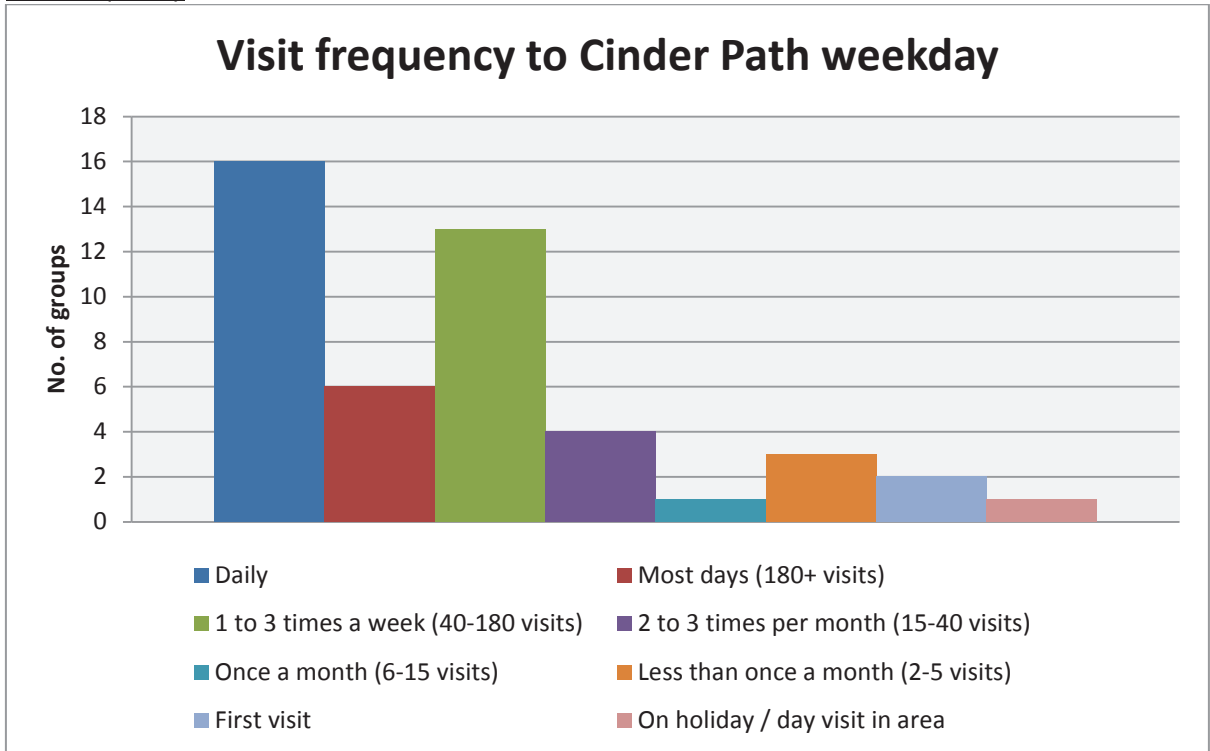
*Number of passers-by*

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

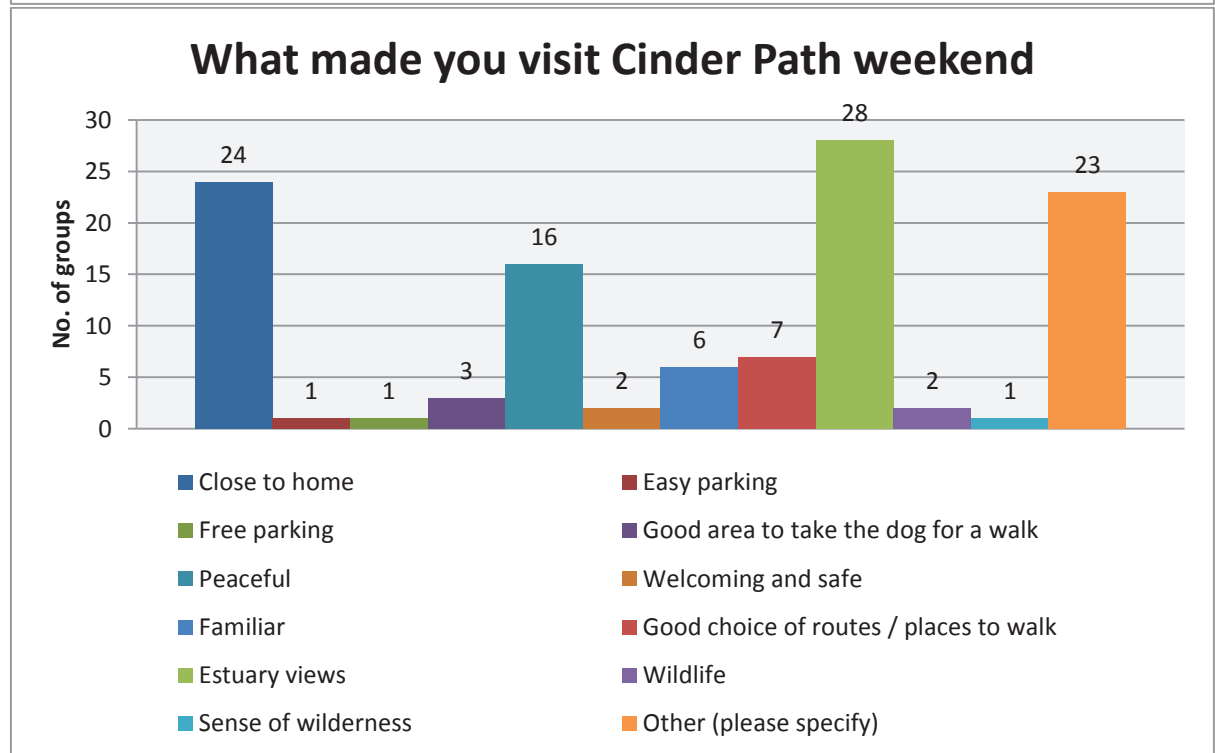
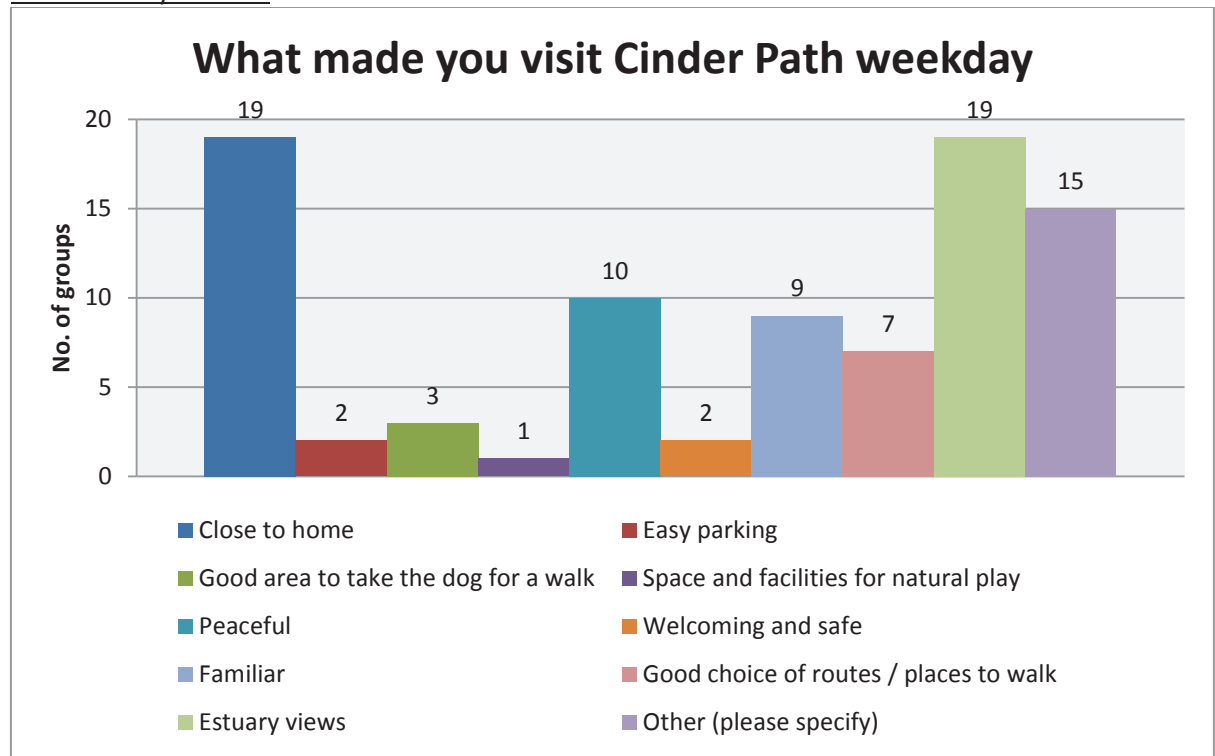
Cinder Path  
Main activity



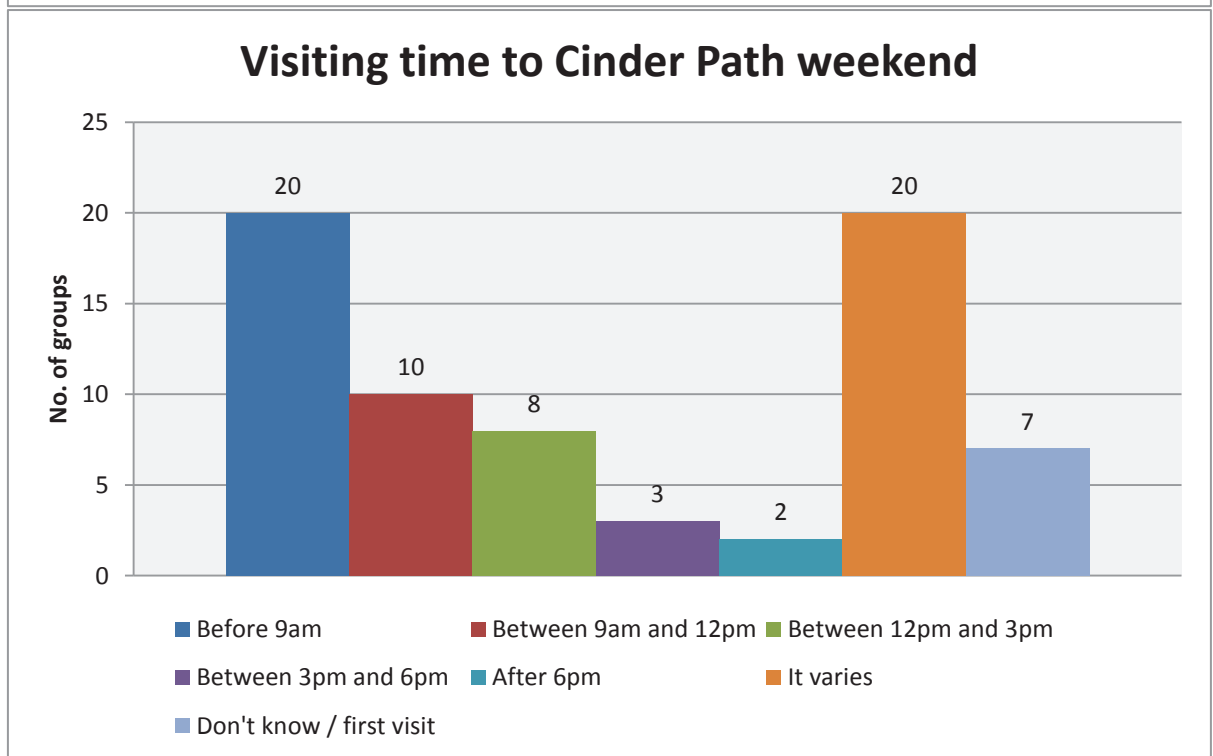
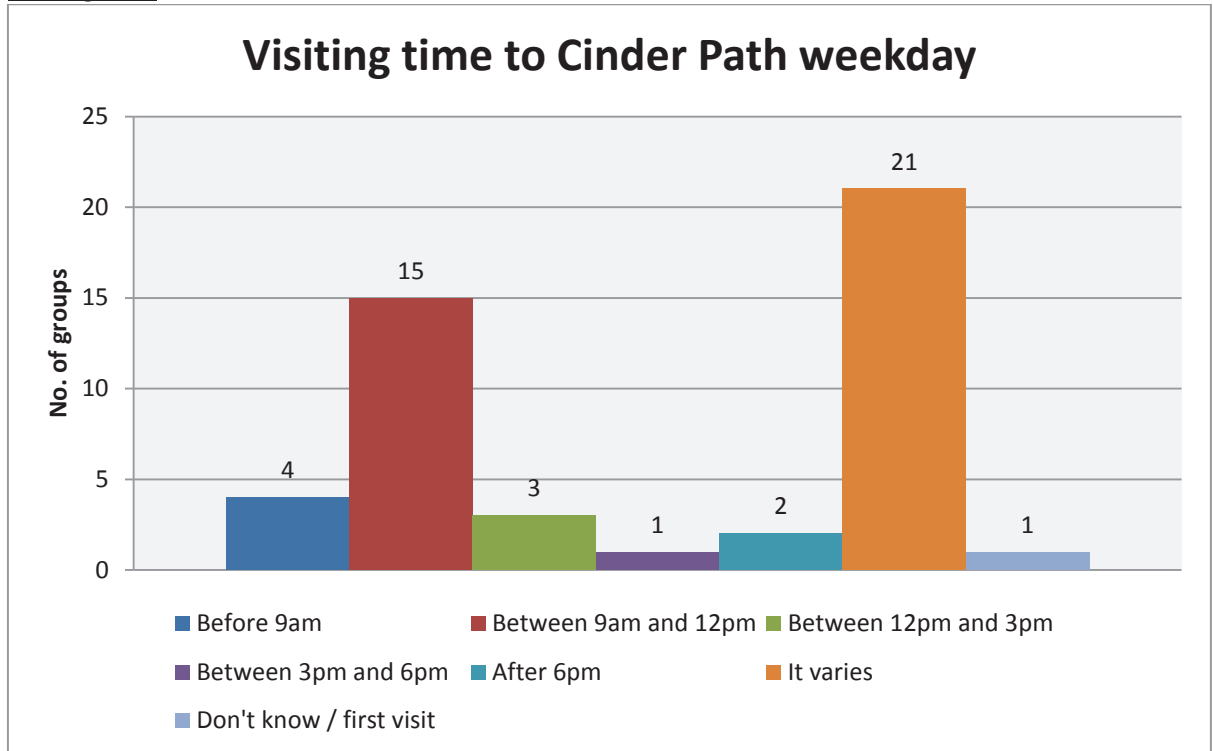
Visit frequency



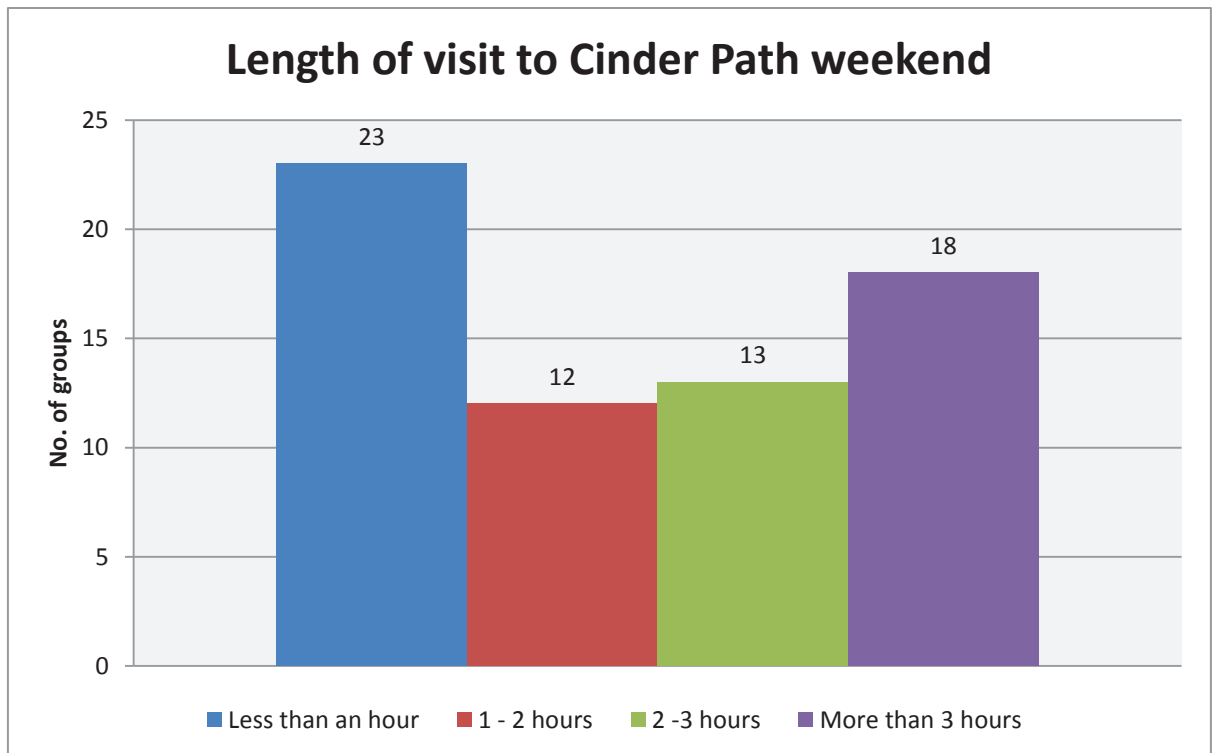
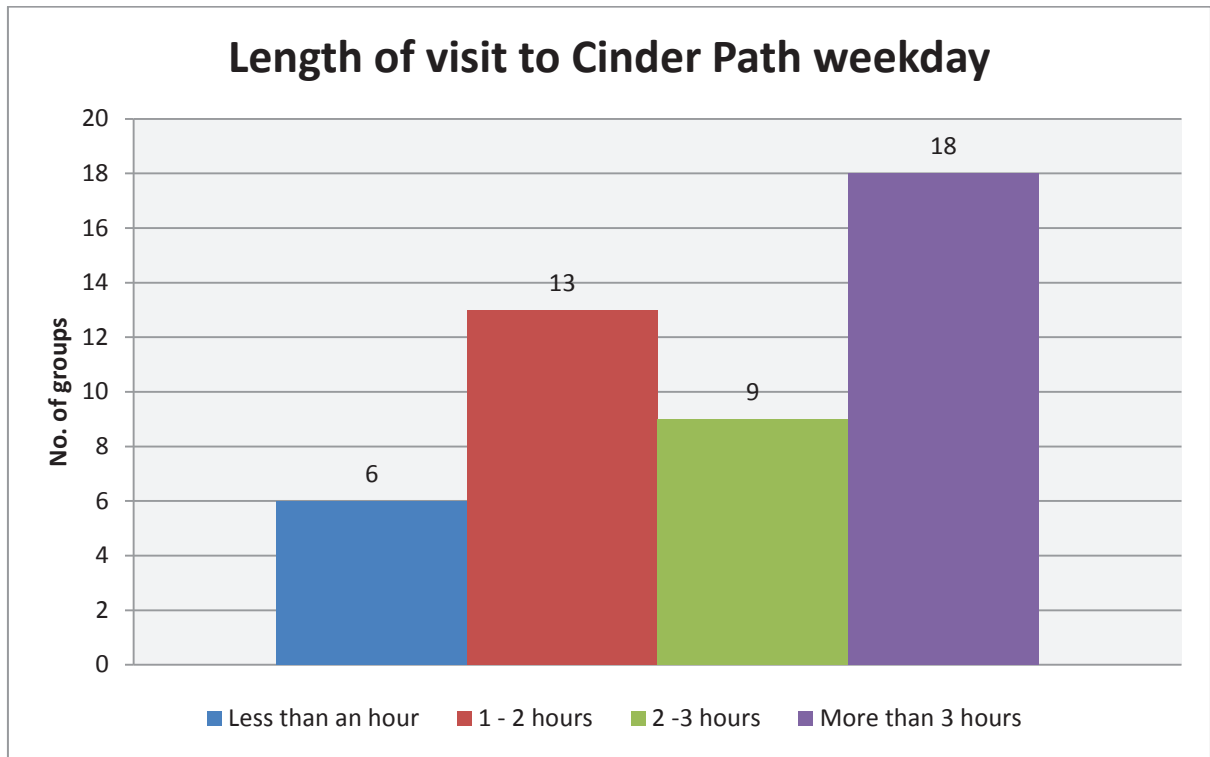
What made you visit?



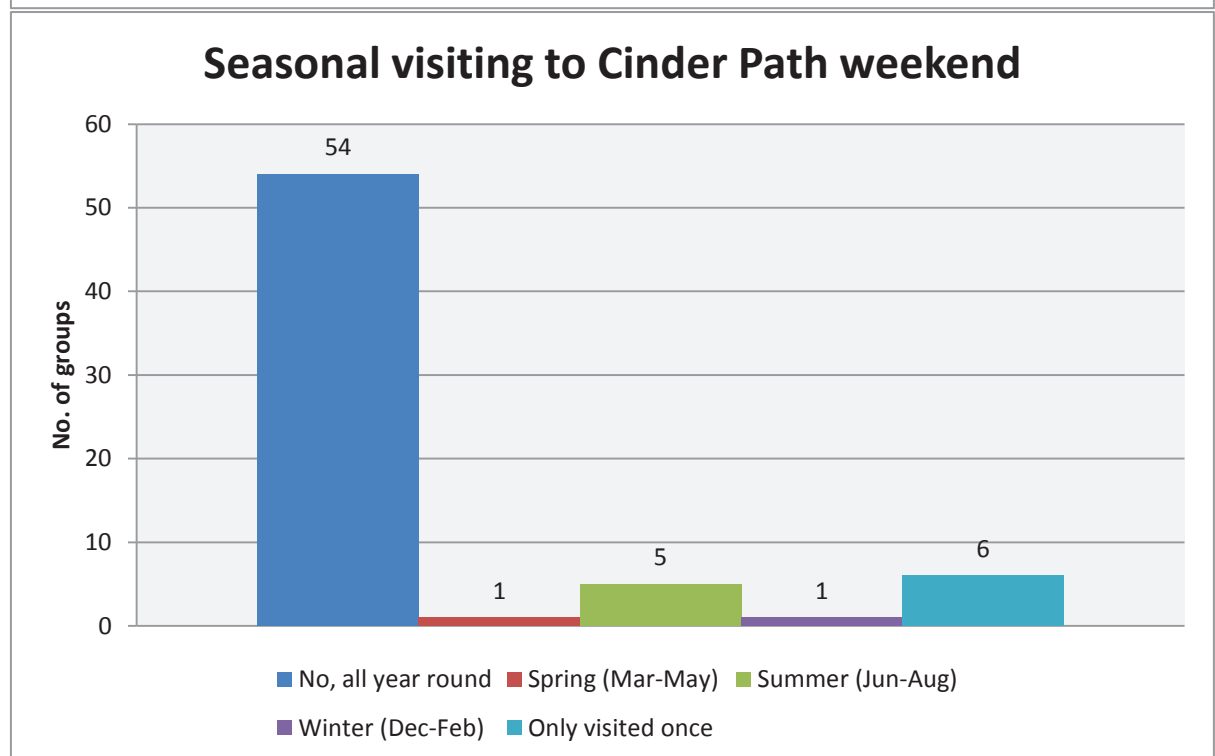
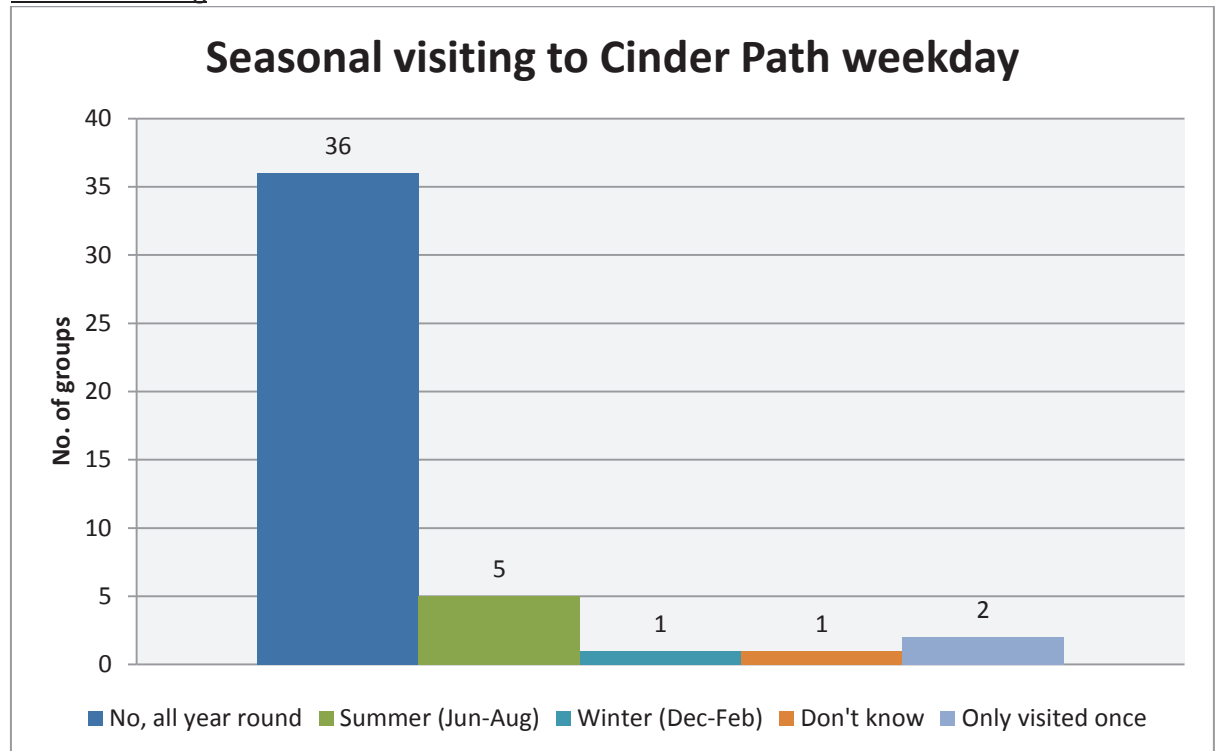
Visiting time



Length of visit



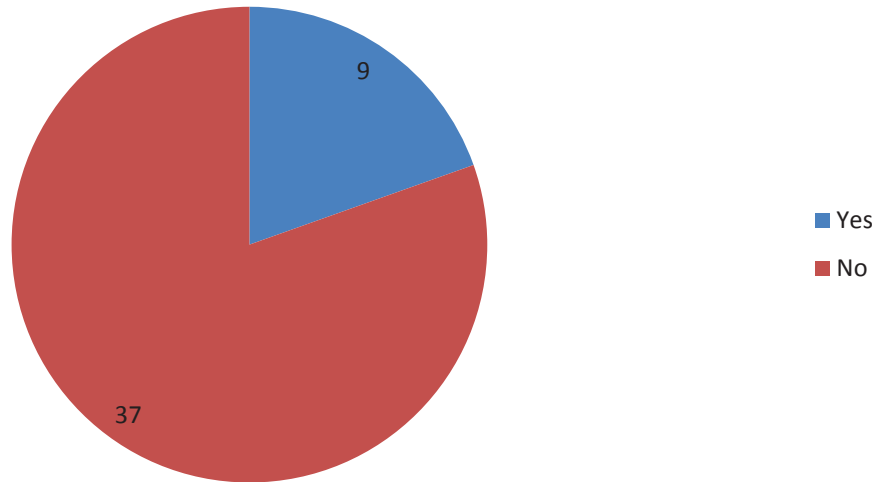
Seasonal visiting



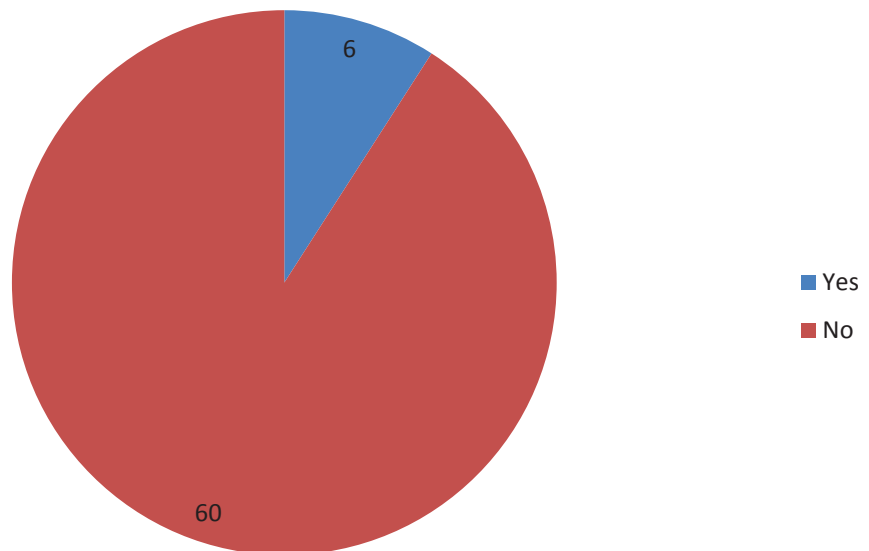


Plan visit in relation to the tide?

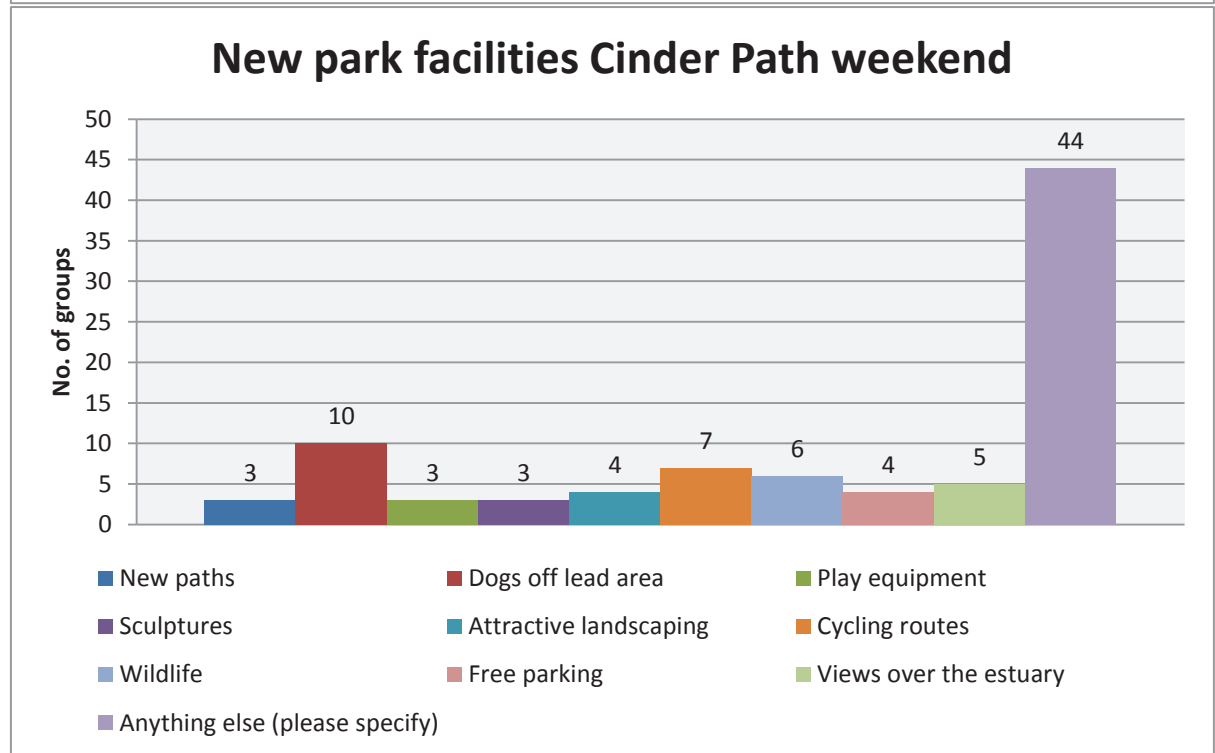
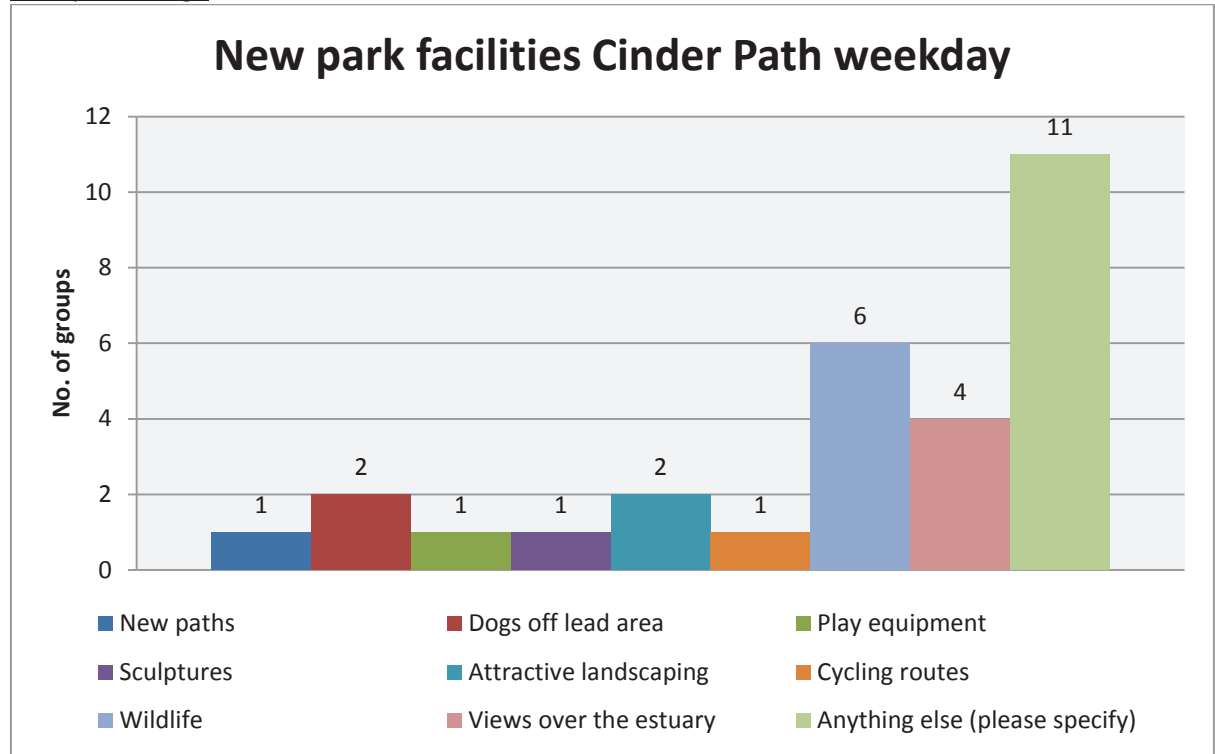
**Plan weekday visit to Cinder Path in relation to tide?**



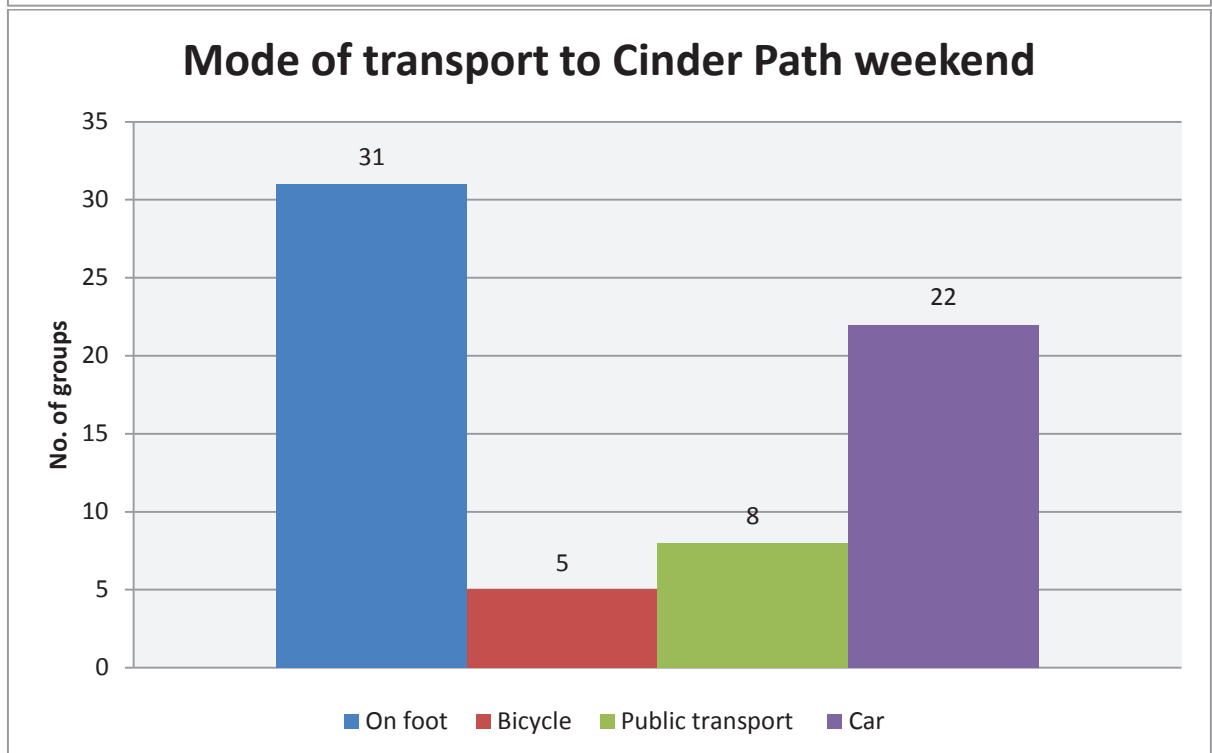
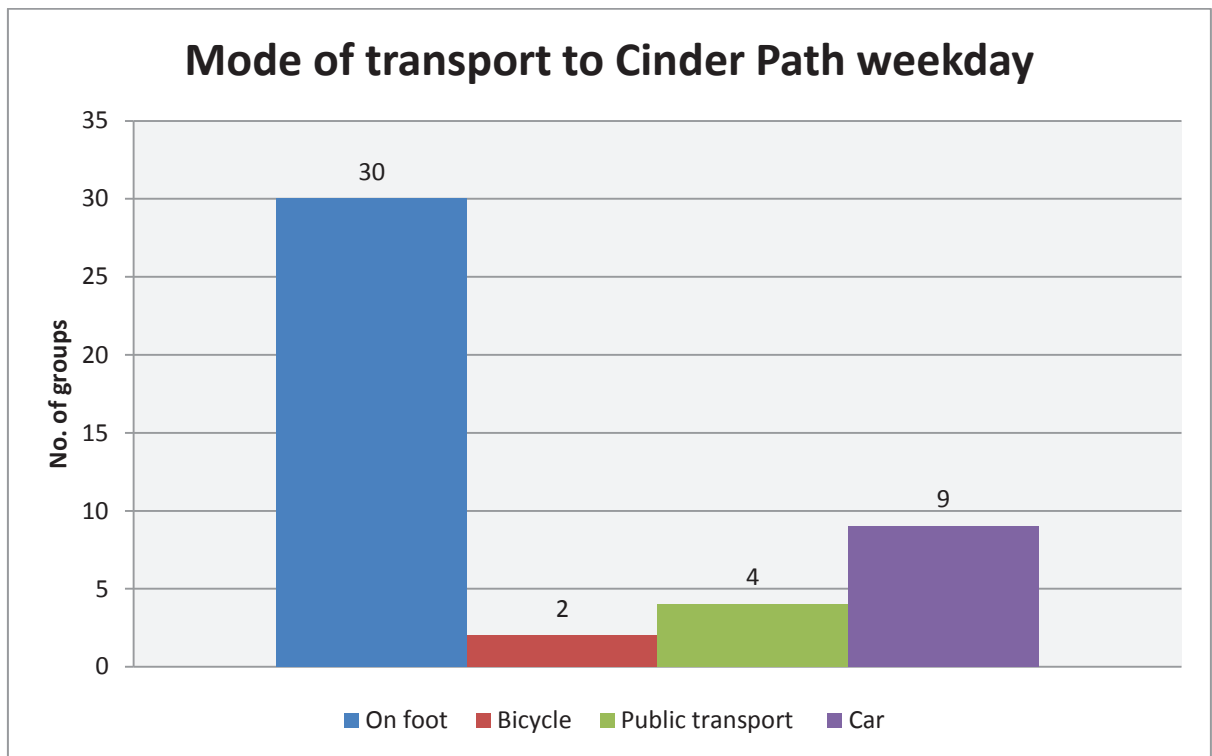
**Plan weekend visit to Cinder Path in relation to tide?**



New park design

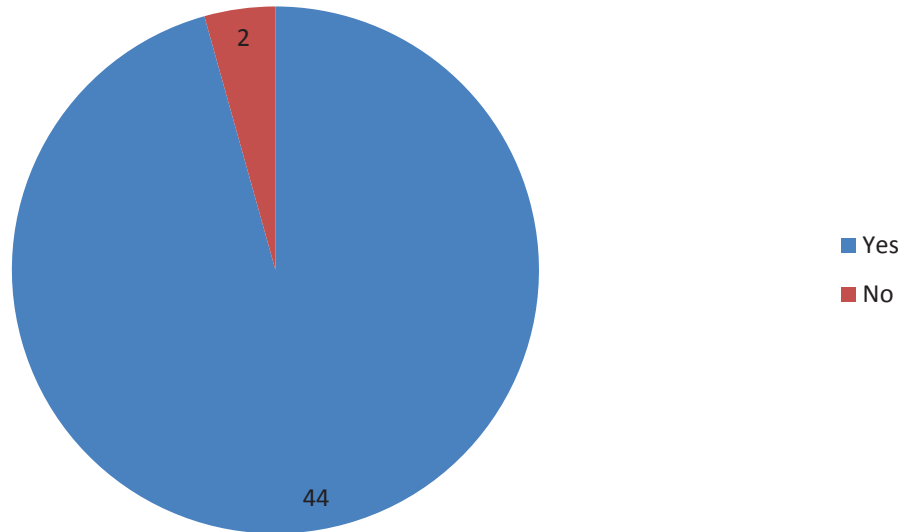


Mode of transport

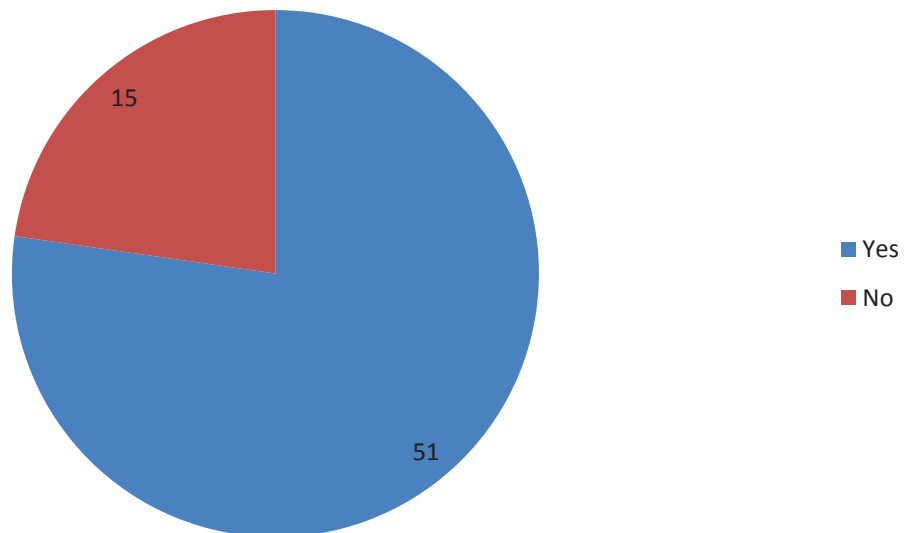


Aware of habitat importance

### Aware of habitat importance? weekday

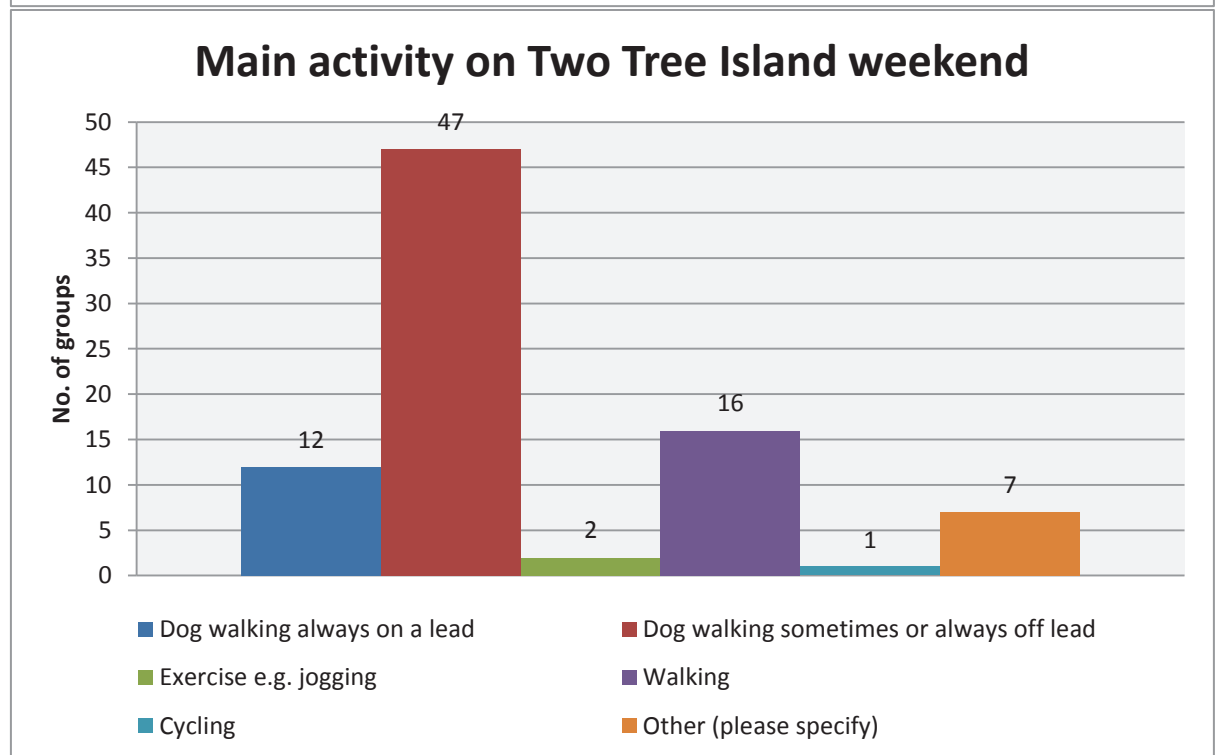
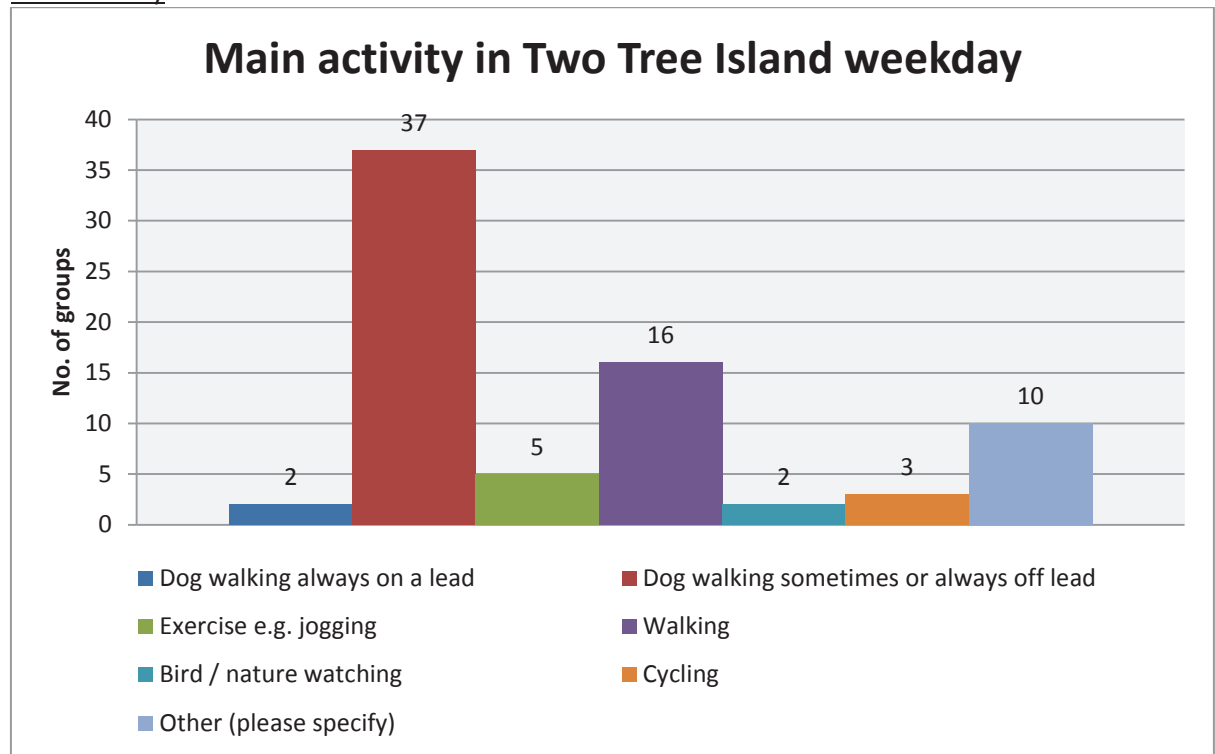


### Aware of habitat importance? weekend



Two Tree Island

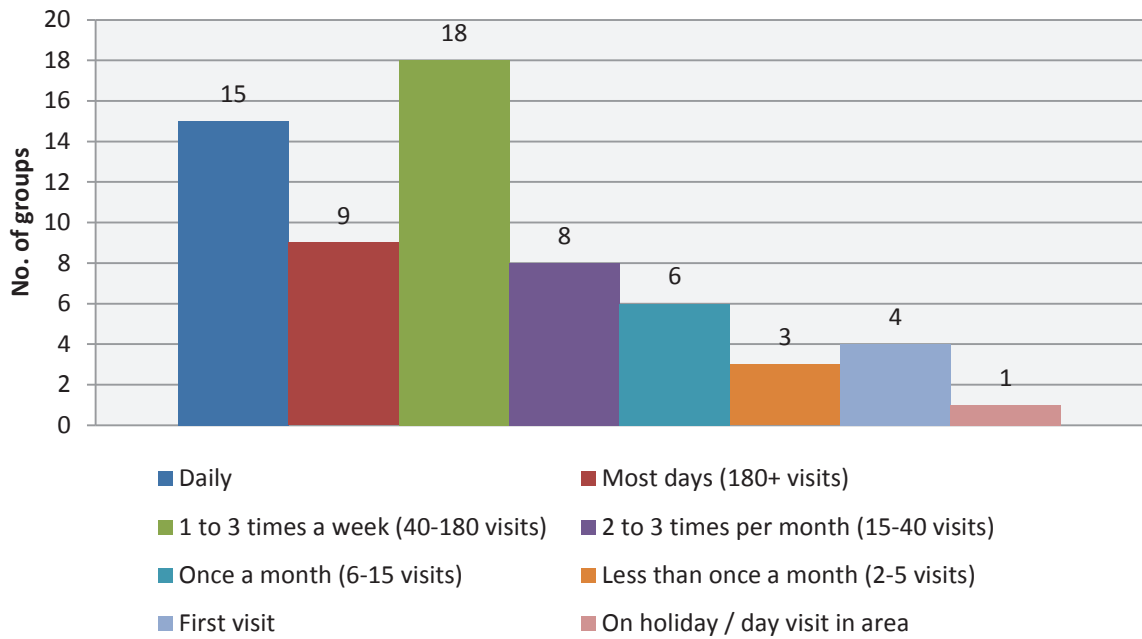
Main activity



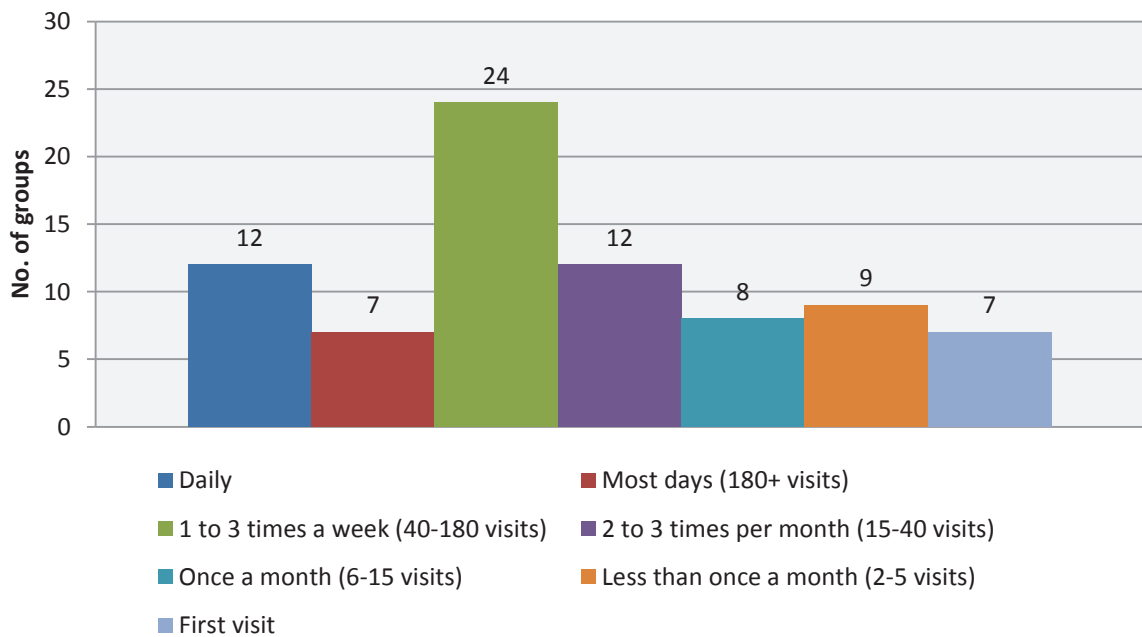
Visit frequency

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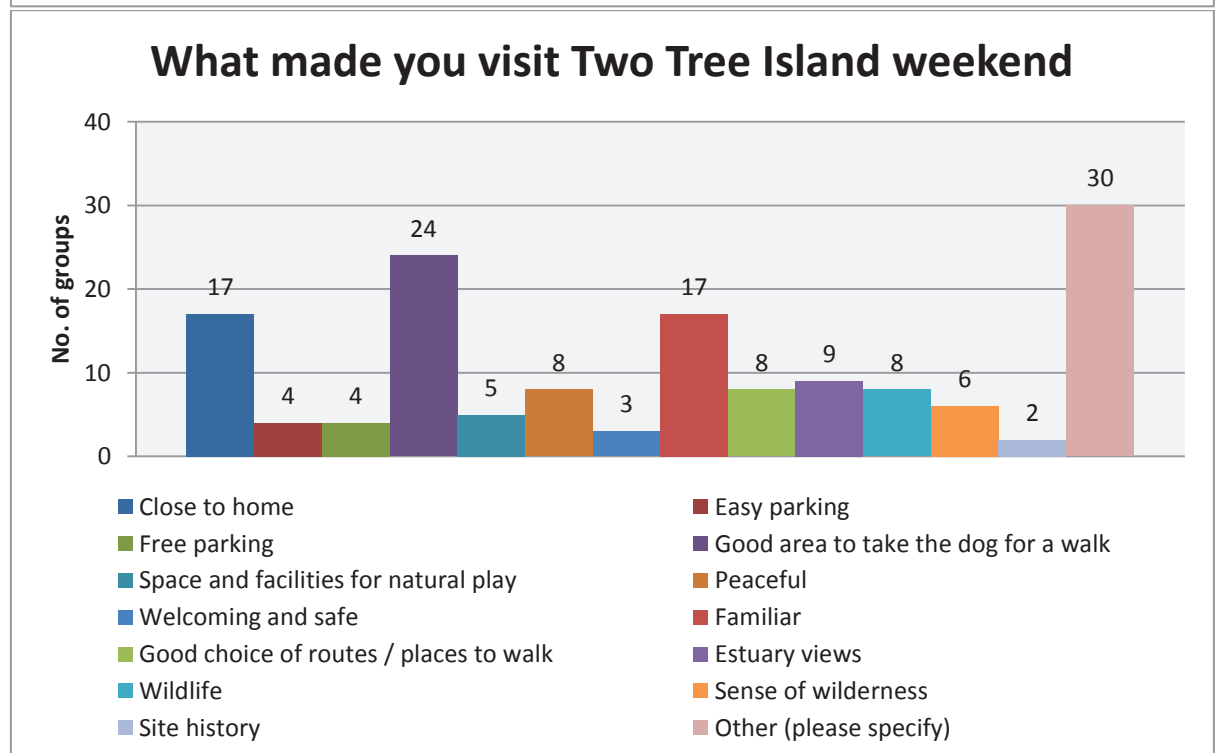
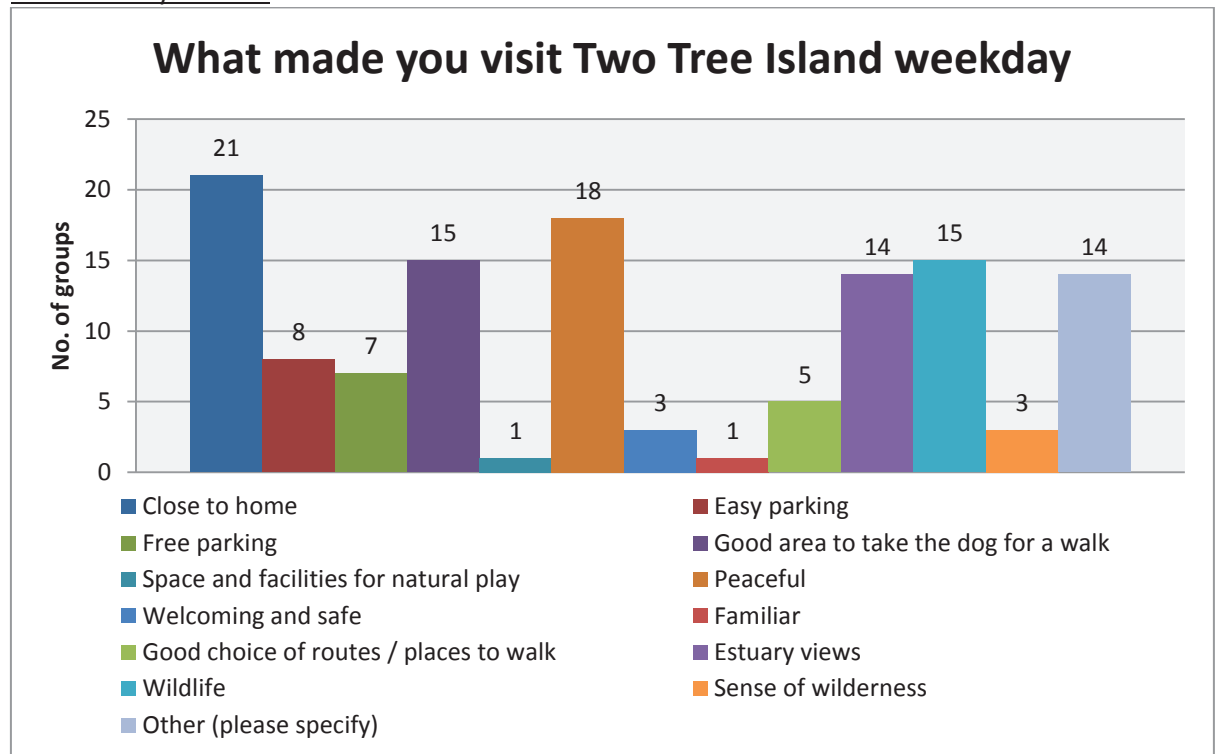
### Visit frequency to Two Tree Island weekday



