

LOCAL PLAN SUB-COMMITTEE

AGENDA

Thursday 16th July 2020 at 6.00pm

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

Members of the Local Plan Sub-Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor D Bebb (Vice Chairman)	Councillor P Horner
Councillor K Bowers	Councillor D Hume
Councillor G Butland	Councillor Mrs G Spray (Chairman)
Councillor T Cunningham	Councillor T Walsh
Councillor A Everard	Councillor J Wrench

Members unable to attend the meeting are requested to forward their apologies to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Question Time

In response to Coronavirus the Council has implemented new procedures for public question time.

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register if they are received after this time.

Registered participants must submit their written questions/statements no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk

Participation will be via the submission of a written question or statement which will be read out by the Chairman or an Officer during the meeting. All written questions or statements should be concise and should be able to be read within the 3 minutes allotted for each question/statement. The question/statement will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted question/statement.

Documents

Agendas, reports and Minutes for all the Council's public meetings can be accessed via www.braintree.gov.uk

We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these via governance@braintree.gov.uk

PUBLIC SESSION

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- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**
To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 11th February 2020.
- 4 Public Question Time**
(See paragraph above)
- 5 The Section 1 Local Plan Next Steps** **5-107**
- 6 Statement of Community Involvement - Update** **108-142**
- 7 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)** **143-358**
- 8 Coggeshall Neighbourhood Plan - Regulation 16 Consultation Response** **359-371**
- 9 Tiptree Neighbourhood Plan - Regulation 16 Consultation Response** **372-381**
- 10 Urgent Business – Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exclusion of Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

- 11 Urgent Business - Private Session**
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

The Section 1 Local Plan Next Steps		Agenda No: 5
Portfolio	Planning	
Corporate Outcome:	Connecting People and Places	
Report presented by:	Emma Goodings – Head of Planning and Economic Growth	
Report prepared by:	Emma Goodings	
Background Papers:	Public Report: Yes	
Publication Draft Local Plan 2017 Material set out on the Section 1 Local Plan examination pages https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_local_plan	Key Decision: No	
Executive Summary:		
<p>Section 1 of the submitted Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposed three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area. 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).</p> <p>Examination hearings for the Section 1 Plan first took place between January and May 2018; with further examination hearings in January 2020, the Planning Inspector has issued a further 'post-hearing letter' to the NEAs. This letter is Appendix 1 to this report.</p> <p>The Inspector has concluded that two of the three proposed Garden Communities (the Colchester Braintree Borders Garden Community and West of Braintree Garden Community) are not viable or deliverable and therefore the Section 1 Local Plan, in its current form, is not sound.</p> <p>The Inspector has however agreed that the Tendring Colchester Borders Garden Community is viable and deliverable and the housing and revised employment targets in</p>		

the Local Plan are also sound, including the requirement of 716 homes a year in Braintree.

In the event that a Local Plan is 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. The Council requested this through its previous decisions.

The Inspector has given the NEAs two options for how to proceed: 1) to consult on the main modifications 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. The proposed draft main modifications have been provided by the Inspector and are attached as **Appendix 2** to this report.

To continue with the Draft Local Plan the first option of consulting on the main modifications suggested must be undertaken, otherwise the alternative position is that the Plan is withdrawn from examination and the Council will be required to start again. All three of the NEAs will need to come to the same conclusion.

Recommended Decisions:

That the Local Plan Sub-Committee make the following recommendations to Council:

- a) Notes the findings of the Planning Inspector's letter dated 15 May 2020 (attached as Appendix 1 to this report) and his recommended modifications (attached as Appendix 2);**
- b) To accept the Inspector's suggested main modifications 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 and;**
- c) Subject to the views of the other North Essex Authorities (Colchester Borough Council and Braintree District Council), 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 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 consultation alongside the Inspector's main modifications and that consultants LUC are already instructed to undertake this work;**

Purpose of Decision:

- a) To report 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 receipt of his latest letter dated 15 May 2020.
- b) To endorse 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) To highlight any implications of the Inspector's findings for the content and next steps for progressing both the Section 2 Local Plan which contains planning policies and proposals specific to Tendring and the 'Development Plan Document' (DPD) which will set out more detailed parameters for the Tendring Colchester Borders Garden Community.

Any Corporate implications in relation to the following should be explained in detail.

Financial:	The costs of completing the Local Plan are met from base budgets. A decision to withdraw the Plan will mean that considerable costs will be incurred in the production of a new Local Plan.
Legal:	The Local Plan must be produced in accordance with the legal framework. The Inspector has agreed that the Local Plan to date has met all the legal tests. Further steps towards the adoption of the Local Plan will need to continue to follow the legislative framework.
Safeguarding:	None arising from this report
Equalities/Diversity:	The Local Plan has been subject to an Equalities Impact Assessment. An updated assessment will be carried out on the final document.
Customer Impact:	The Local Plan impacts on development in the District and therefore has consequences for all residents and businesses in the District.
Environment and Climate Change:	The Local Plan has been subject to a number of studies to consider its impacts on the environment including a Sustainability Appraisal and Habitats Regulations Assessments. All these studies are published alongside the Local Plan on the examination website. Revisions to the Sustainability Appraisal and Habitats Regulation Assessment will need to be completed if the recommendations are this report are accepted. These would be available alongside the modifications for a 6 week public consultation period.
Consultation/Community Engagement:	The Inspectors letter confirms that the Local Plan was carried out in line with all legislative requirements, including those relating to consultation. There have been 3 overall consultation periods on the Local Plan plus two further focused publications on specific matters.

	If the recommendations in this report are accepted the modifications will be subject to a further period of public consultation by the local authorities on behalf of the Planning Inspector. Further details of this process are set out in paras 5.2 – 5.4 of this report.
Risks:	<p>There is a risk of legal challenge following the adoption of the Local Plan if any party believes that the Inspector or the Councils have made any legal or procedural errors. This risk has however been minimised with the Inspector taking particular care to thoroughly examine legal and procedural matters, twice, as part of the examination process. Any party has the right to apply for a legal challenge if they so wish.</p> <p>There is also a risk that all three local authorities do not make the same decision as to the next steps for the Local Plan.</p>
Officer Contact:	Emma Goodings
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1 Background

- 1.1 The Section 1 Plan currently sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the ‘North Essex Authorities’ (NEAs). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary ‘Garden Communities’ along the A120 corridor. In contrast, ‘the Section 2 Plan’ for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.
- 1.2 Examination sessions on the section 1 Plan were held in January and May 2018 and further hearing sessions took place in January 2020 to consider the additional evidence that the NEA’s had prepared, primarily on the Garden Communities.
- 1.3 On 15 May 2020, the lead Officers for the NEAs received the Inspector’s letter setting out his further post-examination conclusions. This letter was published on the 19th May and is included as an Appendix to this committee report. Members heard a statement at Council on the 1st June 2020 and had the opportunity to ask questions on the contents of that letter.
- 1.4 Whilst the Inspector has agreed that the Section 1 Plan has been ‘positively prepared’, his letter identifies continued issues with the viability and deliverability of the proposed Colchester Braintree Borders Garden Community and the West of Braintree Garden Community which bring into question the Plan’s performance against the requirements to be ‘justified’, ‘effective’ and ‘consistent with national policy’.
- 1.5 The Inspector’s overall conclusions on the soundness of the Section 1 Plan are summed up in paragraphs 255 to 266 as follows:

257. “Viability appraisal shows that, with an appropriate 40% contingency allowance on transport and utilities infrastructure, the proposed Colchester / Braintree GC would not achieve a viable land price, and that the proposed West of Braintree GC is below, or at best is at the very margin of, financial viability, contrary to advice in the PPG [Planning Practice Guidance]. On this basis, neither GC is deliverable.

258. For separate reasons, given in paras 143-151 above, neither RTS Route 3 nor RTS Route 4 has been shown to be deliverable. The proposed West of Braintree GC depends on Route 3 for its public transport links to destinations outside the GC, and on Route 4 for links to places east of Braintree. Without those routes, apart from the few journeys that might be possible on foot or bicycle, the car would be the only realistic choice for travel beyond the GC itself.

259. Housing development at the proposed Colchester / Braintree Borders GC is intended to help meet the housing needs of both Colchester borough and Braintree district, and there is a strong commuting relationship between the two local authority areas. Notwithstanding the links to other destinations

offered by RTS Route 2 and by rail services from Marks Tey station, the GC would depend on Route 4 for its public transport links westward to Braintree.

260. In these circumstances, the fact that RTS Routes 3 and 4 have not been shown to be deliverable is entirely at odds with the Plan's aspirations for integrated and sustainable transport networks. Even if the A120 dualling scheme has a good prospect of being delivered as part of the RIS [Road Investment Strategy] 3 programme, not to provide the necessary public transport connections from these two GCs would directly conflict with the NPPF's advice that the transport system needs to be balanced in favour of sustainable transport modes.

261. For the foregoing reasons, therefore, I find that the proposed Colchester / Braintree Borders and West of Braintree GCs are not justified or deliverable. Consequently, the Plan's spatial strategy, and thus the Plan itself as submitted, are unsound."

- 1.6 In conclusion, the Inspector has found that the Section 1 Local Plan, in its current form, is not sound and could therefore not proceed to adoption without some significant changes.

2 Options for progressing the Local Plan

- 2.1 Although the Inspector has very clearly come to the view that the Section 1 Local Plan, in its current form is not sound because of the viability and deliverability issues at the Colchester Braintree Borders and West of Braintree Garden Communities, he goes on in his letter to explain that the Tendring Colchester Borders Garden Community is deliverable and that there could be a way of progressing the Local Plan towards adoption. He states (para 264): *"Based on the NEAs' current housing trajectory, and taking into account my conclusions on the rate of housing delivery, the Tendring / Colchester Borders GC would deliver over 2,000 dwellings during the Plan period. That would make a worthwhile contribution to meeting the Plan's overall housing requirement.*

- 2.2 In paragraph 266 of his letter, the Inspector states: *"I therefore conclude that development of the Tendring / Colchester Borders GC would enable the delivery of sustainable development in accordance with the NPPF's policies. If the unsound Colchester / Braintree Borders and West of Braintree GC proposals are removed from the Plan, the Plan is capable of being made sound."*

He then (para 267) states:

"In the light of this conclusion it appears to me that the NEAs have two main options:

- *To propose and consult on main modifications to remove the Colchester / Braintree Borders and West of Braintree GC proposals from the Plan; or*
- *To withdraw the Plan from examination.*

- 2.3 The Inspector has asked that the NEAs advise him, as soon as we are able to, which of the options (or any alternative course of action) we wish to pursue.

This will then enable a timescale for the remainder of the examination to be developed, should we select the first option.

2.4 Officers across all three NEAs have given careful and urgent consideration to the Inspector's two suggested options in order to make a recommendation to Councillors.

2.5 The benefits of 'Option 1' (to remove two Garden Communities from the Plan and consult on this and other modifications) include:

- A clear way forward for the Local Plan that avoids the need to start the plan-making process from scratch under the requirements of the new National Planning Policy Framework, and which ensures all three authorities can progress to the examination of their individual Section 2 Plans.
- The opportunity to 'lock down' the housing and employment figures and move swiftly towards getting a plan in place and thus giving all three authorities an up to date policy framework that will help protect their areas from speculative, unwanted and poor quality development.
- The ability for the authorities to review their Local Plan, either on a joint or individual basis within five years of adoption, giving more time for them to consider whether or not to bring forward or re-introduce any strategic development proposals or new Garden Communities to meet longer-term housing and employment needs post 2033. Those reviews would be carried out under the relevant national policy framework and plan-making guidance in place at that time.
- Ensuring that all the investment in time and resources putting together the Local Plan has not been wasted and is still put to good use in enabling a plan to progress.

2.6 The disadvantages of Option 1 include:

- The removal of two of the three Garden Communities from the Local Plan will no doubt lead to objections, to the modifications, from the landowners and developers who were promoting those schemes and the possibility of legal challenge, if those parties believe there are grounds for such a challenge.
- The loss of the Garden Communities removes 2,710 homes from the Braintree Local Plan. The Council will have to make sure they allocate sufficient land in their Section 2 Local Plans to ensure that five-year housing supply is maintained.

2.7 Turning to Option 2 (withdraw the Plan and start again), the advantages are:

- Opportunity for a complete fresh start to the plan making process (jointly or individually), under the guidance in the new version of the NPPF and with the benefit of the Inspectors findings and some of the evidence that has been prepared.

- Current housing need figures which the new Local Plan would be prepared under are higher overall across much of the south and North Essex as a whole, but are lower for Braintree District.

2.8 The disadvantages of Option 2 include:

- Continuation of the 'policy vacuum' in which Local Plan policies are out of date and the authorities remain vulnerable to speculative, unwanted, potentially poor developments and 'planning by appeal' for at least another three years.
- Significant cost, to the tax payer, in having to start the plan making process from scratch, including considerable evidence gathering and consultation exercises.

2.9 The authorities cannot adopt the Local Plan contrary to the Inspectors findings. Therefore if neither of the approaches outlined by the Inspector were considered acceptable then the NEAs would need to consider an alternative approach to challenge those findings. It should be noted that as the letter currently received is not his formal recommendation nor a decision it would not be itself challengeable by judicial review.

2.10 The alternative options available to the Council at this point would therefore be;

- To ask the Inspector to consider further evidence on one or both Garden Communities which are proposed to be removed before making a final decision on the Local Plan
- To lobby the Secretary of State to direct that the Plan is submitted for him to consider.

2.11 Both options would involve further cost and delay to the Local Plan process, including putting at risk the £99million Housing Infrastructure Funding secured to assist in the delivery of the Tendring Colchester Borders Garden Community. There is no guarantee that either potential challenge route would be successful. It should be noted that these routes to challenge the Local Plan are also available to other parties involved in the process such as developers or community groups.

2.12 Having considered the costs and benefits of the options across all three local authorities, officers therefore recommend that the Council endorses the Inspector's first option, to continue with the Plan process and consult on proposed modifications.

3 Modifications

3.1 Following receipt of the Inspector's letter, officers from the NEAs asked the Inspector to advise on the specific 'modifications' he would likely recommend if the Councils' agree to proceed with his first option to enable these to be considered by the relevant Committees. Many of the draft modifications (set

out in Appendix 2) reflect the suggested amendments that the Committee considered and agreed for consultation in 2019. The most notable of the additional modifications being indicated by the Inspector are those that reflect the removal of two of the three Garden Communities from the plan.

- 3.2 The Inspector has specifically advised as to the 'main modifications' required to make the Section 1 Plan sound i.e. modifications that represent fundamental changes to the policies and proposals in the plan – whereas modifications deemed not to constitute 'main modifications' i.e. minor modifications or consequential changes to the supporting text within the plan are at the discretion of the Councils and are mainly in line with those already considered and agreed by the Committee in 2019.
- 3.3 The detailed schedule of draft modifications is attached as Appendix 2 to this report. The main modifications relate mostly to the deletion of Policies SP9 and 10 from the Section 1 Plan which set out the requirements for the West of Braintree and Colchester Braintree Borders Garden Communities that have been found not to be sound. Of the policies to remain in the modified plan, there are notable modifications proposed for Policies SP2, SP4, SP5, SP6 and SP7 along with the proposed addition of a new Policy SP1A in relation to the 'Recreational disturbance Avoidance Mitigation Strategy' (RAMS).
- 3.4 In summary, the main modifications include:
- Removal of 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.
 - A new policy SP1A on 'Recreation disturbance Avoidance and Mitigation Strategy' (RAMS) setting out how the impacts of new development on internationally important wildlife sites will be avoided and mitigated in line with the European Habitat Regulations.
 - Modifications to Policy SP2 'Spatial Strategy for North Essex' to refer to just one Garden Community – the Tendring Colchester Borders Garden Community.
 - Modifications to Policy SP4 'Providing for Employment' to update the employment land requirements for each of the three Councils to reflect the latest evidence, including the requirement for Braintree for between 20.9 and 43.3 hectares of new employment land in the plan period to 2033.
 - Modifications to Policy SP5 to refer specifically to the 'Tendring Colchester Borders Garden Community' and to include a new section (E) aimed at ensuring there is sufficient capacity in the water supply and waste water infrastructure to serve the development.
 - Modifications to Policy SP6 'Place-shaping Principles' to include specific requirements in regard to the protection of internationally important wildlife sites which, depending on the findings of ongoing survey work, might

include the creation of a new habitat to offset and mitigate any impacts arising as a result of the development.

- Modifications to Policy SP7 to refer specifically to the 'Development and Delivery of a New Garden Community in North Essex' (as opposed to three) and to state specifically that the Tendring Colchester Borders Garden Community will deliver between 2,200 and 2,500 homes and 7 hectares of employment land within the plan period to 2033 (as part of an expected overall total of between 7,000 and 9,000 homes and 25 hectares of employment land to be delivered beyond 2033) and provision for Gypsies and Travellers.
- Further modifications to Policy SP7 to explain that a Development Plan Document (DPD) will be prepared for the garden community containing policies setting out how the new community will be designed, developed and delivered in phases; and that no planning consent for any development forming part of the garden community will be granted until the DPD has been adopted.
- Modifications to Policy SP8 'Tendring / Colchester Borders Garden Community' to state that the adoption of the DPD will be contingent on the completion of a 'Heritage Impact Assessment' carried out in accordance with Historic England, which will inform the content of the DPD.
- Modifications to Policy SP8 to explain how housing delivery for the garden community, irrespective of its actual location, will be distributed equally between Tendring District Council and Colchester Borough Council when it comes to counting house completions and monitoring delivery against each of the Councils' housing targets.
- Modifications to Policy SP8 also requiring that the planning consent and funding approval for the A120-133 link road and Route 1 of the rapid transit system are secured before planning approval is granted for any development forming part of the garden community.
- Other modifications to Policy SP8 emphasising the need for development at the garden community to achieve an efficient use of water, manage flood risk, avoid adverse impacts on internationally important wildlife sites arising from sewerage treatment and discharge, conserve and enhance heritage assets and their settings, and to minimise adverse impacts on sites of international, national and local importance for ecology.
- Finally, modifications to Policy SP8 to require the allocation of land within the garden community to accommodate expansion of the University of Essex.

3.5 If the Councils agree to proceed with the current Local Plan process and to consult on main modifications, Officers will make a formal request to the Inspector to issue a finalised version of the schedule which is to be published for consultation. Officers are not expecting the Inspector's finalised schedule of modifications to be materially different from the draft in Appendix 2

4 Implications of the Heathrow Airport Decision

- 4.1 Before he issued his letter, the Planning Inspector received correspondence in the form of a paper from Ms. Pearson of CAUSE and Mr. O'Connell, both participants in the Local Plan examination, highlighting the February 2020 decision of the Court of Appeal in relation to Heathrow Airport and expressing their view on the implications for the Section 1 Local Plan.
- 4.2 In that decision, the Court of Appeal ruled on the proposed expansion of capacity at Heathrow Airport through the addition of a third runway, as part of the 'Airports National Policy Statement: new runway capacity and infrastructure at airports in the south east of England' (the 'ANPS'). The ANPS designated by the then Secretary of State for Transport in June 2018 was the subject of a number of legal challenges and the Court of Appeal ruled, in February 2020, that the expansion plans for a third runway at Heathrow were unlawful. This is because the government had not taken into account the UK's commitment to the Paris climate agreement or the full climate change impacts of the proposal.
- 4.3 Ms. Pearson and Mr. O'Connell suggested that the Section 1 Local Plan might be liable to legal challenge for similar reasons and therefore the Inspector has asked the NEAs to provide their view on the implications of the judgement.
- 4.4 Officers have consulted Dentons (advisers to the NEAs throughout the examination process) and consultants LUC (authors of the Additional Sustainability Appraisal and Habitats Regulation Assessment) and a letter is being prepared for the Inspector's consideration which responds to the issues raised and explains how climate change has been adequately taken into account through the preparation and examination of the Section 1 Local Plan.
- 4.5 Both the paper from Ms. Pearson and Mr. O'Connell and the NEAs letter in response will be able to be viewed on the Braintree District Council examination website in due course.

5 Next Steps

- 5.1 With the consensus of all three authorities, officers will respond to the Planning Inspector to confirm that the NEAs agree to the removal, from the Section 1 Plan, of the Colchester Braintree Borders and West of Braintree Garden Communities and wish to proceed with the examination of the Local Plan by undertaking public consultation on this main modification along with other modifications recommended by the Inspector. The Inspector will be asked to formally issue his finalised schedule of main modifications and to advise the NEAs on the programme and timescales for the remainder of the examination.
- 5.2 The next stage would then be for the Councils to publish the main modifications on behalf of the Planning Inspector for a six-week consultation. Consultants LUC are preparing an update to both the Sustainability Appraisal (SA) and the Habitats Regulation Assessment (HRA) to assess the socio-economic and environmental impacts of the Section 1 Local Plan with the Inspector's recommended modifications and these documents will be published for consultation alongside the

modifications. Any comments received will be submitted to the Inspector for his consideration before coming to a final decision on whether or not the Section 1 Plan, with those modifications, is sound and can be formally adopted. It is proposed that, subject to the Inspector's agreement, the consultation will take place in August and September – following completion of the SA and HRA work.

- 5.3 The consultation will be only on the proposed main modifications set out in Appendix 2 to this report. It is not to consider the general merits or otherwise of the Local Plan and its contents (unless these relate to the main modifications). As such and given the current covid 19 situation it is considered appropriate that this consultation will mostly take place online. However officers will ensure that a process is put in place to ensure that there are hard copies of the modifications to view for members of the public who may not have access to the website and that responses can be submitted via letter as well as email and through the Councils planning policy consultation system. Whilst in person events are not being planned, officers of this Council will be available to answer questions on the process of consultation via telephone and other virtual means as required throughout the length of the consultation process.
- 5.4 As with previous consultations during the examination process, the Inspector has asked to receive details of the consultation proposed and see copies of the consultation response forms and other materials being produced before the consultation period begins.
- 5.5 In the meantime, Officers will continue work to prepare for the examination of the Section 2 Local Plan. Once the three authorities have come to a decision on how to progress with the Section 1 Local Plan, the Planning Inspectorate will advise the Councils on the likely timetables for the Section 2 examinations.
- 5.6 Consideration will need to be given to the implications on the section 2 Local Plans of the proposed modifications to section 1 as well as any emerging or updating necessary to ensure the section 2 Local Plan is sound. Reports to the Local Plan sub-committee on this matter will follow, if the recommendation to continue with the Local Plan in this report is approved.

6 Recommendations

6.1 That the Local Plan Sub-Committee make the following recommendations to Council:

- a) Notes the findings of the Planning Inspector's letter dated 15 May 2020 (attached as Appendix 1 to this report) and his recommended modifications (attached as Appendix 2);**
- b) To accept the Inspector's suggested main modifications 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 and;**

- c) Subject to the views of the other North Essex Authorities (Colchester Borough Council and Braintree District Council), 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 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 consultation alongside the Inspector’s main modifications and that consultants LUC are already instructed to undertake this work.**

NORTH ESSEX AUTHORITIES**Shared Strategic (Section 1) Plan**

Inspector: Mr Roger Clews

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Tel: 07842 643988

Email: copseyandrea@gmail.com

Address: Examination Office, PO Box 12607, Clacton-on-Sea, CO15 9GN

To:

Emma Goodings, Head of Planning and Economic Growth, Braintree District Council

Karen Syrett, Planning and Housing Manager, Colchester Borough Council

Gary Guiver, Planning Manager, Tendring District Council

15 May 2020

Dear Ms Goodings, Ms Syrett and Mr Guiver

EXAMINATION OF THE SHARED STRATEGIC SECTION 1 PLAN**Introduction*****Purpose of this letter***

1. My letter to the North Essex Authorities [NEAs]¹ of 8 June 2018 [examination document IED/011] set out the shortcomings which, on the evidence available to me at that time, I had identified in the submitted Section 1 Plan and its evidence base. My letter went on to outline the significant further work which I considered the NEAs would need to undertake in order to address those shortcomings, and to set out three options for taking the examination forward.
2. The NEAs decided to pursue Option 2, which involved them producing and commissioning a number of additional evidence base documents with the aim of overcoming the deficiencies I had identified. The examination of the

¹ The three NEAs in the context of this letter are Braintree District Council, Colchester Borough Council, and Tendring District Council.

Section 1 Plan was paused from December 2018 until the end of September 2019 while this further work was carried out and public consultation on the additional evidence took place. I read all the responses to the public consultation, and held further hearing sessions in January 2020 focussing mainly on the additional evidence base documents and the responses to them.

3. I am now in a position to advise the NEAs of my findings, based on the evidence currently before me, on the legal compliance and soundness of the Section 1 Plan, and on the options available to them as a result. In giving this advice, I have taken into account all the written and oral evidence and representations that have been submitted to the examination since it began in October 2017.
4. The examination has now been in progress for two-and-a-half years. It would be in no-one's interests for uncertainty to be prolonged any further. My advice in this letter is therefore given on the basis that it is desirable for the examination of the Section 1 Plan to be brought to a conclusion as soon as possible.
5. This letter focusses on the matters that I consider critical to the outcome of the examination, and sets out my views on those matters. My formal recommendations and the full reasons for them will be given in my report to the NEAs at the end of the examination.
6. This letter should be read in conjunction with IED/011 and also with my supplementary letter to the NEAs of 27 June 2018 [IED/012], in which I gave my views, based on the evidence available to me at that time, on the housing requirements set out in policy SP3 of the Section 1 Plan.
7. The Programme Officer recently forwarded to the NEAs a paper entitled *Relevance of Heathrow Court of Appeal Decision for Section 1 North Essex Authorities Local Plan* [EXD/091], submitted by Mrs Pearson of CAUSE and Mr O'Connell. I would be grateful if the NEAs would provide a response to that paper along with their response to this letter. When I have the NEAs' response I will consider whether any further action is needed on this matter.

Context

8. Before addressing the critical matters I have identified, it is necessary to set the context by considering the overall structure and purpose of the Section 1 Plan. Although it was produced by the three NEAs and covers the whole of the Braintree, Colchester and Tendring local authority areas, it was not produced as a joint plan under the provisions of section 28 of the

Town and Country Planning Act 2004, as amended [“the 2004 Act”]. Instead, it is intended that the Section 1 Plan (with identical content and wording) will form an integral part of each NEA’s individual Local Plan, alongside a Section 2 Plan which each NEA has prepared independently. Because the Section 1 Plan is common to all three NEAs, it is being examined as a single entity, separately from and in advance of the three Part 2 plans.

9. The Section 1 and Section 2 Plans have distinct and complementary roles. Section 1 deals with cross-boundary issues: it provides a spatial portrait of and a strategic vision for the North Essex area, sets out the requirements for housing and employment growth for each of the three districts, and highlights key strategic growth locations across the area². The Section 2 Plans are intended to operate at individual local authority level, providing the strategy for the distribution of, and identifying sites for, most of the new development which each NEA proposes to accommodate in its district.
10. Most significantly, the Section 1 Plan proposes the development of three garden communities [GCs] in North Essex. Two would occupy cross-boundary sites, at Tendring / Colchester Borders and Colchester / Braintree Borders, to the east and west of Colchester respectively. The third would be to the West of Braintree, next to the border with Uttlesford district.
11. The broad locations identified for the three GCs amount to over 2,000 hectares in total, and the Plan, as submitted, expects them to provide up to 43,000 dwellings altogether. Because of their scale, only a relatively small proportion of the development they are proposed to contain would be completed by the end of the plan period in 2033, with the rest coming forward over several decades into the future. Indeed, it is envisaged that the largest of the proposed GCs would not be completed until around the end of this century.
12. The NEAs have appropriately high aspirations for the quality of development at the proposed GCs. A *North Essex Garden Communities Charter*, based on the Town & Country Planning Association’s Garden City Principles, but adapted for the North Essex context, sets out 10 place-making principles that articulate the Councils’ ambitions for the GCs. In accordance with those principles, the Plan itself expects the GCs to exhibit “the highest quality of planning, design and management of the built and public realm”; to “provide for a truly balanced and inclusive community and meet the housing needs of local people ... including 30% affordable housing at each GC”; to “provide and promote opportunities for

² See the Section 1 Plan, para 1.13.

employment within each new community and within sustainable commuting distance of it”; and to be planned “around a step change in integrated and sustainable transport networks ... that put walking, cycling and rapid public transit networks and connections at the heart of growth in the area”³.

13. These policy requirements appropriately reflect the advice at paragraph 150 of the 2012 NPPF that Local Plans are the key to delivering sustainable development which reflects the vision and aspirations of local communities. More specifically, NPPF paragraph 52 advises that

The supply of new homes can sometimes best be achieved through planning for larger scale development, such as new settlements ... that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development.

In reflecting garden city principles, therefore, the Plan’s policies for the GCs are consistent with the NPPF’s guidance on the way in which sustainable development can be achieved through the development of garden communities.

14. The Section 1 Plan identifies broad locations for the proposed GCs and contains strategic policies to govern their development. After it has been adopted the NEAs intend to bring forward Strategic Growth Development Plan Documents [DPPDs] to define specific areas within the broad locations where development will take place, and to set more detailed requirements for the development of the GCs. The NEAs also envisage that masterplans, and other planning and design guidance, will be prepared for each GC.

My role

15. My role is to examine the Section 1 Plan [hereafter referred to for brevity as “the Plan”] in order to determine whether or not it meets the relevant legal requirements and is sound⁴. In determining its soundness I must have regard to national policy in the *National Planning Policy Framework* [NPPF] as published in March 2012. (The March 2012 version of the NPPF, rather than the current version, applies in this examination because the Plan was submitted for examination before the date specified in relevant transitional provisions⁵.) If I find that the Plan is not legally-compliant or

³ Submitted Plan policy SP7

⁴ The 2004 Act, section 20(5)

⁵ 2019 NPPF, para 214. Any previous national Planning Practice Guidance which has been superseded since the new NPPF was first published in July 2018 also continues to apply.

sound, I am empowered to recommend main modifications to make it so, if the NEAs ask me to.

16. It is this Plan which will establish whether or not the proposed GCs are acceptable in principle. In considering the soundness of the Plan I have been mindful of the need not to stray into matters of detail that would be more appropriately dealt with in the Strategic Growth DPDs or masterplans. I have also paid careful attention to the support given in national planning policy for the development of settlements that follow Garden City principles⁶, and to the fact that the Government has provided direct support for the North Essex GC proposals through its Garden Communities Programme.
17. My examination of the Plan has been informed by a great deal of detailed evidence, both supportive of and critical of the Plan's proposals. Although it is not possible or indeed necessary for me to refer to every point that was raised in the evidence, I am grateful to everyone who has invested their time and effort in contributing to the examination so far.

The proposed West of Braintree GC and the former emerging Uttlesford Local Plan

18. The former emerging Uttlesford Local Plan, which was under examination until 30 April 2020, contained a proposal to identify land in Uttlesford district to form a cross-boundary GC in combination with the proposed West of Braintree GC in North Essex. Land in Uttlesford district cannot be identified or allocated for development by the NEAs, and so it is not for me in this examination to determine whether or not any such proposal is sound.
19. In January 2020 the Inspectors examining the former emerging Uttlesford Local Plan wrote to the Council expressing significant concerns about the soundness of that plan, and indicating that in their view withdrawal of the plan from examination was likely to be the most appropriate option. In paragraph 2 of their letter, they said

In particular, we are not persuaded that there is sufficient evidence to demonstrate that the Garden Communities⁷, and thus the overall spatial strategy, have been justified. We therefore cannot conclude that these fundamental aspects of the plan are sound.

⁶ 2012 NPPF, para 52

⁷ Three GCs were proposed in the former emerging Uttlesford Local Plan, namely West of Braintree, Easton Park, and North Uttlesford.

20. On 1 May 2020 Uttlesford District Council wrote to notify the Planning Inspectorate of their decision to withdraw the plan. In the light of that decision, and of the examining Inspectors' comments above, no assumption can be made that any of the GC proposals in the former emerging Uttlesford Local Plan will be included, and found sound, in any future version of that plan. I take this into account when considering the Plan as a whole, and the proposed West of Braintree GC in particular.

Legal compliance

21. In IED/011 I concluded that each of the NEAs had met the duty to co-operate in the preparation of the Section 1 Plan, and that they had met the relevant procedural requirements with regard to consultation and submission. There has been no subsequent evidence which alters those conclusions. Nor do I find any evidence that anyone's interests were materially prejudiced by the way in which consultation was publicised and carried out in August and September 2019 on the additional evidence prepared by the NEAs.
22. There are legal obligations on the NEAs to prepare and submit a Habitats Regulations Assessment and a Sustainability Appraisal of the Plan. I consider these below.

Soundness

23. At paragraph 182 the 2012 NPPF advises that the soundness of plans is to be examined by reference to four criteria. The Plan undoubtedly meets the first of these. It has been **positively prepared** with the aim of identifying development and infrastructure requirements for the plan period, and it includes the proposed GCs which are intended to make a substantial contribution to meeting those requirements, both in the plan period and beyond.
24. When considering whether or not the Plan is **justified** – that is, whether it is the most appropriate strategy when considered against the reasonable alternatives – the principal evidence base document before me is the Sustainability Appraisal [SA]. I therefore consider the SA in detail below.
25. The NEAs' purpose in producing the Section 1 Plan was to work across local authority boundaries in order to meet strategic priorities. The key question in deciding whether or not the Plan is **effective**, therefore, is whether it is deliverable.
26. There was some discussion at the hearing sessions about the meaning of the word "deliverable" in this context, and I was assisted by further

representations, including legal submissions, on the point. In my view the straightforward meaning of the word, ie “able to be delivered”, is to be preferred⁸. But that then raises the question of what it is that must be able to be delivered.

27. The relevant sentence of NPPF paragraph 182 says that the plan should be deliverable. It seems to me that, in this context, the term “the plan” has to be taken to include the policies and proposals in the plan. It would not make sense only to require that the plan document itself is deliverable, if the policies and proposals it contains are not.
28. The sentence also includes the qualification “over [the plan’s] period”. It was suggested that this means that I need not consider whether the GC proposals in the Plan are deliverable beyond the end date of the Plan in 2033. But, as will be seen when I consider the SA below, the advantage which the SA identifies for the Plan’s strategy is that “it provides clear direction for strategic development over many decades to come”. In my view, the Plan could not be considered to be sound if I were to find that the proposed GCs were justified having regard to their ability to provide for strategic development over many decades to come, but reached no finding on whether or not they were deliverable beyond 2033.
29. The 2012 NPPF advises at paragraph 177 that it is important to ensure that there is a reasonable prospect that planned infrastructure is delivered in a timely fashion. The Plan’s policies include a comprehensive set of infrastructure requirements for the GCs, which (in accordance with national policy) appropriately reflect the garden city principles that underpin them⁹. In considering whether the GCs are deliverable, therefore, it is also necessary to take into account whether or not the infrastructure necessary to support them is deliverable.
30. Below I consider in detail the deliverability of the necessary supporting infrastructure and of the proposed GCs themselves.
31. The NPPF’s fourth soundness criterion is that the Plan is **consistent with national policy**, that is, it enables the delivery of sustainable development in accordance with the NPPF’s policies. I consider whether or not the Plan meets this criterion in my overall conclusions on soundness.

⁸ The definition of deliverable sites at footnote 11 in the 2012 NPPF is given in the context of the guidance in NPPF para 47 on the five-year housing land supply, not in the context of the para 182 test.

⁹ See paras 12-13 above.

32. In considering the soundness of the Plan it is also necessary to review, in the light of current circumstances, the conclusions I reached in IED/011 on the housing requirement figures in the Plan. I deal with that matter first.

The housing requirement figures in the Plan

33. By virtue of the transitional provisions referred to at paragraph 15 above, the guidance on determining housing need at paragraph 60 of the 2019 NPPF does not apply to the Plan: instead the assessment of housing need was appropriately carried out based on guidance in the 2012 NPPF and the corresponding PPG. In IED/011 I concluded that the housing requirement figures for each of the NEAs, as set out in submitted policy SP3, represent their respective objectively-assessed housing needs, and accordingly that the Plan's housing requirements are soundly based.
34. NPPF paragraph 158 requires plans to be based on up-to-date evidence. Given the time that has elapsed since June 2018, it is therefore necessary to consider whether there has been a meaningful change in the situation regarding housing need¹⁰ in North Essex, which would justify a reconsideration of the Plan's housing requirements.
35. Factors that might indicate a meaningful change in housing need include population and household projections and employment forecasts published since June 2018, and any changes in market signals.

Population and household projections

36. The official 2016-based household projections, published in September 2018, show higher household growth for Colchester borough and Tendring district over the 2013-37 period than the corresponding 2014-based projections. However, for Braintree district they show the opposite, such that the additional growth in Colchester is effectively matched by lower growth in Braintree. Since Braintree and Colchester are part of the same housing market area, redistribution of household growth from one to the other does not constitute a meaningful change in housing need overall.
37. For Tendring district the evidence from recent population and household projections has to be considered in the context of my finding in IED/011 that the NEAs were justified in not using official household projections as the basis for assessing housing need in the district. My full reasons for reaching that finding are given in IED/011, but to summarise briefly,

¹⁰ See PPG ID Ref 2a-016-20150227

Tendring has one of the highest rates of Unattributable Population Change [UPC]¹¹ in the country. The evidence before me in June 2018 showed that this was due in substantial part to errors in the migration trend rates used to produce the official population projections, and that it was highly likely that those errors were continuing to distort the official household projections for Tendring, to the extent that the NEAs were justified in using a different basis for assessing future housing need.

38. The official 2016-based sub-national population projections [SNPP] were before me when I considered the issue of UPC in Tendring in IED/011. They form the basis for the 2016-based household projections. Consequently, the publication of the 2016-based household projections does not alter my conclusions on that issue.
39. Since June 2018 the official 2017 and 2018 mid-year population estimates [MYE] have also been published. The fact that the 2018 MYE figure for Tendring closely matches the 2018 population predicted by the 2016-based SNPP is in itself no indication of a meaningful change in the housing situation, since both are informed by the same migration trend rates. I note that the Quality Indicators published alongside the MYEs estimate that there is a relatively low proportion of hard-to-estimate groups (including internal migrants) in Tendring. However, I have seen no evidence that since June 2018 the Office for National Statistics has addressed the specific errors in migration trend rates that gave rise to a substantial part of the exceptional UPC for Tendring.
40. The increasing proportion of older people in the North Essex population may affect the type of housing that needs to be provided, but has no impact on the overall number of dwellings required, as it is accounted for in the population and household projections. Policies on housing type are a matter for the Section 2 Plans.

Employment forecasts

41. In calculating objectively-assessed housing needs, account was taken of two 2016 economic forecasts of job growth and associated dwelling requirements over the Plan period. The housing requirements for Braintree and Colchester meet the higher of the dwelling requirements from those two forecasts, from the East of England Forecasting Model [EEFM]. A bespoke economic forecast for Tendring similarly showed that its housing requirement would meet future labour demand in full. As a result, in

¹¹ UPC is the term for the unexplained difference between the population change between 2001 and 2011 as estimated by the Censuses in those years, and the population change over the same period as predicted by official projections.

IED/011 I found that economic growth in North Essex would not be hampered by any lack of housing.

