



David Green
Associate Ecologist
Land Use Consultants on behalf of Braintree District Council, Colchester
Borough Council and Tendring District Council

David.Green@landuse.co.uk

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear David,

Habitats Regulations Assessment (HRA) of the North Essex Authorities Shared Strategic Part 1 for Local Plans – Pre-submission (Regulation 19): Stage 2 Appropriate Assessment (AA)

Thank you for your consultation on the above dated 17 May 2017 which was received by Natural England the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Please find below our comments on the AA which has been undertaken having regard to our previous advice on the Part 1 HRA: Stage 1 Screening (our ref: 206491, email dated 2nd February 2017) and subsequent discussions at a meeting on the 8th February 2017 (our ref: 207424).

SUMMARY OF ADVICE

Based on the information provided in the AA, and provided each of the recommended safeguards are fully incorporated into the relevant policies, Natural England agrees that the Plan is unlikely to have an adverse effect on the integrity (AEOI) of Abberton Reservoir Special Protection Area (SPA) and Ramsar site¹, the Blackwater Estuary SPA and Ramsar site, Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site, the Essex Estuaries Special Area of Conservation (SAC), Hamford Water SAC, SPA and Ramsar site or the Stour and Orwell Estuaries SPA and Ramsar site.

DETAILED ADVICE

We have reviewed the HRA and note, following AA, that the below issues have been ruled out from having an AEOI of the stated designated sites, without the need for integrated mitigation measures, for the following reasons:

- **Recreational impacts**
 - *Hamford Water SPA and Ramsar site*

¹ 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.

We note from the AA that the Garden Communities are outside of the 8 km zone of influence for recreational impacts to Hamford Water and, as a result, an AEOI from this Shared Strategic Part 1 Plan is ruled out (i.e. on the basis that recreational impacts to Hamford Water are restricted to Tendring only and so is relevant to the Tendring Part 2 Plan AA only (page 57, para 6.57 and page 60, para 6.80)). Please see our advice under 'Recreational impacts' in the next section for further advice on this.

The below issues have been assessed as requiring mitigation to avoid an AEOI of the stated designated sites, which are summarised as follows:

- **Physical loss of, or damage to, habitat (including offsite functionally linked land)**

- *Stour and Orwell Estuaries SPA and Ramsar site*
- *Hamford Water SPA and Ramsar site*
- *Hamford Water SAC*
- *Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site*
- *Abberton Reservoir SPA and Ramsar site*
- *Blackwater Estuary SPA and Ramsar site*

The Tendring and Colchester Borders Garden Community development site is identified as being of potential value as offsite functional habitat (also known as 'functionally linked land') for golden plover and lapwing which are qualifying designated site species. As a result, safeguards are recommended in the form of further survey and assessment as part of any development proposal, and commitment to phasing of development and provision of suitable mitigatory habitat as appropriate (page 50, para 6.12).

- **Recreational impacts**

- *Stour and Orwell Estuaries SPA and Ramsar site*
- *Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site*
- *Essex Estuaries SAC*
- *Blackwater Estuary SPA and Ramsar site*

The AA recommends that this issue is mitigated through the implementation of a cross-authority strategic solution, which is also referred to as the Recreation Avoidance and Mitigation Strategy (RAMS). As per our previous advice on this issue, we fully support this recommendation and 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. The AA states that "A given authority will only be part of a specific RAMS where they are proposing dwellings within the Zone of Influence for that European site. For example, the RAMS for Hamford Water will be limited to Tendring District only, while the Colne Estuary will include all three North Essex Authorities" (page 59, para 6.76) and so advises that two separate RAMS should be produced (page 60, para 6.80 and page 67, para 7.10). Whilst we understand this reasoning, we advise that the best approach would be to develop a single cross-authority RAMS to include all relevant designated sites. We strongly recommend that a consultant is commissioned to undertake this work as soon as possible and that they and the relevant authorities meet with Natural England at the earliest opportunity to discuss the scope and progression of the strategy. As alluded to in

the AA, a policy commitment must be made to the production of a RAMS, which will need to be prepared and agreed with Natural England by the time the Local Plans are adopted. This is required to ensure that there is a sufficient level of certainty that the RAMS will be delivered and, subsequently, that the Plan can be considered sound in terms of the Habitats Regulations.

Furthermore, it is recommended in the AA that *“the wording of open space policies included in the Strategic Part 1 for Local Plans mirrors the recommendations for similar safeguards in Part 2 Local Plans, in which it is modified to include specific reference to the role of open space and GI in providing alternatives to European sites, and that such sites should be designed and managed appropriately to maximise their potential effectiveness in this role”* (page 63, para 6.98). We reiterate this recommendation and consider that open space can play an important role in helping mitigate effects from recreational disturbance. In addition, the AA mentions that a Masterplan Framework will be prepared for each of the Garden Communities, in which green infrastructure (GI), including a new country park for each, will be a key component of the design. We advise that sufficient consideration should be given to the inclusion of high quality natural and semi-natural *informal* open space which, among its many functions, helps absorb day-to-day recreational activities such as routine dog walking thereby reducing the frequency of visits made to the above designated sites. In order to serve this function, such open space must be of a suitable size and include circular walks of sufficient length for daily dog walking (i.e. 2.7 km), dogs-off-lead areas and waste bins etc. We would welcome the opportunity to discuss with the respective councils how the relevant policies could be further strengthened to ensure that open space requirements which help fulfil the above function are embedded as far as possible. Furthermore, as the Masterplan Frameworks develop, Natural England would be happy to further advise the relevant developers on these aspects through our chargeable Discretionary Advice Service ([DAS](#)).

- **Water quality and quantity**

- *Stour and Orwell Estuaries SPA and Ramsar site*
- *Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site*
- *Essex Estuaries SAC*

The AA concludes that the safeguards which will be included within the Part 2 Local Plans for each (e.g. policy safeguards such as a commitment to ensure that phasing of development does not exceed infrastructure capabilities and that the necessary upgrades are in place prior to development coming forward) will ensure that a given development will not proceed until the necessary infrastructure upgrades have been provided as necessary in accordance with Anglian Water and Environment Agency advice. In addition, we strongly recommend that the advice of Anglian Water and the Environment Agency continues to be sought on this issue.

Provided each of the above safeguards are fully incorporated into the relevant policies, Natural England agrees that the Plan will not lead to AEOI of the aforementioned designated sites.

This concludes Natural England's advice which I hope you will find helpful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Jack Haynes using the details given below. For any new consultations, or to provide further information on this consultation, please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Jack Haynes

Land Use Operations Norfolk & Suffolk Team

Email: jack.haynes@naturalengland.org.uk

Tel: 0208 02 64857

Cc. Gary Sung, Braintree District Council
Emma Goodings, Braintree District Council
Beverley McClean, Colchester Borough Council
Karen Syrett, Colchester Borough Council
Derek Walker, Tendring District Council
Simon Meecham, Tendring District Council
Mary Foster, Tendring District Council
Sue Hooton, Essex Place Services