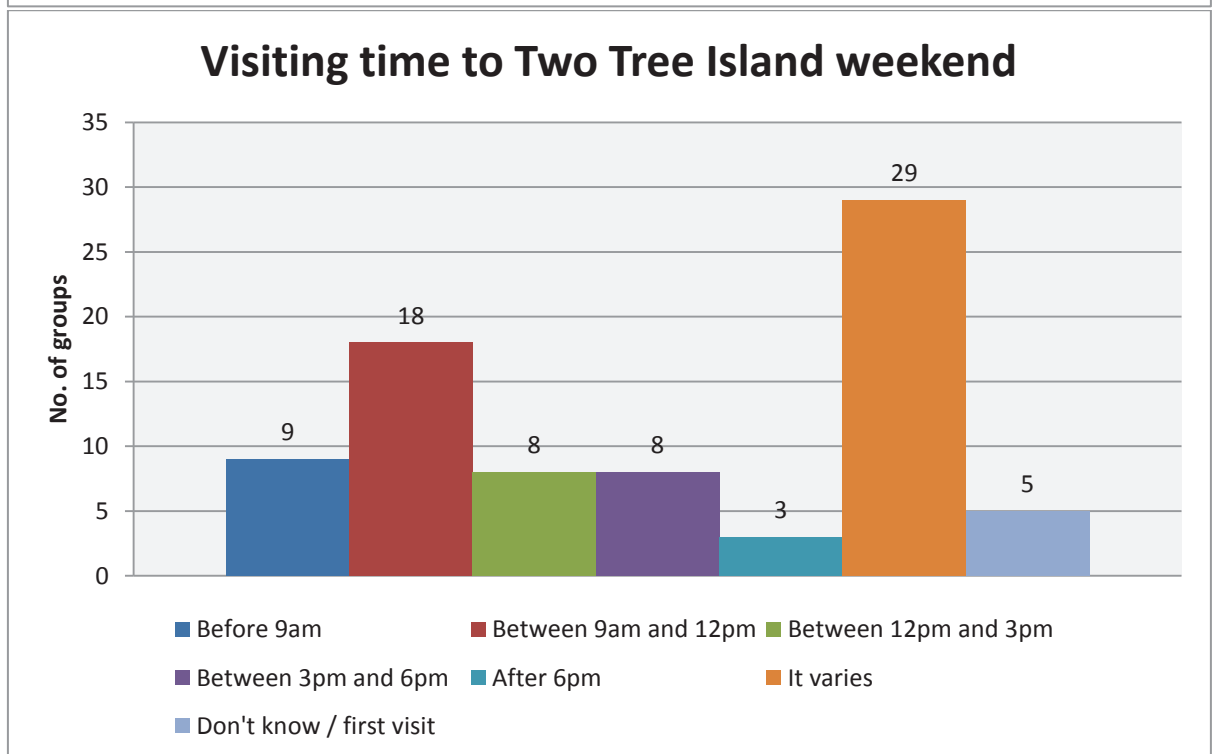
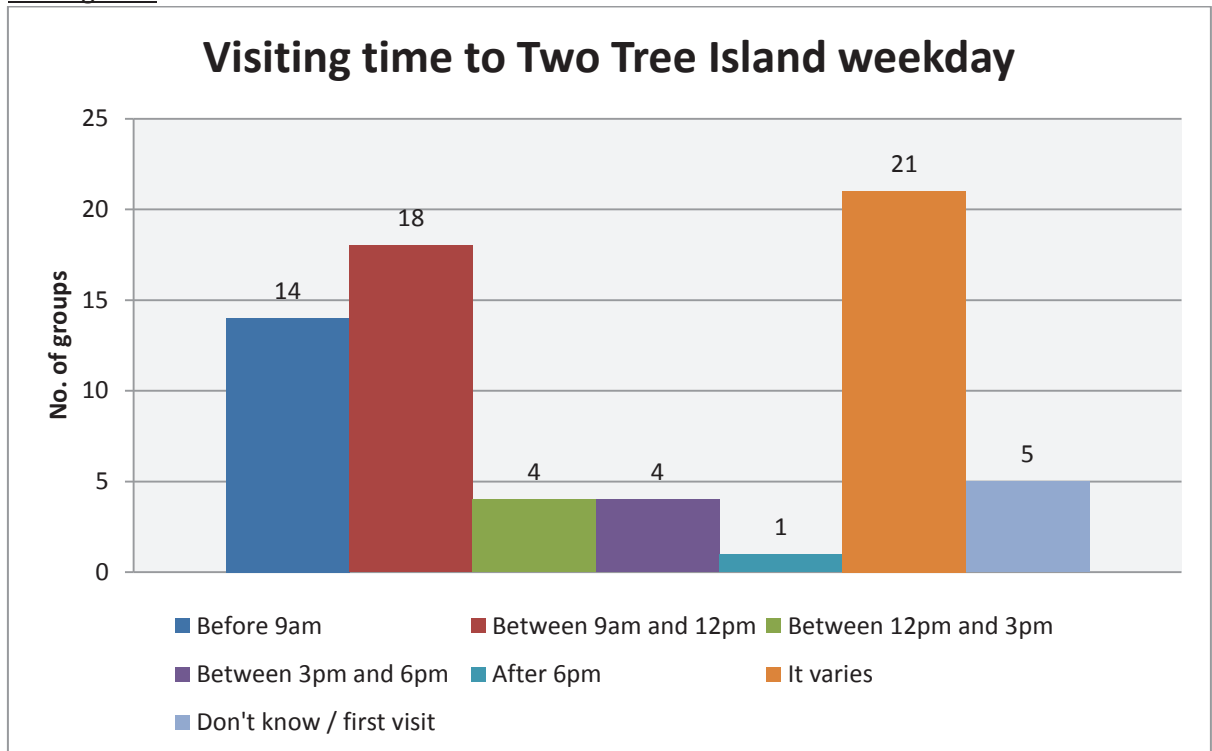
### Visit frequency to Two Tree Island weekend



What made you visit?

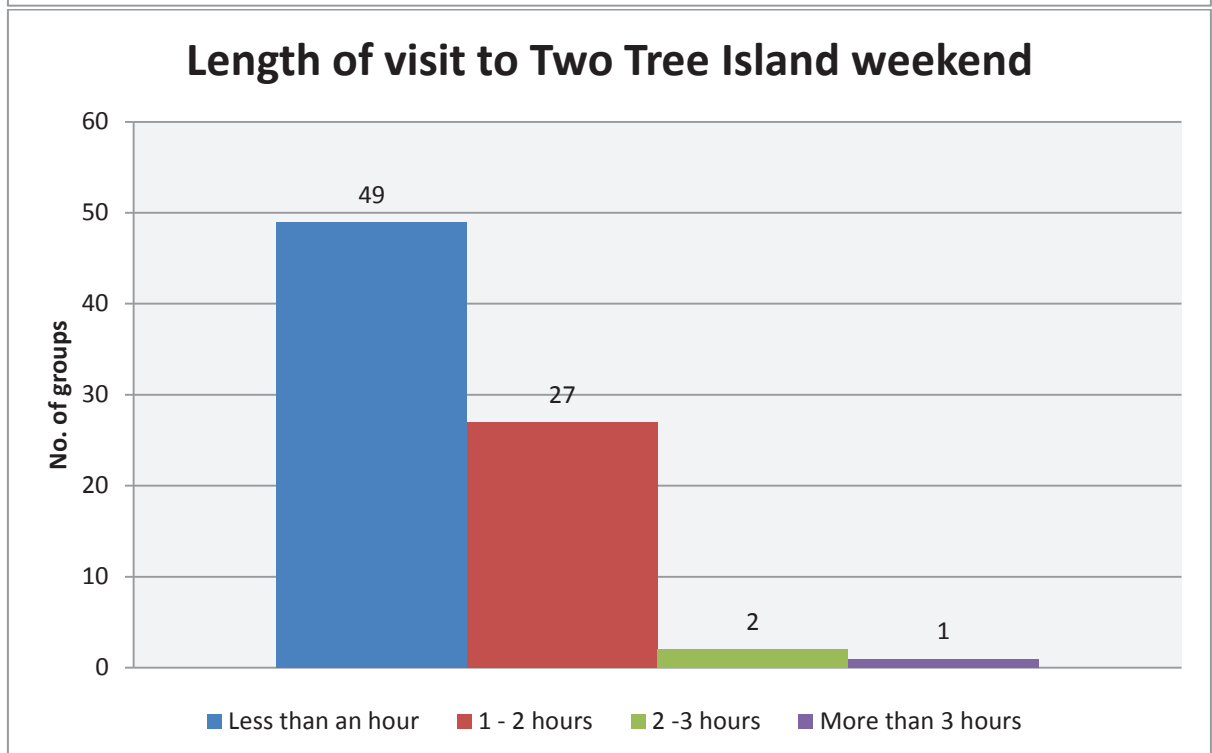
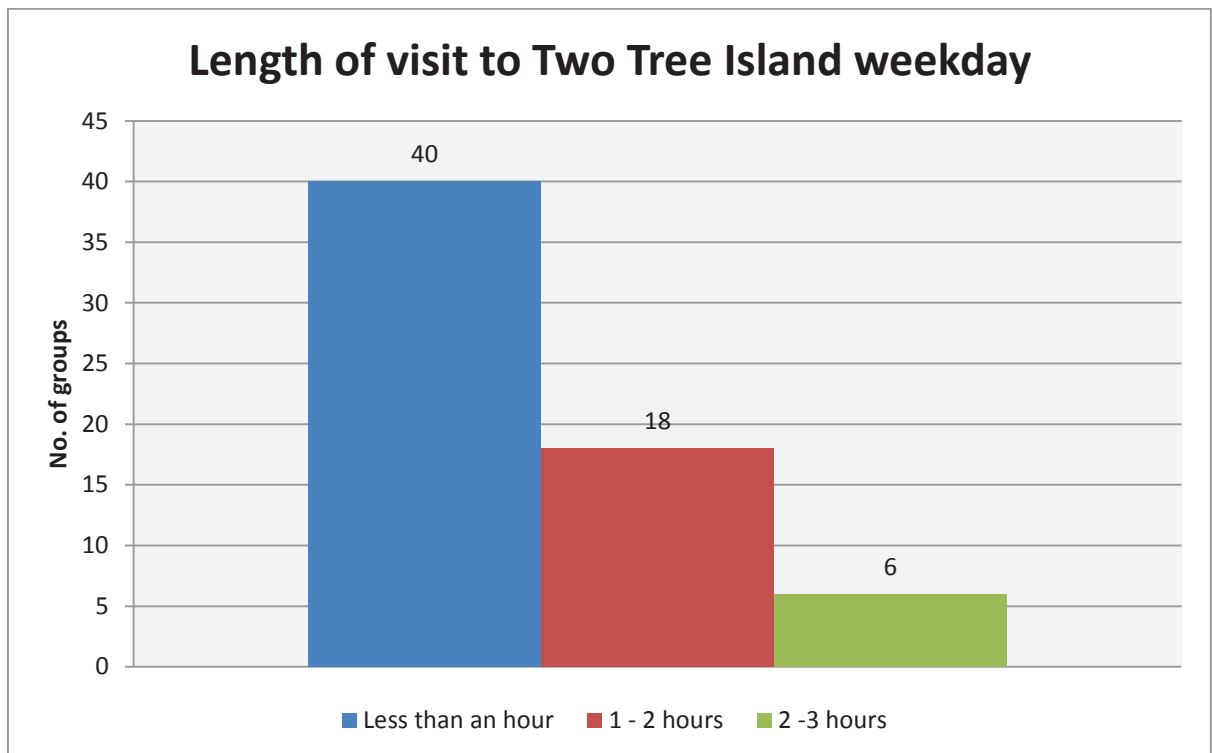


Visiting time

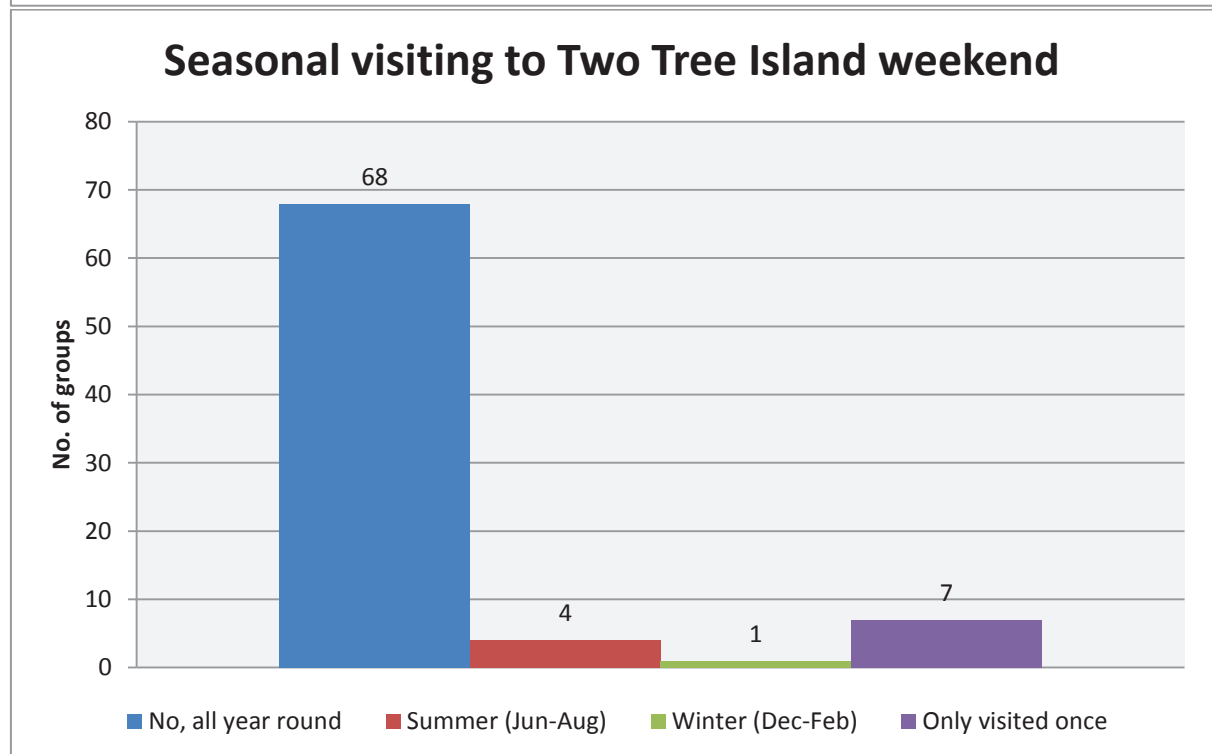
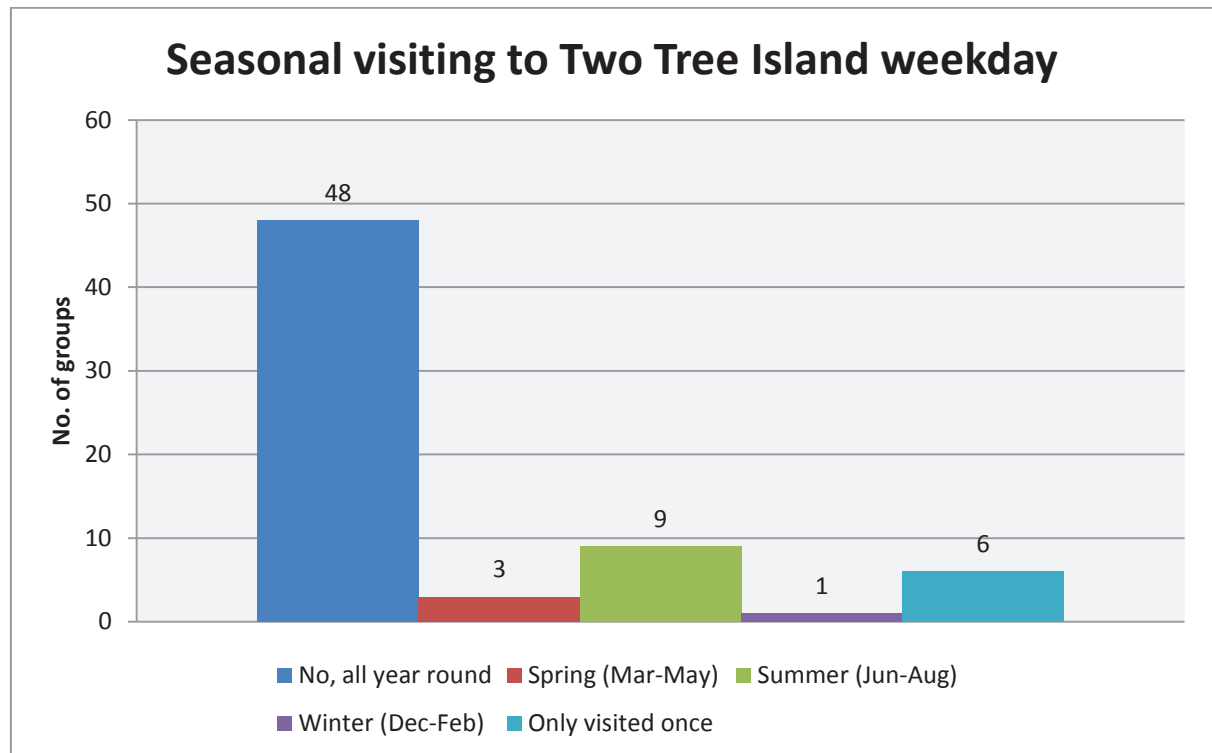




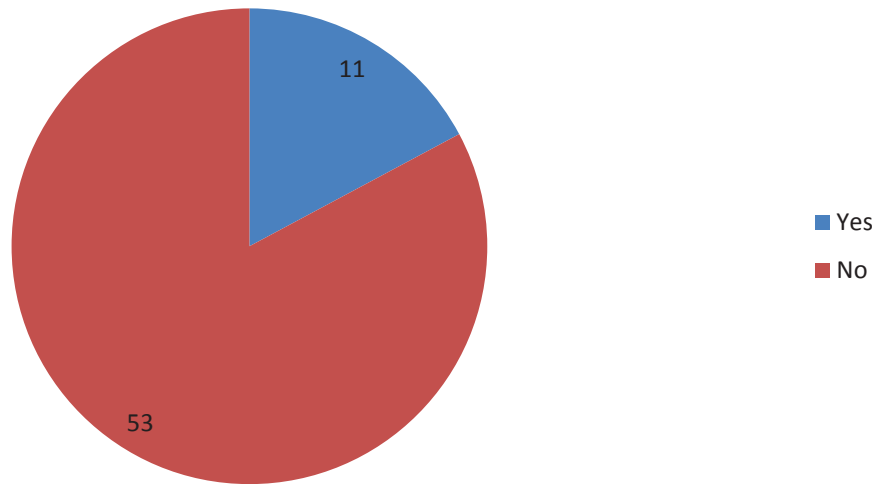
Length of visit



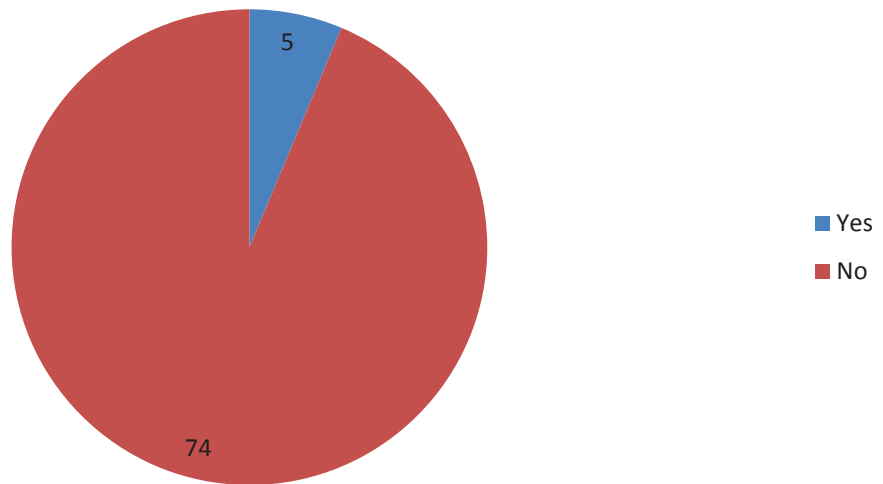
Seasonal visiting



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

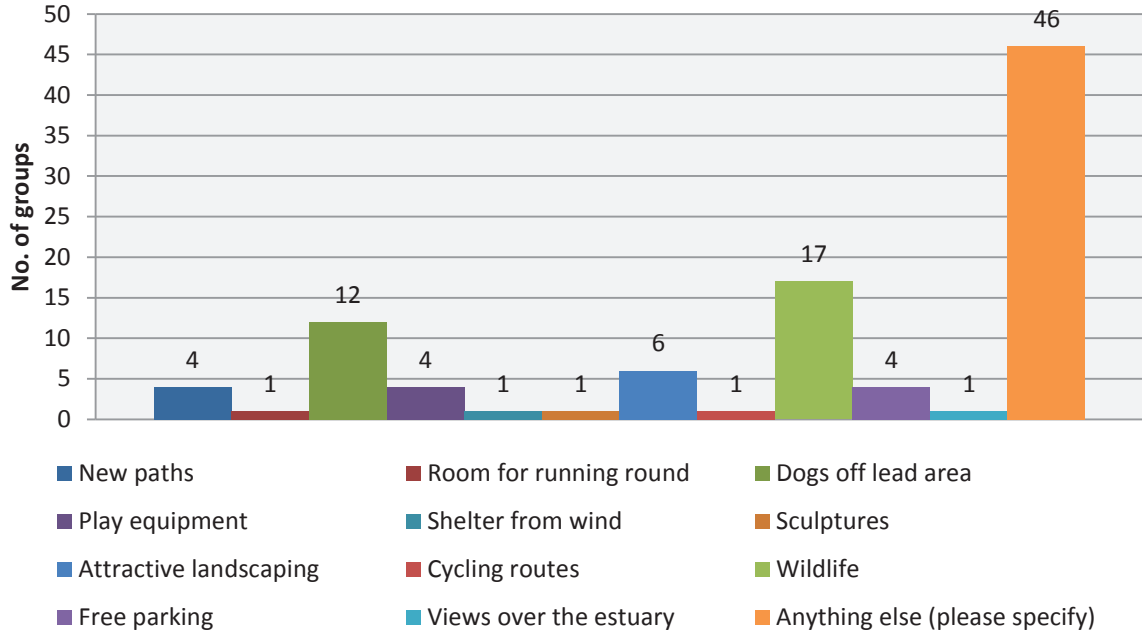


### Plan weekend visit to Two Tree Island in relation to the tide?

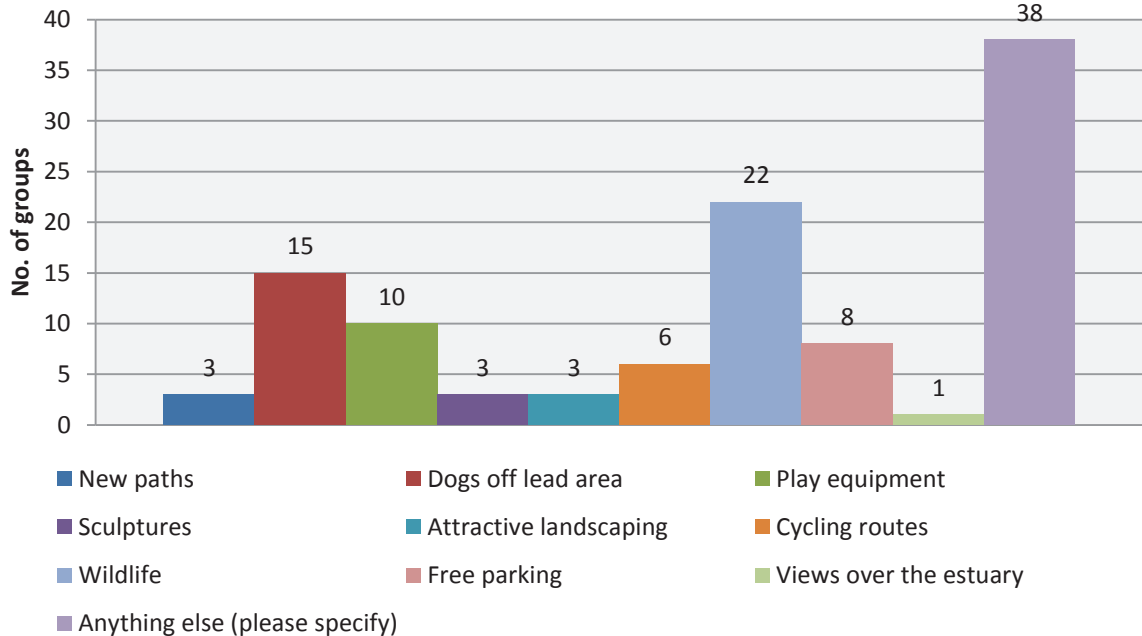


New park design

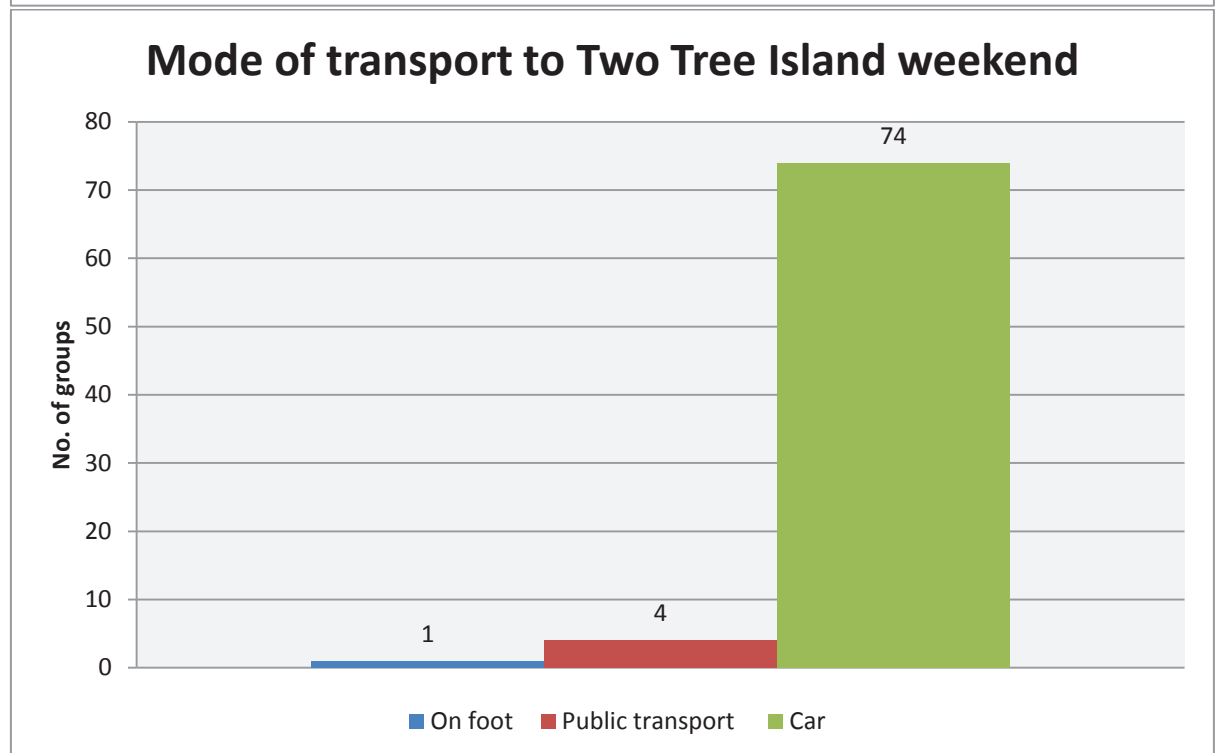
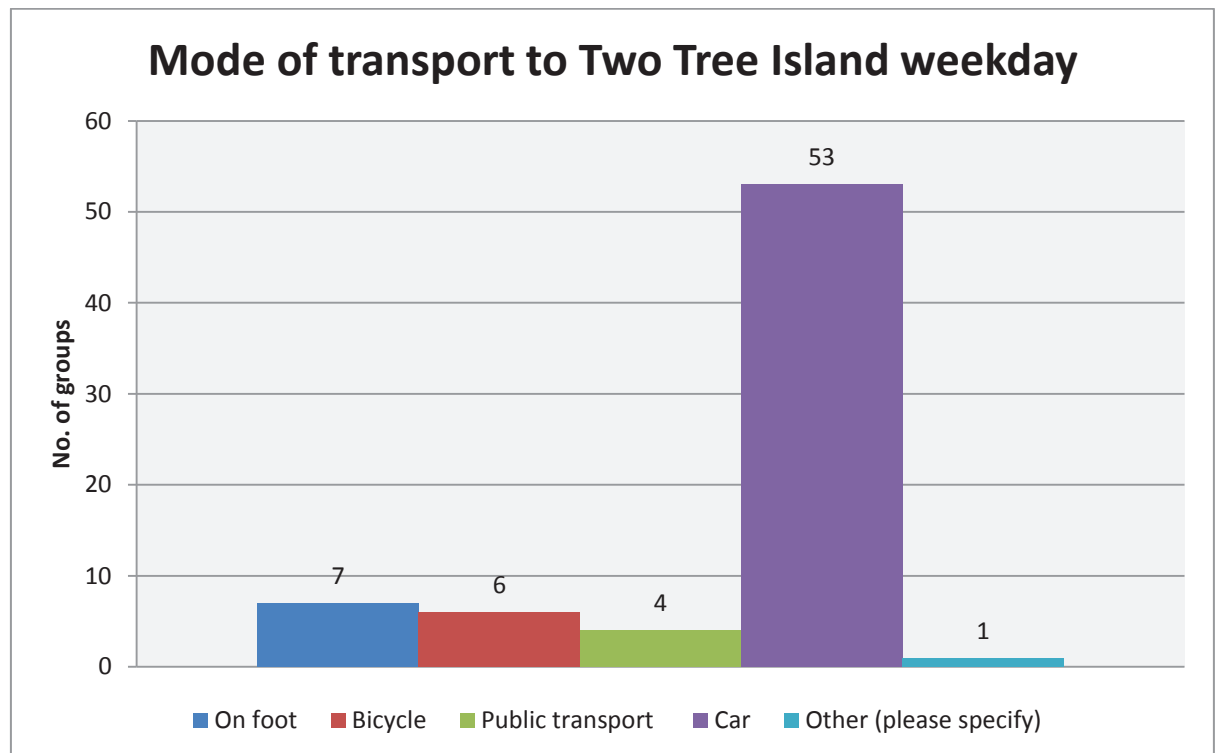
### New park facilities Two Tree Island weekday



### New park facilities Two Tree Island weekend

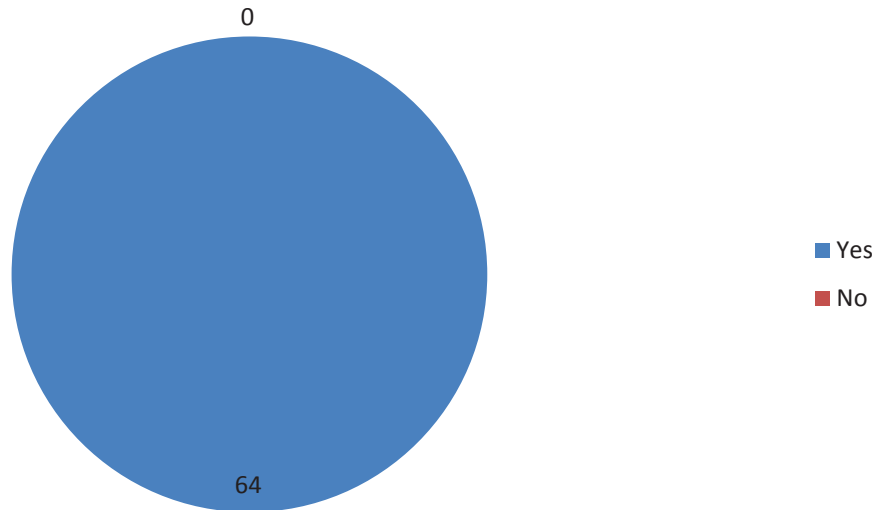


Mode of transport

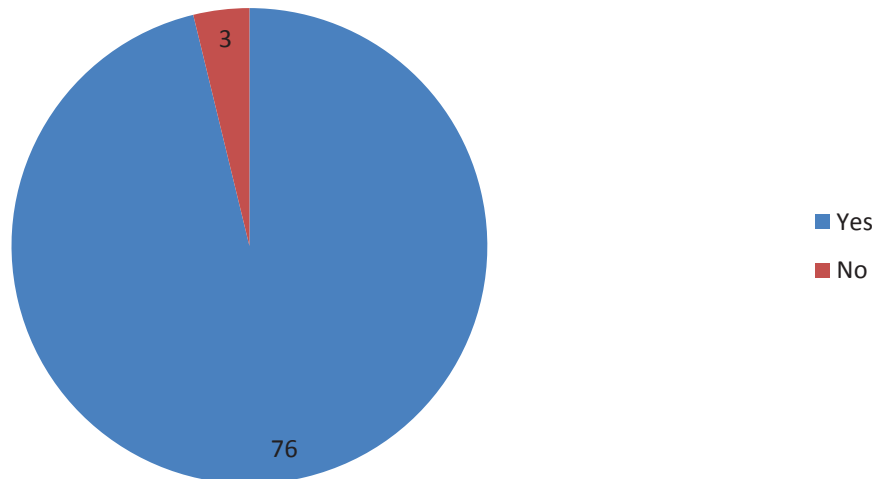


Aware of habitat importance

### 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						

**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**

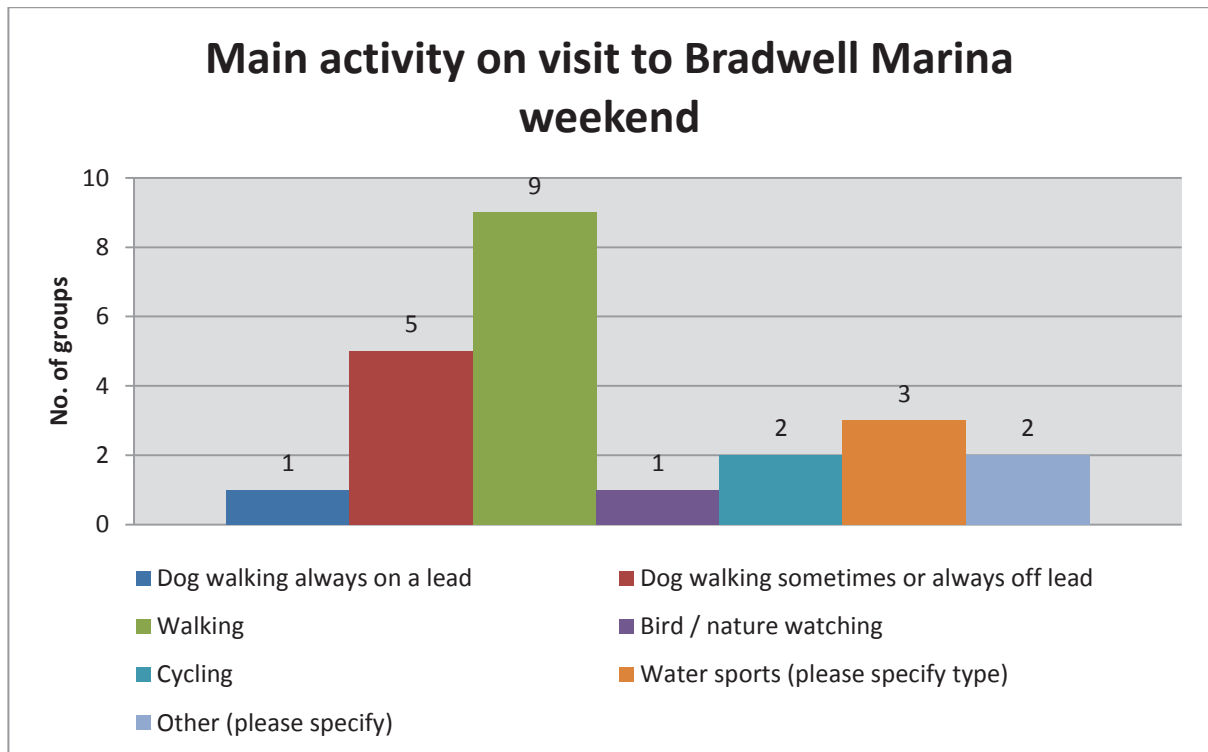
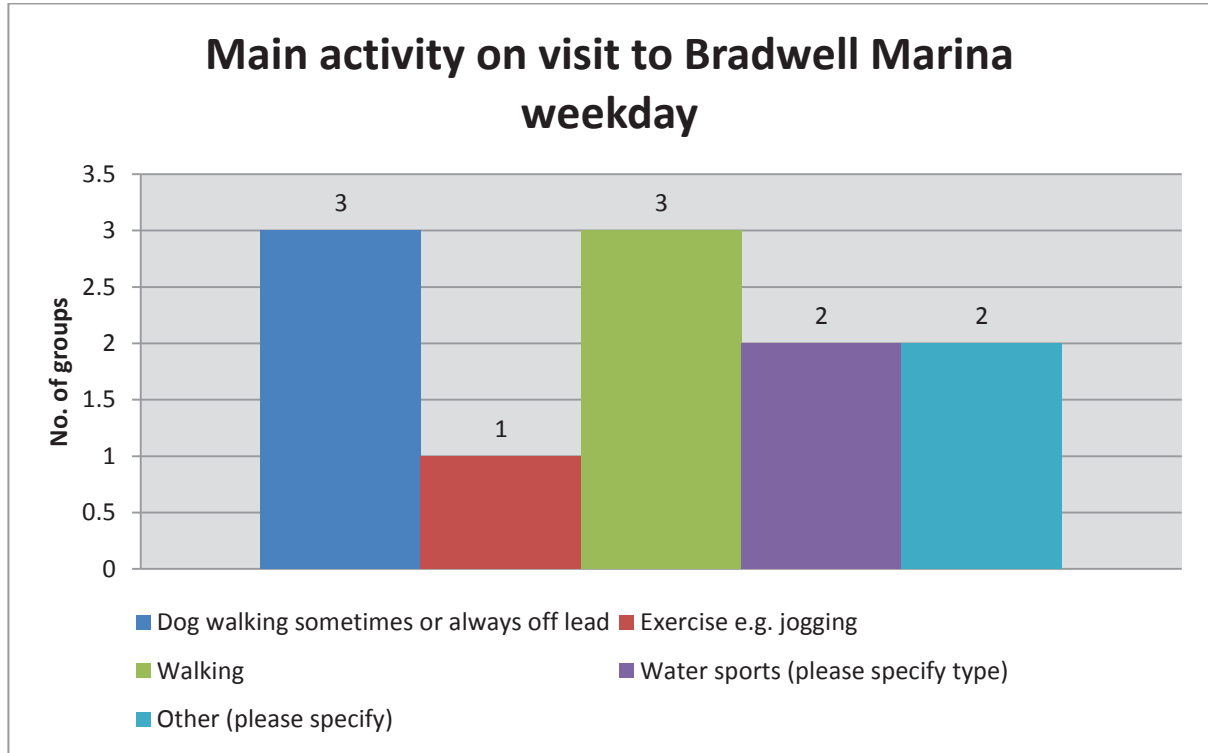
Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Sailing boat	7	0						
Passers by	0	0						

**Table A6.7: Tollesbury Wick weekend**

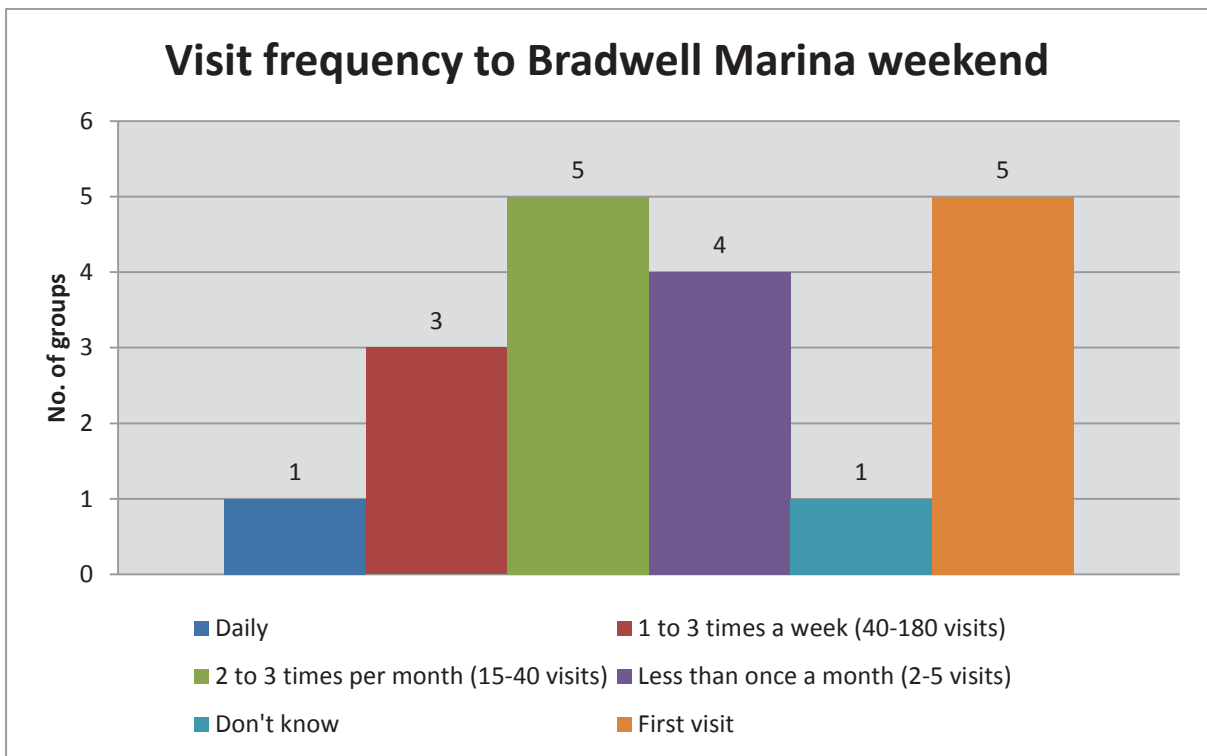
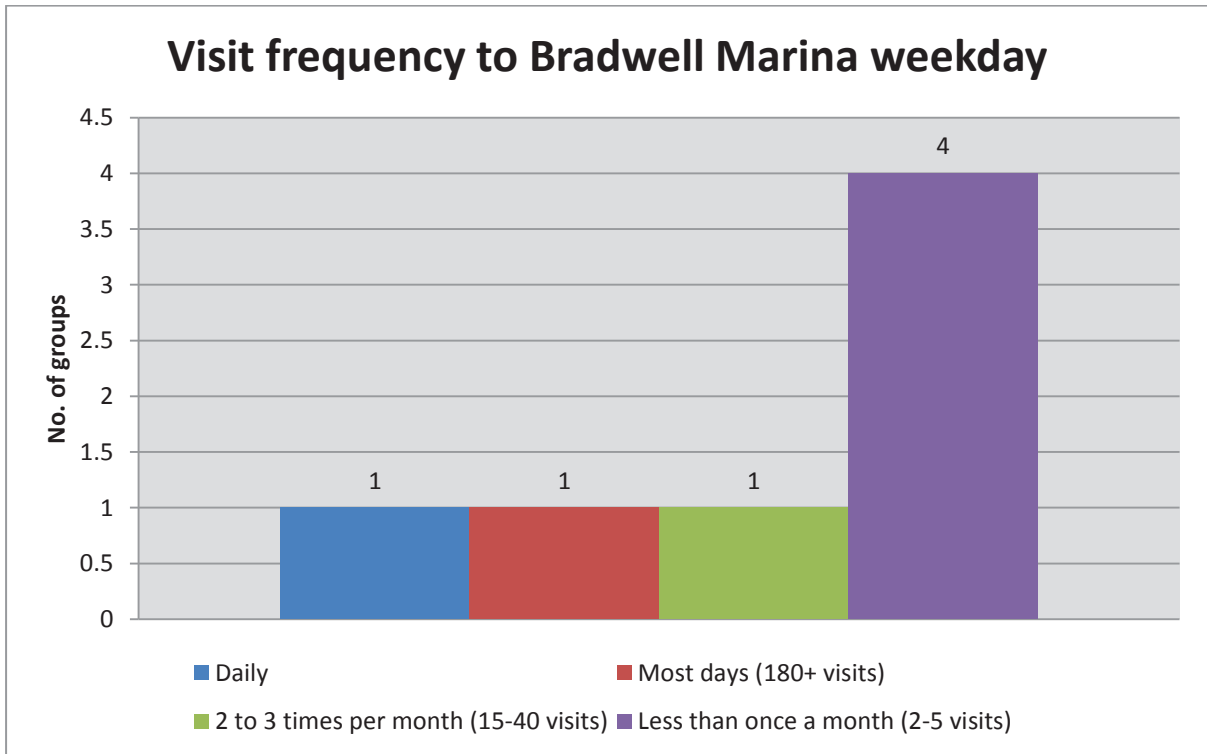
Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Yacht	14	0						
Motorboats	8	0						
Kayaks	3	0						
Passers by	20	0						

## Bradwell Marina

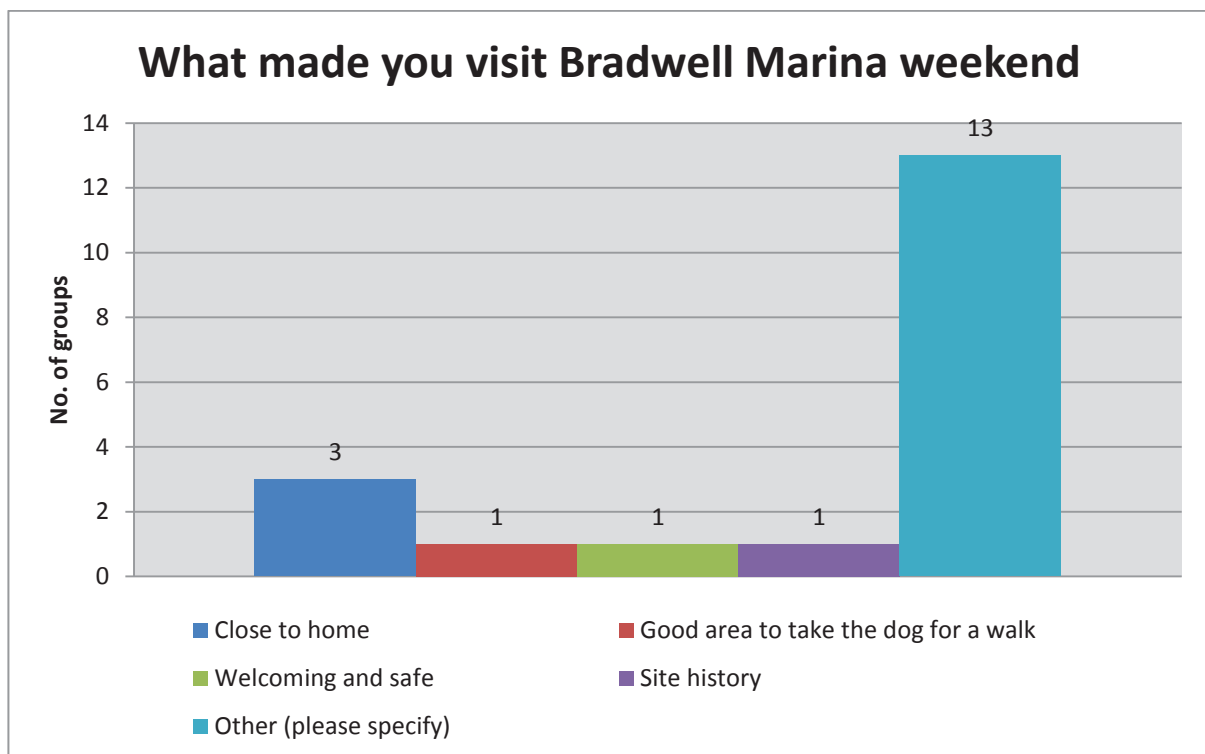
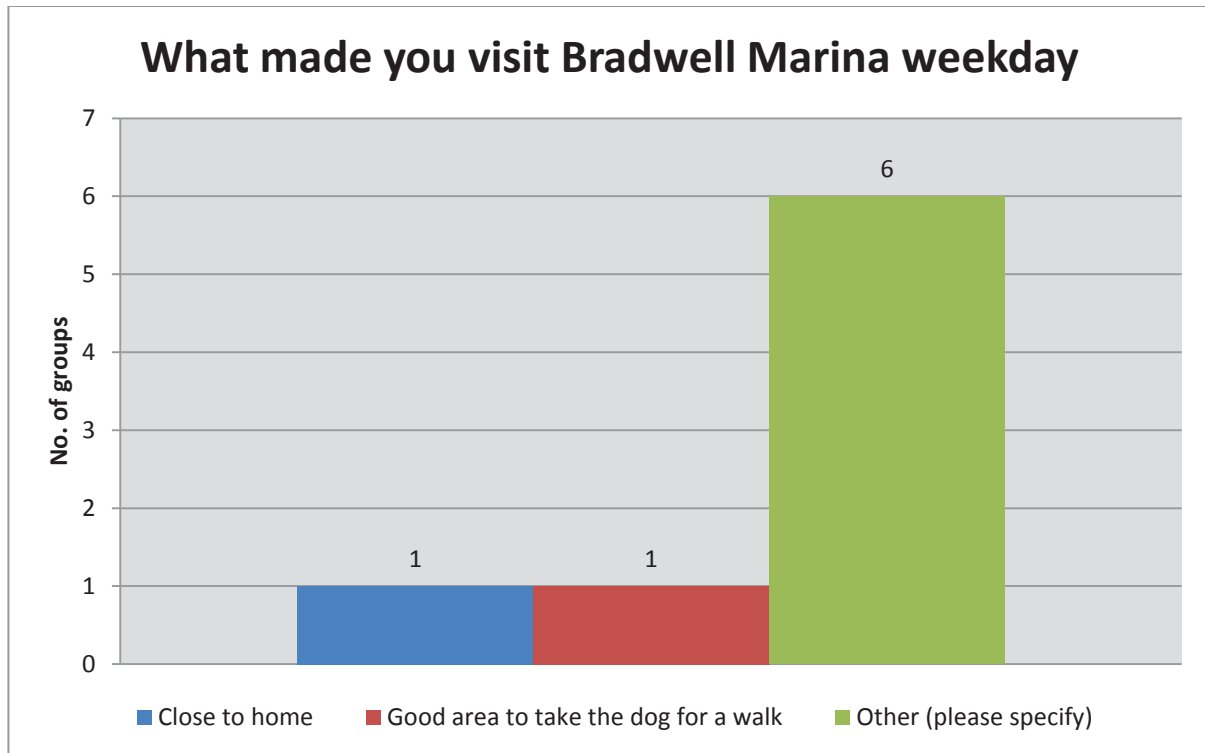
Figures A6.1- A6.2: Graphs showing results for main activity