42. Since June 2018 a more recent, 2017 forecast from the EEFM has been published. Compared with the 2016 forecast, it shows a reduction of 96 dwellings per annum [dpa] in the dwelling requirements for Braintree, and an increase of 202dpa for Colchester. For Tendring there is no significant change. On the face of it, these results might appear to indicate a potential increase in housing need for North Essex as a whole.
43. However, whereas the 2016 EEFM forecast for Colchester predicted growth of 928 jobs per annum and a corresponding dwelling requirement of 920dpa, in EEFM's 2017 forecast the jobs per annum figure fell to 724 while the dwelling requirement increased to 1,122dpa. This is a dramatic and apparently anomalous change from EEFM's 2016 figures, and it diverges to an even greater extent from the 2016 forecast by Experian (1,109 jobs per annum, 866dpa).
44. Since I was given no explanation for this apparent anomaly, I consider that substantially less weight should be given to EEFM's 2017 forecast than to the two 2016 forecasts, when assessing housing need. In my experience, economic forecasts can show significant variations from one year to the next, and without corroboration it would be unwise to place reliance on a single set of results. Consequently, I find that the EEFM 2017 forecast does not indicate a need to increase the Plan's housing requirements in order to meet labour demand.

Market signals

45. Evidence of market signals since June 2018 tends to indicate worsening affordability across North Essex in respect of both house prices and rents, relative to England and Wales as a whole. However, worsening affordability trends were already apparent when the objectively-assessed housing needs were assessed in 2016, and were taken into account in uplifting the housing requirement for each of the three NEAs' areas by at least 15% compared with the demographic starting-point.
46. As a result, the Plan already makes substantial provision to improve affordability over the Plan period. It would be unrealistic to expect any turn-around in affordability trends to have occurred in the past one or two years, especially since the Plan has not yet been adopted. No meaningful assessment of the Plan's impact on affordability can be made after such a short time. As a result, recent market signals evidence does not indicate that the Plan's housing requirements need to be reviewed.

Conclusion on the housing requirement figures

47. For these reasons, I conclude that neither the population and household projections and employment forecasts published since June 2018 nor recent evidence from market signals indicate that there has been a meaningful change in the housing situation that I considered in IED/011. Consequently, the Plan's housing requirement figures remain soundly based.

Habitats Regulations Assessment [HRA]

48. In IED/011 I referred to a judgment of the Court of Justice of the European Union [CJEU]¹² and indicated that the NEAs would need to ensure that the HRA report on the pre-submission Plan was consistent with that judgment. In response, the NEAs commissioned Land Use Consultants [LUC] to produce an updated HRA report on the Plan [EB/083]. The updated report takes account of recent caselaw including the judgment I referred to. It concludes:

... providing that key recommendations and mitigation requirements are adopted and implemented, the [Plan] will not result in adverse effects on the integrity of European sites either alone or in-combination.

Natural England concur with this conclusion.

49. The NEAs consider that the Habitats Regulations¹³ do not require an assessment of future growth beyond the Plan period. Nonetheless, both they and LUC made it clear that EB/083 does in fact take account of the implications for European sites of the development beyond 2033 that is proposed in the Plan – ie, future growth at the proposed GCs. In my view that is appropriate, since the Plan's policies envisage that development of the GCs will occur both within the Plan period and for a long period beyond. However, some references in the report appear to indicate that it considers impacts within the Plan period only. The NEAs and LUC should review those references so that the report is consistent on this point.
50. EB/083 follows a sound methodology, beginning with a screening stage to assess the likelihood of significant effects on European sites by the Plan's proposals (alone or in combination). This is followed by an Appropriate Assessment in which any likely significant effects are assessed, in the light of avoidance and mitigation measures, in order to determine whether or

¹² *People over Wind, Peter Sweetman v Coillte Teoranta* [CJEU Case C-323/17]

¹³ *The Conservation of Habitats and Species Regulations 2017*

not they would result in an adverse effect on the integrity of any European site.

51. I consider that it is reasonable for EB/083 to conclude that main modifications to Plan policies SP5, SP7, SP8, SP9 and SP10, requiring adequate waste water treatment capacity to be provided before dwellings are occupied, will ensure that no adverse impact on any European site will occur as a result of changes in water quality.
52. It is also reasonable for EB/083 to conclude that any adverse impacts arising from loss of offsite habitat¹⁴ for wintering birds will be avoided provided that mitigation safeguards are incorporated into the Plan through a main modification to policy SP8. Those safeguards include requirements for surveys of the broad location of the Tendring / Colchester Borders GC to identify whether it provides any functionally-linked offsite habitat for relevant bird species, and if necessary, phasing of development and provision of alternative offsite habitat to offset any loss resulting from development.
53. The size of the broad location means that there is no real doubt that alternative habitat could be provided on site, through the DPD and master-planning processes, if it were found to be necessary. Accordingly, it is not necessary for the surveys to take place before the Plan itself is adopted.
54. The other cause of likely significant effects identified by EB/083 is the impact of the recreational activities of future residents on European sites along the Essex coast and its estuaries. This is also a concern for other local authorities in Essex. In response, an Essex Coast Recreational avoidance and Mitigation Strategy [RAMS], initiated by Natural England, has been adopted by 11 Essex authorities. Its implementation is managed by a steering group on which Natural England is represented.
55. The RAMS, which is to be funded by a per-dwelling tariff on residential development, involves a range of measures including habitat creation, access management, information and consciousness-raising, and enforcement. EB/083 concludes that the RAMS provides a high degree of certainty that recreational pressures will not lead to adverse effects on the integrity of the European sites.
56. In my view, EB/083 has adequately assessed the likelihood of significant effects arising from recreational activities, including by identifying

¹⁴ "Offsite habitat" in this context means habitat that is not part of a European site but is functionally linked to it, providing ecological support for the bird populations for which the site was designated.

appropriate zones of influence based on visitor surveys. It may be that measures to control airborne activities, such as powered paragliding, are more difficult to enforce than for land- or water-based activities. But airborne activities involve relatively small numbers of people, whom it would be possible to target with information and education campaigns. Indeed I was told that such campaigns are already under way.

57. The current RAMS covers the period 2018 to 2038. However, the NEAs made it clear that they intend the RAMS approach to operate in perpetuity. Plainly, that will be essential if significant development within the zones of influence is to be able to continue beyond 2038, assuming that the Habitats Regulations (or a similar protection regime) remain in force. Funding arrangements to ensure that it occurs are proposed in the current RAMS document. I therefore see little danger that the RAMS approach will cease after 2038.
58. The RAMS includes provision for monitoring its effectiveness, which it is intended will feed back into the mitigation measures in an iterative fashion, enabling adjustments and improvements to be made in response to evidence of how successful the measures are. In my view this is a strength rather than a weakness of the RAMS approach. While there is currently no conclusive evidence that RAMS approaches elsewhere have ensured that no adverse effects on integrity have occurred, that is not because there is evidence that they have failed, but because they have not been operating long enough for definitive conclusions to be drawn.
59. Taking into account the mitigation measures, which as well as the RAMS include the proposed modifications to the Plan's policies, the NEAs are satisfied that there is sufficient certainty that the Plan would not adversely affect the integrity of any European site, alone or in combination. In the light of all the above points, I consider that they are justified in taking that view.

Justification for the proposed GCs

Sustainability Appraisal

Background

60. In IED/011 I identified a number of shortcomings in the June 2017 SA of the Plan carried out by Essex County Council [ECC]'s Place Services [SD/001], and made a number of specific suggestions as to how those shortcomings might be rectified. In response, the NEAs commissioned external consultants LUC to carry out an Additional Sustainability Appraisal

of the Plan [SD/001b, hereafter “the ASA”], which was completed in July 2019.

61. The ASA does not replace the June 2017 SA in its entirety: its purpose is to address my concerns about the approach of that earlier SA document to the assessment of alternative GC options and of alternative spatial strategies. Accordingly, the ASA replaces Appendix 1 of the June 2017 SA, which deals specifically with these matters, and provides further appraisal information relevant to chapters 4 to 7 of the June 2017 SA. In this letter I focus on the ASA, as it is specifically intended to redress the shortcomings I had previously identified.
62. The ASA has a two-stage methodology, which closely follows my suggestions in IED/011. In Stage 1, LUC appraise alternative strategic sites that could form part of the Plan’s spatial strategy. In Stage 2, they appraise a range of alternative spatial strategies, including various combinations of the strategic sites that survive the Stage 1 appraisal. The NEAs themselves decided which strategic sites were taken forward from Stage 1, and which spatial strategic alternatives were to be appraised at Stage 2, giving their reasons in Appendix 6. In Appendix 8 the NEAs give their reasons for preferring the spatial strategy in the submitted Plan to any of the alternative strategies.

National policy and guidance

63. Paragraph 165 of the 2012 NPPF advises that:

A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

64. The PPG defines the role of SA as:

... to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are the most appropriate given the reasonable alternatives¹⁵.

¹⁵ PPG ID Ref 11-001-20140306

65. The reference to “help[ing] make sure that the proposals in the plan are the most appropriate given the reasonable alternatives” indicates that SA is directly relevant to the assessment of whether the plan meets the “justified” test of soundness. As I noted in paragraph 24 above, in this case the SA (including the ASA) is the principal evidence base document which seeks to show that the Plan meets that test.

Issues to be considered

66. In my view the NEAs have met the relevant statutory requirements for consultation on and submission of the SA and ASA reports. In assessing the likely significant effects on the environment of the GC proposals in the Plan and of the reasonable alternatives to them which it identifies, the ASA deals with all the relevant issues identified in Schedule 2 of the SEA Regulations. In combination with the June 2017 SA, it also meets the Schedule 2 requirements to identify the measures envisaged to prevent, reduce and as fully as possible offset any significant effects on the environment of implementing the Plan, to describe the monitoring measures envisaged, and to provide a non-technical summary.

67. The principal issues that require further consideration are:

- whether reasonable alternatives for the Stage 1 and Stage 2 assessments were properly identified, so that no reasonable alternative was excluded from the assessments;
- whether adequate reasons were given following the Stage 1 assessment for the selection of alternative strategic sites and alternative spatial strategies to be assessed at Stage 2, and for the rejection of other alternatives;
- whether the assessment, at both Stage 1 and Stage 2, of the likely effects (including cumulative effects) of the Plan’s proposals and of the reasonable alternatives were carried out at the same level of detail, and in sufficient depth to enable a proper evaluation to be made;
- whether the ASA, together with the June 2017 SA, helps to demonstrate that the proposals in the Plan are the most appropriate, given the reasonable alternatives.

Were reasonable alternatives properly identified?

68. Reg 12(2)(b) of the SEA Regulations makes it clear that it requires assessment of the likely significant effects of reasonable alternatives taking into account the objectives of the plan. From what is said in the Section 1

Plan about its purpose¹⁶, it does not have the objective of providing an overarching strategy to govern the distribution of all development across the North Essex area. Consistent with this is the fact that the shared Section 1 Plan has not been prepared as a joint development plan document under section 28 of the 2004 Act, as one would expect if it were intended to have the role of a joint spatial strategy.

69. The limited role of the Section 1 Plan is explained further in paragraphs 3.1-3.2 of the reasoned justification to policy SP2 (Spatial Strategy for North Essex):

New homes, jobs, retail and leisure facilities serviced by new and upgraded infrastructure will be accommodated as part of existing settlements according to their scale, sustainability and role, and by the creation of strategic scale new settlements. ... For the majority of settlements these issues are addressed in the second part of the Local Plan dealing with each authority's area.

70. Against this background, in my view it is legitimate for the ASA to confine itself to assessing reasonable options for providing the amount of development which the Section 1 Plan expects the GCs to deliver in the plan period. Policy SP2 makes it clear that this is at least 7,500 dwellings, together with employment development and necessary infrastructure and facilities. That is the relevant objective which the Plan sets for itself. The Plan does not seek to provide, or to set out a strategy for the provision of, all the development needed across the North Essex area. Apart from the GC development proposed in the Plan itself, those tasks are left to the Section 2 plans.
71. Similarly, it is legitimate for the ASA to identify, as reasonable options for the Stage 1 assessment, only strategic sites capable of delivering at least 2,000 dwellings. The relevant Section 1 Plan objective in this context is to identify key strategic growth locations. It is not to identify every possible location for development across North Essex. Given that the largest of the sites proposed for allocation in the Section 2 plans would comprise around 1,700 dwellings, the decision to set a 2,000-dwelling capacity as the cut-off point between strategic and other sites was in my view a reasonable planning judgment, appropriately reflecting the respective roles of the Section 1 and Section 2 plans.
72. 23 alternative strategic sites (including the three GC sites in the Plan) were assessed during the Stage 1 assessment, and most of them were assessed at a range of different sizes. They made up an impressively comprehensive

¹⁶ See the Introduction to the Plan, in particular para 1.13, and section 3, Spatial Strategy.

list, and I find no evidence that any strategic site that could have been a reasonable alternative was excluded from it.

73. I consider whether or not reasonable alternatives for the Stage 2 assessment were properly identified as part of the next issue.

Were adequate reasons given for the selection of alternative strategic sites and alternative spatial strategies to be assessed at Stage 2, and for the rejection of other alternatives?

74. Appendix 6 to the ASA, which was prepared by the NEAs, sets out how the reasonable spatial strategy alternatives for the Stage 2 assessment were identified, giving reasons for taking forward or discounting the alternative strategic sites assessed at Stage 1. It also describes what each of the spatial strategy alternatives would provide.
75. Over half of the **alternative strategic sites** assessed at Stage 1 were not taken forward into the spatial strategy options assessed at Stage 2, for reasons that are set out in ASA Appendix 6, Table 2. The reasons given in the table make no explicit reference to the Stage 1 ASA. This may reflect the fact that the outcome of the Stage 1c assessment does not show any of the alternative sites to be clearly preferable to the others. Against many of the objectives, all the sites are deemed to have the same or very similar impacts, and for the objectives against which they differ, there is little overall distinction between them when all their positive and negative impacts are taken into account.
76. Instead, broader planning reasons are given for not taking forward the discounted sites from Stage 1. They are summarised in Appendix 6 as follows:

The main reasons for sites being discounted at this stage relate to either a lack of evidence to suggest there are reasonably deliverable proposals being advanced through the plan-making process at this time, or a lack of evidence to demonstrate that they are reasonable options in practical planning terms. Some sites have been discounted because they overlap or form part of a larger site that is being carried forward into Stage 2 or, following responses to the engagement with site promoters, it has been decided to merge certain sites together.

77. For each of the discounted sites, Table 2 then sets out the NEAs' reasons for not taking it forward into Stage 2. These include concerns about highway capacity and availability of infrastructure and services, impact on landscape character, relationship to existing settlements, and deliverability. It may be that others would have made different planning judgments on some of these points, but nothing I have heard or read indicates that any of the judgments made by the NEAs was unreasonable or irrational.

I therefore consider that Table 2 provides adequate reasons for not taking forward the discounted sites.

78. The NEAs' selection of **alternative spatial strategies** to be assessed at Stage 2 was informed by a series of seven principles which they devised in the light of discussions with stakeholders and of my comments in IED/011. As the NEAs correctly note, attempting to assess every possible combination of every site taken forward into Stage 2 would be an unmanageable task. Devising principles to inform the selection of alternative spatial strategies is, therefore, a reasonable way to proceed, providing of course that the principles themselves are sound.
79. Five of the seven principles are that the alternative strategies should be coherent and logical, and reasonable, that they should test the alternative spatial approaches suggested by me in IED/011, that they should deliver social infrastructure, and that any strategic site included in them should deliver a minimum of 2,000 dwellings in the plan period. In my view, and taking into account my comments above on the reasonableness of the 2,000-dwelling threshold for alternative strategic sites, these principles are sound ones.
80. Principle 1 is entitled "Meet the residual housing need within the plan period". Residual housing need is the gap between the Plan's overall housing requirement for North Essex (43,720 dwellings) and the number of dwellings completed, committed, and planned for in the NEAs' Section 2 Plans. Self-evidently, it is a sound principle that this need should be met.
81. When the Plan was submitted in 2017, residual housing need across North Essex was around 4,700 dwellings. The 7,500 dwellings proposed at the GCs would therefore mean that housing supply over the Plan period would exceed the requirement by about 2,800 dwellings, or around 6% of the overall requirement.
82. By the time the ASA was published in July 2019, residual housing need had been reduced to around 2,000 dwellings¹⁷, meaning that the 7,500 dwellings proposed at the GCs would generate a surplus in supply of about 5,500, or around 13% above the overall requirement.
83. Despite this, the NEAs still believe it is right to test spatial strategy alternatives with the potential to deliver 7,500 dwellings in the remainder of the Plan period to 2033. In Appendix 6, they justify this by saying that delivery of 7,500 dwellings on strategic sites would provide "a healthy level

¹⁷ See ASA Appendix 6, Table 1. The reduction is apparently due mainly to grants of planning permission on unallocated sites.

of over-allocation”, thereby ensuring that the Plan’s housing requirement would be met even if some of the sites allocated in the Section 2 plans fail to come forward.

84. No evidence appears to have been provided at the time to show why 7,500 dwellings, rather than some lower figure, would produce an appropriate level of over-allocation. Moreover, the latest evidence from the NEAs is that, excluding any dwellings proposed in the Section 1 Plan, there is no longer any residual housing requirement for the Plan period¹⁸. On that basis, the addition of the 7,500 dwellings sought under Principle 1 of the ASA would represent an over-allocation of around 18%, not 13% as was the case when ASA Appendix 6 was drawn up.
85. The ASA’s authors cannot be criticised for proceeding on the basis of the figures that were current at the time when it was produced. And, in my view, it is reasonable for the Plan to identify more land than may be needed to meet the NEAs’ housing requirements, to help ensure that the requirements are met in the event that some of the expected provision does not come forward. The scale of any such over-allocation is a matter of planning judgment. An over-allocation of 18% against the Plan’s overall housing requirement for the period would provide an even healthier level of reassurance than one of 13%. Consequently, I see no reason to find that the ASA is unsound in seeking alternative spatial strategies to deliver at least 7,500 dwellings over the Plan period.
86. Principle 3 is entitled “Reflect relative housing and commuting patterns in any alternative strategy”. In explaining the principle, the NEAs say that housing need is greater in the western part of North Essex (the area west of Colchester) than in the eastern part. That is generally borne out by the respective housing requirements of the three NEAs, and by the breakdown of residual housing need across the three NEAs at the time when Appendix 6 was prepared. Differences in commuting relationships¹⁹ and transport links between the areas to the west and east of Colchester also justify considering the two areas separately.
87. It is logical, therefore, that in accordance with Principle 3 alternative strategies were selected to deliver a greater proportion of housing to the west of Colchester than to the east, broadly reflecting the residual requirements which applied in July 2019.

¹⁸ See the NEAs’ Matter 8 Further Hearing Statement, December 2019, Table 1b. In fact the figures in the table show a small surplus of 377 dwellings.

¹⁹ See EB/018, pp9-11.

88. Based on the NEAs' seven principles, Appendix 6 identifies 11 alternative spatial strategies for the area to the west of Colchester, and six alternative strategies for the area to the east, giving clear reasons for each. They include strategies to distribute housing growth proportionately to settlements across North Essex, alongside various combinations of the alternative strategic sites taken forward from Stage 1 of the ASA. The alternatives are sufficiently distinct from one another to enable meaningful comparisons to be made.
89. Taken as a whole, the alternative strategies represent an appropriate range of different ways of delivering the amount of development that is sought, taking appropriate account of my suggestions in IED/011, and I see no basis on which to conclude that any reasonable alternative was excluded from the assessment.

Was the assessment of the Plan's proposals and the reasonable alternatives carried out at the same level of detail?

90. Stage 1 of the ASA is scrupulously fair in considering the broad locations for the proposed GCs and the reasonable alternative strategic sites at the same level of detail. The 23 strategic sites are assessed against a common set of criteria which appropriately reflect the Plan's objectives and the full range of considerations relevant to SA, and the results are clearly presented in tabular format. The assessment shows no sign of bias in favour of or against any of the sites.
91. The same applies to the assessment of the 17 alternative spatial strategies considered at Stage 2. I find no evidence that there was a failure to assess potential cumulative effects at either stage.

Was the assessment of the Plan's proposals and the reasonable alternatives carried out in sufficient depth?

92. Stage 1 consists of two sequential steps. Stage 1a appraises the location of each of the 23 strategic sites in relation to existing key services, facilities, employment locations, transport links, and environmental assets and constraints without considering what the development itself might deliver. These spatial tests were carried out using a geographical information system.
93. Stage 1c (which replaces a previous Stage 1b) then takes into account how the accessibility of each site to the key services, facilities, employment locations and transport links identified at Stage 1a would be modified by what is likely to be provided by development coming forward on each site, at different scales. In other words, each site was assumed to provide

education, community, health and retail facilities, employment space and public transport services in proportion to its size.

94. In assessing what is likely to be provided, account was taken of site-specific information drafted by the NEAs and confirmed with the site promoters and with CAUSE²⁰. The Stage 1 assessments in turn informed the assessment of the alternative strategic sites at Stage 2. Provision of rapid transit services was excluded from the Stage 1c assessment, but was taken into account for the relevant spatial strategy alternatives at Stage 2.
95. The ASA was criticised for taking at face value the site-specific information on the forms drafted by the NEAs. But a great deal of additional work would have been required to interrogate that information, for example to ascertain whether or not each of the alternative sites is financially capable of delivering all the facilities attributed to it. Such detailed scrutiny is appropriate when assessing the soundness of a preferred option, but would have been disproportionate at this stage of the SA process. Asking the site promoters and CAUSE to confirm the information drafted by the NEAs ensured that sufficient information for Stage 1c was provided, on an equivalent basis for each site.
96. A broader criticism of the Stage 1 ASA was that its proximity-based approach is too crude, and so fails to make a proper assessment of each alternative site's accessibility to facilities and services, and of its environmental impacts. It is true that at Stage 1a more detailed assessment could have differentiated the quality of facilities and services accessible from each site, for example, the range of employment opportunities or the frequency of public transport. However, that would have made little difference to the outcome of the assessment, since no sites were excluded at Stage 1a. At Stage 1c the provision of facilities and services as part of the development of each site was more decisive in the appraisal of accessibility than proximity to existing facilities.
97. In assessing environmental impacts, however, in most cases a similar (albeit not necessarily identical) proximity-based approach to that used at Stage 1a was employed at Stage 1c. For example, effects on heritage assets are assessed based on whether 5% or more of each site lies within a certain distance of a designated heritage asset. In fact, every site assessed at Stage 1c is deemed to have a "significant negative effect with uncertainty", reflecting the fact that all of them lie within 500m of at least one designated heritage asset.

²⁰ CAUSE are a group with an alternative Local Plan strategy, known as Metro Town.

98. The ASA's approach was criticised by, among others, Historic England, who argue that the lack of detailed evidence on the likely effects of the alternative strategic sites on the **historic environment** has led to over-simplification and inadequate differentiation between them. They consider that a high-level Heritage Impact Assessment [HIA] of each site should have been undertaken to inform the ASA. In the absence of adequate assessment, Historic England say, there can be no confidence that the GC sites proposed in the Plan are capable of accommodating the proposed number of dwellings without adversely impacting on the historic environment.
99. Historic England also draw attention to the facts that the ASA does not identify (or fully identify) some of the designated heritage assets in and around the proposed GC sites, does not consider the effects of alternative sites on non-designated heritage assets, and uses a distance-based approach contrary to Historic England's published advice²¹.
100. There can be little doubt that a more detailed assessment of the likely effects of the alternative strategic sites on the historic environment would have enabled the ASA to differentiate more clearly between them. But I am not persuaded that the absence of such assessment is a fatal defect in the ASA. This is mainly because the Section 1 Plan does not make specific site allocations for the proposed GCs: instead it identifies broad locations, within which it is intended that the Strategic Growth DPDs will identify specific locations for development. In this context, it appears to me that Historic England's advice on site allocations is more applicable to the future DPDs than to the Section 1 Plan.
101. In taking a proximity-based approach to impacts on heritage assets, the ASA is consistent with the approach it takes to other environmental impacts. Were it to use more detailed evidence to assess impacts on one type of environmental asset, but not the others, this could run the risk of unbalancing the overall assessment. It is unfortunate that the ASA does not identify all the designated heritage assets potentially affected. But had it done so, it is highly unlikely that the outcome of the Stage 1 assessment would have been any different, since all the alternative sites (and indeed all the spatial strategy options assessed at Stage 2) are already deemed to have significant negative effects, with uncertainty, on heritage assets.
102. That said, I share Historic England's concern that, without a detailed Heritage Impact Assessment, there can be no certainty that any of the GCs proposed in the Plan are capable of accommodating the amount of

²¹ In *The Historic Environment and Site Allocations in Local Plans* – Historic England Advice Note 3

development which the Plan attributes to them, without unacceptable adverse impacts on the historic environment. Given the size of the broad locations proposed for the GCs, I consider it is reasonable at this stage to assume for the purposes of the ASA that they are capable of doing so. But appropriate policy safeguards need to be included in the Plan in the event that, in future, evidence shows this not to be the case. This could be achieved by main modifications to the relevant Plan policies.

103. On the face of it, it appears surprising that the ASA finds only uncertain minor negative effects on **air quality** for some of the strategic site alternatives, and no significant effects for the majority of the spatial strategy alternatives. However, the ASA advises that without traffic modelling of each strategic site alternative, its assessment needs to be treated with a great deal of caution.
104. While I acknowledge the severe effects of air pollution on human health, I am also mindful of the need for a proportionate approach to gathering evidence for SA²². It would be disproportionate to require traffic modelling of each of the 23 strategic site alternatives, and all 17 alternative spatial strategies, when only three strategic sites are actually proposed in the Plan.
105. The ASA appropriately acknowledges the difficulties in compiling the information needed to assess impacts on air quality. Any differences it finds between the alternatives on this issue are so small as to make it highly unlikely that they affect the overall outcome of the assessment. For these reasons I consider that the ASA's approach to the issue is adequate at this stage.
106. The ASA finds no significant effects on **water quality** in respect of any of the strategic sites assessed, while acknowledging a degree of uncertainty given that not all scales of growth for all the sites have been covered in the Water Cycle Studies and because specific waste water infrastructure requirements will only be finalised at planning application stage. Those are reasonable findings at this stage of planning, taking into account that, with main modifications, Plan policies are capable of requiring adequate water supply and waste water treatment capacity to be provided before any dwellings are occupied.
107. At Appendix 5, paragraph 3.1173, the ASA says that the potential **noise effects** from Stansted airport flight-paths on future residents of the proposed West of Braintree GC are judged to be negligible. However, based on the assessment of the potential effects of operations at the

²² See PPG Ref ID 11-009-20140306

adjacent Andrewsfield airfield, the Stage 1c scoring chart for the West of Braintree GC site [NEAGC1] shows an overall “uncertain minor negative effect” score against the noise nuisance criterion.

108. Taking into account all the evidence before me, including noise contour plans supplied by the airport operator, evidence on the number of flights passing over the West of Braintree site at 7,000 ft or lower, and existing and emerging Government guidance on aircraft noise, I consider that even if a finding of “negligible effect” from Stansted airport flight-paths on NEAGC1 is not within the range of reasonable planning judgment, a finding of “uncertain minor negative effect” would be. Moreover, I note that in summarising and concluding on the findings of the Stage 1c assessment on noise pollution, the ASA makes no distinction between sites with minor negative effects (uncertain or otherwise) and those with negligible effects. Therefore, it appears that even if the finding of “negligible effect” is unjustified in respect of the noise effects of Stansted flight-paths, it has not materially affected the ASA’s conclusions.
109. The ASA is justified in finding that, since the West of Braintree GC as proposed in the submitted Plan does not overlap with the Andrewsfield airfield site, development of the former would not directly lead to loss of flight operation facilities, community facilities, or historic assets forming part of the latter. The impact on Andrewsfield of the West of Braintree proposal in the former emerging Uttlesford Local Plan is not a matter for this examination.
110. Taking all the above points into account, I conclude that the assessment of the Plan’s proposals and of the reasonable alternatives was carried out in sufficient depth to enable a proper evaluation to be made.

Does the ASA help to demonstrate that the proposals in the Plan are the most appropriate, given the reasonable alternatives?

111. From the ASA, LUC conclude that the spatial strategies that rely solely on proportionate growth at existing settlements are the poorest performing, but that for the others, the differences are much more finely balanced. They say that it is therefore not possible to come to a definitive conclusion that any one strategy, whether west of Colchester or east of Colchester, is the most sustainable option. The advantage of the strategy in the submitted Section 1 Plan, according to LUC, is that it provides clear direction to accommodate strategic development over many decades to come, and therefore more certainty in terms of coherence and investment. However, some of the alternatives offer opportunities to deliver similar benefits.

112. In my view it is reasonable to draw those conclusions from the ASA.
113. In Appendix 8 to the ASA the NEAs set out their reasons for proceeding with the spatial strategy in the submitted Plan, that is to say, the three proposed GCs, rather than any of the alternatives. They say that
- a number of sites and spatial strategy options perform similarly against the sustainability objectives, but nothing arises from the [ASA] to suggest that the spatial strategy in the submitted Plan is wrong or that there are any obviously stronger-performing alternatives ...
114. To the west of Colchester, the NEAs say, the proposed West of Braintree and Colchester / Braintree Borders GCs have the genuine advantages of providing for long-term strategic growth. West of Braintree has direct access to the A120 and the proposed rapid transit system [RTS], and is well-located to Stansted airport which is a centre of employment and provides opportunities for new business growth. Colchester / Braintree Borders is close to Marks Tey station which has regular services to London, Colchester and beyond, is well located at the intersection of the A12 and A120 with good opportunities for integration with other transport modes, including the RTS, and has opportunities for sustainable travel into Colchester which is a regional centre for employment and has major health, shopping and cultural facilities.
115. To the east of Colchester, the NEAs consider that the Tendring / Colchester Borders GC offers benefits to Colchester and Tendring in terms of housing delivery, improved accessibility through rapid transit and the A120/A133 link road, and unlocking the economic potential for expansion of the University of Essex and the Knowledge Gateway.
116. It is clear from this that, apart from any specific locational advantages, many of the benefits which the NEAs ascribe to the proposed GCs depend on the delivery of strategic transport infrastructure, for example the RTS and the A120/A133 link road. Similarly, the advantages which the proposed GCs offer in providing for long-term strategic growth would only be realised if the GCs are actually capable of being delivered over the long term. Accordingly, deliverability is critical to the justification of the Plan's spatial strategy, including the proposed GCs. I consider the issue of deliverability in the next section.

Deliverability of the proposed GCs

Infrastructure needed to support the proposed GCs

Trunk road improvements

117. In IED/011 I said that “greater certainty over the funding and alignment of the A120 dualling scheme and the feasibility of realigning the widened A12 at Marks Tey is necessary to demonstrate that the GC proposals are deliverable in full”.

118. Since June 2018 trunk road schemes in North Essex have moved forward as follows:

- A preferred route for the A120 dualling scheme has been established, and development work on the scheme is included in the Department for Transport’s Roads Infrastructure Strategy 2 [RIS2] for 2020-25.
- This means that the scheme is in the “pipeline” for RIS3 (2025-30), but currently there is no commitment to the construction of the scheme. The RIS2 document says

New proposals need to consider a wide range of impacts: not only what can be promised with certainty, but also where a proposal has the potential to support wider and more ambitious local plans for development. ... We also expect that where a proposal enables significant development nearby, the developer will contribute to the cost of delivering the scheme. There is also potential for funding from other sources to support a developing proposal. Funding contributions will make a significant difference to the likelihood of government choosing to bring forward a proposal to the next stage, and ultimately to commit it as part of the next RIS.

- Widening of the A12 between junctions 19 and 25 is included in the RIS2 programme.
- The Spring 2020 Budget statement announced a £272M grant from the Housing Infrastructure Fund. According to the Treasury’s East of England Factsheet, this funding “will be used to realign the eastern section of the A12 between Junctions 24 and 25 in order to unlock up to 20,931 homes as part of the North Essex Garden Community”. In late 2019 Highways England consulted on alternative options for the realignment, the aim of which is to overcome the severance effect on the Colchester / Braintree Borders GC of the A12’s existing alignment.

119. The publication of RIS2 and the Spring 2020 budget mean that it is now reasonable to assume that the A12 widening scheme will go ahead,

including the realignment between junctions 24 and 25, with a good prospect of completion by Highways England's expected date of 2028.

120. On the other hand, notwithstanding its inclusion in the RIS3 pipeline, there is still no certainty on whether or not the A120 dualling scheme will go ahead. However, the fact that it would support development at two of the three proposed GCs, and that contributions towards it are expected from the GC developers, are strong factors in its favour. If funding for the scheme is confirmed, there is a good prospect that it will also be completed by 2028.
121. The implications for the two GCs to the west of Colchester are as follows.
122. Both Highways England and ECC consider that completion of the A120 dualling scheme is necessary to support the full build-out of 10,000 dwellings at the West of Braintree GC²³. However, partial build-out in advance of the A120 scheme could be achieved without severe detriment to the road network, when account is taken of other committed road improvements, including those to M11 junction 8, the A131 between Braintree and Chelmsford, and the A120 / B1018 junction at Braintree.
123. At the Matter 6 hearing session, the NEAs' representative indicated that at least 2,000 dwellings could come forward at the West of Braintree GC in advance of the A120 scheme, but that the scheme would become necessary at some point between the completion of 2,000 and 10,000 dwellings. I do not read ECC's application to the National Productivity Investment Fund for funding for road improvements at Braintree as contradicting that view.
124. Promoters of the West of Braintree GC contend on the basis of census data that only a small proportion of journey-to-work trips to and from the West of Braintree GC would use the A120 to the east of Braintree, and consequently that the feasibility and deliverability of the GC does not rely on delivery of the A120 dualling scheme. However, in the absence of detailed modelling to support that conclusion, I give more weight to the views of Highways England and the local highway authority.
125. Taking into account likely future improvements to M11 junction 8, I see no reason to consider that development at the proposed West of Braintree GC would be constrained by capacity issues on the A120 to the west.
126. Turning to the Colchester / Braintree Borders GC, there is no substantial evidence to contradict the NEAs' position that completion of both the A12

²³ While submitted Plan policies SP7 & SP10 propose an overall total of between 7,000 and 10,000 dwellings, the NEAs' viability appraisal assumes a total of 10,000.

widening scheme, including one of the alternative route options between junctions 24 and 25, and of the A120 dualling scheme are needed to support the full build-out of 21,000 dwellings at the GC²⁴.

127. Consequently, notwithstanding the decision to proceed with the A12 widening as part of RIS2, full build-out of the Colchester / Braintree Borders GC is dependent on confirmation of funding for the A120 scheme.
128. The promoters of the Colchester / Braintree Borders GC say that their technical evidence demonstrates that it would be possible to build up to about 2,500 dwellings without the need for either the A12 widening or the A120 dualling scheme. However, a 2,500-dwelling development at Colchester / Braintree Borders would be very different from the GC proposal in the Plan. If funding for the A120 scheme were to be confirmed, it might in principle be appropriate to allow some development to proceed before the A12 and A120 schemes are complete. But for the reasons given in paragraphs 28 and 116 above, it would be entirely inappropriate to find that the proposed GC is deliverable if the available infrastructure would allow only a small fraction of it to be built.

A120-A133 link road

129. ECC have secured £65 million [M] from the Housing Infrastructure Fund [HIF] to build a dual-carriageway link road between the A120 and A133 to the east of Colchester²⁵. The cost breakdown provided by ECC [in EXD/082] indicates that £65M would cover all the costs of the road and would include a contingency allowance of around 21%. Other participants provided alternative costings, but I have no reason to consider that the figures prepared by the local highway authority, ECC, which were subject to scrutiny through the HIF bid process, are unreasonable. Having said that, a contingency allowance of 21% appears low at this stage of planning, especially when compared with the 44% contingency allowance which ECC considered appropriate for the RTS (see below).
130. ECC undertook consultation on route options in Autumn 2019. Each route option is located towards the eastern edge of the broad location for the proposed Tendring / Colchester Borders GC. They vary in the extent to which they impinge on the potential development areas within the broad location. While at least one of the options appears likely to have a

²⁴ Full build-out at Colchester / Braintree Borders is now considered by the NEAs to comprise 21,000 dwellings, and viability appraisal has been carried out on that basis, notwithstanding that submitted Plan policies SP7 & SP9 propose a total of between 15,000 and 24,000 dwellings.

²⁵ The HIF funding also includes £35M for Route 1 of the RTS: see below.

significant severance effect within the broad location, the range of options available means that there is the opportunity to minimise any such effect. However, it will also be important to ensure that there is adequate access, including for pedestrians and cyclists, from the proposed GC across the link road into the countryside to the east. It is unclear to what extent that requirement has been taken into account in the costings.

131. The A12 widening scheme, discussed above, would provide capacity for the additional traffic on the A12 resulting from the provision of the link road. Funding for complementary local road improvements, including to the Greenstead roundabout in Colchester, would be sought from the developers of the Tendring / Colchester Borders GC. An allowance for that funding is made in the NEAs' viability assessment. The NEAs consider that, in combination, all the proposed road improvements would provide adequate mitigation for the impacts of traffic from the GC. I concur with that view. That is not to say, however, that increased congestion will not occur when all sources of traffic growth, including from the proposed GC, are taken into account.

Rapid transit system

132. Plan policy SP7 requires the new communities to be planned around a "step change" in integrated and sustainable transport systems. To fulfil that requirement, it is necessary for it to be shown that high-quality public transport services linking each of the proposed GCs to key destinations are capable of being provided. Without that, the GCs would not comply with NPPF's advice that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice over how they travel²⁶. Moreover, in order to meet that advice and the Plan's policy aspirations, the service must be available from early on in the life of the GCs, both to provide transport for residents without a car, and to influence the travel choices of residents with cars.
133. The NEAs' intention is that the RTS will be the primary public transport service for the proposed GCs. Since June 2018 planning for the RTS has continued, and in July 2019 ECC and their consultants published their report *Rapid Transit System For North Essex – From vision to plan* [EB/079] [hereafter, "Vision to Plan"]. The report firms up a number of issues that had been left open in the previous RTS report²⁷ which I considered in 2018:
- For the foreseeable future, the RTS will use high-quality buses. The options of using trams or guided buses have been discarded. The

²⁶ 2012 NPPF, para 29

²⁷ The *North Essex Rapid Transit Study* [EB/066]

possibility of trackless trams (a technology currently on trial in China) being used at an undefined point in the future is contemplated, but the Plan does not rely on this.

- Four RTS routes have been devised, respectively linking the Tendring / Colchester Borders GC to Colchester town centre and the Park and Ride site north of Colchester (Route 1); linking the Colchester / Braintree Borders GC to Colchester town centre and providing connections to Route 1 (Route 2); linking the West of Braintree GC eastwards to Braintree and westwards to Stansted airport (Route 3); and linking Colchester / Braintree Borders GC to Braintree, thereby joining up Routes 2 & 3 (Route 4).
- Options for the four routes have been developed, identifying alternative alignments for, and the degree of segregation of, each route section.
- Capital costs and passenger and revenue forecasts for each route have been developed, and proposed timescales for the introduction of each route have been established.
- Capital funding for RTS Route 1 has been secured from the Housing Infrastructure Fund.

134. Notwithstanding concerns expressed about the feasibility of some of the proposed alignments and their effects (including on other road users, on-street parking and residential amenity), I consider that the route section options have been worked up in sufficient detail to demonstrate that a bus-based RTS with priority over other traffic for much of its length could, in principle, be provided along the routes proposed in Vision to Plan. However, important questions remain about three central aspects of the RTS proposals, which I consider in turn below.

135. **Capital cost estimates** were developed for each RTS route for both “lower-investment” and “higher-investment” scenarios, using standard assumptions based on section lengths and degree of segregation from other traffic. For Routes 1, 2 & 3, Table 5-1 in Vision to Plan shows that the lower-investment scenario produces RTS end-to-end journey times between 26% and 37% longer than journey times in the higher-investment scenario. Section 5.5 of Vision to Plan comments that the greater capital investment in the higher-investment scenario would deliver higher patronage, higher revenue, lower operating costs, and higher mode shares for RTS both on and off the GCs, compared with the lower-investment option.

