

Statement of Common Ground between Braintree District Council, Colchester Borough Council, Tendring District Council and Natural England

Introduction

1. This Statement of Common Ground has been prepared as an addendum to the Statement of Common Ground between Braintree District Council, Colchester Borough Council and Tendring District Council [the North Essex Authorities (NEAs)] and Natural England (SCG/001).
2. The purpose of this Statement of Common Ground is to set out the areas of agreement between the NEAs and Natural England. It should be read alongside SCG/001.

General matters

3. Natural England and the NEAs agree that an adverse effect on the integrity of European sites, either alone or in-combination, can be avoided, based on the described mitigation measures set out in the appropriate assessment, which have been incorporated into the Section 1 Local Plan. The policy safeguards in the Section 1 Local Plan provide sufficient certainty that the necessary mitigation measures will be implemented in order to ensure that the Section 1 Local Plan (either alone or in-combination with other plans or projects) would not adversely affect the integrity of any European site.
4. Natural England and the NEAs agree that the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) is an effective measure and implementation of the package of mitigation measures included in the Essex Coast RAMS will ensure that the Section 1 Local Plan (in-combination with other plans or project) would not adversely affect the integrity of any European site.
5. Natural England fully supports the inclusion of Policy SP1B and the intention of securing the commitment towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) within policy.
6. There are no areas of disagreement between the parties.

Proposed modifications

7. Modifications were agreed between the parties in SCG/001. A further modification is proposed to two of the agreed modifications as set out in the Statement of Common Ground between the NEAs, Anglian Water Services and the Environment Agency (SCG/002a). Natural England agree with these modifications, which are set out in the table, below. All parties continue to agree that, with the exception of these two modifications, all modifications set out in SCG/001 are necessary.

Modification reference	Local Plan Policy/ paragraph	Agreed response set out in SCG/001	Updated modification, agreed by the NEAs, Natural England, Anglian Water Services and the Environment Agency (additional text shown as bold & underlined)
7	Paragraph 1.26	... does not erode the special environment, but will also seek net environmental gains where possible , heritage and urban assets...	... does not erode the special environment, but will also seek net environmental gains, possibly making use of the Defra biodiversity accounting metric 2.0 to account for possible effects where possible , heritage and urban assets...
75	SP7	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.	To ensure new development does not have an adverse effect on any European Protected <u>or nationally important sites and complies with environmental legislation (notably the Water Framework Directive and the Habitats Directive)</u>, the required waste water treatment capacity must be available including any associated sewer connections ahead of the occupation of dwellings in advance of planning consent.

The following further modifications are proposed to address the representation made by Natural England in their representation to the Suggested Amendments to the Publication Draft Braintree, Colchester & Tendring Local Plans: Section One - July 2019, and to update policy SP1B to reflect the completion of the Essex Coast RAMS Strategy Document in January 2019.

Modification reference	Local Plan Policy/ paragraph	Summary of the representation	Agreed modification
14	SP1B	<p>We also note the policy additions as outlined within the HRA relating to mitigation requirements for the Tendring/Colchester border. We support this inclusion within policy, notably the requirement for wintering bird surveys, but note that the need for the commitment to the phasing of development and mitigation, as outlined within the recommendations of the HRA, has not been referenced. We would advise that this should be further updated to reflect this requirement also.</p>	<p>Add the following new paragraph after the sentence: “To mitigate for the loss of off-site habitat, the AA identified the need for wintering bird surveys for the Tendring/Colchester Borders Garden Community as part of any project level development proposals and masterplanning.”</p> <p>Depending on the findings of the wintering bird surveys, development may need to be phased to take into account the cumulative numbers of SPA birds. In the unlikely but possible event that cumulative numbers of SPA birds affected are likely to exceed thresholds of significance (i.e. > 1% of the associated European Site), appropriate mitigation in the form of habitat creation and management in perpetuity, either on-site or through provision of strategic sites for these species elsewhere, will be required. If required, mitigation will need to create and manage suitably located habitat which maximises feeding productivity for these SPA species, and such mitigatory habitat would need to be provided and fully functional prior to development which would affect significant numbers of SPA birds.</p>
14	SP1B	-	<p>Amend proposed new policy SP1B as follows to reflect the completion and adoption of the Essex Coast RAMS Strategy Document:</p>

			<p>An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has been will be completed in compliance with the Habitats Directive and Habitat Regulations.</p> <p>Contributions will be secured towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMSs) which will be completed by the time the Local Plan is adopted.</p> <p>Prior to RAMS completion, the NEAs will seek contributions from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.</p>
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Agreed by:

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Emma Goodings
Braintree District Council

Karen Syrett
Colchester Borough Council

Cath Bicknell
Tendring District Council

Aidan Lonergan
Natural England