



SCG/001

Publication Draft Braintree, Colchester and Tendring Local Plans: Section One Shared Strategic Plan

Statement of Common Ground with Natural England

NOVEMBER 2017

Braintree District Council, Colchester Borough Council and Tendring District Council Section 1 Shared Strategic Plan

Statement of Common Ground

Between Natural England and Braintree District Council, Colchester Borough Council and Tendring District Council

1. This Statement of Common Ground has been prepared to identify the areas of agreement between Natural England and Braintree District Council, Colchester Borough Council and Tendring District Council as the Local Planning Authorities (LPAs) on matters relating to the LPAs Section 1 Shared Strategic Plan and the representations submitted by Natural England concerning that document.

This Statement includes a table, which sets out the LPAs agreed response with Natural England to Section 1 of the Shared Strategic Plan and lists the areas that Natural England supports.

This Statement addresses all of the issues raised by Natural England in the representations listed in the table. There are no unresolved issues.

2. General Matters

The LPAs have worked with Natural England on the development of the Local Plan, the Sustainability Appraisal (SA) and the Habitat Regulations Assessment from the outset. In accordance with the Town and Country Planning (Local Development) (England) Regulations, Natural England has been formally consulted at every stage of consultation. The LPAs will continue to work with Natural England beyond the Local Plan adoption on a Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

Natural England submitted representations to the Section 1 Shared Strategic Plan during the Publication Draft Local Plan consultation period (Colchester Borough Council representation numbers S1.079a/ 6888-6893. Braintree District Council representation numbers S1168/ 524-530). Natural England also submitted representations to Tendring District Council, which were the same as those submitted to Colchester Borough Council and Braintree District Council.

Land Use Consultants (LUC) carried out a Habitat Regulations Assessment, which included Screening and an Appropriate Assessment on behalf of the LPAs for the Section 1 Shared Strategic Plan. Natural England agree with the findings of the appropriate assessment and agree that Section 1 will not lead to adverse effects on the integrity of European sites either alone or in-combination. (See EB/004)

The LPAs and Natural England have discussed the need for Natural England to attend the hearing sessions. As this Statement of Common Ground demonstrates, there are no unresolved issues between the LPAs and Natural England and therefore all parties agree that it is not necessary for Natural England to attend.

Natural England support Section 1 of the Local Plan in the following areas:

- (a) Natural England support the decision of Colchester, Tendring and Braintree Councils (and the other Essex coastal LPAs) to work together to implement a strategic solution to mitigate recreational disturbance impacts arising from housing growth in their Local Plans. This will take the form of an Essex coastal Recreational Disturbance Avoidance Mitigation Strategy (RAMS).
- (b) Natural England note the additions made to the Sustainability Appraisal for Section 1 following their previous advice and have no further comments.

BRAINTREE DISTRICT COUNCIL, COLCHESTER BOROUGH COUNCIL AND TENDRING DISTRICT COUNCIL /NATURAL ENGLAND AGREED AMENDMENTS TO LOCAL PLAN SECTION ONE

CBC/ BDC Rep number	Local Plan Section or Policy	Summary of Natural England Representation	LPAs agreed response with Natural England
S1.079a/6888	Vision	Section 1 plan needs to have a high level strategic objective and specific overarching policy on the need to protect and enhance the natural environment.	It is agreed that reference should be made to the natural environment in the Vision. The following amendment is recommended to the second paragraph of the Vision: “...development of substantial new growth; while the countryside, natural environment and heritage assets will be protected and enhanced.”
S1.079a/6889	SP5 & SP9	Transport infrastructure provides an opportunity to achieve net gain in nature as detailed in	The LPA is an active partner in the A12 and A120 transport forums. Biodiversity enhancement of

<p>S1168/524</p> <p>S1168/530</p>		<p>paragraph 9 of the NPPF through biodiversity enhancement and through the creation and linkage of habitat corridors. See our advice on the dualling of the A120 and Marks Tey Brickpit SSSI in Policy SP9.</p>	<p>road schemes is recognised by Highways England. Other comments noted. Please see recommended changes in relation to the RAMS.</p> <p>To address the point about net environmental gains, the following amendment is recommended to the last sentence of paragraph 1.26: “... does not erode the special environment, but will also seek net environmental gains where possible, heritage and urban assets....”</p>
<p>S1.079a/ 6890/</p> <p>S1168/525</p> <p>S1168/526</p>	<p>SP6</p>	<p>The policy should be strengthened to ensure that new development also incorporates biodiversity creation and enhancement into its design. RAMS is a delivery mechanism to mitigate recreational impacts identified through the HRA process from Local Plans as a whole, and not only those arising from the Garden Communities elements of the Plans. Therefore a policy commitment to a RAMS should be made in SP6.</p>	<p>The following bullet point is recommended to be added to policy SP6 after the third bullet point: “Incorporate biodiversity creation and enhancement measures;”</p> <p>It is recommended that the ninth bullet point of policy SP6 is amended as follows: “Provide an integrated and connected network of multi-functional public open space and green and blue infrastructure that connects with existing green infrastructure where possible that delivers multiple benefits, including alleviating recreational pressure on designated sites.”</p> <p>Amend the last sentence of paragraph 7.3 as follows: “Strategic scale and more local green infrastructure can make a vital contribution to quality of place, biodiversity gains, alleviating recreational pressure, and health outcomes if properly integrated into the design and delivery of new development. Within new development</p>