136. I agree with that analysis. Even in the higher-investment scenario, it is by no means clear that the forecast end-to-end journey times for the RTS routes would offer any significant advantage over car journey times in current peak traffic conditions, while in current off-peak conditions the car would almost certainly be quicker for many journeys. In the lower-investment scenario, it is likely that the RTS would be considerably slower than the car for most if not all journeys, at all times of day. In this context, I consider that only in the higher-investment scenario would the RTS have any prospect of meeting Plan policy SP5's aspiration for sustainable modes of transport that can compete effectively with private vehicles, and of giving people a real choice over how they travel, as the NPPF advises.
137. Vision to Plan gives higher- and lower-bound capital costs for the higher-investment scenario, with the lower bound representing the base cost and the higher bound representing the base cost plus a 44% contingency allowance. When benchmarking the capital costs of the RTS routes against two similar schemes elsewhere, Vision to Plan used the midpoint between the lower and higher bounds. The corrected table in the NEAs' post-hearing note [EXD/082] indicates that, for the higher-investment scenario, those midpoint costs are comparable with the £4.6M/km out-turn costs for the Bristol Metrobus scheme, but significantly lower than the £5.5M/km out-turn costs for the Leigh-Salford busway.
138. This benchmarking exercise does not present the full picture, however, because Vision to Plan's out-turn costs for the comparator schemes do not allow for inflation since those schemes were completed, meaning that they do not provide a like-for-like comparison at current cost levels. Credible figures based on an assumed civil engineering inflation figure of 3.5% per annum produce inflation-adjusted out-turn costs of £5.3M/km for Bristol and £6.6M/km for Leigh-Salford, both substantially higher than the midpoint costs of the North Essex higher-investment scenario.
139. In hearing statements reference was made by way of comparison to other RTS schemes, including Fastrack in Kent, Fastway in Sussex and the Belfast Glider system. In some cases these indicate higher per-km costs than for the comparator schemes in Vision to Plan, and other cases lower costs. Taken as whole, these references indicate that the inflation-adjusted out-turn costs of the comparator schemes used in Vision to Plan provide a reasonable sense-check for the RTS cost estimates.
140. Moreover, the costs given for the RTS schemes do not include the cost of structures such as a bridge over the railway at the Colchester / Braintree Borders GC, or the cost of any necessary land acquisition.

141. All these points lead me to the view that the capital costs given for the RTS in Vision to Plan need to be treated with caution. At the very least, the upper-bound costs for the higher-investment scenario should be used in carrying out viability assessment. Those upper-bound costs, rather than the mid-point costs, represent a realistic comparison with the inflation-adjusted costs of the comparator schemes used in Vision to Plan²⁸. Even then, it may well be that for Routes 2 and 3 they underestimate the likely capital cost of the RTS, given that they exclude the costs of structures and land acquisition, and I have no clear evidence on what proportions of the comparator scheme out-turn costs relate to structures and land acquisition.
142. Somewhat different considerations apply to Route 1, since the capital costs for that route were subject to further refinement during the preparation of ECC's HIF bid. As a result, I have a reasonable degree of confidence that the upper bound of the higher-investment scenario is likely to reflect the full capital cost of Route 1.
143. As regards **timing of provision**, Vision to Plan envisages that the RTS routes will be developed on a phased basis. That is a realistic approach, given the scale of the project and the fact that the timing of expected development varies at each GC.
144. However, although Table 5-6 in Vision to Plan indicates that RTS Route 4 will be developed between 2034 and 2051, no capital funding for Route 4 is identified in the NEAs' viability appraisals, and there is no specific evidence that it is available from other sources. Consequently, it has not been shown that Route 4 is deliverable.
145. **Commercial viability** is considered in sections 5.2 to 5.4 of Vision to Plan. Section 5.3 makes generally reasonable assumptions about operating costs, including service frequencies and leasing costs for high-quality vehicles to operate the services.
146. Section 5.2 derives revenue estimates for each route, based on demand forecasts which in turn are based on the outputs from a multi-modal transport model. It is likely that a more refined model using more up-to-date survey data would have produced more accurate results. Nonetheless, I consider that the method used has produced demand forecasts that are adequate for the purposes of demonstrating commercial viability at this stage of planning for the RTS.

²⁸ Per-km upper-bound costs for the higher-investment scenario are given in EXD/082, Table 2.

147. However, I have concerns about the assumptions on the level of investment in the RTS which inform the revenue estimates. As the NEAs' response to my clarification question 3 in EXD/075 makes clear, in section 5.2 the "higher-investment" revenue forecasts for 2033 are based on an "aspirational" level of capital spending: only the "lower-investment" forecasts reflect the expected level of investment by 2033.
148. The NEAs go on to say in EXD/075 that "the extent of investment in Routes 1, 2 and 3 is likely to lie between those two levels". But no clear evidence is given to support that statement. It would be imprudent to rely, for example, on the prospect of Government grant funding without specific evidence that it is likely to be forthcoming.
149. Of greater concern is that the revenue forecasts for Route 3 are based on the assumption that a significant proportion of demand will come from proposed developments in the former emerging Uttlesford Local Plan: the Easton Park GC and the part of West of Braintree GC in Uttlesford district²⁹. For the reasons given in paragraphs 18-20 above, this is not a reliable assumption. As a result, I can have no confidence that Route 3 is deliverable.
150. In section 5.4.1, Vision to Plan makes it clear that an element of "pump-priming" should be assumed to be necessary, both to support the RTS services when they are first introduced, and to subsidise traditional bus services at the very early stage of GC development. Although a modest annual allowance is made for "investment in early phase public transport" in the NEAs' viability appraisals for each of the GCs, I have seen no clear evidence that it is sufficient to meet those purposes.
151. Drawing all these points together, I find that there is sufficient evidence to demonstrate that construction of the RTS is physically feasible. However, it has not been demonstrated that Routes 3 and 4 are deliverable in financial terms. It may well be that even the upper-bound estimates in Vision to Plan's higher-investment scenario underestimate the likely capital costs of Routes 2, 3 and 4, and there is some uncertainty over the revenue forecasts for Routes 1 and 2. There is no clear evidence to show that the NEAs' viability appraisals make adequate provision for "pump-priming".
152. I consider the consequences of these findings in the section on viability below.

²⁹ See EXD/089.

Marks Tey station

153. The NEAs have investigated the possibility of relocating Marks Tey railway station to a more central position in the proposed Colchester / Braintree Borders GC. However, Network Rail advised them in July 2019 that, in view of the very high costs that would be involved in relocating the station, enhanced access and improvements to the existing station should be explored and developed. An appropriate allowance for this purpose has been made in the viability appraisal for the GC.

Water supply and waste water infrastructure

154. The North Essex Integrated Water Management Strategy follows a staged approach to planning for water supply and waste water treatment for the proposed GCs. The existing Stage 1 identifies a series of options, which would then be refined in Stage 2 to determine specific solutions for each GC. This is a conventional approach and I see no reason to consider that it is inappropriate here.

155. In a statement of common ground, the NEAs, Anglian Water and the Environment Agency agree that modifications to Plan policies are needed to require the necessary water supply and waste water treatment capacity to be provided before any dwellings are occupied at the proposed GCs. However, in order to show that the proposed GCs are deliverable, it is also necessary to establish whether or not that provision is capable of being funded.

156. There are statutory responsibilities on the water supply companies (Anglian Water and Affinity Water) to plan to meet future growth in demand, and on Anglian Water to provide waste water treatment capacity. Allocations are made in the NEAs' viability assessment to fund connecting infrastructure at each of the proposed GCs. However, those allocations are inevitably subject to a degree of uncertainty given that specific solutions have yet to be identified. I consider the consequences of this in the section on viability below.

Deliverability of the proposed GCs

Housing build-out rates

157. In IED/011 I reviewed the evidence then before me on housing build-out rates and concluded that, while it is not impossible that one or more of the GCs could deliver at rates of around 300 dwellings per annum [dpa], it

would be more prudent to plan, and carry out viability appraisal, on the basis of an annual average of 250dpa.

158. The NEAs subsequently prepared the topic paper *Build out rates in the Garden Communities*, July 2019 [EB/082], which concludes that adopting that 250dpa figure would be overly cautious based on the evidence available and the context and attributes of the Garden Communities themselves. In the NEAs' view, what they regard as an achievable, albeit conservative, build-out rate of 300dpa is appropriate for the purposes of modelling, although they consider that this figure could be substantially increased over time.
159. From the literature review of other reports on build-out rates, EB/082 identifies a number of factors which promote higher delivery rates. These include the size of the development (bigger sites tend to achieve higher delivery rates), the ability to diversify the type, size and tenure of the dwellings provided, and the strength of the local housing market. I agree that all these factors would tend to promote higher delivery rates at the proposed GCs.
160. An important section of EB/082 focusses on the NLP report *Start to Finish* (November 2016), which I considered in IED/011. *Start to Finish* is the most comprehensive study of actual, achieved build-out rates available to me. It found that the 10 greenfield sites providing more than 2,000 dwellings that were studied delivered around 170dpa on average, with substantial variation around that mean figure.
161. EB/082 points out that the delivery periods for most of the sites studied in *Start to Finish* include the period of deep economic recession which began in 2007/08. The recession led to a steep decline in housebuilding nationally from which it took several years for significant recovery to begin. It is reasonable to infer that the average build-out rates identified in *Start to Finish* might have been affected by these events, which went well beyond the normal fluctuations of the business cycle.
162. However, NLP have carried out further analysis of build-out rates excluding the five years from 2008 to 2013, thereby effectively excluding the effects of the recession. (It is reasonable to regard fluctuations outside this exceptional period as typical of the normal business cycle.) NLP's analysis showed that the average build-out rate on the same 10 greenfield sites of 2,000 dwellings or more was 184dpa. That is still well below the 250dpa rate which I recommended in IED/011 as a prudent basis for planning, let alone the 300dpa rate which the NEAs now regard as a conservative figure.

163. NLP also analysed the pre-recession period. Only two greenfield sites of more than 2,000 dwellings were available to inform that analysis: too small a sample from which to draw any reliable conclusions. For all sites of 500 dwellings or more, however, the average pre-recession delivery rate was 116dpa, compared with 109dpa for the whole period including the recession and post-recession.
164. NLP's further analysis, therefore, demonstrates that while the recession and its aftermath had some effect on build-out rates, the effect was not that great. Average build-out rates on comparable sites increase only a little if the effects of the recession are excluded.
165. The Homes & Communities Agency [HCA] *Notes on Build out rates from Strategic Sites*, which is also referenced in EB/082, claims that "forecast trajectories for the very largest sites (say 4,000 units+) may be in the range of 300-500[dpa]". However, the evidential basis for this claim is unclear, despite the fact that the report is based on actual build-out rates. Only one of the four developments of 4,000 dwellings or more for which average figures are given achieved an average delivery rate of more than 300dpa (in fact, 321dpa), with the other three ranging between 205dpa and 281dpa.
166. The HCA report also gives average actual build-out figures for eight developments of between 2,000 and 4,000 dwellings. According to those figures, only one of the eight achieved an average delivery rate of more than 300dpa. The next highest figure was 234dpa, while at the other end of the scale, four delivered less than 100dpa on average. Taking all this into account, I consider that the findings of the HCA report do not contradict those of the more recent NLP analysis, nor do they support an average delivery rate of 300dpa at the proposed GCs.
167. EB/082 also includes a table taken from the Letwin *Independent Review of Build Out* (June / October 2018), showing average build-out rates on 15 sites ranging between 572 and 86 dpa. However, unlike *Start to Finish*, these averages combine actual and forecast delivery rates. Examination of the detailed annual delivery figures for 12 of those 15 sites³⁰ shows that there are more than twice as many years for which forecast rates are given, than years for which actual build-out rates are given.
168. Three of those 12 sites are high-density brownfield developments in London, very different in character from the proposed GCs. On the other nine, there were more than twice as many years in which actual delivery

³⁰ The Letwin *Independent Review of Build Out Rates, Draft Analysis* (June 2018), pp AX38-AX49. Letwin does not provide annual delivery figures for the other three sites.

levels fell below 250dpa, than years in which they exceeded 300dpa. Even after allowing for some inaccuracy in the Letwin figures, for example at the Great Kneighton site, they show that, for the relevant sites studied, build-out rates of 250dpa or less have been achieved considerably less often than rates of 300dpa or more.

169. EB/082 suggests that the three sites on the Bicester ring road which were assessed by Letwin should be viewed as phases of a single, larger development for the purposes of calculating build-out rates. But only two of those sites are close to one another: the other is on the opposite side of the town. Moreover, I have no clear evidence on the extent to which the three sites have delivered housing simultaneously, and the only one for which actual delivery figures are given by Letwin has achieved an average rate of only about 140dpa.
170. The two adjacent sites in Colchester referenced in EB/082 have delivered some 260-270dpa, but over a period of only two years. Examples of other developments given by other participants, including at Chelmsford, Aylesbury and Didcot, provide no clear evidence that average delivery rates of more than 250dpa can be sustained over a long period. Nor is there any robust evidence before me to demonstrate that the use of modern methods of construction significantly boosts delivery rates.
171. EB/082 draws on examples of build-out rates at other strategic-scale developments in Milton Keynes, at Otterpool Park in Kent and at Harlow and Gilston Garden Town. Most of these are expected to achieve build-out rates of 300dpa or more, and in some cases considerably more. However, almost all those figures are future projections rather than actual build-out rates. The Milton Keynes projections, which were endorsed by the Local Plan Inspector, extend only over the next 10 years, in contrast to the much longer timescales of the proposed GCs.
172. This is not to suggest that projected delivery figures on sites elsewhere should be disregarded when assessing the likely rate of delivery at the proposed GCs. But in my view they carry considerably less weight than evidence of actual achieved delivery, when considering the GCs' delivery prospects and their financial viability. It would be unwise to embark on these very long-term projects on the basis of delivery assumptions that have not been shown to be achievable in practice.
173. EB/082 draws attention to the significantly higher average housing delivery rate in Milton Keynes achieved by the Development Corporation [MKDC] from 1971 to 1992, compared with the average rate since its dissolution. But, given the very different social, economic and institutional arrangements prevailing at that time, it would be misleading to assume

that the past achievements of MKDC and other development corporations would be replicated at the proposed GCs. Nor is there yet any clear evidence that the Ebbsfleet Development Corporation, established by the government in 2015, will be successful in achieving the high delivery rates projected for it.

174. In conclusion, evidence shows that some large housing sites are capable of delivering 300 dwellings or more in a single year, and in some cases for a number of years in succession. But I find that there is no evidence to support the view that the proposed GC sites are capable of delivering at that annual level consistently, throughout the normal peaks and troughs of the business cycle, over the decades that it will take to build them. Over that timescale, the best evidence on likely delivery rates at the proposed GCs remains *Start to Finish's* annual average figure (adjusted to exclude the effects of the 2007/08 recession) of under 200dpa for greenfield sites of more than 2,000 dwellings.
175. It is appropriate to adjust that figure upwards to 250dpa to take account of the fact that the GCs meet most of the factors identified in EB/082 which promote higher delivery rates. But it would be imprudent to base the Plan's housing trajectory, or the viability appraisal of the proposed GCs, on any higher figure.

Lead-in times

176. None of the evidence I have seen or heard since June 2018 leads me to alter my view, set out with reasons in IED/011, that, in general terms, it is reasonable to assume that the planning approval process would allow housing delivery at any GC to start within four or five years from the adoption date of the plan (or plan revision) which establishes the GC in principle. The NEAs' latest housing trajectory [EXD/070], which shows housing delivery at the Tendring / Colchester Borders and West of Braintree GCs beginning in 2024, is broadly consistent with this finding, albeit that the trajectory will need to be kept under review.
177. However, I advised in IED/011 that the four- to five-year timescale could alter depending on how long it takes to put the necessary infrastructure in place. In this context the NEAs' trajectory now anticipates that delivery of housing at the Colchester / Braintree Borders GC will start in 2029, after completion of the A12 widening and A120 dualling schemes (assuming the latter is included in RIS3).

Employment provision

178. Policy SP7(vi) requires that each proposed GC should provide and promote opportunities for employment within each new community and within sustainable commuting distance of it. In that context I observed in IED/011 that it is surprising that the GC policies contain no specific figures for the amount of employment land or floorspace to be provided at each of the GCs. I acknowledged the difficulty of predicting requirements for employment land and floorspace at this early stage of planning, but advised that indicative requirement figures could be set which could then be reviewed each time the Plan itself is reviewed.
179. In response, the NEAs commissioned Cebr to produce the report *Employment provision for the North Essex Garden Communities* [EB/081]. It sets out estimates of employment floorspace and employment land requirements for each GC. At my request, Cebr subsequently provided adjusted requirement figures for the West of Braintree GC that are commensurate with the GC land within Braintree district only³¹.
180. EB/081 forecasts employment numbers at each GC for three future dates – 2033, 2050 and at completion of construction, estimates the breakdown of those numbers by employment sector, and then follows HCA guidance on employment densities to convert them into floorspace and finally employment land requirements. In principle this is a sound methodology, as long as the forecasts of employment numbers and the sectoral breakdown estimates are themselves sound.
181. The employment number forecasts are based on two scenarios, which produce almost identical results. In the “reference case” scenario, total employment at each GC is assumed to be exactly equal to the number of completed dwellings at each forecast date. This is a highly ambitious assumption, which exceeds both the requirements of policy SP7(ii) and the more demanding goal of the NEGC Charter’s Principle 3 to provide access to one job per household within each new GC or within a short distance by public transport.
182. The “investment case” scenario draws on work in an earlier report by Cebr, *Economic Vision and Strategy for the North Essex Sub-Region* (August 2018), commissioned by NEGC Ltd. In this scenario, the employment-to-population ratio in North Essex as a whole (including at each GC) gradually increases so that by 2036 it converges on the ratio for a set of comparator areas, and remains constant thereafter.

³¹ For the reasons given in paras 18 to 20 above

183. The comparator areas are all located in what Cebr describe as an “arc of prosperity” to the north, west and south-west of London. Both employment-to-population ratio and GVA per capita in North Essex are currently well below the average for the comparator areas. Cebr’s investment case scenario therefore essentially depends on the success of an ambitious economic development programme to raise North Essex’s economic performance to match that of the comparator areas.
184. Cebr’s projected employment figures for the GCs are similar to, and indeed in some cases somewhat lower than, those in the upper end of the range estimated in a report by Cambridge Econometrics and SQW: *North Essex Garden Communities Employment & Demographic Studies* [EB/009], published in April 2017. Having said that, EB/009’s upper-end estimates are based on similarly ambitious assumptions as regards economic development, and I was shown no evidence of any development programmes that have achieved that degree of improvement in economic performance.
185. Economic forecasting is notoriously difficult, and especially so over the long development timescales of the proposed GCs. The ambitions for economic growth that inform the Cebr forecasts may or may not be realised in practice. But in my view it would be wrong, particularly at this early planning stage, to constrain the potential for achieving that level of growth by limiting the availability of employment land. Consequently, I consider that it would be appropriate to use the figures in EB/081³² as the basis for setting employment land requirements for the GCs in the Plan, with the proviso that the requirements for all the GCs are reviewed each time the Plan and/or the Strategic Growth DPDs are reviewed, to ensure that they continue to reflect up-to-date evidence.
186. In reaching that view I have had regard to the representations about the way in which Cebr arrived at their sectoral breakdown of the employment numbers for each GC. While in most cases the sectoral shares at the GCs reflect those for the comparator areas, there are a few apparent anomalies, most notably the 30% share for information and communication activities forecast for the Tendring / Colchester Borders GC. But any such anomalies have only a small effect on the calculation of the overall employment land requirements for each GC.

³² Subject to the West of Braintree adjustment discussed above.

Delivery mechanisms

187. The NEAs' intention is that the Plan should be "delivery model-blind": that is to say, it should make no specific requirements about whether development of the proposed GCs is led by the public sector, the private sector, or a partnership between the two. In principle that is a sound position which allows for appropriate flexibility at this early stage of planning the GCs.
188. In IED/011 I advised that submitted Plan policy SP7 should be modified to remove the reference to "sharing risk and reward". That does not mean that I consider it would be unlawful for the public and private sectors voluntarily to enter into an arrangement in which they would share the risks and rewards of development. However, for the reasons I gave in IED/011, it would be inappropriate and potentially unlawful to make that a policy requirement.
189. The *North Essex Garden Communities Charter* envisages that Local Delivery Vehicle(s) [LDVs], accountable to the NEAs with both private and public sector representation, will be responsible for leading the delivery of the proposed GCs. Three LDVs, together with a holding company known as NEGC Ltd, have been incorporated in readiness to perform this role. Subsequently, in response to consultation on the *New Towns Act 1981 [Local Authority Oversight] Regulations*, the NEAs indicated an interest in the formation of a locally-led new town development corporation, overseen by the NEAs, to perform the lead role.
190. At the hearings the NEAs explained that the LDVs (or a future locally-led development corporation) are in effect being held in reserve to lead the delivery of the GCs, should it become apparent through the planning application process that the private sector is unable to do so in accordance with the Plan's policies.
191. The role of the Plan is to set out policies and criteria to guide the further planning of the proposed GCs, and to provide part of the framework against which planning applications to develop the GCs would be assessed. Provided that there is evidence that the GC proposals are justified and are capable of being delivered, it is not necessary for the Plan to specify that any particular delivery model must be followed.

Viability

National policy and guidance

192. At paragraph 173 the 2012 NPPF advises that, to ensure viability, the costs of any requirements likely to be applied to development should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer. It also cautions that the sites and scale of development in the plan should not be subject to such a scale of policy obligations and policy burdens that their ability to be developed viably is threatened.
193. The PPG on viability makes it clear that understanding Local Plan viability is critical to the overall assessment of deliverability. The plan's vision for the area should be presented in the context of local economic conditions and market realities. This should not undermine ambition for high-quality design and wider social and environmental benefit, but such ambition should be tested against the realistic likelihood of delivery. Viability assessment should not compromise the quality of development but should ensure that the vision and policies are realistic and provide high-level assurance that plan policies are viable³³.
194. As has been seen in the foregoing sections, the GC proposals in the Plan are predicated on their meeting policy requirements which reflect garden city principles. In this way the Plan seeks to achieve sustainable development in accordance with national planning policy³⁴. The ASA – which provides the principal justification for the inclusion of the GCs in the Plan's spatial strategy – is based on the assumption that the Plan's policy requirements for the facilities and infrastructure needed to support them will be met. Demonstrating that the GCs can be viably delivered in accordance with the Plan's policies is, therefore, critical to establishing their overall deliverability.
195. The PPG also advises that there is no single approach for assessing viability, and sets out a number of principles that viability assessments should follow, including evidence-based judgment, collaboration, transparency and consistency. Plan-makers should not plan to the margin of viability, but instead should allow for a buffer to respond to changing markets and to avoid the need for frequent plan updating³⁵.

³³ PPG Ref ID 10-001-20140306 & 10-005-20140306

³⁴ See paras 12-13 above.

³⁵ PPG Ref ID 10-002-20140306, 10-004-20140306 & 10-008-20140306

Viability assessments produced for the examination

196. When I conducted the 2018 examination hearings the most recent assessment of the GCs' financial viability before me was the April 2017 Viability Assessment by Hyas ["the 2017 Report"]. In IED/011 I found that it had not demonstrated that the GCs proposed in the submitted Plan were financially viable, and I made a number of points about how any future viability assessment should be carried out.

197. The NEAs commissioned Hyas to carry out further viability work on the GCs, which is reported in the Viability Assessment Update (June 2019, EB/086) ["the 2019 Update"]. This report drew on further work by AECOM and Gleeds [EB/087 & EB/088] to define, and provide phasing and costs for, the infrastructure needed to support the GCs.

198. At my request, Hyas then carried out additional work to take account of two factors:

- Unlike the 2017 Report, the 2019 Update assessed the West of Braintree GC as a cross-boundary site, including land in Uttlesford district. For the reasons given in paragraphs 18-20 above, however, it cannot be assumed that the Uttlesford land would form part of the GC. It was therefore necessary for Hyas to revise their assessment of the West of Braintree GC to exclude the land in Uttlesford district.
- Despite my findings on build-out rates in IED/011, the 2019 Update assessed all three GCs on the basis that they would deliver 300 dwellings a year [dpa] on average. I therefore asked for further appraisals of all three GCs assuming average delivery of 250dpa.

Hyas's additional work forms Supplementary Information to their 2019 Update (November 2019, EXD/058) ["the 2019 Supplementary Information"].

199. The NEAs now rely principally on the 2019 Update and Supplementary Information to demonstrate the viability of the proposed GCs. Separate viability assessments were submitted by NEGC Ltd, and by promoters of the Colchester / Braintree Borders and West of Braintree GCs. Below I consider, first, the 2019 Update and Supplementary Information, and then the other viability appraisals.

200. In considering the appraisals, I am mindful of the PPG's advice that evidence should be proportionate and should demonstrate viability in a

broad sense³⁶. While the PPG also calls for greater detail when assessing strategic sites (such as the GCs) which require high infrastructure investment, at this early stage of planning many costs and values cannot be known exactly. What is important is not that the appraisals achieve an unrealistically high degree of precision or certainty, but that they provide a robust indication that the proposed GCs are capable of being viably delivered.

Competitive return to a willing landowner

201. The PPG advises that a competitive return for the landowner is the price at which a reasonable landowner would be willing to sell their land for the development. The price will need to provide an incentive for the landowner to sell in comparison with the other options available, which may include its current use value or its value for a realistic alternative use³⁷. Most of the land in each proposed GC's area is currently in agricultural use, with a current use value of around £10,000/acre.
202. Many participants suggested that a price of around £100,000/acre is the minimum needed to provide a competitive return. They included promoters of two of the three GC sites and others with knowledge of the local land market. While there is only limited evidence to support that figure, it appears likely that it is indicative of current market expectations. Care needs to be taken not to base viability assessment on a land price which is too far below such expectations, if landowners are to be persuaded to sell.
203. On the other hand, as a RICS research document³⁸ points out, basing land values on comparable evidence without adjustment to reflect policy requirements can lead to developers overpaying for land. This may in turn compromise the achievement of the policy requirements, if the developer then seeks to recover the overpayment by seeking a reduction in their planning obligations.
204. Taking these points and the other relevant evidence into account, there seems little doubt that a land price of around £100,000/acre on any of the proposed GC sites would provide sufficient incentive for a landowner to sell. In my view, it is also reasonable to assume that a price below £100,000/acre could be capable of providing a competitive return to a willing landowner, when account is taken of the necessarily substantial requirements of the Plan's policies.

³⁶ PPG ID Ref 10-005-20140306

³⁷ PPG ID Ref 10-015-20140306

³⁸ RICS, *Financial Viability Appraisal in Planning Decisions: Theory and Practice*, April 2015

205. In the absence of clear local evidence, it is difficult to estimate the minimum land price that would constitute a competitive return. The price achieved for development land in other places and in other circumstances is unlikely to provide a reliable guide. In my judgment, however, it is extremely doubtful that, for the proposed GCs, a land price below £50,000/acre – half the figure that appears likely to reflect current market expectations – would provide a sufficient incentive to a landowner. The margin of viability is therefore likely to lie somewhere between a price of £50,000 and £100,000 per acre.

Hyas's 2019 Update and Supplementary Information

206. Like Hyas's 2017 Report, the 2019 Update follows the residual valuation method. Its methodology is similar to that of the 2017 Report, but with a number of changes to the inputs and assumptions. It presents summaries and cashflows for three different scenarios:

- Reference scenario (no grant, no inflation) – all three GCs;
- Grant scenario (including HIF grant) – Colchester / Braintree Borders and Tendring / Colchester Borders GCs;
- Inflation scenario – all three GCs.

207. Each of these scenarios was subject to sensitivity testing of contingency allowances at 10%, 20% and 40% on certain infrastructure items. The Supplementary Information is presented for the same ranges of scenarios and contingency allowances as the 2019 Update.

Land purchase

208. The 2019 Update and Supplementary Information make appropriate allowances for the cost of interest on land purchase. These were omitted from the 2017 Report.

209. The assumption is made that the land for the GCs is purchased in tranches throughout the development period, each tranche being purchased two years before it is required for development. This is a necessarily simplified assumption for the purposes of viability appraisal, and it may well be that the actual pattern of land purchases is more irregular than this. Nonetheless, the assumption is justified by the evidence that phased draw-down of land is common practice in large-scale development schemes.

210. Accordingly, it is appropriate for the 2019 Update and Supplementary Information to assume that land payments are staged throughout the development period. In the Reference and Grant scenarios those payments

are set at current values, consistent with the approach taken to all other costs and returns. I consider the Inflation scenarios separately below.

Infrastructure costs

211. I consider that the base infrastructure costs (exclusive of contingency allowances) that are used in the 2019 Update and Supplementary Information are generally appropriate, except in the case of the RTS.
212. For the reasons given above in my consideration of the RTS, I consider that at the very least the upper-bound costs of the higher-investment scenario in the RTS Vision to Plan document should be used for the purposes of viability assessment. Even those upper-bound costs may well underestimate the likely capital cost of RTS Routes 2, 3 and 4. However, the 2019 Update and Supplementary Information take the lower-bound costs of the higher-investment scenario as the base costs for the RTS, to which contingency allowances of 10%, 20% or 40% are applied, as discussed below.
213. The upper-bound costs for the RTS in Vision to Plan are 44% higher than the lower-bound costs. Consequently, the base costs allowed for the RTS in the 2019 Update and Supplementary Information fall a long way short of the minimum that I consider appropriate, even after taking account of the fact that the costs in Vision to Plan include a 10% allowance for professional fees.

Contingency allowances

214. In the 2019 Update and Supplementary Information's 10% contingency scenarios, a 10% contingency allowance applies to all infrastructure items. In the 20% and 40% contingency scenarios, the higher contingency allowance is applied only to the base costs of those infrastructure items in the Scheme Wide Other Itemised category (transport and utilities), with the contingency allowance on the other items remaining at 10%. This approach appropriately reflects the fact that it is the items in that category which are most likely to be subject to unknown additional costs.
215. In considering what is an appropriate level of contingency allowance, it is necessary to recognise that the Section 1 Plan represents the initial stage of planning for the proposed GCs, setting out broad parameters and high-level infrastructure requirements for them. The exact amount of development that each GC will contain, and the precise nature and scale of its infrastructure requirements, will be established through Strategic Growth DPDs and masterplans which have yet to be drawn up.

216. In general terms, the level of contingency allowance that is appropriate varies according to the stage of planning that a development project has reached. Costs are likely to be underestimated (a phenomenon known as “optimism bias”) if an adequate allowance for contingencies is not made at each stage. In the early stages, when the project is less well-defined and there is greater uncertainty over the factors influencing the eventual outturn costs, a higher level of contingency allowance is usually appropriate. As planning progresses and uncertainties reduce, the level of contingency allowance may be reduced accordingly.
217. The Treasury’s *Supplementary Green Book Guidance* on optimism bias (April 2013) advises that an upper-bound optimism bias allowance of 44% for capital expenditure on standard civil engineering projects provides a first starting point and reasonable benchmark. It reflects the average historic optimism bias which research found to occur at the outline business case stage.
218. While the Green Book guidance specifically applies to public-sector commissions, in my view similar considerations apply at the stage of planning that the GCs have reached. At this early stage, and particularly when account is taken of their large scale and very long build periods, it is inevitable that many uncertainties remain over the infrastructure requirements of the proposed GCs. As discussed above³⁹, for example, decisions have yet to be made on which of the options for water supply and waste water treatment will be pursued at each GC. Nor has there been any significant analysis of the risks to infrastructure delivery.
219. Moreover, as I have set out above, the base costs allowed for the RTS in the 2019 Update and Supplementary Information fall well below the minimum figure I consider necessary. Adding a 40% contingency allowance to the base costs for the RTS would only bring it up to around that minimum figure, with no significant margin for any additional costs that may well arise, such as for structures or land acquisition. The RTS costs represent a substantial proportion of the costs in the Scheme Wide Other Itemised Infrastructure category.
220. For all these reasons, I consider that at this stage of planning it would be reasonable to expect a contingency allowance of at least 40% to be applied to the items in the Scheme Wide Other Itemised category. Any lower figure would, in my view, provide insufficient reassurance that all the necessary infrastructure requirements of the proposed GCs would be met.

³⁹ At paras 106 and 154-156

Rate of housing delivery

221. In the light of my conclusions on build-out rates in paragraphs 157-175 above, I consider that viability appraisal of the proposed GCs should be carried out on the basis of an average annual housing delivery rate of 250dpa. Basing the appraisal on a higher average rate would not provide a reliable indication of viability.

Interest on strategic investment borrowing

222. As in 2017, the 2019 Update and Supplementary Information assume that all borrowing for land purchase and infrastructure provision is funded at an interest rate of 6%. In my experience this is a fairly common assumption in local plan viability assessments. Having had regard to all the relevant submissions and evidence, I consider there is a good prospect that a master-developer for the proposed GCs would be able to obtain finance at that rate. The NEAs are confident that this would not give rise to any issue of state aid compliance. The state aid complaint that was submitted to the European Commission in February 2020 concerns other aspects of Government funding for the GCs and its outcome is not yet known.

Grant scenarios

223. The Grant scenarios in the 2019 Update and Supplementary Information assume that HIF grants are available to fund transport infrastructure for two of the three proposed GCs: the A120/A133 link road and RTS Route 1 for Tendring / Colchester Borders GC, and the A12 realignment between junctions 24 and 25 for the Colchester / Braintree Borders GC. Both HIF grants have now been confirmed.

Inflation scenarios

224. The 2017 Hyas Report made no allowance for inflation in its modelling, and in IED/011 I endorsed that approach. However, the 2019 Update and Supplementary Information include Inflation scenarios for all three GCs.

225. The assumptions made by Hyas in modelling the Inflation scenarios are that building costs and property sale values increase at an annual rate of 4%, while strategic infrastructure costs increase at 3.5% annually. This produces a small additional margin year-on-year, but over the GCs' long development periods it results in dramatic increases in residual land values [RLVs], up to 10 or even 20 times the RLVs in the corresponding non-inflation scenarios.

226. The PPG advises that current costs and values should be considered when assessing the viability of plan policy. Policies should be deliverable and should not be based on an expectation of future rises in values for at least the first five years of the plan period. This will help to ensure realism and avoid complicating the assessment with uncertain judgments about the future⁴⁰.
227. The Harman Report *Viability Testing Local Plans*⁴¹, while not Government policy, also provides helpful advice on this topic. It says that the most straightforward way to assess plan policies for the first five years is to work on the basis of current costs and values, and that
- for the period beyond the first five years (ie. the 6-15 year period) a more flexible approach may be taken, recognising the impact of economic cycles and policy changes over time. Forecasting things like house prices or costs is notoriously difficult over the shorter term, and subject to wider inaccuracies over the medium and longer term. The best a council can realistically seek to do is to make some very cautious and transparent assumptions with sensitivity testing of the robustness of those assumptions.
228. Neither the PPG nor the Harman Report consider the approach to assessing viability beyond 15 years. But the latter's advice about the uncertainty and difficulty of forecasting in the 6- to 15-year period applies with even greater force to attempts to forecast price and cost changes over the much longer timeframes of the proposed GC developments. Hyas themselves acknowledge in the Update that there are difficulties inherent in forecasting, especially over such long timeframes, and that there are no potential references or market projections published over such long-term periods.
229. Even if the average annual growth in house prices over the last 20 years is significantly greater than the 4% rate assumed in the Inflation scenarios, that is no guarantee that an average 4% growth rate will be sustained throughout the decades that it would take to build the proposed GCs. Similar uncertainty applies to changes in building and infrastructure costs. Notwithstanding these substantial uncertainties, Hyas did not carry out sensitivity testing of different potential inflation rates as recommended by Harman.
230. For all these reasons, I consider that the Inflation scenarios do not provide a reliable indication of the viability of the proposed GCs.

⁴⁰ PPG Ref ID 10-008-20140306

⁴¹ Produced by the Local Housing Delivery Group, June 2012

Conclusions on the 2019 Update and Supplementary Information

231. For the above reasons, I consider that the Inflation scenarios, the scenarios based on average housing delivery of 300dpa, and the scenarios for the proposed West of Braintree GC including land in Uttlesford district do not provide a reliable indication of the viability of the proposed GCs. It is appropriate to consider the viability of the proposed Tendring / Colchester Borders and Colchester / Braintree Borders GCs based on the Grant scenarios, since their associated HIF grants have been confirmed. The Reference scenario is the appropriate basis for considering the proposed West of Braintree GC. Based on my findings above on contingency allowances, in each of these scenarios a contingency allowance of at least 40% needs to be applied to all the items in the Scheme Wide Other Itemised category
232. As noted above, the 2019 Update and Supplementary Information follows the residual valuation method, in which all the costs of development are subtracted from the value of the development in order to arrive at a residual land value. The costs of development include the infrastructure requirements for the GCs, which (in accordance with national policy) appropriately reflect the garden city principles that underpin them. In order to demonstrate the viability of each proposed GC, the residual land value produced by the appropriate assessment scenario must achieve a competitive return to a willing landowner that is above the margin of viability⁴². Should this not be achieved, the viability of the GC will not have been demonstrated.
233. For the proposed Tendring / Colchester Borders GC, the Grant scenario assessment in the 2019 Supplementary Information, based on average delivery of 250dpa with a 40% contingency allowance, gives a residual land value of over £175,000/acre. That is well above the figure that I consider would constitute a competitive return to a willing landowner. This would allow sufficient financial headroom to overcome any concerns about the contingency allowance for the A120/A133 link road, or any additional costs associated with the link road or with RTS Route 1. I therefore consider that the viability of the Tendring / Colchester Borders GC has been demonstrated.
234. For the Colchester / Braintree Borders GC, on the other hand, the Grant scenario assessment, based on average delivery of 250dpa with a 40% contingency allowance, gives a residual land value of only around

⁴² PPG ID Ref 10-015-20140306 & 10-008-20140306

£24,500/acre. That is well below what I consider to be a competitive return to a willing landowner.

235. For the West of Braintree GC, the Reference scenario, based on delivery of 250dpa with a 40% contingency allowance, produces a residual land value of around £52,000/acre. I consider that this would place the development below or, at best, at the margin of viability.

The NEGC viability assessment

236. The viability appraisal submitted by NEGC Ltd covers all three GCs. Unlike the Hyas assessments and those carried out by site promoters, it is not a residual valuation. Instead the price of land at each GC is an input to the appraisal, and the output is a figure for the rate of return on capital invested. In each case the land price was calculated on the assumption that the land and rights required are to be compulsorily acquired.

237. The per-acre land values used in the appraisal are around £24,000 for the West of Braintree GC, £26,000 for the Colchester / Braintree Borders GC, and £39,000 for the Tendring / Colchester Borders GC. In each case this is well below what I consider to be a competitive return to a willing landowner and accordingly it appears unlikely that land could be purchased by agreement at that price.

238. Compulsory purchase order [CPO] powers are available to the NEAs as local planning authorities, and would also be available to a locally-led new town development corporation, should the NEAs establish one. In either case, one of the matters which the Secretary of State is required to take into account when deciding whether to confirm a CPO is whether the purpose for which the land is being acquired could be achieved by any other means. This may include considering the appropriateness of any alternative development proposals put forward by the owners of the land, or any other persons⁴³.

239. In a situation where there are landowners and developers prepared to develop each of the GC sites, it appears likely that any proposed CPO would be contested, with the potential for considerable delay and uncertainty, and with no guarantee as to the outcome.