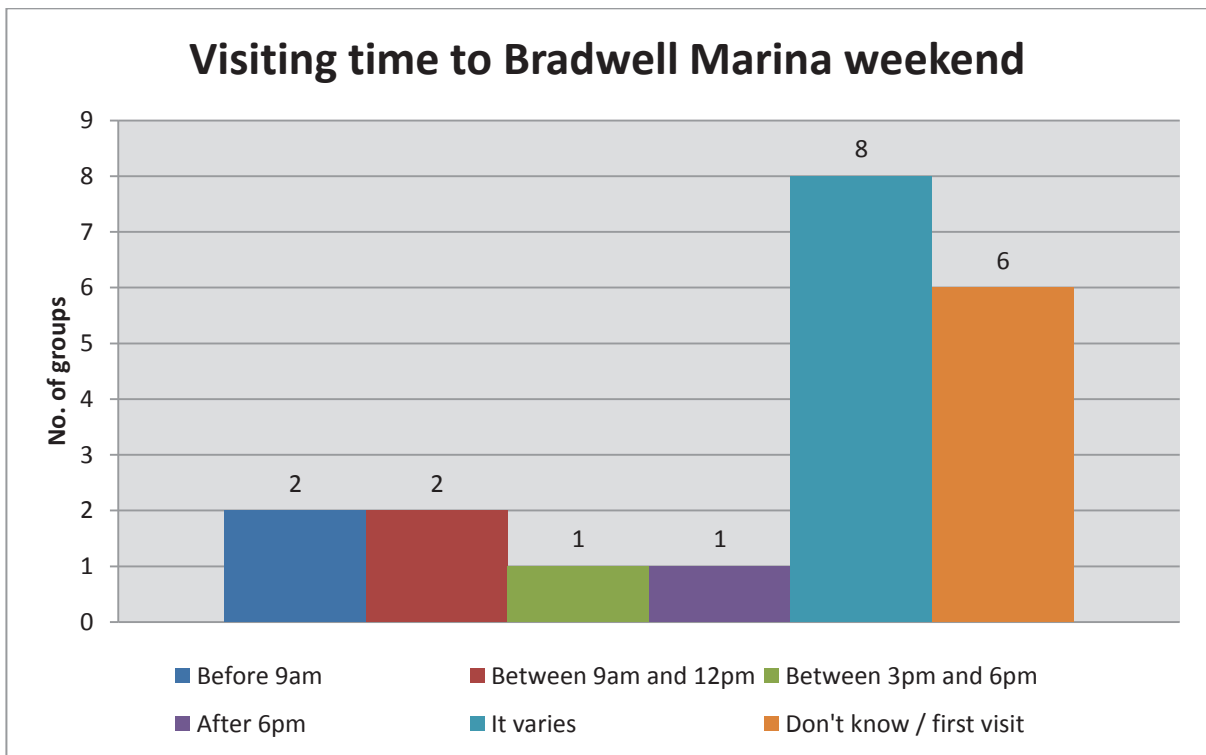
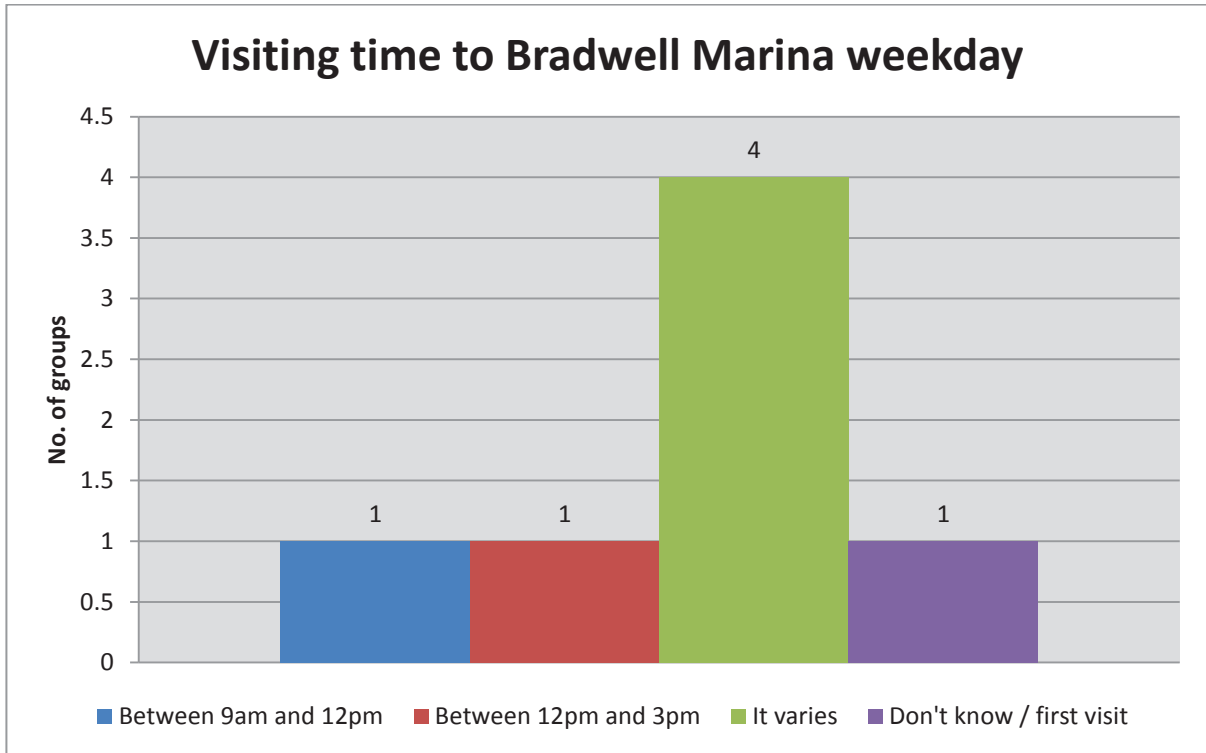
Figures A6.3- A6.4: Graphs showing results for visit frequency



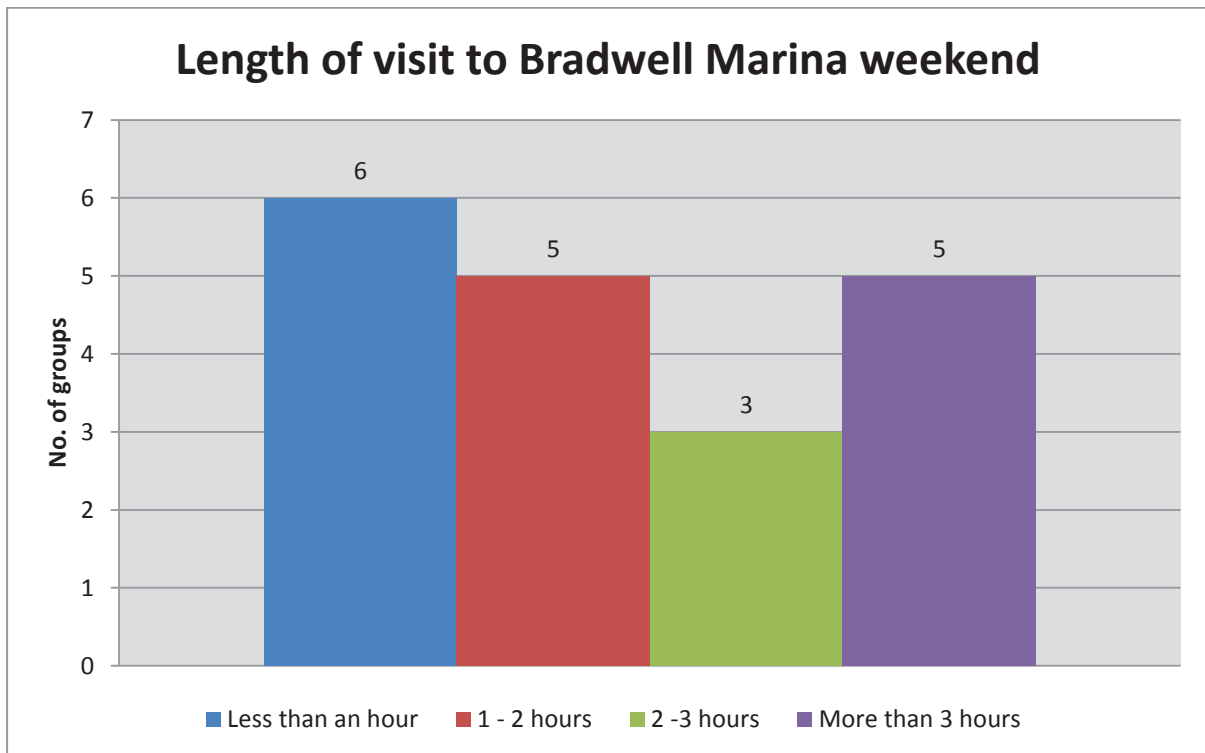
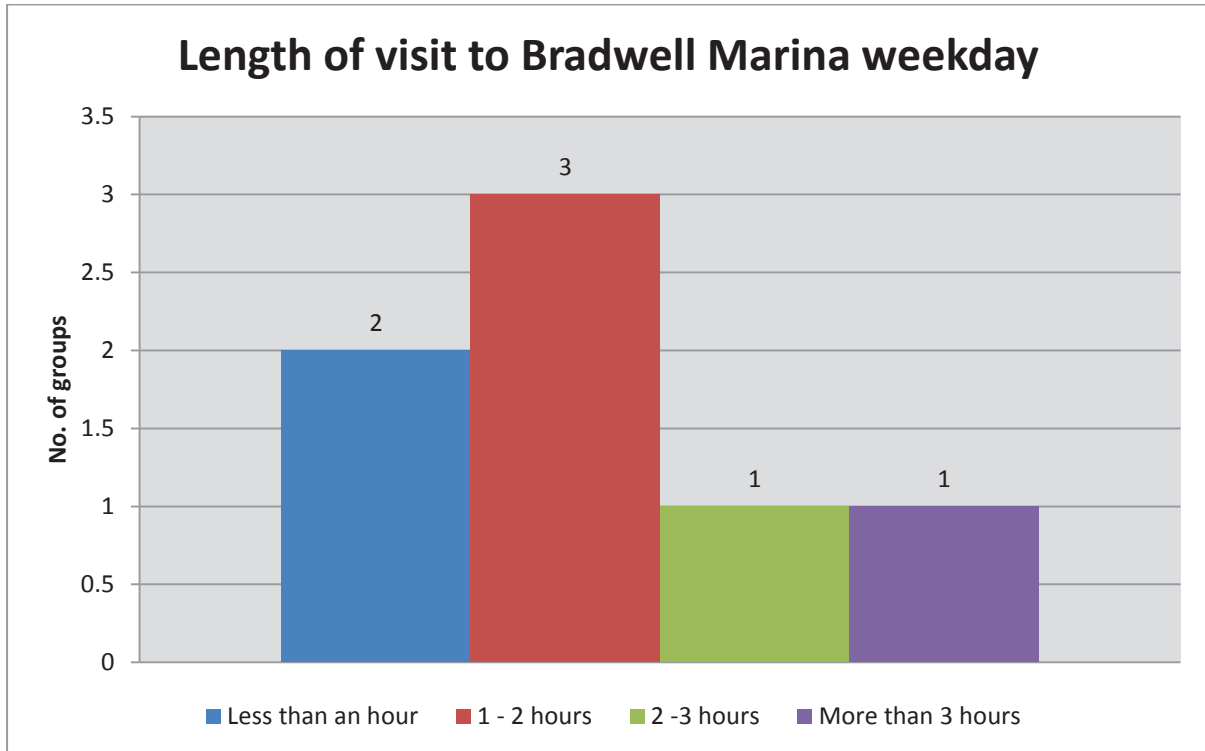
Figures A6.5- A6.6: Graphs showing results for question ‘What made you visit?’



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

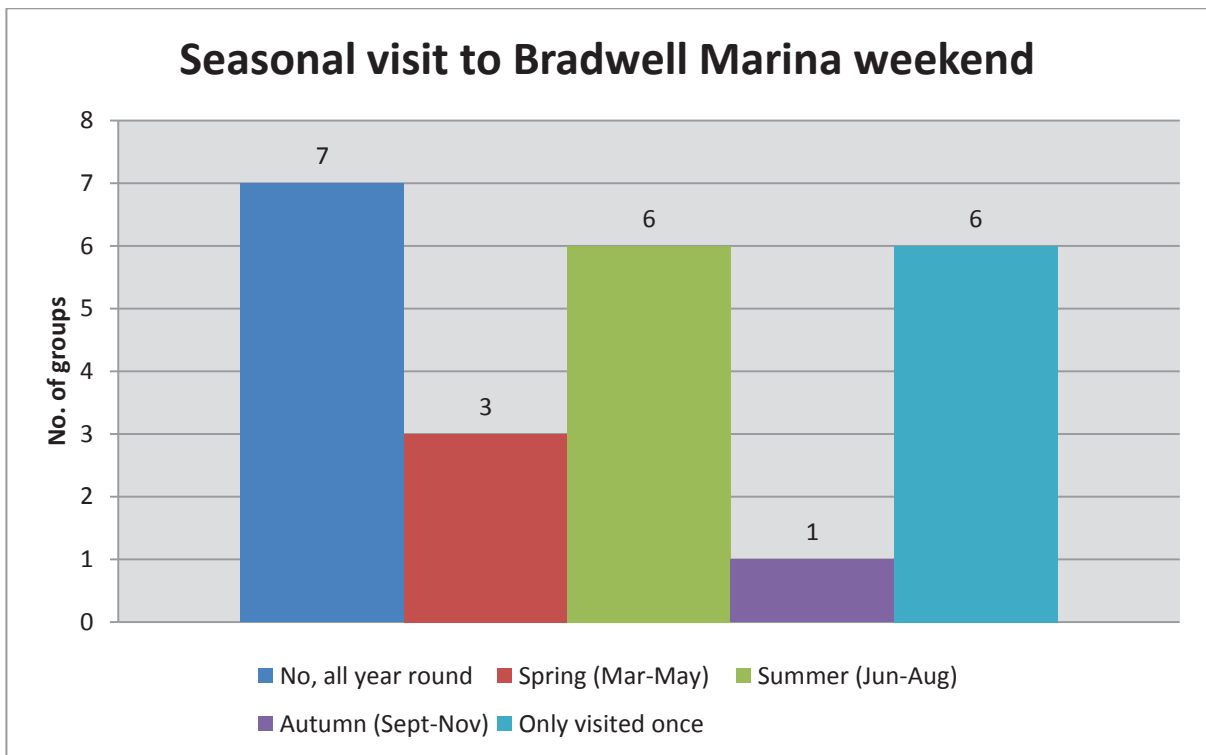
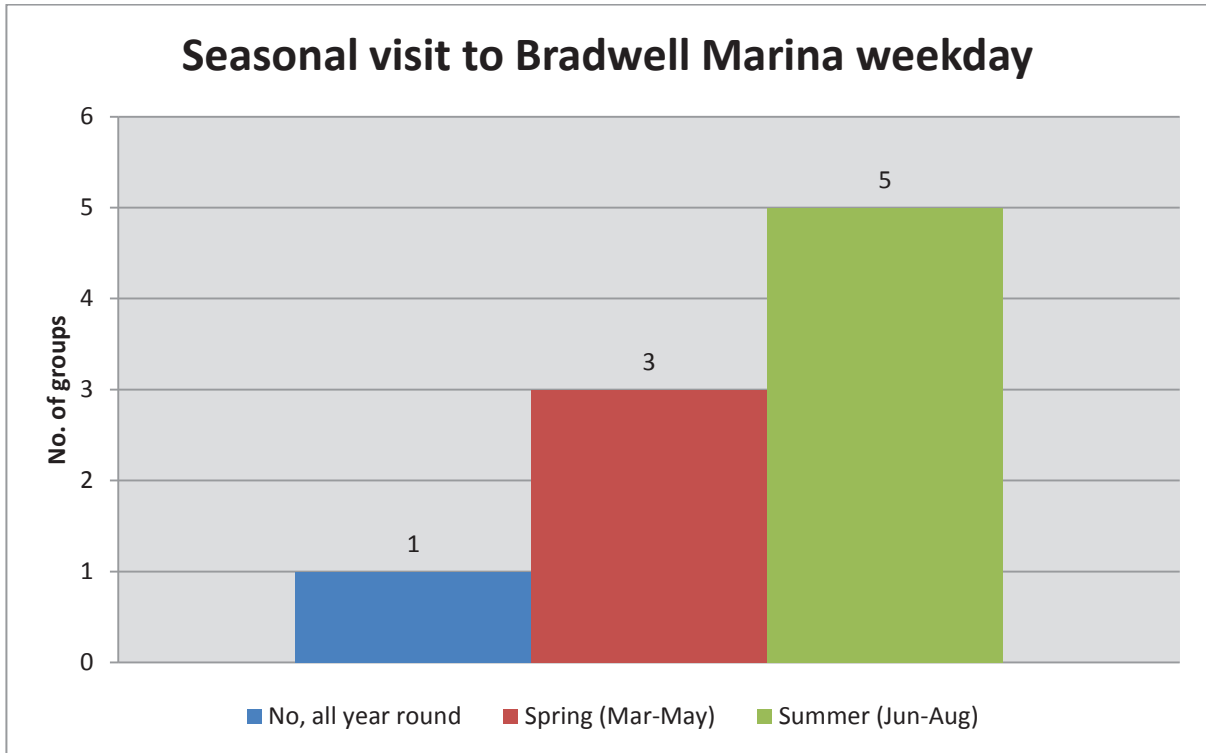


Figures A6.9- A6.10: Graphs showing results for length of visit

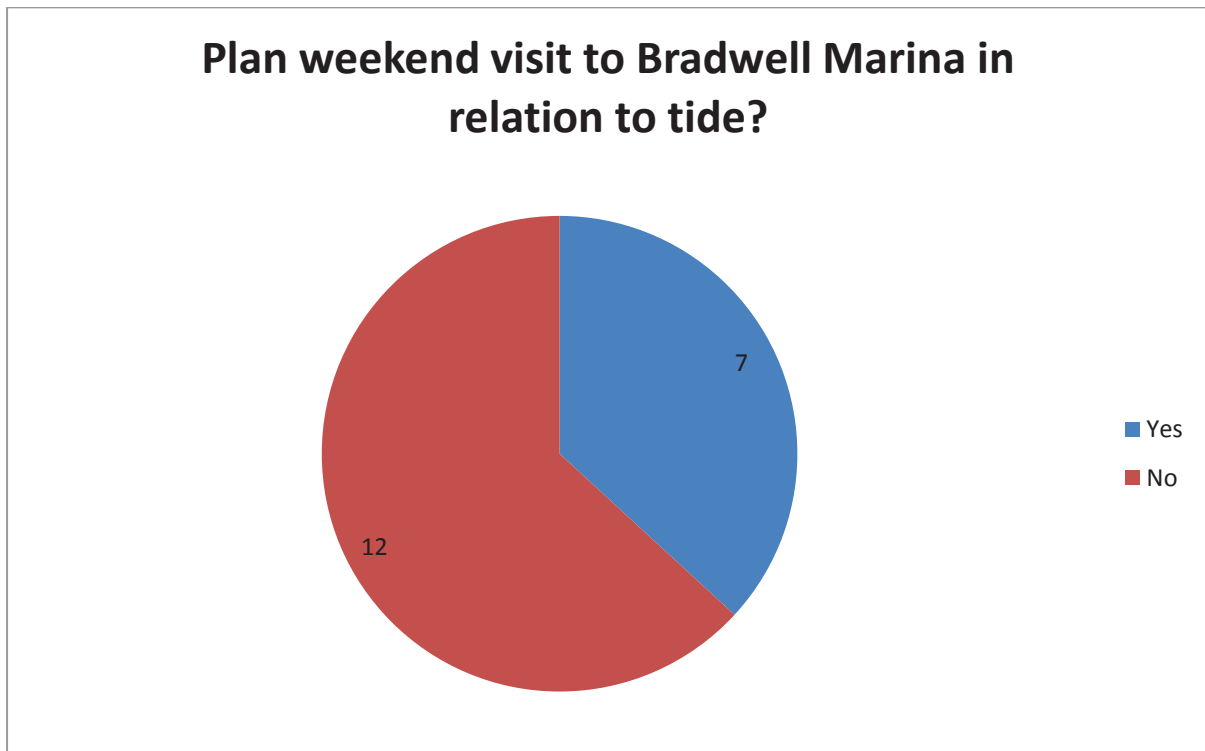
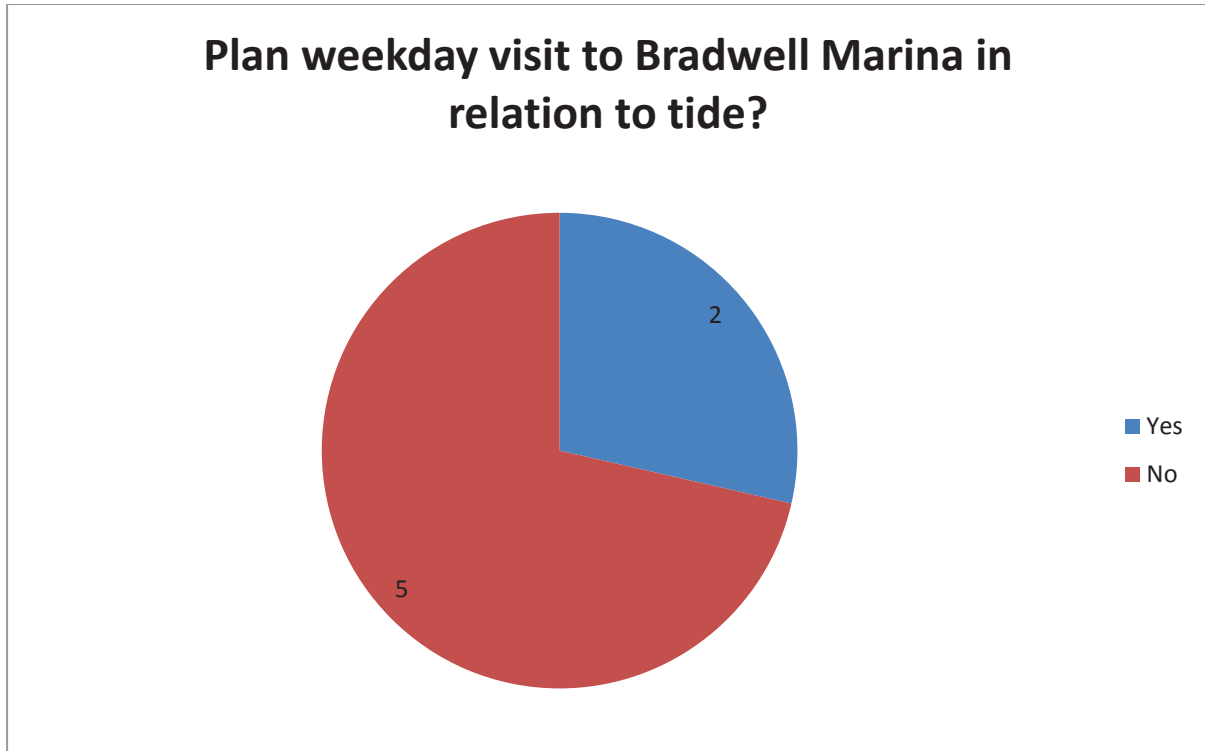




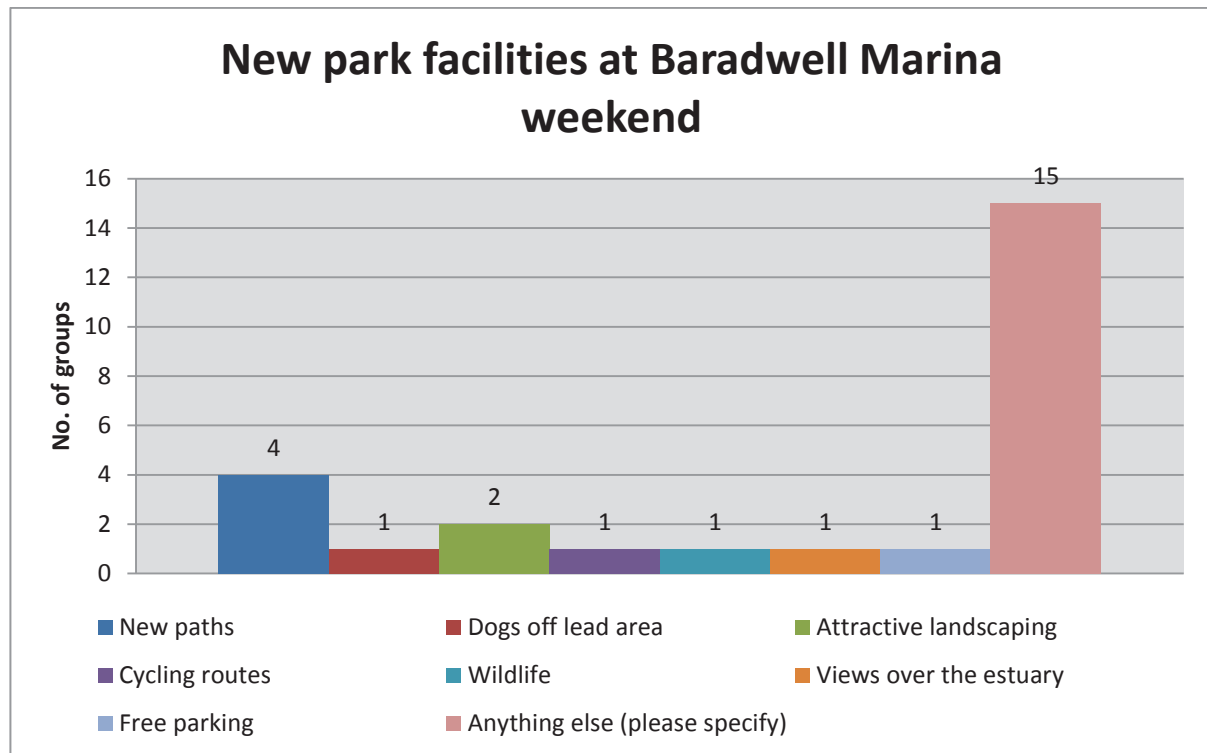
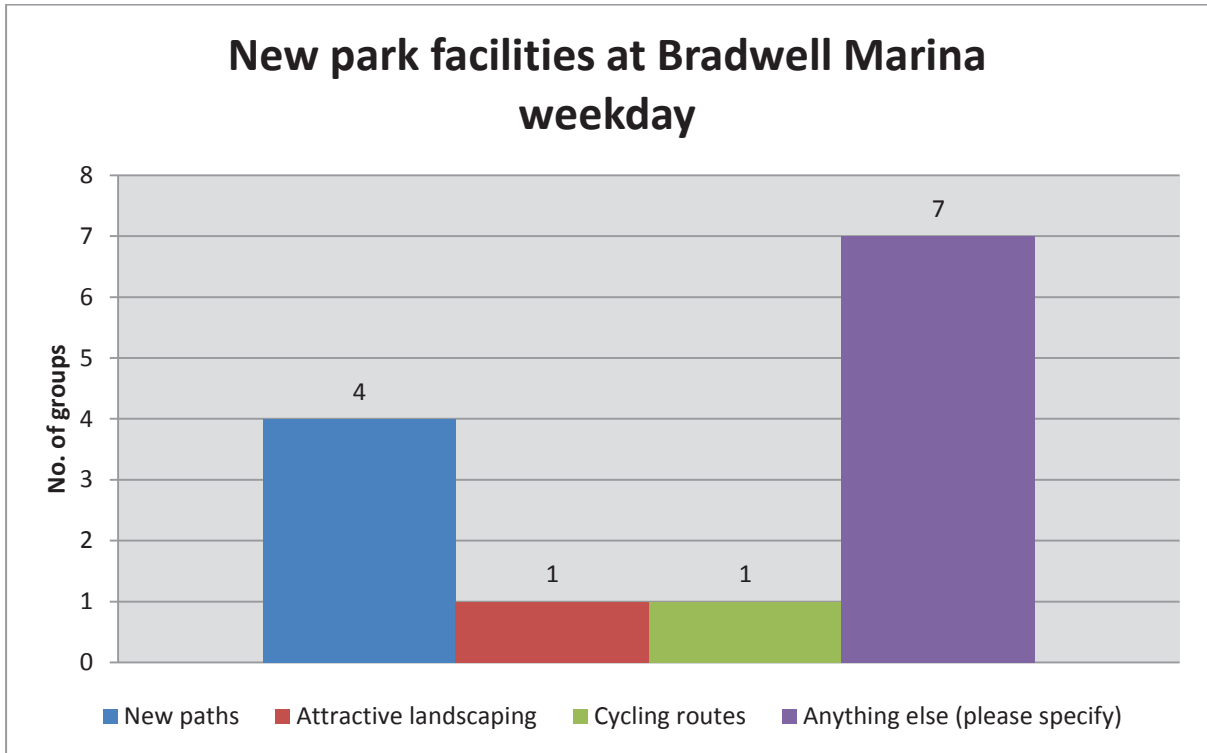
Figures A6.11- A6.12: Graphs showing results for seasonal visiting



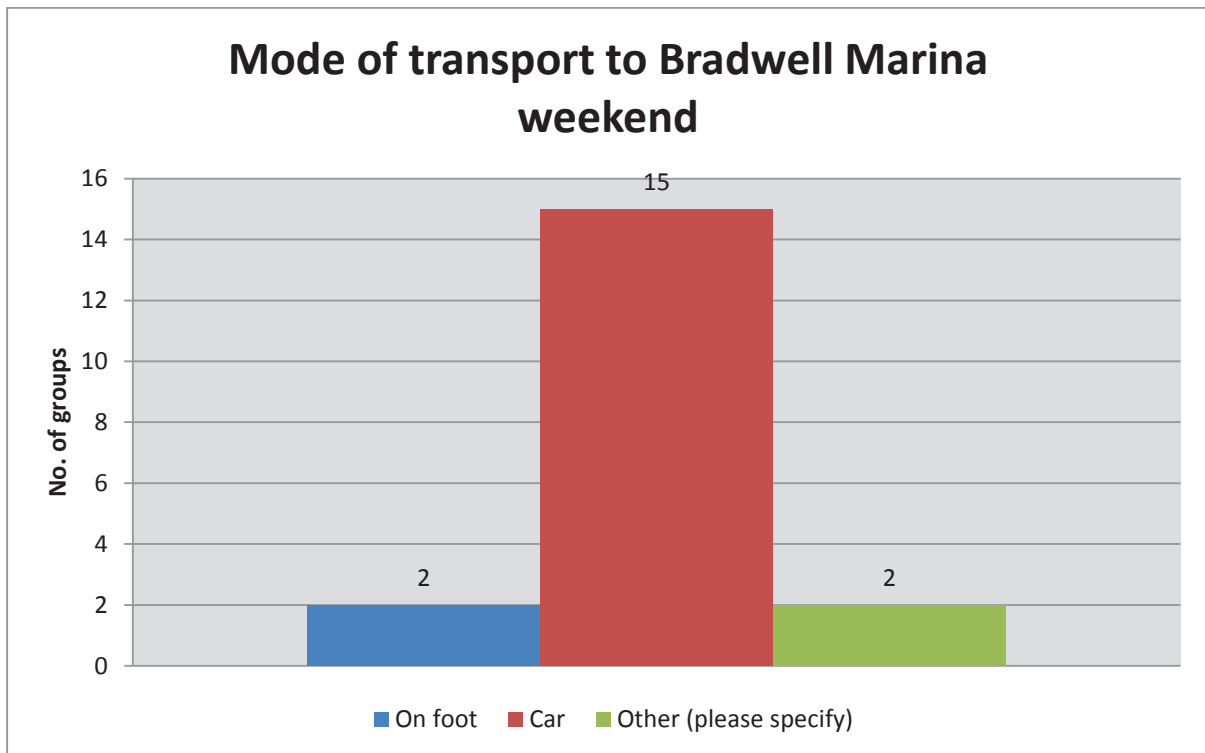
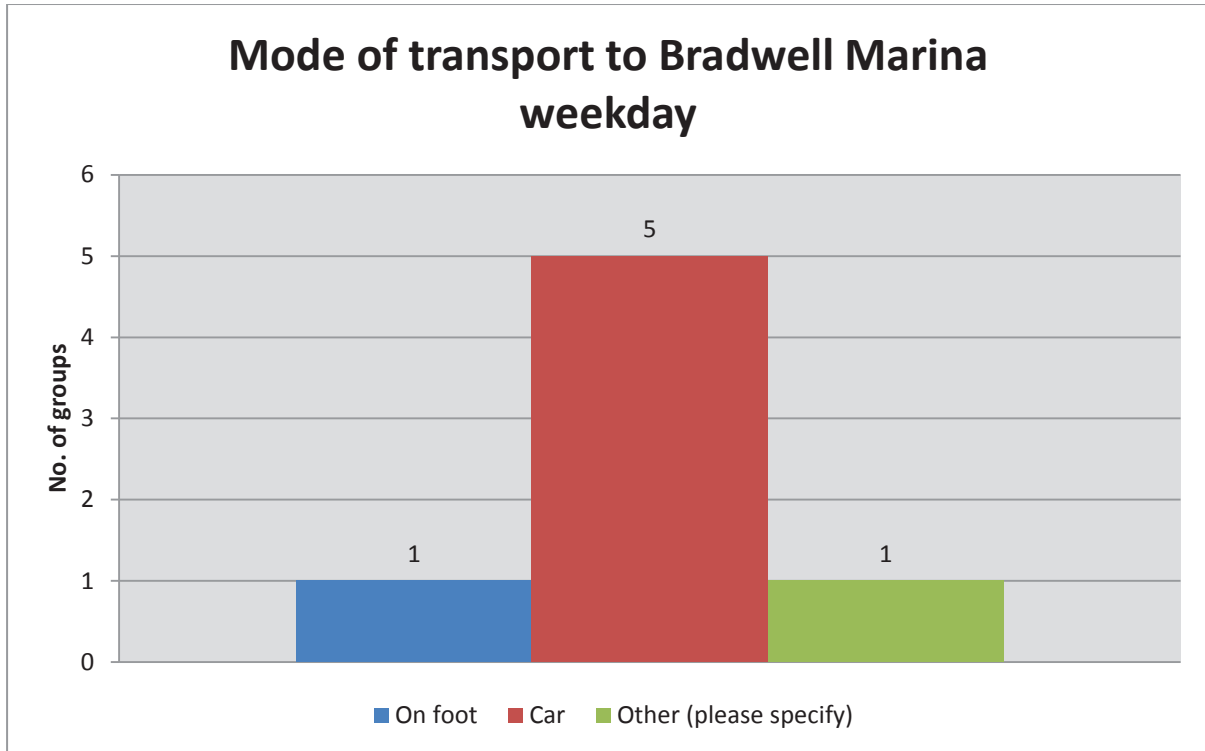
Figures A6.13- A6.14: Graphs showing results for question 'Plan visit in relation to the tide?'



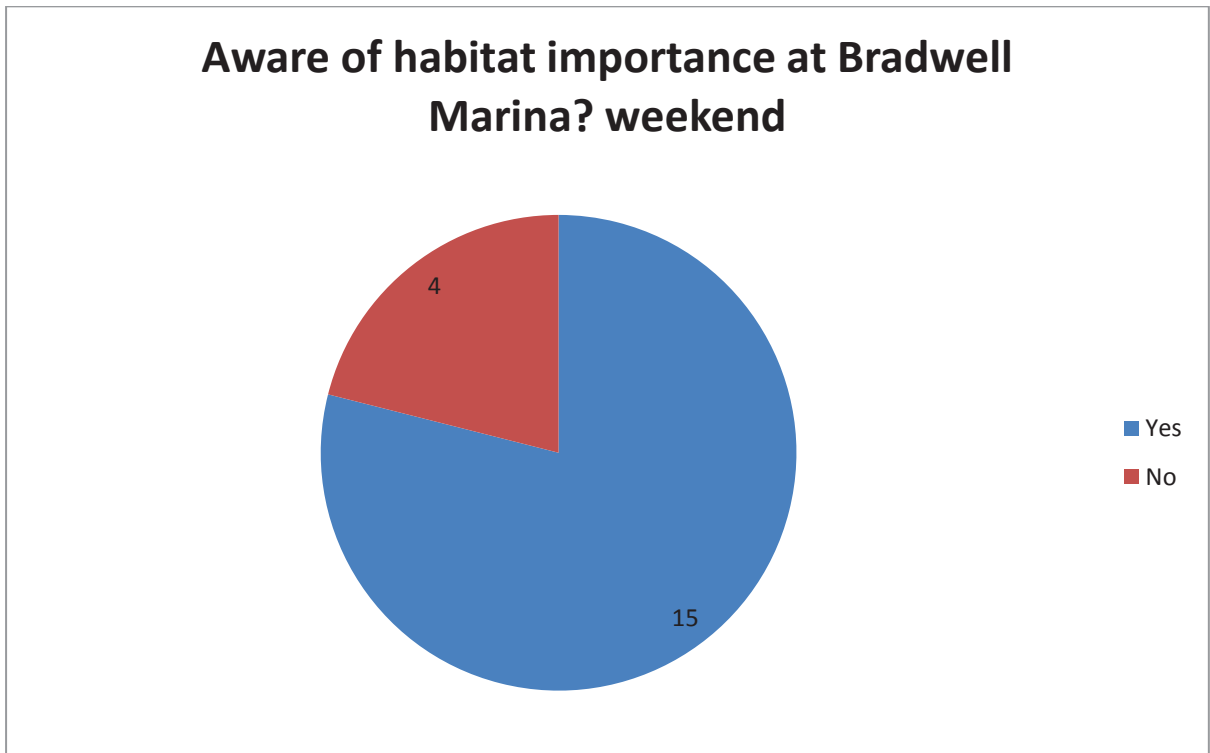
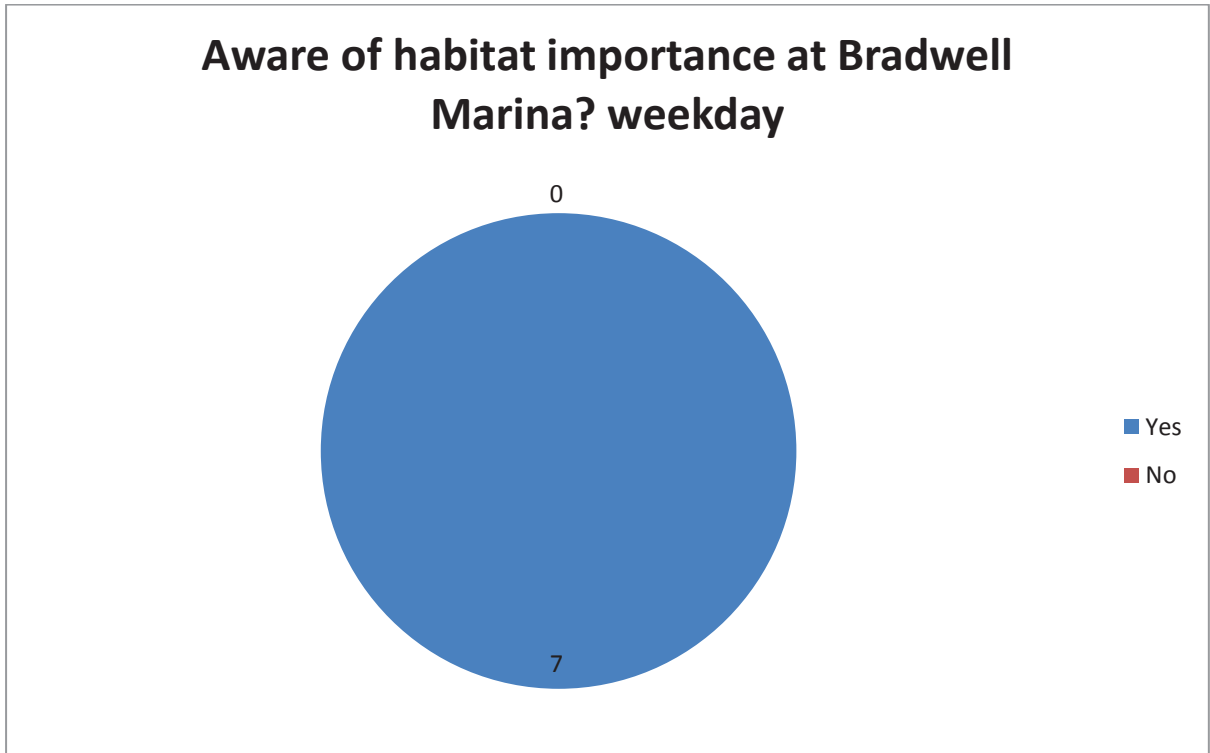
Figures A6.15- A6.16: Graphs showing results for new park design



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

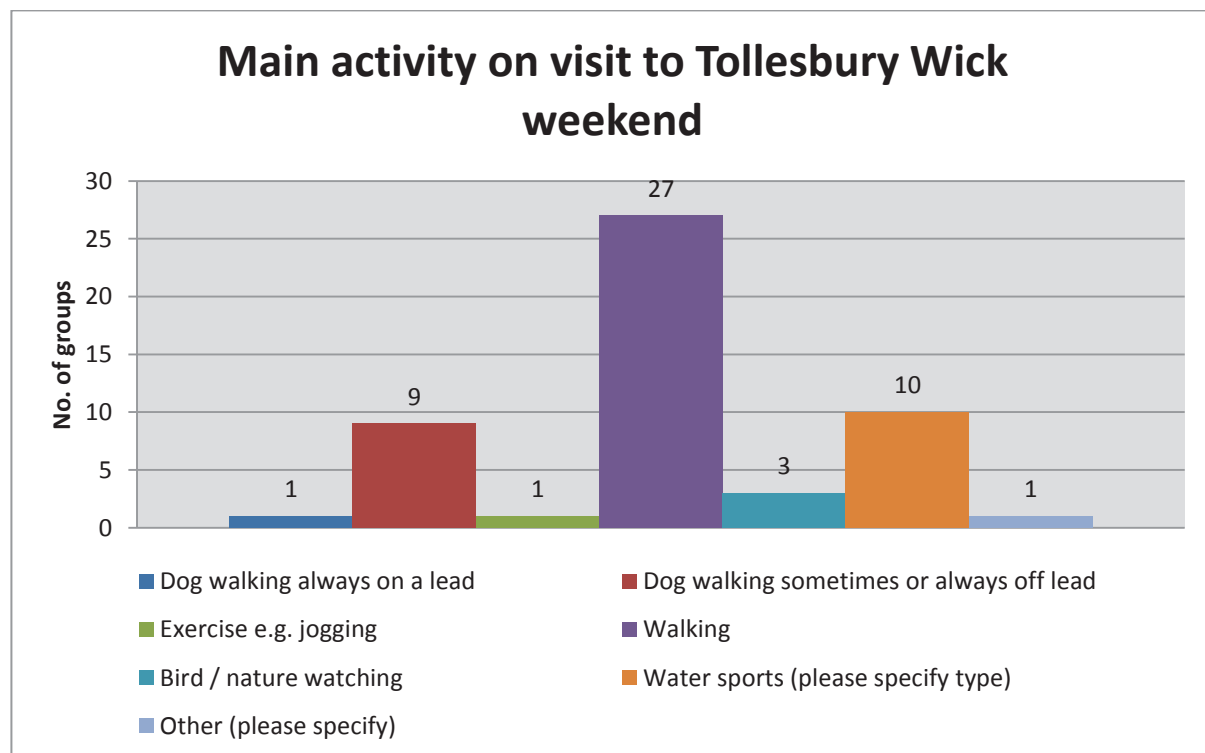
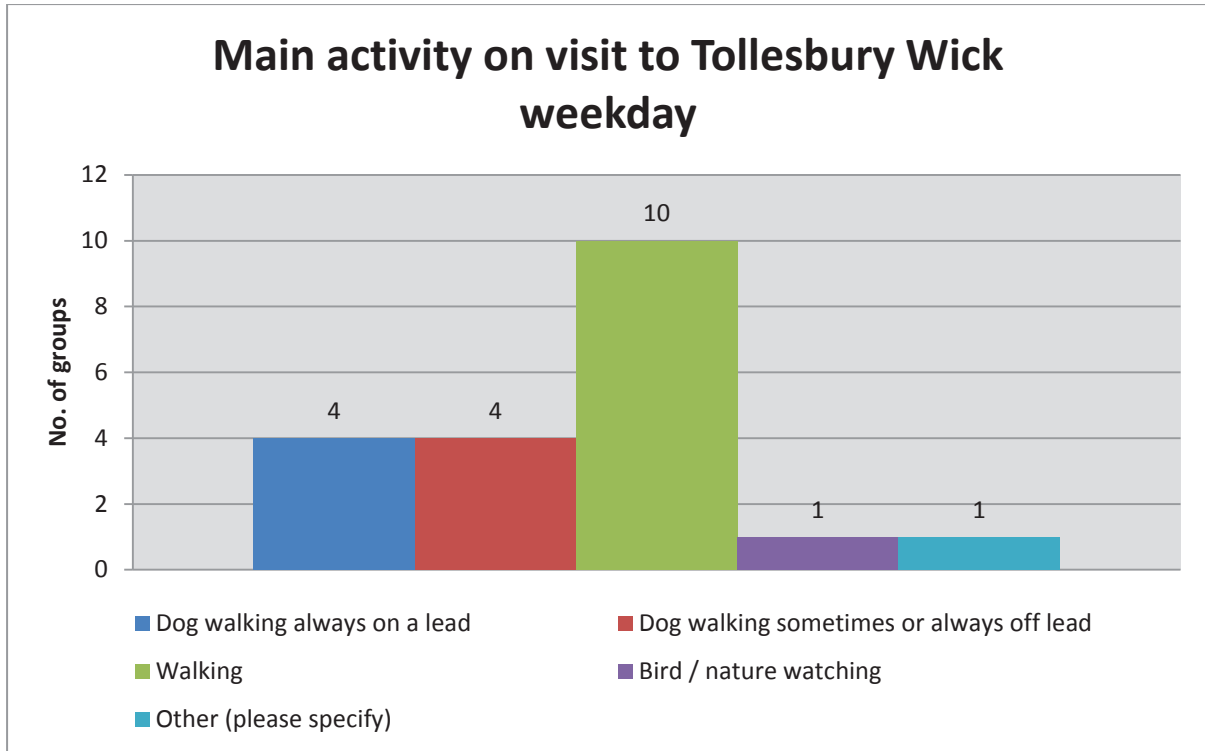


Figures A6.19- A6.20: Graphs showing results for awareness of habitat importance

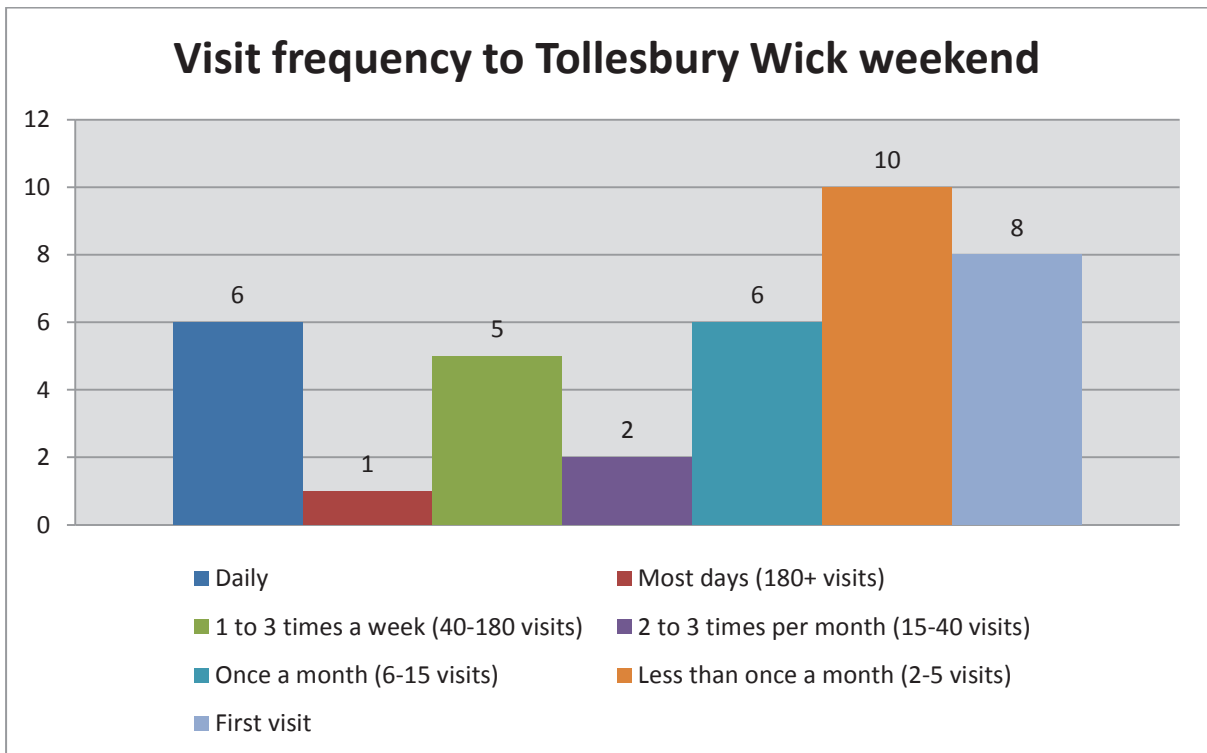
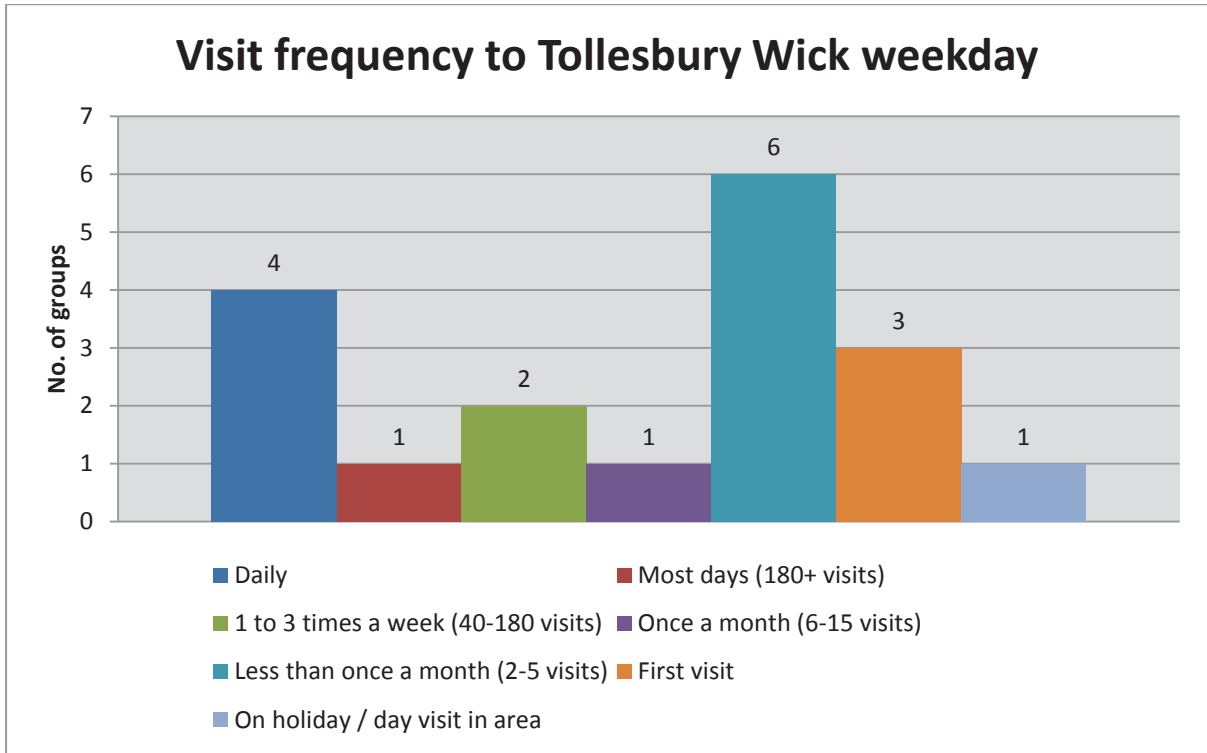


