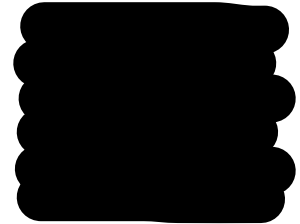


Date: 18 February 2020
Our Ref: 6364E

Place Services,
Essex County Council,
County Hall,
Chelmsford,
Essex,
CM1 1QH



Dear Sir or Madam,

THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012 (AS AMENDED)

CONSULTATION ON ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY DRAFT SUPPLEMENTARY PLANNING DOCUMENT, JANUARY 2020

We act on behalf of Countryside, who are landowners and developers in Essex, their interests include:

- Joint development partners as part of Countryside Zest (Beaulieu Park) LLP (CZ), the owners and developers of Beaulieu masterplan area in North-East Chelmsford. Outline consent granted in 2014 for 3,6000 new homes;
- Part of Chelmsford Garden Village Consortium, the promoters of the North East Chelmsford draft allocation for 3,000 new homes (Strategic Growth Site 4 of the Draft New Chelmsford Local Plan);
- Promoters of the North of South Woodham Ferrers draft allocation for 1,000 new homes (Strategic Growth Site 7 of the Draft New Chelmsford Local Plan).
- Promoters of North Weald Bassett draft allocation in Epping Forest District Local Plan 720 new homes.
- Promoters of Wood End Farm, Witham in Braintree for 450 new homes.
- Developers of North Heybridge Garden Suburb in Maldon for 1138 new homes.
- Developers of Wolsey Park, Rayleigh in Rochford for 500 new homes.
- Developers of St Lukes, Runwell for 575 new homes
- A range of smaller sites across Essex including; London Road Braintree, Hospital Approach Chelmsford, Hatfield Peverel Braintree, Great Yeldham Braintree, Tye Green Braintree, East Bergholt Colchester

Thank you for the opportunity to comment on this SPD as part of this consultation. This is an important area of concern for development in Essex and we would welcome the opportunity to engage with the RAMS Steering Group to ensure that the Councils can achieve its aims and objectives to protect the natural environment as well as deliver much-needed housing, to meet identified local needs.

Partners

R J Greeves BSc (Hons) MRICS
G Bullock BA (Hons) BPL MRTPI
A Vickery BSc MRICS IRRV (Hons)
S Price BA (Hons) DipTP MRTPI

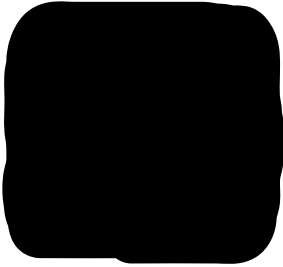
A R Holden BSc (Hons) FRICS
G Denning B.Eng (Hons) MSc MRICS
B Murphy BA (Hons) MRUP MRTPI
A Meech BSc MRICS

S Page BA MA (Cantab) MSc MRTPI
P Roberts FRICS CEnv
T Lodeiro BA (Hons) PGDip MSc MRICS



We have provided our specific comments to sections within the RAMS document on the response form enclosed with this letter.

Yours faithfully,



Hannah Thomas-Davies
Associate
DWD



Enc: Response form Essex RAMS SPD

Consultation on the Essex Coast Recreational disturbance Avoidance and Mitigation Partnership (Essex Coast RAMS), Draft Supplementary Planning Document (SPD)

PAPER COMMENTS FORM

This form has three Parts:

- **Part A** – Consultation Details
- **Part B** - Contact Details
- **Part C** – Your Comments on the SPD

Part A – Consultation Details

The Essex Coast RAMS has been developed by a partnership made up of twelve local councils¹, Essex County Council and Natural England. The RAMS provides a strategy for mitigating the impact of recreational disturbance resulting from new residential developments on protected Habitats Sites along the Essex Coast. This mitigation is funded by contributions from all new residential dwellings built within the 'zone of influence' of each habitats site.

The Essex Coast RAMS has recently become Bird Aware Essex Coast. Its aim is to raise awareness of the birds that feed and breed on the Essex Coast, so that people can enjoy the coast and its wildlife without disturbing the birds.

The Essex coastline stretches for just over 350 miles from the Thames Estuary to the Stour Estuary. The coastline is extremely diverse and features a variety of habitats and environments including mud-flat, saltmarsh and grazing marsh which are internationally important for wildlife including thousands of waders and wildfowl. These birds need to feed and rest undisturbed so that they can survive the winter and build up enough energy to fly back to their summer habitats. Their survival relies on everyone helping to prevent bird disturbance.

