

MATTER 1: HABITATS REGULATIONS ASSESSMENT

**North Essex Authorities Shared Strategic (Section 1) Plan –
Further Hearing Sessions**

**SUBMITTED ON BEHALF OF L&Q, CIRRUS LAND LIMITED, AND
GATEWAY 120**

December 2019

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1 INTRODUCTION

- 1.1 This statement has been prepared on behalf of L&Q, Cirrus Land Limited, and Gateway 120, who together form the West Tey Partners behind the majority landholdings within the Colchester Braintree Borders Garden Community (CBBGC).
- 1.2 This Statement is made following the re-opening of the Examination into the North Essex Authorities ('NEAs' or 'the Councils') Shared Strategic (Section 1) Plan. We note and approve of the scope of examination hearings as detailed by yourself in the 'Matters, Issues and Questions'. This Statement covers those questions posed within Matter 1 – Habitats Regulation Assessment (HRA).
- 1.3 The West Tey Partners have been active participants throughout the Examination of the Section 1 Plan, working with the NEAs where appropriate to demonstrate the deliverability of CBBGC in line with the principles established by the North Essex Garden Community Charter, reflected in draft policy, and echoed throughout our promotion of the site.
- 1.4 In promoting West Tey, we appreciate that this land does not comprise the entirety of the 'Area of Search' included within the Plan for a new garden community. Furthermore, whilst our capacity study work has shown land being promoted capable of accommodating approximately 17,000 homes as part of a comprehensive new community in line with the principles set by the NEAs, it does not amount to the full 24,000 homes stated as the top-end of draft policy.
- 1.5 Accordingly, what we are promoting has, in places, differences to that put forward by the NEAs. Despite this, it remains true that the proposals promoted by the West Tey Partners would deliver a garden community within the development parameters, and to the quality of that sort in draft policy.
- 1.6 Where amendments have been proposed to policy, this is to ensure accordance with national policy and provide sufficient comfort that should critical infrastructure not be delivered, the proposed garden community remains to a sustainable scale.
- 1.7 We continue to work productively with the NEAs and NEGC Ltd to bring forward a new garden community at West Tey.

2 HABITATS REGULATIONS ASSESSMENT

Q3 How would funding of the mitigation measures proposed in the Essex Coast Recreational disturbance & Mitigation Strategy HRA Strategy Document [the RAMS document] (July 2019) [EXD/050] be affected if only two or one of the proposed garden communities were to be found sound?

- 2.1 The Essex Coast Recreational disturbance & Mitigation Strategy HRA Strategy is a near county wide policy to deliver mitigation to protect coastal habitats sites and the wildlife they support, from the increased recreational disturbance associated with a growth in population. This has not been developed as part of site specific mitigation or even as a response to planned development of garden communities directly. Were an alternative strategy chosen, it is envisioned that similar mitigation measures would still be required.
- 2.2 The RAMS has been created to respond to the planned growth secured within the Local Plans, and will be applicable to all schemes that result in a net increase in residential dwellings within the defined Zone of Influence¹. This covers the entirety of Tendring District Council, Colchester Borough Council, and each of the main service centres in Braintree District Council, as well as the three locations covering the Broad Area of Search for new garden communities.
- 2.3 The RAMS requires per-dwelling contribution to be made in order to deliver the proposed mitigation measures. This figure has been derived from dividing the total costs of the mitigation by the planned number of dwellings to come forward in the Zone of Influence by 2038².
- 2.4 Should one or more of the garden communities not come forward, a proportion of the funding towards the mitigation will not come forward from these sources. However, the NEAs would be required to find alternative sites in order to meet the agreed development needs of these Local Plans and subsequent reviews.
- 2.5 Should the NEAs identify sites that lie outside of the Zone of Influence, or it is agreed that additional development sites are not required (and no additional sites come forward outside of the Plan-led regime), then there would result a funding shortfall for the proposed mitigation. However, there would also be a reduced number of new residents within the Zone of Influence, with there being less pressure on the coastal habitats sites. This would reduce the need for a full mitigation package to be implemented and a review of the RAMS document could be implemented at a later date in order to scale down the mitigation packages.

¹ See Figure 3.1 of EXD/051.

² Paragraph 4.5 of EXD/051

2.6 As a consequence of the above, the approach taken within the Plan to mitigation is sound.

Would the policies of the Section 1 Plan (including if necessary the relevant amendments suggested by the NEAs) provide sufficient certainty that the necessary mitigation measures will be implemented in order to ensure that the Section 1 Plan (either alone or in combination with other plans or projects) would not adversely affect the integrity of any European site?

2.7 We support the approach undertaken by the NEAs and supporting authorities in protecting the integrity of European sites within the Plan area. The NEAs have produced a sound HRA and undertaken an Appropriate Assessment, identifying a number of avoidance and mitigation measures to be implemented to ensure that identified sites are HRA compliant and secured these within policy³.

2.8 Given its proximity, the NEAs have rightly identified specific measures as part of the Tendring Colchester Borders Garden Community.

2.9 The garden communities provide the opportunity to integrate additional mitigation from those that already committed within the RAMS document. The delivery of a significant proportion of accessible open space within the garden communities would help reduce recreational pressure on the European sites. However, this would be purely supplemental to the measures set out in the RAMS document as developed and approved by Natural England.

2.10 Accordingly, the Section 1 Plan is considered to provide sufficient certainty that necessary mitigation would be implemented in order to not adversely affect the integrity of any European site.

³ Noting the addition of Policy SP1B within Suggested Amendments to the Plans.