## Tollesbury Wick

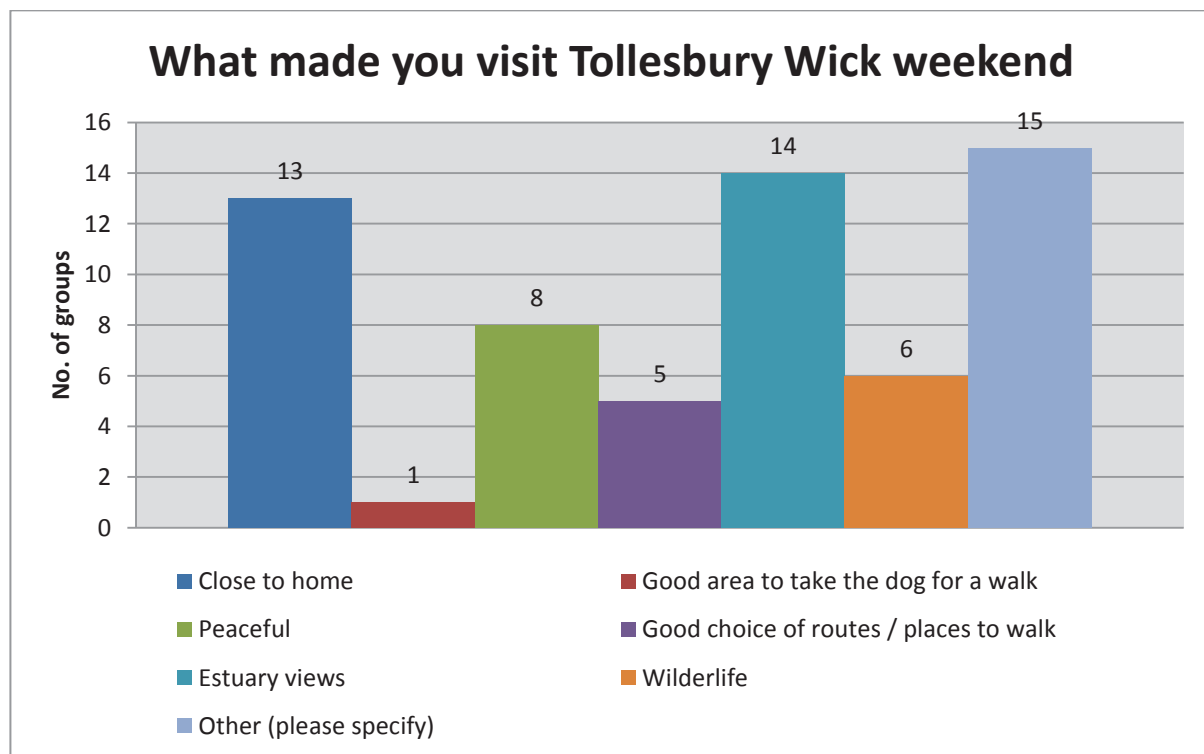
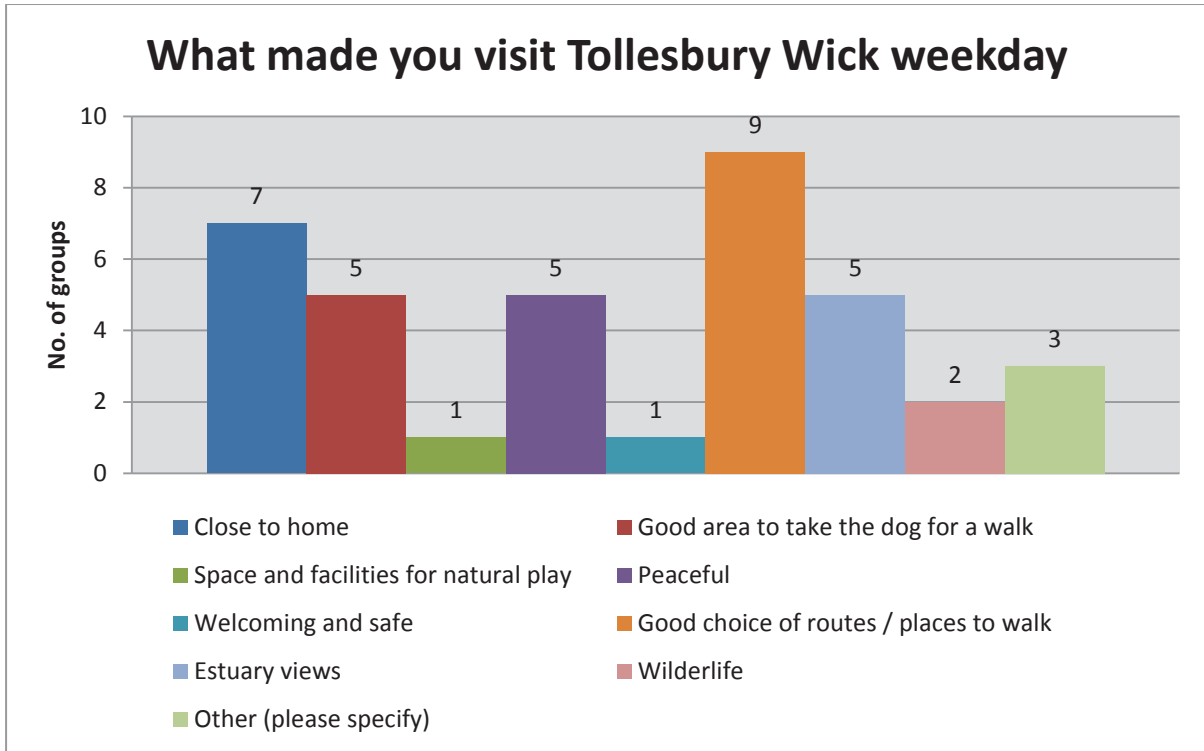
Figures A6.21-A6.22: Graphs showing results for main activity



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

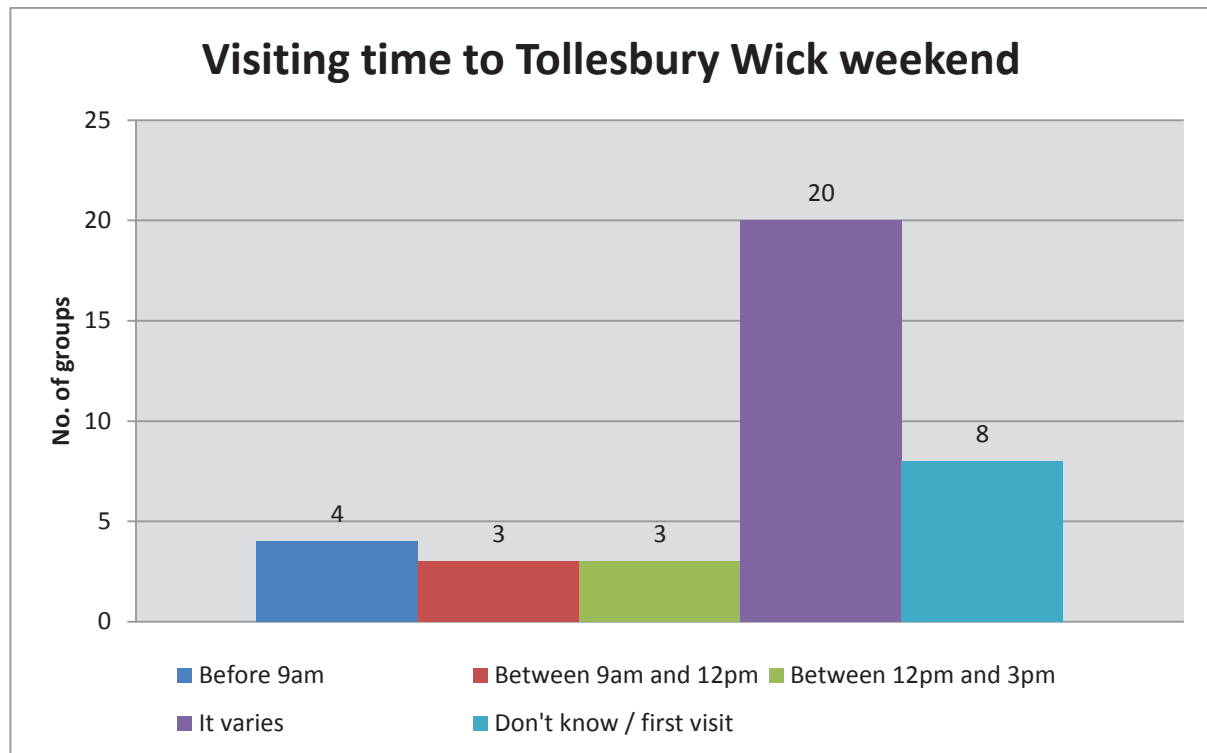
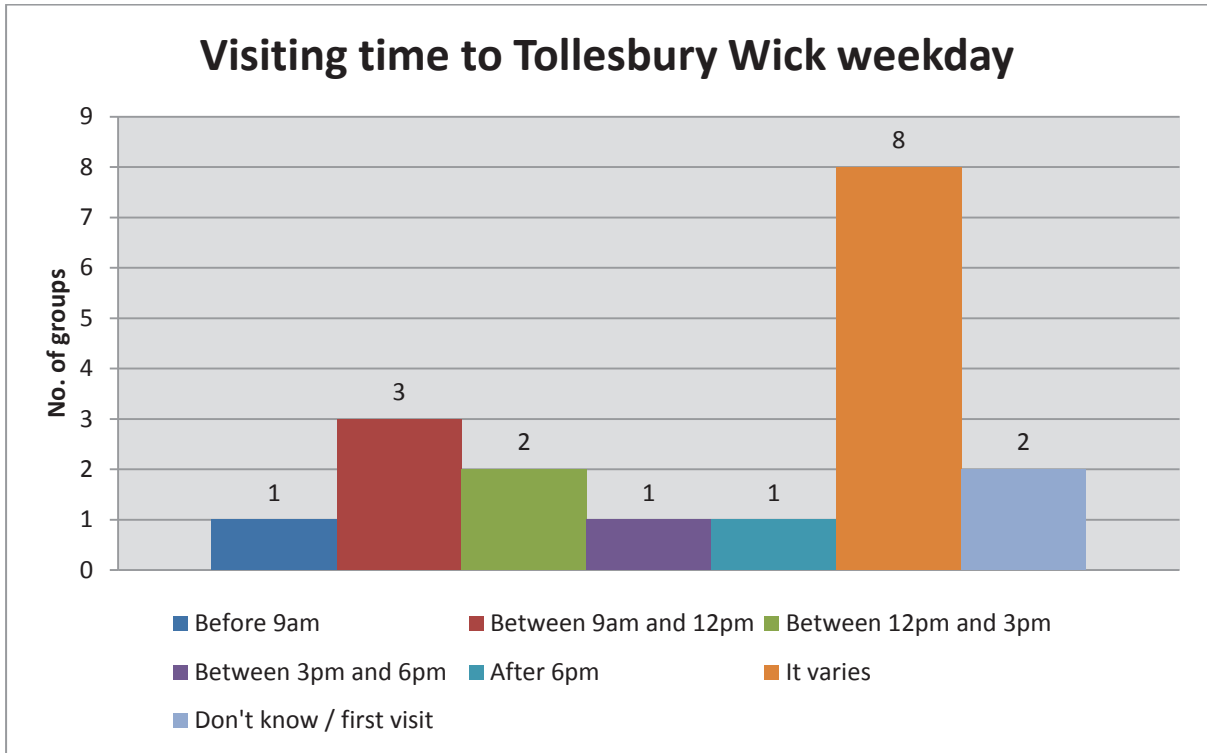


Figures A6.25- A6.26: Graphs showing results for question 'What made you visit?'

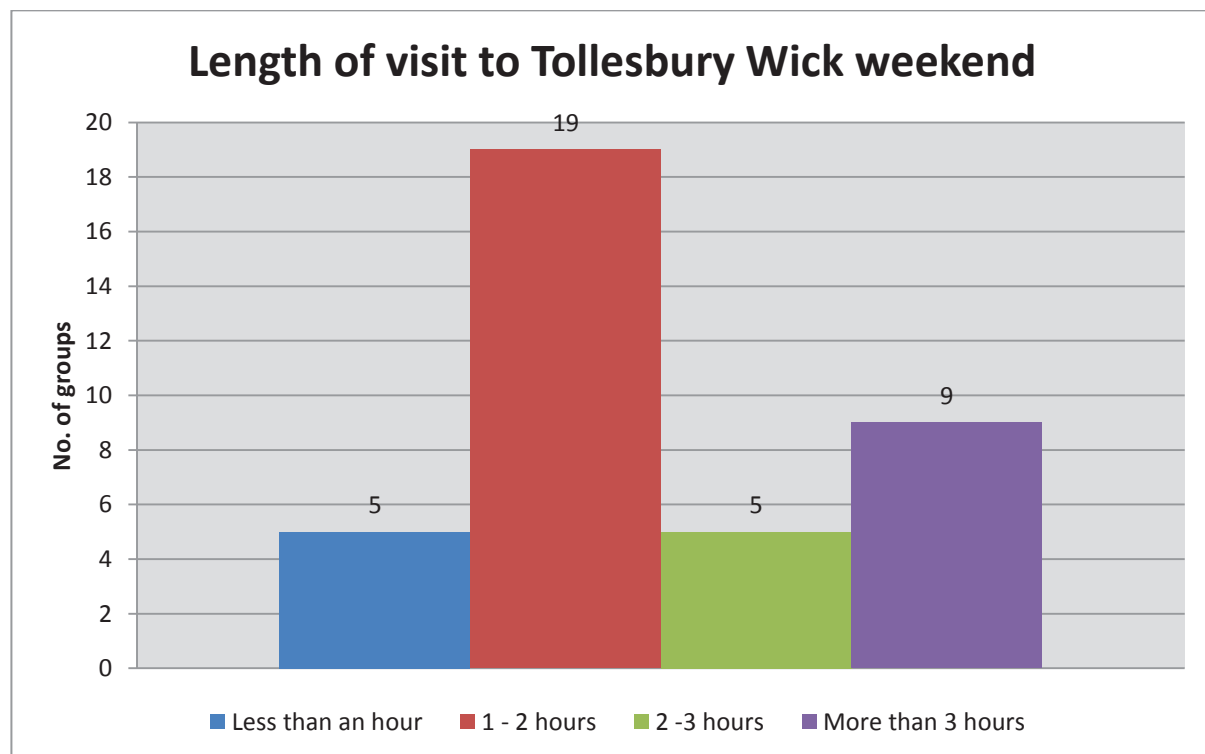
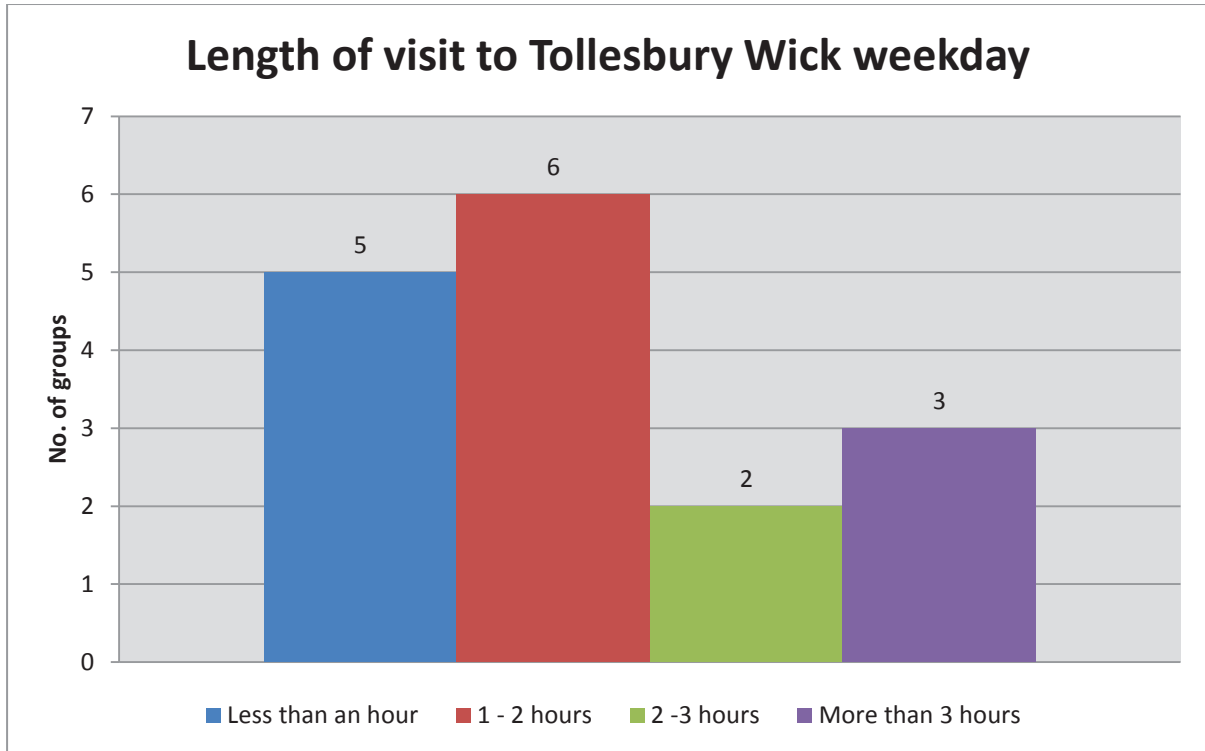




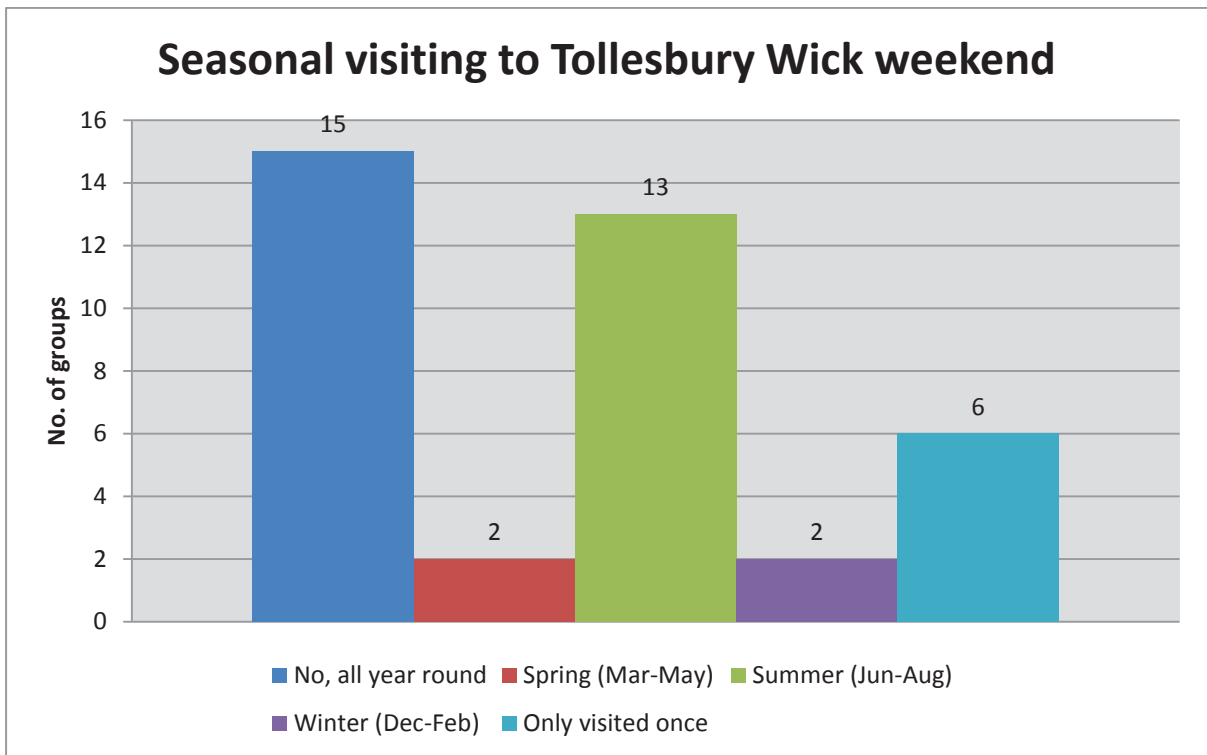
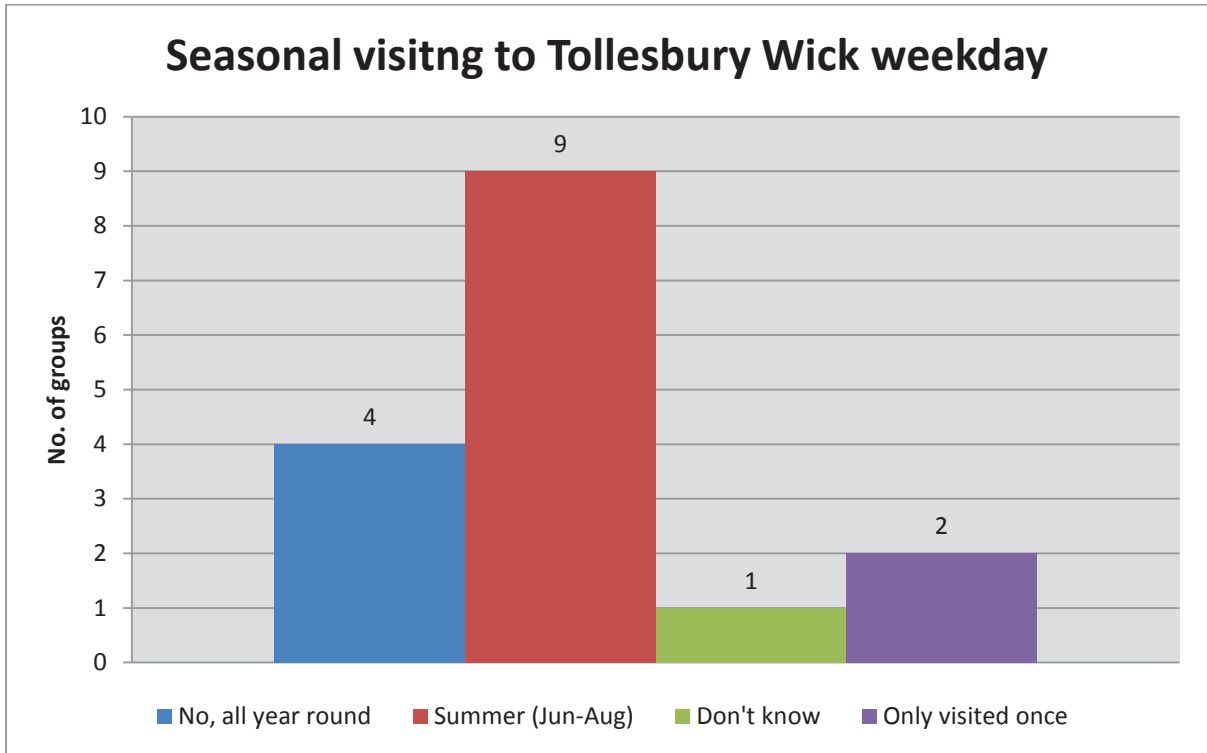
Figures A6.27- A6.28: Graphs showing results for visiting time



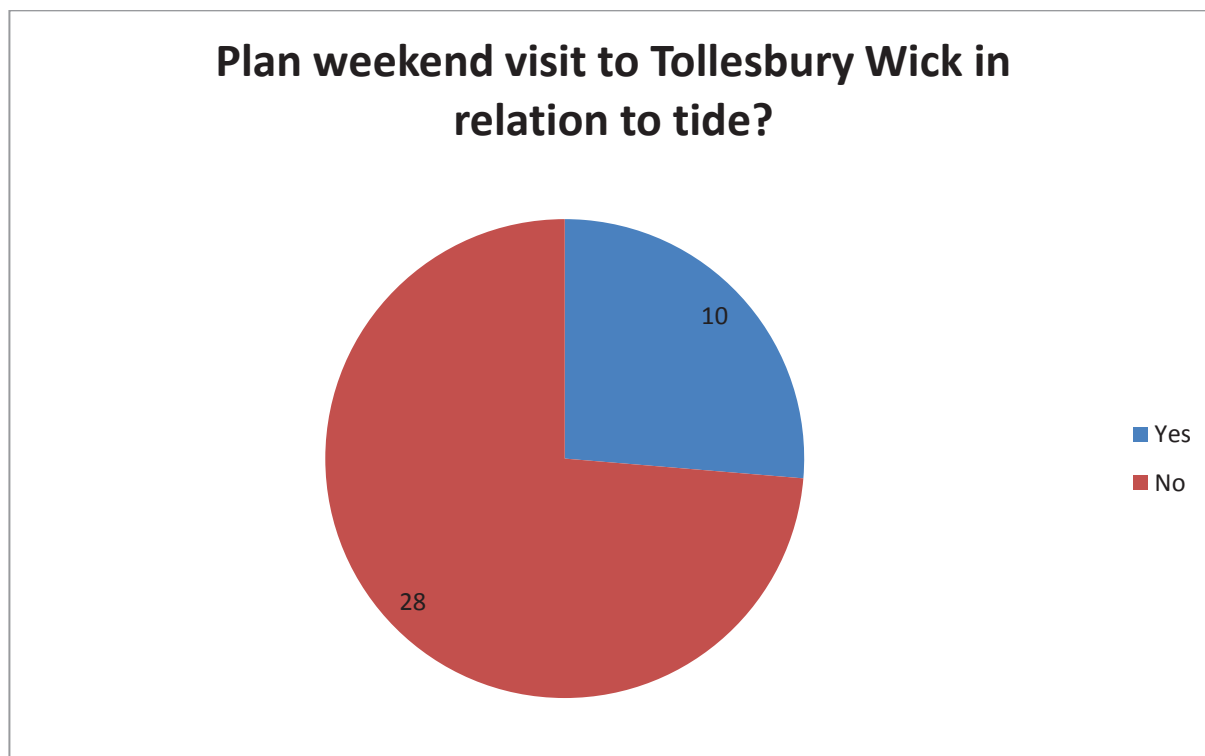
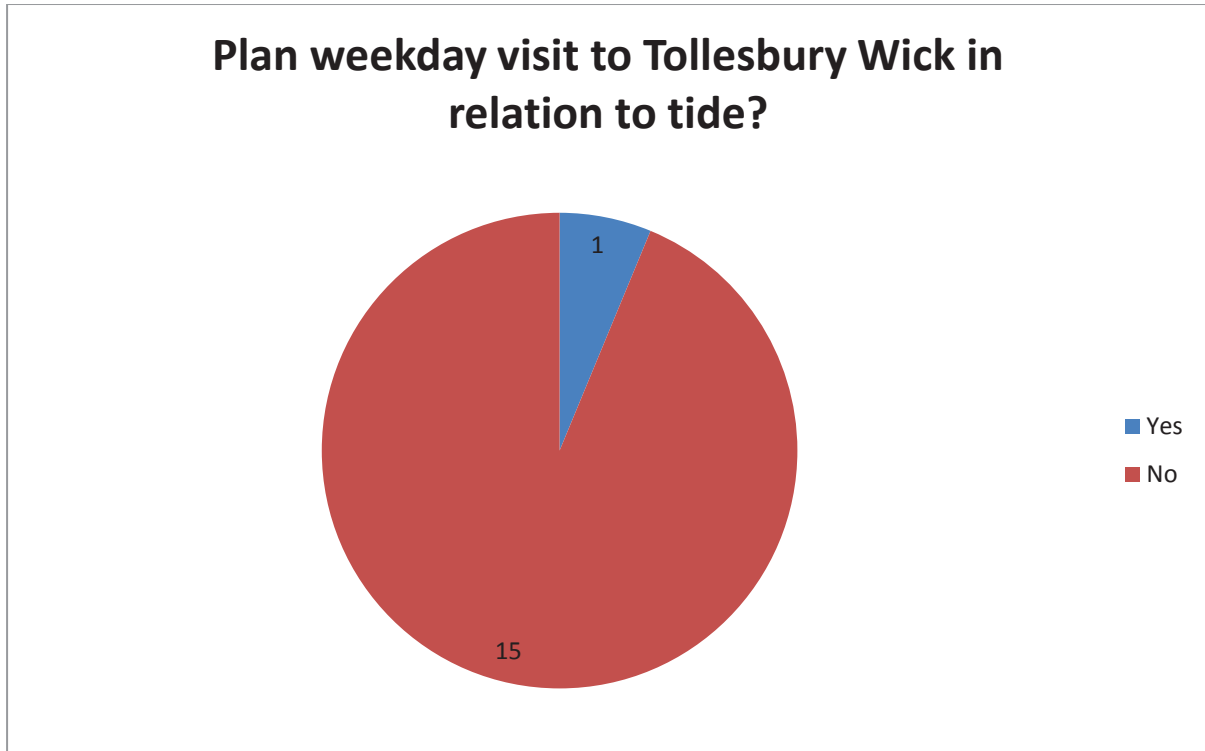
Figures A6.29- A6.30: Graphs showing results for length of visit



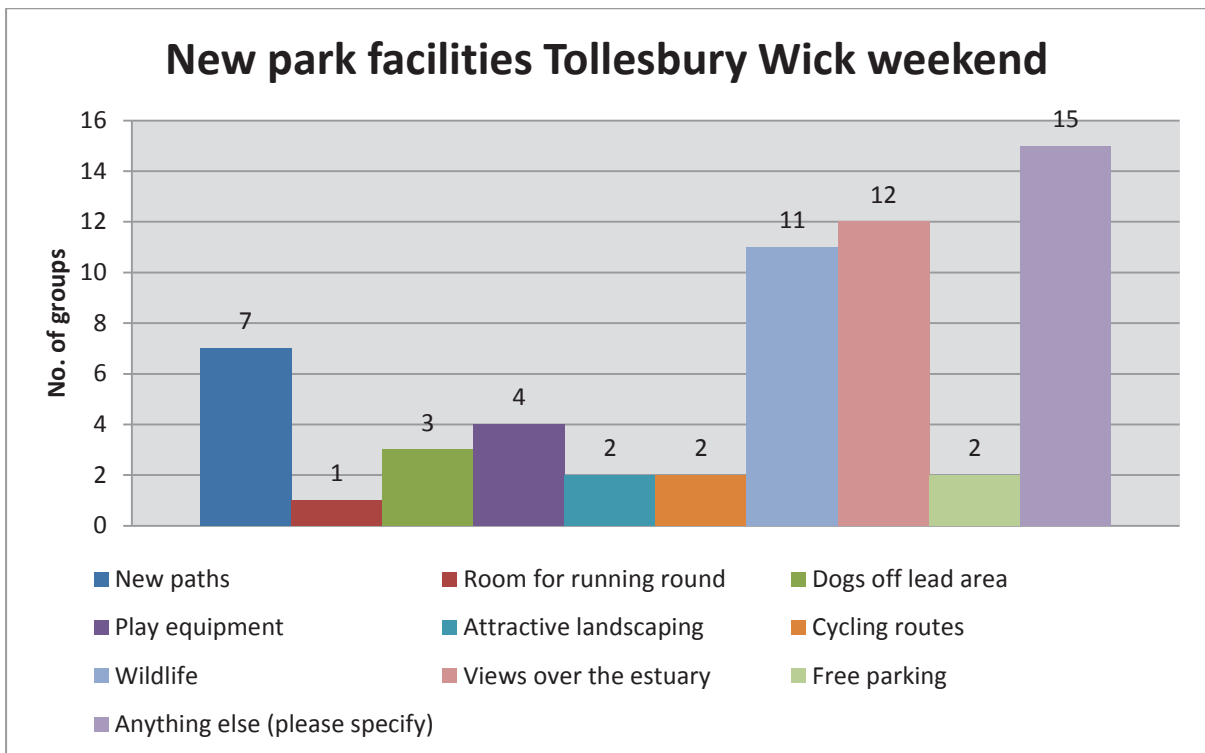
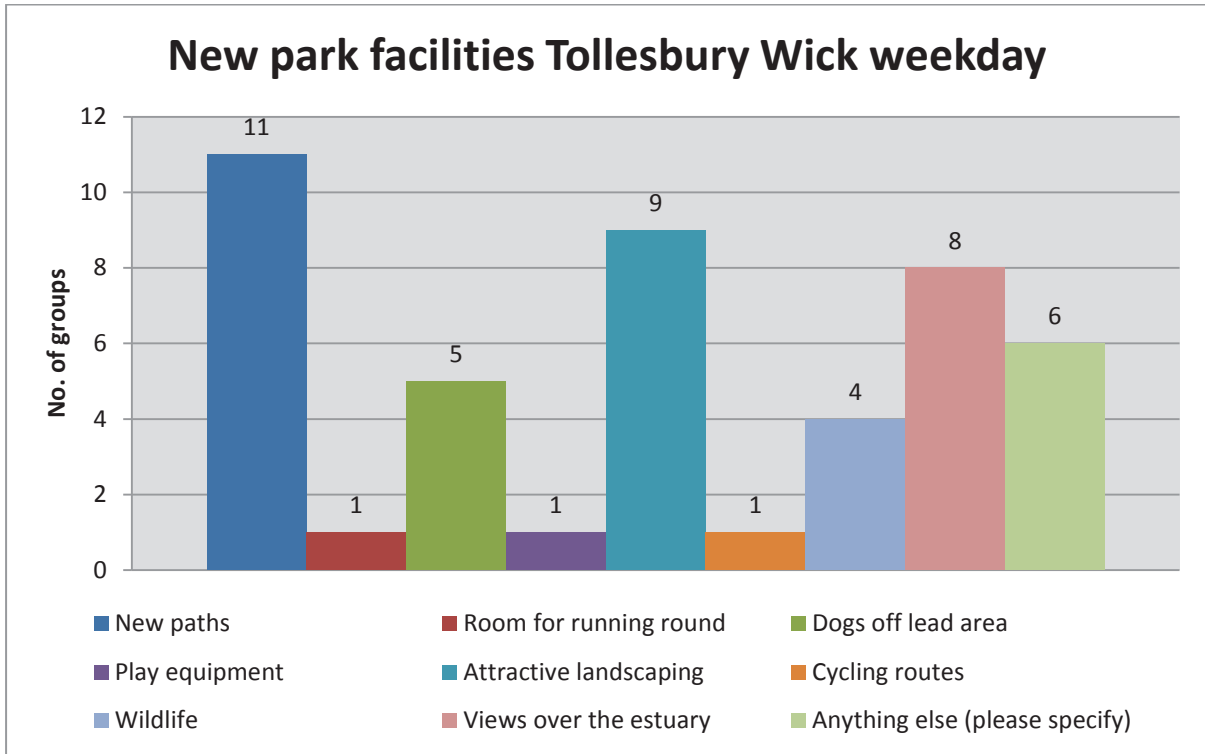
Figures A6.31- A6.32: Graphs showing results for seasonal visiting



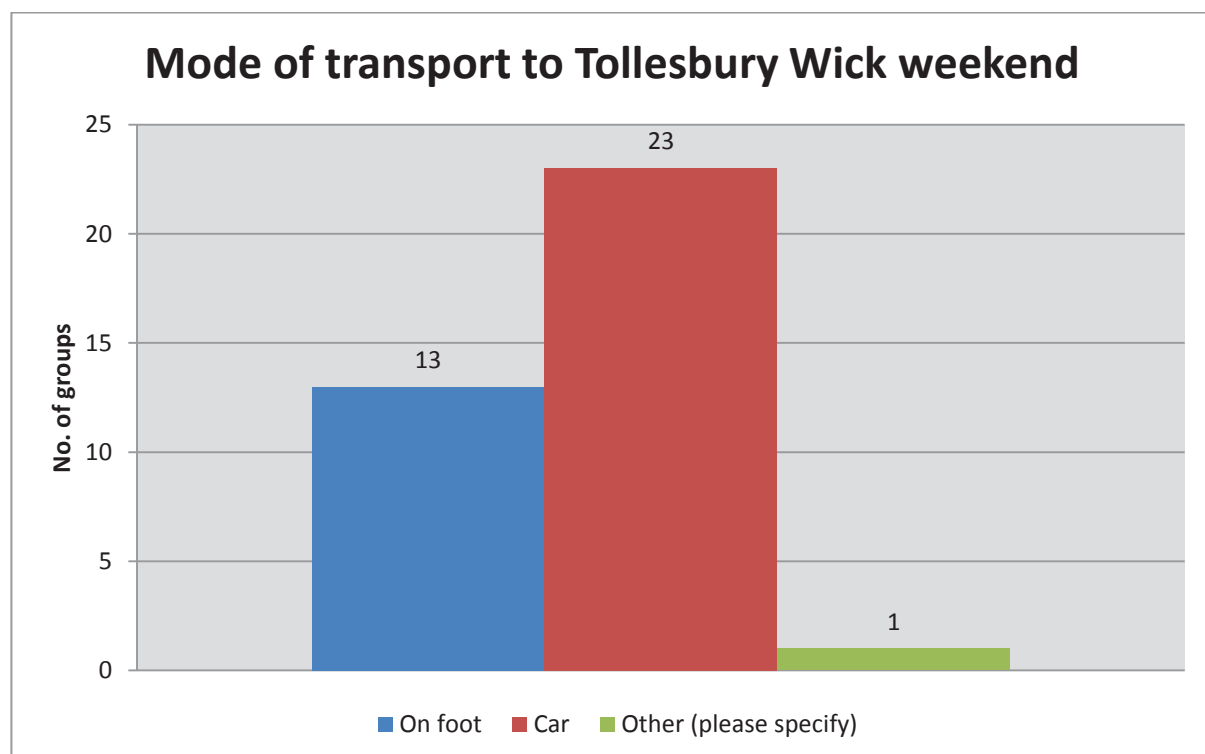
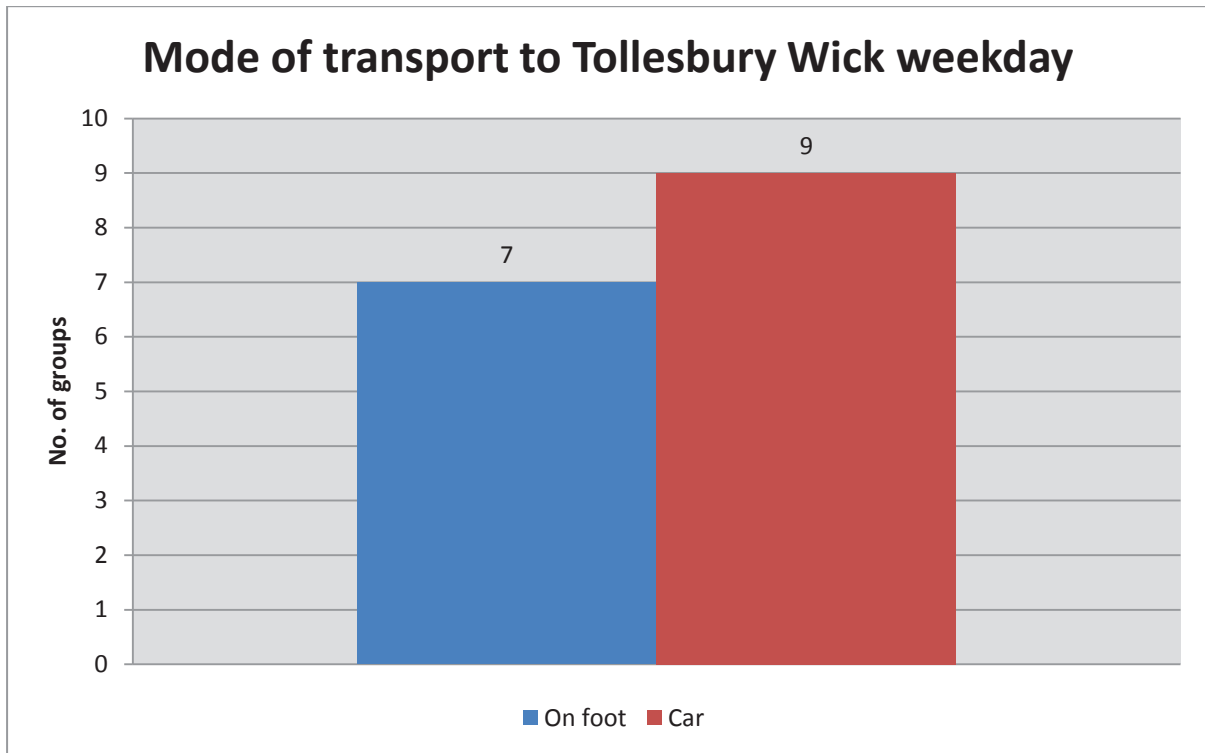
Figures A6.33- A6.34: Graphs showing results to question 'Plan visit in relation to the tide?'



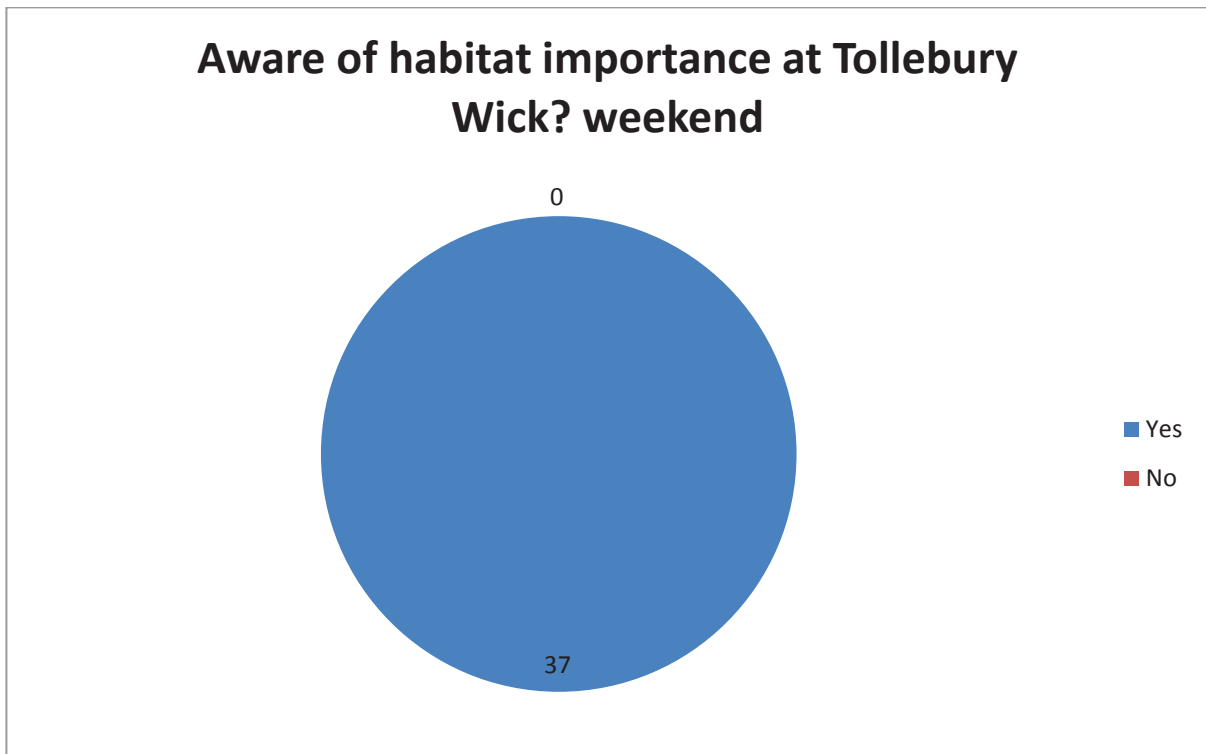
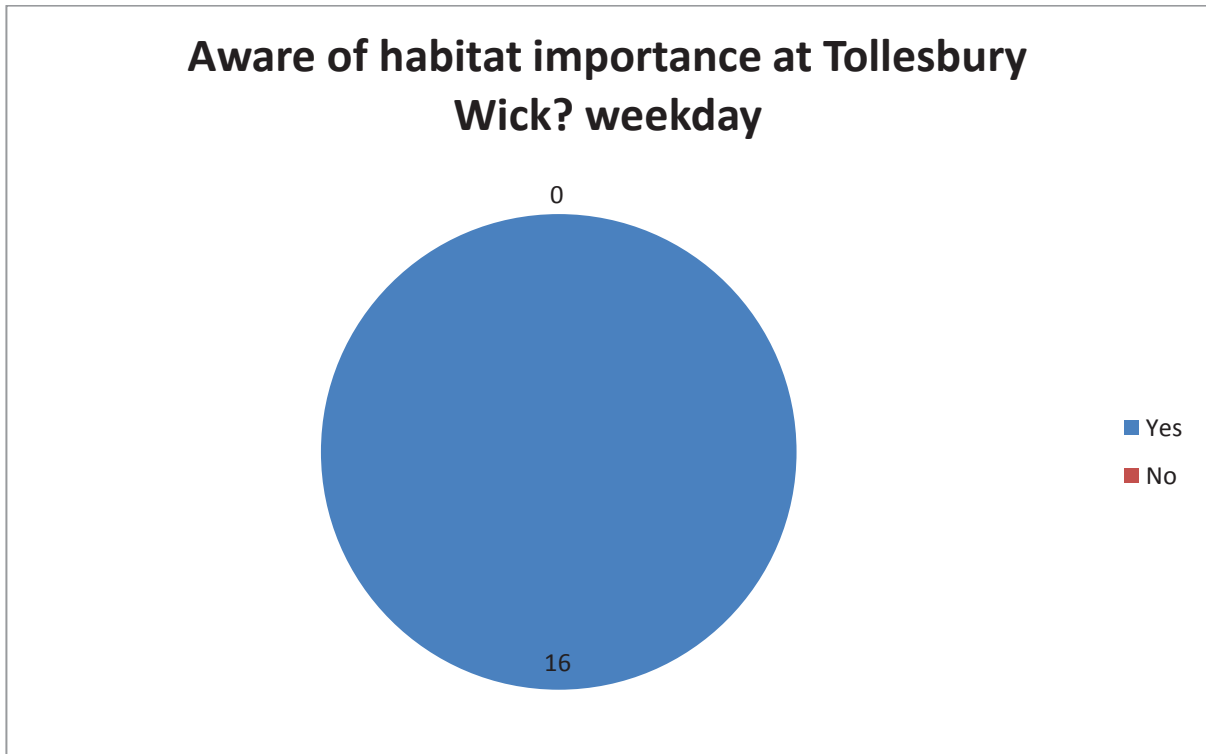
Figures: A6.35- A6.36: Graphs showing results for new park design



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 Estuary
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 Mistle Wills 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

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### 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

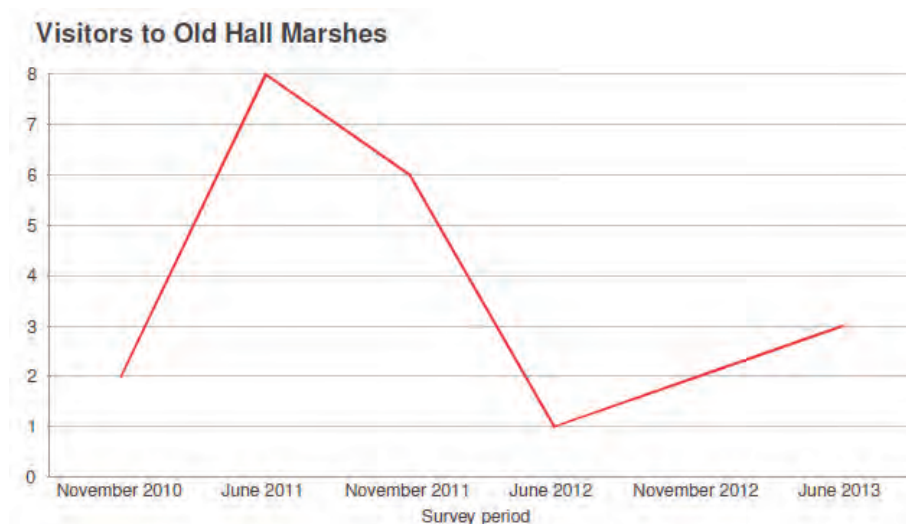
Castle Point Borough Council does not currently have any visitor survey data for the Habitats sites; future surveys to be undertaken will be outlined in section 3.

### 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

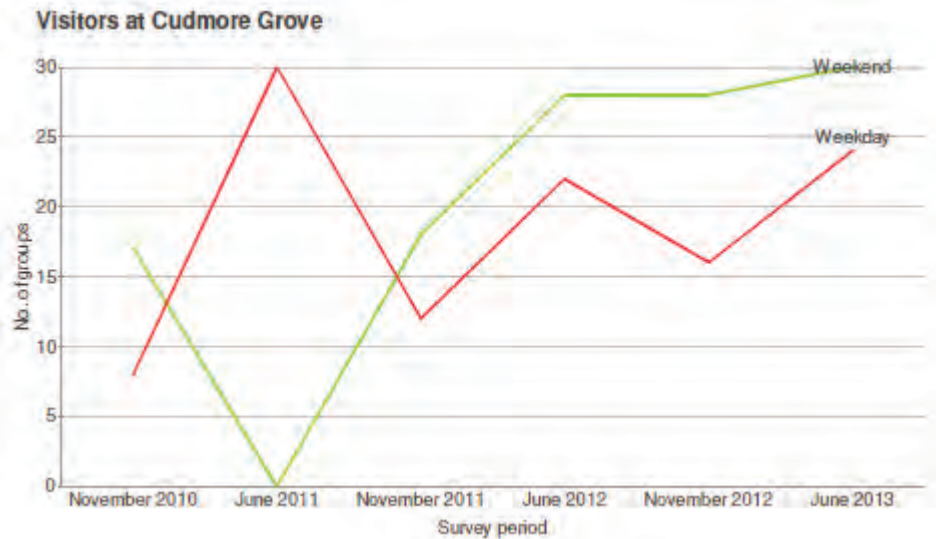
Colchester Borough Council has provided visitor survey data to support North Essex Shared Section 1 Local Plan. Colchester produced a plan level Habitats Regulation Assessment in Spring 2013 for the shared local plan, containing relevant survey data for many of the sites across Essex.



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.



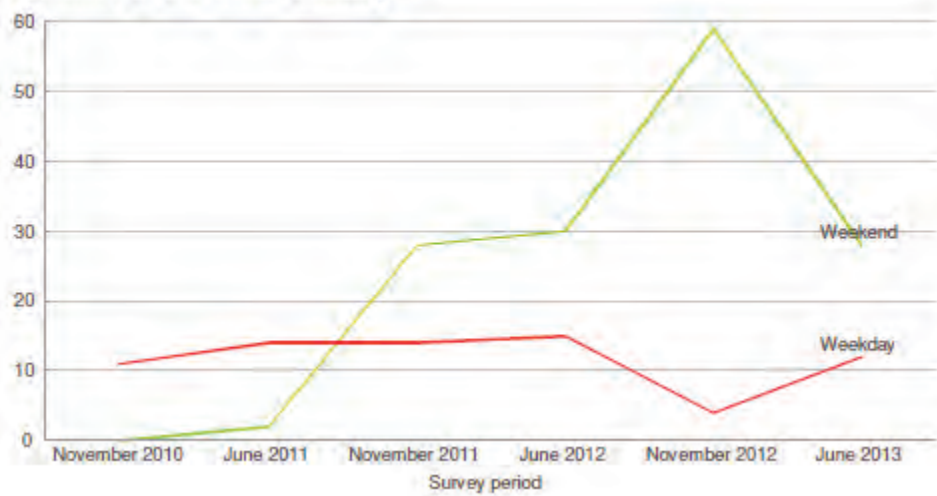
Counts Respondents	Base	Survey period					
		November 2010	June 2011	November 2011	June 2012	November 2012	June 2013
Total	35	6	2	7	4	6	10
SSSI Unit							
Kirby Quay	35	6	2	7	4	6	10

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.

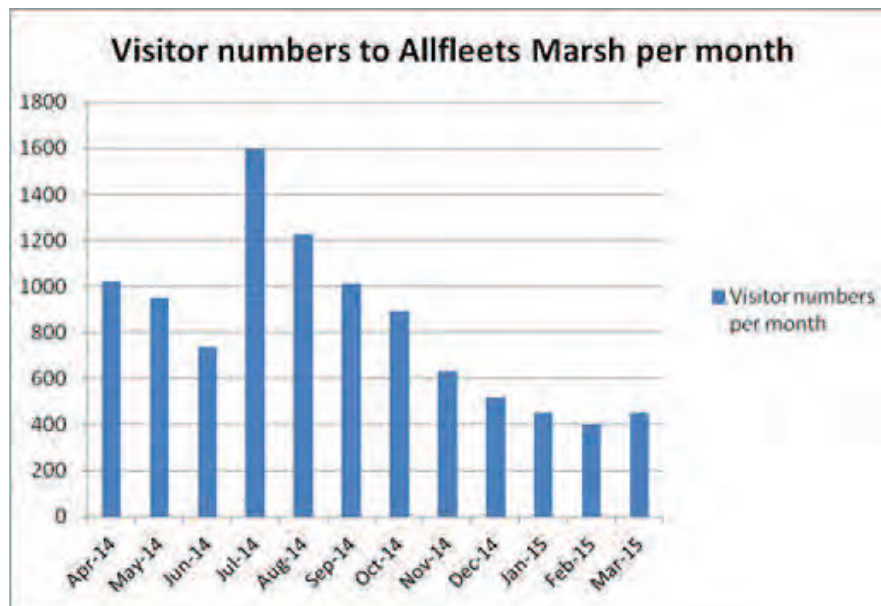
**Table A8.1: Visitor numbers for 2017, including car counter**

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%
<b>Total</b>	<b>236</b>	<b>194</b>	<b>159</b>	<b>260</b>	<b>849</b>	



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**

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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 75<sup>th</sup> 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.