A Supplementary Planning Document (SPD) has been prepared to provide applicants and developers with guidance on how the Essex Coast RAMS affects them and their development. In particular, the SPD provides information on what mitigation is needed and how this will be funded through the planning system.

The Essex Coast RAMS draft SPD has been published for consultation in accordance with Regulation 12, 13 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

¹Basildon Borough Council; Braintree District Council; Brentwood Borough Council; Castlepoint Borough Council; Chelmsford City Council; Colchester Borough Council; Maldon District Council; Rochford District Council; Southend Borough Council; Tendring District Council; Thurrock Council and Uttlesford District Council.

How to comment

We strongly encourage comments to be made online via our Consultation Portal as this enables the quick and efficient handling of comments:

<https://consultations.essex.gov.uk/place-services/the-essex-coast-rams-spd>

Comments can also be emailed to ecology.placeservices@essex.gov.uk or posted to Place Services, Essex County Council, County Hall, Chelmsford, Essex, CM1 1QH.

Alternatively, please use this form to provide comments. Completed forms should be returned to the above email or postal addresses.

Please note we are unable to accept anonymous representations. It is a requirement of the plan-making process that comments can only be deemed legitimate (“duly made”) if they are received in a written format with a name and address supplied. Comments made verbally or anonymously cannot be accepted.

Any comments received after 5pm on Friday 21 February cannot be accepted.

How comments will be used

Essex County Council will acknowledge receipt of your comments but not enter into individual correspondence.

Comments will be published in accordance with the Data Protection Act and General Data Protection Regulations at:

<https://consultations.essex.gov.uk/place-services/the-essex-coast-rams-spd>

Section 149 of the Equality Act 2010 requires that the Essex Coast RAMS should avoid any form of discrimination and foster good relations between different ethnic groups. Comments which are deemed to be discriminatory will be inadmissible and will not be accepted. We would ask that you avoid the use of such comments when making your representations.

Part B – Contact Details

Personal Details

Title

First Name

Last Name

Organisation (if comments you are making are on behalf of an organisation):

...Countryside Properties LLP.....

Address

Postcode

Telephone Number

Email Address

Signature

Date

Agent Details (if applicable)

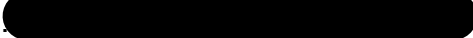
Title ...Ms.....

First Name ... Hannah

Last Name ... Thomas-Davies

Organisation (if comments you are making are on behalf of an organisation):

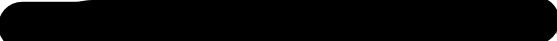
.....DWD LLP.....

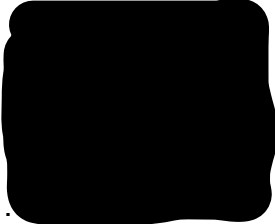
Address 



Postcode 

Telephone Number 

Email Address 



Signature

Date18/02/2020.....

Part C – Your Comments of the Draft Essex Coast RAMS SPD

Please indicate which Section/ Paragraph Number/ Table/ Appendix that your comments relate to.

5 – Alternative to paying into the RAMS

Please provide an explanation below together with any changes you consider necessary:

We consider that the SPD should provide more detailed wording to confirm the process for defining an alternative to paying into the RAMS. Whilst we agree that the approach to provide a set fee in the SPD is quicker and simpler and more cost effective for smaller applications, large strategic allocations will be required to develop their proposals in accordance with the Habitats Regulations and will be designed to incorporate large areas of high-quality public open space which offer alternative recreational opportunities close to homes. This contributes to reducing recreational demand on the protected coastal habitats. In the case of Chelmsford Strategic Growth Site 4 - North-East, a new country park is included within the on-site development. Strategic Growth Site 7 – North of South Woodham Ferrers is required as part of its allocation to mitigate potential effects due to recreational pressure on nearby designated European sites.

We consider that the SPD would be more effective if it clearly set out the process for agreeing bespoke mitigation for strategic sites. These sites are critical to the delivery of sufficient housing to meet the housing need in Essex and provide opportunities to provide high-quality recreational landscaping to reduce the number of visits to European protected sites by new residents undertaking inappropriate activities which may disrupt the protected birds. Table 6.1 identifies the sources of disturbance to the SPAs, which identifies some water-specific activities, many of which relate to pedestrian access and dog-walking. Paragraph 3.3 acknowledges that people may only be visiting the coast because it is their nearest greenspace and may visit the coast less frequently if an attractive site which accommodates those activities was provided nearer to their home.