240. In the NEGC appraisal, interest rates are assumed to be 2.5% for land purchase and 3.5% for infrastructure borrowing, well below the 6% rate assumed by Hyas. A statement from Homes England indicates that in

⁴³ MHCLG, *Guidance on Compulsory purchase process and The Crichel Down Rules* (July 2019), paras 106 & 143

recent years they have made £2,500M worth of infrastructure loans at similar rates to developers in order to unlock or accelerate the delivery of large-scale housing projects. However, the loan rate is dependent on the potential borrower satisfying certain defined criteria for creditworthiness and collateralisation. I have no clear evidence that those criteria are capable of being satisfied in such a way as to justify a loan rate of 3.5% for each of the GCs.

241. Even if the issues of land purchase and interest rates could be resolved, the NEGC viability appraisals also assume average housing delivery at each of the proposed GCs at rates of 300dpa and 500dpa. I consider these to be unsound assumptions, for the reasons set out above.
242. Moreover, while the NEGC appraisals use infrastructure base costs derived from the same source as Hyas (EB/087), they apply a 44% optimism bias allowance to some transport and utility items, but only 10% to others. For the West of Braintree GC nine items⁴⁴ receive a 44% allowance, for Colchester / Braintree Borders GC three items, and for Tendring / Colchester Borders one item. No explicit rationale for these distinctions is provided, and it is at odds with my finding that it a 40% contingency allowance should be applied to all the items in the Scheme Wide Other Infrastructure category.
243. In the light of these points, I consider that the NEGC appraisals do not provide a reliable indication of the viability of each of the proposed GCs.

The viability assessments submitted by the GC site promoters

244. Some of the assessments submitted by promoters of the GC sites assume average housing delivery rates of 300dpa or above throughout the GCs' development period. For the reasons given above, I consider that reliance cannot be placed on viability assessment based on that assumption.
245. Two viability assessments were, however, provided for average delivery rates of 250dpa. The assessment for the Andrewsfield New Settlement Consortium [ANSC] is for a development including some 8,300 dwellings on land in Braintree district within the broad location of the proposed West of Braintree GC. It includes infrastructure costs based on a per-dwelling figure of around £53,200. There is no detailed explanation of how that figure was arrived at. But when explaining the £51,000 per-dwelling figure used in their earlier appraisal (based on average delivery of 300dpa), the authors of the assessment say that they consider the Hyas infrastructure

⁴⁴ Counting the various phases of the RTS off-site network as one item.

allowance of £53,000 per dwelling, informed by the Gleeds costs estimates [EB/087] to be reasonable.

246. The Hyas allowance of £53,000 per dwelling was for a 12,500-dwelling scheme including land in Uttlesford district. When assessing a 10,000-dwelling scheme wholly within Braintree district as proposed in the Plan, Hyas used a figure of £57,000 per dwelling, significantly higher than the circa £53,000 figure in the ANSC assessment. Since the Hyas scheme is also some 1,700 dwellings larger, this means that its total infrastructure allowance, excluding contingencies, is £570M, as against around £442M for the ANSC scheme.
247. While some of this discrepancy can be explained by infrastructure costs (such as education and community facilities) which vary on a per-dwelling basis, there are also substantial fixed costs, including for transport infrastructure such as the RTS. Without a breakdown of how the ANSC infrastructure allowance was arrived at, it seems likely that it is an underestimate.
248. Of even greater concern is that in the ANSC assessment, infrastructure spending is assumed to occur at a constant annual rate throughout the GC's five-decade build programme. That is an unrealistic assumption, at odds with the phasing in EB/087, which more realistically allocates 100% of many of the large transport and utility infrastructure costs to the first one or two phases of the build programme.
249. In addition, the ANSC assessment applies a contingency rate of 10% to all infrastructure costs. In my view that is wholly inadequate for transport and utility infrastructure, for the reasons discussed above.
250. The other viability assessment said to be based on delivery of 250dpa was prepared for the promoters of the larger part of the Colchester / Braintree Borders GC [CBBGC]. It is for a scheme including 17,000 dwellings and includes a per-dwelling infrastructure cost similar that used in the Hyas Grant scenario. (The Grant scenario is the appropriate comparison because it excludes the cost of the A12 realignment, which is unnecessary for the CBBGC promoters' 17,000-dwelling scheme).
251. In the CBBGC assessment the first dwellings are assumed to be delivered in 2023. At an average rate of 250dpa, a 17,000-dwelling scheme should take 68 years to deliver. However, the submitted spreadsheets [EXD/085] appear to show the last dwellings completed in 2079, some 11 or 12 years early. The reason seems to be that, whereas for most of the build period delivery is shown as taking place at the rate of 20 dwellings per month (240dpa), for several years in the middle of the build period a rate of 40

dwellings per month (480dpa) is shown. It is not clear, therefore, that the assessment is in fact based on average delivery of 250dpa as intended.

252. Like the ANSC assessment, the CBBGC appraisal also applies a wholly inadequate 10% contingency rate to transport and utility costs. There is no clear evidence that the 27.5% profit rate which they apply would provide a sufficient safeguard against the substantial uncertainties over those costs at this early stage of planning.
253. The CBBGC appraisal also assumes a housing sale price of £351/sq ft, 5% higher than the price of £334/sq ft (based on their analysis of actual market values) in the earlier CBBGC appraisal based on delivery of 354dpa. This increase is explained by the suggestion that the reduced supply of homes to the market would result in increased sales values. But no substantial evidence was provided to support that suggestion, and I consider it unlikely that a reduction in delivery of around 100dpa at one development would have such an effect, when account is taken of all the other development that is proposed to come forward in the housing market area.
254. In the light of these points, I consider that the assessments submitted by promoters of the GC sites do not provide a reliable indication of the viability of the proposed West of Braintree GC or Colchester / Braintree Borders GC.

Conclusions on soundness

255. The ASA is unable to conclude that any of the spatial strategy options, to the west or east of Colchester, is the most sustainable option. It says that the advantage of the strategy in the submitted Section 1 Plan is that it provides clear direction to accommodate strategic development over many decades to come. For the NEAs, the ability of the proposed GCs to provide for long-term strategic growth is one of the key reasons for pursuing the Section 1 Plan strategy in preference to the alternatives, notwithstanding that the ASA finds that some of the alternative options offer opportunities to deliver similar benefits.
256. Consequently, the Plan's spatial strategy, which includes the three proposed GCs, would only be justified as the most appropriate strategy if it can be shown that each GC is deliverable, not just over the Plan period but over the long term. And in order to meet both the NPPF's guidance on infrastructure provision and the Plan's policy requirements, which in accordance with national policy reflect garden city principles, the infrastructure necessary to support the GC's development must also be

shown to be deliverable. An assessment of deliverability is also central to the question of whether or not the Plan is effective.

257. Viability appraisal shows that, with an appropriate 40% contingency allowance on transport and utilities infrastructure, the proposed **Colchester / Braintree Borders GC** would not achieve a viable land price, and that the proposed **West of Braintree GC** is below, or at best is at the very margin of, financial viability, contrary to advice in the PPG. On this basis, neither GC is deliverable.
258. For separate reasons, given in paras 143-151 above, neither RTS Route 3 nor RTS Route 4 has been shown to be deliverable. The proposed West of Braintree GC depends on Route 3 for its public transport links to destinations outside the GC, and on Route 4 for links to places east of Braintree. Without those routes, apart from the few journeys that might be possible on foot or bicycle, the car would be the only realistic choice for travel beyond the GC itself.
259. Housing development at the proposed Colchester / Braintree Borders GC is intended to help meet the housing needs of both Colchester borough and Braintree district, and there is a strong commuting relationship between the two local authority areas. Notwithstanding the links to other destinations offered by RTS Route 2 and by rail services from Marks Tey station, the GC would depend on Route 4 for its public transport links westwards to Braintree.
260. In these circumstances, the fact that RTS Routes 3 and 4 have not been shown to be deliverable is entirely at odds with the Plan's aspirations for integrated and sustainable transport networks. Even if the A120 dualling scheme has a good prospect of being delivered as part of the RIS3 programme, not to provide the necessary public transport connections from these two GCs would directly conflict with the NPPF's advice that the transport system needs to be balanced in favour of sustainable transport modes.
261. For the foregoing reasons, therefore, I find that the proposed Colchester / Braintree Borders and West of Braintree GCs are not justified or deliverable. Consequently, the Plan's spatial strategy, and thus the Plan itself as submitted, are unsound.
262. On the other hand, the financial viability of the proposed **Tendring / Colchester Borders GC** is very strong. With an appropriate 40% contingency allowance on transport and utilities infrastructure, it would enable a competitive land price to be paid, while leaving substantial headroom to meet any additional costs that might arise. This provides

assurance that the necessary infrastructure, including RTS Route 1, the A120/A133 link road and local highway improvements, are deliverable in the time-frame necessary to support the GC's development. The evidence therefore shows that the GC is deliverable over its lifetime.

263. The broad location for the proposed Tendring / Colchester Borders GC is close to Colchester, the largest town in North Essex, to which it would be connected by RTS Route 1. The GC would have access to the wide range of employment, retail, leisure, healthcare and other facilities in Colchester, in addition to those that would be provided within the GC itself, and to employment opportunities at the adjacent University of Essex and Knowledge Gateway. Tendring district has a very strong commuting relationship with Colchester, and weaker relationships with Braintree and other destinations to the west of Colchester. As a result, the accessibility of the proposed GC is not critically dependent on the delivery of the other RTS routes.
264. Based on the NEAs' current housing trajectory, and taking into account my conclusions on the rate of housing delivery, the Tendring / Colchester Borders GC would deliver over 2,000 dwellings during the Plan period. That would make a worthwhile contribution to meeting the Plan's overall housing requirement. Based on the latest housing supply figures⁴⁵, it would represent an over-allocation of approximately 5% against the overall requirement. Whether that level of over-allocation is sufficient, and whether the other sources of housing supply will come forward as the NEAs expect, are matters to be considered in the Section 2 plan examinations.
265. As I have discussed above, the ASA made separate assessments of alternative spatial strategies for the areas to the west and east of Colchester. For the above reasons, I consider that the evidence supports the NEAs' view that the proposed Tendring / Colchester Borders GC is the most appropriate of the alternative spatial strategies for the area to the east of Colchester.
266. I therefore conclude that development of the Tendring / Colchester Borders GC would enable the delivery of sustainable development in accordance with the NPPF's policies. If the unsound Colchester / Braintree Borders and West of Braintree GC proposals are removed from the Plan, the Plan is capable of being made sound.

⁴⁵ See para 84 above.

Advice on the way forward

267. In the light of this conclusion it appears to me that the NEAs have two main options:

- To propose and consult on main modifications to remove the Colchester / Braintree Borders and West of Braintree GC proposals from the Plan; or
- To withdraw the Plan from examination.

268. If the NEAs wish to pursue the first option, they will need to make a formal request under Section 20(7C) of the 2004 Act, asking me to recommend main modifications that would make the Plan sound and legally-compliant. A schedule of proposed main modifications, based on the list of suggested amendments drafted by the NEAs [EB/091B] would then need to be agreed between myself and the NEAs.

269. As well as modifications to remove the two GC proposals from the Plan, the schedule would contain more detailed modifications to other Plan policies that I consider are likely to be necessary in the light of the representations on the Plan and the discussion at the hearing sessions. Some of these have been discussed above. The main modifications would need to be the subject of full public consultation for a minimum of six weeks, and I would need to consider all the responses to the consultation before producing my report and recommendations.

270. Should the NEAs decide to pursue the first option, they will also need to consider whether it is necessary for further SA and/or SEA work to be carried out and consulted upon. The PPG advises:

It is up to the plan-making body to decide whether the sustainability appraisal report should be amended following proposed changes to an emerging plan ... If the plan-making body assesses that necessary changes are significant, and were not previously subject to sustainability appraisal, then further sustainability appraisal may be required and the sustainability report should be updated and amended accordingly⁴⁶.

271. In deciding which option to pursue, the NEAs may wish to bear in mind that it is possible that the responses to public consultation on the main modifications may give rise to the need for further hearing sessions. On this point, the Planning Inspectorate's *Procedure Guide for Local Plan Examinations* advises at paragraph 6.9:

⁴⁶ PPG Ref ID 11-023-20140306

The Inspector will consider all the representations made on the proposed MMs before finalising the examination report and the schedule of recommended MMs. Further hearing sessions will not usually be held, unless the Inspector considers them essential to deal with substantial issues raised in the representations, or to ensure fairness.

272. In addition, if the official 2018-based household projections are published while the examination is still in progress, consideration will need to be given to any implications the projections may have for the soundness of the housing requirement figures in the Plan.
273. For these reasons, at present it is not possible to give a clear indication of when my report and recommendations on the Plan are likely to be produced, should the NEAs decide to pursue the first option.
274. Apart from my request at paragraph 7 above for a response from the NEAs to EXD/091, I am not inviting comments on the contents of this letter. I will, however, assist with any queries the NEAs may have.
275. It would be helpful if you would let me know, as soon as you are able to, which of the options outlined in paragraph 267 above (or any alternative course of action) the NEAs wish to pursue. This will enable a timescale for the remainder of the examination to be developed, should the NEAs wish to pursue the first option. Please contact me through the Programme Officer.

Yours sincerely

Roger Clews

Inspector



Proposed Main Modifications to the Publication Draft Braintree, Colchester and Tendring Local Plans Section One

July 2020

Ref	Policy / Para N°	Proposed main modification	Indicative reason(s) for proposed main modification
MM1	Vision for North Essex	<p>North Essex will be an area of significant growth over the period to 2033 and beyond, embracing positively the need to build well-designed new homes, create jobs and improve and develop infrastructure for the benefit of existing and new communities.</p> <p>It will continue to be an attractive and vibrant area in which to live and work, making the most of its rich heritage, town centres, natural environment, coastal resorts, excellent educational facilities and strategic transport links which provide access to the ports, Stansted Airport, London and beyond. Rural and urban communities will be encouraged to thrive and prosper and will be supported by adequate community Infrastructure. (Mod A)</p> <p>Sustainable development principles will be at the core of the strategic area's response to its growth needs, balancing social, economic and environmental issues. Green and blue infrastructure and new and expanded education and healthcare facilities enabling healthy and active lifestyles (Mod B) will be planned and provided along with other facilities to support the development of substantial new growth; while the undeveloped countryside (Mod C) and heritage assets the natural and historic environment will be protected conserved and enhanced. (Mod D) Key to delivering sustainable development is that new development will address the requirement to protect and enhance be informed by an understanding of the historic environment and settlement character. (Mod E)</p> <p>At the heart of our strategic vision for North Essex are is a new garden communities, to be sensitively integrated within the existing historic built and natural environment, the delivery of which is and based on Garden City principles covered by policy SP7. (Mod F)</p> <p>The garden communities provides an opportunity to create the right balance of jobs, housing and Infrastructure in the right location and (Mod G) will attract</p>	<p>Positively-prepared, Justified, Effective</p> <p>Mod A – Highlight the strategic issues relevant to Section 1.</p> <p>Mod B – Include high level strategic objective on the need to support healthy and active lifestyles.</p> <p>Mod C – To clarify definition of countryside to be protected.</p> <p>Mod D – Include high level strategic objective on the need to preserve and enhance the natural and historic environment.</p> <p>Mod E – Include high level strategic objective on the need to</p>

Ref	Policy / Para N°	Proposed main modification Bold text indicates a proposed addition to the text of the publication draft plan Struck-through text indicates a proposed deletion from the text of the publication draft plan <i>Italic text</i> indicates other proposed modifications to the publication draft plan	Indicative reason(s) for proposed main modification
		<p>residents and businesses who value innovation, community cohesion and a high-quality environment, and who will be provided with opportunities to take an active role in managing the garden community to ensure its continuing success.</p> <p>Residents will live in high quality, innovatively designed, contemporary homes, (Mod H) accommodating a variety of needs and aspirations, located in well-designed neighbourhoods where they can meet their day-to-day needs. There will be a network of tree-lined streets and green spaces, incorporating and enhancing existing landscape features and also accommodating safe and attractive routes and space for sustainable drainage solutions; and leisure and recreation opportunities for both residents and visitors of the garden communityies.</p> <p>Suitable models for the long term stewardship of community assets will be established and funded to provide long term management and governance of assets. All Garden City principles as specified in the North Essex Garden Communities Charter will be positively embraced including, where appropriate, new approaches to delivery and partnership working and sharing of risk and reward for the benefit of the new communityies. Central to this will be the comprehensive planning and development of the garden community, and the aligned delivery of homes and supporting infrastructure. (Mod I)</p>	<p>preserve and enhance the historic environment.</p> <p>Mod F – To clarify that in addition to Garden City principles, the garden community will have regard to integration with the existing environment.</p> <p>Mod G – To clarify the role of the garden community in meeting planning objectives.</p> <p>Mod H – Requirement for homes to be ‘contemporary’ is not justified by evidence.</p> <p>Mod I – To clarify the approach to planning the garden community.</p>

Ref	Policy / Para N°	Proposed main modification	Indicative reason(s) for proposed main modification
MM2	Para 1.31, Strategic Objectives	<p>Bold text indicates a proposed addition to the text of the publication draft plan Struck-through text indicates a proposed deletion from the text of the publication draft plan <i>Italic text</i> indicates other proposed modifications to the publication draft plan</p> <p>Providing New and Improved Transport & Communication Infrastructure – to make efficient use of existing transport infrastructure and to ensure sustainable transport opportunities are promoted in all new development to support new and existing communities. (Mod A) Where additional capacity is required in the form of new or upgraded transport infrastructure to support new development, ensuring that this is delivered in a phased & timely way to minimise the impact of new development. To ensure that enabled communication is provided as part of new developments as enabled communication is essential for modern living, and broadband infrastructure and related services will be essential for business, education and residential properties.</p> <p>Ensuring High Quality Outcomes – to promote greater ambition in planning and delivering high-quality sustainable new communities. Overall, new development must secure high standards of urban design and green infrastructure which create attractive and sustainable places where people want to live and spend time. New development needs to be informed by an understanding of the historic environment resource gained through the preparation of Historic Impact Assessments, and to conserve and enhance the significance of the heritage assets and their settings. (Mod B)</p>	<p>Justified, Effective</p> <p>Mod A – To clarify that new transport infrastructure will benefit both new and existing communities</p> <p>Mod B – To clarify requirement to conserve and enhance the historic environment.</p>
MM3	Para 1.32	<p>This section includes the Councils’ response to the opportunities and challenges facing the wider area, in the form of strategic policies that will help to deliver the vision and objectives. These policies only cover those matters that are of strategic relevance to all three authorities. Policies that address local matters are included in the following section of the Plan. The Plan as a whole, including both Sections 1 and 2, will supersede previous Local Plan policies and allocations upon its adoption. A list of the policies superseded by Section 1 and Section 2 of the Plan respectively is included as an appendix to each section.</p>	<p>Effective, Legally-compliant</p> <p>To identify which previous plan policies are superseded.</p>

Ref	Policy / Para N°	Proposed main modification	Indicative reason(s) for proposed main modification
MM4	Policy SP1	<p>Policy SP1 – Presumption in Favour of Sustainable Development</p> <p>When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Sustainable development in North Essex will demonstrably contribute to the strategic and local vision and objectives and will accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans). Development that complies with the Plan in this regard will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise — taking into account whether:</p> <ul style="list-style-type: none"> any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole or specific policies in that Framework or the Plan that indicate that development should be restricted. 	<p>Effective, Consistent with national policy</p> <p>To clarify the policy and avoid conflict with or duplication of national policy.</p>
MM5	New paras 2.2-2.7	<p>Recreational disturbance Avoidance and Mitigation Strategy (RAMS)</p> <p>2.2 A Habitats Regulations Assessment (HRA) was completed for Section 1 of the Plan. The loss of off-site habitat, water quality and increased recreational disturbance were identified as issues with the potential to result</p>	<p>Effective, Legally-compliant</p> <p>To reflect the completion of the</p>

Ref	Policy / Para N°	Proposed main modification Bold text indicates a proposed addition to the text of the publication draft plan Struck-through text indicates a proposed deletion from the text of the publication draft plan <i>Italic text</i> indicates other proposed modifications to the publication draft plan	Indicative reason(s) for proposed main modification
		<p>in likely significant effects on European Sites, without mitigation to address the effects.</p> <p>2.3 The Appropriate Assessment (AA) identified a number of avoidance and mitigation measures to be implemented, to ensure that development proposals in the Plan will not result in adverse effects on the integrity of any Special Area of Conservation, Special Protection Area or Ramsar site, and are HRA compliant.</p> <p>2.4 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 (see also paragraph 8.4 and Policy SP8 paragraph F.21 below).</p> <p>2.5 To protect water quality, the AA recommended the inclusion of policy safeguards to ensure that adequate water and waste water treatment capacity or infrastructure upgrades are in place prior to development proceeding.</p> <p>2.6 Recreation activities can potentially harm Habitats Sites. The AA identified disturbance of water birds from people and dogs, and impacts from water sports/watercraft as the key recreational threats to Habitats Sites.</p> <p>2.7 To mitigate for any increases in recreational disturbance at Habitats Sites, the AA identified the need for a mitigation strategy. Natural England's West Anglian Team identified the Essex coast as a priority for a strategic and proactive planning approach as it is rich and diverse ecologically, and many of the coastal habitats are designated as Habitats Sites. Consequently, 12 local planning authorities in Essex have prepared an Essex Coast</p>	<p>Essex Coast RAMS Strategy Document and to ensure that the requirements of the Habitats Regulations are met.</p>

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		<p>Recreational disturbance Avoidance and Mitigation Strategy (RAMS).</p> <p>2.8 The Essex Coast RAMS sets out specific avoidance and mitigation measures by which disturbance from increased recreation can be avoided and mitigated thus enabling the delivery of growth without adversely affecting Habitats sites. These measures are deliverable, realistic, underpinned by robust up to date evidence, precautionary and provide certainty for developers around deliverability and contributions. The Essex Coast RAMS Strategy Document was completed in 2019 and will be supported by a SPD.</p>	
MM6	New Policy SP1A to follow after SP1	<p>Policy SP1A – Recreational disturbance Avoidance and Mitigation Strategy (RAMS)</p> <p>Contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).</p>	<p>Justified, Effective, Legally-compliant</p> <p>New policy required in order to ensure that the requirements of the Habitats Regulations are met.</p>
MM7	Policy SP2	<p>Policy SP2 – Spatial Strategy for North Essex</p> <p>Existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. (Mod A) Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.</p> <p>Future growth will be planned to ensure existing settlements maintain their</p>	<p>Mod A – Effective To clarify the geographical scope of the plan.</p> <p>Mod B – Effective</p>

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		<p>distinctive character and role, to avoid coalescence between them and to conserve their setting. (Mod B) Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.</p> <p>In Section 2 of its Local Plan, Eeach local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. (Mod C)</p> <p>Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment.</p> <p>Three new As part of the sustainable strategy for growth, the Tendring / Colchester Borders gGarden eCommunities will be developed and delivered as part of the sustainable strategy for growth, at the broad locations shown on Map 3.3 10.2 below and on the Colchester and Tendring Local Plans Policies Maps. Thisese new communities will provide a strategic locations for at least 7,500 additional homes and employment within the Plan period in North Essex. Employment development will also be progressed with tThe expectation is that substantial additional housing and employment development will be delivered in each the Garden eCommunity beyond the current Local Plan periods. They will be planned and developed drawing on Garden City principles, with necessary infrastructure and facilities provided and a high quality of place-making and urban design (Mod D).</p>	<p>To clarify the approach to existing settlements.</p> <p>Mod C – Effective To clarify the respective roles of Sections 1 and 2.</p> <p>Mod D – Justified, Effective To reflect the deletion of Policies SP9 & SP10, give appropriate emphasis to employment development and avoid duplicating the requirements of other policies.</p>

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MM8	Policy SP3	<p>Policy SP3 – Meeting Housing Needs</p> <p>The local planning authorities will identify sufficient deliverable sites, developable sites and/or broad locations for their respective plan period, against to meet the housing requirements in the table below, and will incorporate additional provision to ensure flexibility and choice and competition for land. (Mod A)</p> <p>Each authority will maintain a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer in accordance with national policy, and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan. The annual housing requirement figures set out below will be used as the basis for assessing each authority's five-year housing land supply, subject to any adjustments in Section 2 of each plan to address any undersupply since 2013. (Mod B)</p> <p>The authorities will review their housing requirements regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area. (Mod C)</p>	<p>Mod A – Positively prepared To include reference to additional provision to ensure that housing needs can be met.</p> <p>Mod B – Consistent with national policy, Effective To reflect the national policy requirement for a buffer and to clarify the role of Section 2 in addressing housing supply issues to ensure objectively assessed development needs are met.</p> <p>Mod C – Consistent with national policy To address the</p>

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		<table border="1" data-bbox="551 528 1706 847"> <thead> <tr> <th data-bbox="551 528 936 703">Local Authority</th> <th data-bbox="936 528 1323 703">Objectively Assessed Need for Housing requirement per annum</th> <th data-bbox="1323 528 1706 703">Total minimum housing supply in requirement for the plan period (2013 – 2033) (Mod D)</th> </tr> </thead> <tbody> <tr> <td data-bbox="551 703 936 740">Braintree</td> <td data-bbox="936 703 1323 740">716</td> <td data-bbox="1323 703 1706 740">14,320</td> </tr> <tr> <td data-bbox="551 740 936 777">Colchester</td> <td data-bbox="936 740 1323 777">920</td> <td data-bbox="1323 740 1706 777">18,400</td> </tr> <tr> <td data-bbox="551 777 936 813">Tendring</td> <td data-bbox="936 777 1323 813">550</td> <td data-bbox="1323 777 1706 813">11,000</td> </tr> <tr> <td data-bbox="551 813 936 847">Total</td> <td data-bbox="936 813 1323 847">2,186</td> <td data-bbox="1323 813 1706 847">43,720</td> </tr> </tbody> </table>	Local Authority	Objectively Assessed Need for Housing requirement per annum	Total minimum housing supply in requirement for the plan period (2013 – 2033) (Mod D)	Braintree	716	14,320	Colchester	920	18,400	Tendring	550	11,000	Total	2,186	43,720	<p>national policy requirement to have regard to unmet needs in adjacent authorities.</p> <p>Mod D – Effective To clarify terminology so as to avoid ambiguity.</p>
Local Authority	Objectively Assessed Need for Housing requirement per annum	Total minimum housing supply in requirement for the plan period (2013 – 2033) (Mod D)																
Braintree	716	14,320																
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Total	2,186	43,720																
MM9	Policy SP4	<p>Policy SP4 – Providing for Employment and Retail (Mod A)</p> <p>A strong, sustainable and diverse economy will be promoted across North Essex with the Councils local planning authorities (Mod B) pursuing a flexible approach to economic sectors showing growth potential across the Plan period.</p> <p>Employment forecasts have been developed using two standard models (East of England Forecasting Model (EEFM) and Experian 2016) which forecast total job growth for each of the local authorities based on past trends. Each local authority has been advised on the most appropriate modelling figure to use in the context of reconciling job and housing demand. These figures are set out for the housing market as follows for the period 2013-2037:</p> <p>Annual Job Forecast:</p>	<p>Mod A – Effective To clarify the scope of the policy.</p> <p>Mod B – Effective To make the Plan’s terminology consistent.</p>															

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		<p>that provision is made within the ranges set out in the table below. (Mod D)</p> <p>Hectares of B use employment land required:</p> <table border="1" data-bbox="548 735 1709 995"> <thead> <tr> <th></th> <th>Baseline (2012 Based SNPP)</th> <th>Higher Growth Scenario</th> </tr> </thead> <tbody> <tr> <td>Braintree</td> <td>23 20.9</td> <td>43.3</td> </tr> <tr> <td>Colchester</td> <td>22.0</td> <td>55.8 30.0</td> </tr> <tr> <td>Tendring</td> <td>20-12 0</td> <td>38 20.0</td> </tr> <tr> <td>North Essex</td> <td>65 54.9</td> <td>137.4 93.3</td> </tr> </tbody> </table> <p style="text-align: right;">(Mod E)</p>		Baseline (2012 Based SNPP)	Higher Growth Scenario	Braintree	23 20.9	43.3	Colchester	22.0	55.8 30.0	Tendring	20 - 12 0	38 20.0	North Essex	65 54.9	137.4 93.3	<p>ensure that the requirements in policy SP4 are met.</p> <p>Mod E – Justified To ensure that the employment land requirement figures for each authority reflect the evidence</p>
	Baseline (2012 Based SNPP)	Higher Growth Scenario																
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MM10	Policy SP5 First para	<p>Policy SP5 – Infrastructure and Connectivity</p> <p>All Ddevelopment must be supported by the provision of the infrastructure, services and facilities that are required to serve the needs arising from new the development.</p> <p>The requirements in section A of this policy apply only to the Tendring / Colchester Borders Garden Community, whilst the remaining sections B, C, D and E apply to all allocations and development proposals in the North Essex Authorities area.</p> <p>The following are strategic priorities for infrastructure provision or improvements</p>	<p>Positively Prepared, Effective</p> <p>To ensure the plan addresses infrastructure requirements and to clarify the scope of policy requirements for the Garden</p>															

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		<p>within the strategic area</p>	Community.
MM11	Policy SP5 New para A	<p>A Tendring / Colchester Borders Garden Community</p> <p>1 The Development Plan Document (DPD) for the Tendring / Colchester Borders Garden Community will include:</p> <p>a) An infrastructure delivery strategy and phasing plan that sets out how infrastructure, services and facilities will be provided. Infrastructure delivery will align with each development phase and be supported by suitable mechanisms to deliver the infrastructure both on and off-site;</p> <p>b) Details of the design and delivery of Route 1 of the rapid transit system, and a programme for the integration of the garden community into the system. The route will be designed to accommodate future route enhancements and technology improvements; and</p> <p>c) Target modal shares for each transport mode and details of sustainable transport measures to support their achievement.</p> <p>2 Before any planning approval is granted for development forming part of the Tendring / Colchester Borders Garden Community, the following strategic transport infrastructure must have secured planning consent and funding approval:</p> <p>a) A120–A133 link road; and</p>	<p>Positively-prepared, Effective</p> <p>To clarify essential infrastructure requirements for the Garden Community.</p>

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		<p>b) Route 1 of the rapid transit system as defined in the North Essex Rapid Transit System: From Vision to Plan document (July 2019).</p> <p>3. Sustainable transport measures will be provided from first occupation at the Tendring / Colchester Borders Garden Community to support the achievement of the target modal shares as defined in the DPD for the garden community.</p> <p>4. Other strategic infrastructure requirements for the Tendring / Colchester Borders Garden Community are set out in sections D, E and F of Policy SP8, and will be further defined in the DPD for the garden community.</p>	
MM12	Policy SP5, Para B	<p>B. Transportation and Travel</p> <p>The local planning authorities will work with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to deliver the following:</p> <ul style="list-style-type: none"> • Changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles; • A comprehensive network of segregated walking and cycling routes linking key centres of activity; • New and improved infrastructure required to support economic growth, strategic and site specific priorities outlined in the second part of each Local Plan • Substantially improved connectivity by promoting more sustainable travel patterns, introducing urban transport packages to increase transport choice, providing better public transport infrastructure and services, and enhanced 	<p>Effective</p> <p>To clarify and avoid duplication of transport infrastructure requirements.</p>

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		<p>inter-urban transport corridors;</p> <ul style="list-style-type: none"> • — Increased rail capacity, reliability and punctuality; and reduced overall journey times by rail • Support changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles • Prioritise Improved urban and inter-urban Ppublic transport, particularly in the urban areas, including, and new and innovative ways of providing public transport, including: <ul style="list-style-type: none"> ○ high quality rapid transit networks and connections in and around urban areas with links to the new garden community; ○ maximising the use of the local rail network to serve existing communities and locations for large-scale growth; ○ a bus network providing a high-frequency, reliable and efficient service, that is high quality, reliable, simple to use, integrated with other transport modes serving and offers flexibility to serve areas of new demand; ○ promoting wider use of community transport schemes; • Increased rail capacity, reliability and punctuality, and reduced overall journey times by rail; • New and improved road infrastructure and strategic highway connections to reduce congestion and provide more reliable journey times along the A12, A120 and A133 to improve access to markets and suppliers for business, widen employment opportunities and support growth, specifically: <ul style="list-style-type: none"> ○ Improved access to and capacity of junctions on the A12 and other main roads to reduce congestion and address safety; ○ A dualled A120 between the A12 and from Braintree to the A12. ○ A comprehensive network of segregated walking and cycling routes linking key centres of activity contributing to an attractive, safe, legible and prioritized walking/cycling environment 	

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		<ul style="list-style-type: none"> • Develop innovative strategies for the management of private car use and parking including the promotion of car clubs and car sharing, and provision of support for electric car charging points. 	
MM13	Policy SP5, Para C	<p>C. Social Infrastructure</p> <p>The local planning authorities will work with relevant providers and developers to facilitate the delivery of a wide range of social infrastructure required for healthy, active and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable.</p> <p>Education</p> <ul style="list-style-type: none"> • Provide Sufficient school places will be provided in the form of expanded or new primary and secondary schools together with early years and childcare facilities that are phased with new development, with larger developments setting aside land and/or contributing to the cost of delivering land for new schools where required. • Facilitate and support provision of Practical vocational training, apprenticeships, and further and higher education will be provided and supported. <p>Health and Wellbeing</p> <ul style="list-style-type: none"> • Ensure that essential Healthcare infrastructure will be is provided as part of new developments of appropriate scale in the form of expanded or new healthcare facilities including primary and acute care; pharmacies; dental surgeries; opticians; supporting community services including hospices, treatment and counselling centres. • Require new development to maximise its positive contribution in creating healthy communities and minimise its negative health impacts, both in avoidance and mitigation, as far as is practicable. 	<p>Effective</p> <p>To clarify policy wording and links between provision of different types of social infrastructure and new development</p>

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		<ul style="list-style-type: none"> • The conditions for a healthy community will be provided through the pattern of development, good urban design, access to local services and facilities; green open space and safe places for active play and food growing, and which are all accessible by walking, cycling and public transport. 	
MM14	Policy SP5, Para D	D. Digital Connectivity Comprehensive digital access to support business and community activity will be delivered through the Roll-out of superfast ultrafast broadband across North Essex to secure the earliest availability for of full fibre connections universal broadband coverage and fastest connection speeds for all existing and new developments (residential and non-residential), where .a All new properties will allow for the provision for super ultrafast broadband in order to allow connection to that network as and when it is made available.	Effective To reflect latest terminology, and remove duplicated text.
MM15	Policy SP5 – New Para E	E. Water & Waste water The local planning authorities will work with Anglian Water, Affinity Water, the Environment Agency and developers to ensure that there is sufficient capacity in the water supply and waste water infrastructure to serve new development. Where necessary, improvements to water infrastructure, waste water treatment and off-site drainage should be made ahead of the occupation of dwellings to ensure compliance with environmental legislation.	Effective To ensure that the necessary infrastructure requirements are reflected in the policy.
MM16	Policy SP6	Policy SP6 – Place-shaping Principles All new development must meet the highest high (Mod A) standards of urban and architectural design. The local authorities encourage the use of d Development frameworks, masterplans, design codes , and other design guidance documents and will be prepared in consultation with stakeholders where they are needed	Mod A – Consistent with national policy Modified to align with NPPF guidance and to indicate a proportionate design

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		<p>to support this objective. use design codes where appropriate for strategic scale development. (Mod B).</p> <p>All new development should reflect the following place-shaping principles, where applicable (Mod C):</p> <ul style="list-style-type: none"> • Respond positively to local character and context to preserve and enhance the quality of existing communities places (Mod D) and their environs. • Provide buildings that exhibit individual architectural quality within well-considered public and private realms; • Protect and enhance assets of historical or natural value; • Incorporate biodiversity creation and enhancement measures (Mod E); • Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car; • Where possible, p Provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods; • Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place; • Provide streets and spaces that are overlooked and active and promote inclusive access; • Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall; • Provide an integrated and connected network of multi-functional biodiverse public open space and green and blue infrastructure that connects with 	<p>response.</p> <p>Mod B – Effective To clarify the role of design guidance documents.</p> <p>Mod C – Effective To clarify that not all the principles are applicable to some developments.</p> <p>Mod D – Effective Provides a more appropriate definition of areas covered by the requirement to preserve and enhance.</p> <p>Mod E – Consistent with national policy To ensure that development considers environmental enhancement consistent with 2012 NPPF paragraph 109.</p> <p>Mod F – Consistent with national policy To ensure that new</p>

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		<p>existing green infrastructure where possible, thereby helping to alleviate recreational pressure on designated sites (Mod F);</p> <ul style="list-style-type: none"> • Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions (Mod G); and • Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking (Mod H). 	<p>development incorporates biodiversity creation and enhancement and to recognise its role in helping to alleviate recreational pressure on designated sites</p> <p>Mod G – Consistent with national policy To highlight potential for sustainable water management solutions</p> <p>Mod H – Effective To ensure principle is comprehensive.</p>
MM17	Para 8.4	<p>Loss of off-site habitat – To mitigate for the loss of offsite habitat, the Appropriate Assessment identified the need for wintering bird surveys for the Tendring / Colchester Borders Garden Community as part of any project-level development proposals and masterplanning, to determine the sites of individual importance for golden plover and lapwing and inform mitigation proposals. and a commitment to mitigation and funding of Tendring / Colchester Borders Garden Community is required within the Section 1 Strategic Plan dependent on the findings of bird surveys. 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 the threshold of</p>	<p>Legally-compliant</p> <p>To ensure that the requirements of the Habitats Regulations are met.</p>

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		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. Where that mitigation requires the creation and management of suitably located habitat, feeding productivity for these SPA species should be maximised, and such mitigatory habitat would need to be provided and fully functional prior to development which would affect significant numbers of SPA birds.	
MM18	Policy SP7, First Section	<p>Policy SP7 – Development and Delivery of a New Garden Communities in North Essex</p> <p>The following three new garden communities is are proposed in North Essex at the broad location shown on Map 10.2. (Mod A)</p> <p>Tendring/Colchester Borders, a new garden community which will deliver between 2,200 and 2,500 homes, 7 hectares of employment land and provision for Gypsies and Travellers within the Plan period (as part of an expected overall total of between 7,000 and 9,000 homes and 25 hectares of employment land to be delivered beyond 2033). (Mod B)</p> <p>Colchester/Braintree Borders, a new garden community will deliver 2,500 homes within the Plan period (as part of an overall total of between 15,000 – 24,000 homes to be delivered beyond 2033). (Mod C)</p> <p>West of Braintree in Braintree DC, a new garden community will deliver 2,500 homes within the Plan period (as part of an overall total of between 7,000 – 10,000 homes to be delivered beyond 2033). (Mod D)</p>	<p>Mod A – Justified, Effective See Inspector’s letter of 15 May 2020 [IED/022].</p> <p>Mod B – Justified, Effective To properly reflect the role of the garden community in providing for housing and employment growth and for Gypsies and Travellers</p> <p>Mods C & D – Justified See Inspector’s letter</p>