<b>Colne Estuary</b>																
<b>Location</b>	co58ue	co58uw	co58uw	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	
<b>Distance</b>	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	
<b>Location</b>	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	
<b>Distance</b>	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	
<b>Location</b>	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	
<b>Distance</b>	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	
<b>Location</b>	co7	co7	co7	co58tn	co79jh	co79bb	co79nu	co58dz	co79ra	co79fe	co58hl	co79ld	co79tb	co58gg	co58rd	
<b>Distance</b>	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	
<b>Location</b>	co58pr	co78ae	co79qg	co58qh	CO58NA	co20jn	co20ju	co43nb	co12bn	co4	co4	co4	co4	co29dr	co27hw	
<b>Distance</b>	1.6	1.6	1.8	2.3	2.5	4.3	4.6	5.5	5.6	6	6	6	6	6.7	6.7	
<b>Location</b>	co33ea	co33ng	colchester	co1	co1	co1	co33uz	co33qp	co34jg	co30rn	co30hp	co3	co3	co3	co3	
<b>Distance</b>	6.7	7.1	7.3	7.4	7.4	7.4	7.5	7.7	8.6	9.2	9.7	9.7	9.7	9.7	9.7	
<b>Location</b>	co3	co63ef	co5	c05	co5	co5	co5	co5	co5	co5	co5	co5	co611s	co13	co50pn	
<b>Distance</b>	9.7	10.6	11	11	11	11	11	11	11	11	11	11	12.4	12.4	12.5	

<b>nce</b>															
<b>Locati on</b>	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
<b>Dist ance</b>	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
<b>Locati on</b>	n16														
<b>Dist ance</b>	73.9														



Crouch and Roach Estuaries															
<b>Postcode</b>	cm08as	cm08hw	cm08rp	cm08rp	cm08bd	cm08hw	cm08jb	cm08js	cm36dq	cm08as	cm08ha	cm08ll	cm08ja	cm36ls	cm36lu
<b>Distance</b>	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
<b>Postcode</b>	north fambridge	north fambridge	cm36lu	north fambridge	north fambridge	north fambridge	north fambridge	north fambridge	cm08hb	cm08la	cm08jg	cm08jy	cm08hq	cm08la	cm36lt
<b>Distance</b>	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
<b>Postcode</b>	cm08er	cm08ld	cm36lz	cm36lz	cm36lz	cm08sz	cm08dy	cm08dx	cm08dx	cm08ed	cm08hf	cm08ed	cm08es	burnham	burnham
<b>Distance</b>	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
<b>Postcode</b>	burnham	burnham	cm36nf	cm36nf	cm08eh	cm08en	cm08bq	cm08ds	cm08bq	cm08ex	cm08sn	cm08bq	cm08dr	cm08rl	cm08dl
<b>Distance</b>	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
<b>Postcode</b>	cm08dn	cm08bw	cm08tr	cm08dq	cm08tt	cm08tf	cm08dd	cm08tx	cm36dt	cm08db	cm08tw	cm08ql	ss5	cm36je	cm36hp
<b>Distance</b>	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
<b>Postcode</b>	cm36bl	cm36jg	ss69ut	cm07bt	cm36jf	ss118rb	cm07bg	cm36px	cm07rx	cm07ap	cm36tw	cm0	cm0	cm0	cm0
<b>Distance</b>	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
<b>Postcode</b>	cm0	cm0	cm0	cm0	cm0	cm0	cm0	cm0	cm07al	cm38dg	cm07dj	cm07dg	ss68py	cm36ap	ss129ea
<b>Distance</b>	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
<b>Postcode</b>	cm34hp	cm36te	cm07rt	ss95bs	ss9	cm112uh	cm96ad	cm07pa	cm112ld	cm9	billericay	cm28by	cm120hr	cm129pn	ss156jz
<b>Distance</b>	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
<b>Postcode</b>	ss178er	cm40de	cm4	ss178en	cm8	cm3	cm3	cm82xe	cm31rs	rm162tj	rm176dn	rm113nn	cm79ll	se167dr	n41ay
<b>Distance</b>	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
<b>Postcode</b>	gu27jw	ireland													
<b>Distance</b>	108	501.8													

## Dengie

<b>Postcode</b>	orthona	orthorna	cm07pp	cm07pp	cm07qh	cm07px	cm07q	cm07q	cm07px	batedudley	bradwell	bradwell	bradwell	tillingham
<b>Distance</b>	0.1	0.1	1.6	1.6	1.9	2	2	2	2	2.1	3.3	3.3	3.3	3.6
<b>Postcode</b>	tillingham	cm07hs	tillingham	cm07tw	asdeldhamcentre	cm07gr	cm07np	burnham	burnham	burnham	burnham	southminster	southminster	
<b>Distance</b>	3.6	3.7	3.9	4	5	5.5	5.8	7	7	7	7	7.1	7.1	
<b>Postcode</b>	southminster	southminster	southminster	cm0	cm0	cm0	steeple	mayland	althorne	cm36et	maylandsea	heybridge	cm9	
<b>Distance</b>	7.1	7.1	7.1	7.2	7.2	7.2	9	11	11	11.8	12	14	14.3	
<b>Postcode</b>	cm9	latchington	maldon	maldon	colchester	ss12ey	southend	coldnorton	hockley	cm8	ss9	southwoodhamferrers	cm7	
<b>Distance</b>	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	



<b>Postcode</b>	cm16nn	wickford	wickford	cm1	chelmsford	cm77	cm13ea	ss177nr	cm31ln	shenfield	ct13	ilford	ip139hn
<b>Distance</b>	27.1	27.3	27.3	29.1	30	30	32.1	33.6	34.3	41	48.5	58.6	59.3
<b>Postcode</b>	london	london	ip199lp	ha4	hp5	ng237nj	cirencester	de222g	cornwall				
<b>Distance</b>	73.6	73.6	77.5	92.1	104.2	192.7	200	211.1	415				

### Benfleet and Southend Marshes

<b>Postcode</b>	ss12yt	ss91ea	ss08jj	ss07rl	chalkwell	chalkwell	chalkwell	ss91ed	chalkwell	chalkwell	westcliff	westcliff
<b>Distance</b>	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2
<b>Postcode</b>	ss08ht	westcliff	ss91dr	ss92dj	ss91as	ss92dg	ss08pu	ss91hb	westcliff	westcliff	westcliff	ss91as
<b>Distance</b>	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2



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



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

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



<b>Postcode</b>	ss14	ss14 2bd	ss154a h	ss178 nr	ramsde n heath	east tilbury	east tilbury	orsett	orsett	cm120 nb	cm3 6ql	rm175rp
<b>Distance</b>	8.8	9.1	11.8	12.3	12.8	12.9	12.9	14.7	14.7	15.6	16.3	18.3
<b>Postcode</b>	grays	cm4 0ad	brentwo od	CM2	cm13bj	upminst er	upminst er	upminst er	chelmsf ord	chelms ford	hornchu rch	hornchur ch
<b>Distance</b>	18.7	19.9	20.7	22.2	22.6	22.8	22.8	22.8	23	23	24.9	24.9
<b>Postcode</b>	rm30ww	rm2 5bu	dartford	romfor d	romford	east london	cm73dp	cm7 9ax	cm19 4eh	n8	north london	north london
<b>Distance</b>	25.1	26.7	27	27.9	27.9	36.1	37.8	38.6	42.5	47.5	47.7	47.7
<b>Postcode</b>	N1	london	west london	cambri dge	gu12 6rb	buckimg ham	norfolk	sheffiel d	ng60ar	devon	yorkshir e	glasgow
<b>Distance</b>	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

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

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

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### 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**

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### 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 woned by MOD	Rangers and education	Add a warden for these areas and get them to engage with local boat clubs and liaise with the Harbour Master and River Police.

## 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**

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### 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**

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### 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

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### 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

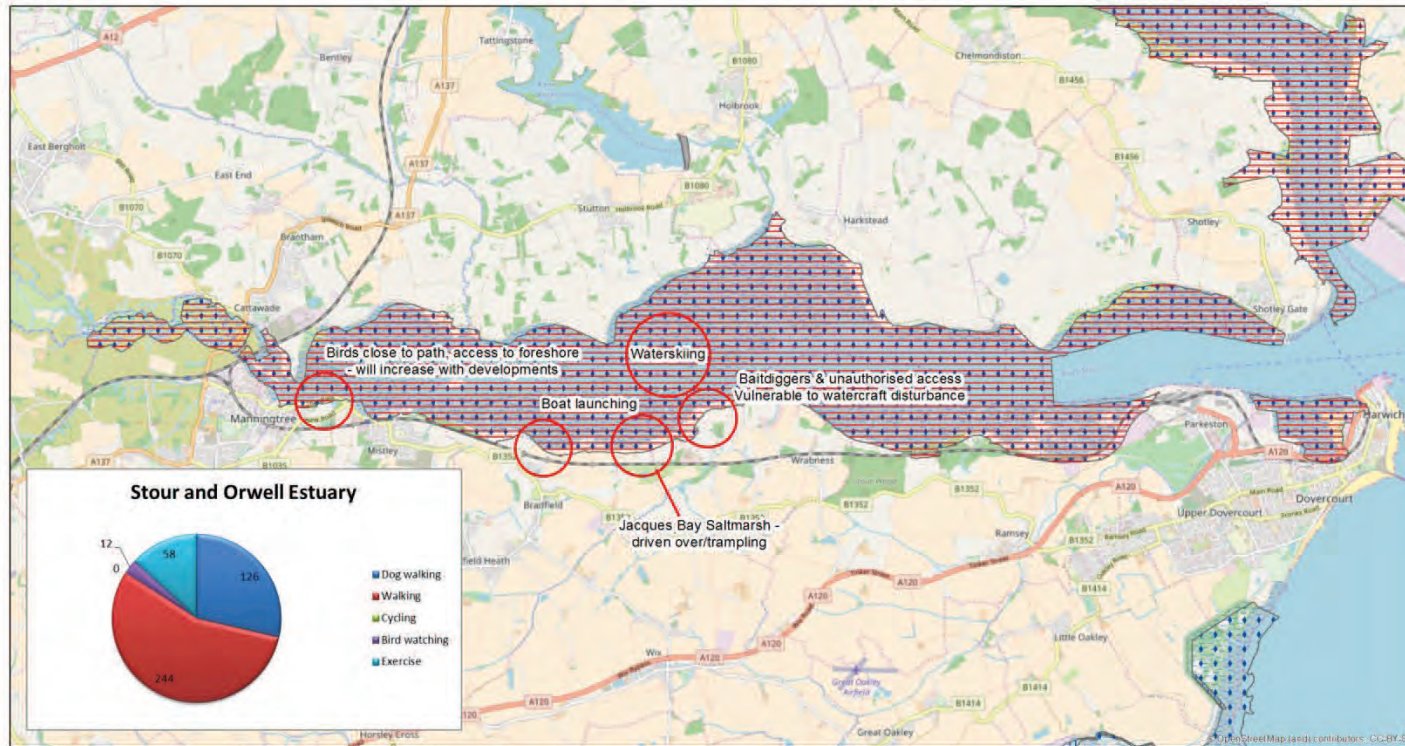
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### General Mitigation




- 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.

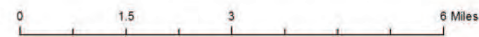
**Appendix 11: Annotated maps of Habitats sites showing recreational disturbance types and locations**

Stour Estuary SPA and RAMSAR

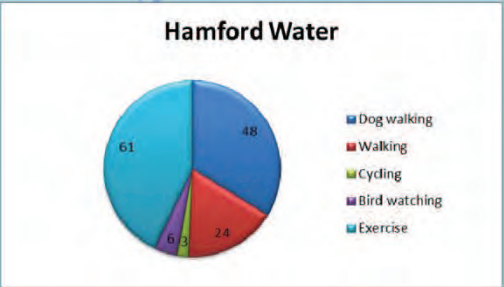
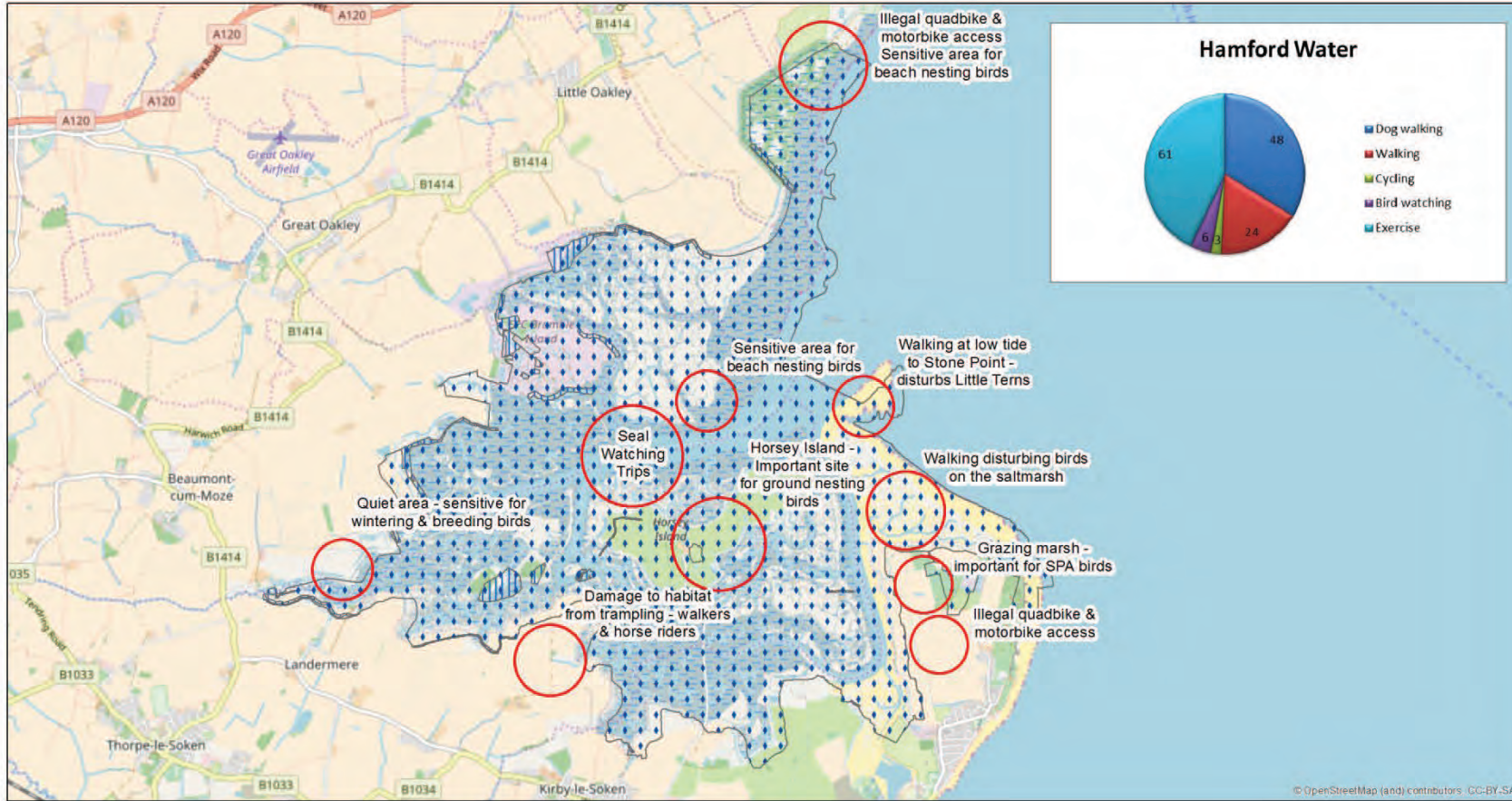


**Legend**




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

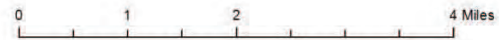


# Hamford Water SPA and RAMSAR



## Legend

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





# Colne Estuary SPA and RAMSAR



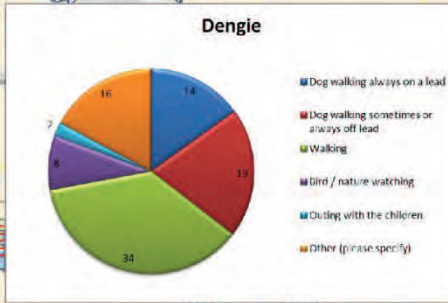
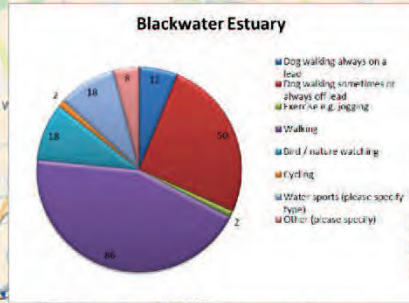
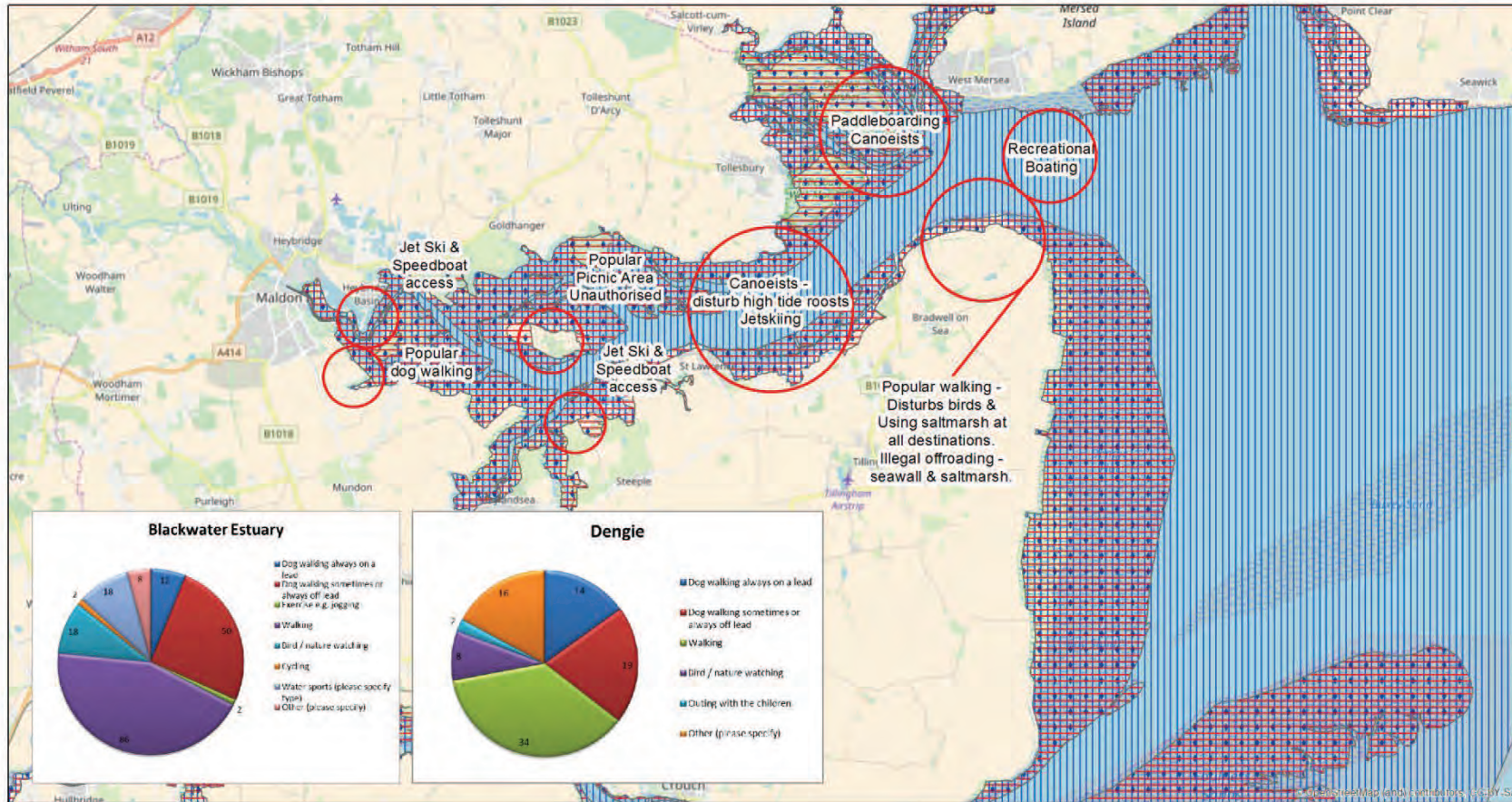
**Legend**

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

Paramotors fly low over entire estuary



# Blackwater Estuary and Dengie SPA and RAMSAR

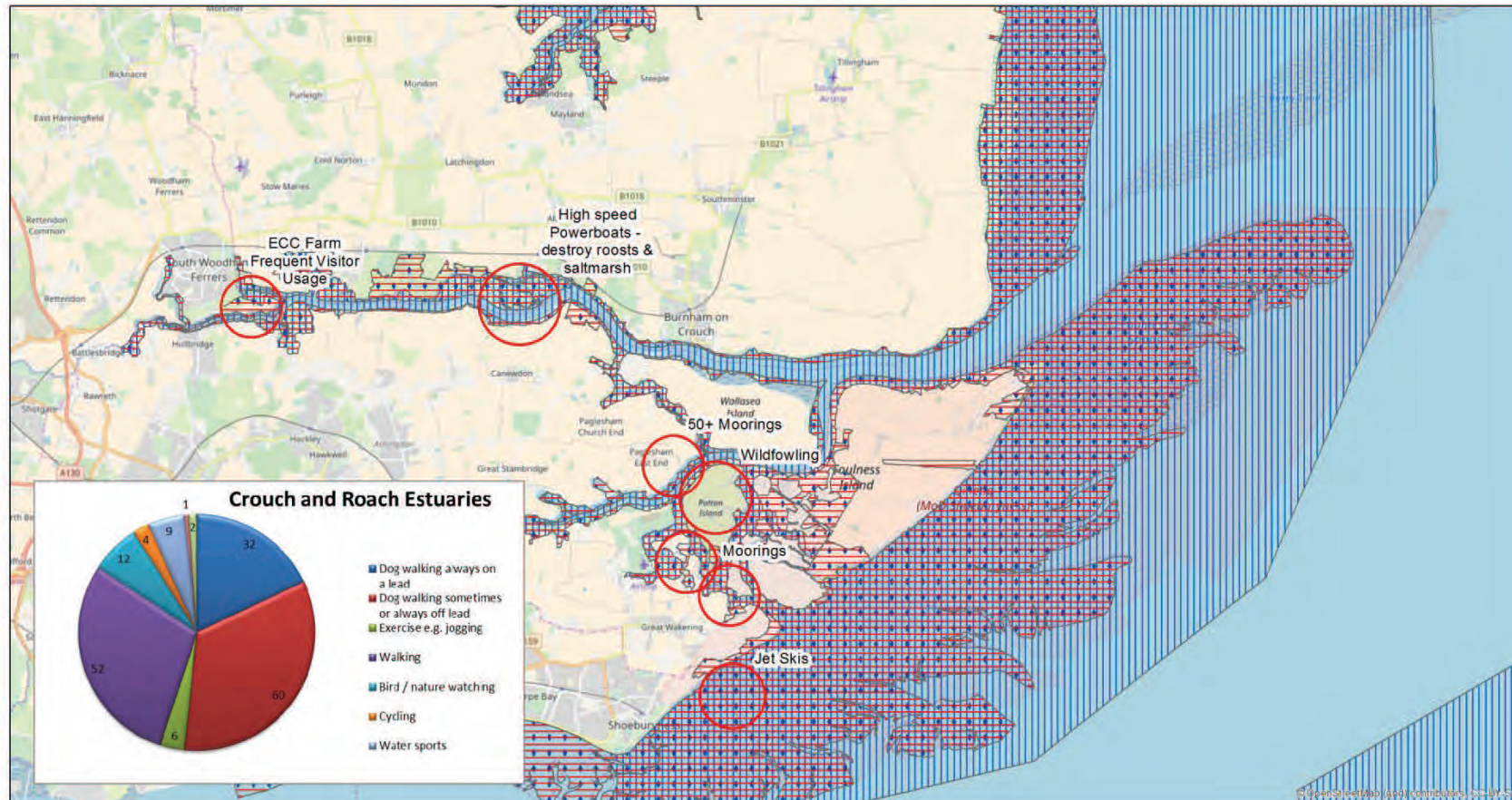


## Legend

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



### Crouch and Roach Estuaries & Foulness Estuary SPA and RAMSAR

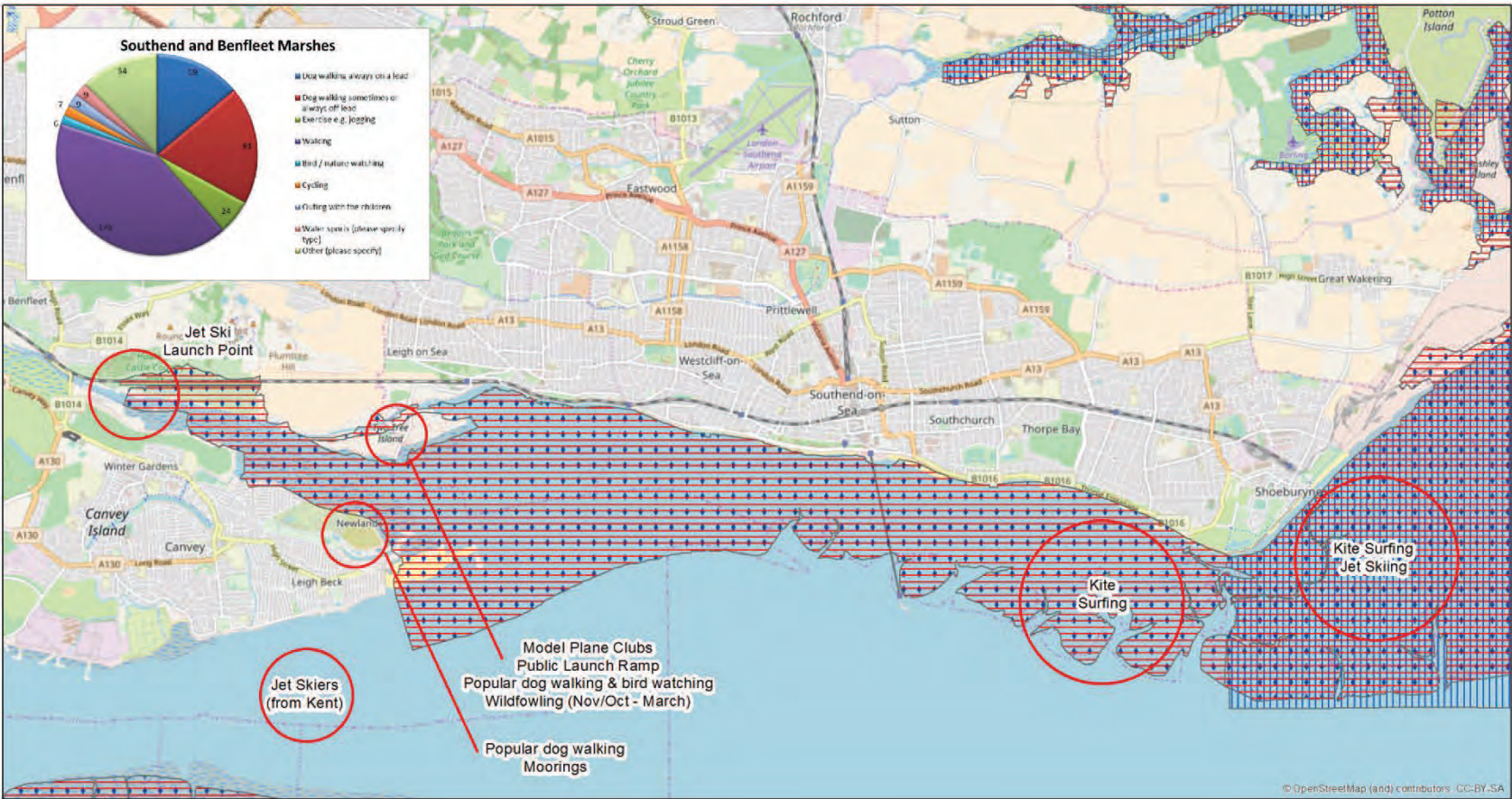


**Legend**

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

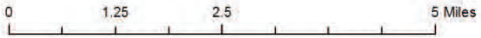


# Benfleet and Southend Marshes SPA and RAMSAR

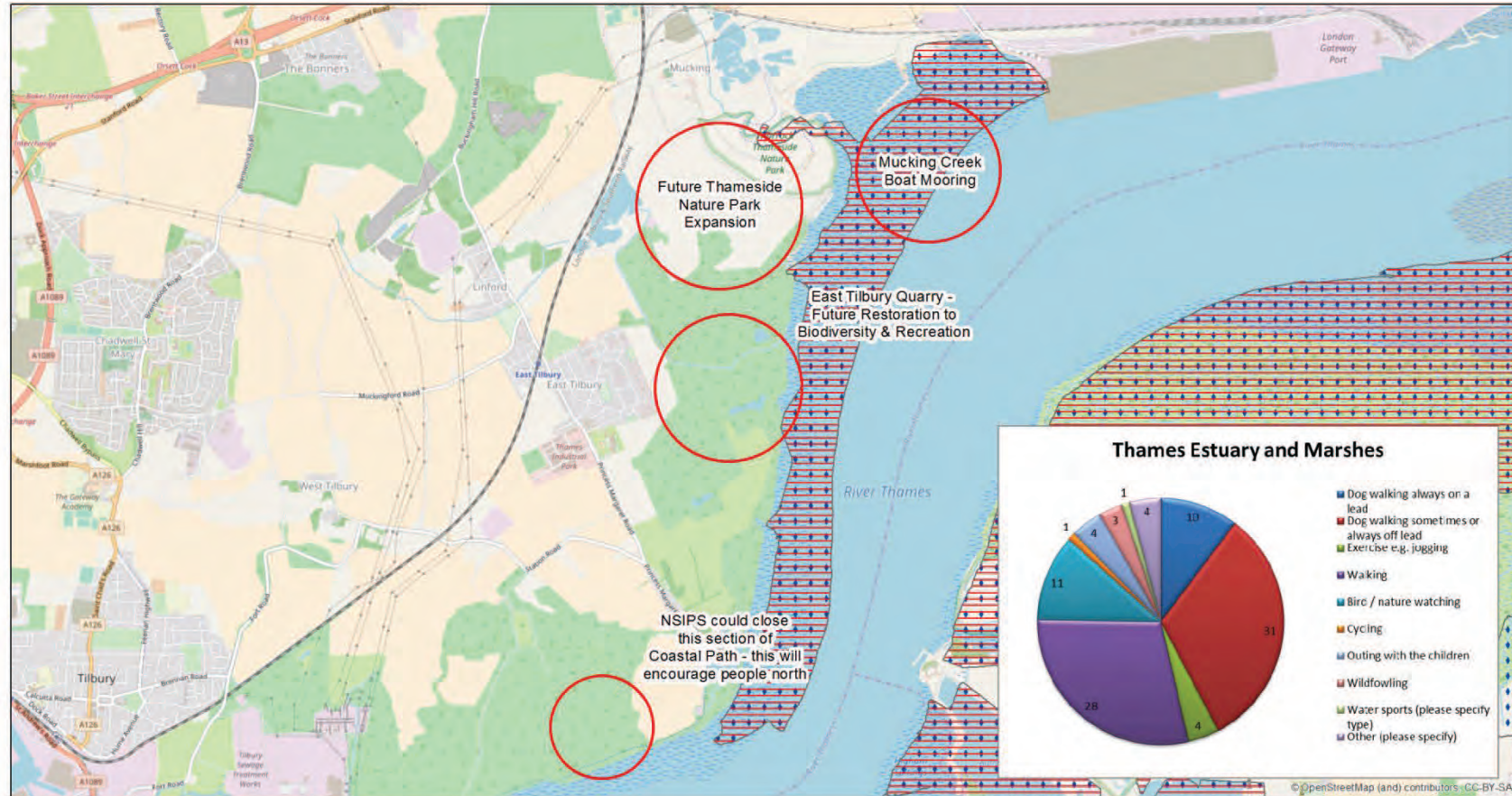


## Legend

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

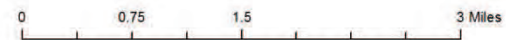


# Thames Estuary and Marshes SPA and RAMSAR



**Legend**

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



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# Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

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## Draft Supplementary Planning Document (SPD) May 2020

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### 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 website<sup>1</sup>.

## 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.

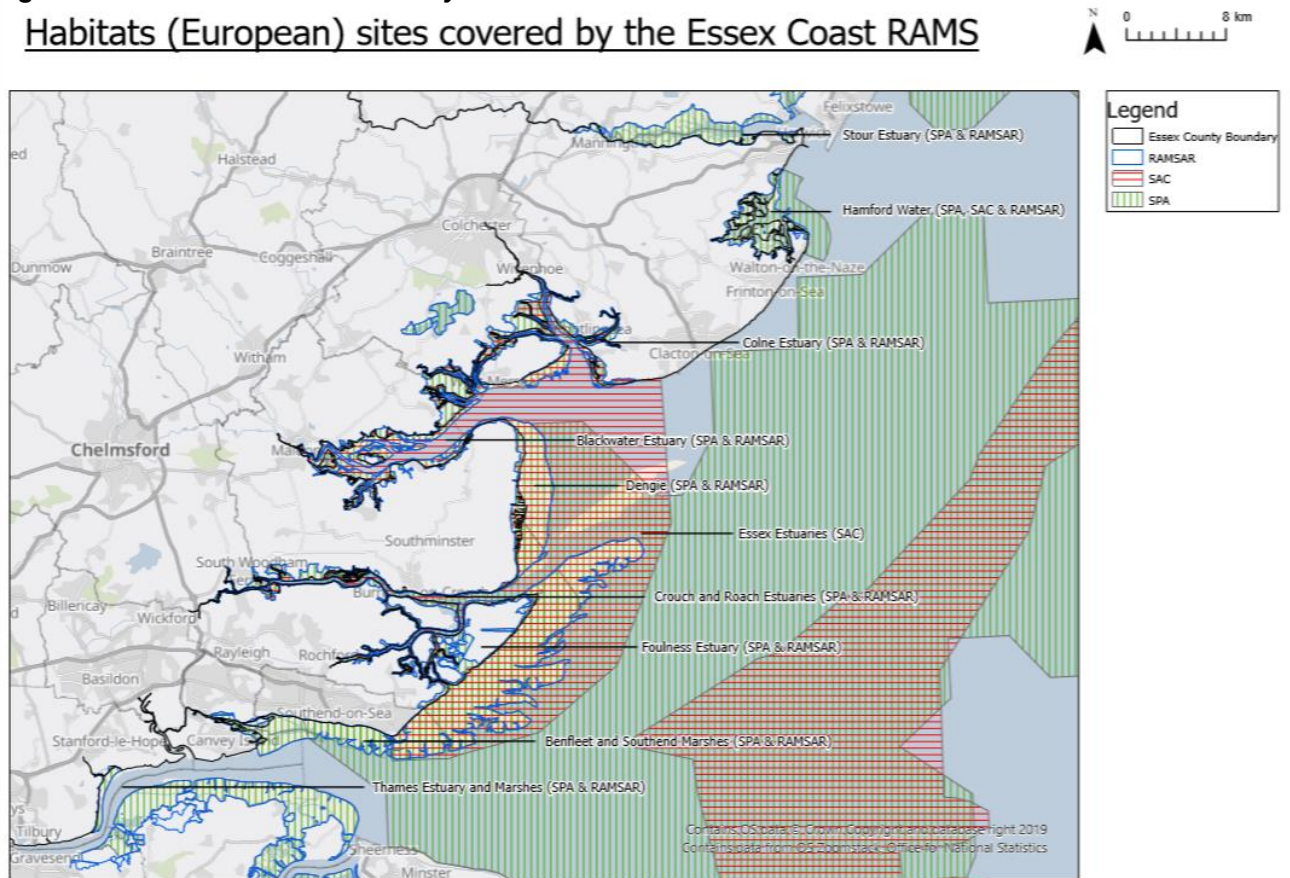
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<sup>1</sup> Bird Aware Essex Coast: <https://essexcoast.birdaware.org/home>

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 England<sup>2</sup> 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.

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<sup>2</sup> 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’<sup>3</sup>. 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.

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<sup>3</sup> ‘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**

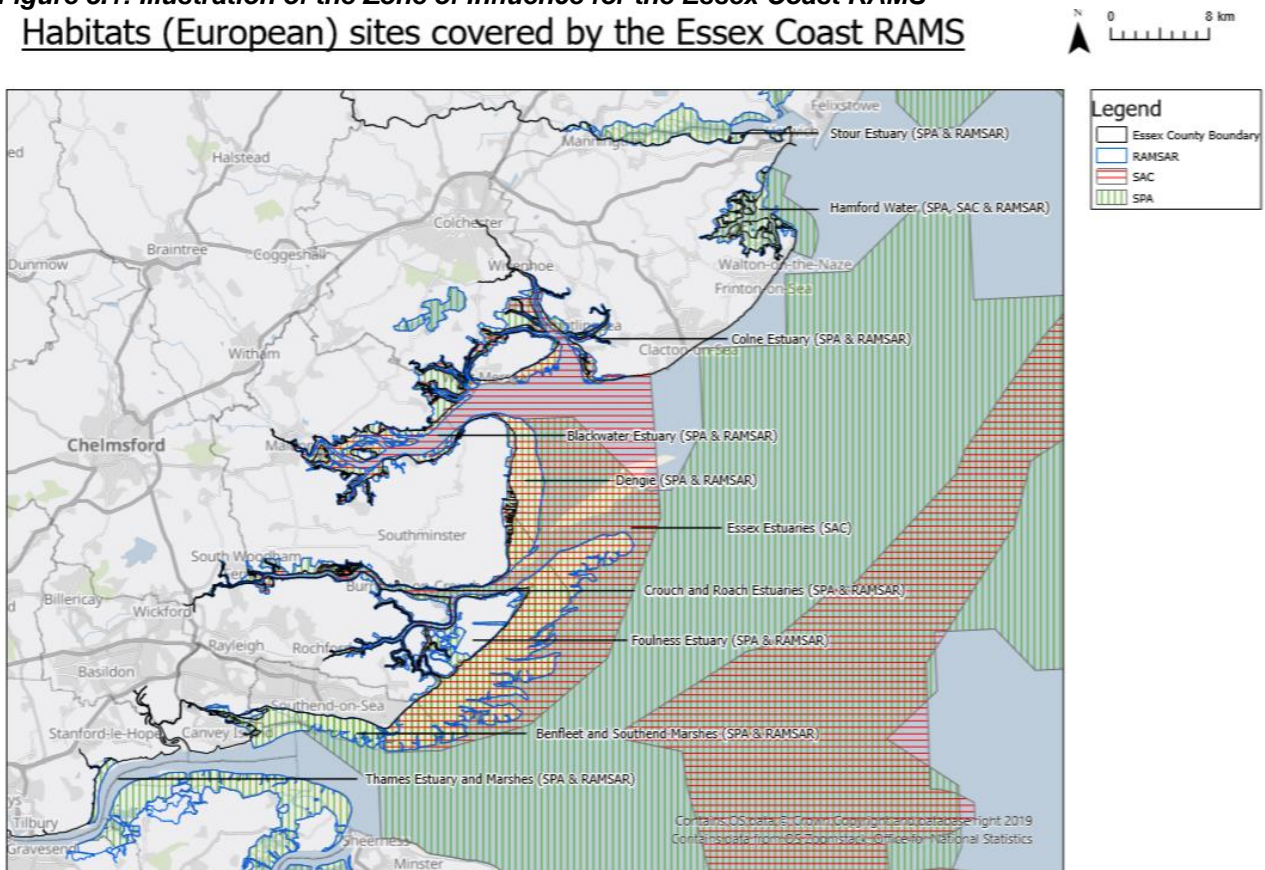
European designated site	Final distance to calculate RAMS Zol (km/miles)
Essex Estuaries SAC	-*
Hamford Water SPA and Ramsar	8.0 km / 4.9 miles
Stour and Orwell Estuaries SPA and Ramsar	13.0 km / 8.1 miles
Colne Estuary SPA and Ramsar	9.7 km / 6.0 miles
Blackwater Estuary SPA and Ramsar	22.0 km / 13.7 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 Maps<sup>4</sup>, 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

<sup>4</sup> 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 Guidance<sup>5</sup> 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

<sup>5</sup> 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"> <li>• Information on the sensitive wildlife and habitats</li> <li>• A coastal code for visitors to abide by</li> <li>• Maps with circular routes away from the coast on alternative footpaths</li> <li>• Information on alternative sites for recreation</li> </ul> <p>There are a variety of means to deliver this such as:</p> <ul style="list-style-type: none"> <li>• Through direct engagement led by rangers/volunteers</li> <li>• Interpretation and signage</li> <li>• Using websites, social media, leaflets and traditional media to raise awareness of conservation and explain the Essex Coast RAMS project.</li> <li>• Direct engagement with clubs e.g. sailing clubs, ramblers clubs, dog clubs and local businesses.</li> </ul>
Habitat based measures	
Fencing/waymarking/screening	<ul style="list-style-type: none"> <li>• Direct visitors away from sensitive areas and/or provide a screen such that their impact is minimised.</li> </ul>
Pedestrian (and dog) access	<ul style="list-style-type: none"> <li>• Zoning</li> <li>• Prohibited areas</li> <li>• Restrictions of times for access e.g. to avoid bird breeding season</li> </ul>
Cycle access	<ul style="list-style-type: none"> <li>• Promote appropriate routes for cyclists to avoid disturbance at key locations</li> </ul>

Action area	Examples
Vehicular access and car parking	<ul style="list-style-type: none"> <li>Audit of car parks and capacity to identify hotspots and opportunities for “spreading the load”</li> </ul>
Enforcement	<ul style="list-style-type: none"> <li>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.</li> <li>Rangers to explain reasons for restricted zones to visitors</li> </ul>
Habitat creation	<ul style="list-style-type: none"> <li>Saltmarsh recharge, regulated tidal exchange and artificial islands may fit with Environment Agency Shoreline Management Plans</li> </ul>
Partnership working	<ul style="list-style-type: none"> <li>Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.</li> </ul>
Monitoring and continual improvement	<ul style="list-style-type: none"> <li>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.</li> </ul>



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'<sup>6</sup> or multi party agreement, referred to as a 'Section 106 agreement'<sup>7</sup>. 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.

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<sup>6</sup> An offer to an LPA to settle obligations relevant to their planning application.

<sup>7</sup> 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 targets<sup>8</sup> 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 10<sup>th</sup> January to 5pm Friday 21<sup>st</sup> 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.

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<sup>8</sup> 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](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](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](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 <sup>st</sup> May to 30 <sup>th</sup> 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

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## Draft Supplementary Planning Document (SPD)

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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 10<sup>th</sup> January 2020 and Friday 21<sup>st</sup> 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](http://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**

<b>Main issues raised</b>
<b>Confusion about the purpose and aims of the RAMS</b> – 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.
<b>Scope and detail of mitigation measures</b> – 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.
<b>Concern regarding the effectiveness of the RAMS approach</b> – 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.
<b>Query whether key stakeholders have been involved in the RAMS</b> - including Essex Wildlife Trust, RSPB, Bug Life, Woodland Trust, National Trust, CPRE, British Trust for Ornithology, and local ornithology groups.
<b>Will habitats sites continue to be protected as a result of Brexit?</b>
<b>The RAMS will allow inappropriate development</b> – 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.
<b>Money should be spent on other projects</b> - funding should not be taken away from essential services to fund the strategy.

<b>Main issues raised</b>
<p><b>Concern with the Zones of Influence</b> – 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.</p>
<p><b>The tariff is set too high, or alternatively too low</b> – 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.</p>
<p><b>Adequacy of proposed budget and staff to deliver project across such a wide area</b> – 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.</p>
<p><b>Concerns about monitoring (the tariff and Zones of Influence)</b> – monitoring should be more frequent.</p>
<p><b>Other land uses should come within the scope of the tariff</b> - including tourist accommodation and caravan parks/chalets, airport related development, other commercial development.</p>
<p><b>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.</b></p>
<p><b>Alternative to paying into the RAMS should not be allowed, or if it is the process should be clarified</b> - 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.</p>



## 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 <a href="https://essexcoast.birdaware.org/home">https://essexcoast.birdaware.org/home</a> . 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&amp;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.



No.	Name	Organisation	Main Issues Raised	Response / amendment required
			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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
		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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<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>



No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<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>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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,

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	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"> <li>* Bye-laws governing access to and public behaviour specific to each Designated Site.</li> <li>* Periods of site closure at sensitive times such as nesting of ground-nesting birds or seal pupping.</li> <li>* Imposition of significant on-the-spot fines on members of the public caught disturbing wildlife.</li> <li>* 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.</li> </ul> <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

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	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
	Dervin			
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 &amp; 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.

## 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 &amp; 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"> <li>• Communications, marketing and education initiatives</li> <li>• Initiatives to facilitate and encourage responsible dog walking</li> <li>• Codes of conduct</li> <li>• Site-specific visitor management and bird refuge projects</li> <li>• New/enhanced strategic greenspaces</li> <li>• A delivery officer (called 'Partnership Manager' from here on)</li> <li>• Monitoring to help adjust the mitigation measures as necessary</li> </ul> <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 by-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 &amp; Heaths Area of Outstanding Natural Beauty (AONB). The extension to the Suffolk Coast &amp; 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 <a href="http://www.lineearchbeforeudig.co.uk">www.lineearchbeforeudig.co.uk</a> , 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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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			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"> <li>- North East Essex Clinical Commissioning Group</li> <li>- East Suffolk North Essex Foundation Trust</li> <li>- Anglian Community Enterprise</li> <li>- Essex Partnership University Trust</li> <li>- East of England Ambulance Service</li> </ul> <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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			<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 &amp; 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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No.	Name	Organisation	Main Issues Raised	Response / amendment required
				<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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No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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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No.	Name	Organisation	Main Issues Raised	Response / amendment required
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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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<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"> <li>• 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.</li> <li>• 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 &amp; Frinton Yacht Club or at the Walton Town Hard. Jet-Skis do launch from Dovercourt Bay.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> </ul>	<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"> <li>• 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.</li> <li>• 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.</li> </ul>	
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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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<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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No.	Name	Organisation	Main Issues Raised	Response / amendment required
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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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			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.'</p> <p>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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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<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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No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<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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**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**

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**THIS AGREEMENT** is made            the            day of            2020

**BETWEEN:**

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,
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 such other Council being a party to this Partnership Agreement as nominated by the Parties following a review.
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“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 the .....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 to run the day-to-day operation of the Project and thereafter appointed by subsequent Lead Institutions.
“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 nominated to the role of Lead Institution in accordance with terms of this Partnership Agreement.
“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.
“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 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 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 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 the lead institution ("Lead Institution") and Accountable Body responsible for the Partnership funds and authorises it as their agent to sign agreements in their name and on their behalf in relation to the Project. Without prejudice to its authority to contract on behalf of the Parties in relation to the Project the Lead Institution 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. The Lead Institution 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, 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 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 and the Partnership shall be responsible and liable in equal shares for all legal advice procured under this 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 (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 as 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 as 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 or such other Partnership local authority offices as the Lead Institution 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 as Accountable Body for line managing the Delivery Officer will be c£13,000 and subject to an annual review. Fees for the first six months will be c£8,370 based on an October 2020 commencement date.
- 6.2.2.4 For the avoidance of doubt the Lead Institution as 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 recruitment 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 who will agree and devise a work programme and pattern for the Delivery Officer.
- 6.2.2.7 The Lead Institution as Accountable Body will not be responsible for the employment of ancillary and associated members of staff such as project wardens / rangers.

### 6.2.3 Financial Management

- 6.2.3.1 The Lead Institution and Accountable Body shall be responsible for holding and administering the RAMS contributions.
- 6.2.3.2 The annual costs to the Lead Institution as Accountable Body for holding and administering the RAMS contributions will be c£2,400 and subject to an annual review. Fees for the first six months will be c£1,200 based on an October 2020

commencement date. Except for the Lead Institution each Party will contribute ten percent (10%) of the annual cost to the Lead Institution for holding and administrating 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 RAMS contributions must be available to spend on Project Deliverables and will be sent quarterly from each Party to the Accountable Body. Each Partner will be responsible for monitoring contributions received and forecasting their future tariff income.

- 6.2.3.3 Requests for any RAMS contribution refunds already made to the Lead Institution as 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 as Accountable Body has sufficient funds available to make such refund.
- 6.2.3.4 The Steering Group may choose to take financial advice from third parties as required.
- 6.2.3.5 For Financial Year 2019 – 2020 (1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020) the RAMS Tariff will be One Hundred and Twenty-Two Pounds and Thirty Pence (£122.30) and for Financial Year 2020 – 2021 (1<sup>st</sup> April 2020 to 31<sup>st</sup> 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 1<sup>st</sup> April of each year.
- 6.2.3.6 The Partners agree to levy a RAMS Tariff in accordance with clause 6.2.3.5 of this Partnership Agreement on all residential dwellings which qualify for the imposition of the RAMS Tariff.
- 6.2.3.7 The Partners agree that they will pay the RAMS tariff to the Lead Institution upon being satisfied that the qualifying development, dwelling or dwellings will be constructed in accordance with the Planning Permission and legal agreements such as Section 106 Agreement and Unilateral Undertaking.
- 6.2.3.8 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 as Accountable Body or other Partner Authorities.
- 6.2.3.9 In the event the RAMS Tariff contribution is not spent correctly by the Project and a refund is required then Partners will be liable to repay the monies in line with the percentages set out in clause 6.2.2.3.

#### 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

- 6.3.1 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:
- 6.3.2 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.
- 6.3.3 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.
- 6.3.4 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.
- 6.3.5 The quorum for a meeting will be five (5) voting Parties.
- 6.3.6 With the approval of the Chair, Steering Group Parties may nominate a representative to attend meetings and vote on their behalf.
- 6.3.7 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 Allocation

The total RAMS tariff contributions to be paid by the Parties to the accountable body is anticipated to be as follows:

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*(To be inserted prior to signing)*

## 7.2 Distribution

- 7.2.1 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 1<sup>st</sup> day of July, October, January and April. Thereafter the nominated Lead Institution 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.
- 7.2.2 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 1<sup>st</sup> January, April July and October of any one year.

## 7.3 Invoicing / Claims

- 7.3.1 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.
- 7.3.2 To optimize the function of the Partnership the Parties shall permit the Lead Institution 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 actual 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 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 All claims, 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.

### **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 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 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 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 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 Parties 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 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 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).

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:

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

Authorised Signatory

.....  
Mayor

.....  
Authorised Officer

**THE COMMON SEAL of OTHER LOCAL AUTHORITIES**



**SCHEDULE 1 – RAMS Mitigation Strategy**

Attachment to be embedded on page.

## **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. 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 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 Accountable Body and for arranging any requests for refunds.

5.3 The LA Partners will nominate a single point of contact for the accountable body e.g. their S106 monitoring officer.

5.4 The Accountable Body will be rotated between the partners LPAs every 3 years.

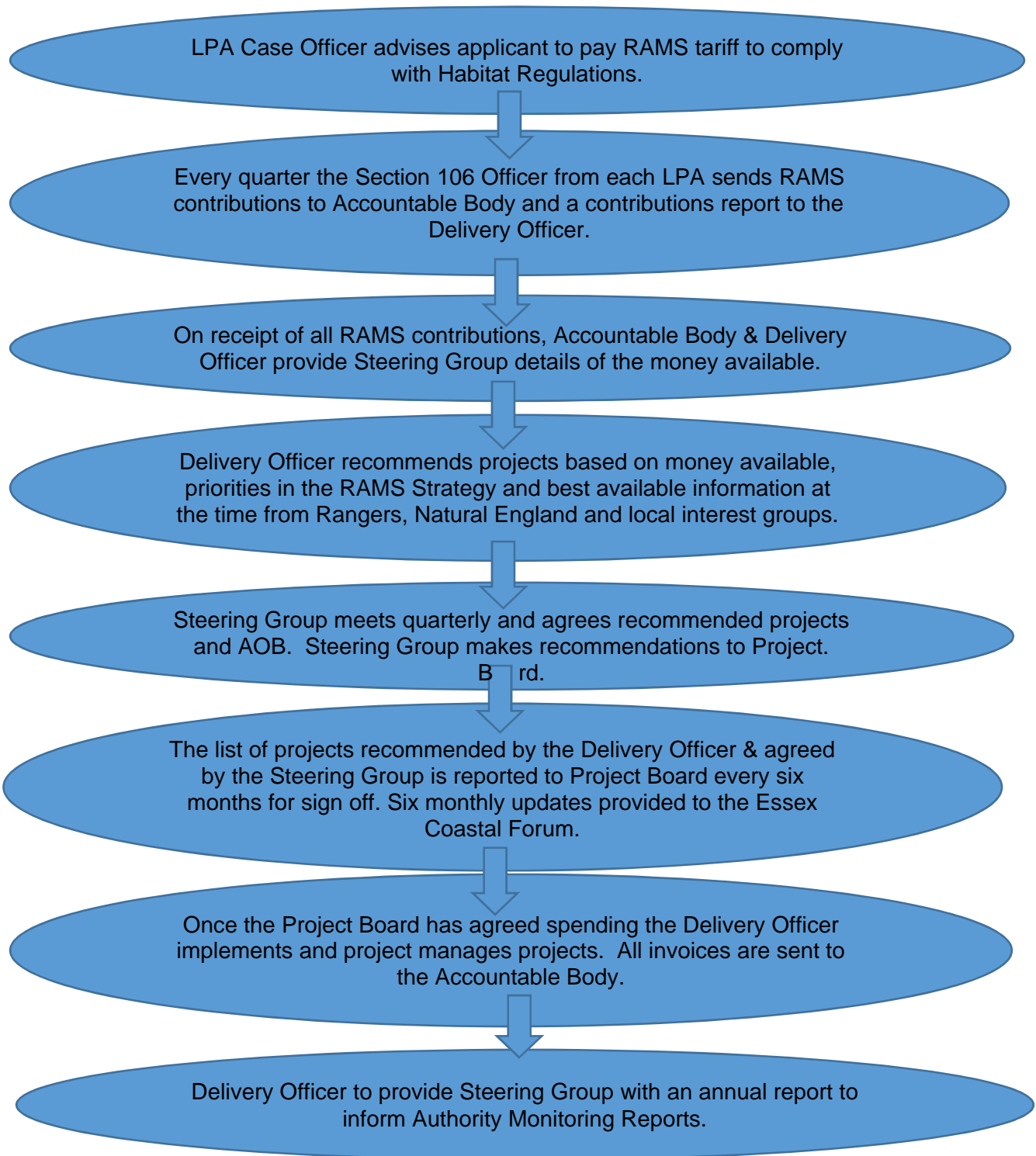
## **6. Communications**

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.

- **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.
- **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

<b>Job Title</b>	Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Delivery Officer
<b>Service</b>	Town Planning
<b>Directorate</b>	Sustainable Communities
<b>Grade</b>	9
<b>Responsible to</b>	Spatial Planning Services Manager
<b>Responsible for</b>	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

	<b>ESSENTIAL</b>	<b>DESIRABLE</b>
<b>Education/Qualifications</b> A degree or higher level/further qualification in a relevant discipline (e.g. planning, geography, environmental management, urban development, urban economics, law) or an equivalent level of previous experience gained through working in a related field	E	
<b>Knowledge</b> 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
<b>Experience</b> 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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**PLANNING POLICY AND LOCAL PLAN COMMITTEE  
30 September 2020**

**REPORT OF THE CORPORATE DIRECTOR: PLANNING AND REGENERATION**

**A2 –THE PLANNING WHITE PAPER – ‘PLANNING FOR THE FUTURE’**

Report prepared by William Fuller & Gary Guiver

**PART 1 – KEY INFORMATION**

**PURPOSE OF THE REPORT**

- a) To draw the attention of Members to the recently published planning White Paper consultation – ‘Planning for the Future’ (see Appendix 1),
- b) To allow Members to consider and agree the draft response to the consultation set out at Appendix 2 for recommendation to Cabinet.

**EXECUTIVE SUMMARY**

Key Points

- On 6 August 2020, the government published a White Paper entitled ‘Planning for the Future’ which sets out proposals aimed at radically reforming the national planning system.
- The paper includes proposals for streamlining the preparation of Local Plans, simplifying the process for making planning decisions, placing greater emphasis on high quality and ‘beautiful design’ and introducing a new ‘Infrastructure Levy’ to fund infrastructure and affordable housing.
- The consultation paper contains 26 questions and responses need to be submitted by 29 October 2020.
- Officers, in liaison with the Chairman of the Planning Policy and Local Plan Committee have drafted responses to the questions and the Committee’s comments and agreement are now sought for recommendation to Cabinet.
- The draft responses aim to support the principle of simplifying and speeding up the planning system but the object to any changes that might a) hand too much power to unelected Planning Inspectors, b) force housing targets on Councils without any opportunity for challenge; c) undermine local democracy; or d) unintentionally bring about more bureaucracy and delay.

The White Paper divides its proposed reforms into three broad themes, or “pillars” and sets out how the changes could be delivered in varying levels of detail. The paper also details a number of alternate options detailed later in this report.

### **PILLAR ONE: PLANNING FOR DEVELOPMENT A new role for Local Plans**

The Government states that Local Plans are too long, complex, take too long to produce and become out of date quickly.

It is proposed to fundamentally refocus Local Plans. No general development management policies would be included (these would be contained in the NPPF), with policies restricted to site or area-specific requirements and development standards to provide certainty about where and how land can be developed, with details of a faster and simplified consenting process also proposed.

At the centre of the new Local Plan system is the local or national allocation of land to three categories (zones) with rules (similar to zoning rules) about how each zone can be developed, covering suitable development uses, height and density limits and identification of sub-areas where different rules apply. Local Plans would simply identify areas for ‘growth’, ‘renewal’ and ‘protection’.