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. By providing high-quality, biodiverse landscapes inland, strategic housing developments can reduce the frequency of visits to the coast by recreational users such as walkers and dog-walkers. Some, such as the North East Chelmsford Allocation, include inland water features which could be designed for water-based recreational activities to mitigate impacts on the coast. Strategic sites will undertake rigorous assessment against the Conservation of Habitats and Species Regulations 2017 as part of their application process.

If you wish to submit a representation on more than one issue to the Draft SPD, please complete a continuation sheet as provided for each one

We consider that additional text should be added to Section 5. We would propose the following:

- For strategic sites allocated in Local Plans a bespoke mitigation package will be developed which will include onsite landscaping to attract recreational users and may also include a financial contribution to the Essex Coasts SPA. The mitigation package will be agreed between the Local Planning Authority and Natural England as part of the application process. The bespoke mitigation package will take account of the following in assessing the proposals:
 - The proximity of the strategic site to the coast;
 - The quantum of public open space delivered as part of the development for recreational use;
 - The ability of proposed public open space to accommodate the different activities identified as putting recreational pressure on the Essex Coast SPAs;
 - Proposed ecological measures to increase biodiversity as part of the landscaping schemes for the site.

Continuation sheet:

Please indicate which Section/ Paragraph Number/ Table/ Appendix that your comments relate to.

Paragraph 3.9

Please provide an explanation below together with any changes you consider necessary:

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. Tourists choosing to visit the Essex coast will impose recreational pressure on the coastal habitats as these habitats act as attractors to visitors. The impact of tourism on Southend is identified, which attracts 7 million visitors, in the Habitats Regulations Assessment Strategy document 2018-2038. The Tendring coast is also a popular tourist destination, accommodating large areas of caravan parks on the coast. Rather than leaving this to a case-by-case assessment the SPD should include measures to mitigate tourist development on the coastal habitat as well as the recreational pressure posed by residential development.

The SPD states at paragraph 5.1 that the tariff system is considered by the local authorities to provide the most cost-effective and simple solution. This would also be the case for small-scale tourist development and we consider that this type of

development should also be accounted for in the calculations, as people using tourist accommodation near the coast will be undertaking activities at the coast. Competent authorities should take the least onerous action and we consider that the inclusion of minor developments of tourist accommodation within the tariff scheme would be less onerous for developers than being required to undertake an appropriate assessment and agree bespoke mitigation.

Continuation sheet:

Please indicate which Section/ Paragraph Number/ Table/ Appendix that your comments relate to.

Paragraph 4.5

Please provide an explanation below together with any changes you consider necessary:

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. Table 5.1 of the Habitats Regulations Assessment Strategy document 2018-2038 provides a breakdown of housing figures which calculates total dwellings within ZOI, minus the number consented to reach a total figure of 72,907. It is unclear where these figures have been derived from, no policy or evidence base documents have been referred to within the document. For Chelmsford City Council the majority of the Council area is within the Zone of Influence for the Blackwater Estuary, with only small slithers of land excluded. Table 5.1 quotes a figure of 8,771 dwellings for Chelmsford in the period to 2038 within the Zone of Influence, which does not accord with the figures quoted within Strategic Policy S8 of the New Chelmsford Local Plan, due to be adopted this year. The plan allocates 10,485 homes through new allocations and windfall to 2036 and as the Local Plan anticipates the delivery of 805 homes per annum we would expect the number of homes for Chelmsford to be 12,095 (10,485 + 805 + 805).

The SPD applies to existing commitments with planning permission which have not yet secured reserved matters consent for the homes, such as our client's site at Beaulieu, Chelmsford. An example is Countryside Zest's site at Beaulieu, which received Outline Planning Permission in 2014 for 3,600 homes (application ref: 09/01314/EIA). 1091 homes had been granted reserved matters consent by the date of the interim guidance on RAMS contributions (February 2019). Following the publication of the interim guidance 2,509 homes still required reserved matters consent. We were advised by Chelmsford City Council that these units will be eligible to pay the tariff. 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.

The cost of mitigation has not been included as a planning policy requirement in recent Local Plan viability assessments. Chelmsford City Council's Viability Review was undertaken in January 2018 and reviewed in June 2018 and does not include RAMS mitigation payments in Section 8, Local Plan Policy Requirements, of the January 2018 document.

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.

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.

This paper comments form can be made available in alternative formats such as large print, and other languages. Please telephone 03330 322 130 or email ecology.placeservices@essex.gov.uk

Thank you for being part of the consultation.