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		<p>Each of these The garden community will be an holistically and comprehensively planned new community with a distinct identity that responds directly to its context and is of sufficient scale to incorporate a range of homes, employment, education & community facilities, green space and other uses to enable residents to meet the majority of their day-to-day needs, reducing the need for outward commuting. It will be comprehensively planned from the outset, with Ddelivery of each new community will be phased to achieve the whole development, and will be underpinned by a comprehensive package of infrastructure. (Mod E)</p> <p>A Development Plan Document (DPD) will be prepared for the garden community, containing policies setting out how the new community will be designed, developed and delivered in phases, in accordance with the principles in paragraphs i-xiv below. No planning consent for development forming part of the garden community will be granted until the DPD has been adopted. All development forming part of the garden community will comply with these principles. (Mod F)</p> <p>The Councils will need to be confident, before any consent is granted, that the following requirements have been secured either in the form of appropriate public ownership, planning agreements and obligations and, if necessary a local infrastructure tariff.</p> <p>The design, development and phased delivery of each new garden community will conform with the following principles (Mod G)</p>	<p>of 15 May 2020 [IED/022]</p> <p>Mod E – Effective To clarify the intention of the policy.</p> <p>Mod F – Positively prepared, effective To clarify the role of the DPD in governing the development of the new garden community.</p> <p>Mod G – Effective To clarify the policy and avoid duplication.</p>
MM19	Policy SP7, principle (i)	Community and stakeholder empowerment participation in the design and delivery of each the garden community from the outset and a long-term community engagement and activation strategy.	<p>Effective</p> <p>Wording amended to</p>

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MM20	Policy SP7, principle (ii)	<p>The public sector working pro-actively and collaboratively with the private sector to design, and bring forward these garden communities, deploying new models of delivery where appropriate sharing risk and reward and ensuring that the cost of achieving the following is borne by landowners and those promoting the developments: (a) securing a high quality of place-making, (b) ensuring the timely delivery of both on-site and off-site infrastructure required to address the impact of these new communities, and (c) providing and funding a mechanism for future stewardship, management, maintenance and renewal of community infrastructure and assets. Where appropriate, developers will be expected to contribute towards publicly-funded infrastructure, including a contribution towards the A120-A133 link road. Given the scale of and time period for development of these new garden communities, the appropriate model of delivery will need to secure a comprehensive approach to the delivery of each new community in order to achieve the outcomes outlined in points (a) – (c) in this paragraph above, avoid a piecemeal approach to development, provide the funding and phasing of both development and infrastructure, and be sustainable and accountable in the long term.</p>	<p>Justified</p> <p>To clarify the policy approach to delivery models and developer contributions.</p>
MM21	Policy SP7, principle (iii)	<p>Promotion and execution of the highest quality of planning, design and management of the built and public realm so that the garden communities are is characterised as a distinctive places that capitalises on local assets, respects its context, and establishes an environments that promotes health, happiness and well-being. This will involve developing a cascade of design guidance based on a robust assessment of historic and natural environmental constraints and opportunities for enhancement. Guidance which may include concept frameworks, detailed masterplans and design codes and other guidance will be put in place to inform and guide development proposals and planning applications. Planning applications and any local development orders or other consenting</p>	<p>Effective</p> <p>To avoid duplicating the requirements of policy SP8.</p>

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		<p>Bold text indicates a proposed addition to the text of the publication draft plan Struck-through text indicates a proposed deletion from the text of the publication draft plan <i>Italic text</i> indicates other proposed modifications to the publication draft plan</p>	
MM22	Policy SP7, principle (iv)	<p>mechanisms for the garden communities will be expected to be consistent with approved design guidance.</p> <p>Sequencing of development and infrastructure provision (both on-site and off-site) to ensure that the latter is provided ahead of or in tandem with the development it supports to address the impacts of the new garden communities, meet the needs of its residents and establish sustainable travel patterns. To ensure new development does not have an adverse effect on any European Protected or nationally important site and complies with environmental legislation (notably the Water Framework Directive and the Habitats Directive), the required waste water treatment capacity including any associated sewer connections must be available ahead of the occupation of dwellings.</p>	<p>Effective</p> <p>To provide a policy safeguard to ensure that phasing of development does not exceed capacity.</p>
MM23	Policy SP7, principle (v)	<p>Development that provides for a truly balanced and inclusive community and meets the housing needs of local people including a mix of dwelling sizes, tenures and types, including provision for self- and custom-built homes, and provision for the aging population, and provision for Gypsies and Travellers; and that meets the requirements of those most in need including the provision of 30% affordable housing in each the garden community.</p>	<p>Justified, Effective</p> <p>To ensure that the policy reflects all housing needs.</p>
MM24	Policy SP7, principles (vi), (vii), (viii) & (xiv)	<p>Change references to ‘garden communities’ (plural) to ‘garden community’ (singular).</p>	<p>Justified</p> <p>See Inspector’s letter of 15 May 2020 [IED/022].</p>
MM25	Policy SP7, principle (x)	<p>Create distinctive environments which are based on comprehensive assessments of relate to the surrounding environment and which celebrate natural and historic environments and systems, utilise a multi-functional green-grid to create significant networks of new green infrastructure including a new country parks at each the</p>	<p>Effective</p> <p>To clarify the requirement to provide</p>

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		garden community , and provide a high degree of connectivity to existing corridors and networks and enhance biodiversity.	a robust evidence base on historic and natural environment issues.
MM26	Policy SP7, principle (xi)	Secure a smart and sustainable approach that fosters climate resilience and a 21st century environment in the design and construction of each the garden community to secure net gains in local biodiversity, highest standards of energy efficiency and innovation in technology to reduce the impact of climate change, the incorporation of innovative water efficiency/ re-use measures (with the aim of being water neutral in identified areas of serious water stress), and sustainable waste and mineral management.	Effective To clarify these infrastructure requirements.
MM27	Policy SP7, final paragraph	These principles are elaborated upon in the North Essex Garden Community Charter. A Development Plan Document will be developed for each of the garden communities to set out the principles of their design, development and phasing as well as a mechanism to appropriately distribute housing completions to the three Councils and this will be agreed through a Memorandum of Understanding.	Effective Policy re-ordered to provide clarity on the role of the DPD.
MM28	Policy SP8, First para	Policy SP8 – Tendring / Colchester Borders Garden Community The adopted policies map identifies the broad location for the development of a new garden community of which the details and final number of homes will be set out in a Strategic Growth Development Plan Document (DPD) to be prepared jointly between Colchester BC and Tendring DC. and which will incorporate around 2,500 dwellings and within the Plan period (as part of an overall total of between 7,000-9,000 homes) and provision for Gypsy and Travellers.	Effective To avoid duplication of the requirements of Policy SP7.
MM29	Policy SP8,	The Strategic Growth Development Plan Document (DPD) required for the	Justified, Effective

Ref	Policy / Para N°	Proposed main modification	Indicative reason(s) for proposed main modification
	Second para	<p>Tendring / Colchester Borders Garden Community by Policy SP7 will define the will set out the nature, form and boundary of the garden community and the amount of development it will contain. The adoption of the DPD will be contingent on the completion of a Heritage Impact Assessment carried out in accordance with Historic England guidance. The Heritage Impact Assessment will assess the impact of proposed allocations upon the historic environment, inform the appropriate extent and capacity of the development and establish any mitigation measures necessary. The document DPD will be produced in consultation with the local community and stakeholders and will include a concept plan showing the disposition and quantity of future land-uses, and give a three-dimensional indication of the urban design and landscape parameters which will be incorporated into any future planning applications; together with a phasing and implementation strategy which sets out how the rate of development will be linked to the provision of the necessary social, physical and environmental infrastructure to ensure that the respective phases of the development do not come forward until the necessary infrastructure has been secured. The DPD will provide the framework for the subsequent development of more detailed masterplans and other design and planning guidance for the Tendring / Colchester Borders Garden Community. The DPD and any application for planning permission for development forming part of the garden community must be consistent with the requirements set out in this policy.</p>	To provide more detail on the role of the DPD and to make it clear that the DPD will be informed by a Heritage Impact Assessment.
MM30	Policy SP8, New third paragraph	<p>For the Plan period up to 2033, housing delivery from the garden community, irrespective of its actual location, will be distributed equally between Colchester Borough Council and Tendring District Council. If, after taking into account its share of delivery from the garden community, either of those authorities has a shortfall in delivery against the housing requirement for its area, it will need to make up the shortfall within its own area. It may not use the other authority's share of delivery from the garden community to make up the shortfall.</p>	<p>Positively planned, Effective</p> <p>To clarify how the housing at the garden community will be distributed, and the process for addressing</p>

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			unmet need.
MM31	Policy SP8, Para A.2.	Detailed masterplans and design guidance, based on a robust assessment of historic and natural environmental constraints and opportunities for enhancement , will be adopted put in place to inform and guide development proposals and planning applications for the garden community . Planning applications for this garden community will be expected to be consistent with approved DPDs and subsequent masterplans and design and planning guidance.	Justified To ensure that masterplans and design guidance are based on appropriate evidence.
MM32	Policy SP8, Para C.5.	The garden community will make Provision for a wide range of jobs, skills and training opportunities will be created in the garden community. The DPD will allocate about 25 hectares of B use employment land within the garden community. This may include provision for B1 and/or non B class employment generating uses towards the south of the site in proximity to the existing University of Essex and Knowledge Gateway, and provision for B1, B2 and B8 businesses to the north of the site close to the A120.	Positively prepared To clarify the process for determining employment land allocations.
MM33	Policy SP8, Para D.7	A package of measures will be introduced to encourage smarter transport choices to meet the needs of the new community and to maximise the opportunities for sustainable travel. Policy SP5 requires planning consent and full funding approval for the A120-A133 link road and Route 1 of the rapid transit system to have been secured before planning approval is granted for any development at the garden community. Additional transport priorities include the provision of a network of footpaths, cycleways and bridleways to enhance permeability within the site and to access the	Positively prepared, Effective To clarify the transport infrastructure requirements for the garden community.

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		adjoining areas, development of of a public rapid transit system connecting the garden community to Essex University and Colchester town centre park and ride facilities, and other effective integrated measures to mitigate the transport impacts of the proposed development on the strategic and local road network. Longer term transport interventions will need to be carefully designed to minimise the impacts on the strategic and local road transport network and fully mitigate any environmental or traffic impacts arising from the development. These shall include bus (or other public transit provisions) priority measures between the site, University of Essex, Hythe station and Colchester Town Centre;	
MM34	Policy SP8, Para D.9	Primary vehicular access to the site will be provided off the A120 and A133. Any other road improvements required to meet needs arising from the garden community will be set out in the DPD and further defined as part of the masterplanning process.	Positively prepared, Effective To clarify the transport infrastructure requirements for the garden community.
MM35	Policy SP8, Para E.13	Increased primary healthcare facilities capacity will be provided to serve the new development as appropriate. This may be by means of new infrastructure or improvement, reconfiguration, extension or relocation of existing medical facilities.	Positively prepared, Effective To clarify the healthcare requirements for the garden community.
MM36	Policy SP8, Para F.17	The delivery of smart, innovative and sustainable water efficiency/re-use solutions that fosters climate resilience and a 21st century approach towards water supply, water and waste water treatment and flood risk management.	Positively prepared, Effective

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		Taking a strategic approach to flood risk through the use of Strategic Flood Risk Assessments and the updated Climate Projections 2019 and identifying opportunities for Natural Flood Risk Management. Provision of improvements to waste water treatment plant including an upgrade to the Colchester Waste Water Treatment Plan and off-site drainage improvements aligned with the phasing of the development within the plan period and that proposed post 2033. To ensure new development does not have an adverse effect on any European Protected or nationally important site and complies with environmental legislation (notably the Water Framework Directive and the Habitats Directive), the required waste water treatment capacity including any associated sewer connections must be available ahead of the occupation of dwellings.	To clarify the requirements for water supply and waste water infrastructure and to comply with the requirements of the Habitats Regulations.
MM37	Policy SP8, Para F18	Provision, management and on-going maintenance of sustainable surface water drainage measures to manage and mitigate the risk of flooding on site and which will reduce the risk of flooding to areas downstream or upstream of the development. To ensure new development does not have an adverse effect on any European Protected or nationally important sites and complies with environmental legislation (notably the Water Framework Directive and the Habitats Directive), the required waste water treatment capacity including any associated sewer connections must be available ahead of the occupation of dwellings.	Effective To ensure that phasing of development does not exceed the capacity of waste water infrastructure.
MM38	Policy SP8, New Para F.20 <i>(Renumber subsequent paragraphs accordingly)</i>	Conserve, and where appropriate enhance, the significance of heritage assets (including any contribution made by their settings) both within and surrounding the site. Designated heritage assets within the garden community area include the Grade II listed Allen’s Farmhouse, Ivy Cottage, Lamberts, and three buildings at Hill Farmhouse. Designated heritage assets nearby include the Grade I listed Church of St Anne and St Lawrence, Elmstead, the Grade II* listed Wivenhoe House, Elmstead Hall and Spring Valley Mill and numerous Grade II listed buildings as well as the Grade II listed Wivenhoe Registered Park and Garden. Harm to the significance of a designated heritage asset should be avoided in the first	Consistent with national policy To ensure that the policy gives appropriate protection to the historic environment.

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		instance.	
MM39	Policy SP8, Para F.21 (previously F.20)	<p>Avoidance, Pprotection 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. Contributions will be secured towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy. 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, development must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.</p>	<p>Legally compliant, Effective</p> <p>To ensure that the requirements of the Habitats Regulations are met.</p>
MM40	Policy SP8 New Para F. 26 (final paragraph)	<p>Allocation of additional land within the garden community, to accommodate University expansion, which is at least equivalent in size to the allocation in the Colchester Local Development Framework Site Allocations document October 2010.</p>	<p>Justified, Effective</p> <p>To ensure that adequate land is allocated to meet the needs of the University.</p>
MM41	Policy SP9	<p><i>Delete the whole of Policy SP9.</i></p>	<p>Justified</p> <p>See Inspector's letter of 15 May 2020 [IED/022]</p>

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MM42	Policy SP10	Delete the whole of Policy SP10.	Justified See Inspector's letter of 15 May 2020 [IED/022]
MM43	Braintree Section 1 Local Plan Chapter 10	<u>In the Braintree Section 1 Local Plan Chapter 10 (Appendices & Maps):</u> Delete the West of Braintree and Colchester / Braintree Borders Garden Community designations from Map 10.1, change the title of the map to 'Key Diagram', and change the legend for 'Garden Communities' to read 'Garden Community'. Delete Maps 10.2A and 10.3B. Replace Maps 10.4C & 10.5D with new Map 10.2 below entitled 'Tendring Colchester Borders Garden Community – Broad Location'.	Effective To reflect the deletion of policies SP9 & SP10 and to show the broad location of the Tendring / Colchester Borders Garden Community accurately
MM44	Colchester Section 1 Plan Chapter 10	<u>In the Colchester Section 1 Local Plan Chapter 10 (Section One Maps):</u> Delete the West of Braintree and Colchester / Braintree Borders Garden Community designations from Map 10.1, and change the legend for 'Garden Communities' to read 'Garden Community'. Following Map 10.1, insert new Map 10.2 below entitled 'Tendring Colchester Borders Garden Community – Broad Location'.	Effective To reflect the deletion of policies SP9 & SP10 and to show the broad location of the Tendring / Colchester Borders Garden Community accurately

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MM45	Tendring Section 1 Plan Maps	<p><u>In the Tendring Section 1 Local Plan:</u></p> <p>Delete the West of Braintree and Colchester / Braintree Borders Garden Community designations from Map 1.</p> <p>Delete the West of Braintree and Colchester / Braintree Borders Garden Community designations from Map 2, and change the legend for ‘Garden Communities’ to read ‘Garden Community’. Retitle the map ‘10.1 Key Diagram’, and move it to the end of the Section 1 Plan.</p> <p>Following Map 10.1, insert new Map 10.2 below entitled ‘Tendring Colchester Borders Garden Community – Broad Location’.</p> <p>Delete Local Map B.7 Tendring Colchester Borders Garden Community</p>	<p>Effective</p> <p>To reflect the deletion of policies SP9 & SP10 and to show the broad location of the Tendring / Colchester Borders Garden Community accurately</p>
MM46	At end of Section 1 Plan	<p><i>Insert Appendix A below entitled ‘List of policies superseded by Section 1 of the Plan’</i></p>	<p>Legally compliant</p> <p>To comply with relevant legislation.</p>
MM47	Colchester Local Plan Front Cover	<p>The Publication Draft stage of the Colchester Borough Local Plan 20132017-2033</p>	<p>Justified, Effective</p> <p>To ensure that the cover of the plan shows the correct plan period.</p>

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TO BE ADDED TO THE SCHEDULE

- **Map 10.2 (based on EXD/080A) entitled ‘Tendring Colchester Borders Garden Community – Broad Location’**
- **Appendix A, entitled ‘List of policies superseded by Section 1 of the Plan’**

Statement of Community Involvement – Covid Update		Agenda No: 6
Portfolio	Planning and Housing	
Corporate Outcome:	<p>A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported</p>	
Report presented by:	Alan Massow – Principal Planning Policy Officer	
Report prepared by:	Alan Massow – Principal Planning Policy Officer	
Background Papers:	<ul style="list-style-type: none"> • The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 • Neighbourhood Planning Act 2017 • Town and Country Planning (Development Management Procedure) Order (2015) • General Data Protection Regulations • National Planning Policy Framework (2019) • National Planning Policy Guidance • Coronavirus Act 2020 • Planning Update Newsletter (MHCLG) March 2020 	<p>Public Report: Yes Key Decision: No</p>
Executive Summary:		
<p>An update to the Statement of Community Involvement (SCI) is normally required every 5 years, in order to comply with the Town and Country Planning Regulations 2017. Members may recently recall approving an updated SCI in February of this year.</p> <p>Since the updated SCI was released, guidance has been issued by Government, to take into account the difficulties of running public consultation exercises during the current pandemic.</p> <p>It is proposed to amend the SCI in accordance with the new guidance. As this is likely to be a temporary situation, it is proposed that the amendments will expire on the 31st December 2020, and the original SCI as adopted will come back into force. However, this is not the case for the changes to publicity requirements for planning applications which will remain in force.</p>		

New text is included in the SCI in red with an underline, and removals are crossed through. A copy of the revised SCI is at Appendix A.

In addition, amendments are proposed to Section 7 of the SCI (Development Management) to amend Table 7.5 (Publicity Requirements for applications) for Prior Approval applications. A revised copy of this table will be presented to Members at the Local Plan Sub-Committee.

If an area within the district goes under lockdown, officers will seek to ensure members of the public are able to comment during consultations.

Recommended Decision:

That the Statement of Community Involvement (2020) is updated to reflect changes in government guidance and the publicity requirements for all applications.

Purpose of Decision:

To update the Statement of Community Involvement (2020) in accordance with latest government guidance and to ensure the publicity requirements for all applications comply with the relevant regulations

Any Corporate implications in relation to the following should be explained in detail.

Financial:	Officer time and resources required to carry out any public consultation is estimated to be minor.
Legal:	The Local Planning Authority has a duty to review its Statement of Community Involvement at least every five years from the date of publication.
Safeguarding:	No matters arising out of this report
Equalities/Diversity:	The Statement of Community Involvement has a positive/neutral impact on people with protected characteristics.
Customer Impact:	The Statement of Community Involvement will set out how the Local Planning Authority will undertake public consultations and/or engage with its customers for the Local Plan and for planning applications. For Parish Councils, it will also set out how the Local Planning Authority will support Neighbourhood Plans.
Environment and Climate Change:	No matters arising out of this report

Consultation/Community Engagement:	As the proposed changes are temporary no consultation on the SCI is proposed.
Risks:	The Local Planning Authority (LPA) has a legal duty to review its Statement of Community Involvement under the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.
Officer Contact:	Alan Massow
Designation:	Principal Planning Policy Officer
Ext. No:	2577
E-mail:	Alan.massow@braintree.gov.uk

1 Introduction

- 1.1 The Statement of Community Involvement (SCI) sets out how the council will consult the residents and stakeholders on planning applications and Local Plan documents. This includes public consultation of the Local Plan, Neighbourhood Plan and Supplementary Planning Documents, making comments on planning applications and how the LPA will assist Neighbourhood Planning areas or forums.
- 1.2 Braintree District Council's SCI has only recently been updated, however changes in government guidance have been brought into effect to enable consultation on planning applications, Local Plans and Neighbourhood Plans to continue under current circumstances.
- 1.3 In addition, amendments are proposed to Section 7 of the SCI (Development Management) to amend Table 7.5 (Publicity Requirements for applications) for Prior Approval applications. This is to ensure the publicity requirements for all applications comply with the relevant regulations, and is a permanent change.

2 Government Changes to Consultation

- 2.1 The government have made clear that during the current crisis face to face consultation should be replaced with other consultation methods, and that it is acceptable to hold consultations without having physical hard copies of documents available.
- 2.2 Advice has been provided on a number of areas including;
 - Community Infrastructure Levy
 - New time-limited permitted development rights
 - Validation of applications
 - Determination timescales
 - Publicity and consultation for planning applications
 - Virtual planning committees
 - Local Plans
 - Neighbourhood Plans
 - Compulsory purchase
 - Nationally Significant Infrastructure Projects
- 2.3 The majority of changes in the SCI relate to Local and Neighbourhood planning within the district. Table 7.5 of the SCI is also being updated to reflect updated publicity requirements for applications and is a permanent change.

3 Neighbourhood Planning

- 3.1 The neighbourhood plan process involves significant levels of consultation particularly during its drafting stages to enable members of the community to have the opportunity to have their say on the plans. This stage of the consultation (Regulation 14) is run by the parish council's neighbourhood plan group, the Regulation 16 stage is run by the local planning authority. The Local Authority also provides advice to groups (through the RCCE) on carrying out consultations effectively.

- 3.2 The neighbourhood plan regulation 16 (a) states that the consultation documents should be on the Council's website and in such other manner as they consider is likely to bring the proposal to the attention of people in the neighbourhood area. To do this the Council places a newspaper advert, puts the documents on deposit at the Council office and a local library, and provides public notices to the parish to put up if they want them. This stage of the consultation would not normally require the local authority to hold public exhibitions, as all representations are considered by an independent examiner.

4 Local Plans

- 4.1 Local Plans also undergo public consultation with all stages of it being undertaken by the Local Planning Authority. The Town and Country Planning (Local Planning)(England) Regulations 2012, require under regulation 35, that a document is considered to be made available when it is available for inspection at their principal office (Causeway House), and other such places within their area which they consider appropriate during normal office hours. It is also necessary to publish the document on the Council's website.
- 4.2 Under normal circumstances the Council would deposit the document in libraries in the district and its main office.
- 4.3 Main consultation such as those held under regulation 18 and 19 of the regulations, would normally include public exhibitions or meetings depending on the type of consultation taking place.
- 4.4 Under the current circumstances it is not possible to place notices in public buildings or at the Council's principal office, however if circumstances change, then the Council will start depositing documents again even if this is before the 31st December 2020.
- 4.5 It is therefore proposed to update the SCI to take into account the revised national planning practice guidance, by making all public consultations and meetings available to attend online, and providing an alternative arrangement where possible for the physical inspection of documents.

5 Development Management

- 5.1 Amendments are proposed to Section 7 of the SCI (Development Management) to amend Table 7.5 (Publicity Requirements for applications) for Prior Approval applications. This is to ensure the publicity requirements for all applications comply with the relevant regulations, and will be a permanent change to the SCI. An amended Table 7.5 will be presented to Members at the Local Plan Sub Committee.

6 Recommendation

- 6.1 **That the Statement of Community Involvement (2020) is updated to reflect changes in government guidance and the publicity requirements for all applications.**



| LOCAL
| PLAN |

Statement of
Community
Involvement

2020

(Covid

19

Amendment)



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1. Background

~~1.1 This document is an update to reflect the current Covid-19 crisis, and takes into account revised government guidance on public consultation published on the 13th May 2020, an amendment to the Statement of Community Involvement (SCI) September 2013. It is the 5th iteration of the SCI.~~

1.2 The first SCI was adopted by the Council in July 2006, following a public consultation and review by an independent Planning Inspector. In September 2009, a supplement was approved due to the Council introducing pre-application charging. A further minor amendment was approved by the Local Development Framework (LDF) Panel in April 2010. Further amendments were made in 2013 reflected changes in legislation, governance and technological change.

~~1.3 A need to review the SCI has arisen due to recent changes in new legislation (The Coronavirus Act 2020) and updated planning guidance which requires a review of the SCI to ensure plan making can continue. *The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017* amended section 10A to include a duty on Local Planning Authorities (LPAs) to review their SCIs every five years. Additionally, the *Neighbourhood Planning Act 2017* has introduced a requirement on LPAs to include within their SCIs their policies for giving advice or assistance on making and modifying neighbourhood development plans and on making neighbourhood development orders.~~

~~1.4 An SCI must be subject to public consultation however since 2011, SCIs do not need independent examination.~~

Consultation on draft revision of 6th iteration of the SCI

~~1.5 This SCI was published for a six week public consultation using methods from both the previous SCI and any additional methods set out in this document. An equalities impact assessment accompanies the SCI to ensure that the needs of people in respect of age, disability, gender, pregnancy & maternity, race, religion or sexual orientation are taken into account. No public consultation has taken place for this version of the SCI, as the changes proposed are temporary until 31st December 2020. After that date the SCI will revert to its previous form with the exception of the publicity requirements for applications which is a permanent change.~~

2. Introduction

2.1 The *Planning and Compulsory Purchase Act (2004)* changed the planning system in England by including a requirement for Local Planning Authorities (LPAs) to produce a Statement showing how communities and stakeholders will be consulted. The *Localism Act 2011* places engaging with local communities to shape the places where they want to live, work and play at the heart of the planning system.

What is an SCI?

2.2 The Statement of Community Involvement (SCI) sets out how and when the LPA will involve local communities in the planning system, together with a description of the consultation methods to be used for each planning activity such as site notices, social media, [online](#) workshops and other methods. This includes community engagement in both policy and development management aspects of the planning system; The Local Plan, neighbourhood and other planning policy documents which sets out the planning policies to guide new development in the District and consultation on planning applications.

2.3 The National Planning Policy Framework (NPPF) (recently updated in February 2019) provides the framework for local communities and the local authorities to prepare local and neighbourhood plans that reflect their visions and aspirations through the Local Plan process. The NPPF recognises that early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential.

2.4 Paragraph 12-017 of the NPPG (last revised 2014) states:

“LPAs [are required] to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The Statement of Community Involvement should be published on the local planning authority’s website.”

2.5 The key stages for preparing the Local Plan and Development Plan Documents (DPD) are set out in *Town and Country Planning (Local Planning) (England) Regulations 2012*. In summary these are set out below:

Stage 1	Regulation 18	Public participation in preparation of DPDs.
Stage 2	Regulation 19 + 20	Publication of a DPD and making representations (under regulation 20 consultation is 6 weeks).
Stage 3	Regulation 22	Submission of documents to Secretary of State.
Stage 4	Regulation 23 to 25	Examination process.
Stage 5	Regulation 26	Adoption of DPD.

3. The Plan Making Process

3.1 The *Planning and Compulsory Purchase Act (2004)* required the preparation of new planning documents to replace the previous 'Local Plan' system. This new suite of documents was called the Local Development Framework (LDF) however, following a change of government in 2010, a new set of *Town and County Planning (Local Planning) (England) Regulations* came into force in 2012 and these revert to the former terminology of a 'Local Plan'.

Currently adopted Local Plan

3.2 Braintree District Council has adopted a Core Strategy (2011) under the Local Development Framework System. Guidance for the District is also set out in the Local Plan Review 2005, and is relevant where it is still an adopted development policy for decision making.

3.3 For the purposes of minerals and waste planning, Essex County Council are the responsible authority for producing a Minerals Local Plan and Waste Local Plan. The Essex and Southend-on-Sea Waste Local Plan was adopted in July 2017 and the Essex Minerals Local Plan was adopted in July 2014. When preparing the Braintree Local Plan, regard will need to be given to the strategies and policies contained within the Minerals and Waste Local Plans.

3.4 Braintree District Council has submitted for examination a new two part Local Plan with a shared strategic Section 1 which is jointly prepared with the neighbouring authorities of Tendring and Colchester. The Section 2 Local Plan has also been submitted and sets out policies and proposals which relate to Braintree District only.

3.5 The new Local Plan will set out how the Council plans for, and make decisions about, the future of towns, villages and countryside in the District. It will set out a strategy for the future development of the District, which is based on a clear and locally distinct vision. This vision should be developed with the involvement of the local community and there should be commitment by all relevant agencies to its delivery.

3.6 There are a number of different types of planning documents that can be prepared as set out below.

Local Development Scheme

3.7 The Local Development Scheme (LDS) is a project planning document for the Local Plan. It sets out the documents that the Council intends to produce, their scope and the timetable for their preparation. It is regularly updated to reflect the Council's priorities for plan making.

Local Plans (including CIL, DPDs, policies maps and Sustainability Appraisals)

3.8 Development Plan Documents (DPDs) are planning documents that cover policies, proposals and allocations. They are statutory documents prepared in accordance with set procedures. This includes community involvement throughout the process in accordance with this SCI. The DPDs will be subject to a public examination to assess their soundness, which will be carried out by an independent Planning Inspector.

3.9 A policies map (also known as proposals map) often accompanies a DPD to spatially identify land use designations and allocations. The adopted proposals map reflects the

most up-to-date spatial plan for the District and is revised when new DPDs are adopted. Inset maps have been prepared at a larger scale than the proposals map to show certain areas in more detail.

3.10 The Council will undertake a Sustainability Appraisal (SA) and Strategic Environmental Assessments (SEAs) of DPDs during their preparation. This tests the policies and proposals against sustainability objectives and enable them to be modified where appropriate to mitigate potential adverse effects. The Sustainability Appraisal will be published for public consultation alongside the DPDs where appropriate.

Supplementary Planning Documents (including Area Action Plans)

3.11 A Supplementary Planning Document (SPD) provides further information in respect to DPD policies. SPDs must be consulted on (regulations 18 - 20) and can be adopted without an independent examination.

3.12 To guide the application of policies in the Local Plan, the Council has adopted a number of SPDs. The SPDs cover a range of issues, specific subjects, or individual sites. They are intended to explain, or provide further detail about policies or site allocations in the Development Plan Document. SPDs must have public consultations carried out in accordance with this SCI.

3.13 An Area Action Plan (AAP) is a SPD which is focused on a specific location and set out additional policies and/or land use designations. This typically involves new policies for the implementation and delivery of development of an appropriate scale, mix and quality. There are currently no plans for the production of new AAPs, as Masterplans, rather than AAPs, will be produced for allocated strategic growth locations to guide planning applications for these areas where appropriate.

Neighbourhood Plans

3.14 The *Localism Act 2011* introduced reforms to the planning system that enables communities through a parish/town council or a Neighbourhood Forum to create Neighbourhood Plans for their area. This has introduced a new tier of Development Plan Documents to the planning system.

3.15 The *Neighbourhood Planning (General) Regulations 2012 (As amended)* provides further details of the process of Neighbourhood Planning, including requirements for consultation and publication of neighbourhood areas, forums and plans. The 2017 regulations amendment brought in new duties for the LPA including a requirement for LPAs to set out how they will give advice or assistance to Neighbourhood plans or Development Orders.

3.16 Assistance and advice is available from the Rural Communities Council of Essex (RCCE) and Council's Local Plan Team. The [Statement of Relationship with Braintree District Council in the preparation of a Neighbourhood Development Plan](#) provides more information and is available online. The table below also outlines the assistance that will be provided:

Stage of Process	Support Available
Initial meeting(s) (Please note that these will be online meetings)	Make a presentation about neighbourhood planning; Facilitate a community workshop to get people involved; Provide examples of publicity materials.
Define the Neighbourhood Area	Explain the application process; Advise on the boundaries and the suitability of the local group as a 'qualifying body'.
Establish a steering group	Chair initial meetings of volunteers; Advise on group structure; Provide example terms of reference; Provide training for group members.
Prepare a project plan	Advise on time plan and budget; Assist with funding applications.
Community engagement	Advise on a communications strategy; Provide example surveys; Advise on engagement event organisation; Facilitate community engagement events; Advise on how to keep records of participants.
Draft a vision and planning objectives	Facilitate a visioning event; Provide example visions and planning objectives.
Create an evidence base	Sign post to sources of information; Provide maps; Advise on assessment of sites; Provide comments on the emerging evidence base; Advise on additional studies that may be needed; Advise on Sustainability Appraisal; Advise on any requirement for Environmental Assessment and Habitats Regulations Assessment.
Prepare a draft plan	Advise on presentation and assessment of options; Advise on creating deliverable proposals; Advise on how to draft planning policy; Advise on the structure of the document; Provide comments on the emerging draft; Provide a Strategic Environmental Assessment scoping report on the draft plan.
Consult on the plan (pre submission consultation)	Advise on the statutory consultation process; Advise on the preparation of the Consultation Statement and Basic Conditions Statement.
Submit the Plan for Validation and Consultation	Advise on suitability of the plan in meeting the 'basic conditions': Conformity of the Plan; Suitability of the Consultation Statement; Suitability of any Environmental Assessment or Habitats Regulations Assessment undertaken; Conformity with other legislative requirements; Conformity with the OS mapping requirements (including copyright issues).

Appoint examiner

Work together on the appointment of the independent examiner.

3.17 Like Local Plans, neighbourhood plans are subject to public consultations. Neighbourhood plan consultations must adhere to the stages within the Neighbourhood Planning (general) regulations 2012 (As Amended), however the Coronavirus (COVID-19): Planning Update means that primarily online publication is now an acceptable means of consultation. The LPA may be required to undertake the consultation for Neighbourhood Designation under some circumstances where this is required by regulation – the LPA will advise on a discretionary basis.

3.18 When it becomes possible to provide a requirement housing figure for a designated neighborhood plan area, i.e. though preparation of an NPPF 2019 compliant Local Plan, the LPA will provide such assistance during the creation of an evidence base.

3.19 Regulation 14 consultation is carried out by the Parish Council or Neighbourhood Forum, they must consult the bodies prescribed in Schedule 1 of the regulations, and they may decide who else to consult given the scope and nature of the proposals in accordance with paragraph 48 of the PPG. The LPA will advise and assist on this consultation as required. For regulation 16, it is the LPA's responsibility to undertake public consultation in accordance with the legislation and the commitments set out within this SCI.

3.20 Before the examination, the LPA has to check that the submitted plan/order is legally compliant, i.e. the procedural steps have been followed. The examiner's report is not legally binding, but the authority must have clear reasons for departing from any of the examiner's recommendations. If significant changes are made by the LPA, further examination may be required.

4. Stages in Preparation of Development Plan Documents, Supplementary Planning Documents and Neighbourhood Plans.

4.1 The Council will publish details, in its Local Development Scheme and on its website, of the timetable for the preparation of DPDs and will regularly update this information. DPDs that have been adopted will be published on the website, together with supporting evidence documents. An interactive version of the Local Plan will be available on the website.

4.2 The key stages in the preparation of Development Plan Documents are as follows:

Preparation and Public Participation, and Duty to Co-operate (Issues and Scoping)

4.3 This is the survey and evidence gathering stage, undertaken to understand the main issues to be addressed in the document. It involves collating up to date information on social, environmental and economic matters.

4.4 Early consultation will be conducted on each DPD as considered appropriate by the Council.

4.5 The Localism Act and the National Planning Policy Framework (NPPF) places a duty on local planning authorities and other bodies to cooperate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive and active engagement on the preparation of development plan documents and other activities relating to the sustainable development and use of land, in particular in connection with strategic infrastructure.

4.6 In order to demonstrate effective and on-going joint working, the NPPF requires LPAs to maintain Statements of Common Ground (SOCG) on cross-boundary matters. These will state the matter(s) being addressed and progress made through co-operation to address them. The information required for the production of SOCGs is detailed further in the NPPG.

Regulation 18 Consultation

4.7 This consultation stage is a statutory requirement and a minimum six week consultation period for a development plan document is required. This is an opportunity for the community, statutory consultees and other stakeholders to submit representations on the document and raise concerns. It is also an opportunity to set out alternative options to those being proposed.

4.8 The Council will publish the document electronically ~~and in paper form.~~

4.9 A Sustainability Appraisal must be integrated at this stage to inform the DPD from a sustainability perspective, ensuring that the social, environmental and economic needs of (and effect on) the area are taken into account. A Habitats Regulation Assessment may also be required to establish whether the DPD has likely significant effects on internationally protected nature conservation sites.

4.10 Alternative options put forward by others will also be published and made available for inspection.

Regulation 19 + 20 Publication of a Local Plan

4.11 After considering the responses to the draft document, the Council will publish the Submission Document. This will contain finalised policies and proposals. Before it can be submitted to the Secretary of State it will be published for pre-submission consultation for a minimum of six weeks. The submission will be accompanied by a document that sets out how representations have been dealt with in accordance with this SCI.

4.12 Representations should relate to whether policies and plans are prepared in accordance with the Duty to Cooperate, the relevant legal and procedural requirements, and whether it is considered to be 'sound' (see paragraph 4.15 below). Representations at this stage should only make reference to these matters.

4.13 At the same time the Sustainability Appraisal and Habitats Regulations Assessment will be published together with other supporting documents as appropriate. Copies of all representations received during the period for consultation on the Submission DPD together with a summary of previous issues and how they were dealt with, will be forwarded to Secretary of State

Public Examination

4.14 The Secretary of State will appoint an Inspector to carry out the examination into the soundness of the document. The tests of soundness (NPPF Paragraph 35) are set out below:

- a) Positively Prepared – providing a strategy which, as a minimum, seek to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this framework.

4.15 The Council appoints the Programme Officer who is the point of contact for the Inspector. The name of, and details for how to get in contact with, the inspector will be published on the Council's website. A notice detailing the time and place of the examination and pre-hearing meeting (if necessary) will be published on the Council's website. Please note that the examination and pre-hearing meeting will be conducted online until further notice.

4.16 Examinations are not required for SPDs or this Statement of Community Involvement.

Adoption

4.17 Following receipt of the Inspector's report the Council will make the necessary changes to the document and then adopt the document together with its Sustainability Appraisal. In most circumstances the Inspector will recommend adoption subject to main

modifications necessary to make the plan sound and legally compliant. Any such main modifications will require a full public consultation which will be advertised and the document made available [online](#) at the Council offices. It will also be published on the Council's website.

SPDs and Neighbourhood Plans

4.18 Supplementary Planning Documents (including AAPs) must accord with a separate part of the Town and Country Planning (General) regulations 2012 to DPDs (regulations 12 to 15). Neighbourhood Plans are prepared in accordance with regulations 14 to 20 of the Neighbourhood Planning (General) Regulations 2012.

4.19 On the 13th May 2020 updated guidance was published to indicate that it is not mandatory for copies of documents to be made available in a physical location.

4.20 The differences for the purposes of community involvement are set out in the following table:

	Local Plans, Development Plan Documents	Supplementary Planning Documents	Neighbourhood Plans
Preparation and Duty-to-Cooperate	Information gathering to update social, environmental and economic matters. Early consultation on the broad subject of the DPD. The LPA must undertake the DTC and maintain an SOCG on strategic cross boundary matters.	Information gathering to update social, environmental and economic matters. The duty-to-cooperate does not apply to non-strategic plans.	Evidence gathering and public participation is at the discretion of the Neighbourhood Plan group. The duty-to-cooperate does not apply to non-strategic plans.
Draft Consultation	6 week public consultation Sustainability Appraisal required.	4-6 week public consultation. Sustainability Appraisal not required. This stage is optional.	6 week public consultation carried out by qualifying body. Sustainability Appraisal may be required in very limited circumstances.
Publication Draft Consultation	6 week public consultation.	4-6 week public consultation.	6 week public consultation. SEA and HRA screening is required.
Examination	Secretary of State will appoint an Inspector who will carry out an	No examination is required.	An examiner, who is appointed by the LPA in with agreement with the qualifying

	examination into the soundness of the Plan.		body, will determine if the Neighbourhood Plan meets the Basic Conditions. This is likely to be conducted through written representations. rather than public hearings.
Referendum	No referendum required.	No referendum required.	Following receipt of examiner's report, the LPA must make a decision on whether the Plan can proceed to referendum in accordance to regulation 18 as soon as possible. <u>The Coronavirus Bill has suspended elections and referendum until the 6th May 2021.</u>
Adoption	Following receipt of Inspector's report and the recommended changes to make the plan sound, the Council may choose to adopt it in line with regulation 25 and 26.	Following the preparation of a consultation statement and adoption statement, an SPD can be adopted by the LPA in line with regulation 14.	If the Neighbourhood plan referendum receives a simple majority in favour, the LPA can adopt the Plan update. <u>Changes to planning guidance on the 7th April 2020 set out that neighbourhood plans awaiting referendums can be given significant weight in decision making.</u>

5. Community Involvement in the Local Plan

5.1 NPPF paragraph 16 states that plans should ‘be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; [and] be accessible through the use of digital tools to assist public involvement and policy presentation;’

5.2 The Council intends to maintain a process of ongoing community involvement and early involvement in the preparation of each document, so that the community have had a chance to influence local policy decisions that are made. The Council will let people know about what it is doing, what stage it has reached in the preparation of documents, where documents can be inspected, how people can be involved and the results of consultations. This information will be updated.