Preparation of new Local Plans aims to overhaul the procedure for preparing the new Local Plans to make the process faster and with greater community engagement. This could include

- Removing the test for ‘soundness’ – This test would be replaced by a single and consolidated statutory “sustainable development” test which would include simpler consideration of environmental impacts;
- Automation and digitisation of policies and written in a machine-readable format;
- Informed by infrastructure – data and evidence on infrastructure need and planning will inform Local Plans with sites only allocated if there is a reasonable prospect of the infrastructure needed coming forward within the plan period;
- Binding housing requirement – housing targets would be determined through a standard method of calculation;
- Incentives to determine applications in statutory time frame – for example with fee refunds and more deemed approvals;
- Digitally enabled and standardised process;
- Shorter and standardised planning applications;
- Statutory timetable for key stages of the Local Plan making process - a 30 month statutory timescale for the production of Local Plans; and
- Neighbourhood Plans retained and particularly encouraged in towns and cities and extension of the concept so that very small areas – such as individual streets – can set their own rules.

Officers’ draft response to these proposals support the principal of streamlining the planning system, but object to measures that could undermine local democracy, particular the standard method of calculating housing targets and the role of unelected Planning Inspectors in the planning process.

## **PILLAR TWO: PLANNING FOR BEAUTIFUL AND SUSTAINABLE PLACES**

These proposals look at the Government's desire to '...create beautiful places that will stand the test of time...'

National and local design guides and codes are proposed to 'guide' decisions on the form of development. Local design guides prepared with input from local communities would be brought forward as part of the new Local Plan process, by neighbourhood planning groups or applicants with significant proposals and should consider "empirical evidence of what is popular and characteristic in the local area", and only given weight in planning decisions if this can be shown. A new expert body would help authorities use design guidance and codes and with a "monitoring and challenge role".

A Fast-Track for Beauty Amendments to policy and legislation would allow certain development that comply with local design guides and codes to be fast-tracked through the system.

A new system for environmental considerations is proposed, particularly looking at preventing duplication and delays, improving transparency and opportunities outside of the European Union.

The planning framework for listed buildings and conservation areas is proposed to be reviewed and updated with consideration of changes of use issues, climate change adaptation and new ways of consenting, such as exploring whether suitably experienced architectural specialists can have "earned autonomy from routine listed building consents".

Officers' draft response to these proposals support the principal of improving design quality but highlight the fact that 'beauty' is a subjective matter and that the introduction of design codes, if not done carefully, could stifle innovation in architectural design and might introduce another level of bureaucracy and complication.

## **PILLAR THREE – PLANNING FOR INFRASTRUCTURE AND CONNECTED PLACES**

The existing regimes of CIL and Section 106 planning obligations are proposed to be replaced with a new consolidated 'Infrastructure Levy' to provide a fixed proportion of the development value above a threshold with a mandatory nationally-set rate or rates and the current system of planning obligations abolished. It is also proposed that the Infrastructure Levy could be extended to capture changes of use through permitted development rights to ensure better contribution of development permitted this way.

Affordable housing is currently secured via Section 106 planning obligations only, but with planning obligations removed, authorities would use the Infrastructure Levy funds for affordable housing. Local authorities could specify the forms and tenures of on-site affordable housing provision.

There would be increased local authority flexibility to allow them to spend receipts on their policy priorities, once core infrastructure obligations have been met.

Officers' draft response to these proposals support the principal of simplifying the mechanisms for securing developer contributions for infrastructure but highlight concerns that some parts of the country will be able to generate more revenue from a standard levy than others depending on local land and property values, irrespective of the need for, and cost of, infrastructure.

The consultation document (at Appendix A) asks 26 specific questions throughout the White Paper. Officers, in liaison with the Chairman of the Committee, have made detailed comments on each of the questions asked by the Government. The Committee is asked to consider, comment on and agree the responses which will be referred to Cabinet for the final decision on what is submitted to government. The draft responses can be found at Appendix 2.

### **RECOMMENDATION**

**That the Planning Policy and Local Plan Committee considers the proposals in the government's consultation on the White Paper 'Planning for the Future' (attached at Appendix 1) and considers, comments on and agrees the draft responses (set out in Appendix 2) for recommendation to Cabinet.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

As the changes proposed in the White Paper could have significant implications for delivering upon many of the Council's priorities, particularly those around housing delivery, infrastructure, economic growth and community engagement.

### **RESOURCES AND RISK**

As the changes proposed in the White Paper could have significant implications for Tendering in the future, it is important that the Council ensures its views are put forward by responding to the consultation exercise.

### **LEGAL**

If the government proceeds with the proposed changes to the planning system, there are likely to be subsequent amendments to planning legislation and national policy in due course.

### **OTHER IMPLICATIONS**

**Area or Ward affected:** All

**Consultation/Public Engagement:** The public consultation on the planning White Paper runs for 12 weeks beginning on 6<sup>th</sup> of August 2020, ending at 11.45pm on 29<sup>th</sup> October 2020.

### **PART 3 – SUPPORTING INFORMATION**

The changes to the planning system set out in the Planning White Paper are wide ranging and delve deep into the established way in which Council's planning departments will operate in the future. The Government often speaks of a fundamental overhaul of the planning system, but what is proposed here truly alters the foundations of the planning system in a profound way.

The key changes are highlighted below, but the White Paper in its entirety can be found at Appendix 1.

#### **Local plans would zone land in two or three categories**

The document proposes that local plans should identify three types of land – "Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected".

The document says that growth areas would include land "suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites". Sites identified in the local plan under this category would have outline approval for development.

Renewal areas would cover "existing built areas where smaller scale development is appropriate" and such land could include "the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as Growth or Protected areas, such as small sites within or on the edge of villages". It adds that there would be "a statutory presumption in favour of development being granted for the uses specified as being suitable in each area".

Protected land would include sites which "justify more stringent development controls to ensure sustainability". This would include "areas such as green belt, Areas of Outstanding Natural Beauty (AONBs), conservation areas, local wildlife sites, areas of significant flood risk and important areas of green space".

The document says that new-style local plans would "comprise an interactive web-based map of the administrative area where data and policies are easily searchable, with a key and accompanying text. Areas and sites would be annotated and colour-coded in line with their Growth, Renewal or Protected designation, with explanatory descriptions set out in the key and accompanying text, as appropriate to the category".

the document also sets out two alternative policy options. Under the first of these, rather than dividing land into three categories, the consultation says the government is "interested in views on more binary models".

"One option is to combine Growth and Renewal areas ... into one category and to extend permission in principle to all land within this area, based on the uses and forms of development specified for each sub-area within it". Another approach would be to limit automatic permission in principle to land identified as a Growth area. It says that "other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process".

### **Local plans should be subject to a single statutory "sustainable development" test, possibly replacing the existing "tests of soundness"**

This new test "would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the secretary of state", the consultation states. It states that a simpler test "should mean fewer requirements for assessments that add disproportionate delay to the plan-making process".

Specifically, it proposes:

- To "abolish the sustainability appraisal system and develop a simplified process for assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties".
- The "duty to cooperate test would be removed". However, it adds that "further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges".
- A "slimmed down assessment of deliverability for the plan" would be incorporated into the new sustainable development test.

An alternative option states that, rather than removing the existing tests of soundness, an alternative "could be to reform them in order to make it easier for a suitable strategy to be found sound. For example, the tests could become less prescriptive about the need to demonstrate deliverability. Rather than demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed".

### **A new standard method for establishing housing requirement figures is proposed.**

The document says that local plans "will need to identify areas to meet a range of development needs – such as homes, businesses and community facilities – for a minimum period of 10 years". Moreover, the new standard requirement "would differ from the current system of local housing need in that it would be binding, and so drive greater land release". It proposes that the standard method "would be a means of distributing the national housebuilding target of 300,000 new homes annually".

The model would have regard to:



- The "size of existing urban settlements (so that development is targeted at areas that can absorb the level of housing proposed)".
- The "relative affordability of places (so that the least affordable places where historic under-supply has been most chronic take a greater share of future development)".
- The "extent of land constraints in an area to ensure that the requirement figure takes into account the practical limitations that some areas might face, including the presence of designated areas of environmental and heritage value, the green belt and flood risk".
- The "opportunities to better use existing brownfield land for housing, including through greater densification. The requirement figure will expect these opportunities to have been utilised fully before land constraints are taken into account".
- The "need to make an allowance for land required for other (non-residential) development".
- Inclusion of "an appropriate buffer to ensure enough land is provided to account for the drop-off rate between permissions and completions as well as offering sufficient choice to the market".

The consultation says that, in the current system "the combination of the five-year housing land supply requirement, the Housing Delivery Test and the presumption in favour of sustainable development act as a check to ensure that enough land comes into the system". But it adds that the new proposed approach "should ensure that enough land is planned for, and with sufficient certainty about its availability for development, to avoid a continuing requirement to be able to demonstrate a five-year supply of land". However, the document proposes to maintain the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system. The government has published a separate consultation on the proposed changes to the standard method for assessing local housing need.

### **Development management policies could be set out at national scale, and restricted in local plans**

Elsewhere, the document says that development management policies should be established "at national scale" and restricted in local plans. It says that, under this proposal, the National Planning Policy Framework (NPPF) "would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within local plans, such as protections for listed buildings..." It also says the government is instead proposing to turn plans "from long lists of general 'policies' to specific development standards" drawn up by councils and local communities.

An alternative option included in the consultation says that, rather than removing the ability for local authorities to include general development management policies in local plans, "we could limit the scope of such policies to specific matters and standardise the way they are written, where exceptional circumstances necessitate a locally-defined approach".

Another alternative would be to "allow local authorities a similar level of flexibility to set development management policies as under the current local plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed".

### **Local plans to be published as "standardised data"**

The consultation also says that local plans should be published "as standardised data to enable a strategic national map of planning to be created". It adds that the new-style digital local plan would

"help local planning authorities to engage with strategic cross-boundary issues and use data-driven insights to assess local infrastructure needs to help decide what infrastructure is needed and where it should be located".

### **Building Beautiful**

Following the call by the Building Better, Building Beautiful Commission earlier this year for a "fast-track for beauty", the government proposes updating the National Planning Policy Framework so that schemes which comply with local design guides and codes "have a positive advantage and greater certainty about their prospects of swift approval".

It also proposes that site-specific design codes and masterplans within designated "Growth" zones, prepared either by the local planning authority or the site promoter, are first agreed "as a condition of the permission in principle".

Meanwhile, extending permitted development should enable "popular and replicable forms of development to be approved easily and quickly, helping to support 'gentle intensification' of our towns and cities", the document says. It adds that "pattern books", setting out standard design forms, "have helped to deliver some of our most popular and successful places, and in a way which makes it relatively easy for smaller development companies to enter the market", and says it plans to revive this tradition in designated "Renewal" areas, "by allowing the pre-approval of popular and replicable designs through permitted development".

The government also plans to develop "a limited set of form-based development types that allow the redevelopment of existing residential buildings", so "enabling increased densities while maintaining visual harmony". This would apply to its recently announced extensions of permitted development to include upwards extensions and demolition-plus-rebuilding which would have to take local or national design codes into account in order to gain prior approval.

And on so-called green infrastructure, the government proposes, via changes to the NPPF, to make all new streets tree-lined. "We are also assessing the extent to which our planning policies and processes for managing flood risk may need to be strengthened," it adds.

### **Environmental Impacts and Listed Buildings**

It says the current process for assessing the environmental impact of developments "can lead to duplication of effort and overly-long reports which inhibit transparency and add unnecessary delays", and proposes measures to streamline this.

The white paper also proposes to review and update the planning framework for listed buildings and conservation areas, "to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change".

On energy sustainability, the government wants new homes to produce 75-80 per cent lower CO<sub>2</sub> emissions compared to current levels, and to be capable of eventually becoming "fully zero-carbon homes" without further retrofitting. A government response to its Future Homes Standard consultation is due shortly, but the response to the current consultation "will look to clarify the role that [local planning authorities] can play in setting energy efficiency standards for new build developments", the white paper says.

Summarised, the key proposals are:

- For design guidance and codes, prepared locally with community involvement, to then be “more binding on decisions about development”;
- To move to a planning system based on such codes, which is then “more visual and rooted in local preferences and character”, with each authority having a “chief officer for design and place-making”.
- To strengthen non-departmental public body Homes England, so it can “give greater emphasis to delivering beautiful places”;
- To “fast-track for beauty” by “incentivising and accelerating high quality development which reflects local character and preferences”;
- To design a “quicker, simpler” framework for assessing environmental impacts and enhancement opportunities;
- To make “ambitious” improvements in energy efficiency standards for buildings to help deliver net-zero by 2050.

## **APPENDICES**

**Appendix 1 – Planning White Paper – Planning for the Future**

**Appendix 2 –Draft Response to the consultation questions within Planning for the Future**

## **BACKGROUND PAPERS**

None

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Ministry of Housing,  
Communities &  
Local Government

# White Paper: Planning for the Future



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August 2020

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## Scope of the consultation

Topic of this consultation:	This consultation seeks any views on each part of a package of proposals for reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed.
Scope of this consultation:	This consultation covers a package of proposals for reform of the planning system in England, covering plan-making, development management, development contributions, and other related policy proposals.  Views are sought for specific proposals and the wider package of reforms presented.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	The Government is mindful of its responsibility to have regard to the potential impact of any proposal on the Public Sector Equality Duty. In each part of the consultation we would invite any views on the duty. We are also seeking views on the potential impact of the package as a whole on the Public Sector Equality Duty.

## Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government
Duration:	This consultation will last for 12 weeks from 6 August 2020.
Enquiries:	For any enquiries about the consultation please contact <a href="mailto:planningforthefuture@communities.gov.uk">planningforthefuture@communities.gov.uk</a> .
How to respond:	You may respond by going to our website <a href="https://www.gov.uk/government/consultations/planning-for-the-future">https://www.gov.uk/government/consultations/planning-for-the-future</a>  Alternatively you can email your response to the questions in this consultation to <a href="mailto:planningforthefuture@communities.gov.uk">planningforthefuture@communities.gov.uk</a> .  If you are responding in writing, please make it clear which questions you are responding to.  Written responses should be sent to:



## APPENDIX 1

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Planning for the Future Consultation,  
Planning Directorate, 3rd Floor, Fry Building, 2 Marsham Street,  
London, SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable), and
- the name of organisation (if applicable).

# Foreword from the Prime Minister

I never cease to be amazed by the incredible potential of this country. The vast array of innovations and talent that, when combined with our extraordinary can-do spirit, has brought forth everything from the jet engine to gene editing therapy.

But as we approach the second decade of the 21<sup>st</sup> century that potential is being artificially constrained by a relic from the middle of the 20<sup>th</sup> – our outdated and ineffective planning system.

Designed and built in 1947 it has, like any building of that age, been patched up here and there over the decades.

Extensions have been added on, knocked down and rebuilt according to the whims of whoever's name is on the deeds at the time. Eight years ago a new landlord stripped most of the asbestos from the roof.

But make-do-and-mend can only last for so long and, in 2020, it is no longer fit for human habitation.

Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do – tear it down and start again.

That is what this paper proposes.

Radical reform unlike anything we have seen since the Second World War.

Not more fiddling around the edges, not simply painting over the damp patches, but levelling the foundations and building, from the ground up, a whole new planning system for England.

One that is simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades.

That actively encourages sustainable, beautiful, safe and useful development rather than obstructing it.

That makes it harder for developers to dodge their obligations to improve infrastructure and opens up housebuilding to more than just the current handful of massive corporations.

That gives you a greater say over what gets built in your community.

That makes sure start-ups have a place to put down roots and that businesses great and small have the space they need to grow and create jobs.

And, above all, that gives the people of this country the homes we need in the places we want to live at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.

Getting homes built is always a controversial business. Any planning application, however modest, almost inevitably attracts objections and I am sure there will be those who say this paper represents too much change too fast, too much of a break from what has gone before.

But what we have now simply does not work.

So let's do better. Let's make the system work for all of us. And let's take big, bold steps so that we in this country can finally build the homes we all need and the future we all want to see.

**The Rt. Hon. Boris Johnson MP  
Prime Minister**

## Foreword from the Secretary of State

The outbreak of COVID-19 has affected the economic and social lives of the entire nation. With so many people spending more time at home than ever before, we have come to know our homes, gardens and local parks more intimately. For some this has been a welcome opportunity to spend more time in the place they call home with the people they love. For others – those in small, substandard homes, those unable to walk to distant shops or parks, those struggling to pay their rent, or indeed for those who do not have a home of their own at all – this has been a moment where longstanding issues in our development and planning system have come to the fore.

Such times require decisive action and a plan for a better future. These proposals will help us to build the homes our country needs, bridge the present generational divide and recreate an ownership society in which more people have the security and dignity of a home of their own.

Our proposals seek a significantly simpler, faster and more predictable system. They aim to facilitate a more diverse and competitive housing industry, in which smaller builders can thrive alongside the big players, where all pay a fair share of the costs of infrastructure and the affordable housing existing communities require and where permissions are more swiftly turned into homes.

We are cutting red tape, but not standards. This Government doesn't want to just build houses. We want a society that has re-established powerful links between identity and place, between our unmatched architectural heritage and the future, between community and purpose. Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes and pattern books that built Bath, Belgravia and Bournville. Our guiding principle will be as Clough Williams-Ellis said to cherish the past, adorn the present and build for the future.

We will build environmentally friendly homes that will not need to be expensively retrofitted in the future, homes with green spaces and new parks at close hand, where tree lined streets are the norm and where neighbours are not strangers.

We are moving away from notices on lampposts to an interactive and accessible map-based online system – placing planning at the fingertips of people. The planning process will be brought into the 21st century. Communities will be reconnected to a planning process that is supposed to serve them, with residents more engaged over what happens in their areas.

While the current system excludes residents who don't have the time to contribute to the lengthy and complex planning process, local democracy and accountability will now be enhanced by technology and transparency.

Reforming the planning system isn't a task we undertake lightly, but it is both an overdue and a timely reform. Millions of jobs depend on the construction sector and in every economic recovery, it has played a crucial role.

This paper sets out how we will reform the planning system to realise that vision and make it more efficient, effective and equitable. I am most grateful to the taskforce of experts who have generously offered their time and expert advice as we have developed our proposals for reform – Bridget Rosewell, Miles Gibson, Sir Stuart Lipton, Nicholas Boys Smith, and Christopher Katkowski QC.

**The Rt. Hon. Robert Jenrick MP**  
**Secretary of State for Housing, Communities and Local Government**

# Introduction

## The challenge we face – an inefficient, opaque process and poor outcomes

- 1.1. The planning system is central to our most important national challenges: tackling head on the shortage of beautiful, high quality homes and places where people want to live and work; combating climate change; improving biodiversity; supporting sustainable growth in all parts of the country and rebalancing our economy; delivering opportunities for the construction sector, upon which millions of livelihoods depend; the ability of more people to own assets and have a stake in our society; and our capacity to house the homeless and provide security and dignity.<sup>1</sup>
- 1.2. To succeed in meeting these challenges, as we must, the planning system needs to be fit for purpose. It must make land available in the right places and for the right form of development. In doing this, it must ensure new development brings with it the schools, hospitals, surgeries and transport local communities need, while at the same time protecting our unmatched architectural heritage and natural environment.
- 1.3. There is some brilliant planning and development. And there are many brilliant planners and developers. But too often excellence in planning is the exception rather than the rule, as it is hindered by several problems with the system as it stands:
  - **It is too complex:** The planning system we have today was shaped by the Town and Country Planning Act 1947, which established planning as nationalised and discretionary in character. Since then, decades of reform have built complexity, uncertainty and delay into the system. It now works best for large investors and companies, and worst for those without the resources to manage a process beset by risk and uncertainty. A simpler framework would better support a more competitive market with a greater diversity of developers, and more resilient places.
  - **Planning decisions are discretionary rather than rules-based:** Nearly all decisions to grant consent are undertaken on a case-by-case basis, rather than determined by clear rules for what can and cannot be done. This makes the English planning system, and those derived from it, an exception internationally, and it has the important consequences of increasing planning risk, pushing up the cost of capital for development and discouraging both innovation and the bringing forward of land for development.<sup>2</sup> Decisions are also often overturned – of the planning applications determined at appeal, 36 per cent of decisions relating to major

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<sup>1</sup> The shortage of affordable homes in and close to the most productive urban centres is a major drag on national productivity – see PwC (2019) “UK Housing market outlook”, available at <https://www.pwc.co.uk/economic-services/ukey/ukey-housing-market-july-2019.pdf>.

<sup>2</sup> *The EU Compendium of Spatial Planning Systems and Policies*, European Commission (1997); OECD (2017), *Land-use Planning Systems in the OECD: Country Fact Sheets*; Monk, S., Whitehead, C., Burgess, G. & Tang, C. (2013) *International review of land supply and planning systems*, Joseph Rowntree Foundation.

applications and 30 per cent of decisions relating to minor applications are overturned.<sup>3</sup>

- **It takes too long to adopt a Local Plan:** although it is a statutory obligation to have an up to date Local Plan in place, only 50 per cent of local authorities (as of June 2020) do, and Local Plan preparation takes an average of 7 years (meaning many policies are effectively out of date as soon as they are adopted).
- **Assessments of housing need, viability and environmental impacts are too complex and opaque:** Land supply decisions are based on projections of household and business ‘need’ typically over 15- or 20-year periods. These figures are highly contested and do not provide a clear basis for the scale of development to be planned for. Assessments of environmental impacts and viability add complexity and bureaucracy but do not necessarily lead to environmental improvements nor ensure sites are brought forward and delivered;
- **It has lost public trust** with, for example, a recent poll finding that only seven per cent trusted their local council to make decisions about large scale development that will be good for their local area (49 per cent and 36 per cent said they distrusted developers and local authorities respectively).<sup>4</sup> And consultation is dominated by the few willing and able to navigate the process – the voice of those who stand to gain from development is not heard loudly enough, such as young people. The importance of local participation in planning is now the focus of a campaign by the Local Government Association but this involvement must be accessible to all people;<sup>5</sup>
- **It is based on 20th-century technology:** Planning systems are reliant on legacy software that burden the sector with repetitive tasks. The planning process remains reliant on documents, not data, which reduces the speed and quality of decision-making. The user experience of the planning system discourages engagement, and little use is made of interactive digital services and tools. We have heard that for many developers the worst thing that can happen is for the lead local authority official to leave their job – suggesting a system too dependent on the views of a particular official at a particular time, and not transparent and accessible requirements shaped by communities.
- **The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear:** as a result, the outcomes can be uncertain, which further diminishes trust in the system and reduces the ability of local planning authorities to plan for and deliver necessary infrastructure. Over 80 per cent of planning authorities agree that planning

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<sup>3</sup> MHCLG data, period covering 24 months to end March 2019.

<sup>4</sup> YouGov polling commissioned by Grosvenor (2019) – available at <https://www.grosvenor.com/Grosvenor/files/a2/a222517e-e270-4a5c-ab9f-7a7b4d99b1f3.pdf>. An overview of wider evidence and studies on public attitudes to planning and development is available in chapter 9 of the Building Better Building Beautiful Commission’s interim report – available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/815495/BBB\\_Commission\\_Interim\\_Report\\_Appendices.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815495/BBB_Commission_Interim_Report_Appendices.pdf).

<sup>5</sup> See the LGA’s open statement on planning at <https://www.local.gov.uk/keep-planning-local>.

obligations cause delay.<sup>6</sup> It also further increases planning risk for developers and landowners, thus discouraging development and new entrants.

- **There is not enough focus on design, and little incentive for high quality new homes and places:** There is insufficient incentive within the process to bring forward proposals that are beautiful and which will enhance the environment, health, and character of local areas. Local Plans do not provide enough certainty around the approved forms of development, relying on vague and verbal statements of policy rather than the popularly endorsed visual clarity that can be provided by binding design codes. This means that quality can be negotiated away too readily and the lived experience of the consumer ignored too readily.
- **It simply does not lead to enough homes being built,** especially in those places where the need for new homes is the highest. Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (over 241,000).<sup>7</sup> The result of long-term and persisting undersupply is that housing is becoming increasingly expensive, including relative to our European neighbours. In Italy, Germany and the Netherlands, you can get twice as much housing space for your money compared to the UK.<sup>8</sup> We need to address the inequalities this has entrenched.

- 1.4. A poor planning process results in poor outcomes. Land use planning and development control are forms of regulation, and like any regulation should be predictable, and accessible and strike a fair balance between consumers, producers and wider society. But too often the planning system is unpredictable, too difficult to engage with or understand, and favours the biggest players in the market who are best able to negotiate and navigate through the process.
- 1.5. The Government has made significant progress in recent years in increasing house building, with construction rates at a 30-year high in 2019. But these fundamental issues in the system remain, and we are still lagging behind many of our European neighbours. And as the Building Better, Building Beautiful Commission found in its interim report last year, too often what we do build is low quality and considered ugly by local residents.<sup>9</sup>

### A new vision for England's planning system

- 1.6. This paper and the reforms that follow are an attempt to rediscover the original mission and purpose of those who sought to improve our homes and streets in late

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<sup>6</sup> MHCLG (2019) *The Value and Incidence of Developer Contributions in England 2018/19* available at: <https://gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2018-to-2019-report-of-study>

<sup>7</sup> MHCLG data on housing supply available at <https://www.gov.uk/government/statistics/housing-supply-net-additional-dwellings-england-2018-to-2019>.

<sup>8</sup> Data from the Deloitte Property Index, available at [https://www2.deloitte.com/content/dam/Deloitte/cz/Documents/survey/Property\\_Index\\_2016\\_EN.pdf](https://www2.deloitte.com/content/dam/Deloitte/cz/Documents/survey/Property_Index_2016_EN.pdf)

<sup>9</sup> Building Better Building Beautiful Commission (2019) *Creating space for beauty: Interim report*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/815493/BBBC\\_Commission\\_Interim\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815493/BBBC_Commission_Interim_Report.pdf)



Victorian and early 20th century Britain. That original vision has been buried under layers of legislation and case law. We need to rediscover it.

- 1.7. Planning matters. Where we live has a measurable effect on our physical and mental health: on how much we walk, on how many neighbours we know or how tense we feel on the daily journey to work or school. Places affect us from the air that we breathe to our ultimate sense of purpose and wellbeing. This is a question of social justice too. Better off people experience more beauty than poorer people and can better afford the rising costs of homes. As a nation we need to do this better. Evidence from the Town and Country Planning Association (TCPA), the Royal Town Planning Institute (RTPI) and the Green Building Council to the Building Better Building Beautiful Commission all emphasised that the evidence on what people want and where they flourish is remarkably consistent.
- 1.8. The Government's planning reforms since 2010 have started to address the underlying issues:
  - last year, we delivered over 241,000 homes, more new homes than at any point in the last 30 years;
  - our reforms to change of use rules have supported delivery of over 50,000 new homes;
  - the rate of planning applications granted has increased since 2010;<sup>10</sup>
  - the National Planning Policy Framework, introduced in 2012, has greatly simplified the previously huge volume of policy;
  - we have introduced a simplified formula for assessing housing need and clearer incentives for local authorities to have up to date plans in place;
  - we have introduced greater democratic accountability over infrastructure planning, giving elected Ministers responsibility for planning decisions about this country's nationally significant energy, transport, water, wastewater and waste projects;
  - we have continued to protect the Green Belt;
  - protections for environmental and heritage assets – such as Areas of Outstanding Natural Beauty (AONBs), and Sites of Special Scientific Interest (SSSIs) and Conservation Areas – continue to protect our treasured countryside and historic places; and
  - we have democratised and localised the planning process by abolishing the top-down regional strategies and unelected regional planning bodies, and empowered communities to prepare a plan for their area, through our introduction of neighbourhood planning – with over 2,600 communities taking advantage of our reforms so far.
- 1.9. But the simple truth is that decades of complexity and political argument have resulted in a system which is providing neither sufficient homes nor good enough

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<sup>10</sup> See

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/875032/Planning\\_Application\\_Statistics\\_October\\_to\\_December\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875032/Planning_Application_Statistics_October_to_December_2019.pdf) (p.3).

new places. Nor is it fairly using the talents and passions of public sector planners who often feel over-worked and under-appreciated, trapped between the urgent need for more homes, an insufficiently competitive market and a policy framework which makes it almost impossible for them to insist upon beautiful and sustainable new homes and places.

- 1.10. The planning system needs to be better at unlocking growth and opportunity in all parts of the country, at encouraging beautiful new places, at supporting the careful stewardship and rebirth of town and city centres, and at supporting the revitalisation of existing buildings as well as supporting new development.
- 1.11. It is also time for the planning system finally to move towards a modernised, open data approach that creates a reliable national picture of what is happening where in planning, makes planning services more efficient, inclusive and consistent, and unlocks the data needed by property developers and the emerging Property Technology (PropTech) sector, to help them make more informed decisions on what to build and where.
- 1.12. We wish to:
  - **be more ambitious for the places we create**, expecting new development to be beautiful and to create a ‘net gain’ not just ‘no net harm’;
  - **move the democracy forward** in the planning process and give neighbourhoods and communities an earlier and more meaningful voice in the future of their area as plans are made, harnessing digital technology to make it much easier to access and understand information about specific planning proposals. More engagement should take place at the Local Plan phase;
  - **improve the user experience of the planning system**, to make planning information easier to find and understand and make it appear in the places that discussions are happening, for example in digital neighbourhood groups and social networks. New digital engagement processes will make it radically easier to raise views about and visualise emerging proposals whilst on-the-go on a smart phone;
  - **support home ownership**, helping people and families own their own beautiful, affordable, green and safe homes, with ready access to better infrastructure and green spaces;
  - **increase the supply of land available for new homes where it is needed** to address affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market;
  - **help businesses to expand** with readier access to the commercial space they need in the places they want and supporting a more physically flexible labour market;
  - **support innovative developers and housebuilders**, including small and medium-sized enterprises (SMEs) and self-builders, those looking to build a diverse range of types and tenure of housing, and those using innovative modern methods of construction (MMC);
  - **promote the stewardship and improvement of our precious countryside and environment**, ensuring important natural assets are preserved, the development

potential of brownfield land is maximised, that we support net gains for biodiversity and the wider environment and actively address the challenges of climate change; and

- **create a virtuous circle of prosperity in our villages, towns and cities**, supporting their ongoing renewal and regeneration without losing their human scale, inheritance and sense of place. We need to build more homes at gentle densities in and around town centres and high streets, on brownfield land and near existing infrastructure so that families can meet their aspirations. Good growth will make it easier to level up the economic and social opportunities available to communities.
- 1.13. Underpinning this, we need to modernise the day-to-day operation of the planning system. Residents should not have to rely on planning notices attached to lamp posts, printed in newspapers or posted in libraries. The COVID-19 pandemic has highlighted the need for modern digital planning services that can be accessed from home, and many planners and local authorities have responded brilliantly to this challenge. The planning system must build on this success and follow other sectors in harnessing the benefits which digitisation can bring – real time information, high quality virtual simulation, straightforward end-to-end processes. It should be based on data, not documents, inclusive for all members of society, and stimulate the innovation of the great British design industry.
- 1.14. There are growing calls for change, and for the shape that it should take – based on a bold vision for end-to-end reform, rather than further piecemeal change within the existing system. Recent reports from think tanks and the Government-appointed Building Better, Building Beautiful Commission are the latest prominent voices to have added to the chorus.<sup>11</sup>

### Proposals

- 1.15. We will undertake fundamental reform of the planning system to address its underlying weaknesses and create a system fit for the 21st century. We want to hear your views on our proposals:
- 1.16. **First, we will streamline the planning process with more democracy taking place more effectively at the plan making stage**, and will replace the entire corpus of plan-making law in England to achieve this:
- **Simplifying the role of Local Plans**, to focus on identifying land under three categories - *Growth* areas suitable for substantial development, and where outline approval for development would be automatically secured for forms and types of development specified in the Plan; *Renewal* areas suitable for some development, such as gentle densification; and *Protected* areas where – as the name suggests – development is restricted. This could halve the time it takes to secure planning

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<sup>11</sup> See Policy Exchange (2020) “A planning system for the 20<sup>th</sup> century”, available at: <https://policyexchange.org.uk/publication/rethinking-the-planning-system-for-the-21st-century/>; Centre for Cities (2020) “Planning for the future”, available at: <https://www.centreforcities.org/publication/planning-for-the-future/>; Building Better Building Beautiful Commission (2020) “Living with beauty: promoting health, well-being and sustainable growth”, available at: <https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>; Create Streets (2018) “From NIMBY to YIMBY”, and (2018) “More Good Homes”.

permission on larger sites identified in plans. We also want to allow local planning authorities to identify sub-areas in their *Growth* areas for self and custom-build homes, so that more people can build their own homes.

- **Local Plans should set clear rules rather than general policies for development.** We will set out general development management policies nationally, with a more focused role for Local Plans in identifying site and area-specific requirements, alongside locally-produced design codes. This would scale back the detail and duplication contained in Local Plans, while encouraging a much greater focus on design quality at the local level. Plans will be significantly shorter in length (we expect a reduction in size of at least two thirds), as they will no longer contain a long list of “policies” of varying specificity – just a core set of standards and requirements for development.
- **Local councils should radically and profoundly re-invent the ambition, depth and breadth with which they engage with communities** as they consult on Local Plans. Our reforms will democratise the planning process by putting a new emphasis on engagement at the plan-making stage. At the same time, we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes. We want to hear the views of a wide range of people and groups through this consultation on our proposed reforms.
- **Local Plans should be subject to a single statutory “sustainable development” test**, and unnecessary assessments and requirements that cause delay and challenge in the current system should be abolished. This would mean replacing the existing tests of soundness, updating requirements for assessments (including on the environment and viability) and abolishing the Duty to Cooperate.
- **Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template.** Plans should be significantly shorter in length, and limited to no more than setting out site- or area-specific parameters and opportunities.
- **Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable (of no more than 30 months in total)** for key stages of the process, and there will be sanctions for those who fail to do so.
- **Decision-making should be faster and more certain**, within firm deadlines, and should make greater use of data and digital technology.
- **We will seek to strengthen enforcement powers and sanctions** so that as we move towards a rules-based system, communities can have confidence those rules will be upheld.
- **We will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms** – so that, as we bring in our reforms, local planning authorities are equipped to create great communities through world-class civic engagement and proactive plan-making.

- 1.17. **Second, we will take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data.** We will:
- **Support local planning authorities to use digital tools to support a new civic engagement process for local plans and decision-making**, making it easier for people to understand what is being proposed and its likely impact on them through visualisations and other digital approaches. We will make it much easier for people to feed in their views into the system through social networks and via their phones.
  - **Insist local plans are built on standardised, digitally consumable rules and data**, enabling accessible interactive maps that show what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector.
  - **Standardise, and make openly and digitally accessible, other critical datasets that the planning system relies on**, including planning decisions and developer contributions. Approaches for fixing the underlying data are already being tested and developed by innovative local planning authorities and we are exploring options for how these could be scaled nationally.
  - **Work with tech companies and local authorities to modernise the software used for making and case-managing a planning application**, improving the user-experience for those applying and reducing the errors and costs currently experienced by planning authorities. A new more modular software landscape will encourage digital innovation and will consume and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, making decision making faster and more certain.
  - **Engage with the UK PropTech sector through a *PropTech Innovation Council*** to make the most of innovative new approaches to meet public policy objectives, help this emerging sector to boost productivity in the wider planning and housing sectors, and ensure government data and decisions support the sector's growth in the UK and internationally.
- 1.18. **Third, to bring a new focus on design and sustainability**, we will:
- **Ensure the planning system supports our efforts to combat climate change and maximises environmental benefits**, by ensuring the National Planning Policy Framework targets those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements.
  - **Facilitate ambitious improvements in the energy efficiency standards for buildings** to help deliver our world-leading commitment to net-zero by 2050.
  - **Ask for beauty and be far more ambitious for the places we create, expecting new development to be beautiful, and to create a 'net gain' not just 'no net harm'**, with a greater focus on 'placemaking' and 'the creation of beautiful places' within the National Planning Policy Framework.
  - **Make it easier for those who want to build beautifully through the introduction of a fast-track for beauty** through changes to national policy and legislation, to

automatically permit proposals for high quality developments where they reflect local character and preferences.

- **Introduce a quicker, simpler framework for assessing environmental impacts and enhancement opportunities**, that speeds up the process while protecting and enhancing England’s unique ecosystems.
  - **Expect design guidance and codes – which will set the rules for the design of new development – to be prepared locally and to be based on genuine community involvement rather than meaningless consultation**, so that local residents have a genuine say in the design of new development, and ensure that codes have real ‘bite’ by making them more binding on planning decisions.
  - **Establish a new body to support the delivery of design codes in every part of the country**, and give permanence to the campaigning work of the Building Better, Building Beautiful Commission and the life of its co-chairman the late Sir Roger Scruton.
  - **Ensure that each local planning authority has a chief officer for design and place-making**, to help ensure there is the capacity and capability locally to raise design standards and the quality of development.
  - **Lead by example by updating Homes England’s strategic objectives to give greater emphasis to delivering beautiful places.**
  - **Protect our historic buildings and areas** while ensuring the consent framework is fit for the 21st century.
- 1.19. **Fourth, we will improve infrastructure delivery in all parts of the country and ensure developers play their part**, through reform of developer contributions. We propose:
- **The Community Infrastructure Levy and the current system of planning obligations will be reformed as a nationally-set value-based flat rate charge (‘the Infrastructure Levy’)**. A single rate or varied rates could be set. We will aim for the new Levy to raise more revenue than under the current system of developer contributions, and deliver at least as much – if not more – on-site affordable housing as at present. This reform will enable us to sweep away months of negotiation of Section 106 agreements and the need to consider site viability. We will deliver more of the infrastructure existing and new communities require by capturing a greater share of the uplift in land value that comes with development.
  - **We will be more ambitious for affordable housing provided through planning gain**, and we will ensure that the new Infrastructure Levy allows local planning authorities to secure more on-site housing provision.
  - **We will give local authorities greater powers to determine how developer contributions are used**, including by expanding the scope of the Levy to cover affordable housing provision to allow local planning authorities to drive up the provision of affordable homes. We will ensure that affordable housing provision supported through developer contributions is kept at least at current levels, and that it is still delivered on-site to ensure that new development continues to support mixed communities. Local authorities will have the flexibility to use this funding to support both existing communities as well as new communities.

- **We will also look to extend the scope of the consolidated Infrastructure Levy and remove exemptions from it** to capture changes of use through permitted development rights, so that additional homes delivered through this route bring with them support for new infrastructure.
- 1.20. **Fifth, to ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres,** we propose:
- **A new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans.** This would be focused on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.
  - **To speed up construction where development has been permitted,** we propose to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward together. We will explore further options to support faster build out as we develop our proposals for the new planning system.
  - **To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector,** we will consult on options for improving the data held on contractual arrangements used to control land.
  - **To make sure publicly-owned land and public investment in development supports thriving places,** we will:
    - ensure decisions on the locations of new public buildings – such as government offices and further education colleges – support renewal and regeneration of town centres; and
    - explore how publicly-owned land disposal can support the SME and self-build sectors.

### **The change we will see – a more engaging, equitable and effective system**

- 1.21. Our proposals will greatly improve the user experience of the planning system, making it fit for the next century.
- 1.22. **Residents** will be able to engage in a much more democratic system that is open to a wider range of people whose voice is currently not heard. Residents will no longer have to rely on planning notices attached to lamp posts, printed in newspapers and posted in libraries to find out about newly proposed developments. Instead people will be able to use their smartphone to give their views on Local Plans and design codes as they are developed, and to see clearer, more visual information about development proposals near them – rather than current planning policies and

development proposals presented in PDF documents, hundreds of pages long. And existing and new residents alike will gain from more affordable, green and beautiful homes near to where they want to live and work.

- 1.23. **Communities** will be able to trust the planning system again as their voice will be heard from the beginning of the process and better use of digital technology will make it radically easier for people to understand what is being proposed in their neighbourhoods and provide new ways to feed their views into the reformed system. Local Plans will be developed over a fixed 30-month period with clear engagement points, rather than the current inconsistent process which takes seven years on average. The Infrastructure Levy will be more transparent than Section 106, and local communities will have more control over how it is spent. Communities will be able to set standards for design upfront through local design codes. And with more land available for homes where they are most needed, and a renewed focus on the beauty of new development, communities will be able to grow organically and sustainably, and development will enhance places for everyone.
- 1.24. **Innovators, entrepreneurs and businesses** will benefit from a planning system that is much more adaptable to the changing needs of the economy. A greater amount of land available near to workplaces, and a more flexible approach to how that land can be used, will make it much easier for firms to set up and expand in the most productive locations – for example, spin-out companies looking to set up near to research-intensive universities. A reformed system that is based upon data, rather than documents will help to provide the data that innovators and entrepreneurs, including the burgeoning PropTech sector, need to build new technology to help improve citizen engagement and planning processes.
- 1.25. **Small builders, housing associations and those building their own home**, will find this system much easier, less costly and quicker to navigate, with more land available for development, and clearer expectations on the types of development permitted, helping them to find development opportunities and use innovative construction methods. With permission for the principle of development secured automatically in many cases, a major hurdle in the process will be removed, taking two to three years out of the process. The system of developer contributions will make it much easier for smaller developers, who will not have to engage in months of negotiation and can instead get on with the job of building. And a shorter, more certain process will remove significant risk from the process, lowering the need for developers to secure long development pipelines and lowering the regulatory barriers to entry that currently exist in the market. A data-led planning system will help developers of all sizes and experience to find the planning information they need to understand what can be built and where, which will provide greater certainty to them and their investors.
- 1.26. **Local authorities**, including Mayoral combined authorities, will be liberated to plan and able to focus on what they do best, with the shackles of current burdensome assessments and negotiations removed. They will be able to give more attention to improving the quality of new development and focus on those large and special sites that need the most consideration. And the Government will support modernisation of the planning process so that routine tasks are automated and decision-making, and plan-making, is improved by better access to the data local authorities need.



- 1.27. **And for our children and grandchildren**, our reforms will leave an inheritance of environmental improvement – with environmental assets protected, more green spaces provided, more sustainable development supported, new homes that are much more energy efficient and new places that can become the heritage of the future, built closer to where people want to live and work to reduce our reliance on carbon-intensive modes of transport.
- 1.28. This consultation document does not address every detailed part of the planning system, its function and objectives, but rather focuses on the key reforms that can help improve the delivery and quality of homes and neighbourhoods, set within our drive towards net-zero greenhouse gas emissions by 2050.
- 1.29. And fixing the planning system alone will not be enough – it will require a collective effort between Government, communities, businesses and developers over the long-term. But fixing the planning system should be the starting point for these efforts.

# Pillar One – Planning for development

## Overview

- 2.1. The starting point for an effective planning system is to establish a clear and predictable basis for the pattern and form of development in an area. The current system of land use planning in England is principally based on local plans, brought forward by local planning authorities on behalf of their communities. But in contrast to planning systems in places like Japan, the Netherlands and Germany, where plans give greater certainty that development is permitted in principle upfront, plans in England are policy-based, with a separate process required to secure permission on the sites that it designates for development.
- 2.2 Local Plans are a good foundation on which to base reform, as they provide a route for local requirements to be identified and assessed, a forum for political debate and for different views on the future of areas to be heard. The National Planning Policy Framework provides a clear basis for those matters that are best set in national policy.
- 2.3 However, change is needed. Layers of assessment, guidance and policy have broadened the scope of Local Plans, requiring a disproportionate burden of evidence to support them. As a result, Local Plans take increasingly long to produce, on average over seven years; have become lengthier documents of increasing complexity, in some cases stretching to nearly 500 pages; are underpinned by vast swathes of evidence base documents, often totalling at least ten times the length of the plan itself, and none of which are clearly linked, standardised, or produced in accessible formats; and include much unnecessary repetition of national policy.
- 2.4 It is difficult for users of the planning system to find the information they need, and when they do, it is difficult to understand. Few people read the array of evidence base documents which accompany plans and these assessments do not sufficiently aid decision-making. Much of this evidence becomes dated very quickly, and production times often render policies out of date as soon as they are adopted. Furthermore, even when the plan is in place, it cannot be relied on as the definitive statement of how development proposals should be handled.
- 2.5 Local Plans should instead be focused on where they can add real value: allocating enough land for development in the right places, giving certainty about what can be developed on that land, making the process for getting permission for development as simple as possible, and providing local communities a genuine opportunity to shape those decisions. To this end, Local Plans should:
  - be based on transparent, clear requirements for local authorities to identify appropriate levels of, and locations for, development that provide certainty and that applicants and communities can easily understand;
  - communicate key information clearly and visually so that plans are accessible and easily understandable, and communities can engage meaningfully in the process of developing them;

- be published as standardised data to enable a strategic national map of planning to be created;
- be developed using a clear, efficient and standard process;
- benefit from a radically and profoundly re-invented engagement with local communities so that more democracy takes place effectively at the plan-making stage; and
- set clear expectations on what is required on land that is identified for development, so that plans give confidence in the future growth of areas and facilitate the delivery of beautiful and sustainable places.

### Questions

1. What three words do you associate most with the planning system in England?

2. Do you get involved with planning decisions in your local area?

*[Yes / No]*

2(a). If no, why not?

*[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]*

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

*[Social media / Online news / Newspaper / By post / Other – please specify]*

4. What are your top three priorities for planning in your local area?

*[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]*

### Proposals

2.6. We propose a new role for Local Plans and a new process for making them, by replacing the existing primary and secondary legislation.

### A NEW APPROACH TO PLAN-MAKING

2.7. Local Plans should have a clear role and function, which should be, first, to identify land for development and sites that should be protected; and, second, to be clear about what development can take place in those different areas so that there is greater certainty about land allocated for development and so that there is a faster route to securing permission. They should be assessed against a single statutory “sustainable development” test to ensure plans strike the right balance between environmental, social and economic objectives.

**Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – *Growth* areas suitable for substantial development, *Renewal* areas suitable for development, and areas that are *Protected*.**

2.8. All areas of land would be put into one of these three categories:

- ***Growth* areas “suitable for substantial development”** – we propose that the term substantial development be defined in policy to remove any debate about this descriptor. We envisage this category would include land suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites. It could also include proposals for sites such as those around universities where there may be opportunities to create a cluster of growth-focused businesses. Sites annotated in the Local Plan under this category would have outline approval for development (see proposal 5 for more detail). Areas of flood risk would be excluded from this category (as would other important constraints), unless any risk can be fully mitigated;
- ***Renewal* areas “suitable for development”** – this would cover existing built areas where smaller scale development is appropriate. It could include the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as *Growth* or *Protected* areas, such as small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area. Local authorities could continue to consider the case for resisting inappropriate development of residential gardens;
- **Areas that are *Protected*** – this would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. At a smaller scale it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in *Growth* or *Renewal* areas. Some areas would be defined nationally, others locally on the basis of national policy, but all would be annotated in Local Plan maps and clearly signpost the relevant development restrictions defined in the National Planning Policy Framework.

2.9. This new-style Local Plan would comprise an interactive web-based map of the administrative area where data and policies are easily searchable, with a key and accompanying text. Areas and sites would be annotated and colour-coded in line with their *Growth*, *Renewal* or *Protected* designation, with explanatory descriptions set out in the key and accompanying text, as appropriate to the category.

2.10. In *Growth* and *Renewal* areas, the key and accompanying text would set out suitable development uses, as well as limitations on height and/or density as relevant. These could be specified for sub-areas within each category, determined locally but having regard to national policy, guidance and legislation (including the National Model Design Code and flexibilities in use allowed by virtue of the new Use Classes Order and permitted development). For example, it may be appropriate for some areas to be identified as suitable for higher-density residential development,

or for high streets and town centres to be identified as distinct areas. In *Growth* areas, we would also want to allow sub-areas to be created specifically for self and custom-build homes, and community-led housing developments, to allow a range of housing aspirations to be met and help create diverse and flourishing communities. In the case of self and custom-build homes, local authorities should identify enough land to meet the requirements identified in their self-build and custom housebuilding registers. For *Protected* areas, the key and accompanying text would explain what is permissible by cross-reference to the National Planning Policy Framework.

- 2.11. **Alternative options:** Rather than dividing land into three categories, we are also interested in views on more binary models. One option is to combine *Growth* and *Renewal* areas (as defined above) into one category and to extend permission in principle to all land within this area, based on the uses and forms of development specified for each sub-area within it.
- 2.12. An alternative approach would be to limit automatic permission in principle to land identified for substantial development in Local Plans (*Growth* areas); other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process.

**Question**

5. Do you agree that Local Plans should be simplified in line with our proposals?

*[Yes / No / Not sure. Please provide supporting statement.]*

**Proposal 2: Development management policies established at national scale and an altered role for Local Plans.**

- 2.13. With the primary focus of plan-making on identifying areas for development and protection, we propose that development management policy contained in the plan would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included in *Growth* areas and *Renewal* areas, established through the accompanying text. The National Planning Policy Framework would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within Local Plans, such as protections for listed buildings (although we are interested in views on the future of optional technical standards). We propose to turn plans from long lists of general “policies” to specific development standards.
- 2.14. Local planning authorities and neighbourhoods (through Neighbourhood Plans) would play a crucial role in producing required design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development. This is important for making plans more visual and engaging. These could be produced for a whole local authority area, or for a smaller area or site (as annotated in the Local Plan), or a combination of both. Design guides and codes would ideally be produced on a ‘twin track’ with the Local Plan, either for inclusion within the plan or prepared as supplementary planning documents.

- 2.15. We want to move to a position where all development management policies and code requirements, at national, local and neighbourhood level, are written in a machine-readable format so that wherever feasible, they can be used by digital services to automatically screen developments and help identify where they align with policies and/or codes. This will significantly increase clarity for those wishing to bring forward development, enabling automation of more binary considerations and allowing for a greater focus on those areas where there is likely to be greater subjectivity.
- 2.16. **Alternative options:** Rather than removing the ability for local authorities to include general development management policies in Local Plans, we could limit the scope of such policies to specific matters and standardise the way they are written, where exceptional circumstances necessitate a locally-defined approach. Another alternative would be to allow local authorities a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed.

**Question**

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

*[Yes / No / Not sure. Please provide supporting statement.]*

**Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.**

- 2.17. This would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the Secretary of State. The achievement of sustainable development is an existing and well-understood basis for the planning system, and we propose that it should be retained.
- 2.18. A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process.
- 2.19. Specifically:
- we propose to abolish the Sustainability Appraisal system and develop a simplified process for assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties (see our proposals under Pillar Two);
  - the Duty to Cooperate test would be removed (although further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges); and
  - a slimmed down assessment of deliverability for the plan would be incorporated into the “sustainable development” test.
- 2.20. Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any

infrastructure that may be needed coming forward within the plan period. Plan-making policies in the National Planning Policy Framework will make this clear.

- 2.21. The new-style digital Local Plan would also help local planning authorities to engage with strategic cross-boundary issues and use data-driven insights to assess local infrastructure needs to help decide what infrastructure is needed and where it should be located.
- 2.22. **Alternative option:** Rather than removing the existing tests of soundness, an alternative option could be to reform them in order to make it easier for a suitable strategy to be found sound. For example, the tests could become less prescriptive about the need to demonstrate deliverability. Rather than demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed.

### Questions

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

*[Yes / No / Not sure. Please provide supporting statement.]*

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

**Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.**

- 2.23. Local Plans will need to identify areas to meet a range of development needs – such as homes, businesses and community facilities – for a minimum period of 10 years. This includes land needed to take advantage of local opportunities for economic growth, such as commercial space for spin-out companies near to university research and development facilities, or other high productivity businesses.
- 2.24. Debates about housing numbers tend to dominate this process, and a standard method for setting housing requirements would significantly reduce the time it takes to establish the amount of land to release in each area. This has historically been a time-consuming process which ultimately has not led to enough land being released where it is most needed (as reflected by worsening affordability). A standard requirement would differ from the current system of local housing need in that it would be binding, and so drive greater land release.
- 2.25. It is proposed that the standard method would be a means of distributing the national housebuilding target of 300,000 new homes annually, and one million homes by the end of the Parliament, having regard to:

- the size of existing urban settlements (so that development is targeted at areas that can absorb the level of housing proposed);
  - the relative affordability of places (so that the least affordable places where historic under-supply has been most chronic take a greater share of future development);
  - the extent of land constraints in an area to ensure that the requirement figure takes into account the practical limitations that some areas might face, including the presence of designated areas of environmental and heritage value, the Green Belt and flood risk. For example, areas in National Parks are highly desirable and housing supply has not kept up with demand; however, the whole purpose of National Parks would be undermined by multiple large scale housing developments so a standard method should factor this in;
  - the opportunities to better use existing brownfield land for housing, including through greater densification. The requirement figure will expect these opportunities to have been utilised fully before land constraints are taken into account;
  - the need to make an allowance for land required for other (non-residential) development; and
  - inclusion of an appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market.
- 2.26. The standard method would make it the responsibility of individual authorities to allocate land suitable for housing to meet the requirement, and they would continue to have choices about how to do so: for example through more effective use of existing residential land, greater densification, infilling and brownfield redevelopment, extensions to existing urban areas, or new settlements. The existing policy for protecting the Green Belt would remain. We also propose that it would be possible for authorities to agree an alternative distribution of their requirement in the context of joint planning arrangements. In particular, it may be appropriate for Mayors of combined authorities to oversee the strategic distribution of the requirement in a way that alters the distribution of numbers, and this would be allowed for.
- 2.27. In the current system the combination of the five-year housing land supply requirement, the Housing Delivery Test and the presumption in favour of sustainable development act as a check to ensure that enough land comes into the system. Our proposed approach should ensure that enough land is planned for, and with sufficient certainty about its availability for development, to avoid a continuing requirement to be able to demonstrate a five-year supply of land. However, having enough land supply in the system does not guarantee that it will be delivered, and so we propose to maintain the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system.
- 2.28. **Alternative option:** It would be possible to leave the calculation of how much land to include in each category to local decision, but with a clear stipulation in policy that this should be sufficient to address the development needs of each area (so far as possible subject to recognised constraints), taking into account market signals indicating the degree to which existing needs are not being met. As now, a standard method could be retained to underpin this approach in relation to housing; and it



would be possible to make changes to the current approach that ensure that meeting minimum need is given greater weight to make sure sufficient land comes forward. However, we do not think that this approach would carry the same benefits of clarity and simplicity as our preferred option, and would also require additional safeguards to ensure that adequate land remains available, especially once the assessment of housing need has been translated into housing requirements. We would, therefore, propose to retain a five-year housing land supply requirement with this approach.

- 2.29. We have published a separate consultation on proposed changes to the standard method for assessing local housing need which is currently used in the process of establishing housing requirement figures. The future application of the formula proposed in the revised standard method consultation will be considered in the context of the proposals set out here. In particular, the methodology does not yet adjust for the land constraints, including Green Belt. We will consider further the options for doing this and welcome proposals.