			<p>examples of design features include informal semi-natural areas with opportunities for circular dog walks of >2.7Km where possible with links to existing public rights of way, dogs off lead areas, dog waste bins and signage.”</p> <p>The following sentence is recommended as an addition to policy SP6: “Contributions will be secured towards mitigation measures identified in the Essex wide Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), which will be completed by the time the Local Plan is adopted.”</p>
<p>S1.079a/6893</p> <p>S1168/528</p> <p>S1168/529</p>	<p>SP7</p>	<p>Previous advice has largely been included. Adequate water treatment infrastructure should be included in a policy as a safeguard to ensure that phasing of development does not exceed capacity. Status and timing of proposal for Strategic Growth DPD isn't clear, may not be sound with regards to NPPF given NE concerns on the strength of Policy SP6 with regards to the protection and enhancement of the natural environment.</p>	<p>Criterion (iv) of policy SP7, F17 of SP8 and F18 of policy SP9 and F18 of SP10 covers the provision of wastewater treatment infrastructure. The following additional sentence is recommended to the end of criterion (iv) of policy SP7:</p> <p>“To ensure new development does not have an adverse effect on any European Protected sites, the required waste water treatment capacity must be available including any associated sewer connections in advance of planning consent.”</p> <p>An Integrated Water Management Strategy is being prepared in support of Section 1 and the emerging DPDs. An Issues and Options document</p>

			was published for consultation on 13 November 2017. A Preferred Options DPD for each Garden Community will follow. The DPDs will include detail in relation to the development, phasing and delivery of the garden communities. Once adopted the DPDs will form part of the development plan.
S1.079a/6891	SP7	Principles regarding natural environment welcomed, but green infrastructure should be delivered according to a set of defined standards, i.e. use of Accessible Natural Greenspace Standards. Need to identify how net gain in local biodiversity is to be achieved - refer to priorities/targets in Essex Biodiversity Action Plan. Garden Community masterplanning should achieve enhancement and incorporation of biodiversity.	Section 1 sets out the principles for the garden communities. Accessible Natural Greenspace Standards will be considered as part of the development of the DPDs and underpinning masterplanning work.
S1.079a/6892 S1168/529	SP8	Acknowledge aspiration of a country park and the green infrastructure network. Expect detailed design of Garden Community to avoid indirect impacts to nearby (SSSIs) and Special Protection Area (SPAs). At paragraph 8.4, loss of off-site habitat is acknowledged. The requirements for bird survey and assessment, phasing of development and provision of suitable migratory habitats should be translated into policy. Status and timing of proposal for Strategic Growth DPD isn't clear, may not be sound with regards to NPPF given NE concerns on the strength of Policy SP6 with regards to the protection and enhancement of the natural environment.	<p>The need for bird surveys and assessment, phasing of development and provision of suitable migratory habitats has been identified in the Habitat Regulations Assessment for Section 1 and Section 2. It is referred to in paragraphs 8.4 and 8.5, however the LPA understand that NE would like this translated into policy.</p> <p>The following sentence is recommended as an addition to policies SP8 (after criterion 20), SP9 (after criterion 21) and SP10 (after criterion 20): “Contributions will be secured towards mitigation measures identified in the Essex wide Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), which will be</p>

			<p>completed by the time the Local Plan is adopted.”</p> <p>The following amendment is recommended to criteria 20 of SP8: “Avoidance, protection and/or enhancement of heritage and biodiversity assets within and surrounding the site, including Bullock Wood SSSI, Ardleigh Gravel Pits SSSI, Wivenhoe Pits SSSI and Upper Colne Marshes SSSI and relevant European protected sites.”</p> <p>For consistency, the word ‘Avoidance’ is recommended to be added to the beginning of criteria F21 of SP9 and F20 of SP10.</p> <p>The HRA for Sections 1 and 2 identified that land within the broad area of the Tendring and Colchester Borders Garden Community has potential value as offsite functional habitat for wintering bird species for which the nearby designated sites are in part notified. Accordingly, the following new criteria is recommended to policy SP8 to follow criterion 20: “Wintering bird surveys will be undertaken at the appropriate time of year as part of the DPD preparation to identify any offsite functional habitat. Should any be identified, development must firstly avoid impacts. Where this is not possible, it must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts”</p>
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	Paragraph 8.5		<p>Natural England and the North Essex LPAs have agreed, along with other LPAs in Essex, to prepare an Essex wide RAMS. A timetable has been prepared and a draft RAMS is scheduled to be completed by the time the Local Plan is adopted. The following update is recommended to paragraph 8.5 for consistency:</p> <p>“Recreational Impacts – To mitigate for any increase in recreational pressures at the European Sites, the Appropriate Assessment recommended the production for of a Recreational Disturbance Avoidance and Mitigation Strategyies (RAMS) for Essex coastal sites the Colne& Blackwater, Stour and Orwell SPAS/Ramsar sites and Essex Estuaries SAC.”</p>
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Agreed by:

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