5.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the minimum requirements for public participation in the preparation of a DPD. ~~It is proposed to go beyond these requirements.~~

Methods of Community Involvement

5.4 A number of different methods will be used depending on the nature of the subject involved, audience and Council resources, to enable effective community involvement.

5.5 The following table sets out the methods and activities the Council will consider using. It is not exhaustive, nor does it represent a list of activities that will be used in every instance. All engagement activities will be published on the Council’s website.

Consultation Method/Activity	How it will be used
Council’s Website	<ul style="list-style-type: none"> • Council’s website – www.braintree.gov.uk • Publication of DPDs through the Council’s Consultation Portal - braintree-consult.limehouse.co.uk/portal • Host information on the timescales and progress of the Local Plan. • Viewing and downloading of Local Plan documents. • Information on the Examination in Public (where applicable) including location and online arrangements, time of hearings, matter statements, and correspondence from the Inspector.
Social Media	<ul style="list-style-type: none"> • BDC corporate social media presence on Facebook, Twitter and Instagram
Press Release	<ul style="list-style-type: none"> • Issuing new releases to the local media at key stages in the plan-making process.
Posters, leaflets and displays in public locations	<ul style="list-style-type: none"> • Can be used to summarise detailed information and capture a wider audience. • Leaflets and flyers could be distributed in public places.

	<ul style="list-style-type: none"> • Posters, leaflets and forms could be circulated to Parish/Town Councils for local community boards and deposit at village halls or local libraries.
Council Meetings	<ul style="list-style-type: none"> • Where appropriate feedback from Councillors will be sought by taking the documents to relevant committee meetings.
Public Exhibitions, workshops and Roadshows	<ul style="list-style-type: none"> • Either Unstaffed exhibitions in accessible public places e.g. libraries, council offices if open, or staffed events at town and village public halls and other venues. • Participatory methods could be used to record comments however majority of comments comments should be are expected to be submitted on a proforma or online. • The Council have a duty to safeguard vulnerable adults and ensure they have regard to the welfare of children at events, <u>however staffed exhibitions are currently suspended.</u>
Public Meetings <u>(To be conducted online)</u>	<ul style="list-style-type: none"> • An opportunity for face to face discussion. • It will remain the responsibility of the individual, group or organisation to submit written comments after the meeting. • The Council have a duty to safeguard vulnerable adults and ensure they have regard to the welfare of children at this event, <u>however staffed exhibitions are currently suspended.</u>
Questionnaires	<ul style="list-style-type: none"> • Can be sent by post or email to large numbers of people. Useful in gauging opinion on specific issues.
Site notices	<ul style="list-style-type: none"> • Used to promote the consultation process and reach individuals or groups who are not on the Council's planning policy mailing list. • This method can be used to notify residents about proposed development land allocations.
Workshops <u>(To be conducted online)</u>	<ul style="list-style-type: none"> • Interactive sessions to focus discussion around difficult issues and key themes. This method could capture an audience who may respond to this kind of contact.
Inspection points	<ul style="list-style-type: none"> • Documents will be put on deposit at the Council offices and will be available for inspection during normal office hours. • Deposits may also be made in public libraries. • Documents will be available online at all times.

- [Documents can be viewed on an appointment basis with the parish council subject to conformity with Covid-19 procedures.](#)
- [Sending documents to a person who is unable to access the internet.](#)

6. Who is involved?

6.1 There are various types of bodies, groups and organisations that the council, where appropriate, will involve and consult during the preparation and development of the Local Plan. These lists are not exhaustive and also relate to successor bodies where re-organisations occur.

6.2 Regulation 18 (2) of the *Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended) state that the local planning authority must notify and invite to make representations on the Local Plan, the following bodies:

(a) specific consultation bodies (statutory consultees)

- Historic England
- Environment Agency
- Highways England
- Homes England
- Natural England
- Network Rail
- Mid Essex Clinical Commissioning Group
- Essex Police
- Essex County Council

Relevant authorities adjacent to the district:

- Babergh and Mid Suffolk DCs, Colchester BC, Maldon DC, Chelmsford CC, Uttlesford DC, South Cambridgeshire DC, West Suffolk DC, Cambridgeshire CC, Suffolk CC.
- Town and Parish Councils
- Telecommunications companies
- Electricity and gas companies
- Sewerage and water companies

(b) general consultation bodies

The Council will seek to engage and consult, where appropriate, with the general public, the wider community, neighbourhood forums and hard to reach groups. These may include:

Community and voluntary bodies:

- Residents and tenants groups
- Registered social landlords
- Wildlife groups
- Environmental organisations

- Historical/Archeological organisations
- Sports organisations
- Arts organisations
- Citizens advice bureau
- Town and village societies and associations
- Local amenity societies

Special interest groups:

- Disability groups
- Older peoples groups
- Youth groups
- Mental health groups
- Local trusts
- Ethnic minority organisations
- Faith groups and churches
- Local trusts
- LGBT+
- Gypsies and Travelers
- Showman's Guild

Other Bodies:

- Schools, colleges and other education and training providers
- Developers and planning consultants/agents
- Health organisations
- Environmental groups
- Rail and bus groups
- Community transport providers
- House builders
- Housing Associations
- Sport and cultural organisations
- Essex Fire and Rescue
- East of England Ambulance Service
- Local branches of professional institutions

(c) residents or other persons carrying on business

Subject to change, these may include:

Business Groups:

- Chambers of trade and commerce
- Town centre strategy groups
- Business groups
- Landowner and farming organisations
- Haven Gateway
- South East Local Enterprise Partnership (SELEP)

Others:

- Anyone that has previously made a representation on the Local Plan (and have not opted out)

- | |
|--|
| <ul style="list-style-type: none">• Anyone who has asked to be placed on the Council's planning policy mailing list. |
|--|

Voluntary Sector Involvement

6.3 The Council will consult with the voluntary and community sector on proposals that may have a significant effect on their services. The Council will make documents available to view prior to the statutory consultation period but this may not always be possible.

Consultation with hard to reach groups

6.4 The Council will make efforts to include the views of people with sensory, physical and learning disabilities.

6.5 Some parts of the community are often less involved in the planning process, for example, hard to reach groups including young people, older people, people with disabilities and ethnic minorities. Positive action will be taken to ensure that they have the opportunity to participate by following these basic principles in consulting with hard to reach groups:

- Documents are as clear, concise and understandable as possible;
- Hold [online](#) meetings and exhibitions [which are](#) in accessible locations suitable for people with disabilities.
- Accessible locations by public transport and locations within the more rural parts of the District.

~~6.6 Where people are invited to attend a consultation events in a specific place we will:~~

- ~~• Make sure the venue is accessible;~~
- ~~• Offer a range of contact methods;~~
- ~~• Offer assistance in completing written consultations documents; and~~
- ~~• Be sensitive to the cultural needs of the people we are talking to.~~

The Duty to Co-operate

6.7 The *Localism Act 2011* and NPPF places a duty on LPAs and other prescribed bodies to cooperate with each other to address strategic matters that cross administrative boundaries. Whilst the Council has always consulted with neighbouring District and County Councils, this has added a formal duty to engage constructively, actively and on an ongoing basis in the preparation of the Local Plan and on strategic matters such as infrastructure. The Council's compliance with the duty to cooperate will be demonstrated through Statements of Common Ground which will be published on the Council's website.

Feedback and respond to Consultation Results

6.8 All representations on DPDs will be made available to view online. Comments can be made through the Council's consultation portal, by post or email. Written comments will be transcribed onto the consultation portal.

6.9 After the consultation has concluded, all representations will be published on the Council's website. Representations will be reviewed by officers and reported to the relevant committee. The report will summarise the representations received, provide officer comment on the matters raised, make recommendations with reasons, and be used to inform future stages of plan preparation. The report and minutes of these meetings will be made available online.

Data Protection

6.10 In compliance with the General Data Protection Act (GDPR), the following actions will be undertaken:

6.11 The details of anyone who makes a representation to the Council will be held on a database in order to undertake its statutory tasks. A mailing list will also be created featuring only individuals, groups or businesses who have opted in. The names and organisation of any member of the public making a representation will be published alongside their representation as these are required to be made a matter of public record. All other personal details will be redacted.

6.12 A Privacy Notice will be provided at the time of collecting the data. No personal respondent data will be shared with partners or any other third parties, and will be disposed of once it is no longer needed. Acknowledgement by e-mail or letter will be also sent to representations and to provide further information.

Regarding the use of data for Public Examination:

6.13 All DPDs submitted to the Secretary of State will be accompanied by a Consultation Statement which sets out compliance with the SCI in the preparation of the document, the main issues raised and how these have been addressed. A duty to cooperate statement will also be prepared to demonstrate how the LPA has complied with the duty in the preparation of the DPD. As required by legislation, all those on our mailing list will be notified by letter or e-mail when documents are submitted to the Secretary of State for consideration, when the Inspector's main modifications is published (if required) and when a document is adopted.

7. Development Management

Introduction

7.1 In order to carry out development or works to a listed building in the Braintree District, permission to do so must be granted by the Local Planning Authority through a formal application process. 'Development' has a legal definition, but in summary it means that planning permission is usually required for:

- Building new structures,
- Changing the use of existing structures or land; and
- Making extensions/modifications that aren't covered by permitted development rights.

7.2 The exception to this is where certain types of development which Government legislation allows to be carried out without the need to obtain planning permission from the Local Planning Authority. These rights are commonly referred to as 'Permitted Development' rights. Government guidance on what requires planning permission and what can be undertaken under permitted development rights can be found online (www.gov.uk, www.planningportal.co.uk, or www.braintree.gov.uk).

7.3 Braintree District Council is the Local Planning Authority for the Braintree District. The Local Planning Authority processes thousands of applications each year. Applications vary in scale from householder applications to extend an existing dwelling, to large scale major developments for residential or commercial development.

7.4 For most people, their main contact with the planning system is through the planning application process, either as an applicant, or as a resident who may be affected by a particular planning proposal.

7.5 This section of the Statement of Community Involvement sets out the approach which will be taken by the Local Planning Authority to involve the community in the planning application process.

Pre-Application Process

7.6 The National Planning Policy Framework (NPPF) sets out the Government's expectation that Local Planning Authorities should approach decisions on proposed development in a positive and proactive way, working with applicants to secure developments that will improve the economic, social and environmental conditions of the area. The NPPF also states that Local Planning Authorities should seek to approve applications for sustainable development where possible.

7.7 The NPPF highlights the importance of pre-application engagement and states that a Local Planning Authority should encourage Applicants to engage in pre-application discussions prior to submitting a formal application for consideration.

7.8 The Local Planning Authority operates a comprehensive chargeable pre-application process for applicants for all scales of planning proposals, from householder extensions, proposed works to listed buildings, to minor and major residential and commercial development. Details of this service are available on the Council's website (www.braintree.gov.uk/preapp).

7.9 Preapplication advice benefits:

- Enabling local concerns and objections to be identified early in the process, and providing an opportunity for these to be addressed,
- Raising awareness and ensuring that local communities are provided with accurate information on proposed developments,
- Provide an opportunity for the community to discuss proposals with the applicant,
- Potentially avoiding the need to revise proposals later in the application process; and
- Assisting with the submission of better quality planning applications.

7.10 It is recognised that the level of engagement needs to be proportionate to the nature and scale of a proposed development. The more complex or contentious the proposal, the broader the range of consultation methods should be, to allow as many people as possible to engage with the process. Applicants proposing to submit an application to extend or undertake alterations to their property are strongly encouraged to discuss their proposals with any adjoining properties who could be affected by the proposals. This assists in identifying potential issues early on and can assist the planning application process, as this provides an opportunity to address concerns and objections from adjoining properties before an application is submitted for consideration.

7.11 Applications for new residential or commercial development should be subject to wider community engagement. The scale of this engagement would be relative to the proposed development. The list below is not exhaustive, but outlines some of the consultation measures which should be considered by applicants to ensure meaningful engagement with the local community is undertaken:

- Consultation with the Parish/Town Council
- Consultation with the Neighbourhood Plan Group (if applicable)
- Leaflet mail drop to adjoining properties outlining the proposed development and how residents can submit feedback
- Publicise proposals via a website and/or through the local press, social media and flyers and provide a mechanism for residents to be able to submit feedback
- Public meeting/local exhibition in an accessible venue (accessible for disabled persons and for all members of the community) within the locality of the proposed development, for residents to view the proposals, ask questions and submit feedback
- Workshops with different groups (local residents and interest groups) to discuss proposals

7.12 The Local Planning Authority's Government & Local Validation Requirements (Validation Checklist) sets out when a Statement of Community Involvement is required by the applicant to accompany a formal application submission, to evidence and outline the consultation undertaken with the wider community.

Publicity of Applications

7.13 There are legal requirements for the publicity of applications. For the majority of applications the Local Planning Authority will exceed the minimum legal requirements.

7.14 The tables below set out the consultations and range of publicity which the Local Planning Authority will carry out to ensure a thorough and meaningful consultation process

to provide the community with an opportunity to engage in the planning process and comment on proposals.

Table 7.1 Applications for Major Development

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice OR letter to adjoining property • Newspaper publication • Website • Consult Parish / Town Council
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper publication • Website: www.braintree.gov.uk/pa • Consult Parish / Town Council

Table 7.2 Applications accompanied by an Environmental Impact Assessment (EIA)

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice • Newspaper publication • Website • Consult Parish / Town Council
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper publication • Website: www.braintree.gov.uk/pa • Consult Parish / Town Council <p>NB) For any current application which is accompanied by an EIA, a printed copy of the Environmental Statement is available at the Council Offices at Causeway House, Bocking End, Braintree, Essex, CM7 9HB for public inspection during opening hours.</p>

Table 7.3 Applications which represents a Departure from the Development Plan

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice • Newspaper publication • Website • Consult Parish / Town Council
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper publication • Website: www.braintree.gov.uk/pa • Consult Parish / Town Council

Table 7.4 Applications affecting a Public Right of Way (PROW)

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice • Newspaper publication • Website • Consult Parish / Town Council
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper publication • Website: www.braintree.gov.uk/pa • Consult Parish / Town Council

**Table 7.5 Applications for:
Minor Development
Householder Development
Change of Use
Applications for Variation or Removal of Condition(s) attached to a previous consent**

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice OR letter to adjoining property • Newspaper Publication ONLY where proposal affects the character and appearance of a Conservation Area or Listed Building • Website • Consult Parish / Town Council
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper Publication ONLY where proposal affects the character and appearance of a Conservation Area or Listed Building • Website: www.braintree.gov.uk/pa • Consult Parish / Town Council

Table 7.6 Listed Building Consent

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice • Newspaper publication • Website • Consult Parish / Town Council
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper publication • Website: www.braintree.gov.uk/pa • Consult Parish / Town Council

Table 7.7 Householder Prior Approval Applications

Legal Requirement for consultation	<ul style="list-style-type: none"> • Letter to adjoining property
LPA SCI Consultation	<ul style="list-style-type: none"> • Letter to adjoining property • Website: www.braintree.gov.uk/pa • Notify Parish / Town Council

Table 7.8 All Other Prior Approval Applications

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice OR letter to adjoining property
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Website: www.braintree.gov.uk/pa • Consult Parish / Town Council

**Table 7.9 Applications for:
Advertisement Consent
Discharge of Conditions (DAC)
Non-Material Amendments (NMA)
Certificate of Lawful Use or Development (Existing and Proposed)**

Legal Requirement for consultation	<ul style="list-style-type: none"> • None
LPA SCI Consultation	<ul style="list-style-type: none"> • Site Notice AND letter to adjoining property ONLY for applications for Certificates of Lawfulness for an Existing Use or Development where deemed appropriate by the Case Officer • Website: www.braintree.gov.uk/pa • Consult Parish / Town Council - Advertisement Consent; Certificate of Lawful Use or Development (Existing) • Notify Parish / Town Council - Certificate of Lawful Use or Development (Proposed)

Table 7.10 Works to Protected Trees (subject to a TPO)

Legal Requirement for consultation	<ul style="list-style-type: none"> • None
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Website: www.braintree.gov.uk/pa • Consult Parish / Town Council

Table 7.11 Works to Trees within a Conservation Area

Legal Requirement for consultation	<ul style="list-style-type: none"> • None
LPA SCI Consultation	<ul style="list-style-type: none"> • Website: www.braintree.gov.uk/pa • Consult Parish / Town Council

Site Notices

7.15 Site notices are required to be displayed on or adjoining the application site on an appropriate structure such as a telegraph pole, street light, or fence/wall/gate so they are viewable from a public vantage point. The site notice(s) will be displayed by a Planning Officer or a Council Officer who will determine the most appropriate position for the site notice(s). The site notice will provide details of the application submission, advise how to view the proposals online via the Council's Public Access website and how to submit comments and representations on the application and the timescales for doing so.

Letters to Adjoining Properties (Notification Letters)

7.16 Where indicated within the tables above, the Local Planning Authority will send letters to adjoining properties to notify the owners/occupiers that an application has been submitted for consideration. The notification letters provide details of the application submission, advise how to view the proposals online via the Council's Public Access website and how to submit comments and representations on the application and the timescales for doing so.

7.17 In some cases, residents may feel they could be affected by a proposal and/or wish to make representations on an application but have not received a notification letter from the Local Planning Authority. The extent of letter coverage will be relative to the scale and nature of the proposal so in some cases not all residents will receive a notification letter. However, if an owner/occupier has not received a notification letter they are still able to submit representations on the application.

Newspaper Publication

7.18 Where indicated within the tables above, the Local Planning Authority will publish a notice of applications in a newspaper circulating in the locality where the land to which the application relates is situated. The notice will provide details of the application submission, advise how to view the proposals online via the Council's Public Access website and how to submit comments and representations on the application and the timescales for doing so.

How to View and Comment of Applications

7.19 All current applications are available to view on the Council's Public Access website (www.braintree.gov.uk/pa). The system provides access to the submitted plans, supporting documents, and any representations or consultations responses received. You can also search for past applications and appeals (from 1990), and planning enforcement history. For those who do not have access to the internet, access to the Council's Public Access website is available at the Council's offices, at Causeway House, Bocking End, Braintree, Essex, CM7 9HB, during opening hours.

7.20 In addition to searching for specific applications, you can create your own account on Public Access and specify criteria for receiving alerts and notifications of applications.

7.21 Representations to an application can be made online via the Council's Public Access website (www.braintree.gov.uk/pa). In order to submit a representation it is necessary to complete a short registration process. Once registered you will be able to make your comments as well as tracking the application until this has been determined. Further guidance on this can be found online via our website (www.braintree.gov.uk/pa1).

7.22 Representations can also be submitted in writing to the Local Planning Authority quoting the relevant application number addressed to: Development Management, Braintree District Council, Causeway House, Bocking End, Braintree, Essex, CM7 9HB

7.23 All representations received in connection with applications will be available for public inspection and viewable on the Council's Public Access website (www.braintree.gov.uk/pa) within three weeks of receipt. Anonymous representations cannot be taken into account and will not be posted on the website. The name and address of anyone submitting a representation will be published, but in accordance with the Data Protection Act, telephone numbers and e-mail addresses will be removed. Anyone submitting representations should ensure that they do not include personal details within their representation, such as e-mail addresses or telephone numbers. In some cases representations may also need to be redacted to remove sensitive information. Please make sure that your comments are relevant, because you remain personally and legally responsible for them. The Local Planning Authority reserves the right not to publish or redact any comments which in its judgement are libellous, offensive, defamatory, threatening, abusive, or contravenes the provisions of the Equality Act 2010 or any other legislation.

7.24 When considering representations received in connection with applications, the Local Planning Authority can only take into account material planning considerations, which may include:

- Local, strategic and national planning policies
- The design of the proposed development
- The distance between the development and neighbouring property, particularly if the distance is unclear on the plans

- Highway issues: traffic generation, vehicular access, highway/pedestrian safety
- The effect on the amenity of neighbouring premises (e.g. impact such as overlooking, overbearing, overshadowing, loss of natural light, noise, smell, fumes)
- The impact upon trees/ecology, heritage assets, or the historic environment
- Capacity of physical infrastructure and social facilities
- Previous appeal decisions

7.25 The Local Planning Authority cannot take into account representations which raise non-material planning considerations, which may include:

- Effect on property value
- Loss of a view
- Boundary disputes, private covenants or private interests
- Suspicion about future intentions
- The personal circumstances of the applicant

7.26 The Local Planning Authority will not generally enter into correspondence with anyone who has submitted representations on an application once the comments have been submitted. Any representations received will be considered by the Local Planning Authority and taken into account in the assessment of the application.

7.27 The Local Planning Authority will notify anyone who has submitted representations on an application where:

- The application is due to be referred to the Council's Planning Committee for determination (see How Applications are Determined below for further information); and
- The application has been determined and a decision has been issued to the applicant/agent. Anyone who has submitted representations on the application will be notified of the outcome of the application. A copy of the decision notice and either the Delegated or Committee Report will also be published on the Council's Public Access website (www.braintree.gov.uk/pa).

7.28 The Local Planning Authority may also notify anyone who has submitted representations on an application where:

- Revised/Additional Plans/Supporting Documentation have been submitted by the applicant/agent and where the Local Planning Authority has accepted this information. The decision on whether to undertake further consultation on any revised or additional plans/supporting documentation will depend on the nature, scale and significance of this information. Where in its judgement the Local Planning Authority considers it necessary to undertake further consultation, the length of any re-consultation (i.e. whether to re-consult for 21, 14 or 7 days) will also depend on this factor.

How Applications are Determined

7.29 The Council's Scheme of Delegation sets out who can determine applications. In accordance with the Scheme of Delegation the majority of applications are determined under delegated powers by Officers.

7.30 Applications, which meet the specific criteria with the Council's Scheme of Delegation, are referred to the Council's Planning Committee for determination (where the elected councillors on the Planning Committee will make the final decision). When an

application has been scheduled to be referred to the Planning Committee, the Local Planning Authority will write to notify anyone who has submitted representations to advise of the date and venue of the Planning Committee and how to register to speak at the committee meeting during public question time session. Members of the public who have not made a representation to an application can also register to speak on a planning application. Further information on registering to speak at a Planning Committee is available on the Council's website (https://www.braintree.gov.uk/info/200141/committees_and_meetings/102/attending_committee_meetings).

7.31 Planning Committee meetings are scheduled to take place throughout the year. A schedule of dates for Planning Committee are published on the Council's website along with agenda papers and minutes of previous meetings (https://braintree.cmis.uk.com/braintree/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/5/Default.aspx).

7.32 The Planning Committee are public meetings and members of the public are welcome to attend. The Planning Committee meetings are also webcast. Webcasts can be watched live or for up to 6 months after the meeting date (<https://braintree.public-tv/core/portal/home>).

Appeals

7.33 If an Applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for an application or to grant it subject to conditions, or if the Local Planning Authority has not made a decision on the application within the required timescales, the applicant can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Appeals can also be made against Planning Enforcement Notices issued by the Local Planning Authority. The Planning Inspector appointed by the Secretary of State will then be responsible for considering the appeal and deciding whether the appeal should be dismissed or allowed.

7.34 If the Local Planning Authority receives notification of an appeal, the Local Planning Authority will notify all interested parties (i.e. anyone who has submitted representations on the application) of the appeal details. The Local Planning Authority cannot advise on appeals and would recommend that independent legal advice is taken. The Council will also send the Planning Inspectorate copies of any comments received during the consultation on the planning application and it should be noted that the Planning Inspectorate will not accept any further written representations regarding householder appeals. In the case of enforcement notices, the Council will also notify everyone who it thinks is affected about the appeal. When the Planning Inspectorate issue an appeal decision the Council will post the notice on the Public Access website. More information regarding the appeal process can be found on the Council's website (https://www.braintree.gov.uk/info/200228/planning_information/210/planning_appeals).

7.35 There is no third party right of appeal against the decision of the Local Planning Authority, but the legality of decisions made by the Local Planning Authority can be challenged through Judicial Review. A Judicial Review is a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached. There are strict time limits for Judicial Review. The Local Planning Authority cannot advise on Judicial Review and would recommend that independent legal advice is taken.

Planning Enforcement

7.36 A breach of planning control occurs when:

- Development is carried out without the required planning permission;
- Works to a listed building is carried out with the required listed building consent; or
- There is a failure to comply with a condition or limitation attached to an approved application.

7.37 The Local Planning Authority has powers to investigate breaches of planning control. Before taking action the Council will determine whether it is expedient to use its powers. The Local Planning Authority is not under a duty to investigate a complaint or to take specific action.

7.38 Information on how the Local Planning Authority undertakes its Planning Enforcement function can be found in our published Enforcement Plan (https://www.braintree.gov.uk/downloads/download/1259/planning_enforcement_plan). This explains how the Local Planning Authority will investigate alleged breaches of planning control, how the Planning Enforcement Team will prioritise investigations, our staged approach to taking enforcement action, and when we will inform residents of the outcome of an investigation.

7.39 Alleged breaches of planning control can be reported by completing the online enquiry form on the Council's website (https://www.braintree.gov.uk/forms/form/526/en/enforcement_complaint_form) or by contacting the Planning Enforcement Team (https://www.braintree.gov.uk/info/200125/planning_and_building/292/planning_enforcement/2).

8. Monitoring and Review

8.1 Changes to national legislation, regulations and policies on the preparation of SCIs, DPDs, SPDs and Neighbourhood Plans will be monitored and any significant changes may require a review of this document. The SCI will need to be compliant with any legal requirements for the processing of data or changes to anti-discrimination laws, and respond to changes in corporate policy.

8.2 The database of people and organisations to be consulted will be kept up-to-date and managed to comply with Data Protection Legislation.

8.3 The community involvement process will be kept under review, as measured through comments, customer satisfaction surveys, complaints and consultation feedback, to ensure that they are effective. This SCI will be reviewed no later than five years after adoption as required by the Town and Country Planning Regulations 2017.

9. Glossary

Term Used	Explanation
Authorities Monitoring Report (AMR)	Sets out the principal characteristics of the District, assesses progress in preparing Local Development Documents and monitors progress in housing, employment and other development.
Development Plan Document (DPD)	Spatial Planning Document that are subject to independent examination. This includes the Local Plan and Policies Map.
Duty to Cooperate (DTC)	Requirement to cooperate with relevant authorities and other bodies on the preparation of policies that address strategic planning matters.
Local Development Scheme (LDS)	This sets out the programme for the preparation of DPDs and SPDs.
Major Planning Applications	A housing site of 1 hectare, or 30 dwellings or more, retail and leisure uses of 1000sq.m or more, business uses, higher and further education uses of 2500sq.m or more.
National Planning Policy Framework (NPPF)	Sets out Government's planning policies for England and how these are expected to be applied.
National Planning Policy Guidance (NPPG)	Supports the NPPF; the guidance is published online and regularly updated.
Supplementary Planning Document (SPD)	These documents are supplementary to the Development Plan and are used to provide additional detail as deemed necessary.
Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA)	Assessments required by European and national law into how the plan will impact on the District's environment in the long term and contribute towards sustainable development.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)		Agenda No: 7
Portfolio	Planning and Housing	
Corporate Outcome:	Connecting People and Places Enhancing Our Environment Supporting Our Communities Promoting Prosperity Delivering and Innovating	
Report presented by:	Gary Sung, Senior Planning Policy Officer	
Report prepared by:	Gary Sung, Senior Planning Policy Officer	
Background Papers:	Public Report	
<ul style="list-style-type: none"> • Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy • Essex RAMS Supplementary Planning Document • Essex RAMS SPD - HRA & SEA Screening Report • EB083 HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan • Conservation of Habitats and Species Regulations 2010 	Key Decision: Yes	
Executive Summary:		
<p>The Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) project seeks to mitigate the harm from residential development identified in the Habitats Regulations Assessment, and follows the approach supported by the Section 1 Local Plan Inspector.</p> <p>A RAMS Supplementary Planning Document setting out the guidance to be followed in the determination of planning applications and formalising the arrangements for securing the developer contribution was produced and publicly consulted by the 12 participating Essex Authorities in January - the final report is Appendix 1 and the post consultation feedback is Appendix 2. The SPD consultation received a total of 146 comments, 87 of these being from Essex residents and 59 being from various organisations.</p> <p>In addition to the RAMS SPD, a partnership agreement is being drafted to elect Chelmsford City Council as the accountable body to collate and administer the RAMS funds, and to line manage the delivery officer. This agreement will also formalise the division of responsibilities and sharing of liabilities.</p> <p>If the recommendations in this report are acceptable, the Council will collect the tariff set out in the SPD from the 1st September 2020.</p>		

Recommended Decisions:

1. That the Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (RAMS) Supplementary Planning Document attached at Appendix 1 is adopted.
2. That the Council begin implementing the tariff set out in the SPD from the 1st September 2020
3. That the Head of Planning and Economic Development, in agreement with the Cabinet Member for Planning, is authorised to sign the RAMs Partnership Agreement.

Purpose of Decision:

To adopt the RAMS SPD development plan document for implementation by 1st September 2020 and authorise the entry into the RAMS Partnership Agreement.

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	<p>The Accountable Body's accountancy costs and extraordinary employment liabilities are to be shared between the members of the Partnership Agreement. Braintree District Council's share of the cost and liabilities amounts to 9.1% according to the formula. This means the annual cost to the Council is estimated to be around £1,400, subject to annual review.</p> <p>There is a risk that the Council may be liable for mitigation payments retrospectively should RAMS obligations not be collected where this was appropriate.</p>
Legal:	<p>The Local Planning Authority is the Competent Authority under the Habitats Regulations and is legally responsible for ensuring in-combination adverse effects on protected habitats and species are adequately mitigated.</p> <p>The legal obligations in the Partnership agreement have been considered by the Council's Legal Team.</p>
Safeguarding:	No matters arising out of this report
Equalities/Diversity:	Attached as Appendix 3 to this report. The RAMS draft SPD has a neutral impact on people with protected characteristics.
Customer Impact:	The RAMS draft SPD will charge a tariff on additional residential dwellings of £125.58 per dwelling plus legal and monitoring fees where applicable. Users of the Essex coast could benefit from the mitigation measures.
Environment and Climate Change:	RAMS is designed to mitigate the adverse effects of additional recreation impact on protected habitats and species on the Essex coast.
Consultation/Community Engagement:	A 6 week consultation on the draft RAMS SPD was undertaken in January 2020, the feedback report is included as appendix 2.
Risks:	The Local Planning Authority could be liable for the RAMS mitigation costs retrospectively arising from development under the Habitats Regulations.
Officer Contact:	Gary Sung
Designation:	Senior Planning Policy Officer
Ext. No:	2590
E-mail:	Gary.sung@braintree.gov.uk

Introduction

- 1.1 The Essex coast is a major destination for recreational use for coastal communities and for residents of the county including landlocked districts like Braintree.
- 1.2 It is predicted that plans for population and housing growth from across Essex will increase recreational demand on the Essex Coast as an area for dog walking, hiking, running and water borne leisure activities. The distribution of housing planned through Braintree's Section 1 and 2 Local Plan will focus development on the A120 and A12 corridors towards the south of the district which subsequently has the potential to result in the loss and damage of high quality habitats or disturbance to rare, vulnerable and migratory bird species in the Blackwater Estuary and the Dengie which are designated as Ramsar Sites, Special Protection Areas and Special Areas of Conservation.
- 1.3 The Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) was initiated to address the mitigation identified in the Habitats Regulations Assessment (HRA) for the Local Plan. This approach was considered acceptable by the Braintree Section 1 Local Plan Inspector.

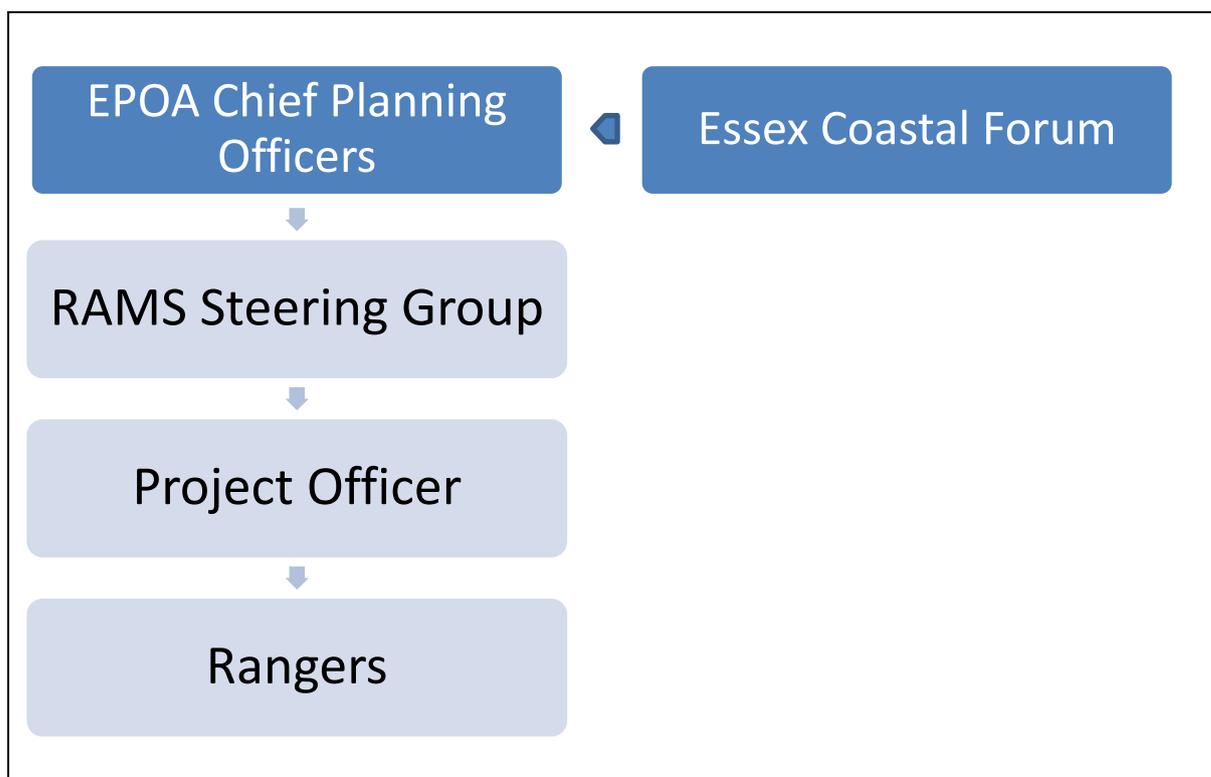
Background

- 1.4 Natural England, the government's adviser for the natural environment in England, in 2017 wrote to several Essex Local Authorities to raise awareness of HRA mitigation requirements. 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.
- 1.5 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
- 1.6 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

Blackwater Estuary and the Dengie. 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.

- 1.7 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 field of ecological conservation and the partnership is continually sharing good practice, mitigation strategies and exchanging assistance.
- 1.8 Visitor surveys were carried out at key locations within each of the habitats sites to establish base line evidence and 'Zones of Influence' (Zoi) 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.
- 1.9 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 (Zoi), which will be spent on the mitigation measures package detailed in the RAMS Strategy Document.
- 1.10 Through the provision of a per dwelling tariff, the RAMS Strategy recommends development proposals of all scales to contribute to necessary mitigation. The mitigation measures within the RAMS Strategy are to be fully funded by developer contributions, to be applied under the Habitats Regulations which is a discreet charge to S.106 or CIL. For Braintree, we will also provide applicants the option of using S.111 for payments.
- 1.11 During development of the Strategy Document, workshops were held with key stakeholders, including 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.
- 1.12 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 – Delivery Officer, Rangers .etc
 - Communication – with the public and others
 - Mitigation for dog walkers
 - Codes of conduct
 - Habitat creation
 - Monitoring

- 1.13 The package is flexible, deliverable and based on best practice learned elsewhere in England. A precautionary approach has been adopted, with priority areas for measures identified as: (i) those which have protected breeding birds which could conflict with high numbers of summer visitors to the coast; and (ii) 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. RAMS project governance
- 1.14 The RAMS is intended to be a flexible project that can adapt quickly as necessary. The delivery officer and 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 direct necessary measures. Input is also expected from local authority members, Natural England and specialist experts of the RAMS steering group. The budget will be signed off by the Project Board, comprised of relevant EPOA Chief Planning Officers, with members' oversight through the Essex Coastal Forum.



Monitoring and review process

- 1.15 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 Zol to be reviewed and expanded if it is shown that visitors are travelling further than previously found (or contracted if vice-versa). There is scope to adjust the tariff too if it is shown that contributions are not covering the identified measures, if the Zol is made smaller or to respond to changes in housing numbers across Essex.

- 1.16 The RAMS Strategy Document will be monitored and reviewed on a regular basis by the planning 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). A baseline has been identified in the RAMS Strategy Document and will be used to assess the effectiveness of the RAMS.

RAMS and the Local Plan

- 1.17 The effectiveness of the Essex Coast RAMS has been considered/examined as part of Chelmsford City Council's Local Plan Examination and the North Essex Section 1 Local Plan Examination.

- 1.18 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.”

- 1.19 North Essex Section 1 Local Plan Inspector's Post Hearing Letter states that:

“56. In my view, EB/083 has adequately assessed the likelihood of significant effects arising from recreational activities, including by identifying appropriate zones of influence based on visitor surveys. It may be that measures to control airborne activities, such as powered paragliding, are more difficult to enforce than for land- or water-based activities. But airborne activities involve relatively small numbers of people, whom it would be possible to target with information and education campaigns. Indeed I was told that such campaigns are already under way.

57. The current RAMS covers the period 2018 to 2038. However, the NEAs made it clear that they intend the RAMS approach to operate in perpetuity. Plainly, that will be essential if significant development within the zones of influence is to be able to continue beyond 2038, assuming that the Habitats Regulations (or a similar protection regime) remain in force. Funding arrangements to ensure that it occurs are proposed in the current RAMS document. I therefore see little danger that the RAMS approach will cease after 2038.

58. *The RAMS includes provision for monitoring its effectiveness, which it is intended will feed back into the mitigation measures in an iterative fashion, enabling adjustments and improvements to be made in response to evidence of how successful the measures are. In my view this is a strength rather than a weakness of the RAMS approach. While there is currently no conclusive evidence that RAMS approaches elsewhere have ensured that no adverse effects on integrity have occurred, that is not because there is evidence that they have failed, but because they have not been operating long enough for definitive conclusions to be drawn.*"

1.20 The Inspectors stated that it is necessary to incorporate RAMS into strategic policies to ensure that all relevant development within the Zol contribute accordingly. In Chelmsford, reference to RAMS would be incorporated into several site allocation policies. Inclusion of a specific policy relating to RAMS was recommended as main modification for North Essex.

The Supplementary Planning Document (SPD) (Appendix 1)

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. 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 £125.58 per dwelling, in addition the LPA can levy additional charges for legal fees and for monitoring.