**Questions**

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

*[Yes / No / Not sure. Please provide supporting statement.]*

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

*[Yes / No / Not sure. Please provide supporting statement.]*

**A streamlined development management process with automatic planning permission for schemes in line with plans**

**Proposal 5: Areas identified as *Growth* areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.**

- 2.30. There will therefore be no need to submit a further planning application to test whether the site can be approved. Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues – not the principle of development.
- 2.31. In areas suitable for substantial development (*Growth* areas) an outline permission for the principle of development would be conferred by adoption of the Local Plan. Further details would be agreed and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.
- 2.32. Detailed planning permission could be secured in one of three ways:
- a reformed reserved matters process for agreeing the issues which remain outstanding;

- a Local Development Order prepared by the local planning authority for the development which could be prepared in parallel with the Local Plan and be linked to a master plan and design codes; or
  - for exceptionally large sites such as a new town where there are often land assembly and planning challenges, we also want to explore whether a Development Consent Order under the Nationally Significant Infrastructure Projects regime could be an appropriate route to secure consents. Similarly, we will consider how the planning powers for Development Corporations can be reformed to reflect this new framework.
- 2.33. In areas suitable for development (*Renewal* areas), there would be a general presumption in favour of development established in legislation (achieved by strengthening the emphasis on taking a plan-led approach, with plans reflecting the general appropriateness of these areas for development). Consent for development would be granted in one of three ways:
- for pre-specified forms of development such as the redevelopment of certain building types, through a new permission route which gives an automatic consent if the scheme meets design and other prior approval requirements (as discussed further under the fast-track to beauty proposals set out under Pillar Two);
  - for other types of development, a faster planning application process where a planning application for the development would be determined in the context of the Local Plan description, for what development the area or site is appropriate for, and with reference to the National Planning Policy Framework; or
  - a Local or Neighbourhood Development Order.
- 2.34. In both the *Growth* and *Renewal* areas it would still be possible for a proposal which is different to the plan to come forward (if, for example, local circumstances had changed suddenly, or an unanticipated opportunity arose), but this would require a specific planning application. We expect this to be the exception rather than the rule: to improve certainty in the system, it will be important for everyone to have confidence that the plan will be the basis for decisions, and so we intend to strengthen the emphasis on a plan-led approach in legislation (alongside giving appropriate status to national planning policy for general development management matters).
- 2.35. In areas where development is restricted (*Protected* areas) any development proposals would come forward as now through planning applications being made to the local authority (except where they are subject to permitted development rights or development orders), and judged against policies set out in the National Planning Policy Framework.
- 2.36. We will consider the most effective means for neighbours and other interested parties to address any issues of concern where, under this system, the principle of development has been established leaving only detailed matters to be resolved.
- 2.37. Separate to these reforms, we also intend to consolidate other existing routes to permission which have accumulated over time, including simplified planning zones, enterprise zones and brownfield land registers.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (*Growth* areas) with faster routes for detailed consent?

*[Yes / No / Not sure. Please provide supporting statement.]*

9(b). Do you agree with our proposals above for the consent arrangements for *Renewal* and *Protected* areas?

*[Yes / No / Not sure. Please provide supporting statement.]*

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

*[Yes / No / Not sure. Please provide supporting statement.]*

**Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology**

2.38. For all types of planning applications regardless of the category of land, we want to see a much more streamlined and digitally enabled end to end process which is proportionate to the scale and nature of the development proposed, to ensure decisions are made faster. The well-established time limits of eight or 13 weeks for determining an application from validation to decision should be a firm deadline – not an aspiration which can be got around through extensions of time as routinely happens now.

2.39. To achieve this, we propose:

- the greater digitalisation of the application process to make it easier for applicants, especially those proposing smaller developments, to have certainty when they apply and engage with local planning authorities. In particular, the validation of applications should be integrated with the submission of the application so that the right information is provided at the start of the process. For Spending Review, the Government will prepare a specific, investable proposal for modernising planning systems in local government;
- A new, more modular, software landscape to encourage digital innovation and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, which will support faster and more certain decision-making. We will work with tech companies and local planning authorities to modernise the software used for case-managing a planning application to improve the user-experience for those applying and reduce the errors and costs currently experienced by planning authorities;
- shorter and more standardised applications. The amount of key information required as part of the application should be reduced considerably and made machine-readable. A national data standard for smaller applications should be created. For major development, beyond relevant drawings and plans, there should only be one key standardised planning statement of no more than 50 pages to justify the development proposals in relation to the Local Plan and National Planning Policy Framework;

- data-rich planning application registers will be created so that planning application information can be easily found and monitored at a national scale, and new digital services can be built to help people use this data in innovative ways
  - data sets that underpin the planning system, including planning decisions and developer contributions, need to be standardised and made open and digitally accessible;
  - a digital template for planning notices will be created so that planning application information can be more effectively communicated and understood by local communities and used by new digital services;
  - greater standardisation of technical supporting information, for instance about local highway impacts, flood risk and heritage matters. We envisage design codes will help to reduce the need for significant supplementary information, but we recognise there may still need to be site specific information to mitigate wider impacts. For these issues, there should be clear national data standards and templates developed in conjunction with statutory consultees;
  - clearer and more consistent planning conditions, with standard national conditions to cover common issues;
  - a streamlined approach to developer contributions, which is discussed further under Pillar Three;
  - the delegation of detailed planning decisions to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgment.
- 2.40. We also believe there should be a clear incentive on the local planning authority to determine an application within the statutory time limits. This could involve the automatic refund of the planning fee for the application if they fail to determine it within the time limit. But we also want to explore whether some types of applications should be deemed to have been granted planning permission if there has not been a timely determination, to ensure targets are met and local authorities keep to the time limit in the majority of cases. We particularly want to ensure that the facilities and infrastructure that communities value, such as schools, hospitals and GP surgeries, are delivered quickly through the planning system.
- 2.41. There will remain a power to call in decisions by the Secretary of State and for applicants to appeal against a decision by a local planning authority. However, by ensuring greater certainty about the principle of development in Local Plans, we expect to see fewer appeals being considered by the Planning Inspectorate. For those that do go to appeal, we want to ensure the appeals process is faster, with the Inspectorate more digitally responsive and flexible. And to promote proper consideration of applications by planning committees, where applications are refused, we propose that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal.

### Question

10. Do you agree with our proposals to make decision-making faster and more certain?

*[Yes / No / Not sure. Please provide supporting statement.]*

**A new interactive, web-based map standard for planning documents**

2.42. Planning documentation should reflect this simplified role for Local Plans and should support community engagement.

**Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.**

2.43. Interactive, map-based Local Plans will be built upon data standards and digital principles. To support local authorities in developing plans in this new format, we will publish a guide to the new Local Plan system and data standards and digital principles, including clearer expectations around the more limited evidence that will be expected to support “sustainable” Local Plans, accompanied by a “model” template for Local Plans and subsequent updates, well in advance of the legislation being brought into force. This will support standardisation of Local Plans across the country. The text-based component of plans should be limited to spatially-specific matters and capable of being accessible in a range of different formats, including through simple digital services on a smartphone.

2.44. To support open access to planning documents and improve public engagement in the plan-making process, plans should be fully digitised and web-based following agreed web standards rather than document based. This will allow for any updates to be published instantaneously and makes it easier to share across all parties and the wider public. Those digital plans should be carefully designed with the user in mind and to ensure inclusivity, so that they can be accessed in different formats, on different devices, and are accessible and understandable by all. Geospatial information associated with plans, such as sites and areas, should also be standardised and made openly available online. Taken together, these changes will enable a digital register of planning policies to be created so that new digital services can be built using this data, and this will also enable any existing or future mapping platforms to access and visualise Local Plans. This will make it easier for anyone to identify what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector. There should also be a long-term aim for any data produced to support Local Plans to be open and accessible online in machine-readable format and linked to the relevant policies and areas.

2.45. By shifting plan-making processes from documents to data, new digital civic engagement processes will be enabled. making it easier for people to understand what is being proposed where and how it will affect them. These tools have the potential to transform how communities engage with Local Plans, opening up new ways for people to feed their views into the system, including through social networks and via mobile phones. Early pilots from local planning authorities using emerging digital civic engagement tools have shown increased public participation from a broader audience, with one PropTech SME reporting that 70% of their users are under the age of 45<sup>12</sup>.

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<sup>12</sup> For more information see <https://www.commonplace.is/>

- 2.46. To encourage this step-change, we want to support local authorities to radically rethink how they produce their Local Plans, and profoundly re-invent the ambition, depth and breadth with which they engage with communities. We will set up a series of pilots to work with local authorities and tech companies (the emerging ‘PropTech’ sector) to develop innovative solutions to support plan-making activities and make community involvement more accessible and engaging. This could include measures to improve access to live information and data or the use of 3D visualisations and other tools to support good community engagement.

**Question**

11. Do you agree with our proposals for accessible, web-based Local Plans?

*[Yes / No / Not sure. Please provide supporting statement.]*

**A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS**

- 2.47. The average time taken from plan publication to adoption rose from an average of 450 days in 2009 to 815 days in 2019. There is currently no statutory requirement around timescales for key stages of the plan-making process.

**Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.**

- 2.48. Under the current system, it regularly takes over a decade for development sites to go through the Local Plan process and receive outline permission. Under our proposals, this would be shortened to 30 months, although we expect many local authorities could do this in a shorter time and we would encourage them to do so where this is practicable. We propose that the process covers five stages, with meaningful public engagement at two stages:
- Stage 1 [6 months]: The local planning authority “calls for” suggestions for areas under the three categories, including comprehensive “best in class” ways of achieving public involvement at this plan-shaping stage for where development should go and what it should look like.
  - Stage 2 [12 months]: The local planning authority draws up its proposed Local Plan, and produces any necessary evidence to inform and justify the plan. “Higher-risk” authorities will receive mandatory Planning Inspectorate advisory visits, in order to ensure the plan is on track prior to submission.
  - Stage 3 [6 weeks]: The local planning authority simultaneously
    - (i) submits the Plan to the Secretary of State for Examination together with a Statement of Reasons to explain why it has drawn up its plan as it has; and
    - (ii) publicises the plan for the public to comment on. Comments seeking change must explain how the plan should be changed and why. Again, this process would embody ‘best in class’ ways of ensuring public involvement. Responses will have a word count limit.
  - Stage 4 [9 months]: A planning inspector appointed by the Secretary of State considers whether the three categories shown in the proposed Local Plan are

“sustainable” as per the statutory test and accompanying national guidance and makes binding changes which are necessary to satisfy the test. The plan-making authority and all those who submitted comments would have the right to be “heard” by the inspector (whether face to face, by video, phone or in writing – all at the inspector’s discretion). The inspector’s report can, as relevant, simply state agreement with the whole or parts of the council’s Statement of Reasons, and/or comments submitted by the public.

- Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force.
- 2.49. Taken together, the effect of these reforms would be to greatly simplify and shorten the plan-making and development process, ensuring more land comes through the system and does so at pace.
- 2.50. To support the transition to the new system, we propose a statutory duty for local authorities to adopt a new Local Plan by a specified date – either 30 months from the legislation being brought into force, or 42 months for local planning authorities who have adopted a Local Plan within the previous three years or where a Local Plan has been submitted to the Secretary of State for examination. In the latter case, the 42 month period would commence from the point at which the legislation is brought into force, or upon adoption of the most recent plan, whichever is later.
- 2.51. This should be accompanied by a requirement for each planning authority to review its Local Plan at least every five years. Reviews should be undertaken sooner than five years where there has been a significant change in circumstances, for instance where issues with land supply have been identified through regular monitoring. Where a review concludes that an update is required, then the same 30-month deadline would apply although there would be an expectation that in many cases an update could be completed more quickly.
- 2.52. Local planning authorities that fail to do what is required to get their plan in place, or keep it up to date, would be at risk of government intervention. A range of intervention options will be available, including the issuing of directions and preparation of a plan in consultation with local people. Decisions on intervention would also have regard to:
- the level of housing requirement in the area;
  - the planning context of the area, including any co-operation to get plans in place across local planning authority boundaries;
  - any exceptional circumstances presented by the local planning authority.
- 2.53. **Alternative options:** The existing examination process could be reformed in order to speed up the process. For instance, the automatic ‘right to be heard’ could be removed so that participants are invited to appear at hearings at the discretion of the inspector. Certain Local Plans, that are less complex or controversial, could also be examined through written representations only, as is usually the case with Neighbourhood Plans at present.
- 2.54. A further alternative could be to remove the Examination stage entirely, instead requiring Local Planning Authorities to undertake a process of self-assessment against set criteria and guidance. To supplement this, the Planning Inspectorate could be utilised to audit a certain number of completed plans each year in order to

assess whether the requirements of the statutory sustainability test had been met. However, there is a risk that this option wouldn't provide sufficient scrutiny around whether plans meet the necessary legal and policy tests.

**Question**

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

*[Yes / No / Not sure. Please provide supporting statement.]*

**Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools**

- 2.55. Since statutory Neighbourhood Plans became part of the system in 2011, over 2,600 communities have started the process of neighbourhood planning to take advantage of the opportunity to prepare a plan for their own areas – and over 1,000 plans have been successfully passed at referendum. They have become an important tool in helping to 'bring the democracy forward' in planning, by allowing communities to think proactively about how they would like their areas to develop.
- 2.56. Therefore, we think Neighbourhood Plans should be retained in the reformed planning system, but we will want to consider whether their content should become more focused to reflect our proposals for Local Plans, as well as the opportunities which digital tools and data offer to support their development and improve accessibility for users. By making it easier to develop Neighbourhood Plans we wish to encourage their continued use and indeed to help spread their use further, particularly in towns and cities. We are also interested in whether there is scope to extend and adapt the concept so that very small areas – such as individual streets – can set their own rules for the form of development which they are happy to see.
- 2.57. Digital tools have significant potential to assist the process of Neighbourhood Plan production, including through new digital co-creation platforms and 3D visualisation technologies to explore proposals within the local context. We will develop pilot projects and data standards which help neighbourhood planning groups make the most of this potential.

**Questions**

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

*[Yes / No / Not sure. Please provide supporting statement.]*

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

**SPEEDING UP THE DELIVERY OF DEVELOPMENT**

- 2.58. Our plans for a simpler and faster planning process need to be accompanied by a stronger emphasis on the faster delivery of development, especially for *Growth* areas where substantial development has been permitted. If local communities



through the new Local Plan process have identified sites for substantial development over the next ten years and developers have secured planning consents, there should be a presumption that these sites will be built out quickly. But as Rt. Hon. Sir Oliver Letwin found in his Independent Review of Build Out Rates in 2018, the build out of large residential developments can be slow due to low market absorption rates, with some sites taking over 20 years to complete.

**Proposal 10: A stronger emphasis on build out through planning**

2.59. To address this, we propose to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development (discussed under Pillar Two) should seek to include a variety of development types by different builders which allow more phases to come forward together. We will explore further options to support faster build out as we develop our proposals for the new planning system.

**Question**

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

*[Yes / No / Not sure. Please provide supporting statement.]*

# Pillar Two – Planning for beautiful and sustainable places

## Overview

- 3.1. We have set out how a simpler planning process could improve certainty about what can be built where, as well as offering greater flexibility in the use of land to meet our changing economic and social needs. But improving the process of planning is only the starting point – we want to ensure that we have a system in place that enables the creation of beautiful places that will stand the test of time, protects and enhances our precious environment, and supports our efforts to combat climate change and bring greenhouse gas emissions to net-zero by 2050. Recent research from the Royal Town Planning Institute has set out the vital contribution that planning can make to a sustainable and inclusive recovery.<sup>13</sup>
- 3.2. To do this, planning should be a powerful tool for creating visions of how places can be, engaging communities in that process and fostering high quality development: not just beautiful buildings, but the gardens, parks and other green spaces in between, as well as the facilities which are essential for building a real sense of community. It should generate net gains for the quality of our built and natural environments - not just ‘no net harm’.
- 3.3. As the report of the Building Better, Building Beautiful Commission has shown, all too often that potential has fallen short. Too many places built during recent decades fail to reflect what is special about their local area or create a high quality environment of which local people can be proud. The Commission has played an invaluable role not just in highlighting the deficiencies, but in setting out a wide range of recommendations for addressing them. We will respond fully to the Commission’s report in the autumn, but there are important aspects that we want to highlight now, as being integral to our proposals for what a revised planning system can achieve.

## Questions

15. What do you think about the design of new development that has happened recently in your area?

*[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]*

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

*[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]*

<sup>13</sup> RTPI (2020) “Plan the world we need: The contribution of planning to a sustainable, resilient and inclusive recovery”, available at: <https://www.rtpi.org.uk/research/2020/june/plan-the-world-we-need/>.

## Proposals

### CREATING FRAMEWORKS FOR QUALITY

- 3.4. To deliver our vision, it is important for the planning system to set clear expectations for the form of development which we expect to see in different locations. It should do so in ways which reflect local character and community preferences, and the types of buildings and places that have stood the test of time; but it should also address modern lifestyles, facilitate modern methods of construction (and its associated benefits for efficiency, build quality and the environment) and the need to create places that are both durable and sustainable. History provides many examples of how we can do this well – including Georgian terraces and Victorian mansion blocks – and we should learn from what has worked in the past.
- 3.5. Our National Design Guide, published in October last year, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It is a vital starting point, defining ten characteristics of successful places and the ingredients which can deliver these. However, to provide as much clarity as possible for applicants and communities and provide the basis for ‘fast-tracking’ decisions on design, broad principles need to be turned into more specific standards.
- 3.6. To address this challenge, this autumn we will publish a National Model Design Code to supplement the guide, setting out more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision, in line with our wider vision for cycling and walking in England.<sup>14</sup> It will be accompanied by worked examples, and complement a revised and consolidated Manual for Streets.

**Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.**

- 3.7. As national guidance, we will expect the National Design Guide, National Model Design Code and the revised Manual for Streets to have a direct bearing on the design of new communities. But to ensure that schemes reflect the diverse character of our country, as well as what is provably popular locally, it is important that local guides and codes are prepared wherever possible. These play the vital role of translating the basic characteristics of good places into what works locally, and can already be brought forward in a number of ways: by local planning authorities to supplement and add a visual dimension to their Local Plans; through the work of neighbourhood planning groups; or by applicants in bringing forward proposals for significant new areas of development.

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<sup>14</sup> Our plan for cycling and walking is available at <https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>.

- 3.8. We propose that these different routes for bringing forward design guides and codes should remain, although in all cases it will be essential that they are prepared with effective inputs from the local community, considering empirical evidence of what is popular and characteristic in the local area. To underpin the importance of this, we intend to make clear that designs and codes should only be given weight in the planning process if they can demonstrate that this input has been secured. And, where this is the case, we will also make clear that decisions on design should be made in line with these documents. Where locally-produced guides and codes are not in place, we also propose to make clear in policy that the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.

**Question**

17. Do you agree with our proposals for improving the production and use of design guides and codes?

*[Yes / No / Not sure. Please provide supporting statement.]*

- 3.9. The Building Better, Building Beautiful Commission recommended several other changes to the National Planning Policy Framework that can support the planning system's role in fostering better buildings, places and settlements, and we will consult on changes which reflect these recommendations in the autumn.

**Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.**

- 3.10. The vision which we have set out will require a step-change in the design skills available to many local planning authorities, as well as the right prioritisation and leadership across the sector. We recognise that this will not happen overnight, and that authorities will need support.
- 3.11. We will explore the options for establishing a new expert body which can help authorities make effective use of design guidance and codes, as well as performing a wider monitoring and challenge role for the sector in building better places. Different models exist for how this could be taken forward - such as a new arms-length body reporting to Government, a new centre of expertise within Homes England, or reinforcing the existing network of architecture and design centres. Whatever model is adopted, we envisage that it would be able to draw on the expertise of recognised experts with a range of skills, drawn from across the built environment sector. Should the final proposals lead to the creation of new central government arm's-length body, then the usual, separate government approval process would apply for such entities.
- 3.12. We will also bring forward proposals later this year for improving the resourcing of planning departments more broadly; and our suggestions in this paper for streamlining plan-making will allow some re-focusing of professional skills. However, effective leadership within authorities will also be crucial. To drive a strong vision for what each place aspires to, and ensure this is integrated across council functions, we believe that each authority should appoint a chief officer for

design and place-making, as recommended by the Building Better, Building Beautiful Commission.

**Question**

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

*[Yes / No / Not sure. Please provide supporting statement.]*

**Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.**

- 3.13. We are committed to taking a leadership role in the delivery of beautiful and well-designed homes and places, which embed high environmental standards. The Building Better, Building Beautiful Commission recommended that Homes England should attach sufficient value to design as well as price, and give greater weight to design quality in its work.
- 3.14. The Government supports this recommendation and recognises that the work of Homes England is an important route through which we can lead by example. Homes England have already taken steps to champion design quality in their land disposals programme, through implementation of a design quality assessment approach, with a minimum standard which must be achieved for a proposal to progress.
- 3.15. However, we recognise that there is an opportunity to go further, and we will engage Homes England, as part of the forthcoming Spending Review process, to consider how its objectives might be strengthened to give greater weight to design quality, and assess how design quality and environmental standards can be more deeply embedded in all Homes England’s activities and programmes of work.

**Question**

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

*[Yes / No / Not sure. Please provide supporting statement.]*

**A FAST-TRACK FOR BEAUTY**

- 3.16. One of the important propositions of the Building Better, Building Beautiful Commission is that there should be a ‘fast-track for beauty’. Where proposals come forward which comply with pre-established principles of what good design looks like (informed by community preferences), then it should be possible to expedite development through the planning process. This should incentivise attractive and popular development, as well as helping to relieve pressure on planning authorities when assessing proposals.

**Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.**

- 3.17. We propose to do this in three ways. In the first instance, through updating the National Planning Policy Framework, we will make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.
- 3.18. Second, where plans identify areas for significant development (*Growth* areas), we will legislate to require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the plan. This should be in place prior to detailed proposals coming forward, to direct and expedite those detailed matters. These masterplans and codes could be prepared by the local planning authority alongside or subsequent to preparing its plan, at a level of detail commensurate with the size of site and key principles to be established. For example, a set of simple ‘co-ordinating codes’ of the sort endorsed by the Building Better, Building Beautiful Commission could set some initial key parameters for the site layout. Where sites are expected to come forward in the near future, more developed masterplans or codes, prepared by the local planning authority or site promoter, will provide greater certainty.
- 3.19. Third, we also propose to legislate to widen and change the nature of permitted development, so that it enables popular and replicable forms of development to be approved easily and quickly, helping to support ‘gentle intensification’ of our towns and cities, but in accordance with important design principles. There is a long history – in this country and elsewhere – of ‘pattern books’ being used to articulate standard building types, options and associated rules (such as heights and set-backs). They have helped to deliver some of our most popular and successful places, and in a way which makes it relatively easy for smaller development companies to enter the market. We want to revive this tradition, in areas suitable for development (*Renewal* areas), by allowing the pre-approval of popular and replicable designs through permitted development. The benefits are much more than fast delivery of proven popular designs – it will foster innovation and support industrialisation of housebuilding, enabling modern methods of construction to be developed and deployed at scale.
- 3.20. To take this approach forward, we intend to develop a limited set of form-based development types that allow the redevelopment of existing residential buildings where the relevant conditions are satisfied – enabling increased densities while maintaining visual harmony in a range of common development settings (such as semi-detached suburban development). These would benefit from permitted development rights relating to the settings in which they apply. Prior approval from the local planning authority would still be needed for aspects of the design to ensure the development is right for its context (such as materials), as well as for other important planning considerations such as avoidance of flood risk and securing safe access. To enable further tailoring of these patterns to local character and preferences, we also propose that local planning authorities or neighbourhood planning groups would be able to use local orders to modify how the standard types apply in their areas, based on local evidence of what options are most popular with the wider public.

- 3.21. This proposal will require some technical development and testing, so we will develop a pilot programme to test the concept. Where we are taking forward existing schemes to expand the scope of permitted development through upwards extensions and demolition/rebuilding, we also intend to legislate so that prior approval for exercising such rights takes into account design codes which are in place locally (or, in the absence of these, the National Model Design Code).

**Question**

20. Do you agree with our proposals for implementing a fast-track for beauty?

*[Yes / No / Not sure. Please provide supporting statement.]*

**EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT**

- 3.22. The reformed planning system will continue to protect the places of environmental and cultural value which matter to us. Plans will still play a vital role in identifying not just areas of defined national and international importance (such as National Parks and Sites of Special Scientific Interest), but also those which are valued and defined locally (such as Conservation Areas and Local Wildlife Sites).
- 3.23. However, the planning system can and should do much more than this. In line with the ambitions in our 25 Year Environment Plan, we want the reformed system to play a proactive role in promoting environmental recovery and long-term sustainability. In doing so, it needs to play a strong part in our efforts to mitigate and adapt to climate change and reduce pollution as well as making our towns and cities more liveable through enabling more and better green spaces and tree cover. Several initiatives are already laying the foundations for this. Nationally, the Environment Bill currently before Parliament will legislate for mandatory net gains for biodiversity as a condition of most new development. And the Local Nature Recovery Strategies which it will also introduce will identify opportunities to secure enhancements through development schemes and contributions. We will also deliver our commitment to make all new streets tree-lined, by setting clear expectations through the changes to the National Planning Policy Framework which will be consulted on in the autumn, and informed by the outcome of this summer's consultation on the England Tree Strategy.<sup>15</sup> And we are also assessing the extent to which our planning policies and processes for managing flood risk may need to be strengthened along with developing a national framework of green infrastructure standards.
- 3.24. Once the proposals in this paper for reformed Local Plans begin to be implemented, it will be important for authorities to consider how the identification of different categories of land, and any sub-areas within them, can most effectively support climate change mitigation and adaptation. For example, in identifying land for inclusion within the *Growth* area, or the densities of development appropriate in different locations, the ability to maximise walking, cycling and public transport opportunities will be an important consideration.

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<sup>15</sup> To give your views on the England Tree Strategy, please visit <https://consult.defra.gov.uk/forestry/england-tree-strategy/>.

**Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.**

- 3.25. These measures, and reform of our policy framework, provide important opportunities to strengthen the way that environmental issues are considered through the planning system. However, we also think there is scope to marry these changes with a simpler, effective approach to assessing environmental impacts.
- 3.26. In doing so, we will want to be clear about the role that local, spatially-specific policies can continue to play, such as in identifying important views, opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated. In reviewing the Framework, we will also want to ensure that it provides a clear and robust basis for development management decisions more generally, so that reliance no longer needs to be placed on generic policies contained in Local Plans.

**Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.**

- 3.27. It is vital that environmental considerations are considered properly as part of the planning and development process. However, the current frameworks for doing so – which include Strategic Environmental Assessment, Sustainability Appraisal, and Environmental Impact Assessment – can lead to duplication of effort and overly-long reports which inhibit transparency and add unnecessary delays. Outside of the European Union, it is also important that we take the opportunity to strengthen protections that make the biggest difference to species, habitats and ecosystems of national importance, and that matter the most to local communities.
- 3.28. To succeed, a new system will need to meet several objectives:
- Processes for environmental assessment and mitigation need to be quicker and speed up decision-making and the delivery of development projects. The environmental aspects of a plan or project should be considered early in the process, and to clear timescales. National and local level data, made available to authorities, communities and applicants in digital form, should make it easier to re-use and update information and reduce the need for site-specific surveys.
  - Requirements for environmental assessment and mitigation need to be simpler to understand and consolidated in one place so far as possible, so that the same impacts and opportunities do not need to be considered twice.
  - Any new system will need to ensure that we take advantage of opportunities for environmental improvements while also meeting our domestic and international obligations for environmental protection. This will be the subject of a separate and more detailed consultation in the autumn.

**Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century**



- 3.29. The planning system has played a critical role ensuring the historic buildings and areas we cherish are conserved and, where appropriate, enhanced by development. The additional statutory protections of listed building consent and conservation area status have worked well, and the National Planning Policy Framework already sets out strong protections for heritage assets where planning permission or listed building consent is needed. We want to build on this framework as we develop the new planning system. We envisage that Local Plans will clearly identify the location of internationally, nationally and locally designated heritage assets, such as World Heritage Sites and conservation areas, as well locally important features such as protected views.
- 3.30. We also want to ensure our historic buildings play a central part in the renewal of our cities, towns and villages. Many will need to be adapted to changing uses and to respond to new challenges, such as mitigating and adapting to climate change. We particularly want to see more historical buildings have the right energy efficiency measures to support our zero carbon objectives. Key to this will be ensuring the planning consent framework is sufficiently responsive to sympathetic changes, and timely and informed decisions are made.
- 3.31. We will, therefore, review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. In doing so, we want to explore whether there are new and better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings. This includes exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents.

**Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.**

- 3.32. The planning system is only one of the tools that we need to use to mitigate and adapt to climate change. Last year we consulted on our proposals to move towards a Future Homes Standard, which was a first step towards net zero homes. From 2025, we expect new homes to produce 75-80 per cent lower CO2 emissions compared to current levels. These homes will be 'zero carbon ready', with the ability to become fully zero carbon homes over time as the electricity grid decarbonises, without the need for further costly retrofitting work.
- 3.33. We welcome the Committee on Climate Change's response to the consultation and we have considered the points they raised. We will respond to the Future Homes Standard consultation in full in the autumn. As part of this, we intend to review the roadmap to the Future Homes Standard to ensure that implementation takes place to the shortest possible timeline. Our ambition is that homes built under our new planning system will not need retrofitting in the future. To work towards ensuring that all new homes are fit for a zero carbon future we will also explore options for the future of energy efficiency standards, beyond 2025.

- 3.34. All levels of Government have a role to play in meeting our net zero goal, and Local Authorities are rising to this challenge. Local Planning Authorities, as well as central Government, should be accountable for the actions that they are taking, and the consultation response will look to clarify the role that they can play in setting energy efficiency standards for new build developments.
- 3.35. We will also want to ensure that high standards for the design, environmental performance and safety of new and refurbished buildings are monitored and enforced. As local authorities are freed from many planning obligations through our reforms, they will be able to reassign resources and focus more fully on enforcement. Ensuring that planning standards and building regulations are met, whether for new homes or for retrofitting old homes, will help to ensure that we deliver homes that are fit for the future and cheaper to run.

# Pillar Three – Planning for infrastructure and connected places

## Overview

- 4.1. New development brings with it new demand for public services and infrastructure. Mitigating these impacts – by securing contributions from developers and capturing more land value uplift generated by planning decisions to deliver new infrastructure provision – is key for both new and existing communities. It is also central to our vision for renewal of the planning system.
- 4.2. At present, there are two broad routes for local planning authorities to secure developer contributions, both of which are discretionary for authorities: planning obligations and the Community Infrastructure Levy. Planning obligations – through Section 106 agreements – are negotiated with developers, and in 2018/19 were worth a total of £7bn, of which £4.7bn was in the form of affordable housing contributions – supporting delivery of 30,000 affordable homes. In contrast, the Community Infrastructure Levy is a fixed charge, levied on the area (floorspace) of new development, and secures infrastructure that addresses the cumulative impact of development in an area. The Community Infrastructure Levy is not mandatory for local planning authorities, and around half of authorities currently charge it. Levy rates are discretionary, established by assessments of infrastructure need and viability.
- 4.3. There are several problems with this system. Planning obligations are broadly considered to be uncertain and opaque, as they are subject to negotiation and renegotiation based in part on the developer's assessment of viability. This creates uncertainty for communities about the level of affordable housing and infrastructure that development will bring. In turn, this brings cost, delay and inconsistency into the process. Over 80 per cent of local authorities agree that such negotiations create delay, despite the planning application being acceptable in principle.<sup>16</sup> This acts as a barrier to entry to the market, and major developers are better placed to devote the legal and valuation resource needed to negotiate successfully. This unevenness is a problem too for local authorities, with significant variation in skill and negotiation in negotiating viability across authorities.
- 4.4. The Community Infrastructure Levy addresses many of these problems as it is a flat-rate and non-negotiable tariff, and developers and local authorities have, in general, welcomed the certainty it brings. However, as payment is set at the point planning permission is granted, and payment due once development commences, it is inflexible in the face of changing market conditions. Payment before a single home has been built increases the developer's risk and cost of finance, creating cashflow challenges which are more acute for smaller developers. And despite early payment, many local authorities have been slow to spend Community Infrastructure Levy revenue on early infrastructure delivery, reflecting factors

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<sup>16</sup> MHCLG (2019) *The Value and Incidence of Developer Contributions in England 2018/19*

including indecision, competing spending priorities, and uncertainty over other infrastructure funding streams.

- 4.5. Securing necessary infrastructure and affordable housing alongside new development is central to our vision for the planning system. We want to bring forward reforms to make sure that developer contributions are:
- responsive to local needs, to ensure a fairer contribution from developers for local communities so that the right infrastructure and affordable housing is delivered;
  - transparent, so it is clear to existing and new residents what new infrastructure will accompany development;
  - consistent and simplified, to remove unnecessary delay and support competition in the housebuilding industry;
  - buoyant, so that when prices go up the benefits are shared fairly between developers and the local community, and when prices go down there is no need to re-negotiate agreements.
- 4.6. The Government could also seek to use developer contributions to capture a greater proportion of the land value uplift that occurs through the grant of planning permission, and use this to enhance infrastructure delivery. There are a range of estimates for the amount of land value uplift currently captured, from 25 to 50 per cent<sup>17</sup>. The value captured will depend on a range of factors including the development value, the existing use value of the land, and the relevant tax structure – for instance, whether capital gains tax applies to the land sale. Increasing value capture could be an important source of infrastructure funding but would need to be balanced against risks to development viability.

**Question**

21. When new development happens in your area, what is your priority for what comes with it?

*[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]*

**Proposals**

**A CONSOLIDATED INFRASTRUCTURE LEVY**

4.7. We propose that the existing parallel regimes for securing developer contributions are replaced with a new, consolidated 'Infrastructure Levy'.

**Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.**

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<sup>17</sup> Estimates provided to the Housing, Communities and Local Government Select Committee Inquiry into Land Value Capture: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf>

- 4.8. We believe that the current system of planning obligations under Section 106 should be consolidated under a reformed, extended 'Infrastructure Levy'.
- 4.9. This would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. This would address issues in the current system as it would:
- be charged on the final value of a development (or to an assessment of the sales value where the development is not sold, e.g. for homes built for the rental market), based on the applicable rate at the point planning permission is granted;
  - be levied at point of occupation, with prevention of occupation being a potential sanction for non-payment;
  - include a value-based minimum threshold below which the levy is not charged, to prevent low viability development becoming unviable, reflecting average build costs per square metre, with a small, fixed allowance for land costs. Where the value of development is below the threshold, no Levy would be charged. Where the value of development is above the threshold, the Levy would only be charged on the proportion of the value that exceeded the threshold ; and
  - provide greater certainty for communities and developers about what the level of developer contributions are expected alongside new development.
- 4.10. The single rate, or area-specific rates, would be set nationally. It would aim to increase revenue levels nationally when compared to the current system. Revenues would continue to be collected and spent locally.
- 4.11. As a value-based charge across all use classes, we believe it would be both more effective at capturing increases in value and would be more sensitive to economic downturns. It would reduce risk for developers, and would reduce cashflow difficulties, particularly for SME developers.
- 4.12. In areas where land value uplift is insufficient to support significant levels of land value capture, some or all of the value generated by the development would be below the threshold, and so not subject to the levy. In higher value areas, a much greater proportion of the development value would be above the exempt amount, and subject to the levy.
- 4.13. To better support the timely delivery of infrastructure, we would also allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure. Enabling borrowing combined with a shift to levying developer contributions on completion, would incentivise local authorities to deliver enabling infrastructure, in turn helping to ensure development can be completed faster. As with all volatile borrowing streams, local authorities should assure themselves that this borrowing is affordable and suitable.
- 4.14. Under this approach the London Mayoral Community Infrastructure Levy, and similar strategic Community Infrastructure Levies in combined authorities, could be retained as part of the Infrastructure Levy to support the funding of strategic infrastructure.

- 4.15. In bringing forward the reformed Infrastructure Levy, we will need to consider its scope. We will also consider the impact of this change on areas with lower land values.
- 4.16. **Alternative option:** The Infrastructure Levy could remain optional and would be set by individual local authorities. However, as planning obligations would be consolidated into the single Infrastructure Levy, we anticipate that there would be a significantly greater uptake. The aim of the *de minimis* threshold would be to remove the viability risk, simplifying the rate setting process, as this would remove the need for multiple charging zones within an authority. It would be possible to simplify further – for instance, for the Government to set parameters. There would be a stronger incentive for local authorities to introduce the new Levy, as they would not be able to use Section 106 planning obligations to secure infrastructure or affordable housing. In addition, some local authorities have chosen not to introduce the Community Infrastructure Levy out of concern for the impact on viability of development. Because the new Infrastructure Levy would only be charged above a set threshold, these impacts would be mitigated.
- 4.17. This option would address issues around transparency, responsiveness to local needs and consistency. However, the Government’s levers over levels of land value capture would be less strong, with decisions about levy rates being taken at the local level.
- 4.18. Alternatively, the national rate approach could be taken, but with the aim of capturing more land value than currently, to better support the delivery of infrastructure. While developers would be liable for paying the levy, the cost of this would be capitalised into land value. This would ensure that the landowners who benefit from increases in value as a result of the grant of planning permission contribute to the infrastructure and affordable housing that makes development acceptable.

**Questions**

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

*[Yes / No / Not sure. Please provide supporting statement.]*

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

*[Nationally at a single rate / Nationally at an area-specific rate / Locally]*

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

*[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]*

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

*[Yes / No / Not sure. Please provide supporting statement.]*

**Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights**

- 4.19. In making this change to developer contributions for new development, the scope of the Infrastructure Levy would be extended to better capture changes of use which require planning permission, even where there is no additional floorspace, and for some permitted development rights including office to residential conversions and new demolition and rebuild permitted development rights. This approach would increase the levy base, and would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community. However, we will maintain the exemption of self and custom-build development from the Infrastructure Levy.

**Question**

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

*[Yes / No / Not sure. Please provide supporting statement.]*

**Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision**

- 4.20. Developer contributions currently deliver around half of all affordable housing, most of which is delivered on-site. It is important that the reformed approach will continue to deliver on-site affordable housing at least at present levels.
- 4.21. Affordable housing provision is currently secured by local authorities via Section 106, but the Community Infrastructure Levy cannot be spent on it. With Section 106 planning obligations removed, we propose that under the Infrastructure Levy, authorities would be able to use funds raised through the levy to secure affordable housing.
- 4.22. This could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement, capability and wishes to do so. Local authorities would have a means to specify the forms and tenures of the on-site provision, working with a nominated affordable housing provider. Under this approach, a provider of affordable housing could purchase the dwelling at a discount from market rate, as now. However, rather than the discount being secured through Section 106 planning obligations, it would instead be considered as in-kind delivery of the Infrastructure Levy. In effect, the difference between the price at which the unit was sold to the provider and the market price would be offset from the final cash liability to the Levy. This would create an incentive for the developer to build on-site affordable housing where appropriate.<sup>18</sup> First Homes,

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<sup>18</sup> As above, a Section 106 planning obligation could still be used to secure a covenant on the land, where necessary. However, the value would be captured through the Infrastructure Levy, rather than Section 106.

which are sold by the developer direct to the customer at a discount to market price, would offset the discount against the cash liability.

- 4.23. Under this approach we recognise that some risk is transferring to the local planning authority, and that we would need to mitigate that risk in order to maintain existing levels of on-site affordable housing delivery. We believe that this risk can be fully addressed through policy design. In particular, in the event of a market fall, we could allow local planning authorities to ‘flip’ a proportion of units back to market units which the developer can sell, if Levy liabilities are insufficient to cover the value secured through in-kind contributions. Alternatively, we could require that if the value secured through in-kind units is greater than the final levy liability, then the developer has no right to reclaim overpayments. Government could provide standardised agreements, to codify how risk sharing would work in this way.
- 4.24. We would also need to ensure the developer was incentivised to deliver high build and design quality for their in-kind affordable homes. Currently, if Section 106 homes are not of sufficient quality, developers may be unable to sell it to a provider, or have to reduce the price. To ensure developers are not rewarded for low-standard homes under the Levy, local authorities could have an option to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality. It is important that any approach taken maintains the quality of affordable housing provision as well as overarching volumes, and incentivises early engagement between providers of affordable housing and developers. Local authorities could also accept Infrastructure Levy payments in the form of land within or adjacent to a site. Through borrowing against further Infrastructure Levy receipts, other sources of funding, or in partnership with affordable housing providers, they could then build affordable homes, enabling delivery at pace.
- 4.25. **Alternative option:** We could seek to introduce further requirements around the delivery of affordable housing. To do this we would create a ‘first refusal’ right for local authorities or any affordable housing provider acting on their behalf to buy up to a set proportion of on-site units (on a square metre basis) at a discounted price, broadly equivalent to build costs. The proportion would be set nationally, and the developer would have discretion over which units were sold in this way. A threshold would be set for smaller sites, below which on-site delivery was not required, and cash payment could be made in lieu. Where on-site units were purchased, these could be used for affordable housing, or sold on (or back to the developer) to raise money to purchase affordable housing elsewhere. The local authority could use Infrastructure Levy funds, or other funds, in order to purchase units.

**Questions**

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

*[Yes / No / Not sure. Please provide supporting statement.]*

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a ‘right to purchase’ at discounted rates for local authorities?

*[Yes / No / Not sure. Please provide supporting statement.]*



24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

*[Yes / No / Not sure. Please provide supporting statement.]*

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

*[Yes / No / Not sure. Please provide supporting statement.]*

**Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy**

4.26. It is important that there is a strong link between where development occurs and where funding is spent. Currently, the Neighbourhood Share of the Community Infrastructure Levy ensures that up to 25 per cent of the levy is spent on priorities in the area that development occurred, with funding transferred to parish councils in parished areas. There are fewer restrictions on how this funding is spent, and we believe it provides an important incentive to local communities to allow development in their area. We therefore propose that under this approach the Neighbourhood Share would be kept, and we would be interested in ways to enhance community engagement around how these funds are used, with scope for digital innovation to promote engagement.

4.27. There is scope for even more flexibility around spending. We could also increase local authority flexibility, allowing them to spend receipts on their policy priorities, once core infrastructure obligations have been met. In addition to the provision of local infrastructure, including parks, open spaces, street trees and delivery or enhancement of community facilities, this could include improving services or reducing council tax. The balance of affordable housing and infrastructure may vary depending on a local authority's circumstances, but under this approach it may be necessary to consider ring-fencing a certain amount of Levy funding for affordable housing to ensure that affordable housing continues to be delivered on-site at current levels (or higher). There would also be opportunities to enhance digital engagement with communities as part of decision making around spending priorities. Alternatively, the permitted uses of the Levy could remain focused on infrastructure and affordable housing, as they are broadly are at present. Local authorities would continue to identify the right balance between these to meet local needs, as they do at present.

**Question**

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

*[Yes / No / Not sure. Please provide supporting statement.]*

25(a). If yes, should an affordable housing 'ring-fence' be developed?

*[Yes / No / Not sure. Please provide supporting statement.]*

# Delivering change

## How we move into the new system

- 5.1. It is important that in bringing forward reform to improve the operation of the planning system, we do not cause delays to development that is currently planned.
- 5.2. Subject to responses to this consultation, we will consider the arrangements for implementing these changes to minimise disruption to existing plans and development proposals and ensure a smooth transition. This includes making sure that recently approved plans, existing permissions and any associated planning obligations can continue to be implemented as intended; and that there are clear transitional arrangements for bringing forward new plans and development proposals as the new system begins to be implemented.
- 5.3. Nevertheless, we do want to make rapid progress toward this new planning system. We are already introducing a new Use Class Order, with associated permitted development rights, to make easier for businesses to change use without the need for planning permission to support our high streets and town centres bounce back following the COVID-19 pandemic. We have also created new permitted development rights to enable more new homes to be built on top of buildings and the demolition and rebuild of vacant buildings for housing, without the need for usual planning permission.
- 5.4. Today, we are also publishing a consultation on four shorter-term measures which will improve the immediate effectiveness of the current system:
  - changes to the standard method for assessing local housing need, which as well as being a proposal to change guidance in the short term has relevance to proposals for land supply reforms set out in this paper;
  - securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new system;
  - temporarily lifting the small sites threshold, below which developers do not need to contribute to affordable housing, to up to 40 or 50 units;
  - extending the current Permission in Principle to major development so landowners and developers now have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first;
- 5.5. This consultation document can be found at:  
[www.gov.uk/government/consultations/changes-to-the-current-planning-system](http://www.gov.uk/government/consultations/changes-to-the-current-planning-system)
- 5.6. To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector, we will consult on options for improving the data held on contractual arrangements used to control land. This can be found at: [www.gov.uk/government/consultations/transparency-and-competition-a-call-for-evidence-on-data-on-land-control](http://www.gov.uk/government/consultations/transparency-and-competition-a-call-for-evidence-on-data-on-land-control)

## Public assets and investment

- 5.7. As we fix our planning system, we also want to make better use of surplus land owned by the public sector, and to level up public investment in development to support renewal of towns and cities across the country, giving power to communities to shape its future use and bringing investment to places across the country. We will do this by:
- - **Ensuring investment in new public buildings supports renewal and regeneration of town and city centres across the country.** The Government Estate Strategy (GES), which was published in 2018, sets out how we will use the estate as an enabler to deliver better outcomes for the public, across all four nations of the UK. As part of this, the Government Hubs programme aims to transform the Government's office estate by accommodating departmental workforces in shared regional hubs and supporting office estate – creating strategic hubs across the UK in major city centre conurbations and in secondary towns and cities. We will continue to look at how the Government can ensure investment in its estate delivers wider benefits for places across the country.
  - **Exploring how disposal of publicly-owned land can support the SME and self-build sectors.** As announced by the Prime Minister last month in 'A New Deal for Britain', the Government will produce a new cross-government strategy on how land owned by the Government can be managed and released more effectively and put to better use. As part of this review, we will explore how we can support SME housebuilders, community land trusts and self-builders to identify public land opportunities.

### Supporting innovation in delivery

- 5.8. As we bring forward planning reform, we also want to ensure we have in place the right delivery mechanisms, including development corporations. A good example that we are already progressing is development at Toton in the East Midlands, where we have announced our intention to support the establishment of a development corporation to maximise the area's international links and create tens of thousands of new homes and jobs. We want to see more schemes of this kind, backed by modern delivery models, around the country.
- 5.9. That is why we consulted at the end of last year on changes to the legislative framework for development corporations. This includes exploring whether we need to make changes to enable more flexible development corporation models that can drive housing, regeneration and employment. We are currently considering responses to the consultation and will respond to it shortly.

### Making sure the system has the right people and skills

- 5.10. Local planning authorities remain at the heart of our ambitious reforms. We want to free up planners to focus on what they were trained for – creating great communities through world-class civic engagement and proactive plan-making, rather than reactive development management.
- 5.11. We recognise that local planning departments need to have the right people with the right skills, as well as the necessary resources, to implement these reforms

successfully. Many local authorities are delivering great services, and through the COVID-19 pandemic have been able to transform the way they work to a more digital and modern service. We look forward to seeing evaluations and lessons learned so that we can use this as a catalyst for modernisation of our planning services.

- 5.12. But we know that local authority planning departments are under great pressure – with spending per person on planning and development down 60 per cent and shortages of specialist skills such as design and ecology.<sup>19</sup> And the technology in local planning authorities to support modern services is not there – whilst PropTech firms are developing new apps and other digital services that enable communities to engage with development in new ways, in few places can this be captured by the local authority. Instead, documents are submitted electronically, but not in the way of modern digital services such as those now supporting tax services.
- 5.13. The preparation of reformed Local Plans, development of new design codes, a major overhaul of development contributions, and a new streamlined approach to decision-making will have profound implications for how local planning authorities operate in future. They will need to have sufficient leadership, a strong cadre of professional planners and good access to technical expertise, as well as transformed systems which utilise the latest digital technology. But equally importantly, there must be a fundamental cultural change on how planning departments operate. They need to be more outward looking, proactively engaging with developers, businesses, architects and designers, as well as a wider cross-section of their local communities.
- 5.14. In particular, we envisage the focus of local planning authorities shifting towards the development of clear Local Plans and high-quality design codes which set the parameters for development – rather than making discretionary decisions based on vague policies. In doing so, there is a real opportunity for planners to redesign their individual roles and change perceptions of their profession. We will consider how best to support the planning profession in making this adjustment, in a way which supports culture change, improves recruitment and changes perceptions of planning.
- 5.15. In addition, other key players, including the Planning Inspectorate and statutory consultees, will have to transform the way they operate in response to these reforms, given their critical role supporting the preparation of Local Plans and decision-making. They too will need to be more responsive and outward looking, and have the necessary skills and resources to undertake their new roles.
- 5.16. We understand why many participants – not just local authorities, but statutory consultees and the Planning Inspectorate – are risk averse. Judicial review is expensive, and to lose a judicial review in the courts is bad for the reputation of either. And judicial reviews can be precedent setting, establishing a new interpretation of the law. We think the proposals set out in the document should remove the risk of judicial review substantially. Most judicial reviews are about imprecise and unclearly worded policies or law. Our plans for an overhaul of

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<sup>19</sup> Institute for Fiscal Studies (2019) “English local government funding: trends and challenges in 2019 and beyond”, <https://www.ifs.org.uk/uploads/English-local-government-funding-trends-and-challenges-in-2019-and-beyond-IFS-Report-166.pdf>

planning law to create simple and clear processes and for plans that set out clear requirements and standards will substantially remove the scope for ambiguity and therefore challenge.

**Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:**

- 5.17. The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer. Currently, the cost of development management activities by local planning authorities is to a large extent covered by planning fees, although the current fee structure means the cost of processing some applications can be significantly greater than their individual fee. However, the cost of preparing Local Plans and enforcement activities is now largely funded from the local planning authority's own resources.
- 5.18. Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking. This should involve the greater regulation of discretionary pre-application charging to ensure it is fair and proportionate.
- 5.19. If a new approach to development contributions is implemented, a small proportion of the income should be earmarked to local planning authorities to cover their overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities.
- 5.20. Reform should be accompanied by a deep dive regulatory review to identify and eliminate outdated regulations which increase costs for local planning authorities, especially to the decision-making process.
- 5.21. Some local planning activities should still be funded through general taxation given the public benefits from good planning, and time limited funding will be made available by the Government in line with the new burdens principle to support local planning authorities to transition to the new planning system as part of the next Spending Review.
- 5.22. Local planning authorities should be subject to a new performance framework which ensures continuous improvement across all planning functions from Local Plans to decision-making and enforcement – and enables early intervention if problems emerge with individual authorities.
- 5.23. The Planning Inspectorate and statutory consultees should become more self-financing through new charging mechanisms and be subject to new performance targets to improve their performance.
- 5.24. Workforce planning and skills development, including training, should be principally for the local government sector to lead on, working closely with Government, statutory consultees, planning consultancies and universities.
- 5.25. Reform should be accompanied by a significant enhancement in digital and geospatial capability and capacity across the planning sector to support high-quality new digital Local Plans and digitally enabled decision-making. We think the English

planning profession has the potential to become an international world-leader in digital planning, capable of exporting world class planning services around the world.

- 5.26. In developing this strategy, we recognise different local planning authorities face different pressures and issues, and it will be important to develop a resourcing and skills framework which works for all authorities across the country. We will work with local planning authorities, professional bodies and the wider planning sector to ensure views about implementation are considered. We would particularly want to see innovative solutions which can transform practice.
- 5.27. At the same time, we also want to enable a thriving PropTech sector. By unlocking the data that underpins the planning system so that it is open, we want to enable the PropTech sector to transform housing, land, and planning industries with innovative products that are interoperable with others. This will make use of process improvement insights and data to offer services for many different clients, including for improved public consultation opportunities for citizens and developers to identify sites on which to build, helping to reduce investment risks. We will continue to engage with the innovators and the UK PropTech sector through a Minister-led PropTech Innovation Council (announced in November 2019) to make the most of innovative new approaches to meet public policy objectives, help this emerging sector to boost productivity in the wider planning and housing sectors, and ensure government data and decisions support the sector's growth in the UK and internationally.

### **Stronger enforcement**

- 5.28. As part of the implementation of our planning reforms, we want to see local planning authorities place more emphasis on the enforcement of planning standards and decisions. Planning enforcement activity is too often seen as the 'Cinderella' function of local planning services. But local communities want new development to meet required design and environmental standards, and robust enforcement action to be taken if planning rules are broken. As local planning authorities are freed from many planning requirements through our reforms, they will be able to focus more on enforcement across the planning system.

### **Proposal 24: We will seek to strengthen enforcement powers and sanctions**

- 5.29. We will review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system. We will introduce more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity.
- 5.30. This will include implementing our commitments from the Government's response to the consultation on unauthorised development and encampments, to strengthen national planning policy against intentional unauthorised development and ensure temporary stop notices are more effective. And will also consider what more can be done in cases where the Environment Agency's flood risk advice on planning applications is not followed.

# What happens next

## Implementing reform

- 6.1. The proposals in this paper apply to England only. Planning is devolved in Scotland, Wales and Northern Ireland.
- 6.2. Subject to the outcome of this consultation, we will seek to bring forward legislation and policy changes to implement our reforms. This consultation sets out our vision for the basis of a reformed planning system. We have not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation. We will continue to develop the proposals as we gather feedback and views on them.
- 6.3. Our proposals for Local Plan reform, changes to developer contributions and development management would require primary legislation followed by secondary legislation. The proposals allow 30 months for new Local Plans to be in place so a new planning framework, so we would expect new Local Plans to be in place by the end of the Parliament.
- 6.4. We would implement any policy changes, including to set a new housing requirement, by updating the National Planning Policy Framework in line with the new legislation.

## Responding to this consultation

### EQUALITIES IMPACTS

- 6.5. We want all communities, families, groups and individuals to have a say in the future of the places where they live. For too long, planning and planning decisions have felt out of reach from too many people. The Government has heard how the combination of technical jargon and traditional models of community engagement discourages people from having their say on decisions. At the same time, it disproportionately encourages engagement from people from a narrow set of demographic groups – typically older, better off and white. We believe that the voices of those who may benefit most from new development are therefore often the quietest in the planning process.
- 6.6. We are committed to delivering wider engagement in planning, increasing the supply of land for development, and supporting inclusive and mixed communities. Some authorities and developers are pioneering new models of engagement that broaden this to different groups. We hope that the reforms set out in this consultation – to make the system more accessible, accountable, digital and transparent – will increase access and engagement for all groups up and down the country.
- 6.7. We would welcome views on the potential impact on the proposals raised in this consultation on people with protected characteristics and whether further reforms could broaden access to planning for people in diverse groups.

Question

## APPENDIX 1

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?



## About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

# Annex A

The following is to explain your rights and give you the information you are be entitled to under the data protection legislation.

These rights apply to your personal data (your name, address, and anything that could be used to identify you personally) not the content of your response to the consultation.

## **1. The identity of the data controller and contact details of our Data Protection Officer**

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk)

## **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

## **3. Our legal basis for processing your personal data**

Article 6(1)(e) of the General Data Protection Regulation 2016 (GDPR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to planning.