2.2 On 17th October 2019, the Local Plan Sub 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.

2.3 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. For those who did not have access to computers, paper response forms were made available.

- 2.4 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.
- 2.5 The SPD consultation received a total of 146 comments, 87 of these being from Essex residents and 59 being from various organisations.
- 2.6 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.
- 2.7 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.

2.8 In response to the various comments received, Essex Place Services have produced a 'You Said, We Did' document (Appendix 2) 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.
- 2.9 The entire “You Said, We Did” report can be found at Appendix 2 and the revised SPD can be found at Appendix 1.
- 2.10 If the recommendations in this report are acceptable, the Council will collect the tariff set out in the SPD for all applications that meets the criteria set out within the SPD from the 1st September 2020 (which are received after 1st September 2020). Although the SPD recommends and describes the process of collecting the tariff through S.106 or Unilateral Undertaking, the tariff may also be collected through S.111 of the Local Government Act 1972 – this allows the Council to raise monies in order to discharge any of its functions. In addition to the tariff, there will be additional charges for legal fees and for monitoring. Subject to Members decision on this matter, the Development Management team will amend the Local List of Validation requirements (for the submission of planning applications) to ensure the necessary information and relevant fees are provided by the applicant/agent upon receipt of the application. The amended Local List will need to be subject to public consultation.

Partnership Agreement

- 2.11 The Partnership Agreement is a legal document which shows how Chelmsford City Council (CCC), as elected Accountable Body, will administer the RAMS project. The document is still to be finalised between all partners but is likely to include the following requirements;:
- 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 Essex Coastal Forum.
 - Every quarter the S.106 Officer of each LPA sends RAMS contributions to Accountable Body (CCC) and a contributions report to the Delivery Officer.
 - Once all contributions are collected, the Accountable Body and Delivery Officer provide the 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 selected local wildlife 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.
 - The accountable body’s costs, such as line management and accountancy, will be divided between the 12 participating Essex authorities. Extraordinary employment liabilities, such as redundancy and long term sickness, are also divided between the 12 authorities using the same formula.

Recommended Decisions:

1. That the Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (RAMS) Supplementary Planning Document attached at Appendix 1 is adopted.
2. That the Council begin implementing the tariff set out in the SPD from the 1st September 2020.
3. That the Head of Planning and Economic Development, in agreement with the Cabinet Member for Planning, is authorised to sign the RAMs Partnership Agreement.



Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

Supplementary Planning
Document (SPD)
May 2020



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Acronyms

AA	Appropriate Assessment
AMR	Authority 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	Habitats 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 of Specific Scientific Interest
UK	United Kingdom
UU	Unilateral undertaking
ZoI	Zone of Influence

Glossary

Appropriate Assessment	Forms part of the Habitats Regulations Assessment
Authority 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 'Birds Directive' and 'Habitats 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 habitats/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.
In-combination effect	The cumulative effect of that a number of plans, policies, activities and developments can have on the coastal region.
Local Planning Authority	The public authority whose duty it is to carry out specific planning functions for a particular area.
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 (SAC)	Land designated under Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.
Special Protection Area (SPA)	Land classified under Directive 79/409 on the Conservation of Wild Birds.
Supplementary Planning Document (SPD)	Documents that provide further detail to the Local Plan. Capable of being a material consideration but are not part of the development plan.
Site of Specific Scientific Interest (SSSI)	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 (Zol)	The Zol identifies the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation. This is based on visitor surveys.

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 website¹.

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

2. Summary of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

The importance of the Essex coast

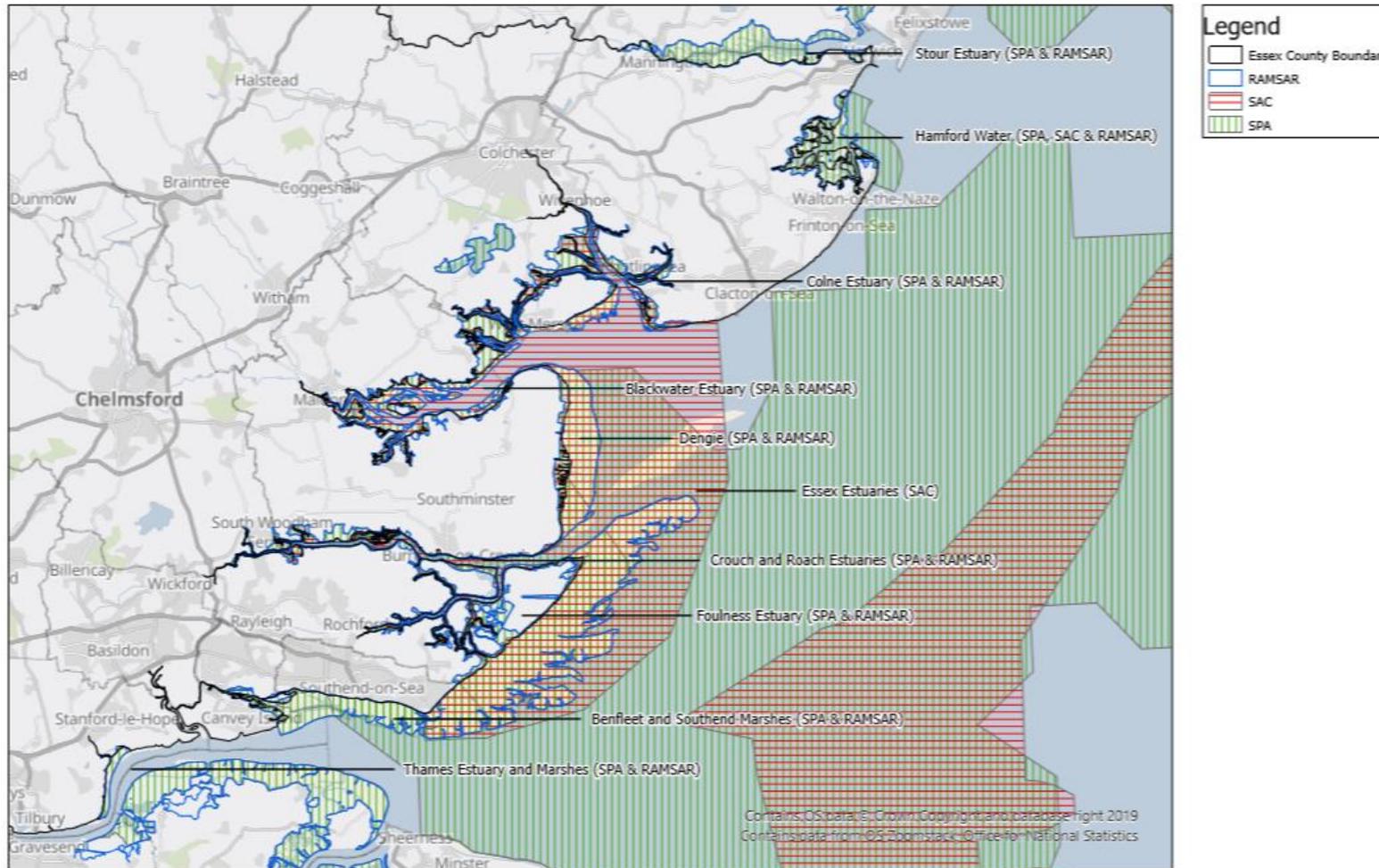
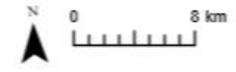
- 2.1 The Essex coastline is one of importance for birds and their habitat. It is home to internationally important numbers of breeding and non-breeding birds and their coastal habitats.
- 2.2 The coast is a major destination for recreational use such as walking, sailing, bird-watching, jet skiing, dog walking and fishing, including bait-digging. 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, research has shown that 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 of 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 AAs) 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 effects on Habitats sites.

- 2.11 Natural England² 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.
- 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 AA. 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 AA 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 birds and their habitat 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

² An executive non-departmental public body and the government’s adviser for the natural environment in England

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'³. 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.
- 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 '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.

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
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 Maps⁴, where you will find the definitive boundaries. Broad illustrations of the extent of all the individual Habitats sites' Zones of Influence and the overall Zol for the RAMS are shown below in Figure 3.1 and Figure 3.2 respectively.

⁴ MAGIC website: <https://magic.defra.gov.uk/MagicMap.aspx>

Figure 3.1: Illustration of the individual Zones of Influence for the Essex Coast Habitats Sites

Essex Estuaries Zones of Influences

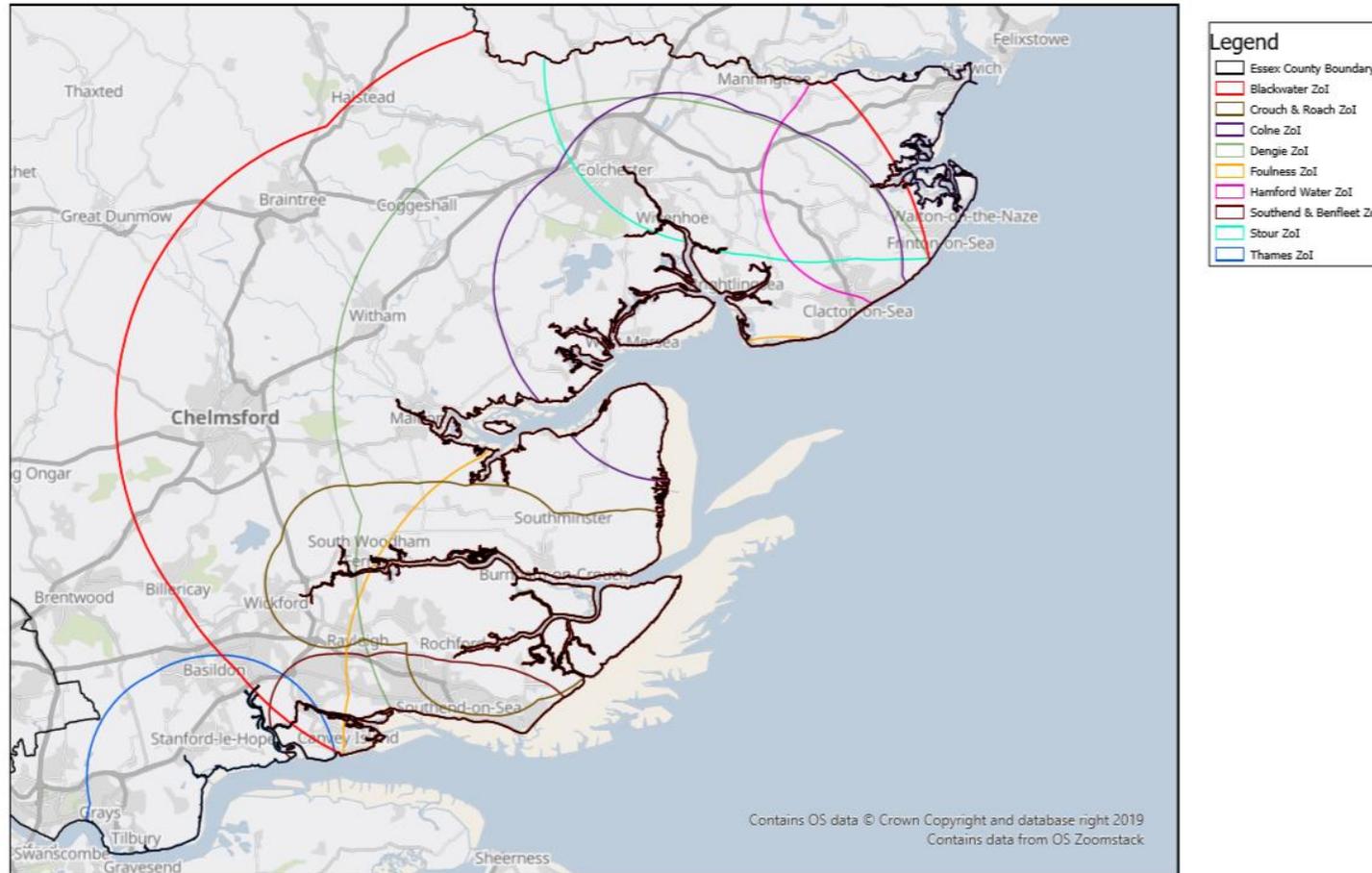
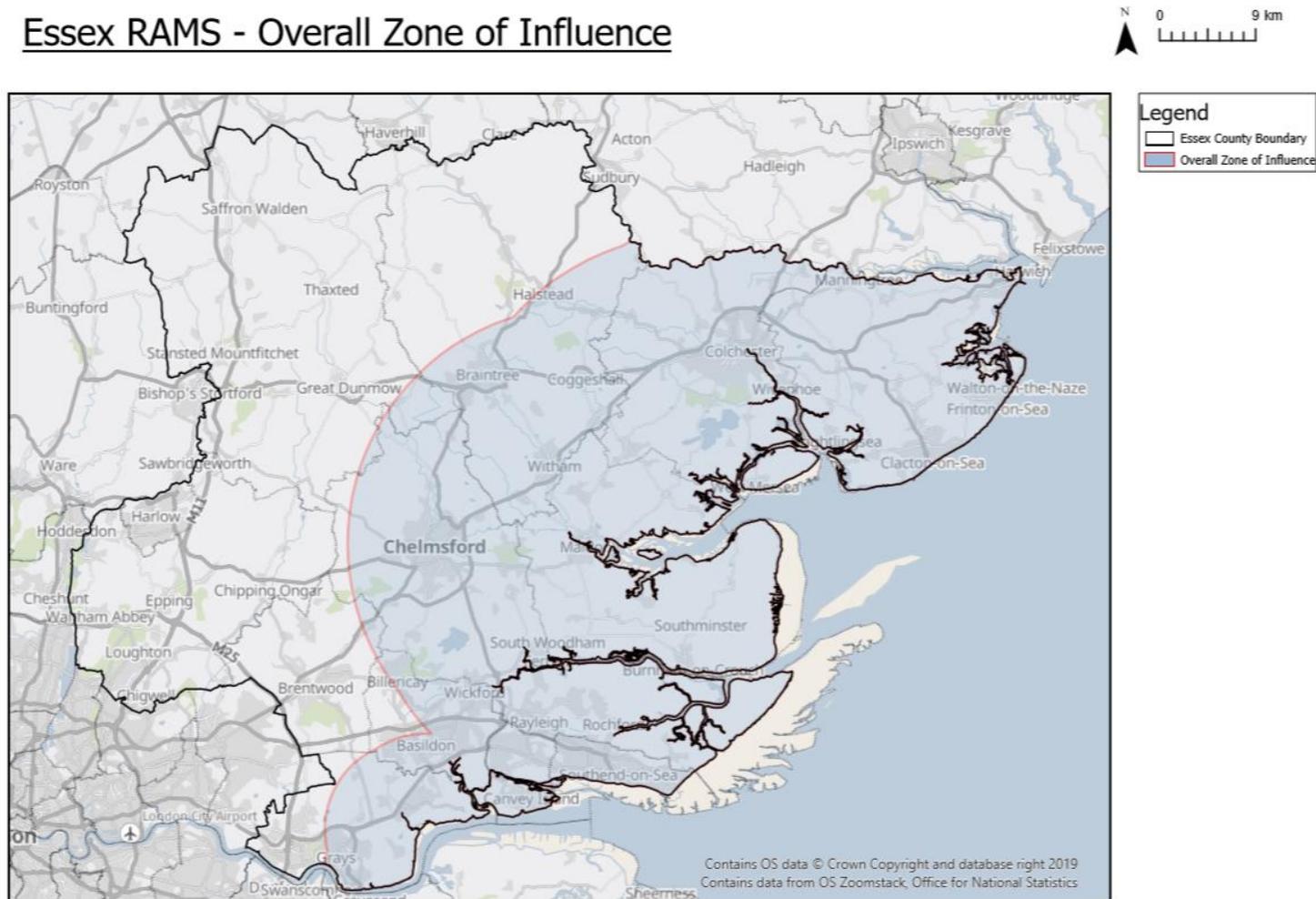


Figure 3.2: Illustration of the Zone of Influence for the Essex Coast RAMS

Essex RAMS - Overall Zone of Influence



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 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 AA of residential developments, including single dwelling schemes, to conclude that the in-combination effect will be mitigated. National Planning Practice Guidance⁵ 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.

⁵ Planning Practice Guidance: <https://www.gov.uk/government/collections/planning-practice-guidance>

Planning Use Class*	Class Description
C2A Secure Residential Institution	Military barracks.
C3 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 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 AA 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 3.14 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 Zol, 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"> • Information on the sensitive birds and their habitats • A coastal code for visitors to abide by • Maps with circular routes away from the coast on alternative footpaths • Information on alternative sites for recreation <p>There are a variety of means to deliver this such as:</p> <ul style="list-style-type: none"> • Through direct engagement led by rangers/volunteers • Interpretation and signage • Using websites, social media, leaflets and traditional media to raise awareness of conservation and explain the Essex Coast RAMS project • Direct engagement with clubs e.g. sailing clubs, ramblers' clubs, dog clubs and local businesses
Habitat based measures	
Fencing/waymarking/screening	<ul style="list-style-type: none"> • 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"> • Zoning • Prohibited areas • Restrictions of times for access e.g. to avoid bird breeding season

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

- 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 £125.58 per dwelling as of 2020/21. 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 periods 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 generally 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) 2019 sets out the Government's policy on planning obligations. The obligation can be a 'Unilateral Undertaking'⁶ or a multi-party agreement, referred to as a 'Section 106 agreement'⁷. 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.

⁶ An offer to an LPA to settle obligations relevant to their planning application.

⁷ 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 other contributions such as Community Infrastructure Levy liability or other S106 or S278 contributions 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 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 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 as methods vary between authorities.

Section 106 (S106)

- 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 Where S106 is used 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 Regulations, 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. A separate payment for this fee should be submitted. 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, an 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 and 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 each partner 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 RAMS Delivery Officer to establish a monitoring process, which will include SMART targets⁸ to effectively gauge progress. The work of the Steering Group will be overseen by the Essex Planning Officers Association Chief Officers Group (the Project Board). The Essex Coastal Forum which comprises Officers and Members from partner LPAs, will also discuss the Essex Coast RAMS at their meetings.
- 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. The monitoring process will be used to inform future reviews of the RAMS and the SPD and details of the proposed monitoring framework are to be agreed on appointment of the delivery officer.
- 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.

⁸ Targets that are Specific, Measurable, Attainable, Relevant and Timely (SMART)

7. Consultation

- 7.1 A draft SPD was published for consultation between **Friday 10th January to Friday 21st February 2020** 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.

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
- 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
- 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
- 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>
- Natural England - <https://www.gov.uk/government/organisations/natural-england>
- The Environment Agency - <https://www.gov.uk/government/organisations/environment-agency>

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 member

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 the 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 regarding England Coast Path.
		Visitor numbers and recreational activities	£5,000 (£500 / Habitats site / year)			£5,000	Rangers, partner organisations, LPAs.
		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

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	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 user 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.
	Water sports zonation		£10,000			£10,000	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
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 the 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 st May to 30 th 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

£8,915,348

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 full RAMS tariff 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 for dwelling houses (use class C3 of the Use Classes Order a).

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:

$$\begin{aligned}100/2.5 &= 40 \\40/2 &= 20 \\20 \times \text{£}125.58^9 &= \text{£}2,511.60\end{aligned}$$

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. Therefore, for the avoidance of any doubt, the RAMS tariff does not apply to student accommodation in Chelmsford.

⁹ 2020/21 tariff



This publication is available in alternative formats including large print, audio and other languages.

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Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

Supplementary Planning Document (SPD)

You Said We Did - Consultation Report
April 2020

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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.

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

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 Coast 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 (Zoi) 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 Strategy 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 (Zoi), 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 the Zol 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 Zol 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 the RAMS Strategy). 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 10th January 2020 and Friday 21st 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 the 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 period. 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.

- 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 advising how to respond and the consultation dates. 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 <https://consultations.essex.gov.uk/place-services/the-essex-coast-rams-spd/>.
- 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 the 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. Table 2 (in Section 6) then details the changes to be made to the SPD. A summary of all representations received is included later in this report.

Table 1 – Main issues raised

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

Main issues raised

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.

The tariff is set too high, or alternatively too low – 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. The 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.

Adequacy of proposed budget and staff to deliver project across such a wide area – 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.

Concerns about monitoring (the tariff and Zones of Influence) – monitoring should be more frequent.

Other land uses should come within the scope of the tariff - including tourist accommodation and caravan parks/chalets, airport related development, other commercial development.

Perceived conflict of RAMS purpose and aims with the England Coast 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.

Alternative to paying into the RAMS should not be allowed, or if it is the process should be clarified - 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 sets out the process for agreeing bespoke mitigation for strategic sites.

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 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 on 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 the 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 Site of Special Scientific Interest (SSSI) councils been involved or consulted? How have other areas like	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
			Pembrokeshire approached this? Has the local 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>	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 No amendment proposed.
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 Coast 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	<p>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.</p> <p>Has any work been done to estimate the expected visitor numbers to the Essex Coast, both now and for future years?</p>	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 https://essexcoast.birdaware.org/home . 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 than 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 & owner of 1.5 miles of river banks of the Crouch	Pollution from sewerage works is a problem. Anglian 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 natural 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 (BWA)	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 and 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 Aware 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 utmost 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 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 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 becoming 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, parish councils 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 will lead to an increase in the use of 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 sets of 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, masterplans 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 whereas local councils should be more concerned with 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	There needs to be a 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. The section seems reasonable.	Noted. No amendment proposed.
29	Mr Stephen Ashdown	Resident	The section 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
	Ellis			
38	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. The England Coast Path and Essex Wildlife Centre encourage disturbance, as do dog walkers and general public.	Noted. No amendment proposed.
44	Mr Hugh Toler	Blackwater Wildfowlers Association (BWA)	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.

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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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.
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	Similar strategies endorsed by Natural England are not tried and tested.	The effectiveness of the mitigation will be monitored as outlined within

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<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>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>Section 6 of the SPD. No amendment proposed.</p> <p>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.</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</p>	<p>Noted. No amendment proposed.</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			implementable and effective and this combined approach creates the robust framework to achieve the objectives of RAMS.	
57	Mrs Cecilia Dickinson	Resident	I don't like this format - section by section - my comments are general.	Noted. The SPD seeks to be as clear as possible and easy to follow. No amendment proposed.

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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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 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 to 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	Resident	The tariff should apply to commercial development as well.	The SPD is related only to recreational impacts identified through the LPAs'

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Kennedy			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 Charles Joynson	Resident	This all seems very sensible.	Noted. No amendment proposed.
10	Mrs Mary Drury	Resident	<p>Maldon riverside is becoming a commercial venue- a mock attempt at a seaside, as it is easy to drive to but it is spoilt along the Promenade 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	Mitigation package costs should be split across the 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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
12	Mr Matt Eva	Resident	The Zone of Influence for Southend and Crouch/Roach estuaries seem too small.	The Essex Coast RAMS Zones of Influence are based upon data collected through visitor surveys approved by Natural England. No amendment proposed.
13	Mrs Jane Rigler	Resident	Why is the measurement in kilometres - we still use miles in the UK so I think it should be changed.	An amendment is proposed to include both kilometres and miles within the SPD.
14	Ms Caroline Macgregor	Brightlingsea village councillor	Distance boundaries should be extended.	The Essex Coast RAMS Zones of Influence are based upon data 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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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.
20	Mr Stephen Ashdown	Resident	Should include Hanningfield Reservoir as this also supports wildlife relevant to this document and has the same pressures as those 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 the 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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				how far residents will travel to the Essex Coast, and has been approved by Natural England. No amendment proposed.
24	Mrs Michelle Endsor	Resident	<p>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.</p> <p>Whilst we take this into consideration when insuring our properties and are lucky enough to be surrounded by farmers who will "double ditch" when the rain levels increase, to consider building housing in areas of flooding seems completely irresponsible. Not to mention that increasing the population in an area with no facilities, no doctor's 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 population. That larger population and their road travel, as well as visitor influx will again only serve to disrupt the wildlife population further.</p> <p>As long standing residents 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>	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 supporting infrastructure as matters for Local Plans. This includes the possible impacts on and mitigations for flooding. No amendment proposed.
25	Mrs Linda Findlay	Resident	More emphasis on environmental impact in the long term. Infrastructure must come before greater demand is generated.	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.
26	Mr David Evans	Resident	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	Noted. Joint working arrangements can be acted upon by the Delivery Officer. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			shipping movements to Bramble Island; Crown Estates, who own most of Hamford Water below the low tide level.	
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>	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 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, South East 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	<p>Increase the Zone of Influence to include boroughs of London due to weekend visitors to areas of the Essex Coast.</p> <p>The only possible way Recreational disturbance Avoidance can be applied is to control the number of dwellings permitted in designated areas.</p>	The SPD is related only to those in-combination recreational effects identified through the LPAs' Local Plan HRA/AAs. The Zol were informed by visitor surveys. No amendment proposed.
31	Mr John	Resident	A very unfair and totally unnecessary 'tax'.	The RAMS seeks to mitigate recreational impacts on protected

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Fletcher			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 residents, and as a one-off payment. It is not a tax. No amendment proposed.
32	Mr Hugh Toler	Blackwater Wildfowlers Association (BWA)	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 Ramsar'. 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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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 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 LPA and parish councils who understand what is needed for their areas.</p>	Noted. These issues relate to Local Plans rather than specifically to this SPD. No amendment proposed.
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 Local Plan periods. No amendment proposed.
38	Mr Steven Smith	Comments offered on behalf of Lower Farm,	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:	The SPD wording regarding residential caravan sites reflects the permanency of residents, with those associated with tourism (holiday caravans and

No.	Name	Organisation	Main Issues Raised	Response / amendment required
		East End Green, Brightlingsea	<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>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.</p>	<p>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> <p>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.</p>
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	Para 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.	The SPD is related only to those recreational effects identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>Para 3.9 Tourist accommodation: To stop people flying, we need to encourage "stay locations", Many small businesses like family run B&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>Para 3.10 We already have experience where HRA's have not been completed as part of a reserved matter 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 one outline application?</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 recreational effects at the outline stage. No amendment proposed.</p>
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 (CPRE)	<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</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
			<p>afield. Also, this approach results in high proportions of certain Zones of Influence 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, CPRE suggests there should be more explicit guidance in the SPD as to how LPAs would make "a different assessment of effects".</p>	
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	The Essex Coast cannot be 'recreated', 'moved elsewhere' or 'compensated for'.	Each LPA within Essex has a statutory duty to address housing need in a way that will not cause significant effects on

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<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 is simply a 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> <p>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.</p>	Habitats sites. The RAMS and SPD ensures that this can be done. No amendment proposed.
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 5.2 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 am 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?	The Essex Coast RAMS tariff is a one-off cost that applies to residential developments within the Zone of

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			Also, that the property must be a future build within certain designated zones?	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.
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	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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	McCallum			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 not fix up a river overnight and meanwhile the animals look for homes to breed where theirs have been destroyed.	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 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 agreement between 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 mitigation.	Zones of Influence (Zols) have been identified based upon visitor surveys conducted to determine the distance at which visitors to the Essex Coast can be expected to travel from. The Local Plans of each Local Planning Authority allocate land to meet required housing growth, and some of this land falls within the Zol. Local Plan allocations are not changed as a result of the Zol and some partner LPAs' Local Plan areas fall entirely within the Zol. 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 footprint 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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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 District Branch Labour Party	We agree with these proposals.	Noted. No amendment proposed.
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. It is pure madness to add an additional payment to developers that is not 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. The tariff is evidence based and proportionate so as to not make new development unviable. It is considered inappropriate to apply a

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				'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.
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 is 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 emerging Local Plans. No amendment proposed.
25	Mr Peter Bates	Resident	It is 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	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

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			affected and not in other locations. Funding should only be used for physical measures, not legal advice, administration etc.	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 Blackwell	Resident	This seems reasonable.	Noted. No amendment proposed.
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 should not cause damage. A one-off fee for a house that will	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

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			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.	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.
32	Mrs Michelle Endsor	Resident	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. It is also stipulated that payments will be charged to fund this gamble with	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

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			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.	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 reneging 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 standard, without draconian legal powers and without constant surveillance.</p> <p>The Hamford Water Management Committee, upon which all statutory bodies, Tending District Council, Essex County Council, the Environment Agency, users of the area, Yacht Clubs, the Royal Yachting Association, Wildfowlers, Riparian Landowners, Marinas plus all the various</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 impacts identified through the LPA's Local Plan HRA/AAs, but not to impose restrictions beyond these specific effects. No amendment proposed.

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			commercial interests are all members of this organisation and which supervises the area at nil cost. Anyone except those organisations that willingly contribute, has not been mentioned once in the RAMS documentation.	
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>	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 Essex County Council. No amendment proposed.
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 familiar with the signage.</p> <p>Page 12 Action Area Table Members would request that relevant Town and Parish Council are detailed as partnership organisation.</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> <p>The effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. The Delivery Officer, once appointed, will engage</p>

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			<p>Page 13 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>Page 15 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 page 7.</p>	<p>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>Certain areas should be protected from development and disturbance.</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>
38	Mrs Lesley Mitchelmore	Danbury Parish Council	<p>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.</p>	<p>Noted. Coastal Protection Areas are outside the scope of the RAMS. No amendment proposed.</p>

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39	Mr Graham Pike	Resident	A flow chart determining your obligations dependent on the development's 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.
43	Mr John Fletcher	Resident	How do you mitigate? Here we have a superb Warden who is employed by Tendring District 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	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

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			Navy has the largest helicopter base in Europe, and they have to keep Lanner hawks to keep the birds away.	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 should not 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, 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.

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48	Mr Bernard Foster	Resident	<p>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.</p>	<p>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.</p> <p>Additionally, the effectiveness of the mitigation will be monitored as outlined within Section 6 of the SPD. No amendment proposed.</p>
49	Mr Mark Marshall	Resident	<p>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.</p>	<p>Payment of the tariff will be required when development is consented. No amendment proposed.</p>
50	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 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 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 CIL contributions additionally levied.</p>	<p>The tariff has been calculated based on the level of growth of the LPAs' Local Plans, including allocations and windfall allowances. As the tariff is applicable on a per dwelling basis, it will also apply to unplanned growth that may come forward in the timeline of the project. The tariff is evidence based and proportionate so as to not make new development unviable. This can however be reviewed annually by the Delivery Officer once appointed.</p>

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				No amendment proposed. No amendment proposed.
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 are only relevant to Habitats Site designations. Any future adjustments to the ZoI 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 Steranka	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 accepts that in the long term it will be quite unable to protect these precious habitats'.	Many of the suggested actions are considered relevant for exploration by the Delivery Officer, once appointed. This includes the annual review of both

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			<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"> * Bye-laws governing access to and public behaviour specific to each Designated Site. * Periods of site closure at sensitive times such as nesting of ground-nesting birds or seal pupping. * Imposition of significant on-the-spot fines on members of the public caught disturbing wildlife. * 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. <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 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>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>

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			<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 index 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 dwellings already consented in the Local Plan periods - but where building has not already commenced - could surely be retrospectively included to</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 planned housing growth contained within the LPA's adopted or emerging</p>

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			<p>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. Similarly, 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>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 how it is 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 houses...". This approach demonstrates that there is an ability to make some concession for certain types of 'housing developments' depending</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' in regard to the tariff at this stage and a 'blanket tariff' is proposed as the</p>

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			<p>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 requested S106 contributions). As such, Paragraph 4.4. should be amended to include 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>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 implement. Others, such as surveying work, can only be undertaken at</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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 am 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 Cockshott	Resident	RAMS seems a more pragmatic solution and we should not offer an alternative.	Although the tariff is introduced, applicants may wish to propose bespoke mitigation as an alternative to the tariff, if it is deemed suitable by

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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.
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 equal to or better than a payment of

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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 Dervin	Resident	They could instead build more houses at a cheaper cost, if they did not have to pay an additional tax as this seems to be.	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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 resentment. 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 will be lost when only short-term effects are 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.
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 of the SPD. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
26	Mrs Karen Hawkes	South Woodham Ferrers Town Council	Section 5 Alternative to paying into RAMS - Para 5.2 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.
28	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	<p>I would suggest the mitigation fee should be mandatory or not at all.</p> <p>Any alternative choice would be too difficult to manage and involve long winded negotiations.</p> <p>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?</p> <p>Any mitigation scheme should be applied by government taxation for protection.</p>	<p>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.</p> <p>The provision of mitigation is mandatory for all proposing net new dwellings in the Zone of Influence. Developers have the option to conduct</p>

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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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 para 5.2. I 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, however these must be approved by Natural England and be supported by a legally compliant HRA/AA at the

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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 undertake 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.
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 Bath & North East Somerset Council, 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	I agree but there is 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 wildlife 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 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

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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				within Section 6 of the SPD. No amendment proposed.
12	Ms Rachel Cross	Resident	Monitoring of the 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	An 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 views 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 do not 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 HRA/AAs. The SPD proposes a tariff to fund mitigation, and no other sources of funding will be used to

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				ensure its delivery. No amendment proposed.
17	Mr Alan Lycett	Resident	What happens to the 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 paragraphs 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 Zones of Influence. 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 Ashdown	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 monitoring will be subject to consultation in line with the requirements of the Statement of

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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 Strategy. 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 Findlay	Resident	Once decision made the committee and its leader need to have the power to enforce or penalise.	Section 5.2 of the SPD sets out that if the tariff is not paid on qualifying proposals, then planning permission would not be given. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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 to 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 & 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 Tending District Council 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, which is seriously affecting the wildlife. It should be noted that this area is not controlled by Essex Wildlife Trust, it is owned by TDC, and was sold to Frinton and Walton Urban District Council (TDC is the successor Council) by Essex County Council on the condition</p>	<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.</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			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 Muntjacs and 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 Ministry of Defence vacated it.	
28	Mrs Karen Hawkes	South Woodham Ferrers Town Council	Page 17, 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 page 13 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 oversights or lack of proper data. This section should inform the public where this information 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.
31	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River	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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
		Crouch Conservation Trust & owner of 1.5 miles of river banks of the Crouch		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	<p>RAMS will be yet another organisation on top of the existing 31 organisations.</p> <p>Who monitors 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 money raised for mitigation will simply be used up in salaries. This is just creating jobs for the boys.</p>	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 the Environment Agency, Natural England, RSPB and Marine Management Organisation. 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 (BWA)	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.
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,</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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			tag them, and note down that they seem happy having not been disturbed due to RAMS.	LPA's own monitoring officers. No amendment proposed.
37	Mr Bernard Foster	Resident	<p>It is essential that for the effectiveness of the RAMS and this SPD, a strategic monitoring process is in place and that it 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 area and years later are still there playing the planning system.</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.
38	Mr Mark Marshall	Resident	A lot can happen in a year, 6 monthly monitoring should be considered.	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 Zones of Influence. 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
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.
42	Mrs Christa-Marie Dobson	Feering & Kelvedon Wildlife Group	Para 6.1 - Will the RAMS Officer be truly independent of the LPA's?	It can be considered that this point may be addressed if appropriate through the actions of the Delivery

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>Para 6.2 - Will the annual report be submitted to independent bodies, such as the RSPB and EWT?</p> <p>Para 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.</p>	<p>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.</p>
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 is 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 on the Essex Coast's Habitats sites as a result of residential development. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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 jargon. An abbreviations list is also provided. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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 the entire text - many people will not realise the full extent of the document they are answering questions on.	Noted. LPAs will seek to ensure that future consultation notifications are as clear as possible. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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 the General Data Protection Regulation.	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.
17	Mr Mark East	Resident	The consultation lacks evidence of data collected to date to formulate the RAMS. This should be made available for transparency purposes.	The RAMS document, signposted within the SPD and linked within the consultation portal, includes the data

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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.
23	Mr Hugh Toler	Blackwater Wildfowlers Association	In principle we support the objectives of the 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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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 than 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 could not be truly independent and thus mitigation strategies were born rather than protecting areas of interest from development. RSPB has not endorsed this particular 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</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 housing delivery. The tariff may be liable to change over time to ensure effective mitigation can be delivered.</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			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.	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 is going to take etc. A simple excel spreadsheet/some visual aid would be very helpful.	It is considered that RAMS Strategy 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 provided valuable support for the RAMS and Bird Aware. 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.	Name	Organisation	Main Issues Raised	Response / amendment required
				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.
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.	<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 Bird Aware. 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,</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.' No amendment proposed.
8	Mr Alan Lycett	Resident	I suggest you consider including other stakeholders involved in the protection of wildlife. For example, Royal Society for the Protection of Birds; do not stop with the obvious local stakeholders.	The Royal Society for the Protection of Birds (RSPB) has been added to the list of useful links in the SPD.
9	Mr John Camp	Resident	Essex Wildlife Trust and Royal Society for the Protection of Birds should be added.	The Essex Wildlife Trust (EWT) and Royal Society for the Protection of Birds (RSPB) have been added to the list of useful links in the SPD.
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?	The Environment Agency has been added to the list of useful links in the SPD.
15	Mr Roy Hart	Skee-tex Ltd Local Councillor, Head of the River	These sites are easy to find.	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
		Crouch Conservation Trust & owner of 1.5 miles of river banks of the Crouch		
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.
20	Parish Clerk for West Horndon Parish Council	West Horndon Parish Council	West Horndon Parish Council supports the broad principles of the RAMS	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Kim Harding			
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 Department for Environment Food & Rural Affairs (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 have all interested organisations to monitor the mitigation, but it could generate conflicts of interest.	The SPD is related only to those recreational impacts identified through the LPAs' Local Plan HRA/AAs. No amendment proposed.
4	Mr	Resident	Looks good	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Brian Mills			
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 necessary and newly introduced. No amendment proposed.
10	Mr Stephen	Resident	The section needs to be written in plain English, wording again is not inclusive of people of every educational level.	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Ashdown			
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 been 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 miles of river banks of the Crouch	Let nature take its own course, it always wins.	Noted. No amendment proposed.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
16	Mr Vincent Titchmarsh	Titchmarsh Marina (Walton-on-the-Naze) Ltd	Now the UK is no longer a member of the EU 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	It is 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 postcode data and Zone of Influence. No amendment proposed.

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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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 Bird Aware. 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>
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	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	The Essex Coast RAMS SPD sets out a tariff that will be used to fund

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	East		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.	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 Hart	Skee-tex Ltd Local Councillor, Head of the River Crouch Conservation Trust & owner of 1.5 miles of river banks of the Crouch	I have seen many surveys in the past, and I am sure there will be more in future.	Noted. No amendment proposed.
14	Mr Gavin Rowsell	Resident	The list of acronyms is not complete.	It is proposed to expand the list of Acronyms included within this

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

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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
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 Ashdown	Resident	The package does not include possible income streams to assist in payment.	The mitigation package is itemised to ensure mitigation is in 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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				outlined within Section 6 of the SPD. No amendment proposed.
18	Mrs April Chapman	Resident	Has 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	<p>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.</p> <p>Regarding work with landowners, Habitats site managers & 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</p>	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. 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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			package money for local councils. How will you stop this happening? How will over enthusiastic planning granting be avoided and mitigated against?	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.
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 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?	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. 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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				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. Existing forms of mitigation such as the role performed by wardens currently employed by Tendring District Council will not be undermined or replaced by the RAMS project; instead the skills and expertise of existing wardens can be utilised. 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 on the Essex Coast. No amendment proposed.
26	Mr Hugh Toler	Blackwater Wildfowlers Association (BWA)	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.

No.	Name	Organisation	Main Issues Raised	Response / amendment required
27	Mr Mark Nowers	RSPB	<p>The ten SPAs around the Essex Coast support approximately half a million wintering waterbirds and important assemblages of breeding birds. Over 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"> • Communications, marketing and education initiatives • Initiatives to facilitate and encourage responsible dog walking • Codes of conduct • Site-specific visitor management and bird refuge projects • New/enhanced strategic greenspaces • A delivery officer (called 'Partnership Manager' from here on) • Monitoring to help adjust the mitigation measures as necessary <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>	Noted. The effectiveness of the mitigation will be monitored as outlined 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	It 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 Coast 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.

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 & Heaths Area of Outstanding Natural Beauty (AONB). The extension to the Suffolk Coast & 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.

Appendix Two – Essex Coast RAMS Guidelines for proposals for student accommodation

Table 14 – Appendix Two: 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 Zones of Influence the LPA's and other LPA's outside of Essex coming into the area could look at providing educational courses in the Zones of Influence helping the volunteers and full-time equivalents (FTEs). This 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.

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 the 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 are 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

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

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

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 am 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, 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 Bird Aware website. No amendment proposed.

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 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 new 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.

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 Bird Aware 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 the 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 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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
	Parish		need careful management. A prime example is a 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 www.lineearchbeforeudig.co.uk , 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 this has 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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	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 the Zones of Influence. 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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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 (NIP) 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 Essex 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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				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 (Table 4.1) 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 councils are detailed as partnership organisation.</p> <p>Page 13 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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			<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>Page 15 Schemes under 10 dwellings - There are concerns that reasonable costs of completing and checking the agreement is not required and that a more straightforward 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>Page 16 Section 5 Alternative to paying into RAMS – Para 5.2 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>Page 17 Para 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 page 13 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 there should be no development near the habitats 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 to fund</p>

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				<p>anything other than the strategic mitigation of the RAMS. No amendment proposed.</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>
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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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 Scientific 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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			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 Scientific 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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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"> - North East Essex Clinical Commissioning Group - East Suffolk North Essex Foundation Trust - Anglian Community Enterprise - Essex Partnership University Trust - East of England Ambulance Service <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 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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			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, Essex County Council 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 Coast Path – an invitation to people to trek the Coast Path causing the disturbance that mitigation is being planned for.</p> <p>One or the other. Either protect the coastal sites - or build a Coast 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 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 our 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 Houses in Multiple Occupation. 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 3.12 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 of 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 paragraph 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 & animals.</p>	<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.</p>
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 3.11 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</p>

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				<p>reviewed annually by the Delivery 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</p>

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				recreational pressure) will need to 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 Strategic Road Network. 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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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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			<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' 'Coast 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 England Coast 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 District Council 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"> • 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. • 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. • 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. • 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. • 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. 	<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"> • 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. • 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 & Frinton Yacht Club or at the Walton Town Hard. Jet-Skis do launch from Dovercourt Bay. • 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. • 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. • 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 	<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"> • 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. • 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. 	
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. Essex County Council and Maldon District Council both recognise the Bradwell B power station (BRB) as a significant infrastructure project within 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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			<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 page 102 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 (page 68) 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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67	Ms Heather Biner	Resident	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.	Noted. The Maldon Local Plan was found to be sound in 2017 and was 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.
68	Mr Shane Robinson	The British Association for Shooting and Conservation (BASC)	<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>	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.

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			<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 Non-Governmental Organisations 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 Bird Aware. 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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			<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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			request that figure 3.1 is amended to clarify that the Essex Coast RAMS tariff area stops at the Essex border, 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. The cost of mitigating the impact of 72,907 homes is £8,916,448.00. Section 4.7 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.' If more homes are built there will be a greater impact and so additional mitigation, funded by developer contributions, will be required. If less homes are built there will be less of an impact that that expected and so less mitigation will be required.</p> <p>The Chelmsford Local Plan 2013-2036 which includes the policy</p>

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

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

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>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, 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>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 Local Plan periods is a requirement of Local Plans, including tourist accommodation 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</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
				deemed relevant. No amendment proposed.
74	Unknown	The British Association for Shooting & Conservation (BASC)	<p>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> <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.</p>	<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 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</p>

No.	Name	Organisation	Main Issues Raised	Response / amendment required
			<p>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>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 Joint Nature Conservation Committee 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>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> <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>





This publication is available in alternative formats including large print, audio and other languages.

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Equality Impact Assessment Basic

This basic impact assessment is an initial screening process to help identify if a full Equality Impact Assessment is required and, if it isn't, to record the reasons why.

It considers positive, negative or no impact on each of the 9 protected characteristics in relation to addressing the 3 aims of the Equality Duty that we as a public body must give due regard to;

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Directorate

Sustainable Development

Service

Planning Policy

Title of policy, strategy, project or service

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy SPD

Is the policy, strategy, project or service;

Existing

New/proposed

Changed/Reviewed

Q 1. Aim of the policy, strategy, project or service

The RAMS SPD will bring in 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.

Q 2. Who is this policy, strategy, project or service going to benefit or have a detrimental impact on & how?

The RAMS mitigation will advise visitors to the Essex Coast of the damage they could potentially do to protected birds and habitats. The mitigation applies to all regardless of special characteristics however visitors to the coast are likely to be able bodied.

A flat funding fee for the mitigation will apply to all new dwellings, regardless of size, type or purchaser, which at face-value is a regressive charge however there are two tempering factors– first, the fee is a small one-time charge, and second, it is likely that the fee will fall upon the landowner in accordance to the viability assessment.

It is not thought that there is a significant detrimental impact to those unable to visit the coast.

Q3. Is this policy, strategy, project or service aimed at one of the protected characteristics? If so, what justification is there for this?

No. The RAMS is aimed at all residents and stakeholders.

Q 4. Thinking about each of the protected characteristics does or could the policy, strategy, project or service have a negative or positive impact?

Group	Negative	Positive/ No impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership (only in respect of eliminating unlawful discrimination).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer for any group is ‘negative’ or ‘unclear’ do a full EIA

Q5. Thinking about each of the protected characteristics does or could the policy, strategy, project or service help to support the 3 aims of the Equality Duty?

Group	Yes	No	Unclear
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership (only in respect of eliminating unlawful discrimination).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If the answer for any group is 'no' do a full EIA

Q 6. What evidence has been used (e.g. data, feedback, consultation & engagement, surveys) that may influence the policy, strategy, project or service?

Group	Evidence
Age	Government legislation and national and local policy
Disability	Government legislation and national and local policy
Gender reassignment	Government legislation and national and local policy
Pregnancy & maternity	Government legislation and national and local policy
Race	Government legislation and national and local policy
Religion or belief	Government legislation and national and local policy
Sex	Government legislation and national and local policy
Sexual orientation	Government legislation and national and local policy

Q 7. Using the responses to questions 4 & 5 should a full EIA be carried out on this policy, strategy, project or service?

Yes No

Provide your reasons for your response showing how you have considered due regard

No negative or unclear impacts have been identified.

Completed by (Print name):

Gary Sung

Signature :

Approved by Head of Service (print name):

Emma Goodings

Signature :

Date:

Coggeshall Neighbourhood Plan Regulation 16 Consultation Response.		Agenda No: 8
<p>Portfolio: Planning</p> <p>Corporate Outcome:</p> <ul style="list-style-type: none"> • Connecting People and Places • Enhancing Our Environment • Supporting Our Communities • Promoting Prosperity • Delivering and Innovating • Overall Strategy and Direction <p>Report Presented by: Julie O'Hara - Senior Planning Officer (Policy)</p> <p>Report Prepared by: Julie O'Hara - Senior Planning Officer (Policy)</p>		
<p>Background Papers:</p> <ul style="list-style-type: none"> • Coggeshall Neighbourhood Plan (Reg 16) 2020 • The Neighbourhood Plan Regulations 2012 (As amended) • National Planning Policy Framework (NPPF) 2019 • National Planning Practice Guidance (NPPG) • The Town and Country Planning Act 1990 (TCPA) • The Planning and Compulsory Purchase Act 2004 (PCPA) <p>The Coggeshall Neighbourhood Plan documents are available at;</p> <p>www.braintree.gov.uk/CoggNP16</p>		<p>Public Report: Yes</p> <p>Key Decision: No</p>
<p>Executive Summary:</p> <p>Coggeshall Parish Council have been working to produce a Neighbourhood Plan.</p> <p>The Neighbourhood Plan, once agreed, can be used in the determination of planning applications within the Coggeshall Neighbourhood Plan Area. The Plan has been placed on public consultation between 22nd June and 3rd August 2020. This is also the opportunity for the Council to comment on the plan.</p> <p>Comments received on the Plan will be passed to the Neighbourhood Plan Examiner, who will then hold a public examination.</p>		

Recommended Decision:	
Recommendation – To agree the comments set out in tables 1 and 2, and submit them in response to the Coggeshall Neighbourhood Plan.	
Purpose of Decision:	
To agree a response to the Coggeshall Neighbourhood Plan	
Corporate Implications	
Financial:	The preparation of the Plans will be met through the Local Plan budget. The work undertaken by the Neighbourhood Plan group is at a cost to them. Grant funding is available from government from both parties to cover some costs
Legal:	To comply with Governments legislation and guidance.
Equalities/Diversity	The Councils policies should take account of equalities and diversity.
Safeguarding	None
Customer Impact:	Planning applications will have to be in conformity with the Neighbourhood Plan once adopted.
Environment and Climate Change:	The Neighbourhood Plan has been subject to a Strategic Environmental Assessment and Habitats Regulation Assessment.
Consultation/Community Engagement:	This is the second round of public consultation.
Risks:	The Neighbourhood Plan may not pass examination. Risk of High Court Challenge.
Officer Contact:	
	Julie O’Hara
Designation:	
	Senior Planning Policy Officer
Ext. No.	
	2559
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1 Introduction

1.1 Coggeshall Parish Council has produced a Neighbourhood Plan and supporting documentation and is presently conducting a Reg 16 public consultation on its contents. This runs from 22nd June to 3rd August 2020. Following the consultation an Inspector will be appointed to Examine the Plan, and all responses, together with the plan and accompanying documents will be forwarded for examination.

1.2 The plan is accompanied by

- Appendices
- Strategic Environmental Assessment
- Habitats Regulation Assessment
- Consultation Statement

- Basic Conditions Statement
- Coggeshall Design Guide

1.3 The purpose of this report is agree the Council's formal response to the Neighbourhood Plan consultation. Officers have examined the plan and have made comments and recommendations as set out below.

History

1.4 A Neighbourhood Area application for Coggeshall was approved on 13th October 2015. The draft Neighbourhood Plan (CNP) was published for Regulation 14 public consultation from 28th January to 11th March 2019. The plan was then amended in the light of responses and a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA). This activity has resulted in the present Regulation 16 Neighbourhood Plan on which Braintree District Council (BDC) now has the opportunity to comment.

Assessment of Neighbourhood Plans

1.5 A Neighbourhood Plan must to meet the following basic conditions in order to progress to referendum and its assessment is made through Examination of the plan:

- 1) the Neighbourhood Plan has regard to national policies and advice contained in guidance issued by the Secretary of State;
- 2) the making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- 3) the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Local Plan;
- 4) the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and
- 5) prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with in connection with proposals within the Neighbourhood Plan¹ .

2 National Guidance

National Planning Policy Framework 2019

Paragraph 13 states that “Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”

Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies

(paragraph 29)

Planning Practice Guidance

- 2.1 The neighbourhood plan “allows communities to shape the development and growth of their local area. They can choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided. They can support affordable housing provision and request contributions in line with national and local plan strategic policies. They should not undermine the viability or deliverability of these policies”.
- 2.2 Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies (paragraph 29). Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine.
- 2.3 A neighbourhood plan should, however, contain policies for the development and use of land. Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan.
- 2.4 Plans should be prepared positively, in a way that is aspirational but deliverable. Strategic policies in the local plan or spatial development strategy should set out the contributions expected from development. These should not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy.

The Coggeshall Neighbourhood Plan

- 2.5 The plan has a strong emphasis on the environment whilst allocating housing, protecting the historic environment, considering the needs of business, transport and other infrastructure. It also considers deliverability and the need to manage change through design and seeks the strengthening of green and blue infrastructure as well as adapting to and mitigating climate change. The technical detail underpinning the policies and accompanying text is found in the appendices.
- 2.6 The plan allocates 4 housing sites all of which are either allocated in the Publication plan for housing /redevelopment or have been subject to a planning application.

Coggeshall Neighbourhood Plan Reference	Braintree District Publication Plan Part 2 Reference
Tey Road.	COGG181

The Dutch Nursery, West Street	COGG506
Cook Field, East Street	COG174
Land at Colchester Road	Planning Application

Officer Response

2.7 The Council has made comments on earlier versions of the plan in the past, many of which have resulted in alterations. There are a few changes which have not been taken forward to this version. The comments are laid out in a table below:

Table 1 – Coggeshall Neighbourhood Plan Comments

Paragraph Number	Neighbourhood Plan Issue	Comments on Issue	Recommendation
4. 1. 8	The Parish housing requirement between 2011 and 2033 is between 344 and 512 dwellings	The Braintree Local Plan does not break down the total housing requirement by parish or settlement. There is a danger that these housing figures could be read as targets and used as a means of justifying inappropriate development.	Insert wording clarifying that the Local Plan recognises a district wide housing figure only and there is no housing target for Coggeshall Neighbourhood Plan Area.
4.1.12	Sustainable development constraints	Transport Links	Add reference to public transport links
Policy 1 Meeting the housing need	Criteria 1 "... as demonstrated by up-to-date information and surveys on housing needs"	This would suggest every planning application must be accompanied by surveys on housing need and is not normally required for smallest developments	"Add where appropriate"
Policy 1 Criteria 4	Unclear if the criteria would apply to just the 4 mentioned sites or all housing proposals.	Not all of the criteria mentioned can be applied to small sites eg those under the threshold for affordable housing	Reword to clarify as appropriate
Policy 1 Criteria 4	Need for Viability Statements	This would result in the need for multiple surveys. The viability assessment is carried out once	Remove requirement for multiple surveys
Policy 1	Social housing	Developers would normally	Reword to refer to

Criteria 5	considerations	receive advice on this matter from Braintree District Council through the planning or pre application process rather than conduct the analysis themselves. The last line could become out of date quickly though it could be inserted into background text.	consulting with Braintree District Council
Policy 2	Limits house numbers to around 10	Specifying a number in a policy could lead to a challenge asking why in design terms this number is now suitable and how close to 10 would be meant by "around".	Recommend removal
Policy 2 (2) (6)	Measures relating to noise, air pollution and SUDs provisions in a final layout	The issue of noise, air pollution, and SUDS would be controlled by other legislation and in another policy. It is not necessary to include these in the policy. If wording is retained the policy could be strengthened by ensuring a high standard of mitigation measures is sought.	Recommend removal or if retained add "a high standard of "mitigation measures
Policy 3 Dutch Nursery	The policy recommends housing numbers to be around 60 dwellings.	Planning permission (Outline and Reserved matters) has been given for 42 dwellings	Recommend removal of "d for around 60 homes" and replace with "housing"
Policy 5 North of Colchester Road (COGG181 in Publication Plan)	Unnecessary to include references to pollution, and SUDS in the policy as they would have to be addressed through the planning process in any case	The Parish disagree that it is not necessary to include these references in Policy 5 sought to retain these references given the site's location next to A120	Represents repetition
Policy 5 (13, 18, 19) North of	Measures relating to noise, air pollution and SUDs provisions	The issue of noise, air pollution, and SUDS would be controlled by other legislation and in another	Recommend removal or if retained add "a high standard of

Colchester Road (COGG181 in Publication Plan)	in a final layout	policy. It is not necessary to include these in the policy. If wording is retained the policy could be strengthened by ensuring a high standard of mitigation measures is sought.	”mitigation measures
Policy 6 Meeting the Business Need	No reference to parking.	The issue of parking should be addressed as roadside parking can result in congestion and hamper the free flow of traffic	Add Parking layout and spaces to be in conformity with the Essex County Parking Standards
Policy 7 Protecting and Enhancing Green and Blue Infrastructure and the Natural Environment Criteria 3	Provision of green and blue infrastructure.	It will not be appropriate in all cases. Some flexibility may be needed.	Add “where appropriate”
Policy 7 Protecting and Enhancing Green and Blue Infrastructure and the Natural Environment Criteria 5	Submission of habitat surveys	Add “where there is a likelihood that wildlife might be affected”	It will not be appropriate or proportionate for all schemes to be accompanied by such a report
Policy 7 Protecting and Enhancing Green and Blue Infrastructure and the Natural Environment	Impact on watercourses	An applicant can only be asked to address a harmful impact related to the application and not to wider issues. An automatic requirement for a long term scheme to protect and enhance the watercourse may not be appropriate in every case.	Recommend removing from “which have”...to “watercourse and” and insert must

Criteria 6			
Paragraph 4.4.25	Development proposals should achieve the standards in Building with Nature	It is not clear whether or not the plan policy on Green and Blue Infrastructure is based on this document. If not, there is the possibility that as it is so wide ranging that it would be difficult to interpret consistently and clearly on a day to day basis without transposing its contents into policy.	Place in supporting text.
Policy 9 1. (c) Local Green Spaces	Although the site area is broadly the same with the planning permission 17/0359/OUT and 19/01047REM the boundary at north of the western block is about 5m narrower and northern block is 7m wider. The plan should be adjusted to ensure constancy	To promote consistency and avoid confusion the map representation should be adjusted.	Adjust map
Policy 9 (2) Local Green Spaces	Paragraph 101 of the NPPF states that 'Policies for managing development within a Local Green Space should be consistent with those for Green Belts' NPPF 2019 states that local planning authorities should plan positively to enhance their beneficial use,	Present policy does not state explicitly that these areas should be kept open. Would advise a line supporting beneficial uses such as opportunities to provide access; outdoor sport and recreation; to retain and enhance landscapes, visual amenity, biodiversity; or to improve damaged and derelict land	To strengthen the policy's similarity with Green Belt policy requirements and maintain positive wording on what form of development might be acceptable.
Policy 9 Local Green	1. Vicarage Field	No objection.	No comment

Spaces			
	2. Cook Field West	The area should not be so large as to compromise the viability of the Housing Allocation	Objection – Size of area should be reduced.
	3. Dutch Nursery	Mainly corresponds with the area of landscaping shown in the planning permission	No comments
	4. Land off Colchester Road	No objections	No comment
Policy 9 Local Green Space Criteria 2	<p>(i) Paragraph 101 of the NPPF states that 'Policies for managing development within a Local Green Space should be consistent with those for Green Belts'.</p> <p>(ii) Policy wording is required to be framed in a positive way therefore</p> <p>(iii) NPPF 2019 states local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and</p>	<p>(i) The important issue in protecting Green Belts are that they are kept permanently open. Recommend a line to this effect.</p> <p>(ii) Paragraph 2 should be reworded positively.</p>	<p>(i) Reword to refer to protection of openness</p> <p>(ii) Reword the policy in a positive way</p> <p>(iii) Refer to uses which might enhance their beneficial use as advised in NPPF</p>

	derelict land		
Policy 10 Green Amenity Areas Criteria 1	GAA1	The boundaries do not always follow features on the ground	Areas should be drawn to follow existing features such as hedgerows paths, roads and rivers.
Policy 10 Green Amenity Areas Criteria 1	GAA 5	Part of this area lies on land which has been proposed as a flood alleviation scheme as well as a Local Wildlife Site	This area is in possible conflict with a proposed scheme though this does not have planning permission as yet.
Policy 11 Open Space Criteria 1	Wording is in the negative	The policy as currently worded is negatively worded and can be easily change to whilst still providing the protection desired.	Reword criteria 1 Development proposals which do not have the potential to detrimentally impact on the value and amenity of open space provision within the Parish will be supported.
Policy 13 Managing Flood Risk and Drought Prevention	Wording	Increasingly it may not possible to prevent drought however as the Parish have noted it is possible to engage with drought mitigation.	Suggest replacing “Prevention” with “mitigation”
Policy 13 Managing Flood Risk and Drought Prevention Criteria 3	Use of innovation	This policy would discourage effective solutions which already exist. Whilst not wishing to discourage innovative solutions, existing tried and tested ones should not necessarily be discarded.	Insertuse “effective existing” and innovative... as otherwise
Policy 13 Managing Flood Risk and Drought Prevention	FMA 6 The lowering of existing ground levels adjacent to the river to create temporary water storage areas will be encouraged where	Such work could affect river flow, wildlife etc. if extensive works are proposed. The Parish have confirmed that the intended works would be scrapes in the ground.	Provision of some explanation in the policy would be helpful.

	appropriate		
Policy 16 Design Management within Rural Areas		The designation of key views is an established planning policy within Neighbourhood Plans No change.	The specific identification of certain views within the neighbourhood plan may be difficult to justify, as they would cover a very large area often outside of the parish. A more appropriate way forward could be that development proposals should respect the character and setting of Coggeshall and its hamlets.
Policy 17 Transport and Access Criteria 7	The ability of pedestrians and cyclists to safely use and enjoy the PROW.	Dual use could be unsafe for pedestrians without marking out etc . Cycle ways are often hard surfaced which in turn could have an urbanising impact on the countryside	Suggest removing “and cyclists”
Policy 17 Transport and Accessibility Criteria 8	Compliance with Essex County Council Parking Standards	Limits adherence to Essex County parking standards to developments above 5 units. This could add to existing on street parking problems.	Recommend re-wording to apply ECC car parking standards to all housing development.
Policy 17 Transport and Accessibility Criteria 9	Incorporate measures to control on street parking	This lies under the jurisdiction of the Highway Authority.	Suggest replacing “incorporate measures” with “Support measures”
Policy 18 Infrastructure and Developer Contributions Criteria 6 & 15	Support the provision of sustainable transport	As a specific route has not been identified for a cycle way between these villages it may be difficult to justify s106 contributions.	Noted.
Policy 18 Infrastructure and	The plan makes references to CIL which has not	Contributions may be secured through S106 as well as CIL. Braintree	Repeat original comments

Developer Contributions	been adopted in Braintree District, references to it should be removed.	District continues to seek contributions through the S106 mechanism and this should be reflected in the plan	
Policy 19 RAMS 4.9.5	Braintree District Council is working with ten other Greater Essex local planning authorities,	There are now 11 other LPAs	Replace 10 with 11.
Policy 19.1	Sentence commencing "Prior to RAMS completion.	No need for sentence to say it will be completed.	Remove sentence
Policy 19.2	References to Braintree Local Plan	There is no ENV1 in section 2 Local Plan and no need to refer to section 2 which will be subject to Examination and could change	Remove from "likely significant adverse effects I" to the end of the sentence
Policy 19.2	SP2b reference	This is now SP1A of the section 1 Local Plan	Replace SP2b with SP1A

The Coggeshall Design Guide

- 2.8 The Coggeshall Design Guide has been produced to support the objectives of the Neighbourhood Plan and gives guidance on matters of design in respect of the village's heritage and distinctiveness among others objectives.

Table 2 – The Coggeshall Design Guide – Comments

Paragraph	Comment
4.4 Housing layout Design Principles	Should reference Essex Parking standards. Car parking provision should conform to the Essex Parking Standards.
4.4 Housing layout Design Principles	Requirement to "always provide hedgehog access". Replace "always" with should It is unlikely that planning permission could be refused for this reason alone. Reference should be made to encourage them
4.4 Housing layout Design Principles	Remove line "Composting facilities in rear gardens to be provided"

	<p>It is unlikely that planning permission could be refused for this reason alone. Reference should be made to encourage them</p>
<p>4.4 Housing layout Design Principles</p>	<p>Services such as meters, flues and ventilation grilles should not be visible from the front. Utility companies should minimise visual impact and overhead cables are discouraged while undergrounding existing overhead wires is an objective</p> <p>TV aerials and satellite dishes should be concealed in roof spaces or not visible from the front</p> <p>Most are permitted development and installed by statutory undertakers. These are not subject to planning control unless by an Art 4 (which is not intended to be widely applied).</p> <p>The Parish would need to work with companies to deliver this proposal</p>

3 Recommendation

To agree the comments set out in tables 1 and 2, and submit them in response to the Coggeshall Neighbourhood Plan.

Purpose of Decision:	
Approve the Consultation Response to the Tiptree Neighbourhood Plan	
Any Corporate implications in relation to the following should be explained in detail.	
Financial:	No matters arising out of this report
Legal:	No matters arising out of this report
Safeguarding:	No matters arising out of this report
Equalities/Diversity:	No matters arising out of this report
Customer Impact:	Residents of Braintree District could be impacted by the adoption of the Tiptree Neighbourhood Development Plan.
Environment and Climate Change:	The Tiptree Neighbourhood Development Plan has policies which could impact on the environment and sustainable travel.
Consultation/Community Engagement:	No matters arising out of this report
Risks:	No matters arising out of this report
Officer Contact:	
Designation:	Gary Sung
Ext. No:	Senior Planning Policy Officer
E-mail:	2590
	Gary.sung@braintree.gov.uk

1 Introduction

- 1.1 The Tiptree Neighbourhood plan (NDP) has been in preparation since 2015 and the NDP has now progressed to regulation 16 consultation version, after this round of consultation the plan progresses to independent examination. An initial consultation between the 20th April to the 1st June 2020 was withdrawn due to the Coronavirus Pandemic as the documents could not be physically inspected. Recent clarifications in the NPPG has allowed a new consultation to run for 7 weeks between 22 June 2020 and 10 August 2020.
- 1.2 The full suite of 8 submission documents, including the NDP itself, is available to view on Colchester Council's website here: <https://www.colchester.gov.uk/info/cbc-article/?catid=neighbourhood-planning&id=KA-03237>

2 Background

- 2.1 Tiptree is a 'Large Village' within Colchester Borough that has a strong inter-relationship with Kelvedon and Feering villages. Residents of Kelvedon and Feering interact with Tiptree through the utility of its supermarkets, secondary school and other services. In its current road layout, existing and new residents of Tiptree can access the A12 and Kelvedon Railway station via Gore Pit Junction and Kelvedon High Street. Another route of access is via Rivenhall End.
- 2.2 Colchester Section 2 Local Plan requires the allocation of 600 dwellings within the Neighbourhood plan area. Following written comments from Braintree Council, the Local Plan also includes a policy to consider strategic cross boundary issues in the NDP.
- 2.3 In summary, the NDP has proposed policies covering the following areas:
- Good quality design and residential car parking
 - Housing and employment
 - Tiptree village centre, sustainable transport and Traffic
 - Historic environment, countryside and green spaces
- 2.4 For housing, it includes housing allocations in policies TIP12 and TIP14 which comprise of 625 dwellings. In addition to the NDP allocation, there are also 429 dwellings on sites with outstanding planning permissions totalling 1044 dwellings.

Site	Dwellings	Status
Wilkin & Sons, Factory Hill	126 (remaining)	Commenced
Grange Hill	103	Commenced
Barbrook Lane	200	Granted on appeal
Tower End	175	Allocated as TIP12
Highland Nursery	220	Allocated as TIP14
Elms Farm	230	Allocated as TIP14

- 2.5 The NDP acknowledges that there are 2 routes connecting the village to the A12 – these are Kelvedon Road and Grange Road in Tiptree, and that these require ‘*provision of improved traffic access*’. While another one of the objectives of the NDP is to improve bus services to Kelvedon and Witham (including rail stations).
- 2.6 NDP policies also require additional parking spaces in excess of Essex Parking Standards for larger dwellings and safeguards a route for a new primary street across north and north west Tiptree, intended to link Kelvedon Road to the new developments. TIP12 allocates 175 dwellings and TIP14 allocates 450 dwellings across two sites. These two policies contain a range of criteria including one concerning ‘*appropriate improvements*’ to junctions within Tiptree village.
- 2.7 Traffic and transport text relating to public transport to/from Kelvedon and Witham do not feature as policies and instead are listed in table 11.1 which are non-policy actions. Each of these actions ‘seek to influence’ or ‘seek to improve’ with no timetable or requirements from developers on how these are to be implemented.

3 Regulation 16 Public Consultation Response

- 3.1 Overall, officers have concluded a need to respond to the consultation based on the traffic impact of new dwellings resulting from the proposed allocations on Gore Pit junction at Inworth Road in Feering. The NDP intends to allocate to the north of Tiptree in order to avoid traffic impacts on Tiptree High Street. The permitted outline application for 165 dwellings includes a £300,000 commuted sum.
- 3.2 Braintree’s Publication Draft Local Plan states that development of 1,000 dwellings at Feering could not be allocated without mitigation at Gore Pit junction, so it follows that development of additional dwellings further down the road is not possible without similar mitigation measures. The NDP could be improved by specifically referring to the affected A12 junctions by the development, thus requiring applicants of these developments to have regard to the traffic impact of their proposals and, if necessary, delay the permissions until capacity improvements on the A12 are completed.
- 3.3 Members will recall that the A12 widening project had undertaken a two-part public consultation pending the examination of the Section 1 Local Plan, particularly the outcome of the Colchester-Braintree Garden Community. The A12 project is now proceeding to an application for a Development Consent Order in 2021. Works are still scheduled to begin in 2023/24 and open in 2027/28. This likely means that there is no relief for traffic in place at Gore Pit Junction until at least the middle of the NDP’s plan period.
- 3.4 The NDP contains strategic objectives for public transport, yet a specific policy in the document to meaningfully improve provision is absent. This is in contrast to parking policies which require the provision of additional parking

per residential dwelling, which in-combination is likely to lead to more travel by less sustainable means. These are issues that have been highlighted in ECC's regulation 14 consultation response.

3.5 . The three allocations supported by policy TIP13 and 14 should include consideration of traffic impact at planning application stage so that cross boundary impacts can be addressed appropriately. Officers have considered if the NDP should have traffic impact studies provided as evidence to the NDP examination and viewed this is not proportionate.

3.6 Three key points included in the Regulation 16 Public Consultation Response are shown below:

- Public transport intervention to materially improve service provision between Tiptree and Kelvedon Rail Station.
- Consideration of traffic impact of the three residential allocations on Gore Pit junction.
- Support for ECC's objections to Residential Car Parking.

4 Recommendation

4.1 **That the response to the Tiptree Neighbourhood Development Plan Regulation 16 Public Consultation Response at Appendix 1 is approved.**

Appendix 1 – Response to the Tiptree Neighbourhood Plan

Dear Sir/Madam,

RE: Tiptree neighbourhood plan – regulation 16 consultation

Thank you for consulting Braintree District Council (BDC) on the submission version of the Tiptree Neighbourhood Plan.

Braintree district does not share a boundary with Tiptree Parish however due to its functional relationship with our villages, close proximity and the layout of the primary road network, we consider that proposals in the Neighbourhood Plan will have a direct and tangible impact on the district. The Neighbourhood Plan will particularly affect the closest villages of Kelvedon, Feering and Rivenhall End. Its plan policies will impact on our villages due to the proposed allocations in the Neighbourhood Plan and also due to policies which shape how non-residents access services, shops and education pursuant to Tiptree's status as a rural service centre. Day-to-day, residents of Kelvedon and Feering parish regularly access Tiptree for Secondary Education and supermarket shopping.

BDC is also working in partnership with Colchester Borough Council as co-members of the North Essex Authorities (with Tendring Council) and have collaborated on a joint section 1 Local Plan on strategic policies and garden communities. Prior to submission we had made a representation on the Colchester section 2 Local Plan policy SS14 Tiptree. This was duly amended and the policy as submitted is supported by BDC.

We previously responded to the regulation 14 consultation which closed on 20th July 2019. In our response we outlined concerns in relation to highways infrastructure impact outside of Tiptree. With regret, we wish to continue to raise this objections as we do not consider that the issues have been adequately addressed.

Policy Background

Colchester draft Local Plan policy SS14 to set out the spatial policies that Neighbourhood Plan for Tiptree must adhere to. Braintree Councils made representations to the regulation 14 consultation that led to the inclusion of criteria v.

Within the broad areas of growth shown on the Tiptree policies map, the Tiptree Neighbourhood Plan will:

- (i) Define the extent of a new settlement boundary for Tiptree;
- (ii) Allocate specific sites for housing allocations to deliver 600 dwellings;
- (iii) Set out any associated policies needed to support this housing delivery i.e. housing mix, type of housing and density for each site allocated for housing;
- (iv) Set out the policy framework to guide the delivery of any infrastructure/community facilities required to support the development;

- (v) Consider strategic cross boundary issues e.g. A12 junction improvements
- (vi) Identify other allocations in the Parish, including employment and open space.

Proposals for development outside of the identified broad areas and the settlement boundary for growth will not be supported. This policy should be read in conjunction with the generic Neighbourhood Planning policy SG8, policy SG3 and policies in the Tiptree Neighbourhood Plan, once it has been adopted.

Braintree Local Plan seeks to allocate 1,000 dwellings (750 in plan period) to Land at Feering as per policy LPP31.

6.74 An all movements access junction onto the A12 at Feering is a requirement of this strategic growth location and as such development will need to be timed to coincide with the provision of that junction. Suitable links from the development to the junction and Inworth Road, will also need to be provided to the satisfaction of the highways authority.

Strategic Growth Location - Land at Feering

A Strategic Growth Location has been identified at land south east of Feering and is shown on the Proposals Map. Development will be expected to provide;

- Up to 750 new homes of a mixed size and type appropriate to the area
Affordable housing as per the Council's requirement
- Appropriate employment uses to support the new community
Location for a new primary school or community centre
- Financial contributions to primary and secondary education provision as required by the Local Education Authority through S106 Planning Obligations
- Two new 56 place early years and childcare facilities, potentially co-located with any new primary school
- Community facilities including a contribution to or location for new NHS facilities
Retail Provision
- Public open space, and informal and formal recreation including a new country park to the south of the current A12.
- Safe cycle and pedestrian access between all parts of the development and Kelvedon and Feering
- Provision for a Gypsy and Traveller site
- Contributions to an all directions A12 junction at Feering

Development must be designed to ensure no substantial harm to the Conservation Areas, Scheduled Ancient Monument and other heritage assets located in the vicinity of the site. The delivery of each facility shall coincide with the completion of

different phases of development to ensure that local services are in place when they are needed.

Development proposals which would compromise the delivery of an identified Strategic Growth Location will be resisted.

In the Local Plan, we consider that development of up to 1,000 dwellings at Feering should not be allocated without mitigation at Gore Pit junction and the upgrade to all directions on J23 of the A12.

A vanguard development on this allocation has been granted outline permission for 165 dwellings on land north east of Inworth Road ([16/00569/OUT](#)), this includes a £300,000 commuted sum for Inworth Road/London Road/Rye Mill Lane junction (Gore Pit junction) should the development go ahead before the all directions A12 improvements. This is required to mitigate the impact of additional vehicles using this junction which is predicted to be overcapacity in accordance with modelling work undertaken for this planning application and modelling work supporting the Local Plan. The proposed allocations at Tiptree has cross boundary traffic impacts specifically on Gore Pit junction. We consider that it cannot make sense for development of at least 600 dwellings at Tiptree to be permitted without similar mitigation measures.

The s.106 for the outline permission specifies a commuted sum which is held in escrow due to the uncertain timescale of the A12 widening project (we provide an update below). Thus a commuted sum is paid in accordance with Essex County Council's response:

- 6. Inworth Road / London Road / Rye Mill Lane Junction:** Prior to commencement payment of £300,000 pounds (index linked from the date of this recommendation) to be made to the Highway Authority for the design and provision of such capacity, safety or accessibility enhancements that the highway authority deem necessary to mitigate the to the impact of the development on the B1024 (London Road) and/or Inworth Road and in particular at the junction of Inworth Road/London Road/Rye Mill Lane junction. Monies to be retained for a minimum of 10 years after 1st occupation of the development. **Reason:** To mitigate the impact of the development on the highway network in accordance with policy DM15 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

A12 Update

The A12 Junction 19 (Boreham) to Junction 23 (Marks Tey) widening project is fully committed and has reached preferred options stage for the majority of the route. Highways England's preferred route announcement in January 2020 (called the 2019 consultation) that is available view here: <https://highwaysengland.co.uk/projects/a12-chelmsford-to-a120-widening-scheme/>.

The brochure for this consultation confirms that:

- The junction for Rivenhall will be removed and village to be bypassed to the south and direct access from the new A12 to Braxted Road will not be retained. Removal of junction 23 is being considered.
- Junction 24 for Kelvedon North is not part of the preferred route options announcement and is in the consultation brochure for J23 to J25, therefore the selected location for this junction is unknown.

There are four options being explored with two variations affecting J24, two of them would upgrade the junction at current location while two options relocates J24 to land east or west of Inworth road near the location where the A12 currently crosses it. The former of these two options would require substantial highways improvements works either at Gore Pit junction or as part of highways improvements related to the strategic allocation at Feering. It should be noted that BDC made representations supporting this option.

A development consent order (DCO) will follow to gain planning permission for the whole scheme with a public consultation taking place in late 2020/early 2021. This will allow for construction to begin at 2023 and completion around 2027/8.

Objection

BDC estimate that the proposed allocations within the Neighbourhood Plan and extant planning permissions, particularly permissions recently permitted on appeal for Land at Barbrook Lane, would put pressure on Gore Pit junction should they be completed before the A12 widening project provides additional junctions in 2027 or 2028. This is a cross boundary issue identified in the Colchester Local Plan as part of the duty-to-cooperate and while Neighbourhood Plans are not required to comply with S33A of the Localism Act, they are required by S38(e) basic conditions to be in conformity with the emerging Local Plan and we do not consider that criteria v of policy SS14 (as outlined above) has been adequately considered and addressed.

We acknowledge that section 2 Local Plans have yet to be examined and therefore the currently adopted Local Plan are the development plan documents in the Colchester Local Development Framework.

We believe that criteria v of policy SS14 should require the consideration of the following within the neighbourhood plan:

- Traffic impact on Gore Pit junction.
- Public transport intervention to materially improve service provision between Tiptree and Kelvedon Rail Station.
- Higher levels of car ownership encouraged by Residential Car Parking policies.

While the traffic impacts of a particular development could be addressed at planning application stage, BDC consider that a policy should be included in the Neighbourhood Plan to this affect. It is worth noting that the quantum of development at Tiptree proposed for the plan period up to 2033 is equal to that proposed for Feering.

Due to uncertainty relating to the A12 widening project it is unclear what the mitigation measures would entail however BDC and ECC approached this issue pragmatically at Feering. We believe that a co-ordinated approach should be made explicit within the policies at each of the three sites.

In reference to the above traffic impact issues, we were disappointed that public transport policies are not included in the Neighbourhood Plan, despite being one of the objectives of the NDP i.e. objective 17 to improve access to Kelvedon and Witham rail stations. We believe that public transport is one of the most effective methods to addressing the issue of access to rail stations. The table at 11.1 is a list of non-policy actions which seeks to improve or seeks to influence upgrades to existing infrastructure, yet the NDP misses an opportunity to encourage allocations to mitigate their own impacts.

Recommendations

We would recommend updating **Policies TIP12, TIP13, TIP14** in the NDP as follows:

Adequate access to the A12 at Feering is a requirement of this development and as such, completions will need to be timed to coincide with the provision of highways improvements. The development should contribute to suitable links from the development to the A12 via Inworth Road as necessary. Any mitigation works will be provided to the satisfaction of the highways authority.

Reason: This amendment is necessary to conform to criteria 5 of the emerging Colchester Local Plan.

Developer contributions to public transport measures – this could be directed to supporting higher frequencies of existing services or bespoke community transport

Reason: This amendment would both improve sustainable travel behaviour to help meet the basic conditions, reduce pressure on parking spaces as a result of rail-heading at Kelvedon Station, and contribute to reducing impact on traffic congestion at Gore Pit junction.

BDC would like to express support for ECC's objection to TIP3 Residential Car Parking.

Reason: In-combination with the lack of public transport policies, this is likely to encourage higher car ownership and thereby car use either to access strategic highways network or rail heading at Kelvedon Station.