## **4. With whom we will be sharing your personal data**

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

## **5. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for two years from the closure of the consultation.

## **6. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data, we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> , or telephone 0303 123 1113.

## **7. Storage of your personal data**

The Data you provide directly will be stored by MHCLG's appointed third-party on their servers. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.

If you submit information to this consultation using our third-party survey provider, it will be moved to our secure government IT systems at a date following the consultation publication date.

## **8. Your personal data will not be used for any automated decision making.**

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**APPENDIX 2**

DRAFT RESPONSES TO 'PLANNING FOR THE FUTURE'

**Questions 1. What three words do you associate most with the planning system in England?**

Complex. Difficult. Arbitrary.

**2. Do you get involved with planning decisions in your local area?  
[Yes / No]**

Yes. Tendring District Council is a Local Planning Authority.

**2(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]**

N/a.

**3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]**

By all of the suggested media.

**4. What are your top three priorities for planning in your local area?  
[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]**

1) The design of new homes and places: Building a much better standard of home that is beautiful to look at, a delight to live in and a pleasure to be able to own and afford.



2) Supporting the local economy: Being able to support local businesses to expand and diversify whilst attracting inward investment and maximising the economic potential of tourism and the district's many assets.

3) More and better local infrastructure: Ensuring that infrastructure, particularly social infrastructure for health and education, is planned alongside new housing and delivered in a timely manner.

**Question 5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. It is agreed that Local Plans should be simplified, not only in the interest of boosting development, but also in the interest of reducing delay and cost to the tax-payer and providing certainty to the community over the likely pattern of future development in their area.

However, in simplifying Local Plans, plan-making must remain a democratic process and the local authority must be allowed full discretion over which areas are shown within the three new categories (growth areas, renewal areas and areas for protection) and any sub-categories within. They should be allowed to progress their plan to adoption subject to meeting basic requirements of a much simplified soundness or sustainability test (see response to Question 7a).

For a simplified plan-making process to succeed, the ability for third-party developers and landowners to challenge and delay the plan-making process and influence the content of Local Plans should be limited to the local authority's consideration of any representations received during the consultation periods. There should be a presumption that a Local Plan is 'sound' if it meets the requirements of the simplified tests and local authorities should not be forced into a position where they have to temper or go against their communities' wishes and aspirations in fear of an expensive and complex challenge from a landowner or developer.

The ability for third-party developers and landowners to appeal against the refusal of planning permission should also be reviewed. Departures from the Local Plan should only be granted by the local planning authority where it believes that development would be in the best interests of their area. Departures from the Local Plan should not be determined or (ideally) even entertained through an appeals process. The development

industry's focus should be on delivering the homes and other development planned for through the Local Plan and not on seeking to disrupt, circumvent or overly influence the plan-making process. The 'threat' of appeal currently makes it very difficult for a local authority to make decisions in the best interest of its communities, even when trying to follow a plan-led approach.

If an appeals process is retained within the system, consideration should be given to reviewing the power given to Planning Inspectors and limiting it to the ability to 'quash' a local authority decision (in a similar way to the Courts in respect of a legal challenge) and referring it back to the authority for re-determination, highlighting any areas of concern. The current ability for a single unelected official acting on behalf of the Secretary of State to completely reverse the decision of a local authority is fundamentally undemocratic and substantially undermines communities' confidence in the planning system, local government and democracy.

**Question 6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. It is agreed that certain types of 'Development Management' policies could be standardised, for example in relation to internal space, private amenity space and energy efficiency.

However, such an approach can only be supported if the government sets national policies that strive for the highest standard of new development as a minimum in all parts of the country – with no exceptions allowed. If development cannot comply with such standards, they should be rejected or deemed unlawful with no discretion or right of appeal.

There are too many examples of times when local authorities feel powerless to reject development proposals that appear to meet only basic standards of design and quality over fear of an expensive or complex appeal or challenge.

If seeking to achieve such high standards of quality leads to concerns over viability in lower-value locations, it is the expectations of landowners and developers in respect of profit that should adjust – not the community's expectations of quality. Authorities with aspirations to improve the quality of life for their existing and future residents should no longer have poor



quality or sub-standard development forced upon them because of weaknesses in the housing market and the inability to deliver on landowner and developer's, often over-inflated financial expectations.

If the government is serious about 'levelling up' society and the economy, it should be prepared to 'lay down the law' for achieving higher standards, particularly for housebuilding where standards of quality and technological innovation lags woefully behind that of other industries, for example the car industry where the consumer demands, and can expect, a certain level of quality, safety and technology as standard.

In areas of lower value housing where economic viability is a genuine concern and where reasonable financial expectations for landowner and developer expectations genuinely cannot be met, there could be some form of government grant or subsidy that could be applied for by the developer. Local authorities should not lower their expectations of quality over fear about not meeting their housing targets.

Under a simplified policy framework, local authorities should still retain the ability to include site specific or area specific policies in Local Plans or Neighbourhood Plans aimed at achieving local aspirations or addressing particular local concerns.

**7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. The tests of soundness for a Local Plan should be substantially simplified to enable plan-making authorities to proceed, with confidence, with a plan that best fits the needs and demands of their area and the aspirations and concerns of local communities without the fear of a lengthy and costly examination, rejection or challenge from third-party landowners and developers.

A simplified soundness or sustainability test could essentially be limited to the following:

1. That the local planning authority can give reasoned justification for the decisions it has taken in defining growth, renewal or protected areas and presenting area-specific planning policies. The justification will be as much for the scrutiny of the local electorate

in judging the performance of the Council as for the judgement of any government-appointed independent Inspector.

2. That the plan identifies sufficient land, with a reasonable prospect of delivery, within its growth and renewal areas to meet the established housing and employment land requirements and any associated infrastructure for the plan period perhaps with a standard 'buffer' of say 10 or 20% - thus avoiding the debates repeated throughout the country about what is a 'reasonable level of flexibility'.
3. That the plan has been the subject of the necessary consultation and engagement efforts and that the local planning authority can demonstrate that it has given reasonable consideration to any representations submitted, in settling on its final plan.
4. That the plan does not directly contradict and therefore scupper the requirements of National Planning Policy.
5. That the plan does not jeopardise the plans of another plan-making authority – requiring any objection from another authority to be given particular consideration by an examining Inspector.
6. That, for any major growth sites where outline permission is to be granted in principle in line with the government's proposals, the necessary level of assessment that would be expected to grant outline planning permission has been undertaken – e.g. a landscape and visual impact assessment, a flood risk assessment, a phase 1 habitats survey etc.

A Planning Inspector's role in the process should only be to ensure that the proper process has been followed and that the simplified tests are met – advising the authority of any additional work that might be required to address any gaps in the process. This Council believes it would be fundamental undemocratic however for an unelected Planning Inspector to retain the power to reject or re-write an authority's Local Plan in any new system.

Once the plan is adopted it should be assumed to be sound until such time that it is superseded by a new plan, i.e. within the suggested five year period – irrespective of any changes in National Planning Policy, which can be taken into account at the subsequent review. This will avoid the need for the local authority or an appeals Inspector to have to consider the ‘weight’ to be given to different sets of plans – often at great complexity and unnecessary cost.

Shortfalls in housing delivery that accumulate during the period of the Local Plan should be addressed only through the compulsory five-yearly review of the Local Plan and not through the submission of speculative applications and planning by appeal. Any other system would not be genuinely plan-led and gives landowners and developers too much influence to circumvent local democracy.

**7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

The current duty to cooperate has proven to be complex, ineffective and burdensome in the absence of any overarching regional or other strategic cross-border plan. Authorities could be encouraged (but not compelled) to prepare joint plans where they have shared aspirations for cross-boundary growth or a common approach to growth. Otherwise, as suggested above in response to Question 7(a), the simplified test of soundness or sustainability could simply require that proposals in the Local Plan do not jeopardise the plans of another plan-making authority – with the burden placed on authorities to highlight their concerns through representations during the appropriate consultation exercises.

**Questions 8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]**

No. Whilst there is logic in seeking to apply a standard method, a ‘one-size-fits-all’ solution does not recognise the fact that in some locations there are genuine exceptional reasons for planning for higher or lower amounts of housing development than a standard formula might generate.

Tendring is a genuine example of where a standard methodology does not work because of recognised errors within the official household projections resulting from 'Unattributable Population Change' (UPC) which result in substantially over-inflated, inconceivably contentious and undeliverable expectations for new housing.

In the recent Local Plan examination for the North Essex Authorities (including Tendring, Colchester and Braintree), the examining Inspector recognised and accepted the exceptional issues around UPC and was able to endorse a departure from the official household projections in establishing the housing requirements for Tendring. Under a purely standard method, such exceptional matters would not be recognised and an authority like Tendring could be forced to plan for double the amount to housing that is required, leading to substantial levels of local objection (to which the democratically elected authority would have no reasoned response), and a strong likelihood that the over-inflated and undeliverable housing target would never be met.

That said, this authority has had to invest considerable time and taxpayers money over many years to argue, repeatedly, for its departure from the official household projections in defence of the Local Plan and in numerous individual planning appeals. In a streamlined planning system, this cannot be allowed to continue. Therefore, this authority's suggestion would be a system of setting housing requirements that is initially based on a standard method but which allows one opportunity for a local authority to argue for an alternative figure, through a dedicated examination process, before it embarks on the full exercise of preparing or reviewing its Local Plan.

Essentially, the approach would involve the following:

Stage 1: Government issues local authority with its proposed housing target, as generated through a standard method.

Stage 2: Local authority given a set period of time to indicate whether it 1) accepts the figure or 2) wishes to argue for a lower figure due to specific local issues – setting out the figure it wishes to argue for.

Stage 3: For authorities that formally indicate their wish to argue for an alternative figure, an Inspector is appointed to carry out a focussed examination on that issue.

Stage 4: Inspector issues a decision on housing target for the authority having considered the evidence tabled as part of the single-issue examination.

Stage 5: Local authority accepts the Inspector's decision and proceeds to prepare or review its Local Plan with the need to identify sufficient land to meet that requirement.

This process would enable arguments around housing figures to be aired 'once and for all' before too much work is carried out on a potentially abortive or unsound Local Plan. It enables authorities the right to highlight practical concerns about any figures generated through a standard method, otherwise for the majority of authorities, they can proceed on the basis of the government-generated figure without the cost and delay associated with examining this element of the Local Plan.

In line with the above approach, it is suggested that if the housing delivery test and five-year supply calculation are to remain as an element of the planning system, then delivery or supply should be measured against the figure in the latest adopted Local Plan until such time that it is superseded through the review process. Otherwise, the publication of updated housing projections will lead to a constant 'moving target' which brings about uncertainty, complication and avoidable and costly debate at individual appeals.

**8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. Affordability and the existing size of the urban areas or number of dwellings in an authority are reasonable factors to include within any standard method of calculating housing requirements. Such an approach will help to ensure that authorities are expected to deliver a proportionate, as opposed to a disproportionate, level of housing development.

It should however be noted that calculations of 'affordability' can sometimes lead to higher expectations for housing development in areas where deprivation, such as lower-incomes and unemployment, are particular issues and where, due to lower house prices, housebuilding can face viability issues with low residual land values. Because of this, simply 'allocating more land' or seeking to 'increase the supply of land with

planning permission' will not result in increased house-building or a solution to local housing needs. If anything, it can result in 'diluting the offer' or 'flooding the market' and developers giving priority to locations where housing can deliver the strongest return, rather than locations where the housing is most needed – bringing frustration to local communities in the process, particularly when housing developments are allowed on appeal on housing supply arguments, but left undelivered for many years.

For the above reason, this authority believes it is important that 1) there is an opportunity for housing figures generated through a standard method to be challenged and examined; 2) that housing supply and delivery is judged against Local Plan requirements only; and 3) calculations of affordability do not generate housing targets that are disproportionate and undeliverable.

**9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. If a site is allocated in the Local Plan it will have already been deemed, by the local authority, to be acceptable for development in principle and developers should be able to proceed towards the approval of details with reasonable confidence that the principle of development is accepted and the authority will work with them towards approval. Outline permission in principle should however only apply where the Local Plan has been fully adopted and must comply with any parameters set out by the local authority for the area in question, for example on development density. .

In terms of the three suggested means of granting detailed consent, (a new-style 'reserved matters' application, a Local Development Order (LDO) or Development Consent Order under the Nationally Significant Infrastructure Projects regime), all are potentially workable but it should be the local authority that determines which route is applicable to different sites in their area.

This Council is however very concerned about the extent of changes being made to permitted development rights and the potential implications – in particular the uncontrollable conversion of office blocks and other

buildings to poor quality apartments, flats, bedsits and HMOs. Relaxation or tightening of permitted development rights should be delegated to local authorities and supported by the government where the authority can demonstrate their reasons – for example to tackle concerns over concentration of HMOs in town centres.

**9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]**

No. Whereas, for growth areas, the local authority will have already given great consideration to the nature and scale of development that would be acceptable, the potential scope of development proposals that might come forward in either renewal areas or protected areas could be extremely wide and there ought to be a greater level of control, more in line with the current system, to enable the authority to consider both the principle and detail of any proposals that comes forward.

**9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]**

No. New settlements should only be brought forward either by a local authority through the Local Plan process unless that authority has specific reasons or a specific desire to delegate such decisions to government. To instigate the planning or delivery of a new settlement through the Nationally Significant Infrastructure Projects regime without the local authority's full backing would be very undemocratic.

**10. Do you agree with our proposals to make decision-making faster and more certain?**

[Yes / No / Not sure. Please provide supporting statement.]

No. Some elements of the government proposals appear sensible, but there are fundamental concerns about others.

Having greater digitisation of the application process, utilising modular software and having shorter and more standardised applications appears

sensible in principle however applications can vary considerably in their nature and complexity and local authorities need to be presented with sufficient information to be confident in decision making.

Standardising technical information, planning notices and planning conditions again could help to streamline the planning process, but authorities should not be denied the opportunity to also impose supplementary bespoke conditions to address particular local concerns that would not be sufficiently addressed through one of the standard conditions.

Authorities do tend to delegate a large proportion of planning decisions to their Planning Officers – particularly when it comes to smaller developments or reserved matters applications. However, authorities should not be denied the right to refer applications to elected Councillors for a decision where, for good reasons, a democratic decision is the best course of action.

The suggestion of sticking to statutory time limits or otherwise refunding the application fee is understandable as an incentive for authorities to determine applications in a timely manner. However, this will only be a reasonable course of action if other measures aimed at streamlining the system are successful. The potential consequence of requiring applications to be determined in the statutory timeframe could lead to an increase in refused applications that might have otherwise been approved if a short extension of time were allowed. This could have implications for the number of appeals submitted to the Planning Inspectorate – the opposite of what the government is hoping for.

We strongly disagree with the suggestion that applications will be entitled to an automatic rebate of application fees where an appeal is allowed following a Planning Committee decision to refuse permission. More often than not, a Committee decision to refuse applications involves a balanced judgement of complex matters and material considerations with the best interests of the community at heart. If the Planning Inspectorate is given the power to not only overturn democratic decisions but also 'threaten' elected Councillors with the removal of fees, we fear that the public's trust in the planning system and democracy will be seriously undermined.



**Question 11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. However, these new requirements should only apply to future Local Plans and future reviews of Local Plans and not to authorities that are already part way through the process of preparing their plans – particularly those, such as Tendring, that have advanced to the later stages of the process under transitional arrangements.

**12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]**

Yes, in principle – however we think the government has underestimated some of the difficulties that would be associated with such a quick turnaround.

Under the current system, the preparation of a Local Plan takes far too long, and in some cases, is seemingly endless. However, authorities will only be able to comply with such a tight statutory timescale if the requirements of the plan-making process including the burden of evidence are reduced, the tests for examination are simplified and the ability for third parties to ‘de-rail’ the process are limited. Instead, the proposed changes to the plan-making process appear to place a much greater emphasis on public consultation or community engagement which, whilst admirable and supported in principle, will give rise to significant and unpredictable challenges that will vary hugely from authority to authority.

Stage 1 gives six months for the local authority to invite suggestions for areas to include in the three categories of land i.e growth areas, renewal areas and areas for protection. Whilst the idea of undertaking comprehensive public involvement at this stage of the process is welcomed, it can be predicted that there will be a strong push, from the public, for many areas to be ‘protected’ and an equally strong push from landowners and the development industry for areas to be designated for growth or renewal. The local authority will ultimately be ‘stuck in the middle’ of this debate and, across a variety of locations, will have to rule in favour of the community, or in favour of the landowner/developer when it comes to designating land in the plan.

Stage 2 then gives 12 months for the preparation of the Local Plan and any necessary evidence. For this timescale to work, the evidence will need to be proportionate and not subjected to current levels of scrutiny and challenge when it comes to the examination stage of the process. The government must also appreciate that the period for plan-making must also include the time needed for democratic decision-making which will be in the public eye, open to significant scrutiny, criticism and lobbying. The experience of different local authorities will ultimately vary significantly depending on relevant local issues, political pressures and geographical differences of opinion.

Stage 3 then gives six weeks for the local authority to submit its Local Plan to the Secretary of State and invite comments from the public, again following a comprehensive approach to public engagement. However, it is difficult to see how meaningful engagement can be carried out if there is no subsequent stage of the process by which the local authority can change its mind on certain issues, or take on board any local concerns. At this stage of the process, responsibility for the plan transfers to an unelected Planning Inspector with limited knowledge of the area.

Stage 4 of the process gives nine months for the Inspector to examine the plan. However, giving all people who submitted comments the 'right to be heard' could raise people's expectations over the amount of influence they could have on the plan. Ultimately, an Inspector is going to disappoint a lot of people if they choose to limit their right to be heard to just written submissions or if they are seen to ignore public comments altogether. Ultimately it will be the local authority, not the Inspector, that is criticised by local people if they feel that their views have not been given proper consideration.

Stage 5 would then involve the finalisation of the plan in six weeks, which seems possible so long as the earlier stages of the process do not reveal any overly complex issues.

A smooth transition from the current system to the new is extremely important given the stages that some authorities have already reached in preparing their Local Plans. Tendring is an authority that has already submitted its Local Plan to the Secretary of State for examination and is half-way through the examination process. It is suggested that an authority like Tendring would have 42 months (three and a half years) from either the date of the new legislation or the adoption of the most recent plan (whichever is later) to put a new-style plan in place. Thereafter, Local

Plans would need to be reviewed within five years of adoption, as is the current arrangement.

We question why an authority like Tendring, with a submitted plan expected to be adopted in 2021 cannot benefit from the full five year period to undertake its next review in line with the new system – particularly given all the hard work that has gone into the plan and the strongly-fought arguments about housing numbers and the locations for development.

**13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. With a dramatically simplified Local Plan and a streamlined process for determining applications, Neighbourhood Plans might offer the only real opportunity for communities to have a meaningful say in the way their area is planned.

**13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

Yes. It is suggested that the local planning authority acts as the examiner for Neighbourhood Plans as opposed to a government appointed Inspector. The authority's role in examining a Neighbourhood Plan should be to simply check that it does not contradict or jeopardise the Local Plan. The Neighbourhood Planning body should be able to work with the local authority to share and utilise its technology and software to align with the government's objectives around digital tools.

The Neighbourhood Planning process could be the ultimate opportunity for communities to express their views about design preferences to inform the content of a Neighbourhood Plan or a design code.

**14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. Although the government has placed a significant emphasis on the need to speed up the planning process, this authority can point to numerous examples of developments that have obtained planning permission in a timely manner but have either been left unimplemented, stalled or progressed much slower than originally indicated. This has made it very difficult for the Council to maintain its five-year supply, despite being able to identify more than sufficient land to meet its requirements – with some developers clearly using the lack of progress on certain sites (including their own) to argue for planning permissions on other sites.

Measures to incentivise building could include shorter time limits for the commencement of development (e.g. two years instead of three); and a presumption, through the NPPF, that any residential development granted on appeal on housing supply grounds can be considered 'deliverable' within five years (to avoid land banking as a means of constraining supply).

**15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]**

Indifferent. Developments by some developers in some locations have been excellent, capturing the Council's expectations of quality and respecting and enhancing their surroundings. Other examples have been uninspiring, 'bog-standard' ubiquitous schemes that lack vision but are 'not bad enough' for the authority to be confident in seeking to reject permission. We tend to find that local developers pay more attention to detail and quality than some of the regional volume housebuilders.

**16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]**

Energy efficiency of new buildings. This is not just for the sake of the environment, but also as a means of providing local employment for existing a new firms specialising in making new and existing properties

more energy efficient and reducing residents household bills – a particular issue for pensioners.

**17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]**

Yes, in principle. However, in the context of government wanting to speed up the planning system it will be important that the process of putting local design guides and design codes in place does not, in itself, become an overly bureaucratic, divisive and lengthy task that could lead to a blockage in delivery and a shortage of resources in the later stages of the planning process. Neither should design codes stifle innovation or visionary approaches to development.

**18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]**

Not sure. Whilst the idea of each local authority having a chief officer for design and place-making sounds desirable, there is a risk that one unelected official with an affiliation to a national professional body might have too much influence on matters of design and appearance which, ultimately, are subjective matters in which the community, and elected officials, should have a say. See also response to Question 7.

**19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. Quality of design should be a high priority of government and local authorities. There should be no place for poor design anywhere in the country and the development industry also needs to play a stronger role in improving standards, like the car industry has.

**20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]**

In principle, yes – however it is difficult to see how this would work in practice when, ultimately, beauty is in the eye of the beholder and is a matter of great subjectivity to which different stakeholders will offer different views. .

Updating the NPPF to indicate that schemes complying with local design guides and codes should receive swift approval seems sensible.

Requiring a masterplan and site-specific design code as a condition of permission in principle in Growth areas also seems sensible, so long it is the local authority to leads and has the final say over their content. If the preparation of a masterplan and design code is going to lead to lengthy disagreements between stakeholders and an expensive and complex examination process of its own to sort those disagreements out, then it will not help to streamline the planning system.

Changing the nature of permitted development to allow developments of popular and replicable forms of development to be approved easily and quickly again seems desirable in principle, so long as the creation of the design codes that would apply does not, in itself, become an overly bureaucratic, divisive and lengthy task.

**21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]**

More or better infrastructure and the design of new buildings.

**22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]**

Yes, in principle. Although the focus of the levy should be on delivering infrastructure with affordable housing best secured by way of legal agreement.

However, whilst the principle of a standardised approach is understood as a means to simplify the system, charging a levy as a fixed-proportion of development value will result in a large income for authorities in areas with high property values and significantly lower income for authorities in areas with lower property values. This is despite the fact that the need for infrastructure to meet the needs of a growing population will generally be the same, irrespective of property values. There would need to be some way of ensuring that lower value areas are not penalised because their levy income is not sufficient to deliver the infrastructure expected by their communities.

The ability to fund and deliver necessary infrastructure could therefore be a factor taken into account when setting an authority's housing target. Otherwise there will need to be some form of re-distribution of the levy or other public subsidy for lower value areas.

**22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]**

A nationally set levy would no doubt simplify the process for developers.

However, as explained above, a nationally set levy, if a fixed proportion of development value, would fail to recognise the significant variance in property sales values between different parts of the country. Therefore authorities with high property prices would be able to secure significantly higher sums of money than authorities with lower property prices, irrespective of the need for or cost of infrastructure associated with those developments.

Because of this, the only way in which such a system could be effective is if all revenue secured through the levy were collected by central government and re-distributed to local authorities in proportion to their infrastructure costs – which would mean some authorities would be relinquishing control of the funding secured and the levy would end up being collected much in the same way as corporation tax or business rates.

An alternative would be for the levy to be set locally and all the moneys retained locally. However, in lower value areas where there is likely to be a funding gap, there should either be a mechanism to lower the amount of housing that is expected to be built, or some form of subsidy from government to pay for the infrastructure that cannot be delivered through the levy.

**22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]**

Depending on what the objectives of a particular local authority is, there could be a mechanism by which more value could be captured. However, this would in some ways defeat the object of introducing a simplified and standardised approach and could make some developments unviable if the levy is not set carefully.

**22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. It might provide the only means by which some infrastructure can be delivered ahead of the development – thus allowing the development itself to proceed smoothly.

**23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. Developments permitted in this way will still have an impact on infrastructure and so it will be important that they contribute in the same way that developments requiring planning permission.

**24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as**



**much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. It will be important to ensure any new arrangements in relation to Infrastructure Levy do not result in lower levels of affordable housing being delivered to that currently achieved through s106 legal agreements. Otherwise local authorities will struggle to meet their legal duties around meeting housing needs.

**24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]**

Not sure. For the purposes of securing affordable housing on site, the current s106 legal agreements are fairly robust and enable properties to be transferred to a nominated body at a discounted rate. A right to purchase at discounted rates is essentially what the s106 system already provides, so it is difficult to see how abolishing s106 for the purpose of securing affordable housing will be of benefit. We would be concerned that a levy approach without any legal safeguards could be open to abuse.

**24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]**

Yes. Otherwise there seems little point in abolishing s106 legal agreements for affordable housing which at least ensure that properties must be transferred to the nominated body within set timescales, reducing the risk of over-payment.

**24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]**

No. If the government is serious about improving design, quality and energy efficiency, then all dwellings whether affordable or market homes, should deliver high standards, as a minimum. See answer to question 6.

**25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]**

No. If the levy is designed to pay for infrastructure, it should be spent on infrastructure and should mitigate the impacts of the development from which the payments have come. If restrictions are eased, local authorities will need to be disciplined in their administration of the Infrastructure Levy as they will ultimately be held accountable, by their communities, for how the money is spent.

**25(a). If yes, should an affordable housing ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]**

If s106 agreements are abolished and there were fewer restrictions on how the levy is spent, ring-fencing for affordable housing would be necessary – but not if it invokes the right to buy. Affordable housing needs to remain affordable if it is expected to provide for the needs of people with lower incomes.

**26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010**

It is suggested that all new properties should be DDA compliant, without exception. The development industry must adapt to improved standards, just like the car industry has.

**PLANNING POLICY AND LOCAL PLAN COMMITTEE**  
**30 September 2020**

**REPORT OF THE CORPORATE DIRECTOR: PLACE AND ECONOMY**

**A3 – SECTION 2 LOCAL PLAN: PREPARATIONS FOR EXAMINATION HEARINGS**

Report prepared by Gary Guiver

**PART 1 – KEY INFORMATION**

**PURPOSE OF THE REPORT**

To provide an update on preparations for the Examination of Section 2 of the Council's emerging Local Plan following initial advice from the recently appointed Planning Inspectors.

**EXECUTIVE SUMMARY**

Key Points

- The Inspector's Modifications to the Section 1 Local Plan are currently out of public consultation and so attention now begins to turn to the Examination of Section 2.
- Two different Inspectors have been appointed to oversee the Examination of each of Tendring, Braintree and Colchester's Section 2 Local Plans.
- The Inspectors have issued some initial advice to Officers and have requested information that will enable them to consider the potential timetable for the examination and the key issues that might need to be covered.
- They have also asked the Council to prepare for the possibility of examination hearings being carried out face to face, virtually or a combination of the two – depending on the status of COVID-19 restrictions in place at the time.
- It is anticipated that examination hearings will take place in early 2021 to allow time for the Section 1 Local Plan process to be completed and for preparations for Section 2 to progress.

Background

Before a Local Plan can be formally adopted by a Council, it must be 'examined' by a government-appointed Inspector whose job it is to check that 1) the plan has been prepared in line with various legal requirements and 2) that the policies and proposals in the plan comply with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF).

Section 1 of the submitted Local Plan containing strategic policies and proposals for North Essex ('the Section 1 Plan') has been examined by the Inspector and his recommended 'Main Modifications' to the plan are currently the subject of public consultation, with a deadline for comments of 9<sup>th</sup> October 2020.

Whilst the North Essex Authorities still await the Inspector's final conclusions on the soundness of the Section 1 Local Plan (once he has considered any further comments), the Section 1 Plan has progressed to a sufficiently advanced stage of the process to begin preparations for the examination of the authorities' individual 'Section 2' Local Plans containing more specific local policies and proposals relevant only to their individual area.

Two different Inspectors (Mr. Jameson Bridgwater and Ms. Anne Jordan) have been appointed by the Secretary of State to conduct the examination of all three Section 2 Local Plans. On 20 August 2020, they issued advice on how to approach the examination process and your Officers have been undertaking work in line with their advice. The work being carried out includes the following:

- A new set of pages on the Council's website are being prepared, dedicated specifically to the Section 2 Examination and in a format that is broadly consistent with that of Colchester and Braintree.
- An up to date library of all the evidence the Council will be relying on for the examination is being organised; with the documents arranged to correspond with the structure and policy order of the plan and placed on the new webpages. This will include the new Employment Land Review, updates to the Council's Retail Study and the latest Strategic Housing Land Availability Assessment (SHLAA).
- Copies of all the relevant representations received in response to the Local Plan consultation in 2017 are being arranged to correspond with the structure and policy order of the plan and will also be placed on the new webpages.
- A comprehensive set of schedules is being compiled that will 1) summarise the various comments raised by different stakeholders; 2) provide a brief response to the points raised; and 3) set out any suggested amendments to the plan aimed at addressing objections or otherwise updating, improving or correcting the plan. These will include the suggested amendments considered and agreed by the Committee in recent meetings.
- A shorter schedule will be prepared to identify the 'key issues' arising from the representations which might, or might not, become the focus of the examination hearings.
- A 'Topic Paper' on 'Consequential Changes' identifying 1) any issues arising from the Inspector's Main Modifications to the Section 1 Plan that might require changes to Section 2; and 2) any issues or arising from changes in national legislation, policy or other guidance that

might have a bearing on the soundness of the plan. This is a specific request of the Inspectors which Officers are aiming to submit by the end of September 2020.

- A Topic Paper on 'Housing' that, on the Inspectors' specific advice, addresses the following specific matters:
  - Whether the plan provides an adequate supply of land to meet the housing requirement (as identified within Part 1 as Modified) over the plan period.
  - Whether the plan will provide a five-year supply of deliverable sites from its date of adoption.
  - Whether the plan will make appropriate provision for affordable housing, accommodation for gypsies and travellers, accessible and adaptable housing, and housing to meet the needs of particular groups, such as (for example) disabled people, older people, and students.

Again, this will be submitted to the Inspectors by the end of September 2020.

- A series of 'additional topic papers' are also being considered to deal with any specific 'key issues' that are likely to require particular consideration as part of the examination process. Key issues are likely to include Employment Land, Retail and Town Centre Policies, Strategic Green Gaps and the Hartley Gardens and Oakwood Park developments proposed for the edge of Clacton.

The Inspectors have acknowledged that circumstances will have changed in the three years since the Local Plan was submitted, particularly in regards to sites that have obtained planning permission. For Tendring, grants of planning permission have strengthened the Council's housing land position considerably – to the extent that the Local Plan now over-allocates by around 1,600 homes (as reported to the Committee at the meeting of 8<sup>th</sup> June 2020). Officers consider that the substantial changes in the housing land position and grants of planning permission in the last three years will have addressed a large proportion of the objections received in 2017 and might allow for a relatively short and uncontentious examination process – although it will be the Inspectors who ultimately decide the programme for the examination and the key issues for debate.

Officers will continue to liaise with the Inspectors, via the appointed Programme Officer, on the scope and programme for the examination. If the Inspectors require any further work ahead of the examination hearings, Officers will endeavour to undertake that work in a timely manner to enable the plan to progress positively and for the examination process to run as smooth as possible.

Once the above tasks and any additional requested work have been completed and reported to the Inspectors, they will advise on the 'Matters, Issues and Questions' (MIQs) that will form the basis of the examination hearings and will determine the programme for hearings, the topics for discussion and who will be invited to participate. Officers will keep the Committee updated on progress as and when required.

For information, the most recent exchange of correspondence between the Inspectors and the Council's Assistant Director for Strategic Planning and Place are attached as Appendices 1 and 2.

#### **RECOMMENDATION**

**That the Planning Policy and Local Plan Committee notes the preparations being made for the examination of Section 2 of the emerging Local Plan.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

The preparation of a new Local Plan and completion of the examination process is a high priority of the Council to ensure that an up-to-date statutory development plan is put in place. The Local Plan will provide the framework for 'Place Shaping' and making provision for both the jobs and homes needed in the district and projects aimed at addressing deprivation and the need for rejuvenation in priority areas.

### **RESOURCES AND RISK**

The examination of the Section 2 will be led by the Planning Inspectors, albeit funded through the Council's LDF/Local Plan budgets. The work required from the Council in preparation for the examination will be undertaken by the Strategic Planning and Place team under the leadership of the new Assistant Director, utilising the above budgets and the assistance of specialist consultants or legal representation as required.

The biggest risk to the examination of the Section 2 Plan will be if the Inspector for Section 1 makes any further modifications that affect either housing or employment land targets. The Inspector has invited comments from interested parties on whether or not government household projections published in June 2020 affect, in any way, the soundness of the housing targets in the Local Plan – however the North Essex Authorities have already submitted evidence to the Inspector, from expert consultants, explaining that the new projections do not affect the figures for Tendring.

When the Inspectors for Section 2 begin to feedback their views on the programme for the examination, a clearer picture of the resource requirements and potential risks will emerge – which will be reported to Members as appropriate.

### **LEGAL**

The planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the new 2019 version) place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans

to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The statutory 'development plan' for Tendring, as it stands is the 2007 Adopted Local Plan. However, the policies and proposals in the Adopted Local Plan are increasingly out of date. The NPPF states that where the development plan is out of date permission should be granted for sustainable development unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or other policies indicate otherwise. It is therefore important to progress the emerging Local Plan through the remaining stages of the plan making process and ensure it meets the requirements of national planning policy so it can become the new statutory development plan and be relied upon by the Council acting as the Local Planning Authority.

Section 33A of the Planning and Compulsory Purchase Act 2004, as amended ("2004 Act") places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation, this is known as the 'Duty to Cooperate' on strategic matters of cross-boundary significance, which includes housing supply. Before a Planning Inspector can begin the process of examining a Local Plan, they need to be satisfied that the local authority has demonstrated it has done everything it can to ensure effective cooperation with neighbouring authorities and other partner organisations and has sought to resolve, as far as is possible, any cross-boundary planning issues. The Inspector for Section 1 of the Local Plan has already confirmed that the relevant authorities have, to date, met with this legal duty, so it is hoped that matters of cooperation will not need to be revisited as part of the Section 2 examination.

The Town and Country Planning (Local Planning)(England) Regulations 2012 make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a local plan and the independent examination.

Section 19 of the 2004 Act requires a local planning authority to carry out a Sustainability Appraisal of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation and in addition prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so "with the objective of contributing to the achievement of sustainable development". The purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues. A Sustainability Appraisal was carried out for the Section 2 Local Plan but might require updates before the plan is adopted, depending on the Inspectors' advice and conclusions going forward.

The NPPF requires a local planning authority to submit a plan for examination which it considers to be “sound” meaning that it is: positively prepared, justified and effective. The job of the Planning Inspector is to test that the Local Plan meets legal and procedural requirements and the following tests of soundness:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

#### OTHER IMPLICATIONS

**Area or Ward affected:** All wards.

**Consultation/Public Engagement:** The statutory consultation on Section 2 of the Local Plan took place in 2017 and Officers consider that the majority of comments received have either been addressed as a result of planning decisions or can be resolved through amendments to the plan – however the Planning Inspectors will determine what issues need to be discussed as part of the examination and who will be invited to participate in the hearings. If the Inspector does recommend formal modifications to the Section 2 Local Plan following the examination hearings, they will be the subject of consultation in their own right before the plan can be formally adopted.

#### APPENDICES

Appendix 1: Planning Inspectors’ Advice Note dated 19<sup>th</sup> August 2020

Appendix 2: Letter of the Inspectors from the Assistant Director for Strategic Planning and Place dated 4<sup>th</sup> September 2020.

#### BACKGROUND PAPERS

None.



## **Braintree District Council, Colchester Borough Council and Tendring District Council**

### **Local Plan Part 2 Examination Advice Note - 19 August 2020**

We have been jointly appointed to examine the Part 2 sections of the Braintree, Colchester and Tendring Local Plans that were submitted to the Planning Inspectorate in October 2017. As you are aware the shared Part 1 element of these plans is still under examination with proposed Main Modifications in the process of being finalised. Consequently, the passing of nearly 3 years combined with the Part 1 Main Modifications identified are likely to have some implications for the Part 2 Examination. Our suggested approach to move things forward in the circumstances pragmatically is set out below.

#### **Workload and capacity**

We understand that each Council is still engaged in workstreams associated with the examination of the shared Part 1 element of the plan. As such, it would be helpful for us to know when you will have the staff time/availability and resources available to prepare for and host the Part 2 Examinations. We are also mindful that in setting up a programme of events we will need to take into account the availability of the Programme Officer, particularly when planning/administering examination hearings.

Please do not hesitate to contact us through the Programme Officer if you envisage any particular problems in this regard so we can make the required adjustments to the overall programme.

#### **Administration of the Part 2 Examinations**

It is not possible due to Covid 19 to agree an exact format for the Examination Hearings (physical, virtual or a mixture of both(blended)) at this stage. With this in mind it is important to make preparations to ensure that everything is in place to be able hold a 100% virtual event if it is deemed necessary. Therefore, to maintain flexibility moving forwards whilst ensuring that everyone who has made representations can have a meaningful input, it is necessary for the following to take place.

*The creation of plan specific standalone Part 2 Examination websites/web pages that should include;*

- All of the evidence that each Council is relying upon needs to be in one single part 2 examination library with each document given an examination reference. To ensure the effective running of the Examination library should be broadly arranged to follow the structure/policy order of the submitted Part 2 Plans for example – Spatial Strategy, Housing Land Supply/Trajectory, DM Policies etc.
- All representations received in relation to Part 2 should be arranged to follow the structure/policy order of the submitted Part 2 Plans. Moreover, the Council may wish to include schedule that summarises/identifies what

they consider to be the key issues identified (i.e. coastal flooding, design), along with their brief response.

- In terms of design and layout of the Part 2 Examination websites It would be helpful if the Councils' could adopt a broadly standardised approach as this will help in the effective management of each event.

### **Topic based update papers**

For the reasons set out above you are requested to prepare 2 update topic papers;

Topic Paper 1 - Consequential changes – This should be divided into two parts.

- Part 1 - Specifically address any potential consequential changes to individual policies within the Part 2 plan as a result of the proposed Main Modifications identified within Part 1. Whilst this will predominantly be in the form of a schedule, each Council may wish to expand or give greater detail in relation to issues for example, implications for the spatial strategy etc
- Part 2 – Whilst each plan is being examined under that transition arrangements, it would be helpful if changes in National Legislation/Policy since the submission of each plan (i.e. changes to the Use Classes Order) are identified and if the Council considers if the changes have any bearing on the soundness of the plan. In doing so, it would be helpful to identify any policies which could potentially be affected.

Topic Paper 2 - Housing

We accept that a lot can change in 3 years in terms of housing land supply and delivery. Moreover, we note that whilst the proposed Main Modifications would remove 2 out of the 3 proposed Garden Communities from the plans, other sites may have been granted permission in the intervening period. Therefore, it is necessary to provide an updated housing position paper that should seek to address;

- Whether the plan provides an adequate supply of land to meet the housing requirement (as identified within Part 1 as Modified) over the plan period.
- Whether the plan will provide a five-year supply of deliverable sites from its date of adoption.
- Whether the plan will make appropriate provision for affordable housing, accommodation for gypsies and travellers, accessible and adaptable housing, and housing to meet the needs of particular groups, such as (for example) disabled people, older people, and students.

The requested topic papers should ideally be provided by 26<sup>th</sup> September 2020. Please advise if there are likely to be any problems in achieving this deadline.

Additional topic papers

Each Council may wish to prepare other topic specific updates in addition to those set out above, if you wish to do this please provide a brief synopsis of the

issues you intend to cover and forward to the Programme Officer for our initial consideration.

Once we have all of your responses there may be a requirement for additional information or clarification prior to finalising our Matters Issues and Questions along with the programming of hearings. We will endeavour to advise you at the earliest opportunity if this is necessary.

**In conclusion**

We are looking forward to working proactively with each of the Councils and all of the interested parties moving forwards.

Kindest regards,

*Jameson Bridgwater and Anne Jordan*

INSPECTORS

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Planning Inspectors  
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Clacton-on-Sea, CO15 9GN  
**[Sent via email]**

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Please ask for : Gary Guiver

4 September 2020

Our Ref : GG/S2EIP/2020/1

Your Ref : PINS/P1560/429/5

Dear Inspectors,

**Tendring District Local Plan – Examination of Section 2**

I write on behalf of Tendring District Council to thank you for your Local Plan Part 2 Examination Advice Note' dated 19 August 2020 which provides very clear and helpful guidance on how to prepare for the next stage of the examination process. My Council is particularly keen to progress to the examination of the Section 2 Local Plan as, notwithstanding our best efforts, we have been without an up-to-date adopted Local Plan for a number of years and it is a top priority to put that right.

We are therefore delighted that you are looking forward to working proactively with all the Councils and interested parties to, I hope, enable the plan to proceed smoothly through these final stages of the process. With that in mind, my team and I are keen to work with you in the coming weeks and months to establish the likely scope of any examination hearings, ideally with a view to keeping them to a minimum.

In the three years that have passed since the Local Plan was submitted in 2017, a significant number of development proposals have obtained planning permission either from the Council or on appeal, have begun or completed construction, or have been the subject of planning applications that have been rejected by the Council and sometimes thereafter dismissed on appeal. Because of this, much of the content of the emerging Local Plan is, in my considered opinion, no longer controversial and I am hopeful that the length and complexity of the examination can reflect that.



### **Workload and capacity**

In your advice note you have asked for an indication as to the staff time/availability and resources available to prepare for and host the Section 2 Examinations. I am pleased to report that Tendring District Council has allocated a team of five Officers, myself included, who will have direct involvement in preparing for the examination and participating in the hearings themselves.

As a team, we are prepared to provide you with any information you require ahead of any hearings to ensure the process can proceed as smoothly as possible. We anticipate that, in response to the key issues and other information we provide to you later this month, you may wish the Council to undertake further work, consultation or evidence updates – particularly given the passage of time that has elapsed since submission in 2017. My team is willing to undertake the work required where it will assist in the smooth running of the examination and ensure the soundness of the plan.

With that in mind, and to allow any such additional work to take place, I would suggest that examination hearings take place between January and March 2021 allowing the remainder of this year to undertake any further work you consider necessary.

### **Administration of the Part 2 Examinations**

As you rightly set out in your advice note, the current Covid-19 pandemic and related restrictions do make it difficult to predict or agree the likely format of the examination hearings. Under normal circumstances, we would have held all examination hearings either in the Council Chamber at our Offices in Thorpe Road, Weeley or the larger Princes Theatre in Clacton on Sea, however I am preparing, as requested, for the possibility of either a 100% or partially virtual event. Like many authorities in recent months, this Council has conducted many meetings virtually utilising 'Skype' or 'Microsoft Teams' and are to soon adopt the latter as the preferred platform for such meetings going forward. In conclusion, the Council has the means to conduct the hearings 100% virtually if so required.

### **Examination Website**

My team is already working on the construction of a dedicated set of web-pages for the Section 2 examination and are liaising with colleagues in Braintree and Colchester to achieve as consistent approach as is possible.

### **Evidence Base**

In preparing the new web pages, we are taking the opportunity to review the library of evidence that has informed the content of the Local Plan and any additional evidence that has been prepared since the submission of the plan in 2017 or is otherwise in the process of being prepared. As requested, we are aiming to order the evidence to correspond with the sections and policies in the plan.

Examples of additional evidence that has been prepared since submission include:

- An updated 2020 Strategic Housing Land Availability Assessment (SHLAA) undertaken in-house by my team;

- An updated Economic Strategy and Employment Land Review undertaken by Hatch Regeneris in 2019;
- An updated Retail and Town Centres Study undertaken by Lambert Smith Hampton in 2020; and
- An updated Holiday Parks Study undertaken by Frontline consultants in 2020.

These and other updated evidence documents have informed the Council's response to some of the representations received back in 2017 and any suggested amendments to policies considered necessary to update the Local Plan and ensure its soundness.

## **Representations**

As requested, we are already in the process of arranging all representations received in relation to the Section 2 Plan to follow the structure/policy order of the plan. In addition, we have produced and are in the process of updating a comprehensive schedule containing summaries of all representations to different parts and policies of the plan along with the Council's consideration and response to the matters raised. These schedules will demonstrate that the Council has given careful consideration to all of the comments submitted.

In so doing, the schedule also contains suggestions for possible amendments to the content of the plan aimed at either addressing directly the matters raised in the representations; updating the plan to reflect the latest relevant information and evidence; or resolving any errors, inconsistencies or other necessary corrections.

The suggested amendments will be presented to you for your consideration through the examination process as potential modifications. If you believe it prudent, the Council would be willing to undertake consultation on the suggested changes ahead of the examination – although you may prefer to consider them as part of the examination process before coming to a view on which, if any, could form post-examination modifications for consultation in line with the normal statutory process.

It is perhaps worth noting, for your information, that the most controversial proposal in the Local Plan was the allocation of land south of Thorpe Road, Weeley through Policy SAMU5 for a mixed-use development including 280 homes and 1 hectare of employment land which attracted a large number of representations from the public. Since the submission of the plan, this site has obtained outline planning permission and, in the Council's opinion, all of the public objections including additional objections to the application itself have been considered through the Development Management process and duly resolved.

## **Identification of 'Key Issues'**

The above-mentioned schedule of representations and responses will also provide the basis for what we have identified as the 'key issues' for the examination and these will be presented, as suggested in your advice, in a separate schedule that summarises those issues, provides a brief response and identifies any relevant interested parties.

Ahead of providing you with the schedule of key issues, I can offer an initial view as to some of the areas we are likely to suggest:



- Housing Supply – Significant changes in the housing supply position since 2017 which will be detailed in Topic Paper 2 as requested. The Council will be presenting evidence to demonstrate that the updated housing supply position has strengthened as a result of planning and appeal decisions and there is no need to allocate any additional sites.
- Hartley Gardens, Clacton – The largest housing and mixed-use allocation in the Section 2 Local Plan and one of the only remaining allocations in the plan yet to obtain planning permission or be the subject of an application. Because of changes in the housing supply position, the Council is no longer reliant on this site to meet housing needs up to 2033, but still promotes its inclusion in the Local Plan as a location with the potential for long-term sustainable development and will want to explore with you, through the examination process, potential amendments to plan aimed at bringing the site forward as a 'broad location' for which more detailed master planning will follow.
- Strategic Green Gaps – Designated in key locations where the Council is seeking to preserve the openness of the countryside around settlements to avoid coalescence and to maintain the individual character and landscape settings of settlements or separate neighbourhoods. A number of objections have been received a) to the principle of designating Strategic Green Gaps and the requirements of the corresponding policy; b) the designation of certain sites or locations; and c) the omission of certain locations from the designation.
- Retail and Town Centre Policies – Following changes in national policy around town centres, the rapid changes happening to the role of retail in our economy and the new evidence contained within the Council's updated Retail and Town Centre Study, some significant amendments to policies may be necessary.
- Employment Land – The Council has updated its Employment Land Review and will suggest that the content of the Local Plan is updated to reflect its findings and to explicitly identify existing employment sites for protection and new sites to be allocated (most of which have already obtained planning permission).
- Policies Maps and Local Maps – The Council has noted a number of comments on the quality and legibility of the maps forming part of the submitted plan and has identified a number of amendments that could be made to improve their clarity and to reflect suggested changes in policy and grants of planning permission.

### **Topic Paper 1.1 – Consequential changes arising from Section 1 modifications**

As requested, my team is working on a topic paper aimed at addressing any potential consequential changes to individual policies within the Section 2 plan as a result of the proposed Main Modifications to Section 1 (which are currently the subject of public consultation).

For Tendring, we anticipate relatively few consequential changes but are mindful that a number of objections to Section 2 propose the inclusion of additional sites in the Local Plan for housing on the basis that the objectively assessed housing need should, in the objectors' view, be higher than the 550 dwellings per annum in Policy SP3 of Section 1. I note from your comments in relation to Topic Paper 2 that you will be seeking advice on *"whether the plan provides an adequate supply of land to meet the housing requirement (as identified within Part*

*1 as Modified) over the plan period*”. From this, I assume that because the Inspector for Section 1 has decided not to modify Policy SP3 to increase the housing number for Tendring, this topic has been resolved and (unless he resolves to make further modifications following consultation) will not need to be revisited as part of the Section 2 examination. I would be grateful if you could confirm that my understanding is correct.

That said, you will be aware the Section 1 Inspector has asked the authorities to consider whether the latest ONS household projections (2018-based) represent a meaningful change in the housing situation. This is more of an issue for Braintree District than for Tendring or Colchester due to the difference between the 2018-based projections and the 2014-based projections on which the housing requirement in the Section 1 plan is based upon. You will note our exchange of letters with the Section 1 Inspector on this issue and that third parties will soon be invited to comment.

We anticipate and hope that there be no implications for the housing requirement in Tendring and, on this assumption, we expect to be able to submit the Topic Paper to you by the suggested deadline of 26<sup>th</sup> September 2020. Naturally, if the Section 1 Inspector does require further changes following the consultation on modifications, we could produce an addendum to address any issues that arise.

### **Topic Paper 1.2 – Consequential changes arising from national legislation/policy changes**

As requested, my team is also working on a topic paper that addresses changes in National Legislation/Policy since the submission of the plan and identifies any changes that might have a bearing on the soundness of the plan. As explained above, in the schedules we have produced containing summaries of the representations, the Council’s response and suggested amendments, we have taken the opportunity to consider whether such changes in national policy and legislation require consequential changes. The most notable changes that we have identified to date relate to retail and town centre planning but we will work with our colleagues in Braintree and Colchester to ensure all relevant changes have been identified.

We expect to be able to submit this Topic Paper to you by the suggested deadline of 26<sup>th</sup> September 2020.

### **Topic Paper 2 – Housing**

As requested, my team is also preparing a Topic Paper responding to the specific points:

- Whether the plan provides an adequate supply of land to meet the housing requirement (as identified within Part 1 as Modified) over the plan period.
- Whether the plan will provide a five-year supply of deliverable sites from its date of adoption.
- Whether the plan will make appropriate provision for affordable housing, accommodation for gypsies and travellers, accessible and adaptable housing, and housing to meet the needs of particular groups, such as (for example) disabled people, older people, and students.

This paper will draw heavily from the Council’s latest 2020 update to its Strategic Housing Land Availability Assessment (SHLAA) which demonstrates that the Council can demonstrate that the plan provides an adequate supply to meet the housing requirements both over the

remainder of the plan period and within the five-years from the date of adoption – with a significant level of headroom/flexibility.

The topic paper will also highlight the fact that many of the sites that were allocated in the plan or otherwise promoted through objections to the plan have now obtained planning permission and are expected to contribute towards future housing supply.

We expect to be able to submit this Topic Paper to you by the suggested deadline of 26<sup>th</sup> September 2020. In the event the Section 1 Inspector does resolve to recommend modifications to the housing requirement for Tendring following the consultation on the current modifications, a further addendum could be provided at the appropriate time.

### **Additional Topic Papers**

My team and I are giving consideration to any areas where additional topic papers may be required and, on our initial assessment, these are likely to reflect the 'key issues' identified above. For example:

#### Hartley Gardens

A paper providing an update on the latest position with the largest housing and mixed-use allocation in Section 2 of the Local Plan and the Council's plans for progressing the development in light of delays in progress owing to its complicated ownership and infrastructure delivery issues. It will include an updated assessment of infrastructure requirements, viability assessments and revised trajectory for delivery. It will also contain information on the additional evidence being prepared to support its progress through the planning process and suggestions for how the allocation might best be presented as a 'broad location' in the current plan with a programme for more detailed master planning which would facilitate delivery in the longer term i.e. towards the end of the current plan period and into the next.

#### Strategic Green Gaps

A paper containing policy justification for the Strategic Green Gap policy and designations in the Local Plan in light of various objections, drawing upon the available evidence, relevant appeal decisions and the experience of other authorities promoting similar policies in their plans.

#### Retail and Town Centre Policies

A paper highlighting the key findings of the Council's latest Retail and Town Centres Study changes in national policy and their implications for the retail and town centre-related policies in the Local Plan – including suggested changes that were considered and agreed by the Council's Planning Policy and Local Plan Committee in 2019, partly in response to the recommendations of the 'Working Party' that was set up to oversee the rejuvenation of the district's largest town centre in Clacton.

#### Employment Land

A paper highlighting the key findings of the Council's latest Employment Land Review and evidence that demonstrates that the Council can identify more than sufficient land to meet and exceed the modified employment requirements in Policy SP4 in Section 1 of the Local Plan. The paper will also show that there is sufficient land, already with the benefit of planning permission, to meet the requirement and that the Local Plan could now be amended to identify

the relevant sites, along with all the existing operational sites that should be protected with improvements to wording of relevant policies.

#### Policies Maps and Local Maps

A compendium of revised Policies Maps and Local Maps updated to provide improved clarity in response to a number of criticisms raised in some representations and to show the various suggested amendments including:

- Adjustments to settlement development boundaries to reflect planning decisions, actual development on the ground and acceptance of arguments put forward in certain representations;
- Identification of allocated and protected employment sites to reflect the latest evidence;
- Identification of safeguarded holiday parks to reflect the latest evidence;
- Deletion of primary and secondary shopping frontages to reflect national changes in retail and town centre policy; and
- Factual changes in the boundaries of designations such as the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

The compendium could form the basis for potential modifications and any related consultation either pre-examination or post-examination depending on your preference.

My team and I are also giving consideration to a possible topic paper on the second largest housing and mixed-use allocation in the plan 'Oakwood Park' to provide an update on its status and the landowners' progress towards preparing a planning application.

Your advice on the scope of additional topic papers and the above suggestions would be welcomed. I would envisage that these additional topic papers could be completed by the end of October 2020.

#### **Questions**

We are very grateful for your advice to date and look forward to your thoughts on the Council's suggested approach as set out above. I also, please, have the following questions for your consideration and response which no doubt reflect some of those asked by my colleagues in Braintree and Colchester:

- Are you able to confirm that you are proposing separate hearing sessions for each of the three local authorities?
- Are you able to say how much notice the Council will be able to be given as to the dates for and format of the examination sessions (we expect for example to use a different venue to accommodate a socially distant physical hearing compared to the broadcast of a virtual hearing)

- Are you able to confirm that you have received the hard copies of the evidence base that were submitted to PINs in October 2017? If not please confirm the documents you would wish to receive in hard copy.
- Can we assume that the Section 2 examination will not need to revisit the issues around legal compliance with consultation process and duty to cooperate etc as the Section 1 Inspector has already considered and concluded on such matters?
- Given the passage of time elapsed since the submission of the plan in 2017, is there any need or benefit in revisiting the Sustainability Appraisal ahead of the examination hearings, or would this be more of an issue to consider through the hearings and in relation to any formal modifications?

We look forward to receiving your response on the additional questions set out in this letter and will provide further updates on the timetable of the work on an ongoing basis.

Yours sincerely



Gary Guiver

**Assistant Director for Strategic Planning and Place**

Tendring District Council

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